

HOUSE BILL NO. 819

INTRODUCED BY GOULD, ROTH, IVERSON, WALDRON

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Highways and Transportation.
February 20, 1979	Passed out of committee without recommendation.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Highways and Transportation.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 26, 1979	Returned from second house. Concurred in as amended. On motion consideration passed for the day.
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March 30, 1979	Second reading, amendments adopted.
March 31, 1979	Third reading, amendments adopted. Sent to enrolling.
April 4, 1979	Correctly enrolled. Signed by President. Signed by Speaker.
April 5, 1979	Delivered to Governor.
April 9, 1979	Signed by Governor.
April 18, 1979	On motion bill returned to enrolling to correct clerical error. Reported correctly enrolled.

1 *House* BILL NO. *819*
 2 INTRODUCED BY *Paul Roth* *James Walker*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WITHIN THE
 5 DEFINITION OF 'BICYCLE' CERTAIN MOTORIZED BICYCLES;
 6 EXEMPTING BICYCLES FROM TAXATION; AND AMENDING SECTIONS
 7 15-6-201, 61-1-102, 61-1-103, 61-1-105, 61-1-106, 61-1-123,
 8 AND 61-3-321, MCA."

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

11 Section 1. Section 15-6-201, MCA, is amended to read:
 12 "15-6-201. Exempt categories. (1) (a) The property of
 13 the United States, the state, counties, cities, towns,
 14 school districts, irrigation districts organized under the
 15 laws of Montana and not operating for profit, municipal
 16 corporations, public libraries; buildings, with land they
 17 occupy and furnishings therein, owned by a church and used
 18 for actual religious worship and for residences of the
 19 clergy, together with adjacent land reasonably necessary for
 20 convenient use of such buildings owned by a church; such
 21 other property as is used exclusively for agricultural and
 22 horticultural societies, for educational purposes,
 23 hospitals, and all property, both real and personal, without
 24 limitation as to amount except that real property owned
 25 shall not exceed 640 acres, owned and held by any

1 association or corporation organized under Title 35, chapter
 2 20 or 21, Cemeterias, provided such cemeteries and any land
 3 claimed to be exempt are not maintained and operated for
 4 private or corporate profit; institutions of purely public
 5 charity; evidence of debt secured by mortgages of record
 6 upon real or personal property in the state of Montana; and
 7 public art galleries and public observatories not used or
 8 held for private or corporate profit are exempt from
 9 taxation, but no more land than is necessary for such
 10 purpose is exempt.

11 (b) As used in this subsection, the term "institutions
 12 of purely public charity" includes organizations owning and
 13 operating facilities for the care of the retired or aged or
 14 chronically ill, which are not operated for gain or profit,
 15 and the terms "public art galleries" and "public
 16 observatories" mean only such art galleries and
 17 observatories, whether of public or private ownership, as
 18 are open to the public without charge or fee at all
 19 reasonable hours and are used for the purpose of education
 20 only.

21 (2) All household goods and furniture, including
 22 clocks, musical instruments, sewing machines, and wearing
 23 apparel of members of the family, used by the owner for
 24 personal and domestic purposes or for furnishing or
 25 equipping the family residence are exempt from taxation.

1 (3) A truck canopy cover or topper weighing less than
2 300 pounds and having no accommodations attached is exempt
3 from taxation.

4 ~~(4) A bicycle, as defined in 61-1-123, used by the~~
5 ~~owner for personal transportation purposes is exempt from~~
6 ~~taxation.~~

7 Section 2. Section 61-1-102, MCA, is amended to read:

8 "61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means~~
9 ~~every vehicle which is self-propelled and every vehicle~~
10 ~~which is propelled by electric power obtained from overhead~~
11 ~~trolley wires but not operated upon rails, excluding~~
12 ~~motorcycles.~~

13 ~~(2) For 61-10-101 through 61-10-110, the term "motor~~
14 ~~vehicle" is defined in subsection (3).~~

15 ~~(3) "Motor vehicle" means every vehicle which is~~
16 ~~self-propelled and every vehicle which is propelled by~~
17 ~~electric power obtained from overhead trolley wires but not~~
18 ~~operated upon rails.~~

19 ~~(4) The word "motor vehicle" as used in 61-3-302 means~~
20 ~~automobiles, auto-trucks, and motorcycles, propelled by~~
21 ~~their own power, used upon the public highways of the state.~~

22 ~~(5) The term "motor vehicle" as used in part 4 of~~
23 ~~chapter 4 shall mean every self-propelled vehicle moving~~
24 ~~over the highways of this state, whether patented or~~
25 ~~unpatented.~~

1 ~~(6) "Motor vehicle" means a self-propelled vehicle~~
2 ~~including without limitation an automobile, motorbus,~~
3 ~~motorcycle, truck, and truck tractor.~~

4 ~~(7) The word "motor vehicle" as used in [this title]~~
5 ~~shall include trailers, semitrailers, automobiles, auto~~
6 ~~trucks, motorcycles, cycle motors, and all other vehicles~~
7 ~~propelled by their own power, used upon the public highways~~
8 ~~of the state, excepting steam or gas tractors, or~~
9 ~~self-propelled wheelchairs or similar vehicles operated by~~
10 ~~invalids.~~

11 ~~(8) The term "motor vehicle" as used in 61-3-202 and~~
12 ~~61-3-322 includes automobiles, trucks, motorcycle-type~~
13 ~~vehicles, and semitrailers, trailer and house trailers.~~

14 ~~(9) The words "motor vehicle" as used in chapters 3~~
15 ~~and 4 shall include all vehicles which are self-propelled,~~
16 ~~except road rollers, traction engines, and railroad cars,~~
17 ~~farm tractors, and motorcars run upon stationary rails or~~
18 ~~tracks.~~

