

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 (Primary Sponsor)
4

BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOTOR VEHICLE
6 LAWS FOR CLARITY AND CONSISTENCY; REORGANIZING DEFINITIONS FOR IMPROVED READABILITY
7 OF THE MONTANA CODE ANNOTATED; CONSOLIDATING THE IDENTICAL DEFINITIONS OF "MOTOR
8 BOAT", "PERSONAL WATERCRAFT", "SAILBOAT", AND "VESSEL"; REORGANIZING DEFINITIONS FOR
9 CONFORMITY WITH THE BILL DRAFTING MANUAL; ELIMINATING CITATIONS TO SPECIFIC
10 SUBSECTIONS OF 61-1-101, MCA; PROVIDING NOTICE OF EXISTING NONSTANDARD PENALTIES;
11 ELIMINATING UNNECESSARY CITATIONS TO 61-1-101, MCA; ELIMINATING SPECIAL PENALTY
12 PROVISIONS THAT ARE DUPLICATIVE OF STANDARD PENALTY PROVISIONS; AMENDING SECTIONS
13 15-68-101, 23-2-502, 23-2-535, 30-11-701, 30-14-2501, 53-9-103, 61-1-101, 61-2-102, 61-3-201, 61-3-206, 61-
14 3-224, 61-3-226, 61-3-301, 61-3-317, 61-3-321, 61-3-412, 61-3-413, 61-3-503, 61-4-102, 61-4-104, 61-4-110,
15 61-4-111, 61-4-121, 61-4-123, 61-4-201, 61-4-212, 61-4-213, 61-4-222, 61-4-402, 61-4-501, 61-5-104, 61-5-
16 112, 61-5-119, 61-5-120, 61-5-232, 61-6-102, 61-6-302, 61-8-105, 61-8-110, 61-8-303, 61-8-376, 61-8-803, 61-
17 8-1001, 61-9-105, 61-9-204, 61-9-406, 61-9-407, 61-9-409, 61-9-414, 61-9-416, 61-9-417, 61-9-430, 61-9-432,
18 61-9-437, 61-9-518, 61-9-520, 61-10-102, 61-10-111, 61-10-124, 61-10-141, 61-11-101, AND 87-6-207, MCA;
19 AND REPEALING SECTIONS 61-9-513, 61-9-514, AND 61-9-519, MCA."

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22
23 NEW SECTION. **Section 1. Definitions.** As used in this chapter, the following definitions apply:

24 (1) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum
25 load to be carried on the vehicle as stated by the registrant in the application for registration.

26 (2) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

27 (i) was not originally constructed under a distinctive make, model, or type by a generally
28 recognized manufacturer of motor vehicles;

- 1 (ii) has been structurally modified so that it does not have the same appearance as similar
2 vehicles from a generally recognized manufacturer of motor vehicles;
- 3 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained
4 from other vehicles;
- 5 (iv) has been constructed or assembled by using major component parts from one or more
6 manufactured vehicles and that cannot be identified as a specific make or model; or
- 7 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or
8 model.

9 (b) The term does not include a motor vehicle that has been repaired or restored to its original
10 design by replacing parts.

11 (3) "Transaction summary receipt" means an electronic record produced and issued by the
12 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
13 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The
14 record must contain a unique transaction record number and summarize and verify the electronic filing of the
15 transaction described in the receipt on the electronic record of title maintained under 61-3-101.

16

17 **Section 2.** Section 15-68-101, MCA, is amended to read:

18 **"15-68-101. Definitions.** For purposes of this chapter, unless the context requires otherwise, the
19 following definitions apply:

20 (1) (a) "Accommodations" means short-term rentals or individual sleeping rooms, suites, camping
21 spaces, or other units offered for overnight lodging periods of less than 30 days to the general public for
22 compensation.

23 (b) Accommodations include units located in property represented to the public as a hotel, motel,
24 campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, bed
25 and breakfast facility, vacation home, home, apartment, timeshare, room, or rooms rented by or on behalf of the
26 owner or seller.

27 (c) The term does not include:

28 (i) a health care facility, as defined in 50-5-101;

- 1 (ii) any facility owned by a corporation organized under Title 35, chapter 2 or 3;
- 2 (iii) a facility that is used primarily by persons under 18 years of age for camping purposes; or
- 3 (iv) rooms or spaces offered separately to the general public for nonlodging purposes, including
- 4 meeting, conference, or banquet spaces.
- 5 (2) (a) "Base rental charge" means the following:
- 6 (i) charges for time of use of the rental vehicle and mileage, if applicable;
- 7 (ii) charges accepted by the renter for insurance;
- 8 (iii) charges for additional drivers or underage drivers; and
- 9 (iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for
- 10 the rental vehicle.
- 11 (b) The term does not include:
- 12 (i) rental vehicle price discounts allowed and taken;
- 13 (ii) rental charges or other charges or fees imposed on the rental vehicle owner or operator for the
- 14 privilege of operating as a concessionaire at an airport terminal building;
- 15 (iii) motor fuel;
- 16 (iv) intercity rental vehicle drop charges; or
- 17 (v) taxes imposed by the federal government or by state or local governments.
- 18 (3) (a) "Campground" means a place used for public camping where persons may camp, secure
- 19 tents, or park individual recreational vehicles for camping and sleeping purposes.
- 20 (b) The term does not include that portion of a trailer court, trailer park, or mobile home park
- 21 intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive
- 22 days or more.
- 23 (4) "Engaging in business" means carrying on or causing to be carried on any activity with the
- 24 purpose of receiving direct or indirect benefit.
- 25 (5) (a) "Motor vehicle" means:
- 26 (i) a light vehicle as defined in 61-1-101;
- 27 (ii) a motorcycle as defined in 61-1-101;
- 28 (iii) a motor-driven cycle as defined in 61-1-101;

- 1 (iv) a quadricycle as defined in 61-1-101;
- 2 (v) a motorboat or a sailboat as defined in ~~23-2-502~~ 61-1-101; or
- 3 (vi) an off-highway vehicle as defined in 23-2-801 that:
- 4 (A) is rented for a period of not more than 30 days;
- 5 (B) is rented without a driver, pilot, or operator; and
- 6 (C) is designed to transport 15 or fewer passengers.
- 7 (b) Motor vehicle includes:
- 8 (i) a rental vehicle rented pursuant to a contract for insurance; and
- 9 (ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is
- 10 rented without a driver, and that is used in the transportation of personal property.
- 11 (c) The term does not include farm vehicles, machinery, or equipment.
- 12 (6) "Online hosting platform" means any person that provides an online application, software,
- 13 website, or system through which a seller may advertise, rent, or furnish accommodations or rental vehicles
- 14 and through which a purchaser may arrange for use of those accommodations or the use or lease of rental
- 15 vehicles. Online hosting platforms include any online travel company or third-party reservation intermediary that
- 16 facilitates the sale or use of accommodations or rental vehicles.
- 17 (7) "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability
- 18 company, limited liability partnership, online hosting platform, or any other legal entity.
- 19 (8) "Purchaser" means a person to whom a sale of accommodations or a rental vehicle is made or
- 20 to whom a service is furnished.
- 21 (9) "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of
- 22 the motor vehicle through an arrangement and for consideration.
- 23 (10) "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease,
- 24 or subrent.
- 25 (11) [(a)] "Sale" or "selling" means the rental or use of accommodations or rental vehicles for
- 26 consideration or the performance of a service for consideration.
- 27 [(b)] The term does not include providing accommodations to victims of domestic violence or human
- 28 trafficking for grant money received pursuant to 44-4-1505.]

1 (12) (a) "Sales price" applies to the measure subject to the tax under Title 15, chapter 65, and this
2 chapter and means the total amount paid by the purchaser in the form of consideration, including cash, credit,
3 property, and services, for which sales of accommodations, rental vehicles, or services are provided, sold,
4 leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the
5 following:

6 (i) the seller's cost of the property sold;

7 (ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to
8 the seller, all taxes imposed on the seller, and any other expense of the seller;

9 (iii) charges by the seller for any services necessary to complete the sale;

10 (iv) delivery charges; or

11 (v) installation charges.

12 (b) The amount received for charges listed in subsections (12)(a)(ii) through (12)(a)(v) are
13 excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to
14 the purchaser and the charge is not subject to subsection (12)(d).

15 (c) The term does not include:

16 (i) charges for meals, transportation, entertainment, or any other similar charges; or

17 (ii) any taxes legally imposed directly on the consumer that are separately stated on the invoice,
18 bill of sale, or similar document given to the purchaser.

19 (d) Unless specifically excluded, sales price includes any separate charge or fee that a purchaser
20 must pay to facilitate the sale or rental of the accommodations or rental vehicle, including a fee or a service,
21 commission, or other charge by an online hosting platform.

22 (13) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102.

23 (14) "Seller" means a person that makes sales of accommodations or rental vehicles, including an
24 online hosting platform.

25 (15) (a) "Service" means an activity that is engaged in for another person for consideration and that
26 is distinguished from the sale or lease of accommodations or rental vehicles. Service includes activities
27 performed by an online hosting platform.

28 (b) In determining what a service is, the intended use, principal objective, or ultimate objective of

1 the contracting parties is irrelevant.

