

HOUSE BILL 698

Introduced by Campbell, et al.

2/14	Introduced
2/15	Referred to Local Government
2/16	Hearing
2/16	Fiscal Note Requested
2/18	Tabled in Committee
2/20	Fiscal Note Received

1 House BILL NO. 698
2 INTRODUCED BY Campbell Burke
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING AUTHORITY
5 OVER MOTOR VEHICLE WRECKING FACILITIES AND MOTOR VEHICLE
6 GRAVEYARDS FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
7 SCIENCES TO THE COUNTIES; ALLOCATING 5 PERCENT OF THE MONEY
8 COLLECTED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
9 SCIENCES; AMENDING SECTIONS 75-10-511, 75-10-513, 75-10-521,
10 75-10-531, AND 75-10-532, MCA; REPEALING SECTION 75-10-534,
11 MCA; AND PROVIDING AN EFFECTIVE DATE."

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

14 **Section 1.** Section 75-10-511, MCA, is amended to read:

15 "75-10-511. Motor vehicle wrecking facility and motor
16 vehicle graveyard licenses. (1) A person may not conduct,
17 maintain, or operate a motor vehicle wrecking facility or
18 motor vehicle graveyard without a license issued by the
19 department.

20 (2) Application for the license ~~shall~~ must be made on
21 forms furnished by the department.

22 (3) An annual fee of \$50 ~~shall~~ must be paid to the
23 department county in which the facility operates for the
24 license or quarterly prorated for new facilities.

25 (4) A motor vehicle graveyard is excluded from paying

1 the annual license fee but must shall meet all other
2 requirements of the part.

3 (5) A license ~~shall~~ must be displayed in a prominent
4 place in the licensed facility or graveyard.

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

7 (7) If a motor vehicle wrecking facility ceases to do
8 business, the license ~~shall~~ must be surrendered to the
9 department. ~~The license is not transferable.~~

10 **Section 2.** Section 75-10-513, MCA, is amended to read:

11 "75-10-513. Disposal of junk vehicles -- fees and
12 records. (1) When a motor vehicle wrecking facility submits
13 a junk vehicle to the disposal program, it shall pay a
14 disposal fee of \$2 to the county in which the facility
15 operates for each vehicle submitted, and the vehicle is then
16 the property of the state county.

17 (2) Quarterly, each wrecking facility shall mail to the
18 department of justice a list, on a form approved by the
19 department of justice, of all junk vehicles received during
20 the quarter, stating the year, make, and the complete
21 identification number of each vehicle. Any certificate of
22 ownership received for junk vehicles must accompany each
23 list. The department of justice shall issue a receipt of
24 ~~for~~ for the certificate of ownership if requested by the
25 licensed facility, and ~~such the~~ receipt may serve as an

1 instrument for reclaiming the certificate of ownership if
2 the vehicle is rebuilt.

3 (3) A motor vehicle graveyard shall ~~submit--to--the~~
4 department maintain the records, documents, and other
5 information concerning junk vehicles received by it that are
6 required by rules of the department."

7 **Section 3.** Section 75-10-521, MCA, is amended to read:

8 "75-10-521. Motor vehicle graveyards -- consolidation
9 -- budget. (1) Each county shall acquire, develop, and
10 maintain property for free motor vehicle graveyards. The
11 property may be acquired by purchase, lease, or otherwise.

12 (2) As an alternative, the county may contract for the
13 maintenance and operation of a motor vehicle graveyard or
14 graveyards, but any such contract may be entered into only
15 with a motor vehicle wrecking facility licensed under the
16 provisions of this part.

17 (3) Two or more counties may join to form a district
18 for the purpose stated in this section. If a district is
19 formed, all provisions of this part pertaining to a county
20 also apply to a district formed under this subsection.

21 ~~{4}--When there is an accumulation of at least 200--junk~~
22 ~~vehicles--in--the--graveyard--the--county--shall--notify--the~~
23 ~~department--for--disposal--purposes--~~

24 ~~{5}--A county--shall--submit--to--the--department--for~~
25 ~~approval--a plan--for--the--collection--of--junk--vehicles--and the~~

1 ~~establishment--and--operation--of--the--motor--vehicle--graveyard--~~

2 ~~{6}{4}~~ Prior to June 15, the county shall submit to the
3 department board of county commissioners for approval a
4 proposed budget for the succeeding fiscal year. The budget
5 ~~shall~~ must be for the amounts required by the county for
6 collection costs and acquisition, maintenance, and operation
7 of the graveyard. Any proposed change in the budget or plan
8 must be approved by the department county commissioners.

9 {5} A county that receives more than \$5,000 from all
10 junk vehicle sources during the fiscal year shall provide
11 the department with a copy of its annual or biennial audit
12 within 30 days after the issuance of the report."

13 **Section 4.** Section 75-10-531, MCA, is amended to read:

14 "75-10-531. Crushing-and-recycling Sale of parts of
15 junk vehicles. {1}-The department-shall-contract-for-final
16 disposition-of-junk-vehicles-accumulated--in--motor--vehicle
17 graveyards--and-shall-provide-for-crushing-and-recycling-the
18 material-from-the-vehicles--

19 ~~{2}--The department may also contract to dispose of--by~~
20 ~~crushing--and--recycling--junk--vehicles--accumulated--in--the~~
21 ~~yard--of--a--motor--vehicle--wrecking--facility--The--department~~
22 ~~may--so--contract--only upon the request of the facility and~~
23 ~~only if there is an accumulation of at least 200 vehicles at~~
24 ~~the facility. A county may allow sale of junk vehicles or~~
25 component parts of junk vehicles to licensed motor vehicle

1 wrecking facilities."

2 **Section 5.** Section 75-10-532, MCA, is amended to read:

3 "75-10-532. Disposition of moneys money collected. (1)
4 All ~~moneys~~ money received from the sale of the junk vehicles
5 or from recycling of the material and all motor vehicle
6 wrecking facility license fees and fees collected as motor
7 vehicle disposal fees ~~shall~~ must be deposited with the state
8 treasurer of the county in which the facility or graveyard
9 is located or, in the case of the disposal fees provided for
10 in 61-3-508, of the county in which the vehicle is
11 registered, to be utilized for:

12 {1} the control, collection, recycling, and disposal of
13 junk vehicles and component parts; and

14 {2} ~~implementation by the department of health and~~
15 ~~environmental sciences during the 1987 biennium of the~~
16 ~~federal Comprehensive Environmental Response, Compensation,~~
17 ~~and Liability Act of 1980 in accordance with 75-10-601~~
18 ~~through 75-10-604, and the Montana Hazardous Waste Act in~~
19 ~~accordance with 75-10-401 through 75-10-421, up to an amount~~
20 ~~not exceeding \$50,690.~~

21 (2) The county treasurer shall deposit 5% of all money
22 collected under this part with the state treasurer to the
23 credit of the department.

24 (3) On [the effective date of this act], the department
25 shall pay to each county, for deposit and use as provided in

1 subsection (1), an amount of money equal to the unearned
2 portion of any license fees collected since January 1, 1989,
3 under 75-10-511 from motor vehicle wrecking facilities or
4 motor vehicle graveyards in that county."

5 NEW SECTION. **Section 6.** Repealer. Section 75-10-534,
6 MCA, is repealed.

7 NEW SECTION. **Section 7.** Extension of authority. Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

11 NEW SECTION. **Section 8.** Effective date. [This act] is
12 effective July 1, 1989.

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