

SENATE BILL NO. 333

INTRODUCED BY CHRISTIAENS, MILLER, MAZUREK,
GOODOVER, THAYER, GAGE, HAGER, PHILLIPS,
TOWE, HARBIN, NISBET, HARDING

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Business and Industry.
February 16, 1985	Committee recommend bill do pass as amended. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass.
February 20, 1985	Considered correctly engrossed.
February 21, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 20, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 25, 1985

Received from House.

March 26, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *333*
 2 INTRODUCED BY *Christina Miller*
 3 *Goodman* *Stacy* *Deje* *Hager* *Shelton* *Down* *Harsh*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CREDITOR OR *Phuket*
 5 SECURED PARTY TO RECORD A LIEN OR SECURITY INTEREST AND *Harsh*
 6 TRANSFER TITLE IF THE OWNER HAS NOT TRANSFERRED TITLE AND
 7 REGISTERED THE VEHICLE WITHIN THE STATUTORY 20-DAY GRACE
 8 PERIOD; AMENDING SECTIONS 61-3-103, 61-3-201, AND 61-3-202,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 61-3-103, MCA, is amended to read:
 13 "61-3-103. Filing of security interests, rights,
 14 procedure, fees. (1) No security interest in a motor vehicle
 15 shall be valid as against creditors, subsequent purchasers,
 16 or encumbrancers unless the security agreement or other lien
 17 instrument that creates the security interest or a true copy
 18 thereof certified by a notary public has been filed with the
 19 division as provided in this section. The division shall not
 20 file any security agreement or other lien instrument unless
 21 it is accompanied by the certificate of ownership of the
 22 vehicle encumbered, except in the sale of a new motor
 23 vehicle by a duly licensed dealer. The division shall file
 24 the security agreement, lien instrument, or its certified
 25 copy by entering upon its records the name and address of

1 the secured party together with the amount of the security
 2 interest and, except as provided in subsection (2), shall
 3 endorse the same information upon the face of the
 4 certificate of ownership. The Except when the transfer of
 5 ownership and filing of the security interest are paid for
 6 by a creditor or secured party as provided in 61-3-201, the
 7 division shall mail a statement certifying to the filing of
 8 a security agreement or lien instrument to the secured party
 9 and mail the certificate of ownership to the owner at the
 10 address given on the certificate. When the transfer of
 11 ownership and filing of the security interest are paid for
 12 by a creditor or secured party, the division shall return
 13 the certificate of ownership to the county treasurer where
 14 the vehicle is to be registered. The owner of a motor
 15 vehicle is the person entitled to operate and possess such
 16 motor vehicle.

17 (2) Whenever a security agreement or lien instrument
 18 is filed against a motor vehicle that is subject to two
 19 security interests previously perfected by filing under this
 20 section, the division shall endorse on the face of the
 21 certificate of ownership, "NOTICE. This motor vehicle is
 22 subject to additional security interests on file with the
 23 Division of Motor Vehicles." No other information regarding
 24 such additional security interests need be endorsed on the
 25 certificate.

INTRODUCED BILL
 SB 333



1 (3) Satisfactions or statements of release filed with
 2 the division under this chapter shall be retained by it for
 3 a period of 8 years after receipt, after which they may be
 4 destroyed. Security agreements and other lien instruments
 5 filed with the division, and all renewals and assignments
 6 thereof, shall be retained by it for a period of 8 years
 7 after the maturity date stated in the security agreement,
 8 lien instrument, or renewal, or if no maturity date is
 9 therein stated, for a period of 13 years after receipt,
 10 after which they may be destroyed.

11 (4) The filing of a security agreement or other lien
 12 instrument or copy thereof, as herein provided, perfects a
 13 security interest which has attached under the document
 14 filed. Filing of a security agreement or other lien
 15 instrument constitutes constructive notice to subsequent
 16 purchasers or encumbrancers, from the time of filing, of the
 17 existence of the security interest created by the document
 18 filed.

19 (5) Upon default under a chattel mortgage or
 20 conditional sales contract covering a motor vehicle, the
 21 mortgagee or vendor has the same remedies as in the case of
 22 other personal property. In case of attachment of motor
 23 vehicles all the provisions of 27-18-413, 27-18-414, and
 24 27-18-804 shall be applicable except that deposits must be
 25 made with the division.

1 (6) A conditional sales vendor or chattel mortgagee or
 2 assignee who fails to file a satisfaction of a chattel
 3 mortgage, assignment, or conditional sales contract within
 4 15 days after receiving final payment shall be required to
 5 pay the division the sum of \$1 for each day thereafter that
 6 he fails to file such satisfaction.

7 (7) Upon receipt of any liens, or notice of liens
 8 dependent on possession, or attachments, etc., against the
 9 record of any motor vehicle registered in this state, the
 10 division shall within 24 hours mail to the owner,
 11 conditional sale vendor, mortgagees, or assignees of any
 12 thereof a notice showing the name and address of the lien
 13 claimant, amount of the lien, date of execution of lien, and
 14 in the case of attachment the full title of the court and
 15 the action and the name of the attorneys for the plaintiff
 16 and/or attaching creditor.

17 (8) It shall not be necessary to refile with the
 18 division any instruments on file in the offices of the
 19 county clerk and recorders at the time this law takes
 20 effect.

