

SENATE BILL NO. 113

INTRODUCED BY GRAHAM

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Highways and Transportation.
January 29, 1979	Committee recommend bill do pass as amended. Report adopted.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Second reading, pass consideration.
	On motion taken from second reading and rereferred to Committee on Highways and Transportation.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Highways and Transportation.
March 8, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, pass consideration.
March 19, 1979	Second reading, amendments adopted.
March 20, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. 113
 2 INTRODUCED BY *Shelton*
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING
 7 SECTION 61-8-721, MCA; AND REPEALING SECTIONS 31-167,
 8 31-186, 32-1116, 32-1119, 32-2101, 32-2124, 32-21-154,
 9 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

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

12 Section 1. Section 61-1-101, MCA, is amended to read:
 13 "61-1-101. Definitions. ~~The following~~ Unless the
 14 context indicates otherwise, the words and phrases when
 15 defined in this chapter have, as used in this [act] shall
 16 ~~for the purpose of this [act] title,~~ have the meanings
 17 respectively ascribed to them in this chapter."

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

19 "61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means~~
 20 ~~every vehicle which is self-propelled and every vehicle~~
 21 ~~which is propelled by electric power obtained from overhead~~
 22 ~~trolley wires but not operated upon rails, excluding~~
 23 ~~motorcycles~~

24 ~~(2) For 61-18-101 through 61-18-110, the term "motor~~
 25 ~~vehicle" is defined in subsection (3).~~

1 ~~(3) "Motor vehicle" means every vehicle which is~~
 2 ~~self-propelled and every vehicle which is propelled by~~
 3 ~~electric power obtained from overhead trolley wires but not~~
 4 ~~operated upon rails~~

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

8 ~~(5) The term "motor vehicle" as used in part 4 of~~
 9 ~~chapter 4 shall mean every self-propelled vehicle moving~~
 10 ~~over the highways of this state, whether patented or~~
 11 ~~unpatented~~

12 ~~(6) "Motor vehicle" means a self-propelled vehicle~~
 13 ~~including without limitation on automobiles, motorbus,~~
 14 ~~motorcycles, trucks, and truck tractors~~

15 ~~(7) The word "motor vehicle" as used in [this title]~~
 16 ~~shall include trailers, semitrailers, automobiles, auto~~
 17 ~~trucks, motorcycles, cycle motors, and all other vehicles~~
 18 ~~propelled by their own power, used upon the public highways~~
 19 ~~of the state, excepting steam or gas tractors, or~~
 20 ~~self-propelled wheelchairs or similar vehicles operated by~~
 21 ~~invalids~~

22 ~~(8) The term "motor vehicle" as used in 61-3-202 and~~
 23 ~~61-3-322 includes automobiles, trucks, motorcycle-type~~
 24 ~~vehicles, and semitrailers, trailer and house trailers~~

25 ~~(9) The words "motor vehicle" as used in chapters 3~~

1 ~~and shall include all vehicles which are self-propelled~~
 2 ~~except road rollers, traction engines, and railroad cars~~
 3 ~~farm tractors, and motorcars run upon stationary rails or~~
 4 ~~tracks.~~

5 ~~{10} "Motor vehicle", as used in part iv chapter 6v~~
 6 ~~means every self-propelled vehicle which is designed for use~~
 7 ~~upon a highway, including trailers and semitrailers designed~~
 8 ~~for use with such vehicles (except traction engines, road~~
 9 ~~rollers, farm tractors, tractor cranes, power shovels, and~~
 10 ~~well-drillers) and every vehicle which is propelled by~~
 11 ~~electric power obtained from overhead wires but not operated~~
 12 ~~upon rails.~~

13 ~~{11} "Motor vehicle", as used in 61-3-711 through~~
 14 ~~61-3-733, means every vehicle which is self-propelled and~~
 15 ~~every vehicle which is propelled by electric power obtained~~
 16 ~~from overhead trolley wires, but not operated upon rails.~~
 17 "Motor vehicle" means every vehicle propelled by its own
 18 power and designed primarily to transport persons or
 19 property upon the highways of the state, except that for the
 20 purpose of chapter 3 the term also includes trailers,
 21 semitrailers, and housetrailers."

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

23 "61-1-103. Vehicle. {1} "Vehicle" means every device
 24 in, upon, or by which any person or property is or may be
 25 transported or drawn upon a public highway, ~~excepting~~ except

1 devices moved by human or animal power or used exclusively
 2 upon stationary rails or tracks. However, in chapters 3 and
 3 4 the term means "motor vehicle" as defined in this part.

4 {2} ~~For 61-10-101 through 61-10-110, the term~~
 5 ~~"vehicle" is defined in subsection {3}.~~

6 {3} ~~"Vehicle" means every device in, upon, or by which~~
 7 ~~any person or property is or may be transported or drawn~~
 8 ~~upon a highway, except devices moved by human power or used~~
 9 ~~exclusively upon stationary rails or tracks.~~

10 {4} ~~The term "vehicle" as used in chapters 3 and 4~~
 11 ~~shall include any motor vehicle as herein defined.~~

12 {5} ~~"Vehicle", as used in 61-3-711 through 61-3-733,~~
 13 ~~means every device in, upon, or by which any person or~~
 14 ~~property is or may be transported or drawn upon a highway,~~
 15 ~~excepting devices moved by human power or used exclusively~~
 16 ~~upon stationary rails or tracks."~~

17 Section 4. Section 61-1-104, MCA, is amended to read:

18 "61-1-104. Special mobile equipment. {1} "Special
 19 mobile equipment" means every vehicle not designed or used
 20 primarily for the transportation of persons or property and
 21 incidentally operated or moved over the highways, including
 22 farm tractors, road construction or maintenance machinery,
 23 ditch-digging apparatus, well-boring apparatus, and concrete
 24 mixers. The foregoing enumeration ~~shall be deemed to~~ is partial
 25 and ~~shall not operate to~~ does not exclude other such

1 vehicles which are within the general terms of this section.
 2 {2}--"Special mobile equipment"--as--used--in--61-3-431
 3 through--61-3-434--means--every--vehicle--which--is--not--designed
 4 and--used--primarily--for--the--transportation--of--persons--or
 5 property--on--a--public--highway--and--which--is--operated--or--moved
 6 over--the--highway--from--construction--project--to--construction
 7 project--and--not--removed--from--the--confines--and--haul--roads
 8 thereof--except--for--movement--from--construction--project--to
 9 storage--yard--from--storage--yard--to--construction--project--or
 10 from--storage--yard--or--construction--project--to--point--of--repair
 11 or--maintenance--and--return--Special--mobile--equipment
 12 includes--but--is--not--limited--to--portable--air--compressors
 13 air--drills--asphalt--spreaders--gravel--crushing--equipment--and
 14 hot--plant--equipment--buckets--belt--and--front--end--loaders
 15 track--laying--tractors--ditchers--leveling--graders--finishing
 16 machines--motor--graders--paving--mixers--earth--moving
 17 scrapers--and--carryalls--lighting--generating--and--power
 18 plants--welders--pumps--power--shovels--and--draglines--cranes
 19 crane--mounted--hoist--booms--log--loaders--fork--lift--trucks
 20 lumber--carriers--bunkhouses--toothouses--shop--cars--oil
 21 distributors--scutes--and--scute--houses--and--conveyors--it
 22 also--includes--self--propelled--tractor--drawn--earth--moving
 23 equipment--dump--trucks--and--tractor--dump--trailer
 24 combinations--which--because--of--excess--width--height--length
 25 or--unladen--weight--cannot--be--moved--over--a--public--highway

1 without--a--permit--as--provided--in--61-10-121--through--61-10-127
 2 and--which--are--operated--unladen--except--within--the--boundaries
 3 of--the--project--limits--as--defined--by--the--contract--and
 4 adjacent--haul--roads--However--the--term--"special--mobile
 5 equipment"--does--not--include--a--vehicle--such--as--a--truck--truck
 6 tractor--trailer--semitrailer--house--trailer--or--house--car
 7 designed--for--the--transportation--of--persons--or--property"

8 Section 5. 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 attached--thereto--and--a--driving--wheel--in--contact--with--the
 23 ground--in--addition--to--the--wheels--of--the--vehicle--itself--
 24 but--a--motorcycle--may--carry--one--or--more--attachments--and--a
 25 seat--for--the--conveyance--of--a--passenger. The term does not

1 include a tractor"

2 Section 6. Section 61-1-107, MCA, is amended to read:

3 "61-1-107. Truck. (1) "Truck" or "motortruck" means
4 every motor vehicle designed, used, or maintained primarily
5 for the transportation of property.

6 ~~(2) For 61-10-101 through 61-10-110, the term "truck"~~
7 ~~is defined in subsection (1).~~

8 ~~(3) The term "motortruck" as used in chapters 3 and 4~~
9 ~~shall include all motor vehicles designed or used for the~~
10 ~~transportation of commodities, merchandise, produce,~~
11 ~~freight, or animals."~~

12 Section 7. Section 61-1-108, MCA, is amended to read:

13 "61-1-108. Truck tractor. (1) "Truck tractor" means
14 every motor vehicle designed and used primarily for drawing
15 other vehicles and not so constructed as to carry a load
16 other than a part of the weight of the vehicle and load so
17 drawn.

18 ~~(2) For 61-10-101 through 61-10-110, the term "truck~~
19 ~~tractor" is defined in subsection (1).~~

20 Section 8. Section 61-1-109, MCA, is amended to read:

21 "61-1-109. Farm tractor. (1) "Farm tractor" means
22 every motor vehicle designed and used primarily as a farm
23 implement for drawing plows, mowing machines, and other
24 implements of husbandry.

25 ~~(2) "Farm tractor" means every motor vehicle designed~~

1 ~~and used primarily as a farm implement for drawing plows,~~
2 ~~mowing machines, and other implements of husbandry."~~

3 Section 9. Section 61-1-111, MCA, is amended to read:

4 "61-1-111. Trailer. (1) "Trailer" means every vehicle,
5 with or without motive power, [other than a pole trailer],
6 designed for carrying property and for being drawn by a
7 motor vehicle and so constructed that no part of its weight
8 rests upon the towing vehicle, except that

9 ~~(2) For 61-10-101 through 61-10-110, the term~~
10 ~~"trailer" is defined in subsection (1).~~

11 ~~(3) The term "trailer" as used in chapters 3 and 4~~
12 ~~shall include the term includes every vehicle without motive~~
13 ~~power--designated designed to carry property or passengers~~
14 ~~wholly on its own structure and to be drawn by a motor~~
15 ~~vehicle."~~

16 Section 10. Section 61-1-112, MCA, is amended to read:

17 "61-1-112. Semitrailer. (1) "Semitrailer" means every
18 vehicle, with or without motive power, [other than a pole
19 trailer], designed for carrying property and for being drawn
20 by a motor vehicle and so constructed that some part of its
21 weight and that of its load rests upon or is carried by
22 another vehicle, except that

23 ~~(2) For 61-10-101 through 61-10-110, the term~~
24 ~~"semitrailer" is defined in subsection (1).~~

25 ~~(3) The term "semitrailer" as used in chapters 3 and 4~~

1 ~~shall include the term includes every vehicle of the trailer~~
 2 ~~type so designed and used in conjunction with a motor~~
 3 ~~vehicle that some part of its own weight and that of its own~~
 4 ~~load rests upon or is carried by another vehicle a public~~
 5 ~~trailer."~~

6 Section 11. Section 61-1-201, MCA, is amended to read:

7 "61-1-201. Highway. (1) "Highway" means the entire
 8 width between the boundary lines of every way publicly
 9 maintained way when any part thereof is open to the use of
 10 the public for purposes of vehicular travel₂.

11 ~~(2) "Highway" means the entire width between the~~
 12 ~~boundary lines of every street, highway, and related~~
 13 ~~structure as has been or shall be built and maintained with~~
 14 ~~appropriated funds of the United States and which has been~~
 15 ~~or shall be built and maintained with funds of the state or~~
 16 ~~any political subdivision thereof or which has been or shall~~
 17 ~~be dedicated to public use or has been acquired by eminent~~
 18 ~~domain except that for the purpose of chapter 8 the term~~
 19 ~~also includes ways which have been or shall be dedicated to~~
 20 ~~public use."~~

21 Section 12. Section 61-1-202, MCA, is amended to read:

22 "61-1-202. Public highways highway. ~~in 61-12-201~~
 23 ~~through 61-12-208, the term "public highways" "Public~~
 24 ~~highway" means "highways" "highway" as defined in 61-1-201."~~

25 Section 13. Section 61-1-203, MCA, is amended to read:

1 "61-1-203. Street. (1) "Street" means the entire width
 2 between the boundary lines of every way publicly maintained
 3 way when any part thereof is open to the use of the public
 4 for purposes of vehicular travel.

5 ~~(2) "Street" means the entire width between the~~
 6 ~~boundary lines of every street, highway, and related~~
 7 ~~structure as has been or shall be built and maintained with~~
 8 ~~appropriated funds of the United States and which has been~~
 9 ~~or shall be built and maintained with funds of the state or~~
 10 ~~any political subdivision thereof or which has been or shall~~
 11 ~~be dedicated to public use or has been acquired by eminent~~
 12 ~~domain"~~

13 Section 14. Section 61-1-305, MCA, is amended to read:

14 "61-1-305. Highway patrolman. "Highway patrolman"
 15 means every state officer authorized to direct or regulate
 16 traffic or to make arrests for violations of traffic
 17 regulations."

18 Section 15. Section 61-1-307, MCA, is amended to read:

19 "61-1-307. Person. (1) "Person" means every natural
 20 person, firm, partnership, association, or corporation.
 21 (2) ~~The term "person" as used in part 4 of chapter 4~~
 22 ~~means any individual, firm, corporation, partnership,~~
 23 ~~association, trustee, receiver, or assignee for the benefit~~
 24 ~~of creditors.~~

25 (3) "Person" ~~as used in 61-4-131 through 61-4-137,~~

1 means an individual, corporation, partnership, association,
2 firm, or other legal entity.

3 ~~{4}--"Person" as used in part iv chapter 6v means every~~
4 ~~natural person, firm, partnership, association, or~~
5 ~~corporation.~~

6 ~~{5}--"Person" for purposes of 61-3-711 through~~
7 ~~61-3-733 means every natural person, firm, partnership,~~
8 ~~association or corporation."~~

9 Section 16. Section 61-1-310, MCA, is amended to read:

10 "61-1-310. Owner. ~~{1}--A person who holds the legal~~
11 ~~title of a vehicle or in the event a vehicle is the subject~~
12 ~~of an agreement for the conditional sale or lease thereof~~
13 ~~with the right of purchase upon performance of the~~
14 ~~conditions stated in the agreement and with the immediate~~
15 ~~right of possession vested in the conditional vendee or~~
16 ~~lessee or in the event a mortgagor of a vehicle is entitled~~
17 ~~to possession, then such conditional vendee or lessee or~~
18 ~~mortgagor shall be deemed the owner for the purpose of this~~
19 ~~act};~~

20 ~~{2}--The term "owner" as used in chapters 3 and 4 shall~~
21 ~~include any person, firm, association, or corporation owning~~
22 ~~or renting a motor vehicle or having the exclusive use~~
23 ~~thereof under lease or otherwise, and shall also include a~~
24 ~~contract vendee.~~

25 ~~{3} "Owner" as used in 61-3-711 through 61-3-733 means~~

1 a person who holds the legal title to a vehicle, ~~or in the~~
2 ~~event~~ If a vehicle is the subject of an agreement for the
3 conditional sale thereof with the right of purchase upon
4 performance of the conditions stated in the agreement and
5 with an immediate right of possession vested in the
6 conditional vendee, or in the event a vehicle is subject to
7 a lease, contract, or other legal arrangement vesting right
8 of possession or control, for security or otherwise, or in
9 the event a mortgagor of a vehicle is entitled to
10 possession, then the owner shall be deemed to be such is the
11 person in whom is vested right of possession or control.

12 ~~{4}--"Owner" as used in part iv chapter 6v means a~~
13 ~~person who holds the legal title of a motor vehicle or in~~
14 ~~the event a motor vehicle is the subject of an agreement for~~
15 ~~the conditional sale or lease thereof, with the right of~~
16 ~~purchase upon performance of the conditions stated in the~~
17 ~~agreement, and with an immediate right of possession vested~~
18 ~~in the conditional vendee or lessee or in the event a~~
19 ~~mortgagor of a vehicle is entitled to possession, then such~~
20 ~~conditional vendee or lessee or mortgagor shall be deemed~~
21 ~~the owner for the purposes of part iv chapter 6v."~~

22 Section 17. Section 61-1-311, MCA, is amended to read:

23 "61-1-311. Operator. ~~{1}--"Operator" means every~~
24 ~~person other than a chauffeur who drives or is in actual~~
25 ~~physical control of a motor vehicle upon a highway or who is~~

1 exercising control over or steering a vehicle being towed by
2 a motor vehicle.

3 (2) "Operator" as used in part 1 of chapter 6 means
4 every a person who is in actual physical control of a motor
5 vehicle."

6 Section 18. Section 61-1-314, MCA, is amended to read:

7 "61-1-314. Dealer. (1) ~~The term "dealer" as used in~~
8 ~~part 4 of chapter 4 shall mean any person, firm,~~
9 ~~association or corporation or other organization of any~~
10 ~~kind, character or nature regularly engaged or intending to~~
11 ~~engage in the business of selling motor vehicles at retail~~
12 ~~within this state.~~

13 (2) ~~"Dealer" as used in 61-4-131 through 61-4-137~~
14 ~~means a person who, for commission or profit, engages in the~~
15 ~~business of buying, selling, exchanging, or acting as a~~
16 ~~broker of motor vehicles under a franchise or distribution~~
17 ~~agreement.~~

18 (3)(1) (a) ~~The term "dealer" "Dealer" as used in~~
19 ~~chapter 3 and part 1 of chapter 4 shall mean and include~~
20 ~~means~~ any person, firm, association, or corporation engaged
21 ~~which for commission or profit, engages~~ in whole or in part
22 in the business of buying, selling, exchanging, or acting as
23 a broker of either new or used motor vehicles, or both, and
24 who is ~~qualified~~ qualifies for issuance of a dealer's
25 license under 61-4-101 through 61-4-105 ~~and no person~~

1 ~~firm, association or corporation shall be issued a dealer's~~
2 ~~license by the division unless it qualifies as a dealer~~
3 ~~defined herein.~~

4 (b)(2) The term "dealer" does not include the
5 following:

6 (i)(a) receivers, trustees, administrators, executors,
7 guardians, or other persons appointed by or acting under a
8 judgment or order of any court of competent jurisdiction;

9 (ii)(b) employees of such persons when engaged in the
10 specific performance of their duties as such employees; or

11 (iii)(c) public officers while performing or in the
12 operation of their duties.

13 (c)(3) A dealer dealing in used cars motor vehicles
14 only shall deliver to the buyer on completion of sale a
15 transferable title and shall purchase a Montana store
16 license. Dealer shall deliver under oath a notarized
17 certificate with any used motor vehicles stating the full
18 name and last known address of the previous owner of said
19 motor vehicle and state where the motor vehicle was last
20 registered."

21 Section 19. Section 61-1-315, MCA, is amended to read:

22 "61-1-315. Trailer dealer. "Trailer dealer" as used in
23 chapters 3 and 4 shall mean and include means any person,
24 firm, or corporation engaged in whole or in part in the
25 business of buying or selling trailers or semitrailers, with

1 facilities for displaying one or more trailers or
2 semitrailers."

3 Section 20. Section 61-1-316, MCA, is amended to read:

4 "61-1-316. Manufacturer. The term "manufacturer" as
5 ~~used in chapter 3 and part 1 of chapter 4 shall include~~
6 includes any person, firm, corporation, or association
7 engaged in the manufacture of any motor vehicles, trailers,
8 or semitrailers as a regular business."

9 Section 21. Section 61-1-403, MCA, is amended to read:

10 "61-1-403. Official traffic-control devices. "Official
11 traffic-control devices" means all signs, signals, markings,
12 and devices not inconsistent with this [act] title, placed
13 or erected by authority of a public body or official having
14 jurisdiction, for the purpose of regulating, warning, or
15 guiding traffic."

16 Section 22. Section 61-1-504, MCA, is amended to read:

17 "61-1-504. Revocation. "Revocation" means that the
18 driver's license and privilege to drive a motor vehicle on
19 the public highways are terminated and ~~shall~~ may not be
20 renewed or restored. An application for a new license may be
21 presented and acted upon by the division after the
22 expiration of the period of such ~~the~~ revocation or
23 suspension."

24 NEW SECTION. Section 23. Certificate of ownership.

25 "Certificate of ownership" means the certificate issued by

1 the division of motor vehicles to the transferee upon a
2 transfer of ownership of a motor vehicle.

3 Section 24. Section 61-2-203, MCA, is amended to read:

4 "61-2-203. Equipment requirements continued in force.
5 Provisions of [~~sections 32-21-114 to 32-21-161v inclusive~~
6 ~~ReEmv---1947v~~] chapter 9 of this title shall continue to be
7 of force and in effect. The approval of the legislature is a
8 condition precedent to the taking effect of any rule,
9 regulation, or code that may be ~~issued or~~ adopted by the
10 commission."

11 Section 25. Section 61-2-204, MCA, is amended to read:

12 "61-2-204. State commissioner on vehicle equipment
13 safety commission. ~~The Notwithstanding section 1, chapter~~
14 272, Laws of 1971, the commissioner of this state on the
15 vehicle equipment safety commission ~~shall be~~ is the highway
16 patrol chief who shall serve during his continuance as such
17 officer. The commissioner ~~of this state~~ appointed pursuant
18 to this section may designate an alternate from among the
19 officers and employees of his agency to serve in his place
20 ~~and stand~~ on the vehicle equipment safety commission.
21 Subject to the provisions of the compact and bylaws of the
22 vehicle equipment safety commission, the authority and
23 responsibilities of such ~~the~~ alternate ~~shall be~~ are as
24 determined by the commissioner designating such ~~alternate~~
25 him."

1 Section 26. Section 61-3-101, MCA, is amended to read:
 2 *61-3-101. Duties of division of motor vehicles --
 3 records. (1) The division of motor vehicles shall keep a
 4 record as hereinafter specified of all motor vehicles,
 5 trailers, and semitrailers of every kind, and of
 6 certificates of registration and ownership thereof, and of
 7 all dealers in motor vehicles.
 8 (2) In the case of motor vehicles, trailers, and
 9 semitrailers, the record shall show the following:
 10 (a) name of owner, residence by town and county, and
 11 business address;
 12 (b) name and address of conditional sales vendor,
 13 mortgagee, or other lienholder and amount due under contract
 14 or lien;
 15 (c) manufacturer of car;
 16 (d) manufacturer's designation of style of car or
 17 vehicle;
 18 (e) identifying number;
 19 (f) year of manufacture;
 20 (g) character of motive power and shipping weight of
 21 car as shown by the manufacturer;
 22 (h) the distinctive license number assigned such-car
 23 or to the vehicle;
 24 (i) if a truck or trailer, the number of tons tons
 25 capacity;

1 (j) such other information as may from time to time be
 2 found desirable.
 3 (3) The division shall file applications for
 4 registration received by it from the county treasurers of
 5 the state and register the vehicles therein described and
 6 the owners thereof in suitable books or on index cards, as
 7 follows:
 8 (a) under ~~the~~ distinctive license number assigned to
 9 ~~the~~ vehicle by the county ~~treasurers~~ treasurer;
 10 (b) alphabetically under ~~the~~ name of ~~the~~ owners owner;
 11 (c) numerically under make and identifying number of
 12 ~~the~~ vehicle;
 13 (d) such other index of registration as the division
 14 ~~shall deem~~ considers expedient.
 15 (4) Vehicle registration records and indexes and
 16 driver's license records and indexes may be maintained by
 17 electronic recording and storage media.
 18 (5) In the case of dealers, the records shall show the
 19 information contained in the application for dealer's
 20 license as required by 61-4-101 through 61-4-105, as well as
 21 the distinctive license number assigned to the dealer.
 22 (6) In order to prevent an accumulation of unneeded
 23 records and files, the division shall have the authority and
 24 it shall be its duty to destroy all records and files which
 25 have ceased to be of any value.

1 (7) The division may establish and maintain a
 2 short-wave radio station in order to report motor vehicle
 3 registration information to the highway patrol, to sheriffs,
 4 and to ~~the~~ chiefs of police of each incorporated city of the
 5 state who are able to communicate with such short-wave radio
 6 station.

7 (8) All ~~such~~ records shall be open to inspection
 8 during all reasonable business hours, and the division shall
 9 furnish any information from ~~said the~~ records upon payment
 10 by the applicant of the cost of transcribing the information
 11 requested.

12 ~~(9) The division shall appoint such deputies,~~
 13 ~~subordinate officers, clerks, investigators, and other~~
 14 ~~employees as may be necessary to carry out this chapter,~~
 15 ~~providing there be selected as many of the clerical help~~
 16 ~~from the inmates of the state prison as the division~~
 17 ~~determines to be possible. All office equipment, books,~~
 18 ~~files, and records belonging to the [motor department] shall~~
 19 ~~be in the care and general custody and control of the~~
 20 ~~division at Deer Lodge."~~

21 Section 27. Section 61-3-105, MCA, is amended to read:

22 "61-3-105. Licensee Registrant as prima facie owner of
 23 vehicle. ~~Licensee of motor vehicle shall prima facie be~~
 24 ~~deemed owner thereof.~~ For the purpose of this ~~[act]~~ title,
 25 except as provided by 61-3-701(3) the person appearing on

1 the public records as ~~licensee~~ the registrant of any motor
 2 vehicle shall prima facie be deemed the owner thereof."

3 Section 28. Section 61-3-106, MCA, is amended to read:

4 "61-3-106. Report of stolen and recovered motor
 5 vehicles. It shall be the duty of the sheriff of every
 6 county of the state and of the chief of police or
 7 commissioner of police of every city to make immediate
 8 report to the division of all motor vehicles reported to him
 9 as stolen or recovered, upon forms provided for by the
 10 division. Failure on the part of any officer shall be deemed
 11 considered to be misfeasance in office and shall constitute
 12 grounds for removal. Upon receipt of such information, the
 13 division shall file ~~the same~~ it in an index to be known as
 14 the "stolen and recovered motor vehicle index". It shall
 15 also be the duty of the division to file reports of stolen
 16 and recovered motor vehicles reported to it from other
 17 states. The division shall prepare once a month a list of
 18 all motor vehicles stolen or recovered during the previous
 19 month and forward a copy of ~~the same~~ it to every sheriff and
 20 all police departments in cities of the first, second, and
 21 third class. ~~Such the~~ list shall also be forwarded to the
 22 secretary of state or other proper official in each state of
 23 the United States. Before issuing a certificate of ~~title as~~
 24 ~~heretofore provided~~ ownership, the ~~secretary of state~~
 25 division shall check the motor and serial number on the

1 motor vehicle to be registered against the "stolen and
2 recovered vehicle index".

3 Section 29. Section 61-3-201, MCA, is amended to read:

4 "61-3-201. Transfer of ~~title or interest.~~ (1) Upon a
5 transfer of any ~~title or interest of an owner~~ in or ~~to~~ a
6 motor vehicle registered under the provisions of this
7 chapter ~~as hereinafter required,~~ the person whose ~~title or~~
8 interest is to be transferred shall write his signature with
9 pen and ink upon the certificate of ownership issued for
10 such vehicle in the appropriate space provided upon the
11 reverse side of such ~~the~~ certificate, and such ~~his~~ signature
12 shall be acknowledged before a notary public.

13 (2) Within 20 calendar days thereafter, the transferee
14 shall forward both the endorsed certificate of ownership ~~so~~
15 endorsed and the certificate of registration, together with
16 the information required under 61-3-202, to the county
17 treasurer, who shall forward ~~the same then~~ to the division, ~~and~~
18 ~~no~~ No certificate of ownership ~~and~~ or certificate of
19 registration may be issued by the division until the
20 outstanding certificates are surrendered to that office or
21 their loss is established to its reasonable satisfaction.
22 Failure to ~~make such~~ application within the 20-day grace
23 period subjects the transferee to a penalty of \$10. The
24 penalty is to be collected by the county treasurer at the
25 time of registration and is in addition to the fees

1 otherwise provided by law.

2 (3) In the event of a transfer by operation of law of
3 any ~~title or interest of an owner of the legal title or~~
4 ~~owner in and to~~ a motor vehicle as upon inheritance, devise,
5 or bequest, order in bankruptcy or insolvency, execution
6 sale, repossession upon default in the performance of the
7 terms of a lease or executory sales contract, or otherwise
8 than by voluntary act of the person whose title or interest
9 is ~~so~~ transferred, the executor, administrator, receiver,
10 trustee, sheriff, or other representative or successor in
11 interest of the person whose ~~title or~~ interest is ~~so~~
12 transferred shall forward to the division an application for
13 ~~registration~~ a certificate of ownership in the form required
14 for an original application for ~~registration~~ a certificate
15 of ownership, together with a verified or certified
16 statement of the transfer of such ~~title or~~ interest. Such
17 ~~the~~ statement shall set forth the reason for such ~~the~~
18 involuntary transfer, the ~~title or~~ interest so transferred,
19 the name ~~or names~~ of the person ~~or persons~~ to whom such
20 ~~title or the~~ interest is to be transferred, the process of
21 procedure effecting such transfer, and such other
22 information ~~as may be~~ requested by the division. Such
23 evidence Evidence and instruments ~~as may~~ otherwise be
24 required by law to effect a transfer of legal or equitable
25 title to or an interest in chattels as may be required in

1 such cases shall be furnished with such ~~the~~ statement. In
 2 ~~the event~~ If the division shall ~~be~~ is satisfied that such
 3 ~~the~~ transfer is regular and that all formalities as required
 4 by law have been complied with, it shall ~~cause to be sent~~
 5 ~~send~~ to the owner, conditional sales vendor, ~~vendor~~, lessor
 6 ~~lessor~~, mortgagee, ~~mortgagee~~, and other lienor, ~~lienor~~, as
 7 shown by its records, notice of such ~~the~~ intended transfer
 8 and thereafter, but not less than 5 days thereafter, shall
 9 register ~~such motor vehicle and shall~~ issue a new
 10 certificate of ownership and certificate of registration to
 11 the person ~~or persons~~ entitled thereto. The notice herein
 12 required ~~shall be deemed~~ is complied with by deposit in the
 13 post office in Deer Lodge, Montana, such notice, postage
 14 prepaid, addressed to such ~~the~~ person ~~or persons~~ at the
 15 respective addresses ~~address~~ shown on its records.

16 (4) When the vehicle ~~title~~ certificate of ownership
 17 that is involuntarily transferred is not registered in this
 18 state, the procedure set forth above must be followed in
 19 applying for a new certificate of ownership and certificate
 20 of registration, but the division need not send notice of
 21 intended transfer and shall issue a new certificate of
 22 ownership and a new certificate of registration to the
 23 person entitled thereto.

24 (5) In the event of the death of an owner of one or
 25 more motor vehicles ~~and/or trailer and/or semitrailer and/or~~

1 ~~housetraitor or trailers or semitrailers or housetrailers~~
 2 registered hereunder and not exceeding the value of \$4,000,
 3 without leaving other property necessitating the procuring
 4 of letters of administration or letters testamentary, then
 5 the surviving husband or wife, or other heir, unless such
 6 property is by will otherwise bequeathed, may secure
 7 transfer of the certificate of ownership and the certificate
 8 of registration of the deceased, ~~in and~~ to such motor
 9 vehicle in the name of the surviving husband or wife or
 10 other heir, as above mentioned, upon filing with the
 11 division an affidavit ~~of such person~~ setting forth the fact
 12 of survivorship and the name and address of any other heirs
 13 and such other facts as are hereby made necessary to entitle
 14 the affiant to a transfer. Thereupon the division is
 15 authorized to make such ~~the~~ transfer of the certificate of
 16 ownership and certificate of registration, subject to all
 17 contracts, leases, mortgages, or other liens as shown by ~~his~~
 18 its records.

19 (6) Nothing in subsection (5) shall prevent any
 20 conditional sales vendor, mortgagee, or other lienor from
 21 assigning his interest ~~or title in or to~~ a motor vehicle
 22 registered under the provisions of this chapter to any other
 23 person without the consent of and without effecting
 24 affecting the interest of the holder of the certificate of
 25 ownership and certificate of registration. Upon any

1 conditional sales vendor, mortgagee, or other lienor
2 assigning his interest in any motor vehicle registered under
3 this chapter, a copy of such assignment must be filed with
4 the division and record thereof made upon ~~his~~ its records.

5 (7) The certificates of ownership shall remain valid
6 until canceled by the division upon a transfer of any
7 interest shown therein and need not be renewed annually.

8 (8) Every person who transfers any motor vehicle to a
9 junk dealer for the purpose of scrapping ~~said~~ the vehicle
10 shall ~~so~~ notify the division and deliver the certificate of
11 ownership and certificate of registration to the division
12 for cancellation."

13 Section 30. Section 61-3-202, MCA, is amended to read:

14 "61-3-202. Certificate of ownership ~~---issuance---~~
15 contents ~~-- joint ownership --~~ issuance. (1) Upon completion
16 of the application for registration, on forms furnished by
17 the division, the county treasurer shall forward one copy of
18 the application to the division, which shall ~~cause to be~~
19 ~~entered~~ enter the information contained in ~~said~~ the
20 application upon the corresponding records of its office and
21 shall furnish the applicant a certificate of ownership
22 subject to the provisions of 61-3-103.

23 (2) The certificate of ownership shall contain upon
24 the face thereof:

25 (a) the date issued;

1 ~~(b) the registration number assigned to the owner and~~
2 ~~the vehicle;~~

3 ~~(c)~~ (b) the name and complete address of the owner, or
4 the names and addresses of joint owners;

5 ~~(d)~~ (c) the name and complete address of any
6 conditional sales vendor, and also the name and address of
7 any other lienor as shown by ~~said~~ the application;

8 ~~(e)~~ (d) a description of the registered vehicle,
9 including the year built and serial number, if any;

10 ~~(f)~~ (e) any lien against such motor vehicle and the
11 amount due at the date of registration; and

12 ~~(g)~~ (f) such other statement of facts as may be
13 determined by the division.

14 (3) When the names and addresses of more than one
15 owner who are members of the same immediate family are
16 listed on the certificate of ownership, joint ownership with
17 right of survivorship, and not as tenants in common, is
18 presumed.

19 (4) Upon receipt of the application, the division
20 shall ~~make a~~ recheck of the application, ~~and in the event~~
21 ~~that~~ if there is any error in the application it may be
22 returned to the county treasurer to effectively secure the
23 correction of such error, who shall return the same to the
24 division.

25 (5) The certificate of ownership shall contain a form

1 of notice to the division of a transfer of title or interest
2 of the owner and such other ~~statement-on-forms~~ statements as
3 may be determined by the division."

4 Section 31. Section 61-3-301, MCA, is amended to read:

5 "61-3-301. Registration -- license plate required ==
6 display. (1) Except as otherwise provided herein, no person
7 shall operate a motor vehicle upon the public highways of
8 this state ~~without a license and~~ unless such vehicle ~~shall~~
9 ~~have--been~~ is properly registered and ~~shall have~~ has the
10 proper number plates conspicuously displayed, one on the
11 front and one on the rear of such the vehicle, each securely
12 fastened ~~so--as~~ to prevent the ~~same~~ it from swinging and
13 unobstructed from plain view, except that trailers and
14 semitrailers shall have but one number plate conspicuously
15 displayed on the rear. No person shall display on such
16 vehicle at the same time any number assigned to it under any
17 motor vehicle law except as provided in this chapter
18 ~~otherwise provided.~~ A junk vehicle, as defined in part 5,
19 chapter 10, Title 75, being driven or towed to an auto
20 wrecking graveyard for disposal is exempt from the
21 provisions of this section.

22 (2) No person shall purchase or display on such a
23 vehicle any license plate bearing the number assigned to any
24 county as provided in 61-3-332, other than the county of his
25 permanent residence at the time of application for

1 registration. ~~Provided--however--that~~ However, the owner of
2 any motor vehicle requiring a license plate on any motor
3 vehicle used in the public transportation of persons or
4 property may make application therefor in any county through
5 which ~~said the~~ motor vehicle passes in its regular regularly
6 scheduled route, and the license plate so issued bearing the
7 number assigned to said county may be displayed on ~~said the~~
8 motor vehicle in any other county of the state.

9 (3) It ~~shall--be~~ is unlawful to use license plates
10 issued to one vehicle on any other vehicle, trailers
11 trailer, or ~~semitrailers~~ semitrailer unless legally
12 transferred as provided by statute, or repainting to repaint
13 old license plates to resemble current license plates.

14 (4) Any person violating these provisions ~~shall--be~~
15 ~~deemed~~ is guilty of a misdemeanor and ~~shall--be~~ subject to
16 the penalty ~~as~~ set out in 61-3-704 61-3-601."

17 Section 32. Section 61-3-317, MCA, is amended to read:

18 "61-3-317. New registration required for transferred
19 vehicle -- grace period -- penalty -- display of proof of
20 purchase. ~~(1)~~ Except as otherwise provided herein, the new
21 owner of the a transferred motor vehicle shall have the a
22 grace period of 20 calendar days from the date of purchase
23 to make application and pay the taxes, as provided by part 5
24 of this chapter, as if the ~~same was~~ vehicle were being
25 registered for the first time in that registration year. If

1 the motor vehicle was not purchased from a duly licensed
 2 motor vehicle dealer as provided in this chapter, it shall
 3 not--be is not a violation of this chapter or any other law
 4 for the purchaser to operate the vehicle upon the streets
 5 and highways of this state without a certificate of
 6 registration during the 20-day period; provided that at
 7 all times during that period a bill of sale or other proof
 8 of purchase reciting the date of purchase shall--be is
 9 clearly displayed in the rear window of the motor vehicle.
 10 Registration and license fees collected under 61-3-321 are
 11 not required to be paid when a license plate is transferred
 12 under this section and 61-3-335. Failure to make
 13 application within the time provided herein shall--subject
 14 subjects the purchaser to a penalty of \$10. The penalty
 15 shall be collected by the county treasurer at the time of
 16 registration and shall be in addition to the fees otherwise
 17 provided by law.

18 ~~(2) Any purchaser of a new or used motor vehicle from~~
 19 ~~a duly licensed motor vehicle dealer shall have the grace~~
 20 ~~period of 20 calendar days from the date of purchase to make~~
 21 ~~application for registration and to obtain registration~~
 22 ~~plates and it shall not be a violation of this chapter or~~
 23 ~~any other law for such purchaser to operate such vehicle~~
 24 ~~upon the streets and highways of this state without a~~
 25 ~~certificate of registration and registration plates during~~

1 ~~the 20-day period; provided that at all times during said~~
 2 ~~period the sticker issued by the dealer at the time of~~
 3 ~~purchase shall remain affixed to said vehicle as provided in~~
 4 ~~61-4-111. Failure to make such application within the time~~
 5 ~~provided herein subjects the purchaser to a penalty of \$10.~~
 6 ~~The penalty is to be collected by the county treasurer at~~
 7 ~~the time of registration and is in addition to the fees~~
 8 ~~otherwise provided by law.~~

9 Section 33. Section 61-3-321, MCA, is amended to read:
 10 "61-3-321. Registration fees of vehicles -- public
 11 owned public-owned vehicles exempt from license or
 12 registration fees -- disposition of fees. (1) Registration
 13 or license fees shall be paid upon registration or
 14 reregistration of motor vehicles, trailers, housetrailers,
 15 and semitrailers, in accordance with this chapter, as
 16 follows:

- 17 (a) motor vehicles weighing 2,850 pounds or under
 18 [other than motortrucks], \$5;
 19 (b) motor vehicles weighing over 2,850 pounds [other
 20 than motortrucks], \$10;
 21 (c) electrically driven passenger vehicles, \$10;
 22 (d) all motorcycles, \$2;
 23 (e) tractors and/or trucks, \$10;
 24 (f) buses shall be classed as motortrucks and licensed
 25 accordingly;

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

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

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

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

16 (k) bicycles with motor attachment, \$1.

17 (2) All rates shall be 75% higher for motor vehicles,
18 trailers, and semitrailers when not equipped with pneumatic
19 tires.

20 (3) ~~Tractors "Tractor"~~, as specified in this section,
21 ~~shall mean means~~ any motor vehicle except passenger cars
22 used for towing a trailer or semitrailer.

23 (4) If any motor vehicle, housetrailer, trailer, or
24 semitrailer is originally registered 6 months after the time
25 of registration as set by law, the registration or license

1 fee for the remainder of such ~~the~~ year shall be one-half of
2 the regular fee ~~above-given~~.

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

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

19 (7) The provisions of this section relating to the
20 payment of registration fees do not apply when number plates
21 are transferred to a replacement vehicle under 61-3-317(1),
22 61-3-332(7), and ~~or~~ 61-3-335.

23 ~~(8) All fees, other than license fees, unless~~
24 ~~otherwise specifically provided, shall hereafter be~~
25 ~~deposited in and paid into, the earmarked revenue fund and~~

1 ~~shall be used to pay all salaries, operating expenses, and~~
 2 ~~all other expenses of the division, including the~~
 3 ~~manufacturer and delivery of license plates. Any reference~~
 4 ~~in this code to the motor vehicle recording fund or the~~
 5 ~~motor vehicle administration fund shall be taken to mean the~~
 6 ~~motor vehicle recording account in the earmarked revenue~~
 7 ~~fund."~~

8 **NEW SECTION.** Section 34. Disposition of fees -- use.
 9 All fees payable to the division shall be deposited in a
 10 motor vehicle recording account of the earmarked revenue
 11 fund, and shall be used to pay all salaries, operating
 12 expenses, and other expenses of the division, including the
 13 manufacture and delivery of license plates.

14 Section 35. Section 61-3-322, MCA, is amended to read:

15 "61-3-322. Certificates of registration -- issuance.
 16 (1) Upon completion of the application for registration on
 17 forms furnished by the division, the county treasurer shall
 18 file one copy in his office and issue to the applicant two
 19 copies of the application marked "Owner's Certificate of
 20 Registration and Tax Receipt", one of which shall be marked
 21 "file copy".

22 (2) The certificate of registration shall contain upon
 23 the face thereof:

- 24 (a) the date issued;
 25 (b) the registration number assigned to the owner and

1 the vehicle;

2 (c) the name and complete address of the owner or the
 3 names and addresses of joint owners;

4 (d) the name and complete address of any conditional
 5 sales vendor and also the name and address of any other
 6 lienor as shown by said ~~the~~ application;

7 (e) a description of the registered vehicle, including
 8 the year built and serial number, if any;

9 (f) any lien against ~~the~~ motor vehicle and the
 10 amount due at the date of registration; and

11 (g) ~~any~~ other statement of facts as may be
 12 determined by the division.

13 (3) Every owner, upon receiving a registration
 14 receipt, shall write his signature thereon with pen and ink
 15 in the space provided. Every ~~such~~ registration receipt or a
 16 notarized photostatic copy thereof or a duplicate thereof
 17 furnished by the division shall at all times be carried in
 18 the vehicle to which it refers or shall be carried by the
 19 person driving or in control of such vehicle, who shall
 20 display ~~the same it~~ upon demand of a police officer or any
 21 officer or employee of the division or the highway
 22 department.

23 ~~(4) Upon receipt of application for registration in~~
 24 ~~quintuplicate and payment of license fees and taxes as herein~~
 25 ~~provided, the county treasurer shall~~

1 ~~(a) file one copy of said application in his office~~
 2 ~~(b) issue to the applicant two copies of the~~
 3 ~~application entitled "Owner's Certificate of Registration~~
 4 ~~and Tax Receipt" one of which shall be marked "file copy"~~
 5 ~~and~~

6 ~~(c) forward one copy to the county clerk and recorder~~
 7 ~~(5)(4) The county treasurer shall daily forward to the~~
 8 ~~division one copy of the application all applications for~~
 9 ~~registration received that day.~~

10 ~~(6)(5) It shall not be necessary for the county~~
 11 ~~treasurer in said receipt to segregate the amount of said~~
 12 ~~taxes for state, county, school district, and municipal~~
 13 ~~purposes in the receipt."~~

14 Section 36. Section 61-3-405, MCA, is amended to read:

15 "61-3-405. Application for personalized plates —
 16 ~~duplication — good taste.~~ An applicant for ~~issuance of~~
 17 personalized license plates or renewal of such plates in
 18 subsequent years pursuant to 61-3-401 through 61-3-406 shall
 19 file an application therefor in ~~such the~~ form and by ~~such~~
 20 ~~the~~ date as the department ~~may require~~ division requires,
 21 indicating thereon the combination of letters or numbers, or
 22 both, requested as a registration number. There shall be no
 23 duplication of registration numbers, and the division may
 24 refuse to issue any combination of letters or numbers, or
 25 both, that may carry connotations offensive to good taste

1 and decency or which ~~would be~~ are misleading or a
 2 duplication of license plates provided for elsewhere in this
 3 title."

4 Section 37. Section 61-3-411, MCA, is amended to read:

5 "61-3-411. Registration of motor vehicles owned and
 6 operated solely as collectors' items. (1) Any An owner of a
 7 motor vehicle ~~manufactured in 1933 or earlier or~~
 8 ~~manufactured in 1934 or later and~~ more than 30 years old,
 9 used solely as a collectors' item and not for general
 10 transportation purposes, may file with the division an
 11 application for the registration of ~~such the~~ motor vehicle,
 12 stating the name and address of the owner, the name and
 13 address of the person from whom purchased, the make of the
 14 motor vehicle, the gross weight thereof, the year and number
 15 of the model, and the manufacturer's identification number
 16 and serial number, and setting forth a specific statement
 17 that the vehicle is owned and operated solely as a
 18 collectors' item and not for general transportation
 19 purposes. ~~Said the~~ application shall be sworn to before an
 20 officer authorized to administer oaths.

21 (2) The registration fee for all such motor vehicles
 22 weighing 2,850 pounds or less ~~shall be~~ is \$5, and the
 23 registration fee for all such motor vehicles weighing more
 24 than 2,850 pounds ~~shall be~~ is \$10.

25 (3) Upon receipt of ~~said the~~ application for

1 registration and payment of the registration fees above
 2 provided--for the division shall file ~~and~~ the application
 3 and register the motor vehicle therein described in the
 4 manner specified in 61-3-101, and shall deliver to the
 5 applicant:

6 (a) for motor vehicles manufactured in 1933 or
 7 earlier, two license plates bearing the inscription
 8 "Pioneer--Montana" and the registration number; or

9 (b) for motor vehicles manufactured in 1934 or later
 10 and more than 30 years old, two license plates bearing the
 11 inscription "Vintage--Montana" and the registration number.

12 ~~(4)~~ The year of issuance shall not be shown on the
 13 plates.

14 ~~(4)(5)~~ No ~~annual~~ Annual renewal of the registration of
 15 any such motor vehicle ~~shall be~~ is not required, and the
 16 ~~same--shall--be~~ registration is valid as long as the vehicle
 17 is in existence; provided, however, that upon any sale of
 18 such motor vehicle, the purchaser ~~shall be~~ is required to
 19 renew the registration thereof and pay the license fees
 20 hereinbefore specified."

21 Section 38. Section 61-3-502, MCA, is amended to read:

22 "61-3-502. Sales tax on new motor vehicles --
 23 exemptions. (1) In consideration of the right to use the
 24 highways of the state, there ~~shall be~~ is imposed a tax upon
 25 all sales of new motor vehicles for which a license is

1 sought and an original application for title is made. The
 2 tax shall be paid by the purchaser when he applies for his
 3 original Montana license through the county treasurer.

4 (2) The sales tax shall be:

5 (a) 1 1/2% of the ~~FvBvBv~~ factory list price or
 6 ~~FvBvBv--port-of--entry~~ port-of-entry list price,
 7 during the first quarter of the year or prorated one-twelfth
 8 for each month or part of month for a registration period
 9 other than a calendar year or calendar quarter;

10 (b) 1 1/8% of the list price during the second quarter
 11 of the year;

12 (c) 3/4 of 1% during the third quarter of the year;

13 (d) 3/8 of 1% during the fourth quarter of the year.

14 (3) If the manufacturer or importer fails to furnish
 15 the ~~FvBvBv~~ factory list price or ~~FvBvBv--port-of--entry~~
 16 port-of-entry list price, the department division may
 17 use published price lists.

18 (4) The proceeds from this tax shall be remitted to
 19 the state treasurer every 30 days for credit to the state
 20 highway account of the earmarked revenue fund.

21 (5) The new vehicle is not subject to any other
 22 assessment or taxation during the calendar year in which the
 23 original application for title is made.

24 (6) (a) The applicant for original registration of any
 25 wholly new and unused motor vehicles, or a new motor vehicle

1 furnished without charge by ~~the~~ a dealer to the a school
 2 district for use as a traffic education motor vehicle by a
 3 school district operating a state-approved traffic education
 4 program within the state, whether or not previously licensed
 5 or titled to the school district, [except a mobile home as
 6 defined in 15-1-101(1)], acquired by original contract after
 7 January 1 of any year, ~~shall be~~ is required, whenever such
 8 the vehicle has not been otherwise assessed, to pay the
 9 motor vehicle sales tax provided by this section
 10 irrespective of whether the vehicle was in the state of
 11 Montana on January 1 of the year.

12 (b) No such motor vehicle may be registered or
 13 licensed under the provisions of this subsection unless the
 14 application for registration is accompanied by a statement
 15 of origin to be furnished by the dealer selling the vehicle,
 16 showing that the vehicle has not previously been registered
 17 or owned, except as otherwise provided herein, by any
 18 person, firm, corporation, or association that is not a new
 19 motor vehicle dealer holding a franchise or distribution
 20 agreement from a new car manufacturer, distributor, or
 21 importer.

22 (7) (a) Motor vehicles operating exclusively for
 23 transportation of persons for hire within the limits of
 24 incorporated cities or towns and within 15 miles from such
 25 limits are exempt from subsection (1).

1 (b) Motor vehicles brought or driven into Montana by a
 2 nonresident, migratory, bona fide agricultural worker
 3 temporarily employed in agricultural work in this state
 4 where those motor vehicles are used exclusively for
 5 transportation of agricultural workers are also exempt from
 6 subsection (1).

7 (c) Vehicles lawfully displaying a licensed dealer's
 8 plate as provided in ~~61-4-102~~ 61-4-103 are exempt from
 9 subsection (1) when moving to or from a dealer's place of
 10 business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's
 11 property only, and in the case of vehicles having a gross
 12 ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in the~~
 13 ~~process of demonstration~~ being demonstrated in the course of
 14 the dealer's business."

15 Section 39. Section 61-3-503, MCA, is amended to read:
 16 "61-3-503. Assessment. (1) A person who files an
 17 application for registration or reregistration of a motor
 18 vehicle, except of a mobile home as defined in 15-1-101(1),
 19 shall before filing such application with the county
 20 treasurer submit the ~~same~~ application to the county assessor
 21 ~~of the county~~. The county assessor shall enter on the
 22 application in a space to be provided for that purpose the
 23 market value and taxable value of the vehicle for the year
 24 for which the application for registration is made.

25 (2) Except as provided in subsection (3), motor

1 vehicles, except mobile homes as defined in 15-1-101(1), are
 2 assessed for taxes on January 1 in each year irrespective of
 3 the time fixed by law for the assessment of other classes of
 4 personal property and irrespective of whether the levy and
 5 tax may be a lien upon real property within the state. In no
 6 event may any motor vehicle be subject to assessment, levy,
 7 and taxation more than once in each year.

8 (3) Vehicles subject to the provisions of 61-3-313
 9 through 61-3-316 shall be assessed as of the first day of
 10 the year in which the registration period occurs and a lien
 11 for taxes and fees due thereon shall occur on the
 12 anniversary date of the registration and shall continue
 13 thereafter until such fees and taxes shall have been paid."

14 Section 40. Section 61-3-505, MCA, is amended to read:

15 "61-3-505. Payment of taxes ---record. ~~(1)~~ Upon
 16 accepting application for registration or reregistration of
 17 any motor vehicle which is subject to taxation in this state
 18 on January 1 in any year and upon payment of taxes, the
 19 county treasurer shall stamp on the application: "taxes on
 20 this vehicle due January 1 of current year paid by
 21 applicant, prior applicant, or owner, and this vehicle is
 22 eligible for registration". Upon accepting application for
 23 registration of any motor vehicle which was not subject to
 24 taxation in this state on January 1 in any year, the county
 25 treasurer shall indicate the fact by proper entry on the

1 application.

2 ~~(2) The division may make proper entry of the payment~~
 3 ~~of taxes in accord with the facts on any certificate of~~
 4 ~~title to a motor vehicle."~~

5 Section 41. Section 61-3-508, MCA, is amended to read:

6 "61-3-508. Junk vehicle disposal fee. A special junk
 7 vehicle disposal fee shall be assessed on each new
 8 application for a motor vehicle title and on each transfer
 9 of a motor vehicle title in the amount of \$1.50 on passenger
 10 cars and trucks under 8,001 pounds GVW. An additional
 11 special junk vehicle disposal fee shall be assessed in the
 12 amount of 50 cents on each passenger car and truck under
 13 8,001 pounds GVW registered for licensing. The fees shall be
 14 collected by the county treasurer. However, the following
 15 are exempt from payment of the fees:

16 (1) vehicles leased or owned by the state or by a
 17 county or municipality;

18 (2) vehicles used for transportation by nonresident,
 19 migratory workers temporarily employed in agricultural work
 20 in this state;

21 (3) vehicles displaying ~~dealers'~~ dealer's license
 22 plates, as provided in ~~{53-122}~~ 61-4-103, while owned by a
 23 dealer; and

24 (4) house trailers or equipment which ~~are~~ is not
 25 self-propelled or which ~~require~~ requires towing upon a

1 highway of this state."

2 Section 42. Section 61-3-601, MCA, is amended to read:

3 "61-3-601. Penalty for violations. The except as
 4 otherwise provided, a violation of any of the provisions of
 5 ~~61-3-101v-61-3-107v-61-3-201v-61-3-202v-61-3-301v-61-3-307v~~
 6 ~~61-3-303v-61-3-311v-61-3-312v-61-3-322v-61-3-331v-61-3-332v~~
 7 ~~61-3-333v-61-3-411v-61-3-421v-61-3-425v-61-3-503v-61-3-504v~~
 8 ~~61-3-505v-or-61-3-509v~~ shall constitute this chapter is a
 9 misdemeanor and shall ~~be~~ is punishable by a fine not
 10 exceeding \$25. Nothing ~~herein contained~~ ~~shall~~ ~~prevent~~
 11 contained herein prevents the prosecution of a person for an
 12 offense committed under any other law."

13 Section 43. Section 61-3-602, MCA, is amended to read:

14 "61-3-602. Enforcement. It is hereby ~~made~~ mandatory
 15 upon all police and peace officers of the state, of the
 16 counties of the state, and of towns, cities, and villages to
 17 carry out the provisions of this chapter and 61-4-101
 18 through 61-4-105 ~~and the sections listed in 61-3-601.~~"

19 Section 44. Section 61-3-603, MCA, is amended to read:

20 "61-3-603. Penalty for alteration or forgery of
 21 certificate of ~~title~~ ownership or assignment thereof. Any
 22 person who ~~shall alter~~ alters or forge forges or cause
 23 causes to be altered or forged any motor vehicle certificate
 24 of ~~title~~ ownership or any assignment thereof or who ~~shall~~
 25 hold holds or use uses any such certificate or assignment

1 knowing ~~the same~~ it to have been altered or forged shall ~~be~~
 2 deemed is guilty of a felony, and upon which conviction
 3 thereof shall ~~be~~ ~~liable to pay~~ is subject to a fine of not
 4 more than \$5,000 or to imprisonment in any penal institution
 5 within the state for a period of not more than 10 years, or
 6 both, in the discretion of the court."

7 Section 45. Section 61-3-604, MCA, is amended to read:

8 "61-3-604. Penalty for altering identification number.

9 (1) A person who willfully removes or falsifies an
 10 identification number of a motor vehicle or engine ~~for~~
 11 motor vehicle engine is guilty of a misdemeanor.

12 (2) Any person or persons, firm, or corporation which
 13 ~~shall set~~ sells or offer offers for sale in this state a
 14 vehicle, the original engine vehicle identification number
 15 of which has been destroyed, removed, altered, covered, or
 16 defaced, with the exception of electrically propelled
 17 vehicles, shall ~~be~~ is deemed is guilty of a misdemeanor and
 18 upon conviction thereof shall be punished by a fine of not
 19 less than \$200 or more than \$500 and by imprisonment in the
 20 county jail for a term of not less than 30 days or more than
 21 180 days, ~~and~~ ~~upon~~ Upon a second or subsequent conviction
 22 under this subsection, the punishment shall be imprisonment
 23 in the state prison for a term of not less than 1 year or
 24 more than 5 years."

25 Section 46. Section 61-3-701, MCA, is amended to read:

1 "61-3-701. Foreign vehicles used in gainful occupation
 2 to be registered -- reciprocity. (1) Before any foreign
 3 licensed motor vehicle shall ~~may~~ be operated on the highways
 4 of this state for hire, compensation, or profit, or before
 5 the owner and/or user thereof uses the vehicle if such owner
 6 and/or user is engaged in gainful occupation or business
 7 enterprise in the state, including highway work, the owner
 8 of such ~~the~~ vehicle shall make application to a county
 9 treasurer for registration upon an application form
 10 furnished by the division. Upon satisfactory evidence of
 11 ownership submitted to such ~~the~~ county treasurer and the
 12 payment of property taxes as ~~is~~ required by 15-8-201 through
 13 15-8-203 or 15-24-301, the treasurer shall accept the
 14 application for registration and shall collect the regular
 15 license fee required for the vehicle.

16 (2) The treasurer shall thereupon issue to the
 17 applicant a copy of the application entitled "Owner's
 18 Certificate of Registration and Tax Receipt" and forward a
 19 duplicate copy of certificate ~~of registration~~ to the
 20 division. The treasurer shall at the same time issue to the
 21 applicant the proper license plates or other identification
 22 markers, which shall at all times be displayed upon such ~~the~~
 23 vehicle when operated or driven upon roads and highways of
 24 this state during the period of the life of such ~~the~~
 25 license.

1 (3) The registration receipt shall not constitute
 2 evidence of ownership but shall ~~only~~ be used ~~only~~ for
 3 registration purposes. No Montana certificate of ~~title~~
 4 ownership shall be issued for this type of registration.

5 (4) This section ~~shall~~ ~~is~~ not be applicable to any
 6 vehicle covered by a valid and existing reciprocal agreement
 7 or declaration entered into under the provisions of the laws
 8 of Montana."

9 Section 47. Section 61-4-101, MCA, is amended to read:

10 "61-4-101. Application for dealer's license. (1) Every
 11 person, firm, corporation, or association who ~~which~~, for
 12 commission or profit, engages in the business of buying,
 13 selling, exchanging, or acting as a broker of new motor
 14 vehicles, used motor vehicles, trailers, (except trailers
 15 having an ~~unladen~~ unloaded weight of less than 500 pounds),
 16 semitrailers, or special mobile equipment as defined in
 17 61-1-104 ~~and--qualifies--under--[subparagraph--(f)]--of--this~~
 18 ~~section shall cause-to-be-filed file~~, by mail or otherwise,
 19 in the office of the division a verified application for
 20 ~~licensing licensure~~ as a dealer, on a blank to be furnished
 21 by the division for that purpose, and containing the
 22 information ~~therein~~ required. The application and all of the
 23 information ~~therein~~ contained in it shall be verified by the
 24 Montana highway patrol. Each application must be accompanied
 25 by the license fee hereinafter ~~named~~ specified. Dealer's A

1 ~~dealer's~~ license must be renewed and paid for annually, and
 2 an application for ~~relicensing~~ relicensure must be filed not
 3 later than January 1 of each year.

4 (2) To qualify for ~~licensing~~ licensure and the
 5 issuance and use of "D", "UD", "DIR", or "MCD" plates, as
 6 hereinafter provided, the applicant must furnish the
 7 following information and qualify under the following
 8 provisions:

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

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

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

19 (iii) state the name and make of all motor vehicles
 20 handled and the name and address of the manufacturer,
 21 importer, or distributor with whom the applicant has a
 22 written new motor vehicle franchise or sales agreement;

23 (iv) execute a certificate to the effect that the
 24 applicant has a permanent building for the display and sale
 25 of new motor vehicles at the location of the premises where

1 sales are conducted;

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

5 (vi) execute a certificate to the effect that the
 6 applicant is a bona fide dealer in new motor vehicles and
 7 that he is recognized by a manufacturer, importer, or
 8 distributor as a dealer in new motor vehicles.