2 (16) "Short-term rental" means any individually or collectively owned single-family house or dwelling
3 unit or any unit or group of units in a condominium, cooperative, timeshare, or owner-occupied residential home
4 that is offered for a fee for 30 days or less.

5 (17) "Short-term rental marketplace" means a person that provides a platform through which a seller
6 or the authorized agent of the seller offers a short-term rental to an occupant.

7 (18) "Timeshare" means any facility for which multiple parties or individuals own a right to use the
8 facility for lodging purposes, and these parties or individuals do not hold claim to ownership of the physical
9 property. (Bracketed language in subsection (11) terminates June 30, 2027--sec. 10, Ch. 758, L. 2023.)"

10

11 **Section 3.** Section 23-2-502, MCA, is amended to read:

12 **"23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning,
13 the following definitions apply:

14 (1) "Certificate of number" means the certificate issued by the department of justice, an authorized
15 agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the
16 motorboat or sailboat an identifying number and containing other information as required by the department of
17 justice.

18 (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.

19 (3) "Documented vessel" means a vessel that has and is required to have a valid marine document
20 as a vessel of the United States.

21 (4) "Identifying number" means the boat number set forth in the certificate of number and properly
22 displayed on the motorboat or sailboat.

23 (5) "Lienholder" means a person holding a security interest.

24 (6) "Manufacturer" means a person engaged in the business of manufacturing or importing new
25 and unused vessels or new and unused outboard motors for the purpose of sale or trade.

26 (7) ~~(a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any~~
27 ~~machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal~~
28 ~~source of propulsion. The term includes boats temporarily equipped with detachable motors or engines~~ has the

1 same meaning as provided in 61-1-101.

2 (b) ~~—The term does not include a vessel that has a valid marine document issued by the U.S. coast~~
3 ~~guard or any successor federal agency.~~

4 (8) "Operate" means to navigate or otherwise use a motorboat or a vessel.

5 (9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a
6 motorboat or vessel.

7 (10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a
8 motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel
9 subject to an interest in another person, reserved or created by an agreement securing payment or
10 performance of an obligation.

11 (b) The term does not include a lessee under a lease not intended as security.

12 (11) "Passenger" means each person carried on board a vessel other than:

13 (a) the owner or the owner's representative;

14 (b) the operator;

15 (c) bona fide members of the crew engaged in the business of the vessel who have not
16 contributed any consideration for their carriage and who are paid for their services; or

17 (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not
18 contributed any consideration, directly or indirectly, for the guest's carriage.

19 (12) "Person" means an individual, partnership, firm, corporation, association, or other entity.

20 (13) ~~"Personal watercraft" means a vessel that uses an outboard motor or an inboard engine~~
21 ~~powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person~~
22 ~~sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the~~
23 ~~vessel~~ has the same meaning as provided in 61-1-101.

24 (14) "Registration decal" means an adhesive sticker produced by the department of justice and
25 issued by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the
26 owner of a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat,
27 sailboat, or personal watercraft for the registration period indicated on the decal as recorded by the department
28 of justice under 61-3-101.

1 (15) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

2 (b) ~~—The term does not include a canoe or kayak propelled by wind~~ has the same meaning as
3 provided in 61-1-101.

4 (16) "Security interest" means an interest that is reserved or created by an agreement that secures
5 payment or performance of an obligation and is valid against third parties generally.

6 (17) "Uniform state waterway marking system" means one of two categories:

7 (a) a system of aids to navigation to supplement the federal system of marking in state waters;

8 (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general
9 information and directions.

10 (18) "Validation decal" means an adhesive sticker produced by the department and issued by the
11 department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the
12 identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the
13 owner to meet requirements of the federal standard numbering system.

14 (19) ~~"Vessel" means every description of watercraft, unless otherwise defined by the department,~~
15 ~~other than a seaplane on the water, used or capable of being used as a means of transportation on water~~ has
16 the meaning provided in 61-1-101.

17 (20) "Waters of this state" means any waters within the territorial limits of this state."
18

19 **Section 4.** Section 23-2-535, MCA, is amended to read:

20 **"23-2-535. Alcohol concentration standards -- evidence admissible -- administration of tests.**

21 (1) The inferences contained in 61-8-1002 apply to any criminal action or proceeding arising out of acts alleged
22 to have been committed in violation of 23-2-523(2).

23 (2) Evidence of any measured amount or detected presence of alcohol or drugs in a person at the
24 time of the act alleged, as shown by analysis of the person's blood, breath, oral fluid, or urine, and any other
25 competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs,
26 or a combination of the two at the time of the act alleged is admissible in any criminal action or proceeding
27 arising out of acts alleged to have been committed in violation of 23-2-523(2).

28 (3) If a person charged with violation of 23-2-523(2) refuses to submit to a test of the person's

1 blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol,
2 none will be given, but proof of refusal is admissible in any criminal action or proceeding arising out of acts
3 alleged to have been committed in violation of 23-2-523(2).

4 (4) The provisions relating to administration of tests provided in 61-8-1019 and the definition of
5 alcohol concentration provided in 61-8-1001 apply to any testing done to a person charged with violation of 23-
6 2-523(2).

7 (5) As used in 23-2-523(2), the term "under the influence" has the meaning provided in ~~61-8-1001~~
8 61-1-101.

9
10 **Section 5.** Section 30-11-701, MCA, is amended to read:

11 **"30-11-701. Definitions.** As used in this part, the following definitions apply:

12 (1) "Cancellation" or "canceled" means the cessation, termination, or discontinuance of a
13 dealership contract. The term includes but is not limited to resignation, termination, surrender, discontinuance,
14 nonrenewal, refusal to renew, or expiration of a dealership contract.

15 (2) "Current net price" means:

16 (a) with respect to a dealership contract, the price listed in the wholesaler's, manufacturer's, or
17 distributor's price list or catalog in effect at the time a dealership contract is discontinued or, if none is then in
18 effect, the last available price so listed; and

19 (b) with respect to a distribution contract, the price listed in the manufacturer's or distributor's price
20 list or catalog in effect at the time a distribution contract is discontinued or, if none is then in effect, the last
21 available price so listed.

22 (3) "Dealership contract" means a written contract between a retailer and a wholesaler,
23 manufacturer, or distributor in which the retailer becomes a dealer in goods sold by the wholesaler,
24 manufacturer, or distributor, evidenced by a franchise agreement, sales agreement, security agreement, or
25 other similar agreement or arrangement.

26 (4) "Distribution contract" means a written contract between a wholesaler and a manufacturer or
27 distributor in which the wholesaler becomes a dealer in goods sold by the manufacturer or distributor,
28 evidenced by a franchise agreement, sales agreement, security agreement, or other similar agreement or

1 arrangement.

2 (5) "Inventory" means:

3 (a) farm implements, machinery, attachments, and repair parts;

4 (b) industrial and construction equipment and repair parts;

5 (c) new motor vehicles, trucks, trailers, semitrailers, pole trailers, travel trailers, and repair parts
6 sold by a dealer as defined in 61-1-101;

7 (d) motorcycles, motor-driven cycles, recreational vehicles, and quadricycles, as those terms are
8 defined in 61-1-101, and repair parts;

9 (e) snowmobiles, as defined in 23-2-601, and repair parts;

10 (f) off-highway vehicles, as defined in 23-2-801, and repair parts; and

11 (g) vessels, as defined in ~~23-2-502~~ 61-1-101, detachable motors or engines used to propel
12 vessels, and repair parts.

13 (6) "Net cost" means:

14 (a) with respect to a dealership contract, the price actually paid for an inventory item by the retailer
15 to the wholesaler, manufacturer, or distributor, plus applicable freight costs paid by or charged to the retailer;
16 and

17 (b) with respect to a distribution contract, the price actually paid for an inventory item by the
18 wholesaler to a manufacturer or distributor, plus applicable freight costs paid by or charged to the wholesaler.

19 (7) "Retailer" or "retail dealer" means any individual, partnership, association, or corporation
20 engaged in the business of selling inventory, as defined in this section, to the general public.

21 (8) "Wholesaler" means any individual, partnership, association, or corporation engaged in the
22 business of selling inventory, as defined in this section, to retailers."

23

24 **Section 6.** Section 30-14-2501, MCA, is amended to read:

25 **"30-14-2501. Definitions.** As used in this part, the following definitions apply:

26 (1) "Actual price" means the price paid by a motorsports dealer to a motorsports manufacturer for
27 a motorsports product less any pecuniary benefit relating to a motorsports product paid or credited by the
28 motorsports manufacturer to the motorsports dealer or the ultimate purchaser of the motorsports product.

(2) "Confidential or proprietary information" means trade secrets as defined in 30-14-402 and includes business plans, marketing plans or strategies, customer lists, contracts, sales data, revenue, or other financial information.

(3) "Control" or "controlling" means:

(a) the possession of, title to, or control of 10% or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary; or

(b) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise.

(4) "Department" means the department of justice created in 2-15-2001.

(5) "Fleet" means a group of 15 or more new motorsports vehicles that are sold or leased by a motorsports dealer at one time under a single purchase or lease agreement for use as part of a fleet.