21 (9) A fee of \$3 shall be paid to the division to file
 22 any security agreement or other lien instrument against a
 23 motor vehicle. The \$3 fee shall include and cover the cost
 24 of filing a satisfaction or release of the security interest
 25 and also the cost of entering such satisfaction or release

1 on the records of the division and deleting the endorsement
 2 of the security interest from the face of the certificate of
 3 ownership. A fee of \$3 shall be paid the division for
 4 issuing a certified copy of a security agreement or other
 5 lien instrument on file in the office of the division, or
 6 for filing an assignment of any instrument on file with the
 7 division. All fees provided for in this section shall be
 8 deposited by the division in the motor vehicle recording
 9 account of the state special revenue fund."

10 Section 2. Section 61-3-201, MCA, is amended to read:

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

19 (2) Within 20 calendar days thereafter, the transferee
 20 shall forward both the endorsed certificate of ownership and
 21 the certificate of registration, together with the
 22 information required under 61-3-202, to the county
 23 treasurer, who shall forward them to the division. No
 24 certificate of ownership or certificate of registration may
 25 be issued by the division until the outstanding certificates

1 are surrendered to that office or their loss is established
 2 to its reasonable satisfaction. Failure to make application
 3 within the 20-day grace period subjects the transferee to a
 4 penalty of \$10. The penalty is to be collected by the county
 5 treasurer at the time of registration and is in addition to
 6 the fees otherwise provided by law. If the transferee has
 7 not made application within the 20-day grace period, a
 8 creditor or secured party may pay the fees for the transfer
 9 of title and filing of security interest or lien in order to
 10 have title transferred to the transferee and have the
 11 security interest or lien filed. The creditor or secured
 12 party is not liable for the penalty or registration fees.
 13 The division shall return the certificate of title to the
 14 county treasurer as provided in 61-3-103(1). When the
 15 certificate of ownership is returned by the division to the
 16 county treasurer, the treasurer shall hold the certificate
 17 of ownership until the vehicle is properly registered.

18 (3) In the event of a transfer by operation of law of
 19 any interest in a motor vehicle as upon inheritance, devise,
 20 or bequest, order in bankruptcy or insolvency, execution
 21 sale, repossession upon default in the performance of the
 22 terms of a lease or executory sales contract, or otherwise
 23 than by voluntary act of the person whose title or interest
 24 is transferred, the executor, administrator, receiver,
 25 trustee, sheriff, or other representative or successor in

1 interest of the person whose interest is transferred shall
 2 forward to the division an application for a certificate of
 3 ownership in the form required for an original application
 4 for a certificate of ownership, together with a verified or
 5 certified statement of the transfer of such interest. The
 6 statement shall set forth the reason for the involuntary
 7 transfer, the interest so transferred, the name of the
 8 person to whom the interest is to be transferred, the
 9 process of procedure effecting such transfer, and other
 10 information requested by the division. Evidence and
 11 instruments otherwise required by law to effect a transfer
 12 of legal or equitable title to or an interest in chattels as
 13 may be required in such cases shall be furnished with the
 14 statement. If the division is satisfied that the transfer is
 15 regular and that all formalities required by law have been
 16 complied with, it shall send to the owner, conditional sales
 17 vendor, lessor, mortgagee, and other lienor, as shown by its
 18 records, notice of the intended transfer and thereafter, but
 19 not less than 5 days thereafter, shall issue a new
 20 certificate of ownership and certificate of registration to
 21 the person entitled thereto. The notice herein required is
 22 complied with by deposit in the post office in Deer Lodge,
 23 Montana, such notice, postage prepaid, addressed to the
 24 person at the respective address shown on its records.

25 (4) When the vehicle certificate of ownership that is

1 involuntarily transferred is not registered in this state,
 2 the procedure set forth above must be followed in applying
 3 for a new certificate of ownership and certificate of
 4 registration but the division need not send notice of
 5 intended transfer and shall issue a new certificate of
 6 ownership and a new certificate of registration to the
 7 person entitled thereto.

8 (5) (a) In the event of the death of the owner of one
 9 or more motor vehicles, trailers, semitrailers, or
 10 housetrailer registered hereunder and not exceeding a
 11 combined value of \$15,000 without leaving other property
 12 necessitating the procuring of letters of administration or
 13 letters testamentary, then the surviving spouse or other
 14 heir unless such property is by will otherwise bequeathed
 15 may secure transfer of the decedent's certificate of
 16 ownership and the certificate of registration for the
 17 vehicle.

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

23 (c) The division is authorized to transfer the
 24 certificate of ownership and certificate of registration,
 25 subject to all security interests shown by its records, upon

1 receipt of an affidavit showing that the affiant is entitled
2 to a transfer under the provisions of subsection (5)(a) of
3 this section.

4 (6) Nothing in subsection (5) shall prevent any
5 secured party from assigning his interest in a motor vehicle
6 registered under the provisions of this chapter to any other
7 person without the consent of and without affecting the
8 interest of the holder of the certificate of ownership and
9 certificate of registration. Upon any assignment by a
10 secured party of his security interest in any motor vehicle
11 registered under this chapter, a copy of such assignment
12 must be filed with the division and record thereof made upon
13 its records.

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

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

18 "61-3-202. Certificate of ownership -- issuance --
19 contents -- joint ownership. (1) Upon completion of the
20 application for certificate of ownership, on forms furnished
21 by the division, the county treasurer shall forward one copy
22 of the application to the division, which shall enter the
23 information contained in the application upon the
24 corresponding records of its office and, except as provided
25 in 61-3-103(1) and 61-3-201(2) concerning applications by

1 creditors or secured parties, shall furnish the applicant a
2 certificate of ownership subject to the provisions of
3 61-3-103.

