

HOUSE BILL NO. 209

INTRODUCED BY WALLIN, LYNCH, THAYER,  
H. S. HANSON, PAVLOVICH, BENEDICT

IN THE HOUSE

JANUARY 16, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & ECONOMIC DEVELOPMENT.

                                  FIRST READING.

JANUARY 21, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS.   REPORT ADOPTED.

JANUARY 22, 1991                   PRINTING REPORT.

JANUARY 23, 1991                   SECOND READING, DO PASS.

JANUARY 24, 1991                   ENGROSSING REPORT.

JANUARY 25, 1991                   THIRD READING, PASSED.  
AYES, 96; NOES, 0.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 25, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & INDUSTRY.

                                  FIRST READING.

MARCH 18, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED.   REPORT  
ADOPTED.

MARCH 20, 1991                   SECOND READING, CONCURRED IN.

MARCH 21, 1991                   THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991                   RECEIVED FROM SENATE.

                                  SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 209

INTRODUCED BY

*Wade Smith*  
*H. Hansen*  
*Patrick Siefert*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SECURITY INTEREST IN A MOTOR VEHICLE IS PERFECTED ON THE DATE THE LIEN NOTICE IS DELIVERED TO THE COUNTY TREASURER; AND AMENDING SECTION 61-3-103, MCA."

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

**Section 1.** Section 61-3-103, MCA, is amended to read:

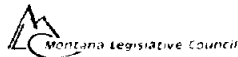
"61-3-103. Filing of security interests, perfection, rights, procedure, fees. (1) No security interest in a motor vehicle shall be valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, on a form approved by the department, that shows a security interest has been created, has been ~~filed with the department~~ perfected as provided in this section. The department shall not file any security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and

the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess such motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under the provisions of 61-4-101, must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected ~~by filing~~ under this section, the Department shall endorse on the face of the certificate of ownership, "NOTICE". This motor vehicle is subject to

INTRODUCED BILL  
HB 209



1 additional security interests on file with the Department of  
2 Justice." No other information regarding such additional  
3 security interests need be endorsed on the certificate.

4 (4) Satisfactions or statements of release filed with  
5 the department under this chapter shall be retained by it  
6 for a period of 8 years after receipt, after which they may  
7 be destroyed.

8 ~~(5) The filing of a~~ security interest or other lien,  
9 as herein provided in this section, perfects a security  
10 interest which has attached at the time the certificate of  
11 ownership noting such interest is issued is perfected on the  
12 date the lien notice is delivered to the county treasurer.  
13 On that date, the county treasurer shall issue to the  
14 secured party a receipt evidencing the perfection. Issuance  
15 of a certificate of ownership Perfection under this section  
16 constitutes constructive notice to subsequent purchasers or  
17 encumbrancers, from the time of filing date of delivery of  
18 the lien notice to the county treasurer, of the existence of  
19 the security interest.

20 (6) Upon default under a chattel mortgage or  
21 conditional sales contract covering a motor vehicle, the  
22 mortgagee or vendor has the same remedies as in the case of  
23 other personal property. In case of attachment of motor  
24 vehicles all the provisions of 27-18-413, 27-18-414, and  
25 27-18-804 shall be applicable except that deposits must be

1 made with the department.

2 (7) A conditional sales vendor or chattel mortgagee or  
3 assignee who fails to file a satisfaction of a chattel  
4 mortgage, assignment, or conditional sales contract within  
5 15 days after receiving final payment shall be required to  
6 pay the department the sum of \$1 for each day thereafter  
7 that he fails to file such satisfaction.

8 (8) Upon receipt of any liens, or notice of liens  
9 dependent on possession, or attachments, etc., against the  
10 record of any motor vehicle registered in this state, the  
11 department shall within 24 hours mail to the owner,  
12 conditional sale vendor, mortgagees, or assignees of any  
13 thereof a notice showing the name and address of the lien  
14 claimant, amount of the lien, date of execution of lien, and  
15 in the case of attachment the full title of the court and  
16 the action and the name of the attorneys for the plaintiff  
17 and/or attaching creditor.

18 (9) It shall not be necessary to refile with the  
19 department any instruments on file in the offices of the  
20 county clerk and recorders at the time this law takes  
21 effect.

22 (10) A fee of \$4 must be paid to the department to file  
23 any security interest or other lien against a motor vehicle.  
24 The \$4 fee shall include and cover the cost of filing a  
25 satisfaction or release of the security interest and also

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1 the cost of entering such satisfaction or release on the  
2 records of the department and deleting the endorsement of  
3 the security interest from the face of the certificate of  
4 ownership. A fee of \$4 must be paid the department for  
5 issuing a certified copy of a certificate of ownership  
6 subject to a security interest or other lien on file in the  
7 office of the department, or for filing an assignment of any  
8 security interest or other lien on file with the department.  
9 All fees provided for in this section must be paid to the  
10 county treasurer for deposit in the state general fund in  
11 accordance with 15-1-504."

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0209, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would provide that a security interest in a motor vehicle is perfected on the date the lien notice is delivered to the county treasurer.