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

16 (i) a statement that the applicant has a building or
 17 lot and a sign readable at a minimum distance of 150 feet
 18 and indicating the firm name and headquarters as the
 19 principal place of business; and

20 (ii) a certificate to the effect that the applicant is
 21 a bona fide dealer in used motor vehicles, trailers,
 22 semitrailers, special mobile equipment, or motorcycles.

23 (c) To qualify for a used motor vehicle dealer
 24 dealer's license, a person must submit an annual application
 25 for that license and comply with the provisions of

1 61-4-102(5) in addition to fulfilling the requirements of
2 subsection (2)(b) above.

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

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

14 Section 48. Section 61-4-104, MCA, is amended to read:

15 "61-4-104. Record of purchase or sale. Every dealer
16 licensed under 61-4-101 shall keep a book or record of the
17 ~~purchase-sale, purchases, sales or exchange exchanges,~~ or
18 receipt ~~receipts~~ for the purpose of sale, of any used
19 vehicle vehicles and a description of such vehicles,
20 together with the name and address of the seller, of the
21 purchaser, and of the alleged owner or other person from
22 whom ~~such each~~ vehicle was purchased or received, or to whom
23 it was sold or delivered, as the case may be. Such ~~the~~
24 description in the case of motor vehicles shall also include
25 the engine number, if any, the maker's number, if any,

1 chassis number, if any, and such other numbers or
2 identification marks as ~~may be~~ appear thereon and shall
3 include a statement that a number has been obliterated,
4 defaced, or changed if such is the fact. In the case of a
5 trailer, semitrailer, or special mobile equipment, the
6 record shall include the manufacturer's number and such
7 other numbers or identification marks as ~~may be~~ appear
8 thereon. ~~He~~ The dealer shall also have in his possession a
9 duly assigned certificate of title ~~ownership~~ from the owner
10 of said ~~the~~ motor vehicle ~~in accordance with the provisions~~
11 ~~of another section of this act,~~ from the time when the
12 motor vehicle is delivered to him until it has been disposed
13 of by him."

14 Section 49. Section 61-4-113, MCA, is amended to read:

15 "61-4-113. New motor vehicles towed into state to be
16 labeled. (1) Any firm, person, corporation, or association
17 ~~of persons or any employee of such or any of such~~ of their
18 employees offering for sale or carrying on the business of
19 selling new motor vehicles in the state of Montana shall be
20 required to prominently label any motor vehicle which has
21 been driven under its own power, pushed, towed, or propelled
22 by any other means to sufficiently identify it from other
23 new vehicles that have not been so driven, pushed, or towed
24 and shall be required to furnish the purchaser of any such
25 motor vehicle with a certificate, on a printed form to be

50 113

1 furnished by the ~~[registrars of motor vehicles]~~ division
 2 upon request by such dealers, showing the actual number of
 3 miles ~~such the~~ motor vehicle has been driven under its own
 4 power and the number of miles ~~the~~ vehicle has been
 5 pushed, towed, or otherwise propelled upon its own wheels.
 6 Any firm, person, corporation, or association ~~of persons or~~
 7 ~~employee of such or any of such~~ any of their employees who
 8 fails to so prominently label and issue such ~~the~~ certificate
 9 or who knowingly issues a certificate that is untrue and
 10 calculated to mislead the purchaser ~~shall be~~ is guilty of a
 11 misdemeanor.

12 (2) The provisions of this section ~~shall not do not~~
 13 apply to motor vehicles during the period ~~or~~ of time that
 14 such motor vehicles are used for bona fide demonstrating
 15 purposes."

16 Section 50. Section 61-4-114, MCA, is amended to read:

17 "61-4-114. Demonstration of trucks and trailers
 18 authorized -- dealer's plate to be used -- exemptions. (1) A
 19 new or used truck or trailer dealer licensed under 61-4-101
 20 through 61-4-106 may not demonstrate to a prospective
 21 purchaser a truck, truck tractor, trailer, or semitrailer
 22 owned by or consigned to the dealer, or otherwise controlled
 23 by the dealer, without securing a demonstration permit and
 24 paying the fees ~~fee~~ required in 61-4-115. The vehicle must
 25 display the dealer's registration plate or other current

1 Montana registration and the demonstration permit.

2 (2) Motor vehicles operating exclusively for
 3 transportation of persons for hire within the limits of
 4 incorporated cities or towns and within 15 miles from such
 5 limits are exempt from subsection (1). Motor vehicles
 6 brought or driven into Montana by a nonresident, migratory,
 7 bona fide agricultural worker temporarily employed in
 8 agricultural work in this state where those motor vehicles
 9 are used exclusively for transportation of agricultural
 10 workers are also exempt from subsection (1). Vehicles
 11 lawfully displaying a licensed dealer's plate as provided in
 12 ~~[61-4-102]~~ 61-4-103 are exempt from subsection (1) when
 13 moving to or from a dealer's place of business when ~~unladen~~
 14 unloaded or ~~laden loaded~~ with dealer's property only, and in
 15 the case of vehicles having a gross ~~laden loaded~~ weight of
 16 less than 24,000 pounds, while ~~in the process of~~
 17 demonstration being demonstrated in the course of the
 18 dealer's business."

19 Section 51. Section 61-4-305, MCA, is amended to read:

20 "61-4-305. Fees ~~provided to be~~ Driveaway or towaway
 21 fees in lieu of other fees payable -- election to pay other
 22 fees. The fees provided for driveaway or towaway
 23 transporters are ~~declared to be~~ in consideration of the
 24 right to use the highways of the state, and except as
 25 provided in 61-4-304 are in lieu of all other fees including

1 those which might be payable under the provisions of part 2
2 of chapter 10. However, any operator may elect to pay the
3 fees payable under the provisions of that part."

4 Section 52. Section 61-4-403, MCA, is amended to read:

5 "61-4-403. Certain financing agreements prohibited. It
6 ~~shall be~~ is unlawful for any manufacturer or wholesale
7 distributor of motor vehicles to sell or enter into a
8 contract for the sale of motor vehicles to any motor vehicle
9 dealer on the condition or under an agreement, expressed or
10 implied, that ~~such the~~ dealer ~~shall~~ will finance the
11 purchase or sale of any motor vehicle or vehicles only
12 through a designated finance company or finance agency. Any
13 such condition, agreement, or understanding is ~~hereby~~
14 ~~declared to be~~ against the public policy of the state, and
15 such condition, agreement, or understanding ~~shall be~~ is
16 unlawful, void, and unenforceable, either ~~as at~~ law or
17 equity."

18 Section 53. Section 61-5-101, MCA, is amended to read:

19 "61-5-101. Drivers' examination section of division of
20 motor vehicles. (1) There is hereby ~~created a~~ drivers'
21 examination section of the division of motor vehicles ~~under~~
22 ~~the direct control and supervision of the division.~~ The
23 division section shall maintain a permanent place of
24 business at the state capital ~~and shall meet at least once~~
25 ~~each month for the purpose of transacting business either as~~

1 ~~the drivers' examining board, the division, or jointly for~~
2 ~~the two.~~ The division administrator shall select a chief
3 examiner, deputy chief examiner, and as many assistant chief
4 examiners and examiners as it ~~deems~~ considers necessary and
5 shall provide for the necessary clerical help.

6 (2) The chief examiner, deputy chief examiner,
7 assistant chief examiners, and all examiners shall have the
8 same qualifications as are required for members of the
9 Montana highway patrol. The chief examiner shall rank as a
10 captain, the deputy chief examiner as a lieutenant, the
11 assistant chief examiners ~~shall rank~~ as sergeants, and the
12 examiners ~~shall rank~~ as patrolmen."

13 Section 54. Section 61-5-103, MCA, is amended to read:

14 "61-5-103. Residency requirement. Any person who has
15 resided in this state for a period exceeding 90 days is
16 considered to be a resident for the purpose of being
17 licensed to drive operate a motor vehicle and must
18 thereafter be licensed to drive under the laws of this state
19 before operating a motor vehicles under the laws of this
20 state vehicle."

21 Section 55. Section 61-5-111, MCA, is amended to read:

22 "61-5-111. Licenses issued to operators and chauffeurs
23 ~~renewals and expiration thereof -- fees -- disposition.~~
24 (1) The division shall have authority to appoint county
25 treasurers and other qualified officers to act as its agents

1 for the sale of drivers' driver's licenses, and shall make
 2 necessary rules governing such sales. The division, upon
 3 receipt of payment of the fees specified in this section,
 4 ~~(of which sum 5% shall be retained by the county treasurers~~
 5 ~~for use of the county general fund)~~ shall issue to every
 6 applicant qualifying therefor an operator's or chauffeur's
 7 license as applied for. Such licenses shall contain a
 8 photograph of such the licensee in such the size and form as
 9 may be prescribed by the division, a distinguishing number
 10 issued to the licensee, the full name, date of birth,
 11 resident residence address, and a brief description of the
 12 licensee, and either a facsimile of the signature of the
 13 licensee or a space upon which he shall write his signature
 14 in pen and ink immediately upon receipt of the license. No
 15 license shall be valid until it has been so signed by the
 16 licensee.

17 (2) The division shall, when any person applies for
 18 renewal of an operator's or chauffeur's license, test the
 19 applicant's eyesight, and may also in the division's
 20 discretion have such the applicant demonstrate his physical
 21 ability to operate and to exercise ordinary and reasonable
 22 care in the operation of a motor vehicle. A person shall be
 23 deemed considered to have applied for renewal of a Montana
 24 operator's or chauffeur's license if such the application is
 25 made within 3 months of the expiration of such his license.

1 (3) Licenses ~~issued~~ shall expire on the anniversary of
 2 the date of birth of the licensee 4 years or less after the
 3 date of issue.

4 (4) Whenever the division issues an original license
 5 to a person under the age of 18 years, such the license
 6 shall be designated and clearly marked as a "provisional
 7 license". Any license so designated and marked may be
 8 suspended by the division for a period of not more than 12
 9 months, when its record ~~discloses~~ records disclose that the
 10 licensee, subsequent to the issuance of such license, has
 11 been guilty of careless or negligent driving. Upon renewal
 12 as applicable to operator's licenses, the division may, for
 13 any reasonable cause, as shown by its records, designate the
 14 renewal of the license as provisional, otherwise, a license
 15 in usual form shall be issued subject to other provisions of
 16 the laws of Montana.

17 (5) It shall be unlawful for any person to have in his
 18 possession or under his control more than one Montana
 19 operator's or chauffeur's license at any one time. Licenses
 20 ~~shall~~ A license is not be valid for the operation of a
 21 motorcycle until the holder thereof has completed the
 22 requirements of 61-5-110 and the license has been clearly
 23 marked with the words "motorcycle endorsement".

24 (6) Fees for drivers' driver's licenses shall be as
 25 follows:

1 (a) driver's license -- \$2 per year or fraction
2 thereof;

3 (b) motorcycle endorsement -- 50 cents per year or
4 fraction thereof.

5 (7) The county treasurer or other agent of the
6 division collecting such fees shall retain 5% of each fee
7 for the use of the county general fund and shall transmit
8 the remainder to the state treasurer, who shall deposit to
9 the credit of the state general fund all moneys money
10 received by him from the collection of motor-vehicle
11 driver's-license the fees."

12 Section 56. Section 61-5-112, MCA, is amended to read:
13 "61-5-112. Classification of chauffeurs -- special
14 restrictions. (1) The division upon issuing a chauffeur's
15 license shall indicate thereon the class of license so
16 issued and shall appropriately examine each applicant
17 according to the class of license applied for and may impose
18 such rules for the exercise thereof as it ~~may deem~~ considers
19 necessary for the safety and welfare of the traveling
20 public.

21 (2) No person ~~who is under the age of 18 years shall~~
22 ~~may~~ drive any school bus transporting school children or any
23 motor vehicle when in use for the transportation of persons
24 for compensation ~~or in either event~~ until he has been
25 licensed as a chauffeur for either such purpose and the

1 license so indicates. The division ~~shall~~ may not issue a
2 chauffeur's license for either such purpose unless the
3 applicant has had at least 1 year of driving experience
4 prior thereto and the division is fully satisfied as to the
5 applicant's competency and fitness to be employed."

6 Section 57. Section 61-5-208, MCA, is amended to read:

7 "61-5-208. Period of suspension or revocation. (1) The
8 division may not suspend or revoke a driver's license or
9 privilege to drive a motor vehicle on the public highways
10 for a period of more than 1 year, except as permitted under
11 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

12 (2) Any person whose license or privilege to drive a
13 motor vehicle on the public highways has been suspended or
14 revoked ~~shall~~ is not be entitled to have such license or
15 privilege renewed or restored unless the revocation was for
16 a cause which has been removed, except that after the
17 expiration of the period of such revocation or suspension,
18 ~~such the~~ person may make application for a new license as
19 provided by law but the division may not then issue a new
20 license unless and until it is satisfied after investigation
21 of character, habits, and driving ability of ~~such the~~ person
22 that it ~~will be~~ is safe to grant the privilege of driving a
23 motor vehicle on the public highways. ~~Provided, however,~~
24 when ~~when~~ any person is convicted or forfeits bail or
25 collateral not vacated for the offense of operating or being

1 in actual physical control of a motor vehicle while under
 2 the influence of alcohol or a narcotic drug or knowingly or
 3 willingly under the influence of any other drug to a degree
 4 which renders him incapable of safely driving a motor
 5 vehicle or a combination thereof, the division shall, upon
 6 receiving a report of such conviction or forfeiture of bail
 7 or collateral not vacated, suspend the license or driving
 8 privilege of such ~~the~~ person for a period of 6 months. Upon
 9 receiving a report of a conviction or forfeiture of bail or
 10 collateral for a second, third, or subsequent offense within
 11 5 years of the first offense, the division shall revoke the
 12 license or driving privilege of such ~~the~~ person for a period
 13 of 1 year.

14 (3) The revocation period for all revocations made
 15 mandatory by 61-5-205 shall be 1 year except as provided in
 16 subsection (2) of this section.

17 (4) The period of revocation for any person convicted
 18 of any offense which makes mandatory the revocation of the
 19 operator's or chauffeur's license shall ~~commence~~ commence
 20 from date of conviction or forfeiture of bail."

21 Section 58. Section 61-5-302, MCA, is amended to read:

22 "61-5-302. Unlawful use of license. It is a
 23 misdemeanor for any person to:

24 (1) display or cause or permit to be displayed or have
 25 in his possession any canceled, revoked, suspended,

1 fictitious, or altered operator's or chauffeur's license;

2 (2) lend his operator's or chauffeur's license to any
 3 other person or knowingly permit the ~~its~~ use thereof by
 4 another;

5 (3) display or represent as one's own any operator's
 6 or chauffeur's license not issued to him;

7 (4) fail or refuse to surrender to the division upon
 8 its lawful demand any operator's or chauffeur's license
 9 which has been suspended, revoked, or canceled;

10 (5) use a false or fictitious name in any application
 11 for an operator's or chauffeur's license or knowingly make a
 12 false statement or knowingly conceal a material fact or
 13 otherwise commit a fraud in any such application; or

14 (6) permit any unlawful use of an operator's or
 15 chauffeur's license issued to him ~~or~~.

16 ~~(7) do any act forbidden or fail to perform any act~~
 17 ~~required by parts 1 through 3 of this chapter and~~
 18 ~~61-11-101."~~

19 Section 59. Section 61-5-303, MCA, is amended to read:

20 "61-5-303. Making false affidavit perjury ~~penalty.~~
 21 Any person who makes any false affidavit or knowingly
 22 swears or affirms falsely to any matter or thing required by
 23 the terms of parts 1 through 3 of this chapter to be sworn
 24 to or affirmed, is guilty of perjury ~~false swearing~~ and upon
 25 conviction shall be punishable by ~~fine or imprisonment or~~

1 ~~other persons committing perjury are punishable as provided~~
2 ~~by 45-7-292."~~

3 Section 60. Section 61-6-102, MCA, is amended to read:
4 "61-6-102. Definitions. The following words and
5 phrases, when used in this part, ~~shall, for the purposes of~~
6 ~~this part,~~ have the meanings respectively ascribed to them
7 in this section, except in those instances where the context
8 clearly indicates a different meaning:

9 (1) "Judgment" means any judgment that ~~shall have~~ has
10 become final by expiration without appeal of the time within
11 which an appeal might have been perfected, or by final
12 affirmation on appeal, rendered by a court of competent
13 jurisdiction of any state or of the United States, upon a
14 cause of action arising out of the ownership, maintenance,
15 or use of any motor vehicle, for damages, including damages
16 for care and loss of services, because of bodily injury to
17 or death of any person, or for damages because of injury to
18 or destruction of property, including the loss of use
19 thereof, or upon a cause of action on an agreement of
20 settlement for such damages.

21 (2) "License" means any license, temporary instruction
22 permit, or temporary license issued under the laws of this
23 state pertaining to the licensing of persons to operate
24 motor vehicles.

25 (3) "Nonresident's operating privilege" means the

1 privilege conferred upon a nonresident by the laws of this
2 state pertaining to the operation by him of a motor vehicle
3 or the use of a motor vehicle owned by him, in this state.

4 (4) "Proof of financial responsibility" means proof of
5 ability to respond in damages for liability on account of
6 accidents occurring subsequent to the effective date of said
7 proof, arising out of the ownership, maintenance, or use of
8 a motor vehicle, ~~in the amount of \$10,000 because of bodily~~
9 ~~injury to or death of one person in any one accident and~~
10 ~~subject to said limit for one person, in the amount of~~
11 ~~\$20,000 because of bodily injury to or death of two or more~~
12 ~~persons in any one accident, and in the amount of \$5,000~~
13 ~~because of injury to or destruction of property of others in~~
14 ~~any one accident.~~

15 (5) "State" means any state, territory, or possession
16 of the United States, the District of Columbia, or any
17 province of the Dominion of Canada."

18 Section 61. Section 61-6-105, MCA, is amended to read:
19 "61-6-105. Division to administer law and make rules.
20 (1) The division shall administer and enforce the provisions
21 of this part and may make rules necessary for its
22 administration and may provide for hearings upon request of
23 persons aggrieved by orders or acts of the division under
24 the provisions of this part.

25 ~~(2) An executive assistant to the chief shall be~~

1 ~~appointed by the division subject to and in accordance with~~
 2 ~~[31-105 and 31-106] who shall be vested with full power and~~
 3 ~~authority to act for and on behalf of the chief in the~~
 4 ~~administration of this part and who shall perform such~~
 5 ~~other and further duties as shall be prescribed by the~~
 6 ~~division. The salary of the executive assistant shall be the~~
 7 ~~same as that of a captain.~~"

8 Section 62. Section 61-6-124, MCA, is amended to read:

9 "61-6-124. Satisfaction of judgments. (1) Judgments
 10 herein referred to shall, for the purposes of this part
 11 only, be deemed considered satisfied:

12 (a) when ~~\$10,000~~ \$25,000 has been credited upon any
 13 judgment or judgments rendered in excess of that amount
 14 because of bodily injury to or death of one person as the
 15 result of any one accident;

16 (b) when, subject to ~~such the~~ limit of ~~\$10,000~~ \$25,000
 17 because of bodily injury to or death of one person, the sum
 18 of ~~\$20,000~~ \$50,000 has been credited upon any judgment or
 19 judgments rendered in excess of that amount because of
 20 bodily injury ~~to~~ or death of two or more persons as the
 21 result of any one accident; or

22 (c) when \$5,000 has been credited upon any judgment or
 23 judgments rendered in excess of that amount because of
 24 injury to or destruction of property of others as a result
 25 of any one accident.

1 (2) Payments made in settlement of any claims because
 2 of bodily injury, death, or property damage arising from a
 3 motor vehicle accident shall be credited in reduction of the
 4 amounts provided for in this section."

5 Section 63. Section 61-6-137, MCA, is amended to read:

6 "61-6-137. Bond as proof of responsibility. (1) Proof
 7 of financial responsibility may be furnished by filing with
 8 the division the bond of a surety company duly authorized to
 9 transact business in the state or a bond with at least two
 10 individual sureties each owning real estate within this
 11 state and together having equities equal in value to at
 12 least twice the amount of such bond, which real estate shall
 13 be scheduled in the bond approved by a judge of a court of
 14 record. ~~Such the~~ bond shall be conditioned for payments in
 15 amounts and under the same circumstances as would be
 16 required in a motor vehicle liability policy and shall not
 17 be cancelable except after 10 days' written notice to the
 18 division. Upon the filing of notice to ~~such this~~ effect by
 19 the division in the office of the county clerk and recorder
 20 of the county wherein such real estate ~~shall be~~ is located,
 21 ~~such the~~ bond shall constitute a lien in favor of the state
 22 upon the real estate so scheduled of any surety, which lien
 23 shall exist in favor of any holder of a judgment against the
 24 person who has filed ~~such the~~ bond.

25 (2) The person in whose favor ~~said the~~ lien ~~shall~~

1 exist ~~exists~~ may~~s~~ for his own use and benefit and at his
 2 sole expense~~s~~ bring an action or actions in the name of the
 3 state against the company or persons executing ~~such the~~
 4 bonds, including an action or proceeding to foreclose any
 5 lien that may exist upon the real estate of any person who
 6 has executed such bond. The provisions of the code ~~Montana~~
 7 ~~Rules of civil-procedure~~ Civil Procedure, except insofar as
 8 ~~the--same~~ ~~they~~ are inconsistent with the provisions of this
 9 part, are applicable to and constitute the rules of practice
 10 in the foreclosure actions or proceedings. The provisions of
 11 the code ~~Montana Rules of civil-procedure~~ Civil Procedure
 12 relative to new trials and appeals, except insofar as the
 13 ~~same~~ ~~they~~ are inconsistent with the provisions of this part,
 14 apply to said ~~the~~ actions or proceedings."

15 Section 64. Section 61-7-109, MCA, is amended to read:

16 "61-7-109. Written reports of accidents -- additional
 17 information -- form of report. (1) The operator of any motor
 18 vehicle which is in any manner involved in an accident
 19 within this state~~v~~ in which any person is killed or injured
 20 or in which damage to the property of any one person in
 21 excess of \$250 is sustained~~v~~ shall~~s~~ within 10 days after
 22 such accident~~s~~ report the matter in writing to the division.

23 (2) The division may require any driver of a ~~vehicle~~
 24 involved in an accident~~v~~ of which report must be made as
 25 provided in this section~~v~~ to file supplemental reports

1 whenever the original report is insufficient~~v~~ and may
 2 require witnesses of accidents to render reports.

3 (3) Every law enforcement officer who in the regular
 4 course of duty investigates a motor vehicle accident~~v~~ of
 5 which report must be made as required in this part, either
 6 at the time of and at the scene of the accident or
 7 thereafter by interviewing participants or witnesses, shall
 8 within 10 days after completing ~~such the~~ investigation
 9 forward a written report of ~~such the~~ accident to the
 10 division.

11 (4) The form of ~~the~~ accident report required under
 12 this section shall contain information sufficient to enable
 13 the ~~department~~ division to determine whether the
 14 requirements for the deposit of security for safety
 15 responsibility are inapplicable by reason of the existence
 16 of insurance or other exemptions specified in this part."

17 Section 65. Section 61-8-101, MCA, is amended to read:

18 "61-8-101. Application -- exceptions. (1) The
 19 provisions of this chapter relating to the operation of
 20 vehicles refer exclusively to the operation of vehicles upon
 21 highways except:

22 (a) where a different place is specifically referred
 23 to in a given section;

24 (b) the provisions of 61-8-301 and 61-8-401, ~~with~~
 25 regard to operating a vehicle while under the influence of

1 ~~drugs~~ shall apply upon highways and elsewhere throughout
2 the state.

3 (2) The operation of motor vehicles directly across
4 the public roads and highways of this state, especially as
5 required in the transportation of natural resource products,
6 including agricultural products and livestock, shall not be
7 considered to be the operation of such vehicles on the
8 public roads and highways of this state provided that such
9 crossings are adequately marked with ~~such~~ warning signs or
10 devices, and ~~such crossings~~ are subject to provisions
11 relating to stopping before entry and to restoration of any
12 damage as may reasonably be prescribed by the state or
13 local agency in control of safety of operation of the public
14 highway involved."

15 Section 66. Section 61-8-304, MCA, is amended to read:
16 "61-8-304. Declaration of speed limits -- exception to
17 the basic rule. The attorney general shall declare by
18 proclamation filed with the secretary of state a speed limit
19 for all motor vehicles on all public streets and highways in
20 the state whenever the establishment of such a speed limit
21 by the state is required by federal law as a condition to
22 the state's continuing eligibility to receive funds
23 authorized by the Federal Aid Highway Act of 1973 and all
24 acts amendatory thereto or any other federal statute. ~~Such~~
25 ~~The~~ speed limit may not be less than that required by

1 federal law, and the attorney general shall by further
2 proclamation change the speed limit adopted pursuant to this
3 section to comply with federal law. Any proclamation issued
4 pursuant to this section becomes effective at midnight of
5 the day upon which it is filed with the secretary of state.
6 A speed limit imposed pursuant to this section is an
7 exception to the basic rule requirements of 61-8-303 and
8 ~~61-8-312~~ and a speed in excess of the speed limit
9 established pursuant to this section is unlawful
10 notwithstanding any provision of 61-8-303 and ~~61-8-312~~."

11 Section 67. Section 61-8-322, MCA, is amended to read:
12 "61-8-322. Passing vehicles proceeding in opposite
13 directions. Drivers of vehicles proceeding in opposite
14 directions shall pass each other to the right, and upon
15 roadways having width for not more than one line of traffic
16 in each direction, each driver shall give to the other at
17 ~~least as nearly as possible~~ one-half of the main-traveled
18 portion of the roadway ~~as-nearly-as-possible~~."

19 Section 68. Section 61-8-339, MCA, is amended to read:
20 "61-8-339. Vehicle approaching or entering
21 intersection. (1) When two vehicles enter or approach an
22 intersection from different highways at approximately the
23 same time, the driver of the vehicle on the left shall yield
24 the right-of-way to the vehicle on the right.

25 (2) The right-of-way rule declared in subsection (1)

1 is modified at through highways and otherwise as hereinafter
2 stated in this ~~particlar~~ chapter."

3 Section 69. Section 61-8-401, MCA, is amended to read:

4 "61-8-401. Persons under the influence of alcohol or
5 drugs. (1) It is unlawful and punishable as provided in
6 61-8-714(1) for any person who is under the influence of:
7 alcohol--or--any-narcotic-drug-or-any-other-drug-to-a-degree
8 which-renders-him-incapable-of-safely-driving-a-motor
9 vehicle-to-drive-or-be-in-actual-physical-control-of-a-motor
10 vehicle-within-this-state.

11 (a) alcohol to drive or be in actual physical control
12 of a motor vehicle upon the highways of this state;

13 (b) a narcotic drug to drive or be in actual physical
14 control of a motor vehicle within this state; or

15 (c) any other drug to a degree which renders him
16 incapable of safely driving a motor vehicle to drive or be
17 in actual physical control of a motor vehicle within this
18 state.

19 (2) The fact that any person charged with a violation
20 of this subsection (1) is or has been entitled to use such a
21 drug under the laws of this state does not constitute a
22 defense against any charge of violating this subsection (1).

23 ~~(3)~~(3) In any criminal prosecution for a violation of
24 subsection (1) of this section relating to driving a vehicle
25 while under the influence of alcohol, the amount of alcohol

1 in the defendant's blood at the time alleged, as shown by
2 chemical analysis of the defendant's blood, urine, breath,
3 or other bodily substance, shall give rise to the following
4 presumptions:

5 (a) If there was at that time 0.05% or less by weight
6 of alcohol in the defendant's blood, it shall be presumed
7 that the defendant was not under the influence of alcohol.

8 (b) If there was at that time in excess of 0.05% but
9 less than 0.10% by weight of alcohol in the defendant's
10 blood, such ~~that~~ fact shall not give rise to any presumption
11 that the defendant was or was not under the influence of
12 alcohol, but such fact may be considered with other
13 competent evidence in determining the guilt or innocence of
14 the defendant.

15 (c) If there was at that time 0.10% or more by weight
16 of alcohol in the defendant's blood, it shall be presumed
17 that the defendant was under the influence of alcohol.

18 ~~(3)~~(4) Percent by weight of alcohol in the blood shall
19 be based upon grams of alcohol per 100 cubic centimeters of
20 blood.

21 ~~(4)~~(5) Each municipality in this state is given
22 authority to enact 61-8-714 and subsections (1) through ~~(3)~~
23 ~~(4)~~ of this section, with the word "state" in the--first
24 sentence--of subsection (1) of this section changed to read
25 "municipality", as an ordinance and is given jurisdiction of

1 the enforcement of the ordinance and of the imposition of
2 the fines and penalties therein provided."

3 Section 70. Section 61-8-711, MCA, is amended to read:

4 "61-8-711. Violation of chapter -- penalty. (1) It is
5 a misdemeanor for any person to violate any of the
6 provisions of this [act] chapter unless such ~~the~~ violation
7 is declared to be a felony by this chapter or other law of
8 this state ~~declared to be a felony~~.

9 (2) Every person convicted of a misdemeanor for a
10 violation of any of the provisions of this chapter for which
11 another penalty is not provided shall for a first conviction
12 thereof be punished by a fine of not less than \$10 or more
13 than \$100 or by imprisonment for not more than 10 days. For
14 a second conviction within 1 year thereafter, ~~such the~~
15 person shall be punished by a fine of not less than \$25 or
16 more than \$200 or by imprisonment for not more than 20 days
17 or by both such fine and imprisonment. Upon a third or
18 subsequent conviction within 1 year after the first
19 conviction, ~~such the~~ person shall be punished by a fine of
20 not less than \$50 or more than \$500 or by imprisonment for
21 not more than 6 months or by both ~~such~~ fine and
22 imprisonment.

23 (3) On failure of payment of fines a fine, the
24 offender in ~~cases case~~ of a misdemeanor shall be imprisoned
25 in the county jail in the county in which the offense has

1 been ~~was~~ committed, and ~~said the~~ imprisonment shall be
2 computed upon the basis of one day's incarceration for each
3 \$2 of ~~said the~~ fine ~~for each day's incarceration~~.

4 (4) Upon conviction, the court costs, or any part
5 thereof, may ~~also~~ be assessed against the defendant in the
6 discretion of the court."

7 Section 71. Section 61-8-718, MCA, is amended to read:

8 "61-8-718. Penalty for violation of conservation speed
9 limit. (1) A person violating the speed limit imposed
10 pursuant to 61-8-304 is guilty of the offense of unnecessary
11 waste of a resource currently in short supply and upon
12 conviction shall be fined \$5, and no jail sentence may be
13 imposed. Bond for this offense shall be \$5.

14 (2) For the purpose of this section only, the fees of
15 the ~~justice justice's~~ court shall be \$4 to the balance of
16 the fine not otherwise allocated by law and shall be
17 remitted as set forth in 3-10-603(3)."

18 Section 72. Section 61-9-315, MCA, is amended to read:

19 "61-9-315. Brakes on motor-driven cycles. (1) The
20 division is authorized to require an inspection of the brake
21 on any motor-driven cycle and to disapprove any such brake
22 which it finds will not comply with the performance ability
23 standard set forth in ~~[32-21-143]~~ this part or which in its
24 opinion is not so designed or constructed as to insure
25 reasonable and reliable performance in actual use.

1 (2) The division may refuse to register or may suspend
2 or revoke the registration of any vehicle referred to in
3 this section when it has been determined that the brakes
4 ~~brake~~ thereon ~~do~~ ~~not~~ comply with the provisions of this
5 section.

6 (3) No person ~~shall~~ ~~may~~ operate on any highway any
7 vehicle referred to in this section ~~in--the--event~~ ~~if~~ the
8 division has disapproved the brake equipment upon such
9 vehicle or type of vehicle."

10 Section 73. Section 61-9-503, MCA, is amended to read:

11 "61-9-503. Owners and drivers to comply with
12 inspection laws. (1) No person driving a vehicle ~~shall~~ ~~may~~
13 refuse to submit such ~~the~~ vehicle to an inspection and test
14 when required to do so by the division or an authorized
15 officer or employee of the ~~department~~ ~~division~~.

16 (2) Every owner or driver, upon receiving a notice as
17 provided in 61-9-501, shall comply therewith and shall
18 within 5 days have the deficiencies corrected and shall
19 forward notification of such ~~the~~ correction to the division.
20 In lieu of compliance with this subsection, the vehicle
21 ~~shall~~ ~~may~~ not be operated, except as provided in subsection
22 (3).

23 (3) No person ~~shall~~ ~~may~~ operate any vehicle after
24 receiving a notice with reference thereto as above provided,
25 except as may be necessary to return such ~~the~~ vehicle to the

1 residence or place of business of the owner or driver, if
2 within a distance of 20 miles, or to a garage until ~~said the~~
3 vehicle and its equipment ~~has~~ ~~have~~ been placed in proper
4 repair and adjustment and otherwise made to conform to the
5 requirements of this chapter."

6 Section 74. Section 61-10-102, MCA, is amended to
7 read:

8 "61-10-102. Width. (1) A ~~No~~ vehicle, ~~including a bus,~~
9 ~~unladen~~ ~~unloaded~~ or with load, may not have a total outside
10 width in excess of 102 inches, ~~except buses which may have a~~
11 ~~total outside width not to exceed 102 inches.~~ This bus
12 width ~~for buses~~ is allowed only on paved highways 20 feet or
13 more in width.

14 (2) This restriction does not apply to an implement of
15 husbandry or a vehicle used for hauling hay, moved or
16 propelled upon the highway during daylight hours for a
17 distance of not more than 100 miles, if the movement is
18 incidental to the farming operations of the owner of the
19 implement of husbandry or the vehicle used for hauling hay.
20 If the implement of ~~husbandry~~ or the vehicle used ~~for~~
21 ~~hauling--hay~~ has a width in excess of 12 feet, it shall be
22 preceded by ~~flagmen~~ ~~flagman~~ escorts for the purpose of
23 warning other highway users. This restriction does not apply
24 to ~~two--wheel~~ ~~dual-wheel~~ tractors under 15 feet overall
25 width which are used in farming operations. The rear of such

1 on ~~the~~ implement of husbandry or vehicle used for hauling
 2 hay shall properly display lights which meet ~~the~~ standard
 3 requirements in of 61-9-219. However, if the highway passes
 4 through a hazardous area, such ~~the~~ implements of husbandry
 5 or vehicles used ~~for hauling hay~~ must be preceded and
 6 followed by ~~flagmen~~ flagman escorts.

7 ~~{3} The maximum width of any vehicle engaged in~~
 8 ~~transporting logs unladen or with load shall not exceed a~~
 9 ~~width of 96 inches unless permits for excess width have been~~
 10 ~~granted by virtue of {32-1127}."~~

11 Section 75. Section 61-10-109, MCA, is amended to
 12 read:

13 "61-10-109. Operation without special permits
 14 ~~prohibited~~. The operation of vehicles or combinations of
 15 vehicles having ~~dimensions or~~ weights in excess of the
 16 ~~maximum~~ limits specified in ~~61-10-101 through 61-10-100~~
 17 61-10-105 is permitted only if authorized by special permit
 18 issued under 61-10-107 by the department of highways or its
 19 agents or the highway patrol."

20 Section 76. Section 61-10-121, MCA, is amended to
 21 read:

22 "61-10-121. Permits for excess size and weight. (1)
 23 The department of highways and local authorities in their
 24 respective jurisdictions may in their discretion, upon
 25 application in writing and with good cause shown, issue a

1 special permit in writing authorizing the applicant to
 2 operate or move a vehicle, combination of vehicles, load,
 3 object, or other thing of a size or weight exceeding the
 4 maximum specified in 61-10-101 through 61-10-110 upon a
 5 highway under the jurisdiction of and for the maintenance of
 6 which the body granting the permit is responsible. However,
 7 only the department has the discretion to issue permits for
 8 movement of a vehicle or combination of vehicles carrying
 9 built-up or reducible loads in excess of 9 feet in width or
 10 exceeding the length, height, or weight specified in
 11 61-10-101 through 61-10-110. This permit shall be issued in
 12 the public interest. A carrier receiving this permit must
 13 have public liability and property damage insurance for the
 14 protection of the traveling public as a whole. A permit may
 15 not be issued for a period of time greater than the ~~license~~
 16 period for which the GVW license is valid as provided in
 17 this title, including grace periods allowed by this title.
 18 Owners of vehicles licensed in other jurisdictions may, at
 19 the discretion of the department, purchase permits to expire
 20 with their registration. A license required by the state
 21 governs the issuance of a special permit. The department may
 22 issue oversize permits to dealers in implements of husbandry
 23 and self-propelled machinery, which may be transferred from
 24 unit to unit by the dealer, for the ~~fees fee~~ set forth in
 25 61-10-124. These oversize permits expire on December 31 of

1 each year, with no grace period. For the purposes of this
 2 section, a dealer in implements of husbandry or
 3 self-propelled machinery must be a resident of the state. A
 4 post-office box number is not a permanent address under this
 5 section.

6 (2) The applicant for a special permit shall
 7 specifically describe the powered vehicle or towing vehicle
 8 and generally describe the type of vehicle, combination of
 9 vehicles, load, object, or other thing to be operated or
 10 moved and the particular state highways over which the
 11 vehicle, combination of vehicles, load, object, or other
 12 thing is to be moved and whether the permit is required for
 13 a single trip or for continuous operation."

14 Section 77. Section 61-10-124, MCA, is amended to
 15 read:

16 "61-10-124. Special permits -- fee. (1) In addition to
 17 the regular license registration and gross vehicle weight
 18 fees, a fee of \$6 for each permit issued in excess of the
 19 size and weight specified in 61-10-101 through 61-10-110
 20 shall be paid for all movements under special permits on the
 21 public highways under the jurisdiction of the department.

22 (2) Term or blanket permits may not be issued for an
 23 overwidth vehicle, combination of vehicles, load, or other
 24 thing in excess of 15 feet; an overlength vehicle,
 25 combination of vehicles, load, object, or other thing in

1 excess of 85 feet; and an overheight vehicle, combination
 2 of vehicles, load, or other thing in excess of 13 1/2 feet,
 3 or of a limit determined by the department. A vehicle,
 4 combination of vehicles, load, or other thing in excess of
 5 these dimensions is limited to trip permits.

6 (3) ~~A fee of \$6 shall be paid for each overweight~~
 7 ~~permit issued but a~~ permit may not be issued for a period
 8 of time greater than the license period for which the GVM
 9 license is valid as provided in this title, including grace
 10 periods allowed by this title. Owners of vehicles licensed
 11 in other jurisdictions may, at the discretion of the
 12 department, purchase permits to expire with their
 13 registration. A license required by the state governs the
 14 issuance of a special permit."

15 Section 78. Section 61-10-145, MCA, is amended to
 16 read:

17 "61-10-145. Penalties -- disposition of fines. (1) A
 18 person, firm, or corporation convicted of violating
 19 61-10-101 through 61-10-110 ~~{except 61-10-102(3) which is~~
 20 ~~punishable under 61-9-511}~~ shall be punished by a fine of
 21 not less than \$15 or more than \$50 or by imprisonment in the
 22 county or municipal jail for not less than 5 days or more
 23 than 25 days. ~~In addition a~~ person, firm, or corporation
 24 convicted of operating a motor vehicle upon the public
 25 highways of this state with weight upon a wheel, axle, or

1 group of axles ~~or upon more than one of them~~ greater than
 2 the maximum permitted by 61-10-101 through 61-10-110, shall
 3 be fined, in addition to other penalties provided by law for
 4 the offense, the following amounts:

5 (a) \$15 for any excess weight up to and including
 6 2,000 pounds;

7 (b) \$25 for any excess weight more than 2,000 pounds
 8 and less than 4,001 pounds;

9 (c) \$35 for any excess weight more than 4,000 pounds
 10 and less than 6,001 pounds;

11 (d) \$50 for any excess weight more than 6,000 pounds
 12 and less than 8,001 pounds;

13 (e) \$80 for any excess weight more than 8,000 pounds
 14 and less than 10,001 pounds;

15 (f) \$110 for any excess weight more than 10,000 pounds
 16 and less than 12,001 pounds;

17 (g) \$150 for any excess weight more than 12,000 pounds
 18 and less than 14,001 pounds;

19 (h) \$200 for any excess weight more than 14,000 pounds
 20 and less than 16,001 pounds;

21 (i) \$250 for any excess weight more than 16,000 pounds
 22 and less than 18,001 pounds;

23 (j) \$300 for any excess weight more than 18,000 pounds
 24 and less than 20,001 pounds;

25 (k) \$500 for any excess weight more than 20,000 pounds

1 and less than 25,001 pounds;

2 (1) \$1,000 for any excess weight more than 25,000
 3 pounds.

4 (2) A complaint filed and a summons or notice to
 5 appear issued pertaining to a violation of the gross weight
 6 regulations in 61-10-101 through 61-10-110 shall specify the
 7 amount of the overweight which the defendant is alleged to
 8 have had upon the vehicle or combination of vehicles.

9 (3) All fines and forfeitures shall be remitted
 10 monthly by the county treasurer to the state treasurer for
 11 deposit in the state general fund."

12 Section 79. Section 61-10-146, MCA, is amended to
 13 read:

14 "61-10-146. Special permits -- penalty---for
 15 misrepresentations and violations as misdemeanor. A person
 16 who knowingly and willfully misrepresents the size or weight
 17 of a vehicle, combination of vehicles, load, object, or
 18 other thing in obtaining a special permit or who does not
 19 follow the requirements and conditions of the special permit
 20 or who operates a vehicle, combination of vehicles, load,
 21 object, or other thing, the gross size or weight of which is
 22 ~~in excess of the maximum for which that vehicle, combination~~
 23 ~~of vehicles, load, object, or other thing may be eligible~~
 24 ~~for license,~~ requires a special permit without first
 25 obtaining a special permit, is guilty of a misdemeanor."

1 Section 80. Section 61-10-148, MCA, is amended to
2 read:

3 "61-10-148. Disposition of fines. ~~Any and all~~ Except
4 as provided in 61-12-701 fines collected ~~for the violation~~
5 ~~of any of the provisions of this [act] under 61-10-146 or~~
6 61-10-147 shall belong to the general road fund of the
7 county, and shall, immediately after their collection, be
8 paid over by the court or magistrate collecting the same
9 ~~then~~ to the county treasurer for the use and benefit of that
10 fund, except for that portion of the fines ~~as provided for~~
11 ~~in 26-7-504,~~ otherwise allocated by law which the county
12 treasurer shall transmit to the state treasurer ~~and by him~~
13 ~~credited who shall credit them~~ to the automobile driver
14 education appropriate account in the earmarked revenue
15 fund."

16 Section 81. Section 61-10-201, MCA, is amended to
17 read:

18 "61-10-201. Gross weight fees on motortrucks and truck
19 tractors. In addition to other fees for the licensing of
20 vehicles, there shall be paid and collected annually for
21 each ~~motortruck truck~~ and truck tractor, based upon the
22 maximum gross loaded weight thereof as set by the licensee
23 in his application, the following fees:

24 Schedule I

25 Up to 6,000 lbs. \$ 7.50

1	6,001 lbs. or more and less than through 8,000 lbs.	12.50
2	8,001 lbs. or more and less than through 10,000 lbs.	.....
3	.....	17.50
4	10,001 lbs. or more and less than through 12,000 lbs.	.....
5	.....	20.00
6	12,001 lbs. or more and less than through 14,000 lbs.	.....
7	.....	22.50
8	14,001 lbs. or more and less than through 16,000 lbs.	.....
9	.....	27.50
10	16,001 lbs. or more and less than through 18,000 lbs.	.....
11	.....	37.50
12	18,001 lbs. or more and less than through 20,000 lbs.	.....
13	.....	50.00
14	20,001 lbs. or more and less than through 22,000 lbs.	.....
15	.....	62.50
16	22,001 lbs. or more and less than through 24,000 lbs.	.....
17	.....	93.75
18	24,001 lbs. or more and less than through 26,000 lbs.	.....
19	.....	125.00
20	26,001 lbs. or more and less than through 28,000 lbs.	.....
21	.....	156.25
22	28,001 lbs. or more and less than through 30,000 lbs.	.....
23	.....	206.25
24	30,001 lbs. or more and less than through 32,000 lbs.	.....
25	.....	262.50

1	32,001 lbs or more and less than through 34,000 lbs.	
2	.....	318.75
3	34,001 lbs or more and less than through 36,000 lbs.	
4	.....	375.00
5	36,001 lbs or more and less than through 38,000 lbs.	
6	.....	431.25
7	38,001 lbs or more and less than through 40,000 lbs.	
8	.....	487.50
9	40,001 lbs or more and less than through 42,000 lbs.	
10	.....	543.75
11	Over 42,000 lbs. and within the weight limits	
12	specified in 61-10-101 through 61-10-110	62.50
13	per ton or fraction thereof."	

14 Section 82. Section 61-10-202, MCA, is amended to
15 read:

16 "61-10-202. Gross weight fees on trailers and
17 semitrailers. In addition to other fees for the licensing of
18 vehicles, there shall be paid and collected annually for
19 each trailer and semitrailer, based upon the maximum gross
20 loaded weight thereof as set by the licensee in his
21 application, except as otherwise provided, the following
22 fees:

23 Schedule II

24 Trailers Other Than Housetrailers

25 Up to 2,500 lbs. for personal use-- Exempt

1	Up to 2,500 lbs. for commercial use	\$ 3.75
2	2,501 lbs or more and less than through 6,000 lbs.	5.00
3	6,001 lbs or more and less than through 8,000 lbs.	
4	.....	15.00
5	8,001 lbs or more and less than through 10,000 lbs.	
6	.....	17.50
7	10,001 lbs or more and less than through 12,000 lbs.	
8	.....	20.00
9	12,001 lbs or more and less than through 14,000 lbs.	
10	.....	22.50
11	14,001 lbs or more and less than through 16,000 lbs.	
12	.....	27.50
13	16,001 lbs or more and less than through 18,000 lbs.	
14	.....	37.50
15	18,001 lbs or more and less than through 20,000 lbs.	
16	.....	50.00
17	20,001 lbs or more and less than through 22,000 lbs.	
18	.....	62.50
19	22,001 lbs or more and less than through 24,000 lbs.	
20	.....	93.75
21	24,001 lbs or more and less than through 26,000 lbs.	
22	.....	125.00
23	26,001 lbs or more and less than through 28,000 lbs.	
24	.....	156.25
25	28,001 lbs or more and less than through 30,000 lbs.	

1 206.25
 2 30,001 ~~lbs or more and less than~~ through 32,000 lbs.
 3 262.50
 4 32,001 ~~lbs or more and less than~~ through 34,000 lbs.
 5 318.75
 6 34,001 ~~lbs or more and less than~~ through 36,000 lbs.
 7 375.00
 8 36,001 ~~lbs or more and less than~~ through 38,000 lbs.
 9 431.25
 10 38,001 ~~lbs or more and less than~~ through 40,000 lbs.
 11 487.50
 12 40,001 ~~lbs or more and less than~~ through 42,000 lbs.
 13 543.75
 14 Over 42,000 lbs. and within the weight limits
 15 specified in 61-10-101 through 61-10-110 62.50
 16 per ton or fraction thereof."
 17 Section 83. Section 61-10-209, MCA, is amended to
 18 read:
 19 "61-10-209. Quarterly payment -- penalty for failure
 20 to pay fee. (1) When the gross weight of a vehicle exceeds
 21 24,000 pounds, the gross weight or special fees for
 22 ~~motortrucks~~ trucks, trailers, tractors, pole trailers, or
 23 semitrailers may be ~~purchased~~ paid for a 3-month period for
 24 one-fourth the regular fee at the beginning of any quarter
 25 of the calendar year. For each fee so paid other than at the

1 time of payment of the ~~basic~~ license annual vehicle
 2 registration fee, an additional fee of \$1 shall be charged.
 3 The department may adopt rules relative to the issuance and
 4 display of certificates or insignia, which shall state the
 5 quarters for which the vehicle is licensed.
 6 (2) A vehicle licensed under this section may not be
 7 operated over the public highways after the expiration of
 8 the 3-month period unless the owner or operator of the
 9 vehicle, within 10 calendar days or 7 business days as
 10 provided by law, whichever is greater, ~~after the expiration~~
 11 ~~of the 3-month period~~, pays the required fee for a license
 12 for an additional 3-month period or for the remainder of
 13 the year. A person who operates a vehicle upon the public
 14 highways after the expiration of the 10 calendar days or 7
 15 business days as provided by law, whichever is greater, is
 16 guilty of a misdemeanor. In addition he shall be required to
 17 purchase a gross weight license for the vehicle involved at
 18 the fee covering an entire year's license for operation of
 19 the vehicle less the fees for ~~a~~ the period of the year
 20 already paid.
 21 (3) If, within 5 days thereafter, no license for a
 22 full year has been purchased as required, the Montana
 23 highway patrol, county sheriff, or city police may impound
 24 the vehicle in the manner which is directed for these cases
 25 by the division of motor vehicles until the requirement is

00 45

1 met."

2 Section 84. Section 61-10-214, MCA, is amended to
3 read:

4 "61-10-214. Exemptions. (1) Motor vehicles operating
5 exclusively for transportation of persons for hire within
6 the limits of incorporated cities or towns and within 15
7 miles from such limits are exempt from this part.

8 (2) Motor vehicles brought or driven into Montana by a
9 nonresident, migratory, bona fide agricultural worker
10 temporarily employed in agricultural work in this state
11 where those motor vehicles are used exclusively for
12 transportation of agricultural workers are also exempt from
13 this part.

14 (3) Vehicles lawfully displaying a licensed dealer's
15 plate as provided in ~~{61-4-102}~~ 61-4-103 are exempt from
16 this part when moving to or from a dealer's place of
17 business when ~~untaken~~ unloaded or ~~taken~~ loaded with dealer's
18 property only, and in the case of vehicles having a gross
19 ~~taken loaded~~ weight of less than 24,000 pounds, while ~~in the~~
20 ~~process of demonstration being demonstrated~~ in the course of
21 the dealer's business."

22 Section 85. Section 61-10-222, MCA, is amended to
23 read:

24 "61-10-222. Time for payment of fees. ~~{1} A person who~~
25 ~~owns or operates a vehicle subject to the fees provided in~~

1 ~~61-10-201 through 61-10-210 shall pay the fees provided in~~
2 ~~this part.~~

3 ~~{2}{1}~~ Prior to or at the time of registration of the
4 vehicle as required under chapter 3 or chapter 4 or prior to
5 the operation of the vehicle on the public highways, fees
6 paid provided in this part shall be paid in the full amount
7 ~~provided in this part~~ unless otherwise provided by law. With
8 respect to vehicles operating on the highways with a current
9 rear windshield sticker issued under the provisions of
10 61-4-111 or 61-4-112, the fees provided in this part shall
11 be due and payable at the time of registration.

12 ~~{3}{2}~~ A person who makes application for a GVW
13 license after July 1 of any year shall pay one-half of those
14 the fees provided in this part.

15 ~~{4}{3}~~ When a person makes application for
16 registration required under chapter 3 for a period of time
17 other than the calendar year, the fees provided in this part
18 shall be computed for the registration period at one-twelfth
19 of ~~the~~ applicable fee for each month or part of month in the
20 registration period."

21 Section 86. Section 61-10-223, MCA, is amended to
22 read:

23 "61-10-223. Expiration date. ~~The fees paid hereunder~~
24 ~~for every motor truck, truck, tractor, trailer, semitrailer,~~
25 ~~bus, or automobile shall expire on December 31 of each year.~~

1 Any ~~certificate, registration or GVM~~ license issued shall
2 be valid only for the period for which issued."

3 Section 87. Section 61-10-224, MCA, is amended to
4 read:

5 "61-10-224. License GVM license transferable. The
6 ~~certificate, registration or GVM~~ license issued hereunder
7 is transferable by the licensee to another truck, truck
8 tractor, trailer, semitrailer, lowboy trailer, pole trailer,
9 housetrailer, or passenger car upon transfer of ownership of
10 such truck, truck tractor, trailer, semitrailer, lowboy
11 trailer, pole trailer, housetrailer, or passenger car to a
12 replacement vehicle of the same type. If a smaller vehicle
13 is purchased, there shall be no refund."

14 Section 88. Section 61-10-226, MCA, is amended to
15 read:

16 "61-10-226. Deposit of state highway moneys money. (1)
17 Any reference to the state highway fund shall ~~be taken to~~
18 ~~mean~~ mean the state highway account in the earmarked
19 revenue fund.

20 (2) Moneys Money received for the use of the
21 department from the receipt or transfer of ~~motor-vehicle~~ GVM
22 license fees, as provided by law, or from other state
23 sources shall be deposited in the earmarked revenue fund to
24 the credit of the department.

25 (3) Moneys Money received from the counties and from

1 the federal government or other agencies shall be deposited
2 in the federal and private revenue fund to the credit of the
3 department.

4 (4) Hereafter, ~~moneys~~ Money collected for the
5 department as authorized by law shall be credited to such
6 fund or funds by the state treasurer."

7 Section 89. Section 61-10-227, MCA, is amended to
8 read:

9 "61-10-227. Blank forms furnished county treasurers.
10 The department shall furnish all county treasurers with the
11 following:

12 (1) blank application forms and affidavit forms
13 outlining and providing for the information needed in each
14 classification of ~~registration~~ license required;

15 (2) ~~registration, license or certificates~~ GVM
16 licenses in a form determined most suitable by the
17 department;

18 (3) the other forms, stickers, certificates, or blanks
19 the department considers necessary to carry out this part."

20 Section 90. Section 61-10-233, MCA, is amended to
21 read:

22 "61-10-233. Excess weight -- penalties. (1) The
23 operator is subject to the penalties stated in ~~this~~
24 ~~section~~ 61-10-232 whenever the gross ~~laden~~ loaded weight of
25 any ~~motortruck~~ trucks, truck tractor, trailer, or

1 semitrailer operated upon any highway in this state exceeds
2 the gross vehicle weight shown on:

3 (a) the owner's certificate of registration and tax
4 receipt issued under 61-3-322; or

5 (b) the gross vehicle weight receipt issued under
6 61-10-277.

7 (2) ~~The In addition, the~~ operator shall immediately
8 thereafter pay to the nearest county treasurer or to the
9 department the difference between the fee already paid and
10 that applicable to the gross weight of his vehicle before
11 unloading the excess, provided that it does not exceed the
12 legal axle weight."

13 Section 91. Section 61-11-211, MCA, is amended to
14 read:

15 "61-11-211. Department ~~Division~~ to revoke license of
16 habitual offender -- method of removal of points upon
17 revocation. Upon receipt of a court order declaring an
18 habitual offender, the department ~~division~~ shall revoke the
19 driver's license or driving privilege of the individual
20 named in the order for a period of 3 years from the date of
21 the order. Additionally, the department shall remove from
22 that individual's record those habitual offender points
23 which were certified to the county attorney in the
24 certification required by 61-11-204."

25 Section 92. Section 61-12-208, MCA, is amended to

1 read:

2 "61-12-208. Duty upon making an arrest -- power to fix
3 and accept bail ~~---fees-of-justices-of-the-peace. (1) Such~~
4 employees, upon making an arrest, shall deliver to the
5 offender a form of notice to appear, describing the nature
6 of the offense, with instructions on the notice to appear
7 for the offender to report to the nearest justice of the
8 peace. The employee may accept a deposit for appearance
9 justifiable for the offense charged. The person arrested may
10 be detained for a reasonable time for the purpose of issuing
11 the notice. If the employee accepts bail, he shall give a
12 signed receipt to the offender, setting forth the amount
13 received. The employee shall then deliver the bail money to
14 the justice of the peace before whom the offender is to
15 appear, and the justice of the peace shall give a receipt to
16 the employee for the amount of bail money delivered. After
17 the filing of the complaint and appearance of the defendant,
18 the justice of the peace shall assume jurisdiction and may
19 set and accept further appearance bail bond.

20 ~~(2) --For the purpose of this part--only--the--fees--of~~
21 ~~justices-of-the-peace-in-all-offenses-in-which-the-statutory~~
22 ~~fine-is-\$5-or-less-shall-be-\$15-but-if-the-statutory-fine-is~~
23 ~~in-excess-of-\$5, the-justices-of-the-peace-are-permitted-the~~
24 ~~fee-prescribed-by-law--No--additional-fees-shall-be-paid~~
25 ~~justices-of-the-peace-where-salaries-are-fixed-by-law"~~

1 Section 93. Section 61-12-401, MCA, is amended to
2 read:

3 "61-12-401. Taking vehicle into custody. (1) The
4 following law enforcement agencies may take into custody any
5 motor vehicle found abandoned for a period of 48 hours or
6 more on any public highway or for a period of 5 days or
7 more on any city street or public property:

8 (a) the Montana highway patrol if the vehicle is upon
9 the right-of-way of any public highway other than a county
10 road;

11 (b) the sheriff of the county if the vehicle is upon
12 the right-of-way of any county road ~~or private property~~
13 within the county;

14 (c) the city police if the vehicle is upon a city
15 street within the city.

16 (2) The Montana highway patrol, ~~the~~ sheriff of the
17 county, or the city police may use ~~its--or--his~~ their
18 personnel, equipment, and facilities for the removal and
19 preservation of the vehicle or may hire other personnel,
20 equipment, ~~and~~ or facilities for those purposes."

21 Section 94. Section 61-12-502, MCA, is amended to
22 read:

23 "61-12-502. Rules for identification cards. The
24 division shall formulate and adopt reasonable rules for the
25 application for and issuing of identification cards, and

1 cancellation thereof, and shall require the furnishing of
2 such information necessary for the purpose of this part."

3 Section 95. Section 61-12-701, MCA, is amended to
4 read:

5 "61-12-701. Highway patrol -- ~~fees~~ disposition of
6 finer and forfeitures. (1) All ~~fees,~~ finer, and forfeitures
7 collected in any court from persons apprehended or arrested
8 by patrolmen for violation of the laws and regulations
9 relating to the use of state highways and the operation of
10 vehicles thereon must be paid to the state treasurer and by
11 him credited to the general fund of the state, except for
12 that portion of the ~~finer as provided in 20-7-504~~ otherwise
13 allocated by law which shall be paid into the ~~automobile~~
14 ~~driver--education--account~~ appropriate accounts in the
15 earmarked revenue fund.

16 (2) At the time of payment of any such ~~fees,~~ finer, or
17 forfeiture, there shall be filed with the state treasurer a
18 complete statement showing the total of the ~~fees,~~ finer, or
19 forfeitures received or incurred, which statement shall give
20 the title of the court and cause and be subscribed to by the
21 person or officer making such ~~the~~ payments."

22 Section 96. Section 61-12-703, MCA, is amended to
23 read:

24 "61-12-703. Disposition of traffic fines collected
25 from juveniles. All fines collected by the district courts

1 from children ~~persons~~ under 18 years of age for ~~unlawful~~
 2 ~~operation--of--motor--vehicles~~ as the result of traffic
 3 summonses for unlawful operation of motor vehicles issued by
 4 peace officers of cities or counties or by highway
 5 patrolmen, together with ~~that portion~~ the percentage of the
 6 fines which ~~is specified in 20-7-505~~ otherwise deductible by
 7 law, shall be retained by the county treasurer of the county
 8 in which the offense occurred and at the end of each month
 9 distributed as follows:

10 (1) Fines collected as the result of summonses issued
 11 by city peace officers shall be distributed to the city in
 12 which the peace officer is employed and credited to the city
 13 general fund.

14 (2) Fines collected as the result of summonses issued
 15 by county peace officers shall be retained by the county
 16 treasurer and credited to the county road fund.

17 (3) Fines collected as the result of summonses issued
 18 by state highway patrolmen shall be paid to the state
 19 treasurer, who shall credit them to the general fund of the
 20 state.

21 (4) That portion of the fines which ~~is specified in~~
 22 ~~20-7-505~~ deductible by law shall be paid to the state
 23 treasurer, who shall credit it the money to the ~~automobile~~
 24 ~~driver--education--account~~ appropriate accounts in the
 25 earmarked revenue fund."

1 Section 97. Section 20-7-504, MCA, is amended to read:
 2 "20-7-504. State traffic education account and ==
 3 proceeds earmarked for the account. (1) There is hereby
 4 established a traffic education account in the treasury of
 5 the state of Montana. There shall be paid into this account
 6 a portion of the fines assessed and bails forfeited on all
 7 offenses involving a violation of ~~a state statute~~ chapter 4,
 8 part 1 of chapter 4, or chapters 5 through 10 of Title 61,
 9 or a city ordinance and relating to the operation or use of
 10 motor vehicles, except offenses relating to parking of
 11 vehicles, in the following amounts:

12 (a) where if a fine is imposed, 20% of the fine
 13 imposed;

14 (b) where if multiple offenses are involved, 20% of
 15 the total sum of all fines imposed;

16 (c) where if a fine is suspended, in whole or in part,
 17 ~~the--portion--paid--to--the--traffic--education--account--shall--be~~
 18 20% of the fine actually paid; and

19 (d) when if any deposit of bail is made for an offense
 20 to which this section applies and the bail is forfeited, 20%
 21 of the forfeited bail.