19 ~~(10) "Motor vehicle," as used in part 1, chapter 6,~~
20 ~~means every self-propelled vehicle which is designed for use~~
21 ~~upon a highway, including trailers and semitrailers designed~~
22 ~~for use with such vehicles (except traction engines, road~~
23 ~~rollers, farm tractors, tractor cranes, power shovels, and~~
24 ~~well-drillers) and every vehicle which is propelled by~~
25 ~~electric power obtained from overhead wires but not operated~~

1 upon rails;

2 ~~(11) "Motor vehicle" as used in 61-3-711 through~~
 3 ~~61-3-733 means every vehicle which is self-propelled and~~
 4 ~~every vehicle which is propelled by electric power obtained~~
 5 ~~from overhead trolley wires, but not operated upon rails.~~

6 "Motor vehicle" means every vehicle propelled by its own
 7 power and designed primarily to transport persons or
 8 property upon the highways of the state, except that for the
 9 purpose of chapter 3, the term also includes trailers,
 10 semitrailers, and house trailers. The term does not include
 11 a bicycle as defined in 61-1-123.

12 Section 3. Section 61-1-103, MCA, is amended to read:

13 "61-1-103. Vehicle. (1) "Vehicle" means every device
 14 in, upon, or by which any person or property is or may be
 15 transported or drawn upon a public highway, excepting except
 16 devices moved by human or animal power or used exclusively
 17 upon stationary rails or tracks. ~~However, in chapters 3 and~~
 18 ~~4, the term means "motor vehicle" as defined in this part.~~
 19 The term does not include a bicycle as defined in 61-1-123.

20 ~~(2) For 61-10-101 through 61-10-110, the term~~
 21 ~~"vehicle" is defined in subsection (3).~~

22 ~~(3) "Vehicle" means every device in, upon, or by which~~
 23 ~~any person or property is or may be transported or drawn~~
 24 ~~upon a highway, except devices moved by human power or used~~
 25 ~~exclusively upon stationary rails or tracks.~~

1 ~~(4) The term "vehicle" as used in chapters 3 and 4~~
 2 ~~shall include any motor vehicle as herein defined.~~

3 ~~(5) "Vehicle" as used in 61-3-711 through 61-3-733,~~
 4 ~~means every device in, upon, or by which any person or~~
 5 ~~property is or may be transported or drawn upon a highway~~
 6 ~~excepting devices moved by human power or used exclusively~~
 7 ~~upon stationary rails or tracks.~~

8 Section 4. Section 61-1-105, MCA, is amended to read:

9 "61-1-105. Motorcycle. (1) "Motorcycle" means every
 10 motor vehicle having a seat or saddle for the use of the
 11 rider and designed to travel on not more than three wheels
 12 in contact with the ground, but excluding a tractor.

13 ~~(2) "Motorcycle" means every motor vehicle having a~~
 14 ~~seat or saddle for the use of the rider and designed to~~
 15 ~~travel on not more than three wheels in contact with the~~
 16 ~~ground, but excluding a tractor.~~

17 ~~(3) The term "motorcycle" "Motorcycle" as used in~~
 18 ~~chapters 3 and 4 shall mean means a motor vehicle having not~~
 19 ~~more than three wheels in contact with the ground and a~~
 20 ~~saddle on which the operator sits astride, or a platform on~~
 21 ~~which he stands, and bicycles having a motor attachment~~
 22 ~~thereto and a driving wheel in contact with the ground, in~~
 23 ~~addition to the wheels of the vehicle itself, but a~~
 24 ~~motorcycle may carry one or more attachments and a seat for~~
 25 ~~the conveyance of a passenger. The term does not include a~~

1 ~~tractor or a bicycle as defined in 61-1-123.~~"

2 Section 5. Section 61-1-106, MCA, is amended to read:

3 "61-1-106. Motor-driven cycle. "Motor-driven cycle"
4 means every motorcycle, including every motor scooter, with
5 a motor which produces not to exceed 5 horsepower ~~and every~~
6 ~~bicycle with motor attached. The term does not include a~~
7 ~~bicycle as defined in 61-1-123.~~"

8 Section 6. Section 61-1-123, MCA, is amended to read:

9 "61-1-123. Bicycle. "Bicycle" means every device
10 propelled by human power upon which any person may ride,
11 having two tandem wheels either of which is more than 20
12 inches in diameter. ~~The term includes a motorized bicycle~~
13 ~~with fully operative pedals for propulsion by human power,~~
14 ~~an automatic transmission, and a motor with a cylinder~~
15 ~~capacity not exceeding 50 cubic centimeters that produces no~~
16 ~~more than 2 brake horsepower and is capable of propelling~~
17 ~~the vehicle at a maximum design speed not exceeding 30 miles~~
18 ~~an hour on level ground."~~

19 Section 7. Section 61-3-321, MCA, is amended to read:

20 "61-3-321. Registration fees of vehicles -- public
21 owned vehicles exempt from license or registration fees --
22 disposition of fees. (1) Registration or license fees shall
23 be paid upon registration or reregistration of motor
24 vehicles, trailers, housetrailers, and semitrailers in
25 accordance with this chapter, as follows:

1 (a) motor vehicles weighing 2,850 pounds or under,
2 other than motortrucks, \$5;

3 (b) motor vehicles weighing over 2,850 pounds, other
4 than motortrucks, \$10;

5 (c) electrically driven passenger vehicles, \$10;

6 (d) all motorcycles, \$2;

7 (e) tractors and/or trucks, \$10;

8 (f) buses shall be classed as motortrucks and licensed
9 accordingly;

10 (g) trailers and semitrailers less than 2,500 pounds
11 maximum gross loaded weight and housetrailers of all
12 weights, \$2;

13 (h) trailers and semitrailers over 2,500 up to 6,000
14 pounds maximum gross loaded weight, except housetrailers,
15 \$5;

16 (i) trailers and semitrailers over 6,000 pounds
17 maximum gross loaded weight, \$10;

18 (j) trailers used exclusively in the transportation of
19 logs in the forest or in the transportation of oil and gas
20 well machinery, road machinery, and bridge material
21 exclusively, new and secondhand, and trailers used
22 exclusively for the transportation of road machinery and
23 bridge materials, shall pay a fee of \$15 annually,
24 regardless of size or capacity.