ASSUMPTIONS:

1. Approximately 150,000 four-part receipt forms will be needed each year of the biennium to perfect motor vehicle liens at an estimated cost of \$60 per thousand forms.
2. Current law is represented by the executive budget recommendation for the Registrar's Bureau, Motor Vehicle Division, Department of Justice.

FISCAL IMPACT:

Department of Justice-Registrar's Bureau

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	73.00	73.00	0.00	73.00	73.00	0.00
Personal Services	1,480,197	1,480,197	0	1,478,939	1,478,939	0
Operating Costs	808,653	817,653	9,000	816,289	825,289	9,000
Equipment	7,200	7,200	0	7,200	7,200	0
Total	2,296,050	2,305,050	9,000	2,302,428	2,311,428	9,000
<u>Funding:</u>						
General Fund (01)	2,296,050	2,305,050	9,000	2,302,428	2,311,428	9,000
General Fund Impact			(9,000)			(9,000)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The bill would have minimal impact upon expenditures of county treasurers.

Rod Sundsted 1-26-91  
ROD SUNDSTED, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Norm Wallin 1-29-91  
NORM WALLIN, PRIMARY SPONSOR DATE

Fiscal Note for HB0209, second reading

**HB209**

**SECOND READING**

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1 *HOUSE* BILL NO. *209*  
 2 INTRODUCED BY *Wade Smith*  
 3 *John P. ...* *H.S. Hansson* *Patrick Senefrost*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A  
 5 SECURITY INTEREST IN A MOTOR VEHICLE IS PERFECTED ON THE  
 6 DATE THE LIEN NOTICE IS DELIVERED TO THE COUNTY TREASURER;  
 7 AND AMENDING SECTION 61-3-103, MCA."

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

10 **Section 1.** Section 61-3-103, MCA, is amended to read:

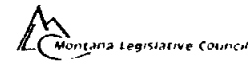
11 "61-3-103. Filing of security interests, perfection,  
 12 rights, procedure, fees. (1) No security interest in a motor  
 13 vehicle shall be valid as against creditors, subsequent  
 14 purchasers, or encumbrancers unless a lien notice, on a form  
 15 approved by the department, that shows a security interest  
 16 has been created, has been ~~filed--with--the--department~~  
 17 perfected as provided in this section. The department shall  
 18 not file any security interest or other lien unless it is  
 19 accompanied by or specified in the application for a  
 20 certificate of ownership of the vehicle encumbered. If the  
 21 approved notice form is transmitted to the department, the  
 22 security agreement or other lien instrument that creates the  
 23 security interest must be retained by the secured party. A  
 24 copy of the security agreement is sufficient as a lien  
 25 notice if it contains the name and address of the debtor and

1 the secured party, the complete vehicle description, amount  
 2 of lien, and is signed by the debtor. The department shall  
 3 file the security interest or lien by entering the name and  
 4 address of the secured party upon the face of the  
 5 certificate of ownership. The department shall mail a  
 6 statement certifying to the filing of a security interest or  
 7 lien to the secured party. The department shall mail the  
 8 certificate of ownership to the owner at the address given  
 9 on the certificate; however, if the transfer of ownership  
 10 and filing of the security interest are paid for by a  
 11 creditor or secured party, the department shall return the  
 12 certificate of ownership to the county treasurer where the  
 13 vehicle is to be registered. The owner of a motor vehicle is  
 14 the person entitled to operate and possess such motor  
 15 vehicle.

16 (2) A security interest in a motor vehicle held as  
 17 inventory by a dealer licensed under the provisions of  
 18 61-4-101, must be perfected in accordance with Title 30,  
 19 chapter 9, and no endorsement on the certificate of title is  
 20 necessary for perfection.

21 (3) Whenever a security interest or lien is filed  
 22 against a motor vehicle that is subject to two security  
 23 interests previously perfected ~~by-filing~~ under this section,  
 24 the department shall endorse on the face of the certificate  
 25 of ownership, "NOTICE". This motor vehicle is subject to

SECOND READING  
HB 209



1 additional security interests on file with the Department of  
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17 encumbrancers, from the ~~time of filing~~ date of delivery of  
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20 (6) Upon default under a chattel mortgage or  
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1 made with the department.

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3 assignee who fails to file a satisfaction of a chattel  
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5 15 days after receiving final payment shall be required to  
6 pay the department the sum of \$1 for each day thereafter  
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9 dependent on possession, or attachments, etc., against the  
10 record of any motor vehicle registered in this state, the  
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12 conditional sale vendor, mortgagees, or assignees of any  
13 thereof a notice showing the name and address of the lien  
14 claimant, amount of the lien, date of execution of lien, and  
15 in the case of attachment the full title of the court and  
16 the action and the name of the attorneys for the plaintiff  
17 and/or attaching creditor.

18 (9) It shall not be necessary to refile with the  
19 department any instruments on file in the offices of the  
20 county clerk and recorders at the time this law takes  
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8 security interest or other lien on file with the department.  
9 All fees provided for in this section must be paid to the  
10 county treasurer for deposit in the state general fund in  
11 accordance with 15-1-504."