22 (2) Five percent of all ~~moneys~~ money received by the
 23 state ~~of--Montana~~ from the collection of the motor vehicle
 24 driver's license fee provided for under the laws of Montana
 25 shall be contributed to the traffic education account."

1 Section 98. Section 53-9-109, MCA, is amended to read:

2 "53-9-109. Crime victims compensation account. There
3 is created a crime victims compensation account in the
4 earmarked revenue fund. There shall be paid into this
5 account 6% of the fines assessed and bails forfeited on all
6 offenses involving a violation of ~~a state statute chapter 3,~~
7 ~~part 1 of chapter 4, or chapters 5 through 10 of Title 61,~~
8 or a city ordinance and relating to the operation or use of
9 motor vehicles, except offenses relating to parking of
10 vehicles."

11 Section 99. Repealer. Section 61-8-721, MCA, is
12 repealed.

13 Section 100. Repealer. Sections 31-167, 31-186,
14 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134,
15 53-135, and 53-140 through 53-144, R.C.M. 1947, are
16 repealed.

-End-

Approved by Committee
on Highways & Transportation

1 SENATE BILL NO. 113
2 INTRODUCED BY GRAHAM
3 BY REQUEST OF THE CODE COMMISSIONER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING
7 SECTION 61-8-721, MCA; AND REPEALING SECTIONS 31-167,
8 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154,
9 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

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

12 Section 1. Section 61-1-101, MCA, is amended to read:
13 "61-1-101. Definitions. ~~The following~~ Unless the
14 context indicates otherwise, the words and phrases when
15 defined in this chapter have, as used in this ~~act~~
16 ~~for the purpose of this act~~ title, have the meanings
17 respectively ascribed to them in this chapter."

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

19 "61-1-102. Motor vehicle. (1) "Motor vehicle" means
20 every vehicle which is self-propelled and every vehicle
21 which is propelled by electric power obtained from overhead
22 trolley wires but not operated upon rails, excluding
23 motorcycles

24 (2) For 61-10-101 through 61-10-110, the term "motor
25 vehicle" is defined in subsection (3):

1 (3) "Motor vehicle" means every vehicle which is
2 self-propelled and every vehicle which is propelled by
3 electric power obtained from overhead trolley wires but not
4 operated upon rails

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

8 (5) The term "motor vehicle" as used in part 4 of
9 chapter 4 shall mean every self-propelled vehicle moving
10 over the highways of this state whether patented or
11 unpatented

12 (6) "Motor vehicle" means a self-propelled vehicle
13 including without limitation an automobile, motorbus,
14 motorcycle, truck, and truck tractor

15 (7) The word "motor vehicle" as used in [this title]
16 shall include trailers, semitrailers, automobiles, auto
17 trucks, motorcycles, cycle motors, and all other vehicles
18 propelled by their own power used upon the public highways
19 of the state, excepting steam or gas tractors, or
20 self-propelled wheelchairs or similar vehicles operated by
21 invalids

22 (8) The term "motor vehicle" as used in 61-3-202 and
23 61-3-322 includes automobile, truck, motorcycle-type
24 vehicle, and semitrailer, trailer, and house trailer

25 (9) The words "motor vehicle" as used in chapters 3

please retain this copy. Bill will not
be run in it's entirety, on third reading.

1 and 4 shall include all vehicles which are self-propelled
2 except road rollers, traction engines, and retrofitted cars,
3 farm tractors, and motorcars run upon stationary rails or
4 tracks.

5 (10) "Motor vehicle" as used in part of chapter 61
6 means every self-propelled vehicle which is designed for use
7 upon a highway, including trailers and semitrailers designed
8 for use with such vehicles (except traction engines, road
9 rollers, farm tractors, tractor cranes, power shovels, and
10 well-drillers) and every vehicle which is propelled by
11 electric power obtained from overhead wires but not operated
12 upon rails.

13 (11) "Motor vehicle" as used in 61-3-711 through
14 61-3-733 means every vehicle which is self-propelled and
15 every vehicle which is propelled by electric power obtained
16 from overhead trolley wires but not operated upon rails.
17 "Motor vehicle" means every vehicle propelled by its own
18 power and designed primarily to transport persons or
19 property upon the highways of the state, except that for the
20 purpose of chapter 3 the term also includes trailers,
21 semitrailers, and house trailers."

22 Section 3. Section 61-1-103, MCA, is amended to read:
23 "61-1-103. Vehicle. (1) "Vehicle" means every device
24 in, upon, or by which any person or property is or may be
25 transported or drawn upon a public highway, excepting except

1 devices moved by human or animal power or used exclusively
2 upon stationary rails or tracks. However, in chapters 3 and
3 4 the term means "motor vehicle" as defined in this part.

4 (2) For 61-10-101 through 61-10-118 the term
5 "vehicle" is defined in subsection (3).

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

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

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

17 Section 4. Section 61-1-104, MCA, is amended to read:

18 "61-1-104. Special mobile equipment. (1) "Special
19 mobile equipment" means every vehicle not designed or used
20 primarily for the transportation of persons or property and
21 incidentally operated or moved over the highways, including
22 farm tractors, road construction or maintenance machinery,
23 ditch-digging apparatus, well-boring apparatus, and concrete
24 mixers. The foregoing enumeration shall be deemed to be partial
25 and shall not operate to does not exclude other such

1 vehicles which are within the general terms of this section.
 2 (2) "Special mobile equipment" as used in 61-3-431
 3 through 61-3-434 means every vehicle which is not designed
 4 and used primarily for the transportation of persons or
 5 property on a public highway and which is operated or moved
 6 over the highway from construction project to construction
 7 project and not removed from the confines and haul roads
 8 thereof except for movement from construction project to
 9 storage yard or from storage yard to construction project or
 10 from storage yard or construction project to point of repair
 11 or maintenance and return. Special mobile equipment
 12 includes but is not limited to portable air compressors,
 13 air drills, asphalt spreaders, gravel crushing equipment and
 14 not plant equipment, buckets, belt and front end loaders,
 15 track laying tractors, ditchers, leveling graders, finishing
 16 machines, motor graders, paving mixers, earth moving
 17 scrapers and carryalls, lighting, generating and power
 18 plants, welders, pumps, power shovels and draglines, cranes,
 19 crane-mounted heel boom log loaders, fork lift trucks,
 20 lumber carriers, bunkhouses, toothouses, shop cars, oil
 21 distributors, scales and scale houses and conveyors. It
 22 also includes self-propelled tractor drawn earth moving
 23 equipment, dump trucks, and tractor-dump trailer
 24 combinations which because of excess width, height, length
 25 or unladen weight cannot be moved over a public highway

1 without a permit as provided in 61-10-121 through 61-10-127,
 2 and which are operated unladen except within the boundaries
 3 of the project limits as defined by the contract and
 4 adjacent haul roads. However, the term "special mobile
 5 equipment" does not include a vehicle such as a truck, truck
 6 tractor, trailer, semitrailer, house trailer, or house car
 7 designed for the transportation of persons or property."

8 Section 5. 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 attached thereto and a driving wheel in contact with the
 23 ground, in addition to the wheels of the vehicle itself,
 24 but a motorcycle may carry one or more attachments and a
 25 seat for the conveyance of a passenger. The term does not

1 include a tractor." 1

2 Section 6. Section 61-1-107, MCA, is amended to read:

3 "61-1-107. Truck. (1) "Truck" or "motor truck" means
4 every motor vehicle designed, used, or maintained primarily
5 for the transportation of property.

6 (2) ~~For 61-10-101 through 61-10-119, the term "truck"~~
7 ~~is defined in subsection (1).~~

8 (3) ~~The term "motor truck" as used in chapters 3 and 4~~
9 ~~shall include all motor vehicles designed or used for the~~
10 ~~transportation of commodities, merchandise, produce,~~
11 ~~freight, or animals."~~

12 Section 7. Section 61-1-108, MCA, is amended to read:

13 "61-1-108. Truck tractor. (1) "Truck tractor" means
14 every motor vehicle designed and used primarily for drawing
15 other vehicles and not so constructed as to carry a load
16 other than a part of the weight of the vehicle and load so
17 drawn.

18 (2) ~~For 61-10-101 through 61-10-119, the term "truck~~
19 ~~tractor" is defined in subsection (1)."~~

20 Section 8. Section 61-1-109, MCA, is amended to read:

21 "61-1-109. Farm tractor. (1) "Farm tractor" means
22 every motor vehicle designed and used primarily as a farm
23 implement for drawing plows, mowing machines, and other
24 implements of husbandry.

25 (2) ~~"Farm tractor" means every motor vehicle designed~~

1 and used primarily as a farm implement for drawing plows,
2 mowing machines, and other implements of husbandry."

3 Section 9. Section 61-1-111, MCA, is amended to read:

4 "61-1-111. Trailer. (1) "Trailer" means every vehicle,
5 with or without motive power (other than a pole trailer),
6 designed for carrying property and for being drawn by a
7 motor vehicle and so constructed that no part of its weight
8 rests upon the towing vehicle, except that

9 (2) ~~For 61-10-101 through 61-10-119, the term~~
10 ~~"trailer" is defined in subsection (1).~~

11 (3) ~~The term "trailer" as used in chapters 3 and 4~~
12 ~~shall include the term includes every vehicle without motive~~
13 ~~power designated designed to carry property or passengers~~
14 ~~wholly on its own structure and to be drawn by a motor~~
15 ~~vehicle."~~

16 Section 10. Section 61-1-112, MCA, is amended to read:

17 "61-1-112. Semitrailer. (1) "Semitrailer" means every
18 vehicle, with or without motive power (other than a pole
19 trailer), designed for carrying property and for being drawn
20 by a motor vehicle and so constructed that some part of its
21 weight and that of its load rests upon or is carried by
22 another vehicle, except that

23 (2) ~~For 61-10-101 through 61-10-119, the term~~
24 ~~"semitrailer" is defined in subsection (1).~~

25 (3) ~~The term "semitrailer" as used in chapters 3 and 4~~

1 ~~shall include the term includes every vehicle of the trailer~~
 2 ~~type so designed and used in conjunction with a motor~~
 3 ~~vehicle that some part of its own weight and that of its own~~
 4 ~~load rests upon or is carried by another vehicle a pole~~
 5 ~~trailer."~~

6 Section 11. Section 61-1-201, MCA, is amended to read:

7 "61-1-201. Highway. (1) "Highway" means the entire
 8 width between the boundary lines of every way publicly
 9 maintained way when any part thereof is open to the use of
 10 the public for purposes of vehicular travel.

11 (2) "Highway" means the entire width between the
 12 boundary lines of every street, highway, and related
 13 structure as has been or shall be built and maintained with
 14 appropriated funds of the United States and which has been
 15 or shall be built and maintained with funds of the state or
 16 any political subdivision thereof or which has been or shall
 17 be dedicated to public use or has been acquired by eminent
 18 domain except that for the purpose of chapter 8 the term
 19 also includes ways which have been or shall be dedicated to
 20 public use."

21 Section 12. Section 61-1-202, MCA, is amended to read:

22 "61-1-202. Public highways highway. ~~In 61-12-201~~
 23 ~~through 61-12-208, the term "public highways" "Public~~
 24 ~~highway" means "highways" "highway" as defined in 61-1-201."~~

25 Section 13. Section 61-1-203, MCA, is amended to read:

1 "61-1-203. Street. (1) "Street" means the entire width
 2 between the boundary lines of every way publicly maintained
 3 way when any part thereof is open to the use of the public
 4 for purposes of vehicular travel.

5 (2) "Street" means the entire width between the
 6 boundary lines of every street, highway, and related
 7 structure as has been or shall be built and maintained with
 8 appropriated funds of the United States and which has been
 9 or shall be built and maintained with funds of the state or
 10 any political subdivision thereof or which has been or shall
 11 be dedicated to public use or has been acquired by eminent
 12 domain."

13 Section 14. Section 61-1-305, MCA, is amended to read:

14 "61-1-305. Highway patrolman. "Highway patrolman"
 15 means every state officer authorized to direct or regulate
 16 traffic or to make arrests for violations of traffic
 17 regulations."

18 Section 15. Section 61-1-307, MCA, is amended to read:

19 "61-1-307. Person. (1) "Person" means every natural
 20 person, firm, partnership, association, or corporation.
 21 (2) The term "person" as used in part 4 of chapter 4
 22 means any individual, firm, corporation, partnership,
 23 association, trustee, receiver, or assignee for the benefit
 24 of creditors.

25 (3) "Person" as used in 61-4-131 through 61-4-137

1 means an individual, corporation, partnership, association,
2 firm, or other legal entity.

3 (4) ~~"Person" as used in part of chapter 6v means every~~
4 ~~natural person, firm, partnership, association, or~~
5 ~~corporation.~~

6 (5) ~~"Person," for purposes of 61-3-711 through~~
7 ~~61-3-733, means every natural person, firm, partnership,~~
8 ~~association, or corporation."~~

9 Section 16. Section 61-1-310, MCA, is amended to read:

10 "61-1-310. Owner. (1) ~~A person who holds the legal~~
11 ~~title of a vehicle or in the event a vehicle is the subject~~
12 ~~of an agreement for the conditional sale or lease thereof~~
13 ~~with the right of purchase upon performance of the~~
14 ~~conditions stated in the agreement and with the immediate~~
15 ~~right of possession vested in the conditional vendee or~~
16 ~~lessee, or in the event a mortgagor of a vehicle is entitled~~
17 ~~to possession, then such conditional vendee or lessee or~~
18 ~~mortgagor shall be deemed the owner for the purpose of this~~
19 ~~act];~~

20 (2) ~~the term "owner" as used in chapters 3 and 4 shall~~
21 ~~include any person, firm, association, or corporation owning~~
22 ~~or renting a motor vehicle or having the exclusive use~~
23 ~~thereof, under lease or otherwise, and shall also include a~~
24 ~~contract vendee;~~

25 (3) ~~"Owner" as used in 61-3-711 through 61-3-733 means~~

1 a person who holds the legal title to a vehicle, ~~or in the~~
2 ~~event if a vehicle is the subject of an agreement for the~~
3 ~~conditional sale thereof with the right of purchase upon~~
4 ~~performance of the conditions stated in the agreement and~~
5 ~~with an immediate right of possession vested in the~~
6 ~~conditional vendee, or in the event a vehicle is subject to~~
7 ~~a lease, contract, or other legal arrangement vesting right~~
8 ~~of possession or control, for security or otherwise, or in~~
9 ~~the event a mortgagor of a vehicle is entitled to~~
10 ~~possession, then the owner shall be deemed to be such is the~~
11 ~~person in whom is vested right of possession or control.~~

12 (4) ~~"Owner" as used in part of chapter 6v means a~~
13 ~~person who holds the legal title of a motor vehicle or in~~
14 ~~the event a motor vehicle is the subject of an agreement for~~
15 ~~the conditional sale or lease thereof, with the right of~~
16 ~~purchase upon performance of the conditions stated in the~~
17 ~~agreement, and with an immediate right of possession vested~~
18 ~~in the conditional vendee or lessee, or in the event a~~
19 ~~mortgagor of a vehicle is entitled to possession, then such~~
20 ~~conditional vendee or lessee or mortgagor shall be deemed~~
21 ~~the owner for the purposes of part of chapter 6v"~~

22 Section 17. Section 61-1-311, MCA, is amended to read:

23 "61-1-311. Operator. (1) ~~"Operator" means every~~
24 ~~person other than a chauffeur, who drives or is in actual~~
25 ~~physical control of a motor vehicle upon a highway or who is~~

1 exercising control over or steering a vehicle being towed by
2 a motor vehicle.

3 (2) "Operator" as used in part 1 of chapter 6 means
4 every person who is in actual physical control of a motor
5 vehicle."

6 Section 18. Section 61-1-314, MCA, is amended to read:

7 "61-1-314. Dealer. (1) The term "dealer" as used in
8 part 4 of chapter 4 shall mean any person, firm,
9 association, or corporation or other organization of any
10 kind, character, or nature regularly engaged or intending to
11 engage in the business of selling motor vehicles at retail
12 within this state.

13 (2) "Dealer" as used in 61-4-131 through 61-4-137
14 means a person who, for commission or profit, engages in the
15 business of buying, selling, exchanging, or acting as a
16 broker of motor vehicles under a franchise or distribution
17 agreement.

18 (3)(1) (a) The term "dealer" "Dealer" as used in
19 chapter 3 and part 1 of chapter 4 shall mean and include
20 means any person, firm, association, or corporation engaged
21 which, for commission or profit, engages in whole or in part
22 in the business of buying, selling, exchanging, or acting as
23 a broker of either new or used motor vehicles, or both, and
24 who is qualified qualifies for issuance of a dealer's
25 license under 61-4-101 through 61-4-105 and no person

1 firm, association, or corporation shall be issued a dealer's
2 license by the division unless it qualifies as a dealer
3 defined herein.

4 (b)(2) The term "dealer" does not include the
5 following:

6 (i)(a) receivers, trustees, administrators, executors,
7 guardians, or other persons appointed by or acting under a
8 judgment or order of any court of competent jurisdiction;

9 (ii)(b) employees of such persons when engaged in the
10 specific performance of their duties as such employees; or

11 (iii)(c) public officers while performing or in the
12 operation of their duties.

13 (c)(3) A dealer dealing in used cars motor vehicles
14 only shall deliver to the buyer on completion of sale a
15 transferable title and shall purchase a Montana store
16 license. Dealer shall deliver under oath a notarized
17 certificate with any used motor vehicle stating the full
18 name and last known address of the previous owner of said
19 motor vehicle and state where the motor vehicle was last
20 registered.

21 Section 19. Section 61-1-315, MCA, is amended to read:

22 "61-1-315. Trailer dealer. "Trailer dealer" as used in
23 chapters 3 and 4 shall mean and include means any person,
24 firm, or corporation engaged in whole or in part in the
25 business of buying or selling trailers or semitrailers, with

1 facilities for displaying one or more trailers or
2 semitrailers."

3 Section 20. Section 61-1-316, MCA, is amended to read:

4 "61-1-316. Manufacturer. The term "manufacturer" as
5 used--in--chapter--3--and--part-1-of--chapter-4--shall--include
6 includes any person, firm, corporation, or association
7 engaged in the manufacture of any motor vehicles, trailers,
8 or semitrailers as a regular business."

9 Section 21. Section 61-1-403, MCA, is amended to read:

10 "61-1-403. Official traffic-control devices. "Official
11 traffic-control devices" means all signs, signals, markings,
12 and devices not inconsistent with this [act] title, placed
13 or erected by authority of a public body or official having
14 jurisdiction, for the purpose of regulating, warning, or
15 guiding traffic. FOR THE PURPOSE OF CHAPTER 8, PART 2, OF
16 THIS TITLE, THE TERM ALSO INCLUDES "FLAG PERSON" AS DEFINED
17 IN 61-1-411."

18 Section 22. Section 61-1-504, MCA, is amended to read:

19 "61-1-504. Revocation. "Revocation" means that the
20 driver's license and privilege to drive a motor vehicle on
21 the public highways are terminated and ~~shall~~ may not be
22 renewed or restored. An application for a new license may be
23 presented and acted upon by the division after the
24 expiration of the period of ~~such~~ the revocation or
25 suspension."

1 NEW SECTION. Section 23. Certificate of ownership.
2 "Certificate of ownership" means the certificate issued by
3 the division of motor vehicles to the transferee upon a
4 transfer of ownership of a motor vehicle.

5 Section 24. Section 61-2-203, MCA, is amended to read:

6 "61-2-203. Equipment requirements continued in force.
7 Provisions of [~~sections 32-21-114 to 32-21-161~~ inclusive
8 Revised 1947] chapter 9 of this title shall continue to be
9 ~~of force and in~~ in effect. The approval of the legislature is a
10 condition precedent to the taking effect of any rule,
11 regulation, or code that may be ~~issued or~~ adopted by the
12 commission."

13 Section 25. Section 61-2-204, MCA, is amended to read:

14 "61-2-204. State commissioner on vehicle equipment
15 safety commission. The Notwithstanding section 1, chapter
16 272, Laws of 1971, the commissioner of this state on the
17 vehicle equipment safety commission ~~shall be~~ is the highway
18 patrol chief who shall serve during his continuance as such
19 officer. The commissioner of ~~this state~~ appointed pursuant
20 to this section may designate an alternate from among the
21 officers and employees of his agency to serve in his place
22 ~~and stand~~ on the vehicle equipment safety commission.
23 Subject to the provisions of the compact and bylaws of the
24 vehicle equipment safety commission, the authority and
25 responsibilities of ~~such~~ the alternate ~~shall be~~ are as

1 determined by the commissioner designating ~~such--alternate~~
2 ~~and.~~"

3 Section 26. Section 61-3-101, MCA, is amended to read:

4 "61-3-101. Duties of division of motor vehicles --
5 records. (1) The division of motor vehicles shall keep a
6 record as hereinafter specified of all motor vehicles,
7 trailers, and semitrailers of every kind, and of
8 certificates of registration and ownership thereof, and of
9 all dealers in motor vehicles.

10 (2) In the case of motor vehicles, trailers, and
11 semitrailers, the record shall show the following:

12 (a) name of owner, residence by town and county, and
13 business address;

14 (b) name and address of conditional sales vendor,
15 mortgagee, or other lienholder and amount due under contract
16 or lien;

17 (c) manufacturer of car;

18 (d) manufacturer's designation of style of car or
19 vehicle;

20 (e) identifying number;

21 (f) year of manufacture;

22 (g) character of motive power and shipping weight of
23 car as shown by the manufacturer;

24 (h) the distinctive license number assigned ~~such-car~~
25 ~~or to the~~ vehicle;

1 (i) if a truck or trailer, the number of ~~tons~~ tons
2 capacity;

3 (j) such other information as ~~may from time to time be~~
4 found desirable.

5 (3) The division shall file applications for
6 registration received by it from the county treasurers of
7 the state and register the vehicles therein described and
8 the owners thereof in suitable books or on index cards, as
9 follows:

10 (a) under ~~the~~ distinctive license number assigned to
11 ~~the~~ vehicle by the county treasurers treasurer;

12 (b) alphabetically under ~~the~~ name of ~~the~~ owners owner;

13 (c) numerically under make and identifying number of
14 ~~the~~ vehicle;

15 (d) such other index of registration as the division
16 ~~shall deem~~ considers expedient.

17 (4) Vehicle registration records and indexes and
18 driver's license records and indexes ~~may be maintained by~~
19 electronic recording and storage media.

20 (5) In the case of dealers, the records shall show the
21 information contained in the application for dealer's
22 license as required by 61-4-101 through 61-4-105, as well as
23 the distinctive license number assigned to the dealer.

24 (6) In order to prevent an accumulation of unneeded
25 records and files, the division shall have the authority and

1 it shall be its duty to destroy all records and files which
2 have ceased to be of any value.

3 (7) The division may establish and maintain a
4 short-wave radio station in order to report motor vehicle
5 registration information to the highway patrol, to sheriffs,
6 and to the chiefs of police of each incorporated city of the
7 state who are able to communicate with such short-wave radio
8 station.

9 (8) All such records shall be open to inspection
10 during all reasonable business hours, and the division shall
11 furnish any information from said the records upon payment
12 by the applicant of the cost of transcribing the information
13 requested.

14 (9) ~~The division shall appoint such deputy
15 subordinate officers, clerks, investigators, and other
16 employees as may be necessary to carry out this chapter,
17 providing there be selected as many of the clerical help
18 from the inmates of the state prison as the division
19 determines to be possible. All office equipment, books,
20 files and records belonging to the [motor department] shall
21 be in the care and general custody and control of the
22 division at Beer Lodge.~~

23 Section 27. Section 61-3-105, MCA, is amended to read:

24 "61-3-105. Licensee ~~registrant~~ as prima facie owner of
25 vehicle. ~~Licensee of motor vehicle shall prima facie be~~

1 ~~deemed owner thereof.~~ For the purpose of this [act] title,
2 ~~except as provided by 61-3-701(3)~~ the person appearing on
3 the public records as ~~licensee the registrant~~ of any motor
4 vehicle shall prima facie be deemed the owner thereof."

5 Section 28. Section 61-3-106, MCA, is amended to read:

6 "61-3-106. Report of stolen and recovered motor
7 vehicles. It shall be the duty of the sheriff of every
8 county of the state and of the chief of police or
9 commissioner of police of every city to make immediate
10 report to the division of all motor vehicles reported to him
11 as stolen or recovered, upon forms provided for by the
12 division. Failure on the part of any officer shall be deemed
13 ~~considered~~ to be misfeasance in office and shall constitute
14 grounds for removal. Upon receipt of such information, the
15 division shall file the same ~~it~~ in an index to be known as
16 the "stolen and recovered motor vehicle index". It shall
17 also be the duty of the division to file reports of stolen
18 and recovered motor vehicles reported to it from other
19 states. The division shall prepare once a month a list of
20 all motor vehicles stolen or recovered during the previous
21 month and forward a copy of the same ~~it~~ to every sheriff and
22 all police departments in cities of the first, second, and
23 third class. Such ~~the~~ list shall also be forwarded to the
24 secretary of state or other proper official in each state of
25 the United States. Before issuing a certificate of title as

1 heretofore--provided ~~ownership~~, the secretary--of---state
 2 ~~division~~ shall check the motor and serial number on the
 3 motor vehicle to be registered against the "stolen and
 4 recovered vehicle index".

5 Section 29. Section 61-3-201, MCA, is amended to read:

6 "61-3-201. Transfer of ~~title-or~~ interest. (1) Upon a
 7 transfer of any ~~title-or~~ interest of-an-owner in or--to a
 8 motor vehicle registered under the provisions of this
 9 chapter ~~as-hereinafter-required~~, the person whose ~~title--or~~
 10 interest is to be transferred shall write his signature with
 11 pen and ink upon the certificate of ownership issued for
 12 such vehicle in the appropriate space provided upon the
 13 reverse side of such ~~the~~ certificate, and such ~~his~~ signature
 14 shall be acknowledged before a notary public.

15 (2) Within 20 calendar days thereafter, the transferee
 16 shall forward both the ~~endorsed~~ certificate of ownership so
 17 endorsed and the certificate of registration, together with
 18 the information required under 61-3-202, to the county
 19 treasurer, who shall forward ~~the-same~~ ~~them~~ to the division,
 20 and-no ~~no~~ certificate of ownership and ~~or~~ certificate of
 21 registration may be issued by the division until the
 22 outstanding certificates are surrendered to that office or
 23 their loss ~~is~~ established to its reasonable satisfaction.
 24 Failure to make such application within the 20-day grace
 25 period subjects the transferee to a penalty of \$10. The

1 penalty is to be collected by the county treasurer at the
 2 time of registration and is in addition to the fees
 3 otherwise provided by law.

4 (3) In the event of a transfer by operation of law of
 5 any ~~title--or~~ interest of--an-owner-of-the-~~title-or~~
 6 owner in end-to a motor vehicle as upon inheritance, devise,
 7 or bequest, order in bankruptcy or insolvency, execution
 8 sale, repossession upon default in the performance of the
 9 terms of a lease or executory sales contract, or otherwise
 10 than by voluntary act of the person whose title or interest
 11 is so transferred, the executor, administrator, receiver,
 12 trustee, sheriff, or other representative or successor in
 13 interest of the person whose ~~title--or~~ interest is so
 14 transferred shall forward to the division an application for
 15 registration ~~a certificate of ownership~~ in the form required
 16 for an original application for registration ~~a certificate~~
 17 ~~of-ownership~~, together with a verified or certified
 18 statement of the transfer of such ~~title-or~~ interest. Such
 19 ~~the~~ statement shall set forth the reason for such ~~the~~
 20 involuntary transfer, the ~~title-or~~ interest so transferred,
 21 the name or-names of the person or--persons to whom such
 22 ~~title--or~~ ~~the~~ interest is to be transferred, the process of
 23 procedure effecting such transfer, and such other
 24 information ~~as--may--be~~ requested by the division. Such
 25 evidence ~~Evidence~~ and instruments ~~as--may~~ otherwise be

1 required by law to effect a transfer of legal or equitable
 2 title to or an interest in chattels as may be required in
 3 such cases shall be furnished with such ~~the~~ statement. In
 4 the event ~~if~~ the division ~~shall be~~ is satisfied that such
 5 ~~the~~ transfer is regular and that all formalities as required
 6 by law have been complied with, it shall ~~cause to be sent~~
 7 ~~send~~ to the owner, conditional sales vendors ~~vendor~~, lessors
 8 ~~lessor~~, mortgagees ~~mortgagee~~, and other lienors ~~lienor~~, as
 9 shown by its records, notice of such ~~the~~ intended transfer
 10 and thereafter, but not less than 5 days thereafter, shall
 11 register ~~such motor vehicle and shall~~ issue a new
 12 certificate of ownership and certificate of registration to
 13 the person ~~or persons~~ entitled thereto. The notice herein
 14 required ~~shall be deemed~~ is complied with by deposit in the
 15 post office in Deer Lodge, Montana, such notice, postage
 16 prepaid, addressed to such ~~the~~ person ~~or persons~~ at the
 17 respective addresses ~~address~~ shown on its records.

18 (4) When the vehicle ~~title~~ certificate of ownership
 19 that is involuntarily transferred is not registered in this
 20 state, the procedure set forth above must be followed in
 21 applying for a new certificate of ownership and certificate
 22 of registration, but the division need not send notice of
 23 intended transfer and shall issue a new certificate of
 24 ownership and a new certificate of registration to the
 25 person entitled thereto.

1 (5) In the event of the death of an owner of one or
 2 more motor vehicles ~~and/or trailer and/or semitrailer and/or~~
 3 ~~housetrailer~~ or trailers or semitrailers or housetrailer
 4 registered hereunder and not exceeding the value of \$4,000,
 5 without leaving other property necessitating the procuring
 6 of letters of administration or letters testamentary, then
 7 the surviving husband or wife, or other heir, unless such
 8 property is by will otherwise bequeathed, may secure
 9 transfer of the certificate of ownership and the certificate
 10 of registration of the deceased ~~in and~~ to such motor
 11 vehicle in the name of the surviving husband or wife or
 12 other heir, as above mentioned, upon filing with the
 13 division an affidavit ~~of such person~~ setting forth the fact
 14 of survivorship and the name and address of any other heirs
 15 and such other facts as are hereby made necessary to entitle
 16 the affiant to a transfer. Thereupon the division is
 17 authorized to make ~~such the~~ transfer of the certificate of
 18 ownership and certificate of registration, subject to all
 19 contracts, leases, mortgages, or other liens as shown by his
 20 ~~its~~ records.

21 (6) Nothing in subsection (5) shall prevent any
 22 conditional sales vendor, mortgagee, or other lienor from
 23 assigning his interest ~~or title~~ in ~~or to~~ a motor vehicle
 24 registered under the provisions of this chapter to any other
 25 person without the consent of and without effecting

1 affecting the interest of the holder of the certificate of
 2 ownership and certificate of registration. Upon any
 3 conditional sales vendor, mortgagee, or other lienor
 4 assigning his interest in any motor vehicle registered under
 5 this chapter, a copy of such assignment must be filed with
 6 the division and record thereof made upon his ~~its~~ records.

7 (7) The certificates of ownership shall remain valid
 8 until canceled by the division upon a transfer of any
 9 interest shown therein and need not be renewed annually.

10 ~~(8)--Every person who transfers any motor vehicle to a~~
 11 ~~junk dealer for the purpose of scrapping said the vehicle~~
 12 ~~shall so notify the division and deliver the certificate of~~
 13 ~~ownership and certificate of registration to the division~~
 14 ~~for cancellation."~~

15 Section 30. Section 61-3-202, MCA, is amended to read:

16 "61-3-202. Certificate of ownership ~~issuance~~ --
 17 contents ~~joint ownership~~ --issuance. (1) Upon completion
 18 of the application for registration, on forms furnished by
 19 the division, the county treasurer shall forward one copy of
 20 the application to the division, which shall ~~cause to be~~
 21 entered ~~and~~ the information contained in said ~~the~~
 22 application upon the corresponding records of its office and
 23 shall furnish the applicant a certificate of ownership
 24 subject to the provisions of 61-3-103.

25 (2) The certificate of ownership shall contain upon

1 the face thereof:

2 (a) the date issued;

3 ~~(b)--the--registration-number--assigned--to--the--owner--and~~
 4 ~~the-vehicle;~~

5 ~~(c)(1)~~ the name and complete address of the owner, or
 6 the names and addresses of joint owners;

7 ~~(d)(1)~~ the name and complete address of any
 8 conditional sales vendor, and also the name and address of
 9 any other lienor as shown by said ~~the~~ application;

10 ~~(e)(1)~~ a description of the registered vehicle,
 11 including the year built and serial number, if any;

12 ~~(f)(1)~~ any lien against such motor vehicle and the
 13 amount due at the date of registration; and

14 ~~(g)(1)~~ such other statement of facts as may be
 15 determined by the division.

16 (3) When the names and addresses of more than one
 17 owner who are members of the same immediate family are
 18 listed on the certificate of ownership, joint ownership with
 19 right of survivorship, and not as tenants in common, is
 20 presumed.

21 (4) Upon receipt of the application, the division
 22 shall ~~make a~~ recheck of the application, and ~~in the event~~
 23 ~~that~~ if there is any error in the application it may be
 24 returned to the county treasurer to effectively secure the
 25 correction of such error, who shall return the same to the

1 division.

2 (5) The certificate of ownership shall contain a form
3 of notice to the division of a transfer of title or interest
4 of the owner and such other ~~statement-on-forms~~ statements as
5 may be determined by the division."

6 Section 31. Section 61-3-301, MCA, is amended to read:

7 "61-3-301. Registration -- license plate required ==
8 display. (1) Except as otherwise provided herein, no person
9 shall operate a motor vehicle upon the public highways of
10 this state ~~without-a-license-and~~ unless such vehicle ~~shall~~
11 ~~have--been~~ is properly registered and ~~shall-have~~ has the
12 proper number plates conspicuously displayed, one on the
13 front and one on the rear of such ~~the~~ vehicle, each securely
14 fastened ~~so--as~~ to prevent the ~~same~~ it from swinging, and
15 unobstructed from plain view, except that trailers, and
16 ~~semitrainers~~ SEMI-TRAILERS, AND MOTORCYCLES shall have but
17 one number plate conspicuously displayed on the rear. No
18 person shall display on such vehicle at the same time any
19 number assigned to it under any motor vehicle law except as
20 provided in this chapter otherwise-provided. A junk vehicle,
21 as defined in part 5, chapter 10, Title 75, being driven or
22 towed to an auto wrecking graveyard for disposal is exempt
23 from the provisions of this section.

24 (2) No person shall purchase or display on such a
25 vehicle any license plate bearing the number assigned to any

1 county as provided in 61-3-332, other than the county of his
2 permanent residence at the time of application for
3 registration. ~~Provided, however, that~~ However, the owner of
4 any motor vehicle requiring a license plate on any motor
5 vehicle used in the public transportation of persons or
6 property may make application therefor in any county through
7 which ~~said~~ the motor vehicle passes in its regular regularly
8 scheduled route, and the license plate so issued bearing the
9 number assigned to said county may be displayed on ~~said~~ the
10 motor vehicle in any other county of the state.

11 (3) It ~~shall-be~~ is unlawful to use license plates
12 issued to one vehicle on any other vehicle, ~~trailers~~
13 ~~trailer,~~ or ~~semitrainers~~ semitrailer unless legally
14 transferred as provided by statute, or repainting to repaint
15 old license plates to resemble current license plates.

16 (4) Any person violating these provisions ~~shall-be~~
17 ~~deemed~~ is guilty of a misdemeanor and ~~shall--be~~ subject to
18 the penalty ~~as set out in 61-3-704~~ 61-3-601."

19 Section 32. Section 61-3-317, MCA, is amended to read:

20 "61-3-317. New registration required for transferred
21 vehicle -- grace period -- penalty -- display of proof of
22 purchase. ~~††~~ Except as otherwise provided herein, the new
23 owner of the a transferred motor vehicle shall have the a
24 grace period of 20 calendar days from the date of purchase
25 to make application and pay the taxes, as provided by part 5

1 of this chapter, as if the ~~some--was~~ vehicle_were being
 2 registered for the first time in that registration year. If
 3 the motor vehicle was not purchased from a duly licensed
 4 motor vehicle dealer as provided in this chapter, it ~~shall~~
 5 ~~not-be~~ is ~~not~~ a violation of this chapter or any other law
 6 for the purchaser to operate the vehicle upon the streets
 7 and highways of this state without a certificate of
 8 registration during the 20-day period~~s~~₁ provided~~v~~ that at
 9 all times during that period a bill of sale or other proof
 10 of purchase reciting the date of purchase ~~shall-be~~ is
 11 clearly displayed in the rear window of the motor vehicle.
 12 Registration and license fees collected under 61-3-321 are
 13 not required to be paid when a license plate is transferred
 14 under this section and 61-3-335. Failure to make
 15 application within the time provided herein ~~shall--subject~~
 16 ~~subject~~ the purchaser to a penalty of \$10. The penalty
 17 shall be collected by the county treasurer at the time of
 18 registration~~v~~ and shall be in addition to the fees otherwise
 19 provided by law.

20 ~~It--Any--purchaser-of-a-new-or-used-motor-vehicle-from~~
 21 ~~a-duly-licensed-motor-vehicle-dealer-shall--have--the--grace~~
 22 ~~period-of-20-calendar-days-from-the-date-of-purchase-to-make~~
 23 ~~application--for--registration--and--to--obtain-registration~~
 24 ~~plates--and-it-shall-not-be-a-violation-of-this--chapter--or~~
 25 ~~any--other--law--for--such-purchaser-to-operate-such-vehicle~~

1 ~~upon-the-streets--and--highways--of--this--state--without--a~~
 2 ~~certificate--of--registration-and-registration-plates-during~~
 3 ~~the-20-day-period--provided-that-at-all--times--during--said~~
 4 ~~period--the--sticker--issued--by--the--dealer-at-the-time-of~~
 5 ~~purchase-shall-remain-affixed-to-said-vehicle-as-provided-in~~
 6 ~~61-4-111a-failure-to-make-such-application-within--the--time~~
 7 ~~provided--herein-subjects-the-purchaser-to-a-penalty-of-\$10.~~
 8 ~~The-penalty-is-to-be-collected-by-the--county--treasurer--at~~
 9 ~~the--time--of--registration--and--is-in-addition-to-the-fees~~
 10 ~~otherwise-provided-by-law."~~

11 Section 33. Section 61-3-321, MCA, is amended to read:
 12 "61-3-321. Registration fees of vehicles -- public
 13 owned public-owned vehicles exempt from license or
 14 registration fees -- disposition of fees. (1) Registration
 15 or license fees shall be paid upon registration or
 16 reregistration of motor vehicles, trailers, housetrailer~~s~~_v,
 17 and semitrailer~~s~~₁ in accordance with this chapter, as
 18 follows:

- 19 (a) motor vehicles weighing 2,850 pounds or under~~v~~
 20 [other than motortrucks], \$5;
 21 (b) motor vehicles weighing over 2,850 pounds~~v~~ [other
 22 than motortrucks], \$10;
 23 (c) electrically driven passenger vehicles, \$10;
 24 (d) all motorcycles, \$2;
 25 (e) tractors and/or trucks, \$10;

1 (f) buses shall be classed as motortrucks and licensed
2 accordingly;

3 (g) trailers and semitrailers less than 2,500 pounds
4 maximum gross loaded weight and housetrailers of all
5 weights, \$2;

6 (h) trailers and semitrailers over 2,500 up to 6,000
7 pounds maximum gross loaded weight, [except housetrailers],
8 \$5;

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

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

18 (k) bicycles with motor attachment, \$1.

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

22 (3) Tractors "Tractor", as specified in this section,
23 shall mean ~~means~~ any motor vehicle except passenger cars
24 used for towing a trailer or semitrailer.

25 (4) If any motor vehicle, housetrailer, trailer, or

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

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

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

21 (7) The provisions of this section relating to the
22 payment of registration fees do not apply when number plates
23 are transferred to a replacement vehicle under 61-3-317(1),
24 61-3-332(7), and ~~or~~ 61-3-335.

25 ~~(8)--All--fees--other--than--license--fees--unless~~

1 otherwise---specifically---providedv---shall---hereafter---be
 2 deposited---inv---and---paid---intov---the---earmarked---revenue---fund---and
 3 shall---be---used---to---pay---all---salariesv---operating---expensesv---and
 4 all---other---expenses---of---the---divisionv---including---the
 5 manufacturer---and---delivery---of---license---platesv---Any---reference
 6 in---this---code---to---the---motor---vehicle---recording---fund---or---the
 7 motor---vehicle---administration---fund---shall---be---taken---to---mean---the
 8 motor---vehicle---recording---account---in---the---earmarked---revenue
 9 funds"

10 NEW SECTION. Section 34. Disposition of fees -- use.
 11 All fees payable to the division shall be deposited in a
 12 motor vehicle recording account of the earmarked revenue
 13 fund, and shall be used to pay all salaries, operating
 14 expenses, and other expenses of the division, including the
 15 manufacture and delivery of license plates.

16 Section 35. Section 61-3-322, MCA, is amended to read:

17 "61-3-322. Certificates of registration -- issuance.

18 (1) Upon completion of the application for registrationv on
 19 forms furnished by the division, the county treasurer shall
 20 file one copy in his office and issue to the applicant two
 21 copies of the application marked "Owner's Certificate of
 22 Registration and Tax Receipt", one of which shall be marked
 23 "file copy".

24 (2) The certificate of registration shall contain upon
 25 the face thereof:

- 1 (a) the date issued;
- 2 (b) the registration number assigned to the owner and
 3 the vehicle;
- 4 (c) the name and complete address of the ownerv or the
 5 names and addresses of joint owners;
- 6 (d) the name and complete address of any conditional
 7 sales vendory and also the name and address of any other
 8 lienor as shown by said ~~the~~ application;
- 9 (e) a description of the registered vehicle₂ including
 10 the year built and serial number, if any;
- 11 (f) any lien against such ~~the~~ motor vehicle and the
 12 amount due at the date of registration; and
- 13 (g) such ~~any~~ other statement of facts as may be
 14 determined by the division.
- 15 (3) Every owner, upon receiving a registration
 16 receipt₂ shall write his signature thereon with pen and ink
 17 in the space provided. Every such registration receipt or a
 18 notarized photostatic copy thereof or a duplicate thereof
 19 furnished by the division shall at all times be carried in
 20 the vehicle to which it refers or shall be carried by the
 21 person driving or in control of such vehicle, who shall
 22 display ~~the same~~ it upon demand of a police officer or any
 23 officer or employee of the division or the highway
 24 department.
- 25 ~~(4) Upon receipt of application for registrationv in~~

1 ~~quintuplet~~ and payment of license fees and taxes as herein
2 provided, the county treasurer shall:

3 (a) file one copy of said application in his office;
4 (b) issue to the applicant two copies of the
5 application entitled "Owner's Certificate of Registration
6 and Tax Receipt" one of which shall be marked "file copy"
7 and

8 (c) forward one copy to the county clerk and recorder;
9 (5)(4) The county treasurer shall daily forward to the
10 division one copy of the application all applications for
11 registration received that day.

12 (6)(5) It shall not be necessary for the county
13 treasurer in said receipt to segregate the amount of said
14 taxes for state, county, school district, and municipal
15 purposes in the receipt."

16 Section 36. Section 61-3-405, MCA, is amended to read:

17 "61-3-405. Application for personalized plates --
18 duplication -- good taste. An applicant for issuance of
19 personalized license plates or renewal of such plates in
20 subsequent years pursuant to 61-3-401 through 61-3-406 shall
21 file an application therefor in such the form and by such
22 the date as the department may require division requires,
23 indicating thereon the combination of letters or numbers, or
24 both, requested as a registration number. There shall be no
25 duplication of registration numbers, and the division may

1 refuse to issue any combination of letters or numbers, or
2 both, that may carry connotations offensive to good taste
3 and decency or which would be ~~are~~ misleading or a
4 duplication of license plates provided for elsewhere in this
5 title."

6 Section 37. Section 61-3-411, MCA, is amended to read:

7 "61-3-411. Registration of motor vehicles owned and
8 operated solely as collectors' items. (1) ANY AN owner of a
9 motor vehicle manufactured ~~in 1933 or earlier or~~
10 manufactured in 1934 or later and more than 30 years old,
11 used solely as a collectors' item and not for general
12 transportation purposes, may file with the division an
13 application for the registration of such the motor vehicle,
14 stating the name and address of the owner, the name and
15 address of the person from whom purchased, the make of the
16 motor vehicle, the gross weight thereof, the year and number
17 of the model, and the manufacturer's identification number
18 and serial number, and setting forth a specific statement
19 that the vehicle is owned and operated solely as a
20 collectors' item and not for general transportation
21 purposes. Said the application shall be sworn to before an
22 officer authorized to administer oaths.

23 (2) The registration fee for all such motor vehicles
24 weighing 2,850 pounds or less shall be is \$5, and the
25 registration fee for all such motor vehicles weighing more

1 than 2,850 pounds ~~shall be~~ is \$10.

2 (3) Upon receipt of ~~said the~~ application for
3 registration and payment of the registration fee, ~~above~~
4 ~~provided-for~~ the division shall file ~~said the~~ application
5 and register the motor vehicle therein described in the
6 manner specified in 61-3-101, and shall deliver to the
7 applicant:

8 (a) for motor vehicles manufactured in 1933 or
9 earlier, two license plates bearing the inscription
10 "Pioneer--Montana" and the registration number; or

11 (b) for motor vehicles manufactured in 1934 or later
12 and more than 30 years old, two license plates bearing the
13 inscription "Vintage--Montana" and the registration number.

14 ~~[4]~~The year of issuance shall not be shown on the
15 plates.

16 ~~†††~~~~[5]~~ No-annual ~~Annual~~ renewal of the registration of
17 any such motor vehicle ~~shall be~~ is not required, and the
18 ~~same shall be~~ registration is valid as long as the vehicle
19 is in existence; provided, however, that upon any sale of
20 such motor vehicle, the purchaser ~~shall be~~ is required to
21 renew the registration thereof and pay the license fees
22 hereinbefore specified."

23 Section 38. Section 61-3-502, MCA, is amended to read:

24 "61-3-502. Sales tax on new motor vehicles --
25 exemptions. (1) In consideration of the right to use the

1 highways of the state, there ~~shall be~~ is imposed a tax upon
2 all sales of new motor vehicles for which a license is
3 sought and an original application for title is made. The
4 tax shall be paid by the purchaser when he applies for his
5 original Montana license through the county treasurer.

6 (2) The sales tax shall be:

7 (a) 1 1/2% of the ~~F=0=0=~~ ~~f=0=0=~~ factory list price or
8 ~~F=0=0=---port--of--entry~~ ~~f=0=0=~~ ~~port-of-entry~~ list price,
9 during the first quarter of the year or prorated one-twelfth
10 for each month or part of month for a registration period
11 other than a calendar year or calendar quarter;

12 (b) 1 1/8% of the list price during the second quarter
13 of the year;

14 (c) 3/4 of 1% during the third quarter of the year;

15 (d) 3/8 of 1% during the fourth quarter of the year.

16 (3) If the manufacturer or importer fails to furnish
17 the ~~F=0=0=~~ ~~f=0=0=~~ factory list price or ~~F=0=0=~~ ~~port-of-entry~~
18 ~~f=0=0=~~ ~~port-of-entry~~ list price, the department division may
19 use published price lists.

20 (4) The proceeds from this tax shall be remitted to
21 the state treasurer every 30 days for credit to the state
22 highway account of the earmarked revenue fund.

23 (5) The new vehicle is not subject to any other
24 assessment or taxation during the calendar year in which the
25 original application for title is made.

1 (6) (a) The applicant for original registration of any
 2 wholly new and unused motor vehicle, or a new motor vehicle
 3 furnished without charge by the a dealer to the a school
 4 district for use as a traffic education motor vehicle by a
 5 school district operating a state-approved traffic education
 6 program within the state, whether or not previously licensed
 7 or titled to the school district, [except a mobile home as
 8 defined in 15-1-101(1)], acquired by original contract after
 9 January 1 of any year, shall be is required, whenever such
 10 the vehicle has not been otherwise assessed, to pay the
 11 motor vehicle sales tax provided by this section
 12 irrespective of whether the vehicle was in the state of
 13 Montana on January 1 of the year.

14 (b) No such motor vehicle may be registered or
 15 licensed under the provisions of this subsection unless the
 16 application for registration is accompanied by a statement
 17 of origin to be furnished by the dealer selling the vehicle,
 18 showing that the vehicle has not previously been registered
 19 or owned, except as otherwise provided herein, by any
 20 person, firm, corporation, or association that is not a new
 21 motor vehicle dealer holding a franchise or distribution
 22 agreement from a new car manufacturer, distributor, or
 23 importer.

24 (7) [a] Motor vehicles operating exclusively for
 25 transportation of persons for hire within the limits of

1 incorporated cities or towns and within 15 miles from such
 2 limits are exempt from subsection (1).

3 (b) Motor vehicles brought or driven into Montana by a
 4 nonresident, migratory, bona fide agricultural worker
 5 temporarily employed in agricultural work in this state
 6 where those motor vehicles are used exclusively for
 7 transportation of agricultural workers are also exempt from
 8 subsection (1).

9 [c] Vehicles lawfully displaying a licensed dealer's
 10 plate as provided in ~~61-4-102~~ 61-4-103 are exempt from
 11 subsection (1) when moving to or from a dealer's place of
 12 business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's
 13 property only, and in the case of vehicles having a gross
 14 ~~laden~~ loaded weight of less than 24,000 pounds, while in the
 15 ~~process-of-demonstration~~ being demonstrated in the course of
 16 the dealer's business."

17 Section 39. Section 61-3-503, MCA, is amended to read:
 18 "61-3-503. Assessment. (1) A person who files an
 19 application for registration or reregistration of a motor
 20 vehicle, except of a mobile home as defined in 15-1-101(1),
 21 shall before filing such application with the county
 22 treasurer submit the ~~same~~ application to the county assessor
 23 ~~of--the--county~~. The county assessor shall enter on the
 24 application in a space to be provided for that purpose the
 25 market value and taxable value of the vehicle for the year

1 for which the application for registration is made.

2 (2) Except as provided in subsection (3), motor
 3 vehicles, except mobile homes as defined in 15-1-101(1), are
 4 assessed for taxes on January 1 in each year irrespective of
 5 the time fixed by law for the assessment of other classes of
 6 personal property and irrespective of whether the levy and
 7 tax may be a lien upon real property within the state. In no
 8 event may any motor vehicle be subject to assessment, levy,
 9 and taxation more than once in each year.

10 (3) Vehicles subject to the provisions of 61-3-313
 11 through 61-3-316 shall be assessed as of the first day of
 12 the year in which the registration period occurs and a lien
 13 for taxes and fees due thereon shall occur on the
 14 anniversary date of the registration and shall continue
 15 thereafter until such fees and taxes shall have been paid."

16 Section 40. Section 61-3-505, MCA, is amended to read:
 17 "61-3-505. Payment of taxes ---record. (1) Upon
 18 accepting application for registration or reregistration of
 19 any motor vehicle which is subject to taxation in this state
 20 on January 1 in any year and upon payment of taxes, the
 21 county treasurer shall stamp on the application "taxes on
 22 this vehicle due January 1 of current year paid by
 23 applicant, prior applicant, or owner, and this vehicle is
 24 eligible for registration". Upon accepting application for
 25 registration of any motor vehicle which was not subject to

1 taxation in this state on January 1 in any year, the county
 2 treasurer shall indicate the fact by proper entry on the
 3 application.

4 (2) ~~The division may make proper entry of the payment~~
 5 ~~of taxes in record with the facts on any certificate of~~
 6 ~~title to a motor vehicle."~~

7 Section 41. Section 61-3-508, MCA, is amended to read:
 8 "61-3-508. Junk vehicle disposal fee. A special junk
 9 vehicle disposal fee shall be assessed on each new
 10 application for a motor vehicle title and on each transfer
 11 of a motor vehicle title in the amount of \$1.50 on passenger
 12 cars and trucks under 8,001 pounds GVW. An additional
 13 special junk vehicle disposal fee shall be assessed in the
 14 amount of 50 cents on each passenger car and truck under
 15 8,001 pounds GVW registered for licensing. The fees shall be
 16 collected by the county treasurer. However, the following
 17 are exempt from payment of the fees:

18 (1) vehicles leased or owned by the state or by a
 19 county or municipality;

20 (2) vehicles used for transportation by nonresident,
 21 migratory workers temporarily employed in agricultural work
 22 in this state;

23 (3) vehicles displaying dealers' dealer's license
 24 plates, as provided in [53-122] 61-4-101, while owned by a
 25 dealer; and

1 (4) housetrailers or equipment which are is not
 2 self-propelled or which require requires towing upon a
 3 highway of this state."

4 Section 42. Section 61-3-601, MCA, is amended to read:

5 "61-3-601. Penalty for violations. The Except as
 6 otherwise provided, a violation of any of the provisions of
 7 ~~61-3-181, 61-3-187, 61-3-201, 61-3-202, 61-3-301, 61-3-302,~~
 8 ~~61-3-303, 61-3-311, 61-3-312, 61-3-322, 61-3-331, 61-3-332,~~
 9 ~~61-3-333, 61-3-411, 61-3-421, 61-3-425, 61-3-503, 61-3-504,~~
 10 ~~61-3-505, or 61-3-509, shall constitute this chapter is a~~
 11 misdemeanor and shall be is punishable by a fine not
 12 exceeding \$25. Nothing herein ~~contained~~ ~~shall prevent~~
 13 contained herein prevents the prosecution of a person for an
 14 offense committed under any other law."

15 Section 43. Section 61-3-602, MCA, is amended to read:

16 "61-3-602. Enforcement. It is hereby ~~made~~ mandatory
 17 upon all police and peace officers of the state, of the
 18 counties of the state, and of towns, cities, and villages to
 19 carry out the provisions of this chapter and 61-4-101
 20 through 61-4-105 ~~and the sections listed in 61-3-601.~~"

21 Section 44. Section 61-3-603, MCA, is amended to read:

22 "61-3-603. Penalty for alteration or forgery of
 23 certificate of title ownership or assignment thereof. Any
 24 person who shall ~~alter~~ alters or forge forges or cause
 25 causes to be altered or forged any motor vehicle certificate

1 of title ownership or any assignment thereof or who shall
 2 hold holds or use uses any such certificate or assignment
 3 knowing the ~~same~~ it to have been altered or forged shall ~~be~~
 4 deemed is guilty of a felony, and upon which conviction
 5 thereof shall ~~be liable to pay~~ is subject to a fine of not
 6 more than \$5,000 or to imprisonment in any penal institution
 7 within the state for a period of not more than 10 years, or
 8 both, in the discretion of the court."

9 Section 45. Section 61-3-604, MCA, is amended to read:

10 "61-3-604. Penalty for altering identification number.
 11 (1) A person who willfully removes or falsifies an
 12 identification number of a motor vehicle or engine ~~for a~~
 13 motor vehicle engine is guilty of a misdemeanor.

14 (2) Any person or persons, firm, or corporation which
 15 shall ~~sell~~ sells or offer offers for sale in this state a
 16 vehicle, the original engine vehicle identification number
 17 of which has been destroyed, removed, altered, covered, or
 18 defaced, with the exception of electrically propelled
 19 vehicles, shall ~~be deemed~~ is guilty of a misdemeanor and
 20 upon conviction thereof shall be punished by a fine of not
 21 less than \$200 or more than \$500 and by imprisonment in the
 22 county jail for a term of not less than 30 days or more than
 23 180 days, ~~and upon~~ upon a second or subsequent conviction
 24 under this subsection, the punishment shall be imprisonment
 25 in the state prison for a term of not less than 1 year or

1 more than 5 years."

2 Section 46. Section 61-3-701, MCA, is amended to read:

3 "61-3-701. Foreign vehicles used in gainful occupation
4 to be registered -- reciprocity. (1) Before any foreign
5 licensed motor vehicle shall ~~may~~ be operated on the highways
6 of this state for hire, compensation, or profit, or before
7 the owner and/or user thereof uses the vehicle if such owner
8 and/or user is engaged in gainful occupation or business
9 enterprise in the state, including highway work, the owner
10 of such ~~the~~ vehicle shall make application to a county
11 treasurer for registration, upon an application form
12 furnished by the division. Upon satisfactory evidence of
13 ownership submitted to such ~~the~~ county treasurer and the
14 payment of property taxes as ~~is~~ required by 15-8-201 through
15 15-8-203 or 15-24-301, the treasurer shall accept the
16 application for registration and shall collect the regular
17 license fee required for the vehicle.

18 (2) The treasurer shall thereupon issue to the
19 applicant a copy of the application entitled "Owner's
20 Certificate of Registration and Tax Receipt" and forward a
21 duplicate copy of certificate ~~of registration~~ to the
22 division. The treasurer shall at the same time issue to the
23 applicant the proper license plates or other identification
24 markers, which shall at all times be displayed upon such ~~the~~
25 vehicle when operated or driven upon roads and highways of

1 this state during the period of the life of such ~~the~~
2 license.

3 (3) The registration receipt shall not constitute
4 evidence of ownership, but shall only be used only for
5 registration purposes. No Montana certificate of title
6 ownership shall be issued for this type of registration.

7 (4) This section shall ~~is not be~~ applicable to any
8 vehicle covered by a valid and existing reciprocal agreement
9 or declaration entered into under the provisions of the laws
10 of Montana."

11 Section 47. Section 61-4-101, MCA, is amended to read:

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

1 Montana highway patrol. Each application must be accompanied
 2 by the license fee hereinafter named ~~specified~~. Dealer's A
 3 dealer's license must be renewed and paid for annually, and
 4 an application for ~~renewing~~ relicensure must be filed not
 5 later than January 1 of each year.

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

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

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

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

21 (iii) state the name and make of all motor vehicles
 22 handled and the name and address of the manufacturer,
 23 importer, or distributor with whom the applicant has a
 24 written new motor vehicle franchise or sales agreement;

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

1 applicant has a permanent building for the display and sale
 2 of new motor vehicles at the location of the premises where
 3 sales are conducted;

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

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

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

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

22 (ii) a certificate to the effect that the applicant is
 23 a bona fide dealer in used motor vehicles, trailers,
 24 semitrailers, special mobile equipment, or motorcycles.

25 (c) To qualify for a used motor vehicle dealer

1 dealer's license, a person must submit an annual application
2 for that license and comply with the provisions of
3 61-4-102(5) in addition to fulfilling the requirements of
4 subsection (2)(b) above.

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

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

16 Section 48. Section 61-4-104, MCA, is amended to read:

17 "61-4-104. Record of purchase or sale. Every dealer
18 licensed under 61-4-101 shall keep a book or record of the
19 ~~purchase~~ purchases, sales or exchange ~~exchanges~~, or
20 receipt ~~receipts~~ for the purpose of sale, of any used
21 ~~vehicle~~ vehicles and a description of such vehicles,
22 together with the name and address of the seller, of the
23 purchaser, and of the alleged owner or other person from
24 whom such ~~each~~ vehicle was purchased or received, or to whom
25 it was sold or delivered, as the case may be. Such ~~the~~

1 description in the case of motor vehicles shall also include
2 the engine number, if any, the maker's number, if any,
3 chassis number, if any, and such other numbers or
4 identification marks as ~~may~~ appear thereon and shall
5 include a statement that a number has been obliterated,
6 defaced, or changed if such is the fact. In the case of a
7 trailer, semitrailer, or special mobile equipment, the
8 record shall include the manufacturer's number and such
9 other numbers or identification marks as ~~may~~ appear
10 thereon. ~~He the dealer~~ shall also have in his possession a
11 duly assigned certificate of ~~title~~ ownership from the owner
12 of said ~~the~~ motor vehicle ~~in accordance with the provisions~~
13 ~~of another section of this act~~, from the time when the
14 motor vehicle is delivered to him until it has been disposed
15 of by him."

