

SENATE BILL NO. 185

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE SENATE

January 19, 1981	Introduced and referred to Committee on Highways and Transportation.
January 27, 1981	Committee recommend bill do pass. Report adopted.
January 28, 1981	Bill printed and placed on members' desks.
January 29, 1981	Second reading, pass consideration.
January 30, 1981	Second reading, do pass.
January 31, 1981	Correctly engrossed.
February 2, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 3, 1981	Introduced and referred to Committee on Highways and Transportation.
February 12, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 2, 1981	Second reading, concurred in.
March 4, 1981	Third reading, concurred in. Yeas, 97; Nays, 2.

IN THE SENATE

March 5, 1981	Returned from House with amendments. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

1 *State* BILL NO. *185*  
 2 INTRODUCED BY *Shelton*  
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE DEFINITION  
 6 OF TERMS IN THE PROPORTIONAL VEHICLE REGISTRATION LAW; TO  
 7 CLARIFY THE PROVISIONS PERTAINING TO FEES AND CREDITS; AND  
 8 TO CLARIFY THE PENALTY PROVISIONS FOR VIOLATIONS OF THE  
 9 STATUTES AND AGREEMENTS ENTERED INTO WITH OTHER  
 10 JURISDICTIONS; AMENDING SECTIONS 61-3-712, 61-3-721,  
 11 61-3-725, AND 61-3-730, MCA."

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

14 Section 1. Section 61-3-712, MCA, is amended to read:  
 15 "61-3-712. Definitions. As used in 61-3-711 through  
 16 61-3-733 the following definitions apply:

17 (1) "~~Commercial~~ Apportionable vehicle" means a vehicle  
 18 which is operated in more than one state jurisdiction and  
 19 used or intended for the transportation of persons for hire,  
 20 compensation, or profit, or designed or used primarily for  
 21 the transportation of property.

22 (2) "Fleet" means two ~~one~~ or more ~~commercial~~  
 23 apportionable vehicles.

24 (3) "Jurisdiction" means and includes a state,  
 25 territory, or possession of the United States, the District

1 of Columbia, the Commonwealth of Puerto Rico, a foreign  
 2 country, and a state or province of a foreign country.

3 (4) "Legal residence" means a jurisdiction where the  
 4 person lives or conducts his business. This residence need  
 5 not be coupled with the intent to live or conduct the  
 6 business there on a permanent basis. The use of the word  
 7 "residence" in 61-3-711 through 61-3-733 shall be confined  
 8 to the definition given, and shall not be confused with the  
 9 word "domicile". This definition of "residence" further  
 10 recognizes that a person may have several residences, but  
 11 only one domicile.

12 (5) "Preceding year" means a period of 12 consecutive  
 13 months fixed by the department of highways, which period  
 14 shall be within 16 months immediately preceding the  
 15 commencement of the registration or license year for which  
 16 proportional registration is sought. The department in  
 17 fixing the period shall make it conform to the terms,  
 18 conditions, and requirements of any applicable agreement or  
 19 arrangements for the proportional registration of vehicles.

20 (6) (a) "Properly registered", as applied to place of  
 21 registration, means:

22 (i) the jurisdiction where the person registering the  
 23 vehicle has his legal residence;

24 (ii) in the case of ~~a commercial~~ an apportionable  
 25 vehicle, the jurisdiction in which it is registered if the

1 ~~commercial~~ enterprise in which the vehicle is used has a  
2 place of business therein and if the vehicle is most  
3 frequently dispatched, garaged, serviced, maintained,  
4 operated, or otherwise controlled in or from the place of  
5 business and the vehicle has been assigned to the place of  
6 business; or

7 (iii) in the case of a ~~commercial~~ an apportionable  
8 vehicle, the jurisdiction where because of an agreement or  
9 arrangement between two or more jurisdictions or pursuant to  
10 a declaration the vehicle has been registered as required by  
11 that jurisdiction.

12 (b) In case of doubt or dispute as to the proper place  
13 of registration of a vehicle, the highway commission shall  
14 make the final determination, but in making the  
15 determination, the commission may confer with departments of  
16 the other jurisdictions affected."

17 Section 2. Section 61-3-721, MCA, is amended to read:

18 \*61-3-721. Proportional registration of fleet  
19 vehicles, application, fee formula, and payment. (1) An  
20 owner engaged in operating one or more fleets may, instead  
21 of registration of vehicles under other sections of this  
22 title, register and license each fleet for operation in this  
23 state by filing an application with the department which  
24 shall contain the following information and any other  
25 information pertinent to vehicle registration the department

1 requires:

2 (a) total fleet miles which is the total number of  
3 miles operated in all jurisdictions during the preceding  
4 year by the vehicles in the fleet during the year;

5 (b) in-state miles which is the total number of miles  
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7 vehicles in the fleet during the year; and

8 (c) a description and identification of each vehicle  
9 of the fleet which is to be operated in this state during  
10 the registration year for which proportional fleet  
11 registration is requested.

