

1 *Paul McHugh* House BILL NO. 400
 2 INTRODUCED BY *Waterman Haganer John Johnson*
 3 HEAVY RUNNER *Haganer Wilson Hettl Bishop Molnar Dineen*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ISSUANCE OF SCOUTING LICENSE PLATES;
 5 AUTHORIZING THE COLLECTION OF DONATIONS FOR BOY SCOUTS AND GIRL SCOUTS IN ADDITION
 6 TO REGULAR LICENSE PLATE FEES; AUTHORIZING THE DISTRIBUTION OF DONATIONS TO BOY SCOUT
 7 AND GIRL SCOUT COUNCILS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 61-3-332 AND
 8 61-3-403, MCA; AND PROVIDING AN APPLICABILITY DATE."
 9 *Simpson*

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

12 NEW SECTION. Section 1. Short title. [Sections 1 through 7] may be cited as the "Scouting License Plates Act".

15 NEW SECTION. Section 2. Definition. As used in [sections 1 through 7], the following definitions apply:

- 17 (1) "Scouting council" means:
- 18 (a) the Montana council boy scouts of America;
- 19 (b) the big sky girl scout council, consisting of the counties of Beaverhead, Blaine, Broadwater, Cascade, Choteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis & Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Phillips, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton, and Toole; and
- 23 (c) the treasure trails girl scout council, consisting of the counties of Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, Wibaux, and Yellowstone.
- 27 (2) "Scouting license plates" means license plates bearing the colors, numerals, letters, and insignia provided in [section 3] and issued as provided in [sections 4 through 6].

30 NEW SECTION. Section 3. Scouting license plates. (1) Subject to the provisions of 61-3-332(3)



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1 and the requirement that scouting license plates must have a white reflectorized background, the
2 department shall design, cause to be manufactured, and issue scouting license plates as provided in
3 [sections 4 through 6].

4 (2) After consultation with the scouting councils, the department shall prescribe the color and
5 insignia to be displayed on scouting license plates.

6 (3) In addition to the distinctive color and insignia provided in subsection (2), each scouting license
7 plate must:

8 (a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A
9 through Z, or a combination of numerals and letters; and

10 (b) bear a nonremovable sticker denoting the correct county designation under 61-3-332.

11 (4) The department shall determine the minimum and maximum number of characters, including
12 both numerals and letters, on scouting license plates.

13 (5) An issue of scouting license plates may not be ordered and manufactured unless at least 200
14 sets of plates are ordered and prepaid.

15

16 **NEW SECTION. Section 4. Application for scouting license plates.** An applicant for scouting
17 license plates or renewal of scouting license plates pursuant to [section 5] shall apply on the form and by
18 the date that the department requires.

19

20 **NEW SECTION. Section 5. Issuance -- application -- additional fee -- disposition.** (1) The
21 department shall issue or renew scouting license plates upon receipt of an application that shows:

22 (a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

23 (b) payment to the county treasurer of:

24 (i) an initial application and manufacturing fee of \$2.50; and

25 (ii) an annual donation of \$20 for the benefit of the scouting council named in the application.

26 (2) The county treasurer shall deposit a percentage of the payment in the county general fund for
27 costs associated with issuing the license plates.

28 (3) Once each month, the county treasurer shall transfer to the state treasurer the remainder of the
29 amounts collected for:

30 (a) the initial application and manufacturing fee for deposit in the Montana state prison industries

1 account in the proprietary fund for appropriation by the legislature to pay the cost of manufacturing
2 scouting license plates; and

3 (b) donations provided for in subsection (1)(b)(ii) for deposit in the general fund, along with a
4 schedule showing the number of scouting license plates issued and the total donations received for the
5 benefit of each scouting council.

6 (4) Once each month, the state treasurer shall distribute to the scouting councils a portion of the
7 amount transferred under subsection (3)(b) to the state treasurer by the county treasurers during the
8 preceding month.

9

10 **NEW SECTION. Section 6. Personalized scouting license plates.** (1) Subject to the provisions of
11 61-3-405 and 61-3-406, an application for scouting license plates may be combined with an application
12 for personalized plates.

13 (2) An application for personalized scouting license plates must be made on a form supplied by the
14 department.

15 (3) Personalized scouting license plates must bear the distinctive color and insignia as provided in
16 [section 3].

17

18 **NEW SECTION. Section 7. Authorization to receive and transmit donations.** As provided in
19 [section 5] and notwithstanding any other provisions of Title 7, Title 17, or this title:

20 (1) the county treasurer shall receive the annual donations provided for in [section 5] and once each
21 month transmit those donations to the state treasurer; and

22 (2) the state treasurer shall accept the annual donations and once each month distribute the
23 accumulated proceeds to the scouting councils specified by and according to the totals contained in the
24 county treasurers' reports.

