

HOUSE BILL NO. 712
INTRODUCED BY WALLIN, BOYLAN
BY REQUEST OF THE ATTORNEY GENERAL

IN THE HOUSE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 14, 1989	PRINTING REPORT.
MARCH 15, 1989	SECOND READING, DO PASS.
MARCH 16, 1989	ENGROSSING REPORT.
MARCH 17, 1989	THIRD READING, PASSED. AYES, 83; NOES, 12.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 29, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 31, 1989	SECOND READING, CONCURRED IN.
APRIL 3, 1989	THIRD READING, CONCURRED IN. AYES, 42; NOES, 8.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 3, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HB BILL NO. 712
2 INTRODUCED BY Walter S. Boylan
3 BY REQUEST OF THE ATTORNEY GENERAL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE FEES FOR
6 ORIGINAL CERTIFICATES OF OWNERSHIP, TRANSFERS OF TITLE, AND
7 LOST CERTIFICATES UNIFORM AMONG MOTOR VEHICLES, SNOWMOBILES,
8 AND BOATS; INCREASING THE REGISTRATION FEE FOR MOTOR
9 VEHICLES; AND AMENDING SECTIONS 23-2-508 THROUGH 23-2-510,
10 23-2-611 THROUGH 23-2-613, 61-3-203, AND 61-3-321, MCA."

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

13 **Section 1.** Section 23-2-508, MCA, is amended to read:

14 **"23-2-508. (Effective July 1, 1988) Certificate of**
15 **ownership.** (1) Except as provided in subsection (9), no
16 motorboat or sailboat 12 feet in length or longer may be
17 operated upon the waters of the state unless a certificate
18 of ownership has first been obtained from the department of
19 justice in accordance with the laws of this state.

20 (2) The owner of a motorboat or sailboat 12 feet in
21 length or longer shall apply for a certificate of ownership
22 and a certificate of number with the county treasurer of the
23 county in which the owner resides, upon forms furnished by
24 the department of justice. The forms must require the
25 following information:

- 1 (a) name of the owner;
- 2 (b) residence of the owner, by town or county;
- 3 (c) business or home address of the owner;
- 4 (d) name and address of any lienholder;
- 5 (e) amount due under any contract or lien;
- 6 (f) name of the manufacturer;
- 7 (g) model number or name;
- 8 (h) identification number;
- 9 (i) name and address of the dealer or other person
10 from whom acquired, if known; and
- 11 (j) such other information as the department of
12 justice may require.
- 13 (3) The application is to be accompanied by
14 documentation of ownership, such as an invoice, bill of
15 sale, foreign title, official certificate of boat number,
16 fee in lieu of tax receipt, or a certificate of ownership of
17 a trailer purchased with the motorboat or sailboat. An
18 applicant who fails to provide such proof of ownership shall
19 provide a certified statement describing how the motorboat
20 or sailboat 12 feet in length or longer was acquired, from
21 whom acquired if known, and other information requested by
22 the department of justice.
- 23 (4) If a certificate of ownership has previously been
24 issued under the provisions of this part, the application
25 for a new certificate must be accompanied by the immediately

previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.

(5) Any motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number thereon must be assigned an identification number by the department of fish, wildlife, and parks. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of

the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$6 \$5 must be paid to the county treasurer, \$4 \$3.50 of which must be forwarded by the county treasurer to the department of justice and deposited in the motor vehicle recording account of the state special revenue fund.

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless he transfers a part of his interest in the motorboat or sailboat or he renews the certificate of number for the motorboat or sailboat."

Section 2. Section 23-2-509, MCA, is amended to read:

"23-2-509. Lost or mutilated certificate. (1) If a certificate of ownership is lost or mutilated or becomes illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate, upon payment of a fee of \$6 \$3.

(2) The duplicate certificate of ownership must be plainly marked "duplicate" across its face and be mailed or delivered to the applicant."

Section 3. Section 23-2-510, MCA, is amended to read:

"23-2-510. (Effective July 1, 1988) **Transfer of interest.** (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and such the signature must be acknowledged before a notary public.

(2) Within 20 calendar days ~~thereafter~~ after endorsement, the transferee shall make application for transfer of the certificate of ownership ~~so--endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the certificate upon receipt. ~~No~~ A certificate of ownership may not be issued by the department until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$6 ~~\$5~~ for each application for transfer of ownership, of which \$4 \$3.50 must be forwarded to the department of

justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 20 calendar days from the date of purchase to register the motorboat or sailboat, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and decal during the 20-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for his records and shall send a copy of the sticker to the department of justice.

1 (5) The provisions of subsection (2) do not apply in
 2 the event of the transfer of a motorboat or sailboat 12 feet
 3 in length or longer to a duly licensed dealer intending to
 4 resell the motorboat or sailboat and who operates it only
 5 for demonstration purposes, but every such dealer, upon
 6 transferring such his interest, shall deliver the
 7 certificate of ownership with an application for a new
 8 certificate executed by the new owner in accordance with the
 9 provisions of this part. The department of justice, upon
 10 receipt of the certificate of ownership and application for
 11 a new certificate containing notice of a security interest,
 12 if any, shall issue a new certificate of ownership, together
 13 with a statement of any conditional sales contract,
 14 mortgage, or other lien."

15 **Section 4.** Section 23-2-611, MCA, is amended to read:

16 "23-2-611. Certificate of ownership. (1) No A
 17 snowmobile may not be operated upon any public lands,
 18 trails, easements, lakes, rivers, streams, roadways or
 19 shoulders of roadways, streets, or highways, unless a
 20 certificate of ownership has first been obtained from the
 21 department of justice in accordance with the laws of this
 22 state.

23 (2) The owner of a snowmobile shall apply for a
 24 certificate of ownership with the county treasurer of the
 25 county in which the owner resides, upon forms to be

1 furnished for this purpose. The forms must require the
 2 following information:

- 3 (a) name of the owner;
- 4 (b) residence of the owner by town and county;
- 5 (c) business or home mail address of the owner;
- 6 (d) name and address of any lien holder;
- 7 (e) amount due under any contract or lien;
- 8 (f) name of the manufacturer;
- 9 (g) model number or name;
- 10 (h) identification number; and
- 11 (i) name and address of the dealer or other person
- 12 from whom acquired.

13 (3) The application must be signed by at least one
 14 owner or by a properly authorized officer or representative
 15 of the owner.

