

SENATE BILL NO. 49  
INTRODUCED BY Amey HARP  
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM PROPERTY TAXATION TRAILERS AND SEMITRAILERS THAT ARE REGISTERED THROUGH A PROPORTIONAL REGISTRATION AGREEMENT; REVISING REQUIREMENTS FOR INFORMATION ON APPLICATIONS FOR THE REGISTRATION OF CERTAIN TRUCKS AND TRAILERS; REQUIRING STAGGERED REGISTRATION FOR TRUCKS EXCEEDING A 1 TON RATED CAPACITY; ELIMINATING STAGGERED REGISTRATION FOR TRUCKS EXCEEDING A LICENSED GROSS VEHICLE WEIGHT OF 10,000 POUNDS; DEFINING THE TERM "DECLARED WEIGHT"; SUBSTITUTING THE TERM "DECLARED WEIGHT" FOR "MAXIMUM GROSS LOADED WEIGHT" AS APPLICABLE TO THE REGISTRATION OF CERTAIN TRUCKS, TRAILERS, AND SEMITRAILERS; REVISING LICENSE AND FEE REQUIREMENTS FOR CERTAIN FLEETS OF TRAILERS AND SEMITRAILERS; REVISING THE WEIGHT FEES ON CERTAIN TRUCKS, TRUCK TRACTORS, AND BUSES; REVISING THE MINIMUM SPECIAL FEE ON CERTAIN FARM VEHICLES; REVISING CERTAIN FEES ON CERTAIN MOTOR TRUCKS AND TRUCK TRACTORS FROM OTHER STATES; AMENDING SECTIONS 15-6-201, 61-3-303, 61-3-313, 61-3-321, 61-3-721, 61-10-201, 61-10-206, AND 61-10-211, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 15-6-201, MCA, is amended to read:

**"15-6-201. Exempt categories.** (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;



- 1 (iv) municipal corporations;
- 2 (v) public libraries; and
- 3 (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- 4 (b) buildings, with land they occupy and furnishings in the buildings, owned by a church and used
- 5 for actual religious worship or for residences of the clergy, together with adjacent land reasonably
- 6 necessary for convenient use of the buildings;
- 7 (c) property used exclusively for agricultural and horticultural societies, for educational purposes,
- 8 and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of health and
- 9 environmental sciences and organized under Title 35, chapter 2 or 3. A health care facility that is not
- 10 licensed by the department of health and environmental sciences and organized under Title 35, chapter 2
- 11 or 3, is not exempt.
- 12 (d) property that ~~meets the following conditions:~~
- 13 (i) is owned and held by any association or corporation organized under Title 35, chapter 2, 3, 20,
- 14 or 21;
- 15 (ii) is devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent
- 16 care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
- 17 (iii) is not maintained and operated for private or corporate profit;
- 18 (e) property owned by institutions of purely public charity and directly used for purely public
- 19 charitable purposes;
- 20 (f) evidence of debt secured by mortgages of record upon real or personal property in the state of
- 21 Montana;
- 22 (g) public museums, art galleries, zoos, and observatories not used or held for private or corporate
- 23 profit;
- 24 (h) all household goods and furniture, including but not limited to clocks, musical instruments,
- 25 sewing machines, and wearing apparel of members of the family, used by the owner for personal and
- 26 domestic purposes or for furnishing or equipping the family residence;
- 27 (i) a truck canopy cover or topper weighing less than 300 pounds and having no accommodations
- 28 attached. This property is also exempt from taxation under 61-3-504(2) and 61-3-537.
- 29 (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- 30 (k) motor homes, travel trailers, and campers;

1 (l) all watercraft;

2 (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association  
3 or nonprofit corporation organized to furnish potable water to its members or customers for uses other than  
4 the irrigation of agricultural land;

5 (n) the right of entry that is a property right reserved in land or received by mesne conveyance  
6 (exclusive of leasehold interests), devise, or succession to enter land whose surface title is held by another  
7 to explore, prospect, or dig for oil, gas, coal, or minerals;

8 (o) property that is owned and used by a corporation or association organized and operated  
9 exclusively for the care of the developmentally disabled, mentally ill, or vocationally handicapped as defined  
10 in 18-5-101, ~~which~~ and that is not operated for gain or profit; and property owned and used by an  
11 organization owning and operating facilities for the care of the retired, aged, or chronically ill, ~~which~~ that  
12 are not operated for gain or profit;

13 (p) all farm buildings with a market value of less than \$500 and all agricultural implements and  
14 machinery with a market value of less than \$100;

15 (q) property owned by a nonprofit corporation organized to provide facilities primarily for training  
16 and practice for or competition in international sports and athletic events and not held or used for private  
17 or corporate gain or profit. For purposes of this subsection (q), "nonprofit corporation" means an  
18 organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and  
19 admitted under the Montana Nonprofit Corporation Act.

20 (r) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily  
21 hand-held and that are used to:

22 (i) construct, repair, and maintain improvements to real property; or

23 (ii) repair and maintain machinery, equipment, appliances, or other personal property;

24 (s) harness, saddlery, and other tack equipment;

25 (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in  
26 33-25-105;

27 (u) ~~beginning January 1, 1994,~~ timber as defined in 15-44-102; and

28 (v) all trailers and semitrailers with that have a licensed gross weight of 26,000 pounds or more  
29 or that are registered through a proportional registration agreement under 61-3-721. For purposes of this  
30 subsection (v), the terms "trailer" and "semitrailer" mean a vehicle with or without motive power that is:

- 1 (i) designed and used only for carrying property;
- 2 (ii) designed and used to be drawn by a motor vehicle; and
- 3 (iii) either constructed so that no part of its weight rests upon the towing vehicle or constructed
- 4 so that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

5 (2) (a) The term "institutions of purely public charity" includes any organization that meets the

6 following requirements:

7 (i) The organization qualifies as a tax-exempt organization under the provisions of section 501(c)(3),

8 Internal Revenue Code, as amended.

9 (ii) The organization accomplishes its activities through absolute gratuity or grants; however, the

10 organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public

11 performances or entertainment or by other similar types of fundraising activities.

12 (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and

13 observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold

14 property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property

15 includes all real and personal property reasonably necessary for use in connection with the public display

16 or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit

17 organization by an individual or for-profit organization, real and personal property owned by other persons

18 is exempt if it is:

- 19 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
- 20 (ii) held for future display; or
- 21 (iii) used to house or store a public display.

22 (3) The following portions of the appraised value of a capital investment ~~made after January 1,~~

23 ~~1979,~~ in a recognized nonfossil form of energy generation or low emission wood or biomass combustion

24 devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation

25 of the property:

- 26 (a) \$20,000 in the case of a single-family residential dwelling;
- 27 (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

28

29 **Section 2.** Section 61-3-303, MCA, is amended to read:

30 **"61-3-303. Application for registration.** (1) ~~Every~~ Each owner of a motor vehicle operated or driven

1 upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided  
2 in this section, file or cause to be filed in the office of the county treasurer where the owner permanently  
3 resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily  
4 for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned,  
5 an application for registration or reregistration upon a blank form to be prepared and furnished by the  
6 department. The application must contain:

7 (a) name and address of owner, giving county, school district, and town or city within whose  
8 corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's  
9 residence is located if the motor vehicle is not taxable;

10 (b) name and address of the holder of any security interest in the motor vehicle;

11 (c) description of motor vehicle, including make, year model, engine or serial number,  
12 manufacturer's model or letter, gross weight, declared weight on all trucks for which the rated capacity is  
13 1 ton or less, and type of body and, if a truck, rated capacity; ~~and~~

14 (d) declared weight on all trailers operating intrastate, except travel trailers, recreational trailers,  
15 or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733; and

16 ~~(d)~~(e) other information that the department may require.

