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their disposal.

1	H BILL NO. 437
2	INTRODUCED BY Vincent
3	BY REQUEST OF
4	THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5	
5	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, 69-5802,
16	69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812,
17	R.C.M. 1947.W
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

(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 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.

(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.

(2) "Motor vehicle graveyard" means a collection point

established by a county for junk motor vehicles prior to

- (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

1	environmental sciences provided for in Title 82A, chapter o	5•
2	(6) "Soard" means the board of health an	۵d

environmental sciences, provided for in 82A-605.

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- 4 (7) "Shielding" means the construction or use of
 5 fencing or man-made or natural parriers 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."
- Section 2. Section 69-6802, R.C.M. 1947, is amended to 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 grayeyard is excluded from paying
 24 the annual license fee but must meet all other requirements
 25 of the chapter.

1	(3) (<u>4)</u>	A	license	shall	ps	displayed	in	а	prominent
2	place in the) i	censed f	acility	or g	raveyard.			

- 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.
- Section 3. Section 69-6803, R.C.M. 1947, is amended to read as follows:
- 14 #69-6803. Possession of junk vehicles as prima facie 15 evidence of motor vehicle wrecking facility. (†) Possession 16 at a single locationy of four (†) or more junk vehicles of a 17 type required to be licensedy is prima facie evidence that 18 the possessor is operating a motor vehicle wrecking
- 20 (2)--A-person-who-owns-or-possesses-at-s-single
 21 location-four-(4)-or-more-junk-vehicles-of-s-type-required
 22 to-be-licensed-is-subject-to-this-act-even-though-he-is-not
 23 operation-a-motor-vehicle-wrecking-facility*

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facility.

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

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

- (2) The department may also contract to dispose of, by crushing and recycling, junk vehicles accumulated in the yard of a motor vehicle wrecking facility. The department may so contract only upon the request of the facility and only if there is an accumulation of at least two-hundred †2007 vehicles at the facility.
- (3) All moneys received from the sale of the junk vehicles or from recycling of the material shall be deposited with the state treasurer to be utilized for*
- 15 (a) the control collection recycling and disposal

 16 of junk vehicles and component parts.
 - (b)--to--conduct--a--feasibility-study-to-determine-the suitability-of-resource-recovery-from-our-solid--wastey--the cost--of--which-may-not-exceed-two-hundred--thousand-dollars (\$200,000)y-and-the-results-of-which-will-be-made--available to-the-public-and-legislature-by-1977*
 - (4) Any An individual may dispose of a junk vehicle by delivering the vehicle to a motor vahicle graveyard and by delivering to the department the certificate or evidence of 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 m69-6807. 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

ta) control, collection, <u>recycling</u>, and disposal of
 junk vehicles; and <u>component parts</u>.

(b)--to--conduct--a--feasibility-study-to-determine-the
suitability-of-resource-recovery-from-our-solid--wastey--the
cost--of--which--may-not-exceed-two-hundred-thousand-dollars
(\$200,000),-and-the-results-of-which-will-be-made--available
to-the-public-and-legislature-by-1977*

(2) There is assessed a special junk vehicle disposal fee commencing—on—duly—iv—iv73v on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of two—dollars——(\$2)v 11.50 on passenger cars and trucks under 8001 pounds GVW, which shall be collected by the county treasurervand. commencing with the year 1974, there shall be assessed an additional special junk vehicle disposal fee in the amount of fifty—cents—(\$x=50) 50 cents on each passenger car and truck under 8001 pounds GVW registered for licensing. The fifty—cents—(\$x=50) 50 cent fee shall be collected by the county treasurer.

