

SENATE BILL NO. 191

INTRODUCED BY T. BECK  
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE SENATE

JANUARY 23, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

  FIRST READING.

FEBRUARY 15, 1991                   COMMITTEE RECOMMEND BILL  
  DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1991                   PRINTING REPORT.

  SECOND READING, DO PASS AS AMENDED.

FEBRUARY 18, 1991                   ENGROSSING REPORT.

  THIRD READING, PASSED.  
  AYES, 49; NOES, 0.

  TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON HIGHWAYS & TRANSPORTATION.

  FIRST READING.

MARCH 21, 1991                   COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN AS AMENDED. REPORT  
  ADOPTED.

APRIL 5, 1991                   SECOND READING, CONCURRED IN.

APRIL 6, 1991                   THIRD READING, CONCURRED IN.  
  AYES, 91; NOES, 4.

  RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991                   RECEIVED FROM HOUSE.

  SECOND READING, AMENDMENTS NOT  
  CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED.

APRIL 16, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 18, 1991

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 18, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 20, 1991

SECOND READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

APRIL 22, 1991

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1991

CONFERENCE COMMITTEE REPORT  
ADOPTED.

IN THE SENATE

APRIL 22, 1991

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 191  
 2 INTRODUCED BY T. Beach  
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
 6 MOTOR VEHICLE REGISTRATION AND TITLING LAWS; DELETING THE  
 7 REQUIREMENT FOR CERTIFICATION OF LIABILITY INSURANCE ON THE  
 8 REGISTRATION RECEIPT; PROVIDING FOR THE ISSUANCE OF  
 9 SPECIAL-PURPOSE LICENSE PLATES BY CREATING A GENERIC PLATE  
 10 WITH A DESIGN OR DECAL INDICATING THE SPECIAL PURPOSE;  
 11 CREATING A NEW CLASS OF DEALER PLATE FOR RECREATIONAL  
 12 VEHICLE DEALERS; ALLOWING FOR REPLACEMENT PLATES INSTEAD OF  
 13 ISSUING DUPLICATE LICENSE PLATES; REMOVING THE EXCEPTION FOR  
 14 ELECTRICALLY DRIVEN VEHICLES IN THE VEHICLE IDENTIFICATION  
 15 NUMBER STATUTE; TRANSFERRING THE DUTY OF INSPECTING DEALERS  
 16 FROM THE HIGHWAY PATROL TO THE MOTOR VEHICLE DIVISION;  
 17 PROVIDING THAT EXEMPT PLATES BE REISSUED ONLY WHEN DAMAGED  
 18 OR DESTROYED; INCREASING THE PENALTY FOR VIOLATING VEHICLE  
 19 TITLING, REGISTRATION, OR TAXATION LAWS; AMENDING SECTIONS  
 20 61-1-130, 61-3-101, 61-3-201, 61-3-205, 61-3-206, 61-3-303,  
 21 61-3-305, 61-3-332, 61-3-333, 61-3-465, 61-3-510, 61-3-601,  
 22 61-3-604, 61-4-101, AND 61-6-302, MCA; AND REPEALING  
 23 SECTIONS 10-1-110, 61-3-304, 61-3-444, 61-3-445, 61-3-447,  
 24 61-3-451, AND 61-3-505, MCA."  
 25

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

2 **Section 1.** Section 61-1-130, MCA, is amended to read:

3 "61-1-130. Motor home. "Motor home" as used in 61-3-521  
 4 and 61-3-522 means a self-propelled motor vehicle originally  
 5 designed--or--permanently--altered--to---provide---temporary  
 6 facilities-for-recreational,-travel,-or-camping-use;

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

10 (2) containing permanently installed independent life  
 11 support systems that meet the ANSI/A119.2 standard; and

12 (3) providing at least four of the following types of  
 13 facilities:

- 14 (a) cooking, refrigeration, or icebox;
- 15 (b) self-contained toilet;
- 16 (c) heating or air-conditioning, or both;
- 17 (d) potable water supply, including a faucet and sink;

18 or  
 19 (e) separate 110-volt or 125-volt electrical power  
 20 supply or a liquified petroleum gas supply, or both."

21 **Section 2.** Section 61-3-101, MCA, is amended to read:

22 "61-3-101. Duties of department -- records. (1) The  
 23 department shall keep a record as hereinafter specified in  
 24 this section of all motor vehicles, trailers, and  
 25 semitrailers of every kind, and of certificates of



1 registration and ownership thereof of those vehicles, and of  
2 all manufacturers and dealers in motor vehicles.

3 (2) In the case of motor vehicles, trailers, and  
4 semitrailers, the record ~~shall~~ must show the following:

5 (a) name of owner, residence by town and county, and  
6 business address;

7 (b) name and address of conditional sales vendor,  
8 mortgagee, or other lienholder and amount due under contract  
9 or lien;

10 (c) manufacturer of car vehicle;

11 (d) manufacturer's designation of style of car--or  
12 vehicle;

13 (e) identifying number;

14 (f) year of manufacture;

15 (g) character of motive power and shipping weight of  
16 car vehicle as shown by the manufacturer;

17 (h) the distinctive license number assigned to the  
18 vehicle if any;

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

21 (j) except as provided in 61-3-103, the name and  
22 complete address of any holder of a perfected security  
23 interest in a vehicle; and

24 ~~(j)~~(k) such other information as that may from time to  
25 time be found desirable.

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

6 (a) under the distinctive license number assigned to  
7 the vehicle by the county treasurer;

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

9 (c) numerically under make and identifying number of  
10 the vehicle; and

11 (d) such other index of registration as the department  
12 considers expedient.

13 (4) Vehicle registration records and indexes and  
14 driver's license records and indexes may be maintained by  
15 electronic recording and storage media.

16 (5) In the case of dealers, the records ~~shall~~ must show  
17 the information contained in the application for dealer's  
18 license as required by 61-4-101 through 61-4-105, as well as  
19 the distinctive license number assigned to the dealer.

20 (6) In order to prevent an accumulation of unneeded  
21 records and files, the department ~~shall have the authority~~  
22 ~~and it shall be its~~ has the authority and the duty to  
23 destroy all records and files which that have ceased to be  
24 of any have value.

25 (7) The department may establish and maintain a

1 short-wave radio station in order to report motor vehicle  
 2 registration information to the highway patrol, to sheriffs,  
 3 and to the chiefs of police of each incorporated city of the  
 4 state who are able to communicate with ~~such~~ the short-wave  
 5 radio station.

6 (8) All records ~~shall~~ must be open to inspection during  
 7 all reasonable business hours, and the department shall  
 8 furnish any information from the records upon payment by the  
 9 applicant of the cost of transcribing the information  
 10 requested."

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

12 "61-3-201. **Transfer of interest -- cancellation of**  
 13 **erroneous certificate of ownership.** (1) Upon a transfer of  
 14 any interest in a motor vehicle registered under the  
 15 provisions of this chapter, the person whose interest is to  
 16 be transferred shall write his signature with pen and ink  
 17 upon the certificate of ownership issued for the vehicle in  
 18 the appropriate space provided ~~upon-the-reverse-side-of-the~~  
 19 **certificate**, and the signature must be acknowledged before  
 20 the county treasurer, a deputy county treasurer, or a notary  
 21 public.

22 (2) Within 20 calendar days after endorsement, the  
 23 transferee shall forward both the endorsed certificate of  
 24 ownership with the odometer mileage statement required under  
 25 61-3-206 and the certificate of registration, together with

1 the information required under 61-3-202, to the county  
 2 treasurer, who shall forward them to the department. The  
 3 department may not issue a certificate of ownership or  
 4 certificate of registration until the outstanding  
 5 certificates are surrendered to that office or their loss is  
 6 established to its reasonable satisfaction. Failure to make  
 7 application within the 20-day grace period subjects the  
 8 transferee to a penalty of \$10. The county treasurer shall  
 9 collect the penalty at the time of registration. The penalty  
 10 is in addition to the fees otherwise provided by law. If the  
 11 transferee does not make application within 25 days, a  
 12 creditor or secured party may pay the fees for the transfer  
 13 of title and filing of security interest or lien in order to  
 14 have title transferred to the transferee and have the  
 15 security interest or lien filed. The creditor or secured  
 16 party is not liable for the penalty, registration fees, or  
 17 taxes. The department shall return the certificate of title  
 18 to the county treasurer as provided in 61-3-103(1). When the  
 19 certificate of ownership is returned by the department to  
 20 the county treasurer, the treasurer shall hold the  
 21 certificate of ownership until the vehicle is properly  
 22 registered.

23 (3) In the event of a transfer by operation of law of  
 24 any interest in a motor vehicle as upon inheritance, devise,  
 25 or bequest, order in bankruptcy or insolvency, execution

1 sale, repossession upon default in the performance of the  
 2 terms of a lease or executory sales contract, or otherwise  
 3 than by voluntary act of the person whose title or interest  
 4 is transferred, the executor, administrator, receiver,  
 5 trustee, sheriff, or other representative or successor in  
 6 interest of the person whose interest is transferred shall  
 7 forward to the department an application for a certificate  
 8 of ownership in the form required by the department ~~for an~~  
 9 ~~original application for a certificate of ownership,~~  
 10 together with a verified or certified statement of the  
 11 transfer of interest. The statement must set forth the  
 12 reason for the involuntary transfer, the interest  
 13 transferred, the name of the person to whom the interest is  
 14 to be transferred, the process of procedure effecting the  
 15 transfer, and other information requested by the department.  
 16 Evidence and instruments otherwise required by law to effect  
 17 a transfer of legal or equitable title to or an interest in  
 18 chattels as may be required in such cases must be furnished  
 19 with the statement. If the department is satisfied that the  
 20 transfer is regular and that all formalities required by law  
 21 have been complied with, it shall send to the owner,  
 22 conditional sales vendor, lessor, mortgagee, and other  
 23 lienor, as shown by its records, notice of the intended  
 24 transfer and, not less than 5 days after sending notice,  
 25 shall issue a new certificate of ownership and certificate

1 of registration to the transferee. The notice required by  
 2 this section is complied with by deposit in the post office  
 3 in Deer Lodge, Montana, of the notice, postage prepaid,  
 4 addressed to the person at the respective address shown on  
 5 its records.

6 (4) When the vehicle certificate of ownership that is  
 7 involuntarily transferred is not registered in this state,  
 8 the procedure in subsection (3) must be followed in applying  
 9 for a new certificate of ownership and certificate of  
 10 registration but; however, in lieu of the statement required  
 11 in subsection (3), the department may accept an affidavit of  
 12 repossession on the form provided by the state in which a  
 13 lien has been perfected and the department need not send  
 14 notice of intended transfer and shall issue a new  
 15 certificate of ownership and a new certificate of  
 16 registration to the person entitled to ~~them~~ the  
 17 certificates.

18 (5) (a) If the owner of one or more motor vehicles,  
 19 trailers, semitrailers, or housetrailer registered under  
 20 this chapter and not exceeding a combined value of \$15,000  
 21 dies without leaving other property necessitating the  
 22 procuring of letters of administration or letters  
 23 testamentary, the surviving spouse or other heir unless the  
 24 property is by will otherwise bequeathed may secure transfer  
 25 of the decedent's certificate of ownership and the

1 short-wave radio station in order to report motor vehicle  
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 3 and to the chiefs of police of each incorporated city of the  
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 23 testamentary, the surviving spouse or other heir unless the  
 24 property is by will otherwise bequeathed may secure transfer  
 25 of the decedent's certificate of ownership and the



1 record of the information required in subsection (1) and  
 2 shall maintain and preserve that record for at least 5 years  
 3 after the date of sale of the motor vehicle to which the  
 4 information pertains."

5 **Section 6.** Section 61-3-303, MCA, is amended to read:

6 "61-3-303. Application for registration. (1) Every  
 7 owner of a motor vehicle operated or driven upon the public  
 8 highways of this state shall for each motor vehicle owned,  
 9 except as herein otherwise expressly provided, file or cause  
 10 to be filed in the office of the county treasurer where the  
 11 owner makes his permanent residence at the time of making  
 12 the application or, if the vehicle is owned by a corporation  
 13 or used primarily for commercial purposes, in the taxing  
 14 jurisdiction of the county where the vehicle is permanently  
 15 assigned, an application for registration or reregistration  
 16 upon a blank form to be prepared and furnished by the  
 17 department. The application shall contain:

18 (a) name and address of owner, giving county, school  
 19 district, and town or city within whose corporate limits the  
 20 motor vehicle is taxable, if taxable, or within whose  
 21 corporate limits the owner's residence is located if the  
 22 motor vehicle is not taxable;

23 (b) name and address of the holder of any security  
 24 interest in the motor vehicle;

25 (c) description of motor vehicle, including make, year

1 model, engine or serial number, manufacturer's model or  
 2 letter, gross weight, type of body, and if truck, the rated  
 3 capacity; and

4 ~~(d) in case of reregistration, the license number for~~  
 5 ~~the preceding year, and~~

6 ~~(e)~~(d) such other information as that the department  
 7 may require.

8 (2) A person who files an application for registration  
 9 or reregistration of a motor vehicle, except of a mobile  
 10 home as defined in 15-1-101(1), shall upon the filing of the  
 11 application pay to the county treasurer:

12 (a) the registration fee, as provided in 61-3-311 and  
 13 61-3-321; and

14 (b) unless it has been previously paid:

15 (i) the personal property taxes assessed against the  
 16 vehicle for the current year of registration and the  
 17 immediately previous year; or

18 (ii) the new motor vehicle sales tax against the vehicle  
 19 for the current year of registration.

20 (3) The application may not be accepted by the county  
 21 treasurer unless the payments required by subsection (2)  
 22 accompany the application. The department or its agent may  
 23 not assess and the county treasurer may not collect taxes or  
 24 fees for a period other than:

25 (a) the current year; and

1 (b) the immediately previous year, if the vehicle was  
2 not registered or operated on the highways of the state,  
3 regardless of the period of time since the vehicle was  
4 previously registered or operated.

5 (4) The department or its agent may make full and  
6 complete investigation of the tax status of the vehicle. Any  
7 applicant for registration or reregistration must submit  
8 proof from the tax or other appropriate records of the  
9 proper county at the request of the department or its  
10 agent."

11 **Section 7.** Section 61-3-305, MCA, is amended to read:

12 "61-3-305. Blanks to be provided. It shall be is the  
13 duty of the department to provide blank application forms  
14 ~~outlining--and--providing-for-the-information-needed-in-each~~  
15 ~~class-of-registration-required,~~ and to furnish these upon  
16 request to applicant for registration."

17 **Section 8.** Section 61-3-332, MCA, is amended to read:

18 "61-3-332. (Temporary) Number plates. (1) Every A motor  
19 vehicle that is driven upon the streets or highways of  
20 Montana must display both front and rear number plates,  
21 bearing the distinctive number assigned the vehicle. The  
22 number plates are in eight 10 series: one series for owners  
23 of motorcars, one for owners of motor vehicles of the  
24 motorcycle or quadricycle type, one for trailers, one for  
25 trucks, one for dealers in vehicles of the motorcycle or

1 quadricycle type that bear the distinctive letters "MCD" or  
2 the letters "MC" and the word "DEALER", one for franchised  
3 dealers in new motorcars (including trucks and trailers) or  
4 new and used motorcars (including trucks and trailers) that  
5 bear the distinctive letter "D" or the word "DEALER", one  
6 for dealers in used motorcars only (including used trucks  
7 and trailers) that bear the distinctive letters "UD" or the  
8 letter "U" and the word "DEALER", and one for dealers in  
9 trailers and/or semitrailers (new or used) that bear the  
10 distinctive letters "DTR" or the letters "TR" and the word  
11 "DEALER", one for dealers in recreational vehicles that bear  
12 the distinctive letters "RV" or the letter "R" and the word  
13 "DEALER", and one for special license plates. All markings  
14 for the mentioned various kinds of dealers' plates must  
15 be placed on the number plates assigned thereto in the  
16 position that the department designates.

17 (2) All number plates for motor vehicles must be issued  
18 for a minimum period of 4 years, bear a distinctive marking,  
19 and be furnished by the state. In years when number plates  
20 are not issued, the department shall provide nonremovable  
21 stickers bearing appropriate registration numbers that must  
22 be affixed to the license plates in use.

23 (3) Subject to the provisions of this section, the  
24 department shall create a new design for number plates as  
25 provided in this section, and it shall manufacture the newly

1 designed number plates for issuance after January 1, 1991,  
 2 to replace, at renewal as required in 61-3-312 and 61-3-314,  
 3 number plates that were displayed on motor vehicles before  
 4 that date.

5 (4) In the case of motorcars and trucks, plates must be  
 6 of metal 6 inches wide and 12 inches in length. The outline  
 7 of the state of Montana must be used as a distinctive border  
 8 on such license plates, and the word "Montana" and the year  
 9 must be placed across the plates. Such registration plates  
 10 must be treated with a reflectorized background material  
 11 according to specifications prescribed by the department.

12 (5) The distinctive registration numbers must begin  
 13 with a number one or with a letter-number combination, such  
 14 as "A 1" or "AA 1", or any other similar combination of  
 15 letters and numbers. The distinctive registration number or  
 16 letter-number combination assigned to the vehicle must  
 17 appear on the plate preceded by the number of the county and  
 18 appearing in horizontal order on the same horizontal  
 19 baseline. The county number must be separated from the  
 20 distinctive registration number by a separation mark unless  
 21 a letter-number combination is used. The dimensions of such  
 22 numerals and letters must be determined by the department,  
 23 and all county and registration numbers must be of equal  
 24 height.

25 (6) For the use of tax-exempt motor vehicles, in

1 addition to the markings herein provided in this section,  
 2 number plates must ~~have--thereon~~ bear the following  
 3 distinctive markings:

4 (a) For vehicles owned by the state, the department may  
 5 designate the prefix number for the various state  
 6 departments. All numbered plates issued to state departments  
 7 must bear the words "State Owned", and no year number may be  
 8 indicated thereon because these numbered plates are of a  
 9 permanent nature and will be replaced by the department only  
 10 when the physical condition of numbered plates requires it.

11 (b) For vehicles that are owned by the counties,  
 12 municipalities, irrigation districts organized under the  
 13 laws of Montana and not operating for profit, and school  
 14 districts and that are used and operated by officials and  
 15 employees thereof in line of duty and for vehicles on loan  
 16 from the United States government or the state of Montana  
 17 to, or owned by, the civil air patrol and used and operated  
 18 by officials and employees thereof in the line of duty,  
 19 there must be placed on the number plates assigned thereto,  
 20 in a position that the department may designate, the letter  
 21 "X" or the word "EXEMPT". Distinctive registration numbers  
 22 for plates assigned to motor vehicles of each of the  
 23 counties in the state and those of the municipalities and  
 24 school districts situated within each of the counties and  
 25 those of the irrigation districts that obtain plates within

1 each county must begin with number one and be numbered  
 2 consecutively. Because these number plates are of a  
 3 permanent nature, they are subject to replacement by the  
 4 department only when the physical condition of the number  
 5 plates requires it and a year number may not be displayed on  
 6 the number plates.

7 (7) On all number plates assigned to motor vehicles of  
 8 the truck and trailer type, other than tax-exempt trucks and  
 9 tax-exempt trailers, there must appear the letter "T" or the  
 10 word "TRUCK" on plates assigned to trucks and the letters  
 11 "TR" or the word "TRAILER" on plates assigned to trailers  
 12 and housetrailer. The letters "MC" or the word "CYCLE" must  
 13 appear on plates assigned to vehicles of the motorcycle or  
 14 quadricycle type.

15 (8) Number plates issued to a passenger car, truck,  
 16 trailer, or vehicle of the motorcycle or quadricycle type  
 17 may be transferred only to a replacement passenger car,  
 18 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 19 No registration or license fee may be assessed upon a  
 20 transfer of a number plate under 61-3-317 and 61-3-335.

21 (9) For the purpose of this chapter, the several  
 22 counties of the state are assigned numbers as follows:  
 23 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 24 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 25 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;

1 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 2 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 3 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 4 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 5 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 6 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 7 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 8 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 9 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 10 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 11 55; Lincoln, 56. Any new counties must be assigned numbers  
 12 by the department as they may be formed, beginning with the  
 13 number 57.

14 (10) Each type of special license plate approved by the  
 15 legislature, except collegiate license plates authorized in  
 16 61-3-463, must be a separate series of plates, numbered as  
 17 provided in subsection (5), except that the county number  
 18 must be replaced by a nonremovable design or decal  
 19 designating the group or organization to which the applicant  
 20 belongs. Unless otherwise specifically stated in this  
 21 section, the special plates are subject to the same rules  
 22 and laws as govern the issuance of regular license plates,  
 23 must be placed or mounted on a vehicle owned by the person  
 24 who is eligible to receive them, and must be removed upon  
 25 sale or other disposition of the vehicle. The special

1 license plates must be issued to national guard members,  
 2 former prisoners of war, handicapped persons, reservists,  
 3 and disabled veterans, who comply with the following  
 4 provisions:

5 (a) An active member of the Montana national guard may  
 6 be issued a special license plate with a design or decal  
 7 displaying the letters "NG". The adjutant general shall  
 8 issue to each active member of the Montana national guard a  
 9 certificate authorizing the division to issue one set of  
 10 national guard plates, and the member shall surrender the  
 11 plates to the division upon becoming ineligible to use them.

12 (b) An active member of the reserve armed forces of the  
 13 United States of America who is a resident of this state may  
 14 be issued a special license plate with a design or decal  
 15 displaying the following: United States army reserve, AR  
 16 (symbol); United States naval reserve, NR (anchor); United  
 17 States air force reserve, AFR (symbol); United States marine  
 18 corps reserve, MCR (globe and anchor). The commanding  
 19 officer of each armed forces reserve unit shall issue to  
 20 each eligible member of the reserve unit a certificate  
 21 authorizing the issuance of one set of plates. The member  
 22 shall surrender the plates to the division upon becoming  
 23 ineligible to use them.

24 (c) A resident of Montana who is a veteran of the armed  
 25 forces of the United States and who is 100% disabled because

1 of an injury that has been determined by the veterans'  
 2 administration to be service-connected may, upon  
 3 presentation to the division of proof of the 100%  
 4 disability, be issued a special license plate under this  
 5 section with a design or decal displaying the letters "DV".

6 (i) The fee for original or renewal registration by a  
 7 100% disabled veteran for a passenger vehicle or a truck  
 8 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 9 lieu of all other fees and taxes for that vehicle under this  
 10 chapter.

11 (ii) Special license plates issued to a disabled veteran  
 12 are not transferrable to another person.

13 (iii) A disabled veteran is not entitled to a special  
 14 license plate for more than one vehicle.

15 (iv) A vehicle lawfully displaying a disabled veteran's  
 16 plate and that is conveying a 100% disabled veteran is  
 17 entitled to the parking privileges allowed a handicapped  
 18 person's vehicle under this title.

19 (d) A Montana resident who is a veteran of the armed  
 20 forces of the United States and was captured and held  
 21 prisoner by a military force of a foreign nation, documented  
 22 by his service record, may upon application and presentation  
 23 of proof be issued a special license plate with a design or  
 24 decal displaying the words "ex-prisoner of war" or an  
 25 abbreviation as the department considers appropriate.

1 (e) A Montana resident who is eligible to receive a  
 2 special parking permit under 49-4-301 may, upon written  
 3 application on a form prescribed by the department, be  
 4 issued a special license plate with a design or decal  
 5 bearing a representation of a wheelchair as the symbol of  
 6 the handicapped person. (Terminates July 1, 1996--sec. 4,  
 7 Ch. 654, L. 1989.)

8 61-3-332. (Effective July 1, 1996) Number plates. (1)  
 9 Every A motor vehicle that is driven upon the streets or  
 10 highways of Montana must display both front and rear number  
 11 plates, bearing the distinctive number assigned the vehicle.  
 12 The number plates are in eight 10 series: one series for  
 13 owners of motorcars, one for owners of motor vehicles of the  
 14 motorcycle or quadricycle type, one for trailers, one for  
 15 trucks, one for dealers in vehicles of the motorcycle or  
 16 quadricycle type that bear the distinctive letters "MCD" or  
 17 the letters "MC" and the word "DEALER", one for franchised  
 18 dealers in new motorcars (including trucks and trailers) or  
 19 new and used motorcars (including trucks and trailers) that  
 20 bear the distinctive letter "D" or the word "DEALER", one  
 21 for dealers in used motorcars only (including used trucks  
 22 and trailers) that bear the distinctive letters "UD" or the  
 23 letter "U" and the word "DEALER", and one for dealers in  
 24 trailers and/or semitrailers (new or used) that bear the  
 25 distinctive letters "DTR" or the letters "TR" and the word

1 "DEALER", one for dealers in recreational vehicles that bear  
 2 the distinctive letters "RV" or the letter "R" and the word  
 3 "DEALER", and one for special license plates. All markings  
 4 for the aforementioned various kinds of dealers' plates must  
 5 be placed on the number plates assigned thereto in the  
 6 position that the department designates.

7 (2) All number plates for motor vehicles must be issued  
 8 for a minimum period of 4 years, bear a distinctive marking,  
 9 and be furnished by the state. In years when number plates  
 10 are not issued, the department shall provide nonremovable  
 11 stickers bearing appropriate registration numbers that must  
 12 be affixed to the license plates in use.

13 (3) Subject to the provisions of this section, the  
 14 department shall create a new design for number plates as  
 15 provided in this section, and it shall manufacture the newly  
 16 designed number plates for issuance after January 1, 1991,  
 17 to replace, at renewal as required in 61-3-312 and 61-3-314,  
 18 number plates that were displayed on motor vehicles before  
 19 that date.

20 (4) In the case of motorcars and trucks, number plates  
 21 must be of metal 6 inches wide and 12 inches in length. For  
 22 number plates issued after 1976, the outline of the state of  
 23 Montana must be used as a distinctive border on such license  
 24 plates, and the word "Montana" and the year must be placed  
 25 across the bottom of the plates. Such registration plates

1 must be treated with a reflectorized background material  
2 according to specifications prescribed by the department.

3 (5) The distinctive registration numbers must begin  
4 with a number one or with a letter-number combination, such  
5 as "A 1" or "AA 1", or any other similar combination of  
6 letters and numbers and be numbered consecutively for each  
7 series of plates. The distinctive registration number or  
8 letter-number combination assigned to the vehicle must  
9 appear on the plate preceded by the number of the county and  
10 appearing in horizontal order on the same horizontal  
11 baseline. The county number must be separated from the  
12 distinctive registration number by a separation mark unless  
13 a letter-number combination is used. The dimensions of such  
14 numerals and letters must be determined by the department,  
15 and all county and registration numbers must be of equal  
16 height.

17 (6) For the use of tax-exempt motor vehicles, in  
18 addition to the markings herein provided, number plates must  
19 have thereon the following distinctive markings:

20 (a) For vehicles owned by the state, the department may  
21 designate the prefix number for the various state  
22 departments. All numbered plates issued to state departments  
23 must bear the words "State Owned", and no year number may be  
24 indicated thereon because these numbered plates are of a  
25 permanent nature and will be replaced by the department only

1 when the physical condition of numbered plates requires it.

2 (b) For vehicles that are owned by the counties,  
3 municipalities, irrigation districts organized under the  
4 laws of Montana and not operating for profit, and school  
5 districts and that are used and operated by officials and  
6 employees thereof in line of duty and for vehicles on loan  
7 from the United States government or the state of Montana  
8 to, or owned by, the civil air patrol and used and operated  
9 by officials and employees thereof in the line of duty,  
10 there must be placed on the number plates assigned thereto,  
11 in a position that the department may designate, the letter  
12 "X" or the word "EXEMPT". Distinctive registration numbers  
13 for plates assigned to motor vehicles of each of the  
14 counties in the state and those of the municipalities and  
15 school districts situated within each of the counties and  
16 those of the irrigation districts that obtain plates within  
17 each county must begin with number one and be numbered  
18 consecutively. Because these number plates are of a  
19 permanent nature, they are subject to replacement by the  
20 department only when the physical condition of the number  
21 plates requires it and a year number may not be displayed on  
22 the number plates.

23 (7) On all number plates assigned to motor vehicles of  
24 the truck and trailer type, other than tax-exempt trucks and  
25 tax-exempt trailers, there must appear the letter "T" or the

1 word "TRUCK" on plates assigned to trucks and the letters  
 2 "TR" or the word "TRAILER" on plates assigned to trailers  
 3 and housetrailer. The letters "MC" or the word "CYCLE" must  
 4 appear on plates assigned to vehicles of the motorcycle or  
 5 quadricycle type.

6 (8) Number plates issued to a passenger car, truck,  
 7 trailer, or vehicle of the motorcycle or quadricycle type  
 8 may be transferred only to a replacement passenger car,  
 9 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 10 No registration or license fee may be assessed upon a  
 11 transfer of a number plate under 61-3-317 and 61-3-335.

12 (9) For the purpose of this chapter, the several  
 13 counties of the state are assigned numbers as follows:  
 14 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 15 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 16 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 17 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 18 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 19 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 20 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 21 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 22 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 23 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 24 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 25 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,

1 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 2 55; Lincoln, 56. Any new counties must be assigned numbers  
 3 by the department as they may be formed, beginning with the  
 4 number 57.

5 (10) Each type of special license plate approved by the  
 6 legislature, except collegiate license plates authorized in  
 7 61-3-463, must be a separate series of plates, numbered as  
 8 provided in subsection (5), except that the county number  
 9 must be replaced by a nonremovable design or decal  
 10 designating the group or organization to which the applicant  
 11 belongs. Unless otherwise specifically stated in this  
 12 section, the special plates are subject to the same rules  
 13 and laws as govern the issuance of regular license plates,  
 14 must be placed or mounted on a vehicle owned by the person  
 15 who is eligible to receive them, and must be removed upon  
 16 sale or other disposition of the vehicle. The special  
 17 license plates must be issued to national guard members,  
 18 former prisoners of war, handicapped persons, reservists,  
 19 and disabled veterans, who comply with the following  
 20 provisions:

21 (a) An active member of the Montana national guard may  
 22 be issued a special license plate with a design or decal  
 23 displaying the letters "NG". The adjutant general shall  
 24 issue to each active member of the Montana national guard a  
 25 certificate authorizing the division to issue one set of



1 national guard plates, and the member shall surrender the  
2 plates to the division upon becoming ineligible to use them.

3 (b) An active member of the reserve armed forces of the  
4 United States of America who is a resident of this state may  
5 be issued a special license plate with a design or decal  
6 displaying the following: United States army reserve, AR  
7 (symbol); United States naval reserve, NR (anchor); United  
8 States air force reserve, AFR (symbol); United States marine  
9 corps reserve, MCR (globe and anchor). The commanding  
10 officer of each armed forces reserve unit shall issue to  
11 each eligible member of the reserve unit a certificate  
12 authorizing the issuance of one set of plates. The member  
13 shall surrender the plates to the division upon becoming  
14 ineligible to use them.

15 (c) A resident of Montana who is a veteran of the armed  
16 forces of the United States and who is 100% disabled because  
17 of an injury that has been determined by the veterans'  
18 administration to be service-connected may, upon  
19 presentation to the division of proof of the 100%  
20 disability, be issued a special license plate under this  
21 section with a design or decal displaying the letters "DV".

22 (i) The fee for original or renewal registration by a  
23 100% disabled veteran for a passenger vehicle or a truck  
24 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
25 lieu of all other fees and taxes for that vehicle under this

1 chapter.

2 (ii) Special license plates issued to a disabled veteran  
3 are not transferrable to another person.

4 (iii) A disabled veteran is not entitled to a special  
5 license plate for more than one vehicle.

6 (iv) A vehicle lawfully displaying a disabled veteran's  
7 plate and that is conveying a 100% disabled veteran is  
8 entitled to the parking privileges allowed a handicapped  
9 person's vehicle under this title.

10 (d) A Montana resident who is a veteran of the armed  
11 forces of the United States and was captured and held  
12 prisoner by a military force of a foreign nation, documented  
13 by his service record, may upon application and presentation  
14 of proof be issued a special license plate with a design or  
15 decal displaying the words "ex-prisoner of war" or an  
16 abbreviation as the department considers appropriate.

17 (e) A Montana resident who is eligible to receive a  
18 special parking permit under 49-4-301 may, upon written  
19 application on a form prescribed by the department, be  
20 issued a special license plate with a design or decal  
21 bearing a representation of a wheelchair as the symbol of  
22 the handicapped person."

23 **Section 9.** Section 61-3-333, MCA, is amended to read:

24 "61-3-333. Replacing number plates. In the event of  
25 loss, mutilation, or destruction of number plates, and/or

1 validation devices, the owner of the registered motor  
 2 vehicle may obtain from the department duplicates thereof or  
 3 replacements of the number plates upon filing sworn  
 4 declaration showing ~~such~~ that fact and payment of a fee of  
 5 \$2. In the event of loss, mutilation, or destruction of  
 6 pioneer plates, duplicates may be obtained in the same  
 7 manner upon payment of a fee of \$5."

8 **Section 10.** Section 61-3-465, MCA, is amended to read:

9 "61-3-465. Issuance -- application -- additional fee --  
 10 disposition. (1) The department shall issue or renew  
 11 collegiate license plates upon receipt of an application  
 12 that shows:

13 (a) compliance with 61-3-303~~7~~-61-3-304, 61-3-311, and  
 14 61-3-312; and

15 (b) payment to the county treasurer of:

16 (i) an initial application and manufacturing fee of  
 17 \$2.50, when required; and

18 (ii) an annual scholarship donation of \$20 for the  
 19 benefit of the institution named in the application.

20 (2) Once each month the county treasurer shall transfer  
 21 to the state treasurer the total of the amounts collected  
 22 for:

23 (a) the initial application and manufacturing fee for  
 24 deposit in the Montana state prison industries account in  
 25 the proprietary fund for appropriation by the legislature to

1 pay the cost of manufacturing collegiate license plates; and

2 (b) scholarship donations provided for in subsection  
 3 (1)(b)(ii), along with a schedule showing the number of  
 4 collegiate license plates issued and the total donations  
 5 received for the benefit of each institution.

6 (3) Once each month the state treasurer shall  
 7 distribute to the student academic scholarship fund or  
 8 foundation of each institution an amount equal to the total  
 9 donations credited to that institution and transferred to  
 10 the state treasurer by the county treasurers during the  
 11 preceding month."

12 **Section 11.** Section 61-3-510, MCA, is amended to read:

13 "61-3-510. Weed control fee. (1) A special weed control  
 14 fee of \$1.50 must be assessed on the annual registration or  
 15 reregistration of each motor vehicle subject to  
 16 registration. The fee must be collected by the county  
 17 treasurer.