(6) "Motorsports dealer" means a new motor vehicle dealer as defined in 61-4-201 who sells motorsports vehicles.

(7) "Motorsports manufacturer" means a manufacturer, distributor, distributor branch, factory branch, or importer, as those terms are defined in 61-4-201, who sells motorsports vehicles to motorsports dealers within this state.

(8) "Motorsports vehicle" means a personal watercraft as defined in ~~23-2-502~~ 61-1-101, a snowmobile as defined in 23-2-601, a motorcycle as defined in 61-1-101, a motor-driven cycle as defined in 61-1-101, an off-highway vehicle as defined in 61-1-101, or a quadricycle as defined in 61-1-101.

(9) "Operate" means to manage a motorsports dealership, whether directly or indirectly.

(10) "Own" or "ownership" means to hold the beneficial ownership of 1% or more of any class of equity interest in a motorsports dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(11) "Person" has the meaning provided in 30-14-102."

Section 7. Section 53-9-103, MCA, is amended to read:

1 **"53-9-103. Definitions.** As used in this part, the following definitions apply:

2 (1) "Claimant" means any of the following claiming compensation under this part:

3 (a) a victim;

4 (b) a dependent of a deceased victim; or

5 (c) an authorized person acting on behalf of any of them.

6 (2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for
7 economic loss otherwise compensable under this part that the claimant has received or that is readily available
8 to the claimant from:

9 (a) the offender;

10 (b) the government of the United States or any agency thereof, a state or any of its political
11 subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages
12 makes them excess or secondary to benefits under this part;

13 (c) social security, medicare, and medicaid;

14 (d) workers' compensation;

15 (e) wage continuation programs of any employer;

16 (f) proceeds of a contract of insurance payable to the claimant for loss that was sustained
17 because of the criminally injurious conduct;

18 (g) a contract, including an insurance contract, providing hospital and other health care services or
19 benefits for disability. A contract in this state may not provide that benefits under this part are a substitute for
20 benefits under the contract or that the contract is a secondary source of benefits and benefits under this part
21 are a primary source.

22 (h) a crime victims compensation program operated by the state in which the victim was injured or
23 killed that compensates residents of this state injured or killed in that state; or

24 (i) any other third party.

25 (3) "Criminally injurious conduct" means conduct that:

26 (a) occurs or is attempted in this state or an act of international terrorism, as defined in 18 U.S.C.
27 2331, committed outside of the United States against a resident of this state;

28 (b) results in bodily injury or death or involves domestic violence in a home where minor children

1 were present; and

2 (c) is punishable by fine, imprisonment, or death or would be so punishable except that the person
3 engaging in the conduct lacked capacity to commit the crime under the laws of this state; however, criminally
4 injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle
5 unless the bodily injury or death occurred during the commission of an offense defined in Title 45 that requires
6 the mental state of purposely as an element of the offense or the injury or death was inflicted by the driver of a
7 motor vehicle who is found by the office, by a preponderance of the evidence, to have been operating the motor
8 vehicle while under the influence, as that term is defined in ~~61-8-4004~~ 61-1-101; or

9 (d) is committed in a state without a crime victims compensation program that covers a resident of
10 this state if the conduct meets the requirements in subsections (3)(b) and (3)(c).

11 (4) "Dependent" means a natural person who is recognized under the law of this state to be wholly
12 or partially dependent upon the victim for care or support and includes a child of the victim conceived before the
13 victim's death but born after the victim's death, including a child that is conceived as a result of the criminally
14 injurious conduct.

15 (5) "Office" means the office of victims services established in 2-15-2016.

16 (6) "Victim" means:

17 (a) a person who suffers bodily injury or death as a result of:

18 (i) criminally injurious conduct;

19 (ii) the person's good faith effort to prevent criminally injurious conduct; or

20 (iii) the person's good faith effort to apprehend a person reasonably suspected of engaging in
21 criminally injurious conduct; or

22 (b) a minor child present in a home where domestic violence occurred."
23

24 **Section 8.** Section 61-1-101, MCA, is amended to read:

25 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
26 definitions apply:

27 (1) (a) "Authorized agent" means a person who has executed a written agreement with the
28 department and is specifically authorized by the department to electronically access and update the

1 department's motor vehicle titling, registration, or driver records, using an approved automated interface, for
2 specific functions or purposes on behalf of a third party.

3 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership,
4 limited partnership, limited liability company, association, joint venture, state agency, local government unit,
5 another state government, the United States, a political subdivision of this or another state, or any other legal or
6 commercial entity.

7 (2) "Authorized agent agreement" means the written agreement executed between an authorized
8 agent and the department that sets the technical and operational program standards, compliance criteria,
9 payment options, and service expectations by which the authorized agent is required to operate in performing
10 specific motor vehicle or driver-related record functions.

11 (3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or
12 roll hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

13 (4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
14 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
15 transportation of persons for compensation.

16 (5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership,
17 limited liability company, or other legal entity recognized under state law.

18 (b) The term does not include an individual.

19 (6) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or
20 attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not
21 limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

22 (b) The term does not include a truck canopy cover or topper.

23 (7) "CDLIS driver record" means the electronic record of a person's commercial driver's license
24 status and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

25 (8) "Certificate of title" means the paper record issued by the department or by the appropriate
26 agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or
27 persons and the motor vehicle specifically described in the record and that provides notice of a perfected
28 security interest in the motor vehicle.

1 (9) "Commercial driver's license" means:

2 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to
3 operate a class of commercial motor vehicle; or

4 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a
5 valid commercial driver's license.

6 (10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used
7 in commerce to transport passengers or property if the vehicle:

8 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or
9 more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000
10 pounds;

11 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more,
12 whichever is greater;

13 (iii) is designed to transport at least 16 passengers, including the driver;

14 (iv) is a school bus; or

15 (v) is of any size and is used in the transportation of hazardous materials.

16 (b) The following vehicles are not commercial motor vehicles:

17 (i) an authorized emergency vehicle:

18 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

19 (B) operated when responding to or returning from an emergency call or operated in another
20 official capacity;

21 (ii) a vehicle:

22 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the
23 farmer;

24 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within
25 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
26 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

27 (C) not used to transport goods for compensation or for hire; or

28 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the

1 military reserves, a member of the national guard on active duty, including personnel on full-time national guard
2 duty, personnel in part-time national guard training, and national guard military technicians, or active duty
3 United States coast guard personnel.

4 (c) For purposes of this subsection (10):

5 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of
6 land or crops or the raising of livestock owned by or under the direct control of that person;

7 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded
8 weight of a combination or articulated vehicle;

9 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded
10 weight of a single vehicle; and

11 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

12 (11) "Commission" means the state transportation commission.

13 (12) "Custom-built motorcycle" means a motorcycle that is equipped with:

14 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
15 altered from the manufacturer's original design; or

16 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has
17 been constructed in whole or in part from nonoriginal materials.

18 (13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

19 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

20 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the
21 current calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is
22 at least 25 years old; and

23 (b) has been altered from the manufacturer's original design or has a body constructed from
24 nonoriginal materials.

25 (14) "Customer identification number" means:

26 (a) a driver's license or identification card number when the customer is an individual who has
27 been issued a driver's license or identification card by a state driver licensing authority;

28 (b) a federal employer or tax identification number when the customer is a business entity that has

1 been issued a federal employer or tax identification number;

2 (c) the identification number assigned by the secretary of state to a business entity authorized to
3 do business in this state under Title 35 if the customer is a business entity that does not have a federal
4 employer or tax identification number other than a social security number; or

5 (d) if the customer has not been issued one of the numbers described in subsections (14)(a)
6 through (14)(c), a number assigned to the customer by the department when a transaction is initiated under this
7 title.

8 (15) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
9 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
10 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
11 mobile equipment that is not registered in the name of the person.

12 (b) The term does not include the following:

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

15 (ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific
16 performance of their duties as employees; or

17 (iii) public officers while performing or in the operation of their duties.

18 ~~(16) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum~~
19 ~~load to be carried on the vehicle as stated by the registrant in the application for registration.~~

20 (16) "Department" means the department of justice acting directly or through its duly authorized
21 officers or agents.

22 ~~(18) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and~~
23 ~~trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.~~

24 (17) "Domiciled" means a place where:

25 (a) an individual establishes residence;

26 (b) a business entity maintains its principal place of business;

27 (c) the business entity's registered agent maintains an address; or

28 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer,

1 semitrailer, or pole trailer that it owns or leases.

2 (18) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle,
3 as maintained by the department on the individual Montana driving record and the CDLIS driver record for that
4 person.

5 (19) "Driver" means a person who drives or is in actual physical control of a vehicle.

6 (20) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted
7 by the laws of this state, including:

8 (a) any temporary license or learner license;

9 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid
10 license;

11 (c) any nonresident's driving privilege;

12 (d) a motorcycle endorsement; or

13 (e) a commercial driver's license.

14 (21) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
15 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
16 maximum speed of the device to 12 1/2 miles an hour.

17 (22) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
18 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
19 from which a remuneration is obtained or derived for transportation service.

20 (23) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person
21 or persons and golf equipment and that has an average speed of less than 15 miles per hour.

22 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory
23 liability insurance requirements under this title.

24 (24) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
25 on the vehicle.