17 (2) A person who files an application for registration or reregistration of a motor vehicle, except  
18 of a mobile home as defined in 15-1-101(1), shall upon the filing of the application pay to the county  
19 treasurer:

20 (a) the registration fee, as provided in 61-3-311 and 61-3-321; and

21 (b) unless it has been previously paid:

22 (i) the personal property taxes assessed against the vehicle for the current year of registration and  
23 the immediately previous year; or

24 (ii) the new motor vehicle sales tax against the vehicle for the current year of registration.

25 (3) The application may not be accepted by the county treasurer unless the payments required by  
26 subsection (2) accompany the application. The department of revenue may not assess and the county  
27 treasurer may not collect taxes or fees for a period other than:

28 (a) the current year; and

29 (b) the immediately previous year if the vehicle was not registered or operated on the highways  
30 of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department of revenue may make full and complete investigation of the tax status of the vehicle. Any applicant for registration or reregistration shall submit proof from the tax or other appropriate records of the proper county at the request of the department of revenue."

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

**"61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through 61-3-316 "vehicle" means any motor vehicle as defined in 61-1-102 subject to annual registration in this state except:

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

(2) mobile homes and motor homes;

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

(4) trucks exceeding a ~~licensed gross vehicle weight of 10,000 pounds~~ 1 ton rated capacity;

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

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

(7) motor vehicles registered as part of a fleet under 61-3-318."

**Section 4.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- public-owned vehicles exempt from license or registration fees -- disposition of fees.** (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, house trailers, and semitrailers, in accordance with this chapter, as follows:

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

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

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

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

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

(f) buses are classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds ~~maximum gross loaded weight~~ declared weight

1 and housetrailer of all weights, \$2;

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

4 (i) trailers and semitrailers over 6,000 pounds ~~maximum gross loaded weight~~ declared weight, \$10,  
5 except trailers and semitrailers registered in other jurisdictions and registered through a proportional  
6 registration agreement;

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

10 (2) All rates are 25% higher for motor vehicles, trailers, and semitrailers not equipped with  
11 pneumatic tires.

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

14 (4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after  
15 the time of registration as set by law, the registration or license fee for the remainder of the year is one-half  
16 of the regular fee.

17 (5) An additional fee of \$5.25 per year for each registration of a vehicle, except trailers and  
18 semitrailers registered in other jurisdictions and registered through a proportional registration agreement,  
19 must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county  
20 treasurers to the state treasurer for deposit in the general fund. The department shall distribute 25 cents  
21 from the motor vehicle registration fee for payment of supplemental benefits provided for in 19-6-709.

22 (6) A fee of \$2 for each set of new number plates must be collected when number plates provided  
23 for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

24 (7) The provisions of this part with respect to the payment of registration fees do not apply to and  
25 are not binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United  
26 States of America or any state, county, or city.

27 (8) The provisions of this section relating to the payment of registration fees or new number plate  
28 fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332,  
29 or 61-3-335."

30

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

**"61-3-721. Proportional registration of fleet vehicles, application, fee formula, and payment. (1)**

An owner engaged in operating one or more fleets may, instead of registration of vehicles under other sections of this title, register and license each fleet for operation in this state by filing an application with the department ~~which shall~~ . The application must contain the information pertinent to vehicle registration that is required by the department.

(2) ~~The~~ Except as provided in subsection (c), the application for each fleet may be accompanied by a fee payment computed as follows:

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

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

(c) multiply the sum obtained under subsection (2)(b) by the fraction obtained under subsection (2)(a).

(3) Each trailer and semitrailer in the fleet for which registration is requested will be assessed  
annual license or registration fees as prescribed by 61-3-321.

~~(3)~~(4) Applications submitted with fees may be recomputed by the department and a statement furnished showing the overpayment or balance due.

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

**Section 6.** Section 61-10-201, MCA, is amended to read:

"61-10-201. ~~Gross-weight~~ Weight fees on motortrucks, truck tractors, and buses. In addition to other fees for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually for each truck, truck tractor, and bus, based upon the manufacturer's rated capacity for trucks with a capacity of 1 ton or less and upon the maximum gross loaded weight and the maximum gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's application, the following fees:

### Schedule 1



1	<del>Up to 6,000 lbs.</del> .....	<del>\$ 7.50</del>
2	<del>6,001 through 8,000 lbs.</del> .....	<del>9.50</del>
3	<del>8,001 through 10,000 lbs.</del> .....	<del>13.25</del>
4	<del>10,001 through 12,000 lbs.</del> .....	<del>15.00</del>
5	<del>12,001 through 14,000 lbs.</del> .....	<del>17.00</del>
6	<u>Manufacturer's rated capacity up to 1/2 ton</u> .....	<u>\$ 7.00</u>
7	<u>Manufacturer's rated capacity of 3/4 ton</u> .....	<u>12.50</u>
8	<u>Manufacturer's rated capacity of 1 ton</u> .....	<u>17.50</u>
9	<del>14,001 through</del> <u>Up to</u> 16,000 lbs. ....	21.00
10	16,001 through 18,000 lbs. ....	28.00
11	18,001 through 20,000 lbs. ....	37.50
12	20,001 through 22,000 lbs. ....	47.00
13	22,001 through 24,000 lbs. ....	70.00
14	24,001 through 26,000 lbs. ....	90.00
15	26,001 through 28,000 lbs. ....	110.00
16	28,001 through 30,000 lbs. ....	130.00
17	30,001 through 32,000 lbs. ....	150.00
18	32,001 through 34,000 lbs. ....	170.00
19	34,001 through 36,000 lbs. ....	190.00
20	36,001 through 38,000 lbs. ....	215.00
21	38,001 through 40,000 lbs. ....	235.00
22	40,001 through 42,000 lbs. ....	255.00
23	42,001 through 44,000 lbs. ....	275.00
24	44,001 through 46,000 lbs. ....	300.00
25	46,001 through 48,000 lbs. ....	320.00
26	48,001 through 50,000 lbs. ....	340.00
27	50,001 through 52,000 lbs. ....	360.00
28	52,001 through 54,000 lbs. ....	380.00
29	54,001 through 56,000 lbs. ....	400.00
30	56,001 through 58,000 lbs. ....	420.00

1	58,001 through 60,000 lbs. . . . .	440.00
2	60,001 through 62,000 lbs. . . . .	460.00
3	62,001 through 64,000 lbs. . . . .	482.50
4	64,001 through 66,000 lbs. . . . .	502.50
5	66,001 through 68,000 lbs. . . . .	522.50
6	68,001 through 70,000 lbs. . . . .	545.75
7	70,001 through 72,000 lbs. . . . .	566.50
8	72,001 through 74,000 lbs. . . . .	607.50
9	74,001 through 76,000 lbs. . . . .	655.00
10	76,001 through 78,000 lbs. . . . .	695.00
11	78,001 through 80,000 lbs. . . . .	750.00
12	Over 80,000 lbs. and within the weight limits	
13	specified in 61-10-101 through 61-10-110 . . . . .	750.00
14		plus an additional 46.00
15		for each ton or fraction of a ton
16		in excess of 80,000 lbs."

17

18 **Section 7.** Section 61-10-206, MCA, is amended to read:

19 **"61-10-206. Special fees -- certain farm vehicles.** (1) Except for motortrucks owned and operated  
 20 by cooperative associations or cooperative marketing associations, there must be paid and collected  
 21 annually a fee equal to 35% of the fees provided in Schedule I and Schedule II on:

22 (a) motortrucks owned and operated by ranchers or farmers in the transportation of their own  
 23 ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities,  
 24 or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal  
 25 transportation by one farmer for another for any purpose other than commercial hire of products of the  
 26 farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy;

27 (b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil  
 28 conservation work and land leveling activities that result in direct benefit to agriculture; and

29 (c) fertilizer spreader trucks and spreader trailers used exclusively to transport and apply fertilizer  
 30 to agricultural fields and plots.

(2) The applicant under the fertilizer exception for special fees under subsection (1)(c) shall show, when the fee is paid as provided in 61-10-222, a valid fertilizer dealer license issued by the department of agriculture as provided in 80-10-202.

(3) The minimum fee is ~~\$6~~ \$7."