18 (2) For purposes of this section, motor vehicle  
 19 includes:

20 (a) motor vehicle as defined in 61-1-102;

21 (b) motorcycle as defined in 61-1-105;

22 (c) motor-driven cycle as defined in 61-1-106; and

23 (d) quadricycle as defined in 61-1-133.

24 (3) The following vehicles are exempt from the fee:

25 (a) vehicles owned or controlled by the United States

1 or a state, county, or city;

2 (b) vehicles exempt from payment of registration fees  
3 by 61-3-321~~(7)~~(8); and

4 (c) vehicles or equipment which is not self-propelled  
5 or which requires towing when moved upon a highway of this  
6 state."

7 **Section 12.** Section 61-3-601, MCA, is amended to read:

8 "61-3-601. Penalty for violations. Except as otherwise  
9 provided, a violation of any of the provisions of this  
10 chapter is a misdemeanor and is punishable by a fine not  
11 exceeding \$25 \$500. Nothing ~~contained-herein in this section~~  
12 prevents the prosecution of a person for an offense  
13 committed under any other law."

14 **Section 13.** Section 61-3-604, MCA, is amended to read:

15 "61-3-604. Penalty for altering identification number.  
16 (1) A person who willfully removes or falsifies an  
17 identification number of a motor vehicle or motor vehicle  
18 engine is guilty of a misdemeanor.

19 (2) Any person or persons, firm, or corporation ~~which~~  
20 that sells or offers for sale in this state a vehicle the  
21 original vehicle identification number of which has been  
22 destroyed, removed, altered, covered, or defaced~~;-with-the~~  
23 ~~exception-of-electrically-propelled-vehicles~~; is guilty of a  
24 misdemeanor and upon conviction thereof shall be punished by  
25 a fine of not less than \$200 or more than \$500 and by

1 imprisonment in the county jail for a term of not less than  
2 30 days or more than 180 days. Upon a second or subsequent  
3 conviction under this subsection, the punishment shall be  
4 imprisonment in the state prison for a term of not less than  
5 1 year or more than 5 years or a fine in an amount not to  
6 exceed \$50,000, or both such fine and imprisonment."

7 **Section 14.** Section 61-4-101, MCA, is amended to read:

8 "61-4-101. Application for dealer's license. (1) Every  
9 person, firm, corporation, or association which, for  
10 commission or profit, engages in the business of buying,  
11 selling, exchanging, offering, taking for consignment,  
12 soliciting, advertising the sale of, or acting as a broker  
13 of new motor vehicles, recreational vehicles, used motor  
14 vehicles, trailers (except trailers having an unloaded  
15 weight of less than 500 pounds), semitrailers, or special  
16 mobile equipment as defined in 61-1-104 shall file, by mail  
17 or otherwise, in the office of the department a verified  
18 application for licensure as a dealer, on a blank to be  
19 furnished by the department for that purpose and containing  
20 the information required. The application and all of the  
21 information contained in it must be verified by the ~~Montana~~  
22 ~~highway--patrol~~ department. Each application must be  
23 accompanied by the license fee specified in 61-4-102. A  
24 dealer's license must be renewed and paid for annually, and  
25 an application for relicensure must be filed not later than

1 January 1 of each year. If an application for renewal of a  
 2 license has been received by the department prior to the  
 3 expiration of the license, the dealer may operate his  
 4 business and display dealer plates under the expired license  
 5 between January 1 and February 15 following expiration.

6 (2) To qualify for licensure and the issuance and use  
 7 of "D", "UD", "RV", "DTR", or "MCD" plates as hereinafter  
 8 provided, the applicant must furnish the following  
 9 information and qualify under the following provisions:

10 (a) To qualify as a new motor vehicle dealer and for  
 11 the use of "D" plates, the applicant must:

12 (i) state the name under which the business is to be  
 13 conducted and the location of the premises (street address,  
 14 city, county, and state) where records are kept, sales are  
 15 made, and stock of motor vehicles is displayed;

16 (ii) state the name and address of all owners or persons  
 17 having an interest in the business, provided that in the  
 18 case of a corporation, the names and addresses of the  
 19 president and secretary are sufficient;

20 (iii) state the name and make of all motor vehicles  
 21 handled and the name and address of the manufacturer,  
 22 importer, or distributor with whom the applicant has a  
 23 written new motor vehicle franchise or sales agreement;

24 (iv) execute a certificate to the effect that the  
 25 applicant has a permanent building for the display and sale

1 of new motor vehicles at the location of the premises where  
 2 sales are conducted;

3 (v) execute a certificate to the effect that the  
 4 applicant has a bona fide service department for the repair,  
 5 service, and maintenance of motor vehicles; and

6 (vi) execute a certificate to the effect that the  
 7 applicant is a bona fide dealer in new motor vehicles and  
 8 that he is recognized by a manufacturer, importer, or  
 9 distributor as a dealer in new motor vehicles.

10 (b) To qualify as a used motor vehicle dealer and for  
 11 the use of "UD" plates or, as a recreational vehicle dealer  
 12 and for the use of "RV" plates, as a trailer, semitrailer,  
 13 or special mobile equipment dealer and for the use of "DTR"  
 14 plates, or as a motorcycle or quadricycle dealer and for the  
 15 use of "MCD" plates, the applicant must shall, in addition  
 16 to the matters set forth in subsections (i) and (ii) of  
 17 subsection (2)(a) above, provide:

18 (i) a statement that the applicant has a building or  
 19 lot and a sign readable at a minimum distance of 150 feet  
 20 indicating the firm name as the principal place of business  
 21 and that vehicles are offered for sale; and

22 (ii) a certificate to the effect that the applicant is a  
 23 bona fide dealer in used motor vehicles, recreational  
 24 vehicles, trailers, semitrailers, special mobile equipment,  
 25 motorcycles, or quadricycles. An applicant for a

1 recreational vehicle dealer license must shall also indicate  
2 on the same certificate that he is recognized by a  
3 manufacturer, importer, or distributor as a dealer in  
4 recreational vehicles.

5 (c) To qualify for a used motor vehicle dealer's  
6 license, a person must shall submit an annual application  
7 for that license and comply with the provisions of  
8 61-4-102(5) in addition to fulfilling the requirements of  
9 subsection (2)(b).

10 (d) The provisions of subsection (2)(c) do not apply to  
11 an applicant who is licensed as a motor vehicle wrecking  
12 facility under the provisions of Title 75, chapter 10, part  
13 5.

14 (3) (a) The applicant for a dealer's license shall also  
15 file with his application a good and sufficient bond in the  
16 sum of \$5,000, and the bond must be conditioned that the  
17 applicant shall conduct his business in accordance with the  
18 requirements of the law. All bonds must run to the state of  
19 Montana, must be approved by the department and filed in its  
20 office, and must be renewed annually.

21 (b) A person who suffers loss or damage due to the  
22 unlawful conduct of a dealer licensed under this section  
23 shall obtain a judgment from a court of competent  
24 jurisdiction prior to collecting the judgment from the  
25 department. The department is responsible for payment under

1 this section, in an amount not to exceed the maximum bond  
2 amount, only if the judgment on which the payment is based  
3 determines a specific loss or damage amount and concludes  
4 that the dealer's unlawful operation caused the loss or  
5 damage."

6 **Section 15.** Section 61-6-302, MCA, is amended to read:

7 "~~61-6-302. Proof of compliance. (1)-Except-as--provided~~  
8 ~~in-subsection-(2),-before-any-applicant-required-to-register~~  
9 ~~his--motor--vehicle-may-do-so,-the-applicant-must-certify-to~~  
10 ~~the--county--treasurer--that--he--possesses--an--automobile~~  
11 ~~liability-insurance-policy,-a-certificate-of-self-insurance,~~  
12 ~~or--a--posted--indemnity--bond-or-that-he-is-eligible-for-an~~  
13 ~~exemption-under-61-6-303-covering--the--motor--vehicle,-The~~  
14 ~~certification---shall---be--on--a--form--prescribed--by--the~~  
15 ~~department,-The--department--may--immediately--cancel---the~~  
16 ~~registration---and---license--plates--of--the--vehicle--upon~~  
17 ~~notification--that--the--insurance--certification--was---not~~  
18 ~~correctly-represented,-Any-person-who-intentionally-provides~~  
19 ~~false-information-on-an-insurance-certification-is-guilty-of~~  
20 ~~unsworn-falsification-to-authorities,-punishable-as-provided~~  
21 ~~in-45-7-203.~~

22 (2)--An--applicant--for--registration-of-a-motor-vehicle  
23 who-wishes-to-register-the--vehicle--by--mail--must--sign--a  
24 statement--on--the-application-stating-that-the-applicant-is  
25 in-compliance-with-the-financial-liability--requirements--of

1 ~~61-6-301-~~  
 2 ~~(3)(1)~~ An owner of a motor vehicle who ceases to  
 3 maintain the insurance or bond required under 61-6-301 or  
 4 whose certificate of self-insurance is canceled or whose  
 5 vehicle ceases to be exempt under 61-6-303 shall immediately  
 6 surrender the registration and license plates for the  
 7 vehicle to the county treasurer for delivery to the  
 8 department and may not operate or permit operation of the  
 9 vehicle in Montana until insurance has again been furnished  
 10 as required and the vehicle is again registered and  
 11 licensed.

12 ~~(4)(2)~~ Every A person shall carry in a motor vehicle  
 13 being operated by him an insurance card approved by the  
 14 department but issued by the insurance carrier to the motor  
 15 vehicle owner as proof of compliance with 61-6-301. A motor  
 16 vehicle operator shall exhibit the insurance card upon  
 17 demand of a justice of the peace, a city or municipal judge,  
 18 a peace officer, a highway patrol officer, or a field deputy  
 19 or inspector of the department. ~~However,~~ no A person charged  
 20 with violating this subsection may not be convicted if he  
 21 produces in court or the office of the arresting officer  
 22 proof of insurance valid at the time of his arrest."

23 NEW SECTION. Section 16. Repealer. Sections 10-1-110,  
 24 61-3-304, 61-3-444, 61-3-445, 61-3-447, 61-3-451, and  
 25 61-3-505, MCA, are repealed.

1 NEW SECTION. Section 17. Instructions to code  
 2 commissioner. To conform with the provisions of [this act],  
 3 the code commissioner shall make the following revisions:  
 4 (1) in 49-4-302(2) and (3), change 61-3-451 to  
 5 61-3-332(10)(c);  
 6 (2) in 49-4-304(1), change 61-3-445 to 61-3-332(10)(e);  
 7 (3) in 61-3-313(3), change 61-3-451 to 61-3-332(10)(c);  
 8 (4) in 61-3-446, change:  
 9 (a) 61-3-444 to 61-3-332(10)(d);  
 10 (b) 61-3-445 to 61-3-332(10)(e);  
 11 (c) 61-3-447 to 61-3-332(10)(b); and  
 12 (d) 61-3-451 to 61-3-332(10)(c);  
 13 (5) in 61-3-452, 61-3-453, 61-3-454, 61-3-455, and  
 14 61-3-504(2), change 63-3-451 to 61-3-332(10)(c);  
 15 (6) in 61-3-507, delete "and 61-3-505" at the end of  
 16 subsection (1) in the temporary version and at the end of  
 17 the permanent version.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0191, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would generally revise motor vehicle registration and titling laws; delete the requirement for certification of liability insurance on the registration receipt; provide for the issuance of special-purpose license plates by creating a generic plate with a design or decal indicating the special purpose; creating a new class of dealer plate for recreational vehicle dealers; allowing for replacement plates instead of issuing duplicate plates; and other related provisions.

ASSUMPTIONS:

1. There will be 6,000 summons written and collected each year of the 1993 biennium by Justice of the Peace courts in connection with motor vehicle violations under Title 61, Chapter 3, MCA. The average amount collected under current law is \$25 per summons and is estimated to increase to \$35 under the proposed law, in connection with the increase in the maximum fine from \$25 to \$500. It is further assumed that the effective date for the increase will be October 1, 1991.
2. Most of the changes in the bill represent cleanup or consolidation of existing law; therefore, no material impact is estimated on expenditures of the Motor Vehicle Division or other divisions of the Department of Justice.
3. Fiscal impact is calculated based on an effective date of October 1, 1991, since no date is specified.

FISCAL IMPACT:


Revenues:

Revenue from motor vehicle violations (Title 61, Chapter 3, MCA):

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
General Fund (01)	17,250	22,425	5,175	17,250	24,150	6,900
State Special (02)	57,750	75,075	17,325	57,750	80,850	23,100
County Revenue	<u>75,000</u>	<u>97,500</u>	<u>22,500</u>	<u>75,000</u>	<u>105,000</u>	<u>30,000</u>
Total	150,000	195,000	45,000	150,000	210,000	60,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties would be expected to receive additional revenue in statewide amounts of \$22,500 during FY92 and \$30,000 during FY93 from additional fines collected through Justice of the Peace courts.

  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 DATE 1-28-91

  
 THOMAS A. (TOM) BECK, PRIMARY SPONSOR  
 DATE 1/29

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 SENATE BILL NO. 191  
2 INTRODUCED BY T. BECK  
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
6 MOTOR VEHICLE REGISTRATION AND TITLING LAWS; DELETING THE  
7 REQUIREMENT FOR CERTIFICATION OF LIABILITY INSURANCE ON THE  
8 REGISTRATION RECEIPT; PROVIDING FOR THE ISSUANCE OF  
9 SPECIAL-PURPOSE LICENSE PLATES, INCLUDING LICENSE PLATES  
10 ISSUED TO SURVIVORS OF THE PEARL HARBOR ATTACK, BY CREATING  
11 A GENERIC PLATE WITH A DESIGN OR DECAL INDICATING THE  
12 SPECIAL PURPOSE; CREATING A NEW CLASS OF DEALER PLATE FOR  
13 RECREATIONAL VEHICLE DEALERS; ALLOWING FOR REPLACEMENT  
14 PLATES INSTEAD OF ISSUING DUPLICATE LICENSE PLATES; REMOVING  
15 THE EXCEPTION FOR ELECTRICALLY DRIVEN VEHICLES IN THE  
16 VEHICLE IDENTIFICATION NUMBER STATUTE; TRANSFERRING THE DUTY  
17 OF INSPECTING DEALERS FROM THE HIGHWAY PATROL TO THE MOTOR  
18 VEHICLE DIVISION; PROVIDING THAT EXEMPT PLATES BE REISSUED  
19 ONLY WHEN DAMAGED OR DESTROYED; INCREASING THE PENALTY FOR  
20 VIOLATING VEHICLE TITLING, REGISTRATION, OR TAXATION LAWS;  
21 REDUCING THE ALLOCATION OF GASOLINE TAX FUNDS TO A COUNTY  
22 FOR FAILURE TO ENFORCE THE PROOF OF COMPLIANCE PROVISION;  
23 VOIDING HOUSE BILL NO. 98; AMENDING SECTIONS 15-70-101,  
24 61-1-130, 61-3-101, 61-3-201, 61-3-205, 61-3-206, 61-3-303,  
25 61-3-305, 61-3-332, 61-3-333, 61-3-465, 61-3-510, 61-3-601,

1 61-3-604, AND 61-4-101, AND--61-6-302, MCA; AND REPEALING  
2 SECTIONS 10-1-110, 61-3-304, 61-3-444, 61-3-445, 61-3-447,  
3 61-3-451, AND 61-3-505, MCA."  
4

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

6 **Section 1.** Section 61-1-130, MCA, is amended to read:  
7 "61-1-130. Motor home. "Motor home" as used in 61-3-521  
8 and 61-3-522 means a self-propelled motor vehicle originally  
9 ~~designed--or--permanently--altered--to---provide---temporary~~  
10 ~~facilities--for--recreational--travel--or--camping--use;~~  
11 (1) designed to provide temporary living quarters,  
12 built as an integral part of or permanently attached to a  
13 self-propelled motor vehicle chassis or van;  
14 (2) containing permanently installed independent life  
15 support systems that meet the ANSI/A119.2 standard; and  
16 (3) providing at least four of the following types of  
17 facilities:  
18 (a) cooking, refrigeration, or icebox;  
19 (b) self-contained toilet;  
20 (c) heating or air-conditioning, or both;  
21 (d) potable water supply, including a faucet and sink;  
22 or  
23 (e) separate 110-volt or 125-volt electrical power  
24 supply or a liquified petroleum gas supply, or both."

25 **Section 2.** Section 61-3-101, MCA, is amended to read:

**SECOND READING**



1       "61-3-101. Duties of department -- records. (1) The  
2 department shall keep a record as hereinafter specified in  
3 this section of all motor vehicles, trailers, and  
4 semitrailers of every kind, and of certificates of  
5 registration and ownership thereof of those vehicles, and of  
6 all manufacturers and dealers in motor vehicles.

7       (2) In the case of motor vehicles, trailers, and  
8 semitrailers, the record ~~shall~~ must show the following:

9       (a) name of owner, residence by town and county, and  
10 business address;

11       (b) name and address of conditional sales vendor,  
12 mortgagee, or other lienholder and amount due under contract  
13 or lien;

14       (c) manufacturer of car vehicle;

15       (d) manufacturer's designation of style of ~~car--or~~  
16 vehicle;

17       (e) identifying number;

18       (f) year of manufacture;

19       (g) character of motive power and shipping weight of  
20 car vehicle as shown by the manufacturer;

21       (h) the distinctive license number assigned to the  
22 vehicle if any;

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

25       (j) except as provided in 61-3-103, the name and

1 complete address of any holder of a perfected security  
2 interest in a vehicle; and

3 (j)(k) such other information as that may from time to  
4 time be found desirable.

5       (3) The department shall file applications for  
6 registration received by it from the county treasurers of  
7 the state and register the vehicles ~~therein~~ described in the  
8 applications and the owners thereof of the vehicles in  
9 suitable books or on index cards, as follows:

10       (a) under the distinctive license number assigned to  
11 the vehicle by the county treasurer;

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

13       (c) numerically under make and identifying number of  
14 the vehicle; and

15       (d) such other index of registration as the department  
16 considers expedient.

17       (4) Vehicle registration records and indexes and  
18 driver's license records and indexes may be maintained by  
19 electronic recording and storage media.

20       (5) In the case of dealers, the records ~~shall~~ must show  
21 the information contained in the application for dealer's  
22 license as required by 61-4-101 through 61-4-105, as well as  
23 the distinctive license number assigned to the dealer.

24       (6) In order to prevent an accumulation of unneeded  
25 records and files, the department ~~shall have the authority~~

1 ~~and--it--shall--be--its~~ has the authority and the duty to  
 2 destroy all records and files which that have ceased to be  
 3 ~~of-any~~ have value.

4 (7) The department may establish and maintain a  
 5 short-wave radio station in order to report motor vehicle  
 6 registration information to the highway patrol, to sheriffs,  
 7 and to the chiefs of police of each incorporated city of the  
 8 state who are able to communicate with such the short-wave  
 9 radio station.

10 (8) All records ~~shall~~ must be open to inspection during  
 11 all reasonable business hours, and the department shall  
 12 furnish any information from the records upon payment by the  
 13 applicant of the cost of transcribing the information  
 14 requested."

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

16 "61-3-201. Transfer of interest -- cancellation of  
 17 erroneous certificate of ownership. (1) Upon a transfer of  
 18 any interest in a motor vehicle registered under the  
 19 provisions of this chapter, the person whose interest is to  
 20 be transferred shall write his signature with pen and ink  
 21 upon the certificate of ownership issued for the vehicle in  
 22 the appropriate space provided ~~upon-the-reverse-side-of-the~~  
 23 ~~certificate~~, and the signature must be acknowledged before  
 24 the county treasurer, a deputy county treasurer, or a notary  
 25 public.

1 (2) Within 20 calendar days after endorsement, the  
 2 transferee shall forward both the endorsed certificate of  
 3 ownership with the odometer mileage statement required under  
 4 61-3-206 and the certificate of registration, together with  
 5 the information required under 61-3-202, to the county  
 6 treasurer, who shall forward them to the department. The  
 7 department may not issue a certificate of ownership or  
 8 certificate of registration until the outstanding  
 9 certificates are surrendered to that office or their loss is  
 10 established to its reasonable satisfaction. Failure to make  
 11 application within the 20-day grace period subjects the  
 12 transferee to a penalty of \$10. The county treasurer shall  
 13 collect the penalty at the time of registration. The penalty  
 14 is in addition to the fees otherwise provided by law. If the  
 15 transferee does not make application within 25 days, a  
 16 creditor or secured party may pay the fees for the transfer  
 17 of title and filing of security interest or lien in order to  
 18 have title transferred to the transferee and have the  
 19 security interest or lien filed. The creditor or secured  
 20 party is not liable for the penalty, registration fees, or  
 21 taxes. The department shall return the certificate of title  
 22 to the county treasurer as provided in 61-3-103(1). When the  
 23 certificate of ownership is returned by the department to  
 24 the county treasurer, the treasurer shall hold the  
 25 certificate of ownership until the vehicle is properly

1 registered.

2 (3) In the event of a transfer by operation of law of  
3 any interest in a motor vehicle as upon inheritance, devise,  
4 or bequest, order in bankruptcy or insolvency, execution  
5 sale, repossession upon default in the performance of the  
6 terms of a lease or executory sales contract, or otherwise  
7 than by voluntary act of the person whose title or interest  
8 is transferred, the executor, administrator, receiver,  
9 trustee, sheriff, or other representative or successor in  
10 interest of the person whose interest is transferred shall  
11 forward to the department an application for a certificate  
12 of ownership in the form required by the department for an  
13 original--application--for--a--certificate---of---ownership,  
14 together with a verified or certified statement of the  
15 transfer of interest. The statement must set forth the  
16 reason for the involuntary transfer, the interest  
17 transferred, the name of the person to whom the interest is  
18 to be transferred, the process of procedure effecting the  
19 transfer, and other information requested by the department.  
20 Evidence and instruments otherwise required by law to effect  
21 a transfer of legal or equitable title to or an interest in  
22 chattels as may be required in such cases must be furnished  
23 with the statement. If the department is satisfied that the  
24 transfer is regular and that all formalities required by law  
25 have been complied with, it shall send to the owner,

1 conditional sales vendor, lessor, mortgagee, and other  
2 lienor, as shown by its records, notice of the intended  
3 transfer and, not less than 5 days after sending notice,  
4 shall issue a new certificate of ownership and certificate  
5 of registration to the transferee. The notice required by  
6 this section is complied with by deposit in the post office  
7 in Deer Lodge, Montana, of the notice, postage prepaid,  
8 addressed to the person at the respective address shown on  
9 its records.

10 (4) When the vehicle certificate of ownership that is  
11 involuntarily transferred is not registered in this state,  
12 the procedure in subsection (3) must be followed in applying  
13 for a new certificate of ownership and certificate of  
14 registration but; however, in lieu of the statement required  
15 in subsection (3), the department may accept an affidavit of  
16 repossession on the form provided by the state in which a  
17 lien has been perfected and the department need not send  
18 notice of intended transfer and shall issue a new  
19 certificate of ownership and a new certificate of  
20 registration to the person entitled to them the  
21 certificates.

22 (5) (a) IF the owner of one or more motor vehicles,  
23 trailers, semitrailers, or housetrailer registered under  
24 this chapter and not exceeding a combined value of \$15,000  
25 dies without leaving other property necessitating the

1 procuring of letters of administration or letters  
 2 testamentary, the surviving spouse or other heir unless the  
 3 property is by will otherwise bequeathed may secure transfer  
 4 of the decedent's certificate of ownership and the  
 5 certificate of registration for the vehicle.

6 (b) The person seeking transfer of the certificate of  
 7 ownership shall file an affidavit with the department  
 8 setting forth the fact of survivorship and the name and  
 9 address of any other heirs and other facts as are necessary  
 10 under subsection (5)(a) to entitle the affiant to a  
 11 transfer.

12 (c) The department is authorized to transfer the  
 13 certificate of ownership and certificate of registration,  
 14 subject to all security interests shown by its records, upon  
 15 receipt of an affidavit showing that the affiant is entitled  
 16 to a transfer under the provisions of subsection (5)(a) of  
 17 this section.

18 (6) Nothing in subsection (5) prevents any a secured  
 19 party from assigning his interest in a motor vehicle  
 20 registered under the provisions of this chapter to any other  
 21 person without the consent of and without affecting the  
 22 interest of the holder of the certificate of ownership and  
 23 certificate of registration. Upon any assignment by a  
 24 secured party of his security interest in any motor vehicle  
 25 registered under this chapter, a copy of the assignment must

1 be filed with the department and a record of the assignment  
 2 made upon its records.

3 (7) The certificate of ownership is valid until  
 4 canceled by the department upon a transfer of any interest  
 5 shown in the certificate, and annual renewal is not needed.

6 (8) (a) Upon its determination that a certificate of  
 7 ownership contains an error caused by the department, the  
 8 department may cancel the certificate of ownership and issue  
 9 a replacement for the erroneous certificate if the owner has  
 10 returned the certificate to be canceled.

11 (b) Any person who fails to return a certificate of  
 12 ownership issued with an error caused by the department  
 13 after receiving actual notice of the department's demand for  
 14 the return of the certificate as required by subsection  
 15 (8)(a) is guilty of a misdemeanor and upon conviction may be  
 16 fined an amount not to exceed \$500."

17 **Section 4.** Section 61-3-205, MCA, is amended to read:

18 **"61-3-205. Transfer of ownership of vehicles by**  
 19 **insurance company.** (1) When an insurance company or its  
 20 adjuster has taken possession of a motor vehicle as a result  
 21 of settling an insurance claim and transfers ownership of  
 22 the motor vehicle, it shall deliver to the transferee at the  
 23 time of transfer a certificate of ownership signed and  
 24 acknowledged by the registered owner or owners before the  
 25 county treasurer, a deputy county treasurer, or a notary

1 public.

2 (2) If the certificate of ownership names one or more  
3 holders of a perfected security interest in the motor  
4 vehicle, the insurance company or its adjuster shall also  
5 secure and deliver to the transferee a release from the  
6 secured party of the security interest."

7 **Section 5.** Section 61-3-206, MCA, is amended to read:

8 "61-3-206. Odometer disclosure requirements on transfer  
9 of vehicle -- dealer to preserve record. (1) Except as  
10 provided in subsection (3), before executing any transfer of  
11 ownership document relating to a motor vehicle, each seller  
12 of a motor vehicle shall record on the certificate of  
13 ownership the odometer reading at the time of transfer or,  
14 if the certificate of ownership does not provide for the  
15 recording of the odometer reading, furnish to the purchaser  
16 a written statement signed by each the seller, who shall  
17 also print his name on the written statement, containing the  
18 following information:

- 19 (a) the odometer reading at the time of transfer;  
20 (b) the date of transfer;  
21 (c) the seller's name and current address;  
22 (d) the purchaser's name and current address;  
23 (e) the vehicle year, make, model, body style, and  
24 identification number;  
25 (f) one of the following statements or certification:

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

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

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

14 (2) The purchaser shall acknowledge receipt of the  
15 disclosure statement by signing it and printing his name on  
16 the disclosure statement.

17 (3) The seller of the following types of motor vehicles  
18 need not disclose the odometer reading of the vehicle as  
19 required in subsection (1):

- 20 (a) a motor vehicle that is 10 years old or older;  
21 (b) a vehicle that is not self-propelled;  
22 (c) a new motor vehicle transferred between dealers  
23 prior to its first retail sale, unless such vehicle has been  
24 used as a demonstrator;  
25 (d) a vehicle having a gross weight rating of more than

1 16,000 pounds; or

2 (e) a vehicle sold directly by the manufacturer to an  
3 agency of the United States.

4 (4) A dealer licensed under 61-4-101 shall create a  
5 record of the information required in subsection (1) and  
6 shall maintain and preserve that record for at least 5 years  
7 after the date of sale of the motor vehicle to which the  
8 information pertains."

9 **Section 6.** Section 61-3-303, MCA, is amended to read:

10 **"61-3-303. Application for registration.** (1) Every  
11 owner of a motor vehicle operated or driven upon the public  
12 highways of this state shall for each motor vehicle owned,  
13 except as herein otherwise expressly provided, file or cause  
14 to be filed in the office of the county treasurer where the  
15 owner makes his permanent residence at the time of making  
16 the application or, if the vehicle is owned by a corporation  
17 or used primarily for commercial purposes, in the taxing  
18 jurisdiction of the county where the vehicle is permanently  
19 assigned, an application for registration or reregistration  
20 upon a blank form to be prepared and furnished by the  
21 department. The application shall contain:

22 (a) name and address of owner, giving county, school  
23 district, and town or city within whose corporate limits the  
24 motor vehicle is taxable, if taxable, or within whose  
25 corporate limits the owner's residence is located if the

1 motor vehicle is not taxable;

2 (b) name and address of the holder of any security  
3 interest in the motor vehicle;

4 (c) description of motor vehicle, including make, year  
5 model, engine or serial number, manufacturer's model or  
6 letter, gross weight, type of body, and if truck, the rated  
7 capacity; and

8 ~~(d) in case of reregistration, the license number for~~  
9 ~~the preceding year, and~~

10 ~~(e)~~ (d) such other information as that the department  
11 may require.

12 (2) A person who files an application for registration  
13 or reregistration of a motor vehicle, except of a mobile  
14 home as defined in 15-1-101(1), shall upon the filing of the  
15 application pay to the county treasurer:

16 (a) the registration fee, as provided in 61-3-311 and  
17 61-3-321; and

18 (b) unless it has been previously paid:

19 (i) the personal property taxes assessed against the  
20 vehicle for the current year of registration and the  
21 immediately previous year; or

22 (ii) the new motor vehicle sales tax against the vehicle  
23 for the current year of registration.

24 (3) The application may not be accepted by the county  
25 treasurer unless the payments required by subsection (2)

1 accompany the application. The department or its agent may  
2 not assess and the county treasurer may not collect taxes or  
3 fees for a period other than:

4 (a) the current year; and

5 (b) the immediately previous year, if the vehicle was  
6 not registered or operated on the highways of the state,  
7 regardless of the period of time since the vehicle was  
8 previously registered or operated.

9 (4) The department or its agent may make full and  
10 complete investigation of the tax status of the vehicle. Any  
11 applicant for registration or reregistration must submit  
12 proof from the tax or other appropriate records of the  
13 proper county at the request of the department or its  
14 agent."

15 **Section 7.** Section 61-3-305, MCA, is amended to read:

16 "61-3-305. Blanks to be provided. It shall be is the  
17 duty of the department to provide blank application forms  
18 ~~outlining--and--providing-for-the-information-needed-in-each~~  
19 ~~class-of-registration-required,~~ and to furnish these upon  
20 request to applicant for registration."

21 **Section 8.** Section 61-3-332, MCA, is amended to read:

22 "61-3-332. (Temporary) Number plates. (1) Every A motor  
23 vehicle that is driven upon the streets or highways of  
24 Montana must display both front and rear number plates,  
25 bearing the distinctive number assigned the vehicle. The

1 number plates are in eight 10 series: one series for owners  
2 of motorcars, one for owners of motor vehicles of the  
3 motorcycle or quadricycle type, one for trailers, one for  
4 trucks, one for dealers in vehicles of the motorcycle or  
5 quadricycle type that bear the distinctive letters "MCD" or  
6 the letters "MC" and the word "DEALER", one for franchised  
7 dealers in new motorcars (including trucks and trailers) or  
8 new and used motorcars (including trucks and trailers) that  
9 bear the distinctive letter "D" or the word "DEALER", one  
10 for dealers in used motorcars only (including used trucks  
11 and trailers) that bear the distinctive letters "UD" or the  
12 letter "U" and the word "DEALER", and one for dealers in  
13 trailers and/or semitrailers (new or used) that bear the  
14 distinctive letters "DTR" or the letters "TR" and the word  
15 "DEALER", one for dealers in recreational vehicles that bear  
16 the distinctive letters "RV" or the letter "R" and the word  
17 "DEALER", and one for special license plates. All markings  
18 for the aforementioned various kinds of dealers' plates must  
19 be placed on the number plates assigned thereto in the  
20 position that the department designates.

21 (2) All number plates for motor vehicles must be issued  
22 for a minimum period of 4 years, bear a distinctive marking,  
23 and be furnished by the state. In years when number plates  
24 are not issued, the department shall provide nonremovable  
25 stickers bearing appropriate registration numbers that must

1 be affixed to the license plates in use.

2 (3) Subject to the provisions of this section, the  
3 department shall create a new design for number plates as  
4 provided in this section, and it shall manufacture the newly  
5 designed number plates for issuance after January 1, 1991,  
6 to replace, at renewal as required in 61-3-312 and 61-3-314,  
7 number plates that were displayed on motor vehicles before  
8 that date.

9 (4) In the case of motorcars and trucks, plates must be  
10 of metal 6 inches wide and 12 inches in length. The outline  
11 of the state of Montana must be used as a distinctive border  
12 on such license plates, and the word "Montana" and the year  
13 must be placed across the plates. Such registration plates  
14 must be treated with a reflectorized background material  
15 according to specifications prescribed by the department.

16 (5) The distinctive registration numbers must begin  
17 with a number one or with a letter-number combination, such  
18 as "A 1" or "AA 1", or any other similar combination of  
19 letters and numbers. The distinctive registration number or  
20 letter-number combination assigned to the vehicle must  
21 appear on the plate preceded by the number of the county and  
22 appearing in horizontal order on the same horizontal  
23 baseline. The county number must be separated from the  
24 distinctive registration number by a separation mark unless  
25 a letter-number combination is used. The dimensions of such

1 numerals and letters must be determined by the department,  
2 and all county and registration numbers must be of equal  
3 height.

4 (6) For the use of tax-exempt motor vehicles, in  
5 addition to the markings herein provided in this section,  
6 number plates must ~~have--thereon~~ bear the following  
7 distinctive markings:

8 (a) For vehicles owned by the state, the department may  
9 designate the prefix number for the various state  
10 departments. All numbered plates issued to state departments  
11 must bear the words "State Owned", and no year number may be  
12 indicated thereon because these numbered plates are of a  
13 permanent nature and will be replaced by the department only  
14 when the physical condition of numbered plates requires it.