- However, the following are exempt from payment of the fees:
- (a) vehicles leased or owned by the statε or by acounty or municipality;
- (b) vehicles used for transportation by nonresident,
 migratory workers temporarily employed in agricultural work
 in this state;
- 7 (c) vehicles displaying dealers* license plates, as 8 provided in section 53-122, while owned by a dealer; and

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- (d) house trailers or equipment which are not self-propelled or which require towing upon a highway of this state.
- (3) The department shall report to each legislature the amount collected under this act chapter and the cost of administration of the act this chapter to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected.
- (4) The department shall pay to a county the amount of the approved budget of the county. The yearly payment may not exceed one-dollar-(\$1) for each motor vehicle under 8001 pounds GVW that is licensed in that county. However, for those counties that have fewer than five--thousand--(5,000) such motor vehicles, the department may pay up to five thousand-dollars-(\$5,000), providing the county can justify this payment."

- Section 6. Section 69-6808, R.C.M. 1947, is amended to 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 <u>establishments</u> control, operation, and 8 licensing of motor vehicle wrecking yards <u>facilities</u> and 9 <u>grayevards</u>;
- 10 (2) the control of junk vehicles in locations other
 11 than motor vehicle wrecking yeards facilities and gravevards;
- 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 w
 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

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- 2 Section 7. Section 69-6810, R.C.M. 1947, is amended to read as follows:
- "69-6810. Injunction to enforce set chapter -
 violation--as--misdemeanor action to collect civil penalty.

 (1) The department, through the attorney general or the

 county attorney of the county in which a facility is

 located, may sue to enjoin the operation or maintenance of

 an-unlicensed a motor vehicle wrecking facility or graveyard

 either permanently or until compliance with this set-and

 chapter, the rules of the department, or an order issued

 pursuant to this chapter has been demonstrated to-the
 - (2) Violation-of-this-act-or-a-rule-of-the-department adopted—under—this—act—is—a-misdemeanor <u>The department</u>: through the attorney general or the county attorney of the county in which a motor vehicle wrecking facility or grayeyard is located: may sue in district court to collect a givil penalty as provided in 69-6812.
- Section 8. Section 59-6812, R.C.M. 1947, is amended to read as follows:
- 22 "69-6812. Penalty <u>Penalties</u>. (1) A person who
 23 <u>willfully</u> violates this <u>act chapter</u> 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

- county jail for a term not to exceed thirty-(30) days, or
 both.
- 13 121 A person who violates this chapter a rule of the
 14 department. or an order issued as provided in this chapter
 15 shall be subject to a civil penalty of not more than \$250.
 16 Each day upon which a violation of this chapter or a rule or
 17 order occurs is a separate violation.
- Section 9. Section 32-4516, R.C.M. 1947, is amended to read as follows:
- 10 *32-4516. Issuance of license. (11) The department of 11 health and environmental sciencesy-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 litle 69, chapter 68. The issuance, denial, or revocation 17 of a license under the provisions of litle 59, 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 little 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.

ì	(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 litle 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 1	vehicle wrecking facilities as provided in Title 69, chapter
14	<u>68.</u> .
15	12) The department of highways may adopt rules
16	governing the materials to be used inv and the location.
17	$planting_{\text{1}}$ construction_{\text{2}} \ \ \text{and} \ \ \text{maintenance} \ \ \text{of} \ \ \text{screening} \ \ \text{or}
18	fencing required by this act <u>chapter</u> ."

-End-

STATE OF MONTANA

REQUEST	NΩ	207-77

FISCAL NOTE

Form BD-15

			I'O'M BD-13
In compliance with a written request received January 25 for House Bill 437 pursuant to Chapter 53 Background information used in developing this Fiscal Note is avail of the Legislature upon request.	, Laws of Montana	, 1965 - Thirty-Ninth Le	gislative Assembly.
DESCRIPTION OF PROPOSED LEGISLATION:			
An act authorizing the Department of Health and Environment penalty; clarifying the authority of the Department to require vehicle graveyards; clarifying and coordinating the responsibility and the Department of Highways under Title 32, Chapter 45	e the shielding of ties of the Depart	motor vehicle wrecking	g facilities and motor
ASSUMPTION:			
No additional costs would occur to the Department of Health	h and Environmen	tal Sciences.	
FISCAL IMPACT:	FY 78	_ FY 79	TOTAL
Net loss of revenue to the Earmarked Revenue Fund will be	<u>\$98,756</u>	<u>\$98,756</u>	\$197,512

