

IN THE HOUSE

MARCH 21, 1991 SECOND READING, AMENDMENTS NOT
CONCURRED IN.

MARCH 22, 1991 ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 25, 1991 ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

MARCH 26, 1991 ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 28, 1991 ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

MARCH 28, 1991 FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

MARCH 28, 1991 FREE CONFERENCE COMMITTEE REPORTED.

APRIL 4, 1991 SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 5, 1991 THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 8, 1991 SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 9, 1991 THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *782*
 2 INTRODUCED BY *Steve Spartz*
 3 *Timberley* BY REQUEST OF THE DEPARTMENT OF HEALTH AND *John Russell*
 4 *Y. Beth Johnson* ENVIRONMENTAL SCIENCES *Steve P. Bunde* *Whalen*
 5 *Becker*

6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 7 REQUIREMENTS RELATING TO MOTOR VEHICLE RECYCLING AND
 8 DISPOSAL; AMENDING SECTIONS 75-10-501, 75-10-503, 75-10-521,
 9 75-10-534, AND 75-10-541, MCA; AND PROVIDING AN EFFECTIVE
 10 DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 75-10-501, MCA, is amended to read:

14 "75-10-501. Definitions. Unless the context requires
 15 otherwise, in this part the following definitions apply:

16 (1) "Board" means the board of health and environmental
 17 sciences provided for in 2-15-2104.

18 (2) "Component part" means any identifiable part of a
 19 discarded, ruined, wrecked, or dismantled motor vehicle,
 20 including but not limited to fenders, doors, hoods, engine
 21 blocks, motor parts, transmissions, frames, axles, wheels,
 22 tires, and passenger compartment fixtures.

23 (3) "Department" means the department of health and
 24 environmental sciences provided for in Title 2, chapter 15,
 25 part 21.

1 (3)(4) "Junk vehicle" means a discarded, ruined,
 2 wrecked, or dismantled motor vehicle, including component
 3 parts, which is not lawfully and validly licensed and
 4 remains inoperative or incapable of being driven.

5 (4)(5) "Motor vehicle graveyard" means a collection
 6 point established by a county for junk motor vehicles prior
 7 to their disposal.

8 (5)(6) "Motor vehicle wrecking facility" means:

9 (a) a facility buying, selling, or dealing in four or
 10 more vehicles per year, of a type required to be licensed,
 11 for the purpose of wrecking, dismantling, disassembling, or
 12 substantially changing the form of the motor vehicle; or

13 (b) a facility which that buys or sells integral
 14 secondhand--parts--or--component--material--thereof component
 15 parts, in whole or in part, and deals in secondhand motor
 16 vehicle parts. A facility which that buys or sells integral
 17 secondhand-parts-or-component-material component parts of a
 18 motor vehicle, in whole or in part, is a motor vehicle
 19 wrecking facility whether or not the buying or selling price
 20 is based upon weight or any other type of classification.
 21 The term does not include a garage where wrecked or disabled
 22 motor vehicles are temporarily stored for a reasonable
 23 period of time for inspection, repairs, or subsequent
 24 removal to a junkyard.

25 (6)(7) "Person" means any individual, firm,



1 partnership, company, association, corporation, city, town,
2 local governmental entity, or any other governmental or
3 private entity, whether organized for profit or not.

4 ~~{7}~~(8) "Public view" means any point 6 feet above the
5 surface of the center of a public road from which junk
6 vehicles can be seen.

7 ~~{8}~~(9) "Shielding" means the construction or use of
8 fencing or manmade or natural barriers to conceal junk
9 vehicles from public view."

10 **Section 2.** Section 75-10-503, MCA, is amended to read:

11 "75-10-503. Adoption of rules. (1) The department shall
12 adopt rules necessary for the administration of this part,
13 except 75-10-520, including but not limited to rules
14 pertaining to:

15 (a) the establishment, control, operation, and
16 licensing of motor vehicle wrecking facilities and
17 graveyards;

18 (b) the control of junk vehicles in locations other
19 than motor vehicle wrecking facilities and graveyards;

20 (c) the inspection and evaluation of premises and
21 records subject to or required by this part;

22 (d) the development of budget and fiscal forms and
23 procedures for counties;

24 (e) the review, approval, and control procedures for
25 county motor vehicle graveyards developed under this part;

1 and

2 (f) the shielding of a junk vehicle and motor vehicle
3 wrecking facility and graveyard from public view. The
4 department may not adopt a rule which requires any motor
5 vehicle wrecking facility that existed prior to July 1,
6 1973, and has been continuously utilized thereafter as a
7 motor vehicle wrecking facility to construct a fence or
8 manmade barrier which would be in excess of 12 feet in
9 height.

10 (2) The department of health and environmental sciences
11 ~~shall after seeking input from counties, licensed motor~~
12 ~~vehicle wrecking facilities, and the general public,~~ adopt
13 rules pertaining to authorizing the reuse and restoration of
14 junk vehicles sale of junk vehicles by county motor vehicle
15 graveyards to licensed motor vehicle wrecking facilities.
16 The department shall adopt these rules no later than July 1,
17 1990 1992."

18 **Section 3.** Section 75-10-521, MCA, is amended to read:

19 "75-10-521. ~~Motor vehicle graveyards-----consolidation~~
20 ~~-----budget Powers and duties of county motor vehicle~~
21 recycling and disposal programs. (1) (a) Each county shall
22 acquire, develop, and maintain property for free motor
23 vehicle graveyards. The property may be acquired by
24 purchase, lease, or otherwise.

25 ~~{2}~~(b) As an alternative, the county may contract for

1 the maintenance and operation of a motor vehicle graveyard
2 or graveyards, but any such contract may be entered into
3 only with a motor vehicle wrecking facility licensed under
4 the provisions of this part.

5 ~~†3~~(2) Two or more counties may join to form a district
6 for the purpose stated in this section. If a district is
7 formed, all provisions of this part pertaining to a county
8 also apply to a district formed under this subsection.