15 (b) For vehicles that are owned by the counties,  
16 municipalities, irrigation districts organized under the  
17 laws of Montana and not operating for profit, and school  
18 districts and that are used and operated by officials and  
19 employees thereof in line of duty and for vehicles on loan  
20 from the United States government or the state of Montana  
21 to, or owned by, the civil air patrol and used and operated  
22 by officials and employees thereof in the line of duty,  
23 there must be placed on the number plates assigned thereto,  
24 in a position that the department may designate, the letter  
25 "X" or the word "EXEMPT". Distinctive registration numbers



1 for plates assigned to motor vehicles of each of the  
 2 counties in the state and those of the municipalities and  
 3 school districts situated within each of the counties and  
 4 those of the irrigation districts that obtain plates within  
 5 each county must begin with number one and be numbered  
 6 consecutively. Because these number plates are of a  
 7 permanent nature, they are subject to replacement by the  
 8 department only when the physical condition of the number  
 9 plates requires it and a year number may not be displayed on  
 10 the number plates.

11 (7) On all number plates assigned to motor vehicles of  
 12 the truck and trailer type, other than tax-exempt trucks and  
 13 tax-exempt trailers, there must appear the letter "T" or the  
 14 word "TRUCK" on plates assigned to trucks and the letters  
 15 "TR" or the word "TRAILER" on plates assigned to trailers  
 16 and housetrailer. The letters "MC" or the word "CYCLE" must  
 17 appear on plates assigned to vehicles of the motorcycle or  
 18 quadricycle type.

19 (8) Number plates issued to a passenger car, truck,  
 20 trailer, or vehicle of the motorcycle or quadricycle type  
 21 may be transferred only to a replacement passenger car,  
 22 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 23 No registration or license fee may be assessed upon a  
 24 transfer of a number plate under 61-3-317 and 61-3-335.

25 (9) For the purpose of this chapter, the several

1 counties of the state are assigned numbers as follows:  
 2 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 3 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 4 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 5 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 6 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 7 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 8 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 9 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 10 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 11 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 12 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 13 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 14 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 15 55; Lincoln, 56. Any new counties must be assigned numbers  
 16 by the department as they may be formed, beginning with the  
 17 number 57.

18 (10) Each type of special license plate approved by the  
 19 legislature, except collegiate license plates authorized in  
 20 61-3-463, must be a separate series of plates, numbered as  
 21 provided in subsection (5), except that the county number  
 22 must be replaced by a nonremovable design or decal  
 23 designating the group or organization to which the applicant  
 24 belongs. Unless otherwise specifically stated in this  
 25 section, the special plates are subject to the same rules

1 and laws as govern the issuance of regular license plates,  
 2 must be placed or mounted on a vehicle owned by the person  
 3 who is eligible to receive them, and must be removed upon  
 4 sale or other disposition of the vehicle. The special  
 5 license plates must be issued to national guard members,  
 6 former prisoners of war, handicapped persons, reservists,  
 7 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 8 ATTACK who comply with the following provisions:

9 (a) An active member of the Montana national guard may  
 10 be issued a special license plate with a design or decal  
 11 displaying the letters "NG". The adjutant general shall  
 12 issue to each active member of the Montana national guard a  
 13 certificate authorizing the division to issue one set of  
 14 national guard plates, and the member shall surrender the  
 15 plates to the division upon becoming ineligible to use them.

16 (b) An active member of the reserve armed forces of the  
 17 United States of America who is a resident of this state may  
 18 be issued a special license plate with a design or decal  
 19 displaying the following: United States army reserve, AR  
 20 (symbol); United States naval reserve, NR (anchor); United  
 21 States air force reserve, AFR (symbol); United States marine  
 22 corps reserve, MCR (globe and anchor). The commanding  
 23 officer of each armed forces reserve unit shall issue to  
 24 each eligible member of the reserve unit a certificate  
 25 authorizing the issuance of one set of plates. The member

1 shall surrender the plates to the division upon becoming  
 2 ineligible to use them.

3 (c) A resident of Montana who is a veteran of the armed  
 4 forces of the United States and who is 100% disabled because  
 5 of an injury that has been determined by the veterans'  
 6 administration to be service-connected may, upon  
 7 presentation to the division of proof of the 100%  
 8 disability, be issued a special license plate under this  
 9 section with a design or decal displaying the letters "DV".

10 (i) The fee for original or renewal registration by a  
 11 100% disabled veteran for a passenger vehicle or a truck  
 12 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 13 lieu of all other fees and taxes for that vehicle under this  
 14 chapter.

15 (ii) Special license plates issued to a disabled veteran  
 16 are not transferrable to another person.

17 (iii) A disabled veteran is not entitled to a special  
 18 license plate for more than one vehicle.

19 (iv) A vehicle lawfully displaying a disabled veteran's  
 20 plate and that is conveying a 100% disabled veteran is  
 21 entitled to the parking privileges allowed a handicapped  
 22 person's vehicle under this title.

23 (d) A Montana resident who is a veteran of the armed  
 24 forces of the United States and was captured and held  
 25 prisoner by a military force of a foreign nation, documented

1 by his service record, may upon application and presentation  
 2 of proof be issued a special license plate with a design or  
 3 decal displaying the words "ex-prisoner of war" or an  
 4 abbreviation as the department considers appropriate.

5 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
 6 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
 7 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
 8 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
 9 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
 10 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
 11 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
 12 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
 13 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
 14 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
 15 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
 16 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
 17 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM  
 18 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
 19 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
 20 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
 21 PLATES UPON REQUEST AND WITHOUT CHARGE.

22 (F) A Montana resident who is eligible to receive a  
 23 special parking permit under 49-4-301 may, upon written  
 24 application on a form prescribed by the department, be  
 25 issued a special license plate with a design or decal

1 bearing a representation of a wheelchair as the symbol of  
 2 the handicapped person. (Terminates July 1, 1996--sec. 4,  
 3 Ch. 654, L. 1989,)

4 61-3-332. (Effective July 1, 1996) Number plates. (1)  
 5 Every A motor vehicle that is driven upon the streets or  
 6 highways of Montana must display both front and rear number  
 7 plates, bearing the distinctive number assigned the vehicle.  
 8 The number plates are in eight 10 series: one series for  
 9 owners of motorcars, one for owners of motor vehicles of the  
 10 motorcycle or quadricycle type, one for trailers, one for  
 11 trucks, one for dealers in vehicles of the motorcycle or  
 12 quadricycle type that bear the distinctive letters "MCD" or  
 13 the letters "MC" and the word "DEALER", one for franchised  
 14 dealers in new motorcars (including trucks and trailers) or  
 15 new and used motorcars (including trucks and trailers) that  
 16 bear the distinctive letter "D" or the word "DEALER", one  
 17 for dealers in used motorcars only (including used trucks  
 18 and trailers) that bear the distinctive letters "UD" or the  
 19 letter "U" and the word "DEALER", and one for dealers in  
 20 trailers and/or semitrailers (new or used) that bear the  
 21 distinctive letters "DTR" or the letters "TR" and the word  
 22 "DEALER", one for dealers in recreational vehicles that bear  
 23 the distinctive letters "RV" or the letter "R" and the word  
 24 "DEALER", and one for special license plates. All markings  
 25 for the aforementioned various kinds of dealers' plates must

1 be placed on the number plates assigned thereto in the  
2 position that the department designates.

3 (2) All number plates for motor vehicles must be issued  
4 for a minimum period of 4 years, bear a distinctive marking,  
5 and be furnished by the state. In years when number plates  
6 are not issued, the department shall provide nonremovable  
7 stickers bearing appropriate registration numbers that must  
8 be affixed to the license plates in use.

9 (3) Subject to the provisions of this section, the  
10 department shall create a new design for number plates as  
11 provided in this section, and it shall manufacture the newly  
12 designed number plates for issuance after January 1, 1991,  
13 to replace, at renewal as required in 61-3-312 and 61-3-314,  
14 number plates that were displayed on motor vehicles before  
15 that date.

16 (4) In the case of motorcars and trucks, number plates  
17 must be of metal 6 inches wide and 12 inches in length. For  
18 number plates issued after 1976, the outline of the state of  
19 Montana must be used as a distinctive border on such license  
20 plates, and the word "Montana" and the year must be placed  
21 across the bottom of the plates. Such registration plates  
22 must be treated with a reflectorized background material  
23 according to specifications prescribed by the department.

24 (5) The distinctive registration numbers must begin  
25 with a number one or with a letter-number combination, such

1 as "A 1" or "AA 1", or any other similar combination of  
2 letters and numbers and be numbered consecutively for each  
3 series of plates. The distinctive registration number or  
4 letter-number combination assigned to the vehicle must  
5 appear on the plate preceded by the number of the county and  
6 appearing in horizontal order on the same horizontal  
7 baseline. The county number must be separated from the  
8 distinctive registration number by a separation mark unless  
9 a letter-number combination is used. The dimensions of such  
10 numerals and letters must be determined by the department,  
11 and all county and registration numbers must be of equal  
12 height.

13 (6) For the use of tax-exempt motor vehicles, in  
14 addition to the markings herein provided, number plates must  
15 have thereon the following distinctive markings:

16 (a) For vehicles owned by the state, the department may  
17 designate the prefix number for the various state  
18 departments. All numbered plates issued to state departments  
19 must bear the words "State Owned", and no year number may be  
20 indicated thereon because these numbered plates are of a  
21 permanent nature and will be replaced by the department only  
22 when the physical condition of numbered plates requires it.

23 (b) For vehicles that are owned by the counties,  
24 municipalities, irrigation districts organized under the  
25 laws of Montana and not operating for profit, and school

1 districts and that are used and operated by officials and  
 2 employees thereof in line of duty and for vehicles on loan  
 3 from the United States government or the state of Montana  
 4 to, or owned by, the civil air patrol and used and operated  
 5 by officials and employees thereof in the line of duty,  
 6 there must be placed on the number plates assigned thereto,  
 7 in a position that the department may designate, the letter  
 8 "X" or the word "EXEMPT". Distinctive registration numbers  
 9 for plates assigned to motor vehicles of each of the  
 10 counties in the state and those of the municipalities and  
 11 school districts situated within each of the counties and  
 12 those of the irrigation districts that obtain plates within  
 13 each county must begin with number one and be numbered  
 14 consecutively. Because these number plates are of a  
 15 permanent nature, they are subject to replacement by the  
 16 department only when the physical condition of the number  
 17 plates requires it and a year number may not be displayed on  
 18 the number plates.

19 (7) On all number plates assigned to motor vehicles of  
 20 the truck and trailer type, other than tax-exempt trucks and  
 21 tax-exempt trailers, there must appear the letter "T" or the  
 22 word "TRUCK" on plates assigned to trucks and the letters  
 23 "TR" or the word "TRAILER" on plates assigned to trailers  
 24 and housetrailer. The letters "MC" or the word "CYCLE" must  
 25 appear on plates assigned to vehicles of the motorcycle or

1 quadricycle type.

2 (8) Number plates issued to a passenger car, truck,  
 3 trailer, or vehicle of the motorcycle or quadricycle type  
 4 may be transferred only to a replacement passenger car,  
 5 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 6 No registration or license fee may be assessed upon a  
 7 transfer of a number plate under 61-3-317 and 61-3-335.

8 (9) For the purpose of this chapter, the several  
 9 counties of the state are assigned numbers as follows:  
 10 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 11 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 12 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 13 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 14 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 15 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 16 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 17 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 18 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 19 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 20 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 21 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 22 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 23 55; Lincoln, 56. Any new counties must be assigned numbers  
 24 by the department as they may be formed, beginning with the  
 25 number 57.

1     (10) Each type of special license plate approved by the  
 2 legislature, except collegiate license plates authorized in  
 3 61-3-463, must be a separate series of plates, numbered as  
 4 provided in subsection (5), except that the county number  
 5 must be replaced by a nonremovable design or decal  
 6 designating the group or organization to which the applicant  
 7 belongs. Unless otherwise specifically stated in this  
 8 section, the special plates are subject to the same rules  
 9 and laws as govern the issuance of regular license plates,  
 10 must be placed or mounted on a vehicle owned by the person  
 11 who is eligible to receive them, and must be removed upon  
 12 sale or other disposition of the vehicle. The special  
 13 license plates must be issued to national guard members,  
 14 former prisoners of war, handicapped persons, reservists,  
 15 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 16 ATTACK who comply with the following provisions:

17     (a) An active member of the Montana national guard may  
 18 be issued a special license plate with a design or decal  
 19 displaying the letters "NG". The adjutant general shall  
 20 issue to each active member of the Montana national guard a  
 21 certificate authorizing the division to issue one set of  
 22 national guard plates, and the member shall surrender the  
 23 plates to the division upon becoming ineligible to use them.

24     (b) An active member of the reserve armed forces of the  
 25 United States of America who is a resident of this state may

1     be issued a special license plate with a design or decal  
 2 displaying the following: United States army reserve, AR  
 3 (symbol); United States naval reserve, NR (anchor); United  
 4 States air force reserve, AFR (symbol); United States marine  
 5 corps reserve, MCR (globe and anchor). The commanding  
 6 officer of each armed forces reserve unit shall issue to  
 7 each eligible member of the reserve unit a certificate  
 8 authorizing the issuance of one set of plates. The member  
 9 shall surrender the plates to the division upon becoming  
 10 ineligible to use them.

11     (c) A resident of Montana who is a veteran of the armed  
 12 forces of the United States and who is 100% disabled because  
 13 of an injury that has been determined by the veterans'  
 14 administration to be service-connected may, upon  
 15 presentation to the division of proof of the 100%  
 16 disability, be issued a special license plate under this  
 17 section with a design or decal displaying the letters "DV".

18     (i) The fee for original or renewal registration by a  
 19 100% disabled veteran for a passenger vehicle or a truck  
 20 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 21 lieu of all other fees and taxes for that vehicle under this  
 22 chapter.

23     (ii) Special license plates issued to a disabled veteran  
 24 are not transferrable to another person.

25     (iii) A disabled veteran is not entitled to a special

1 license plate for more than one vehicle.

2 (iv) A vehicle lawfully displaying a disabled veteran's  
3 plate and that is conveying a 100% disabled veteran is  
4 entitled to the parking privileges allowed a handicapped  
5 person's vehicle under this title.

6 (d) A Montana resident who is a veteran of the armed  
7 forces of the United States and was captured and held  
8 prisoner by a military force of a foreign nation, documented  
9 by his service record, may upon application and presentation  
10 of proof be issued a special license plate with a design or  
11 decal displaying the words "ex-prisoner of war" or an  
12 abbreviation as the department considers appropriate.

13 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
14 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
15 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
16 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
17 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
18 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
19 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
20 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
21 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
22 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
23 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
24 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
25 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM

1 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
2 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
3 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
4 PLATES UPON REQUEST AND WITHOUT CHARGE.

5 (e)(F) A Montana resident who is eligible to receive a  
6 special parking permit under 49-4-301 may, upon written  
7 application on a form prescribed by the department, be  
8 issued a special license plate with a design or decal  
9 bearing a representation of a wheelchair as the symbol of  
10 the handicapped person."

11 **Section 9.** Section 61-3-333, MCA, is amended to read:

12 "61-3-333. Replacing number plates. In the event of  
13 loss, mutilation, or destruction of number plates, and/or  
14 validation devices, the owner of the registered motor  
15 vehicle may obtain from the department duplicates thereof or  
16 replacements of the number plates upon filing sworn  
17 declaration showing such that fact and payment of a fee of  
18 \$2. In the event of loss, mutilation, or destruction of  
19 pioneer plates, duplicates may be obtained in the same  
20 manner upon payment of a fee of \$5."

21 **Section 10.** Section 61-3-465, MCA, is amended to read:

22 "61-3-465. Issuance -- application -- additional fee --  
23 disposition. (1) The department shall issue or renew  
24 collegiate license plates upon receipt of an application  
25 that shows:

1 (a) compliance with 61-3-303, ~~61-3-304~~, 61-3-311, and  
2 61-3-312; and

3 (b) payment to the county treasurer of:

4 (i) an initial application and manufacturing fee of  
5 \$2.50, when required; and

6 (ii) an annual scholarship donation of \$20 for the  
7 benefit of the institution named in the application.

8 (2) Once each month the county treasurer shall transfer  
9 to the state treasurer the total of the amounts collected  
10 for:

11 (a) the initial application and manufacturing fee for  
12 deposit in the Montana state prison industries account in  
13 the proprietary fund for appropriation by the legislature to  
14 pay the cost of manufacturing collegiate license plates; and

15 (b) scholarship donations provided for in subsection  
16 (1)(b)(ii), along with a schedule showing the number of  
17 collegiate license plates issued and the total donations  
18 received for the benefit of each institution.

19 (3) Once each month the state treasurer shall  
20 distribute to the student academic scholarship fund or  
21 foundation of each institution an amount equal to the total  
22 donations credited to that institution and transferred to  
23 the state treasurer by the county treasurers during the  
24 preceding month."

25 **Section 11.** Section 61-3-510, MCA, is amended to read:

1 **\*61-3-510. Weed control fee.** (1) A special weed control  
2 fee of \$1.50 must be assessed on the annual registration or  
3 reregistration of each motor vehicle subject to  
4 registration. The fee must be collected by the county  
5 treasurer.

6 (2) For purposes of this section, motor vehicle  
7 includes:

8 (a) motor vehicle as defined in 61-1-102;

9 (b) motorcycle as defined in 61-1-105;

10 (c) motor-driven cycle as defined in 61-1-106; and

11 (d) quadricycle as defined in 61-1-133.

12 (3) The following vehicles are exempt from the fee:

13 (a) vehicles owned or controlled by the United States  
14 or a state, county, or city;

15 (b) vehicles exempt from payment of registration fees  
16 by 61-3-321~~(7)~~(8); and

17 (c) vehicles or equipment which is not self-propelled  
18 or which requires towing when moved upon a highway of this  
19 state."

20 **Section 12.** Section 61-3-601, MCA, is amended to read:

21 **\*61-3-601. Penalty for violations.** Except as otherwise  
22 provided, a violation of any of the provisions of this  
23 chapter is a misdemeanor and is punishable by a fine not  
24 exceeding ~~\$25~~ \$500. Nothing contained herein in this section  
25 prevents the prosecution of a person for an offense



1 committed under any other law."

2 **Section 13.** Section 61-3-604, MCA, is amended to read:

3 **"61-3-604. Penalty for altering identification number.**

4 (1) A person who willfully removes or falsifies an  
5 identification number of a motor vehicle or motor vehicle  
6 engine is guilty of a misdemeanor.

7 (2) Any person or persons, firm, or corporation which  
8 that sells or offers for sale in this state a vehicle the  
9 original vehicle identification number of which has been  
10 destroyed, removed, altered, covered, or defaced, ~~with the~~  
11 ~~exception of electrically propelled vehicles,~~ is guilty of a  
12 misdemeanor and upon conviction thereof shall be punished by  
13 a fine of not less than \$200 or more than \$500 and by  
14 imprisonment in the county jail for a term of not less than  
15 30 days or more than 180 days. Upon a second or subsequent  
16 conviction under this subsection, the punishment shall be  
17 imprisonment in the state prison for a term of not less than  
18 1 year or more than 5 years or a fine in an amount not to  
19 exceed \$50,000, or both such fine and imprisonment."

20 **Section 14.** Section 61-4-101, MCA, is amended to read:

21 **"61-4-101. Application for dealer's license.** (1) Every  
22 person, firm, corporation, or association which, for  
23 commission or profit, engages in the business of buying,  
24 selling, exchanging, offering, taking for consignment,  
25 soliciting, advertising the sale of, or acting as a broker

1 of new motor vehicles, recreational vehicles, used motor  
2 vehicles, trailers (except trailers having an unloaded  
3 weight of less than 500 pounds), semitrailers, or special  
4 mobile equipment as defined in 61-1-104 shall file, by mail  
5 or otherwise, in the office of the department a verified  
6 application for licensure as a dealer, on a blank to be  
7 furnished by the department for that purpose and containing  
8 the information required. The application and all of the  
9 information contained in it must be verified by the Montana  
10 highway--patrol department. Each application must be  
11 accompanied by the license fee specified in 61-4-102. A  
12 dealer's license must be renewed and paid for annually, and  
13 an application for relicensure must be filed not later than  
14 January 1 of each year. If an application for renewal of a  
15 license has been received by the department prior to the  
16 expiration of the license, the dealer may operate his  
17 business and display dealer plates under the expired license  
18 between January 1 and February 15 following expiration.

19 (2) To qualify for licensure and the issuance and use  
20 of "D", "UD", "RV", "DTR", or "MCD" plates as hereinafter  
21 provided, the applicant must furnish the following  
22 information and qualify under the following provisions:

23 (a) To qualify as a new motor vehicle dealer and for  
24 the use of "D" plates, the applicant must:

25 (i) state the name under which the business is to be

1 conducted and the location of the premises (street address,  
2 city, county, and state) where records are kept, sales are  
3 made, and stock of motor vehicles is displayed;

4 (ii) state the name and address of all owners or persons  
5 having an interest in the business, provided that in the  
6 case of a corporation, the names and addresses of the  
7 president and secretary are sufficient;

8 (iii) state the name and make of all motor vehicles  
9 handled and the name and address of the manufacturer,  
10 importer, or distributor with whom the applicant has a  
11 written new motor vehicle franchise or sales agreement;

12 (iv) execute a certificate to the effect that the  
13 applicant has a permanent building for the display and sale  
14 of new motor vehicles at the location of the premises where  
15 sales are conducted;

16 (v) execute a certificate to the effect that the  
17 applicant has a bona fide service department for the repair,  
18 service, and maintenance of motor vehicles; and

19 (vi) execute a certificate to the effect that the  
20 applicant is a bona fide dealer in new motor vehicles and  
21 that he is recognized by a manufacturer, importer, or  
22 distributor as a dealer in new motor vehicles.

23 (b) To qualify as a used motor vehicle dealer and for  
24 the use of "UD" plates or, as a recreational vehicle dealer  
25 and for the use of "RV" plates, as a trailer, semitrailer,

1 or special mobile equipment dealer and for the use of "DTR"  
2 plates, or as a motorcycle or quadricycle dealer and for the  
3 use of "MCD" plates, the applicant must shall, in addition  
4 to the matters set forth in subsections (i) and (ii) of  
5 subsection (2)(a) above, provide:

6 (i) a statement that the applicant has a building or  
7 lot and a sign readable at a minimum distance of 150 feet  
8 indicating the firm name as the principal place of business  
9 and that vehicles are offered for sale; and

10 (ii) a certificate to the effect that the applicant is a  
11 bona fide dealer in used motor vehicles, recreational  
12 vehicles, trailers, semitrailers, special mobile equipment,  
13 motorcycles, or quadricycles. An applicant for a  
14 recreational vehicle dealer license must shall also indicate  
15 on the same certificate that he is recognized by a  
16 manufacturer, importer, or distributor as a dealer in  
17 recreational vehicles.

18 (c) To qualify for a used motor vehicle dealer's  
19 license, a person must shall submit an annual application  
20 for that license and comply with the provisions of  
21 61-4-102(5) in addition to fulfilling the requirements of  
22 subsection (2)(b).

23 (d) The provisions of subsection (2)(c) do not apply to  
24 an applicant who is licensed as a motor vehicle wrecking  
25 facility under the provisions of Title 75, chapter 10, part

1 5.  
 2 (3) (a) The applicant for a dealer's license shall also  
 3 file with his application a good and sufficient bond in the  
 4 sum of \$5,000, and the bond must be conditioned that the  
 5 applicant shall conduct his business in accordance with the  
 6 requirements of the law. All bonds must run to the state of  
 7 Montana, must be approved by the department and filed in its  
 8 office, and must be renewed annually.

9 (b) A person who suffers loss or damage due to the  
 10 unlawful conduct of a dealer licensed under this section  
 11 shall obtain a judgment from a court of competent  
 12 jurisdiction prior to collecting the judgment from the  
 13 department. The department is responsible for payment under  
 14 this section, in an amount not to exceed the maximum bond  
 15 amount, only if the judgment on which the payment is based  
 16 determines a specific loss or damage amount and concludes  
 17 that the dealer's unlawful operation caused the loss or  
 18 damage."

19 Section 15, Section 61-6-302, MCA, is amended to read:  
 20 "61-6-302. Proof of compliance. (1) Except as provided  
 21 in subsection (2), before any applicant required to register  
 22 his motor vehicle may do so, the applicant must certify to  
 23 the county treasurer that he possesses an automobile  
 24 liability insurance policy, a certificate of self insurance,  
 25 or a posted indemnity bond or that he is eligible for an

1 exemption under 61-6-303 covering the motor vehicle. The  
 2 certification shall be on a form prescribed by the  
 3 department. The department may immediately cancel the  
 4 registration and license plates of the vehicle upon  
 5 notification that the insurance certification was not  
 6 correctly represented. Any person who intentionally provides  
 7 false information on an insurance certification is guilty of  
 8 unsworn falsification to authorities, punishable as provided  
 9 in 45-7-203.

10 (2) An applicant for registration of a motor vehicle  
 11 who wishes to register the vehicle by mail must sign a  
 12 statement on the application stating that the applicant is  
 13 in compliance with the financial liability requirements of  
 14 61-6-301.

15 (3) (1) An owner of a motor vehicle who ceases to  
 16 maintain the insurance or bond required under 61-6-301 or  
 17 whose certificate of self insurance is canceled or whose  
 18 vehicle ceases to be exempt under 61-6-303 shall immediately  
 19 surrender the registration and license plates for the  
 20 vehicle to the county treasurer for delivery to the  
 21 department and may not operate or permit operation of the  
 22 vehicle in Montana until insurance has again been furnished  
 23 as required and the vehicle is again registered and  
 24 licensed.

25 (4) (2) Every A person shall carry in a motor vehicle

1 being--operated--by--him--an--insurance-card-approved-by-the  
 2 department-but-issued-by-the-insurance-carrier-to-the--motor  
 3 vehicle--owner-as-proof-of-compliance-with-61-6-301--A-motor  
 4 vehicle-operator--shall--exhibit--the--insurance--card--upon  
 5 demand-of-a-justice-of-the-peace,-a-city-or-municipal-judge,  
 6 a-peace-officer,-a-highway-patrol-officer,-or-a-field-deputy  
 7 or-inspector-of-the-department.-However,-no A person-charged  
 8 with--violating--this--subsection-may not be-convicted-if-he  
 9 produces-in-court-or-the-office--of--the--arresting--officer  
 10 proof-of-insurance-valid-at-the-time-of-his-arrest."

11 **SECTION 15.** SECTION 15-70-101, MCA, IS AMENDED TO READ:

12 "15-70-101. Disposition of funds -- contingent  
 13 reduction of allocation. All taxes, interest, and penalties  
 14 collected under this chapter, except those collected by a  
 15 justice's court, shall be turned over promptly to the state  
 16 treasurer, who shall place the same in the state special  
 17 revenue fund to the credit of the department of highways.  
 18 Those Except as provided in subsection (9), those funds  
 19 hereinbelow allocated to cities, towns, and counties shall  
 20 be paid by the department of highways from the state special  
 21 revenue fund to such cities, towns, and counties.

22 (1) \$14,000,000 of the funds collected under this  
 23 chapter, except those collected by a justice's court, is  
 24 statutorily appropriated, as provided in 17-7-502, to the  
 25 department of highways and shall be allocated each fiscal

1 year on a monthly basis to the counties and incorporated  
 2 cities and towns in Montana for construction,  
 3 reconstruction, maintenance, and repair of rural roads and  
 4 city or town streets and alleys, as provided in subsections  
 5 (1)(a) through (1)(c):

6 (a) \$54,000 shall be designated for the purposes and  
 7 functions of the Montana rural technical assistance  
 8 transportation program in Bozeman;

9 (b) \$6,323,000 shall be divided among the various  
 10 counties in the following manner:

11 (i) 40% in the ratio that the rural road mileage in  
 12 each county, exclusive of the federal-aid interstate system  
 13 and the federal-aid primary system, bears to the total rural  
 14 road mileage in the state, exclusive of the federal-aid  
 15 interstate system and the federal-aid primary system;

16 (ii) 40% in the ratio that the rural population in each  
 17 county outside incorporated cities and towns bears to the  
 18 total rural population in the state outside incorporated  
 19 cities and towns;

20 (iii) 20% in the ratio that the land area of each county  
 21 bears to the total land area of the state;

22 (c) \$7,623,000 shall be divided among the incorporated  
 23 cities and towns in the following manner:

24 (i) 50% of the sum in the ratio that the population  
 25 within the corporate limits of the city or town bears to the

1 total population within corporate limits of all the cities  
2 and towns in Montana;

3 (ii) 50% in the ratio that the city or town street and  
4 alley mileage, exclusive of the federal-aid interstate  
5 system and the federal-aid primary system, within corporate  
6 limits bears to the total street and alley mileage,  
7 exclusive of the federal-aid interstate system and  
8 federal-aid primary system, within the corporate limits of  
9 all cities and towns in Montana.

10 (2) All funds hereby allocated to counties, cities, and  
11 towns shall be used for the construction, reconstruction,  
12 maintenance, and repair of rural roads, city or town streets  
13 and alleys or for the share which such city, town, or county  
14 might otherwise expend for proportionate matching of federal  
15 funds allocated for the construction of roads or streets  
16 which are part of the federal-aid primary or secondary  
17 highway system or urban extensions thereto, except that the  
18 governing body of a town or third-class city, as defined in  
19 7-1-4111, may each year expend no more than 25% of the funds  
20 allocated to that town or third-class city for the purchase  
21 of capital equipment and supplies to be used for the  
22 maintenance and repair of town or third-class city streets  
23 and alleys.

24 (3) Upon receipt of the allocation provided herein, the  
25 governing bodies of the recipient counties, cities, and

1 towns shall inform the department of highways of the  
2 purposes for which the funds will be expended so that the  
3 county commissioners, the governing body, and the department  
4 of highways may coordinate the expenditure of public funds  
5 for road improvements.

6 (4) All funds hereby allocated to counties, cities, and  
7 towns shall be disbursed to the lowest responsible bidder  
8 according to applicable bidding procedures followed in all  
9 cases where the contract for construction, reconstruction,  
10 maintenance, or repair is in excess of \$4,000.

11 (5) For the purposes of this section where distribution  
12 of funds is made on a basis related to population, the  
13 population shall be determined by the last preceding  
14 official federal census.

15 (6) For the purposes of this section where  
16 determination of mileage is necessary for distribution of  
17 funds, it shall be the responsibility of the cities, towns,  
18 and counties to furnish to the department of highways a  
19 yearly certified statement indicating the total mileage  
20 within their respective areas applicable to this chapter.  
21 All mileage submitted shall be subject to review and  
22 approval by the department of highways.

23 (7) Except by a town or third-class city as provided in  
24 subsection (2), none of the funds authorized by this section  
25 shall be used for the purchase of capital equipment.

1 (8) Funds authorized by this section shall be used for  
2 construction and maintenance programs only.

3 (9) The department of justice, upon determining that  
4 the county treasurer of a county fails to enforce the  
5 provisions of 61-6-302, shall certify that fact to the  
6 department of highways, and the department of highways shall  
7 decrease the payment to that county under the provisions of  
8 subsection (1)(b) by 25% for each year until the department  
9 of justice subsequently certifies that the county treasurer  
10 is no longer failing to enforce the provisions of 61-6-302."

11 NEW SECTION. SECTION 16. COORDINATION INSTRUCTION.

12 HOUSE BILL NO. 98 IS VOID.

13 NEW SECTION. Section 17. Repealer. Sections 10-1-110,  
14 61-3-304, 61-3-444, 61-3-445, 61-3-447, 61-3-451, and  
15 61-3-505, MCA, are repealed.

16 NEW SECTION. Section 18. Instructions to code  
17 commissioner. To conform with the provisions of [this act],  
18 the code commissioner shall make the following revisions:

19 (1) in 49-4-302(2) and (3), change 61-3-451 to  
20 61-3-332(10)(c);

21 (2) in 49-4-304(1), change 61-3-445 to  
22 61-3-332(10)(F);

23 (3) in 61-3-313(3), change 61-3-451 to 61-3-332(10)(c);

24 (4) in 61-3-446,;

25 (A) change:

1 (a)(I) 61-3-444 to 61-3-332(10)(d);

2 (b)(II) 61-3-445 to 61-3-332(10)(F);

3 (c)(III) 61-3-447 to 61-3-332(10)(b); and

4 (d)(IV) 61-3-451 to 61-3-332(10)(c); AND

5 (B) INSERT 61-3-332(10)(E);

6 (5) in 61-3-452, 61-3-453, 61-3-454, 61-3-455, and  
7 61-3-504(2), change 63-3-451 to 61-3-332(10)(c);

8 (6) in 61-3-507, delete "and 61-3-505" at the end of  
9 subsection (1) in the temporary version and at the end of  
10 the permanent version.

-End-

1 SENATE BILL NO. 191

2 INTRODUCED BY T. BECK

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
6 MOTOR VEHICLE REGISTRATION AND TITLING LAWS; ~~DELETING THE~~  
7 ~~REQUIREMENT FOR CERTIFICATION OF LIABILITY INSURANCE ON THE~~  
8 ~~REGISTRATION---RECEIPT~~; PROVIDING FOR THE ISSUANCE OF  
9 SPECIAL-PURPOSE LICENSE PLATES, INCLUDING LICENSE PLATES  
10 ISSUED TO SURVIVORS OF THE PEARL HARBOR ATTACK, BY CREATING  
11 A GENERIC PLATE WITH A DESIGN OR DECAL INDICATING THE  
12 SPECIAL PURPOSE; CREATING A NEW CLASS OF DEALER PLATE FOR  
13 RECREATIONAL VEHICLE DEALERS; ALLOWING FOR REPLACEMENT  
14 PLATES INSTEAD OF ISSUING DUPLICATE LICENSE PLATES; REMOVING  
15 THE EXCEPTION FOR ELECTRICALLY DRIVEN VEHICLES IN THE  
16 VEHICLE IDENTIFICATION NUMBER STATUTE; TRANSFERRING THE DUTY  
17 OF INSPECTING DEALERS FROM THE HIGHWAY PATROL TO THE MOTOR  
18 VEHICLE DIVISION; PROVIDING THAT EXEMPT PLATES BE REISSUED  
19 ONLY WHEN DAMAGED OR DESTROYED; INCREASING THE PENALTY FOR  
20 VIOLATING VEHICLE TITLING, REGISTRATION, OR TAXATION LAWS;  
21 REDUCING THE ALLOCATION OF GASOLINE TAX FUNDS TO A COUNTY  
22 FOR FAILURE TO ENFORCE THE PROOF OF COMPLIANCE PROVISION;  
23 VOIDING HOUSE BILL NO. 98; AMENDING SECTIONS 15-70-101,  
24 61-1-130, 61-3-101, 61-3-201, 61-3-205, 61-3-206, 61-3-303,  
25 61-3-305, 61-3-332, 61-3-333, 61-3-465, 61-3-510, 61-3-601,

1 61-3-604, AND 61-4-101, AND--61-6-302, MCA; AND REPEALING  
2 SECTIONS 10-1-110, 61-3-304, 61-3-444, 61-3-445, 61-3-447,  
3 61-3-451, AND 61-3-505, MCA."  
4

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

6 **Section 1.** Section 61-1-130, MCA, is amended to read:

7 "61-1-130. Motor home. "Motor home" as used in 61-3-521  
8 and 61-3-522 means a self-propelled motor vehicle originally  
9 designed--or--permanently--altered--to---provide---temporary  
10 facilities-for-recreational-travel-or-camping-use;

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

14 (2) containing permanently installed independent life  
15 support systems that meet the ANSI/A119.2 standard; and

16 (3) providing at least four of the following types of  
17 facilities:

18 (a) cooking, refrigeration, or icebox;

19 (b) self-contained toilet;

20 (c) heating or air-conditioning, or both;

21 (d) potable water supply, including a faucet and sink;

22 or

23 (e) separate 110-volt or 125-volt electrical power  
24 supply or a liquified petroleum gas supply, or both."