Richard & Dan for BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _/- 3/- 77

HB 0437/02 45th Legislature

HOUSE BILL NO. 437

Approved by Committee on Business and Industry

2	INTRODUCED BY VINCENT
3	BY REQUEST OF
4	THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5	
ó	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69.
7	CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF
ь	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 HOTOR VEHICLE GRAVEYARDS; CLARIFYING
12	AND COURDINATING 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,
1 ò	69-6833, 59-6806, 69-6807, 69-6808, 69-6810, AND 69-6812,
17	R.C.M. 1947.
18	
1 7	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	"69-5801. Definitions. Unless the context requires
2.3	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.

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

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

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- 1 environmental sciences provided for in Fitle 82A, chapter 6.
- 2 (6) "Board" means the board of health and
- 3 environmental sciences, provided for in 82A-605.
- 4 17) "Shielding" means the construction or use of
- 5 fencing or man-made or natural barriers to conceal junk
- 5 yehicles 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 #59-6802. Motor vehicle wrecking facility and motor
- 13 <u>Yehicle_grayeyard</u> license -- application -- fee -- display
- 14 -- term -- not transferable. A person may not conduct.
- 15 maintain, or operate a motor vehicle wrecking facility or
- 16 <u>motor vehicle graveyard</u> 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 (1) A decision by the department to issue, denv. 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 M69-6803. Possession of junk vehicles as prima facie
- 15 evidence of motor vehicle wrecking facility. (1) Possession
- 16 at a single locationy 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)-x--person--who--owns--or--possesses--st--s--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:

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-4- HB 437

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*69-6806. Crushing and recycling of junk vehicles. (1)

The department shall contract for final disposition of junk vehicles accumulated in motor vehicle graveyards and shall provide for crushing and recycling the material from the vehicles.

- (2) The department may also contract to dispose of, by crushing and recycling, junk vehicles accumulated in the yard of a motor vehicle wrecking facility. The department may so contract only upon the request of the facility and only if there is an accumulation of at least two-hundred t200+ vehicles at the facility.
- (3) All moneys received from the sale of the junk vehicles or from recycling of the material shall be deposited with the state treasurer to be utilized for*
- (a) the control, collection, recycling, and disposal of junk vehicles; and component parts.
- (b)=-to--conduct--a--feasibility-study-to-determine-the
 suitanility-of-resource-recovery-from-our-solid--wastey--the
 cost--of--which-may-not-exceed-two-hundred--thousand-dollars
 {\$200,000},-and-the-results-of-which-will-be-made--available
 to-the-sublic-and-legisloture-by-1977*
- (4) Any An individual may dispose of a junk vehicle by delivering the vehicle to a motor vehicle graveyard and by delivering to the department the certificate or evidence of title to the vehicley 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 M69-6807. 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

ta) control collection recycling and disposal of
 junk vehicles and component parts.

(b)--to--conduct--a--feasibility-study-to-determine-the suitability-of-resource-recovery-from-our-solid--wastey--the cost--of--which--may-not-exceed-two-hundred-thousand-dollars (\$200,000)y-and-the-results-of-which-will-be-made--avoilable to-the-public-and-legislature-by-1977y

(2) There is assessed a special junk vehicle disposal fee commencing-on-duly-ly-1973y on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of two-dollars--(\$2)y \$1.50 on passenger cars and trucks under 8001 pounds GVW, which shall be collected by the county treasurery and commencing with the year 1974, there shall be assessed an additional special junk vehicle disposal fee in the amount of fifty-cents-(\$*50) 50 cents on each passenger car and truck under 8001 pounds GVW remistered for licensing. The fifty-cents--(\$*50) 50 cents fee shall be collected by the county treasurer.

