

1

SENATE BILL NO. 47

2

INTRODUCED BY

3

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR STAGGERED REGISTRATION OF CERTAIN
6 FLEET INTERSTATE COMMERCIAL VEHICLES; CLARIFYING PROVISIONS RELATED TO THE STAGGERED
7 REGISTRATION OF CERTAIN VEHICLES; DEFINING ANNUAL REGISTRATION PERIODS APPLICABLE TO
8 THE REGISTRATION OF CERTAIN VEHICLE FLEETS; CLARIFYING CERTAIN FEES FOR REGISTRATION AND
9 IDENTIFICATION OF PROPORTIONALLY REGISTERED VEHICLES; AMENDING SECTIONS 61-3-311,
10 61-3-312, 61-3-313, 61-3-716, 61-3-721, 61-3-722, 61-3-724, AND 61-3-725, MCA; AND PROVIDING
11 A DELAYED EFFECTIVE DATE."

12

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

14

15 **Section 1.** Section 61-3-311, MCA, is amended to read:

16 "**61-3-311. Time for making application.** Registration must be renewed annually, and license fees
17 must be paid annually. Except as provided in 61-3-313 through 61-3-316, ~~and 61-3-318,~~ 61-3-526, and
18 61-3-721, all registrations expire on December 31 of the year in which they are issued and application for
19 registration, or reregistration, must be filed with the county treasurer not later than February 15 of each
20 year. If the ownership of a motor vehicle is transferred during the registration year, the motor vehicle must
21 be reregistered and relicensed as provided by statute."

22

23 **Section 2.** Section 61-3-312, MCA, is amended to read:

24 "**61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in
25 61-3-314, ~~and 61-3-318,~~ 61-3-526, and 61-3-721, ~~every~~ a vehicle registration under this chapter ~~shall~~
26 ~~expire~~ expires on December 31 of each year and must be renewed annually upon application and payment
27 of license fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year.
28 The certificate of registration is valid only during the registration year for which it is issued.

29 (2) The owner of a vehicle registered under the provisions of this section ~~is entitled to~~ may operate
30 the vehicle between January 1 and February 15 without displaying the registration certificate of the current

1 year, ~~on condition that if, during the period,~~ the owner shall, ~~during the period,~~ display displays upon the
 2 vehicle the number plates or plate assigned for the previous year."

3

4 **Section 3.** Section 61-3-313, MCA, is amended to read:

5 **"61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through 61-3-316,
 6 "vehicle" means ~~any~~ a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this
 7 state except:

8 (1) vehicles owned or leased and operated by the government of the United States, ~~or~~ or by the
 9 state of Montana, ~~or its~~ a political ~~subdivisions~~ subdivision of the state;

10 (2) mobile homes and motor homes;

11 (3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411,
 12 or 61-3-421;

13 (4) trucks exceeding a licensed gross vehicle weight of 10,000 pounds;

14 (5) trailers, semitrailers, tractors, buses, motorcycles, quadricycles, and motor-driven cycles;

15 (6) special mobile equipment as defined in 61-1-104;

16 (7) motor vehicles registered as part of a fleet under 61-3-318; and

17 (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to
 18 the provisions of 61-3-711 through 61-3-733."

19

20 **Section 4.** Section 61-3-716, MCA, is amended to read:

21 **"61-3-716. Proportional registration of fleet vehicles.** (1) If a jurisdiction permits or requires the
 22 licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of
 23 registration fees, license fees, taxes, or other fixed fees on those vehicles on an apportionment basis
 24 commensurate with and determined by the miles traveled on and the use made of the jurisdiction's
 25 highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any
 26 other equitable basis of apportionment, and exempts vehicles registered in any other jurisdiction under this
 27 apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or
 28 other fixed fees, then the department may, by agreement, adopt ~~such exemption~~ exemptions with respect
 29 to vehicles of these fleets, whether owned by residents or nonresidents of this state and regardless of
 30 where based. An agreement, under the terms, conditions, or restrictions that the department considers

1 proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate
 2 commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an
 3 apportionment basis, commensurate with and determined by the miles traveled on and the use made of the
 4 highways of this state as compared with the use made of the highways of other jurisdictions or any other
 5 equitable basis of apportionment. This agreement may not authorize or be construed to authorize a vehicle
 6 so registered to be operated in intrastate commerce in this state unless the owner of the vehicle has been
 7 granted intrastate authority or rights by the public service commission, if a grant is otherwise required by
 8 law.

9 (2) The department of transportation may adopt rules that it considers necessary to carry out and
 10 administer this section, and the registration of fleet vehicles under 61-3-711 through 61-3-733 is subject
 11 to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or
 12 declaration made by the department. The department of transportation shall adopt rules providing for a
 13 change of registration period for a fleet in a case in which the owner of the fleet requests that the
 14 registration period be changed to coincide with the registration period of one or more other fleets in the
 15 same ownership."

