

SENATE BILL NO. 318

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on Highways and Transportation.
February 3, 1983	Committee recommend bill do pass. Report adopted.
February 4, 1983	Bill printed and placed on members' desks.
February 7, 1983	Second reading, do pass.
February 8, 1983	Correctly engrossed.
February 9, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 10, 1983	Introduced and referred to Committee on Highways and Transportation.
March 23, 1983	Committee recommend bill be concurred in. Report adopted.
March 28, 1983	Second reading, concurred in. Third reading, concurred in.

IN THE SENATE

March 29, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
----------------	--

1 *Amended* BILL NO. *318*
2 INTRODUCED BY *Graham*
3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE
6 PROPORTIONAL VEHICLE REGISTRATION LAW; TO CHANGE THE
7 DEFINITION OF THE TERM "PRECEDING YEAR"; TO REVISE THE
8 APPLICATION REQUIREMENTS; AND TO CHANGE THE PROCEDURE FOR
9 THE WITHDRAWAL OF FLEET VEHICLES; AMENDING SECTIONS
10 61-3-712, 61-3-721, AND 61-3-725, MCA."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 61-3-712, MCA, is amended to read:
14 "61-3-712. Definitions. As used in 61-3-711 through
15 61-3-733 the following definitions apply:
16 (1) "Apportionable vehicle" means a vehicle which is
17 used or intended for use in more than one jurisdiction and
18 used for the transportation of persons for hire,
19 compensation, or profit, or designed or used primarily for
20 the transportation of property.
21 (2) "Fleet" means one or more apportionable vehicles.
22 (3) "Jurisdiction" means and includes a state,
23 territory, or possession of the United States, the District
24 of Columbia, the Commonwealth of Puerto Rico, a foreign
25 country, and a state or province of a foreign country.

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

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

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

20 (i) the jurisdiction where the person registering the
21 vehicle has his legal residence;

22 (ii) in the case of an apportionable vehicle, the
23 jurisdiction in which it is registered if the enterprise in
24 which the vehicle is used has a place of business therein
25 and if the vehicle is most frequently dispatched, garaged,

1 serviced, maintained, operated, or otherwise controlled in
2 or from the place of business and the vehicle has been
3 assigned to the place of business; or

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

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

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

15 "61-3-721. Proportional registration of fleet
16 vehicles, application, fee formula, and payment. (1) An
17 owner engaged in operating one or more fleets may, instead
18 of registration of vehicles under other sections of this
19 title, register and license each fleet for operation in this
20 state by filing an application with the department which
21 shall contain the following information and--any--other
22 information pertinent to vehicle registration that is
23 required by the department requires.

24 ~~(a) total fleet miles which is the total number of~~
25 ~~miles operated in all jurisdictions during the preceding~~

1 ~~year by the vehicles in the fleet during the year~~

2 ~~(b) in-state miles which is the total number of miles~~
3 ~~operated in this state during the preceding year by the~~
4 ~~vehicles in the fleet during the year and~~

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

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

11 (a) divide in-state miles by total fleet miles as
12 defined in the applicable agreement entered into pursuant to
13 61-3-711 through 61-3-733;

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

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

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

24 (4) Applications submitted without fees shall be
25 computed by the department and a statement furnished showing

1 the amount of fees due."

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

3 "61-3-725. Withdrawal of fleet vehicles -- procedure,
4 credits, and accounting. (1) If a vehicle is withdrawn from
5 a proportionally registered fleet during the period for
6 which it is registered, the owner of the fleet shall notify
7 the department of highways of that fact on forms prescribed
8 by the department. The department may require the owner to
9 surrender proportional registration cards and other
10 identification devices which have been issued with respect
11 to that vehicle. If a vehicle is permanently withdrawn from
12 a proportionally registered fleet because it has been
13 destroyed, sold, or otherwise completely removed from the
14 service of the registrant, the unused portion of the gross
15 vehicle weight fees paid with respect to that vehicle shall
16 be credited to the proportional registration account of the
17 owner. This unused portion shall equal the amount paid with
18 respect to the vehicle when it was first proportionally
19 registered in the registration year, reduced by one-twelfth
20 of the total annual gross vehicle weight fee of the vehicle
21 for each calendar month and fraction thereof elapsing
22 between the first day of the month of the current year in
23 which the vehicle was registered and the date the notice of
24 withdrawal is received by the department. This credit shall
25 be applied against liability for additional fees due during

