

1 Senate BILL NO. 246
 2 INTRODUCED BY Buck, Carl, W. Ryan, Lynch
 3 Hampton, Cole

4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE SALE OF A MOTOR VEHICLE BY A PERSON
 5 residing ON REAL PROPERTY IN WHICH THE PERSON DOES NOT HAVE A LEGAL INTEREST; AND AMENDING
 6 SECTION 61-1-314, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
 10 **Section 1.** Section 61-1-314, MCA, is amended to read:

11 **"61-1-314. Dealer.** (1) "Dealer" means:

12 (a) a person, firm, association, or corporation that, for commission or profit, engages in whole or
 13 in part in the business of buying, selling, exchanging, or acting as a broker of either new or used motor
 14 vehicles, or both, and ~~who~~ that qualifies for issuance of a dealer's license under 61-4-101 through
 15 61-4-105; ~~or~~

16 (b) an owner of real property who allows more than three new or used motor vehicles not titled
 17 in the property owner's or the seller's name to be offered for sale on the property during 1 calendar year
 18 unless the property is leased to a motor vehicle dealer licensed under 61-4-101 and the vehicles offered
 19 for sale are bona fide units of the licensed dealer's inventory; or

20 (c) an owner of a motor vehicle that is offered for sale and is displayed on real property in which
 21 the motor vehicle owner does not have a legal interest, and the primary purpose for displaying the motor
 22 vehicle on the real property is to effect the sale of the motor vehicle.

23 (2) The term "dealer" does not include the following:

24 (a) receivers, trustees, administrators, executors, guardians, or other persons appointed by or
 25 acting under a judgment or order of any court of competent jurisdiction;

26 (b) employees of the persons included in subsection (2)(a) when engaged in the specific
 27 performance of their duties as employees; ~~or~~

28 (c) public officers while performing or in the operation of their duties;

29 (d) a motor vehicle owner who obtains the written consent of the real property owner, lessee, or
 30 agent of the owner or lessee on whose property the motor vehicle is displayed and who posts the written

1 consent or a copy of the written consent in the front or rear window of the motor vehicle; or
2 (e) a person who attempts to effect a sale of the person's motor vehicle by displaying the motor
3 vehicle on a public street or public area that abuts real property in which the person has a legal interest."

4 -END-

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2 INTRODUCED BY Buck, Clark, Wynn, Ryan, Lynch
3 Harry Cole

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 3 Harry Cole

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SENATE BILL NO. 246

INTRODUCED BY BECK, CLARK, RYAN, LYNCH, HARRINGTON, COLE, COCCHIARELLA

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