

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 22, 1981

The third meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members were present, with the exception of Senator Tom Hager, who was excused.

CONSIDERATION OF HOUSE BILL NO. 47: Representative Quilici told the committee that House Bill No. 47 is an act to clarify the fees applicable to certain vehicles. The intent of the Legislature was that the Schedule of Fees for travel trailers and campers be (1) \$40 on a trailer less than 3 years old, and in all other cases the fee is \$15; (2) \$35 on a camper less than 3 years old and in all other cases the fee is \$15; and (3) the age of a travel trailer or camper is determined by subtracting the manufacturer's designated model year from the current calendar. The problem arose when some of the County Assessor's found another section of the law (61-10-208, see Exhibit "A") which pertains to special fees - housetrailer. It states in addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each housetrailer, based upon overall length of body as set by the licensee in his application, except as otherwise provided, a fee equal to 75 cents for each foot of overall trailer body length exclusive of bumpers and hitch. It is this section that this bill is repealing. Some of the County Assessor's concluded that a travel trailer or camper came under both 61-3-523 and 61-10-208, and thus in addition to the fee charged, they were also charged 75 cents a foot. He urged the committee pass this bill so that the taxpayer would not have to pay two fees on their travel trailers and camp trailers.

Senator Etchart asked if there were any other proponents to HB47. There were none.

Senator Etchart asked if there were any opponents to HB47. There were none.

Senator Etchart asked if there was a fiscal impact on HB47.

Representative Quilici passed out Exhibit "C", the Fiscal Note on HB47, which states: "It is felt that this proposal would have an insignificant fiscal impact and affect on expenditures."

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Senator Graham asked for clarification on the fees. He asked Representative Quilici: "In addition to the regular fee the Assessor was charging, they are also charging another fee of 75 cents a foot?"

Representative Quilici replied, yes. He reported that forty counties charged this additional fee. He again stated that this was not the intent of the Legislature. The intent was to fix a fee on the travel trailers and campers.

Senator Graham asked what date this would be in effect?

Representative Quilici did not know what date this would take effect, but assumed June 30 or July 1.

Senator Graham asked Paul Verdon to check out the date.

Representative Quilici said he would like to see the repealer on the bill by the time the people go to pay their fees on their campers and travel trailers.

Senator Healy said he thought July 1 would be kind of late, because a lot of people have already paid their fees and left, as soon as school gets out. He made the suggestion that we amend the bill so that if it passes it would be effective immediately.

Representative Quilici said if it would make the act a better act and help the people who are trying to get this fee fixed, then he would concur in an amendment.

Senator Etchart asked if there were any further questions. There being no further questions the hearing on HB47 was closed.

CONSIDERATION OF SENATE BILL NO. 157: Senator Graham, Chief Sponsor of Senate Bill No. 157, told the committee the purpose of SB157 is to clear up a small problem that has occurred with some insurance companies and some adjusters. It has two basic provisions, both in Section 1.

First of all, it provides that where an insurance company has possession of a motor vehicle because of a total loss, and it wishes to sell that motor vehicle to a third party, it must deliver a signed, notarized title to the buyer at the time of the sale.

Secondly, it also provides that if there is a lien on that title, the insurance company or its adjuster must also secure the release of the lien at the time it sells the automobile.

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Most insurance companies already follow the above procedure. However, some insurance companies or some adjusters will merely sell the vehicle and require the buyer to get ahold of the former owner so that the buyer can get a good clear title. Many times the original owner has left the area, or otherwise cannot find his title, and the buyer is stuck with an automobile that he cannot do anything with. Under this bill, the insurance company at the time it pays off the former owner will demand from that owner a signed, notarized title, and will also make sure that the bank releases the lien. If there is a lien on the title, the insurance company is going to make the check payable both to the owner and to the bank. Since both the owner and the bank will want their money, the insurance company is in a very good position to make sure that the properly released title is delivered over.

Under the present system, sometimes the buyer has to wait months before he can finally get a clear title, since the former owner already has his money, and generally is not too interested in going to a lot of work to clear up the title. This bill should not cause any problems for the insurance companies and really places no additional burden upon them.

In final analysis, if the insurance company cannot give a good clear title from the former owner, it should not be trying to sell the vehicle to an innocent third party.

Senator Graham then introduced Mr. William L. Romine, representing the Montana Automotive Dismantlers and Recyclers Association.

