

1 H BILL NO. 437  
2 INTRODUCED BY Vincent

3 BY REQUEST OF  
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69,  
7 CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF  
8 HEALTH AND ENVIRONMENTAL SCIENCES TO INITIATE AND MAINTAIN  
9 ACTIONS TO COLLECT A CIVIL PENALTY; CLARIFYING THE AUTHORITY  
10 OF THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE  
11 WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING  
12 AND COORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF  
13 HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF  
14 HIGHWAYS UNDER TITLE 32, CHAPTER 45, R.C.M. 1947; AND  
15 AMENDING SECTIONS 32-4516, 32-4519, 69-6801, 69-6802,  
16 69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812,  
17 R.C.M. 1947."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

22 "69-6801. Definitions. Unless the context requires  
23 otherwise, in this act chapter the following definitions  
24 apply:

25 (1) "Motor vehicle wrecking facility" means a facility

1 buying, selling, or dealing in four (4) or more vehicles per  
2 year of a type required to be licensed for the purpose of  
3 wrecking, dismantling, disassembling, or substantially  
4 changing the form of the motor vehicle or a facility which  
5 buys or sells integral second-hand parts or component  
6 material thereof, in whole or in part, and deals in  
7 second-hand motor vehicle parts. The term does not include a  
8 garage where wrecked or disabled motor vehicles are  
9 temporarily stored for a reasonable period of time for  
10 inspection, repairs, or subsequent removal to a junkyard.

11 (2) "Motor vehicle graveyard" means a collection point  
12 established by a county for junk motor vehicles prior to  
13 their disposal.

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

21 (4) "Person" means any individual, firm, partnership,  
22 company, association, corporation, city, town, local  
23 governmental entity, or any other governmental or private  
24 entity whether organized for profit or not.

25 (5) "Department" means the department of health and

1 environmental sciences provided for in Title 82A, chapter 6.

2 ~~(6) "Board" means the board of health and~~  
3 ~~environmental sciences, provided for in 82A-605.~~

4 ~~(7) "Shielding" means the construction or use of~~  
5 ~~fencing or man-made or natural barriers to conceal junk~~  
6 ~~vehicles from public view.~~

7 ~~(8) "Public view" means any point 6 feet above the~~  
8 ~~surface of the center of a public road from which junk~~  
9 ~~vehicles can be seen."~~

10 Section 2. Section 69-6802, R.C.M. 1947, is amended to  
11 read as follows:

12 "69-6802. Motor vehicle wrecking facility and motor  
13 vehicle graveyard license -- application -- fee -- display  
14 -- term -- not transferable. A person may not conduct,  
15 maintain, or operate a motor vehicle wrecking facility or  
16 motor vehicle graveyard without a license issued by the  
17 department.

18 (1) Application for the license shall be made on forms  
19 furnished by the department.

20 (2) An annual fee of ~~fifty dollars~~ ~~(\$50)~~ shall be paid  
21 to the department for the license, or quarterly prorated for  
22 new facilities.

23 ~~(3) A motor vehicle graveyard is excluded from paying~~  
24 ~~the annual license fee but must meet all other requirements~~  
25 ~~of the chapter.~~

1 ~~(3)(4)~~ A license shall be displayed in a prominent  
2 place in the licensed facility or graveyard.

3 ~~(4)(5)~~ The license expires on December 31 of the year  
4 issued.

5 ~~(5)(6)~~ If a motor vehicle wrecking facility ceases to  
6 do business, the license shall be surrendered to the  
7 department. The license is not transferable.

8 ~~(7) A decision by the department to issue, deny, or~~  
9 ~~revoke a motor vehicle wrecking facility or graveyard~~  
10 ~~license may be appealed to the board within 30 days after~~  
11 ~~receipt of official notice of the department's decision."~~

12 Section 3. Section 69-6803, R.C.M. 1947, is amended to  
13 read as follows:

14 "69-6803. Possession of junk vehicles as prima facie  
15 evidence of motor vehicle wrecking facility. ~~(1)~~ Possession  
16 at a single location of four ~~(4)~~ or more junk vehicles of a  
17 type required to be licensed is prima facie evidence that  
18 the possessor is operating a motor vehicle wrecking  
19 facility.

20 ~~(2) A person who owns or possesses at a single~~  
21 ~~location four (4) or more junk vehicles of a type required~~  
22 ~~to be licensed is subject to this act even though he is not~~  
23 ~~operating a motor vehicle wrecking facility."~~

24 Section 4. Section 69-6806, R.C.M. 1947, is amended to  
25 read as follows:

1 "69-6806. Crushing and recycling of junk vehicles. (1)  
 2 The department shall contract for final disposition of junk  
 3 vehicles accumulated in motor vehicle graveyards and shall  
 4 provide for crushing and recycling the material from the  
 5 vehicles.

6 (2) The department may also contract to dispose of, by  
 7 crushing and recycling, junk vehicles accumulated in the  
 8 yard of a motor vehicle wrecking facility. The department  
 9 may so contract only upon the request of the facility and  
 10 only if there is an accumulation of at least two-hundred  
 11 {200} vehicles at the facility.

12 (3) All moneys received from the sale of the junk  
 13 vehicles or from recycling of the material shall be  
 14 deposited with the state treasurer to be utilized for:

15 (a) ~~the~~ control, collection, recycling, and disposal  
 16 of junk vehicles~~†~~ and component parts.

17 (b) ~~to conduct a feasibility study to determine the~~  
 18 ~~suitability of resource recovery from our solid waste--the~~  
 19 ~~cost--of--which--may--not--exceed--two--hundred--thousand--dollars~~  
 20 ~~{200,000}--and--the--results--of--which--will--be--made--available~~  
 21 ~~to--the--public--and--legislature--by--1977.~~

22 (4) ~~Any~~ An individual may dispose of a junk vehicle by  
 23 delivering the vehicle to a motor vehicle graveyard and by  
 24 delivering to the department the certificate or evidence of  
 25 title to the vehicle~~y~~ or a written release of the vehicle.\*

1 Section 5. Section 69-6807, R.C.M. 1947, is amended to  
 2 read as follows:

3 "69-6807. Deposit of fees -- special junk vehicle  
 4 assessment fee. (1) All motor vehicle wrecking facility  
 5 license fees and fees collected as motor vehicle disposal  
 6 fees shall be deposited with the state treasurer to be  
 7 utilized for: ~~the~~

8 (a) control, collection, recycling, and disposal of  
 9 junk vehicles~~†~~ and component parts.

10 (b) ~~to conduct a feasibility study to determine the~~  
 11 ~~suitability of resource recovery from our solid waste--the~~  
 12 ~~cost--of--which--may--not--exceed--two--hundred--thousand--dollars~~  
 13 ~~{200,000}--and--the--results--of--which--will--be--made--available~~  
 14 ~~to--the--public--and--legislature--by--1977.~~

15 (2) There is assessed a special junk vehicle disposal  
 16 fee ~~commencing on July 1, 1973~~ on each new application for  
 17 a motor vehicle title and on each transfer of a motor  
 18 vehicle title in the amount of two dollars ~~{2}~~ 11.50 on  
 19 passenger cars and trucks under 8001 pounds GVW, which shall  
 20 be collected by the county treasury~~y~~ and~~2~~ commencing with  
 21 the year 1974, there shall be assessed an additional special  
 22 junk vehicle disposal fee in the amount of fifty ~~cents~~  
 23 ~~{50}~~ 50 cents on each passenger car and truck under 8001  
 24 pounds GVW registered for licensing. The ~~fifty cents--{50}~~  
 25 50 cent fee shall be collected by the county treasurer.