25 **Section 2.** Section 61-3-101, MCA, is amended to read:

**THIRD READING**

SB 191

AS AMENDED

1 "61-3-101. Duties of department -- records. (1) The  
 2 department shall keep a record as hereinafter specified in  
 3 this section of all motor vehicles, trailers, and  
 4 semitrailers of every kind, and of certificates of  
 5 registration and ownership thereof of those vehicles, and of  
 6 all manufacturers and dealers in motor vehicles.

7 (2) In the case of motor vehicles, trailers, and  
 8 semitrailers, the record ~~shall~~ must show the following:

9 (a) name of owner, residence by town and county, and  
 10 business address;

11 (b) name and address of conditional sales vendor,  
 12 mortgagee, or other lienholder and amount due under contract  
 13 or lien;

14 (c) manufacturer of car vehicle;

15 (d) manufacturer's designation of style of ~~car--or~~  
 16 vehicle;

17 (e) identifying number;

18 (f) year of manufacture;

19 (g) character of motive power and shipping weight of  
 20 car vehicle as shown by the manufacturer;

21 (h) the distinctive license number assigned to the  
 22 vehicle if any;

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

25 (j) except as provided in 61-3-103, the name and

1 complete address of any holder of a perfected security  
 2 interest in a vehicle; and

3 ~~(j)~~ (k) such other information as that may from time to  
 4 time be found desirable.

5 (3) The department shall file applications for  
 6 registration received by it from the county treasurers of  
 7 the state and register the vehicles therein described in the  
 8 applications and the owners thereof of the vehicles in  
 9 suitable books or on index cards, as follows:

10 (a) under the distinctive license number assigned to  
 11 the vehicle by the county treasurer;

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

13 (c) numerically under make and identifying number of  
 14 the vehicle; and

15 (d) such other index of registration as the department  
 16 considers expedient.

17 (4) Vehicle registration records and indexes and  
 18 driver's license records and indexes may be maintained by  
 19 electronic recording and storage media.

20 (5) In the case of dealers, the records ~~shall~~ must show  
 21 the information contained in the application for dealer's  
 22 license as required by 61-4-101 through 61-4-105, as well as  
 23 the distinctive license number assigned to the dealer.

24 (6) In order to prevent an accumulation of unneeded  
 25 records and files, the department ~~shall have the authority~~



1 ~~and--it--shall--be--its~~ has the authority and the duty to  
 2 destroy all records and files which ~~that~~ have ceased to be  
 3 of-any ~~have~~ value.

4 (7) The department may establish and maintain a  
 5 short-wave radio station in order to report motor vehicle  
 6 registration information to the highway patrol, to sheriffs,  
 7 and to the chiefs of police of each incorporated city of the  
 8 state who are able to communicate with such the short-wave  
 9 radio station.

10 (8) All records ~~shall~~ must be open to inspection during  
 11 all reasonable business hours, and the department shall  
 12 furnish any information from the records upon payment by the  
 13 applicant of the cost of transcribing the information  
 14 requested."

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

16 "61-3-201. Transfer of interest -- cancellation of  
 17 erroneous certificate of ownership. (1) Upon a transfer of  
 18 any interest in a motor vehicle registered under the  
 19 provisions of this chapter, the person whose interest is to  
 20 be transferred shall write his signature with pen and ink  
 21 upon the certificate of ownership issued for the vehicle in  
 22 the appropriate space provided ~~upon-the-reverse-side-of-the~~  
 23 ~~certificate~~, and the signature must be acknowledged before  
 24 the county treasurer, a deputy county treasurer, or a notary  
 25 public.

1 (2) Within 20 calendar days after endorsement, the  
 2 transferee shall forward both the endorsed certificate of  
 3 ownership with the odometer mileage statement required under  
 4 61-3-206 and the certificate of registration, together with  
 5 the information required under 61-3-202, to the county  
 6 treasurer, who shall forward them to the department. The  
 7 department may not issue a certificate of ownership or  
 8 certificate of registration until the outstanding  
 9 certificates are surrendered to that office or their loss is  
 10 established to its reasonable satisfaction. Failure to make  
 11 application within the 20-day grace period subjects the  
 12 transferee to a penalty of \$10. The county treasurer shall  
 13 collect the penalty at the time of registration. The penalty  
 14 is in addition to the fees otherwise provided by law. If the  
 15 transferee does not make application within 25 days, a  
 16 creditor or secured party may pay the fees for the transfer  
 17 of title and filing of security interest or lien in order to  
 18 have title transferred to the transferee and have the  
 19 security interest or lien filed. The creditor or secured  
 20 party is not liable for the penalty, registration fees, or  
 21 taxes. The department shall return the certificate of title  
 22 to the county treasurer as provided in 61-3-103(1). When the  
 23 certificate of ownership is returned by the department to  
 24 the county treasurer, the treasurer shall hold the  
 25 certificate of ownership until the vehicle is properly

1 registered.

2 (3) In the event of a transfer by operation of law of  
3 any interest in a motor vehicle as upon inheritance, devise,  
4 or bequest, order in bankruptcy or insolvency, execution  
5 sale, repossession upon default in the performance of the  
6 terms of a lease or executory sales contract, or otherwise  
7 than by voluntary act of the person whose title or interest  
8 is transferred, the executor, administrator, receiver,  
9 trustee, sheriff, or other representative or successor in  
10 interest of the person whose interest is transferred shall  
11 forward to the department an application for a certificate  
12 of ownership in the form required by the department for an  
13 original--application--for--a--certificate---of---ownership,  
14 together with a verified or certified statement of the  
15 transfer of interest. The statement must set forth the  
16 reason for the involuntary transfer, the interest  
17 transferred, the name of the person to whom the interest is  
18 to be transferred, the process of procedure effecting the  
19 transfer, and other information requested by the department.  
20 Evidence and instruments otherwise required by law to effect  
21 a transfer of legal or equitable title to or an interest in  
22 chattels as may be required in such cases must be furnished  
23 with the statement. If the department is satisfied that the  
24 transfer is regular and that all formalities required by law  
25 have been complied with, it shall send to the owner,

1 conditional sales vendor, lessor, mortgagee, and other  
2 lienor, as shown by its records, notice of the intended  
3 transfer and, not less than 5 days after sending notice,  
4 shall issue a new certificate of ownership and certificate  
5 of registration to the transferee. The notice required by  
6 this section is complied with by deposit in the post office  
7 in Deer Lodge, Montana, of the notice, postage prepaid,  
8 addressed to the person at the respective address shown on  
9 its records.

10 (4) When the vehicle certificate of ownership that is  
11 involuntarily transferred is not registered in this state,  
12 the procedure in subsection (3) must be followed in applying  
13 for a new certificate of ownership and certificate of  
14 registration but; however, in lieu of the statement required  
15 in subsection (3), the department may accept an affidavit of  
16 repossession on the form provided by the state in which a  
17 lien has been perfected and the department need not send  
18 notice of intended transfer and shall issue a new  
19 certificate of ownership and a new certificate of  
20 registration to the person entitled to them the  
21 certificates.

22 (5) (a) If the owner of one or more motor vehicles,  
23 trailers, semitrailers, or housetrailers registered under  
24 this chapter and not exceeding a combined value of \$15,000  
25 dies without leaving other property necessitating the

1 procuring of letters of administration or letters  
2 testamentary, the surviving spouse or other heir unless the  
3 property is by will otherwise bequeathed may secure transfer  
4 of the decedent's certificate of ownership and the  
5 certificate of registration for the vehicle.

6 (b) The person seeking transfer of the certificate of  
7 ownership shall file an affidavit with the department  
8 setting forth the fact of survivorship and the name and  
9 address of any other heirs and other facts as are necessary  
10 under subsection (5)(a) to entitle the affiant to a  
11 transfer.

12 (c) The department is authorized to transfer the  
13 certificate of ownership and certificate of registration,  
14 subject to all security interests shown by its records, upon  
15 receipt of an affidavit showing that the affiant is entitled  
16 to a transfer under the provisions of subsection (5)(a) of  
17 this section.

18 (6) Nothing in subsection (5) prevents any a secured  
19 party from assigning his interest in a motor vehicle  
20 registered under the provisions of this chapter to any other  
21 person without the consent of and without affecting the  
22 interest of the holder of the certificate of ownership and  
23 certificate of registration. Upon any assignment by a  
24 secured party of his security interest in any motor vehicle  
25 registered under this chapter, a copy of the assignment must

1 be filed with the department and a record of the assignment  
2 made upon its records.

3 (7) The certificate of ownership is valid until  
4 canceled by the department upon a transfer of any interest  
5 shown in the certificate, and annual renewal is not needed.

6 (8) (a) Upon its determination that a certificate of  
7 ownership contains an error caused by the department, the  
8 department may cancel the certificate of ownership and issue  
9 a replacement for the erroneous certificate if the owner has  
10 returned the certificate to be canceled.

11 (b) Any person who fails to return a certificate of  
12 ownership issued with an error caused by the department  
13 after receiving actual notice of the department's demand for  
14 the return of the certificate as required by subsection  
15 (8)(a) is guilty of a misdemeanor and upon conviction may be  
16 fined an amount not to exceed \$500."

17 **Section 4.** Section 61-3-205, MCA, is amended to read:

18 **"61-3-205. Transfer of ownership of vehicles by**  
19 **insurance company.** (1) When an insurance company or its  
20 adjuster has taken possession of a motor vehicle as a result  
21 of settling an insurance claim and transfers ownership of  
22 the motor vehicle, it shall deliver to the transferee at the  
23 time of transfer a certificate of ownership signed and  
24 acknowledged by the registered owner or owners before the  
25 county treasurer, a deputy county treasurer, or a notary

1 public.

2 (2) If the certificate of ownership names one or more  
3 holders of a perfected security interest in the motor  
4 vehicle, the insurance company or its adjuster shall also  
5 secure and deliver to the transferee a release from the  
6 secured party of the security interest."

7 **Section 5.** Section 61-3-206, MCA, is amended to read:

8 "61-3-206. Odometer disclosure requirements on transfer  
9 of vehicle -- dealer to preserve record. (1) Except as  
10 provided in subsection (3), before executing any transfer of  
11 ownership document relating to a motor vehicle, each seller  
12 of a motor vehicle shall record on the certificate of  
13 ownership the odometer reading at the time of transfer or,  
14 if the certificate of ownership does not provide for the  
15 recording of the odometer reading, furnish to the purchaser  
16 a written statement signed by each the seller, who shall  
17 also print his name on the written statement, containing the  
18 following information:

- 19 (a) the odometer reading at the time of transfer;  
20 (b) the date of transfer;  
21 (c) the seller's name and current address;  
22 (d) the purchaser's name and current address;  
23 (e) the vehicle year, make, model, body style, and  
24 identification number;  
25 (f) one of the following statements or certification:

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

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

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

14 (2) The purchaser shall acknowledge receipt of the  
15 disclosure statement by signing it and printing his name on  
16 the disclosure statement.

17 (3) The seller of the following types of motor vehicles  
18 need not disclose the odometer reading of the vehicle as  
19 required in subsection (1):

- 20 (a) a motor vehicle that is 10 years old or older;  
21 (b) a vehicle that is not self-propelled;  
22 (c) a new motor vehicle transferred between dealers  
23 prior to its first retail sale, unless such vehicle has been  
24 used as a demonstrator;  
25 (d) a vehicle having a gross weight rating of more than

1 16,000 pounds; or

2 (e) a vehicle sold directly by the manufacturer to an  
3 agency of the United States.

4 (4) A dealer licensed under 61-4-101 shall create a  
5 record of the information required in subsection (1) and  
6 shall maintain and preserve that record for at least 5 years  
7 after the date of sale of the motor vehicle to which the  
8 information pertains."

9 **Section 6.** Section 61-3-303, MCA, is amended to read:

10 "61-3-303. **Application for registration.** (1) Every  
11 owner of a motor vehicle operated or driven upon the public  
12 highways of this state shall for each motor vehicle owned,  
13 except as herein otherwise expressly provided, file or cause  
14 to be filed in the office of the county treasurer where the  
15 owner makes his permanent residence at the time of making  
16 the application or, if the vehicle is owned by a corporation  
17 or used primarily for commercial purposes, in the taxing  
18 jurisdiction of the county where the vehicle is permanently  
19 assigned, an application for registration or reregistration  
20 upon a blank form to be prepared and furnished by the  
21 department. The application shall contain:

22 (a) name and address of owner, giving county, school  
23 district, and town or city within whose corporate limits the  
24 motor vehicle is taxable, if taxable, or within whose  
25 corporate limits the owner's residence is located if the

1 motor vehicle is not taxable;

2 (b) name and address of the holder of any security  
3 interest in the motor vehicle;

4 (c) description of motor vehicle, including make, year  
5 model, engine or serial number, manufacturer's model or  
6 letter, gross weight, type of body, and if truck, the rated  
7 capacity; and

8 ~~(d) in case of reregistration, the license number for~~  
9 ~~the preceding year; and~~

10 ~~(e)~~ (d) such other information as that the department  
11 may require.

12 (2) A person who files an application for registration  
13 or reregistration of a motor vehicle, except of a mobile  
14 home as defined in 15-1-101(1), shall upon the filing of the  
15 application pay to the county treasurer:

16 (a) the registration fee, as provided in 61-3-311 and  
17 61-3-321; and

18 (b) unless it has been previously paid:

19 (i) the personal property taxes assessed against the  
20 vehicle for the current year of registration and the  
21 immediately previous year; or

22 (ii) the new motor vehicle sales tax against the vehicle  
23 for the current year of registration.

24 (3) The application may not be accepted by the county  
25 treasurer unless the payments required by subsection (2)

1 accompany the application. The department or its agent may  
2 not assess and the county treasurer may not collect taxes or  
3 fees for a period other than:

- 4 (a) the current year; and  
5 (b) the immediately previous year, if the vehicle was  
6 not registered or operated on the highways of the state,  
7 regardless of the period of time since the vehicle was  
8 previously registered or operated.

9 (4) The department or its agent may make full and  
10 complete investigation of the tax status of the vehicle. Any  
11 applicant for registration or reregistration must submit  
12 proof from the tax or other appropriate records of the  
13 proper county at the request of the department or its  
14 agent."

15 **Section 7.** Section 61-3-305, MCA, is amended to read:

16 "61-3-305. Blanks to be provided. It shall be is the  
17 duty of the department to provide blank application forms  
18 ~~outlining--and--providing--for--the--information--needed--in--each~~  
19 ~~class--of--registration--required,~~ and to furnish these upon  
20 request to applicant for registration."

21 **Section 8.** Section 61-3-332, MCA, is amended to read:

22 "61-3-332. (Temporary) Number plates. (1) Every A motor  
23 vehicle that is driven upon the streets or highways of  
24 Montana must display both front and rear number plates,  
25 bearing the distinctive number assigned the vehicle. The

1 number plates are in eight 10 series: one series for owners  
2 of motorcars, one for owners of motor vehicles of the  
3 motorcycle or quadricycle type, one for trailers, one for  
4 trucks, one for dealers in vehicles of the motorcycle or  
5 quadricycle type that bear the distinctive letters "MCD" or  
6 the letters "MC" and the word "DEALER", one for franchised  
7 dealers in new motorcars (including trucks and trailers) or  
8 new and used motorcars (including trucks and trailers) that  
9 bear the distinctive letter "D" or the word "DEALER", one  
10 for dealers in used motorcars only (including used trucks  
11 and trailers) that bear the distinctive letters "UD" or the  
12 letter "U" and the word "DEALER", and one for dealers in  
13 trailers and/or semitrailers (new or used) that bear the  
14 distinctive letters "DTR" or the letters "TR" and the word  
15 "DEALER", one for dealers in recreational vehicles that bear  
16 the distinctive letters "RV" or the letter "R" and the word  
17 "DEALER", and one for special license plates. All markings  
18 for the forementioned various kinds of dealers' plates must  
19 be placed on the number plates assigned thereto in the  
20 position that the department designates.

21 (2) All number plates for motor vehicles must be issued  
22 for a minimum period of 4 years, bear a distinctive marking,  
23 and be furnished by the state. In years when number plates  
24 are not issued, the department shall provide nonremovable  
25 stickers bearing appropriate registration numbers that must

1 be affixed to the license plates in use.

2 (3) Subject to the provisions of this section, the  
3 department shall create a new design for number plates as  
4 provided in this section, and it shall manufacture the newly  
5 designed number plates for issuance after January 1, 1991,  
6 to replace, at renewal as required in 61-3-312 and 61-3-314,  
7 number plates that were displayed on motor vehicles before  
8 that date.

9 (4) In the case of motorcars and trucks, plates must be  
10 of metal 6 inches wide and 12 inches in length. The outline  
11 of the state of Montana must be used as a distinctive border  
12 on such license plates, and the word "Montana" and the year  
13 must be placed across the plates. Such registration plates  
14 must be treated with a reflectorized background material  
15 according to specifications prescribed by the department.

16 (5) The distinctive registration numbers must begin  
17 with a number one or with a letter-number combination, such  
18 as "A 1" or "AA 1", or any other similar combination of  
19 letters and numbers. The distinctive registration number or  
20 letter-number combination assigned to the vehicle must  
21 appear on the plate preceded by the number of the county and  
22 appearing in horizontal order on the same horizontal  
23 baseline. The county number must be separated from the  
24 distinctive registration number by a separation mark unless  
25 a letter-number combination is used. The dimensions of such

1 numerals and letters must be determined by the department,  
2 and all county and registration numbers must be of equal  
3 height.

4 (6) For the use of tax-exempt motor vehicles, in  
5 addition to the markings herein provided in this section,  
6 number plates must ~~have--thereon~~ bear the following  
7 distinctive markings:

8 (a) For vehicles owned by the state, the department may  
9 designate the prefix number for the various state  
10 departments. All numbered plates issued to state departments  
11 must bear the words "State Owned", and no year number may be  
12 indicated thereon because these numbered plates are of a  
13 permanent nature and will be replaced by the department only  
14 when the physical condition of numbered plates requires it.

15 (b) For vehicles that are owned by the counties,  
16 municipalities, irrigation districts organized under the  
17 laws of Montana and not operating for profit, and school  
18 districts and that are used and operated by officials and  
19 employees thereof in line of duty and for vehicles on loan  
20 from the United States government or the state of Montana  
21 to, or owned by, the civil air patrol and used and operated  
22 by officials and employees thereof in the line of duty,  
23 there must be placed on the number plates assigned thereto,  
24 in a position that the department may designate, the letter  
25 "X" or the word "EXEMPT". Distinctive registration numbers

1 for plates assigned to motor vehicles of each of the  
 2 counties in the state and those of the municipalities and  
 3 school districts situated within each of the counties and  
 4 those of the irrigation districts that obtain plates within  
 5 each county must begin with number one and be numbered  
 6 consecutively. Because these number plates are of a  
 7 permanent nature, they are subject to replacement by the  
 8 department only when the physical condition of the number  
 9 plates requires it and a year number may not be displayed on  
 10 the number plates.

11 (7) On all number plates assigned to motor vehicles of  
 12 the truck and trailer type, other than tax-exempt trucks and  
 13 tax-exempt trailers, there must appear the letter "T" or the  
 14 word "TRUCK" on plates assigned to trucks and the letters  
 15 "TR" or the word "TRAILER" on plates assigned to trailers  
 16 and house trailers. The letters "MC" or the word "CYCLE" must  
 17 appear on plates assigned to vehicles of the motorcycle or  
 18 quadricycle type.

19 (8) Number plates issued to a passenger car, truck,  
 20 trailer, or vehicle of the motorcycle or quadricycle type  
 21 may be transferred only to a replacement passenger car,  
 22 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 23 No registration or license fee may be assessed upon a  
 24 transfer of a number plate under 61-3-317 and 61-3-335.

25 (9) For the purpose of this chapter, the several

1 counties of the state are assigned numbers as follows:  
 2 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 3 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 4 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 5 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 6 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 7 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 8 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 9 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 10 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 11 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 12 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 13 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 14 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 15 55; Lincoln, 56. Any new counties must be assigned numbers  
 16 by the department as they may be formed, beginning with the  
 17 number 57.

18 (10) Each type of special license plate approved by the  
 19 legislature, except collegiate license plates authorized in  
 20 61-3-463, must be a separate series of plates, numbered as  
 21 provided in subsection (5), except that the county number  
 22 must be replaced by a nonremovable design or decal  
 23 designating the group or organization to which the applicant  
 24 belongs. Unless otherwise specifically stated in this  
 25 section, the special plates are subject to the same rules



1 and laws as govern the issuance of regular license plates,  
 2 must be placed or mounted on a vehicle owned by the person  
 3 who is eligible to receive them, and must be removed upon  
 4 sale or other disposition of the vehicle. The special  
 5 license plates must be issued to national guard members,  
 6 former prisoners of war, handicapped persons, reservists,  
 7 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 8 ATTACK who comply with the following provisions:

9 (a) An active member of the Montana national guard may  
 10 be issued a special license plate with a design or decal  
 11 displaying the letters "NG". The adjutant general shall  
 12 issue to each active member of the Montana national guard a  
 13 certificate authorizing the division to issue one set of  
 14 national guard plates, and the member shall surrender the  
 15 plates to the division upon becoming ineligible to use them.

16 (b) An active member of the reserve armed forces of the  
 17 United States of America who is a resident of this state may  
 18 be issued a special license plate with a design or decal  
 19 displaying the following: United States army reserve, AR  
 20 (symbol); United States naval reserve, NR (anchor); United  
 21 States air force reserve, AFR (symbol); United States marine  
 22 corps reserve, MCR (globe and anchor). The commanding  
 23 officer of each armed forces reserve unit shall issue to  
 24 each eligible member of the reserve unit a certificate  
 25 authorizing the issuance of one set of plates. The member

1 shall surrender the plates to the division upon becoming  
 2 ineligible to use them.

3 (c) A resident of Montana who is a veteran of the armed  
 4 forces of the United States and who is 100% disabled because  
 5 of an injury that has been determined by the veterans'  
 6 administration to be service-connected may, upon  
 7 presentation to the division of proof of the 100%  
 8 disability, be issued a special license plate under this  
 9 section with a design or decal displaying the letters "DV".

10 (i) The fee for original or renewal registration by a  
 11 100% disabled veteran for a passenger vehicle or a truck  
 12 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 13 lieu of all other fees and taxes for that vehicle under this  
 14 chapter.

15 (ii) Special license plates issued to a disabled veteran  
 16 are not transferrable to another person.

17 (iii) A disabled veteran is not entitled to a special  
 18 license plate for more than one vehicle.

19 (iv) A vehicle lawfully displaying a disabled veteran's  
 20 plate and that is conveying a 100% disabled veteran is  
 21 entitled to the parking privileges allowed a handicapped  
 22 person's vehicle under this title.

23 (d) A Montana resident who is a veteran of the armed  
 24 forces of the United States and was captured and held  
 25 prisoner by a military force of a foreign nation, documented

1 by his service record, may upon application and presentation  
 2 of proof be issued a special license plate with a design or  
 3 decal displaying the words "ex-prisoner of war" or an  
 4 abbreviation as the department considers appropriate.

5 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
 6 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
 7 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
 8 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
 9 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
 10 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
 11 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
 12 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
 13 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
 14 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
 15 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
 16 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
 17 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM  
 18 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
 19 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
 20 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
 21 PLATES UPON REQUEST AND WITHOUT CHARGE.

22 (F) A Montana resident who is eligible to receive a  
 23 special parking permit under 49-4-301 may, upon written  
 24 application on a form prescribed by the department, be  
 25 issued a special license plate with a design or decal

1 bearing a representation of a wheelchair as the symbol of  
 2 the handicapped person. (Terminates July 1, 1996--sec. 4,  
 3 Ch. 654, L. 1989.)

4 61-3-332. (Effective July 1, 1996) Number plates. (1)  
 5 Every A motor vehicle that is driven upon the streets or  
 6 highways of Montana must display both front and rear number  
 7 plates, bearing the distinctive number assigned the vehicle.  
 8 The number plates are in eight 10 series: one series for  
 9 owners of motorcars, one for owners of motor vehicles of the  
 10 motorcycle or quadricycle type, one for trailers, one for  
 11 trucks, one for dealers in vehicles of the motorcycle or  
 12 quadricycle type that bear the distinctive letters "MCD" or  
 13 the letters "MC" and the word "DEALER", one for franchised  
 14 dealers in new motorcars (including trucks and trailers) or  
 15 new and used motorcars (including trucks and trailers) that  
 16 bear the distinctive letter "D" or the word "DEALER", one  
 17 for dealers in used motorcars only (including used trucks  
 18 and trailers) that bear the distinctive letters "UD" or the  
 19 letter "U" and the word "DEALER", and one for dealers in  
 20 trailers and/or semitrailers (new or used) that bear the  
 21 distinctive letters "DTR" or the letters "TR" and the word  
 22 "DEALER", one for dealers in recreational vehicles that bear  
 23 the distinctive letters "RV" or the letter "R" and the word  
 24 "DEALER", and one for special license plates. All markings  
 25 for the aforementioned various kinds of dealers' plates must

1 be placed on the number plates assigned thereto in the  
2 position that the department designates.

3 (2) All number plates for motor vehicles must be issued  
4 for a minimum period of 4 years, bear a distinctive marking,  
5 and be furnished by the state. In years when number plates  
6 are not issued, the department shall provide nonremovable  
7 stickers bearing appropriate registration numbers that must  
8 be affixed to the license plates in use.

9 (3) Subject to the provisions of this section, the  
10 department shall create a new design for number plates as  
11 provided in this section, and it shall manufacture the newly  
12 designed number plates for issuance after January 1, 1991,  
13 to replace, at renewal as required in 61-3-312 and 61-3-314,  
14 number plates that were displayed on motor vehicles before  
15 that date.

16 (4) In the case of motorcars and trucks, number plates  
17 must be of metal 6 inches wide and 12 inches in length. For  
18 number plates issued after 1976, the outline of the state of  
19 Montana must be used as a distinctive border on such license  
20 plates, and the word "Montana" and the year must be placed  
21 across the bottom of the plates. Such registration plates  
22 must be treated with a reflectorized background material  
23 according to specifications prescribed by the department.

24 (5) The distinctive registration numbers must begin  
25 with a number one or with a letter-number combination, such

1 as "A 1" or "AA 1", or any other similar combination of  
2 letters and numbers and be numbered consecutively for each  
3 series of plates. The distinctive registration number or  
4 letter-number combination assigned to the vehicle must  
5 appear on the plate preceded by the number of the county and  
6 appearing in horizontal order on the same horizontal  
7 baseline. The county number must be separated from the  
8 distinctive registration number by a separation mark unless  
9 a letter-number combination is used. The dimensions of such  
10 numerals and letters must be determined by the department,  
11 and all county and registration numbers must be of equal  
12 height.

13 (6) For the use of tax-exempt motor vehicles, in  
14 addition to the markings herein provided, number plates must  
15 have thereon the following distinctive markings:

16 (a) For vehicles owned by the state, the department may  
17 designate the prefix number for the various state  
18 departments. All numbered plates issued to state departments  
19 must bear the words "State Owned", and no year number may be  
20 indicated thereon because these numbered plates are of a  
21 permanent nature and will be replaced by the department only  
22 when the physical condition of numbered plates requires it.

23 (b) For vehicles that are owned by the counties,  
24 municipalities, irrigation districts organized under the  
25 laws of Montana and not operating for profit, and school

1 districts and that are used and operated by officials and  
 2 employees thereof in line of duty and for vehicles on loan  
 3 from the United States government or the state of Montana  
 4 to, or owned by, the civil air patrol and used and operated  
 5 by officials and employees thereof in the line of duty,  
 6 there must be placed on the number plates assigned thereto,  
 7 in a position that the department may designate, the letter  
 8 "X" or the word "EXEMPT". Distinctive registration numbers  
 9 for plates assigned to motor vehicles of each of the  
 10 counties in the state and those of the municipalities and  
 11 school districts situated within each of the counties and  
 12 those of the irrigation districts that obtain plates within  
 13 each county must begin with number one and be numbered  
 14 consecutively. Because these number plates are of a  
 15 permanent nature, they are subject to replacement by the  
 16 department only when the physical condition of the number  
 17 plates requires it and a year number may not be displayed on  
 18 the number plates.

19 (7) On all number plates assigned to motor vehicles of  
 20 the truck and trailer type, other than tax-exempt trucks and  
 21 tax-exempt trailers, there must appear the letter "T" or the  
 22 word "TRUCK" on plates assigned to trucks and the letters  
 23 "TR" or the word "TRAILER" on plates assigned to trailers  
 24 and housetrailers. The letters "MC" or the word "CYCLE" must  
 25 appear on plates assigned to vehicles of the motorcycle or

1 quadricycle type.

2 (8) Number plates issued to a passenger car, truck,  
 3 trailer, or vehicle of the motorcycle or quadricycle type  
 4 may be transferred only to a replacement passenger car,  
 5 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
 6 No registration or license fee may be assessed upon a  
 7 transfer of a number plate under 61-3-317 and 61-3-335.

8 (9) For the purpose of this chapter, the several  
 9 counties of the state are assigned numbers as follows:  
 10 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 11 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 12 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 13 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 14 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 15 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 16 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 17 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 18 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 19 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 20 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 21 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 22 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 23 55; Lincoln, 56. Any new counties must be assigned numbers  
 24 by the department as they may be formed, beginning with the  
 25 number 57.

1     (10) Each type of special license plate approved by the  
 2 legislature, except collegiate license plates authorized in  
 3 61-3-463, must be a separate series of plates, numbered as  
 4 provided in subsection (5), except that the county number  
 5 must be replaced by a nonremovable design or decal  
 6 designating the group or organization to which the applicant  
 7 belongs. Unless otherwise specifically stated in this  
 8 section, the special plates are subject to the same rules  
 9 and laws as govern the issuance of regular license plates,  
 10 must be placed or mounted on a vehicle owned by the person  
 11 who is eligible to receive them, and must be removed upon  
 12 sale or other disposition of the vehicle. The special  
 13 license plates must be issued to national guard members,  
 14 former prisoners of war, handicapped persons, reservists,  
 15 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 16 ATTACK who comply with the following provisions:

17     (a) An active member of the Montana national guard may  
 18 be issued a special license plate with a design or decal  
 19 displaying the letters "NG". The adjutant general shall  
 20 issue to each active member of the Montana national guard a  
 21 certificate authorizing the division to issue one set of  
 22 national guard plates, and the member shall surrender the  
 23 plates to the division upon becoming ineligible to use them.

24     (b) An active member of the reserve armed forces of the  
 25 United States of America who is a resident of this state may

1 be issued a special license plate with a design or decal  
 2 displaying the following: United States army reserve, AR  
 3 (symbol); United States naval reserve, NR (anchor); United  
 4 States air force reserve, AFR (symbol); United States marine  
 5 corps reserve, MCR (globe and anchor). The commanding  
 6 officer of each armed forces reserve unit shall issue to  
 7 each eligible member of the reserve unit a certificate  
 8 authorizing the issuance of one set of plates. The member  
 9 shall surrender the plates to the division upon becoming  
 10 ineligible to use them.

11     (c) A resident of Montana who is a veteran of the armed  
 12 forces of the United States and who is 100% disabled because  
 13 of an injury that has been determined by the veterans'  
 14 administration to be service-connected may, upon  
 15 presentation to the division of proof of the 100%  
 16 disability, be issued a special license plate under this  
 17 section with a design or decal displaying the letters "DV".

18     (i) The fee for original or renewal registration by a  
 19 100% disabled veteran for a passenger vehicle or a truck  
 20 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 21 lieu of all other fees and taxes for that vehicle under this  
 22 chapter.

23     (ii) Special license plates issued to a disabled veteran  
 24 are not transferrable to another person.

25     (iii) A disabled veteran is not entitled to a special

1 license plate for more than one vehicle.

2 (iv) A vehicle lawfully displaying a disabled veteran's  
3 plate and that is conveying a 100% disabled veteran is  
4 entitled to the parking privileges allowed a handicapped  
5 person's vehicle under this title.

6 (d) A Montana resident who is a veteran of the armed  
7 forces of the United States and was captured and held  
8 prisoner by a military force of a foreign nation, documented  
9 by his service record, may upon application and presentation  
10 of proof be issued a special license plate with a design or  
11 decal displaying the words "ex-prisoner of war" or an  
12 abbreviation as the department considers appropriate.

13 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
14 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
15 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
16 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
17 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
18 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
19 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
20 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
21 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
22 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
23 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
24 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
25 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM

1 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
2 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
3 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
4 PLATES UPON REQUEST AND WITHOUT CHARGE.

5 (e)(F) A Montana resident who is eligible to receive a  
6 special parking permit under 49-4-301 may, upon written  
7 application on a form prescribed by the department, be  
8 issued a special license plate with a design or decal  
9 bearing a representation of a wheelchair as the symbol of  
10 the handicapped person."

11 **Section 9.** Section 61-3-333, MCA, is amended to read:

12 "61-3-333. Replacing number plates. In the event of  
13 loss, mutilation, or destruction of number plates, and/or  
14 validation devices, the owner of the registered motor  
15 vehicle may obtain from the department duplicates thereof or  
16 replacements of the number plates upon filing sworn  
17 declaration showing such that fact and payment of a fee of  
18 \$2. In the event of loss, mutilation, or destruction of  
19 pioneer plates, duplicates may be obtained in the same  
20 manner upon payment of a fee of \$5."