26 (25) "Hazardous material" means:

27 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to
28 be placarded under 49 CFR, part 172; or

1 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

2 (26) "Highway" or "public highway" means the entire width between the boundary lines of every
3 publicly maintained way when any part of the publicly maintained way is open to the use of the public for
4 purposes of vehicular travel.

5 (27) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
6 arrests for violations of traffic regulations.

7 (28) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
8 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

9 (29) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

10 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor
11 vehicle; or

12 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and
13 drivetrain, commonly referred to as a donor vehicle.

14 (30) "Light vehicle" means a motor vehicle commonly referred to as an:

15 (a) _____ automobile; ;

16 (b) _____ van; ;

17 (c) ~~_____ sport utility vehicle~~ "sport utility vehicle", meaning a light vehicle designed to transport 10 or
18 fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use, not
19 including trucks having a manufacturer's rated capacity of 1 ton or less; or

20 (d) _____, or truck having a manufacturer's rated capacity of 1 ton or less.

21 (31) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be
22 transported, that:

23 (a) has four wheels;

24 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as
25 certified by the manufacturer;

26 (c) is propelled by its own power, using an electric motor or other device that transforms stored
27 electrical energy into the motion of the vehicle;

28 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the

1 power grid or from renewable electrical energy sources;

2 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

3 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
4 identification number as provided in 49 CFR, part 565; and

5 (g) is equipped as provided in 61-9-432.

6 (32) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
7 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

8 (a) a temporary license or learner license;

9 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
10 61-5-122, whether or not the person holds a valid driver's license; and

11 (c) a nonresident's similarly restricted driving privilege.

12 (33) "Manufactured home" has the meaning provided in 15-24-201.

13 (34) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
14 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
15 regular business.

16 (35) "Manufacturer's certificate of origin" means the original paper record produced and issued by
17 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
18 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
19 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
20 ownership of the vehicle to the person or persons named in the certificate.

21 (36) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
22 transported, that:

23 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

24 (ii) is propelled by its own power, using an electric motor or other device that transforms stored
25 electrical energy into the motion of the vehicle;

26 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the
27 power grid or from renewable electrical energy sources;

28 (iv) is fully enclosed and includes at least one door for entry;

- 1 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
- 2 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
- 3 identification number as provided in 49 CFR, part 565;
- 4 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
- 5 indicates the vehicle's maximum speed rating; and
- 6 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- 7 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
- 8 registration under Title 61, chapter 3.
- 9 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000
- 10 pounds.
- 11 (37) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.
- 12 (38) "Montana resident" means:
- 13 (a) an individual who resides in Montana as determined under 1-1-215; or
- 14 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
- 15 registered agent in this state.
- 16 (39) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers
- 17 appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of
- 18 property for hire on a commercial basis.
- 19 (b) The term does not include motor carriers regulated under Title 69, chapter 12.
- 20 (40) "Motor home" means a motor vehicle:
- 21 (a) designed to provide temporary living quarters, built as an integral part of or permanently
- 22 attached to a self-propelled motor vehicle chassis or van;
- 23 (b) containing permanently installed independent life support systems that meet the NFPA 1192
- 24 standard on recreational vehicles; and
- 25 (c) providing at least four of the following types of facilities:
- 26 (i) cooking, refrigeration, or icebox;
- 27 (ii) self-contained toilet;
- 28 (iii) heating or air conditioning, or both;

1 (iv) potable water supply, including a faucet and sink; or

2 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or
3 both.

4 (41) (a) "Motor vehicle" means:

5 (i) a vehicle propelled by its own power and designed or used to transport persons or property on
6 the highways of the state;

7 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

8 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is
9 operated pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

10 (b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal
11 assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered,
12 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
13 used as a means of mobility for that person.

14 (42) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
15 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
16 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

17 (b) The term does not include a vessel that has a valid marine document issued by the United
18 States coast guard or any successor federal agency.

19 (43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator
20 and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may
21 carry one or more attachments and a seat for the conveyance of a passenger.

22 (b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

23 (c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been
24 modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

25 (d) The term includes an autocycle.

26 (e) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized
27 nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

28 (44) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that

1 produces 5 horsepower or less.

2 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized
3 nonstandard vehicle.

4 (45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
5 transported, that:

6 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

7 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

8 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
9 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

10 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known
11 as a "pocket rocket".

12 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive
13 mobility device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed
14 specifically for use by a physically disabled person.

15 (46) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
16 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
17 as the result of a retail sale.

18 (47) "Nonresident" means a person who is not a Montana resident.

19 (48) (a) "Not used for general transportation purposes" means the operation of a motor vehicle
20 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
21 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional
22 transportation activity.

23 (b) The term does not include operation of a motor vehicle for routine or ordinary household
24 maintenance, employment, education, or other similar purposes.

25 (49) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-
26 country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
27 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of
28 land transportation deriving motive power from any source other than muscle or wind.

1 (b) The term does not include:

2 (i) vehicles designed primarily for travel on, over, or in the water;

3 (ii) snowmobiles; or

4 (iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is
5 used for off-road recreation on public lands.

6 (50) "Operator" means a person who is in actual physical control of a motor vehicle.

7 (51) "Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of
8 an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the
9 conditions stated in the agreement and with an immediate right of possession and control vested in an
10 individual human being or in the event a vehicle is subject to a lease, contract, or other legal arrangement
11 vesting right of possession or control, for security or otherwise in an individual human being, or in the event a
12 mortgagor of a vehicle is entitled to possession and control, then the owner is the individual human being or
13 mortgagor in whom is vested the right of possession and control.

14 (52) "Person" means an individual human being, corporation, partnership, association, firm, or other
15 legal entity.

16 (53) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
17 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
18 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
19 vessel.

20 (54) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
21 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
22 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
23 structural members capable generally of sustaining themselves as beams between the supporting connections.

24 (55) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
25 violations of traffic regulations.

26 (56) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
27 having a seat or saddle on which the operator sits.

28 (b) The term does not include golf carts.

1 (57) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
2 stationary rails.

3 (58) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without
4 cars coupled to the engine, that is operated on rails.

5 (b) The term does not include streetcars.

6 (59) "Recreational vehicle" includes a motor home, travel trailer, or camper.

7 (60) "Registration" or "register" means the act or process of creating an electronic record,
8 maintained by the department, of the assignment of a license plate or a set of license plates to and the
9 issuance of a registration decal for a specific vehicle, the ownership of which has been established or is
10 presumed in department records.

11 (61) "Registration decal" means an adhesive sticker produced by the department and issued by the
12 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
13 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
14 registration period indicated on the sticker as recorded by the department under 61-3-101.

15 (62) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
16 department, an electronic record that is transmitted by the department, its authorized agent, or a county
17 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic
18 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
19 registration of the vehicle for the registration period indicated in the receipt.

20 (63) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
21 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
22 other than resale.

23 (64) "Revocation" means the termination by action of the department of a person's driver's license,
24 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
25 license for a period of time designated by law, during which the license or privilege may not be renewed,
26 restored, or exercised. An application for a new license may be presented and acted on by the department after
27 the expiration of the period of the revocation.

28 (65) "Roadway" means that portion of a highway improved, designed, or ordinarily used for

vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

(66) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(67) "School zone" means an area near a school beginning at the school's front door, encompassing the campus and school property, and including the streets directly adjacent to the school property and for as many blocks surrounding the school as determined by the local authority establishing a special speed limit under 61-8-310(1)(d).

(68) "Sell" means to transfer ownership from one person to another person or from a dealer to another person for consideration.

(69) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(70) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

(71) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

~~(74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:~~
~~(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;~~

~~(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;~~

~~(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained~~

1 from other vehicles;

2 (iv) ~~has been constructed or assembled by using major component parts from one or more~~
3 ~~manufactured vehicles and that cannot be identified as a specific make or model; or~~

4 (v) ~~has been constructed by the use of a kit that cannot be visually identified as a specific make or~~
5 ~~model.~~

6 (b) ~~The term does not include a motor vehicle that has been repaired or restored to its original~~
7 ~~design by replacing parts.~~

8 (75) ~~(a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is~~
9 ~~constructed on a truck chassis or that has special features for occasional off-road use.~~

10 (b) ~~The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.~~

11 (72) (a) "Stop", when required, means complete cessation from movement.

12 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,
13 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
14 directions of a police officer, highway patrol officer, or traffic control sign or signal.

15 (77) ~~"Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the~~
16 ~~dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when~~
17 ~~space at the dealer's established place of business is not available.~~

18 (73) "Street" means the entire width between the boundary lines of every publicly maintained way
19 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

20 (74) "Street rod" means a motor vehicle, other than a motorcycle, that:

21 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
22 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

23 (b) has been altered from the manufacturer's original design or has a body constructed from
24 nonoriginal materials.

25 (75) "Suspension" means the temporary withdrawal by action of the department of a person's
26 driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued
27 a driver's license for a period of time designated by law.

28 (76) "Temporary registration permit" means a paper record:

1 — issued by the department, an authorized agent, a county treasurer, or a person, using a
2 department-approved electronic interface after an electronic record has been transmitted to the department,
3 that contains:

4 (a) required vehicle and owner information; and

5 (b) the purpose for which the record was generated; and.