1 However, the following are exempt from payment of the fees:

2 (a) vehicles leased or owned by the state or by a  
3 county or municipality;

4 (b) vehicles used for transportation by nonresident,  
5 migratory workers temporarily employed in agricultural work  
6 in this state;

7 (c) vehicles displaying dealers' license plates, as  
8 provided in section 53-122, while owned by a dealer; and

9 (d) house trailers or equipment which are not  
10 self-propelled or which require towing upon a highway of  
11 this state.

12 (3) The department shall report to each legislature  
13 the amount collected under this act ~~chapter~~ and the cost of  
14 administration of ~~the act~~ this chapter to date so that any  
15 necessary adjustment of the amount of the fee may be made to  
16 assure that no more than the actual cost of operation of the  
17 program is collected.

18 (4) The department shall pay to a county the amount of  
19 the approved budget of the county. The yearly payment may  
20 not exceed ~~one-dollar-(\$1)~~ for each motor vehicle under 8001  
21 pounds GVW that is licensed in that county. However, for  
22 those counties that have fewer than ~~five--thousand--(5,000)~~  
23 such motor vehicles, the department may pay up to ~~five~~  
24 ~~thousand-dollars-(\$5,000)~~, providing the county can justify  
25 this payment."

1 Section 6. Section 69-6808, R.C.M. 1947, is amended to  
2 read as follows:

3 "~~69-6808. Enforcement--adoption~~ Adoption of rules. The  
4 department shall adopt rules necessary ~~to administer and~~  
5 ~~enforce this act for the administration of this chapter,~~  
6 including but not limited to, rules pertaining to:

7 (1) the ~~establishment,~~ control, operation, and  
8 licensing of motor vehicle wrecking yards ~~facilities and~~  
9 ~~graveyards;~~

10 (2) the control of junk vehicles in locations other  
11 than motor vehicle wrecking yards ~~facilities and graveyards;~~

12 (3) the inspection and evaluation of premises and  
13 records subject to or required by this act ~~chapter;~~

14 (4) the development of budget and fiscal forms and  
15 procedures for counties;

16 (5) the review, approval, and control procedures for  
17 county motor vehicle graveyards developed under this act  
18 ~~chapter; and~~

19 ~~(6) the shielding of a junk vehicle and motor vehicle~~  
20 ~~wrecking facility and graveyard from public view. The~~  
21 ~~department may not adopt a rule which requires the~~  
22 ~~construction of a fence or man-made barrier which would be~~  
23 ~~in excess of 12 feet in height. A new motor vehicle wrecking~~  
24 ~~facility or graveyard site may not be approved for use or~~  
25 ~~licensed if the proposed facility cannot be shielded from~~

1 public views."

2 Section 7. Section 69-6810, R.C.M. 1947, is amended to  
3 read as follows:

4 "69-6810. Injunction to enforce act chapter --  
5 violation--as--misdemeanor action to collect civil penalty.

6 (1) The department, through the attorney general or the  
7 county attorney of the county in which a facility is  
8 located, may sue to enjoin the operation or maintenance of  
9 an-unticensed a motor vehicle wrecking facility or graveyard  
10 either permanently or until compliance with this act-and  
11 chapter, the rules of the department, or an order issued  
12 pursuant to this chapter has been demonstrated to the  
13 satisfaction-of-the-department.

14 (2) Violation-of-this-act-or-a-rule-of-the--department  
15 adopted--under--this--act--is--a-misdemeanor The department,  
16 through the attorney general or the county attorney of the  
17 county in which a motor vehicle wrecking facility or  
18 graveyard is located, may sue in district court to collect a  
19 civil penalty as provided in 69-6812."

20 Section 8. Section 69-6812, R.C.M. 1947, is amended to  
21 read as follows:

22 "69-6812. Penalty Penalties. (1) A person who  
23 willfully violates this act chapter is guilty of a  
24 misdemeanor and upon conviction shall be fined not to exceed  
25 two-hundred-and-fifty--dollars--(\$250), imprisoned in the

1 county jail for a term not to exceed thirty-(30) days, or  
2 both.

3 (2) A person who violates this chapter, a rule of the  
4 department, or an order issued as provided in this chapter  
5 shall be subject to a civil penalty of not more than \$250.  
6 Each day upon which a violation of this chapter or a rule or  
7 order occurs is a separate violation."

8 Section 9. Section 32-4516, R.C.M. 1947, is amended to  
9 read as follows:

10 "32-4516. Issuance of license. (1) The department of  
11 health and environmental sciences with-the--concurrence--of  
12 the--department--of-highways-shall-have-the-authority-to may  
13 issue licenses for the establishment, maintenance, and  
14 operation of junkyards--within--the--limits-herein-defined  
15 motor vehicle wrecking facilities and graveyards as provided  
16 in Title 69, chapter 68. The issuance, denial, or revocation  
17 of a license under the provisions of Title 69, chapter 68,  
18 may be appealed to the board of health and environmental  
19 sciences.

20 (2) The department of highways may object to and  
21 participate as a party in all decisions concerning the  
22 issuance, denial, or revocation of a license under the  
23 provisions of Title 69, chapter 68, if the facility in  
24 question is within 1,000 feet of the nearest edge of the  
25 right-of-way of any interstate or primary highway.

1       ~~(3) The department of highways may issue a license for~~  
2 ~~a junkyard that is not a motor vehicle wrecking facility as~~  
3 ~~defined in Title 69, chapter 68.~~

4       ~~(4) Nothing in this section prohibits the department~~  
5 ~~of highways from acquiring an interest in land for screening~~  
6 ~~purposes or paying for screening installation and materials~~  
7 ~~as authorized by this chapter."~~

8       Section 10. Section 32-4519, R.C.M. 1947, is amended  
9 to read as follows:

10       ~~"32-4519. Regulations Rules governing screening. (1)~~  
11 ~~The department of health and environmental sciences shall~~  
12 ~~adopt rules governing the screening or shielding of motor~~  
13 ~~vehicle wrecking facilities as provided in Title 69, chapter~~  
14 ~~68.~~

15       ~~(2) The department of highways may adopt rules~~  
16 ~~governing the materials to be used in, and the location,~~  
17 ~~planting, construction, and maintenance of screening or~~  
18 ~~fencing required by this act chapter."~~

-End-

STATE OF MONTANA

REQUEST NO. 207-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 77, there is hereby submitted a Fiscal Note for House Bill 437 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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 OF PROPOSED LEGISLATION:

An act authorizing the Department of Health and Environmental Sciences to initiate and maintain actions to collect a civil penalty; clarifying the authority of the Department to require the shielding of motor vehicle wrecking facilities and motor vehicle graveyards; clarifying and coordinating the responsibilities of the Department of Health and Environmental Sciences and the Department of Highways under Title 32, Chapter 45, R.C.M. 1947.