16 (4) If a certificate of ownership has previously been
 17 issued under the provisions of 23-2-601 through 23-2-644,
 18 the application for a new certificate must be accompanied by
 19 the immediately previous certificate. This subsection does
 20 not apply to snowmobiles that are purchased as new and
 21 unused machines or that were operated when the provisions of
 22 23-2-601 through 23-2-644 were not in force and effect.

23 (5) Upon completion of the application on forms
 24 furnished by the department of justice, the county treasurer
 25 shall issue to the applicant two copies of the application,

one of which shall be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership which shall contain that information in the application considered necessary by the department of justice and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$3 ~~\$5~~ shall be paid to the county treasurer, \$2 ~~\$3.50~~ of which shall be forwarded by the county treasurer to the department of justice and deposited in the motor vehicle recording account of the state special revenue fund."

Section 5. Section 23-2-612, MCA, is amended to read:

"23-2-612. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of any certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred

shall write his signature with pen and ink upon the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and such signature shall be acknowledged before a notary public.

(2) Within 20 calendar days thereafter after ~~endorsement~~, the transferee shall make application for transfer of the certificate of ownership ~~so-endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the same upon receipt thereof. No certificate of ownership may be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss established to its reasonable satisfaction. The county treasurer shall collect a fee of \$3 ~~\$5~~ for each application for transfer of ownership, of which \$2 ~~\$3.50~~ shall be forwarded to the department of justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, make application for a certificate of ownership, and obtain

a decal indicating that the fee in lieu of property tax has been paid on the snowmobile for the current year. It is not a violation of 23-2-601 through 23-2-644 or any other law for the purchaser to operate a newly acquired snowmobile without a certificate of ownership, certificate of registration, and a decal during the 20-day period. During this period the sticker, provided for in subsection (4), shall remain affixed to the snowmobile.

(4) Prior to the delivery of the snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a sticker (in a form to be prescribed by the department of justice). The sticker shall contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the snowmobile, including its serial number. The dealer shall keep a copy of the sticker for his records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) of this section do not apply in the event of the transfer of a snowmobile to a duly licensed snowmobile dealer intending to resell the snowmobile and who operates it only for demonstration purposes, but every such dealer, upon transferring such his interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of 23-2-601 through

23-2-644. The department of justice, upon receipt of the certificate of ownership and application for a new certificate, containing notice of a security interest, if any, shall issue a new certificate of ownership together with a statement of any conditional sales contract, mortgage, or other lien."

Section 6. Section 23-2-613, MCA, is amended to read:

"23-2-613. Lost or mutilated certificates. If any certificate of ownership is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate thereof certificate, upon payment of a fee of \$2 \$3."

Section 7. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of ownership and transfer of title -- disposition. A charge of \$4 \$5 must be made for issuance of an original certificate of ownership of title and for a transfer of registration which must be collected by the county treasurer. The fees must be distributed as follows:

(1) ~~Three-dollars~~ \$3.50 of each fee must be remitted to the department by the county treasurer, as provided in 15-1-504, for each application for original certificate of ownership or transfer of registration.

(2) ~~Prior--to--March--1,--1966,--and--each~~ Each March ~~thereafter,~~ the county commissioners of each county shall

1 divide the fees retained by the county to:

2 (a) the city road fund of each city and town within
3 the county based on the number of motor vehicles registered
4 inside the corporate limits of each city or town; and

5 (b) the county road fund based on the number of motor
6 vehicles registered outside the corporate limits of cities
7 and towns."

8 **Section 8.** Section 61-3-321, MCA, is amended to read:

9 "61-3-321. Registration fees of vehicles --
10 public-owned vehicles exempt from license or registration
11 fees -- disposition of fees. (1) Registration or license
12 fees shall be paid upon registration or reregistration of
13 motor vehicles, trailers, housetrailers, and semitrailers,
14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses shall be classed as motortrucks and licensed
23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
3 pounds maximum gross loaded weight (except housetrailers),
4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds
6 maximum gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
8 logs in the forest or in the transportation of oil and gas
9 well machinery, road machinery, or bridge materials, new and
10 secondhand, shall pay a fee of \$15 annually, regardless of
11 size or capacity.

12 (2) All rates shall be 25% higher for motor vehicles,
13 trailers, and semitrailers not equipped with pneumatic
14 tires.

15 (3) "Tractor", as specified in this section, means any
16 motor vehicle except passenger cars used for towing a
17 trailer or semitrailer.

18 (4) If any motor vehicle, housetrailer, trailer, or
19 semitrailer is originally registered 6 months after the time
20 of registration as set by law, the registration or license
21 fee for the remainder of the year shall be one-half of the
22 regular fee.

23 (5) An additional fee of \$3 \$5 per year for each
24 registration of a vehicle shall be collected as a
25 registration fee. Revenue from this fee shall be forwarded

1 by the respective county treasurers to the state treasurer
2 for deposit in the motor vehicle recording account of the
3 state special revenue fund.

4 (6) The provisions of this part with respect to the
5 payment of registration fees shall not apply to or be
6 binding upon motor vehicles, trailers or semitrailers, or
7 tractors owned or controlled by the United States of America
8 or any state, county, or city.

9 (7) The provisions of this section relating to the
10 payment of registration fees do not apply when number plates
11 are transferred to a replacement vehicle under 61-3-317,
12 61-3-332(7), or 61-3-335."

13 NEW SECTION. **Section 9.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB712, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act making the fees for original certificates of ownership, transfers of title, and lost certificates uniform among motor vehicles, snowmobiles, and boats; increasing the registration fee for motor vehicles; and amending Sections 23-2-508 through 23-2-510, 23-2-611 through 23-2-613, 61-3-203, and 61-3-321, MCA.

ASSUMPTIONS:

1. Assume that the number of vehicles titled and registered in calendar year 1989 will remain constant in FY90 and FY91.

FISCAL IMPACT:

	Current	FY90 Proposed		Current	FY91 Proposed	
Revenue:	Law	Law	Difference	Law	Law	Difference
Motor Vehicle Account	\$3,340,000	\$5,112,000	\$1,772,000	\$3,340,000	\$5,112,000	\$1,772,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

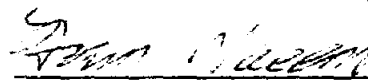
The counties will share an additional \$105,000 representing \$0.50 increase in titling fees.