21 **Section 10.** Section 61-3-465, MCA, is amended to read:

22 "61-3-465. Issuance -- application -- additional fee --  
23 disposition. (1) The department shall issue or renew  
24 collegiate license plates upon receipt of an application  
25 that shows:

1 (a) compliance with 61-3-303~~7~~-61-3-304, 61-3-311, and  
2 61-3-312; and

3 (b) payment to the county treasurer of:

4 (i) an initial application and manufacturing fee of  
5 \$2.50, when required; and

6 (ii) an annual scholarship donation of \$20 for the  
7 benefit of the institution named in the application.

8 (2) Once each month the county treasurer shall transfer  
9 to the state treasurer the total of the amounts collected  
10 for:

11 (a) the initial application and manufacturing fee for  
12 deposit in the Montana state prison industries account in  
13 the proprietary fund for appropriation by the legislature to  
14 pay the cost of manufacturing collegiate license plates; and

15 (b) scholarship donations provided for in subsection  
16 (1)(b)(ii), along with a schedule showing the number of  
17 collegiate license plates issued and the total donations  
18 received for the benefit of each institution.

19 (3) Once each month the state treasurer shall  
20 distribute to the student academic scholarship fund or  
21 foundation of each institution an amount equal to the total  
22 donations credited to that institution and transferred to  
23 the state treasurer by the county treasurers during the  
24 preceding month."

25 **Section 11.** Section 61-3-510, MCA, is amended to read:

1 "61-3-510. **Weed control fee.** (1) A special weed control  
2 fee of \$1.50 must be assessed on the annual registration or  
3 reregistration of each motor vehicle subject to  
4 registration. The fee must be collected by the county  
5 treasurer.

6 (2) For purposes of this section, motor vehicle  
7 includes:

8 (a) motor vehicle as defined in 61-1-102;

9 (b) motorcycle as defined in 61-1-105;

10 (c) motor-driven cycle as defined in 61-1-106; and

11 (d) quadricycle as defined in 61-1-133.

12 (3) The following vehicles are exempt from the fee:

13 (a) vehicles owned or controlled by the United States  
14 or a state, county, or city;

15 (b) vehicles exempt from payment of registration fees  
16 by 61-3-321~~(7)~~(8); and

17 (c) vehicles or equipment which is not self-propelled  
18 or which requires towing when moved upon a highway of this  
19 state."

20 **Section 12.** Section 61-3-601, MCA, is amended to read:

21 "61-3-601. **Penalty for violations.** Except as otherwise  
22 provided, a violation of any of the provisions of this  
23 chapter is a misdemeanor and is punishable by a fine not  
24 exceeding ~~\$25~~ \$500. ~~Nothing contained herein in this section~~  
25 prevents the prosecution of a person for an offense

1 committed under any other law."

2 **Section 13.** Section 61-3-604, MCA, is amended to read:

3 **"61-3-604. Penalty for altering identification number.**

4 (1) A person who willfully removes or falsifies an  
5 identification number of a motor vehicle or motor vehicle  
6 engine is guilty of a misdemeanor.

7 (2) Any person or persons, firm, or corporation ~~which~~  
8 that sells or offers for sale in this state a vehicle the  
9 original vehicle identification number of which has been  
10 destroyed, removed, altered, covered, or defaced, ~~with the~~  
11 ~~exception of electrically propelled vehicles,~~ is guilty of a  
12 misdemeanor and upon conviction thereof shall be punished by  
13 a fine of not less than \$200 or more than \$500 and by  
14 imprisonment in the county jail for a term of not less than  
15 30 days or more than 180 days. Upon a second or subsequent  
16 conviction under this subsection, the punishment shall be  
17 imprisonment in the state prison for a term of not less than  
18 1 year or more than 5 years or a fine in an amount not to  
19 exceed \$50,000, or both such fine and imprisonment."

20 **Section 14.** Section 61-4-101, MCA, is amended to read:

21 **"61-4-101. Application for dealer's license.** (1) Every  
22 person, firm, corporation, or association which, for  
23 commission or profit, engages in the business of buying,  
24 selling, exchanging, offering, taking for consignment,  
25 soliciting, advertising the sale of, or acting as a broker

1 of new motor vehicles, recreational vehicles, used motor  
2 vehicles, trailers (except trailers having an unloaded  
3 weight of less than 500 pounds), semitrailers, or special  
4 mobile equipment as defined in 61-1-104 shall file, by mail  
5 or otherwise, in the office of the department a verified  
6 application for licensure as a dealer, on a blank to be  
7 furnished by the department for that purpose and containing  
8 the information required. The application and all of the  
9 information contained in it must be verified by the ~~Montana~~  
10 ~~highway-patrol~~ department. Each application must be  
11 accompanied by the license fee specified in 61-4-102. A  
12 dealer's license must be renewed and paid for annually, and  
13 an application for relicensure must be filed not later than  
14 January 1 of each year. If an application for renewal of a  
15 license has been received by the department prior to the  
16 expiration of the license, the dealer may operate his  
17 business and display dealer plates under the expired license  
18 between January 1 and February 15 following expiration.

19 (2) To qualify for licensure and the issuance and use  
20 of "D", "UD", "RV", "DTR", or "MCD" plates as hereinafter  
21 provided, the applicant must furnish the following  
22 information and qualify under the following provisions:

23 (a) To qualify as a new motor vehicle dealer and for  
24 the use of "D" plates, the applicant must:

25 (i) state the name under which the business is to be



1 conducted and the location of the premises (street address,  
2 city, county, and state) where records are kept, sales are  
3 made, and stock of motor vehicles is displayed;

4 (ii) state the name and address of all owners or persons  
5 having an interest in the business, provided that in the  
6 case of a corporation, the names and addresses of the  
7 president and secretary are sufficient;

8 (iii) state the name and make of all motor vehicles  
9 handled and the name and address of the manufacturer,  
10 importer, or distributor with whom the applicant has a  
11 written new motor vehicle franchise or sales agreement;

12 (iv) execute a certificate to the effect that the  
13 applicant has a permanent building for the display and sale  
14 of new motor vehicles at the location of the premises where  
15 sales are conducted;

16 (v) execute a certificate to the effect that the  
17 applicant has a bona fide service department for the repair,  
18 service, and maintenance of motor vehicles; and

19 (vi) execute a certificate to the effect that the  
20 applicant is a bona fide dealer in new motor vehicles and  
21 that he is recognized by a manufacturer, importer, or  
22 distributor as a dealer in new motor vehicles.

23 (b) To qualify as a used motor vehicle dealer and for  
24 the use of "UD" plates or, as a recreational vehicle dealer  
25 and for the use of "RV" plates, as a trailer, semitrailer,

1 or special mobile equipment dealer and for the use of "DTR"  
2 plates, or as a motorcycle or quadricycle dealer and for the  
3 use of "MCD" plates, the applicant must shall, in addition  
4 to the matters set forth in subsections (i) and (ii) of  
5 subsection (2)(a) above, provide:

6 (i) a statement that the applicant has a building or  
7 lot and a sign readable at a minimum distance of 150 feet  
8 indicating the firm name as the principal place of business  
9 and that vehicles are offered for sale; and

10 (ii) a certificate to the effect that the applicant is a  
11 bona fide dealer in used motor vehicles, recreational  
12 vehicles, trailers, semitrailers, special mobile equipment,  
13 motorcycles, or quadricycles. An applicant for a  
14 recreational vehicle dealer license must shall also indicate  
15 on the same certificate that he is recognized by a  
16 manufacturer, importer, or distributor as a dealer in  
17 recreational vehicles.

18 (c) To qualify for a used motor vehicle dealer's  
19 license, a person must shall submit an annual application  
20 for that license and comply with the provisions of  
21 61-4-102(5) in addition to fulfilling the requirements of  
22 subsection (2)(b).

23 (d) The provisions of subsection (2)(c) do not apply to  
24 an applicant who is licensed as a motor vehicle wrecking  
25 facility under the provisions of Title 75, chapter 10, part

1 5.

2 (3) (a) The applicant for a dealer's license shall also  
3 file with his application a good and sufficient bond in the  
4 sum of \$5,000, and the bond must be conditioned that the  
5 applicant shall conduct his business in accordance with the  
6 requirements of the law. All bonds must run to the state of  
7 Montana, must be approved by the department and filed in its  
8 office, and must be renewed annually.

9 (b) A person who suffers loss or damage due to the  
10 unlawful conduct of a dealer licensed under this section  
11 shall obtain a judgment from a court of competent  
12 jurisdiction prior to collecting the judgment from the  
13 department. The department is responsible for payment under  
14 this section, in an amount not to exceed the maximum bond  
15 amount, only if the judgment on which the payment is based  
16 determines a specific loss or damage amount and concludes  
17 that the dealer's unlawful operation caused the loss or  
18 damage."

19 Section 15, Section 61-6-302, MCA, is amended to read:

20 "61-6-302. Proof of compliance. (1) Except as provided  
21 in subsection (2), before any applicant required to register  
22 his motor vehicle may do so, the applicant must certify to  
23 the county treasurer that he possesses an automobile  
24 liability insurance policy, a certificate of self insurance,  
25 or a posted indemnity bond or that he is eligible for an

1 exemption under 61-6-303 covering the motor vehicle. The  
2 certification shall be on a form prescribed by the  
3 department. The department may immediately cancel the  
4 registration and license plates of the vehicle upon  
5 notification that the insurance certification was not  
6 correctly represented. Any person who intentionally provides  
7 false information on an insurance certification is guilty of  
8 unsworn falsification to authorities, punishable as provided  
9 in 45-7-203.

10 (2) An applicant for registration of a motor vehicle  
11 who wishes to register the vehicle by mail must sign a  
12 statement on the application stating that the applicant is  
13 in compliance with the financial liability requirements of  
14 61-6-301.

15 (3) (1) An owner of a motor vehicle who ceases to  
16 maintain the insurance or bond required under 61-6-301 or  
17 whose certificate of self insurance is canceled or whose  
18 vehicle ceases to be exempt under 61-6-303 shall immediately  
19 surrender the registration and license plates for the  
20 vehicle to the county treasurer for delivery to the  
21 department and may not operate or permit operation of the  
22 vehicle in Montana until insurance has again been furnished  
23 as required and the vehicle is again registered and  
24 licensed.

25 (4) (2) Every person shall carry in a motor vehicle

1 ~~being operated by him an insurance card approved by the~~  
 2 ~~department but issued by the insurance carrier to the motor~~  
 3 ~~vehicle owner as proof of compliance with 61-6-301. A motor~~  
 4 ~~vehicle operator shall exhibit the insurance card upon~~  
 5 ~~demand of a justice of the peace, a city or municipal judge,~~  
 6 ~~a peace officer, a highway patrol officer, or a field deputy~~  
 7 ~~or inspector of the department. However, no A person charged~~  
 8 ~~with violating this subsection may not be convicted if he~~  
 9 ~~produces in court or the office of the arresting officer~~  
 10 ~~proof of insurance valid at the time of his arrest."~~

11 **SECTION 15. SECTION 15-70-101, MCA, IS AMENDED TO READ:**

12 "15-70-101. Disposition of funds -- contingent  
 13 reduction of allocation. All taxes, interest, and penalties  
 14 collected under this chapter, except those collected by a  
 15 justice's court, shall be turned over promptly to the state  
 16 treasurer, who shall place the same in the state special  
 17 revenue fund to the credit of the department of highways.  
 18 These Except as provided in subsection (9), those funds  
 19 hereinbelow allocated to cities, towns, and counties shall  
 20 be paid by the department of highways from the state special  
 21 revenue fund to such cities, towns, and counties.

22 (1) \$14,000,000 of the funds collected under this  
 23 chapter, except those collected by a justice's court, is  
 24 statutorily appropriated, as provided in 17-7-502, to the  
 25 department of highways and shall be allocated each fiscal

1 year on a monthly basis to the counties and incorporated  
 2 cities and towns in Montana for construction,  
 3 reconstruction, maintenance, and repair of rural roads and  
 4 city or town streets and alleys, as provided in subsections  
 5 (1)(a) through (1)(c):

6 (a) \$54,000 shall be designated for the purposes and  
 7 functions of the Montana rural technical assistance  
 8 transportation program in Bozeman;

9 (b) \$6,323,000 shall be divided among the various  
 10 counties in the following manner:

11 (i) 40% in the ratio that the rural road mileage in  
 12 each county, exclusive of the federal-aid interstate system  
 13 and the federal-aid primary system, bears to the total rural  
 14 road mileage in the state, exclusive of the federal-aid  
 15 interstate system and the federal-aid primary system;

16 (ii) 40% in the ratio that the rural population in each  
 17 county outside incorporated cities and towns bears to the  
 18 total rural population in the state outside incorporated  
 19 cities and towns;

20 (iii) 20% in the ratio that the land area of each county  
 21 bears to the total land area of the state;

22 (c) \$7,623,000 shall be divided among the incorporated  
 23 cities and towns in the following manner:

24 (i) 50% of the sum in the ratio that the population  
 25 within the corporate limits of the city or town bears to the

1 total population within corporate limits of all the cities  
2 and towns in Montana;

3 (ii) 50% in the ratio that the city or town street and  
4 alley mileage, exclusive of the federal-aid interstate  
5 system and the federal-aid primary system, within corporate  
6 limits bears to the total street and alley mileage,  
7 exclusive of the federal-aid interstate system and  
8 federal-aid primary system, within the corporate limits of  
9 all cities and towns in Montana.

10 (2) All funds hereby allocated to counties, cities, and  
11 towns shall be used for the construction, reconstruction,  
12 maintenance, and repair of rural roads, city or town streets  
13 and alleys or for the share which such city, town, or county  
14 might otherwise expend for proportionate matching of federal  
15 funds allocated for the construction of roads or streets  
16 which are part of the federal-aid primary or secondary  
17 highway system or urban extensions thereto, except that the  
18 governing body of a town or third-class city, as defined in  
19 7-1-4111, may each year expend no more than 25% of the funds  
20 allocated to that town or third-class city for the purchase  
21 of capital equipment and supplies to be used for the  
22 maintenance and repair of town or third-class city streets  
23 and alleys.

24 (3) Upon receipt of the allocation provided herein, the  
25 governing bodies of the recipient counties, cities, and

1 towns shall inform the department of highways of the  
2 purposes for which the funds will be expended so that the  
3 county commissioners, the governing body, and the department  
4 of highways may coordinate the expenditure of public funds  
5 for road improvements.

6 (4) All funds hereby allocated to counties, cities, and  
7 towns shall be disbursed to the lowest responsible bidder  
8 according to applicable bidding procedures followed in all  
9 cases where the contract for construction, reconstruction,  
10 maintenance, or repair is in excess of \$4,000.

11 (5) For the purposes of this section where distribution  
12 of funds is made on a basis related to population, the  
13 population shall be determined by the last preceding  
14 official federal census.

15 (6) For the purposes of this section where  
16 determination of mileage is necessary for distribution of  
17 funds, it shall be the responsibility of the cities, towns,  
18 and counties to furnish to the department of highways a  
19 yearly certified statement indicating the total mileage  
20 within their respective areas applicable to this chapter.  
21 All mileage submitted shall be subject to review and  
22 approval by the department of highways.

23 (7) Except by a town or third-class city as provided in  
24 subsection (2), none of the funds authorized by this section  
25 shall be used for the purchase of capital equipment.

1 (8) Funds authorized by this section shall be used for  
2 construction and maintenance programs only.

3 (9) The department of justice, upon determining that  
4 the county treasurer of a county fails to enforce the  
5 provisions of 61-6-302, shall certify that fact to the  
6 department of highways, and the department of highways shall  
7 decrease the payment to that county under the provisions of  
8 subsection (1)(b) by 25% for each year until the department  
9 of justice subsequently certifies that the county treasurer  
10 is no longer failing to enforce the provisions of 61-6-302."

11 NEW SECTION. SECTION 16. COORDINATION INSTRUCTION. ON  
12 PASSAGE AND APPROVAL OF THIS BILL, HOUSE BILL NO. 98 IS  
13 VOID.

14 NEW SECTION. Section 17. Repealer. Sections 10-1-110,  
15 61-3-304, 61-3-444, 61-3-445, 61-3-447, 61-3-451, and  
16 61-3-505, MCA, are repealed.

17 NEW SECTION. Section 18. Instructions to code  
18 commissioner. To conform with the provisions of [this act],  
19 the code commissioner shall make the following revisions:

20 (1) in 49-4-302(2) and (3), change 61-3-451 to  
21 61-3-332(10)(c);

22 (2) in 49-4-304(1), change 61-3-445 to  
23 61-3-332+10+e+(10)(F);

24 (3) in 61-3-313(3), change 61-3-451 to 61-3-332(10)(c);

25 (4) in 61-3-446r;

1 (A) change:

2 ~~e+(I)~~ 61-3-444 to 61-3-332(10)(d);

3 ~~b+(II)~~ 61-3-445 to 61-3-332+10+e+(10)(F);

4 ~~e+(III)~~ 61-3-447 to 61-3-332(10)(b); and

5 ~~d+(IV)~~ 61-3-451 to 61-3-332(10)(c); AND

6 (B). INSERT 61-3-332(10)(E);

7 (5) in 61-3-452, 61-3-453, 61-3-454, 61-3-455, and  
8 61-3-504(2), change 63-3-451 to 61-3-332(10)(c);

9 (6) in 61-3-507, delete "and 61-3-505" at the end of  
10 subsection (1) in the temporary version and at the end of  
11 the permanent version.

-End-

March 21, 1991

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~~notification that the insurance certification was not correctly represented. Any person who intentionally provides false information on an insurance certification is guilty of unsworn falsification to authorities, punishable as provided in 45-7-202.~~

~~(2) An applicant for registration of a motor vehicle who wishes to register the vehicle by mail must sign a statement on the application stating that the applicant is in compliance with the financial liability requirements of 61-6-301.~~

~~(3) An owner of a motor vehicle who ceases to maintain the insurance or bond required under 61-6-301 or whose certificate of self-insurance is canceled or whose vehicle ceases to be exempt under 61-6-303 shall immediately surrender the registration and license plates for the vehicle to the county treasurer for delivery to the department and may not operate or permit operation of the vehicle in Montana until insurance has again been furnished as required and the vehicle is again registered and licensed.~~

~~(4) (2) Every A person shall carry in a motor vehicle being operated by him an insurance card approved by the department but issued by the insurance carrier to the motor vehicle owner as proof of compliance with 61-6-301. A motor vehicle operator shall exhibit the insurance card upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of the department. However, no A person charged with violating this subsection may not be convicted if he produces in court or the office of the arresting officer proof of insurance valid at the time of his arrest."~~

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 191 (third reading copy -- blue) be concurrent in as amended.

Signed:   
Barry Strand, Chairman

Carried by: Rep. Steppler

And, that such amendments read:

1. Title, line 12.

Following: "PURPOSE;"

Insert: "PROVIDING THAT A DISABLED VETERAN HAS THE OPTION OF RECEIVING A HANDICAPPED LICENSE PLATE OR, IF QUALIFIED, AN EX-PRISONER OF WAR LICENSE PLATE;"

2. Page 22, line 9.

Following: "DV"

Insert: "or the handicapped license plate provided for in 61-3-445"

3. Page 22, line 14.

Following: "chapter."

Insert: "A disabled veteran who meets the requirements for issuance of a "DV" license plate and who also qualifies for the issuance of an ex-prisoner of war license plate may obtain the ex-prisoner of war license plate upon payment of the same \$5 fee."

4. Page 41, line 11 through page 45, line 10.

Strike: section 15 in its entirety

Insert: "Section 15. Section 61-6-302, MCA, is amended to read:

"61-6-302. Proof of compliance. (1) ~~Except as provided in subsection (2), before any applicant required to register his motor vehicle may do so, the applicant must certify to the county treasurer that he possesses an automobile liability insurance policy, a certificate of self insurance, or a posted indemnity bond or that he is eligible for an exemption under 61-6-303 covering the motor vehicle. The certification shall be on a form prescribed by the department. The department may immediately cancel the registration and license plates of the vehicle upon~~

1 SENATE BILL NO. 191  
 2 INTRODUCED BY T. BECK  
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
 6 MOTOR VEHICLE REGISTRATION AND TITLING LAWS; ~~BELETING-THE~~  
 7 ~~REQUIREMENT-FOR-CERTIFICATION-OF-LIABILITY-INSURANCE-ON--THE~~  
 8 ~~REGISTRATION---RECEIPT;~~ PROVIDING FOR THE ISSUANCE OF  
 9 SPECIAL-PURPOSE LICENSE PLATES, INCLUDING LICENSE PLATES  
 10 ISSUED TO SURVIVORS OF THE PEARL HARBOR ATTACK, BY CREATING  
 11 A GENERIC PLATE WITH A DESIGN OR DECAL INDICATING THE  
 12 SPECIAL PURPOSE; PROVIDING THAT A DISABLED VETERAN HAS THE  
 13 OPTION OF RECEIVING A HANDICAPPED LICENSE PLATE OR, IF  
 14 QUALIFIED, AN EX-PRISONER OF WAR LICENSE PLATE; CREATING A  
 15 NEW CLASS OF DEALER PLATE FOR RECREATIONAL VEHICLE DEALERS;  
 16 ALLOWING FOR REPLACEMENT PLATES INSTEAD OF ISSUING DUPLICATE  
 17 LICENSE PLATES; REMOVING THE EXCEPTION FOR ELECTRICALLY  
 18 DRIVEN VEHICLES IN THE VEHICLE IDENTIFICATION NUMBER  
 19 STATUTE; TRANSFERRING THE DUTY OF INSPECTING DEALERS FROM  
 20 THE HIGHWAY PATROL TO THE MOTOR VEHICLE DIVISION; PROVIDING  
 21 THAT EXEMPT PLATES BE REISSUED ONLY WHEN DAMAGED OR  
 22 DESTROYED; INCREASING THE PENALTY FOR VIOLATING VEHICLE  
 23 TITLING, REGISTRATION, OR TAXATION LAWS; ~~REDUCING--THE~~  
 24 ~~ALLOCATION-OF-GASOLINE-TAX-FUNDS-TO-A-COUNTY-FOR-PAIDURE--TO~~  
 25 ~~ENFORCE--THE--PROOF--OF--COMPLIANCE-PROVISION;~~ VOIDING HOUSE

1 BILL NO. 98; AMENDING SECTIONS ~~15-70-101,~~ 61-1-130,  
 2 61-3-101, 61-3-201, 61-3-205, 61-3-206, 61-3-303, 61-3-305,  
 3 61-3-332, 61-3-333, 61-3-465, 61-3-510, 61-3-601, 61-3-604,  
 4 ~~AND 61-4-101, AND-61-6-302,~~ AND 61-6-302, MCA; AND REPEALING  
 5 SECTIONS 10-1-110, 61-3-304, 61-3-444, 61-3-445, 61-3-447,  
 6 61-3-451, AND 61-3-505, MCA."  
 7

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

9 **Section 1.** Section 61-1-130, MCA, is amended to read:

10 "61-1-130. Motor home. "Motor home" as used in 61-3-521  
 11 and 61-3-522 means a self-propelled motor vehicle originally  
 12 designed--or--permanently--altered--to---provide---temporary  
 13 facilities-for-recreational-travel-or-camping-use;

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

17 (2) containing permanently installed independent life  
 18 support systems that meet the ANSI/A119.2 standard; and

19 (3) providing at least four of the following types of  
 20 facilities:

21 (a) cooking, refrigeration, or icebox;

22 (b) self-contained toilet;

23 (c) heating or air-conditioning, or both;

24 (d) potable water supply, including a faucet and sink;

25 or

1 (e) separate 110-volt or 125-volt electrical power  
2 supply or a liquified petroleum gas supply, or both."

3 **Section 2.** Section 61-3-101, MCA, is amended to read:

4 **"61-3-101. Duties of department -- records.** (1) The  
5 department shall keep a record as hereinafter specified in  
6 this section of all motor vehicles, trailers, and  
7 semitrailers of every kind, and of certificates of  
8 registration and ownership thereof of those vehicles, and of  
9 all manufacturers and dealers in motor vehicles.

10 (2) In the case of motor vehicles, trailers, and  
11 semitrailers, the record ~~shall~~ must show the following:

12 (a) name of owner, residence by town and county, and  
13 business address;

14 (b) name and address of conditional sales vendor,  
15 mortgagee, or other lienholder and amount due under contract  
16 or lien;

17 (c) manufacturer of car vehicle;

18 (d) manufacturer's designation of style of car--or  
19 vehicle;

20 (e) identifying number;

21 (f) year of manufacture;

22 (g) character of motive power and shipping weight of  
23 car vehicle as shown by the manufacturer;

24 (h) the distinctive license number assigned to the  
25 vehicle if any;

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

3 (j) except as provided in 61-3-103, the name and  
4 complete address of any holder of a perfected security  
5 interest in a vehicle; and

6 †j†(k) such other information as that may from time to  
7 time be found desirable.

8 (3) The department shall file applications for  
9 registration received by it from the county treasurers of  
10 the state and register the vehicles therein described in the  
11 applications and the owners thereof of the vehicles in  
12 suitable books or on index cards, as follows:

13 (a) under the distinctive license number assigned to  
14 the vehicle by the county treasurer;

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

16 (c) numerically under make and identifying number of  
17 the vehicle; and

18 (d) such other index of registration as the department  
19 considers expedient.

20 (4) Vehicle registration records and indexes and  
21 driver's license records and indexes may be maintained by  
22 electronic recording and storage media.

23 (5) In the case of dealers, the records ~~shall~~ must show  
24 the information contained in the application for dealer's  
25 license as required by 61-4-101 through 61-4-105, as well as



1 the distinctive license number assigned to the dealer.

2 (6) In order to prevent an accumulation of unneeded  
3 records and files, the department ~~shall have the authority~~  
4 ~~and it shall be its~~ has the authority and the duty to  
5 destroy all records and files which that have ceased to be  
6 ~~of any~~ have value.

7 (7) The department may establish and maintain a  
8 short-wave radio station in order to report motor vehicle  
9 registration information to the highway patrol, to sheriffs,  
10 and to the chiefs of police of each incorporated city of the  
11 state who are able to communicate with such the short-wave  
12 radio station.

13 (8) All records ~~shall~~ must be open to inspection during  
14 all reasonable business hours, and the department shall  
15 furnish any information from the records upon payment by the  
16 applicant of the cost of transcribing the information  
17 requested."

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

19 "61-3-201. Transfer of interest -- cancellation of  
20 erroneous certificate of ownership. (1) Upon a transfer of  
21 any interest in a motor vehicle registered under the  
22 provisions of this chapter, the person whose interest is to  
23 be transferred shall write his signature with pen and ink  
24 upon the certificate of ownership issued for the vehicle in  
25 the appropriate space provided ~~upon the reverse side of the~~

1 certificate, and the signature must be acknowledged before  
2 the county treasurer, a deputy county treasurer, or a notary  
3 public.

4 (2) Within 20 calendar days after endorsement, the  
5 transferee shall forward both the endorsed certificate of  
6 ownership with the odometer mileage statement required under  
7 61-3-206 and the certificate of registration, together with  
8 the information required under 61-3-202, to the county  
9 treasurer, who shall forward them to the department. The  
10 department may not issue a certificate of ownership or  
11 certificate of registration until the outstanding  
12 certificates are surrendered to that office or their loss is  
13 established to its reasonable satisfaction. Failure to make  
14 application within the 20-day grace period subjects the  
15 transferee to a penalty of \$10. The county treasurer shall  
16 collect the penalty at the time of registration. The penalty  
17 is in addition to the fees otherwise provided by law. If the  
18 transferee does not make application within 25 days, a  
19 creditor or secured party may pay the fees for the transfer  
20 of title and filing of security interest or lien in order to  
21 have title transferred to the transferee and have the  
22 security interest or lien filed. The creditor or secured  
23 party is not liable for the penalty, registration fees, or  
24 taxes. The department shall return the certificate of title  
25 to the county treasurer as provided in 61-3-103(1). When the

1 certificate of ownership is returned by the department to  
 2 the county treasurer, the treasurer shall hold the  
 3 certificate of ownership until the vehicle is properly  
 4 registered.

5 (3) In the event of a transfer by operation of law of  
 6 any interest in a motor vehicle as upon inheritance, devise,  
 7 or bequest, order in bankruptcy or insolvency, execution  
 8 sale, repossession upon default in the performance of the  
 9 terms of a lease or executory sales contract, or otherwise  
 10 than by voluntary act of the person whose title or interest  
 11 is transferred, the executor, administrator, receiver,  
 12 trustee, sheriff, or other representative or successor in  
 13 interest of the person whose interest is transferred shall  
 14 forward to the department an application for a certificate  
 15 of ownership in the form required by the department for an  
 16 original--application--for--a--certificate---of---ownership,  
 17 together with a verified or certified statement of the  
 18 transfer of interest. The statement must set forth the  
 19 reason for the involuntary transfer, the interest  
 20 transferred, the name of the person to whom the interest is  
 21 to be transferred, the process of procedure effecting the  
 22 transfer, and other information requested by the department.  
 23 Evidence and instruments otherwise required by law to effect  
 24 a transfer of legal or equitable title to or an interest in  
 25 chattels as may be required in such cases must be furnished

1 with the statement. If the department is satisfied that the  
 2 transfer is regular and that all formalities required by law  
 3 have been complied with, it shall send to the owner,  
 4 conditional sales vendor, lessor, mortgagee, and other  
 5 lienor, as shown by its records, notice of the intended  
 6 transfer and, not less than 5 days after sending notice,  
 7 shall issue a new certificate of ownership and certificate  
 8 of registration to the transferee. The notice required by  
 9 this section is complied with by deposit in the post office  
 10 in Deer Lodge, Montana, of the notice, postage prepaid,  
 11 addressed to the person at the respective address shown on  
 12 its records.

13 (4) When the vehicle certificate of ownership that is  
 14 involuntarily transferred is not registered in this state,  
 15 the procedure in subsection (3) must be followed in applying  
 16 for a new certificate of ownership and certificate of  
 17 registration but; however, in lieu of the statement required  
 18 in subsection (3), the department may accept an affidavit of  
 19 repossession on the form provided by the state in which a  
 20 lien has been perfected and the department need not send  
 21 notice of intended transfer and shall issue a new  
 22 certificate of ownership and a new certificate of  
 23 registration to the person entitled to them the  
 24 certificates.

25 (5) (a) If the owner of one or more motor vehicles,

1 trailers, semitrailers, or housetrailers registered under  
 2 this chapter and not exceeding a combined value of \$15,000  
 3 dies without leaving other property necessitating the  
 4 procuring of letters of administration or letters  
 5 testamentary, the surviving spouse or other heir unless the  
 6 property is by will otherwise bequeathed may secure transfer  
 7 of the decedent's certificate of ownership and the  
 8 certificate of registration for the vehicle.

9 (b) The person seeking transfer of the certificate of  
 10 ownership shall file an affidavit with the department  
 11 setting forth the fact of survivorship and the name and  
 12 address of any other heirs and other facts as are necessary  
 13 under subsection (5)(a) to entitle the affiant to a  
 14 transfer.

15 (c) The department is authorized to transfer the  
 16 certificate of ownership and certificate of registration,  
 17 subject to all security interests shown by its records, upon  
 18 receipt of an affidavit showing that the affiant is entitled  
 19 to a transfer under the provisions of subsection (5)(a) of  
 20 this section.

21 (6) Nothing in subsection (5) prevents any a secured  
 22 party from assigning his interest in a motor vehicle  
 23 registered under the provisions of this chapter to any other  
 24 person without the consent of and without affecting the  
 25 interest of the holder of the certificate of ownership and

1 certificate of registration. Upon any assignment by a  
 2 secured party of his security interest in any motor vehicle  
 3 registered under this chapter, a copy of the assignment must  
 4 be filed with the department and a record of the assignment  
 5 made upon its records.

6 (7) The certificate of ownership is valid until  
 7 canceled by the department upon a transfer of any interest  
 8 shown in the certificate, and annual renewal is not needed.

9 (8) (a) Upon its determination that a certificate of  
 10 ownership contains an error caused by the department, the  
 11 department may cancel the certificate of ownership and issue  
 12 a replacement for the erroneous certificate if the owner has  
 13 returned the certificate to be canceled.

14 (b) Any person who fails to return a certificate of  
 15 ownership issued with an error caused by the department  
 16 after receiving actual notice of the department's demand for  
 17 the return of the certificate as required by subsection  
 18 (8)(a) is guilty of a misdemeanor and upon conviction may be  
 19 fined an amount not to exceed \$500."

20 **Section 4.** Section 61-3-205, MCA, is amended to read:

21 "61-3-205. Transfer of ownership of vehicles by  
 22 insurance company. (1) When an insurance company or its  
 23 adjuster has taken possession of a motor vehicle as a result  
 24 of settling an insurance claim and transfers ownership of  
 25 the motor vehicle, it shall deliver to the transferee at the

1 time of transfer a certificate of ownership signed and  
 2 acknowledged by the registered owner or owners before the  
 3 county treasurer, a deputy county treasurer, or a notary  
 4 public.

5 (2) If the certificate of ownership names one or more  
 6 holders of a perfected security interest in the motor  
 7 vehicle, the insurance company or its adjuster shall also  
 8 secure and deliver to the transferee a release from the  
 9 secured party of the security interest."

10 **Section 5.** Section 61-3-206, MCA, is amended to read:

11 **"61-3-206. Odometer disclosure requirements on transfer**  
 12 **of vehicle -- dealer to preserve record.** (1) Except as  
 13 provided in subsection (3), before executing any transfer of  
 14 ownership document relating to a motor vehicle, each seller  
 15 of a motor vehicle shall record on the certificate of  
 16 ownership the odometer reading at the time of transfer or,  
 17 if the certificate of ownership does not provide for the  
 18 recording of the odometer reading, furnish to the purchaser  
 19 a written statement signed by each the seller, who shall  
 20 also print his name on the written statement, containing the  
 21 following information:

- 22 (a) the odometer reading at the time of transfer;
- 23 (b) the date of transfer;
- 24 (c) the seller's name and current address;
- 25 (d) the purchaser's name and current address;

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

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

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

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

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

17 (2) The purchaser shall acknowledge receipt of the  
 18 disclosure statement by signing it and printing his name on  
 19 the disclosure statement.

