

1 HB BILL NO. 125
 2 INTRODUCED BY Walton White Secretary of Government
 3 Palmer Lynch Casey Keeler Jay
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE GRACE
 5 PERIOD FOR THE REGISTRATION OF MOTOR VEHICLES FROM 10 TO 20
 6 DAYS AND TO CHANGE THE FINE FOR FAILURE TO COMPLETE
 7 REGISTRATION DURING THE GRACE PERIOD FROM A GRADUATED SCALE
 8 TO A FIXED FINE OF \$15; AMENDING SECTIONS 53-109, 53-109.1,
 9 53-109.4, AND 53-147, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 53-109, R.C.M. 1947, is amended to
 13 read as follows:

14 "53-109. Transfer of title or interest. ~~(a)~~ (1) Upon a
 15 transfer of any title or interest of an owner ~~or owners~~ in or
 16 to a motor vehicle registered under the provisions of this
 17 act as hereinbefore required, the person ~~or persons~~ whose
 18 title or interest is to be transferred shall write ~~their~~ his
 19 ~~signatures~~ signature with pen and ink upon the certificate
 20 of ownership issued for such vehicle, in the appropriate
 21 space provided upon the reverse side of such certificate,
 22 and such signature shall be acknowledged before a notary
 23 public.

24 ~~(b)~~ (2) Within ~~ten~~ ~~(10)~~ 20 calendar days thereafter,
 25 the transferee shall forward both the certificate of

1 ownership so endorsed and the certificate of registration,
 2 together with the information required under ~~section~~ 53-107,
 3 to the county treasurer, who shall forward the same to the
 4 registrar, and no certificate of ownership and certificate
 5 of registration ~~shall~~ may be issued by the registrar of
 6 motor vehicles until the outstanding certificates are
 7 surrendered to that office or their loss established to his
 8 reasonable satisfaction. Failure to make such application
 9 within the ~~time provided herein shall subject~~ 20-day grace
 10 period subjects the transferee to a penalty of ~~ten dollars~~
 11 ~~(\$10) plus one dollar (\$1) for each additional day in which~~
 12 ~~said vehicle remains unregistered, not to exceed twenty five~~
 13 ~~dollars (\$25), said \$15. The penalty is to be collected by~~
 14 the county treasurer at the time of registration, and is in
 15 addition to the fees otherwise provided by law.

16 ~~(c)~~ (3) In the event of a transfer by operation of law
 17 of any title or interest of an owner of the legal title or
 18 owner in and to a motor vehicle as upon inheritance, devise,
 19 or bequest, order in bankruptcy or insolvency, execution
 20 sale, repossession upon default in the performance of the
 21 terms of a lease or executory sales contract, or otherwise
 22 than by voluntary act of the person whose title or interest
 23 is so transferred, the executor, administrator, receiver,
 24 trustee, sheriff or other representative or successor in
 25 interest of the person whose title or interest is so

HB125

1 transferred shall forward to the registrar of motor vehicles
 2 an application for registration in the form required for an
 3 original application for registration, together with a
 4 verified or certified statement of the transfer of such
 5 title or interest which statement shall set forth the reason
 6 for such involuntary transfer, the title or interest so
 7 transferred, the name or names of the person or persons to
 8 whom such title or interest is to be transferred, the
 9 process of procedure effecting such transfer, and such other
 10 information as may be requested by the registrar and with
 11 such statement shall be furnished such evidence and
 12 instruments as may otherwise be required by law to effect a
 13 transfer of legal or equitable title to or an interest in
 14 chattels as may be required in such cases, and in the event
 15 the registrar shall be satisfied that such transfer is
 16 regular and that all formalities as required by law have
 17 been complied with, he shall cause to be sent to the owner,
 18 conditional sales vendors, lessors, mortgagees, and other
 19 lienors, as shown by his records notice of such intended
 20 transfer and thereafter, but not less than ~~five~~ {5} days
 21 thereafter, shall register such motor vehicle and shall
 22 issue a new certificate of ownership and certificate of
 23 registration to the person or persons entitled thereto. The
 24 notice herein required shall be deemed complied with by
 25 deposit in the post office in Deer Lodge, Montana, such

1 notice postage prepaid, addressed to such person or persons
 2 at the respective addresses shown on his records.

3 {4} When the vehicle title that is involuntarily
 4 transferred is not registered in this state the procedure
 5 set forth above must be followed in applying for a new
 6 certificate of ownership and certificate of registration,
 7 but the registrar need not send notice of intended transfer
 8 and shall issue a new certificate of ownership and a new
 9 certificate of registration to the person entitled thereto.