DATE

2/20/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING



DATE

NORM WALLIN, PRIMARY SPONSOR

Fiscal Note for HB712, as introduced

HB 712

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HB BILL NO. 712
2 INTRODUCED BY Wesley Boylan
3 BY REQUEST OF THE ATTORNEY GENERAL
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE FEES FOR
6 ORIGINAL CERTIFICATES OF OWNERSHIP, TRANSFERS OF TITLE, AND
7 LOST CERTIFICATES UNIFORM AMONG MOTOR VEHICLES, SNOWMOBILES,
8 AND BOATS; INCREASING THE REGISTRATION FEE FOR MOTOR
9 VEHICLES; AND AMENDING SECTIONS 23-2-508 THROUGH 23-2-510,
10 23-2-611 THROUGH 23-2-613, 61-3-203, AND 61-3-321, MCA."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 **Section 1.** Section 23-2-508, MCA, is amended to read:
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15 ownership. (1) Except as provided in subsection (9), no
16 motorboat or sailboat 12 feet in length or longer may be
17 operated upon the waters of the state unless a certificate
18 of ownership has first been obtained from the department of
19 justice in accordance with the laws of this state.
20 (2) The owner of a motorboat or sailboat 12 feet in
21 length or longer shall apply for a certificate of ownership
22 and a certificate of number with the county treasurer of the
23 county in which the owner resides, upon forms furnished by
24 the department of justice. The forms must require the
25 following information:

1 (a) name of the owner;
2 (b) residence of the owner, by town or county;
3 (c) business or home address of the owner;
4 (d) name and address of any lienholder;
5 (e) amount due under any contract or lien;
6 (f) name of the manufacturer;
7 (g) model number or name;
8 (h) identification number;
9 (i) name and address of the dealer or other person
10 from whom acquired, if known; and
11 (j) such other information as the department of
12 justice may require.
13 (3) The application is to be accompanied by
14 documentation of ownership, such as an invoice, bill of
15 sale, foreign title, official certificate of boat number,
16 fee in lieu of tax receipt, or a certificate of ownership of
17 a trailer purchased with the motorboat or sailboat. An
18 applicant who fails to provide such proof of ownership shall
19 provide a certified statement describing how the motorboat
20 or sailboat 12 feet in length or longer was acquired, from
21 whom acquired if known, and other information requested by
22 the department of justice.
23 (4) If a certificate of ownership has previously been
24 issued under the provisions of this part, the application
25 for a new certificate must be accompanied by the immediately

1 previous certificate. This subsection does not apply to
2 motorboats or sailboats 12 feet in length or longer that are
3 purchased as new and unused vessels or that were operated
4 when the provisions of this part were not in force and
5 effect.

6 (5) Any motorboat or sailboat 12 feet in length or
7 longer that does not have a manufacturer's or other
8 identifying number thereon must be assigned an
9 identification number by the department of fish, wildlife,
10 and parks. A fee of \$1 must be paid to the department for an
11 assignment of number.

12 (6) Upon completion of the application, the county
13 treasurer shall issue to the applicant two copies of the
14 certificate of number application, one of which must be
15 marked "file copy". The treasurer shall forward one copy and
16 the original application for a certificate of ownership to
17 the department of justice, which shall enter the information
18 contained in the application upon the corresponding records
19 of its office, and shall furnish the applicant a certificate
20 of ownership containing that information in the application
21 considered necessary by the department and a permanent boat
22 number. The certificate of ownership need not be renewed
23 annually and is valid as long as the person holding it owns
24 the vessel.

25 (7) The owner shall at all times retain possession of

1 the certificate of ownership, except when it is being
2 transmitted to and from the department of justice for
3 endorsement or cancellation.

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5 fee of \$6 \$5 must be paid to the county treasurer, ~~\$4~~ \$3.50
6 of which must be forwarded by the county treasurer to the
7 department of justice and deposited in the motor vehicle
8 recording account of the state special revenue fund.

9 (9) A person who, on July 1, 1988, is the owner of a
10 motorboat or sailboat 12 feet in length or longer with a
11 valid certificate of number issued by the state is not
12 required to file an application for a certificate of
13 ownership for the motorboat or sailboat unless he transfers
14 a part of his interest in the motorboat or sailboat or he
15 renews the certificate of number for the motorboat or
16 sailboat."

17 **Section 2.** Section 23-2-509, MCA, is amended to read:

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22 upon payment of a fee of \$6 \$3.

23 (2) The duplicate certificate of ownership must be
24 plainly marked "duplicate" across its face and be mailed or
25 delivered to the applicant."

Section 3. Section 23-2-510, MCA, is amended to read:

"23-2-510. (Effective July 1, 1988) Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and such the signature must be acknowledged before a notary public.

(2) Within 20 calendar days thereafter after endorsement, the transferee shall make application for transfer of the certificate of ownership ~~so--endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the certificate upon receipt. ~~No~~ A certificate of ownership may not be issued by the department until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$6 ~~\$5~~ for each application for transfer of ownership, of which ~~\$4~~ \$3.50 must be forwarded to the department of

justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 20 calendar days from the date of purchase to register the motorboat or sailboat, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and decal during the 20-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for his records and shall send a copy of the sticker to the department of justice.

1 (5) The provisions of subsection (2) do not apply in
 2 the event of the transfer of a motorboat or sailboat 12 feet
 3 in length or longer to a duly licensed dealer intending to
 4 resell the motorboat or sailboat and who operates it only
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 8 certificate executed by the new owner in accordance with the
 9 provisions of this part. The department of justice, upon
 10 receipt of the certificate of ownership and application for
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 12 if any, shall issue a new certificate of ownership, together
 13 with a statement of any conditional sales contract,
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- 8 (f) name of the manufacturer;
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 20 not apply to snowmobiles that are purchased as new and
 21 unused machines or that were operated when the provisions of
 22 23-2-601 through 23-2-644 were not in force and effect.

23 (5) Upon completion of the application on forms
 24 furnished by the department of justice, the county treasurer
 25 shall issue to the applicant two copies of the application,

1 one of which shall be marked "file copy". The treasurer
 2 shall forward one copy and the original application to the
 3 department of justice, which shall enter the information
 4 contained in the application upon the corresponding records
 5 of its office, and shall furnish the applicant a certificate
 6 of ownership which shall contain that information in the
 7 application considered necessary by the department of
 8 justice and a permanent ownership number. The certificate of
 9 ownership is not to be renewed annually and is valid as long
 10 as the person holding it owns the snowmobile.

11 (6) The owner shall at all times retain possession of
 12 the certificate of ownership, except when it is being
 13 transmitted to and from the department of justice for
 14 endorsement or cancellation.

15 (7) Upon application for a certificate of ownership, a
 16 fee of \$3 \$5 shall be paid to the county treasurer, \$2 \$3.50
 17 of which shall be forwarded by the county treasurer to the
 18 department of justice and deposited in the motor vehicle
 19 recording account of the state special revenue fund."