**Section 8.** Section 61-10-211, MCA, is amended to read:

**"61-10-211. Fees on motortrucks, truck tractors, trailers, and semitrailers from other states.** (1)

In lieu of other fees for the licensing of vehicles, there ~~shall~~ must be collected a fee for each motortruck, ~~and truck tractor, trailer, and semitrailer~~ already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state. The fee ~~shall~~ provided in subsection (2) must be collected upon each entrance of ~~such the~~ vehicle into the state, and ~~shall~~ must be based upon the number of miles to be traveled in the state and the registered gross vehicle weight of the motortruck or truck tractor as shown in the application of the nonresident operator.

~~(2) The fee shall be collected for any single vehicle. When any combination of truck, truck tractor, semitrailer, or trailer totals more than 6,000 pounds gross weight, the fee shall be collected for each unit in the combination.~~

~~(3)(2)~~ The fee ~~shall be~~ for each trip in Montana is:

- ~~(a) \$10 for each trip of 200 miles or less;~~
- ~~(b) \$15 for each trip of over 200 miles to 400 miles;~~
- ~~(c) \$20 for each trip of over 400 miles.~~

	<u>0-200 miles</u>	<u>201-400 miles</u>	<u>over 400 miles</u>
<u>Up to 46,000 lbs.</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>
<u>46,001 through 80,000 lbs.</u>	<u>20</u>	<u>30</u>	<u>40</u>
<u>Over 80,001 lbs.</u>	<u>30</u>	<u>45</u>	<u>60</u>
<u>Triple combination</u>	<u>40</u>	<u>60</u>	<u>80</u>

~~(4)(3)~~ ~~Such~~ The fees shall do not apply to any trailer the principal use of which is as temporary or permanent living quarters, or to any vehicle of a carnival ~~which~~ that is under contract with a state, county, or district fair association.

~~(5)(4)~~ A fee must be collected for each nonresident, unlicensed or unregistered trailer or semitrailer entering Montana. The fee for each trip in Montana is:

(a) \$10 for each trip of 200 miles or less;

(b) \$15 for each trip of over 200 miles to 400 miles; and

(c) \$20 for each trip of over 400 miles."

**NEW SECTION.** **Section 9. Declared weight.** "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

**NEW SECTION.** **Section 10. Codification instruction.** [Section 9] is intended to be codified as an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61 apply to [section 9].

**NEW SECTION.** **Section 11. Effective date.** [This act] is effective January 1, 1996.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0049, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting from property taxation trailers and semitrailers that are registered through a proportional registration agreement; revising requirements for information on applications for the registration of certain trucks and trailers; requiring staggered registration for trucks exceeding a 1 ton rated capacity; eliminating staggered registration for trucks exceeding a licensed gross vehicle weight of 10,000 pounds; defining the term "declared weight"; substituting the term "declared weight" for "maximum gross loaded weight" as applicable to the registration of certain trucks, trailers and semitrailers; revising license and fee requirements for certain fleets of trailers and semitrailers; revising the weight fees on certain trucks, truck tractors, and buses; revising the minimum special fee on certain farm vehicles; revising certain fees on certain motor trucks and truck tractors from other states.

ASSUMPTIONS:

1. There were 9,892 trailers proportionally registered in 1994 at an average prorate of about 26.78% on the \$15.25 fee, resulting in current law collections of \$40,396. Eliminating the prorate calculation for trailers will result in a total fee of \$15.25 per trailer collected for a total of \$150,853. Of the \$15.25 fee collected for vehicle registration, \$10.00 is deposited for county roads, \$5.00 is deposited in the state general fund and \$.25 is deposited in the highway patrol retirement account.
2. The shift from a weight-based fee on pickup trucks to a flat fee based on manufacturers' rated capacity assumes pickups under 6,000 lbs are rated at 1/2 ton, pickups between 6,000 and 8,000 lbs are rated at 3/4 tons, and pickups between 8,000 and 10,000 lbs are rated at 1 ton.
3. There would be approximately 67,000 farm vehicles subject to the minimum fee.
4. There are very few trailers weighing less than 26,000 pounds used in interstate travel, mostly registered in neighboring states.

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<b>Proportional Registration:</b>		
General Fund (01)	(36,129)	(36,129)
Highway Patrol Retirement (09)	(1,665)	(1,665)
<b>Flat Fee on Pickups:</b>		
Highway Special Revenues (02)	67,000	67,000
<b>Agricultural Vehicle Minimum:</b>		
Highway Special Revenues (02)	(12,000)	(12,000)
<b>Property Tax on &lt;26k Lb Trailers:</b>		
Negligible reduction in statewide mill levy revenues.		

(continued)

*Dave Lewis* 1-11-95

DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

*Chuck Swysgood* 1-12-95

CHUCK SWYSGOOD, PRIMARY SPONSOR DATE

Fiscal Note for SB0049, as introduced

**SB 49**

FISCAL IMPACT: (continued)

Net Impact

General Fund (01)	36,129	36,129
Highway Special Revenue Account (02)	55,000	55,000
HP Retirement Account (09)	<u>1,665</u>	<u>1,665</u>
Total	92,794	92,794

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County road fund revenues would increase by approximately \$72,663 per year due to elimination of proportional registration. Elimination of property tax on trailers weighing less than \$26,000 pounds would reduce local property tax revenues by negligible amounts.

## STATE OF MONTANA - FISCAL NOTE

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An act exempting from property taxation trailers and semitrailers that are registered through a proportional registration agreement; revising requirements for information on applications for the registration of certain trucks and trailers; requiring staggered registration for trucks exceeding a 1 ton rated capacity; eliminating staggered registration for trucks exceeding a licensed gross vehicle weight of 10,000 pounds; defining the term "declared weight"; substituting the term "declared weight" for "maximum gross loaded weight" as applicable to the registration of certain trucks, trailers and semitrailers; revising license and fee requirements for certain fleets of trailers and semitrailers; revising the weight fees on certain trucks, truck tractors, and buses; revising the minimum special fee on certain farm vehicles; revising certain fees on certain motor trucks and truck tractors from other states.

ASSUMPTIONS:

1. There were 9,892 trailers proportionally registered in 1994 at an average prorate of about 26.78% on the \$15.25 fee, resulting in current law collections of \$40,396. Eliminating the prorate calculation for trailers will result in a total fee of \$15.25 per trailer collected for a total of \$150,853. Of the \$15.25 fee collected for vehicle registration, \$10.00 is deposited for county roads, \$5.00 is deposited in the state general fund and \$.25 is deposited in the highway patrol retirement account.
2. The shift from a weight-based fee on pickup trucks to a flat fee based on manufacturers' rated capacity assumes pickups under 6,000 lbs. are rated at 1/2 ton, pickups between 6,000 and 8,000 lbs are rated at 3/4 tons, and pickups between 8,000 and 10,000 lbs are rated at 1 ton.
3. There would be approximately 67,000 farm vehicles subject to the minimum fee.
4. There are very few trailers weighing less than 26,000 pounds used in interstate travel, mostly registered in neighboring states.

FISCAL IMPACT:

(Revision: original fiscal note inadvertently indicated revenue reductions due to proportional registration; SB0049 results in minor revenue increases)

<u>Revenues:</u>	<u>FY96</u> <u>Difference</u>	<u>FY97</u> <u>Difference</u>
<b>Proportional Registration:</b>		
General Fund (01)	36,129	36,129
Highway Patrol Retirement (09)	1,665	1,665
<b>Flat Fee on Pickups:</b>		
Highway Special Revenues (02)	67,000	67,000
<b>Agricultural Vehicle Minimum:</b>		
Highway Special Revenues (02)	(12,000)	(12,000)
<b>Property Tax on &lt;26k Lb Trailers:</b>		
Negligible reduction in statewide mill levy revenues.		