10 {5} In the event of the death of an owner of one or
 11 more motor vehicles and/or trailer, and/or semitrailer,
 12 and/or trailer-house registered hereunder and not exceeding
 13 the value of ~~four thousand dollars~~ {4,000}, without leaving
 14 other property necessitating the procuring of letters of
 15 administration or letters testamentary, then the surviving
 16 husband or wife, or other heir, unless such property is by
 17 will otherwise bequeathed, may secure transfer of the
 18 certificate of ownership and the certificate of registration
 19 of the deceased, in and to such motor vehicle in the name of
 20 the surviving husband or wife or other heir, as above
 21 mentioned, upon filing with the registrar an affidavit of
 22 such person setting forth the fact of survivorship and the
 23 name and address of any other heirs and such other facts as
 24 are hereby made necessary to entitle the affiant to a
 25 transfer and thereupon the registrar is authorized to make

1 such transfer of the certificate of ownership and
2 certificate of registration, subject to all contracts,
3 leases, mortgages, or other liens as shown by his records.

4 ~~(c)~~ Nothing in the foregoing subdivision of this
5 section shall prevent any conditional sales vendor,
6 mortgagee, or other lienor from assigning his interest or
7 title in or to a motor vehicle registered under the
8 provisions of this act to any other person without the
9 consent of and without effecting the interest of the holder
10 of the certificate of ownership and certificate of
11 registration. Upon any conditional sales vendor, mortgagee,
12 or other lienor assigning his interest in any motor vehicle
13 registered under this act a copy of such assignment must be
14 filed with the registrar and record thereof made upon his
15 records.

16 ~~(d)(7)~~ Every person who transfers any motor vehicle to
17 a junk dealer for the purpose of scrapping said vehicle
18 shall so notify the registrar and deliver the certificate of
19 ownership and certificate of registration to the registrar
20 for cancellation."

21 Section 2. Section 53-109.1, R.C.M. 1947, is amended
22 to read as follows:

23 "53-109.1. Used motor vehicles -- transfer to and from
24 dealers. The provisions of ~~subdivision (b) of section~~
25 53-109.1 shall not apply in the event of the transfer of a

1 motor vehicle to a duly licensed automobile dealer intending
2 to resell such vehicle and who operates the same only for
3 demonstration purposes. In such cases, the dealer shall not
4 be required to make application for a new certificate of
5 ownership or for registration during the period of his
6 ownership of said vehicle, but upon his transfer of
7 ownership thereof to a person other than a licensed motor
8 vehicle dealer, the following acts shall be required of the
9 dealer on or before the times herein set forth:

10 (1) Prior to his delivery of the vehicle to the
11 purchaser, the dealer shall issue and affix to the rear
12 window of said vehicle a sticker in form to be prescribed by
13 the registrar, and containing the name and address of the
14 purchaser, date of sale, name and address of the dealer, and
15 a description of the vehicle, including its serial number.
16 There shall be imprinted upon said sticker in bold letters
17 the following statement: "IT IS UNLAWFUL TO PLACE LICENSE
18 PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF
19 THE COUNTY TREASURER." One copy of said sticker shall be
20 delivered by the dealer to the county treasurer in the
21 manner prescribed in subsection (2) hereof, and a copy shall
22 be retained by the dealer for his file.

23 (2) Within ~~three (3)~~ days following the date of
24 delivery of said vehicle, the dealer shall forward to the
25 county treasurer of the county where the purchaser resides,

1 the certificate of ownership and certificate of registration
 2 (if the same are then in his possession), with an
 3 application for registration executed by the new owner in
 4 accordance with the provisions of ~~section~~ 53-107, and a copy
 5 of the sticker affixed to said vehicle by the dealer, and
 6 the registrar, upon receipt of said documents from the
 7 county treasurer, together with the conditional sales
 8 contract or other lien, if any, shall issue a new
 9 certificate of ownership and certificate of registration
 10 together with a statement of any conditional sales contract,
 11 mortgage, or other lien as provided in said ~~section~~ 53-107.
 12 Transmission of said documents by the dealer to the county
 13 treasurer may be accomplished either by personal delivery or
 14 by first class mail, in which event they shall be deemed to
 15 have been delivered at the time of mailing.

16 (3) If the dealer is unable to forward the certificate
 17 of ownership and/or certificate of registration within the
 18 time set forth in subsection (2) hereof, because the same
 19 are lost, are in the possession of third parties, or are in
 20 process of reissuance in this state or elsewhere, he shall
 21 comply in all other respects with the provisions of ~~said~~
 22 subdivision (2) and shall forward the missing document or
 23 documents to the county treasurer, either personally or by
 24 first class mail, within ~~three (3)~~ days after their receipt.