9 ~~†4~~(3) When there is an accumulation of at least 200
10 junk vehicles in the graveyard, the county shall notify the
11 department for disposal purposes.

12 (4) The county commissioners of each county shall
13 designate a representative to be responsible for
14 implementing this part.

15 (5) Each county, through its designated representative,
16 shall inspect each licensed motor vehicle wrecking facility
17 within its boundaries, consistent with rules adopted by the
18 department.

19 (6) Each county may sell junk vehicles from the motor
20 vehicle graveyard to licensed motor vehicle wrecking
21 facilities. The sales may be conducted only pursuant to a
22 plan that has been approved by the department for
23 consistency with its rules.

24 ~~†5~~(7) A county shall submit to the department for
25 approval a plan for the collection of junk vehicles and the

1 establishment and operation of the motor vehicle graveyard.

2 ~~†6~~(8) ~~Prior-to-June-15,-the~~ The county shall submit to
3 the department for approval a proposed budget for the
4 succeeding fiscal year. The budget shall be for the amounts
5 required by the county for collection costs, and
6 acquisition, maintenance, and operation of the graveyard and
7 for other duties relating to implementation of this part.
8 Any proposed change in the budget or plan must be approved
9 by the department."

10 **Section 4.** Section 75-10-534, MCA, is amended to read:

11 "75-10-534. Department to pay approved county budget --
12 junk vehicle sale revenues as offset. The department shall
13 pay to a county the amount of the approved junk vehicle
14 collection and graveyard budget of the county. The yearly
15 payment may not exceed \$1 for each motor vehicle under 8,001
16 pounds gross vehicle weight that is licensed in that county.
17 However, for those counties that have fewer than 5,000 such
18 motor vehicles, the department may pay up to \$5,000,
19 providing the county can justify this payment. Net revenues
20 realized by a county through its sale of junk vehicles must
21 be treated as an offset to the approved junk vehicle
22 collection and graveyard budget of the county."

23 **Section 5.** Section 75-10-541, MCA, is amended to read:

24 "75-10-541. Injunction -- action to collect civil
25 penalty. (1) The department, ~~through-the-attorney-general-or~~

1 ~~the county attorney of the county in which a facility is~~
 2 ~~located,~~ may sue to enjoin the operation or maintenance of a
 3 motor vehicle wrecking facility or graveyard either
 4 permanently or until compliance with this part, the rules of
 5 the department, or an order issued pursuant to this part has
 6 been demonstrated.

7 (2) ~~The department, through the attorney general or the~~
 8 ~~county attorney of the county in which a motor vehicle~~
 9 ~~wrecking facility or graveyard is located,~~ may sue in
 10 district court to collect a civil penalty as provided in
 11 75-10-542.

12 (3) Upon request of the department, the attorney
 13 general or the county attorney of the county in which a
 14 motor vehicle wrecking facility or graveyard is located may
 15 petition the district court to enjoin further operation or
 16 maintenance of a motor vehicle wrecking facility or
 17 graveyard or to impose, assess, and recover a civil penalty,
 18 as appropriate."

19 NEW SECTION. Section 6. Shielding -- junk vehicles
 20 generally. Notwithstanding the provisions of this part, any
 21 person possessing one or more junk vehicles, regardless of
 22 ownership, shall shield the vehicles from public view.

23 NEW SECTION. Section 7. Codification instruction.
 24 [Section 6] is intended to be codified as an integral part
 25 of Title 75, chapter 10, part 5, and the provisions of Title

1 75, chapter 10, part 5, apply to [section 6].

2 NEW SECTION. Section 8. Effective date. [This act] is
 3 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0782, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill clarifying the requirement relating to motor vehicle recycling and disposal.

ASSUMPTIONS:

1. Scrap metal prices for recycled junk vehicles for the next biennium will remain at 17-year program average of \$15.00 per ton.
2. Average vehicle weight for recycled junk vehicles will remain at current program average of 1 ton per vehicle.
3. Auction of individual junk vehicles from county motor vehicle graveyards will total 100 vehicles per year.
4. The average selling price for auctioned junk vehicles will be \$100 per vehicle.
5. The services of the Attorney General will be utilized in rare instances (Section 5 amendments), so there is no fiscal impact on the Department of Justice.


FISCAL IMPACT:

Department of Health and Environmental Sciences:

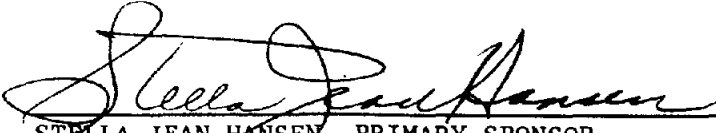
	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Revenues:						
Title Transfer Fee	279,250	279,250	0	281,280	281,280	0
Registration Fee	365,090	365,090	0	370,150	370,150	0
Crushing	100,000	98,500	(1,500)	100,000	98,500	(1,500)
Wrecking Yd Lic.	10,750	10,750	0	10,850	10,850	0
Vehicle Auction	<u>0</u>	<u>8,000</u>	<u>8,000</u>	<u>0</u>	<u>8,000</u>	<u>8,000</u>
Total (02)	755,090	761,590	6,500	762,280	768,780	6,500

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Junk vehicle auctions at county motor vehicle graveyards would create a shift in county program expenditures to administration from other program duties to cover the cost of conducting an auction.



 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning



 STELLA JEAN HANSEN, PRIMARY SPONSOR DATE
 Fiscal Note for HB0782, as introduced **HB 782**

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 782

INTRODUCED BY S. HANSEN, FRANKLIN, LARSON, KIMBERLEY, STICKNEY, RUSSELL, G. BECK, GERVAIS, S. RICE, O'KEEFE, BROOKE, WHALEN, BECKER

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE REQUIREMENTS RELATING TO MOTOR VEHICLE RECYCLING AND DISPOSAL; AMENDING SECTIONS 75-10-501, 75-10-503, 75-10-521, 75-10-534, AND 75-10-541, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 75-10-501, MCA, is amended to read:

"75-10-501. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Component part" means any identifiable part of a discarded, ruined, wrecked, or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.