Mr. Romine told the committee he supported the bill for the following reasons: When an insurance company settles with the owner in a total loss situation, it is in the best position to get the owner to sign the automobile title and to get the release of the lien from the bank. Since the owner and the bank want their money, they will make sure the proper documents are signed. However, if the person who buys the automobile from the insurance company has to get the title cleared, he will have many more problems. The original owner will not be too interested in helping because he already has his money. If the insurance company failed to pay off the bank, it won't give a release. Most insurance companies already follow this procedure, and there is no reason all of them shouldn't.

Senator Etchart asked if there were any other proponents to SB157?

Mr. Raymond H. Dietz, representing Dietz Auto & Truck Salvage Inc., from Billings, MT, said he supported SB157 and

would like to make it manditory that when you purchase a motor vehicle that you get a clear and valid title for the vehicle. As of now, we get titles not signed properly, with no lien release and sometimes only Certificate of Salvage. This does not guarantee us that this unit is free and clear. We feel that the title was designed with a good purpose and feel it should be used in the full measure of which it was designed. He passed out to the committee sample titles that showed some of the mistakes on them. See Exhibit "F" for the titles.

Senator Etchart asked if there were any other proponents to SB157. There were none.

Senator Etchart asked if there were any opponents to SB157. There were none.

Senator Etchart asked if there were any questions from the committee.

Senator Etchart asked Mr. Romine would there be anyone opposed to this, such as the insurance companies.

Mr. Romine said he talked to Glen Drake, and he had no problems with the bill.

Senator Graham said he had also talked to Mr. Drake and there seemed to be no problem with the bill as far as they were concerned.

Senator Hazelbaker, said in his insurance business, he had never had a problem with this, but reported he thought this was a very good bill.

There being no further questions, the hearing on SB157 was closed.

CONSIDERATION OF SENATE BILL NO. 168: Senator Healy, Sponsor of SB168 told the committee this is an act to amend section 61-10-226, MCA, to require money received by the Department of Highways from the counties to be deposited in the Earmarked Revenue Fund. He introduced Mr. Jim Beck from the Department of Highways to talk about the bill.

Mr. Beck told the committee that SB168 was introduced at the request of the Department of Highways. The Groos Vehicle Weight Division of the Department of Highways collects fees at both the Department and County levels. Section 61-10-226, Montana Code Annotated requires in part that "Moneys received from the counties.....shall be deposited in the Federal and Private Revenue Fund to the credit of the department." Section 61-3-502, MCA, conflicts with that law,

as it states that new car sales taxes, which are collected by the counties, shall be deposited in the Earmarked Revenue Fund. The counties regularly deposit sales tax moneys as well as Gross Vehicle Weight fees in the Earmarked Revenue Fund.

He further stated that Section 1 of this bill amends subsection (3) of 61-10-226, Montana Code Annotated to remove the requirement that moneys received from counties be deposited in the Federal and Private Revenue Fund. A subsection (5) has been added to 61-10-226, Montana Code Annotated to state that moneys received from counties are to be deposited in the Earmarked Revenue Fund to the credit of the Department of Highways.

He said this bill was prompted by a recommendation from the Legislative auditor in his Audit of the Department of Highways.

Senator Etchart asked if there were any other proponents to SB168. There were none.

Senator Etchart asked if there were any opponents to SB168. There were none.

Senator Etchart asked if there were any questions from the committee. There were none.

There being no questions, the hearing on SB168 was closed.

CONSIDERATION OF SENATE BILL NO. 169: Senator Healy, Sponsor of SB169 told the committee this is an act to permit the deposit of proceeds received by the Department of Highways from sales of personal property in a revolving fund account. He introduced Mr. Jim Beck, Department of Highways, to talk about the bill.

Mr. Jim Beck, Department of Highways, told the committee Senate Bill No. 169 was introduced at the request of the Department of Highways. The purpose of this bill is to permit the moneys received from the sale of highway equipment and other personal property to be deposited in a revolving fund account rather than in the earmarked revenue fund.

He said this bill amends section 18-6-103, Montana Code Annotated. Under the provisions of that section at the present time money received from the sale of highway equipment and other personal property must be placed in the earmarked revenue fund. It is therefore not available for the purchase of equipment or personal property needed to replace that which has been sold.

He said this bill is in response to a recommendation from the Legislative Auditor which recommendation states on Page 56 of its Report of the Audit of the Department of Highways: "We recommend changing section 18-6-103, MCA, to allow the Motor Pool and Equipment Division to receive the proceeds from the sales of their vehicles and equipment."

Senator Etchart asked if there were any other proponents to SB169. There were none.

Senator Etchart asked if there were any opponents to SB169. There were none.

Senator Etchart asked if there were any questions from the committee.

