SENATE BILL NO. 304

INTRODUCED BY HAZELBAKER

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Bighways and Transportation.
	Fiscal note requested.
February 3, 1981	Fiscal note returned.
February 6, 1981	Committee recommend bill do pass. Report adopted.
February 7, 1981	Bill printed and placed on members' desks.
February 9, 1981	Second reading, do pass.
February 10, 1981	Correctly engrossed.
February 11, 1981	Third reading, passed. Yeas, 49; Nays, O. Transmitted to House.
I	THE HOUSE
February 12, 1981	Introduced and referred to Committee on Highways and Transportation.

February 20, 1981

February 21, 1981

March 2, 1981

March 4, 1981

Committee recommend bill be concurred in. Report adopted.

Second reading, pass consideration until 46th legislative day.

Second reading, concurred in.

Third reading, concurred in. Yeas, 98; Nays, 0.

IN THE SENATE

March 5, 1981

Returned from House. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 6 PROVISIONS FOR TRUCK AND TRAILER DEMONSTRATION PERMITS AND 7 TO CLARIFY THE EXEMPTION FOR VEHICLES DISPLAYING A LICENSED 8 DEALER'S PLATE; AMENDING SECTIONS 61-3-431, 61-3-432, 9 61-10-214, 61-10-231, AND 61-12-206, MCA; AND REPEALING 10 SECTIONS 61-4-114 THROUGH 61-4-118, MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 61+3-431, MCA, is amended to read: 14 "61-3-431. Special mobile equipment -- exemption from 15 registration and payment of fees and charges --identification plate -- publicly owned special mobile 16 equipment. (1) A person, firm, partnership, or corporation 17 18 who owns, leases, or rents special mobile equipment as 19 defined in 61-1-104(2) and occasionally moves that equipment 20 on, over, or across the highways of the state is not subject 21 to registration of that equipment or required to pay the fees and charges provided for in 61-3-502, 61-4-115, 22 23 61-4-301 through 61-4-308, or part 2 of chapter 10. Prior to 24 movement on the highways, however, each piece of equipment shall display an equipment identification plate or a 25

1 dealers* license plate attached to the equipment.

(2) Annual application for the identification plate 2 shall be made to the county treasurer before any piece of 3 4 equipment is moved on the highways. Application shall be made on a form furnished by the department of justice, 5 together with the payment of a fee of \$5. The equipment for 6 which a special mobile equipment plate is sought is subject 7 to the assessment of personal property taxes on the date 8 application is made for the plate. The personal property 9 taxes assessed against the special mobile equipment must be 10 paid before the issuance of a special mobile equipment 11 plate. The fees collected under this section belong to the 12 13 county road fund.

14 (3) The identification plate expires on December 31 of 15 each year. If the expired identification plate is displayed, 16 an owner of special mobile equipment registered under the 17 provisions of this section is entitled to operate the 18 equipment between January 1 and February 15 following 19 expiration without displaying the identification plate or 20 receipt of the current year.

(4) Publicly owned special mobile equipment, and
implements of husbandry used exclusively by an owner in the
conduct of his own farming operations, are exempt from this
section."

25 Section 2. Section 61-3-432, MCA, is amended to read:

-2- INTRODUCED BILL 58 304

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1 "61-3-432. Exemptions of vehicles not capable of 2 operation on highways. Track-type tractors, other track 3 mounted machinery and equipment, road rollers, and other 4 similar equipment and machinery which cannot be 5 self-propelled or towed upon the highways of this state and 6 which must be transported by some type of hauling unit, are 7 not subject to this chapter, 61-4-101 through 61-4-118 61-4-106, chapter 6, part 2 of chapter 10, or part 4 of 8 9 chapter 12."

Section 3. Section 61-10-214, MCA, is amended to read: "61-10-214. Exemptions. (1) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from this part.

15 (2) Motor vehicles brought or driven into Montana by a 16 nonresident, migratory, bona fide agricultural worker 17 temporarily employed in agricultural work in this state 18 where those motor vehicles are used exclusively for 19 transportation of agricultural workers are exempt from this 20 part.

(3) Vehicles lawfully displaying a licensed dealer's
plate as provided in 61-4-103 are exempt from this part when
moving to or from a dealer's place of business when unloaded
or loaded with dealer's property only-and-in-the-case-of
vehicles-having-a-gross-loaded-weight-of-less-than-24y000

8 enforce this party and 61-3-502(1)y-and-61-4-114-through 61-6-118, and those persons shall examine and inspect the 9 10 motor vehicles operating upon the highways in this state and 11 regulated by this party and 61-3-502(1), and--61-4-114 12 through-61-4-118y to ascertain whether or not those laws are 13 being complied with." 14 Section 5. Section 61-12-206. MCA. is amended to read: 15 #61-12-206. Offenses for which arrest authorized. (1) 16 Employees appointed under 61-12-201 may make arrests for 17 violations of the following statutory provisions only: 18 (a) part 1, chapter 10, of this title; 19 (b) part 3, chapter 4, of this title: (c) sections 15-24-201 through 15-24-205; 20 21 (d) sections 15-70-302 through 15-70-307;

- 22 (e) sections 15-70-311 through 15-70-314;
- 23 (f) section 61-3-502(1);
- 24 tg)--sections-61-4-114-through-61-4-116t
- 25 tht(a) sections 61-10-201 through 61-10-215;

- 2 (j)(i) sections 61-10-231 through 61-10-233.
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- 4 other than specified in this section."
- 5 Section 6. Repealer. Sections 61-4-114 through
- 6 61-4-118, MCA, are repealed.