12 (2) The application for each fleet may be accompanied  
13 by a fee payment computed as follows:

14 (a) divide in-state miles by total fleet miles;

15 (b) determine the total amount necessary to register  
16 each vehicle in the fleet for which registration is  
17 requested, based on the regular annual registration fees  
18 prescribed by 61-3-321 and part 2 of chapter 10, and the  
19 property taxes which are due on the fleet;

20 (c) multiply the sum obtained under subsection (2)(b)  
21 by the fraction obtained under subsection (2)(a).

22 (3) Applications submitted with fees ~~shall~~ may be  
23 recomputed by the department and a statement furnished  
24 showing the overpayment or balance due.

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3 Section 3. Section 61-3-725, MCA, is amended to read:

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8 department of highways of that fact on forms prescribed by  
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19 respect to the vehicle when it was first proportionally  
20 registered in the registration year, reduced by one-twelfth  
21 of the total annual gross vehicle weight fee of the vehicle  
22 for each calendar month and fraction thereof elapsing  
23 between the first day of the month of the current year in  
24 which the vehicle was registered and the date the notice of  
25 withdrawal is received by the department. This credit shall

1 be applied against liability for ~~subsequent additions to be~~  
2 ~~prorated~~ additional fees due during the registration year or  
3 for additional fees due upon audit under 61-3-728. If a  
4 credit is less than \$5, it may not be made or entered. In no  
5 event may the amount be credited against fees other than  
6 those for the registration year, nor may any amount be  
7 subject to refund."

8 Section 4. Section 61-3-730, MCA, is amended to read:

9 "61-3-730. Suspension of reciprocity benefits.  
10 ~~Agreements, arrangements, or declarations made under~~  
11 ~~61-3-711 through 61-3-733 may include provisions authorizing~~  
12 ~~the~~ department to may suspend or cancel the exemptions,  
13 benefits, or privileges granted thereunder under 61-3-711  
14 through 61-3-733 to a person who violates any of the  
15 conditions or terms of the agreements, arrangements, or  
16 declarations or who violates the laws of this state relating  
17 to motor vehicles, or rules lawfully adopted thereunder."

-End-

Approved by Committee  
on Highways & Transportation

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2 INTRODUCED BY *[Signature]*  
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8 Section 4. Section 61-3-730, MCA, is amended to read:

9 "61-3-730. Suspension of reciprocity benefits.  
10 ~~Agreements,---arrangements,---or---declarations--made--under~~  
11 ~~61-3-711-through-61-3-733-may-include-provisions-authorizing~~  
12 ~~the~~ The department to may suspend or cancel the exemptions,  
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-End-

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-End-

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21 (c) multiply the sum obtained under subsection (2)(b)  
 22 by the fraction obtained under subsection (2)(a).

23 (3) Applications submitted with fees ~~shall~~ may be  
 24 recomputed by the department and a statement furnished  
 25 showing the overpayment or balance due.

1 (4) Applications submitted without fees shall be  
2 computed by the department and a statement furnished showing  
3 the amount of fees due."

4 Section 3. Section 61-3-725, MCA, is amended to read:

5 "61-3-725. Withdrawal of fleet vehicles -- procedure,  
6 credits, and accounting. If a vehicle is withdrawn from a  
7 proportionally registered fleet during the period for which  
8 it is registered, the owner of the fleet shall notify the  
9 department of highways of that fact on forms prescribed by  
10 the department. The department may require the owner to  
11 surrender proportional registration cards and other  
12 identification devices which have been issued with respect  
13 to that vehicle. If a vehicle is permanently withdrawn from  
14 a proportionally registered fleet because it has been  
15 destroyed, sold, or otherwise completely removed from the  
16 service of the registrant, the unused portion of the gross  
17 vehicle weight fees paid with respect to that vehicle shall  
18 be credited to the proportional registration account of the  
19 owner. This unused portion shall equal the amount paid with  
20 respect to the vehicle when it was first proportionally  
21 registered in the registration year, reduced by one-twelfth  
22 of the total annual gross vehicle weight fee of the vehicle  
23 for each calendar month and fraction thereof elapsing  
24 between the first day of the month of the current year in  
25 which the vehicle was registered and the date the notice of

1 withdrawal is received by the department. This credit shall  
2 be applied against liability for ~~subsequent-additions-to--be~~  
3 ~~prorated~~ additional fees due during the registration year or  
4 for additional fees due upon audit under 61-3-728. If a  
5 credit is less than \$5, it may not be made or entered. In no  
6 event may the amount be credited against fees other than  
7 those for the registration year, nor may any amount be  
8 subject to refund."

9 Section 4. Section 61-3-730, MCA, is amended to read:

10 "61-3-730. Suspension of reciprocity benefits,  
11 ~~Agreements,--arrangements,--or--declarations--made--under~~  
12 ~~61-3-711-through-61-3-733-may-include-provisions-authorizing~~  
13 ~~the~~ the department to may suspend or cancel the exemptions,  
14 benefits, or privileges granted ~~thereunder~~ under 61-3-711  
15 through 61-3-733 to a person who violates any of the  
16 conditions or terms of the agreements, arrangements, or  
17 declarations or who violates the laws of this state relating  
18 to motor vehicles, or rules lawfully adopted thereunder."

-End-