(3) "Department" means the department of health and

environmental sciences provided for in Title 2, chapter 15, part 21.

(4) "Junk vehicle" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, which is not lawfully and validly licensed and remains inoperative or incapable of being driven.

(5) "Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal.

(6) "Motor vehicle wrecking facility" means:

(a) a facility buying, selling, or dealing in four or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(b) a facility which that buys or sells integral secondhand--parts--or--component--material--thereof component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility which that buys or sells integral secondhand-parts-or-component-material component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent

1 removal to a junkyard.

2 ~~†6†~~(7) "Person" means any individual, firm,
3 partnership, company, association, corporation, city, town,
4 local governmental entity, or any other governmental or
5 private entity, whether organized for profit or not.

6 ~~†7†~~(8) "Public view" means any point 6 feet above the
7 surface of the center of a public road from which junk
8 vehicles can be seen.

9 ~~†8†~~(9) "Shielding" means the construction or use of
10 fencing or manmade or natural barriers to conceal junk
11 vehicles from public view."

12 **Section 2.** Section 75-10-503, MCA, is amended to read:

13 "75-10-503. Adoption of rules. (1) The department shall
14 adopt rules necessary for the administration of this part,
15 except 75-10-520, including but not limited to rules
16 pertaining to:

17 (a) the establishment, control, operation, and
18 licensing of motor vehicle wrecking facilities and
19 graveyards;

20 (b) the control of junk vehicles in locations other
21 than motor vehicle wrecking facilities and graveyards;

22 (c) the inspection and evaluation of premises and
23 records subject to or required by this part;

24 (d) the development of budget and fiscal forms and
25 procedures for counties;

1 (e) the review, approval, and control procedures for
2 county motor vehicle graveyards developed under this part;
3 and

4 (f) the shielding of a junk vehicle and motor vehicle
5 wrecking facility and graveyard from public view. The
6 department may not adopt a rule which requires any motor
7 vehicle wrecking facility that existed prior to July 1,
8 1973, and has been continuously utilized thereafter as a
9 motor vehicle wrecking facility to construct a fence or
10 manmade barrier which would be in excess of 12 feet in
11 height.

12 (2) The department of health and environmental sciences
13 shall ~~after seeking input from counties, licensed motor~~
14 ~~vehicle wrecking facilities, and the general public,~~ adopt
15 rules ~~pertaining to~~ authorizing the reuse and restoration of
16 junk vehicles sale of junk vehicles by county motor vehicle
17 graveyards to licensed motor vehicle wrecking facilities.
18 The department shall adopt these rules no later than July 1,
19 ~~1990~~ 1992."

20 **Section 3.** Section 75-10-521, MCA, is amended to read:

21 ~~"75-10-521. Motor vehicle graveyards-----consolidation~~
22 ~~-----budget~~ Powers and duties of county motor vehicle
23 recycling and disposal programs. (1) (a) Each county shall
24 acquire, develop, and maintain property for free motor
25 vehicle graveyards. The property may be acquired by

1 purchase, lease, or otherwise.

2 †2†(b) As an alternative, the county may contract for
3 the maintenance and operation of a motor vehicle graveyard
4 or graveyards, but any such contract may be entered into
5 only with a motor vehicle wrecking facility licensed under
6 the provisions of this part.

7 †3†(2) Two or more counties may join to form a district
8 for the purpose stated in this section. If a district is
9 formed, all provisions of this part pertaining to a county
10 also apply to a district formed under this subsection.

11 †4†(3) When there is an accumulation of at least 200
12 junk vehicles in the graveyard, the county shall notify the
13 department for disposal purposes.

14 (4) The county commissioners of each county shall
15 designate a representative to be responsible for
16 implementing this part.

17 (5) Each county, through its designated representative,
18 shall inspect each licensed motor vehicle wrecking facility
19 within its boundaries, consistent with rules adopted by the
20 department.

21 (6) Each county may sell junk vehicles from the motor
22 vehicle graveyard to licensed motor vehicle wrecking
23 facilities. The sales may be conducted only pursuant to a
24 plan that has been approved by the department for
25 consistency with its rules.

1 †5†(7) A county shall submit to the department for
2 approval a plan for the collection of junk vehicles and the
3 establishment and operation of the motor vehicle graveyard.

4 †6†(8) ~~Prior to June 15, the~~ The county shall submit to
5 the department for approval a proposed budget for the
6 succeeding fiscal year. The budget shall be for the amounts
7 required by the county for collection costs, and
8 acquisition, maintenance, and operation of the graveyard and
9 for other duties relating to implementation of this part.
10 Any proposed change in the budget or plan must be approved
11 by the department."

12 **Section 4.** Section 75-10-534, MCA, is amended to read:

13 "75-10-534. Department to pay approved county budget --
14 junk vehicle sale revenues as offset. The department shall
15 pay to a county the amount of the approved junk vehicle
16 collection and graveyard budget of the county. The yearly
17 payment may not exceed \$1 for each motor vehicle under 8,001
18 pounds gross vehicle weight that is licensed in that county.
19 However, for those counties that have fewer than 5,000 such
20 motor vehicles, the department may pay up to \$5,000,
21 providing the county can justify this payment. Net revenues
22 realized by a county through its sale of junk vehicles must
23 be treated as an offset to the approved junk vehicle
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25 **Section 5.** Section 75-10-541, MCA, is amended to read:

1 *75-10-541. Injunction -- action to collect civil
 2 penalty. (1) The department, through the attorney general or
 3 the county attorney of the county in which a facility is
 4 located, may sue to enjoin the operation or maintenance of a
 5 motor vehicle wrecking facility or graveyard either
 6 permanently or until compliance with this part, the rules of
 7 the department, or an order issued pursuant to this part has
 8 been demonstrated.

