

SENATE BILL 160

IN THE SENATE

January 18, 1979

Introduced and referred to
Committee on Highways and
Transportation.

February 3, 1979

Committee recommend bill, do
not pass.

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Amended BILL NO. *160*
Steve Ryan

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHEN USE OF MOTOR VEHICLE DEALER LICENSE PLATES IS NOT AUTHORIZED; AMENDING SECTION 61-4-103, MCA."

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

Section 1. Section 61-4-103, MCA, is amended to read:

"61-4-103. Assignment of dealer plates. (1) Upon the licensing of a dealer as a new motor vehicle dealer, used motor vehicle dealer, or trailer, semitrailer, or special mobile equipment dealer, or a dealer of the motorcycle-type vehicle, the division shall assign to such dealer a distinctive serial license number as a dealer and after payment of fees furnish every qualified dealer in motor vehicles with not less than two sets of number plates, and as many more as required according to need, which need shall be justified by the dealer with the initial application for license and each renewal. Assigned number plates shall be similar to number plates furnished to owners of motor vehicles but shall bear thereon, in addition to the serial number assigned such dealer, the letter "D" if the dealer is authorized to sell new motor vehicles (including trucks and truck trailers); the letters "UD" if the dealer is

authorized to sell used motor vehicles (including used trucks and used truck trailers); the letters "DTR" if the dealer is authorized to sell trailers, semitrailers, or special mobile equipment (new or used); and the letters "MCD" if the dealer is authorized to sell vehicles of the motorcycle type (new or used).

(2) With the exception of a dealer authorized to sell new motor vehicles (including trucks and truck trailers) and to use the "D" plate, no dealer authorized to transact business under the provisions of this section may offer for sale or trade any vehicle described in this section except such vehicles as are authorized by the plates assigned to him. If an applicant wishes to sell more than one type of vehicle, he shall make application for each separate authorization. No dealer plate assigned to a dealer may be used on any vehicle other than the type described in this section. A dealer authorized to sell new motor vehicles and assigned a "D" plate is authorized to sell both new and used motor vehicles (including trucks and truck trailers), and "D" plates may be displayed on either new or used motor vehicles by a licensed dealer in new vehicles.

(3) The division shall cause to be placed on each set of license plates issued to a dealer a serial number assigned to each dealer and the actual number of license plates issued to each dealer. The number of the dealer shall

1 follow the prefix of the county, and the number of plates
 2 issued the dealer shall follow the prefix of the county and
 3 the number of the dealer, the dealer's number to be
 4 separated from the county prefix by a dash, and the number
 5 of plates issued to a dealer to be separated from the
 6 dealer's number by a dash, as follows: dealer number 4 in
 7 Lewis and Clark County would be numbered 5-4, and if the
 8 dealer were issued three sets of plates, they would be
 9 numbered consecutively as follows, 5-4-1, 5-4-2, and 5-4-3.

10 (4) Dealers properly licensed under this section are
 11 authorized to use and display dealer's license plates on any
 12 motor vehicle held for bona fide sale or used in the conduct
 13 of the dealer's business in selling or demonstrating motor
 14 vehicles. No dealer's license plate shall be used or
 15 displayed on vehicles normally used for hire, lease, or
 16 rental or for purposes not incident to the business of a
 17 motor vehicle dealer. ~~If any motor vehicle displaying dealer
 18 plates is operated outside the dealer's place of business
 19 without a specifically named prospective purchaser either in
 20 the car or at the point of destination, or not directly
 21 enroute to a service garage, body shop, or other
 22 conditioning establishment, there is a presumption that the
 23 vehicle is being used for a purpose not incident to the
 24 business of the dealer.~~ Each dealer is accountable for each
 25 plate issued and shall certify quarterly to the division the

1 disposition of each dealer plate assigned to the dealer,
 2 including the name, address, and occupation of the person
 3 primarily using each plate.

4 (5) If it shall appear to the satisfaction of the
 5 division, from information furnished to it by the sheriff or
 6 any other law enforcement officer, that any such dealer has
 7 been improperly licensed, has used the dealer's license in a
 8 manner other than the one herein authorized or is not
 9 qualified as a dealer under the requirements of this
 10 section, the division may revoke such dealer's license. No
 11 person, firm, corporation, or association shall, for
 12 commission or profit, engage in the business of buying,
 13 selling, exchanging, or acting as a broker of new motor
 14 vehicles, trailers, or semitrailers unless duly licensed in
 15 compliance with this section (except trailers having an
 16 unladen weight of less than 500 pounds)."

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