Senator Healy asked if the money was to buy new equipment.

Jim Beck said yes.

Senator Elliott asked Mr. Beck if there was money appropriated.

Mr. Beck said yes, the money goes through the appropriation process.

There being no further question on SB169, the hearing was closed.

ACTION ON HOUSE BILL NO. 47:

Senator Etchart asked the committee if they would like to put an "immediate effective date" in this bill?

Senator Healy made the motion that an amendment to HB47 be made to the effect that the new bill become effective upon passage and approval.

Senator Etchart asked Paul Verdon to make such an amendment.

Senator Etchart asked if there was any discussion on the amendment. There was none.

The committee voted unanimously that the amendment to House Bill 47 be adopted.

Senator Healy made the motion that House Bill 47 be concurred in as amended.

The committee voted unanimously that House Bill 47 be concurred in as amended. The motion carried.

Amendment as follows:

1. Page 1.

Following: Line 18

Insert: "Section 2. Effective date. This act is effective on passage and approval."

ACTION ON SENATE BILL 157: Senator Graham made the motion that Senate Bill 157 Do Pass.

The committee voted unanimously that Senate Bill 157 Do Pass. The motion carried.

ACTION ON SENATE BILL NO. 168:

Senator Healy made the motion that Senate Bill 168 Do Pass.

The Committee voted unanimously that Senate Bill 168 Do Pass. The Motion carried.

ACTION ON SENATE BILL NO. 70:

Senator Etchart asked the Secretary, Carol Doyle Frasier, to read testimony from Bob Dennis on SB70. (See Exhibit "I").

Discussion followed. Senator Etchart asked the Secretary to read the testimony of Norris Nichols from the Minutes of the last meeting regarding this bill.

The committee talked about the problems with the Technical notes on the Fiscal Note.

Senator Manning felt that if the bill was passed, the state would loose control over the special fuel users.

Senator Tveit made the motion that Senate Bill 70 Do Not Pass. The Committee voted that Senate Bill 70 Do Not Pass by the following vote: Ayes: Etchart, Hazelbaker, Elliott, Tveit, Manning, Graham; Nays: Healy, Stimatz.

The Motion carried that Senate Bill 70 Do Not Pass.

OTHER BUSINESS:

Senator Etchart asked Senator Stimatz to carry HB47 on the floor of the Senate on Second Reading.

There will be no meeting of the Highways and Transportation Committee on Saturday, January 24, 1981.

January 22, 1981

ADJOURNMENT:

There being no further business, the meeting adjourned at
1:45 p.m.

M. E.

Senator Mark Etchart, Chairman

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-22-81

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	<i>Int. quies</i>		✓ <i>late</i>
SENATOR FRANK W. HAZELBAYER	✓		
SENATOR ROGER H. ELLIOTT	✓		
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING	✓ <i>late</i>		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY	✓ <i>late</i>		
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council	✓		

Each day attach to minutes.

Revised "A"

HB47

61-10-204. Special fees — pole trailers, lowboys, and livestock. There shall be paid and collected annually a fee equal to 75% of the fees provided in Schedule I and Schedule II above on pole trailers; trucks, truck tractors, trailers, and semitrailers used exclusively in hauling livestock and logs; truck tractors and lowboy trailers used exclusively in hauling equipment; and truck tractors drawing or hauling said lowboy trailers.

History: En. Sec. 6-204, Ch. 197, L. 1965; amd. Sec. 1, Ch. 187, L. 1969; R.C.M. 1947, 32-3304.

61-10-205. Special fees — haulers of ready-mix concrete. There shall be paid and collected annually a fee equal to 55% of the fees provided in Schedule I and Schedule II, as provided in 61-10-201 and 61-10-202, on concrete mixer trucks, concrete mixer trailers, and concrete mixer semitrailers used exclusively for hauling ready-mix or ready-to-pour concrete and truck tractors used exclusively in hauling concrete mixer semitrailers.

History: En. 32-3304.1 by Sec. 2, Ch. 187, L. 1969; amd. Sec. 1, Ch. 102, L. 1971; R.C.M. 1947, 32-3304.1.

61-10-206. Special fees — certain farm vehicles. Except for motortrucks owned and operated by cooperative associations or cooperative marketing associations, there shall be paid and collected annually a fee equal to 16% of the fees provided in Schedule I and Schedule II above on motortrucks, trailers, and semitrailers owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy, and on one truck tractor and lowboy trailer used by contractors engaged exclusively in soil conservation work and land leveling activities that result in direct benefit to agriculture. However, the minimum fee so paid shall be \$6. The terms "trailers and semitrailers" as used herein shall not include farm wagons.