16

17 **Section 5.** Section 61-3-721, MCA, is amended to read:

18 **"61-3-721. Proportional registration of fleet vehicles, annual registration periods, application, fee**
 19 **formula, and payment.** (1) An owner ~~engaged in operating~~ of one or more fleets may, ~~instead of registration~~
 20 ~~of vehicles under other sections of this title,~~ register and license each fleet for operation in this state by
 21 filing an application with the department ~~which shall contain~~ of transportation. The application must
 22 contain the information pertinent to vehicle registration that is required by the department of transportation.

23 (2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided
 24 in 61-3-318(1), be registered for an annual registration period based upon the date that the fleet is first
 25 registered in this state.

26 (3) There are four annual registration periods, each of which begins on the first day of a calendar
 27 quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending
 28 March 31, June 30, September 30, or December 31. The periods are:

29 (a) January 1 through March 31 1st period

30 (b) April 1 through June 30 2nd period

1 (c) July 1 through September 30 3rd period

2 (d) October 1 through December 31 4th period

3 (4) Registration of a fleet of apportionable vehicles under subsection (2) must be renewed on or
 4 before the last day of the month for the designated annual registration period, unless a different registration
 5 period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous
 6 registration of multiple fleets of apportionable vehicles on common ownership.

7 ~~(2)(5)~~ The application for each fleet may be accompanied by a fee payment computed ~~as follows~~
 8 by:

9 (a) ~~divide~~ dividing in-state miles by total fleet miles as defined in the applicable agreement entered
 10 into pursuant to 61-3-711 through 61-3-733;

11 (b) ~~determine~~ determining the total amount necessary to register each vehicle in the fleet for which
 12 registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and ~~part 2~~
 13 of chapter 10, part 2, and the property taxes ~~which that~~ are due on the fleet;

14 (c) ~~multiply~~ multiplying the sum obtained under subsection ~~(2)(b)~~ (5)(b) by the fraction obtained
 15 under subsection ~~(2)(a)~~ (5)(a).

16 ~~(3)(6)~~ Applications submitted with fees may be recomputed by the department ~~and~~. The
 17 department shall furnish a statement furnished showing the overpayment or balance due.

18 ~~(4)(7)~~ Applications submitted without fees ~~shall~~ must be computed by the department ~~and~~. The
 19 department shall furnish a statement furnished showing the amount of fees due."

20

21 **Section 6.** Section 61-3-722, MCA, is amended to read:

22 "**61-3-722. Registration and identification of proportionally registered vehicles -- fees -- effect of**
 23 **registration.** (1) The department shall register each proportionally registered vehicle and issue a license plate
 24 or plates, a distinctive sticker, or other suitable identification device for each vehicle described in the
 25 application upon payment of the appropriate fees and property taxes, as provided by law, for the application
 26 and for the license plates, stickers, or devices issued. A fee of \$2 must be paid for each license plate, each
 27 sticker, ~~or~~ and each device issued for each proportionally registered vehicle. A fee of \$5 must be paid for
 28 each vehicle receiving temporary registration as authorized by section 704 of the international registration
 29 plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card
 30 must be issued for each proportionally registered vehicle. The registration card must, in addition to other

1 information required by chapter 3, show the number of the license, sticker, or other device issued for the
2 proportionally registered vehicle and must be carried in the vehicle at all times.

3 (2) Fleet vehicles registered and identified as fleet vehicles are considered fully licensed and
4 registered in this state for any type of movement or operation, except that, in those instances in which a
5 grant of authority is required for intrastate movement or operation, the vehicle may not be operated in
6 intrastate commerce in this state unless the owner has been granted intrastate authority by the public
7 service commission and unless the vehicle is being operated in conformity with that authority."

8

9 **Section 7.** Section 61-3-724, MCA, is amended to read:

10 **"61-3-724. Registration of additional fleet vehicles.** Vehicles acquired by the owner after the
11 commencement of the registration year period and subsequently added to a proportionally registered fleet
12 ~~shall~~ must be proportionally registered by applying the mileage percentage used in the original application
13 for ~~such~~ the fleet for ~~such~~ the registration period to the regular registration fees due with respect to ~~such~~
14 the vehicle for the remainder of the registration year period."

