

HOUSE BILL 485

Introduced by Cohen, et al.

1/28	Introduced
1/30	Referred to Local Government
2/07	Hearing
2/14	Tabled in Committee

1 *Amended* BILL NO. *485*
2 INTRODUCED BY *Marked Campbell Brady*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MOTOR VEHICLE
5 WRECKING FACILITIES TO COMPLY WITH APPLICABLE PLANNING AND
6 ZONING REQUIREMENTS; PROVIDING FOR A PUBLIC HEARING ON THE
7 LICENSING OF A FACILITY; REQUIRING NOTIFICATION BY MAIL OF
8 ADJACENT PROPERTY OWNERS BEFORE A FACILITY IS LICENSED; AND
9 AMENDING SECTIONS 75-10-503, 75-10-511, AND 75-10-514, MCA."

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

12 **Section 1.** Section 75-10-503, MCA, is amended to read:

13 "75-10-503. Adoption of rules. The department shall
14 adopt rules necessary for the administration of this part,
15 except 75-10-520, including but not limited to rules
16 pertaining to:

17 (1) the establishment, control, operation, and
18 licensing of motor vehicle wrecking facilities and
19 graveyards;

20 (2) the control of junk vehicles in locations other
21 than motor vehicle wrecking facilities and graveyards;

22 (3) the inspection and evaluation of premises and
23 records subject to or required by this part;

24 (4) the development of budget and fiscal forms and
25 procedures for counties;

1 (5) the review, approval, and control procedures for
2 county motor vehicle graveyards developed under this part;
3 and

4 (6) the shielding of a junk vehicle and motor vehicle
5 wrecking facility and graveyard from public view--~~The (the~~
6 department may not adopt a rule which requires any motor
7 vehicle wrecking facility that existed prior to July 1,
8 1973, and has been continuously utilized thereafter as a
9 motor vehicle wrecking facility to construct a fence or
10 manmade barrier which would be in excess of 12 feet in
11 height); and

12 (7) a procedure for determining compliance with the
13 requirement that motor vehicle wrecking facilities must
14 comply with any applicable zoning ordinance and conform to
15 any comprehensive plan in effect at the time an application
16 is filed with the department."

17 **Section 2.** Section 75-10-511, MCA, is amended to read:

18 "75-10-511. Motor vehicle wrecking facility and motor
19 vehicle graveyard licenses. (1) A person may not conduct,
20 maintain, or operate a motor vehicle wrecking facility or
21 motor vehicle graveyard without a license issued by the
22 department.

23 (2) Application for the license shall be made on forms
24 furnished by the department.

25 (3) An annual fee of \$50 shall be paid to the

1 department for the license or quarterly prorated for new
2 facilities.

3 (4) A motor vehicle graveyard is excluded from paying
4 the annual license fee but must meet all other requirements
5 of the part.

6 (5) A license shall be displayed in a prominent place
7 in the licensed facility or graveyard.

8 (6) The license expires on December 31 of the year
9 issued.

10 (7) If a motor vehicle wrecking facility ceases to do
11 business, the license shall be surrendered to the
12 department. The license is not transferable.

13 (8) A motor vehicle wrecking facility must comply with
14 any applicable zoning ordinance and conform to any
15 comprehensive plan in effect for the area where it will be
16 located.

17 (9) (a) When an application for a motor vehicle
18 wrecking facility is filed with the department, the
19 department shall notify by mail each owner of property
20 adjoining the proposed facility.

21 (b) Upon the written request of an adjoining property
22 owner, submitted within 15 days after the adjoining property
23 owner receives notice of an application, the department
24 shall hold a hearing on the proposed facility. The
25 department shall provide notice of the hearing in a

1 newspaper of general circulation for the area where the
2 proposed facility will be located."

3 **Section 3.** Section 75-10-514, MCA, is amended to read:

4 "75-10-514. Denial, suspension, or revocation of
5 license -- grounds. (1) The department may deny, suspend, or
6 revoke a motor vehicle wrecking facility's license when it
7 proves the business:

8 {1}(a) sold or otherwise disposed of a motor vehicle,
9 trailer, or any part thereof when it knew the vehicle or
10 part was stolen or was appropriated without the consent of
11 the owner;

12 {2}(b) committed forgery on a certificate of title
13 covering a vehicle that has been reassembled from parts
14 obtained from the disassembling of other vehicles;

15 {3}(c) committed any illegal act or omission which has
16 caused loss as the result of a sale of a motor vehicle,
17 trailer, or part thereof;

18 {4}(d) failed to comply with this part or with a rule
19 of the department; or

20 {5}(e) obtained a license fraudulently.

21 (2) The department may deny an application for a motor
22 vehicle wrecking facility license if it finds that testimony
23 presented at a hearing held under 75-10-511 demonstrates
24 that detriment to adjacent property owners outweighs the
25 need for the proposed motor vehicle wrecking facility."

1 NEW SECTION. **Section 4.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

5 NEW SECTION. **Section 5.** Severability. If a part of
6 [this act] is invalid, all valid parts that are severable
7 from the invalid part remain in effect. If a part of [this
8 act] is invalid in one or more of its applications, the part
9 remains in effect in all valid applications that are
10 severable from the invalid applications.

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