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- However, the following are exempt from payment of the fees:
- (a) vehicles leased or owned by the state or by a
 county or municipality;

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- (b) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state;
- (c) vehicles displaying dealers! license plates, as provided in section 53-122, while owned by a dealer; and
- 9 (a) house trailers or equipment which are not 10 self-propelled or which require towing upon a highway of 11 this state.
 - (3) The department shall report to each legislature the amount collected under this set chapter and the cost of administration of the set this chapter to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected.
 - (4) The department shall pay to a county the amount of the approved budget of the county. The yearly payment may not exceed one-dollar-(\$1) for each motor vehicle under 8001 pounds GVW that is licensed in that county. However, for those counties that have fewer than five-thousand--(5,000) such motor vehicles, the department may pay up to five thousand-dollars-(\$5,000), providing the county can justify this payment."

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

- 7 (1) the <u>establishments</u> control, operation, and 5 licensing of motor vehicle wrecking yerds <u>facilities</u> and 9 <u>graveyards</u>;
- 10 (2) the control of junk vehicles in locations other
 11 than motor vehicle wrecking yerds 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 and15 procedures for counties;
- (5) the review, approval, and control procedures for county motor vehicle graveyards developed under this acts that chapter; and
 - (6) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The department may not adopt a rule which requires the construction of a fence or man made barrier which would be in excess of 12 feet in height. A new motor vehicle wrecking facility or graveyard site may not be approved for use or licensed if the proposed facility cannot be shielded from

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sciences.

public views THE PROHIBITION CONCERNING APPROVAL OF A NEW MOTOR VEHICLE WRECKING FACILITY SITE DOES NOT APPLY TO A FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE PRECEDING 13 MONTHS."

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

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#69-6810. Injunction to enforce set chapter -violation-as-misdemeanor action to collect civil penalty.

(1) The department, through the attorney general or the county attorney of the county in which a facility is located, may sue to enjoin the operation or maintenance of an-unficensed a motor vehicle wrecking facility or graveyard either permanently or until compliance with this set—and chapter: the rules of the department, or an order issued pursuant to this chapter has been demonstrated to—the satisfaction of the department.

(2) Violation—of-this-act-or-e-rule of-the-department odopted-under-this-act--is--a-misdementor. The department: through the attorney ceneral or the county attorney of the county in which a motor vehicle wrecking facility or grayeyard is located: may sue in district court to collect a civil penalty as provided in 69-6312.*

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

25 M69-6812. Penalty Penalties. (1) A person who

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misdemeanor and upon conviction shall be fined not to exceed two--mundred--and--fifty--dollars--+\$250), imprisoned in the county jail for a term not to exceed thirty--+30+ days, or 5 both. 4 (2) A person who violates this chapter, a rule of the departments or an order issued as provided in this chapter shall be subject to a civil penalty of not more than \$250 \$50. Each day upon which a violation of this chapter or a 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 sciencesy-with-the--concurrence--of the--department--of-highways-shall-have-the-authority-to may 15 16 issue licenses for the establishment, maintenance, and 17 operation of junkyards--within--the--limits-herein-defined 18 motor vehicle wrecking facilities and gravevards as provided in Title 69. chapter 68. The issuance, denial, or revocation 19

of a license under the provisions of Title 69. chapter 68.

may be appealed to the board of health and environmental

participate as a party in all decisions concerning the

issuance, denial, or revocation of a license under the

(2) The department of highways may object to and

willfully violates this ect chapter is quilty of a

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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 IHE
4	DEPARTMENT OF HIGHWAYS OBJECTS TO THE LICENSING OF A
5	EACILITY PURSUANT TO THIS SUBSECTION. IT SHALL PROCEED UNDER
6	IHE PAGYISIONS OF SECTION 32-4520(2).
7	(3) The department of highways may issue a license for
8	a junkvard that is not a motor vehicle wrecking facility as
9	defined in litle 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 Litle 69, chapter
20	68∗
21	(2) The department of highways may adopt rules

-End-

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fencing required by this act chapter."

governing the materials to be used in and the location planting, construction, and maintenance of screening or