20 **Section 5.** Section 23-2-612, MCA, is amended to read:

21 "23-2-612. Transfer of interest. (1) Except as
 22 provided in subsection (3), upon a transfer of any
 23 certificate of ownership to a snowmobile registered as
 24 required under the provisions of 23-2-601 through 23-2-644,
 25 the person whose title or interest is to be transferred

1 shall write his signature with pen and ink upon the
 2 certificate of ownership issued for the snowmobile in the
 3 appropriate space provided upon the reverse side of the
 4 certificate, and such signature shall be acknowledged before
 5 a notary public.

6 (2) Within 20 calendar days ~~thereafter~~ after
 7 endorsement, the transferee shall make application for
 8 transfer of the certificate of ownership ~~so-endorsed~~ with
 9 the county treasurer of the county in which the transferee
 10 resides and also make application for registration of the
 11 snowmobile. The county treasurer shall forward the
 12 application to the department of justice, which shall file
 13 the same upon receipt thereof. No certificate of ownership
 14 may be issued by the department of justice until the
 15 outstanding certificates are surrendered to that office or
 16 their loss established to its reasonable satisfaction. The
 17 county treasurer shall collect a fee of \$3 \$5 for each
 18 application for transfer of ownership, of which \$2 \$3.50
 19 shall be forwarded to the department of justice for deposit
 20 in the motor vehicle recording account of the state special
 21 revenue fund.

22 (3) A purchaser of a new or used snowmobile from a
 23 licensed snowmobile dealer has a grace period of 20 calendar
 24 days from the date of purchase to register the snowmobile,
 25 make application for a certificate of ownership, and obtain

1 a decal indicating that the fee in lieu of property tax has
2 been paid on the snowmobile for the current year. It is not
3 a violation of 23-2-601 through 23-2-644 or any other law
4 for the purchaser to operate a newly acquired snowmobile
5 without a certificate of ownership, certificate of
6 registration, and a decal during the 20-day period. During
7 this period the sticker, provided for in subsection (4),
8 shall remain affixed to the snowmobile.

9 (4) Prior to the delivery of the snowmobile to the
10 purchaser, the dealer shall issue and affix to the
11 snowmobile a sticker (in a form to be prescribed by the
12 department of justice). The sticker shall contain the name
13 and address of the purchaser, the date of sale, the name and
14 address of the dealer, and a description of the snowmobile,
15 including its serial number. The dealer shall keep a copy of
16 the sticker for his records and shall send a copy of the
17 sticker to the department of justice.

18 (5) The provisions of subsection (2) of this section
19 do not apply in the event of the transfer of a snowmobile to
20 a duly licensed snowmobile dealer intending to resell the
21 snowmobile and who operates it only for demonstration
22 purposes, but every ~~such~~ dealer, upon transferring ~~such~~ his
23 interest, shall deliver the certificate of ownership with an
24 application for a new certificate executed by the new owner
25 in accordance with the provisions of 23-2-601 through

1 23-2-644. The department of justice, upon receipt of the
2 certificate of ownership and application for a new
3 certificate, containing notice of a security interest, if
4 any, shall issue a new certificate of ownership together
5 with a statement of any conditional sales contract,
6 mortgage, or other lien."

7 **Section 6.** Section 23-2-613, MCA, is amended to read:

8 "23-2-613. Lost or mutilated certificates. If any
9 certificate of ownership is lost, mutilated, or becomes
10 illegible, the person to whom it was issued shall
11 immediately make application for and obtain a duplicate
12 thereof certificate, upon payment of a fee of \$2 \$3."

13 **Section 7.** Section 61-3-203, MCA, is amended to read:

14 "61-3-203. Fee for original certificate of ownership
15 and transfer of title -- disposition. A charge of \$4 \$5 must
16 be made for issuance of an original certificate of ownership
17 of title and for a transfer of registration which must be
18 collected by the county treasurer. The fees must be
19 distributed as follows:

20 (1) ~~Three-dollars~~ \$3.50 of each fee must be remitted
21 to the department by the county treasurer, as provided in
22 15-1-504, for each application for original certificate of
23 ownership or transfer of registration.

24 (2) ~~Prior to March 17, 1967, and each~~ Each March
25 ~~thereafter,~~ the county commissioners of each county shall

1 divide the fees retained by the county to:

2 (a) the city road fund of each city and town within
3 the county based on the number of motor vehicles registered
4 inside the corporate limits of each city or town; and

5 (b) the county road fund based on the number of motor
6 vehicles registered outside the corporate limits of cities
7 and towns."

8 **Section 8.** Section 61-3-321, MCA, is amended to read:

9 "61-3-321. Registration fees of vehicles --
10 public-owned vehicles exempt from license or registration
11 fees -- disposition of fees. (1) Registration or license
12 fees shall be paid upon registration or reregistration of
13 motor vehicles, trailers, housetrailers, and semitrailers,
14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses shall be classed as motortrucks and licensed
23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
3 pounds maximum gross loaded weight (except housetrailers),
4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds
6 maximum gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
8 logs in the forest or in the transportation of oil and gas
9 well machinery, road machinery, or bridge materials, new and
10 secondhand, shall pay a fee of \$15 annually, regardless of
11 size or capacity.

12 (2) All rates shall be 25% higher for motor vehicles,
13 trailers, and semitrailers not equipped with pneumatic
14 tires.

15 (3) "Tractor", as specified in this section, means any
16 motor vehicle except passenger cars used for towing a
17 trailer or semitrailer.

18 (4) If any motor vehicle, housetrailer, trailer, or
19 semitrailer is originally registered 6 months after the time
20 of registration as set by law, the registration or license
21 fee for the remainder of the year shall be one-half of the
22 regular fee.

23 (5) An additional fee of ~~\$3~~ \$5 per year for each
24 registration of a vehicle shall be collected as a
25 registration fee. Revenue from this fee shall be forwarded

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1 by the respective county treasurers to the state treasurer
2 for deposit in the motor vehicle recording account of the
3 state special revenue fund.

4 (6) The provisions of this part with respect to the
5 payment of registration fees shall not apply to or be
6 binding upon motor vehicles, trailers or semitrailers, or
7 tractors owned or controlled by the United States of America
8 or any state, county, or city.

9 (7) The provisions of this section relating to the
10 payment of registration fees do not apply when number plates
11 are transferred to a replacement vehicle under 61-3-317,
12 61-3-332(7), or 61-3-335."