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

6 (a) the date issued;

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

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

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

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

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

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

23 (4) Upon receipt of the application, the division
24 shall recheck the application. If there is any error in the
25 application it may be returned to the county treasurer to

1 effectively secure the correction of such error, who shall
2 return the same to the division.

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

7 NEW SECTION. Section 4. Extension of authority. Any
8 existing authority of the department of justice, division of
9 motor vehicles, to make rules on the subject of the
10 provisions of this act is extended to the provisions of this
11 act.

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

SENATE BILL NO. 333

INTRODUCED BY CHRISTIAENS, MILLER, MAZUREK,
GOODOVER, THAYER, GAGE, HAGER, PHILLIPS,
TOWE, HARBIN, NISBET, HARDING

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CREDITOR OR
SECURED PARTY TO RECORD A LIEN OR SECURITY INTEREST AND
TRANSFER TITLE IF THE OWNER HAS NOT TRANSFERRED TITLE AND
REGISTERED THE VEHICLE WITHIN THE STATUTORY 20-DAY GRACE
PERIOD; AMENDING SECTIONS 61-3-103, 61-3-201, AND 61-3-202,
MCA."

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

Section 1. Section 61-3-103, MCA, is amended to read:
"61-3-103. Filing of security interests, rights,
procedure, fees. (1) No security interest in a motor vehicle
shall be valid as against creditors, subsequent purchasers,
or encumbrancers unless the security agreement or other lien
instrument that creates the security interest or a true copy
thereof certified by a notary public has been filed with the
division as provided in this section. The division shall not
file any security agreement or other lien instrument unless
it is accompanied by the certificate of ownership of the
vehicle encumbered, except in the sale of a new motor
vehicle by a duly licensed dealer. The division shall file

the security agreement, lien instrument, or its certified
copy by entering upon its records the name and address of
the secured party together with the amount of the security
interest and, except as provided in subsection (2), shall
endorse the same information upon the face of the
certificate of ownership. ~~The Except-when-the-transfer-of
ownership-and-filing-of-the-security-interest-are--paid--for
by--a-creditor-or-secured-party-as-provided-in-61-3-2017-the~~
THE division shall mail a statement certifying to the filing
of a security agreement or lien instrument to the secured
party, and THE DIVISION SHALL mail the certificate of
ownership to the owner at the address given on the
certificate. ~~When; HOWEVER, IF the transfer of ownership and
filing of the security interest are paid for by a creditor
or secured party, the division shall return the certificate
of ownership to the county treasurer where the vehicle is to
be registered.~~ The owner of a motor vehicle is the person
entitled to operate and possess such motor vehicle.

(2) Whenever a security agreement or lien instrument
is filed against a motor vehicle that is subject to two
security interests previously perfected by filing under this
section, the division shall endorse on the face of the
certificate of ownership, "NOTICE. This motor vehicle is
subject to additional security interests on file with the
Division of Motor Vehicles." No other information regarding



1 such additional security interests need be endorsed on the
2 certificate.

3 (3) Satisfactions or statements of release filed with
4 the division under this chapter shall be retained by it for
5 a period of 8 years after receipt, after which they may be
6 destroyed. Security agreements and other lien instruments
7 filed with the division, and all renewals and assignments
8 thereof, shall be retained by it for a period of 8 years
9 after the maturity date stated in the security agreement,
10 lien instrument, or renewal, or if no maturity date is
11 therein stated, for a period of 13 years after receipt,
12 after which they may be destroyed.

13 (4) The filing of a security agreement or other lien
14 instrument or copy thereof, as herein provided, perfects a
15 security interest which has attached under the document
16 filed. Filing of a security agreement or other lien
17 instrument constitutes constructive notice to subsequent
18 purchasers or encumbrancers, from the time of filing, of the
19 existence of the security interest created by the document
20 filed.

21 (5) Upon default under a chattel mortgage or
22 conditional sales contract covering a motor vehicle, the
23 mortgagee or vendor has the same remedies as in the case of
24 other personal property. In case of attachment of motor
25 vehicles all the provisions of 27-18-413, 27-18-414, and

1 27-18-804 shall be applicable except that deposits must be
2 made with the division.

3 (6) A conditional sales vendor or chattel mortgagee or
4 assignee who fails to file a satisfaction of a chattel
5 mortgage, assignment, or conditional sales contract within
6 15 days after receiving final payment shall be required to
7 pay the division the sum of \$1 for each day thereafter that
8 he fails to file such satisfaction.

9 (7) Upon receipt of any liens, or notice of liens
10 dependent on possession, or attachments, etc., against the
11 record of any motor vehicle registered in this state, the
12 division shall within 24 hours mail to the owner,
13 conditional sale vendor, mortgagees, or assignees of any
14 thereof a notice showing the name and address of the lien
15 claimant, amount of the lien, date of execution of lien, and
16 in the case of attachment the full title of the court and
17 the action and the name of the attorneys for the plaintiff
18 and/or attaching creditor.

19 (8) It shall not be necessary to refile with the
20 division any instruments on file in the offices of the
21 county clerk and recorders at the time this law takes
22 effect.

23 (9) A fee of \$3 shall be paid to the division to file
24 any security agreement or other lien instrument against a
25 motor vehicle. The \$3 fee shall include and cover the cost

1 of filing a satisfaction or release of the security interest
 2 and also the cost of entering such satisfaction or release
 3 on the records of the division and deleting the endorsement
 4 of the security interest from the face of the certificate of
 5 ownership. A fee of \$3 shall be paid the division for
 6 issuing a certified copy of a security agreement or other
 7 lien instrument on file in the office of the division, or
 8 for filing an assignment of any instrument on file with the
 9 division. All fees provided for in this section shall be
 10 deposited by the division in the motor vehicle recording
 11 account of the state special revenue fund."

