

1 *Senate* BILL NO. *193*
 2 INTRODUCED BY *Madame Justice*
 3 *Four*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A FEE IN
 5 LIEU OF PERSONAL PROPERTY TAX ON CERTAIN MOTOR VEHICLES AND
 6 TRAILERS; ESTABLISHING A SINGLE REGISTRATION FEE OF \$10 FOR
 7 CERTAIN MOTOR VEHICLES; ELIMINATING THE NEW CAR SALES TAX;
 8 AMENDING SECTIONS 53-106.1, 53-106.8, 53-114, 53-116,
 9 53-122, 53-129, 53-147, 53-153, 53-159, 53-160, 53-161,
 10 53-162, 84-301, AND 84-406, R.C.M. 1947; REPEALING SECTIONS
 11 32-3315, 53-117, AND 53-160, R.C.M. 1947; AND PROVIDING AN
 12 EFFECTIVE DATE."

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

15 Section 1. Fee in lieu of property tax on certain
 16 motor vehicles and trailers. (1) There is imposed on
 17 automobiles, trucks, motorcycles, motor homes, and trailers
 18 a fee in lieu of personal property taxes, which is in
 19 addition to annual registration fees. This fee shall be
 20 imposed in lieu of taxes on vehicles registered during and
 21 after 1978.

22 (2) An automobile shall be assessed a fee according to
 23 the following table:

| | | |
|----|----------------------------------|------|
| 24 | Less than 2 years old | \$50 |
| 25 | 2 years to less than 4 years old | \$45 |

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| | | |
|---|------------------------------------|------|
| 1 | 4 years to less than 6 years old | \$40 |
| 2 | 6 years to less than 8 years old | \$35 |
| 3 | 8 years to less than 10 years old | \$30 |
| 4 | 10 years to less than 12 years old | \$25 |
| 5 | 12 years and older | \$20 |

6 (3) A truck, including a tractor designed to pull a
 7 trailer or semitrailer; a bus; and a motor home, meaning a
 8 self-propelled vehicle with integral living and sleeping
 9 quarters, shall be assessed a fee according to the following
 10 table:

| | | |
|----|------------------------------------|------|
| 11 | Less than 2 years old | \$60 |
| 12 | 2 years to less than 4 years old | \$55 |
| 13 | 4 years to less than 6 years old | \$50 |
| 14 | 6 years to less than 8 years old | \$45 |
| 15 | 8 years to less than 10 years old | \$40 |
| 16 | 10 years to less than 12 years old | \$35 |
| 17 | 12 years and older | \$30 |

18 (4) A motorcycle shall be assessed a fee according to
 19 the following table:

| | | |
|----|----------------------------------|------|
| 20 | Less than 4 years old | \$15 |
| 21 | 4 years to less than 7 years old | \$10 |
| 22 | 7 years and older | \$5 |

23 (5) A trailer, including a house trailer as defined by
 24 84-6601 and a semitrailer, shall be assessed a fee according
 25 to the following table:

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| | | |
|---|------------------------------------|------|
| 1 | Less than 6 years old | \$25 |
| 2 | 6 years to less than 10 years old | \$15 |
| 3 | 10 years to less than 16 years old | \$10 |
| 4 | 16 years and older | \$5 |

5 Section 2. County treasurer to maintain records of
6 1977 vehicle property tax receipts and disbursements. The
7 county treasurer shall maintain records sufficient to
8 determine the personal property taxes collected during 1977
9 on the motor vehicles and trailers listed in [section 1 of
10 this act]. The records shall be sufficiently detailed to
11 indicate the total tax paid into each fund for state,
12 county, city, and school purposes.

13 Section 3. Distribution of fees in lieu of taxes. The
14 county treasurer shall remit the fees collected to the
15 registrar of motor vehicles on March 31, June 30, September
16 30, and December 31 of each year. On the next following
17 April 30, July 31, October 31, and January 31, the registrar
18 of motor vehicles shall disburse the fees collected during
19 the preceding quarter to the state and the county, city, and
20 school funds in each county. The fees collected shall be
21 distributed according to the following formula:

$$22 \quad p=fa/t,$$

23 where "p" represents the portion distributed to each fund,
24 "f" represents the state total of the fees collected during
25 the quarter, "a" represents the amount of personal property

1 tax recorded as having been paid into each fund under
2 [section 2 of this act], and "t" represents the statewide
3 total personal property tax collected and recorded under
4 [section 2 of this act].

5 Section 4. Section 53-106.1, R.C.M. 1947, is amended
6 to read as follows:

7 "53-106.1. Registration of motor vehicles owned and
8 operated solely as collectors' items -- number plates for
9 such motor vehicles. Any owner of a motor vehicle
10 manufactured in 1933 or earlier or manufactured in 1934 or
11 later and is more than thirty (30) years old, used solely as
12 a collectors' item and not for general transportation
13 purposes, may file with the registrar of motor vehicles an
14 application for the registration of such motor vehicle
15 stating the name and address of the owner, the name and
16 address of the person from whom purchased, the make of the
17 motor vehicle, the gross weight thereof, the year and number
18 of the model, and the manufacturer's identification number
19 and serial number, and setting forth a specific statement
20 that the vehicle is owned and operated solely as a
21 collectors' item and not for general transportation
22 purposes; and said application shall be sworn to before an
23 officer authorized to administer oaths. The registration fee
24 for all such motor vehicles ~~weighing twenty-eight hundred~~
25 ~~and fifty (2850) pounds or less shall be five dollars~~

1 ~~(\$5.00), and the registration fee for all such motor~~
 2 ~~vehicles weighing more than twenty eight hundred and fifty~~
 3 ~~(2850) pounds shall be ten dollars is (\$10.00).~~

4 Upon receipt of said application for registration and
 5 payment of the registration fee above provided for the
 6 registrar shall file said application and register the motor
 7 vehicle therein described in the manner specified in section
 8 53-101, and shall deliver to the applicant:

9 (1) for motor vehicles manufactured in 1933 or
 10 earlier, two (2) license plates bearing the inscription,
 11 "Pioneer—Montana" and the registration number; or

12 (2) for motor vehicles manufactured in 1934 or later
 13 and more than thirty (30) years old, two (2) license plates
 14 bearing the inscription, "Vintage—Montana" and the
 15 registration number. The year of issuance shall not be shown
 16 on the plates. No annual renewal of the registration of any
 17 such motor vehicle shall be required, and the same shall be
 18 valid as long as the vehicle is in existence; provided,
 19 however, that upon any sale of such motor vehicle, the
 20 purchaser shall be required to renew the registration
 21 thereof and pay the license fees hereinbefore specified."

22 Section 5. Section 53-106.8, R.C.M. 1947, is amended
 23 to read as follows:

24 "53-106.8. Free license plates to disabled veterans.
 25 Any person who is a veteran of the armed service of the

1 United States and permanently and totally disabled because
 2 of an injury which has been determined by the veterans
 3 administration to be service connected, and who is a citizen
 4 and resident of the state of Montana, and who is the owner
 5 of a motor vehicle, shall be provided with free license
 6 plates ~~upon payment of personal property tax equal to one~~
 7 ~~per cent (1%) of the taxable value for the motor vehicle~~
 8 upon proof of permanent and total service connected
 9 disability."

10 Section 6. Section 53-114, R.C.M. 1947, is amended to
 11 read as follows:

12 "53-114. Application for registration of motor
 13 vehicles and payment of license fees thereon — assessment
 14 of motor vehicles in the stock of licensed motor vehicle
 15 dealers as merchandise. (1) Every owner of a motor vehicle
 16 operated or driven upon the public highways of this state
 17 shall, for each motor vehicle owned, except as herein
 18 otherwise expressly provided, file, or cause to be filed, in
 19 the office of the county treasurer wherein such motor
 20 vehicle is owned or taxable, an application for
 21 registration, or reregistration, upon blank form to be
 22 prepared and furnished by the registrar of motor vehicles,
 23 which application shall contain:

24 (a) Name and address of owner, giving county, school
 25 district, and town or city within whose corporate limits the

1 motor vehicle is taxable.

2 (b) Name and address of conditional sales vendor,
3 mortgagee or holder of other lien against said motor
4 vehicle, with statement of amount owing under such contract
5 or lien.

6 (c) Description of motor vehicle, including make, year
7 model, engine or serial number, manufacturer's model or
8 letter, gross weight, type of body and, if truck, the rated
9 capacity.

10 (d) In case of reregistration, the license number for
11 the preceding year.

12 (e) Such other information as the registrar of motor
13 vehicles may require.

14 ~~(2) Whoever files an application for registration or~~
15 ~~reregistration of a motor vehicle except of a mobile home as~~
16 ~~defined in section 84-101, R.C.M., 1947, shall before filing~~
17 ~~such application with the county treasurer submit the same~~
18 ~~to the county assessor of said county and said county~~
19 ~~assessor shall enter on said application in a space to be~~
20 ~~provided for that purpose, the full and true and the~~
21 ~~assessed valuation of said vehicle for the year for which~~
22 ~~said application for registration is made.~~

23 ~~(3) (2)~~ Whoever files an application for registration
24 or reregistration of a motor vehicle except of a mobile home
25 as defined in section 84-101, R.C.M., 1947, shall upon the

1 filing of said application ~~(4)~~ pay to the county treasurer
2 the registration fee, as provided in section 53-122 and
3 section 53-115, and ~~the fee in lieu of tax, shall also at~~
4 ~~such time (2) pay the personal property taxes assessed or~~
5 ~~the new motor vehicle sales tax against said vehicle for the~~
6 ~~current year of registration (unless the same shall have~~
7 ~~been theretofore paid for said year) before the application~~
8 ~~for registration or reregistration may be accepted by the~~
9 ~~county treasurer. The county treasurer is hereby empowered~~
10 ~~to make full and complete investigation of the tax status of~~
11 ~~said vehicle and any applicant for registration or~~
12 ~~reregistration must submit proof with respect thereto from~~
13 ~~the tax records of the proper county at the request of the~~
14 ~~county treasurer.~~

15 ~~(4) The amount of taxes on said motor vehicle, except~~
16 ~~a mobile home as defined in section 84-101, R.C.M., 1947,~~
17 ~~shall be computed and determined by the county treasurer on~~
18 ~~the basis of the levy of the year preceding the current year~~
19 ~~of application for registration or reregistration and such~~
20 ~~determination shall be entered on the application form in a~~
21 ~~space provided therefor.~~

22 ~~(5) Motor vehicles, except mobile homes as defined in~~
23 ~~section 84-101, R.C.M., 1947, are hereby declared to be~~
24 ~~assessable for taxation as of and on the first day of~~
25 ~~January in each year irrespective of the time fixed by law~~

~~for the assessment of other classes of personal property, and irrespective of whether or not the levy and tax may be a lien upon real property within the state of Montana, provided that in no event shall any motor vehicle be subject to assessment, levy and taxation more than once in each year.~~

~~(6) The applicant for original registration of any wholly new and unused motor vehicle except a mobile home as defined in section 34-101, R.C.M., 1947, acquired by original contract after the first day of January of any year shall be required, whenever such vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by section 32-3215, R.C.M., 1947, irrespective of whether or not such vehicle was in the state of Montana on the first day of January of such year.~~

~~(7) Upon accepting application for registration or reregistration of any motor vehicle which is subject to taxation in this state on January 1 in any year, and upon payment of taxes, the county treasurer shall stamp on said application: "Taxes on this vehicle due January 1 of current year paid by applicant, prior applicant or owner and this vehicle is eligible for registration."~~

~~Upon accepting application for registration of any motor vehicle which was not subject to taxation in this state on January 1st in any year, the county treasurer shall~~

~~indicate such fact by proper entry on said application.~~

~~(8) The registrar of motor vehicles shall have authority to make proper entry on any certificate of title to any motor vehicle respecting payment of taxes in accord with the facts.~~

~~(9) Motor vehicles subject to anniversary date registration as provided in sections 53-154 through 53-162 are exempt from the provisions of (5), (6), and (7) of this section."~~

Section 7. Section 53-116, R.C.M. 1947, is amended to read as follows:

"53-116. Issuance of receipt and assignment of number plates. Upon receipt of application for registration, in quintuplet, and payment of license fees and taxes as herein provided, the county treasurer shall file one copy of said application in his office; issue to the applicant two (2) copies of the application entitled "Owner's Certificate of Registration and Tax Receipt" one (1) of which shall be marked "file copy"; forward one (1) copy to the county clerk and recorder; and he shall daily forward to the registrar of motor vehicles one (1) copy of the application for registration. The county treasurer shall also, and at the same time, assign such motor vehicle a distinctive number, viz., the license plate number, and deliver to the applicant two (2) license plates, as received from the registrar of

1 motor vehicles which shall bear such distinctive numbers.
 2 The registrar shall ship said license plates to the various
 3 county treasurers by freight, so that they will be received
 4 by the county treasurer on or before January first of each
 5 year. ~~It shall not be necessary for the county treasurer, in~~
 6 ~~said receipt, to segregate the amount of said taxes for~~
 7 ~~state, county, school district and municipal purposes."~~

8 Section 8. Section 53-122, R.C.M. 1947, is amended to
 9 read as follows:

10 "53-122. Registration fees of motor vehicles —
 11 registration and transfer thereof — public owned vehicles
 12 exempt from license or registration fees — license or
 13 registration fees for trailers, house trailers, semitrailers
 14 and tractors providing for disposition of all fees.
 15 Registration or license fees shall be paid upon registration
 16 or reregistration of motor vehicles, trailers, house
 17 trailers, semitrailers and dealers in motor vehicles or
 18 trailers in accordance with this act, as follows:

19 All dealers in motor vehicles, a fee of thirty dollars
 20 (\$30.00): which shall entitle such dealer to two (2) sets of
 21 number plates, and five dollars (\$5.00) additional fee for
 22 each additional set of number plates up to six (6) sets, and
 23 two dollars (\$2.00) additional fee for each additional set
 24 of number plates, as may be applied for;

25 Dealers in motorcycles, trailers including house

1 trailers, thirty dollars (\$30);

2 ~~Motor vehicles, weighing twenty-eight hundred and fifty~~
 3 ~~(2850) pounds, or under, other than motor trucks, five~~
 4 ~~dollars (\$5.00);~~

5 Motor vehicles, ~~weighing over twenty-eight hundred and~~
 6 ~~fifty (2850) pounds, other than motor trucks, ten dollars~~
 7 ~~(\$10.00);~~

8 Electrically driven passenger vehicles, ten dollars
 9 (\$10.00);

10 All motorcycles, two dollars (\$2.00);

11 Tractors and/or trucks, ten dollars (\$10.00);

12 Buses shall be classed as motor trucks and licensed
 13 accordingly;

14 Trailers and semitrailers less than two thousand five
 15 hundred (2,500) pounds maximum gross loaded weight and house
 16 trailers of all weights, two dollars (\$2.00);

17 Trailers and semitrailers over two thousand five
 18 hundred (2,500) up to six thousand (6,000) pounds maximum
 19 gross loaded weight, except house trailers, five dollars
 20 (\$5.00);

21 Trailers and semitrailers over six thousand (6,000)
 22 pounds maximum gross loaded weight, ten dollars (\$10.00);

23 Trailers used exclusively in the transportation of logs
 24 in the forest or in the transportation of oil and gas well
 25 machinery, road machinery and bridge material exclusively,

1 new and secondhand, and trailers used exclusively for the
2 transportation of road machinery and bridge materials, shall
3 pay a fee of fifteen dollars (\$15.00) annually, regardless
4 of size or capacity.

5 All rates to be twenty-five per cent (25%) higher for
6 motor vehicles, trailers and semitrailers, when not equipped
7 with pneumatic tires.

8 Bicycles with motor attachment, one dollar (\$1.00);

9 Tractors, as specified in this section, shall mean any
10 motor vehicle, except passenger cars used for towing a
11 trailer or semitrailer.

12 If any dealer, or motor vehicle, house trailer,
13 trailer, or semitrailer is originally registered six (6)
14 months after the time of registration as set by law, the
15 registration or license fee for the remainder of such year
16 shall be one-half (1/2) of the regular fee above given.