15

16 **Section 8.** Section 61-3-725, MCA, is amended to read:

17 **"61-3-725. Withdrawal of fleet vehicles -- procedure, credits, and accounting.** (1) If a vehicle is
18 withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of
19 the fleet shall notify the department of transportation of that fact on forms prescribed by the department.
20 The department may require the owner to surrender proportional registration cards and other identification
21 devices ~~which~~ that have been issued with respect to that vehicle. If a vehicle is permanently withdrawn
22 from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed
23 from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect
24 to that vehicle ~~shall~~ must be credited to the proportional registration account of the owner. This unused
25 portion ~~shall equal~~ equals the amount paid with respect to the vehicle when it was first proportionally
26 registered in the registration year period, reduced by one-twelfth of the total annual gross vehicle weight
27 fee of the vehicle for each calendar month and fraction ~~thereof~~ of a month elapsing between the first day
28 of the month of the current year period in which the vehicle was registered and the date the notice of
29 withdrawal is received by the department. This credit ~~shall~~ must be applied against liability for additional
30 fees due during the registration year period or for additional fees due upon audit under 61-3-728. If a credit

1 is less than \$5, it may not be made or entered. In no event may the amount be credited against fees other
2 than those for the registration ~~year~~ period, nor may any amount be subject to refund.

3 (2) If the owner replaces a vehicle withdrawn from the fleet at the same time as the withdrawal
4 and the replacement vehicle is of the same or of a lesser weight category than the one withdrawn, the
5 gross vehicle weight fees are transferable to the replacement vehicle. If the transfer is to a smaller vehicle,
6 ~~there may be no credit~~ may not be given or entered."

7

8 NEW SECTION. **Section 9. Effective date.** [This act] is effective January 1, 1996.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0047, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing for staggered registration of certain fleet interstate commercial vehicles; clarifying provisions related to the staggered registration of certain vehicles; defining annual registration periods applicable to the registration of certain vehicle fleets; and clarifying certain fees for registration and identification of proportionally registered vehicles.

ASSUMPTIONS:

1. Estimated fiscal impact of SB0047 is based on re-registration fees paid for proportionally registered vehicles in FY94.
2. Annual registration periods will eliminate quarterly re-registration fees which are required by the Dept. of Transportation.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Highway Special Revenues (02)	(\$28,590)	(\$28,590)

Dave Lewis 1-7-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Chuck Swysgood
CHUCK SWYSGOOD, PRIMARY SPONSOR DATE

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

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8 THE REGISTRATION OF CERTAIN VEHICLE FLEETS; CLARIFYING CERTAIN FEES FOR REGISTRATION AND
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18 61-3-721, all registrations expire on December 31 of the year in which they are issued and application for
19 registration, or reregistration, must be filed with the county treasurer not later than February 15 of each
20 year. If the ownership of a motor vehicle is transferred during the registration year, the motor vehicle must
21 be reregistered and relicensed as provided by statute."

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23 Section 2. Section 61-3-312, MCA, is amended to read:

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26 ~~expire~~ expires on December 31 of each year and must be renewed annually upon application and payment
27 of license fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year.
28 The certificate of registration is valid only during the registration year for which it is issued.

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30 (2) The owner of a vehicle registered under the provisions of this section ~~is entitled to~~ may operate
the vehicle between January 1 and February 15 without displaying the registration certificate of the current

1 year, ~~on condition that if, during the period,~~ the owner ~~shall, during the period,~~ display displays upon the
 2 vehicle the number plates or plate assigned for the previous year."

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 4 **Section 3.** Section 61-3-313, MCA, is amended to read:

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 7 state except:

8 (1) vehicles owned or leased and operated by the government of the United States, ~~or~~ or by the
 9 state of Montana, ~~or its~~ a political ~~subdivisions~~ subdivision of the state;

10 (2) mobile homes and motor homes;

11 (3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411,
 12 or 61-3-421;

13 (4) trucks exceeding a licensed gross vehicle weight of 10,000 pounds;

14 (5) trailers, semitrailers, tractors, buses, motorcycles, quadricycles, and motor-driven cycles;

15 (6) special mobile equipment as defined in 61-1-104;

16 (7) motor vehicles registered as part of a fleet under 61-3-318; and

17 (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to
 18 the provisions of 61-3-711 through 61-3-733."

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 20 **Section 4.** Section 61-3-716, MCA, is amended to read:

21 **"61-3-716. Proportional registration of fleet vehicles.** (1) If a jurisdiction permits or requires the
 22 licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of
 23 registration fees, license fees, taxes, or other fixed fees on those vehicles on an apportionment basis
 24 commensurate with and determined by the miles traveled on and the use made of the jurisdiction's
 25 highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any
 26 other equitable basis of apportionment, and exempts vehicles registered in any other jurisdiction under this
 27 apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or
 28 other fixed fees, then the department may, by agreement, adopt ~~such exemption~~ exemptions with respect
 29 to vehicles of these fleets, whether owned by residents or nonresidents of this state and regardless of
 30 where based. An agreement, under the terms, conditions, or restrictions that the department considers

1 proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate
 2 commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an
 3 apportionment basis, commensurate with and determined by the miles traveled on and the use made of the
 4 highways of this state as compared with the use made of the highways of other jurisdictions or any other
 5 equitable basis of apportionment. This agreement may not authorize or be construed to authorize a vehicle
 6 so registered to be operated in intrastate commerce in this state unless the owner of the vehicle has been
 7 granted intrastate authority or rights by the public service commission, if a grant is otherwise required by
 8 law.