25 ~~(k) bicycles with motor attachments \$10~~

1 (2) All rates shall be .25% higher for motor vehicles,
2 trailers, and semitrailers when not equipped with pneumatic
3 tires.

4 (3) Tractors, as specified in this section, shall mean
5 any motor vehicle except passenger cars used for towing a
6 trailer or semitrailer.

7 (4) If any motor vehicle, housetrailer, trailer, or
8 semitrailer is originally registered 6 months after the time
9 of registration as set by law, the registration or license
10 fee for the remainder of such year shall be one-half of the
11 regular fee above given.

12 (5) When a new plate is issued, an additional fee of
13 \$1 per year for each registration of a vehicle shall be
14 added to the registration fee. Revenue from this fee shall
15 be forwarded by the respective county treasurers to the
16 state treasurer for deposit in the motor vehicle recording
17 account of the earmarked revenue fund. Disbursements from
18 the motor vehicle recording account shall be made by warrant
19 drawn by the division.

20 (6) The provisions of this part with respect to the
21 payment of registration fees shall not apply to or be
22 binding upon motor vehicles, trailers or semitrailers, or
23 tractors owned or controlled by the United States of America
24 or any state, county, or city, but in all other respects the
25 provisions of this section shall be applicable to and

1 binding upon motor vehicles, tractors, trailers, and
2 semitrailers.

3 (7) The provisions of this section relating to the
4 payment of registration fees do not apply when number plates
5 are transferred to a replacement vehicle under 61-3-317(1),
6 61-3-332(7), and 61-3-335.

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

-End-

HB 819

HOUSE BILL NO. 819

INTRODUCED BY GOULD, ROTH, IVERSON, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WITHIN THE DEFINITION OF 'BICYCLE' CERTAIN MOTORIZED BICYCLES; EXEMPTING BICYCLES FROM TAXATION; AND AMENDING SECTIONS 15-6-201, 61-1-102, 61-1-103, 61-1-105, 61-1-106, 61-1-123, ANB 61-3-321, AND 61-8-605, MCA."

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

Section 15-6-201-MCA-is amended to read:

15-6-201-Exempt-categories-(1)-(a)-The property of the United States, the state, counties, cities, towns, school districts, irrigation districts organized under the laws of Montana and not operating for profit, municipal corporations, public libraries, buildings with and they occupy and furnishings therein owned by a church and used for actual religious worship and for residences of the clergy, together with adjacent and reasonably necessary for convenient use of such buildings owned by a church, such other property as is used exclusively for agricultural and horticultural societies for educational purposes, hospitals, and all property, both real and personal, without limitation as to amount except that real property owned shall not exceed 640 acres, owned and held by any

association or corporation organized under Title 35, chapter 28 or 21, cemeteries, provided such cemeteries and any land claimed to be exempt are not maintained and operated for private or corporate profit, institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana and public art galleries and public observatories not used or held for private or corporate profit are exempt from taxation but no more land than is necessary for such purpose is exempt.

(b) As used in this subsection, the term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit and the terms "public art galleries" and "public observatories" mean only such art galleries and observatories, whether of public or private ownership, as are open to the public without charge or fee at reasonable hours and are used for the purpose of education only.

(c) All household goods and furniture, including clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence are exempt from taxation.

1 {3}--A truck canopy cover or topper weighing less than
 2 300 pounds and having no accommodations attached is exempt
 3 from taxation.

4 {4}--A bicycle as defined in 61-1-123, used by the
 5 owner for personal transportation purposes is exempt from
 6 taxation."

7 Section 1. Section 61-1-102, MCA, is amended to read:

8 "61-1-102. Motor vehicle. {1}--"Motor vehicle" means
 9 every vehicle which is self-propelled and every vehicle
 10 which is propelled by electric power obtained from overhead
 11 trolley wires but not operated upon rails, excluding
 12 motorcycles.

13 {2}--For 61-10-101 through 61-10-110, the term "motor
 14 vehicle" is defined in subsection {3}.

15 {3}--"Motor vehicle" means every vehicle which is
 16 self-propelled and every vehicle which is propelled by
 17 electric power obtained from overhead trolley wires but not
 18 operated upon rails.

19 {4}--The word "motor vehicle" as used in 61-3-502 means
 20 automobiles, auto trucks and motorcycles propelled by
 21 their own power used upon the public highways of the state.

22 {5}--The term "motor vehicle" as used in part 4 of
 23 chapter 4 shall mean every self-propelled vehicle moving
 24 over the highways of this state, whether patented or
 25 unpatented.

1 {6}--"Motor vehicle" means a self-propelled vehicle
 2 including without limitation an automobile, motorbus,
 3 motorcycle, truck, and truck tractor.

4 {7}--The word "motor vehicle" as used in {this title}
 5 shall include trailers, semitrailers, automobiles, auto
 6 trucks, motorcycles, cycle motors and all other vehicles
 7 propelled by their own power used upon the public highways
 8 of the state, excepting steam or gas tractors or
 9 self-propelled wheelchairs or similar vehicles operated by
 10 invalids.

11 {8}--The term "motor vehicle" as used in 61-3-202 and
 12 61-3-322 includes automobile, truck, motorcycle-type
 13 vehicle and semitrailer, trailer and house trailer.

14 {9}--The words "motor vehicle" as used in chapters 3
 15 and 4 shall include all vehicles which are self-propelled
 16 except road rollers, traction engines and railroad cars
 17 farm tractors and motorcars run upon stationary rails or
 18 tracks.