ASSUMPTION:

No additional costs would occur to the Department of Health and Environmental Sciences.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Net loss of revenue to the Earmarked Revenue Fund will be:	<u>\$98,756</u>	<u>\$98,756</u>	<u>\$197,512</u>

*Richard L. Drury for*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 1-31-77

Approved by Committee  
on Business and Industry

1 HOUSE BILL NO. 437

2 INTRODUCED BY VINCENT

3 BY REQUEST OF

4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69,  
7 CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF  
8 HEALTH AND ENVIRONMENTAL SCIENCES TO INITIATE AND MAINTAIN  
9 ACTIONS TO COLLECT A CIVIL PENALTY; CLARIFYING THE AUTHORITY  
10 OF THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE  
11 WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING  
12 AND COORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF  
13 HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF  
14 HIGHWAYS UNDER TITLE 32, CHAPTER 45, R.C.M. 1947; AND  
15 AMENDING SECTIONS 32-4516, 32-4519, 69-6801, 69-6802,  
16 69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812,  
17 R.C.M. 1947."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

22 "69-6801. Definitions. Unless the context requires  
23 otherwise, in this act chapter the following definitions  
24 apply:

25 (1) "Motor vehicle wrecking facility" means a facility

1 buying, selling, or dealing in four (4) or more vehicles per  
2 year of a type required to be licensed, for the purpose of  
3 wrecking, dismantling, disassembling, or substantially  
4 changing the form of the motor vehicle, or a facility which  
5 buys or sells integral second-hand parts or component  
6 material thereof, in whole or in part, and deals in  
7 second-hand motor vehicle parts. The term does not include a  
8 garage where wrecked or disabled motor vehicles are  
9 temporarily stored for a reasonable period of time for  
10 inspection, repairs, or subsequent removal to a junkyard.

11 (2) "Motor vehicle graveyard" means a collection point  
12 established by a county for junk motor vehicles prior to  
13 their disposal.

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

21 (4) "Person" means any individual, firm, partnership,  
22 company, association, corporation, city, town, local  
23 governmental entity, or any other governmental or private  
24 entity whether organized for profit or not.

25 (5) "Department" means the department of health and



1 environmental sciences provided for in Title 82A, chapter 6.

2 ~~(6) "Board" means the board of health and~~  
 3 ~~environmental sciences, provided for in 82A-605.~~

4 ~~(7) "Shielding" means the construction or use of~~  
 5 ~~fencing or man-made or natural barriers to conceal junk~~  
 6 ~~vehicles from public view.~~

7 ~~(8) "Public view" means any point 6 feet above the~~  
 8 ~~surface of the center of a public road from which junk~~  
 9 ~~vehicles can be seen."~~

10 Section 2. Section 69-6802, R.C.M. 1947, is amended to  
 11 read as follows:

12 "69-6802. Motor vehicle wrecking facility ~~and motor~~  
 13 ~~vehicle graveyard~~ license -- application -- fee -- display  
 14 -- term -- not transferable. A person may not conduct,  
 15 maintain, or operate a motor vehicle wrecking facility ~~or~~  
 16 ~~motor vehicle graveyard~~ without a license issued by the  
 17 department.

18 (1) Application for the license shall be made on forms  
 19 furnished by the department.

20 (2) An annual fee of ~~fifty dollars~~ (\$50) shall be paid  
 21 to the department for the license, or quarterly prorated for  
 22 new facilities.

23 ~~(3) A motor vehicle graveyard is excluded from paying~~  
 24 ~~the annual license fee but must meet all other requirements~~  
 25 ~~of this chapter.~~

1 ~~(3)(4)~~ A license shall be displayed in a prominent  
 2 place in the licensed facility ~~or graveyard.~~

3 ~~(4)(5)~~ The license expires on December 31 of the year  
 4 issued.

5 ~~(5)(6)~~ If a motor vehicle wrecking facility ceases to  
 6 do business, the license shall be surrendered to the  
 7 department. The license is not transferable.

8 ~~(7) A decision by the department to issue, deny, or~~  
 9 ~~revoke a motor vehicle wrecking facility or graveyard~~  
 10 ~~license may be appealed to the board within 30 days after~~  
 11 ~~receipt of official notice of the department's decision."~~

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 13 read as follows:

14 "69-6803. Possession of junk vehicles as prima facie  
 15 evidence of motor vehicle wrecking facility. ~~(1)~~ Possession  
 16 at a single location of four ~~(4)~~ or more junk vehicles of a  
 17 type required to be licensed is prima facie evidence that  
 18 the possessor is operating a motor vehicle wrecking  
 19 facility.

20 ~~(2) A person who owns or possesses at a single~~  
 21 ~~location four (4) or more junk vehicles of a type required~~  
 22 ~~to be licensed is subject to this act even though he is not~~  
 23 ~~operating a motor vehicle wrecking facility."~~

24 Section 4. Section 69-6806, R.C.M. 1947, is amended to  
 25 read as follows:

1 "69-6806. Crushing and recycling of junk vehicles. (1)  
 2 The department shall contract for final disposition of junk  
 3 vehicles accumulated in motor vehicle graveyards and shall  
 4 provide for crushing and recycling the material from the  
 5 vehicles.

6 (2) The department may also contract to dispose of, by  
 7 crushing and recycling, junk vehicles accumulated in the  
 8 yard of a motor vehicle wrecking facility. The department  
 9 may so contract only upon the request of the facility and  
 10 only if there is an accumulation of at least two-hundred  
 11 {200} vehicles at the facility.

12 (3) All moneys received from the sale of the junk  
 13 vehicles or from recycling of the material shall be  
 14 deposited with the state treasurer to be utilized for:

15 (a) the control, collection, recycling, and disposal  
 16 of junk vehicles; and component parts.

17 (b) ~~to conduct a feasibility study to determine the~~  
 18 ~~suitability of resource recovery from our solid waste; the~~  
 19 ~~cost of which may not exceed two hundred thousand dollars~~  
 20 ~~{ \$200,000 } and the results of which will be made available~~  
 21 ~~to the public and legislature by 1977.~~

22 (4) Any ~~an~~ individual may dispose of a junk vehicle by  
 23 delivering the vehicle to a motor vehicle graveyard and by  
 24 delivering to the department the certificate or evidence of  
 25 title to the vehicle; or a written release of the vehicle."

1 Section 5. Section 69-6807, R.C.M. 1947, is amended to  
 2 read as follows:

3 "69-6807. Deposit of fees -- special junk vehicle  
 4 assessment fee. (1) All motor vehicle wrecking facility  
 5 license fees and fees collected as motor vehicle disposal  
 6 fees shall be deposited with the state treasurer to be  
 7 utilized for:

8 (a) control, collection, recycling, and disposal of  
 9 junk vehicles; and component parts.