16 Section 49. Section 61-4-113, MCA, is amended to read:

17 "61-4-113. New motor vehicles towed into state to be
18 labeled. (1) Any firm, person, corporation, or association
19 of ~~persons~~ or any employee ~~of such or any of such~~ of their
20 ~~employees~~ offering for sale or carrying on the business of
21 selling new motor vehicles in the state of Montana shall be
22 required to prominently label any motor vehicle which has
23 been driven under its own power, pushed, towed, or propelled
24 by any other means to sufficiently identify it from other
25 new vehicles that have not been so driven, pushed, or towed

1 and shall be required to furnish the purchaser of any such
 2 motor vehicle with a certificate on a printed form to be
 3 furnished by the ~~[registrars-of-motor-vehicles]~~ division
 4 upon request by such dealers, showing the actual number of
 5 miles such ~~the~~ motor vehicle has been driven under its own
 6 power and the number of miles such ~~the~~ vehicle has been
 7 pushed, towed, or otherwise propelled upon its own wheels.
 8 Any firm, person, corporation, or association ~~of persons~~ or
 9 ~~employee--of--such-or-any-of-such~~ any of their employees who
 10 fails to so prominently label and issue such ~~the~~ certificate
 11 or who knowingly issues a certificate that is untrue and
 12 calculated to mislead the purchaser ~~shall be~~ is guilty of a
 13 misdemeanor.

14 (2) The provisions of this section ~~shall not~~ do not
 15 apply to motor vehicles during the period ~~or~~ of time that
 16 such motor vehicles are used for bona fide demonstrating
 17 purposes."

18 Section 50. Section 61-4-114, MCA, is amended to read:

19 "61-4-114. Demonstration of trucks and trailers
 20 authorized -- dealer's plate to be used -- exemptions. (1) A
 21 new or used truck or trailer dealer licensed under 61-4-101
 22 through 61-4-106 may not demonstrate to a prospective
 23 purchaser a truck, truck tractor, trailer, or semitrailer
 24 owned by or consigned to the dealer, or otherwise controlled
 25 by the dealer, without securing a demonstration permit and

1 paying the fees ~~fee~~ required in 61-4-115. The vehicle must
 2 display the dealer's registration plate or other current
 3 Montana registration and the demonstration permit.

4 (2) Motor vehicles operating exclusively for
 5 transportation of persons for hire within the limits of
 6 incorporated cities or towns and within 15 miles from such
 7 limits are exempt from subsection (1). Motor vehicles
 8 brought or driven into Montana by a nonresident, migratory,
 9 bona fide agricultural worker temporarily employed in
 10 agricultural work in this state where those motor vehicles
 11 are used exclusively for transportation of agricultural
 12 workers are also exempt from subsection (1). Vehicles
 13 lawfully displaying a licensed dealer's plate as provided in
 14 ~~[61-4-102]~~ 61-4-103 are exempt from subsection (1) when
 15 moving to or from a dealer's place of business when ~~unladen~~
 16 ~~unloaded~~ or ~~laden~~ loaded with dealer's property only, and in
 17 the case of vehicles having a gross ~~laden~~ loaded weight of
 18 less than 24,000 pounds, while ~~in--the--process--of~~
 19 ~~demonstration~~ being demonstrated in the course of the
 20 dealer's business."

21 Section 51. Section 61-4-305, MCA, is amended to read:

22 "61-4-305. Fees-provided-to-be Driveaway or towaway
 23 fees in lieu of other fees payable -- election to pay other
 24 fees. The fees provided for driveaway or towaway
 25 transporters are ~~declared--to--be~~ in consideration of the

1 right to use the highways of the state and ~~except as~~
 2 ~~provided in 61-4-304~~ are in lieu of all other fees including
 3 those which might be payable under the provisions of part 2
 4 of chapter 10. However, any operator may elect to pay the
 5 fees payable under the provisions of that part."

6 Section 52. Section 61-4-403, MCA, is amended to read:

7 "61-4-403. Certain financing agreements prohibited. It
 8 ~~shall be~~ is unlawful for any manufacturer or wholesale
 9 distributor of motor vehicles to sell or enter into a
 10 contract for the sale of motor vehicles to any motor vehicle
 11 dealer on the condition or under an agreement, expressed or
 12 implied, that ~~such the~~ dealer ~~shall will~~ finance the
 13 purchase or sale of any motor vehicle or vehicles only
 14 through a designated finance company or finance agency. Any
 15 such condition, agreement, or understanding is hereby
 16 ~~declared to be~~ against the public policy of the state, and
 17 such condition, agreement, or understanding ~~shall be~~ is
 18 unlawful, void, and unenforceable, either as at law or
 19 equity."

20 Section 53. Section 61-5-101, MCA, is amended to read:

21 "61-5-101. Drivers' examination section of division of
 22 motor vehicles. (1) There is hereby ~~created~~ a drivers'
 23 examination section of the division of motor vehicles, ~~under~~
 24 ~~the direct control and supervision of the division~~. The
 25 division section shall maintain a permanent place of

1 business at the state capital and ~~shall meet at least once~~
 2 ~~each month for the purpose of transacting business either as~~
 3 ~~the drivers' examining board, the division, or jointly for~~
 4 ~~the two~~. The division administrator shall select a chief
 5 examiner, deputy chief examiner, and as many assistant chief
 6 examiners and examiners as it ~~deems~~ considers necessary and
 7 shall provide for the necessary clerical help.

8 (2) The chief examiner, deputy chief examiner,
 9 assistant chief examiners, and all examiners shall have the
 10 same qualifications as are required for members of the
 11 Montana highway patrol. The chief examiner shall rank as a
 12 captain, the deputy chief examiner as a lieutenant, the
 13 assistant chief examiners ~~shall rank~~ as sergeants, and the
 14 examiners ~~shall rank~~ as patrolmen."

15 Section 54. Section 61-5-103, MCA, is amended to read:

16 "61-5-103. Residency requirement. Any person who has
 17 resided in this state for a period exceeding 90 days is
 18 considered to be a resident for the purpose of being
 19 licensed to drive operate a motor vehicle and must
 20 thereafter be licensed ~~to drive~~ under the laws of this state
 21 ~~before operating a~~ motor vehicles ~~under the laws of this~~
 22 state vehicle."

23 Section 55. Section 61-5-111, MCA, is amended to read:

24 "61-5-111. Licenses issued to operators and chauffeurs
 25 -- renewals and expiration thereof -- fees -- disposition.

1 (1) The division shall have authority to appoint county
 2 treasurers and other qualified officers to act as its agents
 3 for the sale of drivers' licenses, and shall make
 4 necessary rules governing such sales. The division, upon
 5 receipt of payment of the fees specified in this section,
 6 ~~of which sum 5% shall be returned by the county treasurers~~
 7 ~~for use of the county general fund~~ shall issue to every
 8 applicant qualifying therefor an operator's or chauffeur's
 9 license as applied for. Such licenses shall contain a
 10 photograph of such ~~the~~ licensee in such ~~the~~ size and form as
 11 may be prescribed by the division, a distinguishing number
 12 issued to the licensee, the full name, date of birth,
 13 resident residence address, and a brief description of the
 14 licensee, and either a facsimile of the signature of the
 15 licensee or a space upon which he shall write his signature
 16 in pen and ink immediately upon receipt of the license. No
 17 license shall be valid until it has been so signed by the
 18 licensee.

19 (2) The division shall, when any person applies for
 20 renewal of an operator's or chauffeur's license, test the
 21 applicant's eyesight, and may also in the division's
 22 discretion have such ~~the~~ applicant demonstrate his physical
 23 ability to operate and to exercise ordinary and reasonable
 24 care in the operation of a motor vehicle. A person shall be
 25 deemed considered to have applied for renewal of a Montana

1 operator's or chauffeur's license if such ~~the~~ application is
 2 made within 3 months of the expiration of such ~~his~~ license.

3 (3) Licenses issued shall expire on the anniversary of
 4 the date of birth of the licensee 4 years or less after the
 5 date of issue.

6 (4) Whenever the division issues an original license
 7 to a person under the age of 18 years, such ~~the~~ license
 8 shall be designated and clearly marked as a "provisional
 9 license". Any license so designated and marked may be
 10 suspended by the division for a period of not more than 12
 11 months, when its ~~record discloses~~ records disclose that the
 12 licensee, subsequent to the issuance of such license, has
 13 been guilty of careless or negligent driving. Upon renewal
 14 as applicable to operator's licenses, the division may, for
 15 any reasonable cause, as shown by its records, designate the
 16 renewal of the license as provisional, otherwise, a license
 17 in usual form shall be issued subject to other provisions of
 18 the laws of Montana.

19 (5) It shall be unlawful for any person to have in his
 20 possession or under his control more than one Montana
 21 operator's or chauffeur's license at any one time. ~~licenses~~
 22 shall A license is not be valid for the operation of a
 23 motorcycle until the holder thereof has completed the
 24 requirements of 61-5-110 and the license has been clearly
 25 marked with the words "motorcycle endorsement".

1 (b) Fees for drivers' driver's licenses shall be as
2 follows:

3 (a) driver's license -- \$2 per year or fraction
4 thereof;

5 (b) motorcycle endorsement -- 50 cents per year or
6 fraction thereof.

7 (7) The county treasurer or other agent of the
8 division collecting such fees shall retain 5% of each fee
9 for the use of the county general fund and shall transmit
10 the remainder to the state treasurer, who shall deposit to
11 the credit of the state general fund all moneys money
12 received by him from the collection of motor--vehicle
13 drivers--license the fees."

14 Section 56. Section 61-5-112, MCA, is amended to read:

15 "61-5-112. Classification of chauffeurs -- special
16 restrictions. (1) The division upon issuing a chauffeur's
17 license shall indicate thereon the class of license so
18 issued and shall appropriately examine each applicant
19 according to the class of license applied for and may impose
20 such rules for the exercise thereof as it ~~may deem~~ considers
21 necessary for the safety and welfare of the traveling
22 public.

23 (2) ~~No person who is under the age of 18 years shall~~
24 ~~may~~ drive any school bus transporting school children or any
25 motor vehicle when in use for the transportation of persons

1 for compensation or ~~in either event~~ until he has been
2 licensed as a chauffeur for either such purpose and the
3 license so indicates. The division ~~shall~~ may not issue a
4 chauffeur's license for either such purpose unless the
5 applicant has had at least 1 year of driving experience
6 prior thereto and the division is fully satisfied as to the
7 applicant's competency and fitness to be employed."

8 Section 57. Section 61-5-208, MCA, is amended to read:

9 "61-5-208. Period of suspension or revocation. (1) The
10 division may not suspend or revoke a driver's license or
11 privilege to drive a motor vehicle on the public highways
12 for a period of more than 1 year, except as permitted under
13 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

14 (2) Any person whose license or privilege to drive a
15 motor vehicle on the public highways has been suspended or
16 revoked ~~shall~~ is not be entitled to have such license or
17 privilege renewed or restored unless the revocation was for
18 a cause which has been removed, except that after the
19 expiration of the period of such revocation or suspension,
20 such ~~the~~ person may make application for a new license as
21 provided by law but the division may not then issue a new
22 license unless and until it is satisfied after investigation
23 of character, habits, and driving ability of such ~~the~~ person
24 that it ~~will be~~ is safe to grant the privilege of driving a
25 motor vehicle on the public highways. ~~Provided--however~~

1 when ~~when~~ any person is convicted or forfeits bail or
 2 collateral not vacated for the offense of operating or being
 3 in actual physical control of a motor vehicle while under
 4 the influence of alcohol or a narcotic drug, or knowingly or
 5 willingly under the influence of any other drug to a degree
 6 which renders him incapable of safely driving a motor
 7 vehicle or a combination thereof, the division shall, upon
 8 receiving a report of such conviction or forfeiture of bail
 9 or collateral not vacated, suspend the license or driving
 10 privilege of such ~~the~~ person for a period of 6 months. Upon
 11 receiving a report of a conviction or forfeiture of bail or
 12 collateral for a second, third, or subsequent offense within
 13 5 years of the first offense, the division shall revoke the
 14 license or driving privilege of such ~~the~~ person for a period
 15 of 1 year.

16 (3) The ~~revocation~~ period for all revocations made
 17 mandatory by 61-5-205 shall be 1 year except as provided in
 18 subsection (2) of this section.

19 (4) The period of revocation for any person convicted
 20 of any offense which makes mandatory the revocation of the
 21 operator's or chauffeur's license shall ~~commence~~ ~~commences~~
 22 from date of conviction or forfeiture of bail."

23 Section 58. Section 61-5-302, MCA, is amended to read:

24 "61-5-302. Unlawful use of license. It is a
 25 misdemeanor for any person to:

1 (1) display or cause or permit to be displayed or have
 2 in his possession any canceled, revoked, suspended,
 3 fictitious, or altered operator's or chauffeur's license;

4 (2) lend his operator's or chauffeur's license to any
 5 other person or knowingly permit the ~~its~~ use thereof by
 6 another;

7 (3) display or represent as one's own any operator's
 8 or chauffeur's license not issued to him;

9 (4) fail or refuse to surrender to the division upon
 10 its lawful demand any operator's or chauffeur's license
 11 which has been suspended, revoked, or canceled;

12 (5) use a false or fictitious name in any application
 13 for an operator's or chauffeur's license or knowingly make a
 14 false statement or knowingly conceal a material fact or
 15 otherwise commit a fraud in any such application; or

16 (6) permit any unlawful use of an operator's or
 17 chauffeur's license issued to him~~or~~ ~~or~~

18 ~~{7}--do-any-act-forbidden-or-fail-to-perform-any-act~~
 19 ~~required---by---parts--1--through--3--of--this--chapter--and~~
 20 ~~61-11-101."~~

21 Section 59. Section 61-5-303, MCA, is amended to read:

22 "61-5-303. Making false affidavit perjury ~~--penalty--~~

23 Any person who makes any false affidavit, or knowingly
 24 swears or affirms falsely to any matter or thing required by
 25 the terms of parts 1 through 3 of this chapter to be sworn

1 to or affirmed, is guilty of perjury ~~false swearing~~ and upon
 2 conviction shall be punishable by ~~fine or imprisonment as~~
 3 ~~other persons committing perjury are punishable as provided~~
 4 ~~by 45-7-202.~~"

5 Section 60. Section 61-6-102, MCA, is amended to read:

6 "61-6-102. Definitions. The following words and
 7 phrases, when used in this part, ~~shall for the purposes of~~
 8 ~~this part~~ have the meanings respectively ascribed to them
 9 in this section, except in those instances where the context
 10 clearly indicates a different meaning:

11 (1) "Judgment" means any judgment that ~~shall have~~ has
 12 become final by expiration without appeal of the time within
 13 which an appeal might have been perfected, or by final
 14 affirmation on appeal, rendered by a court of competent
 15 jurisdiction of any state or of the United States, upon a
 16 cause of action arising out of the ownership, maintenance,
 17 or use of any motor vehicle, for damages, including damages
 18 for care and loss of services, because of bodily injury to
 19 or death of any person, or for damages because of injury to
 20 or destruction of property, including the loss of use
 21 thereof, or upon a cause of action on an agreement of
 22 settlement for such damages.

23 (2) "License" means any license, temporary instruction
 24 permit, or temporary license issued under the laws of this
 25 state pertaining to the licensing of persons to operate

1 motor vehicles.

2 (3) "Nonresident's operating privilege" means the
 3 privilege conferred upon a nonresident by the laws of this
 4 state pertaining to the operation by him of a motor vehicle,
 5 or the use of a motor vehicle owned by him, in this state.

6 (4) "Proof of financial responsibility" means proof of
 7 ability to respond in damages for liability, on account of
 8 accidents occurring subsequent to the effective date of said
 9 proof, arising out of the ownership, maintenance, or use of
 10 a motor vehicle, ~~in the amount of \$10,000 because of bodily~~
 11 ~~injury to or death of one person in any one accident and~~
 12 ~~subject to said limit for one person in the amount of~~
 13 ~~\$20,000 because of bodily injury to or death of two or more~~
 14 ~~persons in any one accident, and in the amount of \$5,000~~
 15 ~~because of injury to or destruction of property of others in~~
 16 ~~any one accident.~~

17 (5) "State" means any state, territory, or possession
 18 of the United States, the District of Columbia, or any
 19 province of the Dominion of Canada."

20 Section 61. Section 61-6-105, MCA, is amended to read:

21 "61-6-105. Division to administer law and make rules.
 22 ~~††~~ The division shall administer and enforce the provisions
 23 of this part and may make rules necessary for its
 24 administration and may provide for hearings upon request of
 25 persons aggrieved by orders or acts of the division under

1 the provisions of this part.

2 ~~{2}--An executive assistant to the chief shall be~~
 3 ~~appointed by the division subject to and in accordance with~~
 4 ~~[31-105 and 31-106] who shall be vested with full power and~~
 5 ~~authority to act for and on behalf of the chief in the~~
 6 ~~administration of this part and who shall perform such~~
 7 ~~other and further duties as shall be prescribed by the~~
 8 ~~division. The salary of the executive assistant shall be the~~
 9 ~~same as that of a captain"~~

10 Section 62. Section 61-6-124, MCA, is amended to read:

11 "61-6-124. Satisfaction of judgments. (1) Judgments
 12 herein referred to shall, for the purposes of this part
 13 only, be deemed considered satisfied:

14 (a) when ~~\$10,000~~ \$25,000 has been credited upon any
 15 judgment or judgments rendered in excess of that amount
 16 because of bodily injury to or death of one person as the
 17 result of any one accident;

18 (b) when, subject to such ~~the~~ limit of ~~\$10,000~~ \$25,000
 19 because of bodily injury to or death of one person, the sum
 20 of ~~\$20,000~~ \$50,000 has been credited upon any judgment or
 21 judgments rendered in excess of that amount because of
 22 bodily injury ~~to~~ or death of two or more persons as the
 23 result of any one accident; or

24 (c) when \$5,000 has been credited upon any judgment or
 25 judgments rendered in excess of that amount because of

1 injury to or destruction of property of others as a result
 2 of any one accident.

3 (2) Payments made in settlement of any claims because
 4 of bodily injury, death, or property damage arising from a
 5 motor vehicle accident shall be credited in reduction of the
 6 amounts provided for in this section."

7 Section 63. Section 61-6-137, MCA, is amended to read:

8 "61-6-137. Bond as proof of responsibility. (1) Proof
 9 of financial responsibility may be furnished by filing with
 10 the division the bond of a surety company duly authorized to
 11 transact business in the state, or a bond with at least two
 12 individual sureties each owning real estate within this
 13 state, and together having equities equal in value to at
 14 least twice the amount of such bond, which real estate shall
 15 be scheduled in the bond approved by a judge of a court of
 16 record. ~~Such~~ The bond shall be conditioned for payments in
 17 amounts and under the same circumstances as would be
 18 required in a motor vehicle liability policy, and shall not
 19 be cancelable except after 10 days' written notice to the
 20 division. Upon the filing of notice to ~~such~~ this effect by
 21 the division in the office of the county clerk and recorder
 22 of the county wherein such real estate ~~shall be~~ is located,
 23 ~~such~~ the bond shall constitute a lien in favor of the state
 24 upon the real estate so scheduled of any surety, which lien
 25 shall exist in favor of any holder of a judgment against the

1 person who has filed such ~~the~~ bond.

2 (2) The person in whose favor ~~said the~~ lien ~~shall~~
 3 exist ~~exists~~ may, for his own use and benefit and at his
 4 sole expense, bring an action or actions in the name of the
 5 state against the company or persons executing such ~~the~~
 6 bond, including an action or proceeding to foreclose any
 7 lien that may exist upon the real estate of any person who
 8 has executed such bond. The provisions of the code Montana
 9 Rules of civil-procedure Civil Procedure, except insofar as
 10 the ~~same they~~ are inconsistent with the provisions of this
 11 part, are applicable to and constitute the rules of practice
 12 in the foreclosure actions or proceedings. The provisions of
 13 the code Montana Rules of civil-procedure Civil Procedure
 14 relative to new trials and appeals, except insofar as the
 15 ~~same they~~ are inconsistent with the provisions of this part,
 16 apply to ~~said the~~ actions or proceedings."

17 Section 64. Section 61-7-109, MCA, is amended to read:

18 "61-7-109. Written reports of accidents -- additional
 19 information -- form of report. (1) The operator of any motor
 20 vehicle which is in any manner involved in an accident
 21 within this state, in which any person is killed or injured
 22 or in which damage to the property of any one person in
 23 excess of \$250 is sustained, shall, within 10 days after
 24 such accident, report the matter in writing to the division.

25 (2) The division may require any driver of a vehicle

1 involved in an accident, of which report must be made as
 2 provided in this section, to file supplemental reports
 3 whenever the original report is insufficient, and may
 4 require witnesses of accidents to render reports.

5 (3) Every law enforcement officer who in the regular
 6 course of duty investigates a motor vehicle accident, of
 7 which report must be made as required in this part, either
 8 at the time of and at the scene of the accident or
 9 thereafter by interviewing participants or witnesses, shall
 10 within 10 days after completing such ~~the~~ investigation
 11 forward a written report of such ~~the~~ accident to the
 12 division.

13 (4) The form of ~~the~~ accident report required under
 14 this section shall contain information sufficient to enable
 15 the ~~department~~ division to determine whether the
 16 requirements for the deposit of security for safety
 17 responsibility are inapplicable by reason of the existence
 18 of insurance or other exemptions specified in this part."

19 Section 65. Section 61-8-101, MCA, is amended to read:

20 "61-8-101. Application -- exceptions. (1) The
 21 provisions of this chapter relating to the operation of
 22 vehicles refer exclusively to the operation of vehicles upon
 23 highways except:

24 (a) where a different place is specifically referred
 25 to in a given section;

1 (b) the provisions of 61-8-301 and 61-8-401, with
 2 regard to operating a vehicle while under the influence of
 3 drugs, shall apply upon highways and elsewhere throughout
 4 the state.

5 (2) The operation of motor vehicles directly across
 6 the public roads and highways of this state, especially as
 7 required in the transportation of natural resource products,
 8 including agricultural products and livestock, shall not be
 9 considered to be the operation of such vehicles on the
 10 public roads and highways of this state, provided that such
 11 crossings are adequately marked with such warning signs or
 12 devices, and such crossings are subject to provisions
 13 relating to stopping before entry, and to restoration of any
 14 damage, as may reasonably be prescribed by the state or
 15 local agency in control of safety of operation of the public
 16 highway involved."

17 Section 66. Section 61-8-304, MCA, is amended to read:

18 "61-8-304. Declaration of speed limits -- exception to
 19 the basic rule. The attorney general shall declare by
 20 proclamation filed with the secretary of state a speed limit
 21 for all motor vehicles on all public streets and highways in
 22 the state whenever the establishment of such a speed limit
 23 by the state is required by federal law as a condition to
 24 the state's continuing eligibility to receive funds
 25 authorized by the Federal Aid Highway Act of 1973 and all

1 acts amendatory thereto or any other federal statute. Such
 2 ~~The~~ speed limit may not be less than that required by
 3 federal law, and the attorney general shall by further
 4 proclamation change the speed limit adopted pursuant to this
 5 section to comply with federal law. Any proclamation issued
 6 pursuant to this section becomes effective at midnight of
 7 the day upon which it is filed with the secretary of state.
 8 A speed limit imposed pursuant to this section is an
 9 exception to the ~~basic-rule~~ requirements of 61-8-303 and
 10 ~~61-8-312~~, and a speed in excess of the speed limit
 11 established pursuant to this section is unlawful
 12 notwithstanding any provision of 61-8-303 and ~~61-8-312~~."

13 Section 67. Section 61-8-322, MCA, is amended to read:

14 "61-8-322. Passing vehicles proceeding in opposite
 15 directions. Drivers of vehicles proceeding in opposite
 16 directions shall pass each other to the right, and upon
 17 roadways having width for not more than one line of traffic
 18 in each direction, each driver shall give to the other at
 19 least ~~as-nearly-as-possible~~ AT LEAST one-half of the
 20 main-traveled portion of the roadway ~~as-nearly-as-possible~~."

21 Section 68. Section 61-8-339, MCA, is amended to read:

22 "61-8-339. Vehicle approaching or entering
 23 intersection. (1) When two vehicles enter or approach an
 24 intersection from different highways at approximately the
 25 same time, the driver of the vehicle on the left shall yield

1 the right-of-way to the vehicle on the right.

2 (2) The right-of-way rule declared in subsection (1)
3 is modified at through highways and otherwise as hereinafter
4 stated in this ~~part of~~ chapter."

5 Section 69. Section 61-8-401, MCA, is amended to read:

6 "61-8-401. Persons under the influence of alcohol or
7 drugs. (1) It is unlawful and punishable as provided in
8 61-8-714(1) for any person who is under the influence of:
9 alcohol or any narcotic drug or any other drug to a degree
10 which renders him incapable of safely driving a motor
11 vehicle to drive or be in actual physical control of a motor
12 vehicle within this state.

13 (a) alcohol to drive or be in actual physical control
14 of a motor vehicle upon the highways of this state;

15 (b) a narcotic drug to drive or be in actual physical
16 control of a motor vehicle within this state; or

17 (c) any other drug to a degree which renders him
18 incapable of safely driving a motor vehicle to drive or be
19 in actual physical control of a motor vehicle within this
20 state.

21 (2) The fact that any person charged with a violation
22 of this subsection (1) is or has been entitled to use such a
23 drug under the laws of this state does not constitute a
24 defense against any charge of violating this subsection (1).

25 (3) In any criminal prosecution for a violation of

1 subsection (1) of this section relating to driving a vehicle
2 while under the influence of alcohol, the amount of alcohol
3 in the defendant's blood at the time alleged, as shown by
4 chemical analysis of the defendant's blood, urine, breath,
5 or other bodily substance, shall give rise to the following
6 presumptions:

7 (a) If there was at that time 0.05% or less by weight
8 of alcohol in the defendant's blood, it shall be presumed
9 that the defendant was not under the influence of alcohol.

10 (b) If there was at that time in excess of 0.05% but
11 less than 0.10% by weight of alcohol in the defendant's
12 blood, such fact shall not give rise to any presumption
13 that the defendant was or was not under the influence of
14 alcohol, but such fact may be considered with other
15 competent evidence in determining the guilt or innocence of
16 the defendant.

17 (c) If there was at that time 0.10% or more by weight
18 of alcohol in the defendant's blood, it shall be presumed
19 that the defendant was under the influence of alcohol.

20 (3) ~~(4)~~ Percent by weight of alcohol in the blood shall
21 be based upon grams of alcohol per 100 cubic centimeters of
22 blood.

23 (4) ~~(5)~~ Each municipality in this state is given
24 authority to enact 61-8-714 and subsections (1) through (3)
25 (4) of this section, with the word "state" in the first

1 sentence-of subsection (1) of this section changed to read
 2 "municipality", as an ordinance and is given jurisdiction of
 3 the enforcement of the ordinance and of the imposition of
 4 the fines and penalties therein provided."

5 Section 70. Section 61-8-711, MCA, is amended to read:

6 "61-8-711. Violation of chapter -- penalty. (1) It is
 7 a misdemeanor for any person to violate any of the
 8 provisions of this ~~part~~ chapter unless such ~~the~~ violation
 9 is declared to be a felony by this chapter or other law of
 10 this state ~~declared-to-be-a-felony~~.

11 (2) Every person convicted of a misdemeanor for a
 12 violation of any of the provisions of this chapter for which
 13 another penalty is not provided shall for a first conviction
 14 thereof be punished by a fine of not less than \$10 or more
 15 than \$100 or by imprisonment for not more than 10 days. For
 16 a second conviction within 1 year thereafter, such ~~the~~
 17 person shall be punished by a fine of not less than \$25 or
 18 more than \$200 or by imprisonment for not more than 20 days
 19 or by both such fine and imprisonment. Upon a third or
 20 subsequent conviction within 1 year after the first
 21 conviction, such ~~the~~ person shall be punished by a fine of
 22 not less than \$50 or more than \$500 or by imprisonment for
 23 not more than 6 months or by both ~~such~~ fine and
 24 imprisonment.

25 (3) On failure of payment of fines a fine, the

1 offender in ~~cases~~ case of a misdemeanor shall be imprisoned
 2 in the county jail in the county in which the offense has
 3 been ~~was~~ committed, and said ~~the~~ imprisonment shall be
 4 computed upon the basis of one day's incarceration for each
 5 \$2 of said ~~the~~ fine ~~for-each-day's-incarceration~~.

6 (4) Upon conviction, the court costs, or any part
 7 thereof, may also be assessed against the defendant in the
 8 discretion of the court."

9 Section 71. Section 61-8-718, MCA, is amended to read:

10 "61-8-718. Penalty for violation of conservation speed
 11 limit. (1) A person violating the speed limit imposed
 12 pursuant to 61-8-304 is guilty of the offense of unnecessary
 13 waste of a resource currently in short supply and upon
 14 conviction shall be fined \$5, and no jail sentence may be
 15 imposed. Bond for this offense shall be \$5.

16 (2) For the purpose of this section only, the fees of
 17 the ~~justice~~ justice's court shall be \$4 ~~to the balance of~~
 18 the fine not otherwise allocated by law and shall be
 19 remitted as set forth in 3-10-603(3)."

20 Section 72. Section 61-9-315, MCA, is amended to read:

21 "61-9-315. Brakes on motor-driven cycles. (1) The
 22 division is authorized to require an inspection of the brake
 23 on any motor-driven cycle and to disapprove any ~~such~~ brake
 24 which it finds will not comply with the performance ability
 25 standard set forth in ~~[32-21-143]~~ this part or which in its

1 opinion is not so designed or constructed as to insure
2 reasonable and reliable performance in actual use.

3 (2) The division may refuse to register or may suspend
4 or revoke the registration of any vehicle referred to in
5 this section when it has been determined that the brakes
6 brake thereon do does not comply with the provisions of this
7 section.

8 (3) No person shall may operate on any highway any
9 vehicle referred to in this section in-the-event if the
10 division has disapproved the brake equipment upon such
11 vehicle or type of vehicle."

12 Section 73. Section 61-9-503, MCA, is amended to read:

13 "61-9-503. Owners and drivers to comply with
14 inspection laws. (1) No person driving a vehicle shall may
15 refuse to submit such the vehicle to an inspection and test
16 when required to do so by the division or an authorized
17 officer or employee of the department division.

18 (2) Every owner or driver, upon receiving a notice as
19 provided in 61-9-501, shall comply therewith and shall
20 within 5 days have the deficiencies corrected and shall
21 forward notification of such the correction to the division.
22 In lieu of compliance with this subsection, the vehicle
23 shall may not be operated, except as provided in subsection
24 (3).

25 (3) No person shall may operate any vehicle after

1 receiving a notice with reference thereto as above provided,
2 except as may be necessary to return such the vehicle to the
3 residence or place of business of the owner or driver, if
4 within a distance of 20 miles, or to a garage until said the
5 vehicle and its equipment has have been placed in proper
6 repair and adjustment and otherwise made to conform to the
7 requirements of this chapter."

8 Section 74. Section 61-10-102, MCA, is amended to
9 read:

10 "61-10-102. Width. (1) A No vehicle, including a bus,
11 unladen unladen or with load, may not have a total outside
12 width in excess of 102 inches--except-buses-which-may-have-a
13 total--outside--width--not--to--exceed-102--inches. This bus
14 width for buses is allowed only on paved highways 20 feet or
15 more in width.

16 (2) This restriction does not apply to an implement of
17 husbandry or a vehicle used for hauling hay, moved or
18 propelled upon the highway during daylight hours for a
19 distance of not more than 100 miles, if the movement is
20 incidental to the farming operations of the owner of the
21 implement of husbandry or the vehicle used for hauling hay.
22 If the implement of--husbandry or the vehicle used-for
23 hauling-hay has a width in excess of 12 feet, it shall be
24 preceded by flagmen flagman escorts for the purpose of
25 warning other highway users. This restriction does not apply

1 to dual-wheel ~~dual-wheel~~ tractors under 15 feet overall
 2 width which are used in farming operations. The rear of such
 3 an ~~the~~ implement of husbandry or vehicle used for hauling
 4 hay shall properly display lights which meet ~~the~~ standard
 5 requirements in ~~of~~ 61-9-219. However, if the highway passes
 6 through a hazardous area, such ~~the~~ implements of--husbandry
 7 or vehicles used--for--hauling--hay must be preceded and
 8 followed by ~~flagmen~~ ~~flagman~~ escorts.

9 ~~{3}--The--maximum--width--of--any--vehicle--engaged--in~~
 10 ~~transporting--logs--untaden--or--with--load--shall--not--exceed--a~~
 11 ~~width--of--96--inches--unless--permits--for--excess--width--have--been~~
 12 ~~granted--by--virtue--of--[32-1127]."~~

13 Section 75. Section 61-10-109, MCA, is amended to
 14 read:

15 "61-10-109. Operation without special permits
 16 ~~prohibited~~. The operation of vehicles or combinations of
 17 vehicles having dimensions--or weights in excess of the
 18 maximum limits specified in ~~61-10-101--through--61-10-106~~
 19 ~~61-10-105~~ is permitted only if authorized by special permit
 20 issued under ~~61-10-107~~ by the department of highways or its
 21 agents or the highway patrol."

22 Section 76. Section 61-10-121, MCA, is amended to
 23 read:

24 "61-10-121. Permits for excess size and weight. (1)
 25 The department of highways and local authorities in their

1 respective jurisdictions may in their discretion, upon
 2 application in writing and with good cause shown, issue a
 3 special permit in writing authorizing the applicant to
 4 operate or move a vehicle, combination of vehicles, load,
 5 object, or other thing of a size or weight exceeding the
 6 maximum specified in 61-10-101 through 61-10-110 upon a
 7 highway under the jurisdiction of and for the maintenance of
 8 which the body granting the permit is responsible. However,
 9 only the department has the discretion to issue permits for
 10 movement of a vehicle or combination of vehicles carrying
 11 built-up or reducible loads in excess of 9 feet in width or
 12 exceeding the length, height, or weight specified in
 13 61-10-101 through 61-10-110. This permit shall be issued in
 14 the public interest. A carrier receiving this permit must
 15 have public liability and property damage insurance for the
 16 protection of the traveling public as a whole. A permit may
 17 not be issued for a period of time greater than the ~~license~~
 18 ~~period for which the GVM license is valid as~~ provided in
 19 this title, including grace periods allowed by this title.
 20 Owners of vehicles licensed in other jurisdictions may, at
 21 the discretion of the department, purchase permits to expire
 22 with their registration. A license required by the state
 23 governs the issuance of a special permit. The department may
 24 issue oversize permits to dealers in implements of husbandry
 25 and self-propelled machinery, which may be transferred from

1 unit to unit by the dealer, for the fees ~~fee~~ set forth in
 2 61-10-124. These oversize permits expire on December 31 of
 3 each year, with no grace period. For the purposes of this
 4 section, a dealer in implements of husbandry or
 5 self-propelled machinery must be a resident of the state. A
 6 post-office box number is not a permanent address under this
 7 section.

8 (2) The applicant for a special permit shall
 9 specifically describe the powered vehicle or towing vehicle
 10 and generally describe the type of vehicle, combination of
 11 vehicles, load, object, or other thing to be operated or
 12 moved and the particular state highways over which the
 13 vehicle, combination of vehicles, load, object, or other
 14 thing is to be moved and whether the permit is required for
 15 a single trip or for continuous operation."

16 Section 77. Section 61-10-124, MCA, is amended to
 17 read:

18 "61-10-124. Special permits -- fee. (1) In addition to
 19 the regular ~~license registration~~ and gross vehicle weight
 20 fees, a fee of \$6 for each permit issued in excess of the
 21 size and weight specified in 61-10-101 through 61-10-110
 22 shall be paid for all movements under special permits on the
 23 public highways under the jurisdiction of the department.

24 (2) Term or blanket permits may not be issued for an
 25 overwidth vehicle, combination of vehicles, load, or other

1 thing in excess of 15 feet; an overlength vehicle,
 2 combination of vehicles, load, object, or other thing in
 3 excess of 85 feet; and an overheight vehicle, combination
 4 of vehicles, load, or other thing in excess of 13 1/2 feet,
 5 or of a limit determined by the department. A vehicle,
 6 combination of vehicles, load, or other thing in excess of
 7 these dimensions is limited to trip permits.

8 (3) ~~A fee of \$6 shall be paid for each overweight~~
 9 ~~permit issued, but a~~ permit may not be issued for a period
 10 of time greater than the ~~license~~ period for which the GVM
 11 license is valid as provided in this title, including grace
 12 periods allowed by this title. Owners of vehicles licensed
 13 in other jurisdictions may, at the discretion of the
 14 department, purchase permits to expire with their
 15 registration. A license required by the state governs the
 16 issuance of a special permit."

17 Section 78. Section 61-10-145, MCA, is amended to
 18 read:

19 "61-10-145. Penalties -- disposition of fines. (1) A
 20 person, firm, or corporation convicted of violating
 21 61-10-101 through 61-10-110 ~~[except 61-10-102(3) which is~~
 22 ~~punishable under 61-9-511]~~ shall be punished by a fine of
 23 not less than \$15 or more than \$50 or by imprisonment in the
 24 county or municipal jail for not less than 5 days or more
 25 than 25 days. ~~In addition, a~~ person, firm, or corporation

1 convicted of operating a motor vehicle upon the public
2 highways of this state with weight upon a wheel, axle, or
3 group of axles or upon more than one of them greater than
4 the maximum permitted by 61-10-101 through 61-10-110, shall
5 be fined, in addition to other penalties provided by law for
6 the offense, the following amounts:

7 (a) \$15 for any excess weight up to and including
8 2,000 pounds;

9 (b) \$25 for any excess weight more than 2,000 pounds
10 and less than 4,001 pounds;

11 (c) \$35 for any excess weight more than 4,000 pounds
12 and less than 6,001 pounds;

13 (d) \$50 for any excess weight more than 6,000 pounds
14 and less than 8,001 pounds;

15 (e) \$80 for any excess weight more than 8,000 pounds
16 and less than 10,001 pounds;

17 (f) \$110 for any excess weight more than 10,000 pounds
18 and less than 12,001 pounds;

19 (g) \$150 for any excess weight more than 12,000 pounds
20 and less than 14,001 pounds;

21 (h) \$200 for any excess weight more than 14,000 pounds
22 and less than 16,001 pounds;

23 (i) \$250 for any excess weight more than 16,000 pounds
24 and less than 18,001 pounds;

25 (j) \$300 for any excess weight more than 18,000 pounds

1 and less than 20,001 pounds;

2 (k) \$500 for any excess weight more than 20,000 pounds
3 and less than 25,001 pounds;

4 (l) \$1,000 for any excess weight more than 25,000
5 pounds.

6 (2) A complaint filed and a summons or notice to
7 appear issued pertaining to a violation of the gross weight
8 regulations in 61-10-101 through 61-10-110 shall specify the
9 amount of the overweight which the defendant is alleged to
10 have had upon the vehicle or combination of vehicles.

11 (3) All fines and forfeitures shall be remitted
12 monthly by the county treasurer to the state treasurer for
13 deposit in the state general fund."

14 Section 79. Section 61-10-146, MCA, is amended to
15 read:

16 "61-10-146. Special permits -- penalty---for
17 misrepresentations and violations ~~as misdemeanor~~. A person
18 who knowingly and willfully misrepresents the size or weight
19 of a vehicle, combination of vehicles, load, object, or
20 other thing in obtaining a special permit or who does not
21 follow the requirements and conditions of the special permit
22 or who operates a vehicle, combination of vehicles, load,
23 object, or other thing, the gross size or weight of which is
24 ~~in excess of the maximum for which that vehicle, combination~~
25 ~~of vehicles, load, object, or other thing may be eligible~~

1 ~~fer---license requires a special permit~~ without first
2 obtaining a special permit, is guilty of a misdemeanor."

3 Section 80. Section 61-10-148, MCA, is amended to
4 read:

5 "61-10-148. Disposition of fines. ~~Any and all~~ Except
6 ~~as provided in 61-12-701,~~ fines collected for the violation
7 ~~of any of the provisions of this [act] under 61-10-146 or~~
8 ~~61-10-147~~ shall belong to the general road fund of the
9 county, and shall, immediately after their collection, be
10 paid over by the court or magistrate collecting the same
11 ~~them~~ to the county treasurer for the use and benefit of that
12 fund, except for that portion of the fines ~~as provided for~~
13 ~~in 29-7-504,~~ otherwise allocated by law which the county
14 treasurer shall transmit to the state treasurer ~~and by him~~
15 ~~credited who shall credit them~~ to the automobile driver
16 education appropriate account in the earmarked revenue
17 fund."

18 Section 81. Section 61-10-201, MCA, is amended to
19 read:

20 "61-10-201. Gross weight fees on motortrucks and truck
21 tractors. In addition to other fees for the licensing of
22 vehicles, there shall be paid and collected annually for
23 each motortruck ~~truck~~ and truck tractor, based upon the
24 maximum gross loaded weight thereof as set by the licensee
25 in his application, the following fees:

Schedule I	
1	
2	Up to 6,000 lbs. \$ 7.50
3	6,001 lbs. or more and less than through 8,000 lbs. 12.50
4	8,001 lbs. or more and less than through 10,000 lbs.
5	..... 17.50
6	10,001 lbs. or more and less than through 12,000 lbs.
7	..... 20.00
8	12,001 lbs. or more and less than through 14,000 lbs.
9	..... 22.50
10	14,001 lbs. or more and less than through 16,000 lbs.
11	..... 27.50
12	16,001 lbs. or more and less than through 18,000 lbs.
13	..... 37.50
14	18,001 lbs. or more and less than through 20,000 lbs.
15	..... 50.00
16	20,001 lbs. or more and less than through 22,000 lbs.
17	..... 62.50
18	22,001 lbs. or more and less than through 24,000 lbs.
19	..... 93.75
20	24,001 lbs. or more and less than through 26,000 lbs.
21	..... 125.00
22	26,001 lbs. or more and less than through 28,000 lbs.
23	..... 156.25
24	28,001 lbs. or more and less than through 30,000 lbs.
25	..... 206.25

1	30,001 lbs or more and less than through 32,000 lbs.	.....
2		262.50
3	32,001 lbs or more and less than through 34,000 lbs.	.....
4		318.75
5	34,001 lbs or more and less than through 36,000 lbs.	.....
6		375.00
7	36,001 lbs or more and less than through 38,000 lbs.	.....
8		431.25
9	38,001 lbs or more and less than through 40,000 lbs.	.....
10		487.50
11	40,001 lbs or more and less than through 42,000 lbs.	.....
12		543.75
13	Over 42,000 lbs. and within the weight limits	
14	specified in 61-10-101 through 61-10-110	..... 62.50
15		per ton or fraction thereof."

16 Section 82. Section 61-10-202, MCA, is amended to
17 read:

18 "61-10-202. Gross weight fees on trailers and
19 semitrailers. In addition to other fees for the licensing of
20 vehicles, there shall be paid and collected annually for
21 each trailer and semitrailer, based upon the maximum gross
22 loaded weight thereof as set by the licensee in his
23 application, except as otherwise provided, the following
24 fees:

25 Schedule II

1	Trailers Other Than Housetrailers	
2	Up to 2,500 lbs. for personal use--	Exempt
3	Up to 2,500 lbs. for commercial use	..... \$ 3.75
4	2,501 lbs or more and less than through 6,000 lbs.	..... 5.00
5	6,001 lbs or more and less than through 8,000 lbs.	.....
6		15.00
7	8,001 lbs or more and less than through 10,000 lbs.	.....
8		17.50
9	10,001 lbs or more and less than through 12,000 lbs.	.....
10		20.00
11	12,001 lbs or more and less than through 14,000 lbs.	.....
12		22.50
13	14,001 lbs or more and less than through 16,000 lbs.	.....
14		27.50
15	16,001 lbs or more and less than through 18,000 lbs.	.....
16		37.50
17	18,001 lbs or more and less than through 20,000 lbs.	.....
18		50.00
19	20,001 lbs or more and less than through 22,000 lbs.	.....
20		62.50
21	22,001 lbs or more and less than through 24,000 lbs.	.....
22		93.75
23	24,001 lbs or more and less than through 26,000 lbs.	.....
24		125.00
25	26,001 lbs or more and less than through 28,000 lbs.	.....

1	.....	156.25
2	28,001 lbs-or-more-and-less-than <u>through</u> 30,000 lbs.	
3	.....	206.25
4	30,001 lbs-or-more-and-less-than <u>through</u> 32,000 lbs.	
5	.....	262.50
6	32,001 lbs-or-more-and-less-than <u>through</u> 34,000 lbs.	
7	.....	318.75
8	34,001 lbs-or-more-and-less-than <u>through</u> 36,000 lbs.	
9	.....	375.00
10	36,001 lbs-or-more-and-less-than <u>through</u> 38,000 lbs.	
11	.....	431.25
12	38,001 lbs-or-more-and-less-than <u>through</u> 40,000 lbs.	
13	.....	487.50
14	40,001 lbs-or-more-and-less-than <u>through</u> 42,000 lbs.	
15	.....	543.75
16	Over 42,000 lbs. and within the weight limits	
17	specified in 61-10-101 through 61-10-110	62.50
18	per ton or fraction thereof."	

19 Section 83. Section 61-10-209, MCA, is amended to
20 read:

21 "61-10-209. Quarterly payment -- penalty for failure
22 to pay fee. (1) When the gross weight of a vehicle exceeds
23 24,000 pounds, the gross weight or special fees for
24 motortrucks ~~trucks~~, trailers, tractors, pole trailers, or
25 semitrailers may be ~~purchase~~ paid for a 3-month period for

1 one-fourth the regular fee at the beginning of any quarter
2 of the calendar year. For each fee so paid other than at the
3 time of payment of the ~~base--~~ license annual ~~vehicle~~
4 registration fee, an additional fee of \$1 shall be charged.
5 The department may adopt rules relative to the issuance and
6 display of certificates or insignia, which shall state the
7 quarters for which the vehicle is licensed.

8 (2) A vehicle licensed under this section may not be
9 operated over the public highways after the expiration of
10 the 3-month period unless the owner or operator of the
11 vehicle, within 10 calendar days or 7 business days as
12 provided by law, whichever is greater, ~~after the--~~ expiration
13 ~~of--the--3-month-period~~, pays the required fee for a license
14 for an additional 3-month period, or for the remainder of
15 the year. A person who operates a vehicle upon the public
16 highways after the expiration of the 10 calendar days or 7
17 business days as provided by law, whichever is greater, is
18 guilty of a misdemeanor. In addition he shall be required to
19 purchase a gross weight license for the vehicle involved at
20 the fee covering an entire year's license for operation of
21 the vehicle less the fees for a the period of the year
22 already paid.

23 (3) If, within 5 days thereafter, no license for a
24 full year has been purchased as required, the Montana
25 highway patrol, county sheriff, or city police may impound

1 the vehicle in the manner which is directed for these cases
2 by the division of motor vehicles until the requirement is
3 met."

4 Section 84. Section 61-10-214, MCA, is amended to
5 read:

6 "61-10-214. Exemptions. (1) Motor vehicles operating
7 exclusively for transportation of persons for hire within
8 the limits of incorporated cities or towns and within 15
9 miles from such limits are exempt from this part.

10 (2) Motor vehicles brought or driven into Montana by a
11 nonresident, migratory, bona fide agricultural worker
12 temporarily employed in agricultural work in this state
13 where those motor vehicles are used exclusively for
14 transportation of agricultural workers are also exempt from
15 this part.

16 (3) Vehicles lawfully displaying a licensed dealer's
17 plate as provided in ~~(61-4-102)~~ 61-4-103 are exempt from
18 this part when moving to or from a dealer's place of
19 business when ~~unladen unloaded~~ or ~~laden loaded~~ with dealer's
20 property only, and in the case of vehicles having a gross
21 ~~laden loaded~~ weight of less than 24,000 pounds, while ~~in the~~
22 ~~process-of-demonstration being demonstrated~~ in the course of
23 the dealer's business."

24 Section 85. Section 61-10-222, MCA, is amended to
25 read:

1 "61-10-222. Time for payment of fees. ~~(1)-A person who~~
2 ~~owns--or--operates-a-vehicle-subject-to-the-fees-provided-in~~
3 ~~61-10-201-through-61-10-210-shall-pay-the-fees--provided--in~~
4 ~~this-part.~~

5 ~~(2)(1)~~ Prior to or at the time of registration of the
6 vehicle as required under chapter 3 or chapter 4 or prior to
7 the operation of the vehicle on the public highways, fees
8 ~~paid provided in this part~~ shall be ~~paid in~~ the full amount
9 ~~provided-in-this-part~~ unless otherwise provided by law. With
10 respect to vehicles operating on the highways with a current
11 rear windshield sticker issued under the provisions of
12 61-4-111 or 61-4-112, the fees provided in this part shall
13 be due and payable at the time of registration.

14 ~~(3)(2)~~ A person who makes application for a GVH
15 license after July 1 of any year shall pay one-half of those
16 ~~the fees provided in this part.~~

17 ~~(4)(3)~~ When a person makes application for
18 registration required under chapter 3 for a period of time
19 other than the calendar year, the fees provided in this part
20 shall be computed for the registration period at one-twelfth
21 of ~~the~~ applicable fee for each month or part of month in the
22 registration period."

23 Section 86. Section 61-10-223, MCA, is amended to
24 read:

25 "61-10-223. Expiration date. ~~The-fees--paid--hereunder~~

1 ~~for every motor truck, truck, tractor, trailer, semitrailer,~~
 2 ~~bus, or automobile shall expire on December 31 of each year.~~
 3 Any certificate, registration, or GVH license issued shall
 4 be valid only for the period for which issued."

5 Section 87. Section 61-10-224, MCA, is amended to
 6 read:

7 "61-10-224. License GVH license transferable. The
 8 ~~certificate, registration, or GVH license~~ issued hereunder
 9 is transferable by the licensee to another truck, truck
 10 tractor, trailer, semitrailer, lowboy trailer, pole trailer,
 11 housetrailer, or passenger car upon transfer of ownership of
 12 such truck, truck tractor, trailer, semitrailer, lowboy
 13 trailer, pole trailer, housetrailer, or passenger car to a
 14 replacement vehicle of the same type. If a smaller vehicle
 15 is purchased, there shall be no refund."

16 Section 88. Section 61-10-226, MCA, is amended to
 17 read:

18 "61-10-226. Deposit of state highway moneys ~~money~~. (1)
 19 Any reference to the state highway fund ~~shall be taken to~~
 20 ~~mean means~~ the state highway account in the earmarked
 21 revenue fund.

22 (2) Moneys Money received for the use of the
 23 department from the receipt or transfer of ~~motor vehicle~~ GVH
 24 license fees, as provided by law, or from other state
 25 sources shall be deposited in the earmarked revenue fund to

1 the credit of the department.

2 (3) Moneys ~~Money~~ received from the counties and from
 3 the federal government or other agencies shall be deposited
 4 in the federal and private revenue fund to the credit of the
 5 department.

6 (4) Hereafter, moneys Money collected for the
 7 department as authorized by law shall be credited to such
 8 fund or funds by the state treasurer."

9 Section 89. Section 61-10-227, MCA, is amended to
 10 read:

11 "61-10-227. Blank forms furnished county treasurers.
 12 The department shall furnish all county treasurers with the
 13 following:

14 (1) blank application forms and affidavit forms
 15 outlining and providing for the information needed in each
 16 classification of registration license required;

17 (2) registration, ~~license, or certificate~~ GVH
 18 ~~licenses~~ in a form determined most suitable by the
 19 department;

20 (3) the other forms, stickers, certificates, or blanks
 21 the department considers necessary to carry out this part."

22 Section 90. Section 61-10-233, MCA, is amended to
 23 read:

24 "61-10-233. Excess weight -- penalties. (1) The
 25 operator is subject to the penalties stated in ~~this~~

1 section ~~61-10-212~~ whenever the gross laden loaded weight of
2 any motortruck ~~trucks~~, truck tractor, trailer, or
3 semitrailer operated upon any highway in this state exceeds
4 the gross vehicle weight shown on:

5 (a) the owner's certificate of registration and tax
6 receipt issued under 61-3-322; or

7 (b) the gross vehicle weight receipt issued under
8 61-10-227.

9 (2) ~~The In addition, the~~ operator shall immediately
10 thereafter pay to the nearest county treasurer or to the
11 department the difference between the fee already paid and
12 that applicable to the gross weight of his vehicle before
13 unloading the excess, provided that it does not exceed the
14 legal axle weight."

15 Section 91. Section 61-11-211, MCA, is amended to
16 read:

17 "61-11-211. Department Division to revoke license of
18 habitual offender -- method of removal of points upon
19 revocation. Upon receipt of a court order declaring an
20 habitual offender, the department division shall revoke the
21 driver's license or driving privilege of the individual
22 named in the order for a period of 3 years from the date of
23 the order. Additionally, the department shall remove from
24 that individual's record those habitual offender points
25 which were certified to the county attorney in the

1 certification required by 61-11-204."

2 Section 92. Section 61-12-208, MCA, is amended to
3 read:

4 "61-12-208. Duty upon making an arrest -- power to fix
5 and accept bail ---fees-of-justices-of-the-peace. ~~{1}~~ Such
6 employees, upon making an arrest, shall deliver to the
7 offender a form of notice to appear₁ describing the nature
8 of the offense₂ with instructions on the notice to--appear
9 for the offender to report to the nearest justice of the
10 peace. The employee may accept a deposit for appearance
11 justifiable for the offense charged. The person arrested may
12 be detained for a reasonable time for the purpose of issuing
13 the notice. If the employee accepts bail, he shall give a
14 signed receipt to the offender₁ setting forth the amount
15 received. The employee shall then deliver the bail money to
16 the justice of the peace before whom the offender is to
17 appear, and the justice of the peace shall give a receipt to
18 the employee for the amount of bail money delivered. After
19 the filing of the complaint and appearance of the defendant,
20 the justice of the peace shall assume jurisdiction and may
21 set and accept further appearance bail bond.

22 ~~{2}--For--the--purpose--of--this--part--only--the--fees--of--~~
23 ~~justices--of--the--peace--in--all--offenses--in--which--the--statutory~~
24 ~~fine--is--\$5--or--less--shall--be--\$1,--but--if--the--statutory--fine--is~~
25 ~~in--excess--of--\$5,--the--justices--of--the--peace--are--permitted--the~~

1 ~~fee-prescribed-by-law-No-additional-fees-shall-be-paid~~
 2 ~~justices-of-the-peace-where-salaries-are-fixed-by-law"~~

3 Section 93. Section 61-12-401, MCA, is amended to
 4 read:

5 "61-12-401. Taking vehicle into custody. (1) The
 6 following law enforcement agencies may take into custody any
 7 motor vehicle found abandoned for a period of 48 hours or
 8 more on any public highway, or for a period of 5 days or
 9 more on any city street or public property:

10 (a) the Montana highway patrol if the vehicle is upon
 11 the right-of-way of any public highway other than a county
 12 road;

13 (b) the sheriff of the county if the vehicle is upon
 14 the right-of-way of any county road ~~or-private-property~~
 15 within the county;

16 (c) the city police if the vehicle is upon a city
 17 street within the city.

18 (2) The Montana highway patrol, ~~the~~ sheriff of the
 19 county, or the city police may use ~~its-or-his~~ their
 20 personnel, equipment, and facilities for the removal and
 21 preservation of the vehicle, or may hire other personnel,
 22 equipment, and or facilities for those purposes."

23 Section 94. Section 61-12-502, MCA, is amended to
 24 read:

25 "61-12-502. Rules for identification cards. The

1 division shall formulate and adopt reasonable rules for the
 2 application, for and issuing of identification cards, and
 3 cancellation thereof, and shall require the furnishing of
 4 such information necessary for the purpose of this part."

5 Section 95. Section 61-12-701, MCA, is amended to
 6 read:

7 "61-12-701. Highway patrol -- ~~fees--~~ disposition of
 8 fines and forfeitures. (1) All ~~fees,~~ fines, and forfeitures
 9 collected in any court from persons apprehended or arrested
 10 by patrolmen for violation of the laws and regulations
 11 relating to the use of state highways and the operation of
 12 vehicles thereon must be paid to the state treasurer and by
 13 him credited to the general fund of the state, except for
 14 that portion of the fines ~~as-provided-in-28-7-504~~ otherwise
 15 allocated by law which shall be paid into the automobile
 16 driver---education---account appropriate accounts in the
 17 earmarked revenue fund.

18 (2) At the time of payment of any such ~~fee,~~ fine, or
 19 forfeiture, there shall be filed with the state treasurer a
 20 complete statement showing the total of the ~~fees,~~ fines, or
 21 forfeitures received or incurred, which statement shall give
 22 the title of the court and cause and be subscribed to by the
 23 person or officer making such ~~the~~ payments."

24 Section 96. Section 61-12-703, MCA, is amended to
 25 read:

1 "61-12-703. Disposition of traffic fines collected
 2 from juveniles. All fines collected by the district courts
 3 from children ~~persons~~ under 18 years of age for ~~unlawful~~
 4 ~~operation--of--motor--vehicles~~ as the result of traffic
 5 summonses for unlawful operation of motor vehicles issued by
 6 peace officers of cities or counties or by highway
 7 patrolmen, together with ~~that portion~~ the percentage of the
 8 ~~fines which is specified in 20-7-505 otherwise deductible by~~
 9 law, shall be retained by the county treasurer of the county
 10 in which the offense occurred and at the end of each month
 11 distributed as follows:

12 (1) Fines collected as the result of summonses issued
 13 by city peace officers shall be distributed to the city in
 14 which the peace officer is employed and credited to the city
 15 general fund.

16 (2) Fines collected as the result of summonses issued
 17 by county peace officers shall be retained by the county
 18 treasurer and credited to the county road fund.

19 (3) Fines collected as the result of summonses issued
 20 by state highway patrolmen shall be paid to the state
 21 treasurer, who shall credit them to the general fund of the
 22 state.

23 (4) That portion of the fines ~~which is specified in~~
 24 ~~20-7-505 deductible by law~~ shall be paid to the state
 25 treasurer, who shall credit it the money to the automobile

1 ~~driver--education--account~~ appropriate accounts in the
 2 earmarked revenue fund."

3 Section 97. Section 20-7-504, MCA, is amended to read:

4 "20-7-504. State traffic education account and ==
 5 proceeds earmarked for the account. (1) There is hereby
 6 established a traffic education account in the treasury of
 7 the state of Montana. There shall be paid into this account
 8 a portion of the fines assessed and bails forfeited on all
 9 offenses involving a violation of ~~a state statute~~ chapter 3,
 10 part 1 of chapter 4, or chapters 5 through 10 of Title 61,
 11 or a city ordinance and relating to the operation or use of
 12 motor vehicles, except offenses relating to parking of
 13 vehicles, in the following amounts:

14 (a) where if a fine is imposed, 20% of the fine
 15 imposed;

16 (b) where if multiple offenses are involved, 20% of
 17 the total sum of all fines imposed;

18 (c) where if a fine is suspended, in whole or in part,
 19 ~~the portion paid to the traffic education account~~ shall be
 20 20% of the fine actually paid; and

21 (d) when if any deposit of bail is made for an offense
 22 to which this section applies and the bail is forfeited, 20%
 23 of the forfeited bail.

24 (2) Five percent of all moneys ~~money~~ received by the
 25 state of Montana from the collection of the motor vehicle

1 driver's license fee provided for under the laws of Montana
2 shall be contributed to the traffic education account."

3 Section 98. Section 53-9-109, MCA, is amended to read:
4 "53-9-109. Crime victims compensation account. There
5 is created a crime victims compensation account in the
6 earmarked revenue fund. There shall be paid into this
7 account 6% of the fines assessed and bails forfeited on all
8 offenses involving a violation of ~~a state statute chapter 1,~~
9 ~~part 1 of chapter 4, or chapters 9 through 10 of Title 61,~~
10 or a city ordinance and relating to the operation or use of
11 motor vehicles, except offenses relating to parking of
12 vehicles."

13 SECTION 99. SECTION 61-5-405, MCA, IS AMENDED TO READ:

14 "61-5-405. Offenses furnishing ground for suspension
15 or revocation of license. (1) Items enumerated in Article
16 IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer
17 specifically to 45-5-103, ~~45-5-104,~~ 61-8-401, 45-2-101(15),
18 and 61-7-103, respectively.

19 (2) In addition to convictions mentioned above the
20 division, for the purpose of suspension, revocation, or
21 limitation of the license to operate a motor vehicle, shall
22 give the same effect to the conduct reported as it would if
23 such conduct had occurred in this state for:

24 (a) convictions of perjury or the making of a false
25 affidavit relating to the ownership or operation of a motor

1 vehicle (61-5-303); and

2 (b) three convictions of reckless driving committed
3 within a period of 12 months (61-8-301)."

4 Section 100. Repealer. Section 61-8-721, MCA, is
5 repealed.

6 Section 101. Repealer. Sections ~~31-167,~~ 31-186,
7 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134,
8 53-135, and 53-140 through 53-144, R.C.M. 1947, are
9 repealed.

-End-

Approved by Committee
on Highways & Transportation

1 SENATE BILL NO. 113
2 INTRODUCED BY GRAHAM
3 BY REQUEST OF THE CODE COMMISSIONER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING
7 SECTION 61-8-721, MCA; AND REPEALING SECTIONS ~~31-167,~~
8 ~~31-186,~~ 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154,
9 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

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

12 Section 1. Section 61-1-101, MCA, is amended to read:
13 "61-1-101. Definitions. ~~The following~~ Unless the
14 context indicates otherwise, the words and phrases when
15 defined in this chapter have, as used in this ~~act~~
16 ~~for the purpose of this act~~ title, have the meanings
17 respectively ascribed to them in this chapter."

