

CHAPTER NO. 23

HOUSE BILL NO. 493

INTRODUCED BY COONEY

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

January 31, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Committee recommend bill do pass as amended. Report adopted.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second Reading, do pass as amended.
February 12, 1979	Correctly engrossed.
February 13, 1979	Third Reading, passed. Transmitted to Second House.

IN THE SENATE

February 14, 1979	Introduced and referred to Committee on Highways and Transportation.
February 27, 1979	Committee recommend bill be concurred in. Report adopted.
March 1, 1979	Second Reading, concurred in.
March 3, 1979	Third Reading, concurred in.

IN THE HOUSE

March 5, 1979	Returned from Second House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 493
 2 INTRODUCED BY Conroy
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 61-4-101, MCA, TO PROVIDE A GRACE PERIOD FOR MOTOR VEHICLE
 7 DEALER LICENSE RENEWAL."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 61-4-101, MCA, is amended to read:

11 "61-4-101. Application for dealer's license. (1) Every
 12 person, firm, corporation, or association who, for
 13 commission or profit, engages in the business of buying,
 14 selling, exchanging, or acting as a broker of new motor
 15 vehicles, used motor vehicles, trailers, (except trailers
 16 having an unladen weight of less than 500 pounds),
 17 semitrailers, or special mobile equipment as defined in
 18 61-1-104 and qualifies under [subparagraph (f)] of this
 19 section shall cause to be filed, by mail or otherwise, in
 20 the office of the division, a verified application for
 21 licensing as a dealer on a blank to be furnished by the
 22 division for that purpose, and containing the information
 23 therein required. The application and all of the information
 24 therein contained shall be verified by the Montana highway
 25 patrol. Each application must be accompanied by the license

1 fee hereinafter named. Dealer's license must be renewed and
 2 paid for annually, and an application for relicensing must
 3 be filed not later than January 1 of each year. If an
 4 application for renewal of a license has been received by
 5 the division prior to the expiration of the license, the
 6 dealer may operate his business and display dealer plates
 7 under the expired license between January 1 and February 15
 8 following expiration.

9 (2) To qualify for licensing and the issuance and use
 10 of "D", "UD", "DTR", or "MCD" plates, as hereinafter
 11 provided, the applicant must furnish the following
 12 information and qualify under the following provisions:

13 (a) To qualify as a new motor vehicle dealer and for
 14 the use of "D" plates, the applicant must:

15 (i) state the name under which the business is to be
 16 conducted and the location of the premises (street address,
 17 city, county, and state) where records are kept, sales are
 18 made, and stock of motor vehicles is displayed;

19 (ii) state the name and address of all owners or
 20 persons having an interest in the business, provided that in
 21 the case of a corporation, the names and addresses of the
 22 president and secretary thereof are sufficient;

23 (iii) state the name and make of all motor vehicles
 24 handled and the name and address of the manufacturer,
 25 importer, or distributor with whom the applicant has a

1 written new motor vehicle franchise or sales agreement;

2 (iv) execute a certificate to the effect that the
3 applicant has a permanent building for the display and sale
4 of new motor vehicles at the location of the premises where
5 sales are conducted;

6 (v) execute a certificate to the effect that the
7 applicant has a bona fide service department for the repair,
8 service, and maintenance of motor vehicles; and

9 (vi) execute a certificate to the effect that the
10 applicant is a bona fide dealer in new motor vehicles and
11 that he is recognized by a manufacturer, importer, or
12 distributor as a dealer in new motor vehicles.

13 (b) To qualify as a used motor vehicle dealer and for
14 the use of "UD" plates, or as a trailer, semitrailer, or
15 special mobile equipment dealer and for the use of "DTR"
16 plates, or as a motorcycle dealer and for the use of "MCD"
17 plates, the applicant must, in addition to the matters set
18 forth in subsections (i) and (ii) of subsection (2)(a)
19 above, provide:

20 (i) a statement that the applicant has a building or
21 lot and a sign readable at a minimum distance of 150 feet
22 and indicating the firm name and headquarters as the
23 principal place of business; and

24 (ii) a certificate to the effect that the applicant is
25 a bona fide dealer in used motor vehicles, trailers,

1 semitrailers, special mobile equipment, or motorcycles.