25

26 **Section 8.** Section 61-3-332, MCA, is amended to read:

27 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of
28 Montana must display both front and rear number plates, bearing the distinctive number assigned to the
29 vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor
30 vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles

1 of the motorcycle or quadricycle type that bear the distinctive letters "MCD" or the letters "MC" and the
2 word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and
3 used motorcars (including trucks and trailers) that bear the distinctive letter "D" or the word "DEALER",
4 one for dealers in used motorcars only (including used trucks and trailers) that bear the distinctive letters
5 "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used)
6 that bear the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in
7 recreational vehicles that bear the distinctive letters "RV" or the letter "R" and the word "DEALER", and
8 one for special license plates. All markings for the various kinds of dealers' plates must be placed on the
9 number plates assigned to the dealer, in the position that the department designates.

10 (2) All number plates for motor vehicles must be issued for a minimum period of 4 years, bear a
11 distinctive marking, and be furnished by the state. In years when number plates are not issued, the
12 department shall provide nonremovable stickers bearing appropriate registration numbers that must be
13 affixed to the license plates in use.

14 (3) Subject to the provisions of this section, the department shall create a new design for number
15 plates as provided in this section.

16 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in
17 length. The outline of the state of Montana must be used as a distinctive border on the license plates, and
18 the word "Montana" and the year must be placed across the plates. Registration plates must be treated
19 with a reflectorized background material according to specifications prescribed by the department.

20 (5) The distinctive registration numbers must begin with a number one or with a letter-number
21 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The
22 distinctive registration number or letter-number combination assigned to the vehicle must appear on the
23 plate preceded by the number of the county and appearing in horizontal order on the same horizontal
24 baseline. The county number must be separated from the distinctive registration number by a separation
25 mark unless a letter-number combination is used. The dimensions of the numerals and letters must be
26 determined by the department, and all county and registration numbers must be of equal height.

27 (6) For the use of tax-exempt motor vehicles, in addition to the markings provided in this section,
28 number plates must bear the following distinctive markings:

29 (a) For vehicles owned by the state, the department may designate the prefix number for the
30 various state departments. All numbered plates issued to state departments must bear the words "State

1 Owned", and a year number may not be indicated on the plates because these numbered plates are of a
2 permanent nature and will be replaced by the department only when the physical condition of numbered
3 plates requires it.

4 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in
5 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and
6 operated by officials and employees in the line of duty and for vehicles on loan from the United States
7 government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials
8 and employees in the line of duty, there must be placed on the number plates assigned, in a position that
9 the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for
10 plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and
11 special districts that obtain plates within each county must begin with number one and be numbered
12 consecutively. Because these number plates are of a permanent nature, they are subject to replacement
13 by the department only when the physical condition of the number plates requires it and a year number may
14 not be displayed on the number plates.

15 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than
16 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates
17 assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and
18 housetrailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the
19 motorcycle or quadricycle type.

20 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or
21 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle-
22 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number
23 plate under 61-3-317 and 61-3-335.

24 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as
25 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,
26 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson,
27 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23;
28 Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31;
29 Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon,
30 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;

1 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral,
2 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they
3 may be formed, beginning with the number 57.

4 (10) Each type of special license plate approved by the legislature, except collegiate license plates
5 authorized in 61-3-463 and scouting license plates authorized in [section 3], must be a separate series of
6 plates, numbered as provided in subsection (5), except that the county number must be replaced by a
7 nonremovable design or decal designating the group or organization to which the applicant belongs. Unless
8 otherwise specifically stated in this section, the special plates are subject to the same rules and laws as
9 govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person
10 who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The
11 special license plates must be issued to national guard members, former prisoners of war, handicapped
12 persons, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services,
13 or veterans of the armed services who were awarded the purple heart medal, who comply with the
14 following provisions:

15 (a) An active member of the Montana national guard may be issued special license plates with a
16 design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the
17 Montana national guard a certificate authorizing the department to issue national guard plates, numbered
18 in sets of two with a different number on each set, and the member shall surrender the plates to the
19 department upon becoming ineligible to use them.

20 (b) An active member of the reserve armed forces of the United States of America who is a
21 resident of this state may be issued special license plates with a design or decal displaying the following:
22 United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force
23 reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding
24 officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate
25 authorizing the issuance of special license plates, numbered in sets of two with a different number on each
26 set. The member shall surrender the plates to the department upon becoming ineligible to use them.