17 A dealer in motor vehicles or trailers who shall
18 maintain more than one (1) place of business or who shall
19 maintain any branch establishment or establishments, must
20 register and pay a registration or license fee for each such
21 place of business or establishment.

22 A registered dealer, who may sell or dispose of his
23 entire business to any other person, may have his
24 certificate of registration transferred to such purchaser
25 upon filing with the registrar of motor vehicles a statement

1 containing the name of the registered dealer, the number
2 under which such dealer is registered, the name of the
3 purchaser, and the location of the place of business so
4 sold. Upon the filing of such statement, accompanied by a
5 filing fee of two dollars (\$2.00), the registrar of motor
6 vehicles shall note upon the registration record of such
7 dealer the change of ownership. But no certificate of
8 registration can be transferred unless the entire business
9 of the dealer holding such certificate of registration be
10 sold and disposed of, and no such certificate of
11 registration can be transferred to any person other than the
12 purchasers of such business.

13 The provisions of this act with respect to the payment
14 of registration fees shall not apply to or be binding upon
15 motor vehicles, trailers or semitrailers or tractors owned
16 or controlled by the United States of America or any state,
17 county or city, but in all other respects the provisions of
18 this act shall be applicable to and binding upon motor
19 vehicles, tractors, trailers, and semitrailers.

20 All fees, other than license fees, unless otherwise
21 specifically provided, shall hereafter be deposited in, and
22 paid into, the earmarked revenue fund and shall be used to
23 pay all salaries, operating expenses, and all other expenses
24 of the department of the registrar of motor vehicles,
25 including the manufacture and delivery of license plates.

1 Any reference in this code to the motor vehicle recording
2 fund or the motor vehicle administration fund shall be taken
3 to mean the motor vehicle recording account in the earmarked
4 revenue fund."

5 Section 9. Section 53-129, R.C.M. 1947, is amended to
6 read as follows:

7 "53-129. Foreign vehicles used in gainful occupation
8 — reciprocity board may make reciprocal agreements to
9 exempt. Before any foreign licensed motor vehicle shall be
10 operated on the highways of this state for hire,
11 compensation or profit, or before the owner and/or user
12 thereof uses the vehicle if such owner and/or user is
13 engaged in gainful occupation or business enterprise, in the
14 state of Montana, including highway work, the owner of such
15 vehicle shall make application to a county treasurer for
16 registration, upon an application form furnished by the
17 registrar of motor vehicles. Upon satisfactory evidence of
18 ownership submitted to such county treasurer, and the
19 payment of ~~property taxes as is required by sections 34-6003~~
20 ~~or 34-406~~ fees in lieu of tax, the treasurer shall accept
21 the application for registration and shall collect the
22 regular license fee required for the vehicle. The treasurer
23 shall thereupon issue to the applicant a copy of the
24 application entitled "Owner's Certificate of Registration
25 Receipt" and forward a duplicate copy of certificate of

1 registration to the registrar of motor vehicles. The
2 treasurer shall at the same time issue to the applicant the
3 proper license plates or other identification markers, which
4 shall at all times be displayed upon such vehicle, when
5 operated or driven upon roads and highways of this state,
6 during the period of the life of such license. The
7 registration receipt shall not constitute evidence of
8 ownership, but shall only be used for registration purposes.
9 No Montana certificate of title shall be issued for this
10 type of registration. This paragraph shall not be applicable
11 to any vehicle covered by a valid and existing reciprocal
12 agreement or declaration entered into under the provisions
13 of the laws of Montana."

14 Section 10. Section 53-147, R.C.M. 1947, is amended to
15 read as follows:

16 "53-147. New registration required for transferred
17 vehicle — grace period — penalty — display of proof of
18 purchase. Except as otherwise provided herein, the new owner
19 of the transferred motor vehicle shall have the grace period
20 of ten (10) days from the date of purchase to make
21 application and pay the registration fees ~~and taxes~~ as
22 provided by section 53-114 and the fee in lieu of tax, as if
23 the same was being registered for the first time in that
24 registration year, and, provided the motor vehicle was not
25 purchased from a duly licensed motor vehicle dealer as

1 provided in this chapter, it shall not be a violation of
 2 this chapter or any other law for the purchaser to operate
 3 the vehicle upon the streets and highways of this state
 4 without a certificate of registration during the ten (10)
 5 day period; provided, however, that at all times during that
 6 period a bill of sale or other proof of purchase reciting
 7 the date of purchase shall be clearly displayed in the rear
 8 window of the motor vehicle at all times. Failure to make
 9 application within the time provided herein shall subject
 10 the purchaser to a penalty of ten dollars (\$10), plus one
 11 dollar (\$1) for each additional day in which the vehicle
 12 remains unregistered, not to exceed twenty-five dollars
 13 (\$25). The penalty shall be collected by the county
 14 treasurer at the time of registration, and shall be in
 15 addition to the fees otherwise provided by law."

16 Section 11. Section 53-153, R.C.M. 1947, is amended to
 17 read as follows:

18 "53-153. Fees for personalized plates -- disposition.
 19 In addition to all other fees ~~and taxes~~ imposed by law, the
 20 applicant for a personalized license plate shall pay a fee
 21 of twenty dollars (\$20) for the original personalized
 22 license plate and a fee of five dollars (\$5) for each
 23 transfer or renewal thereof. All revenue derived from the
 24 fee as provided herein shall be deposited in the motor
 25 vehicle recording account of the earmarked revenue fund."

1 Section 12. Section 53-159, R.C.M. 1947, is amended to
 2 read as follows:

3 "53-159. When vehicle ~~property tax~~ fee in lieu of tax
 4 is due. ~~Property taxes and new car taxes~~ Fees in lieu of tax
 5 shall be paid on the date of registration or reregistration
 6 of the vehicle. If the anniversary date for reregistration
 7 of a vehicle shall pass while the vehicle is owned and held
 8 for sale by a licensed new or used car dealer, ~~property~~
 9 ~~taxes~~ the fee in lieu of tax shall abate on such vehicle
 10 properly reported with ~~the department of revenue~~ the county
 11 treasurer until the vehicle is sold and thereafter the
 12 purchaser shall pay the ~~pro-rata balance of the taxes~~ fee in
 13 lieu of tax due and owing ~~on the vehicle for the following~~
 14 registration period."

15 Section 13. Section 53-161, R.C.M. 1947, is amended to
 16 read as follows:

17 "53-161. Proration of fees during transition. For
 18 purposes of implementation, all vehicles subject to this act
 19 shall be registered or reregistered as previously required
 20 by law between January 1, 1976 and February 15, 1976,
 21 provided, however, that all taxes and other fees due thereon
 22 shall be prorated from January 1, 1976 until the first day
 23 of the period in which the vehicle shall be registered under
 24 the provisions of this act and as indicated by the last
 25 digit on the license plate issued to such vehicle in 1975.

1 Thereafter, during the appropriate anniversary registration
2 period, each vehicle shall again register or reregister and
3 thereon shall pay all ~~taxes and~~ fees due thereon for a
4 twelve (12) month period."

5 Section 14. Section 53-162, R.C.M. 1947, is amended to
6 read as follows:

7 "53-162. ~~Assessment on~~ Lien date first day of
8 registration period. ~~Vehicles subject to the provisions of~~
9 ~~this act shall be assessed as of the first day of the year~~
10 ~~in which the registration period occurs and a~~ A lien for
11 ~~taxes and fees due thereon on vehicles subject to the~~
12 provisions of this chapter shall occur on the anniversary
13 date of the registration and shall continue thereafter until
14 such fees ~~and taxes~~ shall have been paid."

15 Section 15. Section 84-301, R.C.M. 1947, is amended to
16 read as follows:

17 "84-301. Classification of property for taxation. For
18 the purpose of taxation the taxable property in the state
19 shall be classified as follows:

20 Class One. The annual net proceeds of all mines and
21 mining claims, except coal mines, after deducting only the
22 expenses specified and allowed by section 84-5403; also
23 where the right to enter upon land, to explore or prospect,
24 or dig for oil, gas, coal or mineral is reserved in land or
25 received by mesne conveyance (exclusive of leasehold

1 interests), devise or succession by any person or
2 corporation, the surface title to which has passed to or
3 remains in another, the state department of revenue shall
4 determine the value of the right to enter upon said tract of
5 land for the purpose of digging, exploring, or prospecting
6 for gas, oil, coal or minerals, and the same shall be placed
7 in this classification for the purpose of taxation.

8 Class Two. All agricultural and other tools, implements
9 and machinery, gas and other engines and boilers, threshing
10 machines and outfits used therewith, ~~automobiles, motor~~
11 ~~trucks and other power driven cars,~~ vehicles of all kinds
12 except ~~mobile homes~~ vehicles subject to fees in lieu of tax,
13 boats and all watercraft, harness, saddlery and robes and
14 except as provided in Class Five (a) of this section, all
15 poles, lines, transformers, transformer stations, meters,
16 tools, improvements, machinery and other property used and
17 owned by all persons, firms, corporations, and other
18 organizations which are engaged in the business of
19 furnishing telephone communications, exclusively to rural
20 areas, or to rural areas and cities and towns provided that
21 any such city or town has a population of eight hundred
22 (800) persons or less; and provided further, that the
23 average circuit miles for each station on the system is more
24 than one and one-quarter (1 1/4) miles.

25 Class Three. Livestock, poultry, and unprocessed

1 products of both; furniture and fixtures used in commercial
2 activities; the annual gross proceeds of underground coal
3 mines; and all office or hotel furniture and fixtures,
4 except improvements included in Class Nine.

5 Class Four. (a) All land, town and city lots, with
6 improvements, except improvements included in Class Nine,
7 and all trailers affixed to land owned, leased, or under
8 contract or purchase by the trailer owner, manufacturing and
9 mining machinery, fixtures and supplies, except as otherwise
10 provided by the constitution of Montana, and except as such
11 property may be included in Class Five, Class Seven or Class
12 Eight.

13 (b) Mobile homes without regard to the ownership of
14 the land upon which they are situated, except those held by
15 a distributor or dealer of mobile homes as part of his stock
16 in trade, and except as such property may be included in
17 Class Eight.

18 Class Five. (a) All poles, lines, transformers,
19 transformer stations, meters, tools, improvements, machinery
20 and other property used and owned by co-operative rural
21 electrical and co-operative rural telephone associations
22 organized under the laws of Montana except those within the
23 incorporated limits of a city or town in which less than
24 ninety-five per cent (95%) of the electric consumers and/or
25 telephone users are served by a co-operative organization,

1 and as to the property enumerated in this sub-section (a)
2 within incorporated limits of a city or town in which less
3 than ninety-five per cent (95%) of the electric consumers or
4 users will be served by a co-operative organization, such
5 property shall be put in Class Two.

6 (b) All unprocessed agricultural products either on
7 the farm or in storage, irrespective of whether said
8 products are owned by the elevator, warehouse or flour mill
9 owner or company storing the same, or any other person
10 whomever, except all perishable fruits and vegetables in
11 farm storage and owned by the producer, and excepting
12 livestock and poultry and the unprocessed products of both.

13 (c) The dwelling house, and the lot on which it is
14 erected, owned and occupied by any resident of the state,
15 who has been honorably discharged from active service in any
16 branch of the armed forces, who is rated one hundred per
17 cent (100%) disabled due to a service-connected disability
18 by the United States veterans administration or its
19 successors.

20 In the event of the veteran's death, the dwelling
21 house, and the lot on which it is erected, so long as the
22 surviving spouse remains unmarried and the owner and
23 occupant of the property, shall remain within this
24 classification.

25 Class Six. Property formerly included in this class is

1 now classified by section 84-308, R.C.M. 1947.

2 Class Seven. (a) All new industrial property. New
3 industrial property shall mean any new industrial plant,
4 including land, buildings, machinery and fixtures which, in
5 the determination of the state department of revenue, is
6 used by a new industry during the first three (3) years of
7 operation not having been assessed prior to July 1, 1961,
8 within the state of Montana. New industry shall mean any
9 person, corporation, firm, partnership, association, or
10 other group which establishes a new plant or plants in this
11 state for the operation of a new industrial endeavor, as
12 distinguished from a mere expansion, reorganization, or
13 merger of an existing industry or industries. Provided,
14 however, that new industrial property shall be limited to
15 industries that manufacture, mill, mine, produce, process or
16 fabricate materials, or do similar work in which capital and
17 labor are employed and in which materials unserviceable in
18 their natural state are extracted, processed or made fit for
19 use or are substantially altered or treated so as to create
20 commercial products or materials; industries that engage in
21 the mechanical or chemical transformation of materials or
22 substances into new products in the manner defined as
23 manufacturing in the 1972 Standard Industrial Classification
24 Manual, prepared by the United States office of management
25 and budget; and in no event shall the term new industrial

1 property be included to mean property used by retail or
2 wholesale merchants, commercial services of any type,
3 agriculture, trades or professions. New industrial property
4 does not include a plant which will create an adverse impact
5 on existing state, county, or municipal services. The
6 department shall promulgate regulations for the
7 determination of what constitutes an adverse impact taking
8 into consideration the number of people to be employed and
9 the size of the community in which the location is
10 contemplated. Once the department has made an initial
11 determination that the industrial facility qualifies as new
12 industrial property, the department shall then upon proper
13 notice hold a hearing to determine if the new industrial
14 classification should be retained by the property. The
15 local taxing authority may appear at the hearing, and it
16 also may waive its objection to retention of this
17 classification if the industry agrees to the prepayment of
18 taxes sufficient to satisfy tax requirements created by the
19 location and construction of the facility during
20 construction period.

21 In the event of a prepayment of taxes, the maximum
22 amount or prepayment shall be the amount without the
23 application of the Class 7 (a) to such property.

24 If a major new industrial facility qualifies under
25 Class 7 (a) the reduction of its yearly payment of property

1 taxes for reimbursement of its prepaid taxes as provided for
 2 in section 84-41-105, R.C.M. 1947, shall not begin until the
 3 Class 7 qualification expires. And provided further, that
 4 new industrial property shall not be included to mean
 5 property which is used or employed in any industrial plant
 6 which has been in operation in this state for three (3)
 7 years or longer. Any person, corporation, firm, partnership,
 8 association or other group seeking to qualify its property
 9 for inclusion in this class shall make application to the
 10 state department of revenue in such manner and form as may
 11 be required by said department.

12 (b) Business inventories. Business inventories shall
 13 include goods intended for sale or lease in the ordinary
 14 course of business, and shall include raw materials and work
 15 in progress with respect to such goods, but shall not
 16 include goods actually leased or rented on the lien date, or
 17 mobile homes held by a dealer or distributor as a part of
 18 his stock in trade.

19 (c) Air pollution control equipment as defined in
 20 section 69-3923.

21 (d) A capital investment in a recognized nonfossil
 22 form of energy generation, to the extent provided under
 23 section 84-7403.

24 Class Eight. (a) Any improvement on real property,
 25 trailers affixed to land or mobile home belonging to any

1 person who qualifies under any one or more of the
 2 hereinafter set forth categories, with appurtenant land not
 3 exceeding five (5) acres, which together have a market value
 4 of not more than twenty-seven thousand five hundred dollars
 5 (\$27,500), which dwelling is owned or under a contract for
 6 deed, and which is actually occupied for at least ten (10)
 7 months per year as the primary residential dwelling of:

8 (1) a widow sixty-two (62) years of age or older,
 9 whether with or without minor dependent children, who
 10 qualifies under the income limitations of (4), or

11 (2) a widower sixty-two (62) years of age or older,
 12 whether with or without minor dependent children, who
 13 qualifies under the income limitations of (4), or

14 (3) a widow or widower with minor or dependent
 15 children regardless of age, who qualifies under the income
 16 limitations of (4), or

17 (4) a recipient or recipients of retirement or
 18 disability benefits whose income from all sources is not
 19 more than six thousand dollars (\$6,000) for a single person
 20 and six thousand eight hundred dollars (\$6,800) for a
 21 married couple total per annum whether said dwelling is
 22 occupied by a single person or a married couple. Provided,
 23 further, that one who applies for classification of property
 24 under this class must make an affidavit to the state
 25 department of revenue on a form as may be provided by the

1 state department of revenue supplied without cost to the
 2 applicant, as to his income, if applicable, as to his
 3 retirement benefits, if applicable, or, as to his marital
 4 status, if applicable, and to the fact that he or she
 5 actually occupies or maintains as his or her primary
 6 residential dwelling, such land and improvements with right
 7 of the county welfare board to investigate the applicant, on
 8 the completion of the form, as to answers given on the form.
 9 Provided, further, the assessed value of said property shall
 10 not be increased during the life of the recipient of
 11 retirement benefits or widow or widower covered under this
 12 class, unless the owner-resident makes a substantial
 13 improvement in the dwelling. For the purposes of the
 14 affidavit required for classification of property under this
 15 class, it shall be sufficient if the applicant signs a
 16 statement swearing to or affirming the correctness of the
 17 information supplied, whether or not the statement is signed
 18 before a person authorized to administer oaths, and mails
 19 the application and statement to the department of revenue.
 20 This signed statement shall be treated as a statement under
 21 oath or equivalent affirmation for purposes of section
 22 94-7-203, R.C.M. 1947, relating to the criminal offense of
 23 false swearing.