History: En. Sec. 6-206, Ch. 197, L. 1965; amd. Sec. 1, Ch. 143, L. 1967; amd. Sec. 6, Ch. 2, Ex. L. 1967; R.C.M. 1947, 32-3306.

61-10-207. Special fees — buses. There shall be paid and collected annually for each bus or auto stage with the exception of school buses a fee of \$7 per seat, exclusive of the first seven seats and the operator, for the maximum adult seating capacity thereof, except that motor vehicles which are regularly used to haul freight and passengers shall be taxed upon the basis of the gross weight schedule established in 61-10-201. School buses shall not be exempt if they enter charter service.

History: En. Sec. 6-207, Ch. 197, L. 1965; R.C.M. 1947, 32-3307.

61-10-208. Special fees — house trailers. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each house trailer, based upon overall length of body as set by the licensee in his application, except as otherwise provided, a fee equal to 75 cents for each foot of overall trailer body length exclusive of bumpers and hitch.

History: En. Sec. 6-205, Ch. 197, L. 1965; amd. Sec. 5, Ch. 2, Ex. L. 1967; R.C.M. 1947, 32-3305.

61-3-521. Fee in lieu of tax for certain vehicles. (1) There is a fee in lieu of property tax imposed on motor homes, travel trailers, and campers. The fee is in addition to annual registration fees.

(2) The fee imposed by subsection (1) need not be paid by a dealer for vehicles that constitute inventory of the dealership.

History: En. Sec. 1, Ch. 712, L. 1979.

Compiler's Comments

Applicability. Sec. 31, Ch. 712, L. 1979, provided: "This act applies to motor homes, travel trailers, campers, and snowmobiles registered during and after 1980."

Incorporation into existing law. This section, 61-3-522, and 61-3-523, were enacted without

any codification instructions. The apparent intent of the Legislature was that they become part of Title 61, chapter 3, and the Code Commissioner has codified them accordingly. This arrangement may affect other sections in Chapter 3, including 61-3-601 and 61-3-602. See 1-11-103(4).

61-3-522. Schedule of fees for motor homes. (1) The owner of a motor home shall pay a fee based on the age of the motor home according to the following schedule:

less than 2 years old	\$200
2 years old and less than 3 years old	180
3 years old and less than 4 years old	145
4 years old and less than 5 years old	100
5 years old and less than 6 years old	75
6 years old and less than 7 years old	50
7 years old and less than 8 years old	25
8 years old and older	15

(2) The age of a motor home is determined by subtracting the manufacturer's designated model year from the current calendar year.

History: En. Sec. 2, Ch. 712, L. 1979.

61-3-523. Schedule of fees for travel trailers and campers. (1) The fee imposed by 61-3-521 on a travel trailer less than 3 years old is \$40. In all other cases the fee is \$15.

(2) The fee imposed by 61-3-521 on a camper less than 3 years old is \$35. In all other cases the fee is \$15.

(3) The age of a travel trailer or camper is determined by subtracting the manufacturer's designated model year from the current calendar year.

History: En. Sec. 3, Ch. 712, L. 1979.

FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, 19 81, there is hereby submitted a Fiscal Note for House Bill 47 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

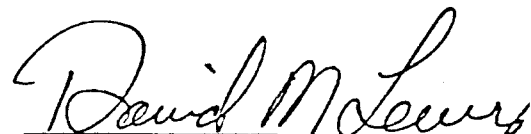
An act to clarify the fees applicable to certain vehicles.

FISCAL IMPACT

It is felt that this proposal would have an insignificant fiscal impact and affect on expenditures.

TECHNICAL NOTE

There is a possible need to clarify the definitions and distinctions between travel trailers and house trailers. Both have the same physical description but the difference is a matter of its use. (See 15-24-201 & 61-1-131 MCA)



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

TO: SENATOR GRAHAM
FROM: BILL ROMINE
SUBJECT: SENATE BILL 157

The purpose of SB157 is to clear up a small problem that has occurred with some insurance companies and some adjusters. It has two basic provisions, both in Section 1.

First of all, it provides that where an insurance company has possession of a motor vehicle because of a total loss, and it wishes to sell that motor vehicle to a third party, it must deliver a signed, notarized title to the buyer at the time of the sale.

Secondly, it also provides that if there is a lien on that title, the insurance company or its adjuster must also secure the release of the lien at the time it sells the automobile.