20 (3) The seller of the following types of motor vehicles  
 21 need not disclose the odometer reading of the vehicle as  
 22 required in subsection (1):

- 23 (a) a motor vehicle that is 10 years old or older;
- 24 (b) a vehicle that is not self-propelled;
- 25 (c) a new motor vehicle transferred between dealers

1 prior to its first retail sale, unless such vehicle has been  
2 used as a demonstrator;

3 (d) a vehicle having a gross weight rating of more than  
4 16,000 pounds; or

5 (e) a vehicle sold directly by the manufacturer to an  
6 agency of the United States.

7 (4) A dealer licensed under 61-4-101 shall create a  
8 record of the information required in subsection (1) and  
9 shall maintain and preserve that record for at least 5 years  
10 after the date of sale of the motor vehicle to which the  
11 information pertains."

12 **Section 6.** Section 61-3-303, MCA, is amended to read:

13 **"61-3-303. Application for registration.** (1) Every  
14 owner of a motor vehicle operated or driven upon the public  
15 highways of this state shall for each motor vehicle owned,  
16 except as herein otherwise expressly provided, file or cause  
17 to be filed in the office of the county treasurer where the  
18 owner makes his permanent residence at the time of making  
19 the application or, if the vehicle is owned by a corporation  
20 or used primarily for commercial purposes, in the taxing  
21 jurisdiction of the county where the vehicle is permanently  
22 assigned, an application for registration or reregistration  
23 upon a blank form to be prepared and furnished by the  
24 department. The application shall contain:

25 (a) name and address of owner, giving county, school

1 district, and town or city within whose corporate limits the  
2 motor vehicle is taxable, if taxable, or within whose  
3 corporate limits the owner's residence is located if the  
4 motor vehicle is not taxable;

5 (b) name and address of the holder of any security  
6 interest in the motor vehicle;

7 (c) description of motor vehicle, including make, year  
8 model, engine or serial number, manufacturer's model or  
9 letter, gross weight, type of body, and if truck, the rated  
10 capacity; and

11 ~~(d) in case of reregistration, the license number for~~  
12 ~~the preceding year; and~~

13 ~~(d)~~ (d) such other information as that the department  
14 may require.

15 (2) A person who files an application for registration  
16 or reregistration of a motor vehicle, except of a mobile  
17 home as defined in 15-1-101(1), shall upon the filing of the  
18 application pay to the county treasurer:

19 (a) the registration fee, as provided in 61-3-311 and  
20 61-3-321; and

21 (b) unless it has been previously paid:

22 (i) the personal property taxes assessed against the  
23 vehicle for the current year of registration and the  
24 immediately previous year; or

25 (ii) the new motor vehicle sales tax against the vehicle

1 for the current year of registration.

2 (3) The application may not be accepted by the county  
3 treasurer unless the payments required by subsection (2)  
4 accompany the application. The department or its agent may  
5 not assess and the county treasurer may not collect taxes or  
6 fees for a period other than:

7 (a) the current year; and

8 (b) the immediately previous year, if the vehicle was  
9 not registered or operated on the highways of the state,  
10 regardless of the period of time since the vehicle was  
11 previously registered or operated.

12 (4) The department or its agent may make full and  
13 complete investigation of the tax status of the vehicle. Any  
14 applicant for registration or reregistration must submit  
15 proof from the tax or other appropriate records of the  
16 proper county at the request of the department or its  
17 agent."

18 **Section 7.** Section 61-3-305, MCA, is amended to read:

19 "61-3-305. Blanks to be provided. It shall be is the  
20 duty of the department to provide blank application forms  
21 ~~outlining--and--providing-for-the-information-needed-in-each~~  
22 ~~class-of-registration-required,~~ and to furnish these upon  
23 request to applicant for registration."

24 **Section 8.** Section 61-3-332, MCA, is amended to read:

25 "61-3-332. (Temporary) Number plates. (1) Every A motor

1 vehicle that is driven upon the streets or highways of  
2 Montana must display both front and rear number plates,  
3 bearing the distinctive number assigned the vehicle. The  
4 number plates are in eight 10 series: one series for owners  
5 of motorcars, one for owners of motor vehicles of the  
6 motorcycle or quadricycle type, one for trailers, one for  
7 trucks, one for dealers in vehicles of the motorcycle or  
8 quadricycle type that bear the distinctive letters "MCD" or  
9 the letters "MC" and the word "DEALER", one for franchised  
10 dealers in new motorcars (including trucks and trailers) or  
11 new and used motorcars (including trucks and trailers) that  
12 bear the distinctive letter "D" or the word "DEALER", one  
13 for dealers in used motorcars only (including used trucks  
14 and trailers) that bear the distinctive letters "UD" or the  
15 letter "U" and the word "DEALER", and one for dealers in  
16 trailers and/or semitrailers (new or used) that bear the  
17 distinctive letters "DTR" or the letters "TR" and the word  
18 "DEALER", one for dealers in recreational vehicles that bear  
19 the distinctive letters "RV" or the letter "R" and the word  
20 "DEALER", and one for special license plates. All markings  
21 for the aforementioned various kinds of dealers' plates must  
22 be placed on the number plates assigned thereto in the  
23 position that the department designates.

24 (2) All number plates for motor vehicles must be issued  
25 for a minimum period of 4 years, bear a distinctive marking,

1 and be furnished by the state. In years when number plates  
2 are not issued, the department shall provide nonremovable  
3 stickers bearing appropriate registration numbers that must  
4 be affixed to the license plates in use.

5 (3) Subject to the provisions of this section, the  
6 department shall create a new design for number plates as  
7 provided in this section, and it shall manufacture the newly  
8 designed number plates for issuance after January 1, 1991,  
9 to replace, at renewal as required in 61-3-312 and 61-3-314,  
10 number plates that were displayed on motor vehicles before  
11 that date.

12 (4) In the case of motorcars and trucks, plates must be  
13 of metal 6 inches wide and 12 inches in length. The outline  
14 of the state of Montana must be used as a distinctive border  
15 on such license plates, and the word "Montana" and the year  
16 must be placed across the plates. Such registration plates  
17 must be treated with a reflectorized background material  
18 according to specifications prescribed by the department.

19 (5) The distinctive registration numbers must begin  
20 with a number one or with a letter-number combination, such  
21 as "A 1" or "AA 1", or any other similar combination of  
22 letters and numbers. The distinctive registration number or  
23 letter-number combination assigned to the vehicle must  
24 appear on the plate preceded by the number of the county and  
25 appearing in horizontal order on the same horizontal

1 baseline. The county number must be separated from the  
2 distinctive registration number by a separation mark unless  
3 a letter-number combination is used. The dimensions of such  
4 numerals and letters must be determined by the department,  
5 and all county and registration numbers must be of equal  
6 height.

7 (6) For the use of tax-exempt motor vehicles, in  
8 addition to the markings herein provided in this section,  
9 number plates must have--thereon bear the following  
10 distinctive markings:

11 (a) For vehicles owned by the state, the department may  
12 designate the prefix number for the various state  
13 departments. All numbered plates issued to state departments  
14 must bear the words "State Owned", and no year number may be  
15 indicated thereon because these numbered plates are of a  
16 permanent nature and will be replaced by the department only  
17 when the physical condition of numbered plates requires it.

18 (b) For vehicles that are owned by the counties,  
19 municipalities, irrigation districts organized under the  
20 laws of Montana and not operating for profit, and school  
21 districts and that are used and operated by officials and  
22 employees thereof in line of duty and for vehicles on loan  
23 from the United States government or the state of Montana  
24 to, or owned by, the civil air patrol and used and operated  
25 by officials and employees thereof in the line of duty,

1 there must be placed on the number plates assigned thereto,  
 2 in a position that the department may designate, the letter  
 3 "X" or the word "EXEMPT". Distinctive registration numbers  
 4 for plates assigned to motor vehicles of each of the  
 5 counties in the state and those of the municipalities and  
 6 school districts situated within each of the counties and  
 7 those of the irrigation districts that obtain plates within  
 8 each county must begin with number one and be numbered  
 9 consecutively. Because these number plates are of a  
 10 permanent nature, they are subject to replacement by the  
 11 department only when the physical condition of the number  
 12 plates requires it and a year number may not be displayed on  
 13 the number plates.

14 (7) On all number plates assigned to motor vehicles of  
 15 the truck and trailer type, other than tax-exempt trucks and  
 16 tax-exempt trailers, there must appear the letter "T" or the  
 17 word "TRUCK" on plates assigned to trucks and the letters  
 18 "TR" or the word "TRAILER" on plates assigned to trailers  
 19 and housetrailer. The letters "MC" or the word "CYCLE" must  
 20 appear on plates assigned to vehicles of the motorcycle or  
 21 quadricycle type.

22 (8) Number plates issued to a passenger car, truck,  
 23 trailer, or vehicle of the motorcycle or quadricycle type  
 24 may be transferred only to a replacement passenger car,  
 25 truck, trailer, or motorcycle- or quadricycle-type vehicle.

1 No registration or license fee may be assessed upon a  
 2 transfer of a number plate under 61-3-317 and 61-3-335.

3 (9) For the purpose of this chapter, the several  
 4 counties of the state are assigned numbers as follows:  
 5 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 6 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 7 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 8 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 9 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 10 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 11 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 12 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 13 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 14 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 15 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 16 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 17 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 18 55; Lincoln, 56. Any new counties must be assigned numbers  
 19 by the department as they may be formed, beginning with the  
 20 number 57.

21 (10) Each type of special license plate approved by the  
 22 legislature, except collegiate license plates authorized in  
 23 61-3-463, must be a separate series of plates, numbered as  
 24 provided in subsection (5), except that the county number  
 25 must be replaced by a nonremovable design or decal



1 designating the group or organization to which the applicant  
 2 belongs. Unless otherwise specifically stated in this  
 3 section, the special plates are subject to the same rules  
 4 and laws as govern the issuance of regular license plates,  
 5 must be placed or mounted on a vehicle owned by the person  
 6 who is eligible to receive them, and must be removed upon  
 7 sale or other disposition of the vehicle. The special  
 8 license plates must be issued to national guard members,  
 9 former prisoners of war, handicapped persons, reservists,  
 10 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 11 ATTACK who comply with the following provisions:

12 (a) An active member of the Montana national guard may  
 13 be issued a special license plate with a design or decal  
 14 displaying the letters "NG". The adjutant general shall  
 15 issue to each active member of the Montana national guard a  
 16 certificate authorizing the division to issue one set of  
 17 national guard plates, and the member shall surrender the  
 18 plates to the division upon becoming ineligible to use them.

19 (b) An active member of the reserve armed forces of the  
 20 United States of America who is a resident of this state may  
 21 be issued a special license plate with a design or decal  
 22 displaying the following: United States army reserve, AR  
 23 (symbol); United States naval reserve, NR (anchor); United  
 24 States air force reserve, AFR (symbol); United States marine  
 25 corps reserve, MCR (globe and anchor). The commanding

1 officer of each armed forces reserve unit shall issue to  
 2 each eligible member of the reserve unit a certificate  
 3 authorizing the issuance of one set of plates. The member  
 4 shall surrender the plates to the division upon becoming  
 5 ineligible to use them.

6 (c) A resident of Montana who is a veteran of the armed  
 7 forces of the United States and who is 100% disabled because  
 8 of an injury that has been determined by the veterans'  
 9 administration to be service-connected may, upon  
 10 presentation to the division of proof of the 100%  
 11 disability, be issued a special license plate under this  
 12 section with a design or decal displaying the letters "DV"  
 13 OR THE HANDICAPPED LICENSE PLATE PROVIDED FOR IN 61-3-445.

14 (i) The fee for original or renewal registration by a  
 15 100% disabled veteran for a passenger vehicle or a truck  
 16 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 17 lieu of all other fees and taxes for that vehicle under this  
 18 chapter. A DISABLED VETERAN WHO MEETS THE REQUIREMENTS FOR  
 19 ISSUANCE OF A "DV" LICENSE PLATE AND WHO ALSO QUALIFIES FOR  
 20 THE ISSUANCE OF AN EX-PRISONER OF WAR LICENSE PLATE MAY  
 21 OBTAIN THE EX-PRISONER OF WAR LICENSE PLATE UPON PAYMENT OF  
 22 THE SAME \$5 FEE.

23 (ii) Special license plates issued to a disabled veteran  
 24 are not transferrable to another person.

25 (iii) A disabled veteran is not entitled to a special

1 license plate for more than one vehicle.

2 (iv) A vehicle lawfully displaying a disabled veteran's  
3 plate and that is conveying a 100% disabled veteran is  
4 entitled to the parking privileges allowed a handicapped  
5 person's vehicle under this title.

6 (d) A Montana resident who is a veteran of the armed  
7 forces of the United States and was captured and held  
8 prisoner by a military force of a foreign nation, documented  
9 by his service record, may upon application and presentation  
10 of proof be issued a special license plate with a design or  
11 decal displaying the words "ex-prisoner of war" or an  
12 abbreviation as the department considers appropriate.

13 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
14 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
15 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
16 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
17 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
18 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
19 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
20 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
21 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
22 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
23 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
24 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
25 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM

1 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
2 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
3 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
4 PLATES UPON REQUEST AND WITHOUT CHARGE.

5 (f)(F) A Montana resident who is eligible to receive a  
6 special parking permit under 49-4-301 may, upon written  
7 application on a form prescribed by the department, be  
8 issued a special license plate with a design or decal  
9 bearing a representation of a wheelchair as the symbol of  
10 the handicapped person. (Terminates July 1, 1996--sec. 4,  
11 Ch. 654, L. 1989.)

12 61-3-332. (Effective July 1, 1996) Number plates. (1)  
13 Every A motor vehicle that is driven upon the streets or  
14 highways of Montana must display both front and rear number  
15 plates, bearing the distinctive number assigned the vehicle.  
16 The number plates are in eight 10 series: one series for  
17 owners of motorcars, one for owners of motor vehicles of the  
18 motorcycle or quadricycle type, one for trailers, one for  
19 trucks, one for dealers in vehicles of the motorcycle or  
20 quadricycle type that bear the distinctive letters "MCD" or  
21 the letters "MC" and the word "DEALER", one for franchised  
22 dealers in new motorcars (including trucks and trailers) or  
23 new and used motorcars (including trucks and trailers) that  
24 bear the distinctive letter "D" or the word "DEALER", one  
25 for dealers in used motorcars only (including used trucks

1 and trailers) that bear the distinctive letters "UD" or the  
 2 letter "U" and the word "DEALER", and one for dealers in  
 3 trailers and/or semitrailers (new or used) that bear the  
 4 distinctive letters "DTR" or the letters "TR" and the word  
 5 "DEALER", one for dealers in recreational vehicles that bear  
 6 the distinctive letters "RV" or the letter "R" and the word  
 7 "DEALER", and one for special license plates. All markings  
 8 for the mentioned various kinds of dealers' plates must  
 9 be placed on the number plates assigned thereto in the  
 10 position that the department designates.

11 (2) All number plates for motor vehicles must be issued  
 12 for a minimum period of 4 years, bear a distinctive marking,  
 13 and be furnished by the state. In years when number plates  
 14 are not issued, the department shall provide nonremovable  
 15 stickers bearing appropriate registration numbers that must  
 16 be affixed to the license plates in use.

17 (3) Subject to the provisions of this section, the  
 18 department shall create a new design for number plates as  
 19 provided in this section, and it shall manufacture the newly  
 20 designed number plates for issuance after January 1, 1991,  
 21 to replace, at renewal as required in 61-3-312 and 61-3-314,  
 22 number plates that were displayed on motor vehicles before  
 23 that date.

24 (4) In the case of motorcars and trucks, number plates  
 25 must be of metal 6 inches wide and 12 inches in length. For

1 number plates issued after 1976, the outline of the state of  
 2 Montana must be used as a distinctive border on such license  
 3 plates, and the word "Montana" and the year must be placed  
 4 across the bottom of the plates. Such registration plates  
 5 must be treated with a reflectorized background material  
 6 according to specifications prescribed by the department.

7 (5) The distinctive registration numbers must begin  
 8 with a number one or with a letter-number combination, such  
 9 as "A 1" or "AA 1", or any other similar combination of  
 10 letters and numbers and be numbered consecutively for each  
 11 series of plates. The distinctive registration number or  
 12 letter-number combination assigned to the vehicle must  
 13 appear on the plate preceded by the number of the county and  
 14 appearing in horizontal order on the same horizontal  
 15 baseline. The county number must be separated from the  
 16 distinctive registration number by a separation mark unless  
 17 a letter-number combination is used. The dimensions of such  
 18 numerals and letters must be determined by the department,  
 19 and all county and registration numbers must be of equal  
 20 height.

21 (6) For the use of tax-exempt motor vehicles, in  
 22 addition to the markings herein provided, number plates must  
 23 have thereon the following distinctive markings:

24 (a) For vehicles owned by the state, the department may  
 25 designate the prefix number for the various state

1 departments. All numbered plates issued to state departments  
2 must bear the words "State Owned", and no year number may be  
3 indicated thereon because these numbered plates are of a  
4 permanent nature and will be replaced by the department only  
5 when the physical condition of numbered plates requires it.

6 (b) For vehicles that are owned by the counties,  
7 municipalities, irrigation districts organized under the  
8 laws of Montana and not operating for profit, and school  
9 districts and that are used and operated by officials and  
10 employees thereof in line of duty and for vehicles on loan  
11 from the United States government or the state of Montana  
12 to, or owned by, the civil air patrol and used and operated  
13 by officials and employees thereof in the line of duty,  
14 there must be placed on the number plates assigned thereto,  
15 in a position that the department may designate, the letter  
16 "X" or the word "EXEMPT". Distinctive registration numbers  
17 for plates assigned to motor vehicles of each of the  
18 counties in the state and those of the municipalities and  
19 school districts situated within each of the counties and  
20 those of the irrigation districts that obtain plates within  
21 each county must begin with number one and be numbered  
22 consecutively. Because these number plates are of a  
23 permanent nature, they are subject to replacement by the  
24 department only when the physical condition of the number  
25 plates requires it and a year number may not be displayed on

1 the number plates.

2 (7) On all number plates assigned to motor vehicles of  
3 the truck and trailer type, other than tax-exempt trucks and  
4 tax-exempt trailers, there must appear the letter "T" or the  
5 word "TRUCK" on plates assigned to trucks and the letters  
6 "TR" or the word "TRAILER" on plates assigned to trailers  
7 and housetrailer. The letters "MC" or the word "CYCLE" must  
8 appear on plates assigned to vehicles of the motorcycle or  
9 quadricycle type.

10 (8) Number plates issued to a passenger car, truck,  
11 trailer, or vehicle of the motorcycle or quadricycle type  
12 may be transferred only to a replacement passenger car,  
13 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
14 No registration or license fee may be assessed upon a  
15 transfer of a number plate under 61-3-317 and 61-3-335.

16 (9) For the purpose of this chapter, the several  
17 counties of the state are assigned numbers as follows:  
18 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
19 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
20 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
21 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
22 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
23 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
24 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
25 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;

1 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 2 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 3 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 4 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 5 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 6 55; Lincoln, 56. Any new counties must be assigned numbers  
 7 by the department as they may be formed, beginning with the  
 8 number 57.

9 (10) Each type of special license plate approved by the  
 10 legislature, except collegiate license plates authorized in  
 11 61-3-463, must be a separate series of plates, numbered as  
 12 provided in subsection (5), except that the county number  
 13 must be replaced by a nonremovable design or decal  
 14 designating the group or organization to which the applicant  
 15 belongs. Unless otherwise specifically stated in this  
 16 section, the special plates are subject to the same rules  
 17 and laws as govern the issuance of regular license plates,  
 18 must be placed or mounted on a vehicle owned by the person  
 19 who is eligible to receive them, and must be removed upon  
 20 sale or other disposition of the vehicle. The special  
 21 license plates must be issued to national guard members,  
 22 former prisoners of war, handicapped persons, reservists,  
 23 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 24 ATTACK who comply with the following provisions:

25 (a) An active member of the Montana national guard may

1 be issued a special license plate with a design or decal  
 2 displaying the letters "NG". The adjutant general shall  
 3 issue to each active member of the Montana national guard a  
 4 certificate authorizing the division to issue one set of  
 5 national guard plates, and the member shall surrender the  
 6 plates to the division upon becoming ineligible to use them.

7 (b) An active member of the reserve armed forces of the  
 8 United States of America who is a resident of this state may  
 9 be issued a special license plate with a design or decal  
 10 displaying the following: United States army reserve, AR  
 11 (symbol); United States naval reserve, NR (anchor); United  
 12 States air force reserve, AFR (symbol); United States marine  
 13 corps reserve, MCR (globe and anchor). The commanding  
 14 officer of each armed forces reserve unit shall issue to  
 15 each eligible member of the reserve unit a certificate  
 16 authorizing the issuance of one set of plates. The member  
 17 shall surrender the plates to the division upon becoming  
 18 ineligible to use them.

19 (c) A resident of Montana who is a veteran of the armed  
 20 forces of the United States and who is 100% disabled because  
 21 of an injury that has been determined by the veterans'  
 22 administration to be service-connected may, upon  
 23 presentation to the division of proof of the 100%  
 24 disability, be issued a special license plate under this  
 25 section with a design or decal displaying the letters "DV".

1 (i) The fee for original or renewal registration by a  
 2 100% disabled veteran for a passenger vehicle or a truck  
 3 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 4 lieu of all other fees and taxes for that vehicle under this  
 5 chapter.

6 (ii) Special license plates issued to a disabled veteran  
 7 are not transferrable to another person.

8 (iii) A disabled veteran is not entitled to a special  
 9 license plate for more than one vehicle.

10 (iv) A vehicle lawfully displaying a disabled veteran's  
 11 plate and that is conveying a 100% disabled veteran is  
 12 entitled to the parking privileges allowed a handicapped  
 13 person's vehicle under this title.

14 (d) A Montana resident who is a veteran of the armed  
 15 forces of the United States and was captured and held  
 16 prisoner by a military force of a foreign nation, documented  
 17 by his service record, may upon application and presentation  
 18 of proof be issued a special license plate with a design or  
 19 decal displaying the words "ex-prisoner of war" or an  
 20 abbreviation as the department considers appropriate.

21 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
 22 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
 23 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
 24 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
 25 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED

1 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
 2 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
 3 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
 4 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
 5 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
 6 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
 7 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
 8 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM  
 9 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
 10 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
 11 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
 12 PLATES UPON REQUEST AND WITHOUT CHARGE.

13 (e)(F) A Montana resident who is eligible to receive a  
 14 special parking permit under 49-4-301 may, upon written  
 15 application on a form prescribed by the department, be  
 16 issued a special license plate with a design or decal  
 17 bearing a representation of a wheelchair as the symbol of  
 18 the handicapped person."

19 **Section 9.** Section 61-3-333, MCA, is amended to read:

20 **"61-3-333. Replacing number plates.** In the event of  
 21 loss, mutilation, or destruction of number plates, and/or  
 22 validation devices, the owner of the registered motor  
 23 vehicle may obtain from the department duplicates thereof or  
 24 replacements of the number plates upon filing sworn  
 25 declaration showing such that fact and payment of a fee of

1 \$2. In the event of loss, mutilation, or destruction of  
2 pioneer plates, duplicates may be obtained in the same  
3 manner upon payment of a fee of \$5."

4 **Section 10.** Section 61-3-465, MCA, is amended to read:

5 "61-3-465. Issuance -- application -- additional fee --  
6 disposition. (1) The department shall issue or renew  
7 collegiate license plates upon receipt of an application  
8 that shows:

9 (a) compliance with 61-3-3037-~~61-3-304~~, 61-3-311, and  
10 61-3-312; and

11 (b) payment to the county treasurer of:

12 (i) an initial application and manufacturing fee of  
13 \$2.50, when required; and

14 (ii) an annual scholarship donation of \$20 for the  
15 benefit of the institution named in the application.

16 (2) Once each month the county treasurer shall transfer  
17 to the state treasurer the total of the amounts collected  
18 for:

19 (a) the initial application and manufacturing fee for  
20 deposit in the Montana state prison industries account in  
21 the proprietary fund for appropriation by the legislature to  
22 pay the cost of manufacturing collegiate license plates; and

23 (b) scholarship donations provided for in subsection  
24 (1)(b)(ii), along with a schedule showing the number of  
25 collegiate license plates issued and the total donations

1 received for the benefit of each institution.

2 (3) Once each month the state treasurer shall  
3 distribute to the student academic scholarship fund or  
4 foundation of each institution an amount equal to the total  
5 donations credited to that institution and transferred to  
6 the state treasurer by the county treasurers during the  
7 preceding month."

8 **Section 11.** Section 61-3-510, MCA, is amended to read:

9 "61-3-510. Weed control fee. (1) A special weed control  
10 fee of \$1.50 must be assessed on the annual registration or  
11 reregistration of each motor vehicle subject to  
12 registration. The fee must be collected by the county  
13 treasurer.

14 (2) For purposes of this section, motor vehicle  
15 includes:

16 (a) motor vehicle as defined in 61-1-102;

17 (b) motorcycle as defined in 61-1-105;

18 (c) motor-driven cycle as defined in 61-1-106; and

19 (d) quadricycle as defined in 61-1-133.

20 (3) The following vehicles are exempt from the fee:

21 (a) vehicles owned or controlled by the United States  
22 or a state, county, or city;

23 (b) vehicles exempt from payment of registration fees  
24 by 61-3-311+7+(8); and

25 (c) vehicles or equipment which is not self-propelled

1 or which requires towing when moved upon a highway of this  
2 state."

3 **Section 12.** Section 61-3-601, MCA, is amended to read:

4 "61-3-601. Penalty for violations. Except as otherwise  
5 provided, a violation of any of the provisions of this  
6 chapter is a misdemeanor and is punishable by a fine not  
7 exceeding \$25 ~~§500~~. Nothing ~~contained-herein in this section~~  
8 prevents the prosecution of a person for an offense  
9 committed under any other law."

10 **Section 13.** Section 61-3-604, MCA, is amended to read:

11 "61-3-604. Penalty for altering identification number.

12 (1) A person who willfully removes or falsifies an  
13 identification number of a motor vehicle or motor vehicle  
14 engine is guilty of a misdemeanor.

15 (2) Any person or persons, firm, or corporation which  
16 that sells or offers for sale in this state a vehicle the  
17 original vehicle identification number of which has been  
18 destroyed, removed, altered, covered, or defaced, ~~with--the~~  
19 ~~exception-of-electrically-propelled-vehicles,~~ is guilty of a  
20 misdemeanor and upon conviction thereof shall be punished by  
21 a fine of not less than \$200 or more than \$500 and by  
22 imprisonment in the county jail for a term of not less than  
23 30 days or more than 180 days. Upon a second or subsequent  
24 conviction under this subsection, the punishment shall be  
25 imprisonment in the state prison for a term of not less than

1 1 year or more than 5 years or a fine in an amount not to  
2 exceed \$50,000, or both such fine and imprisonment."

3 **Section 14.** Section 61-4-101, MCA, is amended to read:

4 "61-4-101. Application for dealer's license. (1) Every  
5 person, firm, corporation, or association which, for  
6 commission or profit, engages in the business of buying,  
7 selling, exchanging, offering, taking for consignment,  
8 soliciting, advertising the sale of, or acting as a broker  
9 of new motor vehicles, recreational vehicles, used motor  
10 vehicles, trailers (except trailers having an unloaded  
11 weight of less than 500 pounds), semitrailers, or special  
12 mobile equipment as defined in 61-1-104 shall file, by mail  
13 or otherwise, in the office of the department a verified  
14 application for licensure as a dealer, on a blank to be  
15 furnished by the department for that purpose and containing  
16 the information required. The application and all of the  
17 information contained in it must be verified by the ~~Montana~~  
18 ~~highway--patrol~~ department. Each application must be  
19 accompanied by the license fee specified in 61-4-102. A  
20 dealer's license must be renewed and paid for annually, and  
21 an application for relicensure must be filed not later than  
22 January 1 of each year. If an application for renewal of a  
23 license has been received by the department prior to the  
24 expiration of the license, the dealer may operate his  
25 business and display dealer plates under the expired license



1 between January 1 and February 15 following expiration.

2 (2) To qualify for licensure and the issuance and use  
3 of "D", "UD", "RV", "DTR", or "MCD" plates as hereinafter  
4 provided, the applicant must furnish the following  
5 information and qualify under the following provisions:

6 (a) To qualify as a new motor vehicle dealer and for  
7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be  
9 conducted and the location of the premises (street address,  
10 city, county, and state) where records are kept, sales are  
11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or persons  
13 having an interest in the business, provided that in the  
14 case of a corporation, the names and addresses of the  
15 president and secretary are sufficient;

16 (iii) state the name and make of all motor vehicles  
17 handled and the name and address of the manufacturer,  
18 importer, or distributor with whom the applicant has a  
19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the  
21 applicant has a permanent building for the display and sale  
22 of new motor vehicles at the location of the premises where  
23 sales are conducted;

24 (v) execute a certificate to the effect that the  
25 applicant has a bona fide service department for the repair,

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the  
3 applicant is a bona fide dealer in new motor vehicles and  
4 that he is recognized by a manufacturer, importer, or  
5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for  
7 the use of "UD" plates ~~or~~, as a recreational vehicle dealer  
8 and for the use of "RV" plates, as a trailer, semitrailer,  
9 or special mobile equipment dealer and for the use of "DTR"  
10 plates, or as a motorcycle or quadricycle dealer and for the  
11 use of "MCD" plates, the applicant must shall, in addition  
12 to the matters set forth in subsections (i) and (ii) of  
13 subsection (2)(a) above, provide:

14 (i) a statement that the applicant has a building or  
15 lot and a sign readable at a minimum distance of 150 feet  
16 indicating the firm name as the principal place of business  
17 and that vehicles are offered for sale; and

18 (ii) a certificate to the effect that the applicant is a  
19 bona fide dealer in used motor vehicles, recreational  
20 vehicles, trailers, semitrailers, special mobile equipment,  
21 motorcycles, or quadricycles. An applicant for a  
22 recreational vehicle dealer license must shall also indicate  
23 on the same certificate that he is recognized by a  
24 manufacturer, importer, or distributor as a dealer in  
25 recreational vehicles.

1 (c) To qualify for a used motor vehicle dealer's  
2 license, a person must shall submit an annual application  
3 for that license and comply with the provisions of  
4 61-4-102(5) in addition to fulfilling the requirements of  
5 subsection (2)(b).

6 (d) The provisions of subsection (2)(c) do not apply to  
7 an applicant who is licensed as a motor vehicle wrecking  
8 facility under the provisions of Title 75, chapter 10, part  
9 5.

10 (3) (a) The applicant for a dealer's license shall also  
11 file with his application a good and sufficient bond in the  
12 sum of \$5,000, and the bond must be conditioned that the  
13 applicant shall conduct his business in accordance with the  
14 requirements of the law. All bonds must run to the state of  
15 Montana, must be approved by the department and filed in its  
16 office, and must be renewed annually.

17 (b) A person who suffers loss or damage due to the  
18 unlawful conduct of a dealer licensed under this section  
19 shall obtain a judgment from a court of competent  
20 jurisdiction prior to collecting the judgment from the  
21 department. The department is responsible for payment under  
22 this section, in an amount not to exceed the maximum bond  
23 amount, only if the judgment on which the payment is based  
24 determines a specific loss or damage amount and concludes  
25 that the dealer's unlawful operation caused the loss or

1 damage."

2 ~~Section 15. Section 61-6-302, MCA, is amended to read:~~  
3 ~~"61-6-302. Proof of compliance. (1) Except as provided~~  
4 ~~in subsection (2), before any applicant required to register~~  
5 ~~his motor vehicle may do so, the applicant must certify to~~  
6 ~~the county treasurer that he possesses an automobile~~  
7 ~~liability insurance policy, a certificate of self insurance,~~  
8 ~~or a posted indemnity bond or that he is eligible for an~~  
9 ~~exemption under 61-6-303 covering the motor vehicle. The~~  
10 ~~certification shall be on a form prescribed by the~~  
11 ~~department. The department may immediately cancel the~~  
12 ~~registration and license plates of the vehicle upon~~  
13 ~~notification that the insurance certification was not~~  
14 ~~correctly represented. Any person who intentionally provides~~  
15 ~~false information on an insurance certification is guilty of~~  
16 ~~unsworn falsification to authorities, punishable as provided~~  
17 ~~in 45-7-203.~~

18 ~~(2) An applicant for registration of a motor vehicle~~  
19 ~~who wishes to register the vehicle by mail must sign a~~  
20 ~~statement on the application stating that the applicant is~~  
21 ~~in compliance with the financial liability requirements of~~  
22 ~~61-6-301.~~

23 ~~(3) (i) An owner of a motor vehicle who ceases to~~  
24 ~~maintain the insurance or bond required under 61-6-301 or~~  
25 ~~whose certificate of self insurance is canceled or whose~~

1 vehicle ceases to be exempt under 61-6-303 shall immediately  
 2 surrender the registration and license plates for the  
 3 vehicle to the county treasurer for delivery to the  
 4 department and may not operate or permit operation of the  
 5 vehicle in Montana until insurance has again been furnished  
 6 as required and the vehicle is again registered and  
 7 licensed.

8 ~~(4)(2)~~ Every A person shall carry in a motor vehicle  
 9 being operated by him an insurance card approved by the  
 10 department but issued by the insurance carrier to the motor  
 11 vehicle owner as proof of compliance with 61-6-301. A motor  
 12 vehicle operator shall exhibit the insurance card upon  
 13 demand of a justice of the peace, a city or municipal judge,  
 14 a peace officer, a highway patrol officer, or a field deputy  
 15 or inspector of the department. However, no A person charged  
 16 with violating this subsection may not be convicted if he  
 17 produces in court or the office of the arresting officer  
 18 proof of insurance valid at the time of his arrest."

19 Section 15, Section 15-70-101, MCA, is amended to read:  
 20 "15-70-101. Disposition of funds ----- contingent  
 21 reduction of allocation: All taxes, interest, and penalties  
 22 collected under this chapter, except those collected by a  
 23 justice's court, shall be turned over promptly to the state  
 24 treasurer, who shall place the same in the state special  
 25 revenue fund to the credit of the department of highways.