(continued)

Dave Lewis 1-19-95  
DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Chuck Swysgood 1-20-95  
CHUCK SWYSGOOD, PRIMARY SPONSOR DATE

Fiscal Note for SB0049, as introduced**Rev. SB 49-#2**

(continued)

FISCAL IMPACT: (continued)

Net Impact

General Fund (01)	36,129	36,129
Highway Special Revenue Account (02)	55,000	55,000
HP Retirement Account (09)	<u>1,665</u>	<u>1,665</u>
Total	92,794	92,794

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County road fund revenues would increase by approximately \$72,663 per year due to elimination of proportional registration. Elimination of property tax on trailers weighing less than \$26,000 pounds would reduce local property tax revenues by negligible amounts.



## SENATE BILL NO. 49

INTRODUCED BY SWYSGOOD, HARP

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM PROPERTY TAXATION TRAILERS AND SEMITRAILERS THAT ARE REGISTERED THROUGH A PROPORTIONAL REGISTRATION AGREEMENT; REVISING REQUIREMENTS FOR INFORMATION ON APPLICATIONS FOR THE REGISTRATION OF CERTAIN TRUCKS AND TRAILERS; REQUIRING STAGGERED REGISTRATION FOR TRUCKS ~~EXCEEDING UP TO AND INCLUDING A 1 TON RATED CAPACITY; ELIMINATING STAGGERED REGISTRATION FOR TRUCKS EXCEEDING A LICENSED GROSS VEHICLE WEIGHT OF 10,000 POUNDS;~~ DEFINING THE TERM "DECLARED WEIGHT"; SUBSTITUTING THE TERM "DECLARED WEIGHT" FOR "MAXIMUM GROSS LOADED WEIGHT" AS APPLICABLE TO THE REGISTRATION OF CERTAIN TRUCKS, TRAILERS, AND SEMITRAILERS; REVISING LICENSE AND FEE REQUIREMENTS FOR CERTAIN FLEETS OF TRAILERS AND SEMITRAILERS; REVISING THE WEIGHT FEES ON CERTAIN TRUCKS, TRUCK TRACTORS, AND BUSES; ~~REVISING THE MINIMUM SPECIAL FEE ON CERTAIN FARM VEHICLES;~~ REVISING CERTAIN FEES ON CERTAIN MOTORTRUCKS AND TRUCK TRACTORS FROM OTHER STATES; AMENDING SECTIONS 15-6-201, 61-3-303, 61-3-313, 61-3-321, 61-3-721, 61-10-201, ~~61-10-206~~, AND 61-10-211, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 15-6-201, MCA, is amended to read:

**"15-6-201. Exempt categories.** (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

- 1 (iv) municipal corporations;
- 2 (v) public libraries; and
- 3 (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- 4 (b) buildings, with land they occupy and furnishings in the buildings, owned by a church and used
- 5 for actual religious worship or for residences of the clergy, together with adjacent land reasonably
- 6 necessary for convenient use of the buildings;
- 7 (c) property used exclusively for agricultural and horticultural societies, for educational purposes,
- 8 and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of health and
- 9 environmental sciences and organized under Title 35, chapter 2 or 3. A health care facility that is not
- 10 licensed by the department of health and environmental sciences and organized under Title 35, chapter 2
- 11 or 3, is not exempt.
- 12 (d) property that ~~meets the following conditions:~~
- 13 (i) is owned and held by any association or corporation organized under Title 35, chapter 2, 3, 20,
- 14 or 21;
- 15 (ii) is devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent
- 16 care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
- 17 (iii) is not maintained and operated for private or corporate profit;
- 18 (e) property owned by institutions of purely public charity and directly used for purely public
- 19 charitable purposes;
- 20 (f) evidence of debt secured by mortgages of record upon real or personal property in the state of
- 21 Montana;
- 22 (g) public museums, art galleries, zoos, and observatories not used or held for private or corporate
- 23 profit;
- 24 (h) all household goods and furniture, including but not limited to clocks, musical instruments,
- 25 sewing machines, and wearing apparel of members of the family, used by the owner for personal and
- 26 domestic purposes or for furnishing or equipping the family residence;
- 27 (i) a truck canopy cover or topper weighing less than 300 pounds and having no accommodations
- 28 attached. This property is also exempt from taxation under 61-3-504(2) and 61-3-537.
- 29 (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- 30 (k) motor homes, travel trailers, and campers;

1 (l) all watercraft;

2 (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association  
3 or nonprofit corporation organized to furnish potable water to its members or customers for uses other than  
4 the irrigation of agricultural land;

5 (n) the right of entry that is a property right reserved in land or received by mesne conveyance  
6 (exclusive of leasehold interests), devise, or succession to enter land whose surface title is held by another  
7 to explore, prospect, or dig for oil, gas, coal, or minerals;

8 (o) property that is owned and used by a corporation or association organized and operated  
9 exclusively for the care of the developmentally disabled, mentally ill, or vocationally handicapped as defined  
10 in 18-5-101, ~~which and that~~ is not operated for gain or profit; and property owned and used by an  
11 organization owning and operating facilities for the care of the retired, aged, or chronically ill, ~~which that~~  
12 are not operated for gain or profit;

13 (p) all farm buildings with a market value of less than \$500 and all agricultural implements and  
14 machinery with a market value of less than \$100;

15 (q) property owned by a nonprofit corporation organized to provide facilities primarily for training  
16 and practice for or competition in international sports and athletic events and not held or used for private  
17 or corporate gain or profit. For purposes of this subsection (q), "nonprofit corporation" means an  
18 organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and  
19 admitted under the Montana Nonprofit Corporation Act.

20 (r) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily  
21 hand-held and that are used to:

22 (i) construct, repair, and maintain improvements to real property; or

23 (ii) repair and maintain machinery, equipment, appliances, or other personal property;

24 (s) harness, saddlery, and other tack equipment;

25 (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in  
26 33-25-105;

27 (u) ~~beginning January 1, 1994,~~ timber as defined in 15-44-102; and

28 (v) all trailers and semitrailers with that have a licensed gross weight of 26,000 pounds or more  
29 or that are registered through a proportional registration agreement under 61-3-721. For purposes of this  
30 subsection (v), the terms "trailer" and "semitrailer" mean a vehicle with or without motive power that is:

1 (i) designed and used only for carrying property;  
2 (ii) designed and used to be drawn by a motor vehicle; and  
3 (iii) either constructed so that no part of its weight rests upon the towing vehicle or constructed  
4 so that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

5 (2) (a) The term "institutions of purely public charity" includes any organization that meets the  
6 following requirements:

7 (i) The organization qualifies as a tax-exempt organization under the provisions of section 501(c)(3),  
8 Internal Revenue Code, as amended.

9 (ii) The organization accomplishes its activities through absolute gratuity or grants; however, the  
10 organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public  
11 performances or entertainment or by other similar types of fundraising activities.

12 (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and  
13 observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold  
14 property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property  
15 includes all real and personal property reasonably necessary for use in connection with the public display  
16 or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit  
17 organization by an individual or for-profit organization, real and personal property owned by other persons  
18 is exempt if it is:

19 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;

20 (ii) held for future display; or

21 (iii) used to house or store a public display.

22 (3) The following portions of the appraised value of a capital investment ~~made after January 1,~~  
23 ~~1979,~~ in a recognized nonfossil form of energy generation or low emission wood or biomass combustion  
24 devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation  
25 of the property:

26 (a) \$20,000 in the case of a single-family residential dwelling;

27 (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."  
28

29 **Section 2.** Section 61-3-303, MCA, is amended to read:

30 **"61-3-303. Application for registration.** (1) ~~Every~~ Each owner of a motor vehicle operated or driven

1 upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided  
2 in this section, file or cause to be filed in the office of the county treasurer where the owner permanently  
3 resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily  
4 for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned,  
5 an application for registration or reregistration upon a blank form to be prepared and furnished by the  
6 department. The application must contain:

7 (a) name and address of owner, giving county, school district, and town or city within whose  
8 corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's  
9 residence is located if the motor vehicle is not taxable;

10 (b) name and address of the holder of any security interest in the motor vehicle;

11 (c) description of motor vehicle, including make, year model, engine or serial number,  
12 manufacturer's model or letter, gross weight, declared weight on all trucks for which the rated capacity is  
13 1 ton or less, and type of body and, if a truck, rated capacity; ~~and~~

14 (d) declared weight on all trailers operating intrastate, except travel trailers, recreational trailers,  
15 or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733; and

16 ~~(d)~~(e) other information that the department may require.