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

19 "61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means~~
20 ~~every vehicle which is self-propelled and every vehicle~~
21 ~~which is propelled by electric power obtained from overhead~~
22 ~~trolley wires but not operated upon rails, excluding~~
23 ~~motorcycles~~

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

1 ~~(3) "Motor vehicle" means every vehicle which is~~
2 ~~self-propelled and every vehicle which is propelled by~~
3 ~~electric power obtained from overhead trolley wires but not~~
4 ~~operated upon rails~~

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

8 ~~(5) The term "motor vehicle" as used in part 4 of~~
9 ~~chapter 4 shall mean every self-propelled vehicle moving~~
10 ~~over the highways of this state, whether patented or~~
11 ~~unpatented~~

12 ~~(6) "Motor vehicle" means a self-propelled vehicle~~
13 ~~including without limitation an automobile, motorbus,~~
14 ~~motorcycle, truck, and truck tractor~~

15 ~~(7) The word "motor vehicle" as used in [this title]~~
16 ~~shall include trailers, semitrailers, automobiles, auto~~
17 ~~trucks, motorcycles, cycle motors, and all other vehicles~~
18 ~~propelled by their own power used upon the public highways~~
19 ~~of the state, excepting steam or gas tractors, or~~
20 ~~self-propelled wheelchairs or similar vehicles operated by~~
21 ~~invalids~~

22 ~~(8) The term "motor vehicle" as used in 61-3-207 and~~
23 ~~61-3-322 includes automobile, truck, motorcycle-type~~
24 ~~vehicle, and semitrailer, trailer, and house trailers~~

25 ~~(9) The words "motor vehicle" as used in chapters 3~~

The changes in SB 113, are on pages 127-99.
Please refer to yellow copy for entire content.

1 (i) if a truck or trailer, the number of tons ~~loads~~
2 capacity ~~OR G.V.W. IS IMPRINTED ON LICENSE PLATE;~~

3 (j) such other information as may from time to time be
4 found desirable.

5 (3) The division shall file applications for
6 registration received by it from the county treasurers of
7 the state and register the vehicles therein described and
8 the owners thereof in suitable books or on index cards, as
9 follows:

10 (a) under ~~the~~ distinctive license number assigned to
11 ~~the~~ vehicle by the county treasurers ~~TREASURER;~~

12 (b) alphabetically under ~~the~~ name of ~~the~~ owners ~~OWNER;~~

13 (c) numerically under make and identifying number of
14 ~~the~~ vehicle;

15 (d) such other index of registration as the division
16 ~~shall deem~~ ~~CONSIDERS~~ expedient.

17 (4) Vehicle registration records and indexes and
18 driver's license records and indexes may be maintained by
19 electronic recording and storage media.

20 (5) In the case of dealers, the records shall show the
21 information contained in the application for dealer's
22 license as required by 61-4-101 through 61-4-105, as well as
23 the distinctive license number assigned to the dealer.

24 (6) In order to prevent an accumulation of unneeded
25 records and files, the division shall have the authority and

1 fee--prescribed--by--law--No--additional--fees--shall--be--paid
2 justices-of-the-peace--where--salaries--are--fixed--by--law"

3 Section-93--Section--61-12-401--MCA--is--amended--to
4 read:

5 "61-12-401--Taking--vehicle--into--custody--(1)--The
6 following--law-enforcement--agencies--may--take--into--custody--any
7 motor--vehicle--found--abandoned--for--a--period--of--48--hours--or
8 more--on--any--public--highway--or--for--a--period--of--5--days--or
9 more--on--any--city--street--or--public--property:

10 (a)--the--Montana--highway--patrol--if--the--vehicle--is--upon
11 the--right-of-way--of--any--public--highway--other--than--a--county
12 road;

13 (b)--the--sheriff--of--the--county--if--the--vehicle--is--upon
14 the--right-of-way--of--any--county--road--or--private--property
15 within--the--county;

16 (c)--the--city--police--if--the--vehicle--is--upon--a--city
17 street--within--the--city;

18 (2)--The--Montana--highway--patrol, the sheriff-of-the
19 county--or--the--city--police--may--use--its--or--his--their
20 personnel,--equipment,--and--facilities--for--the--removal--and
21 preservation--of--the--vehicle,--or--may--hire--other--personnel,
22 equipment,--and--or facilities--for--those--purposes."

23 Section 93. Section 61-12-502, MCA, is amended to
24 read:

25 "61-12-502. Rules for identification cards. The

1 SENATE BILL NO. 113
 2 INTRODUCED BY GRAHAM
 3 BY REQUEST OF THE CODE COMMISSIONER
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING
 7 SECTION 61-8-721, MCA; AND REPEALING SECTIONS ~~31-167~~
 8 ~~31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154,~~
 9 ~~53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."~~
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 61-1-101, MCA, is amended to read:
 13 "61-1-101. Definitions. ~~The following~~ Unless the
 14 context indicates otherwise, the words and phrases when
 15 defined in this chapter have, as used in this [act] ~~shall~~
 16 ~~for the purpose of this [act]~~ title, have the meanings
 17 respectively ascribed to them in this chapter."
 18 Section 2. Section 61-1-102, MCA, is amended to read:
 19 "61-1-102. Motor vehicle. (1) ~~"Motor vehicle" means~~
 20 ~~every vehicle which is self-propelled and every vehicle~~
 21 ~~which is propelled by electric power obtained from overhead~~
 22 ~~trolley wires but not operated upon rails, excluding~~
 23 ~~motorcycles~~
 24 (2) ~~For 61-10-101 through 61-10-110, the term "motor~~
 25 ~~vehicle" is defined in subsection (3)~~

1 (3) ~~"Motor vehicle" means every vehicle which is~~
 2 ~~self-propelled and every vehicle which is propelled by~~
 3 ~~electric power obtained from overhead trolley wires but not~~
 4 ~~operated upon rails~~
 5 (4) ~~The word "motor vehicle" as used in 61-3-502 means~~
 6 ~~automobiles, auto-trucks, and motorcycles, propelled by~~
 7 ~~their own power, used upon the public highways of the state~~
 8 (5) ~~The term "motor vehicle" as used in part 4 of~~
 9 ~~chapter 4 shall mean every self-propelled vehicle moving~~
 10 ~~over the highways of this state, whether patented or~~
 11 ~~unpatented~~
 12 (6) ~~"Motor vehicle" means a self-propelled vehicle~~
 13 ~~including without limitation an automobile, motorbus,~~
 14 ~~motorcycle, truck, and truck tractor~~
 15 (7) ~~The word "motor vehicle" as used in [this title]~~
 16 ~~shall include trailers, semitrailers, automobiles, auto~~
 17 ~~trucks, motorcycles, cycle motors, and all other vehicles~~
 18 ~~propelled by their own power, used upon the public highways~~
 19 ~~of the state, excepting steam or gas tractors, or~~
 20 ~~self-propelled wheelchairs or similar vehicles operated by~~
 21 ~~invalids~~
 22 (8) ~~The term "motor vehicle" as used in 61-3-202 and~~
 23 ~~61-3-322 includes automobile, truck, motorcycle-type~~
 24 ~~vehicle, and semitrailer, trailer, and house trailer~~
 25 (9) ~~The words "motor vehicle" as used in chapters 3~~

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 be run in its entirety unless necessary

1 and 4 shall include all vehicles which are self-propelled
2 except road rollers, traction engines, and railroad cars,
3 farm tractors, and motorcars run upon stationary rails or
4 tracks.

5 (10) "Motor vehicle", as used in part 1, chapter 6,
6 means every self-propelled vehicle which is designed for use
7 upon a highway, including trailers and semitrailers designed
8 for use with such vehicles (except traction engines, road
9 rollers, farm tractors, tractor cranes, power shovels, and
10 well-drillers) and every vehicle which is propelled by
11 electric power obtained from overhead wires but not operated
12 upon rails.

13 (11) "Motor vehicle", as used in 61-3-711 through
14 61-3-733, means every vehicle which is self-propelled and
15 every vehicle which is propelled by electric power obtained
16 from overhead trolley wires but not operated upon rails.
17 "Motor vehicle" means every vehicle propelled by its own
18 power and designed primarily to transport persons or
19 property upon the highways of the state, except that for the
20 purpose of chapter 3 the term also includes trailers,
21 semitrailers, and house trailers."

22 Section 3. Section 61-1-103, MCA, is amended to read:
23 "61-1-103. Vehicle. (1) "Vehicle" means every device
24 in, upon, or by which any person or property is or may be
25 transported or drawn upon a public highway, excepting except

1 devices moved by human or animal power or used exclusively
2 upon stationary rails or tracks. However, in chapters 3 and
3 4 the term means "motor vehicle" as defined in this part.

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

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

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

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

17 Section 4. Section 61-1-104, MCA, is amended to read:
18 "61-1-104. Special mobile equipment. (1) "Special
19 mobile equipment" means every vehicle not designed or used
20 primarily for the transportation of persons or property and
21 incidentally operated or moved over the highways, including
22 farm tractors, road construction or maintenance machinery,
23 ditch-digging apparatus, well-boring apparatus, and concrete
24 mixers. The foregoing enumeration shall be deemed is partial
25 and shall not operate to does not exclude other such

1 vehicles which are within the general terms of this section.
 2 {2}--"Special mobile equipment"--as--used--in--61-3-431
 3 through--61-3-434--means--every--vehicle--which--is--not--designed
 4 and--used--primarily--for--the--transportation--of--persons--or
 5 property--on--a--public--highway--and--which--is--operated--or--moved
 6 over--the--highway--from--construction--project--to--construction
 7 project--and--not--removed--from--the--confines--and--haul--roads
 8 thereof--except--for--movement--from--construction--project--to
 9 storage--yard--from--storage--yard--to--construction--project--or
 10 from--storage--yard--or--construction--project--to--point--of--repair
 11 or--maintenance--and--returns--Special--mobile--equipment
 12 includes--but--is--not--limited--to--portable--air--compressors--
 13 air--drills--asphalt--spreaders--gravel--crushing--equipment--and
 14 hot--plant--equipment--buckets--belt--and--front--end--loaders--
 15 track--laying--tractors--ditchers--leveling--graders--finishing
 16 machines--motor--graders--paving--mixers--earth--moving
 17 scrapers--and--carryalls--lighting--generating--and--power
 18 plants--welders--pumps--power--shovels--and--draglines--cranes--
 19 crane--mounted--hoist--boom--log--loaders--fork--lift--trucks--
 20 lumber--carriers--bunkhouses--toothouses--shop--cars--oil
 21 distributors--scales--and--scale--houses--and--conveyors--it
 22 also--includes--self--propelled--tractor--drawn--earth--moving
 23 equipment--dump--trucks--and--tractor--dump--trailer
 24 combinations--which--because--of--excess--width--height--length
 25 or--unladen--weight--cannot--be--moved--over--a--public--highway

1 without-a-permit-as-provided-in-61-10-121-through-61-10-127--
 2 and--which--are--operated--unladen--except--within--the--boundaries
 3 of--the--project--limits--as--defined--by--the--contract--and
 4 adjacent--haul--roads--However--the--term--"special--mobile
 5 equipment"--does--not--include--a--vehicle--such--as--a--truck--truck
 6 tractor--trailer--semitrailer--house-trailer--or--house--car
 7 designed--for--the--transportation--of--persons--or--property--"

8 Section 5. 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 attached thereto and a driving wheel in contact with the
 23 ground, in addition to the wheels of the vehicle itself, ~~and~~
 24 but a motorcycle may carry one or more attachments and a
 25 seat for the conveyance of a passenger. The term does not

1 ~~include a tractor.~~"

2 Section 6. Section 61-1-107, MCA, is amended to read:

3 "61-1-107. Truck. (1) "Truck" ~~or "motortruck"~~ means
4 every motor vehicle designed, used, or maintained primarily
5 for the transportation of property.

6 (2) ~~For 61-10-101 through 61-10-110, the term "truck"~~
7 ~~is defined in subsection (1).~~

8 (3) ~~The term "motortruck" as used in chapters 3 and 4~~
9 ~~shall include all motor vehicles designed or used for the~~
10 ~~transportation of commodities, merchandise, produce,~~
11 ~~freight, or animals."~~

12 Section 7. Section 61-1-108, MCA, is amended to read:

13 "61-1-108. Truck tractor. (1) "Truck tractor" means
14 every motor vehicle designed and used primarily for drawing
15 other vehicles and not so constructed as to carry a load
16 other than a part of the weight of the vehicle and load so
17 drawn.

18 (2) ~~For 61-10-101 through 61-10-110, the term "truck~~
19 ~~tractor" is defined in subsection (1)."~~

20 Section 8. Section 61-1-109, MCA, is amended to read:

21 "61-1-109. Farm tractor. (1) "Farm tractor" means
22 every motor vehicle designed and used primarily as a farm
23 implement for drawing plows, mowing machines, and other
24 implements of husbandry.

25 (2) ~~"Farm tractor" means every motor vehicle designed~~

1 ~~and used primarily as a farm implement for drawing plows,~~
2 ~~mowing machines, and other implements of husbandry."~~

3 Section 9. Section 61-1-111, MCA, is amended to read:

4 "61-1-111. Trailer. (1) "Trailer" means every vehicle,
5 with or without motive power [other than a pole trailer],
6 designed for carrying property and for being drawn by a
7 motor vehicle and so constructed that no part of its weight
8 rests upon the towing vehicle, except that

9 (2) ~~For 61-10-101 through 61-10-110, the term~~
10 ~~"trailer" is defined in subsection (1).~~

11 (3) ~~The term "trailer" as used in chapters 3 and 4~~
12 ~~shall include the term includes every vehicle without motive~~
13 ~~power designated designed to carry property or passengers~~
14 ~~wholly on its own structure and to be drawn by a motor~~
15 ~~vehicle."~~

16 Section 10. Section 61-1-112, MCA, is amended to read:

17 "61-1-112. Semitrailer. (1) "Semitrailer" means every
18 vehicle, with or without motive power [other than a pole
19 trailer], designed for carrying property and for being drawn
20 by a motor vehicle and so constructed that some part of its
21 weight and that of its load rests upon or is carried by
22 another vehicle, except that

23 (2) ~~For 61-10-101 through 61-10-110, the term~~
24 ~~"semitrailer" is defined in subsection (1).~~

25 (3) ~~The term "semitrailer" as used in chapters 3 and 4~~

1 shall include the term includes every vehicle of the trailer
 2 type so designed and used in conjunction with a motor
 3 vehicle that some part of its own weight and that of its own
 4 load rests upon or is carried by another vehicle a pole
 5 trailer."

6 Section 11. Section 61-1-201, MCA, is amended to read:

7 "61-1-201. Highway. (1) "Highway" means the entire
 8 width between the boundary lines of every way publicly
 9 maintained may when any part thereof is open to the use of
 10 the public for purposes of vehicular travel.

11 (2) "Highway" means the entire width between the
 12 boundary lines of every street, highway, and related
 13 structure as has been or shall be built and maintained with
 14 appropriated funds of the United States and which has been
 15 or shall be built and maintained with funds of the state or
 16 any political subdivision thereof or which has been or shall
 17 be dedicated to public use or has been acquired by eminent
 18 domain except that for the purpose of chapter 8 the term
 19 also includes ways which have been or shall be dedicated to
 20 public use."

21 Section 12. Section 61-1-202, MCA, is amended to read:

22 "61-1-202. Public highways highway. In 61-12-201
 23 through 61-12-206, the term "public highways" "Public
 24 highway" means "highways" "highway" as defined in 61-1-201."

25 Section 13. Section 61-1-203, MCA, is amended to read:

1 "61-1-203. Street. (1) "Street" means the entire width
 2 between the boundary lines of every way publicly maintained
 3 may when any part thereof is open to the use of the public
 4 for purposes of vehicular travel.

5 (2) "Street" means the entire width between the
 6 boundary lines of every street, highway, and related
 7 structure as has been or shall be built and maintained with
 8 appropriated funds of the United States and which has been
 9 or shall be built and maintained with funds of the state or
 10 any political subdivision thereof or which has been or shall
 11 be dedicated to public use or has been acquired by eminent
 12 domain."

13 Section 14. Section 61-1-305, MCA, is amended to read:

14 "61-1-305. Highway patrolman. "Highway patrolman"
 15 means every state officer authorized to direct or regulate
 16 traffic or to make arrests for violations of traffic
 17 regulations."

18 Section 15. Section 61-1-307, MCA, is amended to read:

19 "61-1-307. Person. (1) "Person" means every natural
 20 person, firm, partnership, association, or corporation.

21 (2) The term "person" as used in part 4 of chapter 4
 22 means any individual, firm, corporation, partnership,
 23 association, trustee, receiver, or assignee for the benefit
 24 of creditors.

25 (3) "Person" as used in 61-4-131 through 61-4-137

1 means an individual, corporation, partnership, association,
2 firm, or other legal entity.

3 {4}--"Person" as used in part iv chapter 6v means every
4 natural person, firm, partnership, association, or
5 corporation.

6 {5}--"Person" for purposes of 61-3-711 through
7 61-3-733v means every natural person, firm, partnership,
8 association, or corporation."

9 Section 16. Section 61-1-310, MCA, is amended to read:

10 "61-1-310. Owner. {1}--A person who holds the legal
11 title of a vehicle or in the event a vehicle is the subject
12 of an agreement for the conditional sale or lease thereof
13 with the right of purchase upon performance of the
14 conditions stated in the agreement and with the immediate
15 right of possession vested in the conditional vendee or
16 lessee or in the event a mortgagor of a vehicle is entitled
17 to possession, then such conditional vendee or lessee or
18 mortgagor shall be deemed the owner for the purpose of this
19 {act}.

20 {2}--The term "owner" as used in chapters 3 and 4 shall
21 include any person, firm, association, or corporation owning
22 or renting a motor vehicle or having the exclusive use
23 thereof under lease or otherwise, and shall also include a
24 contract vendee.

25 {3} "Owner" as used in 61-3-711 through 61-3-733 means

1 a person who holds the legal title to a vehicle, or in the
2 event if a vehicle is the subject of an agreement for the
3 conditional sale thereof with the right of purchase upon
4 performance of the conditions stated in the agreement and
5 with an immediate right of possession vested in the
6 conditional vendee, or in the event a vehicle is subject to
7 a lease, contract, or other legal arrangement vesting right
8 of possession or control, for security or otherwise, or in
9 the event a mortgagor of a vehicle is entitled to
10 possession, then the owner shall be deemed to be such is the
11 person in whom is vested right of possession or control.

12 {4}--"Owner" as used in part iv chapter 6v means a
13 person who holds the legal title of a motor vehicle, or in
14 the event a motor vehicle is the subject of an agreement for
15 the conditional sale or lease thereof, with the right of
16 purchase upon performance of the conditions stated in the
17 agreement, and with an immediate right of possession vested
18 in the conditional vendee or lessee, or in the event a
19 mortgagor of a vehicle is entitled to possession, then such
20 conditional vendee or lessee or mortgagor shall be deemed
21 the owner for the purposes of part iv chapter 6v."

22 Section 17. Section 61-1-311, MCA, is amended to read:

23 "61-1-311. Operator. {1}--"Operator" means every
24 person other than a chauffeur, who drives or is in actual
25 physical control of a motor vehicle upon a highway or who is

1 exercising control over or steering a vehicle being towed by
2 a motor vehicle.

3 (2) "Operator" as used in part 4 of chapter 6 means
4 every a person who is in actual physical control of a motor
5 vehicle."

6 Section 18. Section 61-1-314, MCA, is amended to read:
7 "61-1-314. Dealer. (1) The term "dealer" as used in
8 part 4 of chapter 4 shall mean any person, firm,
9 association or corporation or other organization of any
10 kind, character or nature regularly engaged or intending to
11 engage in the business of selling motor vehicles at retail
12 within this state.

13 (2) "Dealer" as used in 61-4-131 through 61-4-137
14 means a person who, for commission or profit, engages in the
15 business of buying, selling, exchanging, or acting as a
16 broker of motor vehicles under a franchise or distribution
17 agreement.

18 (3)(1) (a) The term "dealer" "Dealer" as used in
19 chapter 3 and part 1 of chapter 4 shall mean and include
20 means any person, firm, association, or corporation engaged
21 which, for commission or profit, engages in whole or in part
22 in the business of buying, selling, exchanging, or acting as
23 a broker of either new or used motor vehicles, or both, and
24 who is qualified qualifies for issuance of a dealer's
25 license under 61-4-101 through 61-4-105 and no person

1 firm, association or corporation shall be issued a dealer's
2 license by the division unless it qualifies as a dealer
3 defined herein.

4 (b)(2) The term "dealer" does not include the
5 following:

6 (i)(a) receivers, trustees, administrators, executors,
7 guardians, or other persons appointed by or acting under a
8 judgment or order of any court of competent jurisdiction;

9 (ii)(b) employees of such persons when engaged in the
10 specific performance of their duties as such employees; or

11 (iii)(c) public officers while performing or in the
12 operation of their duties.

13 (c)(3) A dealer dealing in used cars motor vehicles
14 only shall deliver to the buyer on completion of sale a
15 transferable title and shall purchase a Montana store
16 license. Dealer shall deliver, under oath, a notarized
17 certificate with any used motor vehicle stating the full
18 name and last known address of the previous owner of said
19 motor vehicle and state where the motor vehicle was last
20 registered."

21 Section 19. Section 61-1-315, MCA, is amended to read:

22 "61-1-315. Trailer dealer. "Trailer dealer" as used in
23 chapters 3 and 4 shall mean and include means any person,
24 firm, or corporation engaged in whole or in part in the
25 business of buying or selling trailers or semitrailers, with

1 facilities for displaying one or more trailers or
2 semitrailers."

3 Section 20. Section 61-1-316, MCA, is amended to read:

4 "61-1-316. Manufacturer. The term "manufacturer" as
5 used ~~in chapter 3 and part 1 of chapter 4 shall include~~
6 includes any person, firm, corporation, or association
7 engaged in the manufacture of any motor vehicles, trailers,
8 or semitrailers as a regular business."

9 Section 21. Section 61-1-403, MCA, is amended to read:

10 "61-1-403. Official traffic-control devices. "Official
11 traffic-control devices" means all signs, signals, markings,
12 and devices not inconsistent with this ~~part~~ title, placed
13 or erected by authority of a public body or official having
14 jurisdiction for the purpose of regulating, warning, or
15 guiding traffic. FOR THE PURPOSE OF CHAPTER 9, PART 2, OF
16 THIS TITLE, THE TERM ALSO INCLUDES "FLAG PERSON" AS DEFINED
17 IN 61-1-611."

18 Section 22. Section 61-1-504, MCA, is amended to read:

19 "61-1-504. Revocation. "Revocation" means that the
20 driver's license and privilege to drive a motor vehicle on
21 the public highways are terminated and ~~shall~~ may not be
22 renewed or restored. An application for a new license may be
23 presented and acted upon by the division after the
24 expiration of the period of such ~~the~~ revocation or
25 suspension."

1 NEW SECTION. Section 23. Certificate of ownership.

2 "Certificate of ownership" means the certificate issued by
3 the division of motor vehicles to the transferee upon a
4 transfer of ownership of a motor vehicle.

5 Section 24. Section 61-2-203, MCA, is amended to read:

6 "61-2-203. Equipment requirements continued in force.
7 Provisions of ~~sections 32-21-114 to 32-21-161 inclusive~~
8 ~~Revised 1947~~ chapter 9 of this title shall continue to be
9 ~~of force and in effect.~~ The approval of the legislature is a
10 condition precedent to the taking effect of any rule,
11 regulation, or code that may be ~~issued or~~ adopted by the
12 commission."

13 Section 25. Section 61-2-204, MCA, is amended to read:

14 "61-2-204. State commissioner on vehicle equipment
15 safety commission. ~~The Notwithstanding section 1, chapter~~
16 ~~272, Laws of 1971,~~ the commissioner of this state on the
17 vehicle equipment safety commission ~~shall be~~ is the highway
18 patrol chief who shall serve during his continuance as such
19 officer. The commissioner ~~of this state~~ appointed pursuant
20 to this section may designate an alternate from among the
21 officers and employees of his agency to serve in his place
22 ~~and stand~~ on the vehicle equipment safety commission.
23 Subject to the provisions of the compact and bylaws of the
24 vehicle equipment safety commission, the authority and
25 responsibilities of such ~~the~~ alternate ~~shall be~~ are as

1 determined by the commissioner designating such--alternate
2 him."

3 Section 26. Section 61-3-101, MCA, is amended to read:
4 "61-3-101. Duties of division of motor vehicles --
5 records. (1) The division of motor vehicles shall keep a
6 record as hereinafter specified of all motor vehicles,
7 trailers, and semitrailers of every kind, and of
8 certificates of registration and ownership thereof, and of
9 all dealers in motor vehicles.

10 (2) In the case of motor vehicles, trailers, and
11 semitrailers, the record shall show the following:

12 (a) name of owner, residence by town and county, and
13 business address;

14 (b) name and address of conditional sales vendor,
15 mortgagee, or other lienholder and amount due under contract
16 or lien;

17 (c) manufacturer of car;

18 (d) manufacturer's designation of style of car or
19 vehicle;

20 (e) identifying number;

21 (f) year of manufacture;

22 (g) character of motive power and shipping weight of
23 car as shown by the manufacturer;

24 (h) the distinctive license number assigned such-car
25 or to the vehicle;

1 (i) if a truck or trailer, the number of tons tons
2 capacity OR GVW IF IMPRINTED ON LICENSE PLATE;

3 (j) such other information as may from time to time be
4 found desirable.

5 (3) The division shall file applications for
6 registration received by it from the county treasurers of
7 the state and register the vehicles therein described and
8 the owners thereof in suitable books or on index cards, as
9 follows:

10 (a) under the distinctive license number assigned to
11 the vehicle by the county treasurers treasurer;

12 (b) alphabetically under the name of the owners owner;

13 (c) numerically under make and identifying number of
14 the vehicle;

15 (d) such other index of registration as the division
16 ~~shall~~-deem considers expedient.

17 (4) Vehicle registration records and indexes and
18 driver's license records and indexes may be maintained by
19 electronic recording and storage media.

20 (5) In the case of dealers, the records shall show the
21 information contained in the application for dealer's
22 license as required by 61-4-101 through 61-4-105, as well as
23 the distinctive license number assigned to the dealer.

24 (6) In order to prevent an accumulation of unneeded
25 records and files, the division shall have the authority and

1 it shall be its duty to destroy all records and files which
2 have ceased to be of any value.

3 (7) The division may establish and maintain a
4 short-wave radio station in order to report motor vehicle
5 registration information to the highway patrol, to sheriffs,
6 and to the chiefs of police of each incorporated city of the
7 state who are able to communicate with such short-wave radio
8 station.

9 (3) All such records shall be open to inspection
10 during all reasonable business hours, and the division shall
11 furnish any information from said the records upon payment
12 by the applicant of the cost of transcribing the information
13 requested.

14 ~~{9}--the---division---shall---appoint---such---deputies,
15 subordinate---officers---clerks---investigators---and---other
16 employees---as---may---be---necessary---to---carry---out---this---chapter,
17 providing---there---be---selected---as---many---of---the---clerical---help
18 from---the---inmates---of---the---state---prison---as---the---division
19 determines---to---be---possible---All---office---equipment---books
20 files---and---records---belonging---to---the---[motor---department]---shall
21 be---in---the---care---and---general---custody---and---control---of---the
22 division---at---Boer---lodges"~~

23 Section 27. Section 61-3-105, MCA, is amended to read:
24 "61-3-105. Licensee Registrant as prima facie owner of
25 vehicle. Licensee-of-motor-vehicle-shall-prime-facie-be

1 deemed--owner--thereof. For the purpose of this ~~{act}~~ title,
2 except as provided by 61-3-701(3) the person appearing on
3 the public records as licensee the registrant of any motor
4 vehicle shall prima facie be deemed the owner thereof."

5 Section 28. Section 61-3-106, MCA, is amended to read:
6 "61-3-106. Report of stolen and recovered motor
7 vehicles. It shall be the duty of the sheriff of every
8 county of the state and of the chief of police or
9 commissioner of police of every city to make immediate
10 report to the division of all motor vehicles reported to him
11 as stolen or recovered, upon forms provided for by the
12 division. Failure on the part of any officer shall be deemed
13 considered to be misfeasance in office and shall constitute
14 grounds for removal. Upon receipt of such information, the
15 division shall file ~~the same~~ it in an index to be known as
16 the "stolen and recovered motor vehicle index". It shall
17 also be the duty of the division to file reports of stolen
18 and recovered motor vehicles reported to it from other
19 states. The division shall prepare once a month a list of
20 all motor vehicles stolen or recovered during the previous
21 month and forward a copy of ~~the same~~ it to every sheriff and
22 all police departments in cities of the first, second, and
23 third class. ~~Such the~~ list shall also be forwarded to the
24 secretary of state or other proper official in each state of
25 the United States. Before issuing a certificate of ~~title~~ as

1 heretofore--provided ~~ownership~~, the secretary--of---state
 2 division shall check the motor and serial number on the
 3 motor vehicle to be registered against the "stolen and
 4 recovered vehicle index".

5 Section 29. Section 61-3-201, MCA, is amended to read:

6 "61-3-201. Transfer of ~~title-or~~ interest. (1) Upon a
 7 transfer of any ~~title-or~~ interest of-an-owner in or--to a
 8 motor vehicle registered under the provisions of this
 9 chapter ~~as-hereinafter-required~~, the person whose ~~title--or~~
 10 interest is to be transferred shall write his signature with
 11 pen and ink upon the certificate of ownership issued for
 12 such vehicle in the appropriate space provided upon the
 13 reverse side of such ~~the~~ certificate, and such ~~his~~ signature
 14 shall be acknowledged before a notary public.

15 (2) Within 20 calendar days thereafter, the transferee
 16 shall forward both the ~~endorsed~~ certificate of ownership so
 17 ~~endorsed~~ and the certificate of registration, together with
 18 the information required under 61-3-202, to the county
 19 treasurer, who shall forward ~~the-same~~ ~~them~~ to the division,
 20 and-no ~~no~~ certificate of ownership and ~~or~~ certificate of
 21 registration may be issued by the division until the
 22 outstanding certificates are surrendered to that office or
 23 their loss ~~is~~ established to its reasonable satisfaction.
 24 Failure to make such application within the 20-day grace
 25 period subjects the transferee to a penalty of \$10. The

1 penalty is to be collected by the county treasurer at the
 2 time of registration and is in addition to the fees
 3 otherwise provided by law.

4 (3) In the event of a transfer by operation of law of
 5 any ~~title--or~~ interest of--an-owner-of-the-~~legal~~-~~title-or~~
 6 owner in and-to a motor vehicle as upon inheritance, devise,
 7 or bequest, order in bankruptcy or insolvency, execution
 8 sale, repossession upon default in the performance of the
 9 terms of a lease or executory sales contract, or otherwise
 10 than by voluntary act of the person whose title or interest
 11 is so transferred, the executor, administrator, receiver,
 12 trustee, sheriff, or other representative or successor in
 13 interest of the person whose ~~title--or~~ interest is so
 14 transferred shall forward to the division an application for
 15 registration a certificate of ownership in the form required
 16 for an original application for registration a certificate
 17 of ownership, together with a verified or certified
 18 statement of the transfer of such ~~title-or~~ interest. Such
 19 ~~the~~ statement shall set forth the reason for such ~~the~~
 20 involuntary transfer, the ~~title-or~~ interest so transferred,
 21 the name or-names of the person or--persons to whom such
 22 ~~title--or~~ ~~the~~ interest is to be transferred, the process of
 23 procedure effecting such transfer, and ~~such~~ other
 24 information ~~as--may--be~~ requested by the division. Such
 25 evidence Evidence and instruments ~~as--may~~ otherwise be

1 required by law to effect a transfer of legal or equitable
 2 title to or an interest in chattels as may be required in
 3 such cases shall be furnished with such ~~the~~ statement. In
 4 ~~the event if~~ the division ~~shall be~~ is satisfied that such
 5 ~~the~~ transfer is regular and that all formalities as required
 6 by law have been complied with, it shall ~~cause to be sent~~
 7 ~~send~~ to the owner, conditional sales vendors ~~vendor~~, lessors
 8 ~~lessor~~, mortgagees ~~mortgages~~, and other ~~tenors~~ lienor, as
 9 shown by its records, notice of such ~~the~~ intended transfer
 10 and thereafter, but not less than 5 days thereafter, shall
 11 ~~register such motor vehicle and shall~~ issue a new
 12 certificate of ownership and certificate of registration to
 13 the person ~~or persons~~ entitled thereto. The notice herein
 14 required ~~shall be deemed~~ is complied with by deposit in the
 15 post office in Deer Lodge, Montana, such notice, postage
 16 prepaid, addressed to such ~~the~~ person ~~or persons~~ at the
 17 respective ~~addresses~~ address shown on its records.

18 (4) When the vehicle title ~~certificate of ownership~~
 19 that is involuntarily transferred is not registered in this
 20 state, the procedure set forth above must be followed in
 21 applying for a new certificate of ownership and certificate
 22 of registration, but the division need not send notice of
 23 intended transfer and shall issue a new certificate of
 24 ownership and a new certificate of registration to the
 25 person entitled thereto.

1 (5) In the event of the death of an owner of one or
 2 more motor vehicles ~~and/or trailer and/or semitrailer and/or~~
 3 ~~housetrailer or trailers or semitrailers or housetrailers~~
 4 registered hereunder and not exceeding the value of \$4,000,
 5 without leaving other property necessitating the procuring
 6 of letters of administration or letters testamentary, then
 7 the surviving husband or wife or other heir, unless such
 8 property is by will otherwise bequeathed, may secure
 9 transfer of the certificate of ownership and the certificate
 10 of registration of the deceased, ~~in and~~ to such motor
 11 vehicle in the name of the surviving husband or wife or
 12 other heir, as above mentioned, upon filing with the
 13 division an affidavit of ~~such person~~ setting forth the fact
 14 of survivorship and the name and address of any other heirs
 15 and such other facts as are hereby made necessary to entitle
 16 the affiant to a transfer. Thereupon the division is
 17 authorized to make such ~~the~~ transfer of the certificate of
 18 ownership and certificate of registration, subject to all
 19 contracts, leases, mortgages, or other liens as shown by ~~his~~
 20 ~~its~~ records.

21 (6) Nothing in subsection (5) shall prevent any
 22 conditional sales vendor, mortgagee, or other lienor from
 23 assigning his interest ~~or title in or to~~ a motor vehicle
 24 registered under the provisions of this chapter to any other
 25 person without the consent of and without effecting

1 affecting the interest of the holder of the certificate of
 2 ownership and certificate of registration. Upon any
 3 conditional sales vendor, mortgagee, or other lienor
 4 assigning his interest in any motor vehicle registered under
 5 this chapter, a copy of such assignment must be filed with
 6 the division and record thereof made upon his its records.

7 (7) The certificates of ownership shall remain valid
 8 until canceled by the division upon a transfer of any
 9 interest shown therein and need not be renewed annually.

10 ~~(8) Every person who transfers any motor vehicle to a
 11 junk dealer for the purpose of scrapping said the vehicle
 12 shall so notify the division and deliver the certificate of
 13 ownership and certificate of registration to the division
 14 for cancellation.~~

15 Section 30. Section 61-3-202, MCA, is amended to read:

16 "61-3-202. Certificate of ownership ~~issuance~~ --
 17 contents ~~joint ownership~~ --issuance. (1) Upon completion
 18 of the application for registration, on forms furnished by
 19 the division, the county treasurer shall forward one copy of
 20 the application to the division, which shall ~~cease to be~~
 21 entered ~~enter~~ the information contained in said ~~the~~
 22 application upon the corresponding records of its office and
 23 shall furnish the applicant a certificate of ownership
 24 subject to the provisions of 61-3-103.

25 (2) The certificate of ownership shall contain upon

1 the face thereof:

2 (a) the date issued;

3 ~~(b) the registration number assigned to the owner and
 4 the vehicle;~~

5 ~~(c) the name and complete address of the owner, or
 6 the names and addresses of joint owners;~~

7 ~~(d) the name and complete address of any
 8 conditional sales vendor, and also the name and address of
 9 any other lienor as shown by said the application;~~

10 ~~(e) a description of the registered vehicle,
 11 including the year built and serial number, if any;~~

12 ~~(f) any lien against such motor vehicle and the
 13 amount due at the date of registration; and~~

14 ~~(g) such other statement of facts as may be
 15 determined by the division.~~

16 (3) When the names and addresses of more than one
 17 owner who are members of the same immediate family are
 18 listed on the certificate of ownership, joint ownership with
 19 right of survivorship, and not as tenants in common, is
 20 presumed.

21 (4) Upon receipt of the application, the division
 22 shall ~~make a~~ recheck of the application, and ~~in the event~~
 23 that ~~if~~ there is any error in the application it may be
 24 returned to the county treasurer to effectively secure the
 25 correction of such error, who shall return the same to the

1 division.

2 (5) The certificate of ownership shall contain a form
3 of notice to the division of a transfer of title or interest
4 of the owner and such other statement-on-forms ~~statements~~ as
5 may be determined by the division."

6 Section 31. Section 61-3-301, MCA, is amended to read:

7 "61-3-301. Registration -- license plate required ==
8 display. (1) Except as otherwise provided herein, no person
9 shall operate a motor vehicle upon the public highways of
10 this state ~~without a license and~~ unless such vehicle ~~shall~~
11 ~~have--been~~ is properly registered and ~~shall have~~ has the
12 proper number plates conspicuously displayed, one on the
13 front and one on the rear of ~~such the~~ vehicle, each securely
14 fastened ~~so--as~~ to prevent the ~~same it~~ from swinging, and
15 unobstructed from plain view, except that trailers, and
16 ~~semitrailleurs SEMITRAILERS, AND MOTORCYCLES~~ shall have but
17 one number plate conspicuously displayed on the rear. No
18 person shall display on such vehicle at the same time any
19 number assigned to it under any motor vehicle law except as
20 provided in this chapter ~~otherwise provided~~. A junk vehicle,
21 as defined in part 5, chapter 10, Title 75, being driven or
22 towed to an auto wrecking graveyard for disposal is exempt
23 from the provisions of this section.

24 (2) No person shall purchase or display on ~~such a~~
25 vehicle any license plate bearing the number assigned to any

1 county as provided in 61-3-332, other than the county of his
2 permanent residence at the time of application for
3 registration. ~~Provided, however, that however,~~ the owner of
4 any motor vehicle requiring a license plate on any motor
5 vehicle used in the public transportation of persons or
6 property may make application therefor in any county through
7 which ~~said the~~ motor vehicle passes in its ~~regular~~ regularly
8 scheduled route, and the license plate so issued bearing the
9 number assigned to said county may be displayed on ~~said the~~
10 motor vehicle in any other county of the state.

11 (3) It ~~shall be~~ is unlawful to use license plates
12 issued to one vehicle on any other vehicle, trailers
13 ~~trailer,~~ or ~~semitrailleurs~~ semitrailer unless legally
14 transferred as provided by statute, or repainting to repaint
15 old license plates to resemble current license plates.

16 (4) Any person violating these provisions ~~shall be~~
17 deemed is guilty of a misdemeanor and ~~shall--be~~ subject to
18 the penalty ~~as set out in 61-3-704~~ 61-3-601."

19 Section 32. Section 61-3-317, MCA, is amended to read:

20 "61-3-317. New registration required for transferred
21 vehicle -- grace period -- penalty -- display of proof of
22 purchase. ~~(1)~~ Except as otherwise provided herein, the new
23 owner of the a transferred motor vehicle shall have the a
24 grace period of 20 calendar days from the date of purchase
25 to make application and pay the taxes, as provided by part 5

1 of this chapter, as if the ~~same~~ vehicle ~~were~~ being
 2 registered for the first time in that registration year. If
 3 the motor vehicle was not purchased from a duly licensed
 4 motor vehicle dealer as provided in this chapter, it ~~shall~~
 5 ~~not be is not~~ a violation of this chapter or any other law
 6 for the purchaser to operate the vehicle upon the streets
 7 and highways of this state without a certificate of
 8 registration during the 20-day period~~s~~ provided~~v~~ that at
 9 all times during that period a bill of sale or other proof
 10 of purchase reciting the date of purchase ~~shall be is~~
 11 clearly displayed in the rear window of the motor vehicle.
 12 Registration and license fees collected under 61-3-321 are
 13 not required to be paid when a license plate is transferred
 14 under this section and 61-3-335. Failure to make
 15 application within the time provided herein ~~shall~~ ~~subject~~
 16 ~~subjects~~ the purchaser to a penalty of \$10. The penalty
 17 shall be collected by the county treasurer at the time of
 18 registration~~v~~ and shall be in addition to the fees otherwise
 19 provided by law.

20 ~~{2} Any purchaser of a new or used motor vehicle from~~
 21 ~~a duly licensed motor vehicle dealer shall have the grace~~
 22 ~~period of 20 calendar days from the date of purchase to make~~
 23 ~~application for registration and to obtain registration~~
 24 ~~plates, and it shall not be a violation of this chapter or~~
 25 ~~any other law for such purchaser to operate such vehicle~~

1 upon the streets and highways of this state without a
 2 certificate of registration and registration plates during
 3 the 20-day period~~t~~ provided that at all times during said
 4 period the sticker issued by the dealer at the time of
 5 purchase shall remain affixed to said vehicle as provided in
 6 61-4-111~~v~~ Failure to make such application within the time
 7 provided herein subjects the purchaser to a penalty of \$10~~v~~
 8 The penalty is to be collected by the county treasurer at
 9 the time of registration and is in addition to the fees
 10 otherwise provided by law."

11 Section 33. Section 61-3-321, MCA, is amended to read:
 12 "61-3-321. Registration fees of vehicles -- public
 13 owned ~~public-owned~~ vehicles exempt from license or
 14 registration fees -- disposition of fees. (1) Registration
 15 or license fees shall be paid upon registration or
 16 reregistration of motor vehicles, trailers, house trailers,
 17 and semitrailers~~s~~ in accordance with this chapter, as
 18 follows:

- 19 (a) motor vehicles weighing 2,850 pounds or under~~v~~
 20 [other than motor trucks], \$5;
 21 (b) motor vehicles weighing over 2,850 pounds~~v~~ [other
 22 than motor trucks], \$10;
 23 (c) electrically driven passenger vehicles, \$10;
 24 (d) all motorcycles, \$2;
 25 (e) tractors and/or trucks, \$10;

1 (f) buses shall be classed as motortrucks and licensed
2 accordingly;

3 (g) trailers and semitrailers less than 2,500 pounds
4 maximum gross loaded weight and housetrailers of all
5 weights, \$2;

6 (h) trailers and semitrailers over 2,500 up to 6,000
7 pounds maximum gross loaded weight, [except housetrailers],
8 \$5;

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

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

18 (k) bicycles with motor attachment, \$1.

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

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

25 (4) If any motor vehicle, housetrailer, trailer, or

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

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

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

21 (7) The provisions of this section relating to the
22 payment of registration fees do not apply when number plates
23 are transferred to a replacement vehicle under 61-3-317(1),
24 61-3-332(7), and or 61-3-335.

25 (8) All fees, other than license fees, unless

1 otherwise---specifically---provided,---shall---hereafter---be
 2 deposited-in-and-paid-into-the-earmarked-revenue-fund--and
 3 shall--be--used--to--pay--all--salaries,--operating--expenses,--and
 4 all--other--expenses--of--the--division,---including---the
 5 manufacturer--and--delivery--of--license--plates. Any reference
 6 in this code to the motor--vehicle--recording--fund--or--the
 7 motor-vehicle-administration-fund shall be taken to mean the
 8 motor--vehicle--recording--account--in the earmarked revenue
 9 funds."

10 NEW SECTION. Section 34. Disposition of fees -- use.
 11 All fees payable to the division shall be deposited in a
 12 motor vehicle recording account of the earmarked revenue
 13 fund, and shall be used to pay all salaries, operating
 14 expenses, and other expenses of the division, including the
 15 manufacture and delivery of license plates.

16 Section 35. Section 61-3-322, MCA, is amended to read:

17 "61-3-322. Certificates of registration -- issuance.
 18 (1) Upon completion of the application for registration, on
 19 forms furnished by the division, the county treasurer shall
 20 file one copy in his office and issue to the applicant two
 21 copies of the application marked "Owner's Certificate of
 22 Registration and Tax Receipt", one of which shall be marked
 23 "file copy".

24 (2) The certificate of registration shall contain upon
 25 the face thereof:

- 1 (a) the date issued;
- 2 (b) the registration number assigned to the owner and
 3 the vehicle;
- 4 (c) the name and complete address of the owner, or the
 5 names and addresses of joint owners;
- 6 (d) the name and complete address of any conditional
 7 sales vendor, and also the name and address of any other
 8 lienor as shown by said the application;
- 9 (e) a description of the registered vehicle, including
 10 the year built and serial number, if any;
- 11 (f) any lien against such the motor vehicle and the
 12 amount due at the date of registration; and
- 13 (g) such any other statement of facts as may be
 14 determined by the division.
- 15 (3) Every owner, upon receiving a registration
 16 receipt, shall write his signature thereon with pen and ink
 17 in the space provided. Every such registration receipt or a
 18 notarized photostatic copy thereof or a duplicate thereof
 19 furnished by the division shall at all times be carried in
 20 the vehicle to which it refers or shall be carried by the
 21 person driving or in control of such vehicle, who shall
 22 display ~~the same~~ it upon demand of a police officer or any
 23 officer or employee of the division or the highway
 24 department.
- 25 (4) ~~Upon receipt of application for registration, in~~

1 ~~quintuplet, and payment of license fees and taxes as herein~~
2 ~~provided, the county treasurer shall:~~

3 ~~(a) file one copy of said application in his office;~~
4 ~~(b) issue to the applicant two copies of the~~
5 ~~application entitled "Owner's Certificate of Registration~~
6 ~~and Tax Receipt" one of which shall be marked "file copy";~~
7 ~~and~~

8 ~~(c) forward one copy to the county clerk and recorder;~~
9 ~~(d) (4) The county treasurer shall daily forward to the~~
10 ~~division one copy of the application all applications for~~
11 ~~registration received that day.~~

12 ~~(e) (5) It shall not be necessary for the county~~
13 ~~treasurer, in said receipts, to segregate the amount of said~~
14 ~~taxes for state, county, school district, and municipal~~
15 ~~purposes in the receipt."~~

16 Section 36. Section 61-3-405, MCA, is amended to read:
17 "61-3-405. Application for personalized plates --
18 ~~duplication -- good taste.~~ An applicant for ~~issuance of~~
19 ~~personalized license plates or renewal of such plates in~~
20 ~~subsequent years pursuant to 61-3-401 through 61-3-406 shall~~
21 ~~file an application therefor in such the form and by such~~
22 ~~the date as the department may require division requires,~~
23 ~~indicating thereon the combination of letters or numbers, or~~
24 ~~both, requested as a registration number. There shall be no~~
25 ~~duplication of registration numbers, and the division may~~

1 refuse to issue any combination of letters or numbers, or
2 both, that may carry connotations offensive to good taste
3 and decency or which ~~would be~~ are misleading or a
4 duplication of license plates provided for elsewhere in this
5 title."

6 Section 37. Section 61-3-411, MCA, is amended to read:

7 "61-3-411. Registration of motor vehicles owned and
8 operated solely as collectors' items. (1) Any an owner of a
9 motor vehicle ~~manufactured in 1933 or earlier or~~
10 ~~manufactured in 1934 or later and more than 30 years old,~~
11 ~~used solely as a collectors' item and not for general~~
12 ~~transportation purposes, may file with the division an~~
13 ~~application for the registration of such the motor vehicle,~~
14 ~~stating the name and address of the owner, the name and~~
15 ~~address of the person from whom purchased, the make of the~~
16 ~~motor vehicle, the gross weight thereof, the year and number~~
17 ~~of the model, and the manufacturer's identification number~~
18 ~~and serial number, and setting forth a specific statement~~
19 ~~that the vehicle is owned and operated solely as a~~
20 ~~collectors' item and not for general transportation~~
21 ~~purposes. Said the application shall be sworn to before an~~
22 ~~officer authorized to administer oaths.~~

23 (2) The registration fee for all such motor vehicles
24 weighing 2,850 pounds or less ~~shall be~~ is \$5, and the
25 registration fee for all such motor vehicles weighing more

1 than 2,850 pounds ~~shall be~~ is \$10.

2 (3) Upon receipt of ~~said~~ the application for
3 registration and payment of the registration fees ~~above~~
4 ~~provided for~~ the division shall file ~~said~~ the application
5 and register the motor vehicle therein described in the
6 manner specified in 61-3-101~~v~~ and shall deliver to the
7 applicant:

8 (a) for motor vehicles manufactured in 1933 or
9 earlier, two license plates bearing the inscription
10 "Pioneer--Montana" and the registration number; or

11 (b) for motor vehicles manufactured in 1934 or later
12 and more than 30 years old, two license plates bearing the
13 inscription "Vintage--Montana" and the registration number.

14 (4) The year of issuance shall not be shown on the
15 plates.

16 (4) (5) No ~~annual~~ Annual renewal of the registration of
17 any such motor vehicle ~~shall be~~ is not required, and the
18 ~~same shall be~~ registration is valid as long as the vehicle
19 is in existence; provided, however, that upon any sale of
20 such motor vehicle, the purchaser ~~shall be~~ is required to
21 renew the registration thereof and pay the license fees
22 hereinbefore specified."

23 Section 38. Section 61-3-502, MCA, is amended to read:

24 "61-3-502. Sales tax on new motor vehicles --
25 exemptions. (1) In consideration of the right to use the

1 highways of the state, there ~~shall be~~ is imposed a tax upon
2 all sales of new motor vehicles for which a license is
3 sought and an original application for title is made. The
4 tax shall be paid by the purchaser when he applies for his
5 original Montana license through the county treasurer.

6 (2) The sales tax shall be:

7 (a) 1 1/2% of the ~~Fe0vBv~~ factory list price or
8 ~~Fe0vBv---port--of--entry~~ factory list price,
9 during the first quarter of the year or prorated one-twelfth
10 for each month or part of month for a registration period
11 other than a calendar year or calendar quarter;

12 (b) 1 1/8% of the list price during the second quarter
13 of the year;

14 (c) 3/4 of 1% during the third quarter of the year;

15 (d) 3/8 of 1% during the fourth quarter of the year.

16 (3) If the manufacturer or importer fails to furnish
17 the ~~Fe0vBv~~ factory list price or ~~Fe0vBv--port-of-entry~~
18 factory list price, the department ~~division~~ may
19 use published price lists.

20 (4) The proceeds from this tax shall be remitted to
21 the state treasurer every 30 days for credit to the state
22 highway account of the earmarked revenue fund.

23 (5) The new vehicle is not subject to any other
24 assessment or taxation during the calendar year in which the
25 original application for title is made.

1 (6) (a) The applicant for original registration of any
 2 wholly new and unused motor vehicle, or a new motor vehicle
 3 furnished without charge by the a dealer to the a school
 4 district for use as a traffic education motor vehicle by a
 5 school district operating a state-approved traffic education
 6 program within the state, whether or not previously licensed
 7 or titled to the school district, [except a mobile home as
 8 defined in 15-1-101(1)], acquired by original contract after
 9 January 1 of any year, shall be is required, whenever such
 10 the vehicle has not been otherwise assessed, to pay the
 11 motor vehicle sales tax provided by this section
 12 irrespective of whether the vehicle was in the state of
 13 Montana on January 1 of the year.

14 (b) No such motor vehicle may be registered or
 15 licensed under the provisions of this subsection unless the
 16 application for registration is accompanied by a statement
 17 of origin to be furnished by the dealer selling the vehicle,
 18 showing that the vehicle has not previously been registered
 19 or owned, except as otherwise provided herein, by any
 20 person, firm, corporation, or association that is not a new
 21 motor vehicle dealer holding a franchise or distribution
 22 agreement from a new car manufacturer, distributor, or
 23 importer.

24 (7) (a) Motor vehicles operating exclusively for
 25 transportation of persons for hire within the limits of

1 incorporated cities or towns and within 15 miles from such
 2 limits are exempt from subsection (1).

3 (b) Motor vehicles brought or driven into Montana by a
 4 nonresident, migratory, bona fide agricultural worker
 5 temporarily employed in agricultural work in this state
 6 where those motor vehicles are used exclusively for
 7 transportation of agricultural workers are also exempt from
 8 subsection (1).

9 (c) Vehicles lawfully displaying a licensed dealer's
 10 plate as provided in 61-4-102 61-4-103 are exempt from
 11 subsection (1) when moving to or from a dealer's place of
 12 business when untaden unloaded or taden loaded with dealer's
 13 property only, and in the case of vehicles having a gross
 14 taden loaded weight of less than 24,000 pounds, while in the
 15 process-of-demonstration being demonstrated in the course of
 16 the dealer's business."

17 Section 39. Section 61-3-503, MCA, is amended to read:
 18 "61-3-503. Assessment. (1) A person who files an
 19 application for registration or reregistration of a motor
 20 vehicle, except of a mobile home as defined in 15-1-101(1),
 21 shall before filing such application with the county
 22 treasurer submit the same application to the county assessor
 23 of--the--county. The county assessor shall enter on the
 24 application in a space to be provided for that purpose the
 25 market value and taxable value of the vehicle for the year

1 for which the application for registration is made.

2 (2) Except as provided in subsection (3), motor
3 vehicles, except mobile homes as defined in 15-1-101(1), are
4 assessed for taxes on January 1 in each year irrespective of
5 the time fixed by law for the assessment of other classes of
6 personal property and irrespective of whether the levy and
7 tax may be a lien upon real property within the state. In no
8 event may any motor vehicle be subject to assessment, levy,
9 and taxation more than once in each year.

10 (3) Vehicles subject to the provisions of 61-3-313
11 through 61-3-316 shall be assessed as of the first day of
12 the year in which the registration period occurs and a lien
13 for taxes and fees due thereon shall occur on the
14 anniversary date of the registration and shall continue
15 thereafter until such fees and taxes shall have been paid."

16 Section 40. Section 61-3-505, MCA, is amended to read:

17 "61-3-505. Payment of taxes ---record. {1} Upon
18 accepting application for registration or reregistration of
19 any motor vehicle which is subject to taxation in this state
20 on January 1 in any year and upon payment of taxes, the
21 county treasurer shall stamp on the application "taxes on
22 this vehicle due January 1 of current year paid by
23 applicant, prior applicant, or owner, and this vehicle is
24 eligible for registration". Upon accepting application for
25 registration of any motor vehicle which was not subject to

1 taxation in this state on January 1 in any year, the county
2 treasurer shall indicate the fact by proper entry on the
3 application.

4 ~~{2}--The division may make proper entry of the payment~~
5 ~~of taxes in accord with the facts on any certificate of~~
6 ~~title to a motor vehicle."~~

7 Section 41. Section 61-3-508, MCA, is amended to read:

8 "61-3-508. Junk vehicle disposal fee. A special junk
9 vehicle disposal fee shall be assessed on each new
10 application for a motor vehicle title and on each transfer
11 of a motor vehicle title in the amount of \$1.50 on passenger
12 cars and trucks under 8,001 pounds GVW. An additional
13 special junk vehicle disposal fee shall be assessed in the
14 amount of 50 cents on each passenger car and truck under
15 8,001 pounds GVW registered for licensing. The fees shall be
16 collected by the county treasurer. However, the following
17 are exempt from payment of the fees:

18 (1) vehicles leased or owned by the state or by a
19 county or municipality;

20 (2) vehicles used for transportation by nonresident,
21 migratory workers temporarily employed in agricultural work
22 in this state;

23 (3) vehicles displaying dealers' dealer's license
24 plates, as provided in [53-122] 61-4-101, while owned by a
25 dealer; and

1 (4) house trailers or equipment which are is not
2 self-propelled or which require requires towing upon a
3 highway of this state."

4 Section 42. Section 61-3-601, MCA, is amended to read:

5 "61-3-601. Penalty for violations. The Except as
6 otherwise provided, a violation of any of the provisions of
7 61-3-101, 61-3-107, 61-3-201, 61-3-202, 61-3-301, 61-3-302,
8 61-3-303, 61-3-311, 61-3-312, 61-3-322, 61-3-331, 61-3-332,
9 61-3-333, 61-3-411, 61-3-421, 61-3-425, 61-3-503, 61-3-504,
10 61-3-505, or 61-3-509, shall constitute this chapter is a
11 misdemeanor and shall be is punishable by a fine not
12 exceeding \$25. Nothing herein contained shall prevent
13 contained herein prevents the prosecution of a person for an
14 offense committed under any other law."

15 Section 43. Section 61-3-602, MCA, is amended to read:

16 "61-3-602. Enforcement. It is hereby made mandatory
17 upon all police and peace officers of the state, of the
18 counties of the state, and of towns, cities, and villages to
19 carry out the provisions of this chapter and 61-4-101
20 through 61-4-105 and the sections listed in 61-3-601."

21 Section 44. Section 61-3-603, MCA, is amended to read:

22 "61-3-603. Penalty for alteration or forgery of
23 certificate of title ownership or assignment thereof. Any
24 person who shall after alters or forge forges or cause
25 causes to be altered or forged any motor vehicle certificate

1 of title ownership or any assignment thereof or who shall
2 hold holds or use uses any such certificate or assignment
3 knowing the same it to have been altered or forged shall be
4 deemed is guilty of a felony and upon which conviction
5 thereof shall be liable to pay is subject to a fine of not
6 more than \$5,000 or to imprisonment in any penal institution
7 within the state for a period of not more than 10 years, or
8 both, in the discretion of the court."

9 Section 45. Section 61-3-604, MCA, is amended to read:

10 "61-3-604. Penalty for altering identification number.
11 (1) A person who willfully removes or falsifies an
12 identification number of a motor vehicle or engine for a
13 motor vehicle engine is guilty of a misdemeanor.

14 (2) Any person or persons, firm, or corporation which
15 shall sell sells or offer offers for sale in this state a
16 vehicle, the original engine vehicle identification number
17 of which has been destroyed, removed, altered, covered, or
18 defaced, with the exception of electrically propelled
19 vehicles, shall be deemed is guilty of a misdemeanor and
20 upon conviction thereof shall be punished by a fine of not
21 less than \$200 or more than \$500 and by imprisonment in the
22 county jail for a term of not less than 30 days or more than
23 180 days, and upon upon a second or subsequent conviction
24 under this subsection, the punishment shall be imprisonment
25 in the state prison for a term of not less than 1 year or

1 more than 5 years."

2 Section 46. Section 61-3-701, MCA, is amended to read:

3 "61-3-701. Foreign vehicles used in gainful occupation
4 to be registered -- reciprocity. (1) Before any foreign
5 licensed motor vehicle ~~shall~~ may be operated on the highways
6 of this state for hire, compensation, or profit, or before
7 the owner and/or user thereof uses the vehicle if such owner
8 and/or user is engaged in gainful occupation or business
9 enterprise in the state, including highway work, the owner
10 of ~~such~~ the vehicle shall make application to a county
11 treasurer for registration, upon an application form
12 furnished by the division. Upon satisfactory evidence of
13 ownership submitted to ~~such~~ the county treasurer and the
14 payment of property taxes as ~~is~~ required by 15-8-201 through
15 15-8-203 or 15-24-301, the treasurer shall accept the
16 application for registration and shall collect the regular
17 license fee required for the vehicle.

18 (2) The treasurer shall thereupon issue to the
19 applicant a copy of the application entitled "Owner's
20 Certificate of Registration and Tax Receipt" and forward a
21 duplicate copy of certificate ~~of--registration~~ to the
22 division. The treasurer shall at the same time issue to the
23 applicant the proper license plates or other identification
24 markers, which shall at all times be displayed upon ~~such~~ the
25 vehicle when operated or driven upon roads and highways of

1 this state during the period of the life of ~~such~~ the
2 license.

3 (3) The registration receipt shall not constitute
4 evidence of ownership, but shall ~~only~~ be used only for
5 registration purposes. No Montana certificate of ~~title~~
6 ownership shall be issued for this type of registration.

7 (4) This section ~~shall~~ is not be applicable to any
8 vehicle covered by a valid and existing reciprocal agreement
9 or declaration entered into under the provisions of the laws
10 of Montana."

11 Section 47. Section 61-4-101, MCA, is amended to read:

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

1 Montana highway patrol. Each application must be accompanied
 2 by the license fee hereinafter named specified. Dealer's A
 3 dealer's license must be renewed and paid for annually, and
 4 an application for relicensing relicensure must be filed not
 5 later than January 1 of each year.