-End-

1 *HOUSE BILL NO. 209*  
 2 INTRODUCED BY *Wade Lynch*  
 3 *Ed Byrd* *H. St. Hansen* *Patricia Benedict*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A  
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21 (3) Whenever a security interest or lien is filed  
 22 against a motor vehicle that is subject to two security  
 23 interests previously perfected by-filing under this section,  
 24 the department shall endorse on the face of the certificate  
 25 of ownership, "NOTICE. This motor vehicle is subject to

THIRD READING  
 HB 209



1 additional security interests on file with the Department of  
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5 the department under this chapter shall be retained by it  
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13 On that date, the county treasurer shall issue to the  
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15 ~~of a certificate of ownership~~ Perfection under this section  
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20 (6) Upon default under a chattel mortgage or  
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3 assignee who fails to file a satisfaction of a chattel  
4 mortgage, assignment, or conditional sales contract within  
5 15 days after receiving final payment shall be required to  
6 pay the department the sum of \$1 for each day thereafter  
7 that he fails to file such satisfaction.

8 (8) Upon receipt of any liens, or notice of liens  
9 dependent on possession, or attachments, etc., against the  
10 record of any motor vehicle registered in this state, the  
11 department shall within 24 hours mail to the owner,  
12 conditional sale vendor, mortgagees, or assignees of any  
13 thereof a notice showing the name and address of the lien  
14 claimant, amount of the lien, date of execution of lien, and  
15 in the case of attachment the full title of the court and  
16 the action and the name of the attorneys for the plaintiff  
17 and/or attaching creditor.

18 (9) It shall not be necessary to refile with the  
19 department any instruments on file in the offices of the  
20 county clerk and recorders at the time this law takes  
21 effect.

22 (10) A fee of \$4 must be paid to the department to file  
23 any security interest or other lien against a motor vehicle.  
24 The \$4 fee shall include and cover the cost of filing a  
25 satisfaction or release of the security interest and also

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3 the security interest from the face of the certificate of  
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8 security interest or other lien on file with the department.  
9 All fees provided for in this section must be paid to the  
10 county treasurer for deposit in the state general fund in  
11 accordance with 15-1-504."

-End-

HOUSE BILL NO. 209

INTRODUCED BY WALLIN, LYNCH, THAYER,

H. S. HANSON, PAVLOVICH, BENEDICT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SECURITY INTEREST IN A MOTOR VEHICLE, BOAT, SNOWMOBILE, OR OFF-HIGHWAY VEHICLE IS PERFECTED ON THE DATE THE LIEN NOTICE IS DELIVERED TO THE COUNTY TREASURER; AND AMENDING SECTION SECTIONS 23-2-508, 23-2-611, 23-2-811, AND 61-3-103, MCA."

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

**Section 1.** Section 61-3-103, MCA, is amended to read:

**"61-3-103. Filing of security interests, perfection, rights, procedure, fees.** (1) No security interest in a motor vehicle shall be valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, on a form approved by the department, that shows a security interest has been created, has been ~~filed--with--the--department~~ perfected as provided in this section. The department shall not file any security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A

copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess such motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under the provisions of 61-4-101, must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected ~~by-filing~~ under this section,



1 the department shall endorse on the face of the certificate  
 2 of ownership, "NOTICE. This motor vehicle is subject to  
 3 additional security interests on file with the Department of  
 4 Justice." No other information regarding such additional  
 5 security interests need be endorsed on the certificate.

6 (4) Satisfactions or statements of release filed with  
 7 the department under this chapter shall be retained by it  
 8 for a period of 8 years after receipt, after which they may  
 9 be destroyed.

10 (5) ~~The filing of a~~ A security interest or other lien,  
 11 as herein provided in this section, perfects a security  
 12 interest which has attached at the time the certificate of  
 13 ownership noting such interest is issued is perfected on the  
 14 date the lien notice is AND THE CERTIFICATE OF OWNERSHIP OR  
 15 MANUFACTURER'S STATEMENT OF ORIGIN ARE delivered to the  
 16 county treasurer. On that date, the county treasurer shall  
 17 issue to the secured party a receipt evidencing the  
 18 perfection. Issuance of a certificate of ownership  
 19 Perfection under this section constitutes constructive  
 20 notice to subsequent purchasers or encumbrancers, from the  
 21 time of filing date of delivery of the lien notice to the  
 22 county treasurer, of the existence of the security interest.

23 (6) SECURITY INTERESTS OR OTHER LIEN FILINGS THAT DO  
 24 NOT REQUIRE TRANSFER OF OWNERSHIP ARE PERFECTED WHEN  
 25 RECEIVED BY THE DEPARTMENT. ON THAT DATE, THE DEPARTMENT

1 SHALL ISSUE TO THE SECURED PARTY A RECEIPT EVIDENCING THE  
 2 PERFECTION. PERFECTION UNDER THIS SUBSECTION CONSTITUTES  
 3 CONSTRUCTIVE NOTICE TO SUBSEQUENT PURCHASERS OR  
 4 ENCUMBRANCERS, FROM THE DATE THE LIEN NOTICE IS DELIVERED TO  
 5 THE DEPARTMENT, OF THE EXISTENCE OF THE SECURITY INTEREST.