19 {10}--"Motor vehicle" as used in part 14 chapter 6
 20 means every self-propelled vehicle which is designed for use
 21 upon a highway, including trailers and semitrailers designed
 22 for use with such vehicles (except traction engines, road
 23 rollers, farm tractors, tractor cranes, power shovels and
 24 well-diggers) and every vehicle which is propelled by
 25 electric power obtained from overhead wires but not operated

1 upon rails
 2 (11) "Motor vehicle" as used in 61-3-711 through
 3 61-3-733, means every vehicle which is self-propelled and
 4 every vehicle which is propelled by electric power obtained
 5 from overhead trolley wires, but not operated upon rails.
 6 "Motor vehicle" means every vehicle propelled by its own
 7 power and designed primarily to transport persons or
 8 property upon the highways of the state, except that for the
 9 purpose of chapter 3, the term also includes trailers,
 10 semitrailers, and house trailers. The term does not include
 11 a bicycle as defined in 61-1-123.
 12 Section 2. Section 61-1-103, MCA, is amended to read:
 13 "61-1-103. Vehicle. (1) "Vehicle" means every device
 14 in, upon, or by which any person or property is or may be
 15 transported or drawn upon a public highway, excepting except
 16 devices moved by human or animal power or used exclusively
 17 upon stationary rails or tracks. However, in chapters 3 and
 18 4, the term means "motor vehicle" as defined in this part.
 19 The term does not include a bicycle as defined in 61-1-123.
 20 (2) For 61-10-101 through 61-10-110, the term
 21 "vehicle" is defined in subsection (3).
 22 (3) "Vehicle" means every device in, upon, or by which
 23 any person or property is or may be transported or drawn
 24 upon a highway, except devices moved by human power or used
 25 exclusively upon stationary rails or tracks.

1 (4) The term "vehicle" as used in chapters 3 and 4
 2 shall include any motor vehicle as herein defined.
 3 (5) "Vehicle" as used in 61-3-711 through 61-3-733
 4 means every device in, upon, or by which any person or
 5 property is or may be transported or drawn upon a highway
 6 excepting devices moved by human power or used exclusively
 7 upon stationary rails or tracks.
 8 Section 3. Section 61-1-105, MCA, is amended to read:
 9 "61-1-105. Motorcycle. (1) "Motorcycle" means every
 10 motor vehicle having a seat or saddle for the use of the
 11 rider and designed to travel on not more than three wheels
 12 in contact with the ground, but excluding a tractor.
 13 (2) "Motorcycle" means every motor vehicle having a
 14 seat or saddle for the use of the rider and designed to
 15 travel on not more than three wheels in contact with the
 16 ground, but excluding a tractor.
 17 (3) The term "motorcycle" "Motorcycle" as used in
 18 chapters 3 and 4 shall mean means a motor vehicle having not
 19 more than three wheels in contact with the ground and a
 20 saddle on which the operator sits astride or a platform on
 21 which he stands, and bicycles having a motor attachment
 22 thereto and a driving wheel in contact with the ground, in
 23 addition to the wheels of the vehicle itself, but a
 24 motorcycle may carry one or more attachments and a seat for
 25 the conveyance of a passenger. The term does not include a

1 ~~tractor or a bicycle as defined in 61-1-123.~~"

2 Section 4. Section 61-1-106, MCA, is amended to read:

3 "61-1-106. Motor-driven cycle. "Motor-driven cycle"
4 means every motorcycle, including every motor scooter, with
5 a motor which produces not to exceed 5 horsepower and every
6 ~~bicycle with motor attached. The term does not include a~~
7 ~~bicycle as defined in 61-1-123.~~"

8 Section 5. Section 61-1-123, MCA, is amended to read:

9 "61-1-123. Bicycle. "Bicycle" means:
10 (1) every device propelled by human power upon which
11 any person may ride, having two tandem wheels either of
12 which is more than 20 inches in diameter; ~~OR the term~~
13 ~~includes a motorized bicycle with fully operative pedals for~~
14 ~~propulsion by human power, an automatic transmission, and a~~
15 ~~motor with a cylinder capacity not exceeding 50 cubic~~
16 ~~centimeters that produces no more than 2 brake horsepower~~
17 ~~and is capable of propelling the vehicle at a maximum design~~
18 ~~speed not exceeding 30 miles an hour on level ground;~~

19 (2) EVERY DEVICE EQUIPPED WITH TWO OR THREE WHEELS,
20 FOOT PEDALS TO PERMIT MUSCULAR PROPULSION AND AN INDEPENDENT
21 POWER SOURCE PROVIDING A MAXIMUM OF TWO BRAKE HORSEPOWER, IF
22 A COMBUSTION ENGINE IS USED, THE MAXIMUM PISTON OR BOLT
23 DISPLACEMENT MAY NOT EXCEED 3.05 CUBIC INCHES (50
24 CENTIMETERS) REGARDLESS OF THE NUMBER OF CHAMBERS IN THE
25 POWER SOURCE. THE POWER SOURCE MUST NOT BE CAPABLE OF

1 PROPELLING THE DEVICE, UNASSISTED, AT A SPEED EXCEEDING 30
2 MILES AN HOUR (48.28 KILOMETERS AN HOUR) ON A LEVEL SURFACE.
3 THE DEVICE MUST BE EQUIPPED WITH A POWER DRIVE SYSTEM THAT
4 FUNCTIONS DIRECTLY OR AUTOMATICALLY ONLY AND DOES NOT
5 REQUIRE CLUTCHING OR SHIFTING BY THE OPERATOR AFTER THE
6 DRIVE SYSTEM IS ENGAGED."