1 Those except as provided in subsection (9), those funds  
 2 hereinbelow allocated to cities, towns, and counties shall  
 3 be paid by the department of highways from the state special  
 4 revenue fund to such cities, towns, and counties:

5 (i) \$14,000,000 of the funds collected under this  
 6 chapter, except those collected by a justice's court, is  
 7 statutorily appropriated, as provided in 17-7-502, to the  
 8 department of highways and shall be allocated each fiscal  
 9 year on a monthly basis to the counties and incorporated  
 10 cities and towns in Montana for construction,  
 11 reconstruction, maintenance, and repair of rural roads and  
 12 city or town streets and alleys, as provided in subsections  
 13 (i)(a) through (i)(c):

14 (a) \$54,000 shall be designated for the purposes and  
 15 functions of the Montana rural technical assistance  
 16 transportation program in Bozeman;

17 (b) \$6,323,000 shall be divided among the various  
 18 counties in the following manner:

19 (i) 40% in the ratio that the rural road mileage in  
 20 each county, exclusive of the federal aid interstate system  
 21 and the federal aid primary system, bears to the total rural  
 22 road mileage in the state, exclusive of the federal aid  
 23 interstate system and the federal aid primary system;

24 (ii) 40% in the ratio that the rural population in each  
 25 county outside incorporated cities and towns bears to the

1 total rural population in the state outside incorporated  
 2 cities and towns;  
 3 (iii) 20% in the ratio that the land area of each county  
 4 bears to the total land area of the state;  
 5 (c) \$77,623,000 shall be divided among the incorporated  
 6 cities and towns in the following manner:  
 7 (i) 50% of the sum in the ratio that the population  
 8 within the corporate limits of the city or town bears to the  
 9 total population within corporate limits of all the cities  
 10 and towns in Montana;  
 11 (ii) 50% in the ratio that the city or town street and  
 12 alley mileage, exclusive of the federal aid interstate  
 13 system and the federal aid primary system, within corporate  
 14 limits bears to the total street and alley mileage,  
 15 exclusive of the federal aid interstate system and  
 16 federal aid primary system, within the corporate limits of  
 17 all cities and towns in Montana;  
 18 (2) All funds hereby allocated to counties, cities, and  
 19 towns shall be used for the construction, reconstruction,  
 20 maintenance, and repair of rural roads, city or town streets  
 21 and alleys or for the share which such city, town, or county  
 22 might otherwise expend for proportionate matching of federal  
 23 funds allocated for the construction of roads or streets  
 24 which are part of the federal aid primary or secondary  
 25 highway system or urban extensions thereto, except that the

1 governing body of a town or third class city, as defined in  
 2 7-1-4111, may each year expend no more than 25% of the funds  
 3 allocated to that town or third class city for the purchase  
 4 of capital equipment and supplies to be used for the  
 5 maintenance and repair of town or third class city streets  
 6 and alleys;  
 7 (3) Upon receipt of the allocation provided herein, the  
 8 governing bodies of the recipient counties, cities, and  
 9 towns shall inform the department of highways of the  
 10 purposes for which the funds will be expended so that the  
 11 county commissioners, the governing body, and the department  
 12 of highways may coordinate the expenditure of public funds  
 13 for road improvements;  
 14 (4) All funds hereby allocated to counties, cities, and  
 15 towns shall be disbursed to the lowest responsible bidder  
 16 according to applicable bidding procedures followed in all  
 17 cases where the contract for construction, reconstruction,  
 18 maintenance, or repair is in excess of \$4,000;  
 19 (5) For the purposes of this section where distribution  
 20 of funds is made on a basis related to population, the  
 21 population shall be determined by the last preceding  
 22 official federal census;  
 23 (6) For the purposes of this section where  
 24 determination of mileage is necessary for distribution of  
 25 funds, it shall be the responsibility of the cities, towns,

1 and counties to furnish to the department of highways a  
 2 yearly certified statement indicating the total mileage  
 3 within their respective areas applicable to this chapter.  
 4 All mileage submitted shall be subject to review and  
 5 approval by the department of highways.

6 (7) Except by a town or third class city as provided in  
 7 subsection (2), none of the funds authorized by this section  
 8 shall be used for the purchase of capital equipment.

9 (8) Funds authorized by this section shall be used for  
 10 construction and maintenance programs only.

11 (9) The department of justice, upon determining that  
 12 the county treasurer of a county fails to enforce the  
 13 provisions of 61-6-302, shall certify that fact to the  
 14 department of highways, and the department of highways shall  
 15 decrease the payment to that county under the provisions of  
 16 subsection (1)(b) by 25% for each year until the department  
 17 of justice subsequently certifies that the county treasurer  
 18 is no longer failing to enforce the provisions of 61-6-302."

19 **SECTION 15. SECTION 61-6-302, MCA, IS AMENDED TO READ:**

20 "61-6-302. Proof SURRENDER OF REGISTRATION -- PROOF of  
 21 compliance. (1) Except as provided in subsection (2), before  
 22 any applicant required to register his motor vehicle may do  
 23 so, the applicant must certify to the county treasurer that  
 24 he possesses an automobile liability insurance policy, a  
 25 certificate of self insurance, or a posted indemnity bond or

1 that he is eligible for an exemption under 61-6-303 covering  
 2 the motor vehicle. The certification shall be on a form  
 3 prescribed by the department. The department may immediately  
 4 cancel the registration and license plates of the vehicle  
 5 upon notification that the insurance certification was not  
 6 correctly represented. Any person who intentionally provides  
 7 false information on an insurance certification is guilty of  
 8 unsworn falsification to authorities, punishable as provided  
 9 in 45-7-203.

10 (2) An applicant for registration of a motor vehicle  
 11 who wishes to register the vehicle by mail must sign a  
 12 statement on the application stating that the applicant is  
 13 in compliance with the financial liability requirements of  
 14 61-6-302.

15 (3) An owner of a motor vehicle who ceases to maintain  
 16 the insurance or bond required under 61-6-301 or whose  
 17 certificate of self insurance is canceled or whose vehicle  
 18 ceases to be exempt under 61-6-603 shall immediately  
 19 surrender the registration and license plates for the  
 20 vehicle to the county treasurer for delivery to the  
 21 department and may not operate or permit operation of the  
 22 vehicle in Montana until insurance has again been furnished  
 23 as required and the vehicle is again registered and  
 24 licensed.

25 (4) (2) Every A person shall carry in a motor vehicle

1 being operated by him an insurance card approved by the  
 2 department but issued by the insurance carrier to the motor  
 3 vehicle owner as proof of compliance with 61-6-301. A motor  
 4 vehicle operator shall exhibit the insurance card upon  
 5 demand of a justice of the peace, a city or municipal judge,  
 6 a peace officer, a highway patrol officer, or a field deputy  
 7 or inspector of the department. ~~However, no~~ A person charged  
 8 with violating this subsection may not be convicted if he  
 9 produces in court or the office of the arresting officer  
 10 proof of insurance valid at the time of his arrest."

11 NEW SECTION. SECTION 16. COORDINATION INSTRUCTION. ON  
 12 PASSAGE AND APPROVAL OF THIS BILL, HOUSE BILL NO. 98 IS  
 13 VOID.

14 NEW SECTION. Section 17. Repealer. Sections 10-1-110,  
 15 61-3-304, 61-3-444, 61-3-445, 61-3-447, 61-3-451, and  
 16 61-3-505, MCA, are repealed.

17 NEW SECTION. Section 18. Instructions to code  
 18 commissioner. To conform with the provisions of [this act],  
 19 the code commissioner shall make the following revisions:

- 20 (1) in 49-4-302(2) and (3), change 61-3-451 to  
 21 61-3-332(10)(c);  
 22 (2) in 49-4-304(1), change 61-3-445 to  
 23 61-3-332~~(10)~~~~(F)~~(10)(F);  
 24 (3) in 61-3-313(3), change 61-3-451 to 61-3-332(10)(c);  
 25 (4) in 61-3-446~~7~~:

- 1 (A) change:  
 2 ~~(a)~~(I) 61-3-444 to 61-3-332(10)(d);  
 3 ~~(b)~~(II) 61-3-445 to 61-3-332~~(10)~~~~(F)~~(10)(F);  
 4 ~~(c)~~(III) 61-3-447 to 61-3-332(10)(b); and  
 5 ~~(d)~~(IV) 61-3-451 to 61-3-332(10)(c); AND  
 6 (B) INSERT 61-3-332(10)(E);  
 7 (5) in 61-3-452, 61-3-453, 61-3-454, 61-3-455, and  
 8 61-3-504(2), change 63-3-451 to 61-3-332(10)(c);  
 9 (6) in 61-3-507, delete "and 61-3-505" at the end of  
 10 subsection (1) in the temporary version and at the end of  
 11 the permanent version.

-End-

Conference Committee  
on Senate Bill No. 191  
Report No. 1, April 18, 1991

Page 1 of 1

4-19-91  
11:15am  
PJM

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 191, met and considered the amendments in the House Highways and Transportation Standing Committee Report dated March 21, 1991 and We recommend that Senate Bill No. 191 (reference copy - salmon) be amended as follows:

1. Title, page 2, line 4.

Following: "AND"

Insert: "AND"

Strike: "AND 61-6-302."

2. Page 45, line 19, through page 47, line 10.


Strike: section 15 in its entirety

Renumber: subsequent sections

And that this Conference Committee report be adopted.

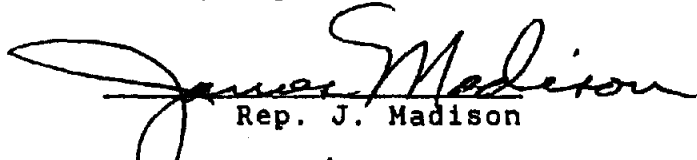
For the Senate:

For the House:

  
Chair, Sen. C. Weeding

  
Chair, Rep. S. McCulloch

  
Sen. B. Bruski

  
Rep. J. Madison

  
Sen. B. Farrell

  
Rep. R. Tunby

Amd. Coord.

Sec. of Senate

ADOPT

REJECT

C.C.R. #1  
SB 191  
831555CC.Sji

1 SENATE BILL NO. 191

2 INTRODUCED BY T. BECK

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
 6 MOTOR VEHICLE REGISTRATION AND TITLING LAWS; ~~DELETING THE~~  
 7 ~~REQUIREMENT FOR CERTIFICATION OF LIABILITY INSURANCE ON THE~~  
 8 ~~REGISTRATION---RECEIPT;~~ PROVIDING FOR THE ISSUANCE OF  
 9 SPECIAL-PURPOSE LICENSE PLATES, INCLUDING LICENSE PLATES  
 10 ISSUED TO SURVIVORS OF THE PEARL HARBOR ATTACK, BY CREATING  
 11 A GENERIC PLATE WITH A DESIGN OR DECAL INDICATING THE  
 12 SPECIAL PURPOSE; PROVIDING THAT A DISABLED VETERAN HAS THE  
 13 OPTION OF RECEIVING A HANDICAPPED LICENSE PLATE OR, IF  
 14 QUALIFIED, AN EX-PRISONER OF WAR LICENSE PLATE; CREATING A  
 15 NEW CLASS OF DEALER PLATE FOR RECREATIONAL VEHICLE DEALERS;  
 16 ALLOWING FOR REPLACEMENT PLATES INSTEAD OF ISSUING DUPLICATE  
 17 LICENSE PLATES; REMOVING THE EXCEPTION FOR ELECTRICALLY  
 18 DRIVEN VEHICLES IN THE VEHICLE IDENTIFICATION NUMBER  
 19 STATUTE; TRANSFERRING THE DUTY OF INSPECTING DEALERS FROM  
 20 THE HIGHWAY PATROL TO THE MOTOR VEHICLE DIVISION; PROVIDING  
 21 THAT EXEMPT PLATES BE REISSUED ONLY WHEN DAMAGED OR  
 22 DESTROYED; INCREASING THE PENALTY FOR VIOLATING VEHICLE  
 23 TITLING, REGISTRATION, OR TAXATION LAWS; ~~REDUCING THE~~  
 24 ~~ALLOCATION OF GASOLINE TAX FUNDS TO A COUNTY FOR FAILURE TO~~  
 25 ~~ENFORCE THE PROOF OF COMPLIANCE PROVISION;~~ VOIDING HOUSE

1 BILL NO. 98; AMENDING SECTIONS ~~15-70-101,~~ 61-1-130,  
 2 61-3-101, 61-3-201, 61-3-205, 61-3-206, 61-3-303, 61-3-305,  
 3 61-3-332, 61-3-333, 61-3-465, 61-3-510, 61-3-601, 61-3-604,  
 4 AND AND 61-4-101, ~~AND--61-6-302,~~ AND--61-6-302, MCA; AND  
 5 REPEALING SECTIONS 10-1-110, 61-3-304, 61-3-444, 61-3-445,  
 6 61-3-447, 61-3-451, AND 61-3-505, MCA."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 61-1-130, MCA, is amended to read:

10 "61-1-130. Motor home. "Motor home" as used in 61-3-521  
 11 and 61-3-522 means a self-propelled motor vehicle originally  
 12 designed---or---permanently--altered--to--provide--temporary  
 13 ~~facilities-for-recreational-travel-or-camping-use;~~

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

17 (2) containing permanently installed independent life  
 18 support systems that meet the ANSI/A119.2 standard; and

19 (3) providing at least four of the following types of  
 20 facilities:

21 (a) cooking, refrigeration, or icebox;

22 (b) self-contained toilet;

23 (c) heating or air-conditioning, or both;

24 (d) potable water supply, including a faucet and sink;

25 or





1 (e) separate 110-volt or 125-volt electrical power  
 2 supply or a liquified petroleum gas supply, or both."

3 **Section 2.** Section 61-3-101, MCA, is amended to read:

4 "61-3-101. Duties of department -- records. (1) The  
 5 department shall keep a record as hereinafter specified in  
 6 this section of all motor vehicles, trailers, and  
 7 semitrailers of every kind, and of certificates of  
 8 registration and ownership thereof of those vehicles, and of  
 9 all manufacturers and dealers in motor vehicles.

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

12 (a) name of owner, residence by town and county, and  
 13 business address;

14 (b) name and address of conditional sales vendor,  
 15 mortgagee, or other lienholder and amount due under contract  
 16 or lien;

17 (c) manufacturer of car vehicle;

18 (d) manufacturer's designation of style of car--or  
 19 vehicle;

20 (e) identifying number;

21 (f) year of manufacture;

22 (g) character of motive power and shipping weight of  
 23 car vehicle as shown by the manufacturer;

24 (h) the distinctive license number assigned to the  
 25 vehicle if any;

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

3 (j) except as provided in 61-3-103, the name and  
 4 complete address of any holder of a perfected security  
 5 interest in a vehicle; and

6 ~~(j)~~(k) such other information as that may from time to  
 7 time be found desirable.

8 (3) The department shall file applications for  
 9 registration received by it from the county treasurers of  
 10 the state and register the vehicles therein described in the  
 11 applications and the owners thereof of the vehicles in  
 12 suitable books or on index cards, as follows:

13 (a) under the distinctive license number assigned to  
 14 the vehicle by the county treasurer;

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

16 (c) numerically under make and identifying number of  
 17 the vehicle; and

18 (d) such other index of registration as the department  
 19 considers expedient.

20 (4) Vehicle registration records and indexes and  
 21 driver's license records and indexes may be maintained by  
 22 electronic recording and storage media.

23 (5) In the case of dealers, the records shall must show  
 24 the information contained in the application for dealer's  
 25 license as required by 61-4-101 through 61-4-105, as well as

1 the distinctive license number assigned to the dealer.

2 (6) In order to prevent an accumulation of unneeded  
3 records and files, the department ~~shall have the authority~~  
4 ~~and it shall be its~~ has the authority and the duty to  
5 destroy all records and files ~~which that~~ have ceased to be  
6 ~~of any~~ have value.

7 (7) The department may establish and maintain a  
8 short-wave radio station in order to report motor vehicle  
9 registration information to the highway patrol, to sheriffs,  
10 and to the chiefs of police of each incorporated city of the  
11 state who are able to communicate with such the short-wave  
12 radio station.

13 (8) All records shall must be open to inspection during  
14 all reasonable business hours, and the department shall  
15 furnish any information from the records upon payment by the  
16 applicant of the cost of transcribing the information  
17 requested."

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

19 "61-3-201. Transfer of interest -- cancellation of  
20 erroneous certificate of ownership. (1) Upon a transfer of  
21 any interest in a motor vehicle registered under the  
22 provisions of this chapter, the person whose interest is to  
23 be transferred shall write his signature with pen and ink  
24 upon the certificate of ownership issued for the vehicle in  
25 the appropriate space provided ~~upon the reverse side of the~~

1 certificate, and the signature must be acknowledged before  
2 the county treasurer, a deputy county treasurer, or a notary  
3 public.

4 (2) Within 20 calendar days after endorsement, the  
5 transferee shall forward both the endorsed certificate of  
6 ownership with the odometer mileage statement required under  
7 61-3-206 and the certificate of registration, together with  
8 the information required under 61-3-202, to the county  
9 treasurer, who shall forward them to the department. The  
10 department may not issue a certificate of ownership or  
11 certificate of registration until the outstanding  
12 certificates are surrendered to that office or their loss is  
13 established to its reasonable satisfaction. Failure to make  
14 application within the 20-day grace period subjects the  
15 transferee to a penalty of \$10. The county treasurer shall  
16 collect the penalty at the time of registration. The penalty  
17 is in addition to the fees otherwise provided by law. If the  
18 transferee does not make application within 25 days, a  
19 creditor or secured party may pay the fees for the transfer  
20 of title and filing of security interest or lien in order to  
21 have title transferred to the transferee and have the  
22 security interest or lien filed. The creditor or secured  
23 party is not liable for the penalty, registration fees, or  
24 taxes. The department shall return the certificate of title  
25 to the county treasurer as provided in 61-3-103(1). When the

1 certificate of ownership is returned by the department to  
 2 the county treasurer, the treasurer shall hold the  
 3 certificate of ownership until the vehicle is properly  
 4 registered.

5 (3) In the event of a transfer by operation of law of  
 6 any interest in a motor vehicle as upon inheritance, devise,  
 7 or bequest, order in bankruptcy or insolvency, execution  
 8 sale, repossession upon default in the performance of the  
 9 terms of a lease or executory sales contract, or otherwise  
 10 than by voluntary act of the person whose title or interest  
 11 is transferred, the executor, administrator, receiver,  
 12 trustee, sheriff, or other representative or successor in  
 13 interest of the person whose interest is transferred shall  
 14 forward to the department an application for a certificate  
 15 of ownership in the form required by the department ~~for--an~~  
 16 ~~original---application---for--a--certificate--of--ownership,~~  
 17 together with a verified or certified statement of the  
 18 transfer of interest. The statement must set forth the  
 19 reason for the involuntary transfer, the interest  
 20 transferred, the name of the person to whom the interest is  
 21 to be transferred, the process of procedure effecting the  
 22 transfer, and other information requested by the department.  
 23 Evidence and instruments otherwise required by law to effect  
 24 a transfer of legal or equitable title to or an interest in  
 25 chattels as may be required in such cases must be furnished

1 with the statement. If the department is satisfied that the  
 2 transfer is regular and that all formalities required by law  
 3 have been complied with, it shall send to the owner,  
 4 conditional sales vendor, lessor, mortgagee, and other  
 5 lienor, as shown by its records, notice of the intended  
 6 transfer and, not less than 5 days after sending notice,  
 7 shall issue a new certificate of ownership and certificate  
 8 of registration to the transferee. The notice required by  
 9 this section is complied with by deposit in the post office  
 10 in Deer Lodge, Montana, of the notice, postage prepaid,  
 11 addressed to the person at the respective address shown on  
 12 its records.

13 (4) When the vehicle certificate of ownership that is  
 14 involuntarily transferred is not registered in this state,  
 15 the procedure in subsection (3) must be followed in applying  
 16 for a new certificate of ownership and certificate of  
 17 registration but; however, in lieu of the statement required  
 18 in subsection (3), the department may accept an affidavit of  
 19 repossession on the form provided by the state in which a  
 20 lien has been perfected and the department need not send  
 21 notice of intended transfer and shall issue a new  
 22 certificate of ownership and a new certificate of  
 23 registration to the person entitled to them the  
 24 certificates.

25 (5) (a) If the owner of one or more motor vehicles,

1 trailers, semitrailers, or housetrailers registered under  
 2 this chapter and not exceeding a combined value of \$15,000  
 3 dies without leaving other property necessitating the  
 4 procuring of letters of administration or letters  
 5 testamentary, the surviving spouse or other heir unless the  
 6 property is by will otherwise bequeathed may secure transfer  
 7 of the decedent's certificate of ownership and the  
 8 certificate of registration for the vehicle.

9 (b) The person seeking transfer of the certificate of  
 10 ownership shall file an affidavit with the department  
 11 setting forth the fact of survivorship and the name and  
 12 address of any other heirs and other facts as are necessary  
 13 under subsection (5)(a) to entitle the affiant to a  
 14 transfer.

15 (c) The department is authorized to transfer the  
 16 certificate of ownership and certificate of registration,  
 17 subject to all security interests shown by its records, upon  
 18 receipt of an affidavit showing that the affiant is entitled  
 19 to a transfer under the provisions of subsection (5)(a) of  
 20 this section.

21 (6) Nothing in subsection (5) prevents any a secured  
 22 party from assigning his interest in a motor vehicle  
 23 registered under the provisions of this chapter to any other  
 24 person without the consent of and without affecting the  
 25 interest of the holder of the certificate of ownership and

1 certificate of registration. Upon any assignment by a  
 2 secured party of his security interest in any motor vehicle  
 3 registered under this chapter, a copy of the assignment must  
 4 be filed with the department and a record of the assignment  
 5 made upon its records.

6 (7) The certificate of ownership is valid until  
 7 canceled by the department upon a transfer of any interest  
 8 shown in the certificate, and annual renewal is not needed.

9 (8) (a) Upon its determination that a certificate of  
 10 ownership contains an error caused by the department, the  
 11 department may cancel the certificate of ownership and issue  
 12 a replacement for the erroneous certificate if the owner has  
 13 returned the certificate to be canceled.

14 (b) Any person who fails to return a certificate of  
 15 ownership issued with an error caused by the department  
 16 after receiving actual notice of the department's demand for  
 17 the return of the certificate as required by subsection  
 18 (8)(a) is guilty of a misdemeanor and upon conviction may be  
 19 fined an amount not to exceed \$500."

20 **Section 4.** Section 61-3-205, MCA, is amended to read:

21 "61-3-205. Transfer of ownership of vehicles by  
 22 insurance company. (1) When an insurance company or its  
 23 adjuster has taken possession of a motor vehicle as a result  
 24 of settling an insurance claim and transfers ownership of  
 25 the motor vehicle, it shall deliver to the transferee at the

1 time of transfer a certificate of ownership signed and  
 2 acknowledged by the registered owner or owners before the  
 3 county treasurer, a deputy county treasurer, or a notary  
 4 public.

5 (2) If the certificate of ownership names one or more  
 6 holders of a perfected security interest in the motor  
 7 vehicle, the insurance company or its adjuster shall also  
 8 secure and deliver to the transferee a release from the  
 9 secured party of the security interest."

10 **Section 5.** Section 61-3-206, MCA, is amended to read:

11 **"61-3-206. Odometer disclosure requirements on transfer**  
 12 **of vehicle -- dealer to preserve record.** (1) Except as  
 13 provided in subsection (3), before executing any transfer of  
 14 ownership document relating to a motor vehicle, each seller  
 15 of a motor vehicle shall record on the certificate of  
 16 ownership the odometer reading at the time of transfer or,  
 17 if the certificate of ownership does not provide for the  
 18 recording of the odometer reading, furnish to the purchaser  
 19 a written statement signed by each the seller, who shall  
 20 also print his name on the written statement, containing the  
 21 following information:

- 22 (a) the odometer reading at the time of transfer;  
 23 (b) the date of transfer;  
 24 (c) the seller's name and current address;  
 25 (d) the purchaser's name and current address;

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

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

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

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

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

17 (2) The purchaser shall acknowledge receipt of the  
 18 disclosure statement by signing it and printing his name on  
 19 the disclosure statement.

20 (3) The seller of the following types of motor vehicles  
 21 need not disclose the odometer reading of the vehicle as  
 22 required in subsection (1):

- 23 (a) a motor vehicle that is 10 years old or older;  
 24 (b) a vehicle that is not self-propelled;  
 25 (c) a new motor vehicle transferred between dealers

1 prior to its first retail sale, unless such vehicle has been  
2 used as a demonstrator;

3 (d) a vehicle having a gross weight rating of more than  
4 16,000 pounds; or

5 (e) a vehicle sold directly by the manufacturer to an  
6 agency of the United States.

7 (4) A dealer licensed under 61-4-101 shall create a  
8 record of the information required in subsection (1) and  
9 shall maintain and preserve that record for at least 5 years  
10 after the date of sale of the motor vehicle to which the  
11 information pertains."

12 **Section 6.** Section 61-3-303, MCA, is amended to read:

13 "61-3-303. Application for registration. (1) Every  
14 owner of a motor vehicle operated or driven upon the public  
15 highways of this state shall for each motor vehicle owned,  
16 except as herein otherwise expressly provided, file or cause  
17 to be filed in the office of the county treasurer where the  
18 owner makes his permanent residence at the time of making  
19 the application or, if the vehicle is owned by a corporation  
20 or used primarily for commercial purposes, in the taxing  
21 jurisdiction of the county where the vehicle is permanently  
22 assigned, an application for registration or reregistration  
23 upon a blank form to be prepared and furnished by the  
24 department. The application shall contain:

25 (a) name and address of owner, giving county, school

1 district, and town or city within whose corporate limits the  
2 motor vehicle is taxable, if taxable, or within whose  
3 corporate limits the owner's residence is located if the  
4 motor vehicle is not taxable;

5 (b) name and address of the holder of any security  
6 interest in the motor vehicle;

7 (c) description of motor vehicle, including make, year  
8 model, engine or serial number, manufacturer's model or  
9 letter, gross weight, type of body, and if truck, the rated  
10 capacity; and

11 ~~(d) in case of reregistration, the license number for~~  
12 ~~the preceding year; and~~

13 ~~(e) (d) such other information as that the department~~  
14 ~~may require.~~

15 (2) A person who files an application for registration  
16 or reregistration of a motor vehicle, except of a mobile  
17 home as defined in 15-1-101(1), shall upon the filing of the  
18 application pay to the county treasurer:

19 (a) the registration fee, as provided in 61-3-311 and  
20 61-3-321; and

21 (b) unless it has been previously paid:

22 (i) the personal property taxes assessed against the  
23 vehicle for the current year of registration and the  
24 immediately previous year; or

25 (ii) the new motor vehicle sales tax against the vehicle

1 for the current year of registration.

2 (3) The application may not be accepted by the county  
3 treasurer unless the payments required by subsection (2)  
4 accompany the application. The department or its agent may  
5 not assess and the county treasurer may not collect taxes or  
6 fees for a period other than:

7 (a) the current year; and

8 (b) the immediately previous year, if the vehicle was  
9 not registered or operated on the highways of the state,  
10 regardless of the period of time since the vehicle was  
11 previously registered or operated.

12 (4) The department or its agent may make full and  
13 complete investigation of the tax status of the vehicle. Any  
14 applicant for registration or reregistration must submit  
15 proof from the tax or other appropriate records of the  
16 proper county at the request of the department or its  
17 agent."

18 **Section 7.** Section 61-3-305, MCA, is amended to read:

19 "61-3-305. Blanks to be provided. It ~~shall--be~~ is the  
20 duty of the department to provide blank application forms  
21 ~~outlining-and-providing-for-the-information-needed--in--each~~  
22 ~~class--of--registration--required,~~ and to furnish these upon  
23 request to applicant for registration."

24 **Section 8.** Section 61-3-332, MCA, is amended to read:

25 "61-3-332. (Temporary) Number plates. (1) Every A motor

1 vehicle that is driven upon the streets or highways of  
2 Montana must display both front and rear number plates,  
3 bearing the distinctive number assigned the vehicle. The  
4 number plates are in eight 10 series: one series for owners  
5 of motorcars, one for owners of motor vehicles of the  
6 motorcycle or quadricycle type, one for trailers, one for  
7 trucks, one for dealers in vehicles of the motorcycle or  
8 quadricycle type that bear the distinctive letters "MCD" or  
9 the letters "MC" and the word "DEALER", one for franchised  
10 dealers in new motorcars (including trucks and trailers) or  
11 new and used motorcars (including trucks and trailers) that  
12 bear the distinctive letter "D" or the word "DEALER", one  
13 for dealers in used motorcars only (including used trucks  
14 and trailers) that bear the distinctive letters "UD" or the  
15 letter "U" and the word "DEALER", and one for dealers in  
16 trailers and/or semitrailers (new or used) that bear the  
17 distinctive letters "DTR" or the letters "TR" and the word  
18 "DEALER", one for dealers in recreational vehicles that bear  
19 the distinctive letters "RV" or the letter "R" and the word  
20 "DEALER", and one for special license plates. All markings  
21 for the aforementioned various kinds of dealers' plates must  
22 be placed on the number plates assigned thereto in the  
23 position that the department designates.

24 (2) All number plates for motor vehicles must be issued  
25 for a minimum period of 4 years, bear a distinctive marking,

1 and be furnished by the state. In years when number plates  
2 are not issued, the department shall provide nonremovable  
3 stickers bearing appropriate registration numbers that must  
4 be affixed to the license plates in use.

5 (3) Subject to the provisions of this section, the  
6 department shall create a new design for number plates as  
7 provided in this section, and it shall manufacture the newly  
8 designed number plates for issuance after January 1, 1991,  
9 to replace, at renewal as required in 61-3-312 and 61-3-314,  
10 number plates that were displayed on motor vehicles before  
11 that date.

12 (4) In the case of motorcars and trucks, plates must be  
13 of metal 6 inches wide and 12 inches in length. The outline  
14 of the state of Montana must be used as a distinctive border  
15 on such license plates, and the word "Montana" and the year  
16 must be placed across the plates. Such registration plates  
17 must be treated with a reflectorized background material  
18 according to specifications prescribed by the department.

19 (5) The distinctive registration numbers must begin  
20 with a number one or with a letter-number combination, such  
21 as "A 1" or "AA 1", or any other similar combination of  
22 letters and numbers. The distinctive registration number or  
23 letter-number combination assigned to the vehicle must  
24 appear on the plate preceded by the number of the county and  
25 appearing in horizontal order on the same horizontal

1 baseline. The county number must be separated from the  
2 distinctive registration number by a separation mark unless  
3 a letter-number combination is used. The dimensions of such  
4 numerals and letters must be determined by the department,  
5 and all county and registration numbers must be of equal  
6 height.

7 (6) For the use of tax-exempt motor vehicles, in  
8 addition to the markings herein provided in this section,  
9 number plates must ~~have--thereon~~ bear the following  
10 distinctive markings:

11 (a) For vehicles owned by the state, the department may  
12 designate the prefix number for the various state  
13 departments. All numbered plates issued to state departments  
14 must bear the words "State Owned", and no year number may be  
15 indicated thereon because these numbered plates are of a  
16 permanent nature and will be replaced by the department only  
17 when the physical condition of numbered plates requires it.

18 (b) For vehicles that are owned by the counties,  
19 municipalities, irrigation districts organized under the  
20 laws of Montana and not operating for profit, and school  
21 districts and that are used and operated by officials and  
22 employees thereof in line of duty and for vehicles on loan  
23 from the United States government or the state of Montana  
24 to, or owned by, the civil air patrol and used and operated  
25 by officials and employees thereof in the line of duty,



1 there must be placed on the number plates assigned thereto,  
 2 in a position that the department may designate, the letter  
 3 "X" or the word "EXEMPT". Distinctive registration numbers  
 4 for plates assigned to motor vehicles of each of the  
 5 counties in the state and those of the municipalities and  
 6 school districts situated within each of the counties and  
 7 those of the irrigation districts that obtain plates within  
 8 each county must begin with number one and be numbered  
 9 consecutively. Because these number plates are of a  
 10 permanent nature, they are subject to replacement by the  
 11 department only when the physical condition of the number  
 12 plates requires it and a year number may not be displayed on  
 13 the number plates.

14 (7) On all number plates assigned to motor vehicles of  
 15 the truck and trailer type, other than tax-exempt trucks and  
 16 tax-exempt trailers, there must appear the letter "T" or the  
 17 word "TRUCK" on plates assigned to trucks and the letters  
 18 "TR" or the word "TRAILER" on plates assigned to trailers  
 19 and housetrailer. The letters "MC" or the word "CYCLE" must  
 20 appear on plates assigned to vehicles of the motorcycle or  
 21 quadricycle type.

22 (8) Number plates issued to a passenger car, truck,  
 23 trailer, or vehicle of the motorcycle or quadricycle type  
 24 may be transferred only to a replacement passenger car,  
 25 truck, trailer, or motorcycle- or quadricycle-type vehicle.

1 No registration or license fee may be assessed upon a  
 2 transfer of a number plate under 61-3-317 and 61-3-335.

3 (9) For the purpose of this chapter, the several  
 4 counties of the state are assigned numbers as follows:  
 5 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
 6 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
 7 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
 8 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
 9 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
 10 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
 11 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
 12 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;  
 13 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 14 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 15 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 16 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 17 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 18 55; Lincoln, 56. Any new counties must be assigned numbers  
 19 by the department as they may be formed, beginning with the  
 20 number 57.

21 (10) Each type of special license plate approved by the  
 22 legislature, except collegiate license plates authorized in  
 23 61-3-463, must be a separate series of plates, numbered as  
 24 provided in subsection (5), except that the county number  
 25 must be replaced by a nonremovable design or decal

1 designating the group or organization to which the applicant  
 2 belongs. Unless otherwise specifically stated in this  
 3 section, the special plates are subject to the same rules  
 4 and laws as govern the issuance of regular license plates,  
 5 must be placed or mounted on a vehicle owned by the person  
 6 who is eligible to receive them, and must be removed upon  
 7 sale or other disposition of the vehicle. The special  
 8 license plates must be issued to national guard members,  
 9 former prisoners of war, handicapped persons, reservists,  
 10 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 11 ATTACK who comply with the following provisions:

12 (a) An active member of the Montana national guard may  
 13 be issued a special license plate with a design or decal  
 14 displaying the letters "NG". The adjutant general shall  
 15 issue to each active member of the Montana national guard a  
 16 certificate authorizing the division to issue one set of  
 17 national guard plates, and the member shall surrender the  
 18 plates to the division upon becoming ineligible to use them.

19 (b) An active member of the reserve armed forces of the  
 20 United States of America who is a resident of this state may  
 21 be issued a special license plate with a design or decal  
 22 displaying the following: United States army reserve, AR  
 23 (symbol); United States naval reserve, NR (anchor); United  
 24 States air force reserve, AFR (symbol); United States marine  
 25 corps reserve, MCR (globe and anchor). The commanding

1 officer of each armed forces reserve unit shall issue to  
 2 each eligible member of the reserve unit a certificate  
 3 authorizing the issuance of one set of plates. The member  
 4 shall surrender the plates to the division upon becoming  
 5 ineligible to use them.