6 ~~(b) — that, when placed in a durable license-plate style plastic pouch approved by the department~~
7 ~~and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle,~~
8 ~~motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:~~

9 ~~(i) — 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this~~
10 ~~title, whichever first occurs; or~~

11 ~~(ii) — 90 days from the date the record is issued for a permit issued pursuant to 61-3-303 (4)(b).~~

12 (77) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
13 conveyances either singly or together while using any highways for purposes of travel.

14 (78) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
15 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
16 on the towing vehicle.

17 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

18 ~~(84) — "Transaction summary receipt" means an electronic record produced and issued by the~~
19 ~~department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be~~
20 ~~created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The~~
21 ~~record must contain a unique transaction record number and summarize and verify the electronic filing of the~~
22 ~~transaction described in the receipt on the electronic record of title maintained under 61-3-101.~~

23 (79) "Travel trailer" means a vehicle:

24 (a) that is 46 feet or less in length;

25 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

26 and

27 (c) that is designed to provide temporary facilities for recreational, travel, or camping use and not
28 used as a principal residence.

1 (80) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
2 transportation of property.

3 (81) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
4 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

5 (82) "Under the influence" ~~has the meaning provided in 61-8-1001~~ means that as a result of taking
6 into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a
7 vehicle has been diminished.

8 (83) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or
9 given away or had its title transferred from the person who first took title to it from the manufacturer, importer,
10 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become
11 what is commonly known as "secondhand" within the ordinary meaning of that term.

12 (84) "Van" means a motor vehicle designed for the transportation of at least six persons and not
13 more than nine persons and intended for but not limited to family or personal transportation without
14 compensation.

15 (85) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or
16 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
17 tracks.

18 (b) The term does not include a manually or mechanically propelled wheelchair or other low-
19 powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person
20 and that is used as a means of mobility for that person.

21 (86) "Vehicle identification number" means the number, letters, or combination of numbers and
22 letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or
23 country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

24 (87) "Vessel" means every description of watercraft, unless otherwise defined by the department,
25 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

26 (88) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
27 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
28 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or

1 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

2

3 **Section 9.** Section 61-2-102, MCA, is amended to read:

4 **"61-2-102. Definitions.** ~~Unless the context requires otherwise, in this part~~ As used in this part, unless
5 the context requires otherwise, the following definitions apply:

6 (1) "Department" means the department of transportation.

7 (2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths,
8 injuries to persons, and damage to property. The program must be in accordance with uniform guidelines
9 established pursuant to 23 U.S.C. 402, as amended, and may include defensive driving programs administered
10 by the entity designated by the governor in 61-2-103. Nothing in this part restricts or prohibits the establishment
11 of standards that enlarge or implement the federal standards.

12 (3) "Political subdivisions" means each county, incorporated city or town, and school district within
13 the boundaries of the state."

14

15 **Section 10.** Section 61-3-201, MCA, is amended to read:

16 **"61-3-201. Certificate of title required -- nonresident title -- exclusions -- definition.** (1) Except as
17 provided in subsection (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
18 personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been
19 issued by or an electronic record of title has not been created by the department shall apply to the department,
20 its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole
21 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

22 (2) The department may determine requirements for nonresident businesses to apply for a title in
23 this state and the department:

24 (a) may produce a title for nonresident business applicants;

25 (b) may enter a voluntary security interest or lien on the title in accordance with 61-3-103;

26 (c) is authorized to establish an application fee and title fee for nonresident applicants;

27 (d) shall require an applicant to submit a penalty bond of no less than \$250,000 payable to the
28 motor vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller,

1 financial institution, the state, or any other state by using this section.

2 (3) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal
3 watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

4 (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
5 sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer,
6 camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

7 (b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper,
8 motorboat, personal watercraft, sailboat, or snowmobile that is:

9 (i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

10 (ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or
11 demonstration, or used solely by a manufacturer for testing;

12 (c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
13 sailboat, or snowmobile owned by a nonresident or a nonresident who has an interest in real property in
14 Montana who chooses not to register a motor vehicle in this state as provided in 61-3-303;

15 (d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
16 sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

17 (i) for which a currently effective certificate of title has been issued in another state or jurisdiction;

18 or

19 (ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

20 (e) a vehicle moved solely by human or animal power;

21 (f) an implement of husbandry;

22 (g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to
23 agricultural land;

24 (h) a self-propelled wheelchair or tricycle used by a person with a disability;

25 (i) a dolly or converter gear;

26 (j) a mobile home or housetrailer;

27 (k) a manufactured home declared to be an improvement to real property under 15-1-116; or

28 (l) a golf cart unless it is operated by a person with a low-speed restricted driver's license.

1 (4) As used in this section, "dolly or converter gear" means a device consisting of one or two axles
2 with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer
3 into a trailer."
4

5 **Section 11.** Section 61-3-206, MCA, is amended to read:

6 **"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve**
7 **record.** (1) Except as provided in subsection (4), before executing any transfer of ownership document relating
8 to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at
9 the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading,
10 furnish to the purchaser a written statement, to be signed by the seller, that contains the following information:

- 11 (a) the odometer reading at the time of transfer;
12 (b) the date of transfer;
13 (c) the seller's name and current address;
14 (d) the purchaser's name and current address;
15 (e) the motor vehicle year, make, model, body style, and identification number;
16 (f) one of the following statements or certification:
17 (i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading
18 reflects the actual miles or kilometers the vehicle has been driven;
19 (ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the
20 designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that
21 effect; or
22 (iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the
23 motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration
24 error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be
25 relied upon.

26 (2) The purchaser shall acknowledge receipt of the disclosure statement by signing it.

27 (3) For the purposes of this section, an odometer disclosure statement may be executed in
28 electronic form and used with an electronic signature pursuant to Title 30, chapter 18, part 1.

(4) The seller of the following types of motor vehicles need not disclose the odometer reading of the vehicle as required in subsection (1):

(a) a motor vehicle with a 2010 model year or earlier;

(b) a motor vehicle with a 2011 model year or later that is 20 years old or older;

(c) a vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, or sailboat that is not self-propelled;

(d) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless the motor vehicle has been used as a demonstrator;

(e) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

(f) a motor vehicle sold directly by the manufacturer to an agency of the United States.

(5) A dealer, an auto auction, or a wholesaler licensed under chapter 4 of this title shall create a record of the information required in subsection (1) and shall maintain and preserve that record for at least 5 years after the date of sale of the motor vehicle to which the information pertains.

(6) A person convicted of violating this section is subject to the penalties provided in 61-3-607."

Section 12. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) (a) The department, an authorized agent, or a county treasurer may issue a temporary registration permit for any purpose authorized under the rules adopted by the department.

(b) An authorized agent or a county treasurer may issue a temporary registration permit without use of the department-approved electronic interface only if authorized by the department.

(2) A person, using a department-approved electronic interface, may issue a temporary registration permit for any purpose authorized under the rules adopted by the department. When placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in subsection (4), a temporary registration permit authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

(a) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever occurs first; or

1 (b) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).

2 (3) A temporary registration permit issued under this section must contain the following
3 information:

4 (a) a temporary plate number as prescribed by the department;

5 (b) the expiration date of the temporary registration permit; and

6 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
7 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
8 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
9 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
10 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
11 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

12 (4) A temporary registration permit for:

13 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to
14 the rear exterior of the vehicle where a license plate is required to be displayed; and

15 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway
16 vehicle must be plainly visible and firmly attached to the vehicle or vessel.

17 (5) (a) Except as provided in 61-3-431 and subsections (5)(b) and (5)(c) of this section, a \$19.50
18 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a
19 county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department,
20 the authorized agent, or a county treasurer when the vehicle is registered.

21 (b) Except as provided in 61-3-431, a fee of \$24.50 is imposed and must be paid upon issuance of
22 a temporary registration permit by:

23 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who
24 acquires a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or
25 motorcycle designed for off-road recreational use; or

26 (ii) a person who issued a temporary registration permit using a department-approved electronic
27 interface.

28 (c) A fee of \$24 is imposed and must be paid upon issuance of a temporary registration permit for

1 a 90-day temporary registration permit as provided in 61-3-303(4)(b).

2 (6) The fees imposed under this section, upon collection, must be forwarded to the state and
3 deposited as follows:

4 (a) \$16.50 from each permit fee collected pursuant to subsection (5) in the state special revenue
5 account established in 44-10-204; and

6 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-
7 118.

8 (7) If a temporary registration permit is issued under this section to a person to whom ownership of
9 a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
10 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."
11

12 **Section 13.** Section 61-3-226, MCA, is amended to read:

13 **"61-3-226. Certificate of title -- transfer on death -- definition.** (1) The owner or joint owners of a
14 vehicle or vessel may arrange for nonprobate transfer of the vehicle's or vessel's title at the time of death of the
15 owner or last surviving joint owner by completing the beneficiary designation on the application for certificate of
16 title prescribed by the department.

17 (2) The beneficiary designation must include fields for the following information:

18 (a) the make, model, year, and vehicle identification number of the vehicle or vessel;

19 (b) the name and signature of the owner or every joint owner of the vehicle or vessel, signed under
20 penalty of unsworn falsification as provided in 45-7-203; and

21 (c) the name of the beneficiary or the names of the beneficiaries of the vehicle or vessel.