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H5 437

45th Legislature HB 0437/03

1 HOUSE BILL NO. 437 2 INTRODUCED BY VINCENT 3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 69. 7 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 GE THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE 10 WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING 11 AND COORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF 12 HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF 13 HIGHWAYS UNDER TITLE 32, CHAPTER 45, R.C.M. 1947; AND 14 AMENDING SECTIONS 32-4516, 32-4519, 69-6801, 69-6802, 15 69-6803, 69-6806, 69-6807, 69-6808, 69-6810, AND 69-6812, 16 R.C.M. 1947." 17 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 19 20 Section 1. Section 69-6801, R.C.M. 1947, is amended to read as follows: 15 "69-6801. Definitions. Unless the context requires 22 23 otherwise, in this act chapter the following definitions

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

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apply:

buying, selling, or dealing in four (4) or more vehicles per year of a type required to be licensed, for the purpose of mrecking, 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.

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- 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 dicensed 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.
 - (b) "Department" means the department of health and

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- (6) "soard" means the board of health and
- 3 environmental sciences provided for in 82A-605.
- 4 (1) "Shielding" means the construction or use of
- 5 fencing or man-made or natural barriers to conceal junk
- 6 vehicles from public view.
- 7 (B) "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
- ll read as follows:
- 12 #69-6802. Motor vehicle wrecking facility and motor
- 13 <u>vehicle_graveyard</u> license -- application -- fee -- display
- 14 -- term -- not transferable. A person may not conduct.
- 15 maintain, or operate a motor vehicle wrecking facility or
- 16 <u>motor vehicle grayeyard</u> without a license issued by the
- 17 department.
- (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 grayeyard is excluded from paying
- 24 the annual license fee but must meet all other requirements
- 25 of the chaoter.

- 1 (3)(4) A license shall be displayed in a prominent
- 2 place in the licensed facility or graveyard.
- 3 t4151 The license expires on December 31 of the year
- 4 issued.
- 5 (5)(6) If a motor vehicle wrecking facility ceases to
- o 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, genv. 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 licensedy is prima facia evidence that
- ld the possessor is operating a motor vehicle wrecking
- 19 facility.
- 20 (2)--A--person--who--owns--or--possesses--et--s-raingle
- 21 location-four-(4)-or-more-junk-vehicles-of-a-type-required
- 22 to-be-ficensed-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:

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

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- (2) The department may also contract to dispose of, by crushing and recycling, junk vehicles accumulated in the yard of a motor vehicle wrecking facility. The department may so contract only upon the request of the facility and only if there is an accumulation of at least two hundred f200+ vehicles at the facility.
- (3) All moneys received from the sale of the junk vehicles or from recycling of the material shall be deposited with the state treasurer to be utilized for*
- fat the control, collection, recycling, and disposal of junk vehicles, and component parts.
 - (b)--to--conduct--a--feasibility-study-to-determine-the
 suitability-of-resource-recovery-from-our-solid--wastey--the
 cost--of--which-may-not-exceed-two-hundred--thousand-dollars
 (\$2000000)y-and-the-results-of-which-will-be-made--available
 to-the-public-and-legislature-by-1977*
- (4) *ny An individual may dispose of a junk vehicle by delivering the vehicle to a motor vehicle graveyard and by delivering to the department the certificate or evidence of title to the vehicle* or a written release of the vehicle.*

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- 1 Section 5. Section 69-6807, R.C.M. 1947, is amended to 2 read as follows:
- #69-6807. Deposit of fees -- special junk vehicle
 assessment fee. (1) All motor vehicle wrecking facility
 license fees and fees collected as motor vehicle disposal
 fees shall be deposited with the state treasurer to be
 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--wastey--the
 12 cost--of--which--may-not-exceed two-hundred-thousand-dollars
 13 (\$200v000)y-and-the-results-of-which-will-be-made--available
 14 to-the-public-and-legislature-by-1977y
 - (2) There is assessed a special junk vehicle disposal fee commencing on duly-iv-1973v on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of two-dollars--(\$2)v \$1.50 on passenger cars and trucks under 8001 pounds 6VW, which shall be collected by the county treasurerv and commencing with the year 1974, there shall be assessed an additional special junk vehicle disposal fee in the amount of fifty-cents (\$**50) 50 cents on each passenger car and truck under 8001 pounds 6VW registered for licensing. The fifty-cents--(\$**50) 50 cent fee shall be collected by the county treasurer.