10 (b) ~~to conduct a feasibility study to determine the~~  
 11 ~~suitability of resource recovery from our solid waste; the~~  
 12 ~~cost of which may not exceed two hundred thousand dollars~~  
 13 ~~{ \$200,000 } and the results of which will be made available~~  
 14 ~~to the public and legislature by 1977.~~

15 (2) There is assessed a special junk vehicle disposal  
 16 fee ~~commencing on duty in 1973~~ on each new application for  
 17 a motor vehicle title and on each transfer of a motor  
 18 vehicle title in the amount of ~~two dollars~~ ~~{ \$2 }~~ \$1.50 on  
 19 passenger cars and trucks under 8001 pounds GVW, which shall  
 20 be collected by the county treasury; and, commencing with  
 21 the year 1974, there shall be assessed an additional special  
 22 junk vehicle disposal fee in the amount of ~~fifty cents~~  
 23 ~~{ \$ .50 }~~ 50 cents on each passenger car and truck under 8001  
 24 pounds GVW registered for licensing. The ~~fifty cents~~ ~~{ \$ .50 }~~  
 25 50 cent fee shall be collected by the county treasurer.

1 However, the following are exempt from payment of the fees:

2 (a) vehicles leased or owned by the state or by a  
3 county or municipality;

4 (b) vehicles used for transportation by nonresident,  
5 migratory workers temporarily employed in agricultural work  
6 in this state;

7 (c) vehicles displaying dealers' license plates, as  
8 provided in ~~section~~ 53-122, while owned by a dealer; and

9 (d) house trailers or equipment which are not  
10 self-propelled or which require towing upon a highway of  
11 this state.

12 (3) The department shall report to each legislature  
13 the amount collected under this ~~act~~ chapter and the cost of  
14 administration of ~~the act~~ this chapter to date so that any  
15 necessary adjustment of the amount of the fee may be made to  
16 assure that no more than the actual cost of operation of the  
17 program is collected.

18 (4) The department shall pay to a county the amount of  
19 the approved budget of the county. The yearly payment may  
20 not exceed ~~one-dollar-(\$1)~~ for each motor vehicle under 8001  
21 pounds GVW that is licensed in that county. However, for  
22 those counties that have fewer than ~~five--thousand--(\$5,000)~~  
23 such motor vehicles, the department may pay up to ~~five~~  
24 ~~thousand-dollars-(\$5,000)~~, providing the county can justify  
25 this payment."

1 Section 6. Section 59-6808, R.C.M. 1947, is amended to  
2 read as follows:

3 "69-6808. ~~Enforcement--adoption~~ Adoption of rules. The  
4 department shall adopt rules necessary ~~to-administer-and~~  
5 ~~enforce-this-act for the administration of this chapter,~~  
6 including but not limited to, rules pertaining to:

7 (1) the ~~establishment,~~ control, operation, and  
8 licensing of motor vehicle wrecking yards ~~facilities and~~  
9 ~~graveyards;~~

10 (2) the control of junk vehicles in locations other  
11 than motor vehicle wrecking yards ~~facilities and graveyards;~~

12 (3) the inspection and evaluation of premises and  
13 records subject to or required by this ~~act~~ chapter;

14 (4) the development of budget and fiscal forms and  
15 procedures for counties;

16 (5) the review, approval, and control procedures for  
17 county motor vehicle graveyards developed under this ~~act~~  
18 ~~chapter; and~~

19 ~~(6) the shielding of a junk vehicle and motor vehicle~~  
20 ~~wrecking facility and graveyard from public view. The~~  
21 ~~department may not adopt a rule which requires the~~  
22 ~~construction of a fence or man-made barrier which would be~~  
23 ~~in excess of 12 feet in height. A new motor vehicle wrecking~~  
24 ~~facility or graveyard site may not be approved for use or~~  
25 ~~licensed if the proposed facility cannot be shielded from~~

1 ~~public view. THE PROHIBITION CONCERNING APPROVAL OF A NEW~~  
2 ~~MOTOR VEHICLE WRECKING FACILITY SITE DOES NOT APPLY TO A~~  
3 ~~FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE~~  
4 ~~PRECEDING 18 MONTHS."~~

5 Section 7. Section 69-6810, R.C.M. 1947, is amended to  
6 read as follows:

7 "69-6810. Injunction to enforce ~~act chapter --~~  
8 ~~violation-as-misdemeanor action to collect civil penalty.~~

9 (1) The department, through the attorney general or the  
10 county attorney of the county in which a facility is  
11 located, may sue to enjoin the operation or maintenance of  
12 ~~an-unlicensed a motor vehicle wrecking facility or graveyard~~  
13 ~~either permanently or until compliance with this act--and~~  
14 ~~chapter, the rules of the department, or an order issued~~  
15 ~~pursuant to this chapter has been demonstrated to--the~~  
16 ~~satisfaction-of-the-department.~~

17 (2) ~~Violation-of-this-act-or-a-rule-of-the-department~~  
18 ~~adopted-under-this-act--is--a--misdemeanor~~ The department,  
19 ~~through the attorney general or the county attorney of the~~  
20 ~~county in which a motor vehicle wrecking facility or~~  
21 ~~graveyard is located, may sue in district court to collect a~~  
22 ~~civil penalty as provided in 69-6312."~~

23 Section 9. Section 69-6812, R.C.M. 1947, is amended to  
24 read as follows:

25 "69-6812. Penalty Penalties. (1) A person who

1 ~~willfully violates this act chapter is guilty of a~~  
2 ~~misdemeanor and upon conviction shall be fined not to exceed~~  
3 ~~two--hundred--and--fifty--dollars--(\$250), imprisoned in the~~  
4 ~~county jail for a term not to exceed thirty--(30) days, or~~  
5 ~~both.~~

6 (2) ~~A person who violates this chapter, a rule of the~~  
7 ~~department, or an order issued as provided in this chapter~~  
8 ~~shall be subject to a civil penalty of not more than \$250~~  
9 ~~\$50. Each day upon which a violation of this chapter or a~~  
10 ~~rule or order occurs is a separate violation."~~

11 Section 9. Section 32-4516, R.C.M. 1947, is amended to  
12 read as follows:

13 "32-4516. Issuance of license. (1) The department of  
14 health and environmental sciences, ~~with-the--concurrence--of~~  
15 ~~the--department--of-highways-shall-have-the-authority-to may~~  
16 ~~issue licenses for the establishment, maintenance, and~~  
17 ~~operation of junkyards--within--the--limits--herein--defined~~  
18 ~~motor vehicle wrecking facilities and graveyards as provided~~  
19 ~~in Title 69, chapter 68. The issuance, denial, or revocation~~  
20 ~~of a license under the provisions of Title 69, chapter 68,~~  
21 ~~may be appealed to the board of health and environmental~~  
22 ~~sciences.~~

23 (2) ~~The department of highways may object to and~~  
24 ~~participate as a party in all decisions concerning the~~  
25 ~~issuance, denial, or revocation of a license under the~~

1 provisions of Title 59, chapter 68, if the facility in  
2 question is within 1,000 feet of the nearest edge of the  
3 right-of-way of any interstate or primary highway. IF THE  
4 DEPARTMENT OF HIGHWAYS OBJECTS TO THE LICENSING OF A  
5 FACILITY PURSUANT TO THIS SUBSECTION, IT SHALL PROCEED UNDER  
6 THE PROVISIONS OF SECTION 32-4520(2).

7 (3) The department of highways may issue a license for  
8 a junkyard that is not a motor vehicle wrecking facility as  
9 defined in Title 59, chapter 58.

10 (4) Nothing in this section prohibits the department  
11 of highways from acquiring an interest in land for screening  
12 purposes or paying for screening installation and materials  
13 as authorized by this chapter."

