

SENATE BILL NO. 385

Introduced: 02/09/83

Referred to Committee on Judiciary: 02/09/83

Hearing: 2/14/83

Report: 02/18/83, Do Not Pass. Report Adopted
Bill Killed.

1 *Amended* BILL NO. 385
 2 INTRODUCED BY *Stump*
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE METHOD OF
 6 MAKING AND KEEPING REPORTS OF STOLEN AND RECOVERED VEHICLES;
 7 PROVIDING FOR INSPECTION OF VEHICLE IDENTIFICATION NUMBERS;
 8 ALLOWING SEIZURE OF VEHICLES WITH A CHANGED OR REMOVED
 9 IDENTIFYING NUMBER; PROVIDING FOR AN INSPECTION FEE;
 10 AMENDING SECTIONS 61-3-106 AND 61-3-202, MCA."
 11

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

13 Section 1. Section 61-3-106, MCA, is amended to read:

14 "61-3-106. Report of stolen and recovered motor
 15 vehicles. It shall be the duty of the sheriff of every
 16 county of the state and of the chief of police or
 17 commissioner of police of every city to make an immediate
 18 ~~report to the division of all motor vehicles reported to him~~
 19 ~~as stolen or recovered upon forms provided for by the~~
 20 ~~division entry regarding each vehicle theft or recovery into~~
 21 ~~the state automated stolen vehicle file maintained by the~~
 22 ~~department of justice.~~ Failure on the part of any officer
 23 shall be considered to be misfeasance in office and shall
 24 constitute grounds for removal. Upon receipt entry of such
 25 information, the division shall file it in an index to be

1 known as the stolen and recovered motor vehicle index must
 2 be allowed immediate access to the state automated stolen
 3 vehicle file and the national crime information center. It
 4 shall also be the duty of the division to file reports of
 5 stolen and recovered motor vehicles reported to it from
 6 other states. ~~The division shall prepare once a month a list~~
 7 ~~of all motor vehicles stolen or recovered during the~~
 8 ~~previous month and forward a copy of it to every sheriff and~~
 9 ~~all police departments in cities of the first, second, and~~
 10 ~~third class. The list shall also be forwarded~~ the state
 11 automated stolen vehicle file must be made available to the
 12 secretary of state or other proper official in each state of
 13 the United States through access to the national crime
 14 information center. Before issuing a certificate of
 15 ownership, the division shall check the ~~motor and serial~~
 16 vehicle identification number on the motor vehicle to be
 17 registered against the ~~stolen and recovered vehicle index~~
 18 state automated stolen vehicle file."

19 Section 2. Section 61-3-202, MCA, is amended to read:

20 "61-3-202. Certificate of ownership -- issuance --
 21 contents -- joint ownership -- inspection for vehicle
 22 identification number. (1) Upon completion of the
 23 application for certificate of ownership, on forms furnished
 24 by the division, the county treasurer shall forward one copy
 25 of the application to the division, which shall enter the

1 information contained in the application upon the
2 corresponding records of its office and shall furnish the
3 applicant a certificate of ownership subject to the
4 provisions of 61-3-103.

5 (2) The certificate of ownership shall contain upon
6 the face thereof:

7 (a) the date issued;

8 (b) the name and complete address of the owner or the
9 names and addresses of joint owners;

10 (c) except as provided in 61-3-103(2), the name and
11 complete address of any holder of a perfected security
12 interest in the registered vehicle;

13 (d) a description of the registered vehicle, including
14 the year built and serial number;

15 (e) except as provided in 61-3-103(2), the filing date
16 of any lien against such motor vehicle; and

17 (f) such other statement of facts as may be determined
18 by the division.

19 (3) When the names and addresses of more than one
20 owner who are members of the same immediate family are
21 listed on the certificate of ownership, joint ownership with
22 right of survivorship, and not as tenants in common, is
23 presumed.

