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**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING TITLE 61 FOR CLARITY AND CONSISTENCY; REORGANIZING DEFINITIONS FOR IMPROVED READABILITY OF THE MONTANA CODE ANNOTATED; CONSOLIDATING THE IDENTICAL DEFINITIONS OF "SAILBOAT"; REORGANIZING DEFINITIONS FOR CONFORMITY WITH THE BILL DRAFTING MANUAL; ELIMINATING PINCITES TO 61-1-101, MCA; PROVIDING NOTICE OF EXISTING NONSTANDARD PENALTIES; ELIMINATING UNNECESSARY CITATIONS TO 61-1-101; ELIMINATING SPECIAL PENALTY PROVISIONS THAT ARE DUPLICATIVE OF STANDARD PENALTY PROVISIONS; AMENDING SECTIONS 23-2-502, 61-1-101, 61-2-102, 61-3-201, 61-3-206, 61-3-224, 61-3-317, 61-3-412, 61-3-413, 61-3-503, 61-4-111, 61-4-121, 61-4-123, 61-4-402, 61-4-501, 61-5-112, 61-5-119, 61-5-120, 61-5-232, 61-6-102, 61-8-376, 61-8-1001, 61-9-406, 61-9-407, 61-9-409, 61-9-416, 61-9-417, 61-9-430, 61-9-432, 61-9-437, 61-9-518, 61-10-102, 61-10-141, AND 61-11-101, MCA; REPEALING SECTIONS 61-9-513, 61-9-514, AND 61-9-519, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in this chapter, the following definitions apply:

- (1) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.
- (2) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:
 - (i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;
 - (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;
 - (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;

1 (iv) has been constructed or assembled by using major component parts from one or more
2 manufactured vehicles and that cannot be identified as a specific make or model; or

3 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or
4 model.

5 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
6 by replacing parts.

7 (3) "Transaction summary receipt" means an electronic record produced and issued by the department,
8 its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by
9 the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must
10 contain a unique transaction record number and summarize and verify the electronic filing of the transaction
11 described in the receipt on the electronic record of title maintained under 61-3-101.
12

13 **Section 2.** Section 23-2-502, MCA, is amended to read:

14 **"23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning,
15 the following definitions apply:

16 (1) "Certificate of number" means the certificate issued by the department of justice, an authorized
17 agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the
18 motorboat or sailboat an identifying number and containing other information as required by the department of
19 justice.

20 (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.

21 (3) "Documented vessel" means a vessel that has and is required to have a valid marine document as
22 a vessel of the United States.

23 (4) "Identifying number" means the boat number set forth in the certificate of number and properly
24 displayed on the motorboat or sailboat.

25 (5) "Lienholder" means a person holding a security interest.

26 (6) "Manufacturer" means a person engaged in the business of manufacturing or importing new and
27 unused vessels or new and unused outboard motors for the purpose of sale or trade.

28 (7) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any

1 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
2 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

3 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast
4 guard or any successor federal agency.

5 (8) "Operate" means to navigate or otherwise use a motorboat or a vessel.

6 (9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a
7 motorboat or vessel.

8 (10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat
9 or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an
10 interest in another person, reserved or created by an agreement securing payment or performance of an
11 obligation.

12 (b) The term does not include a lessee under a lease not intended as security.

13 (11) "Passenger" means each person carried on board a vessel other than:

14 (a) the owner or the owner's representative;

15 (b) the operator;

16 (c) bona fide members of the crew engaged in the business of the vessel who have not contributed
17 any consideration for their carriage and who are paid for their services; or

18 (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not
19 contributed any consideration, directly or indirectly, for the guest's carriage.

20 (12) "Person" means an individual, partnership, firm, corporation, association, or other entity.

21 (13) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering
22 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,
23 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

24 (14) "Registration decal" means an adhesive sticker produced by the department of justice and issued
25 by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the owner of
26 a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat, sailboat, or
27 personal watercraft for the registration period indicated on the decal as recorded by the department of justice
28 under 61-3-101.

1 (15) ~~(a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.~~

2 ~~(b) The term does not include a canoe or kayak propelled by wind, has the meaning provided in 61-1-~~

3 101.

4 (16) "Security interest" means an interest that is reserved or created by an agreement that secures
5 payment or performance of an obligation and is valid against third parties generally.

6 (17) "Uniform state waterway marking system" means one of two categories:

7 (a) a system of aids to navigation to supplement the federal system of marking in state waters;

8 (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general
9 information and directions.

10 (18) "Validation decal" means an adhesive sticker produced by the department and issued by the
11 department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the
12 identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the
13 owner to meet requirements of the federal standard numbering system.

14 (19) "Vessel" means every description of watercraft, unless otherwise defined by the department, other
15 than a seaplane on the water, used or capable of being used as a means of transportation on water.

16 (20) "Waters of this state" means any waters within the territorial limits of this state."
17

18 **Section 3.** Section 61-1-101, MCA, is amended to read:

19 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
20 definitions apply:

21 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
22 and is specifically authorized by the department to electronically access and update the department's motor
23 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
24 purposes on behalf of a third party.

25 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
26 partnership, limited liability company, association, joint venture, state agency, local government unit, another
27 state government, the United States, a political subdivision of this or another state, or any other legal or
28 commercial entity.

1 (2) "Authorized agent agreement" means the written agreement executed between an authorized
2 agent and the department that sets the technical and operational program standards, compliance criteria,
3 payment options, and service expectations by which the authorized agent is required to operate in performing
4 specific motor vehicle or driver-related record functions.

5 (3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll
6 hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

7 (4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
8 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
9 transportation of persons for compensation.

10 (5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership,
11 limited liability company, or other legal entity recognized under state law.

12 (b) The term does not include an individual.

13 (6) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to
14 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a
15 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

16 (b) The term does not include a truck canopy cover or topper.

17 (7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
18 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

19 (8) "Certificate of title" means the paper record issued by the department or by the appropriate agency
20 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
21 and the motor vehicle specifically described in the record and that provides notice of a perfected security
22 interest in the motor vehicle.

23 (9) "Commercial driver's license" means:

24 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to
25 operate a class of commercial motor vehicle; or

26 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a
27 valid commercial driver's license.

28 (10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in

1 commerce to transport passengers or property if the vehicle:

2 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
3 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

4 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
5 greater;

6 (iii) is designed to transport at least 16 passengers, including the driver;

7 (iv) is a school bus; or

8 (v) is of any size and is used in the transportation of hazardous materials.

9 (b) The following vehicles are not commercial motor vehicles:

10 (i) an authorized emergency vehicle:

11 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

12 (B) operated when responding to or returning from an emergency call or operated in another official
13 capacity;

14 (ii) a vehicle:

15 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the
16 farmer;

17 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within
18 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
19 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

20 (C) not used to transport goods for compensation or for hire; or

21 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
22 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
23 personnel in part-time national guard training, and national guard military technicians, or active duty United
24 States coast guard personnel.

25 (c) For purposes of this subsection (10):

26 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
27 crops or the raising of livestock owned by or under the direct control of that person;

28 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded

1 weight of a combination or articulated vehicle;

2 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight
3 of a single vehicle; and

4 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

5 (11) "Commission" means the state transportation commission.

6 (12) "Custom-built motorcycle" means a motorcycle that is equipped with:

7 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
8 altered from the manufacturer's original design; or

9 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
10 constructed in whole or in part from nonoriginal materials.

11 (13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

12 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

13 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
14 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at
15 least 25 years old; and

16 (b) has been altered from the manufacturer's original design or has a body constructed from
17 nonoriginal materials.

18 (14) "Customer identification number" means:

19 (a) a driver's license or identification card number when the customer is an individual who has been
20 issued a driver's license or identification card by a state driver licensing authority;

21 (b) a federal employer or tax identification number when the customer is a business entity that has
22 been issued a federal employer or tax identification number;

23 (c) the identification number assigned by the secretary of state to a business entity authorized to do
24 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
25 or tax identification number other than a social security number; or

26 (d) if the customer has not been issued one of the numbers described in subsections (14)(a) through
27 (14)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

28 (15) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the

1 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
2 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
3 mobile equipment that is not registered in the name of the person.

4 (b) The term does not include the following:

5 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
6 under a judgment or order of any court of competent jurisdiction;

7 (ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific
8 performance of their duties as employees; or

9 (iii) public officers while performing or in the operation of their duties.

