

HB 234 INTRODUCED BY MENAHAN
LIMIT TO IMMEDIATELY PREVIOUS YEAR ANY BACK TAXES OR
FEES OWED ON A BOAT

1/15	INTRODUCED		
1/15	REFERRED TO TAXATION		
1/15	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
2/02	HEARING		
2/02	COMMITTEE REPORT--BILL PASSED		
2/04	2ND READING PASSED	93	6
2/05	3RD READING PASSED	90	7
	TRANSMITTED TO SENATE		
2/10	REFERRED TO TAXATION		
3/18	HEARING		
	DIED IN COMMITTEE		

1 House BILL NO. 234
2 INTRODUCED BY Merrill

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT TO THE
5 IMMEDIATELY PREVIOUS YEAR ANY BACK TAXES OR FEES OWED ON A
6 BOAT NOT REGISTERED OR OPERATED, REGARDLESS OF THE PERIOD
7 ELAPSED SINCE THE PREVIOUS REGISTRATION; AMENDING SECTION
8 23-2-512, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
9 A RETROACTIVE APPLICABILITY DATE."

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

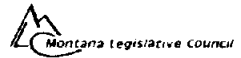
12 Section 1. Section 23-2-512, MCA, is amended to read:
13 "23-2-512. Identification number. (1) The owner of
14 each motorboat requiring numbering by this state shall file
15 an application for number in the office of the county
16 treasurer where the motorboat is owned or taxable on forms
17 prepared and furnished by the department of justice. The
18 application must be signed by the owner of the motorboat and
19 be accompanied by a fee of \$1. Any alteration, change, or
20 false statement contained in the application will render the
21 certificate of number void. Upon receipt of the application
22 in approved form, the county treasurer shall issue to the
23 applicant a certificate of number prepared and furnished by
24 the department of justice, stating the number assigned to
25 the motorboat and the name and address of the owner.

1 (2) Before filing the application with the county
2 treasurer, the applicant shall submit it to the county
3 assessor, who shall enter on the application, in a space to
4 be provided for that purpose, the market value and taxable
5 value of the motorboat for the year for which the
6 application for registration is made and, unless the prior
7 year's tax has been previously paid, the market value and
8 taxable value of the motorboat for the immediately previous
9 year.

10 (3) The applicant, upon the filing of the application,
11 shall pay to the county treasurer the registration fee and
12 the personal property taxes assessed against the motorboat
13 or vessel for the current year of registration and the
14 immediately previous year, unless the prior year's tax has
15 been previously paid, before the application for
16 registration or reregistration may be accepted by the county
17 treasurer. In no event may the owner of the motorboat be
18 held responsible for payment of taxes and fees assessable in
19 years preceding the immediately previous year.

20 (4) Should the ownership of a motorboat change, a new
21 application form with fee must be filed within a reasonable
22 time with the county treasurer and a new certificate of
23 number assigned in the same manner as provided for in an
24 original assignment of number.

25 (5) If an agency of the United States government has



1 in force a comprehensive system of identification numbering
2 for motorboats in the United States, the numbering system
3 employed pursuant to this part by the department of justice
4 must be in conformity.

5 (6) Every certificate of number and the license decals
6 assigned under this part continues in effect for a period
7 not to exceed 1 year unless terminated or discontinued in
8 accordance with the provisions of this part. Certificates of
9 number and license decals must show the date of expiration
10 and may be renewed by the owner in the same manner provided
11 for in the initial securing of the certificate.

12 (7) Certificates of number expire on December 31 of
13 each year and may not be in effect unless renewed under this
14 part.

15 (8) In event of transfer of ownership, the purchaser
16 shall furnish the county treasurer notice within a
17 reasonable time of the acquisition of all or any part of his
18 interest, other than the creation of a security interest, in
19 a motorboat numbered in this state or of the loss, theft,
20 destruction, or abandonment of the motorboat. The transfer,
21 loss, theft, destruction, or abandonment terminates the
22 certificate of number for the motorboat. Recovery from theft
23 or transfer of a part interest that does not affect the
24 owner's right to operate the motorboat does not terminate
25 the certificate of number.

1 (9) A holder of a certificate of number shall notify
2 the county treasurer within reasonable time if his address
3 no longer conforms to the address appearing on the
4 certificate and furnish the county treasurer with his new
5 address. The department of justice may provide by rule for
6 the surrender of the certificate bearing the former address
7 and its replacement with a certificate bearing the new
8 address or the alteration of an outstanding certificate to
9 show the new address of the holder.