9 (2) The department of transportation may adopt rules that it considers necessary to carry out and
 10 administer this section, and the registration of fleet vehicles under 61-3-711 through 61-3-733 is subject
 11 to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or
 12 declaration made by the department. The department of transportation shall adopt rules providing for a
 13 change of registration period for a fleet in a case in which the owner of the fleet requests that the
 14 registration period be changed to coincide with the registration period of one or more other fleets in the
 15 same ownership."

16
 17 **Section 5.** Section 61-3-721, MCA, is amended to read:

18 **"61-3-721. Proportional registration of fleet vehicles, annual registration periods, application, fee**
 19 **formula, and payment.** (1) An owner ~~engaged in operating of~~ one or more fleets may, ~~instead of registration~~
 20 ~~of vehicles under other sections of this title,~~ register and license each fleet for operation in this state by
 21 filing an application with the department ~~which shall contain~~ of transportation. The application must
 22 contain the information pertinent to vehicle registration that is required by the department of transportation.

23 (2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided
 24 in 61-3-318(1), be registered for an annual registration period based upon the date that the fleet is first
 25 registered in this state.

26 (3) There are four annual registration periods, each of which begins on the first day of a calendar
 27 quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending
 28 March 31, June 30, September 30, or December 31. The periods are:

29 (a) January 1 through March 31 1st period

30 (b) April 1 through June 30 2nd period

1 (c) July 1 through September 30 3rd period

2 (d) October 1 through December 31 4th period

3 (4) Registration of a fleet of apportionable vehicles under subsection (2) must be renewed on or
 4 before the last day of the month for the designated annual registration period, unless a different registration
 5 period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous
 6 registration of multiple fleets of apportionable vehicles in common ownership.

7 ~~(2)(5)~~ The application for each fleet may be accompanied by a fee payment computed ~~as follows~~
 8 by:

9 (a) ~~divide~~ dividing in-state miles by total fleet miles as defined in the applicable agreement entered
 10 into pursuant to 61-3-711 through 61-3-733;

11 (b) ~~determine~~ determining the total amount necessary to register each vehicle in the fleet for which
 12 registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and ~~part 2~~
 13 ~~of~~ chapter 10, part 2, and the property taxes ~~which that~~ are due on the fleet;

14 (c) ~~multiply~~ multiplying the sum obtained under subsection ~~(2)(b)~~ (5)(b) by the fraction obtained
 15 under subsection ~~(2)(a)~~ (5)(a).

16 ~~(3)(6)~~ Applications submitted with fees may be recomputed by the department ~~and~~. The
 17 department shall furnish a statement ~~furnished~~ showing the overpayment or balance due.

18 ~~(4)(7)~~ Applications submitted without fees ~~shall~~ must be computed by the department ~~and~~. The
 19 department shall furnish a statement ~~furnished~~ showing the amount of fees due."

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21 **Section 6.** Section 61-3-722, MCA, is amended to read:

22 **"61-3-722. Registration and identification of proportionally registered vehicles -- fees -- effect of**
 23 **registration.** (1) The department shall register each proportionally registered vehicle and issue a license plate
 24 or plates, a distinctive sticker, or other suitable identification device for each vehicle described in the
 25 application upon payment of the appropriate fees and property taxes, as provided by law, for the application
 26 and for the license plates, stickers, or devices issued. A fee of \$2 must be paid for each license plate, each
 27 ~~sticker, or~~ and each device issued for each proportionally registered vehicle. A fee of \$5 must be paid for
 28 each vehicle receiving temporary registration as authorized by section 704 of the international registration
 29 plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card
 30 must be issued for each proportionally registered vehicle. The registration card must, in addition to other

1 information required by chapter 3, show the number of the license, sticker, or other device issued for the
2 proportionally registered vehicle and must be carried in the vehicle at all times.

3 (2) Fleet vehicles registered and identified as fleet vehicles are considered fully licensed and
4 registered in this state for any type of movement or operation, except that, in those instances in which a
5 grant of authority is required for intrastate movement or operation, the vehicle may not be operated in
6 intrastate commerce in this state unless the owner has been granted intrastate authority by the public
7 service commission and unless the vehicle is being operated in conformity with that authority."