10 ~~(16) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum~~
11 ~~load to be carried on the vehicle as stated by the registrant in the application for registration.~~

12 ~~(17)(16) "Department" means the department of justice acting directly or through its duly authorized~~
13 ~~officers or agents.~~

14 ~~(18) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and~~
15 ~~trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.~~

16 ~~(19)(17) "Domiciled" means a place where:~~

17 (a) an individual establishes residence;

18 (b) a business entity maintains its principal place of business;

19 (c) the business entity's registered agent maintains an address; or

20 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
21 or pole trailer that it owns or leases.

22 ~~(20)(18) "Downgrade" means the removal of a person's privilege to operate a commercial motor~~
23 ~~vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record~~
24 ~~for that person.~~

25 ~~(21)(19) "Driver" means a person who drives or is in actual physical control of a vehicle.~~

26 ~~(22)(20) "Driver's license" means a license or permit to operate a motor vehicle issued under or~~
27 ~~granted by the laws of this state, including:~~

28 (a) any temporary license or learner license;

1 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

2 (c) any nonresident's driving privilege;

3 (d) a motorcycle endorsement; or

4 (e) a commercial driver's license.

5 ~~(23)~~(21) "Electric personal assistive mobility device" means a device that has two nontandem wheels,
6 is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
7 maximum speed of the device to 12 1/2 miles an hour.

8 ~~(24)~~(22) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
9 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
10 from which a remuneration is obtained or derived for transportation service.

11 ~~(25)~~(23) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a
12 person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

13 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory
14 liability insurance requirements under this title.

15 ~~(26)~~(24) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
16 on the vehicle.

17 ~~(27)~~(25) "Hazardous material" means:

18 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be
19 placarded under 49 CFR, part 172; or

20 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

21 ~~(28)~~(26) "Highway" or "public highway" means the entire width between the boundary lines of every
22 publicly maintained way when any part of the publicly maintained way is open to the use of the public for
23 purposes of vehicular travel.

24 ~~(29)~~(27) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
25 arrests for violations of traffic regulations.

26 ~~(30)~~(28) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
27 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

28 ~~(31)~~(29) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

1 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

2 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,

3 commonly referred to as a donor vehicle.

4 ~~(32)~~(30) "Light vehicle" means a motor vehicle commonly referred to as an:

5 (a) automobile;

6 (b) van;

7 (c) "sport utility vehicle", or, meaning a light vehicle designed to transport 10 or fewer persons that is

8 constructed on a truck chassis or that has special features for occasional off-road use, not including trucks

9 having a manufacturer's rated capacity of 1 ton or less; or

10 (d) truck having a manufacturer's rated capacity of 1 ton or less.

11 ~~(33)~~(31) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be

12 transported, that:

13 (a) has four wheels;

14 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as

15 certified by the manufacturer;

16 (c) is propelled by its own power, using an electric motor or other device that transforms stored

17 electrical energy into the motion of the vehicle;

18 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power

19 grid or from renewable electrical energy sources;

20 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

21 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle

22 identification number as provided in 49 CFR, part 565; and

23 (g) is equipped as provided in 61-9-432.

24 ~~(34)~~(32) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed

25 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

26 (a) a temporary license or learner license;

27 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-

28 5-122, whether or not the person holds a valid driver's license; and

1 (c) a nonresident's similarly restricted driving privilege.

2 ~~(35)~~(33) "Manufactured home" has the meaning provided in 15-24-201.

3 ~~(36)~~(34) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
4 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
5 regular business.

6 ~~(37)~~(35) "Manufacturer's certificate of origin" means the original paper record produced and issued by
7 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
8 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
9 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
10 ownership of the vehicle to the person or persons named in the certificate.

11 ~~(38)~~(36) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
12 transported, that:

13 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

14 (ii) is propelled by its own power, using an electric motor or other device that transforms stored
15 electrical energy into the motion of the vehicle;

16 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
17 grid or from renewable electrical energy sources;

18 (iv) is fully enclosed and includes at least one door for entry;

19 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

20 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
21 identification number as provided in 49 CFR, part 565;

22 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
23 indicates the vehicle's maximum speed rating; and

24 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

25 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
26 registration under Title 61, chapter 3.

27 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

28 ~~(39)~~(37) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

1 ~~(40)~~(38) "Montana resident" means:

2 (a) an individual who resides in Montana as determined under 1-1-215; or

3 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
4 registered agent in this state.

5 ~~(41)~~(39) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers
6 appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of
7 property for hire on a commercial basis.

8 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

9 ~~(42)~~(40) "Motor home" means a motor vehicle:

10 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
11 a self-propelled motor vehicle chassis or van;

12 (b) containing permanently installed independent life support systems that meet the NFPA 1192
13 standard on recreational vehicles; and

14 (c) providing at least four of the following types of facilities:

15 (i) cooking, refrigeration, or icebox;

16 (ii) self-contained toilet;

17 (iii) heating or air conditioning, or both;

18 (iv) potable water supply, including a faucet and sink; or

19 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both.

20 ~~(43)~~(41) (a) "Motor vehicle" means:

21 (i) a vehicle propelled by its own power and designed or used to transport persons or property on the
22 highways of the state;

23 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

24 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated
25 pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

26 (b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal
27 assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered,
28 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is

1 used as a means of mobility for that person.

2 ~~(44)~~(42) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
3 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
4 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

5 (b) The term does not include a vessel that has a valid marine document issued by the United States
6 coast guard or any successor federal agency.

7 ~~(45)~~(43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator
8 and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may
9 carry one or more attachments and a seat for the conveyance of a passenger.

10 (b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

11 (c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been
12 modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

13 (d) The term includes an auticycle.

14 (e) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized
15 nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

16 ~~(46)~~(44) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
17 produces 5 horsepower or less.

18 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized
19 nonstandard vehicle.

20 ~~(47)~~(45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
21 transported, that:

22 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

23 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

24 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-
25 character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

26 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
27 "pocket rocket".

28 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility

1 device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically
2 for use by a physically disabled person.

3 ~~(48)~~(46) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
4 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
5 as the result of a retail sale.

6 ~~(49)~~(47) "Nonresident" means a person who is not a Montana resident.

7 ~~(50)~~(48) (a) "Not used for general transportation purposes" means the operation of a motor vehicle
8 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
9 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional
10 transportation activity.

11 (b) The term does not include operation of a motor vehicle for routine or ordinary household
12 maintenance, employment, education, or other similar purposes.

13 ~~(51)~~(49) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-
14 country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
15 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of
16 land transportation deriving motive power from any source other than muscle or wind.

17 (b) The term does not include:

18 (i) vehicles designed primarily for travel on, over, or in the water;

19 (ii) snowmobiles; or

20 (iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is
21 used for off-road recreation on public lands.

22 ~~(52)~~(50) "Operator" means a person who is in actual physical control of a motor vehicle.

23 ~~(53)~~(51) "Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of
24 an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the
25 conditions stated in the agreement and with an immediate right of possession and control vested in an
26 individual human being or in the event a vehicle is subject to a lease, contract, or other legal arrangement
27 vesting right of possession or control, for security or otherwise in an individual human being, or in the event a
28 mortgagor of a vehicle is entitled to possession and control, then the owner is the individual human being or

1 mortgagor in whom is vested the right of possession and control.

2 ~~(54)~~(52) "Person" means an individual human being, corporation, partnership, association, firm, or
3 other legal entity.

4 ~~(55)~~(53) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
5 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
6 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
7 vessel.

8 ~~(56)~~(54) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
9 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
10 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
11 structural members capable generally of sustaining themselves as beams between the supporting connections.

12 ~~(57)~~(55) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
13 violations of traffic regulations.

14 ~~(58)~~(56) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
15 having a seat or saddle on which the operator sits.

16 (b) The term does not include golf carts.

17 ~~(59)~~(57) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
18 stationary rails.

19 ~~(60)~~(58) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without
20 cars coupled to the engine, that is operated on rails.

21 (b) The term does not include streetcars.

22 ~~(64)~~(59) "Recreational vehicle" includes a motor home, travel trailer, or camper.

23 ~~(62)~~(60) "Registration" or "register" means the act or process of creating an electronic record,
24 maintained by the department, of the assignment of a license plate or a set of license plates to and the
25 issuance of a registration decal for a specific vehicle, the ownership of which has been established or is
26 presumed in department records.

27 ~~(63)~~(61) "Registration decal" means an adhesive sticker produced by the department and issued by
28 the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer,

1 pole trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for
2 the registration period indicated on the sticker as recorded by the department under 61-3-101.

3 ~~(64)~~(62) "Registration receipt" means a paper record that is produced and issued or, if authorized by
4 the department, an electronic record that is transmitted by the department, its authorized agent, or a county
5 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic
6 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
7 registration of the vehicle for the registration period indicated in the receipt.

8 ~~(65)~~(63) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
9 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
10 other than resale.

