

House BILL NO. 526

INTRODUCED BY

BY REQUEST OF THE SENATE FISH AND GAME COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ISSUANCE OF WHIRLING DISEASE RESEARCH LICENSE PLATES; PROVIDING FOR DISPOSITION OF THE PROCEEDS FROM THE SALE OF THE PLATES; PROVIDING FOR A STATUTORY APPROPRIATION TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO BE USED AS GRANTS TO MONTANA WHIRLING DISEASE RESEARCH FOUNDATIONS; AND AMENDING SECTIONS 17-7-502 AND 61-3-332, MCA."

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

NEW SECTION. Section 1. Whirling disease research license plates.

(1) The owner of a motor vehicle subject to registration may apply for whirling disease research license plates. The whirling disease research license plates must be a separate series of plates, numbered as provided in 61-3-332(5), except that the county number must be replaced by a nonremovable design or decal displaying a fish. The department shall design the decal in consultation with the department of fish, wildlife, and parks and any whirling disease foundations established in this state. Whirling disease research license plates are subject to the same rules as those that govern the issuance of regular license plates.

(2) A person who receives whirling disease research license plates under this section is liable for payment of all taxes and fees required under parts 3, 4, and 5 of this chapter and a special whirling disease research fee of \$20. Upon an original application for a motor vehicle license and payment by the licensee of taxes and fees, the county treasurer shall:

- (a) deposit \$3 of the special whirling disease research fee in the county general fund;
- (b) remit \$2 to the state general fund; and
- (c) remit to the state treasurer the remainder of the special fee for deposit in the state special revenue fund to the credit of the department of fish, wildlife, and parks.

(3) The special revenue account provided for in subsection (2)(c) is statutorily appropriated to the department of fish, wildlife, and parks, as provided in 17-7-502, for the purposes of awarding grants to whirling disease foundations established in this state.

Madison

Handwritten signatures and names: Joe McArthur, Pauline Lynch, Dorell, Sena, Sandy Denny, Ron, Benedict

1 (4) Upon subsequent annual renewal of registration, the county treasurer shall remit all of the
2 special fee as provided in subsection (2)(c).

3
4 **Section 2.** Section 17-7-502, MCA, is amended to read:

5 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
6 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
7 without the need for a biennial legislative appropriation or budget amendment.

8 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
9 with both of the following provisions:

10 (a) The law containing the statutory authority must be listed in subsection (3).

11 (b) The law or portion of the law making a statutory appropriation must specifically state that a
12 statutory appropriation is made as provided in this section.

13 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
14 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
15 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
16 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304;
17 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205;
18 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; 23-5-136; 23-5-306; 23-5-409;
19 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503;
20 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150;
21 53-6-703; 53-24-206; 60-2-220; section 1; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;
22 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402;
23 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

24 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
25 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
26 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
27 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
28 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
29 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
30 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for

1 supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates
2 July 1, 2001.)"

3

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

5 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of
6 Montana must display both front and rear number plates, bearing the distinctive number assigned to the
7 vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor
8 vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles
9 of the motorcycle or quadricycle type that bear the distinctive letters "MCD" or the letters "MC" and the
10 word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and
11 used motorcars (including trucks and trailers) that bear the distinctive letter "D" or the word "DEALER",
12 one for dealers in used motorcars only (including used trucks and trailers) that bear the distinctive letters
13 "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used)
14 that bear the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in
15 recreational vehicles that bear the distinctive letters "RV" or the letter "R" and the word "DEALER", and
16 one for special license plates. All markings for the various kinds of dealers' plates must be placed on the
17 number plates assigned to the dealer, in the position that the department designates.

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

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

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

28 (5) The distinctive registration numbers must begin with a number one or with a letter-number
29 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. ~~The~~ Except
30 as provided in [section 1], the distinctive registration number or letter-number combination assigned to the

1 vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order
2 on the same horizontal baseline. The county number must be separated from the distinctive registration
3 number by a separation mark unless a letter-number combination is used. The dimensions of the numerals
4 and letters must be determined by the department, and all county and registration numbers must be of
5 equal height.