12 Section 2. Section 61-3-201, MCA, is amended to read:

13 "61-3-201. Transfer of interest. (1) Upon a transfer
 14 of any interest in a motor vehicle registered under the
 15 provisions of this chapter, the person whose interest is to
 16 be transferred shall write his signature with pen and ink
 17 upon the certificate of ownership issued for such vehicle in
 18 the appropriate space provided upon the reverse side of the
 19 certificate, and his signature shall be acknowledged before
 20 a notary public.

21 (2) Within 20 calendar days thereafter, the transferee
 22 shall forward both the endorsed certificate of ownership and
 23 the certificate of registration, together with the
 24 information required under 61-3-202, to the county
 25 treasurer, who shall forward them to the division. No

1 certificate of ownership or certificate of registration may
 2 be issued by the division until the outstanding certificates
 3 are surrendered to that office or their loss is established
 4 to its reasonable satisfaction. Failure to make application
 5 within the 20-day grace period subjects the transferee to a
 6 penalty of \$10. The penalty is to be collected by the county
 7 treasurer at the time of registration and is in addition to
 8 the fees otherwise provided by law. If the transferee has
 9 not made application within the 20-day grace period 25 DAYS,
 10 a creditor or secured party may pay the fees for the
 11 transfer of title and filing of security interest or lien in
 12 order to have title transferred to the transferee and have
 13 the security interest or lien filed. The creditor or secured
 14 party is not liable for the penalty or, registration fees,
 15 OR TAXES. The division shall return the certificate of
 16 title to the county treasurer as provided in 61-3-103(1).
 17 When the certificate of ownership is returned by the
 18 division to the county treasurer, the treasurer shall hold
 19 the certificate of ownership until the vehicle is properly
 20 registered.

21 (3) In the event of a transfer by operation of law of
 22 any interest in a motor vehicle as upon inheritance, devise,
 23 or bequest, order in bankruptcy or insolvency, execution
 24 sale, repossession upon default in the performance of the
 25 terms of a lease or executory sales contract, or otherwise

1 than by voluntary act of the person whose title or interest
 2 is transferred, the executor, administrator, receiver,
 3 trustee, sheriff, or other representative or successor in
 4 interest of the person whose interest is transferred shall
 5 forward to the division an application for a certificate of
 6 ownership in the form required for an original application
 7 for a certificate of ownership, together with a verified or
 8 certified statement of the transfer of such interest. The
 9 statement shall set forth the reason for the involuntary
 10 transfer, the interest so transferred, the name of the
 11 person to whom the interest is to be transferred, the
 12 process of procedure effecting such transfer, and other
 13 information requested by the division. Evidence and
 14 instruments otherwise required by law to effect a transfer
 15 of legal or equitable title to or an interest in chattels as
 16 may be required in such cases shall be furnished with the
 17 statement. If the division is satisfied that the transfer is
 18 regular and that all formalities required by law have been
 19 complied with, it shall send to the owner, conditional sales
 20 vendor, lessor, mortgagee, and other lienor, as shown by its
 21 records, notice of the intended transfer and thereafter, but
 22 not less than 5 days thereafter, shall issue a new
 23 certificate of ownership and certificate of registration to
 24 the person entitled thereto. The notice herein required is
 25 complied with by deposit in the post office in Deer Lodge,

1 Montana, such notice, postage prepaid, addressed to the
 2 person at the respective address shown on its records.

3 (4) When the vehicle certificate of ownership that is
 4 involuntarily transferred is not registered in this state,
 5 the procedure set forth above must be followed in applying
 6 for a new certificate of ownership and certificate of
 7 registration but the division need not send notice of
 8 intended transfer and shall issue a new certificate of
 9 ownership and a new certificate of registration to the
 10 person entitled thereto.

11 (5) (a) In the event of the death of the owner of one
 12 or more motor vehicles, trailers, semitrailers, or
 13 housetrailer registered hereunder and not exceeding a
 14 combined value of \$15,000 without leaving other property
 15 necessitating the procuring of letters of administration or
 16 letters testamentary, then the surviving spouse or other
 17 heir unless such property is by will otherwise bequeathed
 18 may secure transfer of the decedent's certificate of
 19 ownership and the certificate of registration for the
 20 vehicle.

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

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

7 (5) Nothing in subsection (5) shall prevent any
 8 secured party from assigning his interest in a motor vehicle
 9 registered under the provisions of this chapter to any other
 10 person without the consent of and without affecting the
 11 interest of the holder of the certificate of ownership and
 12 certificate of registration. Upon any assignment by a
 13 secured party of his security interest in any motor vehicle
 14 registered under this chapter, a copy of such assignment
 15 must be filed with the division and record thereof made upon
 16 its records.

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

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

21 "61-3-202. Certificate of ownership -- issuance --
 22 contents -- joint ownership. (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, except as provided
 3 in 61-3-103(1) and 61-3-201(2) concerning applications by
 4 creditors or secured parties, shall furnish the applicant a
 5 certificate of ownership subject to the provisions of
 6 61-3-103.

7 (2) The certificate of ownership shall contain upon
 8 the face thereof:

9 (a) the date issued;

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

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

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

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

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

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

1 (4) Upon receipt of the application, the division
2 shall recheck the application. If there is any error in the
3 application it may be returned to the county treasurer to
4 effectively secure the correction of such error, who shall
5 return the same to the division.