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

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

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

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

21 (iii) state the name and make of all motor vehicles
 22 handled and the name and address of the manufacturer,
 23 importer, or distributor with whom the applicant has a
 24 written new motor vehicle franchise or sales agreement;

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

1 applicant has a permanent building for the display and sale
 2 of new motor vehicles at the location of the premises where
 3 sales are conducted;

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

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

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

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

22 (ii) a certificate to the effect that the applicant is
 23 a bona fide dealer in used motor vehicles, trailers,
 24 semitrailers, special mobile equipment, or motorcycles.

25 (c) To qualify for a used motor vehicle dealer

1 dealer's license, a person must submit an annual application
2 for that license and comply with the provisions of
3 61-4-102(5) in addition to fulfilling the requirements of
4 subsection (2)(b) above.

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

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

16 Section 48. Section 61-4-104, MCA, is amended to read:

17 "61-4-104. Record of purchase or sale. Every dealer
18 licensed under 61-4-101 shall keep a book or record of the
19 ~~purchase-sale~~ purchases, sales or exchange ~~exchanges~~, or
20 receipt ~~receipts~~ for the purpose of sale of any used
21 ~~vehicle vehicles~~ and a description of such vehicles,
22 together with the name and address of the seller, of the
23 purchaser, and of the alleged owner or other person from
24 whom such each vehicle was purchased or received, or to whom
25 it was sold or delivered, as the case may be. Such the

1 description in the case of motor vehicles shall also include
2 the engine number, if any, the maker's number, if any,
3 chassis number, if any, and such other numbers or
4 identification marks as ~~may--be~~ appear thereon and shall
5 include a statement that a number has been obliterated,
6 defaced, or changed if such is the fact. In the case of a
7 trailer, semitrailer, or special mobile equipment, the
8 record shall include the manufacturer's number and such
9 other numbers or identification marks as ~~may-be~~ appear
10 thereon. He the dealer shall also have in his possession a
11 duly assigned certificate of ~~title ownership~~ ownership from the owner
12 of said ~~the~~ motor vehicle ~~in accordance with the provisions~~
13 ~~of--[another--section--of--this--act]~~ from the time when the
14 motor vehicle is delivered to him until it has been disposed
15 of by him."

16 Section 49. Section 61-4-113, MCA, is amended to read:

17 "61-4-113. New motor vehicles towed into state to be
18 labeled. (1) Any firm, person, corporation, or association
19 of persons or any ~~employee-of-such-or-any-of-such~~ of their
20 ~~employees~~ offering for sale or carrying on the business of
21 selling new motor vehicles in the state of Montana shall be
22 required to prominently label any motor vehicle which has
23 been driven under its own power, pushed, towed, or propelled
24 by any other means to sufficiently identify it from other
25 new vehicles that have not been so driven, pushed, or towed

1 and shall be required to furnish the purchaser of any such
 2 motor vehicle with a certificate on a printed form to be
 3 furnished by the ~~{registrars-of--motor--vehicles}~~ division
 4 upon request by such dealers, showing the actual number of
 5 miles ~~such the~~ motor vehicle has been driven under its own
 6 power and the number of miles ~~such the~~ vehicle has been
 7 pushed, towed, or otherwise propelled upon its own wheels.
 8 Any firm, person, corporation, or association of persons or
 9 ~~employee-of-such-or-any-of-such~~ any of their employees who
 10 fails to so prominently label and issue ~~such the~~ certificate
 11 or who knowingly issues a certificate that is untrue and
 12 calculated to mislead the purchaser ~~shall-be~~ is guilty of a
 13 misdemeanor.

14 (2) The provisions of this section ~~shall-not~~ do not
 15 apply to motor vehicles during the period or of time that
 16 such motor vehicles are used for bona fide demonstrating
 17 purposes."

18 Section 50. Section 61-4-114, MCA, is amended to read:
 19 "61-4-114. Demonstration of trucks and trailers
 20 authorized -- dealer's plate to be used -- exemptions. (1) A
 21 new or used truck or trailer dealer licensed under 61-4-101
 22 through 61-4-106 may not demonstrate to a prospective
 23 purchaser a truck, truck tractor, trailer, or semitrailer
 24 owned by or consigned to the dealer, or otherwise controlled
 25 by the dealer, without securing a demonstration permit and

1 paying the ~~fees fee~~ required in 61-4-115. The vehicle must
 2 display the dealer's registration plate or other current
 3 Montana registration and the demonstration permit.

4 (2) Motor vehicles operating exclusively for
 5 transportation of persons for hire within the limits of
 6 incorporated cities or towns and within 15 miles from such
 7 limits are exempt from subsection (1). Motor vehicles
 8 brought or driven into Montana by a nonresident, migratory,
 9 bona fide agricultural worker temporarily employed in
 10 agricultural work in this state where those motor vehicles
 11 are used exclusively for transportation of agricultural
 12 workers are also exempt from subsection (1). Vehicles
 13 lawfully displaying a licensed dealer's plate as provided in
 14 ~~{61-4-102}~~ 61-4-103 are exempt from subsection (1) when
 15 moving to or from a dealer's place of business when ~~unladen~~
 16 unloaded or ~~laden~~ loaded with dealer's property only, and in
 17 the case of vehicles having a gross ~~laden~~ loaded weight of
 18 less than 24,000 pounds, while ~~in--the--process--of~~
 19 demonstration being demonstrated in the course of the
 20 dealer's business."

21 Section 51. Section 61-4-305, MCA, is amended to read:
 22 "61-4-305. Fees--provided--to--be Driveaway or towaway
 23 fees in lieu of other fees payable -- election to pay other
 24 fees. The fees provided for driveaway or towaway
 25 transporters are ~~declared-to--be~~ in consideration of the

1 right to use the highways of the state, and ~~except as~~
 2 ~~provided in 61-4-304~~ are in lieu of all other fees including
 3 those which might be payable under the provisions of part 2
 4 of chapter 10. However, any operator may elect to pay the
 5 fees payable under the provisions of that part."

6 Section 52. Section 61-4-403, MCA, is amended to read:

7 "61-4-403. Certain financing agreements prohibited. It
 8 ~~shall be is~~ unlawful for any manufacturer or wholesale
 9 distributor of motor vehicles to sell or enter into a
 10 contract for the sale of motor vehicles to any motor vehicle
 11 dealer on the condition or under an agreement, expressed or
 12 implied, that such ~~the~~ dealer ~~shall will~~ finance the
 13 purchase or sale of any motor vehicle or vehicles only
 14 through a designated finance company or finance agency. Any
 15 such condition, agreement, or understanding is hereby
 16 ~~declared to be~~ against the public policy of the state, and
 17 such condition, agreement, or understanding ~~shall be is~~
 18 unlawful, void, and unenforceable, either ~~as at~~ law or
 19 equity."

20 Section 53. Section 61-5-101, MCA, is amended to read:

21 "61-5-101. Drivers' examination section of division of
 22 motor vehicles. (1) There is hereby ~~created~~ a drivers'
 23 examination section of the division of motor vehicles ~~under~~
 24 ~~the direct control and supervision of the division~~. The
 25 ~~division section~~ shall maintain a permanent place of

1 business at the state capital ~~and shall meet at least once~~
 2 ~~each month for the purpose of transacting business either as~~
 3 ~~the drivers' examining board, the division, or jointly for~~
 4 ~~the two~~. The division administrator shall select a chief
 5 examiner, deputy chief examiner, and as many assistant chief
 6 examiners and examiners as it deems ~~considers~~ necessary and
 7 shall provide for the necessary clerical help.

8 (2) The chief examiner, deputy chief examiner,
 9 assistant chief examiners, and all examiners shall have the
 10 same qualifications as are required for members of the
 11 Montana highway patrol. The chief examiner shall rank as a
 12 captain, the deputy chief examiner as a lieutenant, the
 13 assistant chief examiners ~~shall rank~~ as sergeants, and the
 14 examiners ~~shall rank~~ as patrolmen."

15 Section 54. Section 61-5-103, MCA, is amended to read:

16 "61-5-103. Residency requirement. Any person who has
 17 resided in this state for a period exceeding 90 days is
 18 considered to be a resident for the purpose of being
 19 licensed to drive ~~operate~~ a motor vehicle and must
 20 thereafter be licensed ~~to drive under the laws of this state~~
 21 ~~before operating a~~ motor vehicles ~~under the laws of this~~
 22 ~~state vehicle~~."

23 Section 55. Section 61-5-111, MCA, is amended to read:

24 "61-5-111. Licenses issued to operators and chauffeurs
 25 -- renewals and expiration thereof -- fees -- ~~disposition~~."

1 (1) The division shall have authority to appoint county
 2 treasurers and other qualified officers to act as its agents
 3 for the sale of drivers' ~~driver's~~ licenses, and shall make
 4 necessary rules governing such sales. The division, upon
 5 receipt of payment of the fees specified in this section,
 6 ~~of which sum 50 shall be retained by the county treasurers~~
 7 ~~for use of the county general fund~~ shall issue to every
 8 applicant qualifying therefor an operator's or chauffeur's
 9 license as applied for. Such licenses shall contain a
 10 photograph of such ~~the~~ licensee in such ~~the~~ size and form as
 11 ~~may be~~ prescribed by the division, a distinguishing number
 12 issued to the licensee, the full name, date of birth,
 13 resident residence address, and a brief description of the
 14 licensee, and either a facsimile of the signature of the
 15 licensee or a space upon which he shall write his signature
 16 in pen and ink immediately upon receipt of the license. No
 17 license shall be valid until it has been so signed by the
 18 licensee.

19 (2) The division shall, when any person applies for
 20 renewal of an operator's or chauffeur's license, test the
 21 applicant's eyesight, and may also in the division's
 22 discretion have such ~~the~~ applicant demonstrate his physical
 23 ability to operate and to exercise ordinary and reasonable
 24 care in the operation of a motor vehicle. A person shall be
 25 deemed considered to have applied for renewal of a Montana

1 operator's or chauffeur's license if such ~~the~~ application is
 2 made within 3 months of the expiration of such ~~his~~ license.

3 (3) Licenses ~~issued~~ shall expire on the anniversary of
 4 the date of birth of the licensee 4 years or less after the
 5 date of issue.

6 (4) Whenever the division issues an original license
 7 to a person under the age of 18 years, such ~~the~~ license
 8 shall be designated and clearly marked as a "provisional
 9 license". Any license so designated and marked may be
 10 suspended by the division for a period of not more than 12
 11 months, when its ~~record discloses~~ records disclose that the
 12 licensee, subsequent to the issuance of such license, has
 13 been guilty of careless or negligent driving. Upon renewal
 14 as applicable to operator's licenses, the division may, for
 15 any reasonable cause, as shown by its records, designate the
 16 renewal of the license as provisional, otherwise, a license
 17 in usual form shall be issued subject to other provisions of
 18 the laws of Montana.

19 (5) It shall be unlawful for any person to have in his
 20 possession or under his control more than one Montana
 21 operator's or chauffeur's license at any one time. Licenses
 22 ~~shall~~ A license is not be valid for the operation of a
 23 motorcycle until the holder thereof has completed the
 24 requirements of 61-5-110 and the license has been clearly
 25 marked with the words "motorcycle endorsement".

1 (6) Fees for drivers' driver's licenses shall be as
2 follows:

3 (a) driver's license -- \$2 per year or fraction
4 thereof;

5 (b) motorcycle endorsement -- 50 cents per year or
6 fraction thereof.

7 (7) The county treasurer or other agent of the
8 division collecting such fees shall retain 5% of each fee
9 for the use of the county general fund and shall transmit
10 the remainder to the state treasurer, who shall deposit to
11 the credit of the state general fund all moneys money
12 received by him from the collection of motor-vehicle
13 driver's-license the fees."

14 Section 56. Section 61-5-112, MCA, is amended to read:

15 "61-5-112. Classification of chauffeurs -- special
16 restrictions. (1) The division upon issuing a chauffeur's
17 license shall indicate thereon the class of license so
18 issued and shall appropriately examine each applicant
19 according to the class of license applied for and may impose
20 such rules for the exercise thereof as it may deem considers
21 necessary for the safety and welfare of the traveling
22 public.

23 (2) No person ~~who is under the age of 18 years shall~~
24 ~~may~~ drive any school bus transporting school children or any
25 motor vehicle when in use for the transportation of persons

1 for compensation or ~~in either event~~ until he has been
2 licensed as a chauffeur for either such purpose and the
3 license so indicates. The division ~~shall~~ may not issue a
4 chauffeur's license for either such purpose unless the
5 applicant has had at least 1 year of driving experience
6 prior thereto and the division is fully satisfied as to the
7 applicant's competency and fitness to be employed."

8 Section 57. Section 61-5-208, MCA, is amended to read:

9 "61-5-208. Period of suspension or revocation. (1) The
10 division may not suspend or revoke a driver's license or
11 privilege to drive a motor vehicle on the public highways
12 for a period of more than 1 year, except as permitted under
13 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

14 (2) Any person whose license or privilege to drive a
15 motor vehicle on the public highways has been suspended or
16 revoked ~~shall~~ is not be entitled to have such license or
17 privilege renewed or restored unless the revocation was for
18 a cause which has been removed, except that after the
19 expiration of the period of such revocation or suspension,
20 such ~~the~~ person may make application for a new license as
21 provided by law but the division may not then issue a new
22 license unless and until it is satisfied after investigation
23 of character, habits, and driving ability of such ~~the~~ person
24 that it ~~will be~~ is safe to grant the privilege of driving a
25 motor vehicle on the public highways. ~~Provided however~~

1 when ~~when~~ any person is convicted or forfeits bail or
 2 collateral not vacated for the offense of operating or being
 3 in actual physical control of a motor vehicle while under
 4 the influence of alcohol or a narcotic drug or knowingly or
 5 willingly under the influence of any other drug to a degree
 6 which renders him incapable of safely driving a motor
 7 vehicle or a combination thereof, the division shall, upon
 8 receiving a report of such conviction or forfeiture of bail
 9 or collateral not vacated, suspend the license or driving
 10 privilege of such ~~the~~ person for a period of 6 months. Upon
 11 receiving a report of a conviction or forfeiture of bail or
 12 collateral for a second, third, or subsequent offense within
 13 5 years of the first offense, the division shall revoke the
 14 license or driving privilege of such ~~the~~ person for a period
 15 of 1 year.

16 (3) The ~~revocation~~ period for all revocations made
 17 mandatory by 61-5-205 shall be 1 year except as provided in
 18 subsection (2) of this section.

19 (4) The period of revocation for any person convicted
 20 of any offense which makes mandatory the revocation of the
 21 operator's or chauffeur's license shall ~~commence~~ commences
 22 from date of conviction or forfeiture of bail."

23 Section 58. Section 61-5-302, MCA, is amended to read:

24 "61-5-302. Unlawful use of license. It is a
 25 misdemeanor for any person to:

1 (1) display or cause or permit to be displayed or have
 2 in his possession any canceled, revoked, suspended,
 3 fictitious, or altered operator's or chauffeur's license;

4 (2) lend his operator's or chauffeur's license to any
 5 other person or knowingly permit the ~~its~~ use thereof by
 6 another;

7 (3) display or represent as one's own any operator's
 8 or chauffeur's license not issued to him;

9 (4) fail or refuse to surrender to the division upon
 10 its lawful demand any operator's or chauffeur's license
 11 which has been suspended, revoked, or canceled;

12 (5) use a false or fictitious name in any application
 13 for an operator's or chauffeur's license or knowingly make a
 14 false statement or knowingly conceal a material fact or
 15 otherwise commit a fraud in any such application; or

16 (6) permit any unlawful use of an operator's or
 17 chauffeur's license issued to him ~~or~~ or

18 ~~{7}--do--any--act--forbidden--or--fail--to--perform--any--act~~
 19 ~~required--by--parts--1--through--3--of--this--chapter--and~~
 20 ~~61-11-101v"~~

21 Section 59. Section 61-5-303, MCA, is amended to read:

22 "61-5-303. Making false affidavit perjury ~~==penalty.~~
 23 Any person who makes any false affidavit or knowingly
 24 swears or affirms falsely to any matter or thing required by
 25 the terms of parts 1 through 3 of this chapter to be sworn

1 to or affirmed, is guilty of perjury false swearing and upon
 2 conviction shall be punishable ~~by fine or imprisonment or~~
 3 ~~other persons committing perjury are punishable as provided~~
 4 ~~by 45-7-202.~~"

5 Section 60. Section 61-6-102, MCA, is amended to read:

6 "61-6-102. Definitions. The following words and
 7 phrases, when used in this part, ~~shall for the purposes of~~
 8 ~~this part~~ have the meanings respectively ascribed to them
 9 in this section, except in those instances where the context
 10 clearly indicates a different meaning:

11 (1) "Judgment" means any judgment that ~~shall have~~ has
 12 become final by expiration without appeal of the time within
 13 which an appeal might have been perfected, or by final
 14 affirmation on appeal, rendered by a court of competent
 15 jurisdiction of any state or of the United States, upon a
 16 cause of action arising out of the ownership, maintenance,
 17 or use of any motor vehicle, for damages, including damages
 18 for care and loss of services, because of bodily injury to
 19 or death of any person, or for damages because of injury to
 20 or destruction of property, including the loss of use
 21 thereof, or upon a cause of action on an agreement of
 22 settlement for such damages.

23 (2) "License" means any license, temporary instruction
 24 permit, or temporary license issued under the laws of this
 25 state pertaining to the licensing of persons to operate

1 motor vehicles.

2 (3) "Nonresident's operating privilege" means the
 3 privilege conferred upon a nonresident by the laws of this
 4 state pertaining to the operation by him of a motor vehicle
 5 or the use of a motor vehicle owned by him, in this state.

6 (4) "Proof of financial responsibility" means proof of
 7 ability to respond in damages for liability on account of
 8 accidents occurring subsequent to the effective date of said
 9 proof, arising out of the ownership, maintenance, or use of
 10 a motor vehicle ~~in the amount of \$10,000 because of bodily~~
 11 ~~injury to or death of one person in any one accident and~~
 12 ~~subject to said limit for one person in the amount of~~
 13 ~~\$20,000 because of bodily injury to or death of two or more~~
 14 ~~persons in any one accident and in the amount of \$5,000~~
 15 ~~because of injury to or destruction of property of others in~~
 16 ~~any one accident.~~

17 (5) "State" means any state, territory, or possession
 18 of the United States, the District of Columbia, or any
 19 province of the Dominion of Canada."

20 Section 61. Section 61-6-105, MCA, is amended to read:

21 "61-6-105. Division to administer law and make rules.
 22 ~~††~~ The division shall administer and enforce the provisions
 23 of this part and may make rules necessary for its
 24 administration and may provide for hearings upon request of
 25 persons aggrieved by orders or acts of the division under

1 the provisions of this part.

2 ~~(2) An executive assistant to the chief shall be~~
 3 ~~appointed by the division subject to and in accordance with~~
 4 ~~[31-105 and 31-106] who shall be vested with full power and~~
 5 ~~authority to act for and on behalf of the chief in the~~
 6 ~~administration of this part and who shall perform such~~
 7 ~~other and further duties as shall be prescribed by the~~
 8 ~~division. The salary of the executive assistant shall be the~~
 9 ~~same as that of a captain.~~"

10 Section 62. Section 61-6-124, MCA, is amended to read:

11 "61-6-124. Satisfaction of judgments. (1) Judgments
 12 herein referred to shall, for the purposes of this part
 13 only, be deemed considered satisfied:

14 (a) when ~~\$10,000~~ \$25,000 has been credited upon any
 15 judgment or judgments rendered in excess of that amount
 16 because of bodily injury to or death of one person as the
 17 result of any one accident;

18 (b) when, subject to such ~~the~~ limit of ~~\$10,000~~ \$25,000
 19 because of bodily injury to or death of one person, the sum
 20 of ~~\$20,000~~ \$50,000 has been credited upon any judgment or
 21 judgments rendered in excess of that amount because of
 22 bodily injury ~~to~~ or death of two or more persons as the
 23 result of any one accident; or

24 (c) when \$5,000 has been credited upon any judgment or
 25 judgments rendered in excess of that amount because of

1 injury to or destruction of property of others as a result
 2 of any one accident.

3 (2) Payments made in settlement of any claims because
 4 of bodily injury, death, or property damage arising from a
 5 motor vehicle accident shall be credited in reduction of the
 6 amounts provided for in this section."

7 Section 63. Section 61-6-137, MCA, is amended to read:

8 "61-6-137. Bond as proof of responsibility. (1) Proof
 9 of financial responsibility may be furnished by filing with
 10 the division the bond of a surety company duly authorized to
 11 transact business in the state or a bond with at least two
 12 individual sureties each owning real estate within this
 13 state and together having equities equal in value to at
 14 least twice the amount of such bond, which real estate shall
 15 be scheduled in the bond approved by a judge of a court of
 16 record. ~~Such~~ The bond shall be conditioned for payments in
 17 amounts and under the same circumstances as would be
 18 required in a motor vehicle liability policy, and shall not
 19 be cancelable except after 10 days' written notice to the
 20 division. Upon the filing of notice to ~~such~~ this effect by
 21 the division in the office of the county clerk and recorder
 22 of the county wherein such real estate ~~shall be~~ is located,
 23 ~~such~~ the bond shall constitute a lien in favor of the state
 24 upon the real estate so scheduled of any surety, which lien
 25 shall exist in favor of any holder of a judgment against the

1 person who has filed such ~~the~~ bond.

2 (2) The person in whose favor ~~said the~~ lien ~~shall~~
3 ~~exist~~ exists may, for his own use and benefit and at his
4 sole expense, bring an action or actions in the name of the
5 state against the company or persons executing such ~~the~~
6 bond, including an action or proceeding to foreclose any
7 lien that may exist upon the real estate of any person who
8 has executed such bond. The provisions of the code Montana
9 Rules of civil-procedure Civil Procedure, except insofar as
10 the--same ~~they~~ are inconsistent with the provisions of this
11 part, are applicable to and constitute the rules of practice
12 in the foreclosure actions or proceedings. The provisions of
13 the code Montana Rules of civil--procedure Civil Procedure
14 relative to new trials and appeals, except insofar as the
15 same ~~they~~ are inconsistent with the provisions of this part,
16 apply to ~~said the~~ actions or proceedings.*

17 Section 64. Section 61-7-109, MCA, is amended to read:

18 "61-7-109. Written reports of accidents -- additional
19 information -- form of report. (1) The operator of any motor
20 vehicle which is in any manner involved in an accident
21 within this state, in which any person is killed or injured
22 or in which damage to the property of any one person in
23 excess of \$250 is sustained, shall, within 10 days after
24 such accident, report the matter in writing to the division.

25 (2) The division may require any driver of a vehicle

1 involved in an accident, of which report must be made as
2 provided in this section, to file supplemental reports
3 whenever the original report is insufficient, and may
4 require witnesses of accidents to render reports.

5 (3) Every law enforcement officer who in the regular
6 course of duty investigates a motor vehicle accident, of
7 which report must be made as required in this part, either
8 at the time of and at the scene of the accident or
9 thereafter by interviewing participants or witnesses, shall
10 within 10 days after completing such ~~the~~ investigation
11 forward a written report of such ~~the~~ accident to the
12 division.

13 (4) The form of ~~the~~ accident report required under
14 this section shall contain information sufficient to enable
15 the department division to determine whether the
16 requirements for the deposit of security for safety
17 responsibility are inapplicable by reason of the existence
18 of insurance or other exemptions specified in this part.*

19 Section 65. Section 61-8-101, MCA, is amended to read:

20 "61-8-101. Application -- exceptions. (1) The
21 provisions of this chapter relating to the operation of
22 vehicles refer exclusively to the operation of vehicles upon
23 highways except:

24 (a) where a different place is specifically referred
25 to in a given section;

1 (b) the provisions of 61-8-301 and 61-8-401, ~~with~~
 2 ~~regard to operating a vehicle while under the influence of~~
 3 ~~drugs~~ shall apply upon highways and elsewhere throughout
 4 the state.

5 (2) The operation of motor vehicles directly across
 6 the public roads and highways of this state, especially as
 7 required in the transportation of natural resource products,
 8 including agricultural products and livestock, shall not be
 9 considered to be the operation of such vehicles on the
 10 public roads and highways of this state, provided that such
 11 crossings are adequately marked with such warning signs or
 12 devices, and ~~such crossings~~ are subject to provisions
 13 relating to stopping before entry and to restoration of any
 14 damage as may reasonably be prescribed by the state or
 15 local agency in control of safety of operation of the public
 16 highway involved."

17 Section 66. Section 61-8-304, MCA, is amended to read:

18 "61-8-304. Declaration of speed limits -- exception to
 19 the basic rule. The attorney general shall declare by
 20 proclamation filed with the secretary of state a speed limit
 21 for all motor vehicles on all public streets and highways in
 22 the state whenever the establishment of such a speed limit
 23 by the state is required by federal law as a condition to
 24 the state's continuing eligibility to receive funds
 25 authorized by the Federal Aid Highway Act of 1973 and all

1 acts amendatory thereto or any other federal statute. Such
 2 ~~The~~ speed limit may not be less than that required by
 3 federal law, and the attorney general shall by further
 4 proclamation change the speed limit adopted pursuant to this
 5 section to comply with federal law. Any proclamation issued
 6 pursuant to this section becomes effective at midnight of
 7 the day upon which it is filed with the secretary of state.
 8 A speed limit imposed pursuant to this section is an
 9 exception to the ~~basic--rule~~ requirements of 61-8-303 and
 10 ~~61-8-312~~, and a speed in excess of the speed limit
 11 established pursuant to this section is unlawful
 12 notwithstanding any provision of 61-8-303 and ~~61-8-312~~."

13 Section 67. Section 61-8-322, MCA, is amended to read:

14 "61-8-322. Passing vehicles proceeding in opposite
 15 directions. Drivers of vehicles proceeding in opposite
 16 directions shall pass each other to the right, and upon
 17 roadways having width for not more than one line of traffic
 18 in each direction, each driver shall give to the other at
 19 ~~least as--nearly--as--possible~~ **AT LEAST** one-half of the
 20 main-traveled portion of the roadway ~~as-nearly-as-possible~~."

21 Section 68. Section 61-8-339, MCA, is amended to read:

22 "61-8-339. Vehicle approaching or entering
 23 intersection. (1) When two vehicles enter or approach an
 24 intersection from different highways at approximately the
 25 same time, the driver of the vehicle on the left shall yield

1 the right-of-way to the vehicle on the right.

2 (2) The right-of-way rule declared in subsection (1)
3 is modified at through highways and otherwise as hereinafter
4 stated in this ~~fortified~~ chapter."

5 Section 69. Section 61-8-401, MCA, is amended to read:

6 "61-8-401. Persons under the influence of alcohol or
7 drugs. (1) It is unlawful and punishable as provided in
8 61-8-714(1) for any person who is under the influence of
9 ~~alcohol or any narcotic drug or any other drug to a degree~~
10 ~~which renders him incapable of safety driving a motor~~
11 ~~vehicle to drive or be in actual physical control of a motor~~
12 ~~vehicle within this state.~~

13 (a) alcohol to drive or be in actual physical control
14 of a motor vehicle upon the highways of this state;

15 (b) a narcotic drug to drive or be in actual physical
16 control of a motor vehicle within this state; or

17 (c) any other drug to a degree which renders him
18 incapable of safely driving a motor vehicle to drive or be
19 in actual physical control of a motor vehicle within this
20 state.

21 (2) The fact that any person charged with a violation
22 of this subsection (1) is or has been entitled to use such a
23 drug under the laws of this state does not constitute a
24 defense against any charge of violating this subsection (1).

25 (3) In any criminal prosecution for a violation of

1 subsection (1) of this section relating to driving a vehicle
2 while under the influence of alcohol, the amount of alcohol
3 in the defendant's blood at the time alleged, as shown by
4 chemical analysis of the defendant's blood, urine, breath,
5 or other bodily substance, shall give rise to the following
6 presumptions:

7 (a) If there was at that time 0.05% or less by weight
8 of alcohol in the defendant's blood, it shall be presumed
9 that the defendant was not under the influence of alcohol.

10 (b) If there was at that time in excess of 0.05% but
11 less than 0.10% by weight of alcohol in the defendant's
12 blood, such ~~that~~ fact shall not give rise to any presumption
13 that the defendant was or was not under the influence of
14 alcohol, but such fact may be considered with other
15 competent evidence in determining the guilt or innocence of
16 the defendant.

17 (c) If there was at that time 0.10% or more by weight
18 of alcohol in the defendant's blood, it shall be presumed
19 that the defendant was under the influence of alcohol.

20 (3) ~~(5)~~ Percent by weight of alcohol in the blood shall
21 be based upon grams of alcohol per 100 cubic centimeters of
22 blood.

23 (4) ~~(2)~~ Each municipality in this state is given
24 authority to enact 61-8-714 and subsections (1) through (3)
25 (4) of this section, with the word "state" in the first

1 sentence--of subsection (1) of this section changed to read
 2 "municipality", as an ordinance and is given jurisdiction of
 3 the enforcement of the ordinance and of the imposition of
 4 the fines and penalties therein provided."

5 Section 70. Section 61-8-711, MCA, is amended to read:

6 "61-8-711. Violation of chapter -- penalty. (1) It is
 7 a misdemeanor for any person to violate any of the
 8 provisions of this ~~act~~ chapter unless such ~~the~~ violation
 9 is declared to be a felony by this chapter or other law of
 10 this state ~~declared to be a felony~~.

11 (2) Every person convicted of a misdemeanor for a
 12 violation of any of the provisions of this chapter for which
 13 another penalty is not provided shall for a first conviction
 14 thereof be punished by a fine of not less than \$10 or more
 15 than \$100 or by imprisonment for not more than 10 days. For
 16 a second conviction within 1 year thereafter, ~~such the~~
 17 person shall be punished by a fine of not less than \$25 or
 18 more than \$200 or by imprisonment for not more than 20 days
 19 or by both such fine and imprisonment. Upon a third or
 20 subsequent conviction within 1 year after the first
 21 conviction, ~~such the~~ person shall be punished by a fine of
 22 not less than \$50 or more than \$500 or by imprisonment for
 23 not more than 6 months or by both ~~such~~ fine and
 24 imprisonment.

25 (3) On failure of payment of fines a fine, the

1 offender in cases ~~case~~ of a misdemeanor shall be imprisoned
 2 in the county jail in the county in which the offense has
 3 been ~~was~~ committed, and ~~said the~~ imprisonment shall be
 4 computed upon the basis of one day's incarceration for each
 5 \$2 of ~~said the~~ fine ~~for each day's incarceration~~.

6 (4) Upon conviction, the court costs, or any part
 7 thereof, may also be assessed against the defendant in the
 8 discretion of the court."

9 Section 71. Section 61-8-718, MCA, is amended to read:

10 "61-8-718. Penalty for violation of conservation speed
 11 limit. (1) A person violating the speed limit imposed
 12 pursuant to 61-8-304 is guilty of the offense of unnecessary
 13 waste of a resource currently in short supply and upon
 14 conviction shall be fined \$5, and no jail sentence may be
 15 imposed. Bond for this offense shall be \$5.

16 (2) For the purpose of this section only, the fees of
 17 the justice justice's court shall be \$4 to the balance of
 18 the fine not otherwise allocated by law and shall be
 19 remitted as set forth in 3-10-603(3)."

20 Section 72. Section 61-9-315, MCA, is amended to read:

21 "61-9-315. Brakes on motor-driven cycles. (1) The
 22 division is authorized to require an inspection of the brake
 23 on any motor-driven cycle and to disapprove any such brake
 24 which it finds will not comply with the performance ability
 25 standard set forth in ~~[32-21-143]~~ this part or which in its

1 opinion is not so designed or constructed as to insure
2 reasonable and reliable performance in actual use.

3 (2) The division may refuse to register or may suspend
4 or revoke the registration of any vehicle referred to in
5 this section when it has been determined that the brakes
6 ~~brake~~ thereon do ~~does~~ not comply with the provisions of this
7 section.

8 (3) No person shall ~~may~~ operate on any highway any
9 vehicle referred to in this section ~~in--the--event if~~ the
10 division has disapproved the brake equipment upon such
11 vehicle or type of vehicle."

12 Section 73. Section 61-9-503, MCA, is amended to read:

13 "61-9-503. Owners and drivers to comply with
14 inspection laws. (1) No person driving a vehicle shall ~~may~~
15 refuse to submit such ~~the~~ vehicle to an inspection and test
16 when required to do so by the division or an authorized
17 officer or employee of the ~~department~~ division.

18 (2) Every owner or driver, upon receiving a notice as
19 provided in 61-9-501, shall comply therewith and shall
20 within 5 days have the deficiencies corrected and shall
21 forward notification of such ~~the~~ correction to the division.
22 In lieu of compliance with this subsection, the vehicle
23 shall ~~may~~ not be operated, except as provided in subsection
24 (3).

25 (3) No person shall ~~may~~ operate any vehicle after

1 receiving a notice with reference thereto as above provided,
2 except as may be necessary to return such ~~the~~ vehicle to the
3 residence or place of business of the owner or driver, if
4 within a distance of 20 miles, or to a garage until said ~~the~~
5 vehicle and its equipment has ~~have~~ been placed in proper
6 repair and adjustment and otherwise made to conform to the
7 requirements of this chapter."

8 Section 74. Section 61-10-102, MCA, is amended to
9 read:

10 "61-10-102. Width. (1) A ~~No~~ vehicle, including a bus
11 ~~unladen~~ unloaded or with load, may not have a total outside
12 width in excess of 102 inches, ~~except buses which may have a~~
13 ~~total outside width not to exceed 102 inches.~~ This bus
14 width for buses is allowed only on paved highways 20 feet or
15 more in width.

16 (2) This restriction does not apply to an implement of
17 husbandry or a vehicle used for hauling hay, moved or
18 propelled upon the highway during daylight hours for a
19 distance of not more than 100 miles, if the movement is
20 incidental to the farming operations of the owner of the
21 implement of husbandry or the vehicle used for hauling hay.
22 If the implement ~~of--husbandry~~ or the vehicle used ~~--for~~
23 ~~hauling--hay~~ has a width in excess of 12 feet, it shall be
24 preceded by ~~flagmen~~ flagman escorts for the purpose of
25 warning other highway users. This restriction does not apply

1 to ~~duet--wheel~~ dual-wheel tractors under 15 feet overall
 2 width which are used in farming operations. The rear of such
 3 ~~an the~~ implement of husbandry or vehicle used for hauling
 4 hay shall properly display lights which meet ~~the~~ standard
 5 requirements ~~in of~~ 61-9-219. However, if the highway passes
 6 through a hazardous area, such ~~the~~ implements of husbandry
 7 or vehicles used--for--hauling--hay must be preceded and
 8 followed by ~~flagmen~~ flagman escorts.

9 ~~{3}--The--maximum--width--of--any--vehicle--engaged--in~~
 10 ~~transporting--logs--untied--or--with--load--shall--not--exceed--~~
 11 ~~width--of--96--inches--unless--permits--for--excess--width--have--been~~
 12 ~~granted--by--virtue--of--[32-1127]."~~

13 Section 75. Section 61-10-109, MCA, is amended to
 14 read:

15 "61-10-109. Operation without special permits
 16 ~~prohibited~~. The operation of vehicles or combinations of
 17 vehicles having ~~dimensions--or~~ weights in excess of the
 18 maximum limits specified in ~~61-10-101--through--61-10-109~~
 19 ~~61-10-105~~ is permitted only if authorized by special permit
 20 issued under 61-10-107 by the department of highways or its
 21 agents or the highway patrol."

22 Section 76. Section 61-10-121, MCA, is amended to
 23 read:

24 "61-10-121. Permits for excess size and weight. (1)
 25 The department of highways and local authorities in their

1 respective jurisdictions may in their discretion, upon
 2 application in writing and with good cause shown, issue a
 3 special permit in writing authorizing the applicant to
 4 operate or move a vehicle, combination of vehicles, load,
 5 object, or other thing of a size or weight exceeding the
 6 maximum specified in 61-10-101 through 61-10-110 upon a
 7 highway under the jurisdiction of and for the maintenance of
 8 which the body granting the permit is responsible. However,
 9 only the department has the discretion to issue permits for
 10 movement of a vehicle or combination of vehicles carrying
 11 built-up or reducible loads in excess of 9 feet in width or
 12 exceeding the length, height, or weight specified in
 13 61-10-101 through 61-10-110. This permit shall be issued in
 14 the public interest. A carrier receiving this permit must
 15 have public liability and property damage insurance for the
 16 protection of the traveling public as a whole. A permit may
 17 not be issued for a period of time greater than the ~~license~~
 18 period for which the GVW license is valid as provided in
 19 this title, including grace periods allowed by this title.
 20 Owners of vehicles licensed in other jurisdictions may, at
 21 the discretion of the department, purchase permits to expire
 22 with their registration. A license required by the state
 23 governs the issuance of a special permit. The department may
 24 issue oversize permits to dealers in implements of husbandry
 25 and self-propelled machinery, which may be transferred from

1 unit to unit by the dealer, for the fees ~~fee~~ set forth in
 2 61-10-124. These oversize permits expire on December 31 of
 3 each year, with no grace period. For the purposes of this
 4 section, a dealer in implements of husbandry or
 5 self-propelled machinery must be a resident of the state. A
 6 post-office box number is not a permanent address under this
 7 section.

8 (2) The applicant for a special permit shall
 9 specifically describe the powered vehicle or towing vehicle
 10 and generally describe the type of vehicle, combination of
 11 vehicles, load, object, or other thing to be operated or
 12 moved and the particular state highways over which the
 13 vehicle, combination of vehicles, load, object, or other
 14 thing is to be moved and whether the permit is required for
 15 a single trip or for continuous operation."

16 Section 77. Section 61-10-124, MCA, is amended to
 17 read:

18 "61-10-124. Special permits -- fee. (1) In addition to
 19 the regular ~~license registration~~ and gross vehicle weight
 20 fees, a fee of \$6 for each permit issued in excess of the
 21 size and weight specified in 61-10-101 through 61-10-110
 22 shall be paid for all movements under special permits on the
 23 public highways under the jurisdiction of the department.

24 (2) Term or blanket permits may not be issued for an
 25 overwidth vehicle, combination of vehicles, load, or other

1 thing in excess of 15 feet; an overlength vehicle,
 2 combination of vehicles, load, object, or other thing in
 3 excess of 85 feet; and an overheight vehicle, combination
 4 of vehicles, load, or other thing in excess of 13 1/2 feet,
 5 or of a limit determined by the department. A vehicle,
 6 combination of vehicles, load, or other thing in excess of
 7 these dimensions is limited to trip permits.

8 (3) ~~A fee of \$6 shall be paid for each overweight~~
 9 ~~permit issued, but a~~ permit may not be issued for a period
 10 of time greater than the ~~license period for which the GVW~~
 11 license is valid as provided in this title, including grace
 12 periods allowed by this title. Owners of vehicles licensed
 13 in other jurisdictions may, at the discretion of the
 14 department, purchase permits to expire with their
 15 registration. A license required by the state governs the
 16 issuance of a special permit."

17 Section 78. Section 61-10-145, MCA, is amended to
 18 read:

19 "61-10-145. Penalties -- disposition of fines. (1) A
 20 person, firm, or corporation convicted of violating
 21 61-10-101 through 61-10-110 ~~[except 61-10-102(3) which is~~
 22 ~~punishable under 61-9-511]~~ shall be punished by a fine of
 23 not less than \$15 or more than \$50 or by imprisonment in the
 24 county or municipal jail for not less than 5 days or more
 25 than 25 days. ~~In addition, a~~ person, firm, or corporation

1 convicted of operating a motor vehicle upon the public
2 highways of this state with weight upon a wheel, axle, or
3 group of axles ~~or upon more than one of them~~ greater than
4 the maximum permitted by 61-10-101 through 61-10-110 shall
5 be fined, in addition to other penalties provided by law for
6 the offense, the following amounts:

7 (a) \$15 for any excess weight up to and including
8 2,000 pounds;

9 (b) \$25 for any excess weight more than 2,000 pounds
10 and less than 4,001 pounds;

11 (c) \$35 for any excess weight more than 4,000 pounds
12 and less than 6,001 pounds;

13 (d) \$50 for any excess weight more than 6,000 pounds
14 and less than 8,001 pounds;

15 (e) \$80 for any excess weight more than 8,000 pounds
16 and less than 10,001 pounds;

17 (f) \$110 for any excess weight more than 10,000 pounds
18 and less than 12,001 pounds;

19 (g) \$150 for any excess weight more than 12,000 pounds
20 and less than 14,001 pounds;

21 (h) \$200 for any excess weight more than 14,000 pounds
22 and less than 16,001 pounds;

23 (i) \$250 for any excess weight more than 16,000 pounds
24 and less than 18,001 pounds;

25 (j) \$300 for any excess weight more than 18,000 pounds

1 and less than 20,001 pounds;

2 (k) \$500 for any excess weight more than 20,000 pounds
3 and less than 25,001 pounds;

4 (1) \$1,000 for any excess weight more than 25,000
5 pounds.

6 (2) A complaint filed and a summons or notice to
7 appear issued pertaining to a violation of the gross weight
8 regulations in 61-10-101 through 61-10-110 shall specify the
9 amount of the overweight which the defendant is alleged to
10 have had upon the vehicle or combination of vehicles.

11 (3) All fines and forfeitures shall be remitted
12 monthly by the county treasurer to the state treasurer for
13 deposit in the state general fund.*

14 Section 79. Section 61-10-146, MCA, is amended to
15 read:

16 "61-10-146. Special permits -- penalty---for
17 misrepresentations and violations ~~as misdemeanor~~. A person
18 who knowingly and willfully misrepresents the size or weight
19 of a vehicle, combination of vehicles, load, object, or
20 other thing in obtaining a special permit or who does not
21 follow the requirements and conditions of the special permit
22 or who operates a vehicle, combination of vehicles, load,
23 object, or other thing ~~the gross size or weight of which is~~
24 ~~in excess of the maximum for which that vehicle, combination~~
25 ~~of vehicles, load, object, or other thing may be eligible~~

1 for--licensee requires a special permit without first
2 obtaining a special permit is guilty of a misdemeanor."

3 Section 80. Section 61-10-148, MCA, is amended to
4 read:

5 "61-10-148. Disposition of fines. Any-and--ett Except
6 as provided in 61-12-701, fines collected for-the-violation
7 of-any-of-the-provisions-of-this-[ect] under 61-10-146 or
8 61-10-147 shall belong to the general road fund of the
9 county and shall, immediately after their collection, be
10 paid over by the court or magistrate collecting the-same
11 them to the county treasurer for the use and benefit of that
12 fund, except for that portion of the fines-as-provided--for
13 in--20-7-504, otherwise allocated by law which the county
14 treasurer shall transmit to the state treasurer and--by--him
15 credited who shall credit them to the automobile-driver
16 education appropriate account in the earmarked revenue
17 fund."

18 Section 81. Section 61-10-201, MCA, is amended to
19 read:

20 "61-10-201. Gross weight fees on motortrucks and truck
21 tractors. In addition to other fees for the licensing of
22 vehicles, there shall be paid and collected annually for
23 each motortruck truck and truck tractor, based upon the
24 maximum gross loaded weight thereof as set by the licensee
25 in his application, the following fees:

Schedule I	
1	
2	Up to 6,000 lbs. \$ 7.50
3	6,001 lbs-or-more-and-less-than through 8,000 lbs. 12.50
4	8,001 lbs-or-more-and-less-than through 10,000 lbs.
5	..... 17.50
6	10,001 lbs-or-more-and-less-than through 12,000 lbs.
7	..... 20.00
8	12,001 lbs-or-more-and-less-than through 14,000 lbs.
9	..... 22.50
10	14,001 lbs-or-more-and-less-than through 16,000 lbs.
11	..... 27.50
12	16,001 lbs-or-more-and-less-than through 18,000 lbs.
13	..... 37.50
14	18,001 lbs-or-more-and-less-than through 20,000 lbs.
15	..... 50.00
16	20,001 lbs-or-more-and-less-than through 22,000 lbs.
17	..... 62.50
18	22,001 lbs-or-more-and-less-than through 24,000 lbs.
19	..... 93.75
20	24,001 lbs-or-more-and-less-than through 26,000 lbs.
21	..... 125.00
22	26,001 lbs-or-more-and-less-than through 28,000 lbs.
23	..... 156.25
24	28,001 lbs-or-more-and-less-than through 30,000 lbs.
25	..... 206.25

1	30,001 lbs-or-more-and-less-than through 32,000 lbs.	.....
2		262.50
3	32,001 lbs-or-more-and-less-than through 34,000 lbs.	.....
4		318.75
5	34,001 lbs-or-more-and-less-than through 36,000 lbs.	.....
6		375.00
7	36,001 lbs-or-more-and-less-than through 38,000 lbs.	.....
8		431.25
9	38,001 lbs-or-more-and-less-than through 40,000 lbs.	.....
10		487.50
11	40,001 lbs-or-more-and-less-than through 42,000 lbs.	.....
12		543.75
13	Over 42,000 lbs. and within the weight limits	
14	specified in 61-10-101 through 61-10-110	..... 62.50
15	per ton or fraction thereof."	

16 Section 82. Section 61-10-202, MCA, is amended to
 17 read:

18 "61-10-202. Gross weight fees on trailers and
 19 semitrailers. In addition to other fees for the licensing of
 20 vehicles, there shall be paid and collected annually for
 21 each trailer and semitrailer, based upon the maximum gross
 22 loaded weight thereof as set by the licensee in his
 23 application, except as otherwise provided, the following
 24 fees:

25 Schedule 11

1	Trailers Other Than Housetrailers	
2	Up to 2,500 lbs. for personal use--	Exempt
3	Up to 2,500 lbs. for commercial use	\$ 3.75
4	2,501 lbs-or-more-and-less-than through 6,000 lbs.	5.00
5	6,001 lbs-or-more-and-less-than through 8,000 lbs.	.....
6		15.00
7	8,001 lbs-or-more-and-less-than through 10,000 lbs.	.....
8		17.50
9	10,001 lbs-or-more-and-less-than through 12,000 lbs.	.....
10		20.00
11	12,001 lbs-or-more-and-less-than through 14,000 lbs.	.....
12		22.50
13	14,001 lbs-or-more-and-less-than through 16,000 lbs.	.....
14		27.50
15	16,001 lbs-or-more-and-less-than through 18,000 lbs.	.....
16		37.50
17	18,001 lbs-or-more-and-less-than through 20,000 lbs.	.....
18		50.00
19	20,001 lbs-or-more-and-less-than through 22,000 lbs.	.....
20		62.50
21	22,001 lbs-or-more-and-less-than through 24,000 lbs.	.....
22		93.75
23	24,001 lbs-or-more-and-less-than through 26,000 lbs.	.....
24		125.00
25	26,001 lbs-or-more-and-less-than through 28,000 lbs.	.....

1 156.25
2 28,001 lbs-or-more-and-less-than through 30,000 lbs.
3 206.25
4 30,001 lbs-or-more-and-less-than through 32,000 lbs.
5 262.50
6 32,001 lbs-or-more-and-less-than through 34,000 lbs.
7 318.75
8 34,001 lbs-or-more-and-less-than through 36,000 lbs.
9 375.00
10 36,001 lbs-or-more-and-less-than through 38,000 lbs.
11 431.25
12 38,001 lbs-or-more-and-less-than through 40,000 lbs.
13 487.50
14 40,001 lbs-or-more-and-less-than through 42,000 lbs.
15 543.75
16 Over 42,000 lbs. and within the weight limits
17 specified in 61-10-101 through 61-10-110 62.50
18 per ton or fraction thereof."

19 Section 83. Section 61-10-209, MCA, is amended to
20 read:

21 "61-10-209. Quarterly payment -- penalty for failure
22 to pay fee. (1) When the gross weight of a vehicle exceeds
23 24,000 pounds, the gross weight or special fees for
24 motortrucks ~~trucks~~, trailers, tractors, pole trailers, or
25 semitrailers may be purchased ~~paid~~ for a 3-month period for

1 one-fourth the regular fee at the beginning of any quarter
2 of the calendar year. For each fee so paid other than at the
3 time of payment of the basic--license annual vehicle
4 registration fee, an additional fee of \$1 shall be charged.
5 The department may adopt rules relative to the issuance and
6 display of certificates or insignia, which shall state the
7 quarters for which the vehicle is licensed.

8 (2) A vehicle licensed under this section may not be
9 operated over the public highways after the expiration of
10 the 3-month period unless the owner or operator of the
11 vehicle, within 10 calendar days or 7 business days as
12 provided by law, whichever is greater, ~~after the expiration~~
13 ~~of the 3-month period,~~ pays the required fee for a license
14 for an additional 3-month period, or for the remainder of
15 the year. A person who operates a vehicle upon the public
16 highways after the expiration of the 10 calendar days or 7
17 business days as provided by law, whichever is greater, is
18 guilty of a misdemeanor. In addition he shall be required to
19 purchase a gross weight license for the vehicle involved at
20 the fee covering an entire year's license for operation of
21 the vehicle less the fees for a ~~the~~ period of the year
22 already paid.

23 (3) If, within 5 days thereafter, no license for a
24 full year has been purchased as required, the Montana
25 highway patrol, county sheriff, or city police may impound

1 the vehicle in the manner which is directed for these cases
 2 by the division of motor vehicles until the requirement is
 3 met."

4 Section 84. Section 61-10-214, MCA, is amended to
 5 read:

6 "61-10-214. Exemptions. (1) Motor vehicles operating
 7 exclusively for transportation of persons for hire within
 8 the limits of incorporated cities or towns and within 15
 9 miles from such limits are exempt from this part.

10 (2) Motor vehicles brought or driven into Montana by a
 11 nonresident, migratory, bona fide agricultural worker
 12 temporarily employed in agricultural work in this state
 13 where those motor vehicles are used exclusively for
 14 transportation of agricultural workers are also exempt from
 15 this part.

16 (3) Vehicles lawfully displaying a licensed dealer's
 17 plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from
 18 this part when moving to or from a dealer's place of
 19 business when ~~unladen unloaded~~ or ~~laden loaded~~ with dealer's
 20 property only, and in the case of vehicles having a gross
 21 ~~laden loaded~~ weight of less than 24,000 pounds, while ~~in the~~
 22 ~~process-of-demonstration being demonstrated~~ in the course of
 23 the dealer's business."

24 Section 85. Section 61-10-222, MCA, is amended to
 25 read:

1 "61-10-222. Time for payment of fees. ~~(1) A person who~~
 2 ~~owns or operates a vehicle subject to the fees provided in~~
 3 ~~61-10-201 through 61-10-210 shall pay the fees provided in~~
 4 ~~this part.~~

5 ~~(2)(1)~~ Prior to or at the time of registration of the
 6 vehicle as required under chapter 3 or chapter 4 or prior to
 7 the operation of the vehicle on the public highways, fees
 8 ~~paid provided in this part~~ shall be ~~paid in~~ the full amount
 9 ~~provided in this part~~ unless otherwise provided by law. With
 10 respect to vehicles operating on the highways with a current
 11 rear windshield sticker issued under the provisions of
 12 61-4-111 or 61-4-112, the fees provided in this part shall
 13 be due and payable at the time of registration.

14 ~~(3)(2)~~ A person who makes application for a GVH
 15 license after July 1 of any year shall pay one-half of those
 16 ~~the fees provided in this part.~~

17 ~~(4)(3)~~ When a person makes application for
 18 registration required under chapter 3 for a period of time
 19 other than the calendar year, the fees provided in this part
 20 shall be computed for the registration period at one-twelfth
 21 of ~~the~~ applicable fee for each month or part of month in the
 22 registration period."

23 Section 86. Section 61-10-223, MCA, is amended to
 24 read:

25 "61-10-223. Expiration date. ~~The fees paid hereunder~~

1 ~~for every motor truck, truck tractor, trailer, or semitrailer~~
 2 ~~busy or automobile shall expire on December 31 of each year~~
 3 Any certificate, registration, or GVH license issued shall
 4 be valid only for the period for which issued."

5 Section 87. Section 61-10-224, MCA, is amended to
 6 read:

7 "61-10-224. License GVH license transferable. The
 8 ~~certificate, registration, or GVH license~~ issued hereunder
 9 is transferable by the licensee to another truck, truck
 10 tractor, trailer, semitrailer, lowboy trailer, pole trailer,
 11 house trailer, or passenger car upon transfer of ownership of
 12 such truck, truck tractor, trailer, semitrailer, lowboy
 13 trailer, pole trailer, house trailer, or passenger car to a
 14 replacement vehicle of the same type. If a smaller vehicle
 15 is purchased, there shall be no refund."

16 Section 88. Section 61-10-226, MCA, is amended to
 17 read:

18 "61-10-226. Deposit of state highway ~~moneys~~ money. (1)
 19 Any reference to the state highway fund ~~shall be taken to~~
 20 mean means the state highway account in the earmarked
 21 revenue fund.

22 (2) Moneys Money received for the use of the
 23 department from the receipt or transfer of ~~motor vehicle~~ GVH
 24 license fees, as provided by law, or from other state
 25 sources shall be deposited in the earmarked revenue fund to

1 the credit of the department.

2 (3) Moneys Money received from the counties and from
 3 the federal government or other agencies shall be deposited
 4 in the federal and private revenue fund to the credit of the
 5 department.

6 (4) Hereafter, ~~moneys~~ money collected for the
 7 department as authorized by law shall be credited to such
 8 fund or funds by the state treasurer."

9 Section 89. Section 61-10-227, MCA, is amended to
 10 read:

11 "61-10-227. Blank forms furnished county treasurers.
 12 The department shall furnish all county treasurers with the
 13 following:

14 (1) blank application forms and affidavit forms
 15 outlining and providing for the information needed in each
 16 classification of ~~registration~~ license required;

17 (2) ~~registration, license, or certificates~~ GVH
 18 licenses in a form determined most suitable by the
 19 department;

20 (3) the other forms, stickers, certificates, or blanks
 21 the department considers necessary to carry out this part."

22 Section 90. Section 61-10-233, MCA, is amended to
 23 read:

24 "61-10-233. Excess weight -- penalties. (1) The
 25 operator is subject to the penalties stated in ~~this~~

1 section ~~61-10-232~~ whenever the gross ~~laden loaded~~ weight of
 2 any ~~motortruck trucks~~, truck tractor, trailer, or
 3 semitrailer operated upon any highway in this state exceeds
 4 the gross vehicle weight shown on:

5 (a) the owner's certificate of registration and tax
 6 receipt issued under 61-3-322; or

7 (b) the gross vehicle weight receipt issued under
 8 61-10-227.

9 (2) ~~The In addition, the~~ operator shall immediately
 10 thereafter pay to the nearest county treasurer or to the
 11 department the difference between the fee already paid and
 12 that applicable to the gross weight of his vehicle before
 13 unloading the excess, provided that it does not exceed the
 14 legal axle weight."

15 Section 91. Section 61-11-211, MCA, is amended to
 16 read:

17 "61-11-211. Department ~~Division~~ to revoke license of
 18 habitual offender -- method of removal of points upon
 19 revocation. Upon receipt of a court order declaring an
 20 habitual offender, the department ~~division~~ shall revoke the
 21 driver's license or driving privilege of the individual
 22 named in the order for a period of 3 years from the date of
 23 the order. Additionally, the department shall remove from
 24 that individual's record those habitual offender points
 25 which were certified to the county attorney in the

1 certification required by 61-11-204."

2 Section 92. Section 61-12-208, MCA, is amended to
 3 read:

4 "61-12-208. Duty upon making an arrest -- power to fix
 5 and accept bail ~~---fees-of-justices-of-the-peace. ††~~ Such
 6 employees, upon making an arrest, shall deliver to the
 7 offender a form of notice to appear, describing the nature
 8 of the offense, with instructions on the notice to appear
 9 for the offender to report to the nearest justice of the
 10 peace. The employee may accept a deposit for appearance
 11 justifiable for the offense charged. The person arrested may
 12 be detained for a reasonable time for the purpose of issuing
 13 the notice. If the employee accepts bail, he shall give a
 14 signed receipt to the offender, setting forth the amount
 15 received. The employee shall then deliver the bail money to
 16 the justice of the peace before whom the offender is to
 17 appear, and the justice of the peace shall give a receipt to
 18 the employee for the amount of bail money delivered. After
 19 the filing of the complaint and appearance of the defendant,
 20 the justice of the peace shall assume jurisdiction and may
 21 set and accept further appearance bail bond.

22 ~~††--For-the-purpose-of-this-part--only,--the--fees--of--~~
 23 ~~justices-of-the-peace--in--offenses--in--which--the--statutory~~
 24 ~~fine--is--\$5--or--less--shall--be--\$1,--but--if--the--statutory--fine--is~~
 25 ~~in--excess--of--\$5,--the--justices--of--the--peace--are--permitted--the~~

1 fee--prescribed--by--laws--No--additional--fees--shall--be--paid
 2 justices-of-the-peace-where-salaries-are-fixed-by-laws"

3 Section 93. Section 61-12-401, MCA, is amended to
 4 read:

5 "61-12-401. Taking vehicle into custody. (1) The
 6 following law enforcement agencies may take into custody any
 7 motor vehicle found abandoned for a period of 48 hours or
 8 more on any public highway or for a period of 5 days or
 9 more on any city street or public property:

10 (a) the Montana highway patrol if the vehicle is upon
 11 the right-of-way of any public highway other than a county
 12 road;

13 (b) the sheriff of the county if the vehicle is upon
 14 the right-of-way of any county road or private property
 15 within the county;

16 (c) the city police if the vehicle is upon a city
 17 street within the city;

18 (2) The Montana highway patrol, the sheriff of the
 19 county or the city police may use its or his ~~their~~
 20 personnel, equipment, and facilities for the removal and
 21 preservation of the vehicle, or may hire other personnel
 22 equipment, and ~~or~~ facilities for those purposes."

23 Section 93. Section 61-12-502, MCA, is amended to
 24 read:

25 "61-12-502. Rules for identification cards. The

1 division shall formulate and adopt reasonable rules for the
 2 application for and issuing of identification cards, and
 3 cancellation thereof, and shall require the furnishing of
 4 such information necessary for the purpose of this part."

5 Section 94. Section 61-12-701, MCA, is amended to
 6 read:

7 "61-12-701. Highway patrol -- fees-- disposition of
 8 fines and forfeitures. (1) All fees, fines, and forfeitures
 9 collected in any court from persons apprehended or arrested
 10 by patrolmen for violation of the laws and regulations
 11 relating to the use of state highways and the operation of
 12 vehicles thereon must be paid to the state treasurer and by
 13 him credited to the general fund of the state, except for
 14 that portion of the fines ~~as provided in 20-7-504~~ otherwise
 15 allocated by law which shall be paid into the automobile
 16 driver education account appropriate accounts in the
 17 earmarked revenue fund.

18 (2) At the time of payment of any such fees, fines, or
 19 forfeitures, there shall be filed with the state treasurer a
 20 complete statement showing the total of the fees, fines, or
 21 forfeitures received or incurred, which statement shall give
 22 the title of the court and cause and be subscribed to by the
 23 person or officer making such the payments."

24 Section 95. Section 61-12-703, MCA, is amended to
 25 read:

1 "61-12-703. Disposition of traffic fines collected
 2 from juveniles. All fines collected by the district courts
 3 from ~~children persons~~ under 18 years of age for ~~unlawful~~
 4 ~~operation--of--motor--vehicles~~ as the result of traffic
 5 summonses for unlawful operation of motor vehicles issued by
 6 peace officers of cities or counties or by highway
 7 patrolmen, together with ~~that portion the percentage~~ of the
 8 fines ~~which is specified in 20-7-505~~ otherwise deductible by
 9 law, shall be retained by the county treasurer of the county
 10 in which the offense occurred and at the end of each month
 11 distributed as follows:

12 (1) Fines collected as the result of summonses issued
 13 by city peace officers shall be distributed to the city in
 14 which the peace officer is employed and credited to the city
 15 general fund.

16 (2) Fines collected as the result of summonses issued
 17 by county peace officers shall be retained by the county
 18 treasurer and credited to the county road fund.

19 (3) Fines collected as the result of summonses issued
 20 by state highway patrolmen shall be paid to the state
 21 treasurer, who shall credit them to the general fund of the
 22 state.

23 (4) That portion of the fines ~~which is specified in~~
 24 ~~20-7-505 deductible by law~~ shall be paid to the state
 25 treasurer, who shall credit ~~it the money~~ to the automobile

1 ~~driver--education--account~~ appropriate accounts in the
 2 earmarked revenue fund."