24 (b) A capital investment in a building for an energy
 25 conservation purpose, to the extent provided under section

1 84-7403.

2 Class Nine. The incremental increase in the value of
 3 real estate attributable to repairing, maintaining or
 4 improving existing improvements.

5 Class Ten. The annual gross proceeds of coal mines
 6 using the strip mining method.

7 Class Eleven. Centrally assessed utility allocations
 8 after deductions of locally assessed properties and except
 9 as provided in Class Two for rural telephones and Class Five
 10 (a) for cooperatives, and all other property not included in
 11 the ten (10) preceding classes."

12 Section 16. Section 84-406, R.C.M. 1947, is amended to
 13 read as follows:

14 "84-406. Time of assessment -- motor vehicles --
 15 mobile homes -- livestock -- snowmobiles. (1) The department
 16 of revenue or its agent must, between the first day of
 17 January and the second Monday of July in each year,
 18 ascertain the names of all taxable inhabitants, and assess
 19 all property in each county subject to taxation, except such
 20 as is required to be assessed by the state department of
 21 revenue, and must assess such property to the persons by
 22 whom it was owned or claimed, or in whose possession or
 23 control it was at 12 midnight of the first day of January
 24 next preceding. It must also ascertain and assess all
 25 mobile homes arriving in the county after 12 midnight of the

1 first day of January next preceding. The procedure provided
2 by this section shall not apply to:

3 (a) Motor vehicles which are required by subdivision
4 ~~(2) hereof~~ to be assessed as of the first day of January, or
5 upon their anniversary registration date; but no mistake in
6 the name of the owner or supposed owner of real property
7 renders the assessment thereof invalid.

8 (b) Livestock which are required by subdivision (3) of
9 this section to be assessed on an average inventory basis in
10 each county. Credits must be assessed as provided in
11 section 84-101, subdivision 6.

12 (c) Property defined in section 53-642 as "special
13 mobile equipment" which is subject to assessment of personal
14 property taxes on the date that application is made for a
15 special mobile equipment plate.

16 (d) Mobile homes held by a distributor or dealer of
17 mobile homes as a part of his stock in trade.

18 (e) Campers which are required by subdivision 4 hereof
19 to be assessed as of the first day of January.

20 (f) Snowmobiles which are required by subdivision 5
21 hereof to be assessed as of the first day of July.

22 ~~(2) The department or its agent must ascertain and~~
23 ~~assess all motor vehicles, except mobile homes, in each~~
24 ~~county subject to taxation as of January 1, or as of the~~
25 ~~anniversary registration date of those vehicles subject to~~

1 ~~sections 53-154 through 53-162, in each year, and the same~~
2 ~~shall be assessed to the persons by whom owned or claimed,~~
3 ~~or in whose possession or control such vehicle was at 12~~
4 ~~midnight of the first day of January or the anniversary~~
5 ~~registration date thereof, whichever is applicable, in each~~
6 ~~year. Provided that such tax shall not be assessed against~~
7 ~~motor vehicles which constitute inventory of motor vehicle~~
8 ~~dealers as of January 1, but said vehicles, and all other~~
9 ~~motor vehicles brought into the state subsequent to January~~
10 ~~1, as motor vehicle dealer's inventory, shall be assessed to~~
11 ~~their respective purchasers as of the dates said vehicles~~
12 ~~are registered by said purchasers, and purchasers means and~~
13 ~~includes dealers who apply for registration or~~
14 ~~re-registration of motor vehicles, except as otherwise~~
15 ~~provided by section 32-3345. Goods, wares and merchandise~~
16 ~~of motor vehicle dealers, other than new motor vehicles and~~
17 ~~new mobile homes, shall be assessed at full and true value~~
18 ~~as of the first day of January.~~

19 ~~Except that this paragraph shall not apply to an~~
20 ~~applicant for registration or re-registration of a mobile~~
21 ~~home, nothing herein contained shall relieve the applicant~~
22 ~~for registration or re-registration of any other motor~~
23 ~~vehicle so assessed or subject to assessment of the duty of~~
24 ~~paying taxes thereon as a condition precedent to~~
25 ~~registration or re-registration in the event said taxes have~~

1 ~~not been paid by any prior applicant or owner in all cases~~
 2 ~~where required to be paid.~~

3 (3) The assessed value of livestock in each county on
 4 the assessment date shall be computed by adding the assessed
 5 value of all livestock more than nine (9) months of age
 6 owned by the taxpayer in each county on the last day of each
 7 month since the last assessment date and dividing the sum by
 8 twelve (12). For purposes of this subdivision "livestock"
 9 means cattle, sheep, horses, and mules.

10 (4) The department of revenue or its agent must
 11 ascertain and assess all campers in each county subject to
 12 taxation as of January 1 in each year, and the same shall be
 13 assessed to the persons by whom owned or claimed, or in
 14 whose possession or control such camper was, including
 15 dealers, at 12 midnight of the first day of January in each
 16 year.

17 (5) The department of revenue or its agent must
 18 ascertain and assess all snowmobiles in each county subject
 19 to taxation as of July 1 in each year, and the same shall be
 20 assessed to the persons by whom owned or claimed, or in
 21 whose possession or control such snowmobile was at 12
 22 midnight on the first day of July in each year; provided,
 23 however, that snowmobiles which constitute inventory of
 24 snowmobile dealers shall be assessed to the dealers as of 12
 25 midnight of the first day of January in each year; and

1 further provided that all snowmobiles that have been
 2 assessed and for which taxes have been paid for the period
 3 of January 1, 1975 through December 31, 1975, shall be
 4 assessed for only six (6) months during the period July 1,
 5 1975 through June 30, 1976."

6 Section 17. Repealer. Sections 32-3315, 53-117, and
 7 53-160, R.C.M. 1947, are repealed.

8 Section 18. Effective date. Section 2 of this act is
 9 effective on its passage and approval. Sections 1 and 3
 10 through 17 of this act are effective January 1, 1978.

-End-

STATE OF MONTANA

REQUEST NO. 147-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for SB 193 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:

An act to provide a fee in lieu of personal property tax on certain motor vehicles and trailers; establishing a single registration fee of \$10 for certain motor vehicles; eliminating the new car sales tax; amending various sections.

ASSUMPTIONS:

Registration of vehicles in the state will continue to increase at the rate of 4.8%.

FISCAL IMPACT:

| <u>Revenue</u> | <u>FY78</u> | <u>FY79</u> |
|--|--------------------|--------------------|
| New car sales tax collections - proposed law | \$1,823,502 | \$ 0 |
| Registration fee collections - proposed law | <u>345,410</u> | <u>362,680</u> |
| Total collections - proposed law | <u>2,168,912</u> | <u>362,680</u> |
| New car sales tax collections - current law | 2,647,040 | 3,822,097 |
| Registration fee collections - current law | <u>172,705</u> | <u>181,340</u> |
| Total collections - current law | <u>3,819,745</u> | <u>4,003,437</u> |
| Decreased collections under proposed law | <u>\$1,650,833</u> | <u>\$3,640,757</u> |

The net effect on revenues to the state is a decrease in revenues to the Highways earmarked revenue account of \$1.8 million dollars in FY78 and \$3.8 million in FY79 while collections in the earmarked revenue account for the Registrar of Motor Vehicles will increase by approximately \$175,000 each year of the biennium.

Expenditures

| The proposed legislation will cost the following to administer: | <u>FY78</u> | <u>FY79</u> |
|---|------------------|------------------|
| Personal services (3 FTE) | \$ 12,817 | \$ 26,249 |
| Operating expenses | 400 | 850 |
| Equipment | <u>2,125</u> | <u>0</u> |
| Total additional expenditures due to proposed legislation | <u>\$ 15,342</u> | <u>\$ 27,099</u> |

LOCAL IMPACT:

Although there will undoubtedly be slight variations from county to county depending on the distribution of ages of automobiles, it appears that the proposed bill effectively replaces the revenue flowing to local governments from the property tax on motor vehicles and may even increase that revenue in some cases.

Richard A. Franzen
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-28-77

STATE OF MONTANA

REQUEST NO. 147-77

FISCAL NOTE

(REVISED)

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 193 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.

THIS FISCAL NOTE REVISES THE ORIGINAL FISCAL NOTE ON SENATE BILL 193.

This revision corrects a typing error. Under New car sales tax collections - current law FY 78 "\$2,047,040" was changed to "\$3,647,040."

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide a fee in lieu of personal property tax on certain motor vehicles and trailers; establishing a single registration fee of \$10 for certain motor vehicles; eliminating the new car sales tax; amending various sections.

ASSUMPTIONS:

Registration of vehicles in the state will continue to increase at the rate of 4.8%.

FISCAL IMPACT:

| | <u>FY 78</u> | <u>FY 79</u> |
|--|--------------------|--------------------|
| <u>Revenue</u> | | |
| New car sales tax collections - proposed law | \$1,823,502 | \$ 0 |
| Registration fee collections - proposed law | <u>345,410</u> | <u>362,680</u> |
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Although there will undoubtedly be slight variations from county to county, depending on the distribution of ages of automobiles, it appears that the proposed bill effectively replaces the revenue flowing to local government from the property tax on motor vehicles and may even increase that revenue in some cases.

Richard L. Franzen
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-23-77

Approved by Committee on Taxation

1 SENATE BILL NO. 193
2 INTRODUCED BY MATHERS, TURNAGE,
3 GRAHAM, GALT, REGAN, LOWE

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A FEE IN
5 LIEU OF PERSONAL PROPERTY TAX ON CERTAIN MOTOR VEHICLES AND
6 TRAILERS; ESTABLISHING A SINGLE REGISTRATION FEE OF \$10 FOR
7 CERTAIN MOTOR VEHICLES; ~~ELIMINATING-THE-NEW-CAR-SALES-TAX;~~
8 AMENDING SECTIONS ~~32-3315,~~ 53-106.1, 53-106.8, 53-114,
9 53-116, 53-122, 53-129, 53-147, 53-153, 53-159, 53-160,
10 53-161, 53-162, 84-301, AND 84-406, R.C.M. 1947; REPEALING
11 SECTIONS ~~32-3315,~~ 53-117, AND 53-160, R.C.M. 1947; AND
12 PROVIDING AN EFFECTIVE DATE."

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

14 Section 1. Fee in lieu of property tax on certain
15 motor vehicles and trailers. (1) There is imposed on
16 automobiles, trucks, motorcycles, motor homes, and trailers
17 a fee in lieu of personal property taxes, which is in
18 addition to annual registration fees. This fee shall be
19 imposed in lieu of taxes on vehicles registered during and
20 after 1978.

21 (2) An automobile shall be assessed a fee according to
22 the following table:

23 Less than 2 years old \$50\$65

Table with 2 columns: Age range and Fee amount. Rows include: 2 years to less than 4 years old (\$45\$55), 4 years to less than 5 years old (\$40\$45), 5 years to less than 8 years old (\$35), 6 years to less than 10 years old (\$30\$25), 10 years to less than 12 years old (\$25\$15), 12 years and older (\$20\$5).

24 (3) A truck, including a tractor designed to pull a
25 trailer or semitrailer BUT NOT INCLUDING OFF-HIGHWAY TRUCKS
26 AND TRAILERS WHICH SHALL CONTINUE TO BE SUBJECT TO AN
27 AD VALOREM TAX; a bus; and a motor home, meaning a
28 self-propelled vehicle with integral living and sleeping
29 quarters, shall be assessed a fee according to the following
30 table:

Table with 2 columns: Age range and Fee amount. Rows include: Less than 2 years old (\$60), 2 years to less than 4 years old (\$55), 4 years to less than 6 years old (\$50), 5 years to less than 8 years old (\$45), 8 years to less than 10 years old (\$40), 10 years to less than 12 years old (\$35), 12 years and older (\$30).

31 (4) A motorcycle shall be assessed a fee according to
32 the following table:

Table with 2 columns: Age range and Fee amount. Rows include: Less than 4 years old (\$15), 4 years to less than 7 years old (\$10), 7 years and older (\$5).

1 (b) A trailer, including a house trailer as defined by
2 84-6601 and a semitrailer, shall be assessed a fee according
3 to the following table:

| | | |
|---|------------------------------------|------|
| 4 | Less than 6 years old | \$25 |
| 5 | 6 years to less than 10 years old | \$15 |
| 6 | 10 years to less than 16 years old | \$10 |
| 7 | 16 years and older | \$5 |

8 Section 2. County treasurer to maintain records of
9 1977 vehicle property tax receipts and disbursements. The
10 county treasurer shall maintain records sufficient to
11 determine the personal property taxes collected during 1977
12 on the motor vehicles and trailers listed in [section 1 of
13 this act]. The records shall be sufficiently detailed to
14 indicate the total tax paid into each fund for state,
15 county, city, and school purposes.

16 Section 3. Distribution of fees in lieu of taxes. The
17 county treasurer shall remit the fees collected to the
18 registrar of motor vehicles on ~~March-31-June-30-September~~
19 ~~30-September-30-of-each-year-on-the-next-following~~
20 ~~April-30-July-31-October-31-and-January-31~~ THE 30TH OF
21 EACH MONTH, WITHIN 30 DAYS the registrar of motor vehicles
22 shall disburse the fees collected during the preceding
23 quarter MONTH to the state and the county, city, and school
24 funds in each county. The fees collected shall be
25 distributed according to the following formula:

1 p=f_a/t,
2 where "a" represents the portion distributed to each fund,
3 "f" represents the state total of the fees collected during
4 the quarter, "a" represents the amount of personal property
5 tax recorded as having been paid into each fund under
6 [section 2 of this act], and "t" represents the statewide
7 total personal property tax collected and recorded under
8 [section 2 of this act].

9 SECTION 4. SECTION 32-3315, B.C.M., 1947, IS AMENDED TO
10 READ AS FOLLOWS:

11 "32-3315. Sales tax on new motor vehicles. (1) In
12 consideration of the right to use the highways of the state,
13 there shall be imposed a tax upon all sales of new motor
14 vehicles for which a license is sought and an original
15 application for title is made. The word motor vehicle as
16 used in this section means automobiles, auto trucks and
17 motorcycles, propelled by their own power, used upon the
18 public highways of the state. The tax shall be paid by the
19 purchaser when he applies for his original Montana license
20 through the county treasurer.

21 (2) The sales tax shall be:
22 (a) ~~One-and-one-half-per-cent-(1 1/2%)~~ of the F.O.B.
23 factory list price or F.O.B. part of entry list price,
24 during the first quarter of the year or prorated ~~one-twelfth~~
25 ~~(1/12)~~ for each month or part of month for a registration

1 period other than a calendar year or calendar quarter.

2 (b) ~~One--and--one-eighth-per-cent-(1 1/8%)~~ of the list
3 price during the second quarter of the year.

4 (c) ~~Three-fourths-(3/4)~~ of ~~one-per-cent-(1%)~~ during
5 the third quarter of the year.