9 (2) The department, through the attorney general or the
 10 county attorney of the county in which a motor vehicle
 11 wrecking facility or graveyard is located, may sue in
 12 district court to collect a civil penalty as provided in
 13 75-10-542.

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 15 general or the county attorney of the county in which a
 16 motor vehicle wrecking facility or graveyard is located may
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 18 maintenance of a motor vehicle wrecking facility or
 19 graveyard or to impose, assess, and recover a civil penalty,
 20 as appropriate."

21 NEW SECTION. Section 6. Shielding AND REMOVAL OF
 22 junk vehicles generally. Notwithstanding the provisions of
 23 this part, any person possessing one or more junk vehicles,
 24 regardless of ownership, shall shield the vehicles from
 25 public view OR REMOVE THE VEHICLES TO A LICENSED MOTOR

1 VEHICLE WRECKING FACILITY OR TO A LICENSED MOTOR VEHICLE
 2 GRAVEYARD AFTER THE VEHICLES ARE RELEASED FROM THE OWNER.

3 NEW SECTION. Section 7. Codification instruction.
 4 [Section 6] is intended to be codified as an integral part
 5 of Title 75, chapter 10, part 5, and the provisions of Title
 6 75, chapter 10, part 5, apply to [section 6].

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13 **"75-10-534. Department to pay approved county budget --**
14 **junk vehicle sale revenues as offset.** The department shall
15 pay to a county the amount of the approved junk vehicle
16 collection and graveyard budget of the county. The yearly
17 payment may not exceed \$1 for each motor vehicle under 8,001
18 pounds gross vehicle weight that is licensed in that county.
19 However, for those counties that have fewer than 5,000 such
20 motor vehicles, the department may pay up to \$5,000,
21 providing the county can justify this payment. Net revenues
22 realized by a county through its sale of junk vehicles must
23 be treated as an offset to the approved junk vehicle
24 collection and graveyard budget of the county."

25 **Section 5.** Section 75-10-541, MCA, is amended to read:

1 "75-10-541. Injunction -- action to collect civil
 2 penalty. (1) The department, ~~through the attorney general or~~
 3 ~~the county attorney of the county in which a facility is~~
 4 ~~located,~~ may sue to enjoin the operation or maintenance of a
 5 motor vehicle wrecking facility or graveyard either
 6 permanently or until compliance with this part, the rules of
 7 the department, or an order issued pursuant to this part has
 8 been demonstrated.

9 (2) The department, ~~through the attorney general or the~~
 10 ~~county attorney of the county in which a motor vehicle~~
 11 ~~wrecking facility or graveyard is located,~~ may sue in
 12 district court to collect a civil penalty as provided in
 13 75-10-542.

14 (3) Upon request of the department, the attorney
 15 general or the county attorney of the county in which a
 16 motor vehicle wrecking facility or graveyard is located may
 17 petition the district court to enjoin further operation or
 18 maintenance of a motor vehicle wrecking facility or
 19 graveyard or to impose, assess, and recover a civil penalty,
 20 as appropriate."

21 NEW SECTION. Section 6. Shielding-- AND REMOVAL OF
 22 junk vehicles generally. Notwithstanding the provisions of
 23 this part, any person possessing one TWO or more junk
 24 vehicles, regardless of ownership, shall shield the vehicles
 25 from public view OR REMOVE THE VEHICLES TO A LICENSED MOTOR

1 VEHICLE WRECKING FACILITY OR TO A LICENSED MOTOR VEHICLE
 2 GRAVEYARD AFTER THE VEHICLES ARE RELEASED FROM THE OWNER.

3 NEW SECTION. Section 7. Codification instruction.
 4 [Section 6] is intended to be codified as an integral part
 5 of Title 75, chapter 10, part 5, and the provisions of Title
 6 75, chapter 10, part 5, apply to [section 6].

7 NEW SECTION. Section 8. Effective date. [This act] is
 8 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 11, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 782 (third reading copy as amended - blue), respectfully report that House Bill No. 782 be amended and as so amended be concurred in:

1. Page 6, lines 13 and 14.

Strike: "--" on line 13 through "offset" on line 14

2. Page 6, lines 21 through 24.

Strike: "Net" on line 21 through "county" on line 24

Insert: "Counties realizing revenue from the sale of junk vehicles shall return to the state junk vehicle program revenue account money equal to the salvage value of each vehicle sold. The salvage value of a vehicle must be the average contract value of a crushed ton of junk vehicles as determined by the statewide salvage bids received by the department during the current fiscal year. Any additional revenue realized from the sale of junk vehicles may be retained by the county for use in the county's junk vehicle program in addition to the approved junk vehicle collection and graveyard budget of the county"

3. Page 7, line 23.

Strike: "TWO"

Insert: "one"

Signed: _____


John "J.D." Lynch, Chairman

JAL 3-11-91
Amd. Coord.

Sec. of Senate

SENATE
HB 782

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 15, 1991 11:00 am

Mr. Chairman: I move to amend House Bill No. 782 (third reading copy -- blue) as follows:

1. Page 7, line 24.
Following: "vehicles"
Insert: "in urban areas"

ADOPT

REJECT

Signed: _____

Sen Devlin
Senator Devlin

LB 3/15/91
Amd. Coord.

SB 3/15 11:15
Sec. of Senate

SENATE

HB 782

HOUSE BILL NO. 782

INTRODUCED BY HANSEN, FRANKLIN, LARSON, KIMBERLEY,
STICKNEY, RUSSELL, G. BECK, GERVAIS, S. RICE, O'KEEFE,
BROOKE, WHALEN, BECKER
BY REQUEST OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
REQUIREMENTS RELATING TO MOTOR VEHICLE RECYCLING AND
DISPOSAL; AMENDING SECTIONS 75-10-501, 75-10-503, 75-10-521,
75-10-534, AND 75-10-541, MCA; AND PROVIDING AN EFFECTIVE
DATE."