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

8 (a) For vehicles owned by the state, the department may designate the prefix number for the
9 various state departments. All numbered plates issued to state departments must bear the words "State
10 Owned", and a year number may not be indicated on the plates because these numbered plates are of a
11 permanent nature and will be replaced by the department only when the physical condition of numbered
12 plates requires it.

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

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

29 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or
30 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or

1 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number
2 plate under 61-3-317 and 61-3-335.

3 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as
4 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,
5 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson,
6 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23;
7 Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31;
8 Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon,
9 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46;
10 Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral,
11 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they
12 may be formed, beginning with the number 57.

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

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

28 (b) An active member of the reserve armed forces of the United States of America who is a
29 resident of this state may be issued special license plates with a design or decal displaying the following:
30 United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force

1 reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding
2 officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate
3 authorizing the issuance of special license plates, numbered in sets of two with a different number on each
4 set. The member shall surrender the plates to the department upon becoming ineligible to use them.

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

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

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

11 (ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle
12 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
13 vehicle under this chapter.

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

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

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

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

24 (e) Except as provided in subsection (10)(c), upon payment of all taxes and fees required by parts
25 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets
26 the requirements of this subsection (e), the department shall issue to a Montana resident who is a veteran
27 of the armed services of the United States special license plates, numbered in sets of two with a different
28 number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the
29 applicant was a member of the United States armed forces on December 7, 1941, was on station on
30 December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island

1 of Oahu, or offshore at a distance of not more than 3 miles, and received an honorable discharge from the
2 United States armed forces. If special license plates issued under this subsection are lost, stolen, or
3 mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

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

8 (i) Upon submission of a department of defense form 214(DD-214) or its successor or documents
9 showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant
10 documents to show an applicant's qualification under this subsection, there must be issued to the applicant,
11 in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with
12 a different number on each set. The plates must display:

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

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

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

21 (iii) Except as provided in subsection (10)(c), a veteran or surviving spouse who receives special
22 license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts
23 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an
24 original application for a license under this subsection (10)(f), the county treasurer shall:

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

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

27 (C) deposit the remainder of the special fee in the state special revenue account established in
28 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemetery.

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

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

5 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
6 integral part of Title 61, chapter 3, part 4, and the provisions of Title 61, chapter 3, part 4, apply to
7 [section 1].
8

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0526, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the issuance of whirling disease research license plates; providing for disposition of the proceeds from the sale of the plates; providing for a statutory appropriation to the Department of Fish, Wildlife and Parks to be used as grants to Montana whirling disease research foundations.

ASSUMPTIONS:

Department of Corrections:

1. New section 1 of HB 526 establishes procedures for whirling disease research license plates similar to current procedures for regular issue license plates. On whirling disease research license plates the county number must be replaced by a non-removable design or decal designating whirling disease research.
2. The License Plate operation general fund appropriation would assume any costs not borne by the Department of Justice, Motor Vehicle Division, for the whirling disease research license plates involved with this bill. The non-removable design or decal designating whirling disease research (fish symbol) would be silk-screened on the existing plate at the MCE License Plate operation. If a self-adhesive decal is used by the Motor Vehicle Division and issued at the time of license application, the division would assume the associated costs. Silk-screening of a simple fish design is the most viable and economic option. Plate decal would probably have to be generated by 3-M Company at a cost of \$1.00 to \$3.00 per decal depending on the number of decals ordered. Silk screening costs are approximately \$.35 per plate for a simple fish design.
3. Existing plate design would be used with the county number replaced by a non-removable design or decal designating whirling disease research thru a fish design. Therefore, special license plates (such as collegiate plates) would not be necessary.
4. Existing License Plate facility and MCE operations have the capability to produce these plates


Department of Justice:

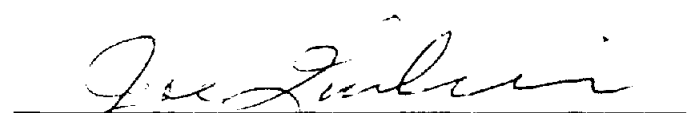
5. It is assumed that 750 whirling disease research license plates would be purchased during fiscal 1998 and renewed during fiscal 1999 and 250 additional "new" whirling disease license plates would be purchased during fiscal 1999. Total whirling disease license plate fees are estimated at \$15,000 in fiscal 1998 and \$20,000 in fiscal 1999.

Upon original application a special whirling disease research fee of \$20 would be charged, with \$3 of the fee being deposited in the county general fund, \$2 in the state general fund, and the balance deposited in a Fish, Wildlife, and Parks state special revenue account.

The state special revenue account would receive special whirling disease research fees of approximately \$11,250 in fiscal 1998 (750 x \$15) and \$18,750 in fiscal 1999 ((250 x \$15) + (750 x \$20)). The county general fund would receive approximately \$2,250 in fiscal 1998 (750 x \$3) and \$750 in fiscal 1999 (250 x \$3). The state general fund would receive approximately \$1,500 in fiscal 1998 (750 x \$2) and \$500 in fiscal 1999 (250 x \$2).

(Continued)


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


JOE QUILICI, PRIMARY SPONSOR DATE
Fiscal Note for HB0526, as introduced

HB 526

The Department of Justice, Motor Vehicle Division, estimates that 200 of these new specialized license plates issued in fiscal 1998 would be personalized and would be renewing these new personalized plates in fiscal 1999. Also, 50 of the 250 new plates issued in fiscal 1999 would be personalized plates. Therefore, the state general fund would receive approximately \$4,000 (200 x \$20) in fiscal 1998 and \$1,000 (50 x \$20) in fiscal 1999 for renewals of these personalized plates and \$1,000 (200 x \$5) in fiscal 1999 for renewals of these personalized plates.

6. Operating expenses in fiscal 1998 are estimated at \$500 for contracted services to design this issue of license plates and \$500 for printing and shipping of decals. Additionally, the Department of Justice, Motor Vehicle Division, is estimating 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. Operating expenses in fiscal 1999 are estimated at \$175 for printing and shipping of decals. Operating expenses for the Motor Vehicle Division related to the whirling disease license plates are projected at \$4,975 in fiscal 1998 and \$175 in fiscal 1999.
7. The Department of Justice, Motor Vehicle Division, projects that this issue of 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, obtain the necessary materials from a private vendor, and the actual time necessary to manufacture the license plates by the Montana State Prison industries.

FISCAL IMPACT:

Department of Corrections:

There is no fiscal impact anticipated by the Department of Corrections as existing license plate operations general fund budget request as presented in the Governor's Executive Budget should be sufficient to cover any costs associated with this bill, if the fish design is silk screened on the plates. It is estimated that the number of plates issued of this type and costs involved would not be of the volume to request additional appropriation authority.

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Department of Justice:</u>		
<u>Expenditures:</u>		
Operating Expenses	4,975	175
<u>Funding:</u>		
General Fund (01)	4,975	175
<u>Revenues:</u>		
State General Fund (01)	5,500	2,500
<u>Net Impact on Fund Balance:</u>		
State General Fund (01)	525	2,325
<u>Department of Fish, Wildlife and Parks:</u>		
<u>Expenditures:</u>		
Grants	11,250	18,750
<u>Funding:</u>		
Fish, Wildlife and Parks SSR (02)	11,250	18,750
<u>Revenue:</u>		
Fish, Wildlife and Parks SSR (02)	11,250	18,750
<u>Net Impact:</u>		
Fish, Wildlife and Parks SSR (02)	0	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The counties would have additional revenues of \$2,250 in fiscal 1998 and \$750 in fiscal 1999.