6 (d) ~~Three-eighths-(3/8)~~ of ~~one-per-cent-(1%)~~ during
7 the fourth quarter of the year.

8 (3) If the manufacturer or importer fails to furnish
9 the F.O.B. factory list price or F.O.B. port of entry list
10 price, the department may use published price lists.

11 (4) The proceeds from this tax shall be remitted to
12 the state treasurer every ~~thirty-(30)~~ days for credit to the
13 state highway account of the earmarked revenue fund.

14 (b) ~~The--new--vehicle--is--not--subject--to--any--other~~
15 ~~assessment--or--taxation--during--the--calendar--year--in--which--the~~
16 ~~original--application--for--title--is--made.~~ The new vehicle is
17 subject to the fee imposed by [section 1 of this act]."

18 section 5. Section 53-106.1, R.C.M. 1947, is amended
19 to read as follows:

20 "53-106.1. Registration of motor vehicles owned and
21 operated solely as collectors' items -- number plates for
22 such motor vehicles. Any owner of a motor vehicle
23 manufactured in 1933 or earlier or manufactured in 1934 or
24 later and is more than thirty (30) years old, used solely as
25 a collectors' item and not for general transportation

1 purposes, may file with the registrar of motor vehicles an
2 application for the registration of such motor vehicle
3 stating the name and address of the owner, the name and
4 address of the person from whom purchased, the make of the
5 motor vehicle, the gross weight thereof, the year and number
6 of the model, and the manufacturer's identification number
7 and serial number, and setting forth a specific statement
8 that the vehicle is owned and operated solely as a
9 collectors' item and not for general transportation
10 purposes; and said application shall be sworn to before an
11 officer authorized to administer oaths. The registration fee
12 for all such motor vehicles ~~weighing--twenty-eight--hundred~~
13 ~~and--fifty--(2850)--pounds--or--less--shall--be--five--dollars~~
14 ~~(\$5.00); and the registration fee for all such motor~~
15 ~~vehicles--weighing--more--than--twenty-eight--hundred--and--fifty~~
16 ~~(2850)--pounds--shall--be--ten--dollars~~ is ~~(\$10.00).~~

17 Upon receipt of said application for registration and
18 payment of the registration fee above provided for the
19 registrar shall file said application and register the motor
20 vehicle therein described in the manner specified in section
21 53-101, and shall deliver to the applicant:

- 22 (1) for motor vehicles manufactured in 1933 or
23 earlier, two (2) license plates bearing the inscription,
24 "Pioneer--Montana" and the registration number; or
25 (2) for motor vehicles manufactured in 1934 or later

1 and more than thirty (30) years old, two (2) license plates
 2 bearing the inscription, "Vintage--Montana" and the
 3 registration number. The year of issuance shall not be shown
 4 on the plates. No annual renewal of the registration of any
 5 such motor vehicle shall be required, and the same shall be
 6 valid as long as the vehicle is in existence; provided,
 7 however, that upon any sale of such motor vehicle, the
 8 purchaser shall be required to renew the registration
 9 thereof and pay the license fees hereinbefore specified."

10 Section 6. Section 53-106.8, R.C.M. 1947, is amended
 11 to read as follows:

12 "53-106.8. Free license plates to disabled veterans.
 13 Any person who is a veteran of the armed service of the
 14 United States and permanently and totally disabled because
 15 of an injury which has been determined by the veterans
 16 administration to be service connected, and who is a citizen
 17 and resident of the state of Montana, and who is the owner
 18 of a motor vehicle, shall be provided with free license
 19 plates ~~upon payment of personal property tax equal to one~~
 20 ~~per cent (1%) of the taxable value for the motor vehicle~~
 21 upon proof of permanent and total service connected
 22 disability."

23 Section 7. Section 53-114, R.C.M. 1947, is amended to
 24 read as follows:

25 "53-114. Application for registration of motor

1 vehicles and payment of license fees thereon -- assessment
 2 of motor vehicles in the stock of licensed motor vehicle
 3 dealers as merchandise. (1) Every owner of a motor vehicle
 4 operated or driven upon the public highways of this state
 5 shall, for each motor vehicle owned, except as herein
 6 otherwise expressly provided, file, or cause to be filed, in
 7 the office of the county treasurer wherein such motor
 8 vehicle is owned or taxable, an application for
 9 registration, or reregistration, upon blank form to be
 10 prepared and furnished by the registrar of motor vehicles,
 11 which application shall contain:

12 (a) Name and address of owner, giving county, school
 13 district, and town or city within whose corporate limits the
 14 motor vehicle is taxable.

15 (b) Name and address of conditional sales vendor,
 16 mortgagee or holder of other lien against said motor
 17 vehicle, with statement of amount owing under such contract
 18 or lien.

19 (c) Description of motor vehicle, including make, year
 20 model, engine or serial number, manufacturer's model or
 21 letter, gross weight, type of body and, if truck, the rated
 22 capacity.

23 (d) In case of reregistration, the license number for
 24 the preceding year.

25 (e) Such other information as the registrar of motor

1 vehicles may require.

2 {2}--Whoever--files--an--application--for--registration--or
3 reregistration--of--a--motor--vehicle--except--of--a--mobile--home--as
4 defined--in--section--84-101--R.C.M.--1947--shall--before--filing
5 such--application--with--the--county--treasurer--submit--the--same
6 to--the--county--assessor--of--said--county--and--said--county
7 assessor--shall--enter--on--said--application--in--a--space--to--be
8 provided--for--that--purpose--the--full--and--true--and--the
9 assessed--valuation--of--said--vehicle--for--the--year--for--which
10 said--application--for--registration--is--made.

11 {3}{2} Whoever files an application for registration
12 or reregistration of a motor vehicle except of a mobile home
13 as defined in section 84-101, R.C.M., 1947, shall upon the
14 filing of said application {1} pay to the county treasurer
15 the registration fee, as provided in section 53-122 and
16 section 53-115, and the fee in lieu of tax, shall also at
17 such time {2} pay the personal property taxes assessed on
18 the new motor vehicle sales tax against said vehicle for the
19 current year of registration {unless the same shall have
20 been theretofore paid for said year} before the application
21 for registration or reregistration may be accepted by the
22 county treasurer. The county treasurer is hereby empowered
23 to make full and complete investigation of the tax status of
24 said vehicle and any applicant for registration or
25 reregistration must submit proof with respect thereto from

1 the tax records of the proper county at the request of the
2 county treasurer.

3 {4}--The--amount--of--taxes--on--said--motor--vehicle--except
4 a--mobile--home--as--defined--in--section--84-101--R.C.M.--1947
5 shall--be--computed--and--determined--by--the--county--treasurer--on
6 the--basis--of--the--levy--of--the--year--preceding--the--current--year
7 of--application--for--registration--or--reregistration--and--such
8 determination--shall--be--entered--on--the--application--form--in--a
9 space--provided--therefor.

10 {5}--Motor--vehicles--except--mobile--homes--as--defined--in
11 section--84-101--R.C.M.--1947--are--hereby--declared--to--be
12 assessable--for--taxation--as--of--and--on--the--first--day--of
13 January--in--each--year--irrespective--of--the--time--fixed--by--law
14 for--the--assessment--of--other--classes--of--personal--property
15 and--irrespective--of--whether--or--not--the--levy--and--tax--may--be--a
16 lien--upon--real--property--within--the--state--of--Montana
17 provided--that--in--no--event--shall--any--motor--vehicle--be--subject
18 to--assessment--levy--and--taxation--more--than--once--in--each
19 year.

20 {6}--The--applicant--for--original--registration--of--any
21 wholly--new--and--unused--motor--vehicle--except--a--mobile--home--as
22 defined--in--section--84-101--R.C.M.--1947--acquired--by
23 original--contract--after--the--first--day--of--January--of--any--year
24 shall--be--required--whenever--such--vehicle--has--not--been
25 otherwise--assessed--to--pay--the--motor--vehicle--sales--tax

1 provided by section 32-3315, R.C.M. 1947, irrespective of
2 whether or not such vehicle was in the state of Montana on
3 the first day of January of such year.

4 (7) Upon accepting application for registration or
5 reregistration of any motor vehicle which is subject to
6 taxation in this state on January 1 in any year and upon
7 payment of taxes, the county treasurer shall stamp on said
8 applications "taxes on this vehicle due January 1 of current
9 year paid by applicant prior applicant or owner and this
10 vehicle is eligible for registration."

11 Upon accepting application for registration of any
12 motor vehicle which was not subject to taxation in this
13 state on January 1st in any year, the county treasurer shall
14 indicate such fact by proper entry on said applications.

15 (8) The registrar of motor vehicles shall have
16 authority to make proper entry on any certificate of title
17 to any motor vehicle respecting payment of taxes in accord
18 with the facts.

19 (9) Motor vehicles subject to anniversary date
20 registration as provided in sections 53-154 through 53-162
21 are exempt from the provisions of (5), (6), and (7) of this
22 sections."

23 Section 8. Section 53-116, R.C.M. 1947, is amended to
24 read as follows:

25 "53-116. Issuance of receipt and assignment of number

1 plates. Upon receipt of application for registration, in
2 quintuplet, and payment of license fees and taxes as herein
3 provided, the county treasurer shall file one copy of said
4 application in his office; issue to the applicant two (2)
5 copies of the application entitled "Owner's Certificate of
6 Registration and Tax Receipt" one (1) of which shall be
7 marked "file copy"; forward one (1) copy to the county clerk
8 and recorder; and he shall daily forward to the registrar of
9 motor vehicles one (1) copy of the application for
10 registration. The county treasurer shall also, and at the
11 same time, assign such motor vehicle a distinctive number,
12 viz., the license plate number, and deliver to the applicant
13 two (2) license plates, as received from the registrar of
14 motor vehicles which shall bear such distinctive numbers.
15 The registrar shall ship said license plates to the various
16 county treasurers by freight, so that they will be received
17 by the county treasurer on or before January first of each
18 year. It shall not be necessary for the county treasurer in
19 said receipt to segregate the amount of said taxes for
20 state, county, school district and municipal purposes."

21 Section 9. Section 53-122, R.C.M. 1947, is amended to
22 read as follows:

23 "53-122. Registration fees of motor vehicles --
24 registration and transfer thereof -- public owned vehicles
25 exempt from license or registration fees -- license or

1 registration fees for trailers, house trailers, semitrailers
2 and tractors providing for disposition of all fees.
3 Registration or license fees shall be paid upon registration
4 or reregistration of motor vehicles, trailers, house
5 trailers, semitrailers and dealers in motor vehicles or
6 trailers in accordance with this act, as follows:

7 All dealers in motor vehicles, a fee of thirty dollars
8 (\$30.00); which shall entitle such dealer to two (2) sets of
9 number plates, and five dollars (\$5.00) additional fee for
10 each additional set of number plates up to six (6) sets, and
11 two dollars (\$2.00) additional fee for each additional set
12 of number plates, as may be applied for;

13 Dealers in motorcycles, trailers including house
14 trailers, thirty dollars (\$30);

15 ~~motor vehicles weighing twenty-eight-hundred-and-fifty~~
16 ~~(2850)-pounds, or, under, other than motor trucks, five~~
17 ~~dollars (\$5.00);~~

18 ~~motor vehicles, weighing over twenty-eight-hundred-and~~
19 ~~fifty-(2850)-pounds, other than motor trucks, ten dollars~~
20 ~~(\$10.00);~~

21 Electrically driven passenger vehicles, ten dollars
22 (\$10.00);

23 All motorcycles, two dollars (\$2.00);

24 Tractors and/or trucks, ten dollars (\$10.00);

25 buses shall be classed as motor trucks and licensed

1 accordingly;

2 Trailers and semitrailers less than two thousand five
3 hundred (2,500) pounds maximum gross loaded weight and house
4 trailers of all weights, two dollars (\$2.00);

5 Trailers and semitrailers over two thousand five
6 hundred (2,500) up to six thousand (6,000) pounds maximum
7 gross loaded weight, except house trailers, five dollars
8 (\$5.00);

9 Trailers and semitrailers over six thousand (6,000)
10 pounds maximum gross loaded weight, ten dollars (\$10.00);

11 Trailers used exclusively in the transportation of logs
12 in the forest or in the transportation of oil and gas well
13 machinery, road machinery and bridge material exclusively,
14 new and secondhand, and trailers used exclusively for the
15 transportation of road machinery and bridge materials, shall
16 pay a fee of fifteen dollars (\$15.00) annually, regardless
17 of size or capacity.

18 All rates to be twenty-five per cent (25%) higher for
19 motor vehicles, trailers and semitrailers, when not equipped
20 with pneumatic tires.

21 Bicycles with motor attachment, one dollar (\$1.00);

22 Tractors, as specified in this section, shall mean any
23 motor vehicle, except passenger cars used for towing a
24 trailer or semitrailer.

25 If any dealer, or motor vehicle, house trailer,

1 trailer, or semitrailer is originally registered six (6)
 2 months after the time of registration as set by law, the
 3 registration or license fee for the remainder of such year
 4 shall be one-half (1/2) of the regular fee above given.

5 A dealer in motor vehicles or trailers who shall
 6 maintain more than one (1) place of business or who shall
 7 maintain any branch establishment or establishments, must
 8 register and pay a registration or license fee for each such
 9 place of business or establishment.

10 A registered dealer, who may sell or dispose of his
 11 entire business to any other person, may have his
 12 certificate of registration transferred to such purchaser
 13 upon filing with the registrar of motor vehicles a statement
 14 containing the name of the registered dealer, the number
 15 under which such dealer is registered, the name of the
 16 purchaser, and the location of the place of business so
 17 sold. Upon the filing of such statement, accompanied by a
 18 filing fee of two dollars (\$2.00), the registrar of motor
 19 vehicles shall note upon the registration record of such
 20 dealer the change of ownership. But no certificate of
 21 registration can be transferred unless the entire business
 22 of the dealer holding such certificate of registration be
 23 sold and disposed of, and no such certificate of
 24 registration can be transferred to any person other than the
 25 purchasers of such business.

1 The provisions of this act with respect to the payment
 2 of registration fees shall not apply to or be binding upon
 3 motor vehicles, trailers or semitrailers or tractors owned
 4 or controlled by the United States of America or any state,
 5 county or city, but in all other respects the provisions of
 6 this act shall be applicable to and binding upon motor
 7 vehicles, tractors, trailers, and semitrailers.

8 All fees, other than license fees, unless otherwise
 9 specifically provided, shall hereafter be deposited in, and
 10 paid into, the earmarked revenue fund and shall be used to
 11 pay all salaries, operating expenses, and all other expenses
 12 of the department of the registrar of motor vehicles,
 13 including the manufacture and delivery of license plates.
 14 Any reference in this code to the motor vehicle recording
 15 fund or the motor vehicle administration fund shall be taken
 16 to mean the motor vehicle recording account in the earmarked
 17 revenue fund.*

18 Section 10. Section 53-129, R.C.M. 1947, is amended to
 19 read as follows:

20 *53-129. Foreign vehicles used in gainful occupation
 21 -- reciprocity board may make reciprocal agreements to
 22 exempt. Before any foreign licensed motor vehicle shall be
 23 operated on the highways of this state for hire,
 24 compensation or profit, or before the owner and/or user
 25 thereof uses the vehicle if such owner and/or user is

1 engaged in gainful occupation or business enterprise, in the
 2 state of Montana, including highway work, the owner of such
 3 vehicle shall make application to a county treasurer for
 4 registration, upon an application form furnished by the
 5 registrar of motor vehicles. Upon satisfactory evidence of
 6 ownership submitted to such county treasurer, and the
 7 payment of ~~property taxes as is required by sections 64-6000~~
 8 ~~or 44-406 fees in lieu of tax,~~ the treasurer shall accept
 9 the application for registration and shall collect the
 10 regular license fee required for the vehicle. The treasurer
 11 shall thereupon issue to the applicant a copy of the
 12 application entitled "Owner's Certificate of Registration
 13 Receipt" and forward a duplicate copy of certificate of
 14 registration to the registrar of motor vehicles. The
 15 treasurer shall at the same time issue to the applicant the
 16 proper license plates or other identification markers, which
 17 shall at all times be displayed upon such vehicle, when
 18 operated or driven upon roads and highways of this state,
 19 during the period of the life of such license. The
 20 registration receipt shall not constitute evidence of
 21 ownership, but shall only be used for registration purposes.
 22 No Montana certificate of title shall be issued for this
 23 type of registration. This paragraph shall not be applicable
 24 to any vehicle covered by a valid and existing reciprocal
 25 agreement or declaration entered into under the provisions

1 of the laws of Montana."