27 (c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who
28 is 100% disabled because of an injury that has been determined by the department of veterans affairs to
29 be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

30 (A) a special license plate under this section with a design or decal displaying the letters "DV"; or

1 (B) one set of any other military-related plates that the disabled veteran is eligible to receive under
2 this section.

3 (ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle
4 or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that
5 vehicle under this chapter.

6 (iii) Special license plates issued to a disabled veteran are not transferable to another person.

7 (iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one
8 vehicle.

9 (v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled
10 veteran is entitled to the parking privileges allowed a handicapped person's vehicle under this title.

11 (d) A Montana resident who is a veteran of the armed forces of the United States and was
12 captured and held prisoner by a military force of a foreign nation, documented by the veteran's service
13 record, may upon application and presentation of proof be issued special license plates, numbered in sets
14 of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of
15 war" or an abbreviation the department considers appropriate.

16 (e) Except as provided in subsection (10)(c), upon payment of all taxes and fees required by parts
17 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets
18 the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a
19 veteran of the armed services of the United States special license plates, numbered in sets of two with a
20 different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack
21 if the applicant was a member of the United States armed forces on December 7, 1941, was on station on
22 December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island
23 of Oahu, or offshore at a distance of not more than 3 miles, and received an honorable discharge from the
24 United States armed forces. If special license plates issued under this subsection are lost, stolen, or
25 mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

26 (f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of
27 a veteran of the armed services of the United States may be issued license plates inscribed as provided in
28 subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable
29 circumstances or was awarded the purple heart medal:

30 (i) Upon submission of a department of defense form 214(DD-214) or its successor or documents

1 showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant
2 documents to show an applicant's qualification under this subsection, there must be issued to the applicant,
3 in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with
4 a different number on each set. The plates must display:

5 (A) the word "VETERAN" and a symbol signifying the United States army, United States navy,
6 United States air force, United States marine corps, or United States coast guard, according to the record
7 of service verified in the application; or

8 (B) a symbol representing the purple heart medal.

9 (ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a
10 qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle
11 owned by the veteran or the veteran's surviving spouse designated in the application and must be removed
12 upon sale or other disposition of the vehicle.

13 (iii) Except as provided in subsection (10)(c), a veteran or surviving spouse who receives special
14 license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts
15 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an
16 original application for a license under this subsection (10)(f), the county treasurer shall:

17 (A) deposit \$3 of the special fee in the county general fund;

18 (B) remit \$1 for deposit in the state general fund; and

19 (C) deposit the remainder of the special fee in the state special revenue account established in
20 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemetery.

21 (iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the
22 special fee as provided in subsection (10)(f)(iii)(C).

23 (g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may,
24 upon written application on a form prescribed by the department, be issued a special license plate with a
25 design or decal bearing a representation of a wheelchair as the symbol of the handicapped person."
26

27 **Section 9.** Section 61-3-403, MCA, is amended to read:

28 "**61-3-403. Color and design of personalized license plates -- exception -- county designation.** (1)
29 Except as provided in 61-3-466 or [section 6], the personalized license plates must be the same color and
30 design as regular passenger motor vehicle license plates and must consist of numbers or letters, or any

1 combination ~~thereof~~ of numbers or letters, not exceeding eight positions and not less than two positions,
2 provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle, quadricycle,
3 or special license plate series under this title.

4 (2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle
5 assigned personalized license plates that do not bear a county designation or that no longer bear the correct
6 county designation, the department shall provide nonremovable stickers bearing the appropriate county
7 designation, ~~which~~ that must be affixed to the license plates in use in accordance with instructions by the
8 department."

9

10 **NEW SECTION. Section 10. Appropriation.** There is appropriated to the Montana state prison
11 license plate factory up to \$25,000 of spending authority from the proprietary fund for the biennium
12 beginning July 1, 1997, and ending June 30, 1999, from revenue deposited under the provisions of
13 [section 5(3)(a)].

14

15 **NEW SECTION. Section 11. Codification instruction.** [Sections 1 through 7] are intended to be
16 codified as an integral part of Title 61, chapter 3, part 4, and the provisions of Title 61, chapter 3, part 4,
17 apply to [sections 1 through 7].

18

19 **NEW SECTION. Section 12. Applicability.** [Sections 4 through 7] apply to registrations of motor
20 vehicles occurring after December 31, 1997.

21

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0400, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the issuance of scouting license plates; authorizing the collection of donations for boy scouts and girl scouts in addition to regular license plate fees; authorizing the distribution of donations to boy scout and girl scout councils; providing an appropriation.