7 Section 6. Section 61-3-321, MCA, is amended to read:

8 "61-3-321. Registration fees of vehicles -- public
9 owned vehicles exempt from license or registration fees --
10 disposition of fees. (1) Registration or license fees shall
11 be paid upon registration or reregistration of motor
12 vehicles, trailers, housetrailers, and semitrailers in
13 accordance with this chapter, as follows:

- 14 (a) motor vehicles weighing 2,850 pounds or under,
15 other than motortrucks, \$5;
- 16 (b) motor vehicles weighing over 2,850 pounds, other
17 than motortrucks, \$10;
- 18 (c) electrically driven passenger vehicles, \$10;
- 19 (d) all motorcycles, \$2;
- 20 (e) tractors and/or trucks, \$10;
- 21 (f) buses shall be classed as motortrucks and licensed
22 accordingly;
- 23 (g) trailers and semitrailers less than 2,500 pounds
24 maximum gross loaded weight and housetrailers of all
25 weights, \$2;

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
3 pounds maximum gross loaded weight, except housetrailers,
4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds
6 maximum gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
8 logs in the forest or in the transportation of oil and gas
9 well machinery, road machinery, and bridge material
10 exclusively, new and secondhand, and trailers used
11 exclusively for the transportation of road machinery and
12 bridge materials, shall pay a fee of \$15 annually,
13 regardless of size or capacity.

14 ~~{k}--bicycles-with-motor-attachments--\$15~~

15 (2) All rates shall be 25% higher for motor vehicles,
16 trailers, and semitrailers when not equipped with pneumatic
17 tires.

18 (3) Tractors, as specified in this section, shall mean
19 any motor vehicle except passenger cars used for towing a
20 trailer or semitrailer.

21 (4) If any motor vehicle, housetrailer, trailer, or
22 semitrailer is originally registered 6 months after the time
23 of registration as set by law, the registration or license
24 fee for the remainder of such year shall be one-half of the
25 regular fee above given.

1 (5) When a new plate is issued, an additional fee of
2 \$1 per year for each registration of a vehicle shall be
3 added to the registration fee. Revenue from this fee shall
4 be forwarded by the respective county treasurers to the
5 state treasurer for deposit in the motor vehicle recording
6 account of the earmarked revenue fund. Disbursements from
7 the motor vehicle recording account shall be made by warrant
8 drawn by the division.

9 (6) The provisions of this part with respect to the
10 payment of registration fees shall not apply to or be
11 binding upon motor vehicles, trailers or semitrailers, or
12 tractors owned or controlled by the United States of America
13 or any state, county, or city, but in all other respects the
14 provisions of this section shall be applicable to and
15 binding upon motor vehicles, tractors, trailers, and
16 semitrailers.

17 (7) The provisions of this section relating to the
18 payment of registration fees do not apply when number plates
19 are transferred to a replacement vehicle under 61-3-317(1),
20 61-3-332(7), and 61-3-335.

21 (8) All fees, other than license fees, unless
22 otherwise specifically provided, shall hereafter be
23 deposited in, and paid into, the earmarked revenue fund and
24 shall be used to pay all salaries, operating expenses, and
25 all other expenses of the division, including the

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

5 SECTION 7. SECTION 61-8-605, MCA, IS AMENDED TO READ:

6 *61-8-605. Riding on roadways and bicycle paths. (1)
 7 Every person operating a bicycle upon a roadway shall ride
 8 as near to the right side of the roadway as practicable,
 9 exercising due care when passing a standing vehicle or one
 10 proceeding in the same direction.

11 (2) Persons riding bicycles upon a roadway shall ride
 12 in single file except on paths or parts of roadways set
 13 aside for the exclusive use of bicycles. A person riding a
 14 bicycle may overtake and pass another bicycle when safe to
 15 do so and when other traffic is not obstructed by so doing.

16 (3) Whenever a usable path for bicycles has been
 17 provided adjacent to a roadway, bicycle riders shall use
 18 such path and shall not use the roadway. A person riding a
 19 bicycle defined in 61-1-123(2) is excluded from the
 20 provisions of this subsection when such bicycle is
 21 prohibited from using such paths.

22 (4) A bicycle, as defined in 61-1-123(2), is excluded
 23 from the provisions of subsections (1) and (2)."

24 SECTION 8. THERE IS A NEW MCA SECTION THAT READS:

25 License required for bicycle. A person operating a

1 bicycle defined in 61-1-123(2) shall have in his possession
 2 at all times when operating the bicycle a valid Montana
 3 driver's license with a motorcycle endorsement.

-End-

HOUSE BILL NO. 819

INTRODUCED BY GOULD, ROTH, IVERSON, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WITHIN THE DEFINITION OF 'BICYCLE' CERTAIN MOTORIZED BICYCLES; EXEMPTING BICYCLES FROM TAXATION; EXEMPTING BICYCLES FROM TAXATION AND AMENDING SECTIONS 15-6-201, 15-6-201, 61-1-102, 61-1-103, 61-1-105, 61-1-106, 61-1-123, AND 61-3-321, AND 61-8-605, MCA."

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

Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) (a) The property of the United States, the state, counties, cities, towns, school districts, irrigation districts organized under the laws of Montana and not operating for profit, municipal corporations, public libraries, buildings with and they occupy and furnishings therein owned by a church and used for actual religious worship and for residences of the clergy, together with adjacent land reasonably necessary for convenient use of such buildings owned by a church, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, hospitals, and all property, both real and personal, without limitation as to amount except that real property owned

shall not exceed 640 acres, owned and held by any association or corporation organized under Title 35, Chapter 20 or 21, cemeteries, provided such cemeteries and any land claimed to be exempt are not maintained and operated for private or corporate profit, institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana, and public art galleries and public observatories not used or held for private or corporate profit are exempt from taxation, but no more land than is necessary for such purpose is exempt.

(b) As used in this subsection, the term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit, and the terms "public art galleries" and "public observatories" mean only such art galleries and observatories, whether of public or private ownership, as are open to the public without charge or fee at all reasonable hours and are used for the purpose of education only.