11 ~~(66)~~(64) "Revocation" means the termination by action of the department of a person's driver's license,
12 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
13 license for a period of time designated by law, during which the license or privilege may not be renewed,
14 restored, or exercised. An application for a new license may be presented and acted on by the department after
15 the expiration of the period of the revocation.

16 ~~(67)~~(65) "Roadway" means that portion of a highway improved, designed, or ordinarily used for
17 vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate
18 roadways, the term refers to any roadway separately but not to all roadways collectively.

19 ~~(68)~~(66) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.
20 (b) The term does not include a canoe or kayak propelled by wind.

21 ~~(69)~~(67) "School zone" means an area near a school beginning at the school's front door,
22 encompassing the campus and school property, and including the streets directly adjacent to the school
23 property and for as many blocks surrounding the school as determined by the local authority establishing a
24 special speed limit under 61-8-310(1)(d).

25 ~~(70)~~(68) "Sell" means to transfer ownership from one person to another person or from a dealer to
26 another person for consideration.

27 ~~(74)~~(69) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
28 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and

1 that of its load rests on or is carried by another vehicle.

2 ~~(72)(70)~~ "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less,
3 excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or
4 runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

5 ~~(73)(71)~~ "Special mobile equipment" means a vehicle not designed for the transportation of persons or
6 property on the highways but incidentally operated or moved over the highways, including road construction or
7 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
8 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in
9 this subsection is partial and does not exclude other vehicles that are within the general terms of this
10 subsection.

11 ~~(74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:~~

12 ~~(i) was not originally constructed under a distinctive make, model, or type by a generally recognized~~
13 ~~manufacturer of motor vehicles;~~

14 ~~(ii) has been structurally modified so that it does not have the same appearance as similar vehicles~~
15 ~~from a generally recognized manufacturer of motor vehicles;~~

16 ~~(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained~~
17 ~~from other vehicles;~~

18 ~~(iv) has been constructed or assembled by using major component parts from one or more~~
19 ~~manufactured vehicles and that cannot be identified as a specific make or model; or~~

20 ~~(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or~~
21 ~~model.~~

22 ~~(b) The term does not include a motor vehicle that has been repaired or restored to its original design~~
23 ~~by replacing parts.~~

24 ~~(75) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is~~
25 ~~constructed on a truck chassis or that has special features for occasional off-road use.~~

26 ~~(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.~~

27 ~~(76)(72)~~ (a) "Stop", when required, means complete cessation from movement.

28 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,

1 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
2 directions of a police officer, highway patrol officer, or traffic control sign or signal.

3 ~~(77) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
4 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
5 space at the dealer's established place of business is not available.~~

6 ~~(78)(73)~~ "Street" means the entire width between the boundary lines of every publicly maintained way
7 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

8 ~~(79)(74)~~ "Street rod" means a motor vehicle, other than a motorcycle, that:

9 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
10 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

11 (b) has been altered from the manufacturer's original design or has a body constructed from
12 nonoriginal materials.

13 ~~(80)(75)~~ "Suspension" means the temporary withdrawal by action of the department of a person's
14 driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued
15 a driver's license for a period of time designated by law.

16 ~~(81)(76)~~ "Temporary registration permit" means a paper record:

17 ~~(a)~~ issued by the department, an authorized agent, a county treasurer, or a person, using a
18 department-approved electronic interface after an electronic record has been transmitted to the department,
19 that contains:

20 ~~(i)(a)~~ required vehicle and owner information; and

21 ~~(i)(b)~~ the purpose for which the record was generated; ~~and~~

22 ~~(b) that, when placed in a durable license plate style plastic pouch approved by the department and
23 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
24 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:~~

25 ~~(i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title,
26 whichever first occurs; or~~

27 ~~(ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).~~

28 ~~(82)(77)~~ "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other

1 conveyances either singly or together while using any highways for purposes of travel.

2 ~~(83)(78)~~ (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
3 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
4 on the towing vehicle.

5 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

6 ~~(84) "Transaction summary receipt" means an electronic record produced and issued by the~~
7 ~~department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be~~
8 ~~created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The~~
9 ~~record must contain a unique transaction record number and summarize and verify the electronic filing of the~~
10 ~~transaction described in the receipt on the electronic record of title maintained under 61-3-101.~~

11 ~~(85)(79)~~ "Travel trailer" means a vehicle:

12 (a) that is 46 feet or less in length;

13 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle; and

14 (c) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
15 as a principal residence.

16 ~~(86)(80)~~ "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
17 transportation of property.

18 ~~(87)(81)~~ "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
19 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

20 ~~(88)(82) "Under the influence" has the meaning provided in 61-8-1001 means that as a result of taking~~
21 ~~into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a~~
22 ~~vehicle has been diminished.~~

23 ~~(89)(83)~~ "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
24 or given away or had its title transferred from the person who first took title to it from the manufacturer, importer,
25 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become
26 what is commonly known as "secondhand" within the ordinary meaning of that term.

27 ~~(90)(84)~~ "Van" means a motor vehicle designed for the transportation of at least six persons and not
28 more than nine persons and intended for but not limited to family or personal transportation without

1 compensation.

2 ~~(94)(85)~~ (a) "Vehicle" means a device in, on, or by which any person or property may be transported or
3 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
4 tracks.

5 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,
6 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
7 used as a means of mobility for that person.

8 ~~(92)(86)~~ "Vehicle identification number" means the number, letters, or combination of numbers and
9 letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or
10 country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

11 ~~(93)(87)~~ "Vessel" means every description of watercraft, unless otherwise defined by the department,
12 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

13 ~~(94)(88)~~ "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
14 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
15 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
16 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

17

18 **Section 4.** Section 61-2-102, MCA, is amended to read:

19 **"61-2-102. Definitions.** ~~Unless the context requires otherwise, in this part,~~As used in this part, unless
20 the context requires otherwise, the following definitions apply:

21 (1) "Department" means the department of transportation.

22 (2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths,
23 injuries to persons, and damage to property. The program must be in accordance with uniform guidelines
24 established pursuant to 23 U.S.C. 402, as amended, and may include defensive driving programs administered
25 by the entity designated by the governor in 61-2-103. Nothing in this part restricts or prohibits the establishment
26 of standards that enlarge or implement the federal standards.

27 (3) "Political subdivisions" means each county, incorporated city or town, and school district within the
28 boundaries of the state."

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Section 5. Section 61-3-201, MCA, is amended to read:

"61-3-201. Certificate of title required -- nonresident title -- exclusions -- definition. (1) Except as provided in subsection (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The department may determine requirements for nonresident businesses to apply for a title in this state and the department:

- (a) may produce a title for nonresident business applicants;
- (b) may enter a voluntary security interest or lien on the title in accordance with 61-3-103;
- (c) is authorized to establish an application fee and title fee for nonresident applicants;
- (d) shall require an applicant to submit a penalty bond of no less than \$250,000 payable to the motor vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller, financial institution, the state, or any other state by using this section.

(3) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

- (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;
- (b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:
 - (i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and
 - (ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;
- (c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident or a nonresident who has an interest in real property in Montana who

1 chooses not to register a motor vehicle in this state as provided in 61-3-303;

2 (d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
3 snowmobile regularly engaged in the interstate transportation of persons or property and:

4 (i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

5 (ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

6 (e) a vehicle moved solely by human or animal power;

7 (f) an implement of husbandry;

8 (g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to
9 agricultural land;

10 (h) a self-propelled wheelchair or tricycle used by a person with a disability;

11 (i) a dolly or converter gear;

12 (j) a mobile home or housetrailer;

13 (k) a manufactured home declared to be an improvement to real property under 15-1-116; or

14 (l) a golf cart unless it is operated by a person with a low-speed restricted driver's license.

15 (4) As used in this section, "dolly or converter gear" means a device consisting of one or two axles with
16 a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a
17 trailer."

18

19 **Section 6.** Section 61-3-206, MCA, is amended to read:

20 **"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve**

21 **record.** (1) Except as provided in subsection (4), before executing any transfer of ownership document relating
22 to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at
23 the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading,
24 furnish to the purchaser a written statement, to be signed by the seller, that contains the following information:

25 (a) the odometer reading at the time of transfer;

26 (b) the date of transfer;

27 (c) the seller's name and current address;

28 (d) the purchaser's name and current address;

1 (e) the motor vehicle year, make, model, body style, and identification number;

2 (f) one of the following statements or certification:

3 (i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects
4 the actual miles or kilometers the vehicle has been driven;

5 (ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the
6 designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that
7 effect; or

8 (iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the
9 motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration
10 error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be
11 relied upon.