6 +6+(7) Upon default under a chattel mortgage or  
 7 conditional sales contract covering a motor vehicle, the  
 8 mortgagee or vendor has the same remedies as in the case of  
 9 other personal property. In case of attachment of motor  
 10 vehicles all the provisions of 27-18-413, 27-18-414, and  
 11 27-18-804 shall be applicable except that deposits must be  
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 24 thereof a notice showing the name and address of the lien  
 25 claimant, amount of the lien, date of execution of lien, and

1 in the case of attachment the full title of the court and  
2 the action and the name of the attorneys for the plaintiff  
3 and/or attaching creditor.

4 ~~(9)~~(10) It shall not be necessary to refile with the  
5 department any instruments on file in the offices of the  
6 county clerk and recorders at the time this law takes  
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8 ~~(10)~~(11) A fee of \$4 must be paid to the department to  
9 file any security interest or other lien against a motor  
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17 ownership subject to a security interest or other lien on  
18 file in the office of the department, or for filing an  
19 assignment of any security interest or other lien on file  
20 with the department. All fees provided for in this section  
21 must be paid to the county treasurer for deposit in the  
22 state general fund in accordance with 15-1-504."

23 **SECTION 2. SECTION 23-2-508, MCA, IS AMENDED TO READ:**

24 "23-2-508. Certificate of ownership -- filing of  
25 security interests. (1) Except as provided in subsection

1 (9), a motorboat or sailboat 12 feet in length or longer may  
2 not be operated upon the waters of the state unless a  
3 certificate of ownership has first been obtained from the  
4 department of justice in accordance with the laws of this  
5 state.

6 (2) The owner of a motorboat or sailboat 12 feet in  
7 length or longer shall apply for a certificate of ownership  
8 and a certificate of number with the county treasurer of the  
9 county in which the owner resides, upon forms furnished by  
10 the department of justice. The forms must require the  
11 following information:

- 12 (a) name of the owner;
- 13 (b) residence of the owner, by town or county;
- 14 (c) business or home address of the owner;
- 15 (d) name and address of any lienholder;
- 16 (e) amount due under any contract or lien;
- 17 (f) name of the manufacturer;
- 18 (g) model number or name;
- 19 (h) identification number;
- 20 (i) name and address of the dealer or other person from  
21 whom acquired, if known; and
- 22 (j) such other information as the department of justice  
23 may require.

24 (3) The application is to be accompanied by  
25 documentation of ownership, such as an invoice, bill of

1 sale, foreign title, official certificate of boat number,  
 2 fee in lieu of tax receipt, or a certificate of ownership of  
 3 a trailer purchased with the motorboat or sailboat. An  
 4 applicant who fails to provide such proof of ownership shall  
 5 provide a certified statement describing how the motorboat  
 6 or sailboat 12 feet in length or longer was acquired, from  
 7 whom acquired if known, and other information requested by  
 8 the department of justice.

9 (4) If a certificate of ownership has previously been  
 10 issued under the provisions of this part, the application  
 11 for a new certificate must be accompanied by the immediately  
 12 previous certificate. This subsection does not apply to  
 13 motorboats or sailboats 12 feet in length or longer that are  
 14 purchased as new and unused vessels or that were operated  
 15 when the provisions of this part were not in force and  
 16 effect.

17 (5) Any motorboat or sailboat 12 feet in length or  
 18 longer that does not have a manufacturer's or other  
 19 identifying number thereon must be assigned an  
 20 identification number by the department of fish, wildlife,  
 21 and parks. A fee of \$1 must be paid to the department for an  
 22 assignment of number.

23 (6) Upon completion of the application, the county  
 24 treasurer shall issue to the applicant two copies of the  
 25 certificate of number application, one of which must be

1 marked "file copy". The treasurer shall forward one copy and  
 2 the original application for a certificate of ownership to  
 3 the department of justice, which shall enter the information  
 4 contained in the application upon the corresponding records  
 5 of its office, and shall furnish the applicant a certificate  
 6 of ownership containing that information in the application  
 7 considered necessary by the department and a permanent boat  
 8 number. The certificate of ownership need not be renewed  
 9 annually and is valid as long as the person holding it owns  
 10 the vessel.

11 (7) The owner shall at all times retain possession of  
 12 the certificate of ownership, except when it is being  
 13 transmitted to and from the department of justice for  
 14 endorsement or cancellation.

15 (8) Upon application for a certificate of ownership, a  
 16 fee of \$5 must be paid to the county treasurer, \$3.50 of  
 17 which must be forwarded by the county treasurer to the  
 18 department of justice and deposited in the general fund.

19 (9) A person who, on July 1, 1988, is the owner of a  
 20 motorboat or sailboat 12 feet in length or longer with a  
 21 valid certificate of number issued by the state is not  
 22 required to file an application for a certificate of  
 23 ownership for the motorboat or sailboat unless he transfers  
 24 a part of his interest in the motorboat or sailboat or he  
 25 renews the certificate of number for the motorboat or



1 sailboat.