14 Section 10. Section 32-4519, R.C.M. 1947, is amended  
15 to read as follows:

16 "32-4519. Regulations Rules governing screening. (1)  
17 The department of health and environmental sciences shall  
18 adopt rules governing the screening or shielding of motor  
19 vehicle wrecking facilities as provided in Title 59, chapter  
20 58.

21 (2) The department of highways may adopt rules  
22 governing the materials to be used in and the location,  
23 planting, construction, and maintenance of screening or  
24 fencing required by this act chapter."

-End-

HOUSE BILL NO. 437

INTRODUCED BY VINCENT

BY REQUEST OF

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69, CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO INITIATE AND MAINTAIN ACTIONS TO COLLECT A CIVIL PENALTY; CLARIFYING THE AUTHORITY OF THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING AND COORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF HIGHWAYS UNDER TITLE 32, CHAPTER 45, R.C.M. 1947; AND AMENDING SECTIONS 32-4516, 32-4519, 69-6801, 69-6802, 69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812, 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~~ chapter the following definitions apply:

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

buying, selling, or dealing in four ~~four~~ 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 a facility 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. 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 established by a county for junk motor vehicles prior to their disposal.

(3) "Junk vehicle" means ~~either~~ a discarded, ruined, wrecked, or dismantled vehicle, including component parts, or a 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, ~~company,~~ association, corporation, city, town, local governmental entity, or any other governmental or private entity whether organized for profit or not.

(5) "Department" means the department of health and

THIRD READING

1 environmental sciences provided for in Title 62A, chapter 6.  
 2 ~~(6) "board" means the board of health and~~  
 3 ~~environmental sciences, provided for in 82A-605.~~

4 ~~(7) "Shielding" means the construction or use of~~  
 5 ~~fencing or man-made or natural barriers to conceal junk~~  
 6 ~~vehicles from public view.~~

7 ~~(8) "Public view" means any point 6 feet above the~~  
 8 ~~surface of the center of a public road from which junk~~  
 9 ~~vehicles can be seen."~~

10 Section 2. Section 69-6802, R.C.M. 1947, is amended to  
 11 read as follows:

12 "69-6802. Motor vehicle wrecking facility and motor  
 13 vehicle graveyard license -- application -- fee -- display  
 14 -- term -- not transferable. A person may not conduct,  
 15 maintain, or operate a motor vehicle wrecking facility or  
 16 motor vehicle graveyard without a license issued by the  
 17 department.

18 (1) Application for the license shall be made on forms  
 19 furnished by the department.

20 (2) An annual fee of ~~fifty dollars~~ ~~(\$50)~~ shall be paid  
 21 to the department for the license, or quarterly prorated for  
 22 new facilities.

23 ~~(3) A motor vehicle graveyard is excluded from paying~~  
 24 ~~the annual license fee but must meet all other requirements~~  
 25 ~~of the chapter.~~

1 ~~(4)~~(4) A license shall be displayed in a prominent  
 2 place in the licensed facility or graveyard.

3 ~~(4)~~(5) The license expires on December 31 of the year  
 4 issued.

5 ~~(5)~~(6) If a motor vehicle wrecking facility ceases to  
 6 do business, the license shall be surrendered to the  
 7 department. The license is not transferable.

8 ~~(7) A decision by the department to issue, deny, or~~  
 9 ~~revoke a motor vehicle wrecking facility or graveyard~~  
 10 ~~license may be appealed to the board within 30 days after~~  
 11 ~~receipt of official notice of the department's decision."~~

12 Section 3. Section 69-6803, R.C.M. 1947, is amended to  
 13 read as follows:

14 "69-6803. Possession of junk vehicles as prima facie  
 15 evidence of motor vehicle wrecking facility. ~~(1)~~ Possession  
 16 at a single location of four ~~(4)~~ or more junk vehicles of a  
 17 type required to be licensed is prima facie evidence that  
 18 the possessor is operating a motor vehicle wrecking  
 19 facility.

20 ~~(2) A person who owns or possesses at a single~~  
 21 ~~location four (4) or more junk vehicles of a type required~~  
 22 ~~to be licensed is subject to this act even though he is not~~  
 23 ~~operating a motor vehicle wrecking facility."~~

24 Section 4. Section 69-6806, R.C.M. 1947, is amended to  
 25 read as follows:

1       \*69-6806. Crushing and recycling of junk vehicles. (1)  
 2       The department shall contract for final disposition of junk  
 3       vehicles accumulated in motor vehicle graveyards and shall  
 4       provide for crushing and recycling the material from the  
 5       vehicles.

6       (2) The department may also contract to dispose of, by  
 7       crushing and recycling, junk vehicles accumulated in the  
 8       yard of a motor vehicle wrecking facility. The department  
 9       may so contract only upon the request of the facility and  
 10      only if there is an accumulation of at least ~~two hundred~~  
 11      ~~{200}~~ vehicles at the facility.

12      (3) All moneys received from the sale of the junk  
 13      vehicles or from recycling of the material shall be  
 14      deposited with the state treasurer to be utilized for\*

15      ~~{\*}~~ ~~the~~ control, collection, recycling, and disposal  
 16      of junk vehicles† and component parts.

17      ~~{b}~~ ~~--to--conduct--a--feasibility--study--to--determine--the~~  
 18      ~~suitability--of--resource--recovery--from--our--solid--waste--the~~  
 19      ~~cost--of--which--may--not--exceed--two--hundred--thousand--dollars~~  
 20      ~~{200,000}~~ ~~† and the results of which will be made available~~  
 21      ~~to the public and legislature by 1977.~~

22      (4) Any AN individual may dispose of a junk vehicle by  
 23      delivering the vehicle to a motor vehicle graveyard and by  
 24      delivering to the department the certificate or evidence of  
 25      title to the vehicle, or a written release of the vehicle.\*

1       Section 5. Section 69-6807, R.C.M. 1947, is amended to  
 2       read as follows:

3       \*69-6807. Deposit of fees -- special junk vehicle  
 4       assessment fee. (1) All motor vehicle wrecking facility  
 5       license fees and fees collected as motor vehicle disposal  
 6       fees shall be deposited with the state treasurer to be  
 7       utilized for\* ~~the~~

8       ~~{\*}~~ control, collection, recycling, and disposal of  
 9       junk vehicles† and component parts.

10      ~~{b}~~ ~~--to--conduct--a--feasibility--study--to--determine--the~~  
 11      ~~suitability--of--resource--recovery--from--our--solid--waste--the~~  
 12      ~~cost--of--which--may--not--exceed--two--hundred--thousand--dollars~~  
 13      ~~{200,000}~~ ~~† and the results of which will be made available~~  
 14      ~~to the public and legislature by 1977.~~

15      (2) There is assessed a special junk vehicle disposal  
 16      fee ~~commencing on July 1, 1973,~~ on each new application for  
 17      a motor vehicle title and on each transfer of a motor  
 18      vehicle title in the amount of ~~two dollars--{2}~~ \$1.50 on  
 19      passenger cars and trucks under 8001 pounds GVW, which shall  
 20      be collected by the county treasury, and, commencing with  
 21      the year 1974, there shall be assessed an additional special  
 22      junk vehicle disposal fee in the amount of ~~fifty--cents~~  
 23      ~~{50}~~ 50 cents on each passenger car and truck under 8001  
 24      pounds GVW registered for licensing. The ~~fifty--cents--{50}~~  
 25      50 cent fee shall be collected by the county treasurer.