17 (2) A person who files an application for registration or reregistration of a motor vehicle, except  
18 of a mobile home as defined in 15-1-101(1), shall upon the filing of the application pay to the county  
19 treasurer:

20 (a) the registration fee, as provided in 61-3-311 and 61-3-321; and

21 (b) unless it has been previously paid:

22 (i) the personal property taxes assessed against the vehicle for the current year of registration and  
23 the immediately previous year; or

24 (ii) the new motor vehicle sales tax against the vehicle for the current year of registration.

25 (3) The application may not be accepted by the county treasurer unless the payments required by  
26 subsection (2) accompany the application. The department of revenue may not assess and the county  
27 treasurer may not collect taxes or fees for a period other than:

28 (a) the current year; and

29 (b) the immediately previous year if the vehicle was not registered or operated on the highways  
30 of the state, regardless of the period of time since the vehicle was previously registered or operated.

1 (4) The department of revenue may make full and complete investigation of the tax status of the  
2 vehicle. Any applicant for registration or reregistration shall submit proof from the tax or other appropriate  
3 records of the proper county at the request of the department of revenue."  
4

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

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

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

11 (2) mobile homes and motor homes;

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

14 (4) trucks exceeding a ~~licensed gross vehicle weight of 10,000 pounds~~ 1 ton rated capacity;

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

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

17 (7) motor vehicles registered as part of a fleet under 61-3-318."  
18

19 **Section 4.** Section 61-3-321, MCA, is amended to read:

20 **"61-3-321. Registration fees of vehicles -- public-owned vehicles exempt from license or**  
21 **registration fees -- disposition of fees.** (1) Registration or license fees must be paid upon registration or  
22 reregistration of motor vehicles, trailers, housetrailers, and semitrailers, in accordance with this chapter,  
23 as follows:

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

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

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

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

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

29 (f) buses are classed as motortrucks and licensed accordingly;

30 (g) trailers and semitrailers less than 2,500 pounds ~~maximum gross loaded weight~~ declared weight

1 and housetrailer of all weights, \$2;

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

4 (i) trailers and semitrailers over 6,000 pounds ~~maximum gross loaded weight~~ declared weight, \$10,  
5 except trailers and semitrailers registered in other jurisdictions and registered through a proportional  
6 registration agreement;

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

10 (2) All rates are 25% higher for motor vehicles, trailers, and semitrailers not equipped with  
11 pneumatic tires.

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

14 (4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after  
15 the time of registration as set by law, the registration or license fee for the remainder of the year is one-half  
16 of the regular fee.

17 (5) An additional fee of \$5.25 per year for each registration of a vehicle, except trailers and  
18 semitrailers registered in other jurisdictions and registered through a proportional registration agreement,  
19 must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county  
20 treasurers to the state treasurer for deposit in the general fund. The department shall distribute 25 cents  
21 from the motor vehicle registration fee for payment of supplemental benefits provided for in 19-6-709.

22 (6) A fee of \$2 for each set of new number plates must be collected when number plates provided  
23 for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

24 (7) The provisions of this part with respect to the payment of registration fees do not apply to and  
25 are not binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United  
26 States of America or any state, county, or city.

27 (8) The provisions of this section relating to the payment of registration fees or new number plate  
28 fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332,  
29 or 61-3-335."

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

**"61-3-721. Proportional registration of fleet vehicles, application, fee formula, and payment. (1)**

An owner engaged in operating one or more fleets may, instead of registration of vehicles under other sections of this title, register and license each fleet for operation in this state by filing an application with the department ~~which shall~~. The application must contain the information pertinent to vehicle registration that is required by the department.

(2) The Except as provided in subsection (3), the application for each fleet may be accompanied by a fee payment computed as follows:

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

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

(c) multiply the sum obtained under subsection (2)(b) by the fraction obtained under subsection (2)(a).

(3) Each trailer and semitrailer in the fleet for which registration is requested will be assessed  
annual license or registration fees as prescribed by 61-3-321.

~~(3)~~(4) Applications submitted with fees may be recomputed by the department and a statement furnished showing the overpayment or balance due.

~~(4)(5)~~ Applications submitted without fees ~~shall~~ must be computed by the department and a statement furnished showing the amount of fees due."

**Section 6.** Section 61-10-201, MCA, is amended to read:

"61-10-201. ~~Gross-weight~~ Weight fees on motortrucks, truck tractors, and buses. In addition to other fees for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually for each truck, truck tractor, and bus, based upon the manufacturer's rated capacity for trucks with a capacity of 1 ton or less and upon the maximum gross loaded weight and the maximum gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's application, the following fees:

Schedule I



1	<del>Up to 6,000 lbs.</del> .....	<del>\$ 7.50</del>
2	<del>6,001 through 8,000 lbs.</del> .....	<del>9.50</del>
3	<del>8,001 through 10,000 lbs.</del> .....	<del>13.25</del>
4	<del>10,001 through 12,000 lbs.</del> .....	<del>15.00</del>
5	<del>12,001 through 14,000 lbs.</del> .....	<del>17.00</del>
6	<u>Manufacturer's rated capacity up to 1/2 ton</u> .....	<u>\$ 7.00</u>
7	<u>Manufacturer's rated capacity of 3/4 ton</u> .....	<u>12.50</u>
8	<u>Manufacturer's rated capacity of 1 ton</u> .....	<u>17.50</u>
9	<del>14,001 through</del> <u>Up to</u> 16,000 lbs. ....	21.00
10	16,001 through 18,000 lbs. ....	28.00
11	18,001 through 20,000 lbs. ....	37.50
12	20,001 through 22,000 lbs. ....	47.00
13	22,001 through 24,000 lbs. ....	70.00
14	24,001 through 26,000 lbs. ....	90.00
15	26,001 through 28,000 lbs. ....	110.00
16	28,001 through 30,000 lbs. ....	130.00
17	30,001 through 32,000 lbs. ....	150.00
18	32,001 through 34,000 lbs. ....	170.00
19	34,001 through 36,000 lbs. ....	190.00
20	36,001 through 38,000 lbs. ....	215.00
21	38,001 through 40,000 lbs. ....	235.00
22	40,001 through 42,000 lbs. ....	255.00
23	42,001 through 44,000 lbs. ....	275.00
24	44,001 through 46,000 lbs. ....	300.00
25	46,001 through 48,000 lbs. ....	320.00
26	48,001 through 50,000 lbs. ....	340.00
27	50,001 through 52,000 lbs. ....	360.00
28	52,001 through 54,000 lbs. ....	380.00
29	54,001 through 56,000 lbs. ....	400.00
30	56,001 through 58,000 lbs. ....	420.00

1	58,001 through 60,000 lbs. . . . .	440.00
2	60,001 through 62,000 lbs. . . . .	460.00
3	62,001 through 64,000 lbs. . . . .	482.50
4	64,001 through 66,000 lbs. . . . .	502.50
5	66,001 through 68,000 lbs. . . . .	522.50
6	68,001 through 70,000 lbs. . . . .	545.75
7	70,001 through 72,000 lbs. . . . .	566.50
8	72,001 through 74,000 lbs. . . . .	607.50
9	74,001 through 76,000 lbs. . . . .	655.00
10	76,001 through 78,000 lbs. . . . .	695.00
11	78,001 through 80,000 lbs. . . . .	750.00
12	Over 80,000 lbs. and within the weight limits	
13	specified in 61-10-101 through 61-10-110 . . . . .	750.00
14		plus an additional 46.00
15		for each ton or fraction of a ton
16		in excess of 80,000 lbs."