8
9 **Section 7.** Section 61-3-724, MCA, is amended to read:

10 "**61-3-724. Registration of additional fleet vehicles.** Vehicles acquired by the owner after the
11 commencement of the registration ~~year~~ period and subsequently added to a proportionally registered fleet
12 ~~shall must~~ be proportionally registered by applying the mileage percentage used in the original application
13 for ~~such the~~ the fleet for ~~such the~~ the registration period to the regular registration fees due with respect to ~~such~~
14 the vehicle for the remainder of the registration ~~year~~ period."

15
16 **Section 8.** Section 61-3-725, MCA, is amended to read:

17 "**61-3-725. Withdrawal of fleet vehicles -- procedure, credits, and accounting.** (1) If a vehicle is
18 withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of
19 the fleet shall notify the department of transportation of that fact on forms prescribed by the department.
20 The department may require the owner to surrender proportional registration cards and other identification
21 devices ~~which that~~ that have been issued with respect to that vehicle. If a vehicle is permanently withdrawn
22 from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed
23 from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect
24 to that vehicle ~~shall must~~ must be credited to the proportional registration account of the owner. This unused
25 portion ~~shall equal~~ equals the amount paid with respect to the vehicle when it was first proportionally
26 registered in the registration ~~year~~ period, reduced by one-twelfth of the total annual gross vehicle weight
27 fee of the vehicle for each calendar month and fraction ~~thereof~~ of a month elapsing between the first day
28 of the month of the current ~~year~~ period in which the vehicle was registered and the date the notice of
29 withdrawal is received by the department. This credit ~~shall must~~ must be applied against liability for additional
30 fees due during the registration ~~year~~ period or for additional fees due upon audit under 61-3-728. If a credit

1 is less than \$5, it may not be made or entered. In no event may the amount be credited against fees other
2 than those for the registration ~~year~~ period, nor may any amount be subject to refund.

3 (2) If the owner replaces a vehicle withdrawn from the fleet at the same time as the withdrawal
4 and the replacement vehicle is of the same or of a lesser weight category than the one withdrawn, the
5 gross vehicle weight fees are transferable to the replacement vehicle. If the transfer is to a smaller vehicle,
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15 (6) special mobile equipment as defined in 61-1-104;

16 (7) motor vehicles registered as part of a fleet under 61-3-318; and

17 (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to
18 the provisions of 61-3-711 through 61-3-733."

19

20 **Section 4.** Section 61-3-716, MCA, is amended to read:

21 **"61-3-716. Proportional registration of fleet vehicles.** (1) If a jurisdiction permits or requires the
22 licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of
23 registration fees, license fees, taxes, or other fixed fees on those vehicles on an apportionment basis
24 commensurate with and determined by the miles traveled on and the use made of the jurisdiction's
25 highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any
26 other equitable basis of apportionment, and exempts vehicles registered in any other jurisdiction under this
27 apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or
28 other fixed fees, then the department may, by agreement, adopt ~~such exemption~~ exemptions with respect
29 to vehicles of these fleets, whether owned by residents or nonresidents of this state and regardless of
30 where based. An agreement, under the terms, conditions, or restrictions that the department considers

1 proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate
 2 commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an
 3 apportionment basis, commensurate with and determined by the miles traveled on and the use made of the
 4 highways of this state as compared with the use made of the highways of other jurisdictions or any other
 5 equitable basis of apportionment. This agreement may not authorize or be construed to authorize a vehicle
 6 so registered to be operated in intrastate commerce in this state unless the owner of the vehicle has been
 7 granted intrastate authority or rights by the public service commission, if a grant is otherwise required by
 8 law.

9 (2) The department of transportation may adopt rules that it considers necessary to carry out and
 10 administer this section, and the registration of fleet vehicles under 61-3-711 through 61-3-733 is subject
 11 to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or
 12 declaration made by the department. The department of transportation shall adopt rules providing for a
 13 change of registration period for a fleet in a case in which the owner of the fleet requests that the
 14 registration period be changed to coincide with the registration period of one or more other fleets in the
 15 same ownership."

16
 17 **Section 5. Section 61-3-721, MCA, is amended to read:**

18 **"61-3-721. Proportional registration of fleet vehicles, annual registration periods, application, fee**
 19 **formula, and payment. (1) An owner ~~engaged in operating of~~ one or more fleets may, ~~instead of registration~~**
 20 **~~of vehicles under other sections of this title~~, register and license each fleet for operation in this state by**
 21 **filing an application with the department ~~which shall contain~~ of transportation. The application must**
 22 **contain the information pertinent to vehicle registration that is required by the department of transportation.**

23 (2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided
 24 in 61-3-318(1), be registered for an annual registration period based upon the date that the fleet is first
 25 registered in this state.