2 Section 11. Section 53-147, R.C.M. 1947, is amended to
 3 read as follows:

4 "53-147. New registration required for transferred
 5 vehicle -- grace period -- penalty -- display of proof of
 6 purchase. Except as otherwise provided herein, the new owner
 7 of the transferred motor vehicle shall have the grace period
 8 of ten (10) days from the date of purchase to make
 9 application and pay the registration fees ~~and taxes~~ as
 10 provided by section 53-114 and the fee in lieu of tax, as if
 11 the same was being registered for the first time in that
 12 registration year, and, provided the motor vehicle was not
 13 purchased from a duly licensed motor vehicle dealer as
 14 provided in this chapter, it shall not be a violation of
 15 this chapter or any other law for the purchaser to operate
 16 the vehicle upon the streets and highways of this state
 17 without a certificate of registration during the ten (10)
 18 day period; provided, however, that at all times during that
 19 period a bill of sale or other proof of purchase reciting
 20 the date of purchase shall be clearly displayed in the rear
 21 window of the motor vehicle at all times. Failure to make
 22 application within the time provided herein shall subject
 23 the purchaser to a penalty of ten dollars (\$10), plus one
 24 dollar (\$1) for each additional day in which the vehicle
 25 remains unregistered, not to exceed twenty-five dollars

1 (\$25). The penalty shall be collected by the county
 2 treasurer at the time of registration, and shall be in
 3 addition to the fees otherwise provided by law."

4 Section 12. Section 53-153, R.C.M. 1947, is amended to
 5 read as follows:

6 "53-153. Fees for personalized plates -- disposition.
 7 In addition to all other fees ~~and taxes~~ imposed by law, the
 8 applicant for a personalized license plate shall pay a fee
 9 of twenty dollars (\$20) for the original personalized
 10 license plate and a fee of five dollars (\$5) for each
 11 transfer or renewal thereof. All revenue derived from the
 12 fee as provided herein shall be deposited in the motor
 13 vehicle recording account of the earmarked revenue fund."

14 Section 13. Section 53-159, R.C.M. 1947, is amended to
 15 read as follows:

16 "53-159. When vehicle ~~property-tax fee in lieu of tax~~
 17 is due. ~~Property-taxes-and-new-car-taxes~~ Fees in lieu of tax
 18 shall be paid on the date of registration or reregistration
 19 of the vehicle. If the anniversary date for reregistration
 20 of a vehicle shall pass while the vehicle is owned and held
 21 for sale by a licensed new or used car dealer, ~~property~~
 22 ~~taxes~~ the fee in lieu of tax shall abate on such vehicle
 23 properly reported with ~~the department of revenue~~ the county
 24 treasurer until the vehicle is sold and thereafter the
 25 purchaser shall pay the ~~pro-rata balance of the taxes~~ fee in

1 lieu of tax due and owing ~~on the vehicle for the following~~
 2 registration period."

3 Section 14. Section 53-161, R.C.M. 1947, is amended to
 4 read as follows:

5 "53-161. Proration of fees during transition. For
 6 purposes of implementation, all vehicles subject to this act
 7 shall be registered or reregistered as previously required
 8 by law between January 1, 1976 and February 15, 1976,
 9 provided, however, that all taxes and other fees due thereon
 10 shall be prorated from January 1, 1976 until the first day
 11 of the period in which the vehicle shall be registered under
 12 the provisions of this act and as indicated by the last
 13 digit on the license plate issued to such vehicle in 1975.
 14 Thereafter, during the appropriate anniversary registration
 15 period, each vehicle shall again register or reregister and
 16 thereon shall pay all ~~taxes--and~~ fees due thereon for a
 17 twelve (12) month period."

18 Section 15. Section 53-162, R.C.M. 1947, is amended to
 19 read as follows:

20 "53-162. ~~Assessment--on~~ Lien date first day of
 21 registration period. ~~Vehicles subject to the provisions of~~
 22 ~~this act shall be assessed as of the first day of the year~~
 23 ~~in which the registration period occurs and a~~ A lien for
 24 ~~taxes and fees due thereon~~ on vehicles subject to the
 25 provisions of this chapter shall occur on the anniversary

1 date of the registration and shall continue thereafter until
2 such fees ~~and taxes~~ shall have been paid."

3 Section 16. Section 84-301, R.C.M. 1947, is amended to
4 read as follows:

5 "84-301. Classification of property for taxation. For
6 the purpose of taxation the taxable property in the state
7 shall be classified as follows:

8 Class One. The annual net proceeds of all mines and
9 mining claims, except coal mines, after deducting only the
10 expenses specified and allowed by section 84-5403; also
11 where the right to enter upon land, to explore or prospect,
12 or dig for oil, gas, coal or mineral is reserved in land or
13 received by mesne conveyance (exclusive of leasehold
14 interests), devise or succession by any person or
15 corporation, the surface title to which has passed to or
16 remains in another, the state department of revenue shall
17 determine the value of the right to enter upon said tract of
18 land for the purpose of digging, exploring, or prospecting
19 for gas, oil, coal or minerals, and the same shall be placed
20 in this classification for the purpose of taxation.

21 Class Two. All agricultural and other tools, implements
22 and machinery, gas and other engines and boilers, threshing
23 machines and outfits used therewith, ~~automobiles, motor~~
24 ~~trucks and other power-driven cars,~~ vehicles of all kinds
25 except ~~mobile homes~~ vehicles subject to fees in lieu of tax,

1 boats and all watercraft, harness, saddlery and robes and
2 except as provided in Class Five (a) of this section, all
3 poles, lines, transformers, transformer stations, meters,
4 tools, improvements, machinery and other property used and
5 owned by all persons, firms, corporations, and other
6 organizations which are engaged in the business of
7 furnishing telephone communications, exclusively to rural
8 areas, or to rural areas and cities and towns provided that
9 any such city or town has a population of eight hundred
10 (800) persons or less; and provided further, that the
11 average circuit miles for each station on the system is more
12 than one and one-quarter (1 1/4) miles.

13 Class Three. Livestock, poultry, and unprocessed
14 products of both; furniture and fixtures used in commercial
15 activities; the annual gross proceeds of underground coal
16 mines; and all office or hotel furniture and fixtures,
17 except improvements included in Class Nine.

18 Class Four. (a) All land, town and city lots, with
19 improvements, except improvements included in Class Nine,
20 and all trailers affixed to land owned, leased, or under
21 contract or purchase by the trailer owner, manufacturing and
22 mining machinery, fixtures and supplies, except as otherwise
23 provided by the constitution of Montana, and except as such
24 property may be included in Class Five, Class Seven or Class
25 Eight.

1 (b) Mobile homes without regard to the ownership of
 2 the land upon which they are situated, except those held by
 3 a distributor or dealer of mobile homes as part of his stock
 4 in trade, and except as such property may be included in
 5 Class Eight.

6 Class Five. (a) All poles, lines, transformers,
 7 transformer stations, meters, tools, improvements, machinery
 8 and other property used and owned by co-operative rural
 9 electrical and co-operative rural telephone associations
 10 organized under the laws of Montana except those within the
 11 incorporated limits of a city or town in which less than
 12 ninety-five per cent (95%) of the electric consumers and/or
 13 telephone users are served by a co-operative organization,
 14 and as to the property enumerated in this sub-section (a)
 15 within incorporated limits of a city or town in which less
 16 than ninety-five per cent (95%) of the electric consumers or
 17 users will be served by a co-operative organization, such
 18 property shall be put in Class Two.

19 (b) All unprocessed agricultural products either on
 20 the farm or in storage, irrespective of whether said
 21 products are owned by the elevator, warehouse or flour mill
 22 owner or company storing the same, or any other person
 23 whomsoever, except all perishable fruits and vegetables in
 24 farm storage and owned by the producer, and excepting
 25 livestock and poultry and the unprocessed products of both.

1 (c) The dwelling house, and the lot on which it is
 2 erected, owned and occupied by any resident of the state,
 3 who has been honorably discharged from active service in any
 4 branch of the armed forces, who is rated one hundred per
 5 cent (100%) disabled due to a service-connected disability
 6 by the United States veterans administration or its
 7 successors.

8 In the event of the veteran's death, the dwelling
 9 house, and the lot on which it is erected, so long as the
 10 surviving spouse remains unmarried and the owner and
 11 occupant of the property, shall remain within this
 12 classification.

13 Class Six. Property formerly included in this class is
 14 now classified by section 84-308, R.C.M. 1947.

15 Class Seven. (a) All new industrial property. New
 16 industrial property shall mean any new industrial plant,
 17 including land, buildings, machinery and fixtures which, in
 18 the determination of the state department of revenue, is
 19 used by a new industry during the first three (3) years of
 20 operation not having been assessed prior to July 1, 1961,
 21 within the state of Montana. New industry shall mean any
 22 person, corporation, firm, partnership, association, or
 23 other group which establishes a new plant or plants in this
 24 state for the operation of a new industrial endeavor, as
 25 distinguished from a mere expansion, reorganization, or

1 merger of an existing industry or industries. Provided,
 2 however, that new industrial property shall be limited to
 3 industries that manufacture, mill, mine, produce, process or
 4 fabricate materials, or do similar work in which capital and
 5 labor are employed and in which materials unserviceable in
 6 their natural state are extracted, processed or made fit for
 7 use or are substantially altered or treated so as to create
 8 commercial products or materials; industries that engage in
 9 the mechanical or chemical transformation of materials or
 10 substances into new products in the manner defined as
 11 manufacturing in the 1972 Standard Industrial Classification
 12 Manual, prepared by the United States office of management
 13 and budget; and in no event shall the term new industrial
 14 property be included to mean property used by retail or
 15 wholesale merchants, commercial services of any type,
 16 agriculture, trades or professions. New industrial property
 17 does not include a plant which will create an adverse impact
 18 on existing state, county, or municipal services. The
 19 department shall promulgate regulations for the
 20 determination of what constitutes an adverse impact taking
 21 into consideration the number of people to be employed and
 22 the size of the community in which the location is
 23 contemplated. Once the department has made an initial
 24 determination that the industrial facility qualifies as new
 25 industrial property, the department shall then upon proper

1 notice hold a hearing to determine if the new industrial
 2 classification should be retained by the property. The
 3 local taxing authority may appear at the hearing, and it
 4 also may waive its objection to retention of this
 5 classification if the industry agrees to the prepayment of
 6 taxes sufficient to satisfy tax requirements created by the
 7 location and construction of the facility during
 8 construction period.

9 In the event of a prepayment of taxes, the maximum
 10 amount or prepayment shall be the amount without the
 11 application of the Class 7 (a) to such property.

12 If a major new industrial facility qualifies under
 13 Class 7 (a) the reduction of its yearly payment of property
 14 taxes for reimbursement of its prepaid taxes as provided for
 15 in section 84-41-105, R.C.M. 1947, shall not begin until the
 16 Class 7 qualification expires. And provided further, that
 17 new industrial property shall not be included to mean
 18 property which is used or employed in any industrial plant
 19 which has been in operation in this state for three (3)
 20 years or longer. Any person, corporation, firm, partnership,
 21 association or other group seeking to qualify its property
 22 for inclusion in this class shall make application to the
 23 state department of revenue in such manner and form as may
 24 be required by said department.

25 (b) Business inventories. Business inventories shall

1 include goods intended for sale or lease in the ordinary
 2 course of business, and shall include raw materials and work
 3 in progress with respect to such goods, but shall not
 4 include goods actually leased or rented on the lien date, or
 5 mobile homes held by a dealer or distributor as a part of
 6 his stock in trade.

7 (c) Air pollution control equipment as defined in
 8 section 69-3923.

9 (d) A capital investment in a recognized nonfossil
 10 form of energy generation, to the extent provided under
 11 section 84-7403.

12 Class Eight. (a) Any improvement on real property,
 13 trailers affixed to land or mobile home belonging to any
 14 person who qualifies under any one or more of the
 15 hereinafter set forth categories, with appurtenant land not
 16 exceeding five (5) acres, which together have a market value
 17 of not more than twenty-seven thousand five hundred dollars
 18 (\$27,500), which dwelling is owned or under a contract for
 19 deed, and which is actually occupied for at least ten (10)
 20 months per year as the primary residential dwelling of:

21 (1) a widow sixty-two (62) years of age or older,
 22 whether with or without minor dependent children, who
 23 qualifies under the income limitations of (4), or

24 (2) a widower sixty-two (62) years of age or older,
 25 whether with or without minor dependent children, who

1 qualifies under the income limitations of (4), or

2 (3) a widow or widower with minor or dependent
 3 children regardless of age, who qualifies under the income
 4 limitations of (4), or

5 (4) a recipient or recipients of retirement or
 6 disability benefits whose income from all sources is not
 7 more than six thousand dollars (\$6,000) for a single person
 8 and six thousand eight hundred dollars (\$6,800) for a
 9 married couple total per annum whether said dwelling is
 10 occupied by a single person or a married couple. Provided,
 11 further, that one who applies for classification of property
 12 under this class must make an affidavit to the state
 13 department of revenue on a form as may be provided by the
 14 state department of revenue supplied without cost to the
 15 applicant, as to his income, if applicable, as to his
 16 retirement benefits, if applicable, or, as to his marital
 17 status, if applicable, and to the fact that he or she
 18 actually occupies or maintains as his or her primary
 19 residential dwelling, such land and improvements with right
 20 of the county welfare board to investigate the applicant, on
 21 the completion of the form, as to answers given on the form.
 22 Provided, further, the assessed value of said property shall
 23 not be increased during the life of the recipient of
 24 retirement benefits or widow or widower covered under this
 25 class, unless the owner-resident makes a substantial

1 improvement in the dwelling. For the purposes of the
 2 affidavit required for classification of property under this
 3 class, it shall be sufficient if the applicant signs a
 4 statement swearing to or affirming the correctness of the
 5 information supplied, whether or not the statement is signed
 6 before a person authorized to administer oaths, and mails
 7 the application and statement to the department of revenue.
 8 This signed statement shall be treated as a statement under
 9 oath or equivalent affirmation for purposes of section
 10 94-7-203, R.C.M. 1947, relating to the criminal offense of
 11 false swearing.

12 (b) A capital investment in a building for an energy
 13 conservation purpose, to the extent provided under section
 14 84-7403.

15 Class Nine. The incremental increase in the value of
 16 real estate attributable to repairing, maintaining or
 17 improving existing improvements.

18 Class Ten. The annual gross proceeds of coal mines
 19 using the strip mining method.

20 Class Eleven. Centrally assessed utility allocations
 21 after deductions of locally assessed properties and except
 22 as provided in Class Two for rural telephones and Class Five
 23 (a) for cooperatives, and all other property not included in
 24 the ten (10) preceding classes."

25 Section 17. Section 84-406, R.C.M. 1947, is amended to

1 read as follows:

2 "84-406. Time of assessment -- motor vehicles --
 3 mobile homes -- livestock -- snowmobiles. (1) The department
 4 of revenue or its agent must, between the first day of
 5 January and the second Monday of July in each year,
 6 ascertain the names of all taxable inhabitants, and assess
 7 all property in each county subject to taxation, except such
 8 as is required to be assessed by the state department of
 9 revenue, and must assess such property to the persons by
 10 whom it was owned or claimed, or in whose possession or
 11 control it was at 12 midnight of the first day of January
 12 next preceding. It must also ascertain and assess all
 13 mobile homes arriving in the county after 12 midnight of the
 14 first day of January next preceding. The procedure provided
 15 by this section shall not apply to:

16 (a) Motor vehicles which are required by ~~subdivision~~
 17 ~~(2)-hereof~~ to be assessed as of the first day of January, or
 18 upon their anniversary registration date; but no mistake in
 19 the name of the owner or supposed owner of real property
 20 renders the assessment thereof invalid.