3 Section 96. Section 20-7-504, MCA, is amended to read:

4 "20-7-504. State traffic education account and ==
 5 proceeds earmarked for the account. (1) There is hereby
 6 established a traffic education account in the treasury of
 7 the state of Montana. There shall be paid into this account
 8 a portion of the fines assessed and bails forfeited on all
 9 offenses involving a violation of ~~a state statute chapter 3,~~
 10 ~~part 1 of chapter 4, or chapters 5 through 10 of Title 61,~~
 11 or a city ordinance and relating to the operation or use of
 12 motor vehicles, except offenses relating to parking of
 13 vehicles, in the following amounts:

14 (a) ~~where if~~ a fine is imposed, 20% of the fine
 15 imposed;

16 (b) ~~where if~~ multiple offenses are involved, 20% of
 17 the total sum of all fines imposed;

18 (c) ~~where if~~ a fine is suspended, in whole or in part,
 19 ~~the--portion--paid--to--the--traffic--education--account--shall--be~~
 20 20% of the fine actually paid; and

21 (d) ~~when if~~ any deposit of bail is made for an offense
 22 to which this section applies and the bail is forfeited, 20%
 23 of the forfeited bail.

24 (2) Five percent of all ~~moneys money~~ received by the
 25 state ~~of--Montana~~ from the collection of the motor vehicle

1 driver's license fee provided for under the laws of Montana
2 shall be contributed to the traffic education account."

3 Section 97. Section 53-9-109, MCA, is amended to read:

4 "53-9-109. Crime victims compensation account. There
5 is created a crime victims compensation account in the
6 earmarked revenue fund. There shall be paid into this
7 account 6% of the fines assessed and bails forfeited on all
8 offenses involving a violation of ~~a state statute chapter 3,~~
9 ~~part 1 of chapter 4, or chapters 5 through 10 of Title 61,~~
10 or a city ordinance and relating to the operation or use of
11 motor vehicles, except offenses relating to parking of
12 vehicles."

13 SECTION 98. SECTION 61-5-405, MCA, IS AMENDED TO READ:

14 "61-5-405. Offenses furnishing ground for suspension
15 or revocation of license. (1) Items enumerated in Article
16 IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer
17 specifically to 45-5-103, ~~45-5-104,~~ 61-8-401, 45-2-101(15),
18 and 61-7-103, respectively.

19 (2) In addition to convictions mentioned above the
20 division, for the purpose of suspension, revocation, or
21 limitation of the license to operate a motor vehicle, shall
22 give the same effect to the conduct reported as it would if
23 such conduct had occurred in this state for:

24 (a) convictions of perjury or the making of a false
25 affidavit relating to the ownership or operation of a motor

1 vehicle (61-5-303); and

2 (b) three convictions of reckless driving committed
3 within a period of 12 months (61-8-301)."

4 Section 99. Repealer. Section 61-8-721, MCA, is
5 repealed.

6 Section 100. Repealer. Sections ~~31-186,~~ 31-186,
7 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134,
8 53-135, and 53-140 through 53-144, R.C.M. 1947, are
9 repealed.

-End-

1 SENATE BILL NO. 113

2 INTRODUCED BY GRAHAM

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LAW RELATING TO MOTOR VEHICLES; REPEALING
7 SECTION 61-8-721, MCA; AND REPEALING SECTIONS ~~31-167,~~
8 ~~31-186,~~ 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154,
9 53-134, 53-135, AND 53-140 THROUGH 53-144, R.C.M. 1947."

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

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

13 "61-1-101. Definitions. ~~The following~~ Unless the
14 context indicates otherwise, the words and phrases when
15 defined in this chapter have, as used in this ~~act~~
16 ~~for the purpose of this act~~ title, have the meanings
17 respectively ascribed to them in this chapter."

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

19 "61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means~~
20 ~~every vehicle which is self-propelled and every vehicle~~
21 ~~which is propelled by electric power obtained from overhead~~
22 ~~trolley wires but not operated upon rails, excluding~~
23 ~~motorcycles.~~

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

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

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

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

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

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

22 ~~(8) The term "motor vehicle" as used in 61-3-202 and~~
23 ~~61-3-322 includes automobile, truck, motorcycle-type~~
24 ~~vehicle, and semitrailer, trailer, and house trailer.~~

25 ~~(9) The words "motor vehicle" as used in chapters 3~~

1 and shall include all vehicles which are self-propelled
2 except road rollers, traction engines, and railroad cars
3 farm tractors, and motorcars run upon stationary rails or
4 tracks.

5 (18) "Motor vehicle" as used in part of chapter 61
6 means every self-propelled vehicle which is designed for use
7 upon a highway, including trailers and semitrailers designed
8 for use with such vehicles (except traction engines, road
9 rollers, farm tractors, tractor cranes, power shovels, and
10 well-drillers) and every vehicle which is propelled by
11 electric power obtained from overhead wires but not operated
12 upon rails.

13 (19) "Motor vehicle" as used in 61-3-711 through
14 61-3-733 means every vehicle which is self-propelled and
15 every vehicle which is propelled by electric power obtained
16 from overhead trolley wires, but not operated upon rails.
17 "Motor vehicle" means every vehicle propelled by its own
18 power and designed primarily to transport persons or
19 property upon the highways of the state, except that for the
20 purpose of chapter 3 the term also includes trailers,
21 semitrailers, and house trailers."

22 Section 3. Section 61-1-103, MCA, is amended to read:
23 "61-1-103. Vehicle. (1) "Vehicle" means every device
24 in, upon, or by which any person or property is or may be
25 transported or drawn upon a public highway, excepting EXCEPT

1 devices moved by human or animal power or used exclusively
2 upon stationary rails or tracks. However, in chapters 3 and
3 4 the term means "motor vehicle" as defined in this part.

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

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

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

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

17 Section 4. Section 61-1-104, MCA, is amended to read:

18 "61-1-104. Special mobile equipment. (1) "Special
19 mobile equipment" means every vehicle not designed or used
20 primarily for the transportation of persons or property and
21 incidentally operated or moved over the highways, including
22 farm tractors, road construction or maintenance machinery,
23 ditch-digging apparatus, well-boring apparatus, and concrete
24 mixers. The foregoing enumeration shall be deemed to be partial
25 and shall not operate to does not exclude other such

1 vehicles which are within the general terms of this section.
 2 (2) "Special mobile equipment" as used in 61-3-431
 3 through 61-3-434 means every vehicle which is not designed
 4 and used primarily for the transportation of persons or
 5 property on a public highway and which is operated or moved
 6 over the highway from construction project to construction
 7 project and not removed from the confines and haul roads
 8 thereof except for movement from construction project to
 9 storage yard from storage yard to construction project or
 10 from storage yard or construction project to point of repair
 11 or maintenance and returns. Special mobile equipment
 12 includes but is not limited to portable air compressors
 13 air drills asphalt spreaders gravel crushing equipment and
 14 hot plant equipment buckets belt and front end loaders
 15 track laying tractors ditchers leveling graders finishing
 16 machines motor graders paving mixers earth moving
 17 scrapers and carriers lighting generating and power
 18 plants welders pumps power shovels and draglines cranes
 19 crane mounted heel boom log loaders fork lift trucks
 20 lumber carriers bunkhouses toothouses shop cars oil
 21 distributors scales and scale houses and conveyors. It
 22 also includes self propelled tractor drawn earth moving
 23 equipment dump trucks and tractor dump trailer
 24 combinations which because of excess width height length
 25 or unladen weight cannot be moved over a public highway

1 without a permit as provided in 61-10-121 through 61-10-127
 2 and which are operated unladen except within the boundaries
 3 of the project limits as defined by the contract and
 4 adjacent haul roads. However the term "special mobile
 5 equipment" does not include a vehicle such as a truck truck
 6 tractor trailer semitrailer house trailer or house car
 7 designed for the transportation of persons or property."

8 Section 5. 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 attached thereto and a driving wheel in contact with the
 23 ground in addition to the wheels of the vehicle itself,
 24 but a motorcycle may carry one or more attachments and a
 25 seat for the conveyance of a passenger. The term does not

1 include a tractor.
 2 Section 6. Section 61-1-107, MCA, is amended to read:
 3 "61-1-107. Truck. (1) "Truck" or "motortruck" means
 4 every motor vehicle designed, used, or maintained primarily
 5 for the transportation of property.
 6 (2) ~~For 61-10-101 through 61-10-110, the term "truck"~~
 7 ~~is defined in subsection (1).~~
 8 (3) ~~The term "motortruck" as used in chapters 3 and 4~~
 9 ~~shall include all motor vehicles designed or used for the~~
 10 ~~transportation of commodities, merchandise, produce,~~
 11 ~~freight, or animals."~~
 12 Section 7. Section 61-1-108, MCA, is amended to read:
 13 "61-1-108. Truck tractor. (1) "Truck tractor" means
 14 every motor vehicle designed and used primarily for drawing
 15 other vehicles and not so constructed as to carry a load
 16 other than a part of the weight of the vehicle and load so
 17 drawn.
 18 (2) ~~For 61-10-101 through 61-10-110, the term "truck~~
 19 ~~tractor" is defined in subsection (1)."~~
 20 Section 8. Section 61-1-109, MCA, is amended to read:
 21 "61-1-109. Farm tractor. (1) "Farm tractor" means
 22 every motor vehicle designed and used primarily as a farm
 23 implement for drawing plows, mowing machines, and other
 24 implements of husbandry.
 25 (2) ~~"Farm tractor" means every motor vehicle designed~~

1 ~~and used primarily as a farm implement for drawing plows,~~
 2 ~~mowing machines, and other implements of husbandry."~~
 3 Section 9. Section 61-1-111, MCA, is amended to read:
 4 "61-1-111. Trailer. (1) "Trailer" means every vehicle,
 5 with or without motive power, [other than a pole trailer],
 6 designed for carrying property and for being drawn by a
 7 motor vehicle and so constructed that no part of its weight
 8 rests upon the towing vehicle, except that
 9 (2) ~~For 61-10-101 through 61-10-110, the term~~
 10 ~~"trailer" is defined in subsection (1).~~
 11 (3) ~~The term "trailer" as used in chapters 3 and 4~~
 12 ~~shall include the term includes every vehicle without motive~~
 13 ~~power designated designed to carry property or passengers~~
 14 ~~wholly on its own structure and to be drawn by a motor~~
 15 ~~vehicle."~~
 16 Section 10. Section 61-1-112, MCA, is amended to read:
 17 "61-1-112. Semitrailer. (1) "Semitrailer" means every
 18 vehicle, with or without motive power, [other than a pole
 19 trailer], designed for carrying property and for being drawn
 20 by a motor vehicle and so constructed that some part of its
 21 weight and that of its load rests upon or is carried by
 22 another vehicle, except that
 23 (2) ~~For 61-10-101 through 61-10-110, the term~~
 24 ~~"semitrailer" is defined in subsection (1).~~
 25 (3) ~~The term "semitrailer" as used in chapters 3 and 4~~

1 shall include the term includes every vehicle of the trailer
 2 type so designed and used in conjunction with a motor
 3 vehicle that some part of its own weight and that of its own
 4 load rests upon or is carried by another vehicle a pole
 5 trailer."

6 Section 11. Section 61-1-201, MCA, is amended to read:
 7 "61-1-201. Highway. (1) "Highway" means the entire
 8 width between the boundary lines of every way publicly
 9 maintained way when any part thereof is open to the use of
 10 the public for purposes of vehicular travel.

11 (2) "Highway" means the entire width between the
 12 boundary lines of every street, highway, and related
 13 structure as has been or shall be built and maintained with
 14 appropriated funds of the United States and which has been
 15 or shall be built and maintained with funds of the state or
 16 any political subdivision thereof or which has been or shall
 17 be dedicated to public use or has been acquired by eminent
 18 domain except that for the purpose of chapter 9 the term
 19 also includes ways which have been or shall be dedicated to
 20 public use."

21 Section 12. Section 61-1-202, MCA, is amended to read:
 22 "61-1-202. Public highways highway. In 61-1-201
 23 through 61-1-208, the term "public highways" "Public
 24 highway" means "highways" "highway" as defined in 61-1-201."

25 Section 13. Section 61-1-203, MCA, is amended to read:

1 "61-1-203. Street. (1) "Street" means the entire width
 2 between the boundary lines of every way publicly maintained
 3 way when any part thereof is open to the use of the public
 4 for purposes of vehicular travel.

5 (2) "Street" means the entire width between the
 6 boundary lines of every street, highway, and related
 7 structure as has been or shall be built and maintained with
 8 appropriated funds of the United States and which has been
 9 or shall be built and maintained with funds of the state or
 10 any political subdivision thereof or which has been or shall
 11 be dedicated to public use or has been acquired by eminent
 12 domain"

13 Section 14. Section 61-1-305, MCA, is amended to read:
 14 "61-1-305. Highway patrolman. "Highway patrolman"
 15 means every state officer authorized to direct or regulate
 16 traffic or to make arrests for violations of traffic
 17 regulations."

18 Section 15. Section 61-1-307, MCA, is amended to read:
 19 "61-1-307. Person. (1) "Person" means every natural
 20 person, firm, partnership, association, or corporation.

21 (2) the term "person" as used in part 4 of chapter 4
 22 means any individual, firm, corporation, partnership,
 23 association, trustee, receiver, or assignee for the benefit
 24 of creditors.

25 (3) "Person" as used in 61-4-131 through 61-4-137

1 means an individual, corporation, partnership, association,
2 firm, or other legal entity.

3 {4}--"Person" as used in part iv chapter 6v means every
4 natural person, firm, partnership, association, or
5 corporation.

6 {5}--"Person" for purposes of 61-3-711 through
7 61-3-733, means every natural person, firm, partnership,
8 association, or corporation."

9 Section 16. Section 61-1-310, MCA, is amended to read:

10 "61-1-310. Owner. {1}--A person who holds the legal
11 title of a vehicle or in the event a vehicle is the subject
12 of an agreement for the conditional sale or lease thereof
13 with the right of purchase upon performance of the
14 conditions stated in the agreement and with the immediate
15 right of possession vested in the conditional vendee or
16 lessee, or in the event a mortgagor of a vehicle is entitled
17 to possession, then such conditional vendee or lessee or
18 mortgagor shall be deemed the owner for the purpose of this
19 [act].

20 {2}--The term "owner" as used in chapters 3 and 4 shall
21 include any person, firm, association, or corporation owning
22 or renting a motor vehicle or having the exclusive use
23 thereof under lease or otherwise, and shall also include a
24 contract vendee.

25 {3} "Owner" as used in 61-3-711 through 61-3-733 means

1 a person who holds the legal title to a vehicle, or in the
2 event if a vehicle is the subject of an agreement for the
3 conditional sale thereof with the right of purchase upon
4 performance of the conditions stated in the agreement and
5 with an immediate right of possession vested in the
6 conditional vendee, or in the event a vehicle is subject to
7 a lease, contract, or other legal arrangement vesting right
8 of possession or control, for security or otherwise, or in
9 the event a mortgagor of a vehicle is entitled to
10 possession, then the owner shall be deemed to be such is the
11 person in whom is vested right of possession or control.

12 {4}--"Owner" as used in part iv chapter 6v means a
13 person who holds the legal title of a motor vehicle or in
14 the event a motor vehicle is the subject of an agreement for
15 the conditional sale or lease thereof, with the right of
16 purchase upon performance of the conditions stated in the
17 agreement, and with an immediate right of possession vested
18 in the conditional vendee or lessee, or in the event a
19 mortgagor of a vehicle is entitled to possession, then such
20 conditional vendee or lessee or mortgagor shall be deemed
21 the owner for the purposes of part iv chapter 6v."

22 Section 17. Section 61-1-311, MCA, is amended to read:

23 "61-1-311. Operator. {1}--"Operator" means every
24 person other than a chauffeur who drives or is in actual
25 physical control of a motor vehicle upon a highway or who is

1 exercising control over or steering a vehicle being towed by
2 a motor vehicle.

3 (2) "Operator" as used in part of chapter 6 means
4 every a person who is in actual physical control of a motor
5 vehicle."

6 Section 18. Section 61-1-314, MCA, is amended to read:

7 "61-1-314. Dealer. (1) The term "dealer" as used in
8 part 4 of chapter 4 shall mean any person, firm,
9 association or corporation or other organization of any
10 kind, character or nature regularly engaged or intending to
11 engage in the business of selling motor vehicles at retail
12 within this state.

13 (2) "Dealer" as used in 61-4-131 through 61-4-137
14 means a person who, for commission or profit, engages in the
15 business of buying, selling, exchanging, or acting as a
16 broker of motor vehicles under a franchise or distribution
17 agreement.

18 (3)(i) (a) The term "dealer" "Dealer" as used in
19 chapter 3 and part 1 of chapter 4 shall mean and include
20 means any person, firm, association, or corporation engaged
21 which, for commission or profit, engages in whole or in part
22 in the business of buying, selling, exchanging, or acting as
23 a broker of either new or used motor vehicles, or both, and
24 who is qualified qualifies for issuance of a dealer's
25 license under 61-4-101 through 61-4-105 and no person

1 firm, association or corporation shall be issued a dealer's
2 license by the division unless it qualifies as a dealer
3 defined herein.

4 (b)(2) The term "dealer" does not include the
5 following:

6 (i)(a) receivers, trustees, administrators, executors,
7 guardians, or other persons appointed by or acting under a
8 judgment or order of any court of competent jurisdiction;

9 (ii)(b) employees of such persons when engaged in the
10 specific performance of their duties as such employees; or

11 (iii)(c) public officers while performing or in the
12 operation of their duties.

13 (c)(3) A dealer dealing in used cars motor vehicles
14 only shall deliver to the buyer on completion of sale a
15 transferable title and shall purchase a Montana store
16 license. Dealer shall deliver under oath a notarized
17 certificate with any used motor vehicle stating the full
18 name and last known address of the previous owner of said
19 motor vehicle and state where the motor vehicle was last
20 registered."

21 Section 19. Section 61-1-315, MCA, is amended to read:

22 "61-1-315. Trailer dealer. "Trailer dealer" as used in
23 chapters 3 and 4 shall mean and include means any person,
24 firm, or corporation engaged in whole or in part in the
25 business of buying or selling trailers or semitrailers, with

1 facilities for displaying one or more trailers or
2 semitrailers."

3 Section 20. Section 61-1-316, MCA, is amended to read:

4 "61-1-316. Manufacturer. The term "manufacturer" as
5 ~~used in chapter 3 and part 1 of chapter 4 shall include~~
6 ~~includes~~ any person, firm, corporation, or association
7 engaged in the manufacture of any motor vehicles, trailers,
8 or semitrailers as a regular business."

9 Section 21. Section 61-1-403, MCA, is amended to read:

10 "61-1-403. Official traffic-control devices. "Official
11 traffic-control devices" means all signs, signals, markings,
12 and devices not inconsistent with this ~~act~~ title, placed
13 or erected by authority of a public body or official having
14 jurisdiction, for the purpose of regulating, warning, or
15 guiding traffic. ~~FOR THE PURPOSE OF CHAPTER 8, PART 2, OF~~
16 ~~THIS TITLE, THE TERM ALSO INCLUDES "FLAG PERSON" AS DEFINED~~
17 ~~IN 61-1-411."~~

18 Section 22. Section 61-1-504, MCA, is amended to read:

19 "61-1-504. Revocation. "Revocation" means that the
20 driver's license and privilege to drive a motor vehicle on
21 the public highways are terminated and ~~shall~~ may not be
22 renewed or restored. An application for a new license may be
23 presented and acted upon by the division after the
24 expiration of the period of ~~such~~ the revocation or
25 suspension."

1 ~~NEW SECTION.~~ Section 23. Certificate of ownership.
2 "Certificate of ownership" means the certificate issued by
3 the division of motor vehicles to the transferee upon a
4 transfer of ownership of a motor vehicle.

5 Section 24. Section 61-2-203, MCA, is amended to read:

6 "61-2-203. Equipment requirements continued in force.
7 Provisions of ~~sections 32-21-14 to 32-21-16, inclusive~~
8 ~~Revised 1947~~ chapter 9 of this title shall continue to be
9 of force and in effect. The approval of the legislature is a
10 condition precedent to the taking effect of any rule,
11 regulation, or code that may be ~~issued or~~ adopted by the
12 commission."

13 Section 25. Section 61-2-204, MCA, is amended to read:

14 "61-2-204. State commissioner on vehicle equipment
15 safety commission. ~~The Notwithstanding section 1, chapter~~
16 ~~272, Laws of 1971, the~~ commissioner of this state on the
17 vehicle equipment safety commission ~~shall be~~ is the highway
18 patrol chief who shall serve during his continuance as such
19 officer. The commissioner of ~~this state~~ appointed pursuant
20 to this section may designate an alternate from among the
21 officers and employees of his agency to serve in his place
22 ~~and~~ stead on the vehicle equipment safety commission.
23 Subject to the provisions of the compact and bylaws of the
24 vehicle equipment safety commission, the authority and
25 responsibilities of ~~such~~ the alternate ~~shall be~~ are as

1 determined by the commissioner designating such--~~alternate~~
2 ~~him.~~"

3 Section 26. Section 61-3-101, MCA, is amended to read:
4 "61-3-101. Duties of division of motor vehicles --
5 records. (1) The division of motor vehicles shall keep a
6 record as hereinafter specified of all motor vehicles,
7 trailers, and semitrailers of every kind, and of
8 certificates of registration and ownership thereof, and of
9 all dealers in motor vehicles.

10 (2) In the case of motor vehicles, trailers, and
11 semitrailers, the record shall show the following:

12 (a) name of owner, residence by town and county, and
13 business address;

14 (b) name and address of conditional sales vendor,
15 mortgagee, or other lienholder and amount due under contract
16 or lien;

17 (c) manufacturer of car;

18 (d) manufacturer's designation of style of car or
19 vehicle;

20 (e) identifying number;

21 (f) year of manufacture;

22 (g) character of motive power and shipping weight of
23 car as shown by the manufacturer;

24 (h) the distinctive license number assigned such-car
25 or to the vehicle;

1 (i) if a truck or trailer, the number of tons gross
2 capacity OR G.V.W. IF IMPRINTED ON LICENSE MANUFACTURER'S
3 IDENTIFICATION PLATE;

4 (j) such other information as may from time to time be
5 found desirable.

6 (3) The division shall file applications for
7 registration received by it from the county treasurers of
8 the state and register the vehicles therein described and
9 the owners thereof in suitable books or on index cards, as
10 follows:

11 (a) under the distinctive license number assigned to
12 the vehicle by the county treasurers treasurer;

13 (b) alphabetically under the name of the owners owner;

14 (c) numerically under make and identifying number of
15 the vehicle;

16 (d) such other index of registration as the division
17 shall deem considers expedient.

18 (4) Vehicle registration records and indexes and
19 driver's license records and indexes may be maintained by
20 electronic recording and storage media.

21 (5) In the case of dealers, the records shall show the
22 information contained in the application for dealer's
23 license as required by 61-4-101 through 61-4-105, as well as
24 the distinctive license number assigned to the dealer.

25 (6) In order to prevent an accumulation of unneeded

1 records and files, the division shall have the authority and
 2 it shall be its duty to destroy all records and files which
 3 have ceased to be of any value.

4 (7) The division may establish and maintain a
 5 short-wave radio station in order to report motor vehicle
 6 registration information to the highway patrol, to sheriffs,
 7 and to the chiefs of police of each incorporated city of the
 8 state who are able to communicate with such short-wave radio
 9 station.

10 (8) All such records shall be open to inspection
 11 during all reasonable business hours, and the division shall
 12 furnish any information from said the records upon payment
 13 by the applicant of the cost of transcribing the information
 14 requested.

15 ~~(9) The division shall appoint such deputies,
 16 subordinate officers, clerks, investigators, and other
 17 employees as may be necessary to carry out this chapter,
 18 providing there be selected as many of the clerical help
 19 from the inmates of the state prison as the division
 20 determines to be possible. All office equipment, books,
 21 files, and records belonging to the [motor department] shall
 22 be in the care and general custody and control of the
 23 division at Beer Lodge."~~

24 Section 27. Section 61-3-105, MCA, is amended to read:
 25 "61-3-105. Licensee Registrant as prima facie owner of

1 vehicle. ~~Licensee of motor vehicle shall prima facie be~~
 2 ~~deemed owner thereof.~~ For the purpose of this ~~act~~ title,
 3 ~~except as provided by 61-3-701(3)~~ the person appearing on
 4 the public records as ~~licensee~~ the registrant of any motor
 5 vehicle shall prima facie be deemed the owner thereof."

6 Section 28. Section 61-3-106, MCA, is amended to read:
 7 "61-3-106. Report of stolen and recovered motor
 8 vehicles. It shall be the duty of the sheriff of every
 9 county of the state and of the chief of police or
 10 commissioner of police of every city to make immediate
 11 report to the division of all motor vehicles reported to him
 12 as stolen or recovered, upon forms provided for by the
 13 division. Failure on the part of any officer shall be deemed
 14 considered to be misfeasance in office and shall constitute
 15 grounds for removal. Upon receipt of such information, the
 16 division shall file the ~~same~~ it in an index to be known as
 17 the "stolen and recovered motor vehicle index". It shall
 18 also be the duty of the division to file reports of stolen
 19 and recovered motor vehicles reported to it from other
 20 states. The division shall prepare once a month a list of
 21 all motor vehicles stolen or recovered during the previous
 22 month and forward a copy of the ~~same~~ it to every sheriff and
 23 all police departments in cities of the first, second, and
 24 third class. ~~Such~~ The list shall also be forwarded to the
 25 secretary of state or other proper official in each state of

1 the United States. Before issuing a certificate of ~~title~~
 2 ~~heretofore---provided~~ ownership, the ~~secretary--of--state~~
 3 division shall check the motor and serial number on the
 4 motor vehicle to be registered against the "stolen and
 5 recovered vehicle index".

6 Section 29. Section 61-3-201, MCA, is amended to read:

7 "61-3-201. Transfer of ~~title~~-or interest. (1) Upon a
 8 transfer of any ~~title~~-or interest of-an-owner in or-to a
 9 motor vehicle registered under the provisions of this
 10 chapter ~~as--hereinafter-required~~, the person whose ~~title~~-or
 11 interest is to be transferred shall write his signature with
 12 pen and ink upon the certificate of ownership issued for
 13 such vehicle in the appropriate space provided upon the
 14 reverse side of ~~such~~ the certificate, and ~~such~~ his signature
 15 shall be acknowledged before a notary public.

16 (2) Within 20 calendar days thereafter, the transferee
 17 shall forward both the ~~endorsed~~ certificate of ownership so
 18 ~~endorsed~~ and the certificate of registration, together with
 19 the information required under 61-3-202, to the county
 20 treasurer, who shall forward ~~the--same~~ them to the division,
 21 ~~and--no~~ No certificate of ownership and ~~or~~ certificate of
 22 registration may be issued by the division until the
 23 outstanding certificates are surrendered to that office or
 24 their loss is established to its reasonable satisfaction.
 25 Failure to make ~~such~~ application within the 20-day grace

1 period subjects the transferee to a penalty of \$10. The
 2 penalty is to be collected by the county treasurer at the
 3 time of registration and is in addition to the fees
 4 otherwise provided by law.

5 (3) In the event of a transfer by operation of law of
 6 any ~~title~~-or interest of-an-owner--of--the--legal--title--or
 7 owner in and-to a motor vehicle as upon inheritance, devise,
 8 or bequest, order in bankruptcy or insolvency, execution
 9 sale, repossession upon default in the performance of the
 10 terms of a lease or executory sales contract, or otherwise
 11 than by voluntary act of the person whose title or interest
 12 is so transferred, the executor, administrator, receiver,
 13 trustee, sheriff, or other representative or successor in
 14 interest of the person whose ~~title~~-or interest is so
 15 transferred shall forward to the division an application for
 16 registration a certificate of ownership in the form required
 17 for an original application for registration a certificate
 18 of ownership, together with a verified or certified
 19 statement of the transfer of such ~~title~~-or interest. Such
 20 the statement shall set forth the reason for ~~such~~ the
 21 involuntary transfer, the ~~title~~-or interest so transferred,
 22 the name or--names of the person or-persons to whom ~~such~~
 23 ~~title~~-or the interest is to be transferred, the process of
 24 procedure effecting such transfer, and ~~such~~ other
 25 information ~~as--may--be~~ requested by the division. Such

1 evidence ~~Evidence~~ and instruments ~~as--may~~ otherwise be
 2 required by law to effect a transfer of legal or equitable
 3 title to or an interest in chattels as may be required in
 4 such cases shall be furnished with such ~~the~~ statement. In
 5 ~~the--event~~ ~~if~~ the division ~~shall--be~~ ~~is~~ satisfied that such
 6 ~~the~~ transfer is regular and that all formalities as required
 7 by law have been complied with, it shall ~~cause--to--be--sent~~
 8 ~~send~~ to the owner, conditional sales vendors ~~vendor~~, lessors
 9 ~~lessor~~, mortgagees ~~mortgages~~, and other lienors ~~lienor~~, as
 10 shown by its records, notice of such ~~the~~ intended transfer
 11 and thereafter, but not less than 5 days thereafter, shall
 12 ~~register--such--motor--vehicle--and--shall~~ issue a new
 13 certificate of ownership and certificate of registration to
 14 the person ~~or--persons~~ entitled thereto. The notice herein
 15 required ~~shall--be--deemed~~ ~~is~~ complied with by deposit in the
 16 post office in Deer Lodge, Montana, such notice, postage
 17 prepaid, addressed to such ~~the~~ person ~~or--persons~~ at the
 18 respective addresses ~~address~~ shown on its records.

19 (4) When the vehicle ~~title~~ certificate of ownership
 20 that is involuntarily transferred is not registered in this
 21 state, the procedure set forth above must be followed in
 22 applying for a new certificate of ownership and certificate
 23 of registration, but the division need not send notice of
 24 intended transfer and shall issue a new certificate of
 25 ownership and a new certificate of registration to the

1 person entitled thereto.

2 (5) In the event of the death of an owner of one or
 3 more motor vehicles ~~and/or--trailer--and/or--semitrailer--and/or~~
 4 ~~housetrailer~~ or trailers or semitrailers or housetrailers
 5 registered hereunder and not exceeding the value of \$4,000,
 6 without leaving other property necessitating the procuring
 7 of letters of administration or letters testamentary, then
 8 the surviving husband or wife or other heir, unless such
 9 property is by will otherwise bequeathed, may secure
 10 transfer of the certificate of ownership and the certificate
 11 of registration of the deceased, ~~in--and~~ to such motor
 12 vehicle in the name of the surviving husband or wife or
 13 other heir, as above mentioned, upon filing with the
 14 division an affidavit ~~of--such--person~~ setting forth the fact
 15 of survivorship and the name and address of any other heirs
 16 and such other facts as are hereby made necessary to entitle
 17 the affiant to a transfer. Thereupon the division is
 18 authorized to make such ~~the~~ transfer of the certificate of
 19 ownership and certificate of registration, subject to all
 20 contracts, leases, mortgages, or other liens as shown by his
 21 its records.

22 (6) Nothing in subsection (5) shall prevent any
 23 conditional sales vendor, mortgagee, or other lienor from
 24 assigning his interest ~~or--title~~ in ~~or--to~~ a motor vehicle
 25 registered under the provisions of this chapter to any other

1 person without the consent of and without effecting
 2 ~~effecting~~ the interest of the holder of the certificate of
 3 ownership and certificate of registration. Upon any
 4 conditional sales vendor, mortgagee, or other lienor
 5 assigning his interest in any motor vehicle registered under
 6 this chapter, a copy of such assignment must be filed with
 7 the division and record thereof made upon ~~his~~ its records.

8 (7) The certificates of ownership shall remain valid
 9 until canceled by the division upon a transfer of any
 10 interest shown therein and need not be renewed annually.

11 ~~{8}--Every--person--who--transfers--any--motor--vehicle--to--a
 12 junk--dealer--for--the--purpose--of--scrapping--said--the--vehicle
 13 shall--so--notify--the--division--and--deliver--the--certificate--of
 14 ownership--and--certificate--of--registration--to--the--division
 15 for--cancellation--"~~

16 Section 30. Section 61-3-202, MCA, is amended to read:

17 "61-3-202. Certificate of ownership ~~==issuance~~ ==
 18 ~~contents ==joint_ownership~~ issuance. (1) Upon completion
 19 of the application for registration, on forms furnished by
 20 the division, the county treasurer shall forward one copy of
 21 the application to the division, which shall ~~cause--to--be~~
 22 entered ~~enter~~ the information contained in said ~~the~~
 23 application upon the corresponding records of its office and
 24 shall furnish the applicant a certificate of ownership
 25 subject to the provisions of 61-3-103.

1 (2) The certificate of ownership shall contain upon
 2 the face thereof:

3 (a) the date issued;

4 ~~{b}--the--registration--number--assigned--to--the--owner--and
 5 the--vehicle~~

6 ~~{c}{b}~~ the name and complete address of the owner, or
 7 the names and addresses of joint owners;

8 ~~{d}{c}~~ the name and complete address of any
 9 conditional sales vendor, and also the name and address of
 10 any other lienor as shown by said ~~the~~ application;

11 ~~{e}{d}~~ a description of the registered vehicle,
 12 including the year built and serial number, if any;

13 ~~{f}{e}~~ any lien against such motor vehicle and the
 14 amount due at the date of registration; and

15 ~~{g}{f}~~ such other statement of facts as may be
 16 determined by the division.

17 (3) when the names and addresses of more than one
 18 owner who are members of the same immediate family are
 19 listed on the certificate of ownership, joint ownership with
 20 right of survivorship, and not as tenants in common, is
 21 presumed.

22 (4) Upon receipt of the application, the division
 23 shall ~~make--a~~ recheck of the application, ~~and--in--the--event~~
 24 that ~~if~~ there is any error in the application it may be
 25 returned to the county treasurer to effectively secure the

1 correction of such error, who shall return the same to the
2 division.

3 (5) The certificate of ownership shall contain a form
4 of notice to the division of a transfer of title or interest
5 of the owner and such other statement-on-forms ~~statements~~ as
6 may be determined by the division."

7 Section 31. Section 61-3-301, MCA, is amended to read:

8 "61-3-301. Registration -- license plate required --
9 ~~display.~~ (1) Except as otherwise provided herein, no person
10 shall operate a motor vehicle upon the public highways of
11 this state ~~without a license and unless such vehicle shall~~
12 ~~have been~~ is properly registered and shall ~~have~~ has the
13 proper number plates conspicuously displayed, one on the
14 front and one on the rear of such ~~the~~ vehicle, each securely
15 fastened ~~so as to prevent the same~~ it from swinging, and
16 unobstructed from plain view, except that trailers, ~~and~~
17 ~~semitrainers~~ SEMITRAILERS, AND MOTORCYCLES shall have but
18 one number plate conspicuously displayed on the rear. No
19 person shall display on such vehicle at the same time any
20 number assigned to it under any motor vehicle law, except as
21 provided in this chapter ~~otherwise provided~~. A junk vehicle,
22 as defined in part 5, chapter 10, Title 75, being driven or
23 towed to an auto wrecking graveyard for disposal is exempt
24 from the provisions of this section.

25 (2) No person shall purchase or display on such a

1 vehicle any license plate bearing the number assigned to any
2 county as provided in 61-3-332, other than the county of his
3 permanent residence at the time of application for
4 registration. ~~Provided, however, that~~ However, the owner of
5 any motor vehicle requiring a license plate on any motor
6 vehicle used in the public transportation of persons or
7 property may make application therefor in any county through
8 which ~~said the~~ motor vehicle passes in its regular regularly
9 scheduled route, and the license plate so issued bearing the
10 number assigned to said county may be displayed on ~~said the~~
11 motor vehicle in any other county of the state.

12 (3) It shall ~~be~~ is unlawful to use license plates
13 issued to one vehicle on any other vehicle, trailers
14 ~~trailer,~~ or ~~semitrainers~~ semitrailer unless legally
15 transferred as provided by statute, or ~~repainting to repaint~~
16 old license plates to resemble current license plates.

17 (4) Any person violating these provisions shall ~~be~~
18 ~~deemed~~ is guilty of a misdemeanor and shall ~~be~~ subject to
19 the penalty as set out in 61-3-704 ~~61-3-601~~."

20 Section 32. Section 61-3-317, MCA, is amended to read:

21 "61-3-317. New registration required for transferred
22 vehicle -- grace period -- penalty -- display of proof of
23 purchase. ~~It~~ Except as otherwise provided herein, the new
24 owner of the ~~a~~ transferred motor vehicle shall have the a
25 grace period of 20 calendar days from the date of purchase

1 to make application and pay the taxes, as provided by part 5
 2 of this chapter, as if the ~~same was~~ vehicle were being
 3 registered for the first time in that registration year. If
 4 the motor vehicle was not purchased from a duly licensed
 5 motor vehicle dealer as provided in this chapter, it shall
 6 not be is not a violation of this chapter or any other law
 7 for the purchaser to operate the vehicle upon the streets
 8 and highways of this state without a certificate of
 9 registration during the 20-day period, provided that at
 10 all times during that period a bill of sale or other proof
 11 of purchase reciting the date of purchase shall be is
 12 clearly displayed in the rear window of the motor vehicle.
 13 Registration and license fees collected under 61-3-321 are
 14 not required to be paid when a license plate is transferred
 15 under this section and 61-3-335. Failure to make
 16 application within the time provided herein shall subject
 17 subjects the purchaser to a penalty of \$10. The penalty
 18 shall be collected by the county treasurer at the time of
 19 registration and shall be in addition to the fees otherwise
 20 provided by law.

21 ~~(2) Any purchaser of a new or used motor vehicle from~~
 22 ~~a duly licensed motor vehicle dealer shall have the grace~~
 23 ~~period of 20 calendar days from the date of purchase to make~~
 24 ~~application for registration and to obtain registration~~
 25 ~~plates and it shall not be a violation of this chapter or~~

1 ~~any other law for such purchaser to operate such vehicle~~
 2 ~~upon the streets and highways of this state without a~~
 3 ~~certificate of registration and registration plates during~~
 4 ~~the 20-day period provided that at all times during said~~
 5 ~~period the sticker issued by the dealer at the time of~~
 6 ~~purchase shall remain affixed to said vehicle as provided in~~
 7 ~~61-4-111. Failure to make such application within the time~~
 8 ~~provided herein subjects the purchaser to a penalty of \$10.~~
 9 ~~The penalty is to be collected by the county treasurer at~~
 10 ~~the time of registration and is in addition to the fees~~
 11 ~~otherwise provided by law."~~

12 Section 33. Section 61-3-321, MCA, is amended to read:
 13 "61-3-321. Registration fees of vehicles -- ~~public~~
 14 ~~owned~~ public-owned vehicles exempt from license or
 15 registration fees -- disposition of fees. (1) Registration
 16 or license fees shall be paid upon registration or
 17 reregistration of motor vehicles, trailers, housetrailer, and
 18 semitrailers, in accordance with this chapter, as
 19 follows:

- 20 (a) motor vehicles weighing 2,850 pounds or under
 21 [other than motortrucks], \$5;
 22 (b) motor vehicles weighing over 2,850 pounds [other
 23 than motortrucks], \$10;
 24 (c) electrically driven passenger vehicles, \$10;
 25 (d) all motorcycles, \$2;

1 (e) tractors and/or trucks, \$10;
 2 (f) buses shall be classed as motortrucks and licensed
 3 accordingly;
 4 (g) trailers and semitrailers less than 2,500 pounds
 5 maximum gross loaded weight and housetrailers of all
 6 weights, \$2;
 7 (h) trailers and semitrailers over 2,500 up to 6,000
 8 pounds maximum gross loaded weight, [except housetrailers],
 9 \$5;
 10 (i) trailers and semitrailers over 6,000 pounds
 11 maximum gross loaded weight, \$10;
 12 (j) trailers used exclusively in the transportation of
 13 logs in the forest or in the transportation of oil and gas
 14 well machinery, road machinery, and or bridge ~~motor~~
 15 ~~exclusively materials~~, new and secondhand, ~~and trailers used~~
 16 ~~exclusively for the transportation of road machinery and~~
 17 ~~bridge materials~~, shall pay a fee of \$15 annually,
 18 regardless of size or capacity;
 19 (k) bicycles with motor attachment, \$1.
 20 (2) All rates shall be 25% higher for motor vehicles,
 21 trailers, and semitrailers when not equipped with pneumatic
 22 tires.
 23 (3) ~~Tractors "Tractor"~~, as specified in this section,
 24 shall ~~mean~~ mean any motor vehicle except passenger cars
 25 used for towing a trailer or semitrailer.

1 (4) If any motor vehicle, housetrailer, trailer, or
 2 semitrailer is originally registered 6 months after the time
 3 of registration as set by law, the registration or license
 4 fee for the remainder of such ~~the~~ year shall be one-half of
 5 the regular fee above-given.
 6 (5) When a new plate is issued, an additional fee of
 7 \$1 per year for each registration of a vehicle shall be
 8 added to the registration fee. Revenue from this fee shall
 9 be forwarded by the respective county treasurers to the
 10 state treasurer for deposit in the motor vehicle recording
 11 account of the earmarked revenue fund. ~~Disbursements from~~
 12 ~~the motor vehicle recording account shall be made by warrant~~
 13 ~~drawn by the division~~.
 14 (6) The provisions of this part with respect to the
 15 payment of registration fees shall not apply to or be
 16 binding upon motor vehicles, trailers or semitrailers, or
 17 tractors owned or controlled by the United States of America
 18 or any state, county, or city, ~~but in all other respects~~
 19 ~~the provisions of this section shall be applicable to and~~
 20 ~~binding upon motor vehicles, tractors, trailers, and~~
 21 ~~semitrailers~~.
 22 (7) The provisions of this section relating to the
 23 payment of registration fees do not apply when number plates
 24 are transferred to a replacement vehicle under 61-3-317(1),
 25 61-3-332(7), and or 61-3-335.

1 ~~{8}--All--fees--other--than--license--fees--unless~~
 2 ~~otherwise--specifically--provided--shall--hereafter--be~~
 3 ~~deposited--in--and--paid--into--the--earmarked--revenue--fund--and~~
 4 ~~shall--be--used--to--pay--all--salaries--operating--expenses--and~~
 5 ~~all--other--expenses--of--the--division--including--the~~
 6 ~~manufacturer--and--delivery--of--license--plates--Any--reference~~
 7 ~~in--this--code--to--the--motor--vehicle--recording--fund--or--the~~
 8 ~~motor--vehicle--administration--fund--shall--be--taken--to--mean--the~~
 9 ~~motor--vehicle--recording--account--in--the--earmarked--revenue~~
 10 ~~fund."~~

11 NEW_SECTION. Section 34. Disposition of fees -- use.
 12 All fees payable to the division shall be deposited in a
 13 motor vehicle recording account of the earmarked revenue
 14 fund, and shall be used to pay all salaries, operating
 15 expenses, and other expenses of the division, including the
 16 manufacture and delivery of license plates.

17 Section 35. Section 61-3-322, MCA, is amended to read:

18 "61-3-322. Certificates of registration -- issuance.

19 (1) Upon completion of the application for registration on
 20 forms furnished by the division, the county treasurer shall
 21 file one copy in his office and issue to the applicant two
 22 copies of the application marked "Owner's Certificate of
 23 Registration and Tax Receipt", one of which shall be marked
 24 "file copy".

25 (2) The certificate of registration shall contain upon

1 the face thereof:

2 (a) the date issued;

3 (b) the registration number assigned to the owner and
 4 the vehicle;

5 (c) the name and complete address of the owner or the
 6 names and addresses of joint owners;

7 (d) the name and complete address of any conditional
 8 sales vendor and also the name and address of any other
 9 lienor as shown by said ~~the~~ application;

10 (e) a description of the registered vehicle, including
 11 the year built and serial number, if any;

12 (f) any lien against such ~~the~~ motor vehicle and the
 13 amount due at the date of registration; and

14 (g) such ~~any~~ other statement of facts as may be
 15 determined by the division.

16 (3) Every owner, upon receiving a registration
 17 receipt, shall write his signature thereon with pen and ink
 18 in the space provided. Every such registration receipt or a
 19 notarized photostatic copy thereof or a duplicate thereof
 20 furnished by the division shall at all times be carried in
 21 the vehicle to which it refers or shall be carried by the
 22 person driving or in control of such vehicle, who shall
 23 display ~~the same it~~ upon demand of a police officer or any
 24 officer or employee of the division or the highway
 25 department.

1 (4) Upon receipt of application for registration, in
2 quintuplet, and payment of license fees and taxes as herein
3 provided, the county treasurer shall:

4 (a) file one copy of said application in his office;
5 (b) issue to the applicant two copies of the
6 application entitled "Owner's Certificate of Registration
7 and Tax Receipt" one of which shall be marked "file copy";
8 and

9 (c) forward one copy to the county clerk and recorder.
10 (5)(4) The county treasurer shall daily forward to the
11 division one copy of the application all applications for
12 registration received that day.

13 (6)(5) It shall not be necessary for the county
14 treasurer in said receipt to segregate the amount of said
15 taxes for state, county, school district, and municipal
16 purposes in the receipt."

17 Section 36. Section 61-3-405, MCA, is amended to read:

18 "61-3-405. Application for personalized plates --
19 duplication ---- good taste. An applicant for issuance of
20 personalized license plates or renewal of such plates in
21 subsequent years pursuant to 61-3-401 through 61-3-406 shall
22 file an application therefor in such the form and by such
23 the date as the department may require division requires,
24 indicating thereon the combination of letters or numbers, or
25 both, requested as a registration number. There shall be no

1 duplication of registration numbers, and the division may
2 refuse to issue any combination of letters or numbers, or
3 both, that may carry connotations offensive to good taste
4 and decency or which would be are misleading or a
5 duplication of license plates provided for elsewhere in this
6 title."

7 Section 37. Section 61-3-411, MCA, is amended to read:

8 "61-3-411. Registration of motor vehicles owned and
9 operated solely as collectors' items. (1) Any an owner of a
10 motor vehicle manufactured in 1933 or earlier or
11 manufactured in 1934 or later and more than 30 years old,
12 used solely as a collectors' item and not for general
13 transportation purposes, may file with the division an
14 application for the registration of such the 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. Said the application shall be sworn to before an
23 officer authorized to administer oaths.

24 (2) The registration fee for all such motor vehicles
25 weighing 2,850 pounds or less shall be is \$5, and the

1 registration fee for all such motor vehicles weighing more
2 than 2,850 pounds ~~shall be~~ is \$10.

3 (3) Upon receipt of ~~said the~~ application for
4 registration and payment of the registration fee, ~~above~~
5 ~~provided--for~~ the division shall file ~~said the~~ application
6 and register the motor vehicle therein described in the
7 manner specified in 61-3-101~~v~~ and shall deliver to the
8 applicant:

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

12 (b) for motor vehicles manufactured in 1934 or later
13 and more than 30 years old, two license plates bearing the
14 inscription "Vintage--Montana" and the registration number.

15 ~~(4)~~The year of issuance shall not be shown on the
16 plates.

17 ~~(4)(5)~~ No-annual ~~Annual~~ renewal of the registration of
18 any such motor vehicle ~~shall be~~ is not required, and the
19 ~~same--shall--be~~ registration is valid as long as the vehicle
20 is in existence; provided, however, that upon any sale of
21 such motor vehicle, the purchaser ~~shall be~~ is required to
22 renew the registration thereof and pay the license fees
23 hereinbefore specified."

24 Section 38. Section 61-3-502, MCA, is amended to read:

25 "61-3-502. Sales tax on new motor vehicles --

1 exemptions. (1) In consideration of the right to use the
2 highways of the state, there ~~shall be~~ is imposed a tax upon
3 all sales of new motor vehicles for which a license is
4 sought and an original application for title is made. The
5 tax shall be paid by the purchaser when he applies for his
6 original Montana license through the county treasurer.

7 (2) The sales tax shall be:

8 (a) 1 1/2% of the ~~FvBvBv~~ ~~factory~~ list price or
9 ~~FvBvBv--port--of--entry~~ ~~factory~~ list price,
10 during the first quarter of the year or prorated one-twelfth
11 for each month or part of month for a registration period
12 other than a calendar year or calendar quarter;

13 (b) 1 1/8% of the list price during the second quarter
14 of the year;

15 (c) 3/4 of 1% during the third quarter of the year;

16 (d) 3/8 of 1% during the fourth quarter of the year.

17 (3) If the manufacturer or importer fails to furnish
18 the ~~FvBvBv~~ ~~factory~~ list price or ~~FvBvBv--port-of-entry~~
19 ~~factory~~ list price, the department ~~division~~ may
20 use published price lists.

21 (4) The proceeds from this tax shall be remitted to
22 the state treasurer every 30 days for credit to the state
23 highway account of the earmarked revenue fund.

24 (5) The new vehicle is not subject to any other
25 assessment or taxation during the calendar year in which the

1 original application for title is made.

2 (6) (a) The applicant for original registration of any
3 wholly new and unused motor vehicle~~s~~ or a new motor vehicle
4 furnished without charge by the a dealer to the a school
5 district for use as a traffic education motor vehicle by a
6 school district operating a state-approved traffic education
7 program within the state, whether or not previously licensed
8 or titled to the school district~~v~~ [except a mobile home as
9 defined in 15-1-101(1)], acquired by original contract after
10 January 1 of any year~~s~~ shall-be is required, whenever such
11 the vehicle has not been otherwise assessed, to pay the
12 motor vehicle sales tax provided by this section
13 irrespective of whether the vehicle was in the state of
14 Montana on January 1 of the year.

15 (b) No such motor vehicle may be registered or
16 licensed under the provisions of this subsection unless the
17 application for registration is accompanied by a statement
18 of origin to be furnished by the dealer selling the vehicle,
19 showing that the vehicle has not previously been registered
20 or owned, except as otherwise provided herein, by any
21 person, firm, corporation, or association that is not a new
22 motor vehicle dealer holding a franchise or distribution
23 agreement from a new car manufacturer, distributor, or
24 importer.

25 (7) (a) Motor vehicles operating exclusively for

1 transportation of persons for hire within the limits of
2 incorporated cities or towns and within 15 miles from such
3 limits are exempt from subsection (1).

4 (b) Motor vehicles brought or driven into Montana by a
5 nonresident~~s~~ migratory~~s~~ bona fide agricultural worker
6 temporarily employed in agricultural work in this state
7 where those motor vehicles are used exclusively for
8 transportation of agricultural workers are also exempt from
9 subsection (1).

10 (c) Vehicles lawfully displaying a licensed dealer's
11 plate as provided in 61-4-102 ~~61-4-103~~ are exempt from
12 subsection (1) when moving to or from a dealer's place of
13 business when untaden unloaded or taden loaded with dealer's
14 property only, and in the case of vehicles having a gross
15 taden loaded weight of less than 24,000 pounds, while in-the
16 process-of-demonstration being-demonstrated in the course of
17 the dealer's business."

18 Section 39. Section 61-3-503, MCA, is amended to read:

19 "61-3-503. Assessment. (1) A person who files an
20 application for registration or reregistration of a motor
21 vehicle, except of a mobile home as defined in 15-1-101(1),
22 shall before filing such application with the county
23 treasurer submit the some application to the county assessor
24 of-the-county. The county assessor shall enter on the
25 application in a space to be provided for that purpose the

1 market value and taxable value of the vehicle for the year
2 for which the application for registration is made.

3 (2) Except as provided in subsection (3), motor
4 vehicles, except mobile homes as defined in 15-1-101(1), are
5 assessed for taxes on January 1 in each year irrespective of
6 the time fixed by law for the assessment of other classes of
7 personal property and irrespective of whether the levy and
8 tax may be a lien upon real property within the state. In no
9 event may any motor vehicle be subject to assessment, levy,
10 and taxation more than once in each year.

11 (3) Vehicles subject to the provisions of 61-3-313
12 through 61-3-316 shall be assessed as of the first day of
13 the year in which the registration period occurs and a lien
14 for taxes and fees due thereon shall occur on the
15 anniversary date of the registration and shall continue
16 thereafter until such fees and taxes shall have been paid."

17 Section 40. Section 61-3-505, MCA, is amended to read:

18 "61-3-505. Payment of taxes ---record. ~~††~~ Upon
19 accepting application for registration or reregistration of
20 any motor vehicle which is subject to taxation in this state
21 on January 1 in any year and upon payment of taxes, the
22 county treasurer shall stamp on the application: "taxes on
23 this vehicle due January 1 of current year paid by
24 applicant, prior applicant, or owner, and this vehicle is
25 eligible for registration". Upon accepting application for

1 registration of any motor vehicle which was not subject to
2 taxation in this state on January 1 in any year, the county
3 treasurer shall indicate the fact by proper entry on the
4 application.

5 ~~††--The--division--may--make--proper--entry--of--the--payment~~
6 ~~of--taxes--in--accord--with--the--facts--on--any--certificate--of~~
7 ~~title--to--a--motor--vehicle."~~

8 Section 41. Section 61-3-508, MCA, is amended to read:

9 "61-3-508. Junk vehicle disposal fee. A special junk
10 vehicle disposal fee shall be assessed on each new
11 application for a motor vehicle title and on each transfer
12 of a motor vehicle title in the amount of \$1.50 on passenger
13 cars and trucks under 8,001 pounds GVW. An additional
14 special junk vehicle disposal fee shall be assessed in the
15 amount of 50 cents on each passenger car and truck under
16 8,001 pounds GVW registered for licensing. The fees shall be
17 collected by the county treasurer. However, the following
18 are exempt from payment of the fees:

19 (1) vehicles leased or owned by the state or by a
20 county or municipality;

21 (2) vehicles used for transportation by nonresident,
22 migratory workers temporarily employed in agricultural work
23 in this state;

24 (3) vehicles displaying dealers' dealer's license
25 plates, as provided in ~~[53-122]~~ 61-4-103, while owned by a

1 dealer; and

2 (4) housetrailer or equipment which are ~~is~~ not
3 self-propelled or which ~~require~~ requires towing upon a
4 highway of this state."

5 Section 42. Section 61-3-601, MCA, is amended to read:

6 "61-3-601. Penalty for violations. ~~The~~ Except as
7 otherwise provided, a violation of any of the provisions of
8 ~~61-3-101, 61-3-107, 61-3-201, 61-3-202, 61-3-301, 61-3-302,~~
9 ~~61-3-303, 61-3-311, 61-3-312, 61-3-322, 61-3-331, 61-3-332,~~
10 ~~61-3-333, 61-3-411, 61-3-421, 61-3-425, 61-3-503, 61-3-504,~~
11 ~~61-3-505, or 61-3-509, shall constitute this chapter is~~ a
12 misdemeanor and ~~shall be~~ is punishable by a fine not
13 exceeding \$25. ~~Nothing herein--contained--shall--prevent~~
14 contained herein prevents the prosecution of a person for an
15 offense committed under any other law."

16 Section 43. Section 61-3-602, MCA, is amended to read:

17 "61-3-602. Enforcement. It is ~~hereby made~~ mandatory
18 upon all police and peace officers of the state, of the
19 counties of the state, and of towns, cities, and villages to
20 carry out the provisions of this chapter and 61-4-101
21 through 61-4-105 ~~and the sections listed in 61-3-601.~~"

22 Section 44. Section 61-3-603, MCA, is amended to read:

23 "61-3-603. Penalty for alteration or forgery of
24 certificate of title ownership or assignment thereof. Any
25 person who ~~shall after~~ alters or forges forges or cause

1 ~~causes~~ to be altered or forged any motor vehicle certificate
2 of title ownership or any assignment thereof or who ~~shall~~
3 ~~hold~~ holds or use uses any such certificate or assignment
4 knowing ~~the same is~~ to have been altered or forged ~~shall be~~
5 deemed is guilty of a felony, and upon which conviction
6 thereof ~~shall be liable to pay~~ is subject to a fine of not
7 more than \$5,000 or to imprisonment in any penal institution
8 within the state for a period of not more than 10 years, or
9 both, in the discretion of the court."

10 Section 45. Section 61-3-604, MCA, is amended to read:

11 "61-3-604. Penalty for altering identification number.
12 (1) A person who willfully removes or falsifies an
13 identification number of a motor vehicle or engine--for--
14 motor vehicle engine is guilty of a misdemeanor.

15 (2) Any person or persons, firm, or corporation which
16 ~~shall set~~ sells or offer offers for sale in this state a
17 vehicle, the original engine vehicle identification number
18 of which has been destroyed, removed, altered, covered, or
19 defaced, with the exception of electrically propelled
20 vehicles, ~~shall be deemed is~~ guilty of a misdemeanor and
21 upon conviction thereof shall be punished by a fine of not
22 less than \$200 or more than \$500 and by imprisonment in the
23 county jail for a term of not less than 30 days or more than
24 180 days, and--upon upon a second or subsequent conviction
25 under this subsection, the punishment shall be imprisonment

1 in the state prison for a term of not less than 1 year or
2 more than 5 years."

3 Section 46. Section 61-3-701, MCA, is amended to read:

4 "61-3-701. Foreign vehicles used in gainful occupation
5 to be registered -- reciprocity. (1) Before any foreign
6 licensed motor vehicle ~~shall~~ may be operated on the highways
7 of this state for hire, compensation, or profit, or before
8 the owner and/or user thereof uses the vehicle if such owner
9 and/or user is engaged in gainful occupation or business
10 enterprise in the state, including highway work, the owner
11 of ~~such the~~ vehicle shall make application to a county
12 treasurer for registration, upon an application form
13 furnished by the division. Upon satisfactory evidence of
14 ownership submitted to ~~such the~~ county treasurer and the
15 payment of property taxes as ~~is~~ required by 15-8-201 through
16 15-8-203 or 15-24-301, the treasurer shall accept the
17 application for registration and shall collect the regular
18 license fee required for the vehicle.

19 (2) The treasurer shall thereupon issue to the
20 applicant a copy of the application entitled "Owner's
21 Certificate of Registration ~~and Tax~~ Receipt" and forward a
22 duplicate copy of certificate ~~of--registration~~ to the
23 division. The treasurer shall at the same time issue to the
24 applicant the proper license plates or other identification
25 markers, which shall at all times be displayed upon ~~such the~~

1 vehicle when operated or driven upon roads and highways of
2 this state during the period of the life of ~~such the~~
3 license.

4 (3) The registration receipt shall not constitute
5 evidence of ownership, but shall ~~only~~ be used only for
6 registration purposes. No Montana certificate of ~~title~~
7 ownership shall be issued for this type of registration.

8 (4) This section ~~shall~~ is not be applicable to any
9 vehicle covered by a valid and existing reciprocal agreement
10 or declaration entered into under the provisions of the laws
11 of Montana."

12 Section 47. Section 61-4-101, MCA, is amended to read:

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

1 information therein contained in it shall be verified by the
 2 Montana highway patrol. Each application must be accompanied
 3 by the license fee hereinafter named specified. Dealer's A
 4 dealer's license must be renewed and paid for annually, and
 5 an application for relicensing relicensure must be filed not
 6 later than January 1 of each year.

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

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

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

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

22 (iii) state the name and make of all motor vehicles
 23 handled and the name and address of the manufacturer,
 24 importer, or distributor with whom the applicant has a
 25 written new motor vehicle franchise or sales agreement;

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

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

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

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

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

23 (ii) a certificate to the effect that the applicant is
 24 a bona fide dealer in used motor vehicles, trailers,
 25 semitrailers, special mobile equipment, or motorcycles.

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

17 Section 48. Section 61-4-104, MCA, is amended to read:

18 "61-4-104. Record of ~~purchase~~ or sale. Every dealer
 19 licensed under 61-4-101 shall keep a book or record of the
 20 ~~purchase~~ or ~~sale~~ purchases, sales or exchange ~~exchanges~~, or
 21 receipt ~~receipts~~ for the purpose of sale of any used
 22 ~~vehicle~~ vehicles and a description of such vehicles,
 23 together with the name and address of the seller, of the
 24 purchaser, and of the alleged owner or other person from
 25 whom such ~~each~~ vehicle was purchased or received, or to whom

1 it was sold or delivered, as the case may be. Such ~~the~~
 2 description in the case of motor vehicles shall also include
 3 the engine number, if any, the maker's number, if any,
 4 chassis number, if any, and such other numbers or
 5 identification marks as ~~may--be~~ appear thereon and shall
 6 include a statement that a number has been obliterated,
 7 defaced, or changed if such is the fact. In the case of a
 8 trailer, semitrailer, or special mobile equipment, the
 9 record shall include the manufacturer's number and such
 10 other numbers or identification marks as ~~may--be~~ appear
 11 thereon. He ~~the dealer~~ shall also have in his possession a
 12 duly assigned certificate of ~~title ownership~~ from the owner
 13 of ~~said the~~ motor vehicle ~~in accordance with the provisions~~
 14 ~~of another section of this act~~ from the time when the
 15 motor vehicle is delivered to him until it has been disposed
 16 of by him."