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

6 ~~(2) If the owner replaces a vehicle withdrawn from the~~
7 ~~fleet at the same time as the withdrawal and the replacement~~
8 ~~vehicle is of the same or of a lesser weight category than~~
9 ~~the one withdrawn, the gross vehicle weight fees are~~
10 ~~transferable to the replacement vehicle. If the transfer is~~
11 ~~to a smaller vehicle, there may be no credit given or~~
12 ~~entered."~~

-End-

Approved by Committee
on Highways & Transportation

1 *Sen. G. Smith* BILL NO. *318*
2 INTRODUCED BY *Graham*
3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE
6 PROPORTIONAL VEHICLE REGISTRATION LAW; TO CHANGE THE
7 DEFINITION OF THE TERM "PRECEDING YEAR"; TO REVISE THE
8 APPLICATION REQUIREMENTS; AND TO CHANGE THE PROCEDURE FOR
9 THE WITHDRAWAL OF FLEET VEHICLES; AMENDING SECTIONS
10 61-3-712, 61-3-721, AND 61-3-725, MCA."
11

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

13 Section 1. Section 61-3-712, MCA, is amended to read:

14 "61-3-712. Definitions. As used in 61-3-711 through
15 61-3-733 the following definitions apply:

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

21 (2) "Fleet" means one or more apportionable vehicles.

22 (3) "Jurisdiction" means and includes a state,
23 territory, or possession of the United States, the District
24 of Columbia, the Commonwealth of Puerto Rico, a foreign
25 country, and a state or province of a foreign country.

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

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

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

20 (i) the jurisdiction where the person registering the
21 vehicle has his legal residence;

22 (ii) in the case of an apportionable vehicle, the
23 jurisdiction in which it is registered if the enterprise in
24 which the vehicle is used has a place of business therein
25 and if the vehicle is most frequently dispatched, garaged,

serviced, maintained, operated, or otherwise controlled in or from the place of business and the vehicle has been assigned to the place of business; or

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

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

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

"61-3-721. Proportional registration of fleet vehicles, application, fee formula, and payment. (1) An owner engaged in operating one or more fleets may, instead of registration of vehicles under other sections of this title, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and any other information pertinent to vehicle registration that is required by the department ~~request~~."

~~(a) total fleet miles which is the total number of miles operated in all jurisdictions during the preceding~~

~~year by the vehicles in the fleet during the year;~~

~~(b) in-state miles which is the total number of miles operated in this state during the preceding year by the vehicles in the fleet during the year; and~~

~~(c) a description and identification of each vehicle of the fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested;~~

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

(a) divide in-state miles by total fleet miles as defined in the applicable agreement entered into pursuant to 61-3-711 through 61-3-733;

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

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

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

(4) Applications submitted without fees shall be computed by the department and a statement furnished showing

1 the amount of fees due."

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

3 "61-3-725. Withdrawal of fleet vehicles -- procedure,
4 credits, and accounting. ~~111~~ If a vehicle is withdrawn from
5 a proportionally registered fleet during the period for
6 which it is registered, the owner of the fleet shall notify
7 the department of highways of that fact on forms prescribed
8 by the department. The department may require the owner to
9 surrender proportional registration cards and other
10 identification devices which have been issued with respect
11 to that vehicle. If a vehicle is permanently withdrawn from
12 a proportionally registered fleet because it has been
13 destroyed, sold, or otherwise completely removed from the
14 service of the registrant, the unused portion of the gross
15 vehicle weight fees paid with respect to that vehicle shall
16 be credited to the proportional registration account of the
17 owner. This unused portion shall equal the amount paid with
18 respect to the vehicle when it was first proportionally
19 registered in the registration year, reduced by one-twelfth
20 of the total annual gross vehicle weight fee of the vehicle
21 for each calendar month and fraction thereof elapsing
22 between the first day of the month of the current year in
23 which the vehicle was registered and the date the notice of
24 withdrawal is received by the department. This credit shall
25 be applied against liability for additional fees due during

