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read as follows:

LC 0661/01

45th Legislature

SECTIONS 69-6801 AND 69-6805, R.C.M. 1947."

buying, selling, or dealing in four (4) or more vehicles per

year of a type required to be licensed, for the purpose of

wrecking, dismantling, disassembling, or substantially

changing the form of the motor vehicle, or which buys or

sells integral second-hand parts or component material

thereof, in whole or in part, and deals in second-hand motor

vehicle parts. A facility which buys or sells integral

secondhand parts or component material of a motor vehicle.

in whole or in parts is a motor vehicle wrecking facility

whether or not the buying or selling price is based upon

weight or any other type of classification. The term does

not include a garage where wrecked or disabled motor

INTRODUCED BY MULAR Brand Mark Kanchich 1 vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a 2 3 junkyard. A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE 4 (2) "Motor vehicle graveyard" means a collection point LAWS RELATING TO MOTOR VEHICLE WRECKING FACILITIES; AMENDING 5 for junk motor vehicles prior to their disposal. (3) "Junk vehicle" means either a discarded, ruined, 6 7 wrecked, or dismantled vehicle, or vehicle substantially changed in form by removal of parts or component materials, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 9 Section 1. Section 69-6801, R.C.M. 1947, is amended to and in either case that remains in public view which is not 10 lawfully and validly licensed and remains inoperative or #69-6801. Definitions. Unless the context requires 11 incapable of being driven excluding antique vintage and 12 classic vehicles. otherwise, in this act the following definitions apply: (1) "Motor vehicle wrecking facility" means a facility

13 (4) "Person" means any individual, firm, partnership, 14 association, corporation, or any other entity whether 15 organized for profit or not.

16 (5) "Department" means the department of health and 17 environmental sciences provided for in title 82A+ chapter 13 6."

19 Section 2. Section 69-6805; R.C.M. 1947; is amended to 20 read as follows:

21 *69-6805. County to provide motor vehicle gravevards -- consolidation -- budget. (1) (a) Each county shall 22 23 acquire, develop, and maintain property for free motor 24 vehicle graveyards*: but any such contract may be entered 25 into only with a motor vehicle wrecking facility licensed

INTRODUCED BILL

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HBADS

1 <u>under the provisions of this chapter.</u> The property may be 2 acquired by purchase, lease, or otherwise.

3 (b) As an alternative, the county may contract for the
 4 maintenance and operation of a motor vehicle graveyard or
 5 graveyards.

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

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

(2) (a) A county shall submit to the department for
approval a plan for the collection of junk vehicles and the
establishment and operation of the motor vehicle graveyard.
(b) Prior to June 15, the county shall submit to the
department for approval a proposed budget for the succeeding

20 (c) Any proposed change in the budget or plan must be

fiscal year.

19

21 approved by the department.

22 (d) The budget shall be for the amounts required by
23 the county for collection costs and acquisition,
24 maintenance, and operation of the graveyard."

25 Section 3. There is a new R. C. M. section numbered

1 69-6813 that reads as follows:

2 69-6813. Damaged motor vehicle -- disposition. An
3 insurance company settling an insurance claim on a damaged
4 motor vehicle as a total loss. less salvage, may dispose of
5 the vehicle only at a motor vehicle wrecking facility
6 licensed under this chapter, except:

7 (1) when, under the terms of settlement of the 8 insurance claim, the owner of the damaged motor vehicle 9 retains ownership of the vehicle if such settlement terms 10 are not part of a plan or scheme to defeat the provisions of 11 this section; 12 (2) when the disposition of the damaged motor vehicle

- 13 is to a person whose ordinary business activities do not 14 include the buying or selling of damaged motor vehicles or
- 15 their component parts.

-End-

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HE 0308/02

Approved by Committee on <u>Business and Industry</u>

1 HOUSE BILL NO. 308 INTRODUCED BY MULAR, BRAND, MABKS, KANDUCH, COONEY 2 3 ш A PILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE 5 LAWS RELATING TO MOTOR VEHICLE WRECKING PACILITIES: AMENDING 6 SECTIONS 69-6801 AND 69-6805. R.C.M. 1947." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 69-6801, R.C.N. 1947, is amended to 10 read as follows; 11 "69-6801. Definitions. Unless the context requires 12 otherwise, in this act the following definitions apply: 13 (1) "Notor vehicle wrecking facility" means a facility 14 buying, selling, or dealing in four (4) or more vehicles per 15 year of a type required to be licensed, for the purpose of 16 wrecking, dismantling, disassembling, or substantially 17 changing the form of the motor vehicle, or which buys or 18 sells integral second-hand parts or component material thereof, in whole or in part, and deals in second-hand motor 19 vehicle parts. A facility which buys or sells integral 20 21 secondhand parts or component material of a motor vehicle. 22 in whole or in part, is a motor vehicle wrecking facility 23 whether or not the buying or selling price is based upon weight or any other type of classification. The term does 24 25 not include a garage where wrecked or disabled motor

SECOND READING

vehicles are temporarily stored for a reasonable period of
 time for inspection, repairs, or subsequent removal to a
 junkyard.