(2) All household goods and furniture, including clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or

1 ~~equipping the family residence are exempt from taxation.~~
 2 ~~(3) A truck canopy cover or topper weighing less than~~
 3 ~~300 pounds and having no accommodations attached is exempt~~
 4 ~~from taxation.~~

5 ~~(4) A bicycle as defined in 61-1-123, used by the~~
 6 ~~owner for personal transportation purposes is exempt from~~
 7 ~~taxation."~~

8 SECTION 1, SECTION 15-6-201, MCA, IS AMENDED TO READ:

9 *15-6-201. Exempt categories. (1) (a) The property of
 10 the United States, the state, counties, cities, towns,
 11 school districts, irrigation districts organized under the
 12 laws of Montana and not operating for profit, municipal
 13 corporations, public libraries, buildings, with land they
 14 occupy and furnishings therein, owned by a church and used
 15 for actual religious worship and for residences of the
 16 clergy, together with adjacent land reasonably necessary for
 17 convenient use of such buildings owned by a church; such
 18 other property as is used exclusively for agricultural and
 19 horticultural societies, for educational purposes,
 20 hospitals, and all property, both real and personal, without
 21 limitation as to amount except that real property owned
 22 shall not exceed 640 acres, owned and held by any
 23 association or corporation organized under Title 35, chapter
 24 20 or 21, Cemeteries, provided such cemeteries and any land
 25 claimed to be exempt are not maintained and operated for

1 private or corporate profit; institutions of purely public
 2 charity; evidence of debt secured by mortgages of record
 3 upon real or personal property in the state of Montana; and
 4 public art galleries and public observatories not used or
 5 held for private or corporate profit are exempt from
 6 taxation, but no more land than is necessary for such
 7 purpose is exempt.

8 (b) As used in this subsection, the term "institutions
 9 of purely public charity" includes organizations owning and
 10 operating facilities for the care of the retired or aged or
 11 chronically ill, which are not operated for gain or profit,
 12 and the terms "public art galleries" and "public
 13 observatories" mean only such art galleries and
 14 observatories, whether of public or private ownership, as
 15 are open to the public without charge or fee at all
 16 reasonable hours and are used for the purpose of education
 17 only.

18 (2) All household goods and furniture, including
 19 clocks, musical instruments, sewing machines, and wearing
 20 apparel of members of the family, used by the owner for
 21 personal and domestic purposes or for furnishing or
 22 equipping the family residence are exempt from taxation.

23 (3) A truck canopy cover or topper weighing less than
 24 300 pounds and having no accommodations attached is exempt
 25 from taxation.

1 ~~(4) A bicycle, as defined in 61-1-123, used by the~~
 2 ~~owner for personal transportation purposes is exempt from~~
 3 ~~taxation.~~"

4 Section 2. Section 61-1-102, MCA, is amended to read:

5 "61-1-102. Motor vehicle. (1) ~~"Motor vehicle" means~~
 6 ~~every vehicle which is self-propelled and every vehicle~~
 7 ~~which is propelled by electric power obtained from overhead~~
 8 ~~trolley wires but not operated upon rails, excluding~~
 9 ~~motorcycles.~~

10 (2) ~~For 61-10-101 through 61-10-110, the term "motor~~
 11 ~~vehicle" is defined in subsection (3).~~

12 (3) ~~"Motor vehicle" means every vehicle which is~~
 13 ~~self-propelled and every vehicle which is propelled by~~
 14 ~~electric power obtained from overhead trolley wires but not~~
 15 ~~operated upon rails.~~

16 (4) ~~The word "motor vehicle" as used in 61-3-502 means~~
 17 ~~automobiles, auto trucks, and motorcycles, propelled by~~
 18 ~~their own power, used upon the public highways of the state.~~

19 (5) ~~The term "motor vehicle" as used in part 4 of~~
 20 ~~chapter 4 shall mean every self-propelled vehicle moving~~
 21 ~~over the highways of this state, whether patented or~~
 22 ~~unpatented.~~

23 (6) ~~"Motor vehicle" means a self-propelled vehicle~~
 24 ~~including without limitation on automobiles, motorbuses,~~
 25 ~~motorcycles, trucks, and truck tractors.~~

1 (7) ~~The word "motor vehicle" as used in [this title]~~
 2 ~~shall include trailers, semitrailers, automobiles, auto~~
 3 ~~trucks, motorcycles, cycle motors, and all other vehicles~~
 4 ~~propelled by their own power, used upon the public highways~~
 5 ~~of the state, excepting steam or gas tractors, or~~
 6 ~~self-propelled wheelchairs or similar vehicles operated by~~
 7 ~~invalids.~~

8 (8) ~~The term "motor vehicle" as used in 61-3-202 and~~
 9 ~~61-3-322 includes automobiles, trucks, motorcycle-type~~
 10 ~~vehicles, and semitrailers, trailer and house trailers.~~

11 (9) ~~The words "motor vehicle" as used in chapters 3~~
 12 ~~and 4 shall include all vehicles which are self-propelled,~~
 13 ~~except road rollers, traction engines, and railroad cars,~~
 14 ~~farm tractors, and motorcars run upon stationary rails or~~
 15 ~~tracks.~~

16 (10) ~~"Motor vehicle" as used in part 1, chapter 6,~~
 17 ~~means every self-propelled vehicle which is designed for use~~
 18 ~~upon a highway, including trailers and semitrailers designed~~
 19 ~~for use with such vehicles (except traction engines, road~~
 20 ~~rollers, farm tractors, tractor cranes, power shovels, and~~
 21 ~~well-drillers), and every vehicle which is propelled by~~
 22 ~~electric power obtained from overhead wires but not operated~~
 23 ~~upon rails.~~

24 (11) ~~"Motor vehicle" as used in 61-3-711 through~~
 25 ~~61-3-733, means every vehicle which is self-propelled and~~

1 every vehicle which is propelled by electric power obtained
 2 from overhead trolley wires but not operated upon rails
 3 "Motor vehicle" means every vehicle propelled by its own
 4 power and designed primarily to transport persons or
 5 property upon the highways of the state except that for the
 6 purpose of chapter 3, the term also includes trailers,
 7 semitrailers, and house trailers. The term does not include
 8 a bicycle as defined in 61-1-123.