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		However,	the	following	are	exempt	from	payment	of	the	fees:
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- (a) vehicles leased or owned by the state or by a county or municipality;
- (b) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state;
 - (c) vehicles displaying dealers. license plates, as provided in section 53-122, while owned by a dealer; and
 - (d) house trailers or equipment which are not self-propelled or which require towing upon a highway of this state.
 - (3) The department shall report to each legislature the amount collected under this act chapter and the cost of administration of the eact this chapter to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected.
 - (4) The department shall pay to a county the amount of the approved budget of the county. The yearly payment may not exceed one-dollar-{\$1} for each motor vehicle under 8001 pounds GVW that is licensed in that county. However, for those counties that have fewer than five-thousand-{5,000} such motor vehicles, the department may pay up to five thousand-dollars-{\$5,000}, providing the county can justify this payment."

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1	Section 6.	Section	69-6808•	R.C.M.	1947,	i s	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 toy rules pertaining to:
- 7 (1) the <u>establishment</u>, control, operation, and 8 licensing of motor vehicle wrecking yards <u>facilities</u> and 9 <u>gravevards</u>;
- 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 ectv

 13 chapter; and
 - (6) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public views. The department may not adopt a rule which requires the construction of a fence or man-made barrier which would be in excess of 12 feet in heights A new motor vehicle wrecking facility or graveyard site may not be approved for use or licensed if the proposed facility cannot be shielded from

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1	oublic view. THE PROHIBITION CONCERNING APPROVAL OF A NEW
2	MUTOR VEHICLE WRECKING EACILITY SITE DOES NOT APPLY TO A
ذ	FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE
÷	PRECEDING 18 HONTHS."
_	Soution 7 Continu (0-(010, 0 f M 1067, is amended to

- 5 Section 7. Section 69-6810, R.C.N. 1947, is amended to 6 read as follows:
 - #69-6810. Injunction to enforce act chapter -violation-as-misdemeanor action to collect civil penalty.

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

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- 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 read as follows:
- 25 *69-6812. Penalty Penalties. [1] A person who

	willfully violates	this act	<u>chapter</u>	is guilty	of a
2	misdemeanor and upon	conviction	shall be	fined not to	exceed
	twohundredandfi	ftydolla	rs(\$250)), imprisoned	in the
·	county jail for a ter	m not to e	xceed thi	rty(30) da	ys, or
,	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 \$20. Each day upon which a violation of this chapter or a
 10 rule or order occurs is a separate violation."
- Section 9. Section 32-4516, R.C.M. 1947, is amended to read as follows:
- #32-4516. Issuance of license. [11] The department of 13 health and environmental sciencesy-with-the--concurrence--of 14 the--separtment--of-highways-shall-have-the-authority-to may 15 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 litle 69. chapter 58. The issuance, denial, or revocation of a license under the provisions of Title 69, chapter 68. 20 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	EACILITY PURSUANT TO THIS SUBSECTION. IT SHALL PROCEED UNDER
6	THE PROVISIONS OF SECTION 32-4520(2).
7	13) The department of highways may issue a license for
b	a junkyard that is not a motor vehicle wrecking facility as
9	defined in Title 69. chapter 68.
lo	(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)
L 7	Ine department of health and environmental sciences shall
18	adopt rules governing the screening or shielding of motor
14	vehicle wrecking facilities as provided in Title 69. chapter
20	<u>68.</u>
21	(2) The department of highways may adopt rules
22	governing the materials to be used in $\mbox{\ensuremath{\mathbf{v}}}$ and the location,
23	planting, construction, and maintenance of screening or
24	fencing required by this act chapter."