Most insurance companies already follow the above procedure. However, some insurance companies or some adjusters will merely sell the vehicle and require the buyer to get ahold of the former owner so that the buyer can get a good clear title. Many times the original owner has left the area, or otherwise cannot find his title, and the buyer is stuck with an automobile that he cannot do anything with. Under this Bill, the insurance company at the time it pays off the former owner will demand from that owner a signed, notarized title, and will also make sure that the bank releases the lien. If there is a lien on the title, the insurance company is going to make the check payable both to the owner and to the bank. Since both the owner and the bank will want their money, the insurance company is in a very good position to make sure that the properly released title is delivered over.

NAME: William L. Rorive DATE: 1-22-81

ADDRESS: P.O. Box 1691 Helena

PHONE: 442-2220

REPRESENTING WHOM? Mont. Automotive Dealers & Recyclers Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 157

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: the Assoc. supports SB 157. When an insurance co. settles with the owner in a total loss situation, it is in the best position to get the owner to sign the auto. title & to get the Release of the Lien from the bank. Since the owner & the bank want their money, they will make sure the proper documents are signed. However, if the person who buys the auto from the insurance company has to get the title cleared, he will have many more problems. The original owner will not be too interested in helping because he already has his money. If the insurance company failed to pay off the bank, it won't give a release. Most insurance companies already follow this procedure, and there is no reason all of them shouldn't.

NAME: Raymond H. Dietz DATE: 1/22/1981ADDRESS: 1104 Bench Blvd BillingsPHONE: 2431124REPRESENTING WHOM? Dietz Auto & Truck Salvage IncAPPEARING ON WHICH PROPOSAL: SB 157DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____COMMENTS: I support SB 157 to make it mandatorythat when you purchase a motor vehicle that you get aclear and valid title to this vehicle. I feel now weget titles not signed properly, with no loan releasesand sometimes only certificates of Salvage. This doesnot guarantee as this unit is second floor. We feelthat the title was designed with a good purpose andand it should be used in the full measure of which
it was designed.

Department of Justice
VALID CERTIFICATE OF TITLE

21
0061 0576

GCFRWY869640

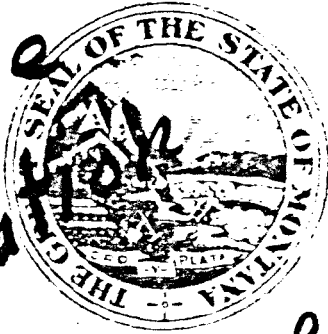
REG	MODEL	YEAR	TYPE
D	FIE	30	

001 DUPLICATE

ANY ALTERATION OR ERASURE WILL AUTOMATICALLY VOID THIS TITLE

54059

DATE ISSUED
07/18/80



NAME(S) AND ADDRESS OF REGISTERED OWNER(S)	
OLD COYOTE • LEONADA BOX 1317 BILLINGS	MT 59103
NAME AND ADDRESS OF FIRST SECURED PARTY	
FORD MOTOR CREDIT CO BOX 1576 BILLINGS MT	59101
Date and amount of security 11/26/79 115,296.33	
NAME AND ADDRESS OF SECOND SECURED PARTY	

this was ever paid

*Received
lease
Registration
From
Insurance
Co.*

and hereby certify that an
certificate of title has been
described herein
of the Motor Vehicle
and the registration
has been properly recorded as the
said vehicle
the vehicle is subject to
tests shown
the public
Official
RVL
Division of Motor Vehicles
or Vehicle Division
Montana 59722

6G25H187853

STATE OF MONTANA
Department of Justice
VALID CERTIFICATE OF TITLE

1137

TOR 20

029

ANY ALTERATION OR ERASURE WILL AUTOMATICALLY VOID THIS TITLE

NUMBER
3 2505

DATE ISSUED
12/05/79

NAME(S) AND ADDRESS OF REGISTERED OWNER(S)

LINDELL, VIRGIL
506 SO 33RD ST-
BILLINGS MT 59101

NAME AND ADDRESS OF FIRST SECURITY INTEREST

MIDLAND NATIONAL BANK
BOX 30678
BILLINGS MT

59101

Value of first security interest

11/29/79 3,774.00



Attached
1c in release
shows
paid

Received
Insurance
Clear

ASSIGNMENT OF
CERTIFICATE OF TITLE

THE VEHICLE DESCRIBED ON THE FACE OF THIS CERTIFICATE AND WARRANT TITLE TO SAID VEHICLE AND AT THE TIME OF DELIVERY THE SAME IS SUBJECT TO THE SECURITY INTERESTS SHOWN BELOW