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

6 ~~(2) If the owner replaces a vehicle withdrawn from the~~
7 ~~fleet at the same time as the withdrawal and the replacement~~
8 ~~vehicle is of the same or of a lesser weight category than~~
9 ~~the one withdrawn, the gross vehicle weight fees are~~
10 ~~transferable to the replacement vehicle. If the transfer is~~
11 ~~to a smaller vehicle, there may be no credit given or~~
12 ~~entered."~~

-End-

1 *Senate* BILL NO. *318*
2 INTRODUCED BY *Heckman*
3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE
6 PROPORTIONAL VEHICLE REGISTRATION LAW; TO CHANGE THE
7 DEFINITION OF THE TERM "PRECEDING YEAR"; TO REVISE THE
8 APPLICATION REQUIREMENTS; AND TO CHANGE THE PROCEDURE FOR
9 THE WITHDRAWAL OF FLEET VEHICLES; AMENDING SECTIONS
10 61-3-712, 61-3-721, AND 61-3-725, MCA."
11

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

13 Section 1. Section 61-3-712, MCA, is amended to read:

14 "61-3-712. Definitions. As used in 61-3-711 through
15 61-3-733 the following definitions apply:

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

21 (2) "Fleet" means one or more apportionable vehicles.

22 (3) "Jurisdiction" means and includes a state,
23 territory, or possession of the United States, the District
24 of Columbia, the Commonwealth of Puerto Rico, a foreign
25 country, and a state or province of a foreign country.

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

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

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

20 (i) the jurisdiction where the person registering the
21 vehicle has his legal residence;

22 (ii) in the case of an apportionable vehicle, the
23 jurisdiction in which it is registered if the enterprise in
24 which the vehicle is used has a place of business therein
25 and if the vehicle is most frequently dispatched, garaged,

1 serviced, maintained, operated, or otherwise controlled in
2 or from the place of business and the vehicle has been
3 assigned to the place of business; or

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

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

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

15 "61-3-721. Proportional registration of fleet
16 vehicles, application, fee formula, and payment. (1) An
17 owner engaged in operating one or more fleets may, instead
18 of registration of vehicles under other sections of this
19 title, register and license each fleet for operation in this
20 state by filing an application with the department which
21 shall contain the following information and--any--other
22 information pertinent to vehicle registration that is
23 required by the department requires.

24 ~~(a) total fleet miles which is the total number of~~
25 ~~miles operated in all jurisdictions during the preceding~~

1 year by the vehicles in the fleet during the year;

2 ~~(b) in-state miles which is the total number of miles~~
3 ~~operated in this state during the preceding year by the~~
4 ~~vehicles in the fleet during the year; and~~

5 ~~(c) a description and identification of each vehicle~~
6 ~~of the fleet which is to be operated in this state during~~
7 ~~the registration year for which proportional fleet~~
8 ~~registration is requested;~~

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

11 (a) divide in-state miles by total fleet miles as
12 defined in the applicable agreement entered into pursuant to
13 61-3-711 through 61-3-733;

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

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

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

24 (4) Applications submitted without fees shall be
25 computed by the department and a statement furnished showing

1 the amount of fees due."