2 (10) A security interest in a boat is not valid as  
3 against creditors, subsequent purchasers, or encumbrancers  
4 unless a lien notice, showing that a security interest has  
5 been created, has been ~~filed with the department of justice~~  
6 perfected as provided in this section. The lien notice must  
7 be filed on a form approved by the department [of justice].  
8 The department of justice may not file a security interest  
9 or other lien unless it is accompanied by or specified in  
10 the application for a certificate of ownership of the boat  
11 encumbered. If the lien notice is transmitted to the  
12 department of justice, the security agreement or other lien  
13 instrument that creates the security interest must be  
14 retained by the secured party. A copy of the security  
15 agreement is sufficient as a lien notice if it contains the  
16 name and address of the debtor and the secured party, the  
17 complete boat description, the amount of the lien, and the  
18 signature of the debtor. The department of justice shall  
19 file the security interest or lien by entering the name and  
20 address of the secured party upon the face of the  
21 certificate of ownership. The department of justice shall  
22 mail a statement certifying the filing of a security  
23 interest or lien to the secured party. The department of  
24 justice shall mail the certificate of ownership to the owner  
25 at the address given on the certificate; however, if the

1 transfer of ownership and filing of the security interest  
2 are paid for by a creditor or secured party, the department  
3 of justice shall return the certificate of ownership to the  
4 county treasurer of the county where the boat is to be  
5 registered. The owner of a boat is the person entitled to  
6 operate and possess the boat.

7 (11) A security interest in a boat held as inventory by  
8 a dealer must be perfected in accordance with Title 30,  
9 chapter 9, and no endorsement on the certificate of title is  
10 necessary for perfection.

11 (12) Whenever a security interest or lien is filed  
12 against a boat that is subject to two security interests  
13 previously perfected ~~by filing~~ under this section, the  
14 department of justice shall endorse on the face of the  
15 certificate of ownership: "NOTICE. This boat is subject to  
16 additional security interest on file with the Department of  
17 Justice." No other information regarding the additional  
18 security interests need be endorsed on the certificate.

19 (13) Satisfactions or statements of release filed with  
20 the department of justice under this part must be retained  
21 for a period of 8 years after receipt, after which they may  
22 be destroyed.

23 (14) ~~The filing of a~~ A security interest or other lien  
24 as herein provided in this section ~~perfects a security~~  
25 ~~interest that has attached at the time the certificate of~~

1 ~~ownership-noting-the-interest-is-issued~~ is perfected on the  
 2 date the lien notice is delivered to the county treasurer.  
 3 On that date, the county treasurer shall issue to the  
 4 secured party a receipt evidencing the perfection. Issuance  
 5 of-a-certificate-of-ownership Perfection under this section  
 6 constitutes constructive notice to subsequent purchasers or  
 7 encumbrancers, from the ~~time-of-filing~~ date of delivery of  
 8 the lien notice to the county treasurer, of the existence of  
 9 the security interest.

10 (15) Upon default under a chattel mortgage or  
 11 conditional sales contract covering a boat, the mortgagee or  
 12 vendor has the same remedies as in the case of other  
 13 personal property. In case of attachment of a boat all the  
 14 provisions of 27-18-413, 27-18-414, and 27-18-804 are  
 15 applicable, except that deposits must be made with the  
 16 department of justice.

17 (16) A conditional sales vendor or chattel mortgagee or  
 18 assignee who fails to file a satisfaction of a chattel  
 19 mortgage, assignment, or conditional sales contract within  
 20 15 days after receiving final payment is required to pay the  
 21 department of justice the sum of \$1 for each day that he  
 22 fails to file the satisfaction.

23 (17) Upon receipt of any liens, notice of liens  
 24 dependent on possession, or attachments against the record  
 25 of any boat registered in this state, the department of

1 justice shall within 24 hours mail to the owner, conditional  
 2 sales vendor, mortgagee, or their assignee a notice showing  
 3 the name and address of the lien claimant, the amount of the  
 4 lien, the date of execution of the lien, and, in the case of  
 5 attachment, the full title of the court, the action, and the  
 6 name of the attorney for the plaintiff or the name of the  
 7 attaching creditor, or both.

8 (18) It is not necessary to refile with the department  
 9 of justice any instruments on file in the office of any  
 10 county clerk and recorder on October 1, 1989.

11 (19) A fee of \$4 must be paid to the department of  
 12 justice to file any security interest or other lien against  
 13 a boat. The \$4 fee must cover the cost of filing a  
 14 satisfaction or release of the security interest and the  
 15 cost of entering the satisfaction or release on the records  
 16 of the department of justice and deleting the endorsement of  
 17 the security interest from the face of the certificate of  
 18 ownership. A fee of \$4 must be paid to the department of  
 19 justice for issuing a certified copy of a certificate of  
 20 ownership subject to a security interest or other lien on  
 21 file with the department of justice or for filing an  
 22 assignment of any security interest or other lien on file  
 23 with the department of justice. All fees provided for in  
 24 this section must be paid to the county treasurer for  
 25 deposit in the general fund in accordance with 15-1-504."