I/WE FURTHER STATE THAT THE ODOMETER MILEAGE ON THIS VEHICLE IS _____ MILES
(CHECK THE FOLLOWING STATEMENT IF APPLICABLE) ☐ THE ACTUAL MILEAGE DIFFERS FROM THE ODOMETER READING FOR REASONS OTHER THAN ODOMETER CALIBRATION ERROR AND ACTUAL MILEAGE IS UNKNOWN

I/WE CERTIFY UNDER PENALTY OF LAW THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; AND THAT I AM/WE ARE THE SAME PERSON(S) NAMED ABOVE IN THIS PURCHASER'S APPLICATION

SIGNATURE OF SELLER (SIGN IN INK) Virgil Lindell DATE _____
SIGNATURE OF SELLER (SIGN IN INK) _____ DATE _____

NOTARY

NOTARY PUBLIC FOR THE STATE OF MONTANA, RESIDING AT _____
MY COMMISSION EXPIRES 8-1-82

DEALER RE-ASSIGNMENT

FOR VALUE OF _____ THE UNDERSIGNED DEALER HEREBY TRANSFERS TO _____ PURCHASER(S) _____
ADDRESS _____

THE VEHICLE DESCRIBED ON THE FACE OF THIS CERTIFICATE AND WARRANT TITLE TO SAID VEHICLE AND STATE THAT AT THE TIME OF DELIVERY THE SAME IS SUBJECT TO THE SECURITY INTERESTS SHOWN BELOW

I FURTHER STATE THAT THE ODOMETER MILEAGE ON THIS VEHICLE IS _____ MILES
(CHECK THE FOLLOWING STATEMENT IF APPLICABLE) ☐ THE ACTUAL MILEAGE DIFFERS FROM THE ODOMETER READING FOR REASONS OTHER THAN ODOMETER CALIBRATION ERROR AND ACTUAL MILEAGE IS UNKNOWN

I CERTIFY UNDER PENALTY OF LAW THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

SIGNATURE OF DEALER (SIGN IN INK) _____ DATE _____
DEALERS LICENSE NO. _____

PURCHASER'S APPLICATION

FIRST NAME	INITIAL	LAST NAME	FIRST NAME	INITIAL	LAST NAME
STREET/BOX/ROUTE			CITY OR TOWN		
COUNTY			STATE		ZIP

I HEREBY STATE THAT THIS VEHICLE IS SUBJECT TO THE SECURITY INTERESTS SHOWN BELOW

I/WE FURTHER STATE THAT I/WE HAVE COMPARED THE VIN (VEHICLE IDENTIFICATION NUMBER) SHOWN ON FACE OF THIS CERTIFICATE WITH THE MFG. VEHICLE IDENTIFICATION NUMBER AND THEY AGREE IN EVERY PARTICULAR

I/WE CERTIFY UNDER PENALTY OF LAW THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; AND THAT I AM/WE ARE THE SAME PERSON(S) NAMED ABOVE IN THIS PURCHASER'S APPLICATION

SIGNATURE OF APPLICANT (SIGN IN INK) _____ DATE _____
SIGNATURE OF APPLICANT (SIGN IN INK) _____ DATE _____

OTHER SECURITY INTEREST

AMOUNT OF LIEN \$ _____
DATE OF LIEN _____ KIND OF LIEN _____
NAME OF SECURED PARTY _____
ADDRESS _____
AMOUNT OF LIEN \$ _____
DATE OF LIEN _____ KIND OF LIEN _____
NAME OF SECURED PARTY _____
ADDRESS _____

ANY ALTERATION OR ERASURE WILL AUTOMATICALLY VOID THIS TITLE



DUPLICATE

The Recording of Liens Division of the
OFFICE OF THE REGISTRAR OF MOTOR VEHICLES
Deer Lodge, Montana

Acknowledge receipt and filing of the lien described below:

Title or File No. M846167
Vendor United Commerce Motors Inc
Address Billings, MT
Vendee Virgil Lindell
Address 506 So. 33rd St. - Billings, MT
Assignee: MIDLAND NATIONAL BANK, BILLINGS, MT.
Year and Make 1976 Ford Body Style 2dr
Ident No. 6825H187853
Deferred Balance 2774.00 Date of Instrument 11/23/79

TO THE REGISTRAR
You are hereby authorized to release from your records and mark "Satisfied" above lien number as it relates to the motor vehicle or vehicles described here.