25 Upon compliance by the dealer with the requirements set

1 forth in this section, title to said motor vehicle shall be
 2 deemed to have passed to the purchaser as of the date of the
 3 delivery of said vehicle to him by the dealer, and the
 4 dealer shall have no further liability or responsibility
 5 with respect to the processing of registration."

6 Section 3. Section 53-109.4, E.C.M. 1947, is amended
 7 to read as follows:

8 "53-109.4. Grace period — penalty. Any purchaser of a
 9 new or used motor vehicle from a duly licensed motor vehicle
 10 dealer shall have the grace period of ~~ten (10)~~ 20 calendar
 11 days from the date of purchase to make application for
 12 registration and to obtain registration plates, and it shall
 13 not be a violation of this chapter or any other law for such
 14 purchaser to operate such vehicle upon the streets and
 15 highways of this state without a certificate ~~or~~ of
 16 registration and registration plates during the ~~said ten~~
 17 ~~(10) day~~ 20-day period; provided that at all times during
 18 said period the sticker issued by the dealer at the time of
 19 purchase shall remain affixed to said vehicle as provided in
 20 section 3 [53-109.1]. Failure to make such application
 21 within the time provided herein ~~shall subject~~ subjects the
 22 purchaser to a penalty of ~~ten dollars (\$10), plus one dollar~~
 23 ~~(\$1) for each additional day in which said vehicle remains~~
 24 ~~unregistered, not to exceed twenty-five dollars (\$25), said~~
 25 \$15. The penalty is to be collected by the county treasurer

1 at the time of registration, and is in addition to the fees
2 otherwise provided by law."

3 Section 4. Section 53-147, R.C.M. 1947, is amended to
4 read as follows:

5 "53-147. New registration required for transferred
6 vehicle — grace period — penalty — display of proof of
7 purchase. Except as otherwise provided herein, the new owner
8 of the transferred motor vehicle shall have the grace period
9 of ~~ten (10)~~ 20 calendar days from the date of purchase to
10 make application and pay the registration fees and taxes as
11 provided by ~~section~~ 53-114, as if the same was being
12 registered for the first time in that registration year,
13 ~~and, provided, if~~ the motor vehicle was not purchased from a
14 duly licensed motor vehicle dealer as provided in this
15 chapter, it shall not be a violation of this chapter or any
16 other law for the purchaser to operate the vehicle upon the
17 streets and highways of this state without a certificate of
18 registration during the ~~ten (10) day~~ 20-day period;
19 provided, ~~however,~~ that at all times during that period a
20 bill of sale or other proof of purchase reciting the date of
21 purchase shall be clearly displayed in the rear window of
22 the motor vehicle at all times. Failure to make application
23 within the time provided herein shall subject the purchaser
24 to a penalty of ~~ten dollars (\$10), plus one dollar (\$1) for~~
25 ~~each additional day in which the vehicle remains~~

1 ~~unregistered, not to exceed twenty five dollars (\$25) \$15.~~
2 The penalty shall be collected by the county treasurer at
3 the time of registration, and shall be in addition to the
4 fees otherwise provided by law."

-End-

SECOND READING

MISSING

HOUSE BILL NO. 125

INTRODUCED BY WALDRON, UNDE, COURTNEY, J. GUNDERSON,
PALMER, LYNCH, COONEY, KESSLER, UNDERDAL, LCRT, ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE GRACE PERIOD FOR THE REGISTRATION OF MOTOR VEHICLES FROM 10 TO 20 DAYS; TO EXTEND THE TIME ALLOWED FOR A DEALER TO FORWARD REGISTRATION PAPERS; AND TO CHANGE THE FINE FOR FAILURE TO COMPLETE REGISTRATION DURING THE GRACE PERIOD FROM A GRADUATED SCALE TO A FIXED FINE OF \$15; AMENDING SECTIONS 53-109, 53-109.1, 53-109.4, AND 53-147, R.C.M. 1947."

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

Section 1. Section 53-109, R.C.M. 1947, is amended to read as follows:

"53-109. Transfer of title or interest. ~~(a)(1)~~ Upon a transfer of any title or interest of an owner ~~or owner~~ in or to a motor vehicle registered under the provisions of this act as hereinbefore required, the person ~~or persons~~ whose title or interest is to be transferred shall write ~~their~~ his ~~signatures~~ signature with pen and ink upon the certificate of ownership issued for such vehicle, in the appropriate space provided upon the reverse side of such certificate, and such signature shall be acknowledged before a notary public.