21 (b) Livestock which are required by subdivision (3) of
 22 this section to be assessed on an average inventory basis in
 23 each county. Credits must be assessed as provided in
 24 section 84-101, subdivision 6.

25 (c) Property defined in section 53-542 as "special

1 mobile equipment" which is subject to assessment of personal
2 property taxes on the date that application is made for a
3 special mobile equipment plate.

4 (d) Mobile homes held by a distributor or dealer of
5 mobile homes as a part of his stock in trade.

6 (e) Campers which are required by subdivision 4 hereof
7 to be assessed as of the first day of January.

8 (f) Snowmobiles which are required by subdivision 5
9 hereof to be assessed as of the first day of July.

10 ~~(2) The department or its agent must ascertain and~~
11 ~~assess all motor vehicles, except mobile homes, in each~~
12 ~~county subject to taxation as of January 1, or as of the~~
13 ~~anniversary registration date of those vehicles subject to~~
14 ~~sections 53-154 through 53-162, in each year, and the same~~
15 ~~shall be assessed to the persons by whom owned or claimed,~~
16 ~~or in whose possession or control such vehicle was at 12~~
17 ~~midnight of the first day of January or the anniversary~~
18 ~~registration date thereof, whichever is applicable, in each~~
19 ~~year. Provided that such tax shall not be assessed against~~
20 ~~motor vehicles which constitute inventory of motor vehicle~~
21 ~~dealers as of January 1, but said vehicles, and all other~~
22 ~~motor vehicles brought into the state subsequent to January~~
23 ~~1, as motor vehicle dealer's inventory, shall be assessed to~~
24 ~~their respective purchasers as of the dates said vehicles~~
25 ~~are registered by said purchasers, and purchasers means and~~

1 ~~includes dealers who apply for registration or~~
2 ~~re-registration of motor vehicles, except as otherwise~~
3 ~~provided by section 32-3315. Goods, wares and merchandise~~
4 ~~of motor vehicle dealers, other than new motor vehicles and~~
5 ~~new mobile homes, shall be assessed at full and true value~~
6 ~~as of the first day of January.~~

7 ~~except that this paragraph shall not apply to an~~
8 ~~applicant for registration or re-registration of a mobile~~
9 ~~home; nothing herein contained shall relieve the applicant~~
10 ~~for registration or re-registration of any other motor~~
11 ~~vehicle so assessed or subject to assessment of the duty of~~
12 ~~paying taxes thereon as a condition precedent to~~
13 ~~registration or re-registration in the event said taxes have~~
14 ~~not been paid by any prior applicant or owner in all cases~~
15 ~~where required to be paid.~~

16 (3) The assessed value of livestock in each county on
17 the assessment date shall be computed by adding the assessed
18 value of all livestock more than nine (9) months of age
19 owned by the taxpayer in each county on the last day of each
20 month since the last assessment date and dividing the sum by
21 twelve (12). For purposes of this subdivision "livestock"
22 means cattle, sheep, horses, and mules.

23 (4) The department of revenue or its agent must
24 ascertain and assess all campers in each county subject to
25 taxation as of January 1 in each year, and the same shall be

1 assessed to the persons by whom owned or claimed, or in
2 whose possession or control such camper was, including
3 dealers, at 12 midnight of the first day of January in each
4 year.

5 (5) The department of revenue or its agent must
6 ascertain and assess all snowmobiles in each county subject
7 to taxation as of July 1 in each year, and the same shall be
8 assessed to the persons by whom owned or claimed, or in
9 whose possession or control such snowmobile was at 12
10 midnight on the first day of July in each year; provided,
11 however, that snowmobiles which constitute inventory of
12 snowmobile dealers shall be assessed to the dealers as of 12
13 midnight of the first day of January in each year; and
14 further provided that all snowmobiles that have been
15 assessed and for which taxes have been paid for the period
16 of January 1, 1975 through December 31, 1975, shall be
17 assessed for only six (6) months during the period July 1,
18 1975 through June 30, 1976."

19 Section 18. Repealer. Sections ~~32-3315~~ 53-117, and
20 53-160, R.C.M. 1947, are repealed.

21 Section 19. Effective date. Section 2 of this act is
22 effective on its passage and approval. Sections 1 and 3
23 through 17 of this act are effective January 1, 1978.

-End-

1 SENATE BILL NO. 193
 2 INTRODUCED BY MATHERS, TURNAGE,
 3 GRAHAM, GALT, REGAN, LOWE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A FEE IN
 6 LIEU OF PERSONAL PROPERTY TAX ON CERTAIN MOTOR VEHICLES AND
 7 TRAILERS; ESTABLISHING A SINGLE REGISTRATION FEE OF \$10 FOR
 8 CERTAIN MOTOR VEHICLES; ~~ELIMINATING THE NEW-CAR SALES TAX;~~
 9 AMENDING SECTIONS ~~32-3315~~, 53-106.1, 53-106.8, 53-114,
 10 53-116, 53-122, 53-129, 53-147, 53-153, 53-159, 53-160,
 11 53-161, 53-162, 84-301, AND 84-406, R.C.M. 1947; REPEALING
 12 SECTIONS ~~32-3315~~, 53-117, AND 53-160, R.C.M. 1947; AND
 13 PROVIDING AN EFFECTIVE DATE."
 14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 Section 1. Fee in lieu of property tax on certain
 17 motor vehicles and trailers. (1) There is imposed on
 18 automobiles, trucks, motorcycles, motor homes, and trailers,
 19 ~~AND SUVs/MOBILES~~ a fee in lieu of personal property taxes,
 20 which is in addition to annual registration fees. This fee
 21 shall be imposed in lieu of taxes on vehicles registered
 22 during and after 1978.
 23 (2) An automobile shall be assessed a fee according to
 24 the following table:
 25 Less than 2 years old \$50~~\$65~~

| | | |
|----|--|-----------------------|
| 1 | 2 years to less than 4 years old | \$45 \$55 |
| 2 | 4 years to less than 6 years old | \$40 \$45 |
| 3 | 6 years to less than 8 years old | \$35 |
| 4 | 8 years to less than 10 years old | \$30 \$25 |
| 5 | 10 years to less than 12 years old | \$25 \$15 |
| 6 | 12 years and older | \$20 \$5 |
| 7 | (3) A truck, including a tractor designed to pull a | |
| 8 | trailer or semitrailer <u>BUT NOT INCLUDING OFF-HIGHWAY TRUCKS</u> | |
| 9 | <u>AND TRAILERS WHICH SHALL CONTINUE TO BE SUBJECT TO AN</u> | |
| 10 | <u>AD VALOREM TAX;</u> a bus; and a motor home, meaning a | |
| 11 | self-propelled vehicle with integral living and sleeping | |
| 12 | quarters, shall be assessed a fee according to the following | |
| 13 | table: | |
| 14 | Less than 2 years old | \$60 \$100 |
| 15 | 2 years to less than 4 years old | \$55 \$ 85 |
| 16 | 4 years to less than 6 years old | \$50 \$ 70 |
| 17 | 6 years to less than 8 years old | \$45 \$ 55 |
| 18 | 8 years to less than 10 years old | \$ 40 |
| 19 | 10 years to less than 12 years old | \$35 \$ 25 |
| 20 | 12 years and older | \$30 \$ 10 |
| 21 | (4) A motorcycle, AND SUV/MOBILE shall be assessed a | |
| 22 | fee according to the following table: | |
| 23 | Less than 4 years old | \$15 |
| 24 | 4 years to less than 7 years old | \$10 |
| 25 | 7 years and older | \$5 |

1 (5) A trailer, including a house trailer as defined by
2 84-6601 and a semitrailer, shall be assessed a fee according
3 to the following table:

| | | |
|---|------------------------------------|------|
| 4 | Less than 6 years old | \$25 |
| 5 | 6 years to less than 10 years old | \$15 |
| 6 | 10 years to less than 16 years old | \$10 |
| 7 | 16 years and older | \$5 |

8 Section 2. County treasurer to maintain records of
9 1977 vehicle property tax receipts and disbursements. The
10 county treasurer shall maintain records sufficient to
11 determine the personal property taxes collected during 1977
12 on the motor vehicles and trailers listed in [section 1 of
13 this act]. The records shall be sufficiently detailed to
14 indicate the total tax paid into each fund for state,
15 county, city, and school purposes.

16 Section 3. Distribution of fees in lieu of taxes. The
17 county treasurer shall remit the fees collected to the
18 registrar of motor vehicles on ~~March 31, June 30, September~~
19 ~~30, and December 31 of each year. On the next following~~
20 ~~April 30, July 31, October 31, and January 31~~ THE 30TH OF
21 EACH MONTH, WITHIN 30 DAYS the registrar of motor vehicles
22 shall disburse the fees collected during the preceding
23 quarter MONTH to the state and the county, city, and school
24 funds in each county. The fees collected shall be
25 distributed according to the following formula:

1 n=fa/t,
2 where "p" represents the portion distributed to each fund,
3 "f" represents the state total of the fees collected during
4 the quarter, "a" represents the amount of personal property
5 tax recorded as having been paid into each fund under
6 [section 2 of this act], and "t" represents the statewide
7 total personal property tax collected and recorded under
8 [section 2 of this act].

9 SECTION 4. SECTION 32-3315, R.C.M., 1947, IS AMENDED TO
10 READ AS FOLLOWS:

11 "32-3315. Sales tax on new motor vehicles. (1) In
12 consideration of the right to use the highways of the state,
13 there shall be imposed a tax upon all sales of new motor
14 vehicles for which a license is sought and an original
15 application for title is made. The word motor vehicle as
16 used in this section means automobiles, auto trucks and
17 motorcycles, propelled by their own power, used upon the
18 public highways of the state. The tax shall be paid by the
19 purchaser when he applies for his original Montana license
20 through the county treasurer.

- 21 (2) The sales tax shall be:
 - 22 (a) ~~One and one-half per cent (1 1/2%)~~ of the F.O.B.
 - 23 factory list price or F.O.B. port of entry list price,
 - 24 during the first quarter of the year or prorated ~~one-twelfth~~
 - 25 ~~(1/12)~~ for each month or part of month for a registration

1 period other than a calendar year or calendar quarter.

2 (b) ~~One-and-one-eighth-per-cent-(1 1/8%)~~ of the list
3 price during the second quarter of the year.

4 (c) ~~Three-fourths--(3/4)~~ of ~~one-per-cent-(1%)~~ during
5 the third quarter of the year.

6 (d) ~~Three-eighths-(3/8)~~ of ~~one-per-cent-(1%)~~ during
7 the fourth quarter of the year.

8 (3) If the manufacturer or importer fails to furnish
9 the F.O.B. factory list price or F.O.B. port of entry list
10 price, the department may use published price lists.

11 (4) The proceeds from this tax shall be remitted to
12 the state treasurer every ~~thirty-(30)~~ days for credit to the
13 state highway account of the earmarked revenue fund.

14 ~~(5) The new vehicle is not subject to any other~~
15 ~~assessment or taxation during the calendar year in which the~~
16 ~~original application for title is made. The new vehicle is~~
17 ~~subject to the fee imposed by [section 1 of this act].~~"

18 Section 5. Section 53-106.1, R.C.M. 1947, is amended
19 to read as follows:

20 "53-106.1. Registration of motor vehicles owned and
21 operated solely as collectors' items -- number plates for
22 such motor vehicles. Any owner of a motor vehicle
23 manufactured in 1933 or earlier or manufactured in 1934 or
24 later and is more than thirty (30) years old, used solely as
25 a collectors' item and not for general transportation

1 purposes, may file with the registrar of motor vehicles an
2 application for the registration of such motor vehicle
3 stating the name and address of the owner, the name and
4 address of the person from whom purchased, the make of the
5 motor vehicle, the gross weight thereof, the year and number
6 of the model, and the manufacturer's identification number
7 and serial number, and setting forth a specific statement
8 that the vehicle is owned and operated solely as a
9 collectors' item and not for general transportation
10 purposes; and said application shall be sworn to before an
11 officer authorized to administer oaths. The registration fee
12 for all such motor vehicles ~~weighing twenty-eight-hundred~~
13 ~~and-fifty-(2850)--pounds--or--less--shall--be--five--dollars~~
14 ~~(\$5.00), and the registration fee for all such motor~~
15 ~~vehicles weighing more than twenty-eight-hundred--and--fifty~~
16 ~~(2850)-pounds shall be ten dollars is (\$10.00).~~

17 Upon receipt of said application for registration and
18 payment of the registration fee above provided for the
19 registrar shall file said application and register the motor
20 vehicle therein described in the manner specified in section
21 53-101, and shall deliver to the applicant:

22 (1) for motor vehicles manufactured in 1933 or
23 earlier, two (2) license plates bearing the inscription,
24 "Pioneer--Montana" and the registration number; or

25 (2) for motor vehicles manufactured in 1934 or later

1 and more than thirty (30) years old, two (2) license plates
 2 bearing the inscription, "Vintage--Montana" and the
 3 registration number. The year of issuance shall not be shown
 4 on the plates. No annual renewal of the registration of any
 5 such motor vehicle shall be required, and the same shall be
 6 valid as long as the vehicle is in existence; provided,
 7 however, that upon any sale of such motor vehicle, the
 8 purchaser shall be required to renew the registration
 9 thereof and pay the license fees hereinbefore specified."

10 section 6. Section 53-106.8, R.C.M. 1947, is amended
 11 to read as follows:

12 "53-106.8. Free license plates to disabled veterans.
 13 Any person who is a veteran of the armed service of the
 14 United States and permanently and totally disabled because
 15 of an injury which has been determined by the veterans
 16 administration to be service connected, and who is a citizen
 17 and resident of the state of Montana, and who is the owner
 18 of a motor vehicle, shall be provided with free license
 19 plates upon payment of personal property tax equal to one
 20 percent (1%) of the taxable value for the motor vehicle
 21 upon proof of permanent and total service connected
 22 disability."

23 Section 7. Section 53-114, R.C.M. 1947, is amended to
 24 read as follows:

25 "53-114. Application for registration of motor

1 vehicles and payment of license fees thereon -- assessment
 2 of motor vehicles in the stock of licensed motor vehicle
 3 dealers as merchandise. (1) Every owner of a motor vehicle
 4 operated or driven upon the public highways of this state
 5 shall, for each motor vehicle owned, except as herein
 6 otherwise expressly provided, file, or cause to be filed, in
 7 the office of the county treasurer wherein such motor
 8 vehicle is owned or taxable, an application for
 9 registration, or reregistration, upon blank form to be
 10 prepared and furnished by the registrar of motor vehicles,
 11 which application shall contain:

12 (a) Name and address of owner, giving county, school
 13 district, and town or city within whose corporate limits the
 14 motor vehicle is taxable.

15 (b) Name and address of conditional sales vendor,
 16 mortgagee or holder of other lien against said motor
 17 vehicle, with statement of amount owing under such contract
 18 or lien.

19 (c) Description of motor vehicle, including make, year
 20 model, engine or serial number, manufacturer's model or
 21 letter, gross weight, type of body and, if truck, the rated
 22 capacity.

23 (d) In case of reregistration, the license number for
 24 the preceding year.

25 (e) Such other information as the registrar of motor

1 vehicles may require.

2 ~~{2}~~ Whoever files an application for registration or
 3 reregistration of a motor vehicle except of a mobile home as
 4 defined in section 84-101, R.C.M., 1947, shall before filing
 5 such application with the county treasurer submit the same
 6 to the county assessor of said county and said county
 7 assessor shall enter on said application in a space to be
 8 provided for that purpose, the full and true and the
 9 assessed valuation of said vehicle for the year for which
 10 said application for registration is made.