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

6 (3) "Junk vehicle" means either a discarded, ruined, 7 wrecked, or dismantled vehicle, or vehicle substantially 8 changed in form by removal of parts or component materials, 9 and in either case that remains in public view which is not 10 lawfully and validly licensed and remains inoperative or 11 incapable of being driven excluding antique vintage and 12 classic vehicles.

13 (4) "Person" means any individual, firm, partnership,
14 association, corporation, or any other entity whether
15 organized for profit cr not.

16 (5) "Department" means the department of health and
17 environmental sciences provided for in title 82A, chapter
18 6."

19 Section 2. Section 69-6805, R.C.M. 1947, is amended to20 read as follows:

**69-6805. County to provide motor vehicle graveyards
 consolidation — budget. (1) (a) Each county shall
 acquire, develop, and maintain property for free motor
 vehicle graveyards-<u>x_but_apy_such_contract_may_be_entered</u>
 <u>into-only_with_a_motor_vehicle_wrecking_facility_licenced</u>

-2- HB 308

<u>under_the_provisions_of_this_chapter</u>, The property may be
 acquired by purchase, lease, or otherwise.

3 (b) As an alternative, the county may contract for the
4 maintenance and operation of a motor vehicle graveyard cr
5 graveyards, BUT ANY SUCH CONTRACT MAY BE ENTERED INTO ONLY
6 WITH A NOTOR VEHICLE WRECKING PACILITY LICENSED UNDER THE
7 PROVISIONS OF THIS CHAPTER.

8 (c) Two (2) or more counties may join to form a 9 district for the purpose stated in this section. If a 10 district is formed, all provisions of this act pertaining to 11 a county also apply to a district formed under this 12 subsection.

13 (d) When there is an accumulation of at least two
14 hundred (200) junk webicles in the graveyard, the county
15 shall notify the department for disposal purposes.

16 (2) (a) A county shall submit to the department for
17 approval a plan for the collection of junk vehicles and the
18 establishment and operation of the motor vehicle graveyard.

(b) Prior to June 15, the county shall submit to the
department for approval a proposed budget for the succeeding
fiscal year.

22 (c) Any proposed change in the budget or plan must be23 approved by the department.

24 (d) The budget shall be for the amounts required by25 the county for collection costs and acquisition,

-3-

HB 308

1 maintenance, and operation of the graveyard."

Section 3. There is a new R. C. M. section numbered
69-6813 that reads as follows:

69-6813. Camaged motor vehicle -- disposition. An
insurance company settling an insurance claim on a damaged
motor vehicle as a total loss, less salvage, may dispose of
the vehicle only at a motor vehicle wrecking facility
licensed under this chapter, except:

9 (1) when, under the terms of settlement of the 10 insurance claim, the owner of the damaged motor wehicle 11 retains cwnership of the wehicle if such settlement terms 12 are not part of a plan or scheme to defeat the provisions of 13 this section;

14 (2) when the disposition of the damaged motor vehicle
15 is to a person whose ordinary business activities do not
16 include the buying or selling of damaged motor vehicles or
17 their component parts.