1 However, the following are exempt from payment of the fees:

2 (a) vehicles leased or owned by the state or by a  
3 county or municipality;

4 (b) vehicles used for transportation by nonresident,  
5 migratory workers temporarily employed in agricultural work  
6 in this state;

7 (c) vehicles displaying dealers' license plates, as  
8 provided in section 53-122, while owned by a dealer; and

9 (d) house trailers or equipment which are not  
10 self-propelled or which require towing upon a highway of  
11 this state.

12 (3) The department shall report to each legislature  
13 the amount collected under this act ~~chapter~~ and the cost of  
14 administration of ~~the act~~ this chapter to date so that any  
15 necessary adjustment of the amount of the fee may be made to  
16 assure that no more than the actual cost of operation of the  
17 program is collected.

18 (4) The department shall pay to a county the amount of  
19 the approved budget of the county. The yearly payment may  
20 not exceed ~~one-dollar-(\$1)~~ for each motor vehicle under 8001  
21 pounds GVW that is licensed in that county. However, for  
22 those counties that have fewer than ~~five--thousand--(5,000)~~  
23 such motor vehicles, the department may pay up to ~~five~~  
24 ~~thousand-dollars-(\$5,000)~~, providing the county can justify  
25 this payment."

1 Section 6. Section 69-6808, R.C.M. 1947, is amended to  
2 read as follows:

3 "~~69-6808. Enforcement--adoption~~ Adoption of rules. The  
4 department shall adopt rules necessary ~~to-administer-and~~  
5 ~~enforce-this-act for the administration of this chapter,~~  
6 including but not limited to, rules pertaining to:

7 (1) the ~~establishment,~~ control, operation, and  
8 licensing of motor vehicle wrecking ~~yards facilities and~~  
9 ~~graveyards;~~

10 (2) the control of junk vehicles in locations other  
11 than motor vehicle wrecking ~~yards facilities and graveyards;~~

12 (3) the inspection and evaluation of premises and  
13 records subject to or required by this act ~~chapter;~~

14 (4) the development of budget and fiscal forms and  
15 procedures for counties;

16 (5) the review, approval, and control procedures for  
17 county motor vehicle graveyards developed under this act  
18 ~~chapter; and~~

19 ~~(6) the shielding of a junk vehicle and motor vehicle~~  
20 ~~wrecking facility and graveyard from public view. The~~  
21 ~~department may not adopt a rule which requires the~~  
22 ~~construction of a fence or man-made barrier which would be~~  
23 ~~in excess of 12 feet in height. A new motor vehicle wrecking~~  
24 ~~facility or graveyard site may not be approved for use or~~  
25 ~~licensed if the proposed facility cannot be shielded from~~

1 ~~public view. THE PROHIBITION CONCERNING APPROVAL OF A NEW~~  
2 ~~MOTOR VEHICLE WRECKING FACILITY SITE DOES NOT APPLY TO A~~  
3 ~~FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE~~  
4 ~~PRECEDING 18 MONTHS."~~

5 Section 7. Section 69-6810, R.C.M. 1947, is amended to  
6 read as follows:

7 "69-6810. Injunction to enforce act ~~chapter --~~  
8 ~~violation as misdemeanor action to collect civil penalty.~~

9 (1) The department, through the attorney general or the  
10 county attorney of the county in which a facility is  
11 located, may sue to enjoin the operation or maintenance of  
12 ~~an unlicensed a motor vehicle wrecking facility or graveyard~~  
13 ~~either permanently or until compliance with this act--and~~  
14 ~~chapter, the rules of the department, or an order issued~~  
15 ~~pursuant to this chapter~~ has been demonstrated to--the  
16 ~~satisfaction of the department.~~

17 (2) ~~Violation of this act or a rule of the department~~  
18 ~~adopted under this act is a misdemeanor~~ The department,  
19 ~~through the attorney general or the county attorney of the~~  
20 ~~county in which a motor vehicle wrecking facility or~~  
21 ~~graveyard is located, may sue in district court to collect a~~  
22 ~~civil penalty as provided in 69-6812."~~

23 Section 8. Section 69-6812, R.C.M. 1947, is amended to  
24 read as follows:

25 "69-6812. Penalty Penalties. (1) A person who

1 willfully violates this act ~~chapter~~ is guilty of a  
2 misdemeanor and upon conviction shall be fined not to exceed  
3 ~~two--hundred--and--fifty--dollars--(\$250),~~ imprisoned in the  
4 county jail for a term not to exceed ~~thirty--(30)~~ days, or  
5 both.

6 (2) A person who violates this chapter, a rule of the  
7 department, or an order issued as provided in this chapter  
8 shall be subject to a civil penalty of not more than \$250  
9 \$50. Each day upon which a violation of this chapter or a  
10 rule or order occurs is a separate violation."

11 Section 9. Section 32-4516, R.C.M. 1947, is amended to  
12 read as follows:

13 "32-4516. Issuance of license. (1) The department of  
14 health and environmental sciences ~~with the concurrence of~~  
15 ~~the department of highways shall have the authority to may~~  
16 issue licenses for the establishment, maintenance, and  
17 operation of junkyards ~~within the limits herein defined~~  
18 motor vehicle wrecking facilities and graveyards as provided  
19 in Title 69, chapter 68. The issuance, denial, or revocation  
20 of a license under the provisions of Title 69, chapter 68,  
21 may, ON THE BASIS OF 32-4520, be appealed to the board of  
22 health and environmental sciences.

23 (2) The department of highways may object to and  
24 participate as a party in all decisions concerning the  
25 issuance, denial, or revocation of a license under the

1 provisions of Title 69, chapter 68, if the facility in  
2 question is within 1,000 feet of the nearest edge of the  
3 right-of-way of any interstate or primary highway. IF THE  
4 DEPARTMENT OF HIGHWAYS OBJECTS TO THE LICENSING OF A  
5 FACILITY PURSUANT TO THIS SUBSECTION, IT SHALL PROCEED UNDER  
6 THE PROVISIONS OF SECTION 32-4520(2).

7 (3) The department of highways may issue a license for  
8 a junkyard that is not a motor vehicle wrecking facility as  
9 defined in Title 69, chapter 68.

10 (4) Nothing in this section prohibits the department  
11 of highways from acquiring an interest in land for screening  
12 purposes or paying for screening installation and materials  
13 as authorized by this chapter."

14 Section 10. Section 32-4519, R.C.M. 1947, is amended  
15 to read as follows:

16 "32-4519. ~~Regulations~~ Rules governing screening. (1)  
17 The department of health and environmental sciences shall  
18 adopt rules governing the screening or shielding of motor  
19 vehicle wrecking facilities as provided in Title 69, chapter  
20 68.

21 (2) The department of highways may adopt rules  
22 governing the materials to be used in, and the location,  
23 planting, construction, and maintenance of screening or  
24 fencing required by this act chapter."

