

SENATE BILL 46

Introduced by Weeding

1/02	Introduced
1/03	Referred to Highways & Transportation
1/03	Fiscal Note Requested
1/07	First Reading
1/11	Fiscal Note Received
1/14	Fiscal Note Printed
1/17	Hearing
1/18	Tabled in Committee

1 SENATE BILL NO. 46

2 INTRODUCED BY WEEDING

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBJECTING PICKUP  
5 CAMPERS TO THE SAME REGISTRATION PROVISIONS AS OTHER  
6 RECREATIONAL VEHICLES; AMENDING SECTIONS 61-3-101, 61-3-103,  
7 AND 61-3-107, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE  
8 AND AN APPLICABILITY DATE."

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

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

12 "61-3-101. Duties of department -- records. (1) The  
13 department shall keep a record as hereinafter specified in  
14 this section of all motor vehicles, trailers, campers as  
15 defined in 61-1-129, and semitrailers of every kind, and of  
16 certificates of registration and ownership thereof, and of  
17 all dealers in motor vehicles.

18 (2) In the case of motor vehicles, trailers, and  
19 semitrailers, the record shall must show the following:

20 (a) name of owner, residence by town and county, and  
21 business address;

22 (b) name and address of conditional sales vendor,  
23 mortgagee, or other lienholder and amount due under contract  
24 or lien;

25 (c) manufacturer of car;

1 (d) manufacturer's designation of style of car or  
2 vehicle;

3 (e) identifying number;

4 (f) year of manufacture;

5 (g) character of motive power and shipping weight of  
6 car as shown by the manufacturer;

7 (h) the distinctive license number assigned to the  
8 vehicle;

9 (i) if a truck or trailer, the number of tons' capacity  
10 or GVW if imprinted on manufacturer's identification plate;

11 and

12 (j) such other information as that may from time to  
13 time be found desirable.

14 (3) In the case of a camper, the record must show the  
15 information specified in subsections (2)(a) and (2)(b) and  
16 other information that the department may require to  
17 identify the camper.

18 ~~(3)(4)~~ The department shall file applications for  
19 registration received by it from the county treasurers of  
20 the state and register the vehicles therein described in the  
21 applications and the owners thereof of the vehicles in  
22 suitable books or on index cards, as follows:

23 (a) under the distinctive license number assigned to  
24 the vehicle by the county treasurer;

25 (b) alphabetically under the name of the owner;

1 (c) numerically under make and identifying number of  
2 the vehicle; and

3 (d) ~~such~~ other index of registration ~~as~~ that the  
4 department considers expedient.

5 ~~{4}{5}~~ Vehicle registration records and indexes and  
6 driver's license records and indexes may be maintained by  
7 electronic recording and storage media.

8 ~~{5}{6}~~ In the case of dealers, the records ~~shall~~ must  
9 show the information contained in the application for  
10 dealer's license as required by 61-4-101 through 61-4-105,  
11 ~~as--well--as~~ and the distinctive license number assigned to  
12 the dealer.

13 ~~{6}{7}~~ In order to prevent an accumulation of unneeded  
14 records and files, the department ~~shall--have~~ has the  
15 authority and ~~it--shall--be--its~~ the duty to destroy all  
16 records and files ~~which-have-ceased~~ that cease to be of any  
17 value.

18 ~~{7}{8}~~ The department may establish and maintain a  
19 short-wave radio station in order to report motor vehicle  
20 registration information to the highway patrol, to sheriffs,  
21 and to the chiefs of police of each incorporated city of the  
22 state who are able to communicate with ~~such~~ the short-wave  
23 radio station.

24 ~~{8}{9}~~ All records ~~shall~~ must be open to inspection  
25 during all reasonable business hours, and the department

1 shall furnish any information from the records upon payment  
2 by the applicant of the cost of transcribing the information  
3 requested."

4 **Section 2.** Section 61-3-103, MCA, is amended to read:

5 "61-3-103. Filing of security interests, rights,  
6 procedure, fees. (1) ~~No~~ A security interest in a motor  
7 vehicle ~~shall--be~~ is not valid as against creditors,  
8 subsequent purchasers, or encumbrancers unless a lien  
9 notice, on a form approved by the department, that shows a  
10 security interest has been created, ~~has-been~~ is filed with  
11 the department as provided in this section. The department  
12 ~~shall~~ may not file ~~any~~ a security interest or other lien  
13 unless it is accompanied by or specified in the application  
14 for a certificate of ownership of the vehicle encumbered. If  
15 the approved notice form is transmitted to the department,  
16 the security agreement or other lien instrument that creates  
17 the security interest must be retained by the secured party.  
18 A copy of the security agreement is sufficient as a lien  
19 notice if it contains the name and address of the debtor and  
20 the secured party, the complete vehicle description, and the  
21 amount of lien, and is signed by the debtor. The department  
22 shall file the security interest or lien by entering the  
23 name and address of the secured party upon the face of the  
24 certificate of ownership. The department shall mail a  
25 statement certifying to the filing of a security interest or

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

10 (2) A security interest in a motor vehicle held as  
 11 inventory by a dealer licensed under the provisions of  
 12 61-4-101, must be perfected in accordance with Title 30,  
 13 chapter 9, and no endorsement on the certificate of title is  
 14 necessary for perfection.