26 (3) There are four annual registration periods, each of which begins on the first day of a calendar
 27 quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending
 28 March 31, June 30, September 30, or December 31. The periods are:

- 29 (a) January 1 through March 31 1st period
 30 (b) April 1 through June 30 2nd period

1 (c) July 1 through September 30 3rd period

2 (d) October 1 through December 31 4th period

3 ~~(4)~~ Registration of a fleet of apportionable vehicles under subsection (2) must be renewed on or
4 before the last day of the month for the designated annual registration period, unless a different registration
5 period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous
6 registration of multiple fleets of apportionable vehicles in common ownership.

7 ~~(2)(5)~~ The application for each fleet may be accompanied by a fee payment computed ~~as follows~~
8 by:

9 (a) ~~divide~~ dividing in-state miles by total fleet miles as defined in the applicable agreement entered
10 into pursuant to 61-3-711 through 61-3-733;

11 (b) ~~determine~~ determining the total amount necessary to register each vehicle in the fleet for which
12 registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and ~~part 2~~
13 ~~of~~ chapter 10, part 2, and the property taxes ~~which~~ that are due on the fleet;

14 (c) ~~multiply~~ multiplying the sum obtained under subsection ~~(2)(b)~~ (5)(b) by the fraction obtained
15 under subsection ~~(2)(a)~~ (5)(a).

16 ~~(3)(6)~~ Applications submitted with fees may be recomputed by the department ~~and~~. The
17 department shall furnish a statement furnished showing the overpayment or balance due.

18 ~~(4)(7)~~ Applications submitted without fees ~~shall~~ must be computed by the department ~~and~~. The
19 department shall furnish a statement furnished showing the amount of fees due."

20

21 **Section 6.** Section 61-3-722, MCA, is amended to read:

22 "**61-3-722. Registration and identification of proportionally registered vehicles -- fees -- effect of**
23 **registration.** (1) The department shall register each proportionally registered vehicle and issue a license plate
24 or plates, a distinctive sticker, or other suitable identification device for each vehicle described in the
25 application upon payment of the appropriate fees and property taxes, as provided by law, for the application
26 and for the license plates, stickers, or devices issued. A fee of \$2 must be paid for each license plate, each
27 ~~sticker, or~~ and each device issued for each proportionally registered vehicle. A fee of \$5 must be paid for
28 each vehicle receiving temporary registration as authorized by section 704 of the international registration
29 plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card
30 must be issued for each proportionally registered vehicle. The registration card must, in addition to other

1 information required by chapter 3, show the number of the license, sticker, or other device issued for the
2 proportionally registered vehicle and must be carried in the vehicle at all times.

3 (2) Fleet vehicles registered and identified as fleet vehicles are considered fully licensed and
4 registered in this state for any type of movement or operation, except that, in those instances in which a
5 grant of authority is required for intrastate movement or operation, the vehicle may not be operated in
6 intrastate commerce in this state unless the owner has been granted intrastate authority by the public
7 service commission and unless the vehicle is being operated in conformity with that authority."
8

9 **Section 7.** Section 61-3-724, MCA, is amended to read:

10 "61-3-724. **Registration of additional fleet vehicles.** Vehicles acquired by the owner after the
11 commencement of the registration ~~year~~ period and subsequently added to a proportionally registered fleet
12 ~~shall~~ must be proportionally registered by applying the mileage percentage used in the original application
13 for ~~such~~ the fleet for ~~such~~ the registration period to the regular registration fees due with respect to ~~such~~
14 the vehicle for the remainder of the registration ~~year~~ period."

15

16 **Section 8.** Section 61-3-725, MCA, is amended to read:

17 "61-3-725. **Withdrawal of fleet vehicles -- procedure, credits, and accounting.** (1) If a vehicle is
18 withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of
19 the fleet shall notify the department of transportation of that fact on forms prescribed by the department.
20 The department may require the owner to surrender proportional registration cards and other identification
21 devices ~~which~~ that have been issued with respect to that vehicle. If a vehicle is permanently withdrawn
22 from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed
23 from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect
24 to that vehicle ~~shall~~ must be credited to the proportional registration account of the owner. This unused
25 portion ~~shall equal~~ equals the amount paid with respect to the vehicle when it was first proportionally
26 registered in the registration ~~year~~ period, reduced by one-twelfth of the total annual gross vehicle weight
27 fee of the vehicle for each calendar month and fraction ~~thereof~~ of a month elapsing between the first day
28 of the month of the current ~~year~~ period in which the vehicle was registered and the date the notice of
29 withdrawal is received by the department. This credit ~~shall~~ must be applied against liability for additional
30 fees due during the registration ~~year~~ period or for additional fees due upon audit under 61-3-728. If a credit

1 is less than \$5, it may not be made or entered. In no event may the amount be credited against fees other
2 than those for the registration ~~year~~ period, nor may any amount be subject to refund.