1        **SECTION 3. SECTION 23-2-611, MCA, IS AMENDED TO READ:**

2        "23-2-611. Certificate of ownership -- filing of  
3 security interests. (1) A snowmobile may not be operated  
4 upon any public lands, trails, easements, lakes, rivers,  
5 streams, roadways or shoulders of roadways, streets, or  
6 highways unless a certificate of ownership has first been  
7 obtained from the department of justice in accordance with  
8 the laws of this state.

9        (2) The owner of a snowmobile shall apply for a  
10 certificate of ownership with the county treasurer of the  
11 county in which the owner resides, upon forms to be  
12 furnished for this purpose. The forms must require the  
13 following information:

- 14        (a) name of the owner;
- 15        (b) residence of the owner, by town and county;
- 16        (c) business or home mail address of the owner;
- 17        (d) name and address of any lienholder;
- 18        (e) amount due under any contract or lien;
- 19        (f) name of the manufacturer;
- 20        (g) model number or name;
- 21        (h) identification number; and
- 22        (i) name and address of the dealer or other person from  
23 whom acquired.

24        (3) The application must be signed by at least one  
25 owner or by a properly authorized officer or representative

1 of the owner.

2        (4) If a certificate of ownership has previously been  
3 issued under the provisions of 23-2-601 through 23-2-644,  
4 the application for a new certificate must be accompanied by  
5 the immediately previous certificate. This subsection does  
6 not apply to snowmobiles that are purchased as new and  
7 unused machines or that were operated when the provisions of  
8 23-2-601 through 23-2-644 were not in force and effect.

9        (5) Upon completion of the application, on forms  
10 furnished by the department of justice, the county treasurer  
11 shall issue to the applicant two copies of the application,  
12 one of which shall be marked "file copy". The treasurer  
13 shall forward one copy and the original application to the  
14 department of justice, which shall enter the information  
15 contained in the application upon the corresponding records  
16 of its office and shall furnish the applicant a certificate  
17 of ownership, which shall contain that information in the  
18 application considered necessary by the department of  
19 justice, and a permanent ownership number. The certificate  
20 of ownership is not to be renewed annually and is valid as  
21 long as the person holding it owns the snowmobile.

22        (6) The owner shall at all times retain possession of  
23 the certificate of ownership, except when it is being  
24 transmitted to and from the department of justice for  
25 endorsement or cancellation.

1 (7) Upon application for a certificate of ownership, a  
2 fee of \$5 shall be paid to the county treasurer, \$3.50 of  
3 which shall be forwarded by the county treasurer to the  
4 department of justice and deposited in the general fund.

5 (8) A security interest in a snowmobile is not valid as  
6 against creditors, subsequent purchasers, or encumbrancers  
7 unless a lien notice, showing that a security interest has  
8 been created, has been ~~filed-with-the-department-of-justice~~  
9 perfected as provided in this section. The lien notice must  
10 be filed on a form approved by the department {of justice}.  
11 The department of justice may not file a security interest  
12 or other lien unless it is accompanied by or specified in  
13 the application for a certificate of ownership of the  
14 snowmobile encumbered. If the lien notice is transmitted to  
15 the department of justice, the security agreement or other  
16 lien instrument that creates the security interest must be  
17 retained by the secured party. A copy of the security  
18 agreement is sufficient as a lien notice if it contains the  
19 name and address of the debtor and the secured party, the  
20 complete snowmobile description, the amount of the lien, and  
21 the signature of the debtor. The department of justice shall  
22 file the security interest or lien by entering the name and  
23 address of the secured party upon the face of the  
24 certificate of ownership. The department of justice shall  
25 mail a statement certifying the filing of a security

1 interest or lien to the secured party. The department of  
2 justice shall mail the certificate of ownership to the owner  
3 at the address given on the certificate; however, if the  
4 transfer of ownership and filing of the security interest  
5 are paid for by a creditor or secured party, the department  
6 of justice shall return the certificate of ownership to the  
7 county treasurer of the county where the snowmobile is to be  
8 registered. The owner of a snowmobile is the person entitled  
9 to operate and possess the snowmobile.

10 (9) A security interest in a snowmobile held as  
11 inventory by a dealer must be perfected in accordance with  
12 Title 30, chapter 9, and no endorsement on the certificate  
13 of title is necessary for perfection.

14 (10) Whenever a security interest or lien is filed  
15 against a snowmobile that is subject to two security  
16 interests previously perfected ~~by-filing~~ under this section,  
17 the department of justice shall endorse on the face of the  
18 certificate of ownership: "NOTICE. This snowmobile is  
19 subject to additional security interest on file with the  
20 Department of Justice". No other information regarding the  
21 additional security interests need be endorsed on the  
22 certificate.

23 (11) Satisfactions or statements of release filed with  
24 the department of justice under this part must be retained  
25 for a period of 8 years after receipt, after which they may

1 be destroyed.