13 NEW SECTION. **Section 9.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

-End-

1 HB BILL NO. 712
2 INTRODUCED BY Wesley Boylan
3 BY REQUEST OF THE ATTORNEY GENERAL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE FEES FOR
6 ORIGINAL CERTIFICATES OF OWNERSHIP, TRANSFERS OF TITLE, AND
7 LOST CERTIFICATES UNIFORM AMONG MOTOR VEHICLES, SNOWMOBILES,
8 AND BOATS; INCREASING THE REGISTRATION FEE FOR MOTOR
9 VEHICLES; AND AMENDING SECTIONS 23-2-508 THROUGH 23-2-510,
10 23-2-611 THROUGH 23-2-613, 61-3-203, AND 61-3-321, MCA."

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

13 **Section 1.** Section 23-2-508, MCA, is amended to read:

14 "23-2-508. (Effective July 1, 1988) Certificate of
15 ownership. (1) Except as provided in subsection (9), no
16 motorboat or sailboat 12 feet in length or longer may be
17 operated upon the waters of the state unless a certificate
18 of ownership has first been obtained from the department of
19 justice in accordance with the laws of this state.

20 (2) The owner of a motorboat or sailboat 12 feet in
21 length or longer shall apply for a certificate of ownership
22 and a certificate of number with the county treasurer of the
23 county in which the owner resides, upon forms furnished by
24 the department of justice. The forms must require the
25 following information:

1 (a) name of the owner;
2 (b) residence of the owner, by town or county;
3 (c) business or home address of the owner;
4 (d) name and address of any lienholder;
5 (e) amount due under any contract or lien;
6 (f) name of the manufacturer;
7 (g) model number or name;
8 (h) identification number;
9 (i) name and address of the dealer or other person
10 from whom acquired, if known; and
11 (j) such other information as the department of
12 justice may require.
13 (3) The application is to be accompanied by
14 documentation of ownership, such as an invoice, bill of
15 sale, foreign title, official certificate of boat number,
16 fee in lieu of tax receipt, or a certificate of ownership of
17 a trailer purchased with the motorboat or sailboat. An
18 applicant who fails to provide such proof of ownership shall
19 provide a certified statement describing how the motorboat
20 or sailboat 12 feet in length or longer was acquired, from
21 whom acquired if known, and other information requested by
22 the department of justice.
23 (4) If a certificate of ownership has previously been
24 issued under the provisions of this part, the application
25 for a new certificate must be accompanied by the immediately

1 previous certificate. This subsection does not apply to
2 motorboats or sailboats 12 feet in length or longer that are
3 purchased as new and unused vessels or that were operated
4 when the provisions of this part were not in force and
5 effect.

6 (5) Any motorboat or sailboat 12 feet in length or
7 longer that does not have a manufacturer's or other
8 identifying number thereon must be assigned an
9 identification number by the department of fish, wildlife,
10 and parks. A fee of \$1 must be paid to the department for an
11 assignment of number.

12 (6) Upon completion of the application, the county
13 treasurer shall issue to the applicant two copies of the
14 certificate of number application, one of which must be
15 marked "file copy". The treasurer shall forward one copy and
16 the original application for a certificate of ownership to
17 the department of justice, which shall enter the information
18 contained in the application upon the corresponding records
19 of its office, and shall furnish the applicant a certificate
20 of ownership containing that information in the application
21 considered necessary by the department and a permanent boat
22 number. The certificate of ownership need not be renewed
23 annually and is valid as long as the person holding it owns
24 the vessel.

25 (7) The owner shall at all times retain possession of

1 the certificate of ownership, except when it is being
2 transmitted to and from the department of justice for
3 endorsement or cancellation.

4 (8) Upon application for a certificate of ownership, a
5 fee of \$6 \$5 must be paid to the county treasurer, \$4 \$3.50
6 of which must be forwarded by the county treasurer to the
7 department of justice and deposited in the motor vehicle
8 recording account of the state special revenue fund.

9 (9) A person who, on July 1, 1988, is the owner of a
10 motorboat or sailboat 12 feet in length or longer with a
11 valid certificate of number issued by the state is not
12 required to file an application for a certificate of
13 ownership for the motorboat or sailboat unless he transfers
14 a part of his interest in the motorboat or sailboat or he
15 renews the certificate of number for the motorboat or
16 sailboat."

17 **Section 2.** Section 23-2-509, MCA, is amended to read:

18 "23-2-509. Lost or mutilated certificate. (1) If a
19 certificate of ownership is lost or mutilated or becomes
20 illegible, the person to whom it was issued shall
21 immediately make application for and obtain a duplicate,
22 upon payment of a fee of \$6 \$3.

23 (2) The duplicate certificate of ownership must be
24 plainly marked "duplicate" across its face and be mailed or
25 delivered to the applicant."

Section 3. Section 23-2-510, MCA, is amended to read:

"23-2-510. (Effective July 1, 1988) Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and ~~such~~ the signature must be acknowledged before a notary public.

(2) Within 20 calendar days ~~thereafter~~ after endorsement, the transferee shall make application for transfer of the certificate of ownership ~~so--endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the certificate upon receipt. ~~No~~ A certificate of ownership may not be issued by the department until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$6 \$5 for each application for transfer of ownership, of which ~~\$4~~ \$3.50 must be forwarded to the department of

justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 20 calendar days from the date of purchase to register the motorboat or sailboat, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and decal during the 20-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for his records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) do not apply in the event of the transfer of a motorboat or sailboat 12 feet in length or longer to a duly licensed dealer intending to resell the motorboat or sailboat and who operates it only for demonstration purposes, but every such dealer, upon transferring such his interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien."

Section 4. Section 23-2-611, MCA, is amended to read:

"23-2-611. Certificate of ownership. (1) No A snowmobile may not be operated upon any public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways, unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be

furnished for this purpose. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner by town and county;
- (c) business or home mail address of the owner;
- (d) name and address of any lien holder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number; and
- (i) name and address of the dealer or other person from whom acquired.

(3) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.

(4) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.

(5) Upon completion of the application on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application,

one of which shall be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership which shall contain that information in the application considered necessary by the department of justice and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$3 \$5 shall be paid to the county treasurer, \$2 \$3.50 of which shall be forwarded by the county treasurer to the department of justice and deposited in the motor vehicle recording account of the state special revenue fund."

Section 5. Section 23-2-612, MCA, is amended to read:

"23-2-612. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of any certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred

shall write his signature with pen and ink upon the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and such signature shall be acknowledged before a notary public.