Witness our hands this 31st day of March, 1980

MIDLAND NATIONAL BANK

By John Brewster

Subscribed and sworn to before me this 31st day of March, 1980

Mark Miller

Notary Public for the State of Montana

AFFIX
SEAL

Residing at Billings, Montana

My commission expires 10/1/81

Lein Release

OWNERS CERTIFICATE OF REGISTRATION AND TAX RECEIPT

Year	Model	Make	Model	Style	Color	Weight
9-12-78	PC	78 Ford	3dr	2dr	411	411
Vehicle Ident./Motor No.		Title Number		Ton		
9-31-80 6825H187853		M 846167				
V.I.D. No.		Equipment No.		G.V.W.		
000000						
Registered Owner's Name and Address						
Virgil Lindell 4 506 So. 33rd St. Billings, MT 59101						
Lienholder's Name and Address						
Midland Nat. Bank Box 30678 - Billings, MT						
Lien Amount	Market Value	Taxable Val	School Dist. No.	Mill Levy	Co.	
3774.00	Paid	3- 49296	In		3	
Date Issued	Valid By	Treas or Dep.	Signature of Registered Owner			
11/23/79	CB		<u>Virgil Lindell</u>			
F.O.B. Price						
R.P.O. ONLY - OUT OF STATE REGISTRATION INFORMATION						

NEW USE PERIOD

ANNUAL	(8) 3rd & 4th
QUARTERS	(7) 1st & 2nd
ONE QTR	(6) 2nd & 3rd
	(5) 2-3-4th (5) 1-2-3rd

G.V.W. CLASSES

(7) TRANS.	(3) 10%
(1) 100%	(4) SCH. 3
(2) 75%	(5) 55%

FEES PAID

Co. Tax	Pd
Reg. Fee	TR 9-30-80
G.V.W. Tax	
New Use Tax	
Title	
Junk Vehicle	2.00
Co. Total	2.00
Title	3.00
Lien	3.00
Pers. Plate	10.00

SAMPLE

Business---John Doe Salvage Company

Company is engaged in auto recycling and repairing and the sale of used cars, used auto parts and other mds.

Company is licensed as a Salvage Company in State of Montana.
Company is licensed as a used car dealer in the State of Montana.
Company is trying to comply with all laws governing their business.

Part of Law on titles for used car dealer--

(He shall also have in his possession a duly assigned certificate of title from the owner of said motor vehicle in accordance with another section of the act, from the time ~~by~~ when the motor vehicle is delivered to him until it has been disposed of by him)

Salvage Company buys cars or said vehicles from individuals or from Insurance Companies in the state of Montana and other states. Even though the said vehicle is wrecked or burned it still has a certificate of title issued to it by some state, ~~Ø~~ (unless it is stolen)

Some of the Insurance companies go to great trouble to help the salvage company comply with the title laws and receive from their insured a clear title which goes to the salvage company that buys the said vehicle.

But there are a few that do not and this is where the real problem is. They tell us there is no law that says they have to furnish the salvage company a clear title on any said vehicle. That is why the salvage dealers need this law.

Sample

ABC Insurance Co. 's insured has an accident and decided to sell the vehicle instead of repairing it. ABC hires XYZ adjusting firm to handle the sale. XYZ sells the salvage to John Doe Company. John Doe sends a check for the vehicle and expects to receive a clear title ~~sin~~ since he needs the clear title. XYZ sends the check to ABC for the vehicle and ABC does not get a title from the insured and John Doe Company is in trouble because he can't re-sell the vehicle and is also breaking the law of a used car dealer.

Montana Automotive Dismantlers, Recyclers Association
known as M A D R A

MADRA is trying to help John Doe Salvage Company comply with all the laws and in the event that later a vehicle without a title does cost the state of Montana more of the taxpayers money to take steps to finnaly get a title.

The Insurance Companies and Adjusting Firms should receive a title from the insured at the time the insured is paid for his vehicle.

Some Insurance Companies have written to Salvage Companies and told them that only Bills of Sale will be given to the Salvage Companies when they buy wrecked vehicles. Hear again the Salvage Company is a dealer and needs the title.

Senate Bill No. 168 was introduced at the request of the Department of Highways. The Gross Vehicle Weight Division of the Department of Highways collects fees at both the Department and County levels. Section 61-10-226, Montana Code Annotated requires in part that "Moneys received from the counties...shall be deposited in the Federal ^N and Private Revenue Fund to the credit of the department." Section 61-3-502, MCA, conflicts with that law, as it states that new car sales taxes, which are collected by the counties, shall be deposited in the Earmarked Revenue Fund. The counties regularly deposit sales tax moneys as well as Gross Vehicle Weight fees in the Earmarked Revenue Fund.