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

23 (4) Satisfactions or statements of release filed with  
 24 the department under this chapter ~~shall~~ must be retained by  
 25 it for a period of 8 years after receipt, after which they

1 may be destroyed.

2 (5) The filing of a security interest or other lien, as  
 3 herein provided in this section, perfects a security  
 4 interest which that has attached at the time the certificate  
 5 of ownership noting such the interest is issued. Issuance of  
 6 a certificate of ownership constitutes constructive notice  
 7 to subsequent purchasers or encumbrancers, from the time of  
 8 filing, of the existence of the security interest.

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

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

22 (8) Upon receipt of any liens, or notice of liens  
 23 dependent on possession, or attachments, etc., against the  
 24 record of any motor vehicle registered in this state, the  
 25 department shall within 24 hours mail to the owner,

1 conditional sale vendor, mortgagees, or assignees of any  
2 thereof a notice showing the name and address of the lien  
3 claimant, amount of the lien, date of execution of the lien,  
4 and, in the case of attachment, the full title of the court  
5 and the action and the name of the attorneys for the  
6 plaintiff and/or attaching creditor.

7 (9) It ~~shall~~ is not be necessary to refile with the  
8 department any instruments on file in the offices of the  
9 county clerk and recorders at the time this law takes  
10 effect.

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

1 (11) As used in this section, "motor vehicle" or  
2 "vehicle" includes a camper as defined in 61-1-129."

3 **Section 3.** Section 61-3-107, MCA, is amended to read:

4 **"61-3-107. Identification number for trailers and**  
5 **campers.** Any trailer, semitrailer, ~~or~~ housetrailer which, or  
6 camper that does not have a manufacturer's or other  
7 identifying number thereon ~~shall~~ must be assigned an  
8 identification number by the department upon registration of  
9 such the motor vehicle. The owner or other person lawfully  
10 in possession of such the motor vehicle shall stamp such the  
11 number ~~so~~ assigned by the department upon the entrance of  
12 the camper or on the principal right frame member of said  
13 the motor vehicle near the front end thereof of the vehicle  
14 where it may be clearly and readily seen, ~~and--said~~ The  
15 stamping ~~shall~~ must be promptly accomplished after notice of  
16 the assigned number by the department. The department may  
17 withhold registration until satisfactory proof by affidavit  
18 of such the stamping is filed with it."

19 **NEW SECTION. Section 4. Saving clause.** [This act] does  
20 not affect rights and duties that matured, penalties that  
21 were incurred, or proceedings that were begun before [the  
22 effective date of this act].

23 **NEW SECTION. Section 5. Effective date** --  
24 **applicability.** [This act] is effective January 1, 1992, and  
25 applies to registrations of motor vehicles for years

SB 0046/01

1 beginning after December 31, 1991.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0046, as introduced.DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would subject pickup campers to the same registration procedures as other recreational vehicles.

ASSUMPTIONS:

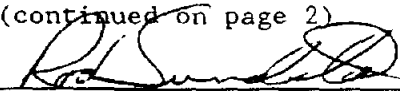
- 11,000 campers will be titled in the first year, calendar year 1992, with approximately 33% of that number being transferred or purchased each year thereafter.
- Approximately 50% of camper ownership transactions will result in a lien notice.
- Each additional staff person will, on average, process about 20 titles/transfers/lien notices per day for an annual total of 4,800 per year. 1.00 FTE (two persons for the last six months of FY92) will be necessary to process the initial year registrations during FY92 and 1.50 FTE (two persons for six months and 1 person for the last six months of FY93) when the volume is expected to decline as in assumption #1. The positions will be Grade 7, step 2.

FISCAL IMPACT:


Department of Justice:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	0.00	1.00	1.00	0.00	1.50	1.50
Personal Services	0	18,000	18,000	0	27,000	27,000
Operating Costs	0	9,100	9,100	0	3,700	3,700
Equipment	0	7,500	7,500	0	0	0
Total	0	34,600	34,600	0	30,700	30,700
<u>Funding:</u>						
General Fund (01)	0	34,600	34,600	0	30,700	30,700
<u>Revenues:</u>						
Title & Lien Fees to General Fund	0	58,500	58,500	0	20,250	20,250
Net General Fund Impact	0	23,900	23,900	0	(10,450)	(10,450)

(continued on page 2)

  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning

1-10-91  
DATE

  
 CECIL WEEDING, PRIMARY SPONSOR

1/4/91  
DATEFiscal Note for SB0046, as introduced

SB 46

Fiscal Note Request, SB0046, as introduced

Form BD-15

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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The general fund cost will be approximately \$10,000 per year.

TECHNICAL NOTES:

The bill says the Department of Justice shall maintain a record of registration. This needs to be coordinated with SB0050 and/or the current 61-3-524, MCA, which require the counties or the Department of Revenue to register campers, making it difficult for the Department of Justice to maintain annual registration records.

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