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

Section 1. Section 75-10-501, MCA, is amended to read:

"75-10-501. Definitions. Unless the context requires
otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and environmental
sciences provided for in 2-15-2104.

(2) "Component part" means any identifiable part of a
discarded, ruined, wrecked, or dismantled motor vehicle,
including but not limited to fenders, doors, hoods, engine
blocks, motor parts, transmissions, frames, axles, wheels,
tires, and passenger compartment fixtures.

{2}{3} "Department" means the department of health and

environmental sciences provided for in Title 2, chapter 15,
part 21.

{3}{4} "Junk vehicle" means a discarded, ruined,
wrecked, or dismantled motor vehicle, including component
parts, which is not lawfully and validly licensed and
remains inoperative or incapable of being driven.

{4}{5} "Motor vehicle graveyard" means a collection
point established by a county for junk motor vehicles prior
to their disposal.

{5}{6} "Motor vehicle wrecking facility" means:

(a) a facility buying, selling, or dealing in four or
more vehicles per year, of a type required to be licensed,
for the purpose of wrecking, dismantling, disassembling, or
substantially changing the form of the motor vehicle; or

(b) a facility which that buys or sells integrat
secondhand--parts--or--component--material--thereof component
parts, in whole or in part, and deals in secondhand motor
vehicle parts. A facility which that buys or sells integrat
secondhand-parts-or-component-material component parts of a
motor vehicle, in whole or in part, is a motor vehicle
wrecking facility whether or not the buying or selling price
is based upon weight or any other type of classification.
The term does not include a garage where wrecked or disabled
motor vehicles are temporarily stored for a reasonable
period of time for inspection, repairs, or subsequent

1 removal to a junkyard.

2 ~~(6)~~(7) "Person" means any individual, firm,
3 partnership, company, association, corporation, city, town,
4 local governmental entity, or any other governmental or
5 private entity, whether organized for profit or not.

6 ~~(7)~~(8) "Public view" means any point 6 feet above the
7 surface of the center of a public road from which junk
8 vehicles can be seen.

9 ~~(8)~~(9) "Shielding" means the construction or use of
10 fencing or manmade or natural barriers to conceal junk
11 vehicles from public view."

12 **Section 2.** Section 75-10-503, MCA, is amended to read:

13 ***75-10-503. Adoption of rules.** (1) The department shall
14 adopt rules necessary for the administration of this part,
15 except 75-10-520, including but not limited to rules
16 pertaining to:

17 (a) the establishment, control, operation, and
18 licensing of motor vehicle wrecking facilities and
19 graveyards;

20 (b) the control of junk vehicles in locations other
21 than motor vehicle wrecking facilities and graveyards;

22 (c) the inspection and evaluation of premises and
23 records subject to or required by this part;

24 (d) the development of budget and fiscal forms and
25 procedures for counties;

1 (e) the review, approval, and control procedures for
2 county motor vehicle graveyards developed under this part;
3 and

4 (f) the shielding of a junk vehicle and motor vehicle
5 wrecking facility and graveyard from public view. The
6 department may not adopt a rule which requires any motor
7 vehicle wrecking facility that existed prior to July 1,
8 1973, and has been continuously utilized thereafter as a
9 motor vehicle wrecking facility to construct a fence or
10 manmade barrier which would be in excess of 12 feet in
11 height.

12 (2) The department of health and environmental sciences
13 shall ~~after seeking input from counties, licensed motor~~
14 ~~vehicle wrecking facilities, and the general public,~~ adopt
15 rules ~~pertaining to~~ authorizing the reuse and restoration of
16 junk vehicles sale of junk vehicles by county motor vehicle
17 graveyards to licensed motor vehicle wrecking facilities.
18 The department shall adopt these rules no later than July 1,
19 ~~1990~~ 1992."

20 **Section 3.** Section 75-10-521, MCA, is amended to read:

21 ~~*75-10-521. Motor vehicle graveyards-----consolidation~~
22 ~~-----budget Powers and duties of county motor vehicle~~
23 recycling and disposal programs. (1) (a) Each county shall
24 acquire, develop, and maintain property for free motor
25 vehicle graveyards. The property may be acquired by

1 purchase, lease, or otherwise.

2 ~~(2)~~(b) As an alternative, the county may contract for
3 the maintenance and operation of a motor vehicle graveyard
4 or graveyards, but any such contract may be entered into
5 only with a motor vehicle wrecking facility licensed under
6 the provisions of this part.

7 ~~(3)~~(2) Two or more counties may join to form a district
8 for the purpose stated in this section. If a district is
9 formed, all provisions of this part pertaining to a county
10 also apply to a district formed under this subsection.

11 ~~(4)~~(3) When there is an accumulation of at least 200
12 junk vehicles in the graveyard, the county shall notify the
13 department for disposal purposes.

14 (4) The county commissioners of each county shall
15 designate a representative to be responsible for
16 implementing this part.

17 (5) Each county, through its designated representative,
18 shall inspect each licensed motor vehicle wrecking facility
19 within its boundaries, consistent with rules adopted by the
20 department.

21 (6) Each county may sell junk vehicles from the motor
22 vehicle graveyard to licensed motor vehicle wrecking
23 facilities. The sales may be conducted only pursuant to a
24 plan that has been approved by the department for
25 consistency with its rules.

1 ~~(5)~~(7) A county shall submit to the department for
2 approval a plan for the collection of junk vehicles and the
3 establishment and operation of the motor vehicle graveyard.

4 ~~(6)~~(8) ~~Prior to June 15, 1977, the~~ The county shall submit to
5 the department for approval a proposed budget for the
6 succeeding fiscal year. The budget shall be for the amounts
7 required by the county for collection costs, and
8 acquisition, maintenance, and operation of the graveyard and
9 for other duties relating to implementation of this part.
10 Any proposed change in the budget or plan must be approved
11 by the department."