22 (3) (a) A beneficiary designation is perfected when it is submitted to the department with an
23 application for certificate of title and if it provides the information and signatures required in subsection (2).

24 (b) An instrument for the testamentary transfer of a vehicle or vessel does not invalidate a
25 perfected beneficiary designation.

26 (4) The owner or joint owners of a vehicle or vessel may revoke a perfected beneficiary
27 designation by:

28 (a) transferring the vehicle or vessel to the beneficiary or a third party before death; or

1 (b) submitting a new beneficiary designation with an application for certificate of title.

2 (5) (a) After the death of the owner or last surviving joint owner of a vehicle or vessel subject to a
3 perfected beneficiary designation, the beneficiary may present the proof of death of the owner or joint owners of
4 the vehicle or vessel listed as a beneficiary and identification of the beneficiary to the department, to the county
5 treasurer's office, or to an authorized agent and:

6 (i) request a replacement title for the vehicle or vessel; or

7 (ii) effect transfer of the title of the vehicle or vessel as required by 61-3-220.

8 (b) The beneficiary does not acquire any use, ownership, economic, or other interest in the vehicle
9 or vessel until the beneficiary has filed the documents required by subsection (4) and the department, the
10 county treasurer's office, or an authorized agent has either issued a replacement title or effected the transfer of
11 the title.

12 (6) This section does not limit the rights of a lienholder whose lien attached to the vehicle or vessel
13 prior to the death of the owner or last surviving joint owner named on the beneficiary designation.

14 (7) As used in this section, ~~the following definitions apply:~~

15 "vehicle" means a motor vehicle, or camper ~~as those terms are defined by 61-1-101~~, manufactured
16 home ~~as defined by 15-24-201~~, mobile home ~~as defined by 15-24-201~~, or other item for which a certificate of
17 title is issued by the department and that have not been considered or declared an improvement to real
18 property pursuant to 15-1-116;

19 (b) ~~"vessel" means a vessel as defined by 61-1-101."~~

20

21 **Section 14.** Section 61-3-301, MCA, is amended to read:

22 **"61-3-301. Registration -- license plate required -- display -- definition.** (1) (a) A person may not
23 operate a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public highways of Montana
24 unless the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer is properly registered and has the
25 proper license plates conspicuously displayed on the motor vehicle, trailer, semitrailer, pole trailer, or travel
26 trailer. A license plate must be securely fastened to prevent it from swinging and may not be obstructed from
27 plain view.

28 (b) (i) Except as provided in 61-4-120, 61-4-129, and subsections (1)(b)(ii) through (1)(b)(iv) of this

section, all motor vehicles must have one license plate displayed horizontally on the front and one license plate displayed horizontally on the rear of the motor vehicle.

(ii) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license plate displayed on the rear of the vehicle, which may be displayed horizontally or vertically if available space does not permit horizontal display.

(iii) A custom vehicle or a street rod registered under 61-3-320(1)(b) or (1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod.

(iv) If a person is not able to comply with the requirement that a front license plate be displayed because of the body construction of the motor vehicle, the person may submit to the highway patrol an application for a waiver along with a \$25 inspection fee. A certificate of waiver must be issued upon inspection of the vehicle by a highway patrol officer. The certificate must at all times be carried in the motor vehicle and must be displayed upon demand of a peace officer. Money collected from the inspection fee must be deposited in a highway revenue account in the state special revenue fund to the credit of the department of transportation.

(c) A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter.

(d) A low-speed electric vehicle or a golf cart operated by a person with a low-speed restricted driver's license must have special license plates, as provided in 61-3-332(9), displayed on the front and rear of the vehicle.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled at the time of application for registration.

(3) It is unlawful to:

(a) display license plates issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) invert or reverse a license plate. License plates displayed horizontally must be readable from

1 left to right. License plates displayed vertically must be readable from top to bottom.

2 (4) ~~For the purposes of~~ As used in this section, "conspicuously displayed" means that the required
3 license plates are obviously visible and firmly attached by two separate fasteners to:

4 (a) the front bumper and the rear bumper of a motor vehicle that is subject to subsection (1)(b)(i)
5 and is equipped with front and rear bumpers; or

6 (b) a clearly visible location on the rear of a trailer, semitrailer, pole trailer, travel trailer, or motor
7 vehicle that is subject to subsections (1)(b)(ii) through (1)(b)(iv)."

8

9 **Section 15.** Section 61-3-317, MCA, is amended to read:

10 **"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty --**

11 **display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole
12 trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of
13 title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option
14 taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the
15 streets and highways of this state during this period unless a temporary registration permit has been issued for
16 and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

17 (2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor
18 vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser
19 to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state
20 without a current registration receipt or registration decal during the period allowed under ~~61-1-101(81)(b)~~ 61-3-
21 224 if at all times during that period a temporary registration permit issued under 61-3-224 is properly
22 displayed."

23

24 **Section 16.** Section 61-3-321, MCA, is amended to read:

25 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

26 **registration fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section,
27 registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles,
28 snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging trucks that weigh 1 ton or less is as follows:

- (i) if the vehicle is 4 or less years old, \$217;
- (ii) if the vehicle is 5 through 10 years old, \$87; and
- (iii) if the vehicle is 11 or more years old, \$28.

(b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

(3) (a) Except as provided in subsections (3)(b) and (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- (i) if the declared weight is less than 6,000 pounds, \$61.25; or
- (ii) if the declared weight is 6,000 pounds or more, \$148.25.

(b) For a trailer, semitrailer, or pole trailer that is registered under 61-3-701, the annual registration fee based on the declared weight is as follows:

- (i) if the declared weight is less than 6,000 pounds, \$30; or
- (ii) if the declared weight is 6,000 pounds or more, \$60.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- (a) 2,850 pounds and over, \$10; and
- (b) under 2,850 pounds, \$5.

(5) (a) Except as provided in subsections (5)(b) and (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(b) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to an off-highway vehicle other than a quadricycle or motorcycle, the one-time registration fee is \$41.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on the age of the motor home, is as follows:

- 1 (i) less than 2 years old, \$282.50;
- 2 (ii) 2 years old and less than 5 years old, \$224.25;
- 3 (iii) 5 years old and less than 8 years old, \$132.50; and
- 4 (iv) 8 years old and older, \$97.50.
- 5 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration
- 6 fee under this section may permanently register the motor home upon payment of:
- 7 (i) a one-time registration fee of \$237.50;
- 8 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which
- 9 must be deposited in the account established under 61-6-158;
- 10 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
- 11 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a
- 12 collegiate license plate under 61-3-465.
- 13 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10
- 14 years old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.
- 15 (8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for
- 16 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee
- 17 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for
- 18 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 19 (ii) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle
- 20 as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 21 (b) (i) The annual registration fee for motorcycles and quadricycles registered for use on the public
- 22 highways under 61-3-701 is \$44.
- 23 (ii) The annual registration fee for motorcycles and quadricycles registered for off-highway use
- 24 under 61-3-701 is \$44.
- 25 (iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use
- 26 and for use on the public highways under 61-3-701 is \$88.
- 27 (iv) An additional safety fee of \$7 must be collected annually for each motorcycle or quadricycle
- 28 registered under 61-3-701. The safety fee must be deposited in the state motorcycle safety account provided

1 for in 20-25-1002.

2 (c) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is
3 affixed to a motorcycle or quadricycle, the one-time registration fee for motorcycles and quadricycles registered
4 for:

5 (i) use on the public highways is \$33.25; and

6 (ii) both off-road use and for use on the public highways is \$94.50.

7 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on
8 the length of the travel trailer, is as follows:

9 (a) under 16 feet in length, \$72; and

10 (b) 16 feet in length or longer, \$152.

11 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
12 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

13 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in
14 length, \$65.50;

15 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
16 length, \$125.50; and

17 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

18 (11) (a) Except as provided in subsections (11)(b), (11)(c), and (15), the one-time registration fee for
19 a snowmobile is \$60.50.

20 (b) Whenever a valid winter trail pass issued pursuant to 23-2-636 is affixed to a snowmobile, the
21 one-time registration fee is \$40.50.

22 (c) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the
23 purpose of daily rental to customers is assessed:

24 (A) a fee of \$40.50 in the first year of registration; and

25 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

26 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be
27 permanently registered and the business is assessed the registration fee imposed in subsection (11)(a).

28 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

1 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for
2 a low-speed restricted driver's license is \$25.

3 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
4 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
5 which must be displayed visibly on the golf cart.

6 (13) (a) Except as provided in subsection (13)(b), a fee of \$12 must be collected when a new set of
7 standard license plates, a new single standard license plate, or a replacement set of special license plates
8 required under 61-3-332 is issued. The fee imposed under this subsection (13)(a) does not apply when
9 previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section
10 must be paid if the vehicle to which the plates are transferred is not currently registered.

11 (b) An additional fee of \$16 must be collected if a vehicle owner elects to keep the same license
12 plate number from license plates issued before January 1, 2010, when replacement of those plates is required
13 under 61-3-332(3).