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45th Legislature

1	HOUSE BILL NO. 437
2	INTRODUCED BY VINCENT
3	BY REQUEST OF
4	THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5	
o	A BILL FOR AN ACT ENTITLED: MAN ACT TO REVISE TITLE 69.
1	CHAPTER 68, R.C.M. 1947; AUTHORIZING THE DEPARTMENT OF
ĉ	HEALTH AND ENVIRONMENTAL SCIENCES TO INITIATE AND MAINTAIN
4	ACTIONS TO COLLECT A CIVIL PENALTY; CLARIFYING THE AUTHORITY
0	OF THE DEPARTMENT TO REQUIRE THE SHIELDING OF MOTOR VEHICLE
1	WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; CLARIFYING
.2	AND CUORDINATING THE RESPONSIBILITIES OF THE DEPARTMENT OF
.3	HEALTH AND ENVIRONMENTAL SCIENCES AND THE DEPARTMENT OF
4	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,
1.7	K+C+N+ 1947+"
lø	
19	BE 1T 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

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 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.
- 21 (4) "Person" means any individual, firm, partnership,
 22 company: association, corporation, citys towns local
 23 gavernmental entity or any other governmental or private
 24 entity whether organized for profit or not.
 - (b) "Department" means the department of health and

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

- 4 (1) "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 yenicles can be seen."
- Section 2. Section 69-6802, R.C.M. 1947, is amended to read as follows:
- 12 #69-6802. Motor vehicle wrecking facility and motor
 13 <u>yehicle graveyard</u> 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 yehicle graveyard without a license issued by the
 17 department.
- 10 (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 13) A motor vehicle graveyard is excluded from paying
 24 the annual license fee but must meet all other requirements
 25 of the chapter.

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- 1 (+)1(4) A license shall be displayed in a prominent
 2 place in the licensed facility or graveyard.
- 4+151 The license expires on December 31 of the year4 issued.
- 5 (5)16) If a motor vehicle wrecking facility ceases to 6 do business, the license shall be surrendered to the 1 department. The license is not transferable.
- b (7) A decision by the department to issue, deny, or
 revoke a motor vehicle wrecking facility or graveyard
 license may be appealed to the board within 30 days after
 receipt of official notice of the department's decision."
- - #69-6803. Possession of junk vehicles as prima facie evidence of motor vehicle wrecking facility. (1) Possession at a single location, of four (4) or more junk vehicles of a type required to be licensed, is prima facie evidence that the possessor is operating a motor vehicle wrecking facility.
- Section 4. Section 59-6806, R.C.M. 1947, is amended to read as follows:

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

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- (2) The department may also contract to dispose of, by crushing and recycling, junk vehicles accumulated in the yard of a motor vehicle wrecking facility. The department may so contract only upon the request of the facility and only if there is an accumulation of at least two-hundred \$200+ vehicles at the facility.
- (3) All moneys received from the sale of the lunk vehicles or from recycling of the material shall be deposited with the state treasurer to be utilized for+
- tat the control, collection, recycling, and disposal of junk vehicles; and component parts.
- fol--to--conduct--a--fessibility-study-to-determine-the suitasility-of-resource-recovery-from-our-solid--wastey--the cost--of--which-may-not-exceed-two-hundred--thousand-dollars 1\$200y000)y-and-the-results-of-which-will-be-made--available to-the-public-and-legislature-by-1977*
- (4) Any An individual may dispose of a junk vehicle by delivering the vehicle to a motor vehicle graveyard and by delivering to the department the certificate or evidence of title to the vehicle, or a written release of the vehicle."

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

"69-6807. Deposit of fees -- special junk vehicle assessment fee. (1) All motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees small be deposited with the state treasurer to be utilized for+ the

tat control, collection, recycling, and disposal of 4 junk vehicles+ and component parts.

10 tb)--to--conduct--a--feasibility-study-to-determine-the suitability-of-resource-recovery-from-our-solid--wostey--the 12 cost--of--which--may-not-exceed-two-hundred-thousand-dollars f\$200y000}y-and-the-results-of-which-will-be-made--available 13 to-the-public-and-legislature-by-1977.