-End-

1 HOUSE BILL NO. 437

2 INTRODUCED BY VINCENT

3 BY REQUEST OF

4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69,  
7 CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF  
8 HEALTH AND ENVIRONMENTAL SCIENCES TO INITIATE AND MAINTAIN  
9 ACTIONS TO COLLECT A CIVIL PENALTY; CLARIFYING THE AUTHORITY  
10 OF THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE  
11 WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING  
12 AND COORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF  
13 HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF  
14 HIGHWAYS UNDER TITLE 32, CHAPTER 45, R.C.M. 1947; AND  
15 AMENDING SECTIONS 32-4516, 32-4519, 69-6801, 69-6802,  
16 69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812,  
17 R.C.M. 1947."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

22 "69-6801. Definitions. Unless the context requires  
23 otherwise, in this act chapter the following definitions  
24 apply:

25 (1) "Motor vehicle wrecking facility" means a facility

1 buying, selling, or dealing in four ~~(4)~~ or more vehicles per  
2 year of a type required to be licensed, for the purpose of  
3 wrecking, dismantling, disassembling, or substantially  
4 changing the form of the motor vehicle or a facility which  
5 buys or sells integral second-hand parts or component  
6 material thereof, in whole or in part, and deals in  
7 second-hand motor vehicle parts. The term does not include a  
8 garage where wrecked or disabled motor vehicles are  
9 temporarily stored for a reasonable period of time for  
10 inspection, repairs, or subsequent removal to a junkyard.

11 (2) "Motor vehicle graveyard" means a collection point  
12 established by a county for junk motor vehicles prior to  
13 their disposal.

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

21 (4) "Person" means any individual, firm, partnership,  
22 company, association, corporation, city, town, local  
23 governmental entity, or any other governmental or private  
24 entity whether organized for profit or not.

25 (5) "Department" means the department of health and

1 environmental sciences provided for in Title 82A, chapter 6.

2 ~~(6) "Board" means the board of health and~~  
 3 ~~environmental sciences, provided for in 82A-605.~~

4 ~~(7) "Shielding" means the construction or use of~~  
 5 ~~fencing or man-made or natural barriers to conceal junk~~  
 6 ~~vehicles from public view.~~

7 ~~(8) "Public view" means any point 6 feet above the~~  
 8 ~~surface of the center of a public road from which junk~~  
 9 ~~vehicles can be seen."~~

10 Section 2. Section 69-6802, R.C.M. 1947, is amended to  
 11 read as follows:

12 "69-6802. Motor vehicle wrecking facility and motor  
 13 vehicle graveyard license -- application -- fee -- display  
 14 -- term -- not transferable. A person may not conduct,  
 15 maintain, or operate a motor vehicle wrecking facility or  
 16 motor vehicle graveyard without a license issued by the  
 17 department.

18 (1) Application for the license shall be made on forms  
 19 furnished by the department.

20 (2) An annual fee of ~~fifty dollars~~ ~~(\$50)~~ shall be paid  
 21 to the department for the license, or quarterly prorated for  
 22 new facilities.

23 ~~(3) A motor vehicle graveyard is excluded from paying~~  
 24 ~~the annual license fee but must meet all other requirements~~  
 25 ~~of the chapter.~~

1 ~~(4)~~ (4) A license shall be displayed in a prominent  
 2 place in the licensed facility or graveyard.

3 ~~(5)~~ (5) The license expires on December 31 of the year  
 4 issued.

5 ~~(6)~~ (6) If a motor vehicle wrecking facility ceases to  
 6 do business, the license shall be surrendered to the  
 7 department. The license is not transferable.

8 ~~(7) A decision by the department to issue, deny, or~~  
 9 ~~revoke a motor vehicle wrecking facility or graveyard~~  
 10 ~~license may be appealed to the board within 30 days after~~  
 11 ~~receipt of official notice of the department's decision."~~

12 Section 3. Section 69-6803, R.C.M. 1947, is amended to  
 13 read as follows:

14 "69-6803. Possession of junk vehicles as prima facie  
 15 evidence of motor vehicle wrecking facility. ~~(1)~~ Possession  
 16 at a single location of four ~~(4)~~ or more junk vehicles of a  
 17 type required to be licensed is prima facie evidence that  
 18 the possessor is operating a motor vehicle wrecking  
 19 facility.

20 ~~(2) A person who owns or possesses at a single~~  
 21 ~~location four (4) or more junk vehicles of a type required~~  
 22 ~~to be licensed is subject to this act even though he is not~~  
 23 ~~operating a motor vehicle wrecking facility."~~

24 Section 4. Section 59-6806, R.C.M. 1947, is amended to  
 25 read as follows:

1       \*69-6806. Crushing and recycling of junk vehicles. (1)  
 2       The department shall contract for final disposition of junk  
 3       vehicles accumulated in motor vehicle graveyards and shall  
 4       provide for crushing and recycling the material from the  
 5       vehicles.

6       (2) The department may also contract to dispose of, by  
 7       crushing and recycling, junk vehicles accumulated in the  
 8       yard of a motor vehicle wrecking facility. The department  
 9       may so contract only upon the request of the facility and  
 10      only if there is an accumulation of at least two-hundred  
 11      ~~{200}~~ vehicles at the facility.

12      (3) All moneys received from the sale of the junk  
 13      vehicles or from recycling of the material shall be  
 14      deposited with the state treasurer to be utilized for:

15      ~~{a}~~ the control, collection, recycling, and disposal  
 16      of junk vehicles, and component parts.

17      ~~{b}~~ to conduct a feasibility study to determine the  
 18      suitability of resource recovery from our solid waste, the  
 19      cost of which may not exceed two hundred thousand dollars  
 20      ~~{\$200,000}~~, and the results of which will be made available  
 21      to the public and legislature by 1977.

22      (4) Any an individual may dispose of a junk vehicle by  
 23      delivering the vehicle to a motor vehicle graveyard and by  
 24      delivering to the department the certificate or evidence of  
 25      title to the vehicle, or a written release of the vehicle."

1       Section 5. Section 69-6807, R.C.M. 1947, is amended to  
 2       read as follows:

3       \*69-6807. Deposit of fees -- special junk vehicle  
 4       assessment fee. (1) All motor vehicle wrecking facility  
 5       license fees and fees collected as motor vehicle disposal  
 6       fees shall be deposited with the state treasurer to be  
 7       utilized for:

8       ~~{a}~~ control, collection, recycling, and disposal of  
 9       junk vehicles, and component parts.

10      ~~{b}~~ to conduct a feasibility study to determine the  
 11      suitability of resource recovery from our solid waste, the  
 12      cost of which may not exceed two hundred thousand dollars  
 13      ~~{\$200,000}~~, and the results of which will be made available  
 14      to the public and legislature by 1977.

15      (2) There is assessed a special junk vehicle disposal  
 16      fee commencing on July 1, 1973, on each new application for  
 17      a motor vehicle title and on each transfer of a motor  
 18      vehicle title in the amount of ~~two dollars~~ ~~{\$2}~~, \$1.50 on  
 19      passenger cars and trucks under 8001 pounds GVW, which shall  
 20      be collected by the county treasurer, and, commencing with  
 21      the year 1974, there shall be assessed an additional special  
 22      junk vehicle disposal fee in the amount of ~~fifty cents~~  
 23      ~~{\$.50}~~ 50 cents on each passenger car and truck under 8001  
 24      pounds GVW registered for licensing. The ~~fifty cents~~ ~~{\$.50}~~  
 25      50 cent fee shall be collected by the county treasurer.