2 (12) ~~The filing of a~~ A security interest or other lien  
 3 as herein provided in this section perfects a security  
 4 ~~interest that has attached at the time the certificate of~~  
 5 ~~ownership noting the interest is issued is perfected on the~~  
 6 date the lien notice is delivered to the county treasurer.  
 7 On that date, the county treasurer shall issue to the  
 8 secured party a receipt evidencing the perfection. Issuance  
 9 of a certificate of ownership Perfection under this section  
 10 constitutes constructive notice to subsequent purchasers or  
 11 encumbrancers, from the ~~time of filing~~ date of delivery of  
 12 the lien notice to the county treasurer, of the existence of  
 13 the security interest.

14 (13) Upon default under a chattel mortgage or  
 15 conditional sales contract covering a snowmobile, the  
 16 mortgagee or vendor has the same remedies as in the case of  
 17 other personal property. In case of attachment of a  
 18 snowmobile all the provisions of 27-18-413, 27-18-414, and  
 19 27-18-804 are applicable, except that deposits must be made  
 20 with the department of justice.

21 (14) A conditional sales vendor or chattel mortgagee or  
 22 assignee who fails to file a satisfaction of a chattel  
 23 mortgage, assignment, or conditional sales contract within  
 24 15 days after receiving final payment is required to pay the  
 25 department of justice the sum of \$1 for each day that he

1 fails to file the satisfaction.

2 (15) Upon receipt of any liens, notice of liens  
 3 dependent on possession, or attachments against the record  
 4 of any snowmobile registered in this state, the department  
 5 of justice shall within 24 hours mail to the owner,  
 6 conditional sales vendor, mortgagee, or their assignee a  
 7 notice showing the name and address of the lien claimant,  
 8 the amount of the lien, the date of execution of the lien,  
 9 and, in the case of attachment, the full title of the court,  
 10 the action, and the name of the attorney for the plaintiff  
 11 or the name of the attaching creditor, or both.

12 (16) It is not necessary to refile with the department  
 13 of justice any instruments on file in the office of the  
 14 county clerk and recorder on October 1, 1989.

15 (17) A fee of \$4 must be paid to the department of  
 16 justice to file any security interest or other lien against  
 17 a snowmobile. The \$4 fee must cover the cost of filing a  
 18 satisfaction or release of the security interest and the  
 19 cost of entering the satisfaction or release on the records  
 20 of the department of justice and deleting the endorsement of  
 21 the security interest from the face of the certificate of  
 22 ownership. A fee of \$4 must be paid to the department of  
 23 justice for issuing a certified copy of a certificate of  
 24 ownership subject to a security interest or other lien on  
 25 file with the department of justice or for filing an

1 assignment of a security interest or other lien on file with  
 2 the department of justice. All fees provided for in this  
 3 section must be paid to the county treasurer for deposit in  
 4 the general fund in accordance with 15-1-504."

5 **SECTION 4. SECTION 23-2-811, MCA, IS AMENDED TO READ:**

6 "23-2-811. Certificate of ownership -- procedure -- fee  
 7 -- filing security interest. (1) No off-highway vehicle may  
 8 be operated upon any public lands, trails, easements, lakes,  
 9 rivers, or streams unless a certificate of ownership has  
 10 first been obtained from the department of justice.

11 (2) The owner of an off-highway vehicle shall apply for  
 12 a certificate of ownership to the county treasurer of the  
 13 county in which the owner resides, on a form furnished by  
 14 the department of justice for that purpose. The form must  
 15 include:

- 16 (a) the name of the owner;
- 17 (b) the residence of the owner, by town and county;
- 18 (c) the business address or home mailing address of the  
 19 owner;
- 20 (d) the name and address of any lienholder;
- 21 (e) the amount due under any contract, mortgage, or  
 22 lien;
- 23 (f) the name of the manufacturer;
- 24 (g) the model number or name;
- 25 (h) the identification number; and

1 (i) the name and address of the dealer or other person  
 2 from whom the off-highway vehicle was acquired.

3 (3) The application must be signed by at least one  
 4 owner or by a properly authorized agent of the owner.

5 (4) The application for a new certificate of ownership  
 6 must be accompanied by the immediately previous certificate.  
 7 This subsection does not apply to off-highway vehicles that  
 8 are purchased as new and unused machines or that were  
 9 operated before January 1, 1990.

10 (5) (a) After the owner completes the application form,  
 11 the county treasurer shall issue to the applicant two copies  
 12 of the completed application, with one marked "file copy",  
 13 and shall forward one copy and the original application to  
 14 the department of justice. The department of justice shall  
 15 enter the information contained in the application upon the  
 16 corresponding records of its office and shall send the  
 17 applicant a certificate of ownership containing a permanent  
 18 ownership number and information from the application  
 19 considered necessary by the department of justice.

20 (b) The certificate of ownership is not required to be  
 21 renewed annually and is valid as long as the person holding  
 22 it owns the off-highway vehicle.

23 (6) The owner shall at all times retain possession of  
 24 the certificate of ownership, except when it is being  
 25 transmitted to and from the department of justice for

1 endorsement or cancellation.

2 (7) Upon application for a certificate of ownership, a  
3 fee of \$4 \$5 must be paid to the county treasurer, of which:

4 (a) \$3 \$3.50 must be forwarded to the department of  
5 justice for deposit in the general fund; and

6 (b) \$1 \$1.50 must be retained by the county treasurer  
7 for the cost of administering this section.