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

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

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

6 ~~(2) If the owner replaces a vehicle withdrawn from the~~
7 ~~fleet at the same time as the withdrawal and the replacement~~
8 ~~vehicle is of the same or of a lesser weight category than~~
9 ~~the one withdrawn, the gross vehicle weight fees are~~
10 ~~transferable to the replacement vehicle. If the transfer is~~
11 ~~to a smaller vehicle, there may be no credit given or~~
12 ~~entered."~~

-End-

SENATE BILL NO. 318

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE PROPORTIONAL VEHICLE REGISTRATION LAW; TO CHANGE THE DEFINITION OF THE TERM "PRECEDING YEAR"; TO REVISE THE APPLICATION REQUIREMENTS; AND TO CHANGE THE PROCEDURE FOR THE WITHDRAWAL OF FLEET VEHICLES; AMENDING SECTIONS 61-3-712, 61-3-721, AND 61-3-725, MCA."

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

Section 1. Section 61-3-712, MCA, is amended to read:

"61-3-712. Definitions. As used in 61-3-711 through 61-3-733 the following definitions apply:

(1) "Apportionable vehicle" means a vehicle which is used or intended for use in more than one jurisdiction and used for the transportation of persons for hire, compensation, or profit, or designed or used primarily for the transportation of property.

(2) "Fleet" means one or more apportionable vehicles.

(3) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

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

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

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

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

(ii) in the case of an apportionable vehicle, the jurisdiction in which it is registered if the enterprise in which the vehicle is used has a place of business therein and if the vehicle is most frequently dispatched, garaged,

serviced, maintained, operated, or otherwise controlled in or from the place of business and the vehicle has been assigned to the place of business; or

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

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

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

"61-3-721. Proportional registration of fleet vehicles, application, fee formula, and payment. (1) An owner engaged in operating one or more fleets may, instead of registration of vehicles under other sections of this title, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and--any--other information pertinent to vehicle registration ~~that--is~~ required by the department ~~require~~."

~~(a) total fleet miles which is the total number of miles operated in all jurisdictions during the preceding~~

~~year by the vehicles in the fleet during the year~~

~~(b) in-state miles which is the total number of miles operated in this state during the preceding year by the vehicles in the fleet during the year and~~

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

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

(a) divide in-state miles by total fleet miles as defined in the applicable agreement entered into pursuant to 61-3-711 through 61-3-733;

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

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

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

(4) Applications submitted without fees shall be computed by the department and a statement furnished showing

1 the amount of fees due."

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

3 "61-3-725. Withdrawal of fleet vehicles -- procedure,
4 credits, and accounting. (1) If a vehicle is withdrawn from
5 a proportionally registered fleet during the period for
6 which it is registered, the owner of the fleet shall notify
7 the department of highways of that fact on forms prescribed
8 by the department. The department may require the owner to
9 surrender proportional registration cards and other
10 identification devices which have been issued with respect
11 to that vehicle. If a vehicle is permanently withdrawn from
12 a proportionally registered fleet because it has been
13 destroyed, sold, or otherwise completely removed from the
14 service of the registrant, the unused portion of the gross
15 vehicle weight fees paid with respect to that vehicle shall
16 be credited to the proportional registration account of the
17 owner. This unused portion shall equal the amount paid with
18 respect to the vehicle when it was first proportionally
19 registered in the registration year, reduced by one-twelfth
20 of the total annual gross vehicle weight fee of the vehicle
21 for each calendar month and fraction thereof elapsing
22 between the first day of the month of the current year in
23 which the vehicle was registered and the date the notice of
24 withdrawal is received by the department. This credit shall
25 be applied against liability for additional fees due during

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

6 ~~(2) If the owner replaces a vehicle withdrawn from the~~
7 ~~fleet at the same time as the withdrawal and the replacement~~
8 ~~vehicle is of the same or of a lesser weight category than~~
9 ~~the one withdrawn, the gross vehicle weight fees are~~
10 ~~transferable to the replacement vehicle. If the transfer is~~
11 ~~to a smaller vehicle, there may be no credit given or~~
12 ~~antecada."~~

-End-