ASSUMPTIONS

Department of Corrections:

1. The same procedures currently used on collegiate plates would be applicable for the scouting license plates as based on the proposed legislation. Montana Correctional Enterprises (MCE) Industries does not receive revenue on plates until sold. As a result, MCE carries all manufacturing and inventory cost of the plates until the revenue is collected. Revenue collection may take more than one year.
2. Initial application and manufacturing fee of \$2.50 for collegiate or scouting license plates basically results in a break-even operation for MCE Industries after consideration of inventory and accounts receivable carrying costs.
3. All costs associated with initial design or re-design, and set up of Boy Scouts and Girl Scouts plates would be borne by the Scouting Council.
4. Existing license plate facility and MCE operations have the capability to produce the scouting plates.
5. The bill appropriates to the Montana State Prison license plate factory up to \$25,000 of spending authority from the proprietary fund for the biennium beginning July 1, 1997, and ending June 30, 1999, from initial application and manufacturing fee revenues.

Department of Justice:

6. The Department of Justice, Motor Vehicle Division, estimates that 750 license plate sets would be purchased during fiscal 1998 and renewed during fiscal 1999. An additional 200 "new" license plate sets would be purchased during fiscal 1999. Included in the cost of each new and renewal plate is a \$20 annual donation for the benefit of the Scouting Council named in the initial application and a manufacturing fee of \$2.50. The annual donations would be approximately \$15,000 (750 x \$20) in fiscal 1998 and \$20,000 (1,000 x \$20) in fiscal 1999. The Montana State Prison industries would receive approximately \$1,875 (750 x \$2.50) during fiscal 1998 and \$625 (250 x \$2.50) fiscal 1999. The Department of Justice, Motor Vehicle Division, estimates that 200 of the scouting license plates issued in fiscal 1998 would be personalized and would be renewed in fiscal 1999. Also, 50 of the 250 scouting license plates issued in fiscal 1999 would be personalized plates. Therefore, the general fund would receive approximately \$4,000 (200 x \$20) in fiscal 1998, \$1,000 (50 x \$20) in fiscal 1999 for the new personalized plates, and \$1,000 (200 x \$5) in fiscal 1999 for renewals of these personalized plates.
7. Operating expenses are estimated at \$1,000 in fiscal 1998 and \$175 in fiscal 1999 for costs including \$500 in fiscal 1998 for contracted services to design this issue of license plates and \$500 in fiscal 1998 and \$175 in fiscal 1999 for printing and shipping of decals. Additionally, the Department of Justice, Motor Vehicle Division, estimates that approximately 80 hours of programming would be required in the personalized plate system and 120 hours of programming in the registration system at a cost of approximately \$3,975 to implement the changes necessary in the motor vehicle system required by this bill. Total operating expenses for the Motor Vehicle Division are projected at \$4,975 in fiscal 1998 and \$175 in fiscal 1999.

(Continued)

David Lewis 2-5-97
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Toni Hagener
TONI HAGENER, PRIMARY SPONSOR DATE

Fiscal Note for HB0400, as introduced

HB 400

8. It is projected that the scouting license plates would be available to the public effective January 1, 1998, due to the time required to design this new issue of license plate and to coordinate with the Montana State Prison industries and the private vendor the production of the materials used to manufacture the license plates.

FISCAL IMPACT:

Department of Justice:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
Operating Expenses	4,975	175
<u>Funding:</u>		
General Fund (01)	4,975	175
<u>Revenues:</u>		
General Fund (01)	4,000	2,000
Corrections MCE Account (06)	1,875	625
<u>Scouting Councils:</u>		
License plate donations	15,000	20,000
<u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
General Fund (01)	(975)	1,825

Department of Corrections:

Revenue and expenditures would be generated/incurred as license plates are produced and sold. Revenue received would offset the incurred costs with little or no profit once inventory carrying costs are included. Appropriation authority as requested in the Governor's Executive Budget for the 1999 biennium would be adequate to cover activity associated with this bill.

TECHNICAL NOTES:

Section 5(2) of HB 400 provides that the county treasurer shall retain a percentage of the in the county general fund for costs associated with issuing the scouting license plates. The payment received by the county treasurer would include the \$2.50 initial application fee and the annual \$20 donation. The percentage retained by the counties could cause the amount remitted to the state general fund to be insufficient to cover costs, and total monies remitted to the scouting council could be less than anticipated. Since the percentage is not established and can vary considerably from county to county, the Department of Justice is unable to determine the increased revenues for the counties and the decrease in revenues for the state general fund or the scouting councils.