12 (2) The purchaser shall acknowledge receipt of the disclosure statement by signing it.

13 (3) For the purposes of this section, an odometer disclosure statement may be executed in electronic
14 form and used with an electronic signature pursuant to Title 30, chapter 18, part 1.

15 (4) The seller of the following types of motor vehicles need not disclose the odometer reading of the
16 vehicle as required in subsection (1):

17 (a) a motor vehicle with a 2010 model year or earlier;

18 (b) a motor vehicle with a 2011 model year or later that is 20 years old or older;

19 (c) a vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, or sailboat that is not self-propelled;

20 (d) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless
21 the motor vehicle has been used as a demonstrator;

22 (e) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

23 (f) a motor vehicle sold directly by the manufacturer to an agency of the United States.

24 (5) A dealer, an auto auction, or a wholesaler licensed under chapter 4 of this title shall create a
25 record of the information required in subsection (1) and shall maintain and preserve that record for at least 5
26 years after the date of sale of the motor vehicle to which the information pertains.

27 (6) A person convicted of violating this section is subject to the penalties provided in 61-3-607."

28

1 **Section 7.** Section 61-3-224, MCA, is amended to read:

2 **"61-3-224. Temporary registration permit -- issuance -- placement -- duration -- fees.** (1) (a) The
3 department, an authorized agent, or a county treasurer may issue a temporary registration permit for any
4 purpose authorized under the rules adopted by the department.

5 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
6 the department-approved electronic interface only if authorized by the department. When placed in a durable
7 license-plate style plastic pouch approved by the department and displayed as prescribed in subsection (5),
8 authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or
9 longer, snowmobile, or off-highway vehicle for:

10 (i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title,
11 whichever first occurs; or

12 (ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).

13 (2) A person, using a department-approved electronic interface, may issue a temporary registration
14 permit for any purpose authorized under the rules adopted by the department.

15 (3) A temporary registration permit issued under this section must contain the following information:

16 (a) a temporary plate number as prescribed by the department;

17 (b) the expiration date of the temporary registration permit; and

18 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
19 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
20 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
21 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
22 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
23 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

24 (4) A temporary registration permit for:

25 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the
26 rear exterior of the vehicle where a license plate is required to be displayed; and

27 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
28 must be plainly visible and firmly attached to the vehicle or vessel.

1 (5) (a) Except as provided in 61-3-431 and subsections (5)(b) and (5)(c) of this section, a \$19.50 fee is
2 imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county
3 treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the
4 authorized agent, or a county treasurer when the vehicle is registered.

5 (b) Except as provided in 61-3-431, a fee of \$24.50 is imposed and must be paid upon issuance of a
6 temporary registration permit by:

7 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who
8 acquires a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or
9 motorcycle designed for off-road recreational use; or

10 (ii) a person who issued a temporary registration permit using a department-approved electronic
11 interface.

12 (c) A fee of \$24 is imposed and must be paid upon issuance of a temporary registration permit for a
13 90-day temporary registration permit as provided in 61-3-303(4)(b).

14 (6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited
15 as follows:

16 (a) \$16.50 from each permit fee collected pursuant to subsection (5) in the state special revenue
17 account established in 44-10-204; and

18 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-
19 118.

20 (7) If a temporary registration permit is issued under this section to a person to whom ownership of a
21 vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
22 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."
23

24 **Section 8.** Section 61-3-317, MCA, is amended to read:

25 **"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty --**
26 **display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole
27 trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of
28 title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option

1 taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the
2 streets and highways of this state during this period unless a temporary registration permit has been issued for
3 and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

4 (2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor
5 vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser
6 to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state
7 without a current registration receipt or registration decal during the period allowed under ~~61-1-101(81)(b)~~61-3-
8 224 if at all times during that period a temporary registration permit issued under 61-3-224 is properly
9 displayed."

11 **Section 9.** Section 61-3-412, MCA, is amended to read:

12 **"61-3-412. Display of original Montana license plates or collector reproduction license plates**
13 **on collector's item and general transportation collector's item motor vehicles -- definitions -- validation.**

14 (1) As used in 61-3-413 and this section, the following definitions apply:

15 (a) "Collector reproduction license plate" means a license that is a reproduction of the original license
16 plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M.
17 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the
18 motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed. To
19 qualify as a collector reproduction license plate, the reproduction plate must be made of metal, must be the
20 same size and color as the original license plate, and must have the same design, including any embossed or
21 raised letters or numbers, as the original license plate.

22 (b) "General transportation collector's item" means a motor vehicle, trailer, semitrailer, or pole trailer
23 that is 25 years old or older and that is used for general transportation purposes.

24 (b) "Original Montana license plate" means a license plate issued according to the provisions of 61-3-
25 331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever
26 section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer
27 on which the license plate is authorized to be displayed.

28 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor

1 vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original
2 Montana license plates or collector reproduction license plates, with validation as required in 61-3-413 or
3 subsection (4) of this section, after:

4 (a) payment of the fee required in subsection (6);

5 (b) inspection by a highway patrol officer of the original Montana license plate or collector reproduction
6 license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a \$5
7 fee, receipt of the highway patrol officer's certification that the officer has determined that:

8 (i) the license plate is legible and meets the requirements of subsection (1); and

9 (ii) in the case of a license plate intended for use on a general transportation collector's item, the
10 license plate is visible at night;

11 (c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as
12 provided for in 61-3-411 or 61-3-413; and

13 (d) in the case of a general transportation collector's item application, certification from the department
14 that a duplicate license plate number does not exist among currently issued license plates.

15 (3) The owner of a motor vehicle, trailer, semitrailer, or pole trailer manufactured in the year 1948,
16 1949, or 1950 may display a single original Montana license plate that is affixed to the rear of the vehicle. The
17 original Montana license plate must be legible and must bear the year that matches the year in which the
18 vehicle was manufactured.

19 (4) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of
20 subsection (2), the department shall:

21 (a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

22 (b) issue a validating decal inscribed with:

23 (i) a unique number; and

24 (ii) the letter:

25 (A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

26 (B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

27 (5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the
28 validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a

1 windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or
2 pole trailer.

3 (6) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with
4 the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer,
5 or pole trailer license fee of \$20."

6

7 **Section 10.** Section 61-3-413, MCA, is amended to read:

8 **"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -**

9 **- permanent registration required.** ~~(1) For the purposes of 61-3-412 and this section, a "general~~
10 ~~transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older~~
11 ~~and that is used for general transportation purposes.~~

12 ~~(2)(1)~~ An owner of a general transportation collector's item who wishes to display original Montana
13 license plates or collector reproduction license plates on the motor vehicle, trailer, semitrailer, or pole trailer
14 shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole
15 trailer. The application must state:

- 16 (a) the name and address of the owner;
- 17 (b) the year and number of the license plate the applicant wishes to use; and
- 18 (c) the make, the gross weight, the year and number of the model, and the manufacturer's
19 identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

20 ~~(3)(2)~~ Upon receipt of an application for registration of a general transportation collector's item that will
21 display an original Montana license plate, the department shall compare the number of the license plate that the
22 applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers,
23 semitrailers, or pole trailers. The department may reject an application if the number the applicant intends to
24 use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer.
25 If the department approves the application, the department shall file the application and register the motor
26 vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

27 ~~(4)(3)~~ Upon receipt of an application for registration of a general transportation collector's item that will
28 display a collector reproduction license plate, the department shall determine a distinctive license plate number

1 to be assigned to the collector reproduction license plate. The department may:

2 (a) issue a new license plate number following the requirements for issuing distinctive license plate
3 numbers under 61-3-331;

4 (b) issue a new personalized license plate number under 61-3-401 through 61-3-406; or

5 (c) at the request of the owner, transfer a license plate number that is already assigned to the general
6 transportation collector's item or another motor vehicle owned by the owner of the general transportation
7 collector's item.

8 ~~(5)(4)~~ The general transportation collector's item owner may take the license plate number issued
9 pursuant to subsection (4) and purchase a collector reproduction license plate from any source.

10 ~~(6)(5)~~ The one-time application fee for a collector reproduction license plate under subsection (4) is
11 \$50. The fee must be deposited as follows:

12 (a) \$25 must be deposited into the state special revenue account to partially fund highway patrol
13 officers' salaries established in 44-1-504; and

14 (b) \$25 must be deposited into the motor vehicle division administration account established in 61-3-
15 112.

16 ~~(7)(6)~~ Once an application is approved, appropriate fees are paid, and the requirements provided in
17 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor
18 vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's,
19 trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer,
20 or pole trailer has been permanently registered."