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

10 NEW SECTION. Section 4. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

-End-

1 SENATE BILL NO. 333

2 INTRODUCED BY CHRISTIAENS, MILLER, MAZUREK,
3 GOODOVER, THAYER, GAGE, HAGER, PHILLIPS,
4 TOWE, HARBIN, NISBET, HARDING
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CREDITOR OR
7 SECURED PARTY TO RECORD A LIEN OR SECURITY INTEREST AND
8 TRANSFER TITLE IF THE OWNER HAS NOT TRANSFERRED TITLE AND
9 REGISTERED THE VEHICLE WITHIN THE STATUTORY 20-DAY GRACE
10 PERIOD; AMENDING SECTIONS 61-3-103, 61-3-201, AND 61-3-202,
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 61-3-103, MCA, is amended to read:

15 "61-3-103. Filing of security interests, rights,
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17 shall be valid as against creditors, subsequent purchasers,
18 or encumbrancers unless the security agreement or other lien
19 instrument that creates the security interest or a true copy
20 thereof certified by a notary public has been filed with the
21 division as provided in this section. The division shall not
22 file any security agreement or other lien instrument unless
23 it is accompanied by the certificate of ownership of the
24 vehicle encumbered, except in the sale of a new motor
25 vehicle by a duly licensed dealer. The division shall file

1 the security agreement, lien instrument, or its certified
2 copy by entering upon its records the name and address of
3 the secured party together with the amount of the security
4 interest and, except as provided in subsection (2), shall
5 endorse the same information upon the face of the
6 certificate of ownership. ~~The Except-when-the-transfer-of~~
7 ~~ownership-and-filing-of-the-security-interest-are--paid--for~~
8 ~~by--a-creditor-or-secured-party-as-provided-in-61-3-201-the~~
9 THE division shall mail a statement certifying to the filing
10 of a security agreement or lien instrument to the secured
11 party, and THE DIVISION SHALL mail the certificate of
12 ownership to the owner at the address given on the
13 certificate. When; HOWEVER, IF the transfer of ownership and
14 filing of the security interest are paid for by a creditor
15 or secured party, the division shall return the certificate
16 of ownership to the county treasurer where the vehicle is to
17 be registered. The owner of a motor vehicle is the person
18 entitled to operate and possess such motor vehicle.

19 (2) Whenever a security agreement or lien instrument
20 is filed against a motor vehicle that is subject to two
21 security interests previously perfected by filing under this
22 section, the division shall endorse on the face of the
23 certificate of ownership, "NOTICE. This motor vehicle is
24 subject to additional security interests on file with the
25 Division of Motor Vehicles." No other information regarding

1 such additional security interests need be endorsed on the
2 certificate.

3 (3) Satisfactions or statements of release filed with
4 the division under this chapter shall be retained by it for
5 a period of 8 years after receipt, after which they may be
6 destroyed. Security agreements and other lien instruments
7 filed with the division, and all renewals and assignments
8 thereof, shall be retained by it for a period of 8 years
9 after the maturity date stated in the security agreement,
10 lien instrument, or renewal, or if no maturity date is
11 therein stated, for a period of 13 years after receipt,
12 after which they may be destroyed.

13 (4) The filing of a security agreement or other lien
14 instrument or copy thereof, as herein provided, perfects a
15 security interest which has attached under the document
16 filed. Filing of a security agreement or other lien
17 instrument constitutes constructive notice to subsequent
18 purchasers or encumbrancers, from the time of filing, of the
19 existence of the security interest created by the document
20 filed.

21 (5) Upon default under a chattel mortgage or
22 conditional sales contract covering a motor vehicle, the
23 mortgagee or vendor has the same remedies as in the case of
24 other personal property. In case of attachment of motor
25 vehicles all the provisions of 27-18-413, 27-18-414, and

1 27-18-804 shall be applicable except that deposits must be
2 made with the division.

3 (6) A conditional sales vendor or chattel mortgagee or
4 assignee who fails to file a satisfaction of a chattel
5 mortgage, assignment, or conditional sales contract within
6 15 days after receiving final payment shall be required to
7 pay the division the sum of \$1 for each day thereafter that
8 he fails to file such satisfaction.

9 (7) Upon receipt of any liens, or notice of liens
10 dependent on possession, or attachments, etc., against the
11 record of any motor vehicle registered in this state, the
12 division shall within 24 hours mail to the owner,
13 conditional sale vendor, mortgagees, or assignees of any
14 thereof a notice showing the name and address of the lien
15 claimant, amount of the lien, date of execution of lien, and
16 in the case of attachment the full title of the court and
17 the action and the name of the attorneys for the plaintiff
18 and/or attaching creditor.

19 (8) It shall not be necessary to refile with the
20 division any instruments on file in the offices of the
21 county clerk and recorders at the time this law takes
22 effect.

23 (9) A fee of \$3 shall be paid to the division to file
24 any security agreement or other lien instrument against a
25 motor vehicle. The \$3 fee shall include and cover the cost

1 of filing a satisfaction or release of the security interest
 2 and also the cost of entering such satisfaction or release
 3 on the records of the division and deleting the endorsement
 4 of the security interest from the face of the certificate of
 5 ownership. A fee of \$3 shall be paid the division for
 6 issuing a certified copy of a security agreement or other
 7 lien instrument on file in the office of the division, or
 8 for filing an assignment of any instrument on file with the
 9 division. All fees provided for in this section shall be
 10 deposited by the division in the motor vehicle recording
 11 account of the state special revenue fund."