2 (c) To qualify for a used motor vehicle dealer license
3 a person must submit an annual application for that license
4 and comply with the provisions of 61-4-102(5) in addition to
5 fulfilling the requirements of subsection (2)(b) above.

6 (d) The provisions of subsection (2)(c) above do not
7 apply to an applicant who is licensed as a motor vehicle
8 wrecking facility under the provisions of Title 75, chapter
9 10, part 5.

10 (3) The applicant for a dealer's license shall also
11 file with his application a good and sufficient bond in the
12 sum of \$5,000, and the bond shall be conditioned that the
13 applicant shall conduct his business in accordance with the
14 requirements of the law. All bonds shall run to the state of
15 Montana and shall be approved by the division and filed in
16 its office and shall be renewed annually."

-End-

Approved by Committee
on Judiciary

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 17 semitrailers, or special mobile equipment as defined in
 18 61-1-104 and qualifies under [subparagraph (f)] of this
 19 section shall cause to be filed, by mail or otherwise, in
 20 the office of the division, a verified application for
 21 licensing as a dealer on a blank to be furnished by the
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1 fee hereinafter named. Dealer's license must be renewed and
 2 paid for annually, and an application for relicensing must
 3 be filed not later than January 1 of each year. If an
 4 application for renewal of a license has been received by
 5 the division prior to the expiration of the license, the
 6 dealer may operate his business and display dealer plates
 7 under the expired license between January 1 and February 15
 8 following expiration.
 9 (2) To qualify for licensing and the issuance and use
 10 of "D", "UD", "DTR", or "MCD" plates, as hereinafter
 11 provided, the applicant must furnish the following
 12 information and qualify under the following provisions:
 13 (a) To qualify as a new motor vehicle dealer and for
 14 the use of "D" plates, the applicant must:
 15 (i) state the name under which the business is to be
 16 conducted and the location of the premises (street address,
 17 city, county, and state) where records are kept, sales are
 18 made, and stock of motor vehicles is displayed;
 19 (ii) state the name and address of all owners or
 20 persons having an interest in the business, provided that in
 21 the case of a corporation, the names and addresses of the
 22 president and secretary thereof are sufficient;
 23 (iii) state the name and make of all motor vehicles
 24 handled and the name and address of the manufacturer,
 25 importer, or distributor with whom the applicant has a

1 written new motor vehicle franchise or sales agreement;

2 (iv) execute a certificate to the effect that the

3 applicant has a permanent building for the display and sale

4 of new motor vehicles at the location of the premises where

5 sales are conducted;

6 (v) execute a certificate to the effect that the

7 applicant has a bona fide service department for the repair,

8 service, and maintenance of motor vehicles; and

9 (vi) execute a certificate to the effect that the

10 applicant is a bona fide dealer in new motor vehicles and

11 that he is recognized by a manufacturer, importer, or

12 distributor as a dealer in new motor vehicles.

13 (b) To qualify as a used motor vehicle dealer and for

14 the use of "UD" plates, or as a trailer, semitrailer, or

15 special mobile equipment dealer and for the use of "DTR"

16 plates, or as a motorcycle dealer and for the use of "MCD"

17 plates, the applicant must, in addition to the matters set

18 forth in subsections (i) and (ii) of subsection (2)(a)

19 above, provide:

20 (i) a statement that the applicant has a building or

21 lot and a sign readable at a minimum distance of 150 feet

22 and indicating the firm name and headquarters as the

23 principal place of business; and

24 (ii) a certificate to the effect that the applicant is

25 a bona fide dealer in used motor vehicles, trailers,

1 semitrailers, special mobile equipment, or motorcycles.

2 (c) To qualify for a used motor vehicle dealer license

3 a person must submit an annual application for that license

4 and comply with the provisions of 61-4-102(5) in addition to

5 fulfilling the requirements of subsection (2)(b) above.

6 (d) The provisions of subsection (2)(c) above do not

7 apply to an applicant who is licensed as a motor vehicle

8 wrecking facility under the provisions of Title 75, chapter

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10 (3) The applicant for a dealer's license shall also

11 file with his application a good and sufficient bond in the

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