3 (2) If the owner replaces a vehicle withdrawn from the fleet at the same time as the withdrawal
4 and the replacement vehicle is of the same or of a lesser weight category than the one withdrawn, the
5 gross vehicle weight fees are transferable to the replacement vehicle. If the transfer is to a smaller vehicle,
6 ~~there may be no credit~~ may not be given or entered."

7

8 NEW SECTION. Section 9. Effective date. [This act] is effective January 1, 1996.

9

-END-

1 SENATE BILL NO. 47

2 INTRODUCED BY SWYSGOOD

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR STAGGERED REGISTRATION OF CERTAIN
6 FLEET INTERSTATE COMMERCIAL VEHICLES; CLARIFYING PROVISIONS RELATED TO THE STAGGERED
7 REGISTRATION OF CERTAIN VEHICLES; DEFINING ANNUAL REGISTRATION PERIODS APPLICABLE TO
8 THE REGISTRATION OF CERTAIN VEHICLE FLEETS; CLARIFYING CERTAIN FEES FOR REGISTRATION AND
9 IDENTIFICATION OF PROPORTIONALLY REGISTERED VEHICLES; AMENDING SECTIONS 61-3-311,
10 61-3-312, 61-3-313, 61-3-716, 61-3-721, 61-3-722, 61-3-724, AND 61-3-725, MCA; AND PROVIDING
11 A DELAYED EFFECTIVE DATE."

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

14
15 **Section 1.** Section 61-3-311, MCA, is amended to read:

16 **"61-3-311. Time for making application.** Registration must be renewed annually, and license fees
17 must be paid annually. Except as provided in 61-3-313 through 61-3-316, ~~and 61-3-318~~, 61-3-526, and
18 61-3-721, all registrations expire on December 31 of the year in which they are issued and application for
19 registration, or reregistration, must be filed with the county treasurer not later than February 15 of each
20 year. If the ownership of a motor vehicle is transferred during the registration year, the motor vehicle must
21 be reregistered and relicensed as provided by statute."

22
23 **Section 2.** Section 61-3-312, MCA, is amended to read:

24 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in
25 61-3-314, ~~and 61-3-318~~, 61-3-526, and 61-3-721, ~~every~~ a vehicle registration under this chapter ~~shall~~
26 ~~expire~~ expires on December 31 of each year and must be renewed annually upon application and payment
27 of license fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year.
28 The certificate of registration is valid only during the registration year for which it is issued.

29 (2) The owner of a vehicle registered under the provisions of this section ~~is entitled to~~ may operate
30 the vehicle between January 1 and February 15 without displaying the registration certificate of the current

1 year, ~~on condition that if, during the period,~~ the owner ~~shall, during the period, display~~ displays upon the
 2 vehicle the number plates or plate assigned for the previous year."

3

4 **Section 3.** Section 61-3-313, MCA, is amended to read:

5 "**61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through
 6 61-3-316, "vehicle" means ~~any~~ a motor vehicle, as defined in 61-1-102, that is subject to annual
 7 registration in this state except:

8 (1) vehicles owned or leased and operated by the government of the United States, ~~of or by~~ by the
 9 state of Montana, ~~or its a political subdivisions~~ subdivision of the state;

10 (2) mobile homes and motor homes;

11 (3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411,
 12 or 61-3-421;

13 (4) trucks exceeding a licensed gross vehicle weight of 10,000 pounds;

14 (5) trailers, semitrailers, tractors, buses, motorcycles, quadricycles, and motor-driven cycles;

15 (6) special mobile equipment as defined in 61-1-104;

16 (7) motor vehicles registered as part of a fleet under 61-3-318; and

17 (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to
 18 the provisions of 61-3-711 through 61-3-733."

19

20 **Section 4.** Section 61-3-716, MCA, is amended to read:

21 "**61-3-716. Proportional registration of fleet vehicles.** (1) If a jurisdiction permits or requires the
 22 licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of
 23 registration fees, license fees, taxes, or other fixed fees on those vehicles on an apportionment basis
 24 commensurate with and determined by the miles traveled on and the use made of the jurisdiction's
 25 highways, as compared with the miles traveled on and the use made of other jurisdiction's highways or any
 26 other equitable basis of apportionment, and exempts vehicles registered in any other jurisdiction under this
 27 apportionment basis from the requirements of full payment of its own registration, license fees, taxes, or
 28 other fixed fees, then the department may, by agreement, adopt ~~such exemption~~ exemptions with respect
 29 to vehicles of these fleets, whether owned by residents or nonresidents of this state and regardless of
 30 where based. An agreement, under the terms, conditions, or restrictions that the department considers

1 proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate
 2 commerce in this state be permitted to pay registration, license fees, taxes, or other fixed fees on an
 3 apportionment basis, commensurate with and determined by the miles traveled on and the use made of the
 4 highways of this state as compared with the use made of the highways of other jurisdictions or any other
 5 equitable basis of apportionment. This agreement may not authorize or be construed to authorize a vehicle
 6 so registered to be operated in intrastate commerce in this state unless the owner of the vehicle has been
 7 granted intrastate authority or rights by the public service commission, if a grant is otherwise required by
 8 law.