21

22 **Section 11.** Section 61-3-503, MCA, is amended to read:

23 **"61-3-503. Assessment -- definition.** (1) (a) Except as provided in 61-3-520, light vehicles subject to
24 a local option motor vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration
25 period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection
26 (2).

27 (b) If the depreciated value is less than \$500, the department shall value the motor vehicle at \$500.

28 (2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of

- 1 light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier
- 2 based on the type and age of the light vehicle determined from the following table:

Age of Vehicle (in years)	Type of Vehicle			
	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39
9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

- 3 (b) The age for the light vehicle is determined under 61-3-501.
- 4 (c) If the value of the light vehicle determined under subsection (2)(a) is \$500 or less, the value of the
- 5 light vehicle is \$500 and the value must remain at that amount as long as the light vehicle is registered.
- 6 (d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating
- 7 the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a

1 minimum value of \$500 is attained. The value must remain at that amount as long as the light vehicle is
2 registered.

3 (3) (a) ~~For the purposes of~~As used in this section, "manufacturer's suggested retail price" means the
4 price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first
5 made available for retail sale by the manufacturer.

6 (b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle and
7 does not contain price additions or deductions for optional accessories.

8 (c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department
9 shall determine an alternative valuation for the motor vehicle."
10

11 **Section 12.** Section 61-4-111, MCA, is amended to read:

12 **"61-4-111. Used vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a
13 dealer or wholesaler who intends to resell a used motor vehicle, power sports vehicle, or trailer and who
14 operates the motor vehicle, power sports vehicle, or trailer only for demonstration purposes:

15 (a) is exempt from registration under 23-2-515, 23-2-616, 23-2-804, or 61-3-302(3) when applying for a
16 certificate of title; and

17 (b) may transfer or receive ownership of a motor vehicle, power sports vehicle, or trailer by use of a
18 dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment
19 sections on a certificate of title has been completed, ownership of the motor vehicle, power sports vehicle, or
20 trailer may not be transferred until an application for a certificate of title has been submitted by the dealer or an
21 authorized agent to an authorized agent or the department and a new certificate of title has been issued.

22 (2) Upon the transfer of a used motor vehicle, power sports vehicle, or trailer to a person other than a
23 dealer or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the
24 used motor vehicle, power sports vehicle, or trailer was transferred if the dealer is an authorized agent, ~~as~~
25 ~~defined in 61-1-101~~. In addition, the following acts are required of the dealer on or before the times set forth in
26 this subsection:

27 (a) Within 30 calendar days following the date of delivery of the motor vehicle, power sports vehicle, or
28 trailer or within 120 calendar days if a temporary registration permit is issued pursuant to 61-3-303(4)(b), the

1 dealer shall forward to an authorized agent or to the county treasurer of the county where the owner of the
2 motor vehicle, power sports vehicle, or trailer is domiciled:

3 (i) the assigned certificate of title or, if a certificate of title for the motor vehicle, power sports vehicle, or
4 trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the
5 dealer's possession; and

6 (ii) an application for a certificate of title executed by the new owner in accordance with the provisions
7 of 61-3-216 and 61-3-220.

8 (b) Transmission of the documents by the dealer to the county treasurer or an authorized agent may
9 be accomplished either by personal delivery, by first-class mail, or by electronic means, as authorized by the
10 department.

11 (c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the
12 time set forth in subsection (2)(a), the dealer is subject to the provisions of 61-4-119.

13 (3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle,
14 power sports vehicle, or trailer is considered to have passed to the purchaser as of the date of the delivery of
15 the motor vehicle, power sports vehicle, or trailer to the purchaser by the dealer, and the dealer has no further
16 liability or responsibility with respect to the processing of registration."

17

18 **Section 13.** Section 61-4-121, MCA, is amended to read:

19 **"61-4-121. Temporary registration permit -- limitation on issuance and transfer -- violation --**

20 **penalty.** (1) If the dealer is an authorized agent, ~~as defined in 61-1-101~~, the dealer may not issue more than
21 one temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

22 (2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to
23 issue temporary registration permits for a period of time determined by the department."

24

25 **Section 14.** Section 61-4-123, MCA, is amended to read:

26 **"61-4-123. Dealer requirements and restrictions.** (1) A used dealer may not sell a new motor
27 vehicle, a new power sports vehicle, or a new trailer.

28 (2) A dealer may not display at the dealer's established place of business or any approved off-

1 premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label
2 required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor
3 vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously
4 displayed within the motor vehicle in a fashion that is readily readable by a customer.

5 (3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power
6 sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established
7 place of business as listed on the dealer's license.

8 (b) A dealer may park a motor vehicle in a storage lot if:

9 (i) local zoning regulations permit that type of use;

10 (ii) the lot is in the county where the dealer's established place of business is located;

11 (iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

12 (iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

13 (4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale at a
14 geographic location other than that of the dealer's established place of business as listed on the dealer's
15 license if the dealer obtains a permit from the department. The department may require proof from the dealer
16 that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances.
17 An off-premises display and sale must be conducted within the county of the dealer's licensed location unless
18 the off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor
19 vehicle dealer whose area of responsibility under the dealer's franchise agreement includes a county different
20 from the county in which the dealer's established place of business is located may conduct an off-premises
21 display and sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with
22 an established place of business in that county. The display and sale authorized by this subsection (4)(a) may
23 not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays
24 and sales during any 1 calendar year.

25 (b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport
26 terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made,
27 or could be made, at the terminal or mall.

28 (c) Upon prior written notice to the department, a dealer may display one motor vehicle, power sports

1 vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed
2 on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

3 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or
4 association organized and operated exclusively for religious, charitable, scientific, or educational purposes and
5 the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the
6 program is being promoted; or

7 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly
8 identified business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned
9 or leased by the other business entity and where the other entity regularly conducts its business. A display
10 under this subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

11 (5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same
12 geographic location as another dealer's established place of business, each dealer shall ensure that all records,
13 office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly
14 identified and attributed to the appropriate dealer.

15 (6) A dealer shall install and maintain telephone service at the dealer's established place of business.
16 The telephone service must be listed in the directory assistance that applies to the area in which the business is
17 located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's
18 established place of business.

19 (7) A dealer shall conspicuously post at the dealer's established place of business written notice
20 indicating the regular and customary office hours maintained by the dealer.

21 (8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers
22 any motor vehicle bearing a set of dealer plates or a demonstrator plate and any power sports vehicle
23 displaying a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise
24 may be operated by a customer in the regular course of the dealer's business operations.

25 (b) A dealer shall ensure that the department is named as a certificate holder on any general liability
26 insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance
27 does not occur as a result of cancellation or termination of a previously certified policy.

28 (c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance

1 obligation imposed under chapter 6 of this title.

2 (9) A dealer shall display at the dealer's established place of business at least one sign stating the
3 name of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale,
4 trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and
5 readable to the major avenue of traffic at a minimum distance of 150 feet.

6 (10) As used in this section "storage lot" means property owned, leased, or rented by a dealer that is
7 not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory
8 may be placed when space at the dealer's established place of business is not available."

9

10 **Section 15.** Section 61-4-402, MCA, is amended to read:

11 **"61-4-402. Definitions.** As used in this part, the following definitions apply:

12 (1) "Finance company" or "finance agency" means a person, firm, association, corporation, or other
13 organization engaged in the business of buying, selling, assigning, dealing, financing, or acquiring conditional
14 contracts of sale or engaged in the business of purchasing or acquiring promissory notes or any other form or
15 evidences of indebtedness of sale, either secured by vendor's lien, conditional bill of sale, chattel mortgage, or
16 leases arising out of the sale of motor vehicles in this state.

17 (2) The term "manufacturer" means a person, firm, corporation, partnership, or association engaged
18 either directly or indirectly in the manufacture or wholesale distribution of motor vehicles.

19 (3) The term "motor vehicle", as used in this part, includes a personal watercraft as defined in 23-2-
20 502, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

21 (4) The terms "sell", "sold", "buy", and "purchase", as used in this part, include exchange, barter, gift,
22 and offer or contract to sell or buy.

23 (5) The term "wholesale distributor" means a person, firm, association, corporation, or other
24 organization engaged directly or indirectly in the sale or distribution of motor vehicles to agents or to dealers."

25

26 **Section 16.** Section 61-4-501, MCA, is amended to read:

27 **"61-4-501. Definitions.** For purposes of As used in this part, the following definitions apply:

28 (1) "Collateral charge" means all governmental charges, including but not limited to sales tax, property

1 tax, license and registration fees, and fees in lieu of tax.