17 Section 49. Section 61-4-113, MCA, is amended to read:

18 "61-4-113. New motor vehicles towed into state to be
 19 labeled. (1) Any firm, person, corporation, or association
 20 ~~of persons~~ or any employee ~~of such or any of such~~ of their
 21 ~~employees~~ offering for sale or carrying on the business of
 22 selling new motor vehicles in the state of Montana shall be
 23 required to prominently label any motor vehicle which has
 24 been driven under its own power, pushed, towed, or propelled
 25 by any other means to sufficiently identify it from other

1 new vehicles that have not been so driven, pushed, or towed
 2 and shall be required to furnish the purchaser of any such
 3 motor vehicle with a certificate, on a printed form to be
 4 furnished by the ~~[registrars-of-motor-vehicles]~~ division
 5 upon request by such dealers, showing the actual number of
 6 miles such ~~the~~ motor vehicle has been driven under its own
 7 power and the number of miles such ~~the~~ vehicle has been
 8 pushed, towed, or otherwise propelled upon its own wheels.
 9 Any firm, person, corporation, or association of persons or
 10 employee--of--such-or-any-of-such ~~any_of_their_employees~~ who
 11 fails to so prominently label and ~~issue such the~~ certificate
 12 or who knowingly issues a certificate that is untrue and
 13 calculated to mislead the purchaser ~~shall-be~~ is guilty of a
 14 misdemeanor.

15 (2) The provisions of this section ~~shall--not~~ do not
 16 apply to motor vehicles during the period or of time that
 17 such motor vehicles are used for bona fide demonstrating
 18 purposes."

19 Section 50. Section 61-4-114, MCA, is amended to read:

20 "61-4-114. Demonstration of trucks and trailers
 21 authorized -- dealer's plate to be used -- exemptions. (1) A
 22 new or used truck or trailer dealer licensed under 61-4-101
 23 through 61-4-106 may not demonstrate to a prospective
 24 purchaser a truck, truck tractor, trailer, or semitrailer
 25 owned by or consigned to the dealer, or otherwise controlled

1 by the dealer, without securing a demonstration permit and
 2 paying the fees ~~fee~~ required in 61-4-115. The vehicle must
 3 display the dealer's registration plate or other current
 4 Montana registration and the demonstration permit.

5 (2) Motor vehicles operating exclusively for
 6 transportation of persons for hire within the limits of
 7 incorporated cities or towns and within 15 miles from such
 8 limits are exempt from subsection (1). Motor vehicles
 9 brought or driven into Montana by a nonresident, migratory,
 10 bona fide agricultural worker temporarily employed in
 11 agricultural work in this state where those motor vehicles
 12 are used exclusively for transportation of agricultural
 13 workers are also exempt from subsection (1). Vehicles
 14 lawfully displaying a licensed dealer's plate as provided in
 15 ~~[61-4-102]~~ 61-4-103 are exempt from subsection (1) when
 16 moving to or from a dealer's place of business when ~~untaden~~
 17 unloaded or ~~taden loaded~~ loaded with dealer's property only, and in
 18 the case of vehicles having a gross ~~taden loaded~~ loaded weight of
 19 less than 24,000 pounds, while ~~in--the--process--of~~
 20 demonstration being demonstrated in the course of the
 21 dealer's business."

22 Section 51. Section 61-4-305, MCA, is amended to read:

23 "61-4-305. Fees-provided-to-be Driveaway or towaway
 24 fees in lieu of other fees payable -- election to pay other
 25 fees. The fees provided for driveaway or towaway

1 transporters are ~~declared--to--be~~ in consideration of the
 2 right to use the highways of the state, and ~~except as~~
 3 ~~provided in 61-4-304~~ are in lieu of all other fees including
 4 those which might be payable under the provisions of part 2
 5 of chapter 10. However, any operator may elect to pay the
 6 fees payable under the provisions of that part."

7 Section 52. Section 61-4-403, MCA, is amended to read:

8 "61-4-403. Certain financing agreements prohibited. It
 9 ~~shall--be~~ is unlawful for any manufacturer or wholesale
 10 distributor of motor vehicles to sell or enter into a
 11 contract for the sale of motor vehicles to any motor vehicle
 12 dealer on the condition or under an agreement, expressed or
 13 implied, that ~~such the~~ dealer ~~shall~~ will finance the
 14 purchase or sale of any motor vehicle or vehicles only
 15 through a designated finance company or finance agency. Any
 16 such condition, agreement, or understanding is hereby
 17 ~~declared-to-be~~ against the public policy of the state, and
 18 such condition, agreement, or understanding ~~shall-be~~ is
 19 unlawful, void, and unenforceable, either as at law or
 20 equity."

21 Section 53. Section 61-5-101, MCA, is amended to read:

22 "61-5-101. Drivers' examination section of division of
 23 motor vehicles. (1) There is hereby--created a drivers'
 24 examination section of the division of motor vehicles, under
 25 ~~the-direct-control-and--supervision--of--the--division~~. The

1 ~~division section~~ shall maintain a permanent place of
 2 business at the state capital and ~~shall meet at least once~~
 3 ~~each month for the purpose of transacting business either as~~
 4 ~~the--drivers'--examining-board, the division, or jointly for~~
 5 ~~the two~~. The division administrator shall select a chief
 6 examiner, deputy chief examiner, and as many assistant chief
 7 examiners and examiners as it ~~deems~~ considers necessary and
 8 shall provide for the necessary clerical help.

9 (2) The chief examiner, deputy chief examiner,
 10 assistant chief examiners, and all examiners shall have the
 11 same qualifications as are required for members of the
 12 Montana highway patrol. The chief examiner shall rank as a
 13 captain, the deputy chief examiner as a lieutenant, the
 14 assistant chief examiners ~~shall rank~~ as sergeants, and the
 15 examiners ~~shall rank~~ as patrolmen."

16 Section 54. Section 61-5-103, MCA, is amended to read:

17 "61-5-103. Residency requirement. Any person who has
 18 resided in this state for a period exceeding 90 days is
 19 considered to be a resident for the purpose of being
 20 licensed to ~~drive operate~~ a motor vehicle and must
 21 thereafter be licensed ~~to drive under the laws of this state~~
 22 ~~before operating a~~ motor vehicles under ~~the laws of this~~
 23 ~~state vehicle~~."

24 Section 55. Section 61-5-111, MCA, is amended to read:

25 "61-5-111. Licenses issued to operators and chauffeurs

1 -- renewals and expiration thereof -- fees -- ~~disposition.~~

2 (1) The division shall have authority to appoint county
3 treasurers and other qualified officers to act as its agents
4 for the sale of drivers' driver's licenses, and shall make
5 necessary rules governing such sales. The division, upon
6 receipt of payment of the fees specified in this section,
7 ~~of which sum 5% shall be retained by the county -- treasurers~~
8 ~~for use of the county general fund~~, shall issue to every
9 applicant qualifying therefor an operator's or chauffeur's
10 license as applied for. Such licenses shall contain a
11 photograph of such the licensee in such the size and form as
12 may be prescribed by the division, a distinguishing number
13 issued to the licensee, the full name, date of birth,
14 resident residence address, and a brief description of the
15 licensee, and either a facsimile of the signature of the
16 licensee or a space upon which he shall write his signature
17 in pen and ink immediately upon receipt of the license. No
18 license shall be valid until it has been so signed by the
19 licensee.

20 (2) The division shall, when any person applies for
21 renewal of an operator's or chauffeur's license, test the
22 applicant's eyesight, and may also in the division's
23 discretion have such the applicant demonstrate his physical
24 ability to operate and to exercise ordinary and reasonable
25 care in the operation of a motor vehicle. A person shall be

1 deemed considered to have applied for renewal of a Montana
2 operator's or chauffeur's license if such the application is
3 made within 3 months of the expiration of such his license.

4 (3) Licenses ~~issued~~ shall expire on the anniversary of
5 the date of birth of the licensee 4 years or less after the
6 date of issue.

7 (4) Whenever the division issues an original license
8 to a person under the age of 18 years, such the license
9 shall be designated and clearly marked as a "provisional
10 license". Any license so designated and marked may be
11 suspended by the division for a period of not more than 12
12 months, when its ~~record discloses~~ records disclose that the
13 licensee, subsequent to the issuance of such license, has
14 been guilty of careless or negligent driving. Upon renewal
15 as applicable to operator's licenses, the division may, for
16 any reasonable cause, as shown by its records, designate the
17 renewal of the license as provisional; otherwise, a license
18 in usual form shall be issued subject to other provisions of
19 the laws of Montana.

20 (5) It shall be unlawful for any person to have in his
21 possession or under his control more than one Montana
22 operator's or chauffeur's license at any one time. Licenses
23 shall A license is not be valid for the operation of a
24 motorcycle until the holder thereof has completed the
25 requirements of 61-5-110 and the license has been clearly

1 marked with the words "motorcycle endorsement".

2 (6) Fees for drivers' ~~driver's~~ licenses shall be as
3 follows:

4 (a) driver's license -- \$2 per year or fraction
5 thereof;

6 (b) motorcycle endorsement -- 50 cents per year or
7 fraction thereof.

8 (7) The county treasurer or other agent of the
9 division collecting such fees shall retain 5% of each fee
10 for the use of the county general fund and shall transmit
11 the remainder to the state treasurer, who shall deposit to
12 the credit of the state general fund all moneys money
13 received by him from the collection of motor-vehicle
14 driver's-license the fees."

15 Section 56. Section 61-5-112, MCA, is amended to read:

16 "61-5-112. Classification of chauffeurs -- special
17 restrictions. (1) The division upon issuing a chauffeur's
18 license shall indicate thereon the class of license so
19 issued and shall appropriately examine each applicant
20 according to the class of license applied for and may impose
21 such rules for the exercise thereof as it may deem ~~considers~~
22 necessary for the safety and welfare of the traveling
23 public.

24 (2) No person ~~who is under the age of 18 years~~ shall
25 ~~may~~ drive any school bus transporting school children or any

1 motor vehicle when in use for the transportation of persons
2 for compensation or ~~in either event~~ until he has been
3 licensed as a chauffeur for either such purpose and the
4 license so indicates. The division shall ~~may~~ not issue a
5 chauffeur's license for either such purpose unless the
6 applicant has had at least 1 year of driving experience
7 prior thereto and the division is fully satisfied as to the
8 applicant's competency and fitness to be employed."

9 Section 57. Section 61-5-208, MCA, is amended to read:

10 "61-5-208. Period of suspension or revocation. (1) The
11 division may not suspend or revoke a driver's license or
12 privilege to drive a motor vehicle on the public highways
13 for a period of more than 1 year, except as permitted under
14 61-5-207, 61-5-212, ~~61-6-122~~ 61-6-123, and 61-11-211.

15 (2) Any person whose license or privilege to drive a
16 motor vehicle on the public highways has been suspended or
17 revoked shall ~~is~~ not be entitled to have such license or
18 privilege renewed or restored unless the revocation was for
19 a cause which has been removed, except that after the
20 expiration of the period of such revocation or suspension,
21 such ~~the~~ person may make application for a new license as
22 provided by law but the division may not then issue a new
23 license unless and until it is satisfied after investigation
24 of character, habits, and driving ability of such ~~the~~ person
25 that it ~~will be~~ is safe to grant the privilege of driving a

1 motor vehicle on the public highways. ~~Provided--however~~
 2 when ~~when~~ any person is convicted or forfeits bail or
 3 collateral not vacated for the offense of operating or being
 4 in actual physical control of a motor vehicle while under
 5 the influence of alcohol or a narcotic drug or knowingly or
 6 willingly under the influence of any other drug to a degree
 7 which renders him incapable of safely driving a motor
 8 vehicle or a combination thereof, the division shall, upon
 9 receiving a report of such conviction or forfeiture of bail
 10 or collateral not vacated, suspend the license or driving
 11 privilege of ~~such the~~ person for a period of 6 months. Upon
 12 receiving a report of a conviction or forfeiture of bail or
 13 collateral for a second, third, or subsequent offense within
 14 5 years of the first offense, the division shall revoke the
 15 license or driving privilege of ~~such the~~ person for a period
 16 of 1 year.

17 (3) The ~~revocation~~ period for all revocations made
 18 mandatory by 61-5-205 shall be 1 year except as provided in
 19 subsection (2) of this section.

20 (4) The period of revocation for any person convicted
 21 of any offense which makes mandatory the revocation of the
 22 operator's or chauffeur's license ~~shall commence~~ ~~commences~~
 23 from date of conviction or forfeiture of bail."

24 Section 58. Section 61-5-302, MCA, is amended to read:
 25 "61-5-302. Unlawful use of license. It is a

1 misdemeanor for any person to:

2 (1) display or cause or permit to be displayed or have
 3 in his possession any canceled, revoked, suspended,
 4 fictitious, or altered operator's or chauffeur's license;

5 (2) lend his operator's or chauffeur's license to any
 6 other person or knowingly permit the ~~its~~ use thereof by
 7 another;

8 (3) display or represent as one's own any operator's
 9 or chauffeur's license not issued to him;

10 (4) fail or refuse to surrender to the division upon
 11 its lawful demand any operator's or chauffeur's license
 12 which has been suspended, revoked, or canceled;

13 (5) use a false or fictitious name in any application
 14 for an operator's or chauffeur's license or knowingly make a
 15 false statement or knowingly conceal a material fact or
 16 otherwise commit a fraud in any such application; or

17 (6) permit any unlawful use of an operator's or
 18 chauffeur's license issued to him ~~or~~.

19 ~~(7) do any act forbidden or fail to perform any act~~
 20 ~~required by parts i through 3 of this chapter and~~
 21 ~~61-11-101."~~

22 Section 59. Section 61-5-303, MCA, is amended to read:
 23 "61-5-303. Making false affidavit perjury ~~penalty~~.
 24 Any person who makes any false affidavit or knowingly
 25 swears or affirms falsely to any matter or thing required by

1 the terms of parts 1 through 3 of this chapter to be sworn
 2 to or affirmed, is guilty of perjury ~~false swearing~~ and upon
 3 conviction shall be punishable ~~by fine or imprisonment as~~
 4 ~~other persons committing perjury are punishable as provided~~
 5 ~~by 45-7-202.~~"

6 Section 60. Section 61-6-102, MCA, is amended to read:

7 "61-6-102. Definitions. The following words and
 8 phrases, when used in this part, ~~shall for the purposes of~~
 9 ~~this part~~ have the meanings respectively ascribed to them
 10 in this section, except in those instances where the context
 11 clearly indicates a different meaning:

12 (1) "Judgment" means any judgment that ~~shall have~~ has
 13 become final by expiration without appeal of the time within
 14 which an appeal might have been perfected, or by final
 15 affirmation on appeal, rendered by a court of competent
 16 jurisdiction of any state or of the United States, upon a
 17 cause of action arising out of the ownership, maintenance,
 18 or use of any motor vehicle, for damages, including damages
 19 for care and loss of services, because of bodily injury to
 20 or death of any person, or for damages because of injury to
 21 or destruction of property, including the loss of use
 22 thereof, or upon a cause of action on an agreement of
 23 settlement for such damages.

24 (2) "License" means any license, temporary instruction
 25 permit, or temporary license issued under the laws of this

1 state pertaining to the licensing of persons to operate
 2 motor vehicles.

3 (3) "Nonresident's operating privilege" means the
 4 privilege conferred upon a nonresident by the laws of this
 5 state pertaining to the operation by him of a motor vehicle
 6 or the use of a motor vehicle owned by him, in this state.

7 (4) "Proof of financial responsibility" means proof of
 8 ability to respond in damages for liability, on account of
 9 accidents occurring subsequent to the effective date of said
 10 proof, arising out of the ownership, maintenance, or use of
 11 a motor vehicle, ~~in the amount of \$10,000 because of bodily~~
 12 ~~injury to or death of one person in any one accident and~~
 13 ~~subject to said limit for one person in the amount of~~
 14 ~~\$20,000 because of bodily injury to or death of two or more~~
 15 ~~persons in any one accident, and in the amount of \$5,000~~
 16 ~~because of injury to or destruction of property of others in~~
 17 ~~any one accident.~~

18 (5) "State" means any state, territory, or possession
 19 of the United States, the District of Columbia, or any
 20 province of the Dominion of Canada."

21 Section 61. Section 61-6-105, MCA, is amended to read:

22 "61-6-105. Division to administer law and make rules.
 23 (1) The division shall administer and enforce the provisions
 24 of this part and may make rules necessary for its
 25 administration and may provide for hearings upon request of

1 persons aggrieved by orders or acts of the division under
2 the provisions of this part.

3 ~~{2}--An executive--assistant--to--the--chief--shall--be~~
4 ~~appointed--by--the--division--subject--to--and--in--accordance--with~~
5 ~~{31-105--and--31-106}--who--shall--be--vested--with--full--power--and~~
6 ~~authority--to--act--for--and--on--behalf--of--the--chief--in--the~~
7 ~~administration--of--this--party--and--who--shall--perform--such~~
8 ~~other--and--further--duties--as--shall--be--prescribed--by--the~~
9 ~~division--The--salary--of--the--executive--assistant--shall--be--the~~
10 ~~same--as--that--of--a--captain."~~

11 Section 62. Section 61-6-124, MCA, is amended to read:

12 "61-6-124. Satisfaction of judgments. (1) Judgments
13 herein referred to shall, for the purposes of this part
14 only, be deemed ~~considered~~ satisfied:

15 (a) when ~~\$10,000~~ \$25,000 has been credited upon any
16 judgment or judgments rendered in excess of that amount
17 because of bodily injury to or death of one person as the
18 result of any one accident;

19 (b) when, subject to such ~~the~~ limit of ~~\$10,000~~ \$25,000
20 because of bodily injury to or death of one person, the sum
21 of ~~\$20,000~~ \$50,000 has been credited upon any judgment or
22 judgments rendered in excess of that amount because of
23 bodily injury ~~to~~ or death of two or more persons as the
24 result of any one accident; or

25 (c) when \$5,000 has been credited upon any judgment or

1 judgments rendered in excess of that amount because of
2 injury to or destruction of property of others as a result
3 of any one accident.

4 (2) Payments made in settlement of any claims because
5 of bodily injury, death, or property damage arising from a
6 motor vehicle accident shall be credited in reduction of the
7 amounts provided for in this section."

8 Section 63. Section 61-6-137, MCA, is amended to read:

9 "61-6-137. Bond as proof of responsibility. (1) Proof
10 of financial responsibility may be furnished by filing with
11 the division the bond of a surety company duly authorized to
12 transact business in the state or a bond with at least two
13 individual sureties each owning real estate within this
14 state and together having equities equal in value to at
15 least twice the amount of such bond, which real estate shall
16 be scheduled in the bond approved by a judge of a court of
17 record. ~~Such~~ The bond shall be conditioned for payments in
18 amounts and under the same circumstances as would be
19 required in a motor vehicle liability policy and shall not
20 be cancelable except after 10 days' written notice to the
21 division. Upon the filing of notice to such ~~this~~ effect by
22 the division in the office of the county clerk and recorder
23 of the county wherein such real estate ~~shall--be~~ is located,
24 ~~such~~ the bond shall constitute a lien in favor of the state
25 upon the real estate so scheduled of any surety, which lien

1 shall exist in favor of any holder of a judgment against the
2 person who has filed such ~~the~~ bond.

3 (2) The person in whose favor ~~said the~~ lien ~~shall~~
4 exist ~~exists~~ may, for his own use and benefit and at his
5 sole expense, bring an action or actions in the name of the
6 state against the company or persons executing such ~~the~~
7 bond, including an action or proceeding to foreclose any
8 lien that may exist upon the real estate of any person who
9 has executed such bond. The provisions of the code Montana
10 Rules of civil-procedure Civil Procedure, except insofar as
11 the ~~same they~~ are inconsistent with the provisions of this
12 part, are applicable to and constitute the rules of practice
13 in the foreclosure actions or proceedings. The provisions of
14 the code Montana Rules of civil-procedure Civil Procedure
15 relative to new trials and appeals, except insofar as the
16 same ~~they~~ are inconsistent with the provisions of this part,
17 apply to ~~said the~~ actions or proceedings."

18 Section 64. Section 61-7-109, MCA, is amended to read:

19 "61-7-109. Written reports of accidents -- additional
20 information -- form of report. (1) The operator of any motor
21 vehicle which is in any manner involved in an accident
22 within this state, in which any person is killed or injured
23 or in which damage to the property of any one person in
24 excess of \$250 is sustained, shall, within 10 days after
25 such accident, report the matter in writing to the division.

1 (2) The division may require any driver of a vehicle
2 involved in an accident, of which report must be made as
3 provided in this section, to file supplemental reports
4 whenever the original report is insufficient, and may
5 require witnesses of accidents to render reports.

6 (3) Every law enforcement officer who in the regular
7 course of duty investigates a motor vehicle accident, of
8 which report must be made as required in this part, either
9 at the time of and at the scene of the accident or
10 thereafter by interviewing participants or witnesses, shall
11 within 10 days after completing such ~~the~~ investigation
12 forward a written report of such ~~the~~ accident to the
13 division.

14 (4) The form of ~~the~~ accident report required under
15 this section shall contain information sufficient to enable
16 the ~~department~~ division to determine whether the
17 requirements for the deposit of security for safety
18 responsibility are inapplicable by reason of the existence
19 of insurance or other exemptions specified in this part."

20 Section 65. Section 61-8-101, MCA, is amended to read:

21 "61-8-101. Application -- exceptions. (1) The
22 provisions of this chapter relating to the operation of
23 vehicles refer exclusively to the operation of vehicles upon
24 highways except:

25 (a) where a different place is specifically referred

1 to in a given section;

2 (b) the provisions of 61-8-301 and 61-8-401, with
3 regard to operating a vehicle while under the influence of
4 drugs, shall apply upon highways and elsewhere throughout
5 the state.

6 (2) The operation of motor vehicles directly across
7 the public roads and highways of this state, especially as
8 required in the transportation of natural resource products,
9 including agricultural products and livestock, shall not be
10 considered to be the operation of such vehicles on the
11 public roads and highways of this state, provided that such
12 crossings are adequately marked with such warning signs or
13 devices, and such crossings are subject to provisions
14 relating to stopping before entry and to restoration of any
15 damage, as may reasonably be prescribed by the state or
16 local agency in control of safety of operation of the public
17 highway involved."

18 Section 66. Section 61-8-304, MCA, is amended to read:

19 "61-8-304. Declaration of speed limits -- exception to
20 the basic rule. The attorney general shall declare by
21 proclamation filed with the secretary of state a speed limit
22 for all motor vehicles on all public streets and highways in
23 the state whenever the establishment of such a speed limit
24 by the state is required by federal law as a condition to
25 the state's continuing eligibility to receive funds

1 authorized by the Federal Aid Highway Act of 1973 and all
2 acts amendatory thereto or any other federal statute. Such
3 the speed limit may not be less than that required by
4 federal law, and the attorney general shall by further
5 proclamation change the speed limit adopted pursuant to this
6 section to comply with federal law. Any proclamation issued
7 pursuant to this section becomes effective at midnight of
8 the day upon which it is filed with the secretary of state.
9 A speed limit imposed pursuant to this section is an
10 exception to the basic rule requirements of 61-8-303 and
11 61-8-312, and a speed in excess of the speed limit
12 established pursuant to this section is unlawful
13 notwithstanding any provision of 61-8-303 and 61-8-312."

14 Section 67. Section 61-8-322, MCA, is amended to read:

15 "61-8-322. Passing vehicles proceeding in opposite
16 directions. Drivers of vehicles proceeding in opposite
17 directions shall pass each other to the right, and upon
18 roadways having width for not more than one line of traffic
19 in each direction, each driver shall give to the other at
20 least ~~as-nearly-as-possible~~ AT LEAST one-half of the
21 main-traveled portion of the roadway ~~as-nearly-as-possible~~."

22 Section 68. Section 61-8-339, MCA, is amended to read:

23 "61-8-339. Vehicle approaching or entering
24 intersection. (1) When two vehicles enter or approach an
25 intersection from different highways at approximately the

1 same time, the driver of the vehicle on the left shall yield
2 the right-of-way to the vehicle on the right.

3 (2) The right-of-way rule declared in subsection (1)
4 is modified at through highways and otherwise as hereinafter
5 stated in this ~~part of the~~ chapter."

6 Section 69. Section 61-8-401, MCA, is amended to read:

7 "61-8-401. Persons under the influence of alcohol or
8 drugs. (1) It is unlawful and punishable as provided in
9 61-8-714(1) for any person who is under the influence of
10 alcohol or any narcotic drug or any other drug to a degree
11 which renders him incapable of safely driving a motor
12 vehicle to drive or be in actual physical control of a motor
13 vehicle within this state.

14 (a) alcohol to drive or be in actual physical control
15 of a motor vehicle upon the highways of this state;

16 (b) a narcotic drug to drive or be in actual physical
17 control of a motor vehicle within this state; or

18 (c) any other drug to a degree which renders him
19 incapable of safely driving a motor vehicle to drive or be
20 in actual physical control of a motor vehicle within this
21 state.

22 (2) The fact that any person charged with a violation
23 of this subsection (1) is or has been entitled to use such a
24 drug under the laws of this state does not constitute a
25 defense against any charge of violating this subsection (1).

1 ~~(2)(3)~~ In any criminal prosecution for a violation of
2 subsection (1) of this section relating to driving a vehicle
3 while under the influence of alcohol, the amount of alcohol
4 in the defendant's blood at the time alleged, as shown by
5 chemical analysis of the defendant's blood, urine, breath,
6 or other bodily substance, shall give rise to the following
7 presumptions:

8 (a) If there was at that time 0.05% or less by weight
9 of alcohol in the defendant's blood, it shall be presumed
10 that the defendant was not under the influence of alcohol.

11 (b) If there was at that time in excess of 0.05% but
12 less than 0.10% by weight of alcohol in the defendant's
13 blood, such ~~that~~ fact shall not give rise to any presumption
14 that the defendant was or was not under the influence of
15 alcohol, but such fact may be considered with other
16 competent evidence in determining the guilt or innocence of
17 the defendant.

18 (c) If there was at that time 0.10% or more by weight
19 of alcohol in the defendant's blood, it shall be presumed
20 that the defendant was under the influence of alcohol.

21 ~~(3)(4)~~ Percent by weight of alcohol in the blood shall
22 be based upon grams of alcohol per 100 cubic centimeters of
23 blood.

24 ~~(4)(5)~~ Each municipality in this state is given
25 authority to enact 61-8-714 and subsections (1) through ~~(3)~~

1 ~~(4)~~ of this section with the word "state" in the first
 2 sentence of subsection (1) of this section changed to read
 3 "municipality", as an ordinance and is given jurisdiction of
 4 the enforcement of the ordinance and of the imposition of
 5 the fines and penalties therein provided."

6 Section 70. Section 61-8-711, MCA, is amended to read:

7 "61-8-711. Violation of chapter -- penalty. (1) It is
 8 a misdemeanor for any person to violate any of the
 9 provisions of this ~~act~~ chapter unless such ~~the~~ violation
 10 is declared to be a felony by this chapter or other law of
 11 this state ~~declared to be a felony~~.

12 (2) Every person convicted of a misdemeanor for a
 13 violation of any of the provisions of this chapter for which
 14 another penalty is not provided shall for a first conviction
 15 thereof be punished by a fine of not less than \$10 or more
 16 than \$100 or by imprisonment for not more than 10 days. For
 17 a second conviction within 1 year thereafter, ~~such the~~
 18 person shall be punished by a fine of not less than \$25 or
 19 more than \$200 or by imprisonment for not more than 20 days
 20 or by both such fine and imprisonment. Upon a third or
 21 subsequent conviction within 1 year after the first
 22 conviction, ~~such the~~ person shall be punished by a fine of
 23 not less than \$50 or more than \$500 or by imprisonment for
 24 not more than 6 months or by both ~~such~~ fine and
 25 imprisonment.

1 (3) On failure of payment of fines a fine, the
 2 offender in cases ~~case~~ of a misdemeanor shall be imprisoned
 3 in the county jail in the county in which the offense has
 4 been ~~was~~ committed, and ~~said the~~ imprisonment shall be
 5 computed upon the basis of one day's incarceration for each
 6 \$2 of ~~said the~~ fine ~~for each day's incarceration~~.

7 (4) Upon conviction, the court costs or any part
 8 thereof may also be assessed against the defendant in the
 9 discretion of the court."

10 Section 71. Section 61-8-718, MCA, is amended to read:

11 "61-8-718. Penalty for violation of conservation speed
 12 limit. (1) A person violating the speed limit imposed
 13 pursuant to 61-8-304 is guilty of the offense of unnecessary
 14 waste of a resource currently in short supply and upon
 15 conviction shall be fined \$5, and no jail sentence may be
 16 imposed. Bond for this offense shall be \$5.

17 (2) For the purpose of this section only, the fees of
 18 the justice ~~justice's~~ court shall be \$4 to the balance of
 19 the fine not otherwise allocated by law and shall be
 20 remitted as set forth in 3-10-603(3)."

21 Section 72. Section 61-9-315, MCA, is amended to read:

22 "61-9-315. Brakes on motor-driven cycles. (1) The
 23 division is authorized to require an inspection of the brake
 24 on any motor-driven cycle and to disapprove any such brake
 25 which it finds will not comply with the performance ability

1 standard set forth in ~~[32-21-143]~~ this part or which in its
2 opinion is not ~~so~~ designed or constructed ~~as~~ to insure
3 reasonable and reliable performance in actual use.

4 (2) The division may refuse to register or may suspend
5 or revoke the registration of any vehicle referred to in
6 this section when it has been determined that the brakes
7 brake thereon do ~~does~~ not comply with the provisions of this
8 section.

9 (3) No person ~~shall~~ may operate on any highway any
10 vehicle referred to in this section ~~in-the-event if~~ the
11 division has disapproved the brake equipment upon such
12 vehicle or type of vehicle."

13 Section 73. Section 61-9-503, MCA, is amended to read:

14 "61-9-503. Owners and drivers to comply with
15 inspection laws. (1) No person driving a vehicle ~~shall~~ may
16 refuse to submit ~~such the~~ vehicle to an inspection and test
17 when required to do so by the division or an authorized
18 officer or employee of the ~~department~~ division.

19 (2) Every owner or driver, upon receiving a notice as
20 provided in 61-9-501, shall comply therewith and shall
21 within 5 days have the deficiencies corrected and ~~shall~~
22 forward notification of ~~such the~~ correction to the division.
23 In lieu of compliance with this subsection, the vehicle
24 ~~shall~~ may not be operated, except as provided in subsection
25 (3).

1 (3) No person ~~shall~~ may operate any vehicle after
2 receiving a notice with reference thereto as above provided,
3 except as may be necessary to return ~~such the~~ vehicle to the
4 residence or place of business of the owner or driver, if
5 within a distance of 20 miles, or to a garage until ~~and the~~
6 vehicle and its equipment ~~has have~~ been placed in proper
7 repair and adjustment and otherwise made to conform to the
8 requirements of this chapter."

9 Section 74. Section 61-10-102, MCA, is amended to
10 read:

11 "61-10-102. Width. (1) ~~A~~ No vehicle, including a bus,
12 ~~unladen unloaded~~ or with load, may not have a total outside
13 width in excess of 102 inches, ~~except buses which may have a~~
14 ~~total--outside--width--not--to--exceed--102--inches.~~ This bus
15 width for buses is allowed only on paved highways 20 feet or
16 more in width.

17 (2) This restriction does not apply to an implement of
18 husbandry or a vehicle used for hauling hay, moved or
19 propelled upon the highway during daylight hours for a
20 distance of not more than 100 miles, if the movement is
21 incidental to the farming operations of the owner of the
22 implement of husbandry or the vehicle used for hauling hay.
23 If the implement ~~of--husbandry~~ or the vehicle ~~used-for~~
24 ~~hauling-hay~~ has a width in excess of 12 feet, it shall be
25 preceded by ~~firemen~~ flagman escorts for the purpose of

1 warning other highway users. This restriction does not apply
 2 to ~~dual-wheel~~ dual-wheel tractors under 15 feet overall
 3 width which are used in farming operations. The rear of such
 4 on ~~the~~ implement of husbandry or vehicle used for hauling
 5 hay shall properly display lights which meet ~~the~~ standard
 6 requirements in ~~of~~ 61-9-219. However, if the highway passes
 7 through a hazardous area, such ~~the~~ implements of--husbandry
 8 or vehicles used--for--hauling--hay must be preceded and
 9 followed by ~~flagmen~~ flagman escorts.

10 ~~{3}-The-maximum-width-of-any-vehicle-engaged-in~~
 11 ~~transporting-tugs-unladen-or-with-load-shall-not-exceed-a~~
 12 ~~width-of-96-inches-unless-permits-for-excess-width-have-been~~
 13 ~~granted-by-virtue-of-{32-1127}.~~"

14 Section 75. Section 61-10-109, MCA, is amended to
 15 read:

16 "61-10-109. Operation without special permits
 17 prohibited. The operation of vehicles or combinations of
 18 vehicles having dimensions--or weights in excess of the
 19 maximum limits specified in ~~61-10-101--through--61-10-106~~
 20 61-10-105 is permitted only if authorized by special permit
 21 issued under 61-10-107 by the department of highways or its
 22 agents or the highway patrol."

23 Section 76. Section 61-10-121, MCA, is amended to
 24 read:

25 "61-10-121. Permits for excess size and weight. (1)

1 The department of highways and local authorities in their
 2 respective jurisdictions may in their discretion, upon
 3 application in writing and with good cause shown, issue a
 4 special permit in writing authorizing the applicant to
 5 operate or move a vehicle, combination of vehicles, load,
 6 object, or other thing of a size or weight exceeding the
 7 maximum specified in 61-10-101 through 61-10-110 upon a
 8 highway under the jurisdiction of and for the maintenance of
 9 which the body granting the permit is responsible. However,
 10 only the department has the discretion to issue permits for
 11 movement of a vehicle or combination of vehicles carrying
 12 built-up or reducible loads in excess of 9 feet in width or
 13 exceeding the length, height, or weight specified in
 14 61-10-101 through 61-10-110. This permit shall be issued in
 15 the public interest. A carrier receiving this permit must
 16 have public liability and property damage insurance for the
 17 protection of the traveling public as a whole. A permit may
 18 not be issued for a period of time greater than the ~~license~~
 19 period for which the GVM license is valid as provided in
 20 this title, including grace periods allowed by this title.
 21 Owners of vehicles licensed in other jurisdictions may, at
 22 the discretion of the department, purchase permits to expire
 23 with their registration. A license required by the state
 24 governs the issuance of a special permit. The department may
 25 issue oversize permits to dealers in implements of husbandry

1 and self-propelled machinery, which may be transferred from
 2 unit to unit by the dealer, for the fees ~~fee~~ set forth in
 3 61-10-124. These oversize permits expire on December 31 of
 4 each year, with no grace period. For the purposes of this
 5 section, a dealer in implements of husbandry or
 6 self-propelled machinery must be a resident of the state. A
 7 post-office box number is not a permanent address under this
 8 section.

9 (2) The applicant for a special permit shall
 10 specifically describe the powered vehicle or towing vehicle
 11 and generally describe the type of vehicle, combination of
 12 vehicles, load, object, or other thing to be operated or
 13 moved and the particular state highways over which the
 14 vehicle, combination of vehicles, load, object, or other
 15 thing is to be moved and whether the permit is required for
 16 a single trip or for continuous operation."

17 Section 77. Section 61-10-124, MCA, is amended to
 18 read:

19 "61-10-124. Special permits -- fee. (1) In addition to
 20 the regular ~~license~~ registration and gross vehicle weight
 21 fees, a fee of \$6 for each permit issued in excess of the
 22 size and weight specified in 61-10-101 through 61-10-110
 23 shall be paid for all movements under special permits on the
 24 public highways under the jurisdiction of the department.

25 (2) Term or blanket permits may not be issued for an

1 overwidth vehicle, combination of vehicles, load, or other
 2 thing in excess of 15 feet; an overlength vehicle,
 3 combination of vehicles, load, object, or other thing in
 4 excess of 85 feet; and an overheight vehicle, combination
 5 of vehicles, load, or other thing in excess of 13 1/2 feet,
 6 or of a limit determined by the department. A vehicle,
 7 combination of vehicles, load, or other thing in excess of
 8 these dimensions is limited to trip permits.

9 (3) ~~A fee of \$6 shall be paid for each overweight~~
 10 ~~permit issued, but a~~ A permit may not be issued for a period
 11 of time greater than the ~~license~~ license period for which the GVM
 12 license is valid as provided in this title, including grace
 13 periods allowed by this title. Owners of vehicles licensed
 14 in other jurisdictions may, at the discretion of the
 15 department, purchase permits to expire with their
 16 registration. A license required by the state governs the
 17 issuance of a special permit."

18 Section 78. Section 61-10-145, MCA, is amended to
 19 read:

20 "61-10-145. Penalties -- disposition of fines. (1) A
 21 person, firm, or corporation convicted of violating
 22 61-10-101 through 61-10-110 ~~(except 61-10-102(3))~~ which is
 23 punishable under 61-9-511 shall be punished by a fine of
 24 not less than \$15 or more than \$50 or by imprisonment in the
 25 county or municipal jail for not less than 5 days or more

1 than 25 days. ~~In addition,~~ A person, firm, or corporation
 2 convicted of operating a motor vehicle upon the public
 3 highways of this state with weight upon a wheel, axle, or
 4 group of axles ~~or upon more than one of them~~ greater than
 5 the maximum permitted by 61-10-101 through 61-10-110, shall
 6 be fined, in addition to other penalties provided by law for
 7 the offense, the following amounts:

8 (a) \$15 for any excess weight up to and including
 9 2,000 pounds;

10 (b) \$25 for any excess weight more than 2,000 pounds
 11 and less than 4,001 pounds;

12 (c) \$35 for any excess weight more than 4,000 pounds
 13 and less than 6,001 pounds;

14 (d) \$50 for any excess weight more than 6,000 pounds
 15 and less than 8,001 pounds;

16 (e) \$80 for any excess weight more than 8,000 pounds
 17 and less than 10,001 pounds;

18 (f) \$110 for any excess weight more than 10,000 pounds
 19 and less than 12,001 pounds;

20 (g) \$150 for any excess weight more than 12,000 pounds
 21 and less than 14,001 pounds;

22 (h) \$200 for any excess weight more than 14,000 pounds
 23 and less than 16,001 pounds;

24 (i) \$250 for any excess weight more than 16,000 pounds
 25 and less than 18,001 pounds;

1 (j) \$300 for any excess weight more than 18,000 pounds
 2 and less than 20,001 pounds;

3 (k) \$500 for any excess weight more than 20,000 pounds
 4 and less than 25,001 pounds;

5 (1) \$1,000 for any excess weight more than 25,000
 6 pounds.

7 (2) A complaint filed and a summons or notice to
 8 appear issued pertaining to a violation of the gross weight
 9 regulations in 61-10-101 through 61-10-110 shall specify the
 10 amount of the overweight which the defendant is alleged to
 11 have had upon the vehicle or combination of vehicles.

12 (3) All fines and forfeitures shall be remitted
 13 monthly by the county treasurer to the state treasurer for
 14 deposit in the state general fund."

15 Section 79. Section 61-10-146, MCA, is amended to
 16 read:

17 "61-10-146. Special permits -- penalty---for
 18 misrepresentations and violations ~~as misdemeanors~~. A person
 19 who knowingly and willfully misrepresents the size or weight
 20 of a vehicle, combination of vehicles, load, object, or
 21 other thing in obtaining a special permit or who does not
 22 follow the requirements and conditions of the special permit
 23 or who operates a vehicle, combination of vehicles, load,
 24 object, or other thing, the gross ~~size or~~ weight of which is
 25 ~~in excess of the maximum for which that vehicle, combination~~

1 of vehicles, loads, objects, or other thing may be eligible
2 for license requires a special permit without first
3 obtaining a special permit is guilty of a misdemeanor."

4 Section 80. Section 61-10-148, MCA, is amended to
5 read:

6 "61-10-148. Disposition of fines. Any and all Except
7 as provided in 61-12-701, fines collected for the violation
8 of any of the provisions of this [act] under 61-10-148 or
9 61-10-147 shall belong to the general road fund of the
10 county, and shall, immediately after their collection, be
11 paid over by the court or magistrate collecting the same
12 them to the county treasurer for the use and benefit of that
13 fund, except for that portion of the fines, as provided for
14 in 29-7-504, otherwise allocated by law which the county
15 treasurer shall transmit to the state treasurer and by him
16 credited who shall credit them to the automobile driver
17 education appropriate account in the earmarked revenue
18 fund."

19 Section 81. Section 61-10-201, MCA, is amended to
20 read:

21 "61-10-201. Gross weight fees on motortrucks and truck
22 tractors. In addition to other fees for the licensing of
23 vehicles, there shall be paid and collected annually for
24 each motortruck truck and truck tractor, based upon the
25 maximum gross loaded weight thereof as set by the licensee

1 in his application, the following fees:

2 Schedule I

3	Up to 6,000 lbs.	\$ 7.50
4	6,001 lbs. or more and less than through 8,000 lbs.	12.50
5	8,001 lbs. or more and less than through 10,000 lbs.	17.50
6	10,001 lbs. or more and less than through 12,000 lbs.	20.00
7	12,001 lbs. or more and less than through 14,000 lbs.	22.50
8	14,001 lbs. or more and less than through 16,000 lbs.	27.50
9	16,001 lbs. or more and less than through 18,000 lbs.	37.50
10	18,001 lbs. or more and less than through 20,000 lbs.	50.00
11	20,001 lbs. or more and less than through 22,000 lbs.	62.50
12	22,001 lbs. or more and less than through 24,000 lbs.	93.75
13	24,001 lbs. or more and less than through 26,000 lbs.	125.00
14	26,001 lbs. or more and less than through 28,000 lbs.	156.25
15	28,001 lbs. or more and less than through 30,000 lbs.	

1	.....	206.25
2	30,001 lbs or more and less than through 32,000 lbs.	.....
3	.....	262.50
4	32,001 lbs or more and less than through 34,000 lbs.	.....
5	.....	318.75
6	34,001 lbs or more and less than through 36,000 lbs.	.....
7	.....	375.00
8	36,001 lbs or more and less than through 38,000 lbs.	.....
9	.....	431.25
10	38,001 lbs or more and less than through 40,000 lbs.	.....
11	.....	487.50
12	40,001 lbs or more and less than through 42,000 lbs.	.....
13	.....	543.75
14	Over 42,000 lbs. and within the weight limits	
15	specified in 61-10-101 through 61-10-110	..... 62.50
16	per ton or fraction thereof."	

17 Section 82. Section 61-10-202, MCA, is amended to
 18 read:

19 "61-10-202. Gross weight fees on trailers and
 20 semitrailers. In addition to other fees for the licensing of
 21 vehicles, there shall be paid and collected annually for
 22 each trailer and semitrailer, based upon the maximum gross
 23 loaded weight thereof as set by the licensee in his
 24 application, except as otherwise provided, the following
 25 fees:

1	Schedule II	
2	Trailers Other Than Housetrailers	
3	Up to 2,500 lbs. for personal use--	Exempt
4	Up to 2,500 lbs. for commercial use	..... \$ 3.75
5	2,501 lbs or more and less than through 6,000 lbs.	5.00
6	6,001 lbs or more and less than through 8,000 lbs.	.....
7	.....	15.00
8	8,001 lbs or more and less than through 10,000 lbs.	.....
9	.....	17.50
10	10,001 lbs or more and less than through 12,000 lbs.	.....
11	.....	20.00
12	12,001 lbs or more and less than through 14,000 lbs.	.....
13	.....	22.50
14	14,001 lbs or more and less than through 16,000 lbs.	.....
15	.....	27.50
16	16,001 lbs or more and less than through 18,000 lbs.	.....
17	.....	37.50
18	18,001 lbs or more and less than through 20,000 lbs.	.....
19	.....	50.00
20	20,001 lbs or more and less than through 22,000 lbs.	.....
21	.....	62.50
22	22,001 lbs or more and less than through 24,000 lbs.	.....
23	.....	93.75
24	24,001 lbs or more and less than through 26,000 lbs.	.....
25	.....	125.00

1	26,001 lbs-or-more-and-less-than through 28,000 lbs.
2	..... 156.25
3	28,001 lbs-or-more-and-less-than through 30,000 lbs.
4	..... 206.25
5	30,001 lbs-or-more-and-less-than through 32,000 lbs.
6	..... 262.50
7	32,001 lbs-or-more-and-less-than through 34,000 lbs.
8	..... 318.75
9	34,001 lbs-or-more-and-less-than through 36,000 lbs.
10	..... 375.00
11	36,001 lbs-or-more-and-less-than through 38,000 lbs.
12	..... 431.25
13	38,001 lbs-or-more-and-less-than through 40,000 lbs.
14	..... 487.50
15	40,001 lbs-or-more-and-less-than through 42,000 lbs.
16	..... 543.75
17	Over 42,000 lbs. and within the weight limits
18	specified in 61-10-101 through 61-10-110 62.50

19 per ton or fraction thereof."

20 Section 83. Section 61-10-209, MCA, is amended to
21 read:

22 "61-10-209. Quarterly payment -- penalty for failure
23 to pay fee. (1) When the gross weight of a vehicle exceeds
24 24,000 pounds, the gross weight or special fees for
25 motortrucks trucks, trailers, tractors, pole trailers, or

1 semitrailers may be purchased paid for a 3-month period for
2 one-fourth the regular fee at the beginning of any quarter
3 of the calendar year. For each fee so paid other than at the
4 time of payment of the basic--license annual vehicle
5 registration fee, an additional fee of \$1 shall be charged.
6 The department may adopt rules relative to the issuance and
7 display of certificates or insignia, which shall state the
8 quarters for which the vehicle is licensed.

9 (2) A vehicle licensed under this section may not be
10 operated over the public highways after the expiration of
11 the 3-month period unless the owner or operator of the
12 vehicle, within 10 calendar days or 7 business days as
13 provided by law, whichever is greater, after the--expiratton
14 of--the--3-month-period, pays the required fee for a license
15 for an additional 3-month period, or for the remainder of
16 the year. A person who operates a vehicle upon the public
17 highways after the expiration of the 10 calendar days or 7
18 business days as provided by law, whichever is greater, is
19 guilty of a misdemeanor. In addition he shall be required to
20 purchase a gross weight license for the vehicle involved at
21 the fee covering an entire year's license for operation of
22 the vehicle less the fees for a the period of the year
23 already paid.

24 (3) If, within 5 days thereafter, no license for a
25 full year has been purchased as required, the Montana

1 highway patrol, county sheriff, or city police may impound
2 the vehicle in the manner which is directed for these cases
3 by the division of motor vehicles until the requirement is
4 met."

5 Section 84. Section 61-10-214, MCA, is amended to
6 read:

7 "61-10-214. Exemptions. (1) Motor vehicles operating
8 exclusively for transportation of persons for hire within
9 the limits of incorporated cities or towns and within 15
10 miles from such limits are exempt from this part.

11 (2) Motor vehicles brought or driven into Montana by a
12 nonresident, migratory, bona fide agricultural worker
13 temporarily employed in agricultural work in this state
14 where those motor vehicles are used exclusively for
15 transportation of agricultural workers are also exempt from
16 this part.

17 (3) Vehicles lawfully displaying a licensed dealer's
18 plate as provided in ~~[61-4-102]~~ 61-4-103 are exempt from
19 this part when moving to or from a dealer's place of
20 business when ~~unladen~~ unloaded or ~~laden~~ loaded with dealer's
21 property only, and in the case of vehicles having a gross
22 ~~laden~~ loaded weight of less than 24,000 pounds, while ~~in-the~~
23 process-of-demonstration being demonstrated in the course of
24 the dealer's business."

25 Section 85. Section 61-10-222, MCA, is amended to

1 read:

2 "61-10-222. Time for payment of fees. ~~{1}-A-person-who~~
3 ~~owns--or--operates-a-vehicle-subject-to-the-fees-provided-in~~
4 ~~61-10-201-through-61-10-210-shall-pay-the-fees--provided--in~~
5 ~~this-part.~~

6 ~~{2}{1}~~ Prior to or at the time of registration of the
7 vehicle as required under chapter 3 or chapter 4 or prior to
8 the operation of the vehicle on the public highways, fees
9 ~~paid~~ provided in this part shall be paid in the full amount
10 ~~provided-in-this-part~~ unless otherwise provided by law. With
11 respect to vehicles operating on the highways with a current
12 rear windshield sticker issued under the provisions of
13 61-4-111 or 61-4-112, the fees provided in this part shall
14 be due and payable at the time of registration.

15 ~~{3}{2}~~ A person who makes application for a GVH
16 license after July 1 of any year shall pay one-half of those
17 ~~the fees provided in this part.~~

18 ~~{4}{1}~~ When a person makes application for
19 registration required under chapter 3 for a period of time
20 other than the calendar year, the fees provided in this part
21 shall be computed for the registration period at one-twelfth
22 of ~~the~~ applicable fee for each month or part of month in the
23 registration period."

24 Section 86. Section 61-10-223, MCA, is amended to
25 read:

1 ~~"61-10-223. Expiration date. The fees--paid--hereunder~~
 2 ~~for--every--motortruck, truck, tractor, trailer, semitrailer,~~
 3 ~~bus, or automobile shall expire on December 31 of each year.~~
 4 Any certificate, registration, or GVH license issued shall
 5 be valid only for the period for which issued."

6 Section 87. Section 61-10-224, MCA, is amended to
 7 read:

8 "61-10-224. License GVH license transferable. The
 9 ~~certificate, registration, or~~ GVH license issued hereunder
 10 is transferable by the licensee to another truck, truck
 11 tractor, trailer, semitrailer, lowboy trailer, pole trailer,
 12 housetrailer, or passenger car upon transfer of ownership of
 13 such truck, truck tractor, trailer, semitrailer, lowboy
 14 trailer, pole trailer, housetrailer, or passenger car to a
 15 replacement vehicle of the same type. If a smaller vehicle
 16 is purchased, there shall be no refund."

17 Section 88. Section 61-10-226, MCA, is amended to
 18 read:

19 "61-10-226. Deposit of state highway moneys money. (1)
 20 Any reference to the state highway fund ~~shall be taken to~~
 21 ~~mean means~~ the state highway account in the earmarked
 22 revenue fund.

23 (2) Moneys Money received for the use of the
 24 department from the receipt or transfer of motor-vehicle GVH
 25 license fees, as provided by law, or from other state

1 sources shall be deposited in the earmarked revenue fund to
 2 the credit of the department.

3 (3) Moneys Money received from the counties and from
 4 the federal government or other agencies shall be deposited
 5 in the federal and private revenue fund to the credit of the
 6 department.

7 (4) Hereafter,--moneys Money collected for the
 8 department as authorized by law shall be credited to such
 9 fund or funds by the state treasurer."

10 Section 89. Section 61-10-227, MCA, is amended to
 11 read:

12 "61-10-227. Blank forms furnished county treasurers.
 13 The department shall furnish all county treasurers with the
 14 following:

15 (1) blank application forms and affidavit forms
 16 outlining and providing for the information needed in each
 17 classification of registration license required;

18 (2) registration,--license,--or--certificates GVH
 19 licenses in a form determined most suitable by the
 20 department;

21 (3) the other forms, stickers, certificates, or blanks
 22 the department considers necessary to carry out this part."

23 Section 90. Section 61-10-233, MCA, is amended to
 24 read:

25 "61-10-233. Excess weight -- penalties. (1) The

1 operator is subject to the penalties stated in ~~[this~~
 2 section] ~~61-10-232~~ whenever the gross ~~laden~~ loaded weight of
 3 any ~~motortruck trucks,~~ truck tractor, trailer, or
 4 semitrailer operated upon any highway in this state exceeds
 5 the gross vehicle weight shown on:

6 (a) the owner's certificate of registration and tax
 7 receipt issued under 61-3-322; or

8 (b) the gross vehicle weight receipt issued under
 9 61-10-227.

10 (2) ~~The In addition, the~~ operator shall immediately
 11 thereafter pay to the nearest county treasurer or to the
 12 department the difference between the fee already paid and
 13 that applicable to the gross weight of his vehicle before
 14 unloading the excess, provided that it does not exceed the
 15 legal axle weight."

16 Section 91. Section 61-11-211, MCA, is amended to
 17 read:

18 "61-11-211. Department Division to revoke license of
 19 habitual offender -- method of removal of points upon
 20 revocation. Upon receipt of a court order declaring an
 21 habitual offender, the department division shall revoke the
 22 driver's license or driving privilege of the individual
 23 named in the order for a period of 3 years from the date of
 24 the order. Additionally, the department shall remove from
 25 that individual's record those habitual offender points

1 which were certified to the county attorney in the
 2 certification required by 61-11-204."

3 Section 92. Section 61-12-208, MCA, is amended to
 4 read:

5 "61-12-208. Duty upon making an arrest -- power to fix
 6 and accept bail ~~---fees-of-justices-of-the-peace. ††~~ Such
 7 employees, upon making an arrest, shall deliver to the
 8 offender a form of notice to appear₁ describing the nature
 9 of the offense₁ with instructions on the notice to--appear
 10 for the offender to report to the nearest justice of the
 11 peace. The employee may accept a deposit for appearance
 12 justifiable for the offense charged. The person arrested may
 13 be detained for a reasonable time for the purpose of issuing
 14 the notice. If the employee accepts bail, he shall give a
 15 signed receipt to the offender₁ setting forth the amount
 16 received. The employee shall then deliver the bail money to
 17 the justice of the peace before whom the offender is to
 18 appear, and the justice of the peace shall give a receipt to
 19 the employee for the amount of bail money delivered. After
 20 the filing of the complaint and appearance of the defendant,
 21 the justice of the peace shall assume jurisdiction and may
 22 set and accept further appearance bail bond.

23 ~~††--For--the--purpose--of--this--part--only--the--fees--of--~~
 24 ~~justices-of-the-peace-in-all-offenses-in-which-the-statutory~~
 25 ~~fine-is-\$5-or-less-shall-be-\$11-but-if-the-statutory-fine-is~~

1 in excess of \$50 the justices of the peace are permitted the
2 fee prescribed by law. No additional fees shall be paid
3 justices of the peace where salaries are fixed by law."

4 Section 93. Section 61-12-401, MCA, is amended to
5 read:

6 "61-12-401. Taking vehicle into custody. (1) The
7 following law enforcement agencies may take into custody any
8 motor vehicle found abandoned for a period of 48 hours or
9 more on any public highway or for a period of 5 days or
10 more on any city street or public property:

11 (a) the Montana highway patrol if the vehicle is upon
12 the right-of-way of any public highway other than a county
13 road;

14 (b) the sheriff of the county if the vehicle is upon
15 the right-of-way of any county road or private property
16 within the county;

17 (c) the city police if the vehicle is upon a city
18 street within the city;

19 (2) The Montana highway patrol, the sheriff of the
20 county or the city police may use its or his ~~their~~
21 personnel, equipment, and facilities for the removal and
22 preservation of the vehicle, or may hire other personnel,
23 equipment, and ~~or~~ facilities for those purposes."

24 Section 93. Section 61-12-502, MCA, is amended to
25 read:

1 "61-12-502. Rules for identification cards. The
2 division shall formulate and adopt reasonable rules for the
3 application for and issuing of identification cards, and
4 cancellation thereof, and shall require the furnishing of
5 such information necessary for the purpose of this part."

6 Section 94. Section 61-12-701, MCA, is amended to
7 read:

8 "61-12-701. Highway patrol -- fees -- disposition of
9 fines and forfeitures. (1) All fees, fines, and forfeitures
10 collected in any court from persons apprehended or arrested
11 by patrolmen for violation of the laws and regulations
12 relating to the use of state highways and the operation of
13 vehicles thereon must be paid to the state treasurer and by
14 him credited to the general fund of the state, except for
15 that portion of the fines as provided in 20-7-504 otherwise
16 allocated by law which shall be paid into the automobile
17 driver education account appropriate accounts in the
18 earmarked revenue fund.

19 (2) At the time of payment of any such fee, fine, or
20 forfeiture, there shall be filed with the state treasurer a
21 complete statement showing the total of the fees, fines, or
22 forfeitures received or incurred, which statement shall give
23 the title of the court and cause and be subscribed to by the
24 person or officer making such ~~the~~ payments."

25 Section 95. Section 61-12-703, MCA, is amended to

1 read:

2 "61-12-703. Disposition of traffic fines collected

3 from juveniles. All fines collected by the district courts

4 from children ~~persons~~ under 18 years of age for ~~unlawful~~

5 ~~operation of motor vehicles~~ as the result of traffic

6 ~~summonses for unlawful operation of motor vehicles~~ issued by

7 peace officers of cities or counties or by highway

8 patrolmen, together with that ~~portion~~ the percentage of the

9 fines ~~which is specified in 20-7-505~~ otherwise deductible by

10 law, shall be retained by the county treasurer of the county

11 in which the offense occurred and at the end of each month

12 distributed as follows:

13 (1) Fines collected as the result of summonses issued

14 by city peace officers shall be distributed to the city in

15 which the peace officer is employed and credited to the city

16 general fund.

17 (2) Fines collected as the result of summonses issued

18 by county peace officers shall be retained by the county

19 treasurer and credited to the county road fund.

20 (3) Fines collected as the result of summonses issued

21 by state highway patrolmen shall be paid to the state

22 treasurer, who shall credit them to the general fund of the

23 state.

24 (4) That portion of the fines ~~which is specified in~~

25 ~~20-7-505~~ deductible by law shall be paid to the state

1 treasurer, who shall credit ~~it the money~~ to the automobile

2 driver ~~education account~~ appropriate accounts in the

3 earmarked revenue fund."

4 Section 96. Section 20-7-504, MCA, is amended to read:

5 "20-7-504. State traffic education account and ~~==~~

6 proceeds earmarked for the account. (1) There is hereby

7 established a traffic education account in the treasury of

8 the state of Montana. There shall be paid into this account

9 a portion of the fines assessed and bails forfeited on all

10 offenses involving a violation of ~~a state statute~~ chapter 3,

11 part 1 of chapter 4, or chapters 5 through 10 of Title 61,

12 or a city ordinance ~~and~~ relating to the operation or use of

13 motor vehicles, except offenses relating to parking of

14 vehicles, in the following amounts:

15 (a) ~~where if~~ a fine is imposed, 20% of the fine

16 imposed;

17 (b) ~~where if~~ multiple offenses are involved, 20% of

18 the total sum of all fines imposed;

19 (c) ~~where if~~ a fine is suspended, in whole or in part,

20 ~~the portion paid to the traffic education account shall be~~

21 20% of the fine actually paid; and

22 (d) ~~when if~~ any deposit of bail is made for an offense

23 to which this section applies and the bail is forfeited, 20%

24 of the forfeited bail.

25 (2) Five percent of all moneys ~~money~~ received by the

1 state of Montana from the collection of the motor vehicle
2 driver's license fee provided for under the laws of Montana
3 shall be contributed to the traffic education account."

4 Section 97. Section 53-9-109, MCA, is amended to read:

5 "53-9-109. Crime victims compensation account. There
6 is created a crime victims compensation account in the
7 earmarked revenue fund. There shall be paid into this
8 account 6% of the fines assessed and bails forfeited on all
9 offenses involving a violation of ~~a state statute chapter 3,~~
10 ~~part 1 of chapter 4, or chapters 5 through 10 of Title 61,~~
11 or a city ordinance and relating to the operation or use of
12 motor vehicles, except offenses relating to parking of
13 vehicles."

14 ~~SECTION 98. SECTION 61-5-405, MCA, IS AMENDED TO READ:~~

15 "61-5-405. Offenses furnishing ground for suspension
16 or revocation of license. (1) Items enumerated in Article
17 IV(1), subsections (a), (b), (c), and (d) of 61-5-401 refer
18 specifically to 45-5-103, ~~45-5-104,~~ 61-8-401, 45-2-101(15),
19 and 61-7-103, respectively.

20 (2) In addition to convictions mentioned above the
21 division, for the purpose of suspension, revocation, or
22 limitation of the license to operate a motor vehicle, shall
23 give the same effect to the conduct reported as it would if
24 such conduct had occurred in this state for:

25 (a) convictions of perjury or the making of a false

1 affidavit relating to the ownership or operation of a motor
2 vehicle (61-5-303); and

3 (b) three convictions of reckless driving committed
4 within a period of 12 months (61-8-301)."

5 Section 99. Repealer. Section 61-8-721, MCA, is
6 repealed.

7 Section 100. Repealer. Sections ~~31-167,~~ 31-186,
8 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134,
9 53-135, and 53-140 through 53-144, R.C.M. 1947, are
10 repealed.

-End-

HOUSE OF REPRESENTATIVES
March 8, 1979

Committee on Highways and Transportation Amendments to Senate Bill 113,
3rd Reading Copy, as follows:

1. Page 18, line 2.

Strike: "LICENSE"

Insert: "manufacturer's identification"

AND AS AMENDED BE CONCURRED IN