9 Section 3. Section 61-1-103, MCA, is amended to read:
 10 "61-1-103. Vehicle. (1) "Vehicle" means every device
 11 in, upon, or by which any person or property is or may be
 12 transported or drawn upon a public highway, excepting except
 13 devices moved by human or animal power or used exclusively
 14 upon stationary rails or tracks. However, in chapters 3 and
 15 4, the term means "motor vehicle" as defined in this part.
 16 The term does not include a bicycle as defined in 61-1-123.

17 (2) For 61-10-101 through 61-10-110, the term
 18 "vehicle" is defined in subsection (3).

19 (3) "Vehicle" means every device in, upon, or by which
 20 any person or property is or may be transported or drawn
 21 upon a highway, except devices moved by human power or used
 22 exclusively upon stationary rails or tracks.

23 (4) The term "vehicle" as used in chapters 3 and 4
 24 shall include any motor vehicle as herein defined.

25 (5) "Vehicle" as used in 61-3-711 through 61-3-733

1 means every device in, upon, or by which any person or
 2 property is or may be transported or drawn upon a highway
 3 excepting devices moved by human power or used exclusively
 4 upon stationary rails or tracks.

5 Section 4. Section 61-1-105, MCA, is amended to read:
 6 "61-1-105. Motorcycle. (1) "Motorcycle" means every
 7 motor vehicle having a seat or saddle for the use of the
 8 rider and designed to travel on not more than three wheels
 9 in contact with the ground, but excluding a tractor.

10 (2) "Motorcycle" means every motor vehicle having a
 11 seat or saddle for the use of the rider and designed to
 12 travel on not more than three wheels in contact with the
 13 ground, but excluding a tractor.

14 (3) The term "motorcycle" "Motorcycle" as used in
 15 chapters 3 and 4 shall mean means a motor vehicle having not
 16 more than three wheels in contact with the ground and a
 17 saddle on which the operator sits astride or a platform on
 18 which he stands, and bicycles having a motor attachment
 19 thereto and a driving wheel in contact with the ground, in
 20 addition to the wheels of the vehicle itself, but a
 21 motorcycle may carry one or more attachments and a seat for
 22 the conveyance of a passenger. The term does not include a
 23 tractor or a bicycle as defined in 61-1-123.

24 Section 5. Section 61-1-106, MCA, is amended to read:
 25 "61-1-106. Motor-driven cycle. "Motor-driven cycle"

1 means every motorcycle, including every motor scooter, with
 2 a motor which produces not to exceed 5 horsepower--and--every
 3 bicycle--with--motor--attached. ~~The term does not include a~~
 4 ~~bicycle as defined in 61-1-123.~~"

5 Section 6. Section 61-1-123, MCA, is amended to read:
 6 "61-1-123. Bicycle. "Bicycle" means:

7 (1) every device propelled by human power upon which
 8 any person may ride, having two tandem wheels either of
 9 which is more than 20 inches in diameter; ~~OR The term~~
 10 ~~includes a motorized bicycle with fully operative pedals for~~
 11 ~~propulsion by human power, an automatic transmission, and a~~
 12 ~~motor with a cylinder capacity not exceeding 50 cubic~~
 13 ~~centimeters that produces no more than 2 brake horsepower~~
 14 ~~and is capable of propelling the vehicle at a maximum design~~
 15 ~~speed not exceeding 30 miles an hour on level ground;~~

16 (2) EVERY DEVICE EQUIPPED WITH TWO OR THREE WHEELS,
 17 EQUIP PEDALS TO PERMIT MUSCULAR PROPULSION AND AN INDEPENDENT
 18 POWER SOURCE PROVIDING A MAXIMUM OF TWO BRAKE HORSEPOWER, IF
 19 A COMBUSTION ENGINE IS USED, THE MAXIMUM PISTON OR ROTOR
 20 DISPLACEMENT MAY NOT EXCEED 3.05 CUBIC INCHES (50
 21 CENTIMETERS) REGARDLESS OF THE NUMBER OF CHAMBERS IN THE
 22 POWER SOURCE. THE POWER SOURCE MUST NOT BE CAPABLE OF
 23 PROPELLING THE DEVICE, UNASSISTED, AT A SPEED EXCEEDING 30
 24 MILES AN HOUR (48.28 KILOMETERS AN HOUR) ON A LEVEL SURFACE,
 25 THE DEVICE MUST BE EQUIPPED WITH A POWER DRIVE SYSTEM THAT

1 FUNCTIONS DIRECTLY OR AUTOMATICALLY ONLY AND DOES NOT
 2 REQUIRE CLUTCHING OR SHIFTING BY THE OPERATOR AFTER THE
 3 DRIVE SYSTEM IS ENGAGED."

4 Section 7. Section 61-3-321, MCA, is amended to read:
 5 "61-3-321. Registration fees of vehicles -- public
 6 owned vehicles exempt from license or registration fees --
 7 disposition of fees. (1) Registration or license fees shall
 8 be paid upon registration or reregistration of motor
 9 vehicles, trailers, housetrailers, and semitrailers in
 10 accordance with this chapter, as follows:

- 11 (a) motor vehicles weighing 2,850 pounds or under,
- 12 other than motortrucks, \$5;
- 13 (b) motor vehicles weighing over 2,850 pounds, other
- 14 than motortrucks, \$10;
- 15 (c) electrically driven passenger vehicles, \$10;
- 16 (d) all motorcycles, \$2;
- 17 (e) tractors and/or trucks, \$10;
- 18 (f) buses shall be classed as motortrucks and licensed
- 19 accordingly;
- 20 (g) trailers and semitrailers, less than 2,500 pounds
- 21 maximum gross loaded weight and housetrailers of all
- 22 weights, \$2;
- 23 (h) trailers and semitrailers over 2,500 up to 6,000
- 24 pounds maximum gross loaded weight, except housetrailers,
- 25 \$5;

1 (i) trailers and semitrailers over 6,000 pounds
2 maximum gross loaded weight, \$10;

3 (j) trailers used exclusively in the transportation of
4 logs in the forest or in the transportation of oil and gas
5 well machinery, road machinery, and bridge material
6 exclusively, new and secondhand, and trailers used
7 exclusively for the transportation of road machinery and
8 bridge materials, shall pay a fee of \$15 annually,
9 regardless of size or capacity.