2 (2) "Consumer" means the purchaser or lessee, other than for purposes of resale or lease, of a
3 passenger motor vehicle used for personal, family, or household purposes that has not been brought into
4 nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations. The term includes
5 any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an
6 express warranty applicable to the passenger motor vehicle and any other person entitled by the terms of the
7 warranty to enforce the obligations of the warranty.

8 (3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

9 (4) "Manufacturer" has the meaning applied to that word in 61-4-201.

10 (5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home, propelled
11 by its own power, designed primarily to transport persons or property upon the public highways, and sold or
12 registered in this state.

13 (b) The term does not include:

14 (i) a truck with 15,000 pounds or more gross vehicle weight rating; or

15 (ii) components, systems, fixtures, appliances, furnishings, accessories, and features that are
16 designed, used, and maintained primarily for residential purposes.

17 (6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the
18 consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer
19 or its agent and during any subsequent period when the motor vehicle is not out of service because of
20 nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of
21 the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of
22 miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

23 (7) "Warranty period" means the period ending 2 years after the date of the original delivery to the
24 consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

25

26 **Section 17.** Section 61-5-112, MCA, is amended to read:

27 **"61-5-112. Reciprocal agreements.** The department is authorized to enter into reciprocal
28 agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm

1 machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license ~~because~~
2 ~~the vehicles are not considered commercial motor vehicles as provided in 61-1-101(10)(b)(ii).~~

3

4 **Section 18.** Section 61-5-119, MCA, is amended to read:

5 **"61-5-119. Definitions.** ~~(1) For the purposes of 61-5-120, "driver rehabilitation specialist" means a~~
6 ~~person who:~~

7 ~~(a) possesses current certification from the association of driver educators for the disabled as a driver~~
8 ~~rehabilitation specialist; or~~

9 ~~(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a~~
10 ~~disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment,~~
11 ~~motor vehicle modification prescription, and driver education;~~

12 ~~(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,~~
13 ~~occupational, or recreational therapy, or in a related profession; or~~

14 ~~(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and~~

15 ~~(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with~~
16 ~~disabilities.~~

17 ~~(2) For the purposes of~~ As used in this chapter, unless the context requires otherwise, "cancellation"
18 means that a driver's license is annulled and terminated because of some error or defect or because the
19 licensee is no longer entitled to the license. Except as provided in 61-5-201(3), the cancellation of a license is
20 without prejudice and application for a new license may be made at any time after cancellation."

21

22 **Section 19.** Section 61-5-120, MCA, is amended to read:

23 **"61-5-120. Medical assessment and rehabilitation driving permit -- definition.** (1) Upon the
24 written request of a licensed physician, licensed physician assistant, or advanced practice registered nurse, as
25 defined in 37-8-102, on a form prescribed by the department, the department may authorize a driver
26 rehabilitation specialist to issue a temporary medical assessment and rehabilitation driving permit to a person
27 who is not licensed to drive or whose license has expired under the provisions of this chapter for the purpose of
28 driver assessment, rehabilitation, and training.

1 (2) The temporary permit may be issued only to a person who is 16 years of age or older.

2 (3) The permit is valid for up to 6 weeks, beginning with the date of the first evaluation of the
3 permitholder by the driver rehabilitation specialist. The driver rehabilitation specialist shall sign and date the
4 permit at the time of the first evaluation.

5 (4) The permit is valid only when the permitholder is operating a motor vehicle under the immediate
6 supervision of the driver rehabilitation specialist during the permitholder's participation in an actual in-vehicle
7 evaluation process.

8 (5) The department may extend the duration of a medical assessment and rehabilitation permit for an
9 additional 6-week period if the driver rehabilitation specialist, licensed physician, licensed physician assistant,
10 or advanced practice registered nurse certifies that the permitholder needs additional time to complete the
11 driver assessment, rehabilitation, and training process.

12 (6) As used in this section, "driver rehabilitation specialist" means a person who:

13 (a) possesses current certification from the association of driver educators for the disabled as a driver
14 rehabilitation specialist; or

15 (b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a
16 disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment,
17 motor vehicle modification prescription, and driver education;

18 (ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,
19 occupational, or recreational therapy, or in a related profession; or

20 (B) has an equivalent of 8 years of experience in driver rehabilitation and education; and

21 (iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with
22 disabilities."

23

24 **Section 20.** Section 61-5-232, MCA, is amended to read:

25 **"61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant
26 to 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the
27 national driver register may petition the district court of the county in which the person resides for a restricted-
28 use driving permit for use only within the state of Montana if:

1 (a) the person has maintained continuous residence in Montana for at least 5 years and is not
2 otherwise ineligible for a license under 61-5-105;

3 (b) the person submits a certified driving record from the licensing agency of each state that has
4 reported the person's status as ineligible to the national driver register that shows that at least 5 years have
5 elapsed from the effective date of the most recent withdrawal of the person's driver's license or driving
6 privileges by the other state or states;

7 (c) for the 5-year period immediately preceding application for a restricted-use driving permit, the
8 person has not been convicted in any jurisdiction of a felony or misdemeanor offense;

9 (d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are
10 currently pending against the person;

11 (e) the person certifies that a good faith effort was made to resolve the person's ineligible status
12 through the licensing agency of each state or states that reported the person's status as ineligible to the
13 national driver register, including the payment of any pending fees or fines; and

14 (f) the person provides any other information required by department rule.

15 (2) The department may issue a restricted-use driving permit only to a person who satisfies all of the
16 requirements of this section as determined by a district court pursuant to subsection (1). A person who is issued
17 a restricted-use driving permit may use it only for an essential driving purpose as defined by the department.

18 (3) ~~For purposes of~~ As used in this section, the following definitions apply:

19 (a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving
20 privilege underlying a current ineligible status report made by another state's licensing agency to the national
21 driver register.

22 (b) "National driver register" means the registry established under 49 U.S.C. 30302.

23 (c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this
24 state for essential driving purposes only and that is issued by the department to a person whose status on the
25 national driver register is reported as ineligible to operate a motor vehicle other than a commercial motor
26 vehicle."

27

28 **Section 21.** Section 61-6-102, MCA, is amended to read:

1 **"61-6-102. Definitions.** As used in this part, unless the context clearly indicates a different meaning,
2 the following definitions apply:

3 (1) "Commercial automobile insurance coverage" means any coverage provided to an insured,
4 regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form
5 and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in
6 underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics,
7 including but not limited to experience rating, schedule rating, loss rating, or deductible rating.

8 (2) "Insurer" means an authorized insurer, as defined in 33-1-201, who issues or renews a motor
9 vehicle liability policy.

10 (3) "Judgment" means any judgment that has become final by expiration without appeal of the time
11 within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of
12 competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership,
13 maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services,
14 because of bodily injury to or death of any person or for damages because of injury to or destruction of
15 property, including the loss of use of property, or upon a cause of action on an agreement of settlement for
16 damages.

17 (4) "License" means a driver's license as defined in 61-1-101.

18 (5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than
19 500 vehicles in this state.

20 (6) (a) "Motor vehicle liability policy" means a policy of insurance issued or renewed by an insurer to a
21 person who owns or operates a motor vehicle that meets or exceeds the minimum coverage limits under 61-6-
22 103, including a policy certified as provided in 61-6-133 as proof of financial responsibility.

23 (b) A certificate filed for a nonresident as proof of financial responsibility under 61-6-134 must be
24 treated as a motor vehicle liability policy under this part.

25 (7) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of
26 this state pertaining to the operation by the nonresident of a motor vehicle or the use of a motor vehicle owned
27 by the nonresident in this state.

28 (8) "Person" means every natural person, firm, partnership, association, or corporation.

1 (9) "Proof of financial responsibility" means proof of ability to respond in damages for liability on
2 account of accidents occurring subsequent to the effective date of the proof of financial responsibility, arising
3 out of the ownership, maintenance, or use of a motor vehicle.

4 (10) "State" means any state, territory, or possession of the United States, the District of Columbia, or
5 any province of the Dominion of Canada.

6 (11) "Suspension" means the withdrawal, by action of the department, of a motor vehicle's registration,
7 as defined in 61-1-101, for a period of time prescribed by department rule.

8 (12) "System" means the online motor vehicle liability insurance verification system created in 61-6-
9 157."

10
11 **Section 22.** Section 61-8-376, MCA, is amended to read:

12 **"61-8-376. Authorized operation of electric personal assistive mobility devices.** Electric personal
13 assistive mobility devices, as defined in 61-1-101, are permitted to operate on sidewalks, unless they are
14 prohibited by official traffic control devices, on bike paths, and on roads and streets that have a speed limit of
15 35 miles an hour or less."

