

1 H BILL NO. 308
 2 INTRODUCED BY Mular Brand Mark Kendrick
 3 Cooney

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE
 5 LAWS RELATING TO MOTOR VEHICLE WRECKING FACILITIES; 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.M. 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) "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. A facility which buys or sells integral
 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
 24 weight or any other type of classification. The term does
 25 not include a garage where wrecked or disabled motor

1 vehicles are temporarily stored for a reasonable period of
 2 time for inspection, repairs, or subsequent removal to a
 3 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, but any such contract may be entered
 25 into only with a motor vehicle wrecking facility licensed

1 ~~under the provisions of this chapter.~~ 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.

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

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

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

Approved by Committee
on Business and Industry

HOUSE BILL NO. 308

INTRODUCED BY MULAR, BRAND, MARKS, KANDUCH, COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND REVISE THE LAWS RELATING TO MOTOR VEHICLE WRECKING FACILITIES; AMENDING SECTIONS 69-6801 AND 69-6805, R.C.M. 1947."

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

Section 1. Section 69-6801, R.C.M. 1947, is amended to read as follows:

"69-6801. Definitions. Unless the context requires otherwise, in this act the following definitions apply:

(1) "Motor vehicle wrecking facility" means a facility 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 part, 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

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

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

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

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

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

Section 2. Section 69-6805, R.C.M. 1947, is amended to 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, ~~but any such contract may be entered into only with a motor vehicle wrecking facility licensed~~

SECOND READING

1 ~~under the provisions of this chapter.~~ 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, BUT ANY SUCH CONTRACT MAY BE ENTERED INTO ONLY
 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 at least 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
 25 the county for collection costs and acquisition,

1 maintenance, and operation of the graveyard."

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 3 69-6813 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 as a total loss, less salvage, may dispose of
 7 the vehicle only at a motor vehicle wrecking facility
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9 (1) when, under the terms of settlement of the
 10 insurance claim, 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;

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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5 LAWS RELATING TO MOTOR VEHICLE WRECKING FACILITIES; AMENDING
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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
24 weight or any other type of classification. The term does
25 not include a garage where wrecked or disabled motor1 vehicles are temporarily stored for a reasonable period of
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3 junkyard.4 (2) "Motor vehicle graveyard" means a collection point
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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~~

THIRD READING

1 ~~under the provisions of this chapter.~~ 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, BUT ANY SUCH CONTRACT MAY BE ENTERED INTO ONLY
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 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 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.

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 20 department for approval a proposed budget for the succeeding
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9 (1) when, under the terms of settlement of the
 10 insurance claim, the owner of the damaged motor vehicle
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 16 include the buying or selling of damaged motor vehicles or
 17 their component parts.

-End-

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

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-End-