~~(b)(2)~~ Within ~~ten~~ ~~(10)~~ 20 calendar days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under ~~section~~ 53-107, to the county treasurer, who shall forward the same to the registrar, and no certificate of ownership and certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. Failure to make such application within the ~~time provided herein shall subject~~ 20-day grace period subjects the transferee to a penalty of ~~ten dollars~~ ~~(\$10)~~ ~~plus one dollar (\$1) for each additional day in which said vehicle remains unregistered, not to exceed twenty-five dollars (\$25), said~~ \$15. The penalty is to be collected by the county treasurer at the time of registration, and is in addition to the fees otherwise provided by law.

~~(c)(3)~~ In the event of a transfer by operation of law of any title or interest of an owner of the legal title or owner in and to a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver,

1 trustee, sheriff or other representative or successor in
 2 interest of the person whose title or interest is so
 3 transferred shall forward to the registrar of motor vehicles
 4 an application for registration in the form required for an
 5 original application for registration, together with a
 6 verified or certified statement of the transfer of such
 7 title or interest which statement shall set forth the reason
 8 for such involuntary transfer, the title or interest so
 9 transferred, the name or names of the person or persons to
 10 whom such title or interest is to be transferred, the
 11 process of procedure effecting such transfer, and such other
 12 information as may be requested by the registrar and with
 13 such statement shall be furnished such evidence and
 14 instruments as may otherwise be required by law to effect a
 15 transfer of legal or equitable title to or an interest in
 16 chattels as may be required in such cases, and in the event
 17 the registrar shall be satisfied that such transfer is
 18 regular and that all formalities as required by law have
 19 been complied with, he shall cause to be sent to the owner,
 20 conditional sales vendors, lessors, mortgagees, and other
 21 lienors, as shown by his records notice of such intended
 22 transfer and thereafter, but not less than ~~five~~ (5) days
 23 thereafter, shall register such motor vehicle and shall
 24 issue a new certificate of ownership and certificate of
 25 registration to the person or persons entitled thereto. The

1 notice herein required shall be deemed complied with by
 2 deposit in the post office in Deer Lodge, Montana, such
 3 notice postage prepaid, addressed to such person or persons
 4 at the respective addresses shown on his records.

5 (4) When the vehicle title that is involuntarily
 6 transferred is not registered in this state the procedure
 7 set forth above must be followed in applying for a new
 8 certificate of ownership and certificate of registration,
 9 but the registrar need not send notice of intended transfer
 10 and shall issue a new certificate of ownership and a new
 11 certificate of registration to the person entitled thereto.

12 (5) In the event of the death of an owner of one or
 13 more motor vehicles and/or trailer, and/or semitrailer,
 14 and/or trailer-house registered hereunder and not exceeding
 15 the value of ~~four thousand dollars~~ (\$4,000), without leaving
 16 other property necessitating the procuring of letters of
 17 administration or letters testamentary, then the surviving
 18 husband or wife, or other heir, unless such property is by
 19 will otherwise bequeathed, may secure transfer of the
 20 certificate of ownership and the certificate of registration
 21 of the deceased, in and to such motor vehicle in the name of
 22 the surviving husband or wife or other heir, as above
 23 mentioned, upon filing with the registrar an affidavit of
 24 such person setting forth the fact of survivorship and the
 25 name and address of any other heirs and such other facts as

1 are hereby made necessary to entitle the affiant to a
 2 transfer and thereupon the registrar is authorized to make
 3 such transfer of the certificate of ownership and
 4 certificate of registration, subject to all contracts,
 5 leases, mortgages, or other liens as shown by his records.

6 (6) Nothing in the foregoing subdivision of this
 7 section shall prevent any conditional sales vendor,
 8 mortgagee, or other lienor from assigning his interest or
 9 title in or to a motor vehicle registered under the
 10 provisions of this act to any other person without the
 11 consent of and without effecting the interest of the holder
 12 of the certificate of ownership and certificate of
 13 registration. Upon any conditional sales vendor, mortgagee,
 14 or other lienor assigning his interest in any motor vehicle
 15 registered under this act a copy of such assignment must be
 16 filed with the registrar and record thereof made upon his
 17 records.

18 ~~(4)~~ (7) Every person who transfers any motor vehicle to
 19 a junk dealer for the purpose of scrapping said vehicle
 20 shall so notify the registrar and deliver the certificate of
 21 ownership and certificate of registration to the registrar
 22 for cancellation."