17

18 **Section 7.** ~~Section 61-10-206, MCA, is amended to read:~~

19 ~~"61-10-206. Special fees—certain farm vehicles. (1) Except for motortrucks owned and operated~~  
 20 ~~by cooperative associations or cooperative marketing associations, there must be paid and collected~~  
 21 ~~annually a fee equal to 35% of the fees provided in Schedule I and Schedule II on:~~

22 ~~(a) motortrucks owned and operated by ranchers or farmers in the transportation of their own~~  
 23 ~~ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities,~~  
 24 ~~or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal~~  
 25 ~~transportation by one farmer for another for any purpose other than commercial hire of products of the~~  
 26 ~~farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy;~~

27 ~~(b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil~~  
 28 ~~conservation work and land leveling activities that result in direct benefit to agriculture; and~~

29 ~~(c) fertilizer spreader trucks and spreader trailers used exclusively to transport and apply fertilizer~~  
 30 ~~to agricultural fields and plots.~~

~~(2) The applicant under the fertilizer exception for special fees under subsection (1)(c) shall show, when the fee is paid as provided in 61-10-222, a valid fertilizer dealer license issued by the department of agriculture as provided in 80-10-202.~~

~~(3) The minimum fee is \$6 \$7."~~

**Section 7.** Section 61-10-211, MCA, is amended to read:

**"61-10-211. Fees on motortrucks, truck tractors, trailers, and semitrailers from other states. (1)**

In lieu of other fees for the licensing of vehicles, there ~~shall~~ must be collected a fee for each motortruck, ~~and~~ truck tractor, ~~trailer, and semitrailer~~ already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state. The fee ~~shall~~ provided in subsection (2) must be collected upon each entrance of ~~such the~~ vehicle into the state, and ~~shall~~ must be based upon the number of miles to be traveled in the state and the registered gross vehicle weight of the motortruck or truck tractor as shown in the application of the nonresident operator.

~~(2) The fee shall be collected for any single vehicle. When any combination of truck, truck tractor, semitrailer, or trailer totals more than 6,000 pounds gross weight, the fee shall be collected for each unit in the combination.~~

~~(3)~~(2) The fee ~~shall be~~ for each trip in Montana is:

~~(a) \$10 for each trip of 200 miles or less;~~

~~(b) \$15 for each trip of over 200 miles to 400 miles;~~

~~(c) \$20 for each trip of over 400 miles.~~

	<u>0-200 miles</u>	<u>201-400 miles</u>	<u>over 400 miles</u>
<u>Up to 46,000 lbs.</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>
<u>46,001 through 80,000 lbs.</u>	<u>20</u>	<u>30</u>	<u>40</u>
<u>Over 80,001 lbs.</u>	<u>30</u>	<u>45</u>	<u>60</u>
<u>Triple combination</u>	<u>40</u>	<u>60</u>	<u>80</u>

~~(4)~~(3) ~~Such~~ The fees ~~shall~~ do not apply to any trailer the principal use of which is as temporary or permanent living quarters, or to any vehicle of a carnival ~~which~~ that is under contract with a state, county, or district fair association.

~~(5)~~(4) A fee must be collected for each nonresident, unlicensed or unregistered trailer or semitrailer entering Montana. The fee for each trip in Montana is:

(a) \$10 for each trip of 200 miles or less;

(b) \$15 for each trip of over 200 miles to 400 miles; and

(c) \$20 for each trip of over 400 miles."

**NEW SECTION.** **Section 8. Declared weight.** "Declared weight" means the total unladen weight of the vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant on the application for registration.

**NEW SECTION.** **Section 9. Codification instruction.** [Section 9 8] is intended to be codified as an integral part of Title 61, chapter 1, part 4 5, and the provisions of Title 61 apply to [section 9 8].

**NEW SECTION.** **Section 10. Effective date.** [This act] is effective January 1, 1996.

-END-

## SENATE BILL NO. 49

INTRODUCED BY SWYSGOOD, HARP

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM PROPERTY TAXATION TRAILERS AND SEMITRAILERS THAT ARE REGISTERED THROUGH A PROPORTIONAL REGISTRATION AGREEMENT; REVISING REQUIREMENTS FOR INFORMATION ON APPLICATIONS FOR THE REGISTRATION OF CERTAIN TRUCKS AND TRAILERS; REQUIRING STAGGERED REGISTRATION FOR TRUCKS ~~EXCEEDING UP TO AND INCLUDING~~ A 1 TON RATED CAPACITY; ~~ELIMINATING STAGGERED REGISTRATION FOR TRUCKS EXCEEDING A LICENSED GROSS VEHICLE WEIGHT OF 10,000 POUNDS;~~ DEFINING THE TERM "DECLARED WEIGHT"; SUBSTITUTING THE TERM "DECLARED WEIGHT" FOR "MAXIMUM GROSS LOADED WEIGHT" AS APPLICABLE TO THE REGISTRATION OF CERTAIN TRUCKS, TRAILERS, AND SEMITRAILERS; REVISING LICENSE AND FEE REQUIREMENTS FOR CERTAIN FLEETS OF TRAILERS AND SEMITRAILERS; REVISING THE WEIGHT FEES ON CERTAIN TRUCKS, TRUCK TRACTORS, AND BUSES; ~~REVISING THE MINIMUM SPECIAL FEE ON CERTAIN FARM VEHICLES;~~ REVISING CERTAIN FEES ON CERTAIN MOTORTRUCKS AND TRUCK TRACTORS FROM OTHER STATES; AMENDING SECTIONS 15-6-201, 61-3-303, 61-3-313, 61-3-321, 61-3-721, 61-10-201, ~~61-10-206~~, AND 61-10-211, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

THERE ARE NO CHANGES IN THIS BILL  
AND WILL NOT BE REPRINTED. PLEASE  
REFER TO YELLOW COPY FOR COMPLETE TEXT.

## SENATE BILL NO. 49

INTRODUCED BY SWYSGOOD, HARP

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM PROPERTY TAXATION TRAILERS AND SEMITRAILERS THAT ARE REGISTERED THROUGH A PROPORTIONAL REGISTRATION AGREEMENT; REVISING REQUIREMENTS FOR INFORMATION ON APPLICATIONS FOR THE REGISTRATION OF CERTAIN TRUCKS AND TRAILERS; REQUIRING STAGGERED REGISTRATION FOR TRUCKS ~~EXCEEDING UP TO AND INCLUDING~~ A 1 TON RATED CAPACITY; ~~ELIMINATING STAGGERED REGISTRATION FOR TRUCKS EXCEEDING A LICENSED GROSS VEHICLE WEIGHT OF 10,000 POUNDS;~~ DEFINING THE TERM "DECLARED WEIGHT"; SUBSTITUTING THE TERM "DECLARED WEIGHT" FOR "MAXIMUM GROSS LOADED WEIGHT" AS APPLICABLE TO THE REGISTRATION OF CERTAIN TRUCKS, TRAILERS, AND SEMITRAILERS; REVISING LICENSE AND FEE REQUIREMENTS FOR CERTAIN FLEETS OF TRAILERS AND SEMITRAILERS; REVISING THE WEIGHT FEES ON CERTAIN TRUCKS, TRUCK TRACTORS, AND BUSES; ~~REVISING THE MINIMUM SPECIAL FEE ON CERTAIN FARM VEHICLES;~~ REVISING CERTAIN FEES ON CERTAIN MOTORTRUCKS AND TRUCK TRACTORS FROM OTHER STATES; AMENDING SECTIONS 15-6-201, 61-3-303, 61-3-313, 61-3-321, 61-3-721, 61-10-201, ~~61-10-206~~, AND 61-10-211, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 15-6-201, MCA, is amended to read:

**"15-6-201. Exempt categories.** (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

- 1 (iv) municipal corporations;
- 2 (v) public libraries; and
- 3 (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- 4 (b) buildings, with land they occupy and furnishings in the buildings, owned by a church and used
- 5 for actual religious worship or for residences of the clergy, together with adjacent land reasonably
- 6 necessary for convenient use of the buildings;
- 7 (c) property used exclusively for agricultural and horticultural societies, for educational purposes,
- 8 and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of health and
- 9 environmental sciences and organized under Title 35, chapter 2 or 3. A health care facility that is not
- 10 licensed by the department of health and environmental sciences and organized under Title 35, chapter 2
- 11 or 3, is not exempt.
- 12 (d) property that ~~meets the following conditions:~~
- 13 (i) is owned and held by any association or corporation organized under Title 35, chapter 2, 3, 20,
- 14 or 21;
- 15 (ii) is devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent
- 16 care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
- 17 (iii) is not maintained and operated for private or corporate profit;
- 18 (e) property owned by institutions of purely public charity and directly used for purely public
- 19 charitable purposes;
- 20 (f) evidence of debt secured by mortgages of record upon real or personal property in the state of
- 21 Montana;
- 22 (g) public museums, art galleries, zoos, and observatories not used or held for private or corporate
- 23 profit;
- 24 (h) all household goods and furniture, including but not limited to clocks, musical instruments,
- 25 sewing machines, and wearing apparel of members of the family, used by the owner for personal and
- 26 domestic purposes or for furnishing or equipping the family residence;
- 27 (i) a truck canopy cover or topper weighing less than 300 pounds and having no accommodations
- 28 attached. This property is also exempt from taxation under 61-3-504(2) and 61-3-537.
- 29 (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- 30 (k) motor homes, travel trailers, and campers;

1 (l) all watercraft;

2 (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association  
3 or nonprofit corporation organized to furnish potable water to its members or customers for uses other than  
4 the irrigation of agricultural land;

5 (n) the right of entry that is a property right reserved in land or received by mesne conveyance  
6 (exclusive of leasehold interests), devise, or succession to enter land whose surface title is held by another  
7 to explore, prospect, or dig for oil, gas, coal, or minerals;

8 (o) property that is owned and used by a corporation or association organized and operated  
9 exclusively for the care of the developmentally disabled, mentally ill, or vocationally handicapped as defined  
10 in 18-5-101, ~~which and that~~ is not operated for gain or profit, and property owned and used by an  
11 organization owning and operating facilities for the care of the retired, aged, or chronically ill, ~~which that~~  
12 are not operated for gain or profit;

13 (p) all farm buildings with a market value of less than \$500 and all agricultural implements and  
14 machinery with a market value of less than \$100;

15 (q) property owned by a nonprofit corporation organized to provide facilities primarily for training  
16 and practice for or competition in international sports and athletic events and not held or used for private  
17 or corporate gain or profit. For purposes of this subsection (q), "nonprofit corporation" means an  
18 organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and  
19 admitted under the Montana Nonprofit Corporation Act.

20 (r) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily  
21 hand-held and that are used to:

22 (i) construct, repair, and maintain improvements to real property; or

23 (ii) repair and maintain machinery, equipment, appliances, or other personal property;

24 (s) harness, saddlery, and other tack equipment;

25 (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in  
26 33-25-105;

27 (u) ~~beginning January 1, 1994,~~ timber as defined in 15-44-102; and

28 (v) all trailers and semitrailers ~~with that have~~ a licensed gross weight of 26,000 pounds or more  
29 or that are registered through a proportional registration agreement under 61-3-721. For purposes of this  
30 subsection (v), the terms "trailer" and "semitrailer" mean a vehicle with or without motive power that is:



- 1 (i) designed and used only for carrying property;  
2 (ii) designed and used to be drawn by a motor vehicle; and  
3 (iii) either constructed so that no part of its weight rests upon the towing vehicle or constructed  
4 so that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

5 (2) (a) The term "institutions of purely public charity" includes any organization that meets the  
6 following requirements:

7 (i) The organization qualifies as a tax-exempt organization under the provisions of section 501(c)(3),  
8 Internal Revenue Code, as amended.

9 (ii) The organization accomplishes its activities through absolute gratuity or grants; however, the  
10 organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public  
11 performances or entertainment or by other similar types of fundraising activities.

12 (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and  
13 observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold  
14 property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property  
15 includes all real and personal property reasonably necessary for use in connection with the public display  
16 or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit  
17 organization by an individual or for-profit organization, real and personal property owned by other persons  
18 is exempt if it is:

- 19 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;  
20 (ii) held for future display; or  
21 (iii) used to house or store a public display.

22 (3) The following portions of the appraised value of a capital investment ~~made after January 1,~~  
23 ~~1979,~~ in a recognized nonfossil form of energy generation or low emission wood or biomass combustion  
24 devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation  
25 of the property:

26 (a) \$20,000 in the case of a single-family residential dwelling;

27 (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

28

29 **Section 2.** Section 61-3-303, MCA, is amended to read:

30 **"61-3-303. Application for registration.** (1) ~~Every~~ Each owner of a motor vehicle operated or driven

upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file or cause to be filed in the office of the county treasurer where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned, an application for registration or reregistration upon a blank form to be prepared and furnished by the department. The application must contain:

(a) name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

(b) name and address of the holder of any security interest in the motor vehicle;

(c) description of motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the rated capacity is 1 ton or less, and type of body and, if a truck, rated capacity; ~~and~~

~~(d) declared weight on all trailers operating intrastate, except travel trailers, recreational trailers, or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733; and~~

~~(d)~~(e) other information that the department may require.

(2) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home as defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321; and

(b) unless it has been previously paid:

(i) the personal property taxes assessed against the vehicle for the current year of registration and the immediately previous year; or

(ii) the new motor vehicle sales tax against the vehicle for the current year of registration.

(3) The application may not be accepted by the county treasurer unless the payments required by subsection (2) accompany the application. The department of revenue may not assess and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) the immediately previous year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department of revenue may make full and complete investigation of the tax status of the vehicle. Any applicant for registration or reregistration shall submit proof from the tax or other appropriate records of the proper county at the request of the department of revenue."

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

**"61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through 61-3-316 "vehicle" means any motor vehicle as defined in 61-1-102 subject to annual registration in this state except:

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

(2) mobile homes and motor homes;

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

(4) trucks exceeding a ~~licensed gross vehicle weight of 10,000 pounds~~ 1 ton rated capacity;

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

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

(7) motor vehicles registered as part of a fleet under 61-3-318."

**Section 4.** Section 61-3-321, MCA, is amended to read:

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

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

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

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

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

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

(f) buses are classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds ~~maximum gross loaded weight~~ declared weight

1 and housetrailer of all weights, \$2;

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

4 (i) trailers and semitrailers over 6,000 pounds ~~maximum gross loaded weight~~ declared weight, \$10,  
5 except trailers and semitrailers registered in other jurisdictions and registered through a proportional  
6 registration agreement;

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

10 (2) All rates are 25% higher for motor vehicles, trailers, and semitrailers not equipped with  
11 pneumatic tires.

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

14 (4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after  
15 the time of registration as set by law, the registration or license fee for the remainder of the year is one-half  
16 of the regular fee.

17 (5) An additional fee of \$5.25 per year for each registration of a vehicle, except trailers and  
18 semitrailers registered in other jurisdictions and registered through a proportional registration agreement,  
19 must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county  
20 treasurers to the state treasurer for deposit in the general fund. The department shall distribute 25 cents  
21 from the motor vehicle registration fee for payment of supplemental benefits provided for in 19-6-709.

22 (6) A fee of \$2 for each set of new number plates must be collected when number plates provided  
23 for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

24 (7) The provisions of this part with respect to the payment of registration fees do not apply to and  
25 are not binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United  
26 States of America or any state, county, or city.

27 (8) The provisions of this section relating to the payment of registration fees or new number plate  
28 fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332,  
29 or 61-3-335."

30

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

2           **"61-3-721. Proportional registration of fleet vehicles, application, fee formula, and payment. (1)**

3           An owner engaged in operating one or more fleets may, instead of registration of vehicles under other  
4           sections of this title, register and license each fleet for operation in this state by filing an application with  
5           the department ~~which shall~~. The application must contain the information pertinent to vehicle registration  
6           that is required by the department.