12 Section 2. Section 61-3-201, MCA, is amended to read:

13 "61-3-201. Transfer of interest. (1) Upon a transfer
 14 of any interest in a motor vehicle registered under the
 15 provisions of this chapter, the person whose interest is to
 16 be transferred shall write his signature with pen and ink
 17 upon the certificate of ownership issued for such vehicle in
 18 the appropriate space provided upon the reverse side of the
 19 certificate, and his signature shall be acknowledged before
 20 a notary public.

21 (2) Within 20 calendar days thereafter, the transferee
 22 shall forward both the endorsed certificate of ownership and
 23 the certificate of registration, together with the
 24 information required under 61-3-202, to the county
 25 treasurer, who shall forward them to the division. No

1 certificate of ownership or certificate of registration may
 2 be issued by the division until the outstanding certificates
 3 are surrendered to that office or their loss is established
 4 to its reasonable satisfaction. Failure to make application
 5 within the 20-day grace period subjects the transferee to a
 6 penalty of \$10. The penalty is to be collected by the county
 7 treasurer at the time of registration and is in addition to
 8 the fees otherwise provided by law. If the transferee has
 9 not made application within the 20-day grace period 25 DAYS,
 10 a creditor or secured party may pay the fees for the
 11 transfer of title and filing of security interest or lien in
 12 order to have title transferred to the transferee and have
 13 the security interest or lien filed. The creditor or secured
 14 party is not liable for the penalty or, registration fees,
 15 OR TAXES. The division shall return the certificate of
 16 title to the county treasurer as provided in 61-3-103(1).
 17 When the certificate of ownership is returned by the
 18 division to the county treasurer, the treasurer shall hold
 19 the certificate of ownership until the vehicle is properly
 20 registered.

21 (3) In the event of a transfer by operation of law of
 22 any interest in a motor vehicle as upon inheritance, devise,
 23 or bequest, order in bankruptcy or insolvency, execution
 24 sale, repossession upon default in the performance of the
 25 terms of a lease or executory sales contract, or otherwise

1 than by voluntary act of the person whose title or interest
 2 is transferred, the executor, administrator, receiver,
 3 trustee, sheriff, or other representative or successor in
 4 interest of the person whose interest is transferred shall
 5 forward to the division an application for a certificate of
 6 ownership in the form required for an original application
 7 for a certificate of ownership, together with a verified or
 8 certified statement of the transfer of such interest. The
 9 statement shall set forth the reason for the involuntary
 10 transfer, the interest so transferred, the name of the
 11 person to whom the interest is to be transferred, the
 12 process of procedure effecting such transfer, and other
 13 information requested by the division. Evidence and
 14 instruments otherwise required by law to effect a transfer
 15 of legal or equitable title to or an interest in chattels as
 16 may be required in such cases shall be furnished with the
 17 statement. If the division is satisfied that the transfer is
 18 regular and that all formalities required by law have been
 19 complied with, it shall send to the owner, conditional sales
 20 vendor, lessor, mortgagee, and other lienor, as shown by its
 21 records, notice of the intended transfer and thereafter, but
 22 not less than 5 days thereafter, shall issue a new
 23 certificate of ownership and certificate of registration to
 24 the person entitled thereto. The notice herein required is
 25 complied with by deposit in the post office in Deer Lodge,

1 Montana, such notice, postage prepaid, addressed to the
 2 person at the respective address shown on its records.

3 (4) When the vehicle certificate of ownership that is
 4 involuntarily transferred is not registered in this state,
 5 the procedure set forth above must be followed in applying
 6 for a new certificate of ownership and certificate of
 7 registration but the division need not send notice of
 8 intended transfer and shall issue a new certificate of
 9 ownership and a new certificate of registration to the
 10 person entitled thereto.

11 (5) (a) In the event of the death of the owner of one
 12 or more motor vehicles, trailers, semitrailers, or
 13 housetrailer registered hereunder and not exceeding a
 14 combined value of \$15,000 without leaving other property
 15 necessitating the procuring of letters of administration or
 16 letters testamentary, then the surviving spouse or other
 17 heir unless such property is by will otherwise bequeathed
 18 may secure transfer of the decedent's certificate of
 19 ownership and the certificate of registration for the
 20 vehicle.

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

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

7 (6) Nothing in subsection (5) shall prevent any
8 secured party from assigning his interest in a motor vehicle
9 registered under the provisions of this chapter to any other
10 person without the consent of and without affecting the
11 interest of the holder of the certificate of ownership and
12 certificate of registration. Upon any assignment by a
13 secured party of his security interest in any motor vehicle
14 registered under this chapter, a copy of such assignment
15 must be filed with the division and record thereof made upon
16 its records.

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

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

21 "61-3-202. Certificate of ownership -- issuance --
22 contents -- joint ownership. (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, except as provided
3 in 61-3-103(1) and 61-3-201(2) concerning applications by
4 creditors or secured parties, shall furnish the applicant a
5 certificate of ownership subject to the provisions of
6 61-3-103.

7 (2) The certificate of ownership shall contain upon
8 the face thereof:

9 (a) the date issued;

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

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

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

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

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

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

1 (4) Upon receipt of the application, the division
2 shall recheck the application. If there is any error in the
3 application it may be returned to the county treasurer to
4 effectively secure the correction of such error, who shall
5 return the same to the division.