14 (c) The fees imposed in this subsection (13) must be deposited in the account established under
15 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

16 (14) The provisions of this part with respect to the payment of registration fees do not apply to and
17 are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or
18 controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202,
19 or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a),
20 (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-
21 3-520.

22 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
23 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon,
24 snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed
25 electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this
26 chapter and pay the fees imposed under this section.

27 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this
28 section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$9 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. Of the \$9 fee:

(i) \$6.74 must be deposited in the state special revenue account established in 23-1-105 and used for state parks;

(ii) 50 cents must be deposited in an account in the state special revenue fund to the credit of the department of fish, wildlife, and parks and used for fishing access sites;

(iii) \$1.37 must be deposited in the trails and recreation facilities state special revenue account established in 23-2-108; and

(iv) 39 cents must be deposited in the Montana heritage preservation and development account established in 22-3-1004 and used for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$9 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional \$9 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be

collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be allocated as provided in 60-3-309.

(b) A person who registers one or more light vehicles may, at the time of annual registration, make a written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

(22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.

(23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle division administration account established in 61-3-112.

(b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current fiscal year appropriation for the account established in 61-3-112.

(24) ~~For the purposes of~~ As used in this section, "manufacturer's suggested retail price" means the price suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and first made available for retail sale by the manufacturer."

Section 17. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates or collector reproduction license plates on collector's item and general transportation collector's item motor vehicles -- definitions -- validation.

(1) As used in 61-3-413 and this section, the following definitions apply:

(a) "Collector reproduction license plate" means a license that is a reproduction of the original license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

1 To qualify as a collector reproduction license plate, the reproduction plate must be made of metal, must be the
2 same size and color as the original license plate, and must have the same design, including any embossed or
3 raised letters or numbers, as the original license plate.

4 (b) "General transportation collector's item" means a motor vehicle, trailer, semitrailer, or pole
5 trailer that is 25 years old or older and that is used for general transportation purposes.

6 (c) "Original Montana license plate" means a license plate issued according to the provisions of
7 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever
8 section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer
9 on which the license plate is authorized to be displayed.

10 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a
11 motor vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display
12 original Montana license plates or collector reproduction license plates, with validation as required in 61-3-413
13 or subsection (4) of this section, after:

14 (a) payment of the fee required in subsection (6);

15 (b) inspection by a highway patrol officer of the original Montana license plate or collector
16 reproduction license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon
17 payment of a \$5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

18 (i) the license plate is legible and meets the requirements of subsection (1); and

19 (ii) in the case of a license plate intended for use on a general transportation collector's item, the
20 license plate is visible at night;

21 (c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as
22 provided for in 61-3-411 or 61-3-413; and

23 (d) in the case of a general transportation collector's item application, certification from the
24 department that a duplicate license plate number does not exist among currently issued license plates.

25 (3) The owner of a motor vehicle, trailer, semitrailer, or pole trailer manufactured in the year 1948,
26 1949, or 1950 may display a single original Montana license plate that is affixed to the rear of the vehicle. The
27 original Montana license plate must be legible and must bear the year that matches the year in which the
28 vehicle was manufactured.

(4) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection (2), the department shall:

(a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(6) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of \$20."

Section 18. Section 61-3-413, MCA, is amended to read:

"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition - permanent registration required. ~~(1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.~~

(1) An owner of a general transportation collector's item who wishes to display original Montana license plates or collector reproduction license plates on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

(a) the name and address of the owner;

1 (b) the year and number of the license plate the applicant wishes to use; and

2 (c) the make, the gross weight, the year and number of the model, and the manufacturer's
3 identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

4 (2) Upon receipt of an application for registration of a general transportation collector's item that
5 will display an original Montana license plate, the department shall compare the number of the license plate that
6 the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles,
7 trailers, semitrailers, or pole trailers. The department may reject an application if the number the applicant
8 intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or
9 pole trailer. If the department approves the application, the department shall file the application and register the
10 motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

11 (3) Upon receipt of an application for registration of a general transportation collector's item that
12 will display a collector reproduction license plate, the department shall determine a distinctive license plate
13 number to be assigned to the collector reproduction license plate. The department may:

14 (a) issue a new license plate number following the requirements for issuing distinctive license plate
15 numbers under 61-3-331;

16 (b) issue a new personalized license plate number under 61-3-401 through 61-3-406; or

17 (c) at the request of the owner, transfer a license plate number that is already assigned to the
18 general transportation collector's item or another motor vehicle owned by the owner of the general
19 transportation collector's item.

20 (4) The general transportation collector's item owner may take the license plate number issued
21 pursuant to subsection ~~(4)-(3)~~ and purchase a collector reproduction license plate from any source.

22 (5) The one-time application fee for a collector reproduction license plate under subsection ~~(4)-(3)~~
23 is \$50. The fee must be deposited as follows:

24 (a) \$25 must be deposited into the state special revenue account to partially fund highway patrol
25 officers' salaries established in 44-1-504; and

26 (b) \$25 must be deposited into the motor vehicle division administration account established in 61-
27 3-112.

28 (6) Once an application is approved, appropriate fees are paid, and the requirements provided in

1 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor
 2 vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's,
 3 trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer,
 4 or pole trailer has been permanently registered."

5

6 **Section 19.** Section 61-3-503, MCA, is amended to read:

7 **"61-3-503. Assessment -- definition.** (1) (a) Except as provided in 61-3-520, light vehicles subject to
 8 a local option motor vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration
 9 period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection
 10 (2).

11 (b) If the depreciated value is less than \$500, the department shall value the motor vehicle at
 12 \$500.

13 (2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of
 14 light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier
 15 based on the type and age of the light vehicle determined from the following table:

Age of Vehicle (in years)	Type of Vehicle			
	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39

9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

1 (b) The age for the light vehicle is determined under 61-3-501.

2 (c) If the value of the light vehicle determined under subsection (2)(a) is \$500 or less, the value of
3 the light vehicle is \$500 and the value must remain at that amount as long as the light vehicle is registered.

4 (d) The depreciated value of a light vehicle that is 17 years old or older is computed by
5 depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10%
6 a year until a minimum value of \$500 is attained. The value must remain at that amount as long as the light
7 vehicle is registered.

8 (3) (a) ~~For the purposes of~~ As used in this section, "manufacturer's suggested retail price" means
9 the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first
10 made available for retail sale by the manufacturer.

11 (b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle
12 and does not contain price additions or deductions for optional accessories.

13 (c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the
14 department shall determine an alternative valuation for the motor vehicle."
15

16 **Section 20.** Section 61-4-102, MCA, is amended to read:

17 **"61-4-102. Dealer plates -- restriction of use -- fees -- definitions.** (1) Except as provided in
18 subsection (2), the department shall furnish a dealer licensed under this part with one or more sets of
19 numbered dealer plates in accordance with the provisions of this section.

20 (2) Dealer plates may not be issued to a new or used dealer whose business is restricted to the

1 sale of motorcycles, power sports vehicles, or trailers.

2 (3) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant
3 for a dealer's license shall pay an annual fee of \$25 for each set of numbered dealer plates requested and
4 issued.

5 (b) The number of dealer plates that may be issued to a dealer must be determined as follows:

6 (i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a
7 renewed license;

8 (ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates
9 based on the following formula:

10 (A) 5% of the first 100 motor vehicle sales for the previous year; plus

11 (B) 3% of the next 100 motor vehicle sales for the previous year; plus

12 (C) 2% of motor vehicle sales in excess of 200 for the previous year; and

13 (iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales
14 incrementally meet or exceed the requirements of the formula established in subsection (3)(b)(ii). However, the
15 aggregate number of sets of dealer plates issued to a dealer under this subsection (3)(b)(iii) may not exceed
16 the combined number allowed under subsections (3)(b)(i) and (3)(b)(ii).

17 (4) (a) A dealer is authorized to use and display dealer plates on a motor vehicle, except a
18 motorcycle, held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the
19 dealer's spouse, officers, or employees. The display of a Monroney label or a buyer's guide label, as required
20 by 61-4-123(2), on a motor vehicle bearing dealer plates is, for the purpose of this subsection (4), prima facie
21 evidence that the motor vehicle is offered for bona fide sale by the dealer.

22 (b) ~~For purposes of~~ As used in this subsection (4):

23 (i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement
24 or the importer's distribution agreement; and

25 (ii) ~~the term "employees"~~ the term "employees" means persons upon whom the dealer has paid social security taxes as
26 a full-time employee; and.

27 ~~(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123 (2), on a~~
28 ~~motor vehicle bearing dealer plates is prima facie evidence that the motor vehicle is offered for bona fide sale~~

1 by the dealer.

2 (5) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

3 (6) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as
4 provided in subsection (6)(b), shall file an annual report with the department certifying the disposition of each
5 set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person
6 primarily using each set of plates.

7 (b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of
8 the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the
9 name, address, and occupation of the person to whom the plates were assigned."