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-End-

5B 304

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. 252-81

Form BD-15

n compliance with a written request received <u>January 30</u>, 19<u>81</u>, there is hereby submitted a Fiscal Note Schate Bill 304 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

A proposal to discontinue issuing truck and trailer demonstration permits.

ASSUMPTIONS:

- 1. The number of permits issued will continue to be very low in volume.
- 2. There is little or no revenue gain when administrative costs are applied.

REVENUE IMPACT:

Truck and trailer demonstration permits under current law U U U Proposed law Decrease on truck and trailer demonstration permits	$ \begin{array}{r} FY & 1982 \\ \hline $ 700.00 \\ \hline $ 700.00$
FUND INFORMATION	
Highway Earmarked Revenue Decrease	FY 1982 FY 1983 \$ 700.00 \$ 700.00

BUDGET DIRECTOR Office of Budget and Program Planning Date:2-3-21

Approved by Committee on Highways & Transportation

Sector BILL NO. 304 1 INTRUDUCED BY 2

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

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dealers' license plate attached to the equipment. 1

2 (2) Annual application for the identification plate 3 shall be made to the county treasurer before any piece of 4 equipment is moved on the highways. Application shall be made on a form furnished by the department of justice. 5 6 together with the payment of a fee of \$5. The equipment for which a special mobile equipment plate is sought is subject 7 to the assessment of personal property taxes on the date 8 9 application is made for the plate. The personal property 10 taxes assessed against the special mobile equipment must be paid before the issuance of a special mobile equipment 11 plate. The fees collected under this section belong to the 12 13 county road fund.

14 (3) The identification plate expires on December 31 of 15 each year. If the expired identification plate is displayed, 16 an owner of special mobile equipment registered under the 17 provisions of this section is entitled to operate the 18 equipment between January 1 and February 15 following 19 expiration without displaying the identification plate or 20 receipt of the current year.

21 (4) Publicly owned special mobile equipment, and 22 implements of husbandry used exclusively by an owner in the 23 conduct of his own farming operations, are exempt from this 24 section."

Section 2. Section 61-3-432, MCA, is amended to read: 25

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SECOND READING

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1 *61-3-432. Exemptions of vehicles not capable of 2 operation on highways. Track-type tractors, other track mounted machinery and equipment, road rollers, and other 3 4 similar equipment and machinery which cannot be 5 self-propelled or towed upon the highways of this state and 6 which must be transported by some type of hauling unit, are 7 not subject to this chapter, 61-4-101 through 61-4-110 8 61-4-106, chapter 6, part 2 of chapter 10, or part 4 of 9 chapter 12."

Section 3. Section 61-10-214, MCA, is amended to read: 11 *61-10-214. Exemptions. (1) Notor vehicles operating 12 exclusively for transportation of persons for hire within 13 the limits of incorporated cities or towns and within 15 14 miles from such limits are exempt from this part.

15 (2) Motor vehicles brought or driven into Montana by a 16 nonresident, migratory, bona fide agricultural worker 17 temporarily employed in agricultural work in this state 18 where those motor vehicles are used exclusively for 19 transportation of agricultural workers are exempt from this 20 part.

21 (3) Vehicles lawfully displaying a licensed dealer's 22 plate as provided in 61-4-103 are exempt from this part when 23 moving to or from a dealer's place of business when unloaded 24 or loaded with dealer's property only-and-in-the--case--of 25 vehicles-having-a--gross-loaded-weight-of-less-than-249000

poundsy or while being demonstrated in the course of the 1 dealer's business. for a period not to exceed 7 days. 2 Vehicles being demonstrated may not be leased, rented, or 3 operated for compensation by the licensed dealer." 4 5 Section 4. Section 61-10-231, MCA, is amended to read: 6 "61-10-231. Enforcement. The highway patrol and any 7 designated employee of the department of highways shall enforce this party and 61-3-502(1)y-and-62-4-224-through 8 61-4-118, and those persons shall examine and inspect the 9 10 motor vehicles operating upon the highways in this state and regulated by this party and 61-3-502(1), and--61-4-114 11 through-61-4-110y to ascertain whether or not those laws are 12 13 being complied with." Section 5. Section 61-12-206, MCA, is amended to read: 14 15 *61-12-206. Offenses for which arrest authorized. (1) Employees appointed under 61-12-201 may make arrests for 16 violations of the following statutory provisions only: 17 18 (a) part 1, chapter 10, of this title; 19 (b) part 3, chapter 4, of this title; 20 (c) sections 15-24-201 through 15-24-205; (d) sections 15-70-302 through 15-70-307; 21

22 (e) sections 15-70-311 through 15-70-314;

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24 fgt--sections-61-4-114-through-61-4-116t

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____ THIRD READING 5B 304

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SB 304

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SB 0304/02

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