1 However, the following are exempt from payment of the fees:

2 (a) vehicles leased or owned by the state or by a  
3 county or municipality;

4 (b) vehicles used for transportation by nonresident,  
5 migratory workers temporarily employed in agricultural work  
6 in this state;

7 (c) vehicles displaying dealers' license plates, as  
8 provided in section 53-122, while owned by a dealer; and

9 (d) house trailers or equipment which are not  
10 self-propelled or which require towing upon a highway of  
11 this state.

12 (3) The department shall report to each legislature  
13 the amount collected under this act chapter and the cost of  
14 administration of the act this chapter to date so that any  
15 necessary adjustment of the amount of the fee may be made to  
16 assure that no more than the actual cost of operation of the  
17 program is collected.

18 (4) The department shall pay to a county the amount of  
19 the approved budget of the county. The yearly payment may  
20 not exceed ~~one dollar~~ ~~(\$1)~~ for each motor vehicle under 8001  
21 pounds GVW that is licensed in that county. However, for  
22 those counties that have fewer than ~~five--thousand--~~ ~~(5,000)~~  
23 such motor vehicles, the department may pay up to ~~five~~  
24 ~~thousand-dollars--~~ ~~(\$5,000)~~, providing the county can justify  
25 this payment."

1 Section 69-6808, R.C.M. 1947, is amended to  
2 read as follows:

3 "69-6808. ~~Enforcement--adoption~~ Adoption of rules. The  
4 department shall adopt rules necessary ~~to-administer-and~~  
5 ~~enforce-this-act for the administration of this chapter,~~  
6 including but not limited to, rules pertaining to:

7 (1) the ~~establishment,~~ control, operation, and  
8 licensing of motor vehicle wrecking ~~yards~~ facilities and  
9 graveyards;

10 (2) the control of junk vehicles in locations other  
11 than motor vehicle wrecking ~~yards~~ facilities and graveyards;

12 (3) the inspection and evaluation of premises and  
13 records subject to or required by this act chapter;

14 (4) the development of budget and fiscal forms and  
15 procedures for counties;

16 (5) the review, approval, and control procedures for  
17 county motor vehicle graveyards developed under this ~~act~~  
18 chapter; and

19 (6) the shielding of a junk vehicle and motor vehicle  
20 wrecking facility and graveyard from public view. The  
21 department may not adopt a rule which requires the  
22 construction of a fence or man-made barrier which would be  
23 in excess of 12 feet in height. A new motor vehicle wrecking  
24 facility or graveyard site may not be approved for use or  
25 licensed if the proposed facility cannot be shielded from

1 ~~public view. THE PROHIBITION CONCERNING APPROVAL OF A NEW~~  
 2 ~~MOTOR VEHICLE WRECKING FACILITY SITE DOES NOT APPLY TO A~~  
 3 ~~FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE~~  
 4 ~~PRECEDING 18 MONTHS."~~

5 Section 7. Section 69-6810, R.C.M. 1947, is amended to  
 6 read as follows:

7 "69-6810. Injunction to enforce ~~act chapter --~~  
 8 ~~violation-as-misdemeanor action to collect civil penalty.~~

9 (1) The department, through the attorney general or the  
 10 county attorney of the county in which a facility is  
 11 located, may sue to enjoin the operation or maintenance of  
 12 ~~an-unlicensed a motor vehicle wrecking facility or graveyard~~  
 13 ~~either permanently or until compliance with this act--and~~  
 14 ~~chapter, the rules of the department, or an order issued~~  
 15 ~~pursuant to this chapter has been demonstrated to--the~~  
 16 ~~satisfaction-of-the-department.~~

17 (2) ~~Violation--of-this-act-or-a-rule-of-the-department~~  
 18 ~~adopted-under-this-act--is--a--misdemeanor~~ The department,  
 19 ~~through the attorney general or the county attorney of the~~  
 20 ~~county in which a motor vehicle wrecking facility or~~  
 21 ~~graveyard is located, may sue in district court to collect a~~  
 22 ~~civil penalty as provided in 69-6812."~~

23 Section 8. Section 69-6812, R.C.M. 1947, is amended to  
 24 read as follows:

25 "69-6812. ~~Penalty Penalties.~~ (1) A person who

1 willfully violates this ~~act chapter~~ is guilty of a  
 2 misdemeanor and upon conviction shall be fined not to exceed  
 3 ~~two-hundred-and-fifty-dollars--(\$250),~~ imprisoned in the  
 4 county jail for a term not to exceed ~~thirty--(30)~~ days, or  
 5 both.

6 (2) ~~A person who violates this chapter, a rule of the~~  
 7 ~~department, or an order issued as provided in this chapter~~  
 8 ~~shall be subject to a civil penalty of not more than \$250~~  
 9 ~~\$50, each day upon which a violation of this chapter or a~~  
 10 ~~rule or order occurs is a separate violation."~~

11 Section 9. Section 32-4516, R.C.M. 1947, is amended to  
 12 read as follows:

13 "32-4516. Issuance of license. (1) The department of  
 14 health and environmental sciences, ~~with the--concurrence--of~~  
 15 ~~the--department--of-highways--shall--have--the--authority--to~~ may  
 16 issue licenses for the establishment, maintenance, and  
 17 operation of junkyards ~~within--the--limits--herein--defined~~  
 18 ~~motor vehicle wrecking facilities and graveyards as provided~~  
 19 ~~in Title 69, chapter 68. The issuance, denial, or revocation~~  
 20 ~~of a license under the provisions of Title 69, chapter 68,~~  
 21 ~~may, on the basis of 32-4520, be appealed to the board of~~  
 22 ~~health and environmental sciences.~~

23 (2) ~~The department of highways may object to and~~  
 24 ~~participate as a party in all decisions concerning the~~  
 25 ~~issuance, denial, or revocation of a license under the~~



1 provisions of Title 69, chapter 68, if the facility in  
2 question is within 1,000 feet of the nearest edge of the  
3 right-of-way of any interstate or primary highway. IF THE  
4 DEPARTMENT OF HIGHWAYS OBJECTS TO THE LICENSING OF A  
5 FACILITY PURSUANT TO THIS SUBSECTION, IT SHALL PROCEED UNDER  
6 THE PROVISIONS OF SECTION 32-4520(2).

7 (3) The department of highways may issue a license for  
8 a junkyard that is not a motor vehicle wrecking facility as  
9 defined in Title 69, chapter 68.

10 (4) Nothing in this section prohibits the department  
11 of highways from acquiring an interest in land for screening  
12 purposes or paying for screening installation and materials  
13 as authorized by this chapter."

14 Section 10. Section 32-4519, R.C.M. 1947, is amended  
15 to read as follows:

16 "32-4519. Regulations Rules governing screening. (1)  
17 The department of health and environmental sciences shall  
18 adopt rules governing the screening or shielding of motor  
19 vehicle wrecking facilities as provided in Title 69, chapter  
20 68.

21 (2) The department of highways may adopt rules  
22 governing the materials to be used in, and the location,  
23 planting, construction, and maintenance of screening or  
24 fencing required by this ~~act~~ chapter."

-End-