16
17 **Section 23.** Section 61-8-1001, MCA, is amended to read:

18 **"61-8-1001. Definitions.** As used in this part, unless the context requires otherwise and unless a
19 different meaning plainly is required, the following definitions apply:

20 (1) "Aggravated driving under the influence" means a person is in violation of 61-8-1002(1)(a), (1)(b),
21 (1)(c), or (1)(d) and:

22 (a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other
23 bodily substance, is 0.16 or more;

24 (b) the person is under the order of a court or the department to equip any motor vehicle the person
25 operates with an approved ignition interlock device;

26 (c) the person's driver's license or privilege to drive is suspended, cancelled, or revoked as a result of
27 a prior violation of driving under the influence, including a violation of 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an
28 offense that meets the definition of aggravated driving under the influence, or a similar offense under previous

1 laws of this state or the laws of another state; or

2 (d) the person refuses to give a breath sample as required in 61-8-1016 and the person's driver's
3 license or privilege to drive was suspended, cancelled, or revoked under the provisions of an implied consent
4 statute.

5 (2) "Alcoholic beverage" means a compound produced for human consumption as a drink that
6 contains 0.5% or more of alcohol by volume.

7 (3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of
8 alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

9 (4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more
10 passengers, including the driver.

11 (5) "Camper" has the meaning provided in 61-1-101.

12 (6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

13 (7) "Drug" means any substance that when taken into the human body can impair a person's ability to
14 operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

15 (8) "DUI court" means any court that has established a special docket for handling cases involving
16 persons convicted under 61-8-1007 or 61-8-1008 and that implements a program of incentives and sanctions
17 intended to assist a participant to complete treatment ordered pursuant to 61-8-1009 and to end the
18 participant's criminal behavior associated with the use of alcohol or drugs.

19 (9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

20 (10) "Motor home" has the meaning provided in 61-1-101.

21 (11) "Motor vehicle" has the meaning provided in 61-1-101.

22 (12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains
23 any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially
24 removed.

25 (13) "Passenger area" means the area designed to seat the driver and passengers while a motor
26 vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a
27 passenger is seated in the vehicle, including an unlocked glove compartment.

28 (14) "Under the influence" ~~means that as a result of taking into the body alcohol, drugs, or any~~

1 ~~combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished~~has the
2 meaning provided in 61-1-101.

3 (15) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle."
4

5 **Section 24.** Section 61-9-406, MCA, is amended to read:

6 **"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction devices --**

7 **definitions.** (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch
8 thick above the edge of the flange of the entire periphery.

9 (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a
10 metal tire in contact with the roadway.

11 (3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat,
12 spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction
13 surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will
14 not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the
15 traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may
16 not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the
17 manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when
18 required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. Except as
19 provided in subsection (4), the use of pneumatic tires embedded as provided in this section is permitted only
20 between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of
21 tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through
22 the following June 15.

23 (4) Pneumatic tires that feature an embedded block, stud, flange, cleat, spike, or other protuberance
24 that is retractable may be used at any time of the year. However, the protuberance may not be engaged or
25 extended other than between October 1 and May 31 of each year on roads that do not contain ice or snow.

26 (5) The department of transportation and local authorities, as defined in 61-8-102, in their respective
27 jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm
28 tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse

1 corrugations upon the periphery of the movable tracks, the operation of which upon the highway would
2 otherwise be prohibited under this section.

3 (6) The department of transportation may determine at any time that dangerous or unsafe conditions
4 on a highway require particular tires, tire chains, or traction devices for vehicles in addition to or beyond the
5 ordinary pneumatic rubber tires.

6 (7) The department of transportation shall place and maintain signs and other traffic control devices
7 on a highway designated under subsection (6) that indicate the tire, tire chain, or traction device requirement
8 determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic tires
9 embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the
10 department of transportation determines that chains are required and that no other traction devices will suffice,
11 the requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle,
12 including embedded tires. The signs or traffic control devices may differentiate in requirements for four-wheel-
13 drive vehicles in gear.

14 (8) A violation of subsection (6) or subsection (7) is subject to the penalties provided in 61-9-520.

15 ~~(8)~~(9) As used in this section:

16 (a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal
17 or other hard, nonresilient material; and

18 (b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the
19 load."

20
21 **Section 25.** Section 61-9-407, MCA, is amended to read:

22 **"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles — dimension and**
23 **location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle,
24 motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first
25 equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders,
26 splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and
27 deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle
28 and thrown into the air, as follows:

1 (a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and
2 forward of the center of the tire or tires over and to the rear of the tires.

3 (b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend
4 downward in full width from a point not lower than halfway between the center of the tire or tires and the top of
5 the tire or tires and to the rear of the tires.

6 (c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash
7 aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the
8 highway when the vehicle is empty.

9 (d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or
10 flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when
11 the vehicle is empty.

12 (2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

13 (a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections
14 of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of
15 the tire or of the combined width of the multiple tires; and

16 (b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water,
17 or other substance that may be picked up and carried by the wheel or wheels.

18 (3) This section does not apply to a street rod as defined in 61-1-101, motor vehicles not originally
19 equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps
20 were not required by federal law or regulation at the time of manufacture.

21 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-515."

22

23 **Section 26.** Section 61-9-409, MCA, is amended to read:

24 **"61-9-409. Seatbelts required in vehicles manufactured after 1964.** (1) An automobile that was
25 manufactured or assembled after January 1, 1965, and on or before January 1, 1968, must be equipped with
26 safety belts installed for use in the left front and right front seats.

27 (2) A motor vehicle manufactured after January 1, 1968, must be equipped at each designated
28 seating position with a safety belt system required for that seating position by the standards of the United

1 States department of transportation at the time that the vehicle was manufactured.

2 (3) The safety belts required by this section must remain installed and in good working condition.

3 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-516."

4

5 **Section 27.** Section 61-9-416, MCA, is amended to read:

6 **"61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a
7 motor vehicle operating for compensation that is equipped with specialized equipment designed and intended
8 for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on
9 the public roadways. If a tow truck owner or operator's business profits or benefits in any way from towing a
10 vehicle, the tow truck must be considered a commercial tow truck for the purposes of Title 61, chapter 8, and
11 this chapter.

12 (2) A commercial tow truck must be equipped with:

13 (a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors
14 must be of a type approved by the department.

15 (b) at least two highway warning signs as provided in 61-9-431.

16 (c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire
17 extinguisher, approved by the department;

18 (d) a lamp emitting a flashing red or amber light meeting the requirements of 61-9-402(7), or both a
19 red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can
20 be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet
21 under normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of
22 the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the
23 disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position
24 considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light
25 must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position.

26 Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck
27 during the period of preparation at the location from which the disabled vehicle is to be towed.

28 (e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from

1 the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle
2 that is to be towed;

3 (f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle
4 shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled
5 vehicle; and

6 (g) a portable electrical extension cord or other device for use in displaying stop, turn, and taillamps
7 on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the
8 combined vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light that
9 is capable of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other device
10 referred to in this subsection.

11 (3) The operator of a commercial tow truck used for the purpose of rendering assistance to other
12 vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place
13 a highway warning sign as required in 61-9-431.

14 (4) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906
15 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering
16 assistance to a disabled vehicle, notwithstanding other provisions of this code.

17 (5) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an
18 emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in
19 response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-
20 threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs,
21 damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of 61-9-402(5).

22 (6) A person convicted of violating this section is subject to the penalties provided in 61-9-517."

23

24 **Section 28.** Section 61-9-417, MCA, is amended to read:

25 **61-9-417. Headgear required for minor motorcycle riders.** (1) (a) Except as provided in
26 subsection (1)(b), an operator and passenger under 18 years of age of a motorcycle or quadricycle operated on
27 the streets or highways of this state shall wear protective headgear on the head. The headgear must meet
28 standards established by the department of justice.

1 (b) This section does not apply to an operator and passenger of an autocycle ~~as defined in 61-1-101~~
2 that is completely enclosed with a windshield, nonremovable doors, and a roof.

3 (2) A person may not operate a motorcycle upon a highway in the state unless all passengers under
4 18 years of age are in compliance with subsection (1).

5 (3) A person convicted of violating this section is subject to the penalty provided in 61-9-518.
6

7 **Section 29.** Section 61-9-430, MCA, is amended to read:

8 **"61-9-430. Bumpers.** (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating
9 registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be
10 equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make
11 installation impractical or unnecessary, with a rear bumper.

