

HOUSE BILL 385

Introduced by Simpkins

1/28	Introduced
1/28	Referred to Highways & Transportation
1/28	First Reading
2/08	Hearing
2/08	Tabled in Committee

House BILL NO. 385

INTRODUCED BY

Swyden

A BILL FOR AN ACT ENTITLED: "AN ACT EXCLUDING A FACILITY IN THE BUSINESS OF RESELLING JUNK VEHICLES EXCLUSIVELY FOR METAL RECOVERY FROM THE LICENSING REQUIREMENTS FOR AND DEFINITION OF A MOTOR VEHICLE WRECKING FACILITY; AND AMENDING SECTIONS 75-10-501 AND 75-10-511, MCA."

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

Section 1. Section 75-10-501, MCA, is amended to read:

"75-10-501. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Component part" means any identifiable part of a discarded, ruined, wrecked, or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.

(3) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(4) "Junk vehicle" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts,

which is not lawfully and validly licensed and remains inoperative or incapable of being driven.

(5) "Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal.

(6) "Motor vehicle wrecking facility" means:

(a) a facility buying, selling, or dealing in four or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(b) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard or a facility in the business of reselling junk vehicles exclusively for the purpose of metal recovery.

(7) "Person" means any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private



1 entity, whether organized for profit or not.

2 (8) "Public view" means any point 6 feet above the
3 surface of the center of a public road from which junk
4 vehicles can be seen.

5 (9) "Shielding" means the construction or use of
6 fencing or manmade or natural barriers to conceal junk
7 vehicles from public view."

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

9 "75-10-511. Motor vehicle wrecking facility and motor
10 vehicle graveyard licenses. (1) A person may not conduct,
11 maintain, or operate a motor vehicle wrecking facility or
12 motor vehicle graveyard without a license issued by the
13 department.

14 (2) Application for the license shall must be made on
15 forms furnished by the department.

16 (3) An annual fee of \$50 shall must be paid to the
17 department for the license or quarterly prorated for new
18 facilities.

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

22 (5) A license shall must be displayed in a prominent
23 place in the licensed facility or graveyard.

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

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

4 (8) The provisions of this section do not apply to a
5 facility in the business of reselling junk vehicles
6 exclusively for the purpose of metal recovery."

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