

HOUSE BILL NO. 669

Introduced: 02/07/83

Referred to Committee on Highways & Transportation: 02/07/83

Hearing: 2/15/83

Died in Committee

-2- INTRODUCED BILL
HB669

1 considers expedient.

2 (4) Vehicle registration records and indexes and
3 driver's license records and indexes may be maintained by
4 electronic recording and storage media.

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

9 (6) In order to prevent an accumulation of unneeded
10 records and files, the division shall have the authority and
11 it shall be its duty to destroy all records and files which
12 have ceased to be of any value.

13 (7) The division may establish and maintain a
14 short-wave radio station in order to report motor vehicle
15 registration information to the highway patrol, to sheriffs,
16 and to the chiefs of police of each incorporated city of the
17 state who are able to communicate with such short-wave radio
18 station.

19 (8) All records shall be open to inspection during all
20 reasonable business hours, and the division shall furnish
21 any information from the records upon payment by the
22 applicant of the cost of transcribing the information
23 requested.

24 (9) Within 30 days following the end of each calendar
25 quarter, the division shall send to each county assessor and

1 to the department of revenue a list of the certificates of
2 ownership for housetrailer and mobile homes issued during
3 the preceding calendar quarter to owners within each
4 assessor's respective county. The list must contain the name
5 and address of the owner or the names and addresses of joint
6 owners and a description of the housetrailer, including the
7 year built and the serial number."

8 Section 2. Section 61-3-201, MCA, is amended to read:
9 "61-3-201. Transfer of interest. (1) Upon a transfer
10 of any interest in a motor vehicle or mobile home registered
11 under the provisions of this chapter, the person whose
12 interest is to be transferred shall write his signature with
13 pen and ink upon the certificate of ownership issued for
14 such vehicle in the appropriate space provided upon the
15 reverse side of the certificate, and his signature shall be
16 acknowledged before a notary public.

17 (2) Within 20 calendar days thereafter, the transferee
18 shall forward both the endorsed certificate of ownership and
19 the certificate of registration, together with the
20 information required under 61-3-202, to the county
21 treasurer, who shall forward them to the division. No
22 certificate of ownership or certificate of registration may
23 be issued by the division until the outstanding certificates
24 are surrendered to that office or their loss is established
25 to its reasonable satisfaction. Failure to make application

1 within the 20-day grace period subjects the transferee to a
2 penalty of \$10. The penalty is to be collected by the county
3 treasurer at the time of registration and is in addition to
4 the fees otherwise provided by law.

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

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

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

21 (5) (a) In the event of the death of the owner of one
22 or more motor vehicles, trailers, semitrailers, or
23 house trailers, or mobile homes registered hereunder and not
24 exceeding a combined value of \$15,000 without leaving other
25 property necessitating the procuring of letters of

administration or letters testamentary, then the surviving spouse or other heir unless such property is by will otherwise bequeathed may secure transfer of the decedent's certificate of ownership and the certificate of registration for the vehicle.

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

(c) The division is authorized to transfer the certificate of ownership and certificate of registration, subject to all security interests shown by its records, upon receipt of an affidavit showing that the affiant is entitled to a transfer under the provisions of subsection (5)(a) of this section.

(6) Nothing in subsection (5) shall prevent any secured party from assigning his interest in a motor vehicle or mobile home registered under the provisions of this chapter to any other person without the consent of and without affecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any assignment by a secured party of his security interest in any motor vehicle or mobile home registered under this chapter, a copy of such assignment must be filed

with the division and record thereof made upon its records.

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

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

"61-3-317. New registration required for transferred vehicle or mobile home -- grace period -- penalty -- display of proof of purchase. Except as otherwise provided herein, the new owner of a transferred motor vehicle or mobile home shall have a grace period of 20 calendar days from the date of purchase to make application and pay the taxes, or fees, or both provided by part 5 of this chapter, unless the tax or fee has been paid for the year, as if the vehicle were being registered for the first time in that registration year. If the motor vehicle was not purchased from a duly licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day period, provided that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase is clearly displayed in the rear window of the motor vehicle. Registration and license fees collected under 61-3-321 are not required to be paid when a license plate is transferred under this section and

1 61-3-335. Failure to make application within the time
2 provided herein subjects the purchaser to a penalty of \$10.
3 The penalty shall be collected by the county treasurer at
4 the time of registration and shall be in addition to the
5 fees otherwise provided by law."

6 NEW SECTION. Section 4. Notice of intention to
7 transfer title. When a mobile home is sold under contract or
8 under conditions so that title is not immediately conveyed,
9 the parties to the transaction shall file immediately with
10 the county clerk and recorder a notice of intention to
11 transfer title. The notice must indicate the name of the
12 party who is thereafter responsible for payment of taxes
13 upon the mobile home. The clerk and recorder shall
14 immediately notify the county assessor of the information in
15 the notice.

16 NEW SECTION. Section 5. Codification instruction.
17 Section 4 is intended to be codified as an integral part of
18 Title 15, chapter 24, part 2, and the provisions of Title
19 15, chapter 24, part 2, apply to section 4.

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