12 **Section 4.** Section 75-10-534, MCA, is amended to read:
13 ~~"75-10-534. Department to pay approved county budget --~~
14 ~~junk-vehicle-sale-revenues-as-offset.~~ The department shall
15 pay to a county the amount of the approved junk vehicle
16 collection and graveyard budget of the county. The yearly
17 payment may not exceed \$1 for each motor vehicle under 8,001
18 pounds gross vehicle weight that is licensed in that county.
19 However, for those counties that have fewer than 5,000 such
20 motor vehicles, the department may pay up to \$5,000,
21 providing the county can justify this payment. ~~Net--revenues~~
22 ~~realized--by-a-county-through-its-sale-of-junk-vehicles--must~~
23 ~~be-treated--as--an--offset--to--the--approved--junk--vehicle~~
24 ~~collection--and--graveyard--budget--of--the--county~~ COUNTIES
25 REALIZING REVENUE FROM THE SALE OF JUNK VEHICLES SHALL

1 RETURN TO THE STATE JUNK VEHICLE PROGRAM REVENUE ACCOUNT
 2 MONEY EQUAL TO THE SALVAGE VALUE OF EACH VEHICLE SOLD. THE
 3 SALVAGE VALUE OF A VEHICLE MUST BE THE AVERAGE CONTRACT
 4 VALUE OF A CRUSHED TON OF JUNK VEHICLES AS DETERMINED BY THE
 5 STATEWIDE SALVAGE BIDS RECEIVED BY THE DEPARTMENT DURING THE
 6 CURRENT FISCAL YEAR. ANY ADDITIONAL REVENUE REALIZED FROM
 7 THE SALE OF JUNK VEHICLES MAY BE RETAINED BY THE COUNTY FOR
 8 USE IN THE COUNTY'S JUNK VEHICLE PROGRAM IN ADDITION TO THE
 9 APPROVED JUNK VEHICLE COLLECTION AND GRAVEYARD BUDGET OF THE
 10 COUNTY."

11 **Section 5.** Section 75-10-541, MCA, is amended to read:

12 **"75-10-541. Injunction -- action to collect civil**
 13 **penalty.** (1) ~~The department, through the attorney general or~~
 14 ~~the county attorney of the county in which a facility is~~
 15 ~~located,~~ may sue to enjoin the operation or maintenance of a
 16 motor vehicle wrecking facility or graveyard either
 17 permanently or until compliance with this part, the rules of
 18 the department, or an order issued pursuant to this part has
 19 been demonstrated.

20 (2) ~~The department, through the attorney general or the~~
 21 ~~county attorney of the county in which a motor vehicle~~
 22 ~~wrecking facility or graveyard is located,~~ may sue in
 23 district court to collect a civil penalty as provided in
 24 75-10-542.

25 (3) Upon request of the department, the attorney

1 general or the county attorney of the county in which a
 2 motor vehicle wrecking facility or graveyard is located may
 3 petition the district court to enjoin further operation or
 4 maintenance of a motor vehicle wrecking facility or
 5 graveyard or to impose, assess, and recover a civil penalty,
 6 as appropriate."

7 **NEW SECTION. Section 6. Shielding-- AND REMOVAL OF**
 8 **junk vehicles generally.** Notwithstanding the provisions of
 9 this part, any person possessing one TWO ONE or more junk
 10 vehicles IN URBAN AREAS, regardless of ownership, shall
 11 shield the vehicles from public view OR REMOVE THE VEHICLES
 12 TO A LICENSED MOTOR VEHICLE WRECKING FACILITY OR TO A
 13 LICENSED MOTOR VEHICLE GRAVEYARD AFTER THE VEHICLES ARE
 14 RELEASED FROM THE OWNER.

15 **NEW SECTION. Section 7. Codification instruction.**
 16 [Section 6] is intended to be codified as an integral part
 17 of Title 75, chapter 10, part 5, and the provisions of Title
 18 75, chapter 10, part 5, apply to [section 6].

19 **NEW SECTION. Section 8. Effective date.** [This act] is
 20 effective July 1, 1991.

-End-

Free Conference Committee
on House Bill 782
Report No. 1, March 27, 1991

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 782 (reference copy -- salmon) and recommend it be amended as follows:

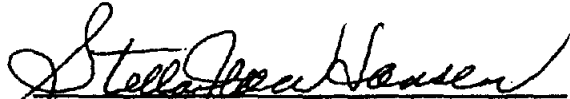
1. Page 8, line 10.
Following: "vehicles"
Strike: "IN URBAN AREAS"

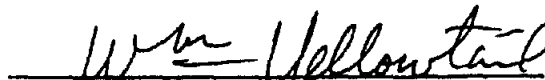
2. Page 8, line 14.
Following: "OWNER."
Insert: "Small accumulations of salvageable vehicles or component parts, none of which are offered for sale, retained by active farming or ranching operations for repair and maintenance of vehicles, or agricultural equipment used in their operations, are exempted from this requirement."

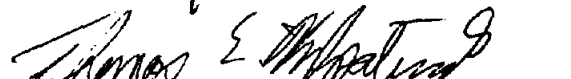
And this Free Conference Committee report be adopted.