10 (10) (a) The number assigned must be painted on or
11 attached to each outboard side of the forward half of the
12 motorboat or, if there are no such sides, at a corresponding
13 location on both outboard sides of the foredeck of the
14 motorboat. The number assigned must read from left to right
15 in Arabic numerals and block characters of good proportion
16 at least 3 inches tall excluding border or trim of a color
17 that contrasts with the color of the background and be so
18 maintained as to be clearly visible and legible. The number
19 may not be placed on the obscured underside of the flared
20 bow where it cannot be easily seen from another vessel or
21 ashore. No numerals, letters, or devices other than those
22 used in connection with the identifying number issued may be
23 placed in the proximity of the identifying number. No
24 numerals, letters, or devices that might interfere with the
25 ready identification of the motorboat by its identifying

1 number may be carried as to interfere with the motorboat's
 2 identification. No number other than the number and license
 3 decal assigned to a motorboat or granted reciprocity under
 4 this part may be painted, attached, or otherwise displayed
 5 on either side of the forward half of the motorboat.

6 (b) The certificate of number shall be pocket size and
 7 available to federal, state, or local law enforcement
 8 officers at all reasonable times for inspection on the
 9 motorboat whenever the motorboat is on waters of this state.

10 (c) Boat liveries are not required to have the
 11 certificate of number on board each motorboat, but a rental
 12 agreement must be carried on board livery motorboats in
 13 place of the certificate of number.

14 (11) Fees collected under this section shall be
 15 transmitted to the state treasurer who shall deposit the
 16 fees in the motorboat certificate identification account of
 17 the state special revenue fund. These fees shall be used
 18 only for the administration and enforcement of this part, as
 19 amended.

20 (12) An owner of a motorboat must within a reasonable
 21 time notify the department of justice, giving the
 22 motorboat's identifying number and the owner's name when
 23 that motorboat becomes documented as a vessel of the United
 24 States or is transferred, lost, destroyed, abandoned, or
 25 frauded or within 60 days after change of state of principal

1 use."

2 NEW SECTION. Section 2. Extension of authority. Any
 3 existing authority of the department of fish, wildlife, and
 4 parks and the department of revenue to make rules on the
 5 subject of the provisions of this act is extended to the
 6 provisions of this act.

7 NEW SECTION. Section 3. Effective date --
 8 applicability. (1) This act is effective on passage and
 9 approval.

10 (2) This act applies retroactively, within the meaning
 11 of 1-2-109, to boats registered or reregistered after
 12 December 31, 1986.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB234, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to limit to the immediately previous year any back taxes or fees owed on a boat not registered or operated, regardless of the period elapsed since the previous registration; amending section 23-2-512, MCA; and providing an immediate effective date and a retroactive applicability date.

ASSUMPTIONS:

N/A

FISCAL IMPACT:

The Department has no data on the back taxes paid on boats. However, the impact of the proposal on property tax revenues is thought to be insignificant. Losses in revenue due to limiting the collection of back taxes to the previous year may be offset by an increased willingness for taxpayers to register their boats in a timely fashion.

David L. Hunter DATE 1/21/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

William (Red) Menahan DATE 1/22/87
WILLIAM (RED) MENAHAN, PRIMARY SPONSOR

Fiscal Note for HB234, as introduced.

HB-234

APPROVED BY COMMITTEE
ON TAXATION

1 House BILL NO. 234
2 INTRODUCED BY Merriman
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16 treasurer where the motorboat is owned or taxable on forms
17 prepared and furnished by the department of justice. The
18 application must be signed by the owner of the motorboat and
19 be accompanied by a fee of \$1. Any alteration, change, or
20 false statement contained in the application will render the
21 certificate of number void. Upon receipt of the application
22 in approved form, the county treasurer shall issue to the
23 applicant a certificate of number prepared and furnished by
24 the department of justice, stating the number assigned to
25 the motorboat and the name and address of the owner.

1 (2) Before filing the application with the county
2 treasurer, the applicant shall submit it to the county
3 assessor, who shall enter on the application, in a space to
4 be provided for that purpose, the market value and taxable
5 value of the motorboat for the year for which the
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25 (5) If an agency of the United States government has



1 in force a comprehensive system of identification numbering
2 for motorboats in the United States, the numbering system
3 employed pursuant to this part by the department of justice
4 must be in conformity.

5 (6) Every certificate of number and the license decals
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