8 (8) A security interest in an off-highway vehicle is  
9 not valid against creditors, subsequent purchasers, or  
10 encumbrancers unless a lien notice, showing that a security  
11 interest has been created, has been perfected as provided in  
12 this section on a form approved by the department of  
13 justice. The department of justice may not file a security  
14 interest or other lien unless it is accompanied by or  
15 specified in the application for a certificate of ownership  
16 of the encumbered off-highway vehicle. If the lien notice is  
17 transmitted to the department of justice, the security  
18 agreement or other lien instrument that creates the security  
19 interest must be retained by the secured party. A copy of  
20 the security agreement is sufficient as a lien notice if it  
21 contains the name and address of the debtor and the secured  
22 party, a complete description of the off-highway vehicle,  
23 the amount of the lien, and the signature of the debtor. The  
24 department of justice shall file the security interest or  
25 lien by entering the name and address of the secured party

1 upon the face of the certificate of ownership. The  
2 department of justice shall mail a statement certifying the  
3 filing of a security interest or lien to the secured party.  
4 The department of justice shall mail the certificate of  
5 ownership to the owner at the address given on the  
6 certificate. However, if the transfer of ownership and  
7 filing of the security interest are paid for by a creditor  
8 or secured party, the department of justice shall return the  
9 certificate of ownership to the county treasurer of the  
10 county where the vehicle is to be registered. The owner of  
11 an off-highway vehicle is the person entitled to operate and  
12 possess the vehicle.

13 (9) A security interest in an off-highway vehicle held  
14 as inventory by a dealer must be perfected in accordance  
15 with Title 30, chapter 9, and no endorsement on the  
16 certificate of title is necessary for perfection.

17 (10) Whenever a security interest or lien is filed  
18 against an off-highway vehicle that is subject to two or  
19 more security interests previously perfected under this  
20 section, the department of justice shall endorse on the face  
21 of the certificate of ownership: "Notice. This off-highway  
22 vehicle is subject to additional security interests on file  
23 with the Department of Justice." Other information regarding  
24 the additional security interests need not be endorsed on  
25 the certificate.

1 (11) Satisfaction or statements of release filed with  
 2 the department of justice under this section must be  
 3 retained for a period of 8 years from the date of receipt,  
 4 after which they may be destroyed.

5 (12) A security interest or other lien is perfected as  
 6 provided in this section on the date the lien notice is  
 7 delivered to the county treasurer. On that date, the county  
 8 treasurer shall issue to the secured party a receipt  
 9 evidencing the perfection. Perfection under this section  
 10 constitutes constructive notice to subsequent purchasers or  
 11 encumbrancers, from the date of delivery of the lien notice  
 12 to the county treasurer, of the existence of the security  
 13 interest.

14 (13) Upon default under a chattel mortgage or  
 15 conditional sales contract covering an off-highway vehicle,  
 16 the mortgagee or vendor has the same remedies as in the case  
 17 of other personal property. In the case of attachment of an  
 18 off-highway vehicle, the provisions of 27-18-413, 27-18-414,  
 19 and 27-18-804 are applicable, except that deposits must be  
 20 made with the department of justice.

21 (14) A conditional sales vendor, chattel mortgagee, or  
 22 assignee who fails to file a satisfaction of a chattel  
 23 mortgage, assignment, or conditional sale contract within 15  
 24 days after receiving final payment shall pay to the  
 25 department of justice the sum of \$1 for each day after the

1 expiration of the 15-day period that he fails to file the  
 2 satisfaction.

3 (15) Upon receipt of any liens, notices of liens  
 4 dependent on possession, or attachments against the record  
 5 of an off-highway vehicle in this state, the department of  
 6 justice shall within 24 hours mail to the owner, conditional  
 7 sales vendor, mortgagee, or their assignee a notice of the  
 8 lien, showing the date of execution of the lien and, in the  
 9 case of attachment, the full title of the court, the action,  
 10 and the name of the attorney for the plaintiff or the name  
 11 of the attaching creditor, or both.

12 (16) It is not necessary to refile with the department  
 13 of justice instruments on file in the offices of the county  
 14 clerk and recorders at the time this law takes effect.

15 (17) A fee of \$4 must be paid to the department of  
 16 justice to file a security interest or other lien against an  
 17 off-highway vehicle. The \$4 fee includes and covers the cost  
 18 of filing a satisfaction or release of the security interest  
 19 and also the cost of entering the satisfaction or release on  
 20 the records of the department of justice and deleting the  
 21 endorsement of the security interest from the face of the  
 22 certificate of ownership. A fee of \$4 must be paid to the  
 23 department of justice for issuing a certified copy of a  
 24 certificate of ownership subject to a security interest or  
 25 other lien on file in the office of the department of



1 justice or for filing an assignment of a security interest  
2 or other lien on file with the department of justice. All  
3 fees provided for in this section must be paid to the county  
4 treasurer for deposit in the state general fund in  
5 accordance with 15-1-504."

-End-