6 (c) A resident of Montana who is a veteran of the armed  
 7 forces of the United States and who is 100% disabled because  
 8 of an injury that has been determined by the veterans'  
 9 administration to be service-connected may, upon  
 10 presentation to the division of proof of the 100%  
 11 disability, be issued a special license plate under this  
 12 section with a design or decal displaying the letters "DV"  
 13 OR THE HANDICAPPED LICENSE PLATE PROVIDED FOR IN 61-3-445.

14 (i) The fee for original or renewal registration by a  
 15 100% disabled veteran for a passenger vehicle or a truck  
 16 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 17 lieu of all other fees and taxes for that vehicle under this  
 18 chapter. A DISABLED VETERAN WHO MEETS THE REQUIREMENTS FOR  
 19 ISSUANCE OF A "DV" LICENSE PLATE AND WHO ALSO QUALIFIES FOR  
 20 THE ISSUANCE OF AN EX-PRISONER OF WAR LICENSE PLATE MAY  
 21 OBTAIN THE EX-PRISONER OF WAR LICENSE PLATE UPON PAYMENT OF  
 22 THE SAME \$5 FEE.

23 (ii) Special license plates issued to a disabled veteran  
 24 are not transferrable to another person.

25 (iii) A disabled veteran is not entitled to a special

1 license plate for more than one vehicle.

2 (iv) A vehicle lawfully displaying a disabled veteran's  
3 plate and that is conveying a 100% disabled veteran is  
4 entitled to the parking privileges allowed a handicapped  
5 person's vehicle under this title.

6 (d) A Montana resident who is a veteran of the armed  
7 forces of the United States and was captured and held  
8 prisoner by a military force of a foreign nation, documented  
9 by his service record, may upon application and presentation  
10 of proof be issued a special license plate with a design or  
11 decal displaying the words "ex-prisoner of war" or an  
12 abbreviation as the department considers appropriate.

13 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
14 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
15 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
16 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
17 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED  
18 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
19 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
20 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
21 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
22 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
23 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
24 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
25 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM

1 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
2 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
3 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
4 PLATES UPON REQUEST AND WITHOUT CHARGE.

5 (F) A Montana resident who is eligible to receive a  
6 special parking permit under 49-4-301 may, upon written  
7 application on a form prescribed by the department, be  
8 issued a special license plate with a design or decal  
9 bearing a representation of a wheelchair as the symbol of  
10 the handicapped person. (Terminates July 1, 1996--sec. 4,  
11 Ch. 654, L. 1989.)

12 61-3-332. (Effective July 1, 1996) Number plates. (1)  
13 Every A motor vehicle that is driven upon the streets or  
14 highways of Montana must display both front and rear number  
15 plates, bearing the distinctive number assigned the vehicle.  
16 The number plates are in eight 10 series: one series for  
17 owners of motorcars, one for owners of motor vehicles of the  
18 motorcycle or quadricycle type, one for trailers, one for  
19 trucks, one for dealers in vehicles of the motorcycle or  
20 quadricycle type that bear the distinctive letters "MCD" or  
21 the letters "MC" and the word "DEALER", one for franchised  
22 dealers in new motorcars (including trucks and trailers) or  
23 new and used motorcars (including trucks and trailers) that  
24 bear the distinctive letter "D" or the word "DEALER", one  
25 for dealers in used motorcars only (including used trucks

1 and trailers) that bear the distinctive letters "UD" or the  
 2 letter "U" and the word "DEALER", and one for dealers in  
 3 trailers and/or semitrailers (new or used) that bear the  
 4 distinctive letters "DTR" or the letters "TR" and the word  
 5 "DEALER", one for dealers in recreational vehicles that bear  
 6 the distinctive letters "RV" or the letter "R" and the word  
 7 "DEALER", and one for special license plates. All markings  
 8 for the aforementioned various kinds of dealers' plates must  
 9 be placed on the number plates assigned thereto in the  
 10 position that the department designates.

11 (2) All number plates for motor vehicles must be issued  
 12 for a minimum period of 4 years, bear a distinctive marking,  
 13 and be furnished by the state. In years when number plates  
 14 are not issued, the department shall provide nonremovable  
 15 stickers bearing appropriate registration numbers that must  
 16 be affixed to the license plates in use.

17 (3) Subject to the provisions of this section, the  
 18 department shall create a new design for number plates as  
 19 provided in this section, and it shall manufacture the newly  
 20 designed number plates for issuance after January 1, 1991,  
 21 to replace, at renewal as required in 61-3-312 and 61-3-314,  
 22 number plates that were displayed on motor vehicles before  
 23 that date.

24 (4) In the case of motorcars and trucks, number plates  
 25 must be of metal 6 inches wide and 12 inches in length. For

1 number plates issued after 1976, the outline of the state of  
 2 Montana must be used as a distinctive border on such license  
 3 plates, and the word "Montana" and the year must be placed  
 4 across the bottom of the plates. Such registration plates  
 5 must be treated with a reflectorized background material  
 6 according to specifications prescribed by the department.

7 (5) The distinctive registration numbers must begin  
 8 with a number one or with a letter-number combination, such  
 9 as "A 1" or "AA 1", or any other similar combination of  
 10 letters and numbers and be numbered consecutively for each  
 11 series of plates. The distinctive registration number or  
 12 letter-number combination assigned to the vehicle must  
 13 appear on the plate preceded by the number of the county and  
 14 appearing in horizontal order on the same horizontal  
 15 baseline. The county number must be separated from the  
 16 distinctive registration number by a separation mark unless  
 17 a letter-number combination is used. The dimensions of such  
 18 numerals and letters must be determined by the department,  
 19 and all county and registration numbers must be of equal  
 20 height.

21 (6) For the use of tax-exempt motor vehicles, in  
 22 addition to the markings herein provided, number plates must  
 23 have thereon the following distinctive markings:

24 (a) For vehicles owned by the state, the department may  
 25 designate the prefix number for the various state

1 departments. All numbered plates issued to state departments  
2 must bear the words "State Owned", and no year number may be  
3 indicated thereon because these numbered plates are of a  
4 permanent nature and will be replaced by the department only  
5 when the physical condition of numbered plates requires it.

6 (b) For vehicles that are owned by the counties,  
7 municipalities, irrigation districts organized under the  
8 laws of Montana and not operating for profit, and school  
9 districts and that are used and operated by officials and  
10 employees thereof in line of duty and for vehicles on loan  
11 from the United States government or the state of Montana  
12 to, or owned by, the civil air patrol and used and operated  
13 by officials and employees thereof in the line of duty,  
14 there must be placed on the number plates assigned thereto,  
15 in a position that the department may designate, the letter  
16 "X" or the word "EXEMPT". Distinctive registration numbers  
17 for plates assigned to motor vehicles of each of the  
18 counties in the state and those of the municipalities and  
19 school districts situated within each of the counties and  
20 those of the irrigation districts that obtain plates within  
21 each county must begin with number one and be numbered  
22 consecutively. Because these number plates are of a  
23 permanent nature, they are subject to replacement by the  
24 department only when the physical condition of the number  
25 plates requires it and a year number may not be displayed on

1 the number plates.

2 (7) On all number plates assigned to motor vehicles of  
3 the truck and trailer type, other than tax-exempt trucks and  
4 tax-exempt trailers, there must appear the letter "T" or the  
5 word "TRUCK" on plates assigned to trucks and the letters  
6 "TR" or the word "TRAILER" on plates assigned to trailers  
7 and housetrailer. The letters "MC" or the word "CYCLE" must  
8 appear on plates assigned to vehicles of the motorcycle or  
9 quadricycle type.

10 (8) Number plates issued to a passenger car, truck,  
11 trailer, or vehicle of the motorcycle or quadricycle type  
12 may be transferred only to a replacement passenger car,  
13 truck, trailer, or motorcycle- or quadricycle-type vehicle.  
14 No registration or license fee may be assessed upon a  
15 transfer of a number plate under 61-3-317 and 61-3-335.

16 (9) For the purpose of this chapter, the several  
17 counties of the state are assigned numbers as follows:  
18 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4;  
19 Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
20 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12;  
21 Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt,  
22 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big  
23 Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera,  
24 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30;  
25 Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34;

1 Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;  
 2 Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42;  
 3 Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;  
 4 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson,  
 5 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum,  
 6 55; Lincoln, 56. Any new counties must be assigned numbers  
 7 by the department as they may be formed, beginning with the  
 8 number 57.

9 (10) Each type of special license plate approved by the  
 10 legislature, except collegiate license plates authorized in  
 11 61-3-463, must be a separate series of plates, numbered as  
 12 provided in subsection (5), except that the county number  
 13 must be replaced by a nonremovable design or decal  
 14 designating the group or organization to which the applicant  
 15 belongs. Unless otherwise specifically stated in this  
 16 section, the special plates are subject to the same rules  
 17 and laws as govern the issuance of regular license plates,  
 18 must be placed or mounted on a vehicle owned by the person  
 19 who is eligible to receive them, and must be removed upon  
 20 sale or other disposition of the vehicle. The special  
 21 license plates must be issued to national guard members,  
 22 former prisoners of war, handicapped persons, reservists,  
 23 and disabled veterans, AND SURVIVORS OF THE PEARL HARBOR  
 24 ATTACK who comply with the following provisions:

25 (a) An active member of the Montana national guard may

1 be issued a special license plate with a design or decal  
 2 displaying the letters "NG". The adjutant general shall  
 3 issue to each active member of the Montana national guard a  
 4 certificate authorizing the division to issue one set of  
 5 national guard plates, and the member shall surrender the  
 6 plates to the division upon becoming ineligible to use them.

7 (b) An active member of the reserve armed forces of the  
 8 United States of America who is a resident of this state may  
 9 be issued a special license plate with a design or decal  
 10 displaying the following: United States army reserve, AR  
 11 (symbol); United States naval reserve, NR (anchor); United  
 12 States air force reserve, AFR (symbol); United States marine  
 13 corps reserve, MCR (globe and anchor). The commanding  
 14 officer of each armed forces reserve unit shall issue to  
 15 each eligible member of the reserve unit a certificate  
 16 authorizing the issuance of one set of plates. The member  
 17 shall surrender the plates to the division upon becoming  
 18 ineligible to use them.

19 (c) A resident of Montana who is a veteran of the armed  
 20 forces of the United States and who is 100% disabled because  
 21 of an injury that has been determined by the veterans'  
 22 administration to be service-connected may, upon  
 23 presentation to the division of proof of the 100%  
 24 disability, be issued a special license plate under this  
 25 section with a design or decal displaying the letters "DV".

1 (i) The fee for original or renewal registration by a  
 2 100% disabled veteran for a passenger vehicle or a truck  
 3 with a GVW-rated capacity of 1 ton or less is \$5 and is in  
 4 lieu of all other fees and taxes for that vehicle under this  
 5 chapter.

6 (ii) Special license plates issued to a disabled veteran  
 7 are not transferrable to another person.

8 (iii) A disabled veteran is not entitled to a special  
 9 license plate for more than one vehicle.

10 (iv) A vehicle lawfully displaying a disabled veteran's  
 11 plate and that is conveying a 100% disabled veteran is  
 12 entitled to the parking privileges allowed a handicapped  
 13 person's vehicle under this title.

14 (d) A Montana resident who is a veteran of the armed  
 15 forces of the United States and was captured and held  
 16 prisoner by a military force of a foreign nation, documented  
 17 by his service record, may upon application and presentation  
 18 of proof be issued a special license plate with a design or  
 19 decal displaying the words "ex-prisoner of war" or an  
 20 abbreviation as the department considers appropriate.

21 (E) UPON PAYMENT OF ALL TAXES AND FEES REQUIRED BY  
 22 PARTS 3 AND 5 OF THIS CHAPTER AND UPON FURNISHING PROOF  
 23 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT MEETS THE  
 24 REQUIREMENTS OF THIS SUBSECTION (E), THE DEPARTMENT SHALL  
 25 ISSUE TO A MONTANA RESIDENT WHO IS A VETERAN OF THE ARMED

1 SERVICES OF THE UNITED STATES SPECIAL LICENSE PLATES, FOR  
 2 ONE MOTOR VEHICLE ONLY, DESIGNED TO INDICATE THAT THE  
 3 APPLICANT IS A SURVIVOR OF THE PEARL HARBOR ATTACK IF THE  
 4 APPLICANT WAS A MEMBER OF THE UNITED STATES ARMED FORCES ON  
 5 DECEMBER 7, 1941, WAS ON STATION ON DECEMBER 7, 1941, DURING  
 6 THE HOURS OF 7:55 A.M. TO 9:45 A.M. (HAWAII TIME) AT PEARL  
 7 HARBOR, THE ISLAND OF OAHU, OR OFFSHORE AT A DISTANCE OF NOT  
 8 MORE THAN 3 MILES, AND RECEIVED AN HONORABLE DISCHARGE FROM  
 9 THE UNITED STATES ARMED FORCES. IF SPECIAL LICENSE PLATES  
 10 ISSUED UNDER THIS SUBSECTION ARE LOST, STOLEN, OR MUTILATED,  
 11 THE RECIPIENT OF THE PLATES IS ENTITLED TO REPLACEMENT  
 12 PLATES UPON REQUEST AND WITHOUT CHARGE.

13 (e)(F) A Montana resident who is eligible to receive a  
 14 special parking permit under 49-4-301 may, upon written  
 15 application on a form prescribed by the department, be  
 16 issued a special license plate with a design or decal  
 17 bearing a representation of a wheelchair as the symbol of  
 18 the handicapped person."

19 **Section 9.** Section 61-3-333, MCA, is amended to read:

20 "61-3-333. Replacing number plates. In the event of  
 21 loss, mutilation, or destruction of number plates, and/or  
 22 validation devices, the owner of the registered motor  
 23 vehicle may obtain from the department duplicates thereof or  
 24 replacements of the number plates upon filing sworn  
 25 declaration showing such that fact and payment of a fee of

1 §2. In the event of loss, mutilation, or destruction of  
2 pioneer plates, duplicates may be obtained in the same  
3 manner upon payment of a fee of \$5."

4 **Section 10.** Section 61-3-465, MCA, is amended to read:

5 "61-3-465. Issuance -- application -- additional fee --  
6 disposition. (1) The department shall issue or renew  
7 collegiate license plates upon receipt of an application  
8 that shows:

9 (a) compliance with 61-3-303, ~~61-3-304~~, 61-3-311, and  
10 61-3-312; and

11 (b) payment to the county treasurer of:

12 (i) an initial application and manufacturing fee of  
13 \$2.50, when required; and

14 (ii) an annual scholarship donation of \$20 for the  
15 benefit of the institution named in the application.

16 (2) Once each month the county treasurer shall transfer  
17 to the state treasurer the total of the amounts collected  
18 for:

19 (a) the initial application and manufacturing fee for  
20 deposit in the Montana state prison industries account in  
21 the proprietary fund for appropriation by the legislature to  
22 pay the cost of manufacturing collegiate license plates; and

23 (b) scholarship donations provided for in subsection  
24 (1)(b)(ii), along with a schedule showing the number of  
25 collegiate license plates issued and the total donations

1 received for the benefit of each institution.

2 (3) Once each month the state treasurer shall  
3 distribute to the student academic scholarship fund or  
4 foundation of each institution an amount equal to the total  
5 donations credited to that institution and transferred to  
6 the state treasurer by the county treasurers during the  
7 preceding month."

8 **Section 11.** Section 61-3-510, MCA, is amended to read:

9 "61-3-510. Weed control fee. (1) A special weed control  
10 fee of \$1.50 must be assessed on the annual registration or  
11 reregistration of each motor vehicle subject to  
12 registration. The fee must be collected by the county  
13 treasurer.

14 (2) For purposes of this section, motor vehicle  
15 includes:

16 (a) motor vehicle as defined in 61-1-102;

17 (b) motorcycle as defined in 61-1-105;

18 (c) motor-driven cycle as defined in 61-1-106; and

19 (d) quadricycle as defined in 61-1-133.

20 (3) The following vehicles are exempt from the fee:

21 (a) vehicles owned or controlled by the United States  
22 or a state, county, or city;

23 (b) vehicles exempt from payment of registration fees  
24 by 61-3-321+7+(8); and

25 (c) vehicles or equipment which is not self-propelled



1 or which requires towing when moved upon a highway of this  
2 state."

3 **Section 12.** Section 61-3-601, MCA, is amended to read:

4 "61-3-601. Penalty for violations. Except as otherwise  
5 provided, a violation of any of the provisions of this  
6 chapter is a misdemeanor and is punishable by a fine not  
7 exceeding ~~\$25~~ \$500. ~~Nothing contained herein in this section~~  
8 prevents the prosecution of a person for an offense  
9 committed under any other law."

10 **Section 13.** Section 61-3-604, MCA, is amended to read:

11 "61-3-604. Penalty for altering identification number.

12 (1) A person who willfully removes or falsifies an  
13 identification number of a motor vehicle or motor vehicle  
14 engine is guilty of a misdemeanor.

15 (2) Any person or persons, firm, or corporation ~~which~~  
16 ~~that~~ sells or offers for sale in this state a vehicle the  
17 original vehicle identification number of which has been  
18 destroyed, removed, altered, covered, or defaced, ~~with the~~  
19 ~~exception of electrically propelled vehicles,~~ is guilty of a  
20 misdemeanor and upon conviction thereof shall be punished by  
21 a fine of not less than \$200 or more than \$500 and by  
22 imprisonment in the county jail for a term of not less than  
23 30 days or more than 180 days. Upon a second or subsequent  
24 conviction under this subsection, the punishment shall be  
25 imprisonment in the state prison for a term of not less than

1 1 year or more than 5 years or a fine in an amount not to  
2 exceed \$50,000, or both such fine and imprisonment."

3 **Section 14.** Section 61-4-101, MCA, is amended to read:

4 "61-4-101. Application for dealer's license. (1) Every  
5 person, firm, corporation, or association which, for  
6 commission or profit, engages in the business of buying,  
7 selling, exchanging, offering, taking for consignment,  
8 soliciting, advertising the sale of, or acting as a broker  
9 of new motor vehicles, recreational vehicles, used motor  
10 vehicles, trailers (except trailers having an unloaded  
11 weight of less than 500 pounds), semitrailers, or special  
12 mobile equipment as defined in 61-1-104 shall file, by mail  
13 or otherwise, in the office of the department a verified  
14 application for licensure as a dealer, on a blank to be  
15 furnished by the department for that purpose and containing  
16 the information required. The application and all of the  
17 information contained in it must be verified by the ~~Montana~~  
18 ~~highway--patrol~~ department. Each application must be  
19 accompanied by the license fee specified in 61-4-102. A  
20 dealer's license must be renewed and paid for annually, and  
21 an application for relicensure must be filed not later than  
22 January 1 of each year. If an application for renewal of a  
23 license has been received by the department prior to the  
24 expiration of the license, the dealer may operate his  
25 business and display dealer plates under the expired license

1 between January 1 and February 15 following expiration.

2 (2) To qualify for licensure and the issuance and use  
3 of "D", "UD", "RV", "DTR", or "MCD" plates as hereinafter  
4 provided, the applicant must furnish the following  
5 information and qualify under the following provisions:

6 (a) To qualify as a new motor vehicle dealer and for  
7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be  
9 conducted and the location of the premises (street address,  
10 city, county, and state) where records are kept, sales are  
11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or persons  
13 having an interest in the business, provided that in the  
14 case of a corporation, the names and addresses of the  
15 president and secretary are sufficient;

16 (iii) state the name and make of all motor vehicles  
17 handled and the name and address of the manufacturer,  
18 importer, or distributor with whom the applicant has a  
19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the  
21 applicant has a permanent building for the display and sale  
22 of new motor vehicles at the location of the premises where  
23 sales are conducted;

24 (v) execute a certificate to the effect that the  
25 applicant has a bona fide service department for the repair,

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the  
3 applicant is a bona fide dealer in new motor vehicles and  
4 that he is recognized by a manufacturer, importer, or  
5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for  
7 the use of "UD" plates or, as a recreational vehicle dealer  
8 and for the use of "RV" plates, as a trailer, semitrailer,  
9 or special mobile equipment dealer and for the use of "DTR"  
10 plates, or as a motorcycle or quadricycle dealer and for the  
11 use of "MCD" plates, the applicant must shall, in addition  
12 to the matters set forth in subsections (i) and (ii) of  
13 subsection (2)(a) above, provide:

14 (i) a statement that the applicant has a building or  
15 lot and a sign readable at a minimum distance of 150 feet  
16 indicating the firm name as the principal place of business  
17 and that vehicles are offered for sale; and

18 (ii) a certificate to the effect that the applicant is a  
19 bona fide dealer in used motor vehicles, recreational  
20 vehicles, trailers, semitrailers, special mobile equipment,  
21 motorcycles, or quadricycles. An applicant for a  
22 recreational vehicle dealer license must shall also indicate  
23 on the same certificate that he is recognized by a  
24 manufacturer, importer, or distributor as a dealer in  
25 recreational vehicles.

1 (c) To qualify for a used motor vehicle dealer's  
 2 license, a person must shall submit an annual application  
 3 for that license and comply with the provisions of  
 4 61-4-102(5) in addition to fulfilling the requirements of  
 5 subsection (2)(b).

6 (d) The provisions of subsection (2)(c) do not apply to  
 7 an applicant who is licensed as a motor vehicle wrecking  
 8 facility under the provisions of Title 75, chapter 10, part  
 9 5.

10 (3) (a) The applicant for a dealer's license shall also  
 11 file with his application a good and sufficient bond in the  
 12 sum of \$5,000, and the bond must be conditioned that the  
 13 applicant shall conduct his business in accordance with the  
 14 requirements of the law. All bonds must run to the state of  
 15 Montana, must be approved by the department and filed in its  
 16 office, and must be renewed annually.

17 (b) A person who suffers loss or damage due to the  
 18 unlawful conduct of a dealer licensed under this section  
 19 shall obtain a judgment from a court of competent  
 20 jurisdiction prior to collecting the judgment from the  
 21 department. The department is responsible for payment under  
 22 this section, in an amount not to exceed the maximum bond  
 23 amount, only if the judgment on which the payment is based  
 24 determines a specific loss or damage amount and concludes  
 25 that the dealer's unlawful operation caused the loss or

1 damage."

2 ~~Section 15, Section 61-6-302, MCA, is amended to read:~~  
 3 ~~"61-6-302. Proof of compliance. (1) Except as provided~~  
 4 ~~in subsection (2), before any applicant required to register~~  
 5 ~~his motor vehicle may do so, the applicant must certify to~~  
 6 ~~the county treasurer that he possesses an automobile~~  
 7 ~~liability insurance policy, a certificate of self insurance,~~  
 8 ~~or a posted indemnity bond or that he is eligible for an~~  
 9 ~~exemption under 61-6-303 covering the motor vehicle. The~~  
 10 ~~certification shall be on a form prescribed by the~~  
 11 ~~department. The department may immediately cancel the~~  
 12 ~~registration and license plates of the vehicle upon~~  
 13 ~~notification that the insurance certification was not~~  
 14 ~~correctly represented. Any person who intentionally provides~~  
 15 ~~false information on an insurance certification is guilty of~~  
 16 ~~unsworn falsification to authorities, punishable as provided~~  
 17 ~~in 45-7-203.~~

18 ~~(2) An applicant for registration of a motor vehicle~~  
 19 ~~who wishes to register the vehicle by mail must sign a~~  
 20 ~~statement on the application stating that the applicant is~~  
 21 ~~in compliance with the financial liability requirements of~~  
 22 ~~61-6-301.~~

23 ~~(3) (1) An owner of a motor vehicle who ceases to~~  
 24 ~~maintain the insurance or bond required under 61-6-301 or~~  
 25 ~~whose certificate of self insurance is canceled or whose~~

1 vehicle ceases to be exempt ~~under 61-6-303~~ shall immediately  
 2 surrender the registration and license plates for the  
 3 vehicle to the county treasurer for delivery to the  
 4 department and may not operate or permit operation of the  
 5 vehicle in Montana until insurance has again been furnished  
 6 as required and the vehicle is again registered and  
 7 licensed.

8 ~~(4)(2)~~ Every A person shall carry in a motor vehicle  
 9 being operated by him an insurance card approved by the  
 10 department but issued by the insurance carrier to the motor  
 11 vehicle owner as proof of compliance with 61-6-301. A motor  
 12 vehicle operator shall exhibit the insurance card upon  
 13 demand of a justice of the peace, a city or municipal judge,  
 14 a peace officer, a highway patrol officer, or a field deputy  
 15 or inspector of the department. However, no A person charged  
 16 with violating this subsection may not be convicted if he  
 17 produces in court or the office of the arresting officer  
 18 proof of insurance valid at the time of his arrest."

19 Section 15, Section 15-70-101, MCA, is amended to read:  
 20 "15-70-101. Disposition of funds ----- contingent  
 21 reduction of allocation. All taxes, interest, and penalties  
 22 collected under this chapter, except those collected by a  
 23 justice's court, shall be turned over promptly to the state  
 24 treasurer, who shall place the same in the state special  
 25 revenue fund to the credit of the department of highways.

1 Those ~~except as provided in subsection (9)~~ those funds  
 2 hereinbelow allocated to cities, towns, and counties shall  
 3 be paid by the department of highways from the state special  
 4 revenue fund to such cities, towns, and counties:

5 (1) \$14,000,000 of the funds collected under this  
 6 chapter, except those collected by a justice's court, is  
 7 statutorily appropriated, as provided in 17-7-502, to the  
 8 department of highways and shall be allocated each fiscal  
 9 year on a monthly basis to the counties and incorporated  
 10 cities and towns in Montana for construction,  
 11 reconstruction, maintenance, and repair of rural roads and  
 12 city or town streets and alleys, as provided in subsections  
 13 (1)(a) through (1)(c):

14 (a) \$54,000 shall be designated for the purposes and  
 15 functions of the Montana rural technical assistance  
 16 transportation program in Bozeman;

17 (b) \$6,323,000 shall be divided among the various  
 18 counties in the following manner:

19 (i) 40% in the ratio that the rural road mileage in  
 20 each county, exclusive of the federal aid interstate system  
 21 and the federal aid primary system, bears to the total rural  
 22 road mileage in the state, exclusive of the federal aid  
 23 interstate system and the federal aid primary system;

24 (ii) 40% in the ratio that the rural population in each  
 25 county outside incorporated cities and towns bears to the

1 total rural population in the state outside incorporated  
2 cities and towns;

3 (iii) 20% in the ratio that the land area of each county  
4 bears to the total land area of the state;

5 (c) 97,623,000 shall be divided among the incorporated  
6 cities and towns in the following manner:

7 (i) 50% of the sum in the ratio that the population  
8 within the corporate limits of the city or town bears to the  
9 total population within corporate limits of all the cities  
10 and towns in Montana;

11 (ii) 50% in the ratio that the city or town street and  
12 alley mileage, exclusive of the federal aid interstate  
13 system and the federal aid primary system, within corporate  
14 limits bears to the total street and alley mileage,  
15 exclusive of the federal aid interstate system and  
16 federal aid primary system, within the corporate limits of  
17 all cities and towns in Montana;

18 (2) All funds hereby allocated to counties, cities, and  
19 towns shall be used for the construction, reconstruction,  
20 maintenance, and repair of rural roads, city or town streets  
21 and alleys or for the share which such city, town, or county  
22 might otherwise expend for proportionate matching of federal  
23 funds allocated for the construction of roads or streets  
24 which are part of the federal aid primary or secondary  
25 highway system or urban extensions thereto, except that the

1 governing body of a town or third class city, as defined in  
2 7-1-4111, may each year expend no more than 25% of the funds  
3 allocated to that town or third class city for the purchase  
4 of capital equipment and supplies to be used for the  
5 maintenance and repair of town or third class city streets  
6 and alleys;

7 (3) Upon receipt of the allocation provided herein, the  
8 governing bodies of the recipient counties, cities, and  
9 towns shall inform the department of highways of the  
10 purposes for which the funds will be expended so that the  
11 county commissioners, the governing body, and the department  
12 of highways may coordinate the expenditure of public funds  
13 for road improvements;

14 (4) All funds hereby allocated to counties, cities, and  
15 towns shall be disbursed to the lowest responsible bidder  
16 according to applicable bidding procedures followed in all  
17 cases where the contract for construction, reconstruction,  
18 maintenance, or repair is in excess of \$47,000.

19 (5) For the purposes of this section where distribution  
20 of funds is made on a basis related to population, the  
21 population shall be determined by the last preceding  
22 official federal census;

23 (6) For the purposes of this section where  
24 determination of mileage is necessary for distribution of  
25 funds, it shall be the responsibility of the cities, towns,

1 and--counties--to--furnish--to--the--department--of--highways--a  
 2 yearly--certified--statement--indicating--the--total--mileage  
 3 within--their--respective--areas--applicable--to--this--chapter;  
 4 All--mileage--submitted--shall--be--subject--to--review--and  
 5 approval--by--the--department--of--highways;

6 (7)--Except--by--a--town--or--third--class--city--as--provided--in  
 7 subsection--(2),--none--of--the--funds--authorized--by--this--section  
 8 shall--be--used--for--the--purchase--of--capital--equipment;

9 (8)--Funds--authorized--by--this--section--shall--be--used--for  
 10 construction--and--maintenance--programs--only;

11 (9)--The--department--of--justice,--upon--determining--that  
 12 the--county--treasurer--of--a--county--fails--to--enforce--the  
 13 provisions--of--61-6-302,--shall--certify--that--fact--to--the  
 14 department--of--highways,--and--the--department--of--highways--shall  
 15 decrease--the--payment--to--that--county--under--the--provisions--of  
 16 subsection--(1)(b)--by--25%--for--each--year--until--the--department  
 17 of--justice--subsequently--certifies--that--the--county--treasurer  
 18 is--no--longer--failing--to--enforce--the--provisions--of--61-6-302."

19 Section--15.--Section--61-6-302,--MCA,--is--amended--to--read:

20 "61-6-302. Proof SURRENDER-OF-REGISTRATION---PROOF of  
 21 compliance. (1) Except--as--provided--in--subsection--(2),--before  
 22 any--applicant--required--to--register--his--motor--vehicle--may--do  
 23 so,--the--applicant--must--certify--to--the--county--treasurer--that  
 24 he--possesses--an--automobile--liability--insurance--policy,--a  
 25 certificate--of--self--insurance,--or--a--posted--indemnity--bond--or

1 that--he--is--eligible--for--an--exemption--under--61-6-303--covering  
 2 the--motor--vehicle.--The--certification--shall--be--on--a--form  
 3 prescribed--by--the--department.--The--department--may--immediately  
 4 cancel--the--registration--and--license--plates--of--the--vehicle  
 5 upon--notification--that--the--insurance--certification--was--not  
 6 correctly--represented.--Any--person--who--intentionally--provides  
 7 false--information--on--an--insurance--certification--is--guilty--of  
 8 unsworn--falsification--to--authorities,--punishable--as--provided  
 9 in--45-7-203.

10 (2)--An--applicant--for--registration--of--a--motor--vehicle  
 11 who--wishes--to--register--the--vehicle--by--mail--must--sign--a  
 12 statement--on--the--application--stating--that--the--applicant--is  
 13 in--compliance--with--the--financial--liability--requirements--of  
 14 61-6-301.

15 (3) An--owner--of--a--motor--vehicle--who--ceases--to--maintain  
 16 the--insurance--or--bond--required--under--61-6-301--or--whose  
 17 certificate--of--self--insurance--is--canceled--or--whose--vehicle  
 18 ceases--to--be--exempt--under--61-6-603--shall--immediately  
 19 surrender--the--registration--and--license--plates--for--the  
 20 vehicle--to--the--county--treasurer--for--delivery--to--the  
 21 department--and--may--not--operate--or--permit--operation--of--the  
 22 vehicle--in--Montana--until--insurance--has--again--been--furnished  
 23 as--required--and--the--vehicle--is--again--registered--and  
 24 licensed.

25 (4)(2) Every A person--shall--carry--in--a--motor--vehicle

1 being--operated--by--him--an--insurance-card-approved-by-the  
 2 department-but-issued-by-the-insurance-carrier-to-the--motor  
 3 vehicle--owner-as-proof-of-compliance-with-61-6-301;-A-motor  
 4 vehicle-operator--shall--exhibit--the--insurance--card--upon  
 5 demand-of-a-justice-of-the-peace;-a-city-or-municipal-judge;  
 6 a-peace-officer;-a-highway-patrol-officer;-or-a-field-deputy  
 7 or-inspector-of-the-department. However;-no A person-charged  
 8 with--violating--this--subsection-may not be-convicted-if-he  
 9 produces-in-court-or-the-office--of--the--arresting--officer  
 10 proof-of-insurance-valid-at-the-time-of-his-arrest."

11 NEW SECTION. SECTION 15. COORDINATION INSTRUCTION. ON  
 12 PASSAGE AND APPROVAL OF THIS BILL, HOUSE BILL NO. 98 IS  
 13 VOID.

14 NEW SECTION. Section 16. Repealer. Sections 10-1-110,  
 15 61-3-304, 61-3-444, 61-3-445, 61-3-447, 61-3-451, and  
 16 61-3-505, MCA, are repealed.

17 NEW SECTION. Section 17. Instructions to code  
 18 commissioner. To conform with the provisions of [this act],  
 19 the code commissioner shall make the following revisions:  
 20 (1) in 49-4-302(2) and (3), change 61-3-451 to  
 21 61-3-332(10)(c);  
 22 (2) in 49-4-304(1), change 61-3-445 to  
 23 61-3-332(10)(F);  
 24 (3) in 61-3-313(3), change 61-3-451 to 61-3-332(10)(c);  
 25 (4) in 61-3-446;

1 (A) change:  
 2 (a) (I) 61-3-444 to 61-3-332(10)(d);  
 3 (b) (II) 61-3-445 to 61-3-332(10)(F);  
 4 (c) (III) 61-3-447 to 61-3-332(10)(b); and  
 5 (d) (IV) 61-3-451 to 61-3-332(10)(c); AND  
 6 (B) INSERT 61-3-332(10)(E);  
 7 (5) in 61-3-452, 61-3-453, 61-3-454, 61-3-455, and  
 8 61-3-504(2), change 61-3-451 to 61-3-332(10)(c);  
 9 (6) in 61-3-507, delete "and 61-3-505" at the end of  
 10 subsection (1) in the temporary version and at the end of  
 11 the permanent version.

-End-