(2) Within 20 calendar days ~~thereafter~~ after endorsement, the transferee shall make application for transfer of the certificate of ownership ~~so-endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the same upon receipt thereof. No certificate of ownership may be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss established to its reasonable satisfaction. The county treasurer shall collect a fee of \$3 \$5 for each application for transfer of ownership, of which \$2 \$3.50 shall be forwarded to the department of justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, make application for a certificate of ownership, and obtain

1 a decal indicating that the fee in lieu of property tax has
2 been paid on the snowmobile for the current year. It is not
3 a violation of 23-2-601 through 23-2-644 or any other law
4 for the purchaser to operate a newly acquired snowmobile
5 without a certificate of ownership, certificate of
6 registration, and a decal during the 20-day period. During
7 this period the sticker, provided for in subsection (4),
8 shall remain affixed to the snowmobile.

9 (4) Prior to the delivery of the snowmobile to the
10 purchaser, the dealer shall issue and affix to the
11 snowmobile a sticker (in a form to be prescribed by the
12 department of justice). The sticker shall contain the name
13 and address of the purchaser, the date of sale, the name and
14 address of the dealer, and a description of the snowmobile,
15 including its serial number. The dealer shall keep a copy of
16 the sticker for his records and shall send a copy of the
17 sticker to the department of justice.

18 (5) The provisions of subsection (2) of this section
19 do not apply in the event of the transfer of a snowmobile to
20 a duly licensed snowmobile dealer intending to resell the
21 snowmobile and who operates it only for demonstration
22 purposes, but every such dealer, upon transferring such his
23 interest, shall deliver the certificate of ownership with an
24 application for a new certificate executed by the new owner
25 in accordance with the provisions of 23-2-601 through

1 23-2-644. The department of justice, upon receipt of the
2 certificate of ownership and application for a new
3 certificate, containing notice of a security interest, if
4 any, shall issue a new certificate of ownership together
5 with a statement of any conditional sales contract,
6 mortgage, or other lien."

7 **Section 6.** Section 23-2-613, MCA, is amended to read:

8 "23-2-613. Lost or mutilated certificates. If any
9 certificate of ownership is lost, mutilated, or becomes
10 illegible, the person to whom it was issued shall
11 immediately make application for and obtain a duplicate
12 thereof certificate, upon payment of a fee of \$2 \$3."

13 **Section 7.** Section 61-3-203, MCA, is amended to read:

14 "61-3-203. Fee for original certificate of ownership
15 and transfer of title -- disposition. A charge of \$4 \$5 must
16 be made for issuance of an original certificate of ownership
17 of title and for a transfer of registration which must be
18 collected by the county treasurer. The fees must be
19 distributed as follows:

20 (1) ~~Three-dollars~~ \$1.50 of each fee must be remitted
21 to the department by the county treasurer, as provided in
22 15-1-504, for each application for original certificate of
23 ownership or transfer of registration.

24 (2) ~~Prior to March 1, 1966, and each~~ Each March
25 ~~thereafter,~~ the county commissioners of each county shall

1 divide the fees retained by the county to:

2 (a) the city road fund of each city and town within
3 the county based on the number of motor vehicles registered
4 inside the corporate limits of each city or town; and

5 (b) the county road fund based on the number of motor
6 vehicles registered outside the corporate limits of cities
7 and towns."

8 **Section 8.** Section 61-3-321, MCA, is amended to read:

9 "61-3-321. Registration fees of vehicles --
10 public-owned vehicles exempt from license or registration
11 fees -- disposition of fees. (1) Registration or license
12 fees shall be paid upon registration or reregistration of
13 motor vehicles, trailers, housetrailers, and semitrailers,
14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses shall be classed as motortrucks and licensed
23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
3 pounds maximum gross loaded weight (except housetrailers),
4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds
6 maximum gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
8 logs in the forest or in the transportation of oil and gas
9 well machinery, road machinery, or bridge materials, new and
10 secondhand, shall pay a fee of \$15 annually, regardless of
11 size or capacity.

12 (2) All rates shall be 25% higher for motor vehicles,
13 trailers, and semitrailers not equipped with pneumatic
14 tires.

15 (3) "Tractor", as specified in this section, means any
16 motor vehicle except passenger cars used for towing a
17 trailer or semitrailer.

18 (4) If any motor vehicle, housetrailer, trailer, or
19 semitrailer is originally registered 6 months after the time
20 of registration as set by law, the registration or license
21 fee for the remainder of the year shall be one-half of the
22 regular fee.

23 (5) An additional fee of \$3 \$5 per year for each
24 registration of a vehicle shall be collected as a
25 registration fee. Revenue from this fee shall be forwarded

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1 by the respective county treasurers to the state treasurer
2 for deposit in the motor vehicle recording account of the
3 state special revenue fund.

4 (6) The provisions of this part with respect to the
5 payment of registration fees shall not apply to or be
6 binding upon motor vehicles, trailers or semitrailers, or
7 tractors owned or controlled by the United States of America
8 or any state, county, or city.

9 (7) The provisions of this section relating to the
10 payment of registration fees do not apply when number plates
11 are transferred to a replacement vehicle under 61-3-317,
12 61-3-332(7), or 61-3-335."

13 NEW SECTION. **Section 9.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

-End-

HOUSE BILL NO. 712

INTRODUCED BY WALLIN, BOYLAN

BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE FEES FOR ORIGINAL CERTIFICATES OF OWNERSHIP, TRANSFERS OF TITLE, AND LOST CERTIFICATES UNIFORM AMONG MOTOR VEHICLES, SNOWMOBILES, AND BOATS; INCREASING THE REGISTRATION FEE FOR MOTOR VEHICLES; AND AMENDING SECTIONS 23-2-508 THROUGH 23-2-510, 23-2-611 THROUGH 23-2-613, 61-3-203, AND 61-3-321, MCA."

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

Section 1. Section 23-2-508, MCA, is amended to read:

"23-2-508. (Effective July 1, 1988) Certificate of ownership. (1) Except as provided in subsection (9), no motorboat or sailboat 12 feet in length or longer may be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town or county;
- (c) business or home address of the owner;
- (d) name and address of any lienholder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number;
- (i) name and address of the dealer or other person from whom acquired, if known; and
- (j) such other information as the department of justice may require.

(3) The application is to be accompanied by documentation of ownership, such as an invoice, bill of sale, foreign title, official certificate of boat number, fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide such proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately

1 previous certificate. This subsection does not apply to
2 motorboats or sailboats 12 feet in length or longer that are
3 purchased as new and unused vessels or that were operated
4 when the provisions of this part were not in force and
5 effect.