23 Section 2. Section 53-109.1, R.C.M. 1947, is amended
 24 to read as follows:

25 "53-109.1. Used motor vehicles -- transfer to and from

1 dealers. The provisions of ~~subdivision (4) of section~~
 2 53-109(2) shall not apply in the event of the transfer of a
 3 motor vehicle to a duly licensed automobile dealer intending
 4 to resell such vehicle and who operates the same only for
 5 demonstration purposes. In such cases, the dealer shall not
 6 be required to make application for a new certificate of
 7 ownership or for registration during the period of his
 8 ownership of said vehicle, but upon his transfer of
 9 ownership thereof to a person other than a licensed motor
 10 vehicle dealer, the following acts shall be required of the
 11 dealer on or before the times herein set forth:

12 (1) Prior to his delivery of the vehicle to the
 13 purchaser, the dealer shall issue and affix to the rear
 14 window of said vehicle a sticker in form to be prescribed by
 15 the registrar, and containing the name and address of the
 16 purchaser, date of sale, name and address of the dealer, and
 17 a description of the vehicle, including its serial number.
 18 There shall be imprinted upon said sticker in bold letters
 19 the following statement: "IT IS UNLAWFUL TO PLACE LICENSE
 20 PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF
 21 THE COUNTY TREASURER." One copy of said sticker shall be
 22 delivered by the dealer to the county treasurer in the
 23 manner prescribed in subsection (2) hereof, and a copy shall
 24 be retained by the dealer for his file.

25 (2) Within ~~three (3)~~ 4 WORKING days following the date

1 of delivery of said vehicle, the dealer shall forward to the
 2 county treasurer of the county where the purchaser resides,
 3 the certificate of ownership and certificate of registration
 4 (if the same are then in his possession), with an
 5 application for registration executed by the new owner in
 6 accordance with the provisions of ~~section~~ 53-107, and a copy
 7 of the sticker affixed to said vehicle by the dealer, and
 8 the registrar, upon receipt of said documents from the
 9 county treasurer, together with the conditional sales
 10 contract or other lien, if any, shall issue a new
 11 certificate of ownership and certificate of registration
 12 together with a statement of any conditional sales contract,
 13 mortgage, or other lien as provided in said ~~section~~ 53-107.
 14 Transmission of said documents by the dealer to the county
 15 treasurer may be accomplished either by personal delivery or
 16 by first class mail, in which event they shall be deemed to
 17 have been delivered at the time of mailing.

18 (3) If the dealer is unable to forward the certificate
 19 of ownership and/or certificate of registration within the
 20 time set forth in subsection (2) hereof, because the same
 21 are lost, are in the possession of third parties, or are in
 22 process of reissuance in this state or elsewhere, he shall
 23 comply in all other respects with the provisions of said
 24 subdivision (2) and shall forward the missing document or
 25 documents to the county treasurer, either personally or by

1 first class mail, within ~~three~~(3) days after their receipt.

2 Upon compliance by the dealer with the requirements set
 3 forth in this section, title to said motor vehicle shall be
 4 deemed to have passed to the purchaser as of the date of the
 5 delivery of said vehicle to him by the dealer, and the
 6 dealer shall have no further liability or responsibility
 7 with respect to the processing of registration."

8 Section 3. Section 53-109.4, R.C.M. 1947, is amended
 9 to read as follows:

10 "53-109.4. Grace period -- penalty. Any purchaser of a
 11 new or used motor vehicle from a duly licensed motor vehicle
 12 dealer shall have the grace period of ~~ten~~(10) 20 calendar
 13 days from the date of purchase to make application for
 14 registration and to obtain registration plates, and it shall
 15 not be a violation of this chapter or any other law for such
 16 purchaser to operate such vehicle upon the streets and
 17 highways of this state without a certificate ~~of~~ of
 18 registration and registration plates during the ~~said ten~~
 19 ~~(10)-day~~ 20-day period; provided that at all times during
 20 said period the sticker issued by the dealer at the time of
 21 purchase shall remain affixed to said vehicle as provided in
 22 section 3 [53-109.1]. Failure to make such application
 23 within the time provided herein ~~shall subject~~ subjects the
 24 purchaser to a penalty of ~~ten dollars (\$10), plus one dollar~~
 25 ~~(\$1) for each additional day in which said vehicle remains~~

1 ~~unregistered, not to exceed twenty five dollars (\$25), said~~
 2 ~~\$15.~~ The penalty is to be collected by the county treasurer
 3 at the time of registration, and is in addition to the fees
 4 otherwise provided by law."