9 (2) The department of transportation may adopt rules that it considers necessary to carry out and
 10 administer this section, and the registration of fleet vehicles under 61-3-711 through 61-3-733 is subject
 11 to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or
 12 declaration made by the department. The department of transportation shall adopt rules providing for a
 13 change of registration period for a fleet in a case in which the owner of the fleet requests that the
 14 registration period be changed to coincide with the registration period of one or more other fleets in the
 15 same ownership."

16
 17 **Section 5.** Section 61-3-721, MCA, is amended to read:

18 **"61-3-721. Proportional registration of fleet vehicles, annual registration periods, application, fee**
 19 **formula, and payment.** (1) An owner ~~engaged in operating~~ of one or more fleets may, ~~instead of~~
 20 ~~registration of vehicles under other sections of this title,~~ register and license each fleet for operation in this
 21 state by filing an application with the department ~~which shall contain~~ of transportation. The application
 22 must contain the information pertinent to vehicle registration that is required by the department of
 23 transportation.

24 (2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided
 25 in 61-3-318(1), be registered for an annual registration period based upon the date that the fleet is first
 26 registered in this state.

27 (3) There are four annual registration periods, each of which begins on the first day of a calendar
 28 quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending
 29 March 31, June 30, September 30, or December 31. The periods are:

30 (a) January 1 through March 31 1st period

1 must be issued for each proportionally registered vehicle. The registration card must, in addition to other
 2 information required by chapter 3, show the number of the license, sticker, or other device issued for the
 3 proportionally registered vehicle and must be carried in the vehicle at all times.

4 (2) Fleet vehicles registered and identified as fleet vehicles are considered fully licensed and
 5 registered in this state for any type of movement or operation, except that, in those instances in which a
 6 grant of authority is required for intrastate movement or operation, the vehicle may not be operated in
 7 intrastate commerce in this state unless the owner has been granted intrastate authority by the public
 8 service commission and unless the vehicle is being operated in conformity with that authority."
 9

10 **Section 7.** Section 61-3-724, MCA, is amended to read:

11 **"61-3-724. Registration of additional fleet vehicles.** Vehicles acquired by the owner after the
 12 commencement of the registration ~~year~~ period and subsequently added to a proportionally registered fleet
 13 ~~shall~~ must be proportionally registered by applying the mileage percentage used in the original application
 14 for ~~such~~ the fleet for ~~such~~ the registration period to the regular registration fees due with respect to ~~such~~
 15 the vehicle for the remainder of the registration ~~year~~ period."

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18 **"61-3-725. Withdrawal of fleet vehicles -- procedure, credits, and accounting.** (1) If a vehicle is
 19 withdrawn from a proportionally registered fleet during the period for which it is registered, the owner of
 20 the fleet shall notify the department of transportation of that fact on forms prescribed by the department.
 21 The department may require the owner to surrender proportional registration cards and other identification
 22 devices ~~which~~ that have been issued with respect to that vehicle. If a vehicle is permanently withdrawn
 23 from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed
 24 from the service of the registrant, the unused portion of the gross vehicle weight fees paid with respect
 25 to that vehicle ~~shall~~ must be credited to the proportional registration account of the owner. This unused
 26 portion ~~shall equal~~ equals the amount paid with respect to the vehicle when it was first proportionally
 27 registered in the registration ~~year~~ period, reduced by one-twelfth of the total annual gross vehicle weight
 28 fee of the vehicle for each calendar month and fraction ~~thereof~~ of a month elapsing between the first day
 29 of the month of the current ~~year~~ period in which the vehicle was registered and the date the notice of
 30 withdrawal is received by the department. This credit ~~shall~~ must be applied against liability for additional

1 fees due during the registration ~~year~~ period or for additional fees due upon audit under 61-3-728. If a credit
2 is less than \$5, it may not be made or entered. In no event may the amount be credited against fees other
3 than those for the registration ~~year~~ period, nor may any amount be subject to refund.

4 (2) If the owner replaces a vehicle withdrawn from the fleet at the same time as the withdrawal
5 and the replacement vehicle is of the same or of a lesser weight category than the one withdrawn, the
6 gross vehicle weight fees are transferable to the replacement vehicle. If the transfer is to a smaller vehicle,
7 ~~there may be no credit~~ may not be given or entered."

8

9 NEW SECTION. **Section 9. Effective date.** [This act] is effective January 1, 1996.

10

-END-