

SENATE BILL NO. 165

INTRODUCED BY VAN VALKENBURG, TURNAGE

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Judiciary.
January 24, 1979	Committee recommend bill do pass as amended. Report adopted.
January 25, 1979	Printed and placed on members' desks.
January 26, 1979	Second reading, do pass.
January 27, 1979	Considered correctly engrossed.
January 29, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on Judiciary.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in.

IN THE SENATE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *Senate* BILL NO. *165*  
 2 INTRODUCED BY *Van Valkenburg Turney*  
 3 BY REQUEST OF THE ATTORNEY GENERAL

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
 6 PROVISION SETTING A MAXIMUM VALUE ON VEHICLES FOR WHICH  
 7 TITLE MAY BE ISSUED BY RIGHT OF SURVIVORSHIP; AMENDING  
 8 SECTION 61-3-201, MCA."

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

11 Section 1. Section 61-3-201, MCA, is amended to read:

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

21 (2) Within 20 calendar days thereafter, the transferee  
 22 shall forward both the certificate of ownership so endorsed  
 23 and the certificate of registration, together with the  
 24 information required under 61-3-202, to the county  
 25 treasurer, who shall forward the same to the division, and

1 no certificate of ownership and certificate of registration  
 2 may be issued by the division until the outstanding  
 3 certificates are surrendered to that office or their loss  
 4 established to its reasonable satisfaction. Failure to make  
 5 such application within the 20-day grace period subjects the  
 6 transferee to a penalty of \$10. The penalty is to be  
 7 collected by the county treasurer at the time of  
 8 registration and is in addition to the fees otherwise  
 9 provided by law.

10 (3) In the event of a transfer by operation of law of  
 11 any title or interest of an owner of the legal title or  
 12 owner in and to a motor vehicle as upon inheritance, devise,  
 13 or bequest, order in bankruptcy or insolvency, execution  
 14 sale, repossession upon default in the performance of the  
 15 terms of a lease or executory sales contract, or otherwise  
 16 than by voluntary act of the person whose title or interest  
 17 is so transferred, the executor, administrator, receiver,  
 18 trustee, sheriff, or other representative or successor in  
 19 interest of the person whose title or interest is so  
 20 transferred shall forward to the division an application for  
 21 registration in the form required for an original  
 22 application for registration, together with a verified or  
 23 certified statement of the transfer of such title or  
 24 interest. Such statement shall set forth the reason for such  
 25 involuntary transfer, the title or interest so transferred,

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 INTRODUCED BILL

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

22 (4) When the vehicle title that is involuntarily  
 23 transferred is not registered in this state the procedure  
 24 set forth above must be followed in applying for a new  
 25 certificate of ownership and certificate of registration,

1 but the division need not send notice of intended transfer  
 2 and shall issue a new certificate of ownership and a new  
 3 certificate of registration to the person entitled thereto.

4 (5) (a) In the event of the death of ~~on the~~ owner of  
 5 ~~one-or-more a motor vehicles~~ vehicle, and/or trailer, and/or  
 6 semitrailer, and/or ~~or~~ or housetrailer registered hereunder and  
 7 not exceeding the value of ~~\$4,000,~~ \$15,000 without leaving  
 8 other property necessitating the procuring of letters of  
 9 administration or letters testamentary, then the surviving  
 10 husband--or-wife, ~~spouse~~ or other heir, unless such property  
 11 is by will otherwise bequeathed, may secure transfer of the  
 12 ~~decendent's~~ certificate of ownership and the certificate of  
 13 registration ~~of-the-deceased, in-and-to-such-motor~~ for the  
 14 ~~vehicle, in-the-name-of-the-surviving-husband-or-wife-or~~  
 15 ~~other-heir, as-above-mentioned, upon-filing~~

16 (b) The person seeking transfer of the certificate of  
 17 ownership shall file an affidavit with the division ~~an~~  
 18 ~~affidavit--of--such--person~~ setting forth the fact of  
 19 survivorship and the name and address of any other heirs and  
 20 such other facts as are hereby made necessary to entitle the  
 21 affiant to a transfer.

22 (c) Thereupon--the ~~The~~ division is authorized to make  
 23 such transfer of the certificate of ownership and  
 24 certificate of registration, subject to all ~~contracts,~~  
 25 ~~leases, mortgages, or other--liens--as~~ security interests

1 shown by his records, upon receipt of an affidavit  
2 showing that the affiant is entitled to a transfer under the  
3 provisions of subsection (5)(a) of this section.

4 (6) Nothing in subsection (5) shall prevent any  
5 ~~conditional sales vendor mortgagee or other lienor~~ secured  
6 party from assigning his interest or title in or to a motor  
7 vehicle registered under the provisions of this chapter to  
8 any other person without the consent of and without  
9 effecting the interest of the holder of the certificate of  
10 ownership and certificate of registration. Upon any  
11 ~~conditional sales vendor mortgagee or other lienor~~  
12 ~~assigning his~~ assignment by a secured party of his security  
13 interest in any motor vehicle registered under this chapter  
14 a copy of such assignment must be filed with the division  
15 and record thereof made upon his records.

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

19 (8) Every person who transfers any motor vehicle to a  
20 junk dealer for the purpose of scrapping said vehicle shall  
21 so notify the division and deliver the certificate of  
22 ownership and certificate of registration to the division  
23 for cancellation."

-End-

SB 165

Approved by Committee  
on Judiciary

SENATE BILL NO. 165

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BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE  
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TITLE MAY BE ISSUED BY RIGHT OF SURVIVORSHIP; AMENDING  
SECTION 61-3-201, MCA."

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

Section 1. Section 61-3-201, MCA, is amended to read:

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

(2) Within 20 calendar days thereafter, the transferee  
shall forward both the certificate of ownership so endorsed  
and the certificate of registration, together with the  
information required under 61-3-202, to the county  
treasurer, who shall forward the same to the division, and

no certificate of ownership and certificate of registration  
may be issued by the division until the outstanding  
certificates are surrendered to that office or their loss  
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such application within the 20-day grace period subjects the  
transferee to a penalty of \$10. The penalty is to be  
collected by the county treasurer at the time of  
registration and is in addition to the fees otherwise  
provided by law.

(3) In the event of a transfer by operation of law of  
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or bequest, order in bankruptcy or insolvency, execution  
sale, repossession upon default in the performance of the  
terms of a lease or executory sales contract, or otherwise  
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is so transferred, the executor, administrator, receiver,  
trustee, sheriff, or other representative or successor in  
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transferred shall forward to the division an application for  
registration in the form required for an original  
application for registration, together with a verified or  
certified statement of the transfer of such title or  
interest. Such statement shall set forth the reason for such  
involuntary transfer, the title or interest so transferred,

1 the name or names of the person or persons to whom such  
 2 title or interest is to be transferred, the process of  
 3 procedure effecting such transfer, and such other  
 4 information as may be requested by the division. Such  
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 8 registered hereunder and not exceeding the A COMBINED value  
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18 (b) The person seeking transfer of the certificate of  
 19 ownership shall file an affidavit with the division an  
 20 affidavit--of--such--person setting forth the fact of  
 21 survivorship and the name and address of any other heirs and  
 22 such other facts as are hereby made necessary to entitle the  
 23 affiant to a transfer.

24 (c) Thereupon the the division is authorized to make  
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