-End-

HB 0308/02

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1	HCUSE BILL NC. 308	1	vehicles are temp
2	INTRODUCED BY MULAR, BRAND, MARKS, KANDUCH, COGNEY	2	time for inspection,
3		3	junkyard.
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE	4	(2) "Notor Vel
5	LAWS RELATING TO MOTOD VEHICLE WRECKING FACILITIES; AMENDING	5	for junk motor webic
6	SECTIONS 69-6801 AND 69-6805, R.C.M. 1947."	6	(3) "Jank vel
7		7	wrecked, or dismant:
8	BE IT ENACTED BY THE LEGISLATORE OF THE STATE OF MONTANA:	8	changed in form by
9	Section 1. Section 69-6801, R.C.M. 1947, is amended to	9	and in either case (
10	read as follows:	10	lawfully and valid
11	"69-6801. Definitions. Unless the context requires	11	incapable of being
12	otherwise, in this act the following definitions arrly:	12	classic vehicles.
13	(1) "Motor vehicle wrecking facility" means a facility	13	(4) "Person"
14	buying, selling, or dealing in four (4) or more vehicles per	14	association, corpor
15	year of a type required to be licensed, for the purpose of	15	organized for profi
16	wrecking, dismantling, disassembling, or substantially	16	(5) "Departmen
17	changing the form of the motor vehicle, or which buys or	17	environmental scienc
18	sells integral second-hand parts or component material	18	6."
19	thereof, in whole or in part, and deals in second-hand motor	19	Section 2. Sec
20	vehicle parts. <u>A facility which buys or sells integral</u>	20	read as follows:
21	secondhand parts or component material of a motor vehicle.	21	"69-6805. Ccu
22	in whole or in part, is a motor vehicle wrecking facility	22	consolidation -
23	whether or not the buying or selling price is based upon	23	acquire, develop,
24	weight or any other type of classification. The term does	24	vehicle graveyards v
25	not include a garage where wrecked or disabled motor	25	<u>intoonlyvitha</u>
	THIRD READING		

vehicles are temporarily stored for a reasonable period of
 time for inspection, repairs, or subsequent removal to a
 junkyard.

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

6 (3) "Junk vehicle" means either a discarded, ruined, 7 wrecked, or dismantled vehicle, or vehicle substantially 8 changed in form by removal of parts or component materials, 9 and in either case that remains in public view which is not 10 lawfully and validly licensed and remains inoperative or 11 incapable of being driven excluding antique vintage and 12 classic vehicles.

(4) "Person" means any individual, firm, partnership,
 association, corporation, or any other entity whether
 organized for profit cr not.

16 (5) "Department" means the department of health and
 17 environmental sciences provided for in title 82A, chapter
 18 6."

19 Section 2. Section 69-6805, R.C.M. 1947, is amended to20 read as follows:

r69-6805. County to provide motor vehicle graveyards
 consolidation — budget. (1) (a) Each county shall
 acquire, develop, and maintain property for free motor
 vehicle graveyards-<u>, but_any_such_conting_facting_facting_licensed</u>
 <u>into_only_with_a motor vehicle wrecking_factility_licensed</u>

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HB 308

<u>under-the-provisions of this chapter</u>. The property may be
 acquired by purchase, lease, or otherwise.

3 (b) As an alternative, the county may contract for the
4 maintenance and operation of a motor vehicle graveyard or
5 graveyards, <u>BDT_ANY_SUCH_CONTRACT_MAY_PE_ENTERED_INTO_ONLY</u>
6 <u>MITH_A_MOTOR_VEHICLE_WEECKING_PACILITY_LICENSED_UNDER_THE</u>
7 <u>PROVISIONS_OF_THIS_CHAPTER</u>.

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

13 (d) When there is an accumulation of at least two
14 hundred (200) junk webicles in the graveyard, the county
15 shall notify the department for disposal purposes.

16 (2) (a) A county shall submit to the department for
17 approval a plan for the collection of junk vehicles and the
18 establishment and operation of the motor vehicle graveyard.
19 (b) Prior to June 15, the county shall submit to the
20 department for approval a proposed budget for the succeeding

(c) Any proposed change in the budget or plan must be
 approved by the department.

24 (d) The budget shall be for the amounts required by25 the county for collection costs and acquisition,

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fiscal year.

1 maintenance, and operation of the graveyard."

2 Section 3. There is a new R. C. H. section numbered
3 69-6813 that reads as follows:

69-6813. Damaged motor vehicle --- disposition. An
insurance company settling an insurance claim on a damaged
motor vehicle as a total loss, less salvage, may dispose of
the vehicle only at a motor vehicle wrecking facility
licensed under this chapter, except:

9 (1) when, under the terms of settlement of the 10 insurance claim, the owner of the damaged motor vehicle 11 retains cwnership of the vehicle if such settlement terms 12 are not part of a plan or scheme to defeat the provisions of 13 this section;

14 (2) when the disposition of the damaged motor vehicle
15 is to a person whose ordinary business activities do not
16 include the buying or selling of damaged motor vehicles or
17 their component parts.