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

10 NEW SECTION. Section 4. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

-End-

1 SENATE BILL NO. 333

2 INTRODUCED BY CHRISTIAENS, MILLER, MAZUREK,
 3 GOODOVER, THAYER, GAGE, HAGER, PHILLIPS,
 4 TOWE, HARBIN, NISBET, HARDING
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A CREDITOR OR
 7 SECURED PARTY TO RECORD A LIEN OR SECURITY INTEREST AND
 8 TRANSFER TITLE IF THE OWNER HAS NOT TRANSFERRED TITLE AND
 9 REGISTERED THE VEHICLE WITHIN THE STATUTORY 20-DAY GRACE
 10 PERIOD; AMENDING SECTIONS 61-3-103, 61-3-201, AND 61-3-202,
 11 MCA."
 12

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

14 Section 1. Section 61-3-103, MCA, is amended to read:

15 "61-3-103. Filing of security interests, rights,
 16 procedure, fees. (1) No security interest in a motor vehicle
 17 shall be valid as against creditors, subsequent purchasers,
 18 or encumbrancers unless the security agreement or other lien
 19 instrument that creates the security interest or a true copy
 20 thereof certified by a notary public has been filed with the
 21 division as provided in this section. The division shall not
 22 file any security agreement or other lien instrument unless
 23 it is accompanied by the certificate of ownership of the
 24 vehicle encumbered, except in the sale of a new motor
 25 vehicle by a duly licensed dealer. The division shall file

1 the security agreement, lien instrument, or its certified
 2 copy by entering upon its records the name and address of
 3 the secured party together with the amount of the security
 4 interest and, except as provided in subsection (2), shall
 5 endorse the same information upon the face of the
 6 certificate of ownership. ~~The Except-when-the-transfer-of~~
 7 ~~ownership-and-filing-of-the-security-interest-are-paid-for~~
 8 ~~by-a-creditor-or-secured-party-as-provided-in-61-3-2017-the~~
 9 THE division shall mail a statement certifying to the filing
 10 of a security agreement or lien instrument to the secured
 11 party. and THE DIVISION SHALL mail the certificate of
 12 ownership to the owner at the address given on the
 13 certificate. ~~When; HOWEVER, IF the transfer of ownership and~~
 14 ~~filing of the security interest are paid for by a creditor~~
 15 ~~or secured party, the division shall return the certificate~~
 16 ~~of ownership to the county treasurer where the vehicle is to~~
 17 ~~be registered.~~ The owner of a motor vehicle is the person
 18 entitled to operate and possess such motor vehicle.

19 (2) Whenever a security agreement or lien instrument
 20 is filed against a motor vehicle that is subject to two
 21 security interests previously perfected by filing under this
 22 section, the division shall endorse on the face of the
 23 certificate of ownership, "NOTICE. This motor vehicle is
 24 subject to additional security interests on file with the
 25 Division of Motor Vehicles." No other information regarding

1 such additional security interests need be endorsed on the
2 certificate.

3 (3) Satisfactions or statements of release filed with
4 the division under this chapter shall be retained by it for
5 a period of 8 years after receipt, after which they may be
6 destroyed. Security agreements and other lien instruments
7 filed with the division, and all renewals and assignments
8 thereof, shall be retained by it for a period of 8 years
9 after the maturity date stated in the security agreement,
10 lien instrument, or renewal, or if no maturity date is
11 therein stated, for a period of 13 years after receipt,
12 after which they may be destroyed.

13 (4) The filing of a security agreement or other lien
14 instrument or copy thereof, as herein provided, perfects a
15 security interest which has attached under the document
16 filed. Filing of a security agreement or other lien
17 instrument constitutes constructive notice to subsequent
18 purchasers or encumbrancers, from the time of filing, of the
19 existence of the security interest created by the document
20 filed.

21 (5) Upon default under a chattel mortgage or
22 conditional sales contract covering a motor vehicle, the
23 mortgagee or vendor has the same remedies as in the case of
24 other personal property. In case of attachment of motor
25 vehicles all the provisions of 27-18-413, 27-18-414, and

1 27-18-804 shall be applicable except that deposits must be
2 made with the division.

3 (6) A conditional sales vendor or chattel mortgagee or
4 assignee who fails to file a satisfaction of a chattel
5 mortgage, assignment, or conditional sales contract within
6 15 days after receiving final payment shall be required to
7 pay the division the sum of \$1 for each day thereafter that
8 he fails to file such satisfaction.

9 (7) Upon receipt of any liens, or notice of liens
10 dependent on possession, or attachments, etc., against the
11 record of any motor vehicle registered in this state, the
12 division shall within 24 hours mail to the owner,
13 conditional sale vendor, mortgagees, or assignees of any
14 thereof a notice showing the name and address of the lien
15 claimant, amount of the lien, date of execution of lien, and
16 in the case of attachment the full title of the court and
17 the action and the name of the attorneys for the plaintiff
18 and/or attaching creditor.

19 (8) It shall not be necessary to refile with the
20 division any instruments on file in the offices of the
21 county clerk and recorders at the time this law takes
22 effect.

23 (9) A fee of \$3 shall be paid to the division to file
24 any security agreement or other lien instrument against a
25 motor vehicle. The \$3 fee shall include and cover the cost

1 of filing a satisfaction or release of the security interest
 2 and also the cost of entering such satisfaction or release
 3 on the records of the division and deleting the endorsement
 4 of the security interest from the face of the certificate of
 5 ownership. A fee of \$3 shall be paid the division for
 6 issuing a certified copy of a security agreement or other
 7 lien instrument on file in the office of the division, or
 8 for filing an assignment of any instrument on file with the
 9 division. All fees provided for in this section shall be
 10 deposited by the division in the motor vehicle recording
 11 account of the state special revenue fund."