5 Section 4. Section 53-147, R.C.M. 1947, is amended to
 6 read as follows:

7 "53-147. New registration required for transferred
 8 vehicle — grace period — penalty — display of proof of
 9 purchase. Except as otherwise provided herein, the new owner
 10 of the transferred motor vehicle shall have the grace period
 11 of ~~ten (10)~~ 20 calendar days from the date of purchase to
 12 make application and pay the registration fees and taxes as
 13 provided by ~~section~~ 53-114, as if the same was being
 14 registered for the first time in that registration year,
 15 ~~and, provided, if~~ the motor vehicle was not purchased from a
 16 duly licensed motor vehicle dealer as provided in this
 17 chapter, it shall not be a violation of this chapter or any
 18 other law for the purchaser to operate the vehicle upon the
 19 streets and highways of this state without a certificate of
 20 registration during the ~~ten (10) day~~ 20-day period;
 21 provided, ~~however,~~ that at all times during that period a
 22 bill of sale or other proof of purchase reciting the date of
 23 purchase shall be clearly displayed in the rear window of
 24 the motor vehicle at all times. Failure to make application
 25 within the time provided herein shall subject the purchaser

1 to a penalty of ~~ten dollars (\$10), plus one dollar (\$1) for~~
 2 ~~each additional day in which the vehicle remains~~
 3 ~~unregistered, not to exceed twenty five dollars (\$25) \$15.~~
 4 The penalty shall be collected by the county treasurer at
 5 the time of registration, and shall be in addition to the
 6 fees otherwise provided by law."

-End-

March 2, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 125 be amended as follows:

1. Amend page 2, section 1, line 10.

Following: "satisfaction."

Strike: "Failure"

Insert: "When transfer is a licensed dealer, failure"

HOUSE BILL NO. 125

INTRODUCED BY WALDRON, UMDE, COURTNEY, J. GUNDERSON,
PALMER, LYNCH, COONEY, KESSLER, UNDERDAL, LORY, ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE GRACE PERIOD FOR THE REGISTRATION OF MOTOR VEHICLES FROM 10 TO 20 DAYS; ~~TO EXTEND THE TIME ALLOWED FOR A DEALER TO FORWARD REGISTRATION PAPERS;~~ AND TO CHANGE THE FINE FOR FAILURE TO COMPLETE REGISTRATION DURING THE GRACE PERIOD FROM A GRADUATED SCALE TO A FIXED FINE OF ~~\$15 \$10~~; AMENDING SECTIONS 53-109, 53-109.1, 53-109.4, AND 53-147, R.C.M. 1947."

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

Section 1. Section 53-109, R.C.M. 1947, is amended to read as follows:

"53-109. Transfer of title or interest. ~~(a)(1)~~ Upon a transfer of any title or interest of an owner ~~or owner~~ in or to a motor vehicle registered under the provisions of this act as hereinbefore required, the person ~~or persons~~ whose title or interest is to be transferred shall write their ~~his~~ signatures signature with pen and ink upon the certificate of ownership issued for such vehicle, in the appropriate space provided upon the reverse side of such certificate, and such signature shall be acknowledged before a notary

public.

~~(b)(2)~~ Within ~~ten--(10)~~ 20 calendar days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under ~~section~~ 53-107, to the county treasurer, who shall forward the same to the registrar, and no certificate of ownership and certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. ~~Failure~~ ~~WHEN--TRANSFEROR--IS--A~~ ~~LICENSED-DEALER, FAILURE~~ FAILURE to make such application within the ~~time provided herein shall subject~~ 20-day grace period subjects the transferee to a penalty of ~~ten--dollars~~ ~~(10)--plus one dollar (1) for each additional day in which~~ ~~said vehicle remains unregistered, not to exceed twenty-five~~ ~~dollars (25), said~~ \$15 \$10. The penalty is to be collected by the county treasurer at the time of registration, and is in addition to the fees otherwise provided by law.

~~(c)(3)~~ In the event of a transfer by operation of law of any title or interest of an owner of the legal title or owner in and to a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise

FINAL PRINTING

ADOPTED BY
HOUSE OF REPRESENTATIVES
AND SENATE

1 than by voluntary act of the person whose title or interest
 2 is so transferred, the executor, administrator, receiver,
 3 trustee, sheriff or other representative or successor in
 4 interest of the person whose title or interest is so
 5 transferred shall forward to the registrar of motor vehicles
 6 an application for registration in the form required for an
 7 original application for registration, together with a
 8 verified or certified statement of the transfer of such
 9 title or interest which statement shall set forth the reason
 10 for such involuntary transfer, the title or interest so
 11 transferred, the name or names of the person or persons to
 12 whom such title or interest is to be transferred, the
 13 process of procedure effecting such transfer, and such other
 14 information as may be requested by the registrar and with
 15 such statement shall be furnished such evidence and
 16 instruments as may otherwise be required by law to effect a
 17 transfer of legal or equitable title to or an interest in
 18 chattels as may be required in such cases, and in the event
 19 the registrar shall be satisfied that such transfer is
 20 regular and that all formalities as required by law have
 21 been complied with, he shall cause to be sent to the owner,
 22 conditional sales vendors, lessors, mortgagees, and other
 23 lienors, as shown by his records notice of such intended
 24 transfer and thereafter, but not less than five-~~(5)~~ days
 25 thereafter, shall register such motor vehicle and shall