Section 1 of this bill amends subsection (3) of 61-10-226, Montana Code Annotated to remove the requirement that moneys received from counties be deposited in the Federal ^N and Private Revenue Fund. A subsection (5) has been added to 61-10-226, Montana Code Annotated to state that moneys received from counties are to be deposited in the Earmarked Revenue Fund to the credit of the Department of Highways.

This bill was prompted by a recommendation from the legislative auditor in his Audit of the Department of Highways.

Juni Beck

Exhibit "H"

Senate Bill No. 169 was introduced at the request of the Department of Highways. The purpose of this bill is to permit the moneys received from the sale of highway equipment and other personal property to be deposited in a revolving fund account rather than in the earmarked revenue fund.

This bill amends section 18-6-103, Montana Code Annotated. Under the provisions of that section at the present time money received from the sale of highway equipment and other personal property must be placed in the earmarked revenue fund. It is therefore not available for the purchase of equipment or personal property needed to replace that which has been sold.

This bill is in response to a recommendation from the legislative auditor which recommendation states on page 56 of its Report of the Audit of the Department of Highways:

"We recommend changing section 18-6-103, MCA, to allow the Motor Pool and Equipment Division to receive the proceeds from the sales of their vehicles and equipment."

JRB:snk:7G

NAME Bob Daniels BILL NO. SB 70
ADDRESS RT 2 Box 717 Libby MT 59923 DATE 1-21-81
WHOM DO YOU REPRESENT SELF
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Under the present conditions people are exempt from buying a bond for equipment that is designed for off highway use. We are required to fill out the reporting forms & maintain records.

I own a piece of equipment that is designed to operate off highway. Most of this type equipment operates under 100 miles per year on the highway.

When I fill out my forms for operating this machine 100 miles I am allowed 5 miles per gallon which would come to a grand total of 200 revenue for the state. (figuring $100 \text{ mi} \div 5 \text{ miles per gal} = 20 \text{ gal. @ } .10\text{¢} = 200$)

If I buy 25 gal of highway fuel which the tax is already paid on at the pump the state would owe me .50¢, because I would have paid tax on 5 gal. of fuel that I never used on the highway.

NAME Bob Dennis BILL NO. SB 70
 ADDRESS RT 2 Box 717 Libby, MT. 59923 DATE 1-21-81
 WHOM DO YOU REPRESENT Self
 SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I FEEL THAT THIS CREATES AN EXTRA BURDEN ON ME IN BOOKKEEPING & MAINTAINING RECORDS.
 IT ALSO ADDS TO STATE SPENDING SINCE THEY MUST HAVE PEOPLE TO EXAMINE & FILE THESE FORMS.
 NEITHER THE STATE OR MYSELF MAKE ANY MONEY OFF THE PRESENT SYSTEM.
 WITH SB 70, AT LEAST THE STATE WOULD GET SOME REVENUE AND COULD ELIMINATE SOME OF THEIR RECORDS & BOOKKEEPING.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-22-81 SB Bill No. 70 Time

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy		✓
Senator Stimatz		✓

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: Do NOT PASS

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-22-81 SB Bill No. 157 Time

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: Do Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-22-81 Senate Bill No. 160 Time 1:16

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: No Pass - Unanimously Passed

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATIONDate 1-22-81 SB Bill No. 169 Time _____

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: De Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-22-81 HB Bill No. 47 Time _____

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager		
Senator Frank Hazelbaker	✓	
Senator Elliott	✓	
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: ~~DE~~ BE Concurred in as Amended

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 22

1981

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill Bill No 70

Respectfully report as follows: That Senate Bill Bill No 70

~~DO PASS~~
DO NOT PASS

received 1-22-81

STANDING COMMITTEE REPORT

January 22

1981

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 157

Respectfully report as follows: That Senate Bill No. 157

DO PASS

received 1-22-81 JLE

STANDING COMMITTEE REPORT

January 22

1981

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 168

Respectfully report as follows: That Senate Bill No. 168

DO PASS

received 1-22-81 JWL

STANDING COMMITTEE REPORT

..... January 22 19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No 169

Respectfully report as follows: That Senate Bill No 169

DO PASS

received 1-22-81 JWC

STANDING COMMITTEE REPORT

January 22

1981

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 47

Respectfully report as follows: That House Bill No. 47

introduced bill no. 47 be amended as follows:

1. Page 1.

Following: Line 18

Insert: "Section 2. Effective date. This act is effective on
passage and approval."

And, as so amended,

~~DO PASS~~

BE CONCURRED IN