11 ~~{3}~~^{2} Whoever files an application for registration
 12 or reregistration of a motor vehicle except of a mobile home
 13 as defined in section 64-101, R.C.M., 1947, shall upon the
 14 filing of said application ~~{1}~~ pay to the county treasurer
 15 the registration fee, as provided in section 53-122 and
 16 section 53-115, and the fee in lieu of tax, shall also at
 17 such time ~~{2}~~ pay the personal property taxes assessed on
 18 the new motor vehicle sales tax against said vehicle for the
 19 current year of registration (unless the same shall have
 20 been theretofore paid for said year) before the application
 21 for registration or reregistration may be accepted by the
 22 county treasurers. The county treasurer is hereby empowered
 23 to make full and complete investigation of the tax status of
 24 said vehicle and any applicant for registration or
 25 reregistration must submit proof with respect thereto from

1 the tax records of the proper county at the request of the
 2 county treasurer.

3 ~~{4}~~ The amount of taxes on said motor vehicle except
 4 a mobile home as defined in section 84-101, R.C.M., 1947,
 5 shall be computed and determined by the county treasurer on
 6 the basis of the levy of the year preceding the current year
 7 of application for registration or reregistration and such
 8 determination shall be entered on the application form in a
 9 space provided therefor.

10 ~~{5}~~ Motor vehicles, except mobile homes as defined in
 11 section 84-101, R.C.M., 1947, are hereby declared to be
 12 assessable for taxation as of and on the first day of
 13 January in each year irrespective of the time fixed by law
 14 for the assessment of other classes of personal property
 15 and irrespective of whether or not the levy and tax may be a
 16 lien upon real property within the state of Montana
 17 provided that in no event shall any motor vehicle be subject
 18 to assessment, levy and taxation more than once in each
 19 year.

20 ~~{6}~~ The applicant for original registration of any
 21 wholly new and unused motor vehicle except a mobile home as
 22 defined in section 84-101, R.C.M., 1947, acquired by
 23 original contract after the first day of January of any year
 24 shall be required whenever such vehicle has not been
 25 otherwise assessed to pay the motor vehicle sales tax

1 provided by section 32-3315, R.C.M. 1947, irrespective of
2 whether or not such vehicle was in the state of Montana on
3 the first day of January of such year.

4 (7) Upon accepting application for registration or
5 reregistration of any motor vehicle which is subject to
6 taxation in this state on January 1 in any year and upon
7 payment of taxes, the county treasurer shall stamp on said
8 applications "taxes on this vehicle due January 1 of current
9 year paid by applicant prior applicant or owner and this
10 vehicle is eligible for registration."

11 Upon accepting application for registration of any
12 motor vehicle which was not subject to taxation in this
13 state on January 1st in any year, the county treasurer shall
14 indicate such fact by proper entry on said application.

15 (8) The registrar of motor vehicles shall have
16 authority to make proper entry on any certificate of title
17 to any motor vehicle respecting payment of taxes in accord
18 with the facts.

19 (9) Motor vehicles subject to anniversary date
20 registration as provided in sections 53-154 through 53-162
21 are exempt from the provisions of (5), (6) and (7) of this
22 section."

23 Section 8. Section 53-116, R.C.M. 1947, is amended to
24 read as follows:

25 "53-116. Issuance of receipt and assignment of number

1 plates. Upon receipt of application for registration, in
2 quintuplet, and payment of license fees and taxes as herein
3 provided, the county treasurer shall file one copy of said
4 application in his office; issue to the applicant two (2)
5 copies of the application entitled "Owner's Certificate of
6 Registration and Tax Receipt" one (1) of which shall be
7 marked "file copy"; forward one (1) copy to the county clerk
8 and recorder; and he shall daily forward to the registrar of
9 motor vehicles one (1) copy of the application for
10 registration. The county treasurer shall also, and at the
11 same time, assign such motor vehicle a distinctive number,
12 viz., the license plate number, and deliver to the applicant
13 two (2) license plates, as received from the registrar of
14 motor vehicles which shall bear such distinctive numbers.
15 The registrar shall ship said license plates to the various
16 county treasurers by freight, so that they will be received
17 by the county treasurer on or before January first of each
18 year. It shall not be necessary for the county treasury in
19 said receipt to segregate the amount of said taxes for
20 state, county, school district and municipal purposes."

21 Section 9. Section 53-122, R.C.M. 1947, is amended to
22 read as follows:

23 "53-122. Registration fees of motor vehicles --
24 registration and transfer thereof -- public owned vehicles
25 exempt from license or registration fees -- license or

1 registration fees for trailers, house trailers, semitrailers
2 and tractors providing for disposition of all fees.
3 Registration or license fees shall be paid upon registration
4 or reregistration of motor vehicles, trailers, house
5 trailers, semitrailers and dealers in motor vehicles or
6 trailers in accordance with this act, as follows:

7 All dealers in motor vehicles, a fee of thirty dollars
8 (\$30.00); which shall entitle such dealer to two (2) sets of
9 number plates, and five dollars (\$5.00) additional fee for
10 each additional set of number plates up to six (6) sets, and
11 two dollars (\$2.00) additional fee for each additional set
12 of number plates, as may be applied for;

13 Dealers in motorcycles, trailers including house
14 trailers, thirty dollars (\$30);

15 ~~motor vehicles, weighing twenty-eight hundred and fifty~~
16 ~~(2850) pounds, or under, other than motor trucks, five~~
17 ~~dollars (\$5.00);~~

18 ~~motor vehicles, weighing over twenty-eight hundred and~~
19 ~~fifty (2850) pounds, other than motor trucks, ten dollars~~
20 ~~(\$10.00);~~

21 Electrically driven passenger vehicles, ten dollars
22 (\$10.00);

23 All motorcycles, two dollars (\$2.00);

24 Tractors and/or trucks, ten dollars (\$10.00);

25 buses shall be classed as motor trucks and licensed

1 accordingly;

2 Trailers and semitrailers less than two thousand five
3 hundred (2,500) pounds maximum gross loaded weight and house
4 trailers of all weights, two dollars (\$2.00);

5 Trailers and semitrailers over two thousand five
6 hundred (2,500) up to six thousand (6,000) pounds maximum
7 gross loaded weight, except house trailers, five dollars
8 (\$5.00);

9 Trailers and semitrailers over six thousand (6,000)
10 pounds maximum gross loaded weight, ten dollars (\$10.00);

11 Trailers used exclusively in the transportation of logs
12 in the forest or in the transportation of oil and gas well
13 machinery, road machinery and bridge material exclusively,
14 new and secondhand, and trailers used exclusively for the
15 transportation of road machinery and bridge materials, shall
16 pay a fee of fifteen dollars (\$15.00) annually, regardless
17 of size or capacity.

18 All rates to be twenty-five per cent (25%) higher for
19 motor vehicles, trailers and semitrailers, when not equipped
20 with pneumatic tires.

21 bicycles with motor attachment, one dollar (\$1.00);

22 Tractors, as specified in this section, shall mean any
23 motor vehicle, except passenger cars used for towing a
24 trailer or semitrailer.

25 if any dealer, or motor vehicle, house trailer,

1 trailer, or semitrailer is originally registered six (6)
2 months after the time of registration as set by law, the
3 registration or license fee for the remainder of such year
4 shall be one-half (1/2) of the regular fee above given.

5 A dealer in motor vehicles or trailers who shall
6 maintain more than one (1) place of business or who shall
7 maintain any branch establishment or establishments, must
8 register and pay a registration or license fee for each such
9 place of business or establishment.

10 A registered dealer, who may sell or dispose of his
11 entire business to any other person, may have his
12 certificate of registration transferred to such purchaser
13 upon filing with the registrar of motor vehicles a statement
14 containing the name of the registered dealer, the number
15 under which such dealer is registered, the name of the
16 purchaser, and the location of the place of business so
17 sold. Upon the filing of such statement, accompanied by a
18 filing fee of two dollars (\$2.00), the registrar of motor
19 vehicles shall note upon the registration record of such
20 dealer the change of ownership. But no certificate of
21 registration can be transferred unless the entire business
22 of the dealer holding such certificate of registration be
23 sold and disposed of, and no such certificate of
24 registration can be transferred to any person other than the
25 purchasers of such business.

1 The provisions of this act with respect to the payment
2 of registration fees shall not apply to or be binding upon
3 motor vehicles, trailers or semitrailers or tractors owned
4 or controlled by the United States of America or any state,
5 county or city, but in all other respects the provisions of
6 this act shall be applicable to and binding upon motor
7 vehicles, tractors, trailers, and semitrailers.

8 All fees, other than license fees, unless otherwise
9 specifically provided, shall hereafter be deposited in, and
10 paid into, the earmarked revenue fund and shall be used to
11 pay all salaries, operating expenses, and all other expenses
12 of the department, of the registrar of motor vehicles,
13 including the manufacture and delivery of license plates.
14 Any reference in this code to the motor vehicle recording
15 fund or the motor vehicle administration fund shall be taken
16 to mean the motor vehicle recording account in the earmarked
17 revenue fund.*

18 Section 10. Section 53-129, R.C.M. 1947, is amended to
19 read as follows:

20 "53-129. Foreign vehicles used in gainful occupation
21 -- reciprocity board may make reciprocal agreements to
22 exempt. Before any foreign licensed motor vehicle shall be
23 operated on the highways of this state for hire,
24 compensation or profit, or before the owner and/or user
25 thereof uses the vehicle if such owner and/or user is

1 engaged in gainful occupation or business enterprise, in the
 2 state of Montana, including highway work, the owner of such
 3 vehicle shall make application to a county treasurer for
 4 registration, upon an application form furnished by the
 5 registrar of motor vehicles. Upon satisfactory evidence of
 6 ownership submitted to such county treasurer, and the
 7 payment of ~~property taxes as is required by sections 84-6008~~
 8 ~~or 84-406~~ fees in lieu of tax, the treasurer shall accept
 9 the application for registration and shall collect the
 10 regular license fee required for the vehicle. The treasurer
 11 shall thereupon issue to the applicant a copy of the
 12 application entitled "Owner's Certificate of Registration
 13 Receipt" and forward a duplicate copy of certificate of
 14 registration to the registrar of motor vehicles. The
 15 treasurer shall at the same time issue to the applicant the
 16 proper license plates or other identification markers, which
 17 shall at all times be displayed upon such vehicle, when
 18 operated or driven upon roads and highways of this state,
 19 during the period of the life of such license. The
 20 registration receipt shall not constitute evidence of
 21 ownership, but shall only be used for registration purposes.
 22 No Montana certificate of title shall be issued for this
 23 type of registration. This paragraph shall not be applicable
 24 to any vehicle covered by a valid and existing reciprocal
 25 agreement or declaration entered into under the provisions

1 of the laws of Montana."

2 Section 11. Section 53-147, R.C.M. 1947, is amended to
 3 read as follows:

4 "53-147. New registration required for transferred
 5 vehicle -- grace period -- penalty -- display of proof of
 6 purchase. Except as otherwise provided herein, the new owner
 7 of the transferred motor vehicle shall have the grace period
 8 of ten (10) days from the date of purchase to make
 9 application and pay the registration fees ~~and taxes~~ as
 10 provided by section 53-114 and the fee in lieu of tax, as if
 11 the same was being registered for the first time in that
 12 registration year, and, provided the motor vehicle was not
 13 purchased from a duly licensed motor vehicle dealer as
 14 provided in this chapter, it shall not be a violation of
 15 this chapter or any other law for the purchaser to operate
 16 the vehicle upon the streets and highways of this state
 17 without a certificate of registration during the ten (10)
 18 day period; provided, however, that at all times during that
 19 period a bill of sale or other proof of purchase reciting
 20 the date of purchase shall be clearly displayed in the rear
 21 window of the motor vehicle at all times. Failure to make
 22 application within the time provided herein shall subject
 23 the purchaser to a penalty of ten dollars (\$10), plus one
 24 dollar (\$1) for each additional day in which the vehicle
 25 remains unregistered, not to exceed twenty-five dollars

1 (\$25). The penalty shall be collected by the county
2 treasurer at the time of registration, and shall be in
3 addition to the fees otherwise provided by law."

4 Section 12. Section 53-153, R.C.M. 1947, is amended to
5 read as follows:

6 "53-153. Fees for personalized plates -- disposition.
7 In addition to all other fees ~~and taxes~~ imposed by law, the
8 applicant for a personalized license plate shall pay a fee
9 of twenty dollars (\$20) for the original personalized
10 license plate and a fee of five dollars (\$5) for each
11 transfer or renewal thereof. All revenue derived from the
12 fee as provided herein shall be deposited in the motor
13 vehicle recording account of the earmarked revenue fund."

14 Section 13. Section 53-159, R.C.M. 1947, is amended to
15 read as follows:

16 "53-159. When vehicle ~~property-tax~~ fee in lieu of tax
17 ~~is due. Property-taxes-and-new-car-taxes~~ fees in lieu of tax
18 shall be paid on the date of registration or reregistration
19 of the vehicle. If the anniversary date for reregistration
20 of a vehicle shall pass while the vehicle is owned and held
21 for sale by a licensed new or used car dealer, ~~property~~
22 ~~taxes~~ the fee in lieu of tax shall abate on such vehicle
23 properly reported with ~~the department of revenue~~ the county
24 ~~treasurer~~ until the vehicle is sold and thereafter the
25 purchaser shall pay the ~~pro-rata-balance-of-the-taxes~~ fee in

1 lieu of tax due and owing ~~on-the-vehicle~~ for the following
2 registration period."

3 Section 14. Section 53-161, R.C.M. 1947, is amended to
4 read as follows:

5 "53-161. Proration of fees during transition. For
6 purposes of implementation, all vehicles subject to this act
7 shall be registered or reregistered as previously required
8 by law between January 1, 1976 and February 15, 1976,
9 provided, however, that all taxes and other fees due thereon
10 shall be prorated from January 1, 1976 until the first day
11 of the period in which the vehicle shall be registered under
12 the provisions of this act and as indicated by the last
13 digit on the license plate issued to such vehicle in 1975.
14 Thereafter, during the appropriate anniversary registration
15 period, each vehicle shall again register or reregister and
16 thereon shall pay all ~~taxes--and~~ fees due thereon for a
17 twelve (12) month period."

18 Section 15. Section 53-162, R.C.M. 1947, is amended to
19 read as follows:

20 "53-162. ~~Assessment--on~~ Lien date first day of
21 registration period. ~~Vehicles-subject-to-the-provisions--of~~
22 ~~this--act--shall-be-assessed-as-of-the-first-day-of-the-year~~
23 ~~in-which-the-registration-period-occurs-and--a~~ A lien for
24 ~~taxes--and~~ fees due thereon on vehicles subject to the
25 provisions of this chapter shall occur on the anniversary

1 date of the registration and shall continue thereafter until
2 such fees ~~and taxes~~ shall have been paid."

3 Section 16. Section 84-301, R.C.M. 1947, is amended to
4 read as follows:

5 "84-301. Classification of property for taxation. For
6 the purpose of taxation the taxable property in the state
7 shall be classified as follows:

8 Class One. The annual net proceeds of all mines and
9 mining claims, except coal mines, after deducting only the
10 expenses specified and allowed by section 84-5403; also
11 where the right to enter upon land, to explore or prospect,
12 or dig for oil, gas, coal or mineral is reserved in land or
13 received by mesne conveyance (exclusive of leasehold
14 interests), devise or succession by any person or
15 corporation, the surface title to which has passed to or
16 remains in another, the state department of revenue shall
17 determine the value of the right to enter upon said tract of
18 land for the purpose of digging, exploring, or prospecting
19 for gas, oil, coal or minerals, and the same shall be placed
20 in this classification for the purpose of taxation.

21 Class Two. All agricultural and other tools, implements
22 and machinery, gas and other engines and boilers, threshing
23 machines and outfits used therewith, ~~automobiles, motor~~
24 ~~trucks--and--other--power-driven-cars,~~ vehicles of all kinds
25 ~~except mobile-homes vehicles subject to fees in lieu of tax,~~

1 boats and all watercraft, harness, saddlery and robes and
2 except as provided in Class Five (a) of this section, all
3 poles, lines, transformers, transformer stations, meters,
4 tools, improvements, machinery and other property used and
5 owned by all persons, firms, corporations, and other
6 organizations which are engaged in the business of
7 furnishing telephone communications, exclusively to rural
8 areas, or to rural areas and cities and towns provided that
9 any such city or town has a population of eight hundred
10 (800) persons or less; and provided further, that the
11 average circuit miles for each station on the system is more
12 than one and one-quarter (1 1/4) miles.