12 Section 2. Section 61-3-201, MCA, is amended to read:

13 "61-3-201. Transfer of interest. (1) Upon a transfer
 14 of any interest in a motor vehicle registered under the
 15 provisions of this chapter, the person whose interest is to
 16 be transferred shall write his signature with pen and ink
 17 upon the certificate of ownership issued for such vehicle in
 18 the appropriate space provided upon the reverse side of the
 19 certificate, and his signature shall be acknowledged before
 20 a notary public.

21 (2) Within 20 calendar days thereafter, the transferee
 22 shall forward both the endorsed certificate of ownership and
 23 the certificate of registration, together with the
 24 information required under 61-3-202, to the county
 25 treasurer, who shall forward them to the division. No

1 certificate of ownership or certificate of registration may
 2 be issued by the division until the outstanding certificates
 3 are surrendered to that office or their loss is established
 4 to its reasonable satisfaction. Failure to make application
 5 within the 20-day grace period subjects the transferee to a
 6 penalty of \$10. The penalty is to be collected by the county
 7 treasurer at the time of registration and is in addition to
 8 the fees otherwise provided by law. If the transferee has
 9 not made application within the-20-day-grace-period 25 DAYS,
 10 a creditor or secured party may pay the fees for the
 11 transfer of title and filing of security interest or lien in
 12 order to have title transferred to the transferee and have
 13 the security interest or lien filed. The creditor or secured
 14 party is not liable for the penalty or, registration fees,
 15 OR TAXES. The division shall return the certificate of
 16 title to the county treasurer as provided in 61-3-103(1).
 17 When the certificate of ownership is returned by the
 18 division to the county treasurer, the treasurer shall hold
 19 the certificate of ownership until the vehicle is properly
 20 registered.

21 (3) In the event of a transfer by operation of law of
 22 any interest in a motor vehicle as upon inheritance, devise,
 23 or bequest, order in bankruptcy or insolvency, execution
 24 sale, repossession upon default in the performance of the
 25 terms of a lease or executory sales contract, or otherwise

1 than by voluntary act of the person whose title or interest
2 is transferred, the executor, administrator, receiver,
3 trustee, sheriff, or other representative or successor in
4 interest of the person whose interest is transferred shall
5 forward to the division an application for a certificate of
6 ownership in the form required for an original application
7 for a certificate of ownership, together with a verified or
8 certified statement of the transfer of such interest. The
9 statement shall set forth the reason for the involuntary
10 transfer, the interest so transferred, the name of the
11 person to whom the interest is to be transferred, the
12 process of procedure effecting such transfer, and other
13 information requested by the division. Evidence and
14 instruments otherwise required by law to effect a transfer
15 of legal or equitable title to or an interest in chattels as
16 may be required in such cases shall be furnished with the
17 statement. If the division is satisfied that the transfer is
18 regular and that all formalities required by law have been
19 complied with, it shall send to the owner, conditional sales
20 vendor, lessor, mortgagee, and other lienor, as shown by its
21 records, notice of the intended transfer and thereafter, but
22 not less than 5 days thereafter, shall issue a new
23 certificate of ownership and certificate of registration to
24 the person entitled thereto. The notice herein required is
25 complied with by deposit in the post office in Deer Lodge,

1 Montana, such notice, postage prepaid, addressed to the
2 person at the respective address shown on its records.

3 (4) When the vehicle certificate of ownership that is
4 involuntarily transferred is not registered in this state,
5 the procedure set forth above must be followed in applying
6 for a new certificate of ownership and certificate of
7 registration but the division need not send notice of
8 intended transfer and shall issue a new certificate of
9 ownership and a new certificate of registration to the
10 person entitled thereto.

11 (5) (a) In the event of the death of the owner of one
12 or more motor vehicles, trailers, semitrailers, or
13 housetrailer registered hereunder and not exceeding a
14 combined value of \$15,000 without leaving other property
15 necessitating the procuring of letters of administration or
16 letters testamentary, then the surviving spouse or other
17 heir unless such property is by will otherwise bequeathed
18 may secure transfer of the decedent's certificate of
19 ownership and the certificate of registration for the
20 vehicle.

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

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

7 (6) Nothing in subsection (5) shall prevent any
 8 secured party from assigning his interest in a motor vehicle
 9 registered under the provisions of this chapter to any other
 10 person without the consent of and without affecting the
 11 interest of the holder of the certificate of ownership and
 12 certificate of registration. Upon any assignment by a
 13 secured party of his security interest in any motor vehicle
 14 registered under this chapter, a copy of such assignment
 15 must be filed with the division and record thereof made upon
 16 its records.

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

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

21 "61-3-202. Certificate of ownership -- issuance --
 22 contents -- joint ownership. (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, except as provided
 3 in 61-3-103(1) and 61-3-201(2) concerning applications by
 4 creditors or secured parties, shall furnish the applicant a
 5 certificate of ownership subject to the provisions of
 6 61-3-103.

7 (2) The certificate of ownership shall contain upon
 8 the face thereof:

9 (a) the date issued;

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

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

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

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

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

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

1 (4) Upon receipt of the application, the division
2 shall recheck the application. If there is any error in the
3 application it may be returned to the county treasurer to
4 effectively secure the correction of such error, who shall
5 return the same to the division.

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

10 NEW SECTION. Section 4. Extension of authority. Any
11 existing authority of the department of justice, division of
12 motor vehicles, to make rules on the subject of the
13 provisions of this act is extended to the provisions of this
14 act.

-End-