24 (4) Upon receipt of the application, the division
25 shall recheck the application. If there is any error in the

1 application it may be returned to the county treasurer to
2 effectively secure the correction of such error, who shall
3 return the same to the division.

4 (5) The certificate of ownership shall contain a
5 notice to the division of a transfer of interest of the
6 owner and such other statements as may be determined by the
7 division.

8 ~~(6) (a) Any registered vehicle may be inspected for a~~
9 ~~vehicle identification number prior to issuance of a~~
10 ~~certificate of ownership.~~

11 ~~(b) The following vehicles must be inspected for a~~
12 ~~vehicle identification number prior to issuance of a~~
13 ~~certificate of ownership:~~

14 ~~(i) used motor vehicles, trailers, semitrailers, and~~
15 ~~travel trailers brought into the state;~~

16 ~~(ii) new motor vehicles purchased outside the state;~~

17 and

18 ~~(iii) reassembled vehicles.~~

19 ~~(c) Inspections under this subsection must be~~
20 ~~performed by the Montana highway patrol and documented on~~
21 ~~forms provided by the division.~~

22 ~~(d) Any enforcement officer of the Montana highway~~
23 ~~patrol, with or without a warrant, may seize and take~~
24 ~~possession of any motor vehicle, trailer, semitrailer, or~~
25 ~~travel trailer that the officer has probable cause to~~

1 believe is stolen, or on which any motor number,
2 manufacturer's number, or vehicle identification number has
3 been defaced, altered, removed, or covered or does not
4 conform to the vehicle identification number on the
5 certificate of ownership. The officer shall immediately
6 notify the division, which shall make every reasonable
7 effort to determine ownership of the vehicle and to notify
8 the rightful owner that the vehicle has been seized.
9 (e) The division may charge and collect a fee of \$10
10 at the time of inspection to defray the cost of the
11 inspection program."

-End-

STATE OF MONTANA

REQUEST NO. 369-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 385 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:

Senate Bill 385 changes the method of making and keeping reports of stolen and recovered vehicles; provides for inspection of vehicle identification numbers; allows seizure of vehicles; and provides for an inspection fee.

ASSUMPTIONS:

- 1) This act will require approximately \$60,000 inspections per year.
- 2) Twelve additional highway patrol personnel will be needed to carry out the requirements of this act.
- 3) The effective date of the act is October 1 of FY 84.
- 4) A one month start-up time will be required prior to the effective date of the act.

FISCAL IMPACT:

| <u>Expenditures:</u> | <u>FY84</u> | <u>FY85</u> | <u>Biennium</u> |
|---------------------------|--------------------|------------------|-------------------|
| <u>Personal</u> | | | |
| 12 patrolmen, G13-2 + 20% | \$ 220,764 | \$269,772 | \$490,536 |
| <u>Equipment</u> | | | |
| Enforcement Equipment | 18,000 | - | 18,000 |
| Weapons, Ammunition | 6,600 | - | 6,600 |
| Uniforms | 16,008 | 3,000 | 19,008 |
| 12 vehicles | 111,768 | - | 111,768 |
| Radios | 14,400 | - | 14,400 |
| Vehicle Insurance | 3,600 | 3,600 | 7,200 |
| Fuel & Maintenance | 39,000 | 46,800 | 85,800 |
| <u>Operating Expenses</u> | | | |
| Per Diem | 10,800 | 13,680 | 24,480 |
| Special Schools | 65,148 | - | 65,148 |
| On-going Training | 5,000 | 2,500 | 7,500 |
| Postage | 200 | 200 | 400 |
| Printing | 2,900 | - | 2,900 |
| TOTAL EXPENDITURES | \$ 514,188 | \$339,552 | \$ 853,740 |
| Revenue | 450,000 | 600,000 | 1,050,000 |
| Net Impact | \$ (64,188) | \$260,448 | \$ 196,260 |

COMMENT:

The above costs for administration of this act were estimated and submitted by the Department of Justice. There are other options for administration which are available and presently utilized by other states.

David M. Lewis
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-83