1 issue a new certificate of ownership and certificate of
 2 registration to the person or persons entitled thereto. The
 3 notice herein required shall be deemed complied with by
 4 deposit in the post office in Deer Lodge, Montana, such
 5 notice postage prepaid, addressed to such person or persons
 6 at the respective addresses shown on his records.

7 (4) When the vehicle title that is involuntarily
 8 transferred is not registered in this state the procedure
 9 set forth above must be followed in applying for a new
 10 certificate of ownership and certificate of registration,
 11 but the registrar need not send notice of intended transfer
 12 and shall issue a new certificate of ownership and a new
 13 certificate of registration to the person entitled thereto.

14 (5) In the event of the death of an owner of one or
 15 more motor vehicles and/or trailers and/or semitrailers
 16 and/or trailer-house registered hereunder and not exceeding
 17 the value of ~~four-thousand-dollars-(\$4,000)~~, without leaving
 18 other property necessitating the procuring of letters of
 19 administration or letters testamentary, then the surviving
 20 husband or wife, or other heir, unless such property is by
 21 will otherwise bequeathed, may secure transfer of the
 22 certificate of ownership and the certificate of registration
 23 of the deceased, in and to such motor vehicle in the name of
 24 the surviving husband or wife or other heir, as above
 25 mentioned, upon filing with the registrar an affidavit of

1 such person setting forth the fact of survivorship and the
 2 name and address of any other heirs and such other facts as
 3 are hereby made necessary to entitle the affiant to a
 4 transfer and thereupon the registrar is authorized to make
 5 such transfer of the certificate of ownership and
 6 certificate of registration, subject to all contracts,
 7 leases, mortgages, or other liens as shown by his records.

8 (6) Nothing in the foregoing subdivision of this
 9 section shall prevent any conditional sales vendor,
 10 mortgagee, or other lienor from assigning his interest or
 11 title in or to a motor vehicle registered under the
 12 provisions of this act to any other person without the
 13 consent of and without effecting the interest of the holder
 14 of the certificate of ownership and certificate of
 15 registration. Upon any conditional sales vendor, mortgagee,
 16 or other lienor assigning his interest in any motor vehicle
 17 registered under this act a copy of such assignment must be
 18 filed with the registrar and record thereof made upon his
 19 records.

20 ~~(7)~~ (7) Every person who transfers any motor vehicle to
 21 a junk dealer for the purpose of scrapping said vehicle
 22 shall so notify the registrar and deliver the certificate of
 23 ownership and certificate of registration to the registrar
 24 for cancellation."

25 Section 2. Section 53-109.1, R.C.M. 1947, is amended

1 to read as follows:

2 "53-109.1. Used motor vehicles -- transfer to and from
 3 dealers. The provisions of ~~subdivision (b) of section~~
 4 53-109(2) shall not apply in the event of the transfer of a
 5 motor vehicle to a duly licensed automobile dealer intending
 6 to resell such vehicle and who operates the same only for
 7 demonstration purposes. In such cases, the dealer shall not
 8 be required to make application for a new certificate of
 9 ownership or for registration during the period of his
 10 ownership of said vehicle, but upon his transfer of
 11 ownership thereof to a person other than a licensed motor
 12 vehicle dealer, the following acts shall be required of the
 13 dealer on or before the times herein set forth:

14 (1) Prior to his delivery of the vehicle to the
 15 purchaser, the dealer shall issue and affix to the rear
 16 window of said vehicle a sticker in form to be prescribed by
 17 the registrar and containing the name and address of the
 18 purchaser, date of sale, name and address of the dealer, and
 19 a description of the vehicle, including its serial number.
 20 There shall be imprinted upon said sticker in bold letters
 21 the following statement: "IT IS UNLAWFUL TO PLACE LICENSE
 22 PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF
 23 THE COUNTY TREASURER." One copy of said sticker shall be
 24 delivered by the dealer to the county treasurer in the
 25 manner prescribed in subsection (2) hereof, and a copy shall

1 be retained by the dealer for his file.