6 (5) Any motorboat or sailboat 12 feet in length or
7 longer that does not have a manufacturer's or other
8 identifying number thereon must be assigned an
9 identification number by the department of fish, wildlife,
10 and parks. A fee of \$1 must be paid to the department for an
11 assignment of number.

12 (6) Upon completion of the application, the county
13 treasurer shall issue to the applicant two copies of the
14 certificate of number application, one of which must be
15 marked "file copy". The treasurer shall forward one copy and
16 the original application for a certificate of ownership to
17 the department of justice, which shall enter the information
18 contained in the application upon the corresponding records
19 of its office, and shall furnish the applicant a certificate
20 of ownership containing that information in the application
21 considered necessary by the department and a permanent boat
22 number. The certificate of ownership need not be renewed
23 annually and is valid as long as the person holding it owns
24 the vessel.

25 (7) The owner shall at all times retain possession of

1 the certificate of ownership, except when it is being
2 transmitted to and from the department of justice for
3 endorsement or cancellation.

4 (8) Upon application for a certificate of ownership, a
5 fee of \$6 ~~\$5~~ must be paid to the county treasurer, ~~\$4~~ \$3.50
6 of which must be forwarded by the county treasurer to the
7 department of justice and deposited in the motor vehicle
8 recording account of the state special revenue fund.

9 (9) A person who, on July 1, 1988, is the owner of a
10 motorboat or sailboat 12 feet in length or longer with a
11 valid certificate of number issued by the state is not
12 required to file an application for a certificate of
13 ownership for the motorboat or sailboat unless he transfers
14 a part of his interest in the motorboat or sailboat or he
15 renews the certificate of number for the motorboat or
16 sailboat."

17 **Section 2.** Section 23-2-509, MCA, is amended to read:

18 **"23-2-509. Lost or mutilated certificate.** (1) If a
19 certificate of ownership is lost or mutilated or becomes
20 illegible, the person to whom it was issued shall
21 immediately make application for and obtain a duplicate,
22 upon payment of a fee of \$6 \$3.

23 (2) The duplicate certificate of ownership must be
24 plainly marked "duplicate" across its face and be mailed or
25 delivered to the applicant."

1 **Section 3.** Section 23-2-510, MCA, is amended to read:

2 "23-2-510. (Effective July 1, 1988) Transfer of
3 interest. (1) Except as provided in subsection (3), upon a
4 transfer of a certificate of ownership to a motorboat or
5 sailboat 12 feet in length or longer registered as required
6 under the provisions of this part, the person whose title or
7 interest is to be transferred shall sign the certificate of
8 ownership issued for the motorboat or sailboat in the
9 appropriate space provided on the reverse side of the
10 certificate, and ~~such~~ the signature must be acknowledged
11 before a notary public.

12 (2) Within 20 calendar days ~~thereafter~~ after
13 endorsement, the transferee shall make application for
14 transfer of the certificate of ownership ~~so--endorsed~~ with
15 the county treasurer of the county in which the transferee
16 resides and also make application for registration of the
17 motorboat or sailboat. The county treasurer shall forward
18 the application to the department of justice, which shall
19 file the certificate upon receipt. ~~No~~ A certificate of
20 ownership may not be issued by the department until any
21 outstanding certificate is surrendered to the department or
22 its loss is established to the department's reasonable
23 satisfaction. The county treasurer shall collect a fee of
24 \$6 ~~\$5~~ for each application for transfer of ownership, of
25 which \$4 \$3.50 must be forwarded to the department of

1 justice for deposit in the motor vehicle recording account
2 of the state special revenue fund.

3 (3) A purchaser of a new or used motorboat or sailboat
4 12 feet in length or longer from a licensed dealer has a
5 grace period of 20 calendar days from the date of purchase
6 to register the motorboat or sailboat, make application for
7 a certificate of ownership, and obtain a decal indicating
8 that the fee in lieu of property tax has been paid on the
9 vessel for the current year. It is not a violation of this
10 part or any other law for the purchaser to operate a newly
11 acquired motorboat or sailboat 12 feet in length or longer
12 without a certificate of ownership, certificate of
13 registration, and decal during the 20-day grace period.
14 During this period the sticker provided for in subsection
15 (4) must remain affixed to the motorboat or sailboat.

16 (4) Prior to the delivery of a motorboat or sailboat
17 12 feet in length or longer to the purchaser, the dealer
18 shall issue and affix to a motorboat or sailboat constructed
19 after October 31, 1972, a sticker as prescribed by the
20 department of justice. The sticker must contain the name and
21 address of the purchaser, the date of sale, the name and
22 address of the dealer, and a description of the motorboat or
23 sailboat, including its serial number. The dealer shall keep
24 a copy of the sticker for his records and shall send a copy
25 of the sticker to the department of justice.

1 (5) The provisions of subsection (2) do not apply in
 2 the event of the transfer of a motorboat or sailboat 12 feet
 3 in length or longer to a duly licensed dealer intending to
 4 resell the motorboat or sailboat and who operates it only
 5 for demonstration purposes, but every such dealer, upon
 6 transferring such his interest, shall deliver the
 7 certificate of ownership with an application for a new
 8 certificate executed by the new owner in accordance with the
 9 provisions of this part. The department of justice, upon
 10 receipt of the certificate of ownership and application for
 11 a new certificate containing notice of a security interest,
 12 if any, shall issue a new certificate of ownership, together
 13 with a statement of any conditional sales contract,
 14 mortgage, or other lien."

15 **Section 4.** Section 23-2-611, MCA, is amended to read:

16 "23-2-611. Certificate of ownership. (1) No A
 17 snowmobile may not be operated upon any public lands,
 18 trails, easements, lakes, rivers, streams, roadways or
 19 shoulders of roadways, streets, or highways, unless a
 20 certificate of ownership has first been obtained from the
 21 department of justice in accordance with the laws of this
 22 state.

23 (2) The owner of a snowmobile shall apply for a
 24 certificate of ownership with the county treasurer of the
 25 county in which the owner resides, upon forms to be

1 furnished for this purpose. The forms must require the
 2 following information:

- 3 (a) name of the owner;
- 4 (b) residence of the owner by town and county;
- 5 (c) business or home mail address of the owner;
- 6 (d) name and address of any lien holder;
- 7 (e) amount due under any contract or lien;
- 8 (f) name of the manufacturer;
- 9 (g) model number or name;
- 10 (h) identification number; and
- 11 (i) name and address of the dealer or other person
 12 from whom acquired.

13 (3) The application must be signed by at least one
 14 owner or by a properly authorized officer or representative
 15 of the owner.