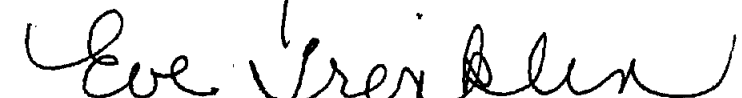
For the House:


For the Senate:

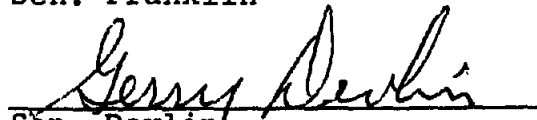

Rep. S.J. Hansen, Chair


Sen. Yellowtail


Rep. Kilpatrick


Sen. Franklin


Rep. Grady


Sen. Devlin

ADOPT

REJECT

FCC # 1
HB 782

1 HOUSE BILL NO. 782

2 INTRODUCED BY HANSEN, FRANKLIN, LARSON, KIMBERLEY,
 3 STICKNEY, RUSSELL, G. BECK, GERVAIS, S. RICE, O'KEEFE,
 4 BROOKE, WHALEN, BECKER
 5 BY REQUEST OF THE DEPARTMENT OF HEALTH AND
 6 ENVIRONMENTAL SCIENCES

7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 9 REQUIREMENTS RELATING TO MOTOR VEHICLE RECYCLING AND
 10 DISPOSAL; AMENDING SECTIONS 75-10-501, 75-10-503, 75-10-521,
 11 75-10-534, AND 75-10-541, MCA; AND PROVIDING AN EFFECTIVE
 12 DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 75-10-501, MCA, is amended to read:

16 "75-10-501. Definitions. Unless the context requires
 17 otherwise, in this part the following definitions apply:

18 (1) "Board" means the board of health and environmental
 19 sciences provided for in 2-15-2104.

20 (2) "Component part" means any identifiable part of a
 21 discarded, ruined, wrecked, or dismantled motor vehicle,
 22 including but not limited to fenders, doors, hoods, engine
 23 blocks, motor parts, transmissions, frames, axles, wheels,
 24 tires, and passenger compartment fixtures.

25 (2)(3) "Department" means the department of health and

1 environmental sciences provided for in Title 2, chapter 15,
 2 part 21.

3 (3)(4) "Junk vehicle" means a discarded, ruined,
 4 wrecked, or dismantled motor vehicle, including component
 5 parts, which is not lawfully and validly licensed and
 6 remains inoperative or incapable of being driven.

7 (4)(5) "Motor vehicle graveyard" means a collection
 8 point established by a county for junk motor vehicles prior
 9 to their disposal.

10 (5)(6) "Motor vehicle wrecking facility" means:

11 (a) a facility buying, selling, or dealing in four or
 12 more vehicles per year, of a type required to be licensed,
 13 for the purpose of wrecking, dismantling, disassembling, or
 14 substantially changing the form of the motor vehicle; or

15 (b) a facility which that buys or sells integral
 16 secondhand--parts--or--component--material--thereof component
 17 parts, in whole or in part, and deals in secondhand motor
 18 vehicle parts. A facility which that buys or sells integral
 19 secondhand-parts-or-component-material component parts of a
 20 motor vehicle, in whole or in part, is a motor vehicle
 21 wrecking facility whether or not the buying or selling price
 22 is based upon weight or any other type of classification.
 23 The term does not include a garage where wrecked or disabled
 24 motor vehicles are temporarily stored for a reasonable
 25 period of time for inspection, repairs, or subsequent

1 removal to a junkyard.

2 †6†(7) "Person" means any individual, firm,
3 partnership, company, association, corporation, city, town,
4 local governmental entity, or any other governmental or
5 private entity, whether organized for profit or not.

6 †7†(8) "Public view" means any point 6 feet above the
7 surface of the center of a public road from which junk
8 vehicles can be seen.

9 †8†(9) "Shielding" means the construction or use of
10 fencing or manmade or natural barriers to conceal junk
11 vehicles from public view."

12 **Section 2.** Section 75-10-503, MCA, is amended to read:

13 "75-10-503. Adoption of rules. (1) The department shall
14 adopt rules necessary for the administration of this part,
15 except 75-10-520, including but not limited to rules
16 pertaining to:

17 (a) the establishment, control, operation, and
18 licensing of motor vehicle wrecking facilities and
19 graveyards;

20 (b) the control of junk vehicles in locations other
21 than motor vehicle wrecking facilities and graveyards;

22 (c) the inspection and evaluation of premises and
23 records subject to or required by this part;

24 (d) the development of budget and fiscal forms and
25 procedures for counties;

1 (e) the review, approval, and control procedures for
2 county motor vehicle graveyards developed under this part;
3 and

4 (f) the shielding of a junk vehicle and motor vehicle
5 wrecking facility and graveyard from public view. The
6 department may not adopt a rule which requires any motor
7 vehicle wrecking facility that existed prior to July 1,
8 1973, and has been continuously utilized thereafter as a
9 motor vehicle wrecking facility to construct a fence or
10 manmade barrier which would be in excess of 12 feet in
11 height.

12 (2) The department of health and environmental sciences
13 shall, ~~after seeking input from counties, licensed motor~~
14 ~~vehicle wrecking facilities, and the general public,~~ adopt
15 rules pertaining to authorizing the reuse and restoration of
16 junk vehicles sale of junk vehicles by county motor vehicle
17 graveyards to licensed motor vehicle wrecking facilities.
18 The department shall adopt these rules no later than July 1,
19 1990 1992."

20 **Section 3.** Section 75-10-521, MCA, is amended to read:

21 "~~75-10-521. Motor vehicle graveyards-----consolidation~~
22 ~~-----budget Powers and duties of county motor vehicle~~
23 recycling and disposal programs. (1) (a) Each county shall
24 acquire, develop, and maintain property for free motor
25 vehicle graveyards. The property may be acquired by

1 purchase, lease, or otherwise.
 2 ~~(2)~~(b) As an alternative, the county may contract for
 3 the maintenance and operation of a motor vehicle graveyard
 4 or graveyards, but any such contract may be entered into
 5 only with a motor vehicle wrecking facility licensed under
 6 the provisions of this part.
 7 ~~(3)~~(2) Two or more counties may join to form a district
 8 for the purpose stated in this section. If a district is
 9 formed, all provisions of this part pertaining to a county
 10 also apply to a district formed under this subsection.
 11 ~~(4)~~(3) When there is an accumulation of at least 200
 12 junk vehicles in the graveyard, the county shall notify the
 13 department for disposal purposes.
 14 (4) The county commissioners of each county shall
 15 designate a representative to be responsible for
 16 implementing this part.
 17 (5) Each county, through its designated representative,
 18 shall inspect each licensed motor vehicle wrecking facility
 19 within its boundaries, consistent with rules adopted by the
 20 department.
 21 (6) Each county may sell junk vehicles from the motor
 22 vehicle graveyard to licensed motor vehicle wrecking
 23 facilities. The sales may be conducted only pursuant to a
 24 plan that has been approved by the department for
 25 consistency with its rules.