2 (2) Within ~~three~~ 4 WORKING days following the date
3 of delivery of said vehicle, the dealer shall forward to the
4 county treasurer of the county where the purchaser resides
5 the certificate of ownership and certificate of registration
6 (if the same are then in his possession); with an
7 application for registration executed by the new owner in
8 accordance with the provisions of section 53-107, and a copy
9 of the sticker affixed to said vehicle by the dealer, and
10 the registrar, upon receipt of said documents from the
11 county treasurer, together with the conditional sales
12 contract or other lien, if any, shall issue a new
13 certificate of ownership and certificate of registration
14 together with a statement of any conditional sales contract,
15 mortgage, or other lien as provided in said section 53-107.
16 Transmission of said documents by the dealer to the county
17 treasurer may be accomplished either by personal delivery or
18 by first class mail, in which event they shall be deemed to
19 have been delivered at the time of mailing.

20 (3) If the dealer is unable to forward the certificate
21 of ownership and/or certificate of registration within the
22 time set forth in subsection (2) hereof, because the same
23 are lost, are in the possession of third parties, or are in
24 process of reissuance in this state or elsewhere, he shall
25 comply in all other respects with the provisions of said

1 subdivision (2) and shall forward the missing document or
2 documents to the county treasurer, either personally or by
3 first class mail, within ~~three~~ 3 days after their receipt.

4 Upon compliance by the dealer with the requirements set
5 forth in this section, title to said motor vehicle shall be
6 deemed to have passed to the purchaser as of the date of the
7 delivery of said vehicle to him by the dealer, and the
8 dealer shall have no further liability or responsibility
9 with respect to the processing of registration.*

10 Section 3. Section 53-109.4, R.C.M. 1947, is amended
11 to read as follows:

12 *53-109.4. Grace period -- penalty. Any purchaser of a
13 new or used motor vehicle from a duly licensed motor vehicle
14 dealer shall have the grace period of ~~ten~~ 20 calendar
15 days from the date of purchase to make application for
16 registration and to obtain registration plates, and it shall
17 not be a violation of this chapter or any other law for such
18 purchaser to operate such vehicle upon the streets and
19 highways of this state without a certificate or of
20 registration and registration plates during the ~~said~~
21 ~~ten~~ 20-day period; provided that at all times during
22 said period the sticker issued by the dealer at the time of
23 purchase shall remain affixed to said vehicle as provided in
24 section 3 [53-109.1]. Failure to make such application
25 within the time provided herein ~~shall~~ subject the

1 purchaser to a penalty of ~~ten dollars-(\$10)-plus one dollar~~
 2 ~~(\$1)-for--each--additional--day--in--which--said--vehicle--remains~~
 3 ~~unregistered, not to exceed twenty-five dollars-(\$25)-said~~
 4 ~~\$15 \$10.~~ The penalty is to be collected by the county
 5 treasurer at the time of registration and is in addition to
 6 the fees otherwise provided by law."

7 Section 4. Section 53-147, R.C.M. 1947, is amended to
 8 read as follows:

9 "53-147. New registration required for transferred
 10 vehicle -- grace period -- penalty -- display of proof of
 11 purchase. Except as otherwise provided herein, the new owner
 12 of the transferred motor vehicle shall have the grace period
 13 of ~~ten--(\$10)~~ 20 calendar days from the date of purchase to
 14 make application and pay the registration fees and taxes as
 15 provided by section 53-114, as if the same was being
 16 registered for the first time in that registration year
 17 ~~and provided.~~ If the motor vehicle was not purchased from a
 18 duly licensed motor vehicle dealer as provided in this
 19 chapter, it shall not be a violation of this chapter or any
 20 other law for the purchaser to operate the vehicle upon the
 21 streets and highways of this state without a certificate of
 22 registration during the ~~ten--(\$10)--day~~ 20-day period;
 23 provided, however, that at all times during that period a
 24 bill of sale or other proof of purchase reciting the date of
 25 purchase shall be clearly displayed in the rear window of

1 the motor vehicle at all times. Failure to make application
 2 within the time provided herein shall subject the purchaser
 3 to a penalty of ~~ten dollars-(\$10)-plus one dollar-(\$1)-for~~
 4 ~~each--additional--day--in--which--the--vehicle--remains~~
 5 ~~unregistered, not to exceed twenty-five dollars-(\$25) \$15~~
 6 \$10. The penalty shall be collected by the county treasurer
 7 at the time of registration and shall be in addition to the
 8 fees otherwise provided by law."

-End-