10 ~~(k) bicycles with motor attachments, \$1;~~

11 (2) All rates shall be 25% higher for motor vehicles,
12 trailers, and semitrailers when not equipped with pneumatic
13 tires.

14 (3) Tractors, as specified in this section, shall mean
15 any motor vehicle except passenger cars used for towing a
16 trailer or semitrailer.

17 (4) If any motor vehicle, housetrailer, trailer, or
18 semitrailer is originally registered 6 months after the time
19 of registration as set by law, the registration or license
20 fee for the remainder of such year shall be one-half of the
21 regular fee above given.

22 (5) When a new plate is issued, an additional fee of
23 \$1 per year for each registration of a vehicle shall be
24 added to the registration fee. Revenue from this fee shall
25 be forwarded by the respective county treasurers to the

1 state treasurer for deposit in the motor vehicle recording
2 account of the earmarked revenue fund. Disbursements from
3 the motor vehicle recording account shall be made by warrant
4 drawn by the division.

5 (6) The provisions of this part with respect to the
6 payment of registration fees shall not apply to or be
7 binding upon motor vehicles, trailers or semitrailers, or
8 tractors owned or controlled by the United States of America
9 or any state, county, or city, but in all other respects the
10 provisions of this section shall be applicable to and
11 binding upon motor vehicles, tractors, trailers, and
12 semitrailers.

13 (7) The provisions of this section relating to the
14 payment of registration fees do not apply when number plates
15 are transferred to a replacement vehicle under 61-3-317(1),
16 61-3-332(7), and 61-3-335.

17 (8) All fees, other than license fees, unless
18 otherwise specifically provided, shall hereafter be
19 deposited in, and paid into, the earmarked revenue fund and
20 shall be used to pay all salaries, operating expenses, and
21 all other expenses of the division, including the
22 manufacture and delivery of license plates. Any reference
23 in this code to the motor vehicle recording fund or the
24 motor vehicle administration fund shall be taken to mean the
25 motor vehicle recording account in the earmarked revenue

1 fund."

2 SECTION 8. SECTION 61-8-605, MCA, IS AMENDED TO READ:

3 "61-8-605. Riding on roadways and bicycle paths. (1)
4 Every person operating a bicycle upon a roadway shall ride
5 as near to the right side of the roadway as practicable,
6 exercising due care when passing a standing vehicle or one
7 proceeding in the same direction.

8 (2) Persons riding bicycles upon a roadway shall ride
9 in single file except on paths or parts of roadways set
10 aside for the exclusive use of bicycles. A person riding a
11 bicycle may overtake and pass another bicycle when safe to
12 do so and when other traffic is not obstructed by so doing.

13 (3) Whenever a usable path for bicycles has been
14 provided adjacent to a roadway, bicycle riders shall use
15 such path and shall not use the roadway. A person riding a
16 bicycle defined in 61-1-123(2) is excluded from the
17 provisions of this subsection when such bicycle is
18 prohibited from using such paths.

19 (4) A bicycle, as defined in 61-1-123(2), is excluded
20 from the provisions of subsections (1) and (2)."

21 SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

22 License required for bicycle. A person operating a
23 bicycle defined in 61-1-123(2) shall have in his possession
24 at all times when operating the bicycle a valid Montana
25 driver's license with a motorcycle endorsement.

-End-

1 fund."

2 SECTION 8. SECTION 61-8-605, MCA, IS AMENDED TO READ:

3 "61-8-605. Riding on roadways and bicycle paths. (1)
4 every person operating a bicycle upon a roadway shall ride
5 as near to the right side of the roadway as practicable,
6 exercising due care when passing a standing vehicle or one
7 proceeding in the same direction.

8 (2) Persons riding bicycles upon a roadway shall ride
9 in single file except on paths or parts of roadways set
10 aside for the exclusive use of bicycles. A person riding a
11 bicycle may overtake and pass another bicycle when safe to
12 do so and when other traffic is not obstructed by so doing.

13 (3) Whenever a usable path for bicycles has been
14 provided adjacent to a roadway, bicycle riders shall use
15 such path and shall not use the roadway. A person riding a
16 bicycle defined in 61-1-123(2) is excluded from the
17 provisions of this subsection when such bicycle is
18 prohibited from using such paths.

19 (4) A bicycle, as defined in 61-1-123(2), is excluded
20 from the provisions of subsections (1) and (2)."

21 SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

22 License required for bicycle. A person operating a
23 bicycle defined in 61-1-123(2) shall have in his possession
24 at all times when operating the bicycle a valid Montana
25 driver's license with a motorcycle endorsement.

*Please insert this page in
original for copy HB 819*

Corrected
REFERENCE BILL
HB 819

March 19, 1979

SENATE STANDING COMMITTEE REPORT
(Highways and Transportation)

That House Bill No. 819, third reading bill, be amended as follows:

1. Title, line 6.

Following: "~~TAXATION~~,"

Insert: "EXEMPTING BICYCLES FROM TAXATION"

2. Title, line 7.

Following: "~~15-6-201~~,"

Insert: "15-6-201,"

3. Page 1, lines 11 through 25 and line 1 through 25 on page 2
and lines 1 through 6 on page 3.

Reinsert: Section 1 in it's entirety

4. Page 12, line 3.

Following: "license"

Strike: "with a motorcycle endorsement"