16 (4) If a certificate of ownership has previously been
 17 issued under the provisions of 23-2-601 through 23-2-644,
 18 the application for a new certificate must be accompanied by
 19 the immediately previous certificate. This subsection does
 20 not apply to snowmobiles that are purchased as new and
 21 unused machines or that were operated when the provisions of
 22 23-2-601 through 23-2-644 were not in force and effect.

23 (5) Upon completion of the application on forms
 24 furnished by the department of justice, the county treasurer
 25 shall issue to the applicant two copies of the application,

one of which shall be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership which shall contain that information in the application considered necessary by the department of justice and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$3 ~~\$5~~ shall be paid to the county treasurer, ~~\$2~~ \$3.50 of which shall be forwarded by the county treasurer to the department of justice and deposited in the motor vehicle recording account of the state special revenue fund."

Section 5. Section 23-2-612, MCA, is amended to read:

"23-2-612. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of any certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred

shall write his signature with pen and ink upon the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and such signature shall be acknowledged before a notary public.

(2) Within 20 calendar days thereafter after ~~endorsement~~, the transferee shall make application for transfer of the certificate of ownership so ~~endorsed~~ with the county treasurer of the county in which the transferee resides and also make application for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the same upon receipt thereof. No certificate of ownership may be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss established to its reasonable satisfaction. The county treasurer shall collect a fee of \$3 ~~\$5~~ for each application for transfer of ownership, of which ~~\$2~~ \$3.50 shall be forwarded to the department of justice for deposit in the motor vehicle recording account of the state special revenue fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, make application for a certificate of ownership, and obtain

1 a decal indicating that the fee in lieu of property tax has
 2 been paid on the snowmobile for the current year. It is not
 3 a violation of 23-2-601 through 23-2-644 or any other law
 4 for the purchaser to operate a newly acquired snowmobile
 5 without a certificate of ownership, certificate of
 6 registration, and a decal during the 20-day period. During
 7 this period the sticker, provided for in subsection (4),
 8 shall remain affixed to the snowmobile.

9 (4) Prior to the delivery of the snowmobile to the
 10 purchaser, the dealer shall issue and affix to the
 11 snowmobile a sticker (in a form to be prescribed by the
 12 department of justice). The sticker shall contain the name
 13 and address of the purchaser, the date of sale, the name and
 14 address of the dealer, and a description of the snowmobile,
 15 including its serial number. The dealer shall keep a copy of
 16 the sticker for his records and shall send a copy of the
 17 sticker to the department of justice.

18 (5) The provisions of subsection (2) of this section
 19 do not apply in the event of the transfer of a snowmobile to
 20 a duly licensed snowmobile dealer intending to resell the
 21 snowmobile and who operates it only for demonstration
 22 purposes, but every such dealer, upon transferring such his
 23 interest, shall deliver the certificate of ownership with an
 24 application for a new certificate executed by the new owner
 25 in accordance with the provisions of 23-2-601 through

1 23-2-644. The department of justice, upon receipt of the
 2 certificate of ownership and application for a new
 3 certificate, containing notice of a security interest, if
 4 any, shall issue a new certificate of ownership together
 5 with a statement of any conditional sales contract,
 6 mortgage, or other lien."

7 **Section 6.** Section 23-2-613, MCA, is amended to read:

8 "23-2-613. Lost or mutilated certificates. If any
 9 certificate of ownership is lost, mutilated, or becomes
 10 illegible, the person to whom it was issued shall
 11 immediately make application for and obtain a duplicate
 12 thereof certificate, upon payment of a fee of \$2 \$3."

13 **Section 7.** Section 61-3-203, MCA, is amended to read:

14 "61-3-203. Fee for original certificate of ownership
 15 and transfer of title -- disposition. A charge of \$4 \$5 must
 16 be made for issuance of an original certificate of ownership
 17 of title and for a transfer of registration which must be
 18 collected by the county treasurer. The fees must be
 19 distributed as follows:

20 (1) ~~Three-dollars~~ \$3.50 of each fee must be remitted
 21 to the department by the county treasurer, as provided in
 22 15-1-504, for each application for original certificate of
 23 ownership or transfer of registration.

24 (2) ~~Prior to March 1, 1966, and each~~ Each March
 25 ~~thereafter,~~ the county commissioners of each county shall

1 divide the fees retained by the county to:

2 (a) the city road fund of each city and town within
3 the county based on the number of motor vehicles registered
4 inside the corporate limits of each city or town; and

5 (b) the county road fund based on the number of motor
6 vehicles registered outside the corporate limits of cities
7 and towns."

8 **Section 8.** Section 61-3-321, MCA, is amended to read:

9 "61-3-321. Registration fees of vehicles --
10 public-owned vehicles exempt from license or registration
11 fees -- disposition of fees. (1) Registration or license
12 fees shall be paid upon registration or reregistration of
13 motor vehicles, trailers, housetrailers, and semitrailers,
14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses shall be classed as motortrucks and licensed
23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
3 pounds maximum gross loaded weight (except housetrailers),
4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds
6 maximum gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
8 logs in the forest or in the transportation of oil and gas
9 well machinery, road machinery, or bridge materials, new and
10 secondhand, shall pay a fee of \$15 annually, regardless of
11 size or capacity.

12 (2) All rates shall be 25% higher for motor vehicles,
13 trailers, and semitrailers not equipped with pneumatic
14 tires.

15 (3) "Tractor", as specified in this section, means any
16 motor vehicle except passenger cars used for towing a
17 trailer or semitrailer.

18 (4) If any motor vehicle, housetrailer, trailer, or
19 semitrailer is originally registered 6 months after the time
20 of registration as set by law, the registration or license
21 fee for the remainder of the year shall be one-half of the
22 regular fee.

23 (5) An additional fee of \$3 \$5 per year for each
24 registration of a vehicle shall be collected as a
25 registration fee. Revenue from this fee shall be forwarded

1 by the respective county treasurers to the state treasurer
2 for deposit in the motor vehicle recording account of the
3 state special revenue fund.

4 (6) The provisions of this part with respect to the
5 payment of registration fees shall not apply to or be
6 binding upon motor vehicles, trailers or semitrailers, or
7 tractors owned or controlled by the United States of America
8 or any state, county, or city.

9 (7) The provisions of this section relating to the
10 payment of registration fees do not apply when number plates
11 are transferred to a replacement vehicle under 61-3-317,
12 61-3-332(7), or 61-3-335."

13 NEW SECTION. **Section 9.** Extension of authority. Any
14 existing authority to make rules on the subject of the
15 provisions of [this act] is extended to the provisions of
16 [this act].

-End-