12 (2) This section does not apply to a street rod, ~~as defined in 61-1-101~~, vehicles not originally equipped
13 with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the
14 time of manufacture."
15

16 **Section 30.** Section 61-9-432, MCA, is amended to read:

17 **"61-9-432. Low-speed and medium-speed electric vehicles -- required equipment.** (1) Low-speed
18 electric vehicles and medium-speed electric vehicles, ~~as defined in 61-1-101~~, must be equipped with:

19 (a) headlamps, front and rear turn signal lamps, taillamps, and stop lamps;

20 (b) three red reflectors, two of which must be placed on each side as far to the rear of the vehicle as
21 practicable, and one of which must be placed on the rear of the vehicle;

22 (c) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted
23 on the passenger's side of the vehicle or an interior mirror;

24 (d) a parking brake;

25 (e) a windshield that conforms to the federal motor vehicle safety standard provided in 49 CFR
26 571.205; and

27 (f) a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 CFR
28 571.209.

1 (2) A medium-speed electric vehicle must be equipped with a roll bar, roll cage, or crush-proof body
2 design."

3

4 **Section 31.** Section 61-9-437, MCA, is amended to read:

5 **"61-9-437. Airbag fraud prohibition.** (1) A person may not knowingly:

6 (a) import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit
7 supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with
8 Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make,
9 model, and year of the motor vehicle;

10 (b) sell, offer for sale, install, or reinstall in a motor vehicle a device that causes a motor vehicle's
11 diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag;
12 or

13 (c) sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental
14 restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor
15 Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of
16 the motor vehicle has been installed as part of the motor vehicle's restraint system.

17 (2) A person who violates this section is subject to the penalties provided in 61-9-522.

18 (3) As used in this section:

19 (a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a
20 supplemental restraint system.

21 (b) "Counterfeit supplemental restraint system component" means a replacement supplemental
22 restraint system component, including but not limited to an airbag, that displays a mark identical to, or
23 substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the
24 manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively.

25 (c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:

26 (i) the airbag was previously deployed or damaged;

27 (ii) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the
28 installation procedure is completed and the vehicle is returned to the customer who requested the work to be

1 performed or when ownership is intended to be transferred;

2 (iii) the airbag includes a part or object, including a supplemental restraint system component, that is
3 installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional
4 airbag has been installed; or

5 (iv) the airbag is subject to the prohibitions of 49 U.S.C. 30120(j), as of February 12, 2023.

6 (d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash
7 protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. A
8 supplemental restraint system includes one or more airbags and all components required to ensure that an
9 airbag works as designed by the vehicle manufacturer including both of the following:

10 (i) the airbag operates as designed in the event of a crash; and

11 (ii) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model,
12 and year of the vehicle in which it is or will be installed.

13 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-522.

14

15 **Section 32.** Section 61-9-518, MCA, is amended to read:

16 **"61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** ~~(1)~~A person convicted
17 of the violation of 61-9-417 shall be fined \$5-

18 ~~(2) A person convicted of the violation of 61-9-418 shall be punished by a fine of not less than \$10 or~~
19 ~~more than \$100 for the first conviction. For a second conviction within 1 year, the person shall be punished by a~~
20 ~~fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first~~
21 ~~conviction, the person shall be punished by a fine of not less than \$50 or more than \$500."~~

22

23 **Section 33.** Section 61-10-102, MCA, is amended to read:

24 **"61-10-102. Width -- definitions.** (1) Except as provided in subsections (2) and (3), a vehicle,
25 including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width
26 for buses is allowed only on paved highways 20 feet or more in width.

27 (2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay
28 that is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if

1 the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle
 2 used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by
 3 flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15
 4 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the
 5 farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet
 6 the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used
 7 for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be
 8 preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted
 9 to a county road within 100 miles of the farming operation of the owner.

10 (b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in
 11 width and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

12 (c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be
 13 granted a permit subject to the provisions of 61-10-121 through 61-10-127.

14 (d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway
 15 during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of
 16 the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit
 17 issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be
 18 preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4)
 19 must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does
 20 not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to
 21 movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed
 22 limit, including the speed limit on an interstate highway.

23 (3) ~~(a)~~ The width of a recreational vehicle, ~~as defined in 61-1-101~~, and a camper, ~~as defined in 61-1-~~
 24 ~~101~~, that is being operated for noncommercial purposes may exceed 102 inches if:

25 ~~(i)(a)~~ the excess width is attributable to recreational vehicle or camper appurtenances that do not
 26 extend beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by
 27 the recreational vehicle, or the motor vehicle providing motive power; and

28 ~~(i)(b)~~ the rearview mirrors extend only the distance necessary to provide the appropriate field of view

1 for the vehicle before the recreational vehicle or camper appurtenances are attached.

2 ~~(b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an awning~~
3 ~~and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or~~
4 ~~camper and that is installed by the manufacturer or dealer.~~

5 (4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be
6 necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided
7 in subsection (1).

8 (5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for a
9 vehicle that exceeds 12 1/2 feet in width, that is hauling or towing an implement of husbandry,
10 construction equipment, or forestry equipment, and that is operating under this section or as authorized by
11 special permit issued under 61-10-121 through 61-10-125 if the vehicle is operating at highway speed or with
12 the flow of traffic.

13 (6) ~~For the purposes of~~As used in this section, the following definitions apply:

14 (a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for and
15 used in construction, heavy construction, highway construction, and remodeling work.

16 (b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation rule
17 to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed.

18 (c) "Recreational vehicle or camper appurtenances" means an awning and its support hardware or any
19 appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed by
20 the manufacturer or dealer."

21

22 **Section 34.** Section 61-10-141, MCA, is amended to read:

23 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**

24 **definition.** (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation
25 may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
26 recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered
27 site or stationary scales. The peace officer, officer of the highway patrol, or employee of the department of
28 transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use

1 of portable scales if those stationary scales or an engineered site is within 2 miles.

2 (b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-
3 101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the
4 highway patrol, or employee of the department of transportation may then require the driver to unload at a
5 designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the
6 maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the
7 excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-
8 10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the
9 load can be safely reduced to legal limits.

10 (2) Commodities and material unloaded as required by this section must be cared for by the owner or
11 operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by
12 this section may not be left on the highway right-of-way.

13 (3) The department of transportation may establish, maintain, and operate weigh stations, either
14 intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative
15 rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the
16 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety
17 requirements. The department may require vehicles over 10,000 pounds, except those exempted by
18 department administrative rule, to be inspected and weighed by portable scale crews when the portable scales
19 are used on an engineered site.

20 (4) ~~For the purposes of~~As used in this section, "engineered site" means:

21 (a) a turnout designed and constructed by the department of transportation that has indents in the
22 pavement to level portable scales; or

23 (b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals
24 and specifications."

25

26 **Section 35.** Section 61-11-101, MCA, is amended to read:

27 **"61-11-101. Report of convictions and suspension or revocation of driver's licenses --**

28 **surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8,

1 makes mandatory the revocation of the driver's license or commercial driver's license of the person by the
2 department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then
3 held by the convicted person. The court shall forward the conviction to the department and destroy the driver's
4 licenses.

5 (2) A court having jurisdiction over offenses committed under a statute of this state or a municipal
6 ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or
7 ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days
8 after the conviction. The court may recommend that the department issue a restricted probationary license on
9 the condition that the individual comply with the requirement that the person attend and complete a chemical
10 dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

11 (3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any
12 action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication
13 upon which it is based to the department within 5 days on forms furnished by the department.

14 (4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's
15 license or who is required to hold a commercial driver's license, a court may not take any action, including
16 deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic
17 control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the
18 person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who
19 holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to
20 the conviction of a person who holds any other type of driver's license.

21 (b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers
22 to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle
23 at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in
24 subsection (1).

25 (5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-
26 203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol
27 or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in
28 which the conviction occurs shall require the person to surrender the registry identification card or license.

1 (b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy
2 of the conviction to the department of revenue.

3 (6) A person convicted of violating this section is subject to the penalties provided in 61-5-307."
4

5 NEW SECTION. SECTION 36. {standard} Repealer. The following sections of the Montana Code
6 Annotated are repealed:

7 61-9-513. Violation of general lighting requirement and slow-moving vehicle provisions -- penalty.

8 61-9-514. Unauthorized use of firefighter's private vehicle -- penalty.
9

10 NEW SECTION. SECTION 37. {standard} Repealer. The following sections of the Montana Code
11 Annotated are repealed:

12 61-9-519. Violation of tire restrictions -- penalty.
13
14

15 NEW SECTION. Section 38. Codification instruction. [Section 1] is intended to be codified as an
16 integral part of Title 61, chapter 3, part 1, and the provisions of Title 61, chapter 3, part 1, apply to [section 1].
17

- END -