13 Class Three. Livestock, poultry, and unprocessed
14 products of both; furniture and fixtures used in commercial
15 activities; the annual gross proceeds of underground coal
16 mines; and all office or hotel furniture and fixtures,
17 except improvements included in Class Nine.

18 Class Four. (a) All land, town and city lots, with
19 improvements, except improvements included in Class Nine,
20 and all trailers affixed to land owned, leased, or under
21 contract or purchase by the trailer owner, manufacturing and
22 mining machinery, fixtures and supplies, except as otherwise
23 provided by the constitution of Montana, and except as such
24 property may be included in Class Five, Class Seven or Class
25 Eight.

1 (b) Mobile homes without regard to the ownership of
 2 the land upon which they are situated, except those held by
 3 a distributor or dealer of mobile homes as part of his stock
 4 in trade, and except as such property may be included in
 5 Class Eight.

6 Class Five. (a) All poles, lines, transformers,
 7 transformer stations, meters, tools, improvements, machinery
 8 and other property used and owned by co-operative rural
 9 electrical and co-operative rural telephone associations
 10 organized under the laws of Montana except those within the
 11 incorporated limits of a city or town in which less than
 12 ninety-five per cent (95%) of the electric consumers and/or
 13 telephone users are served by a co-operative organization,
 14 and as to the property enumerated in this sub-section (a)
 15 within incorporated limits of a city or town in which less
 16 than ninety-five per cent (95%) of the electric consumers or
 17 users will be served by a co-operative organization, such
 18 property shall be put in Class Two.

19 (b) All unprocessed agricultural products either on
 20 the farm or in storage, irrespective of whether said
 21 products are owned by the elevator, warehouse or flour mill
 22 owner or company storing the same, or any other person
 23 whomsoever, except all perishable fruits and vegetables in
 24 farm storage and owned by the producer, and excepting
 25 livestock and poultry and the unprocessed products of both.

1 (c) The dwelling house, and the lot on which it is
 2 erected, owned and occupied by any resident of the state,
 3 who has been honorably discharged from active service in any
 4 branch of the armed forces, who is rated one hundred per
 5 cent (100%) disabled due to a service-connected disability
 6 by the United States veterans administration or its
 7 successors.

8 In the event of the veteran's death, the dwelling
 9 house, and the lot on which it is erected, so long as the
 10 surviving spouse remains unmarried and the owner and
 11 occupant of the property, shall remain within this
 12 classification.

13 Class Six. Property formerly included in this class is
 14 now classified by section 84-308, R.C.M. 1947.

15 Class Seven. (a) All new industrial property. New
 16 industrial property shall mean any new industrial plant,
 17 including land, buildings, machinery and fixtures which, in
 18 the determination of the state department of revenue, is
 19 used by a new industry during the first three (3) years of
 20 operation not having been assessed prior to July 1, 1961,
 21 within the state of Montana. New industry shall mean any
 22 person, corporation, firm, partnership, association, or
 23 other group which establishes a new plant or plants in this
 24 state for the operation of a new industrial endeavor, as
 25 distinguished from a mere expansion, reorganization, or

1 merger of an existing industry or industries. Provided,
 2 however, that new industrial property shall be limited to
 3 industries that manufacture, mill, mine, produce, process or
 4 fabricate materials, or do similar work in which capital and
 5 labor are employed and in which materials unserviceable in
 6 their natural state are extracted, processed or made fit for
 7 use or are substantially altered or treated so as to create
 8 commercial products or materials; industries that engage in
 9 the mechanical or chemical transformation of materials or
 10 substances into new products in the manner defined as
 11 manufacturing in the 1972 Standard Industrial Classification
 12 Manual, prepared by the United States office of management
 13 and budget; and in no event shall the term new industrial
 14 property be included to mean property used by retail or
 15 wholesale merchants, commercial services of any type,
 16 agriculture, trades or professions. New industrial property
 17 does not include a plant which will create an adverse impact
 18 on existing state, county, or municipal services. The
 19 department shall promulgate regulations for the
 20 determination of what constitutes an adverse impact taking
 21 into consideration the number of people to be employed and
 22 the size of the community in which the location is
 23 contemplated. Once the department has made an initial
 24 determination that the industrial facility qualifies as new
 25 industrial property, the department shall then upon proper

1 notice hold a hearing to determine if the new industrial
 2 classification should be retained by the property. The
 3 local taxing authority may appear at the hearing, and it
 4 also may waive its objection to retention of this
 5 classification if the industry agrees to the prepayment of
 6 taxes sufficient to satisfy tax requirements created by the
 7 location and construction of the facility during
 8 construction period.

9 In the event of a prepayment of taxes, the maximum
 10 amount or prepayment shall be the amount without the
 11 application of the Class 7 (a) to such property.

12 If a major new industrial facility qualifies under
 13 Class 7 (a) the reduction of its yearly payment of property
 14 taxes for reimbursement of its prepaid taxes as provided for
 15 in section 84-41-105, R.C.M. 1947, shall not begin until the
 16 Class 7 qualification expires. And provided further, that
 17 new industrial property shall not be included to mean
 18 property which is used or employed in any industrial plant
 19 which has been in operation in this state for three (3)
 20 years or longer. Any person, corporation, firm, partnership,
 21 association or other group seeking to qualify its property
 22 for inclusion in this class shall make application to the
 23 state department of revenue in such manner and form as may
 24 be required by said department.

25 (b) Business inventories. Business inventories shall

1 include goods intended for sale or lease in the ordinary
 2 course of business, and shall include raw materials and work
 3 in progress with respect to such goods, but shall not
 4 include goods actually leased or rented on the lien date, or
 5 mobile homes held by a dealer or distributor as a part of
 6 his stock in trade.

7 (c) Air pollution control equipment as defined in
 8 section 69-3923.

9 (d) A capital investment in a recognized nonfossil
 10 form of energy generation, to the extent provided under
 11 section 84-7403.

12 Class Eight. (a) Any improvement on real property,
 13 trailers affixed to land or mobile home belonging to any
 14 person who qualifies under any one or more of the
 15 hereinafter set forth categories, with appurtenant land not
 16 exceeding five (5) acres, which together have a market value
 17 of not more than twenty-seven thousand five hundred dollars
 18 (\$27,500), which dwelling is owned or under a contract for
 19 deed, and which is actually occupied for at least ten (10)
 20 months per year as the primary residential dwelling of:

21 (1) a widow sixty-two (62) years of age or older,
 22 whether with or without minor dependent children, who
 23 qualifies under the income limitations of (4), or

24 (2) a widower sixty-two (62) years of age or older,
 25 whether with or without minor dependent children, who

1 qualifies under the income limitations of (4), or

2 (3) a widow or widower with minor or dependent
 3 children regardless of age, who qualifies under the income
 4 limitations of (4), or

5 (4) a recipient or recipients of retirement or
 6 disability benefits whose income from all sources is not
 7 more than six thousand dollars (\$6,000) for a single person
 8 and six thousand eight hundred dollars (\$6,800) for a
 9 married couple total per annum whether said dwelling is
 10 occupied by a single person or a married couple. Provided,
 11 further, that one who applies for classification of property
 12 under this class must make an affidavit to the state
 13 department of revenue on a form as may be provided by the
 14 state department of revenue supplied without cost to the
 15 applicant, as to his income, if applicable, as to his
 16 retirement benefits, if applicable, or, as to his marital
 17 status, if applicable, and to the fact that he or she
 18 actually occupies or maintains as his or her primary
 19 residential dwelling, such land and improvements with right
 20 of the county welfare board to investigate the applicant, on
 21 the completion of the form, as to answers given on the form.
 22 Provided, further, the assessed value of said property shall
 23 not be increased during the life of the recipient of
 24 retirement benefits or widow or widower covered under this
 25 class, unless the owner-resident makes a substantial

1 improvement in the dwelling. For the purposes of the
 2 affidavit required for classification of property under this
 3 class, it shall be sufficient if the applicant signs a
 4 statement swearing to or affirming the correctness of the
 5 information supplied, whether or not the statement is signed
 6 before a person authorized to administer oaths, and mails
 7 the application and statement to the department of revenue.
 8 This signed statement shall be treated as a statement under
 9 oath or equivalent affirmation for purposes of section
 10 94-7-203, R.C.M. 1947, relating to the criminal offense of
 11 false swearing.

12 (b) A capital investment in a building for an energy
 13 conservation purpose, to the extent provided under section
 14 84-7403.

15 Class Nine. The incremental increase in the value of
 16 real estate attributable to repairing, maintaining or
 17 improving existing improvements.

18 Class Ten. The annual gross proceeds of coal mines
 19 using the strip mining method.

20 Class Eleven. Centrally assessed utility allocations
 21 after deductions of locally assessed properties and except
 22 as provided in Class Two for rural telephones and Class Five
 23 (a) for cooperatives, and all other property not included in
 24 the ten (10) preceding classes."

25 Section 17. Section 84-406, R.C.M. 1947, is amended to

1 read as follows:

2 "84-406. Time of assessment -- motor vehicles --
 3 mobile homes -- livestock -- snowmobiles. (1) The department
 4 of revenue or its agent must, between the first day of
 5 January and the second Monday of July in each year,
 6 ascertain the names of all taxable inhabitants, and assess
 7 all property in each county subject to taxation, except such
 8 as is required to be assessed by the state department of
 9 revenue, and must assess such property to the persons by
 10 whom it was owned or claimed, or in whose possession or
 11 control it was at 12 midnight of the first day of January
 12 next preceding. It must also ascertain and assess all
 13 mobile homes arriving in the county after 12 midnight of the
 14 first day of January next preceding. The procedure provided
 15 by this section shall not apply to:

16 (a) Motor vehicles which are required by--subdivision
 17 ~~(2)~~ hereof to be assessed as of the first day of January, or
 18 upon their anniversary registration date; but no mistake in
 19 the name of the owner or supposed owner of real property
 20 renders the assessment thereof invalid.

21 (b) Livestock which are required by subdivision (3) of
 22 this section to be assessed on an average inventory basis in
 23 each county. Credits must be assessed as provided in
 24 section 84-101, subdivision 6.

25 (c) Property defined in section 53-542 as "special

1 mobile equipment" which is subject to assessment of personal
2 property taxes on the date that application is made for a
3 special mobile equipment plate.

4 (d) Mobile homes held by a distributor or dealer of
5 mobile homes as a part of his stock in trade.

6 (e) Campers which are required by subdivision 4 hereof
7 to be assessed as of the first day of January.

8 (f) ~~Snowmobiles~~ NEW SNOWMOBILES which are required by
9 subdivision 5 hereof to be assessed as of the first day of
10 July.

11 ~~(2) The department or its agent must ascertain and~~
12 ~~assess all motor vehicles, except mobile homes, in each~~
13 ~~county subject to taxation as of January 1, or as of the~~
14 ~~anniversary registration date of those vehicles subject to~~
15 ~~sections 53-154 through 53-162, in each year, and the same~~
16 ~~shall be assessed to the persons by whom owned or claimed,~~
17 ~~or in whose possession or control such vehicle was at 12~~
18 ~~midnight of the first day of January or the anniversary~~
19 ~~registration date thereof, whichever is applicable, in each~~
20 ~~year. Provided that such tax shall not be assessed against~~
21 ~~motor vehicles which constitute inventory of motor vehicle~~
22 ~~dealers as of January 1, but said vehicles, and all other~~
23 ~~motor vehicles brought into the state subsequent to January~~
24 ~~1, as motor vehicle dealer's inventory, shall be assessed to~~
25 ~~their respective purchasers as of the dates said vehicles~~

1 ~~are registered by said purchasers, and purchasers means and~~
2 ~~includes dealers who apply for registration or~~
3 ~~re-registration of motor vehicles, except as otherwise~~
4 ~~provided by section 32-3315. Goods, wares and merchandise~~
5 ~~of motor vehicle dealers, other than new motor vehicles and~~
6 ~~new mobile homes, shall be assessed at full and true value~~
7 ~~as of the first day of January.~~

8 ~~Except that this paragraph shall not apply to an~~
9 ~~applicant for registration or re-registration of a mobile~~
10 ~~home, nothing herein contained shall relieve the applicant~~
11 ~~for registration or re-registration of any other motor~~
12 ~~vehicle so assessed or subject to assessment of the duty of~~
13 ~~paying taxes thereon as a condition precedent to~~
14 ~~registration or re-registration in the event said taxes have~~
15 ~~not been paid by any prior applicant or owner in all cases~~
16 ~~where required to be paid.~~

17 (3) The assessed value of livestock in each county on
18 the assessment date shall be computed by adding the assessed
19 value of all livestock more than nine (9) months of age
20 owned by the taxpayer in each county on the last day of each
21 month since the last assessment date and dividing the sum by
22 twelve (12). For purposes of this subdivision "livestock"
23 means cattle, sheep, horses, and mules.

24 (4) The department of revenue or its agent must
25 ascertain and assess all campers in each county subject to

1 taxation as of January 1 in each year, and the same shall be
2 assessed to the persons by whom owned or claimed, or in
3 whose possession or control such camper was, including
4 dealers, at 12 midnight of the first day of January in each
5 year.

6 (5) The department of revenue or its agent must
7 ascertain and assess all ~~NEW~~ snowmobiles in each county
8 subject to taxation as of July 1 ~~in each year~~, and the same
9 shall be assessed to the persons by whom owned or claimed,
10 or in whose possession or control such ~~NEW~~ snowmobile was at
11 12 midnight on the first day of July in each year; provided,
12 however, that snowmobiles which constitute inventory of
13 snowmobile dealers shall be assessed to the dealers as of 12
14 midnight of the first day of January in each year; and
15 further provided that all snowmobiles that have been
16 assessed and for which taxes have been paid for the period
17 of January 1, 1975 through December 31, 1975, shall be
18 assessed for only six (6) months during the period July 1,
19 1975 through June 30, 1976."

20 Section 18. Repealer. Sections ~~32-33-5~~, 53-117, and
21 53-163, R.C.M. 1947, are repealed.

22 Section 19. Effective date. Section 2 of this act is
23 effective on its passage and approval. Sections 1 and 3
24 through 17 of this act are effective January 1, 1978.

-End-

APRIL 9, 1977

be amended in the third reading copy as follows:

1. Amend page 1, section 1, line 23.
Following: "automobile"
Insert: ", or light motor truck, 3/4 ton or less,"

2. Amend page 1, section 1, line 25.
Following: "\$50"
Strike: "\$65"
Insert: "\$90"

3. Amend page 2, section 1, line 1.
Following: "\$45"
Strike: "\$55"
Insert: "\$75"

4. Amend page 2, section 1, line 2.
Following: "\$40"
Strike: "\$45"
Insert: "\$60"

5. Amend page 2, section 1, line 3.
Following: "old"
Strike: "\$35"
Insert: "\$45"

6. Amend page 2, section 1, line 4.
Following: "\$30"
Strike: "\$25"
Insert: "\$30"

7. Amend page 2, section 1, line 5.
Following: "\$25"
Strike: "\$15"
Insert: "\$20"

8. Amend page 2, section 1, line 6.
Following: "\$20"
Strike: "\$5"
Insert: "\$10"

9. Amend page 2, section 1(3), lines 7 through 20.
Following: line 6
Strike: subsection (3) in its entirety

Re-number: subsequent sections.

10. Amend page 21, section 16, line 24.
Following: "~~cars~~"
Insert: "motor trucks,"

11. Amend page 21, section 16, line 25.
Following: "homes"
Insert: "those"

AS AMENDED NOT BE CONCURRED IN

HOUSE OF REPRESENTATIVES

APRIL 12, 1977

Committee of the Whole Amendment to Senate Bill no. 193, third reading copy, as follows:

1. Amend page 1, section 1, line 22.

Following: "1978"

Insert: "Provided, however, the aforementioned fees shall be considered property taxes for purposes of Section 84-3514 only."

AS AMENDED BE CONCURRED IN

AMENDMENTS PASSED SECOND READING
BILL FAILED ON SECOND READING