1 ~~(5)~~(7) A county shall submit to the department for
 2 approval a plan for the collection of junk vehicles and the
 3 establishment and operation of the motor vehicle graveyard.
 4 ~~(6)~~(8) ~~Prior to June 15, 1977, the~~ The county shall submit to
 5 the department for approval a proposed budget for the
 6 succeeding fiscal year. The budget shall be for the amounts
 7 required by the county for collection costs, and
 8 acquisition, maintenance, and operation of the graveyard and
 9 for other duties relating to implementation of this part.
 10 Any proposed change in the budget or plan must be approved
 11 by the department."
 12 **Section 4.** Section 75-10-534, MCA, is amended to read:
 13 "75-10-534. Department to pay approved county budget --
 14 ~~junk-vehicle-sale-revenues-as-offset.~~ The department shall
 15 pay to a county the amount of the approved junk vehicle
 16 collection and graveyard budget of the county. The yearly
 17 payment may not exceed \$1 for each motor vehicle under 8,001
 18 pounds gross vehicle weight that is licensed in that county.
 19 However, for those counties that have fewer than 5,000 such
 20 motor vehicles, the department may pay up to \$5,000,
 21 providing the county can justify this payment. ~~Net--revenues~~
 22 ~~realized--by-a-county-through-its-sale-of-junk-vehicles-must~~
 23 ~~be-treated--as--an--offset--to--the--approved--junk--vehicle~~
 24 ~~collection--and--graveyard--budget--of--the--county~~ COUNTIES
 25 REALIZING REVENUE FROM THE SALE OF JUNK VEHICLES SHALL

1 RETURN TO THE STATE JUNK VEHICLE PROGRAM REVENUE ACCOUNT
 2 MONEY EQUAL TO THE SALVAGE VALUE OF EACH VEHICLE SOLD. THE
 3 SALVAGE VALUE OF A VEHICLE MUST BE THE AVERAGE CONTRACT
 4 VALUE OF A CRUSHED TON OF JUNK VEHICLES AS DETERMINED BY THE
 5 STATEWIDE SALVAGE BIDS RECEIVED BY THE DEPARTMENT DURING THE
 6 CURRENT FISCAL YEAR. ANY ADDITIONAL REVENUE REALIZED FROM
 7 THE SALE OF JUNK VEHICLES MAY BE RETAINED BY THE COUNTY FOR
 8 USE IN THE COUNTY'S JUNK VEHICLE PROGRAM IN ADDITION TO THE
 9 APPROVED JUNK VEHICLE COLLECTION AND GRAVEYARD BUDGET OF THE
 10 COUNTY."

11 **Section 5.** Section 75-10-541, MCA, is amended to read:
 12 "75-10-541. Injunction -- action to collect civil
 13 penalty. (1) The department, ~~through the attorney general or~~
 14 ~~the county attorney of the county in which a facility is~~
 15 ~~located,~~ may sue to enjoin the operation or maintenance of a
 16 motor vehicle wrecking facility or graveyard either
 17 permanently or until compliance with this part, the rules of
 18 the department, or an order issued pursuant to this part has
 19 been demonstrated.
 20 (2) The department, ~~through the attorney general or the~~
 21 ~~county attorney of the county in which a motor vehicle~~
 22 ~~wrecking facility or graveyard is located,~~ may sue in
 23 district court to collect a civil penalty as provided in
 24 75-10-542.
 25 (3) Upon request of the department, the attorney

1 general or the county attorney of the county in which a
 2 motor vehicle wrecking facility or graveyard is located may
 3 petition the district court to enjoin further operation or
 4 maintenance of a motor vehicle wrecking facility or
 5 graveyard or to impose, assess, and recover a civil penalty,
 6 as appropriate."

7 **NEW SECTION. Section 6. Shielding-- AND REMOVAL OF**
 8 **junk vehicles generally.** Notwithstanding the provisions of
 9 this part, any person possessing one ~~TWO~~ ONE or more junk
 10 vehicles IN--URBAN--AREAS, regardless of ownership, shall
 11 shield the vehicles from public view OR REMOVE THE VEHICLES
 12 TO A LICENSED MOTOR VEHICLE WRECKING FACILITY OR TO A
 13 LICENSED MOTOR VEHICLE GRAVEYARD AFTER THE VEHICLES ARE
 14 RELEASED FROM THE OWNER. SMALL ACCUMULATIONS OF SALVAGEABLE
 15 VEHICLES OR COMPONENT PARTS, NONE OF WHICH ARE OFFERED FOR
 16 SALE, RETAINED BY ACTIVE FARMING OR RANCHING OPERATIONS FOR
 17 REPAIR AND MAINTENANCE OF VEHICLES, OR AGRICULTURAL
 18 EQUIPMENT USED IN THEIR OPERATIONS, ARE EXEMPTED FROM THIS
 19 REQUIREMENT.

20 **NEW SECTION. Section 7. Codification instruction.**
 21 [Section 6] is intended to be codified as an integral part
 22 of Title 75, chapter 10, part 5, and the provisions of Title
 23 75, chapter 10, part 5, apply to [section 6].

24 **NEW SECTION. Section 8. Effective date.** [This act] is
 25 effective July 1, 1991.