-End-

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March 21, 1977

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 308 be amended as follows:

1. Amend page 4, section 3, lines 2 through 17.
Following: line 1
Strike: section 3 in its entirety

45th Legislature

HB 0308/03

1	HOUSE BILL NO. 308
2	INTRODUCED BY MULAR, BRAND, MARKS, KANDUCH, COUNEY
š	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE
5	LAWS RELATING TO MOTOR VEHICLE WRECKING FACILITIES; AMENDING
ь	SECTIONS 69-6801 AND 69-6805+ R.C.M. 1947."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 69-6801, R.C.M. 1947, is amended to
10	read as follows:
11	<pre>%69-6801. Definitions. Unless the context requires</pre>
12	otherwise, in this act <u>the following definitions apply</u> :
13	 "Motor vehicle wrecking facility" means a facility
14	buying, selling, or dealing in four (4) or more vehicles per
15	year of a type required to be licensed, for the purpose of
16	wrecking, dismantling, disassembling, or substantially
17	changing the form of the motor vehicle, or which buys or
18	sells integral second-hand parts or component material
19	thereof, in whole or in part, and deals in second-hand motor
20	vehicle parts. <u>A facility which buys or sells integral</u>
21	seconghand parts or component material of a _motor_vehicles
22	in whole or in part, is a motor vehicle wrecking facility
23	whether or not the buying or selling price is based upon
24	<u>weight or any other type of classification.</u> The term does
25	not include a garage where wrecked or disabled motor

vehicles are temporarily stored for a reasonable period of
 time for inspection, repairs, or subsequent removal to a
 junkyard.

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

6 (3) "Junk vehicle" means either a discarded, ruined, 7 wrecked, or dismantled vehicle, or vehicle substantially 8 changed in form by removal of parts or component materials, 9 and in either case that remains in public view which is not 10 lawfully and validly licensed and remains inoperative or 11 incapable of being driven excluding antique vintage and 12 classic vehicles.

13 (4) "Person" means any individual, firm, partnership,
14 association, corporation, or any other entity whether
15 organized for profit or not.

16 (5) "Department" means the department of health and
17 environmental sciences provided for in title 82A, chapter
18 6."

19 Section 2. Section 69-6805, R.C.M. 1947, is amended to 20 read as follows:

21 "69-6805. County to provide motor vehicle graveyards
22 -- consolidation -- budget. (1) (a) EACH county shall
23 acquire, develop, and maintain property for free motor
24 vehicle graveyards-<u>v-but-any-such-contract-may-be-entered</u>
25 <u>into-only-with-contract-wehicle-wrecking-facility-licensed</u>

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REFERENCE BILL

HB 308

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1	under the provisions of this chapter. The property may be
•	acquired by purchase, lease, or otherwise.
s.	(b) As an alternative, the county may contract for the
4	maintenance and operation of a motor vehicle graveyard or
5	graveyards <u>. BUT ANY SUCH CONTRACT MAY BE ENTERED INTO ONLY</u>
6	WITH A MOTOR VEHICLE WRECKING FACILITY LICENSED UNDER THE
7	PROVISIONS OF THIS CHAPTER.
8	(c) Two (2) or more counties may join to form a
9	district for the purpose stated in this section. If a
10	district is formed, all provisions of this act pertaining to
11	a county also apply to a district formed under this
12	subsection.
13	(d) When there is an accumulation of atleast two
14	hundred (200) junk vehicles in the graveyard, the county
15	shall notify the department for disposal purposes.
16	(2) (a) A county shall submit to the department for
17	approval a plan for the collection of junk vehicles and the
18	establishment and operation of the motor vehicle graveyard.
19	(b) Prior to June 15, the county shall submit to the
20	department for approval a proposed budget for the succeeding
21	fiscal year.
22	(c) Any proposed change in the budget or plan must be
23	approved by the department.
24	(d) The budget shall be for the amounts required by
- •	to, the sudges and the tot the smoothes required by

25 the county for collection costs and acquisition,

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waintenance, and operation of the graveyard."

- 2 Section-Bur-There-is-a-new-Ru-Eu--Mur-section--numbered
- 3 49-6813-that-reads-as-follows+
- 4 69-6813---Damaged--motor--vehicle----disposition--An
- 5 insurance-company-settling-an-insurance-claim-on--a--damaged
- 6 motor--vehicle-es-a-total-lossy-less-salvagey-may-dispose-of
- 7 the-vehicle--only--st--e--motor--vehicle--wrecking--facility
- 8 licensed-under-this-chaptery-except:
- 10 insurance-claimy-the-owner--of--the--damaged--motor--vehicle
- 11 retains--ownership--of--the-vehicle-if-such-settlement-terms
- 12 are-not-part-of-a-plan-or-scheme-to-defeat-the-provisions-of
- 13 this-section;

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- 14 {2}--when-the-dispesition-of-the-damaged-motor--vehicle
- 15 is--to--a--person--whose-ordinary-business-activities-do-not
- 16 include-the-buying-or-selling-of-domaged-motor--vehicles--or
- 17 their-component-parts.

-End-