15 (2) There is assessed a special junk vehicle disposal 16 fee commencing-on-duly-ly-1973y 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)y \$1.50 on 19 passenger cars and trucks under 8001 pounds GVW+ which shall be collected by the county treasurery and, commencing with 20 21 the year 1974, there shall be assessed an additional special 22 junk vehicle disposal fee in the amount of fifty--cents 23 (5≠50) <u>50 cents</u> on each passenger car and truck under 8001 pounds 6VW registered for licensing. The fifty-cents--(\$#50) 44 25 bu cant fee shall be collected by the county treasurer.

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

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- (a) vehicles leased or owned by the state or by a county or municipality;
- (b) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state:
 - (c) vehicles displaying dealers! license plates, as provided in section 53-122, while owned by a dealer: and
 - (d) house trailers or equipment which are not self-propelled or which require towing upon a highway of this state.
 - (3) The department shall report to each legislature the amount collected under this act chapter and the cost of administration of the act this chapter to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected.
 - (4) The department shall pay to a county the amount of the approved budget of the county. The yearly payment may not exceed one-dollar-(\$1) for each motor vehicle under 8001 pounds GVW that is licensed in that county. However, for those counties that have fewer than five--thousand--f5.000% such motor vehicles, the department may pay up to five thousand-dollars-(\$5,000), providing the county can justify this payment."

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

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

7 (1) the establishment, control, operation, licensing of motor vehicle wrecking yards facilities and 4 uravevards:

10 (2) the control of junk vehicles in locations other 11 than motor vehicle wrecking yerds facilities and grayeyards:

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

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

16 (5) the review, approval, and control procedures for county motor vehicle graveyards developed under this acts 17 chapter: and 1 8

16) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The department may not adopt a rule which requires the construction of a fence or man-made barrier which would be in excess of 12 feet in height. A new motor vehicle wrecking facility or graveyard site may not be approved for use or licensed if the proposed facility cannot be shielded from HB 0437/03 HB 0437/03

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public views THE PROHIBITION CONCERNING APPROVAL OF A NEW
MOTOR VEHICLE WRECKING FACILITY SITE ODES NOT APPLY TO A
FACILITY SITE THAT HAS BEEN USED AS SUCH WITHIN THE
PRECEDING 18 HONTHS.*

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

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

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

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

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

25 M69-6812. Penalty Penalties. (1) A person who

willfully violates this act chapter is quilty of a misdemeanor and upon conviction shall be fined not to exceed two-hundred-and-fifty-dollars-(\$250), imprisoned in the county jail for a term not to exceed thirty-(30) days, or 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 read as follows:

#32-4516. Issuance of license. 11) The department of health and environmental sciencesy-with the concurrence of the department of highways shall have the authority to may issue licenses for the establishment, maintenance, and operation of junkyards within the limits herein defined motor vehicle wrecking facilities and graveyards as provided in Title 69, chapter 68. The issuance denial, or revocation of a license under the provisions of Title 69, chapter 68, may, un Title dasts of 32-4520, be appealed to the board of nealth 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

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ż	question is within 1.000 feet of the nearest edge of the
3	right-of-way of any interstate or primary highway. IF IH
4	DEPARTMENT OF HIGHWAYS OBJECTS TO THE LICENSING OF
ć	EACILITY PURSUANT TO THIS SUBSECTION: IT SHALL PROCEED UNDER
6	THE PROVISIONS OF SECTION 32-4520(2).
1	(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.
0	(4) Nothing in this section prohibits the department
1	of highways from acquiring an interest in land for screening
2	purposes or paying for screening installation and materials
3	as authorized by this chapter."
.4	Section 10. Section 32-4519, R.C.M. 1947, is amended
5	to read as follows:
16	#32-4519。 Regulations <u>Rules</u> governing screening。 <u>(1</u>
17	The department of health and environmental sciences shall
ខេ	adopt rules governing the screening or shielding of moto
19	vehicle wrecking facilities as provided in Title 69. chapte
20	<u>68.</u>
21	(2) The department of highways may adopt rule
2	governing the materials to be used in $oldsymbol{ au}$ and the location
23	planting, construction, and maintenance of screening σ
4	fencing required by this act <u>chapter</u> ."

-End-