7           (2) ~~The~~ Except as provided in subsection (3), the application for each fleet may be accompanied  
8           by a fee payment computed as follows:

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

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

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

16          (3) Each trailer and semitrailer in the fleet for which registration is requested will be assessed  
17          annual license or registration fees as prescribed by 61-3-321.

18          ~~(3)(4)~~ Applications submitted with fees may be recomputed by the department and a statement  
19          furnished showing the overpayment or balance due.

20          ~~(4)(5)~~ Applications submitted without fees ~~shall~~ must be computed by the department and a  
21          statement furnished showing the amount of fees due."

22

23           **Section 6.** Section 61-10-201, MCA, is amended to read:

24           **"61-10-201. ~~Gross-weight~~ Weight fees on motortrucks, truck tractors, and buses.** In addition to  
25           other fees for the licensing of vehicles and except as provided in 61-10-203, there must be paid and  
26           collected annually for each truck, truck tractor, and bus, based upon the manufacturer's rated capacity for  
27           trucks with a capacity of 1 ton or less and upon the maximum gross loaded weight and the maximum gross  
28           weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's application,  
29           the following fees:

30

Schedule I

1	<del>Up to 6,000 lbs.</del>	<del>\$ 7.50</del>
2	<del>6,001 through 8,000 lbs.</del>	<del>9.50</del>
3	<del>8,001 through 10,000 lbs.</del>	<del>13.25</del>
4	<del>10,001 through 12,000 lbs.</del>	<del>15.00</del>
5	<del>12,001 through 14,000 lbs.</del>	<del>17.00</del>
6	<u>Manufacturer's rated capacity up to 1/2 ton</u>	<u>\$ 7.00</u>
7	<u>Manufacturer's rated capacity of 3/4 ton</u>	<u>12.50</u>
8	<u>Manufacturer's rated capacity of 1 ton</u>	<u>17.50</u>
9	<del>14,001 through</del> <u>Up to 16,000 lbs.</u>	21.00
10	16,001 through 18,000 lbs.	28.00
11	18,001 through 20,000 lbs.	37.50
12	20,001 through 22,000 lbs.	47.00
13	22,001 through 24,000 lbs.	70.00
14	24,001 through 26,000 lbs.	90.00
15	26,001 through 28,000 lbs.	110.00
16	28,001 through 30,000 lbs.	130.00
17	30,001 through 32,000 lbs.	150.00
18	32,001 through 34,000 lbs.	170.00
19	34,001 through 36,000 lbs.	190.00
20	36,001 through 38,000 lbs.	215.00
21	38,001 through 40,000 lbs.	235.00
22	40,001 through 42,000 lbs.	255.00
23	42,001 through 44,000 lbs.	275.00
24	44,001 through 46,000 lbs.	300.00
25	46,001 through 48,000 lbs.	320.00
26	48,001 through 50,000 lbs.	340.00
27	50,001 through 52,000 lbs.	360.00
28	52,001 through 54,000 lbs.	380.00
29	54,001 through 56,000 lbs.	400.00
30	56,001 through 58,000 lbs.	420.00

1	58,001 through 60,000 lbs. . . . .	440.00
2	60,001 through 62,000 lbs. . . . .	460.00
3	62,001 through 64,000 lbs. . . . .	482.50
4	64,001 through 66,000 lbs. . . . .	502.50
5	66,001 through 68,000 lbs. . . . .	522.50
6	68,001 through 70,000 lbs. . . . .	545.75
7	70,001 through 72,000 lbs. . . . .	566.50
8	72,001 through 74,000 lbs. . . . .	607.50
9	74,001 through 76,000 lbs. . . . .	655.00
10	76,001 through 78,000 lbs. . . . .	695.00
11	78,001 through 80,000 lbs. . . . .	750.00
12	Over 80,000 lbs. and within the weight limits	
13	specified in 61-10-101 through 61-10-110 . . . . .	750.00
14		plus an additional 46.00
15		for each ton or fraction of a ton
16		in excess of 80,000 lbs."

17

18 **~~Section 7. Section 61-10-206, MCA, is amended to read:~~**

19 **~~"61-10-206. Special fees—certain farm vehicles. (1) Except for motortrucks owned and operated~~**  
 20 **~~by cooperative associations or cooperative marketing associations, there must be paid and collected~~**  
 21 **~~annually a fee equal to 25% of the fees provided in Schedule I and Schedule II on:~~**

22 **~~(a) motortrucks owned and operated by ranchers or farmers in the transportation of their own~~**  
 23 **~~ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities,~~**  
 24 **~~or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal~~**  
 25 **~~transportation by one farmer for another for any purpose other than commercial hire of products of the~~**  
 26 **~~farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy;~~**

27 **~~(b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil~~**  
 28 **~~conservation work and land leveling activities that result in direct benefit to agriculture; and~~**

29 **~~(c) fertilizer spreader trucks and spreader trailers used exclusively to transport and apply fertilizer~~**  
 30 **~~to agricultural fields and plots.~~**

~~(2) The applicant under the fertilizer exception for special fees under subsection (1)(e) shall show, when the fee is paid as provided in 61-10-222, a valid fertilizer dealer license issued by the department of agriculture as provided in 80-10-202.~~

~~(3) The minimum fee is \$6-\$7."~~

**Section 7.** Section 61-10-211, MCA, is amended to read:

**"61-10-211. Fees on motortrucks, truck tractors, trailers, and semitrailers from other states. (1)**

In lieu of other fees for the licensing of vehicles, there ~~shall~~ must be collected a fee for each motortruck, ~~and truck tractor, trailer, and semitrailer~~ already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state. The fee ~~shall~~ provided in subsection (2) must be collected upon each entrance of ~~such the~~ vehicle into the state, and ~~shall~~ must be based upon the number of miles to be traveled in the state and the registered gross vehicle weight of the motortruck or truck tractor as shown in the application of the nonresident operator.

~~(2) The fee shall be collected for any single vehicle. When any combination of truck, truck tractor, semitrailer, or trailer totals more than 6,000 pounds gross weight, the fee shall be collected for each unit in the combination.~~

~~(3)~~(2) The fee ~~shall be~~ for each trip in Montana is:

~~(a) \$10 for each trip of 200 miles or less;~~

~~(b) \$15 for each trip of over 200 miles to 400 miles;~~

~~(c) \$20 for each trip of over 400 miles.~~

	<u>0-200 miles</u>	<u>201-400 miles</u>	<u>over 400 miles</u>
<u>Up to 46,000 lbs.</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>
<u>46,001 through 80,000 lbs.</u>	<u>20</u>	<u>30</u>	<u>40</u>
<u>Over 80,001 lbs.</u>	<u>30</u>	<u>45</u>	<u>60</u>
<u>Triple combination</u>	<u>40</u>	<u>60</u>	<u>80</u>

~~(4)~~(3) ~~Such~~ The fees shall do not apply to any trailer the principal use of which is as temporary or permanent living quarters, or to any vehicle of a carnival ~~which~~ that is under contract with a state, county, or district fair association.

~~(5)~~(4) A fee must be collected for each nonresident, unlicensed or unregistered trailer or semitrailer entering Montana. The fee for each trip in Montana is:



- 1        (a) \$10 for each trip of 200 miles or less;  
2        (b) \$15 for each trip of over 200 miles to 400 miles; and  
3        (c) \$20 for each trip of over 400 miles."

4

5        **NEW SECTION. Section 8. Declared weight.** "Declared weight" means the total unladen weight  
6 of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant  
7 in the application for registration.

8

9        **NEW SECTION. Section 9. Codification instruction.** [Section ~~9~~ 8] is intended to be codified as an  
10 integral part of Title 61, chapter 1, part ~~4~~ 5, and the provisions of Title 61 apply to [section ~~9~~ 8].

11

12        **NEW SECTION. Section 10. Effective date.** [This act] is effective January 1, 1996.

13

-END-