10

11 **Section 21.** Section 61-4-104, MCA, is amended to read:

12 **"61-4-104. Record of purchase or sale -- definitions.** (1) (a) A dealer, wholesaler, or auto auction
13 licensed under this part shall keep:

14 (i) a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of
15 used vehicles; and

16 (ii) for each used vehicle, a description of the vehicle, the date of purchase, sale, or consignment
17 of the vehicle, and the name and address of:

18 (A) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if
19 consigned, possessory interest in the vehicle;

20 (B) the person to whom the dealer, wholesaler, or auto auction assigned the vehicle; and

21 (C) a secured party with a perfected security interest in the vehicle to which the dealer's,
22 wholesaler's, or auto auction's interest is subordinate, if any.

23 (b) If the vehicle is a trailer, semitrailer, pole trailer, or special mobile equipment, the record must
24 include the manufacturer's number and other numbers or identification marks that appear on the vehicle.

25 (c) The vehicle description must also include the vehicle identification number, if any, and must
26 include a statement that a number has been obliterated, defaced, or changed if that has occurred.

27 (2) (a) Except as provided in subsection (2)(b), a dealer, wholesaler, or auto auction must also
28 have the actual or a readily accessible photocopy, electronic copy, or digital copy of the actual assigned

1 certificate of ownership, certificate of title, or manufacturer's certificate of origin from the owner of each vehicle
2 in which the dealer, wholesaler, or auto auction acquires a property interest that transfers ownership of the
3 vehicle to the dealer, wholesaler, or auto auction from the time the vehicle is delivered to the dealer,
4 wholesaler, or auto auction until it has been disposed of by the dealer, wholesaler, or auto auction.

5 (b) A dealer may offer for sale or may sell or exchange a vehicle without having the assigned
6 certificate of ownership, certificate of title, or manufacturer's certificate of origin if:

7 (i) the dealer has applied for the title as provided in Title 61, chapter 3, part 2; or

8 (ii) the vehicle is financed by the dealer as inventory through a financial institution, the financial
9 institution holds the certificate of ownership, certificate of title, or manufacturer's certificate of origin as
10 collateral, and the dealer has a readily accessible photocopy, electronic copy, or digital copy of the certificate of
11 ownership, certificate of title, or manufacturer's certificate of origin.

12 (3) It is a violation of this part for a dealer, wholesaler, or auto auction to fail to:

13 (a) take assignment of the certificate of ownership, certificate of title, or manufacturer's certificate
14 of origin for a vehicle acquired by the dealer, wholesaler, or auto auction; or

15 (b) assign the certificate of ownership, certificate of title, or manufacturer's certificate of origin for
16 any vehicle sold in which the dealer, wholesaler, or auto auction has a property interest.

17 (4) (a) Except as provided in subsection (4)(b), all records required to be kept in accordance with
18 this section and the odometer disclosure information required to be retained under 61-3-206(5) must be
19 physically located and maintained at or readily accessible within the building referred to in 61-4-101.

20 (b) A dealer, wholesaler, or auto auction that does not maintain the actual certificate of ownership,
21 certificate of title, or manufacturer's certificate of origin at the building referred to in 61-4-101 shall maintain a
22 readily accessible record of the certificate of ownership, certificate of title, or manufacturer's certificate of origin
23 at the building.

24 (c) ~~For the purposes of~~ As used in this section, "readily accessible" means available in paper form
25 or in an electronic or digital format.

26 (5) An authorized representative of the department, upon presentation of the representative's
27 credentials, may inspect and have access to and copy any records required under this chapter."
28

1 **Section 22.** Section 61-4-110, MCA, is amended to read:

2 **"61-4-110. Obligation of dealer to pay off liens on motor vehicles accepted in trade, purchase,**
3 **or consignment -- duties of dealer and secured party -- definition.** (1) (a) If a dealer accepts a motor
4 vehicle in trade or purchase from a customer and there is an outstanding loan balance owing on the traded or
5 purchased motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the
6 traded or purchased motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on
7 the traded or purchased motor vehicle by the earlier of the following dates:

8 (i) 21 days from the date of acceptance of the motor vehicle in trade; or

9 (ii) 15 days from the date of the receipt by the dealer of payment in full from the sale of the traded
10 motor vehicle.

11 (b) If a dealer accepts a motor vehicle from an owner for sale upon consignment and there is an
12 outstanding loan balance owing on the consigned motor vehicle, the dealer shall remit payment to the secured
13 party to whom the balance on the consigned motor vehicle is owed in an amount sufficient to satisfy the
14 perfected security interest on the consigned motor vehicle within 15 days from the date of the receipt by the
15 dealer of payment in full for sale of the consigned motor vehicle.

16 (2) A secured party who has been paid in full by a dealer in accordance with the terms of this
17 section shall forward to the department a properly executed release within:

18 (a) 15 business days after the business day on which the funds are received when the funds are in
19 cash, cashier's check, certified check, teller's check, or other certified source of funds;

20 (b) 18 business days after the business day on which the funds are received when the funds are in
21 the form of a check drawn on a local originating depository institution; or

22 (c) 21 business days after the business day on which the funds are received when the funds are in
23 the form of a check drawn on a nonlocal originating depository institution.

24 (3) ~~For purposes of~~ As used in this section, "business day" means a weekday, excluding any
25 weekday upon which a legal holiday falls."
26

27 **Section 23.** Section 61-4-111, MCA, is amended to read:

28 **"61-4-111. Used vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a

1 dealer or wholesaler who intends to resell a used motor vehicle, power sports vehicle, or trailer and who
2 operates the motor vehicle, power sports vehicle, or trailer only for demonstration purposes:

3 (a) is exempt from registration under 23-2-515, 23-2-616, 23-2-804, or 61-3-302(3) when applying
4 for a certificate of title; and

5 (b) may transfer or receive ownership of a motor vehicle, power sports vehicle, or trailer by use of
6 a dealer reassignment section on a certificate of title. However, when the allotted number of dealer
7 reassignment sections on a certificate of title has been completed, ownership of the motor vehicle, power sports
8 vehicle, or trailer may not be transferred until an application for a certificate of title has been submitted by the
9 dealer or an authorized agent to an authorized agent or the department and a new certificate of title has been
10 issued.

11 (2) Upon the transfer of a used motor vehicle, power sports vehicle, or trailer to a person other
12 than a dealer or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to
13 whom the used motor vehicle, power sports vehicle, or trailer was transferred if the dealer is an authorized
14 agent, ~~as defined in 61-1-101~~. In addition, the following acts are required of the dealer on or before the times
15 set forth in this subsection:

16 (a) Within 30 calendar days following the date of delivery of the motor vehicle, power sports
17 vehicle, or trailer or within 120 calendar days if a temporary registration permit is issued pursuant to 61-3-
18 303(4)(b), the dealer shall forward to an authorized agent or to the county treasurer of the county where the
19 owner of the motor vehicle, power sports vehicle, or trailer is domiciled:

20 (i) the assigned certificate of title or, if a certificate of title for the motor vehicle, power sports
21 vehicle, or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in
22 the dealer's possession; and

23 (ii) an application for a certificate of title executed by the new owner in accordance with the
24 provisions of 61-3-216 and 61-3-220.

25 (b) Transmission of the documents by the dealer to the county treasurer or an authorized agent
26 may be accomplished either by personal delivery, by first-class mail, or by electronic means, as authorized by
27 the department.

28 (c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within

1 the time set forth in subsection (2)(a), the dealer is subject to the provisions of 61-4-119.

2 (3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle,
3 power sports vehicle, or trailer is considered to have passed to the purchaser as of the date of the delivery of
4 the motor vehicle, power sports vehicle, or trailer to the purchaser by the dealer, and the dealer has no further
5 liability or responsibility with respect to the processing of registration."

6

7 **Section 24.** Section 61-4-121, MCA, is amended to read:

8 **"61-4-121. Temporary registration permit -- limitation on issuance and transfer -- violation --**

9 **penalty.** (1) If the dealer is an authorized agent, ~~as defined in 61-1-104,~~ the dealer may not issue more than
10 one temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

11 (2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to
12 issue temporary registration permits for a period of time determined by the department."

13

14 **Section 25.** Section 61-4-123, MCA, is amended to read:

15 **"61-4-123. Dealer requirements and restrictions -- definition.** (1) A used dealer may not sell a new
16 motor vehicle, a new power sports vehicle, or a new trailer.

17 (2) A dealer may not display at the dealer's established place of business or any approved off-
18 premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label
19 required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor
20 vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously
21 displayed within the motor vehicle in a fashion that is readily readable by a customer.

22 (3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle,
23 power sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's
24 established place of business as listed on the dealer's license.

25 (b) A dealer may park a motor vehicle in a storage lot if:

26 (i) local zoning regulations permit that type of use;

27 (ii) the lot is in the county where the dealer's established place of business is located;

28 (iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

1 (iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise
2 agreement.

3 (4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale
4 at a geographic location other than that of the dealer's established place of business as listed on the dealer's
5 license if the dealer obtains a permit from the department. The department may require proof from the dealer
6 that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances.
7 An off-premises display and sale must be conducted within the county of the dealer's licensed location unless
8 the off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor
9 vehicle dealer whose area of responsibility under the dealer's franchise agreement includes a county different
10 from the county in which the dealer's established place of business is located may conduct an off-premises
11 display and sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with
12 an established place of business in that county. The display and sale authorized by this subsection (4)(a) may
13 not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays
14 and sales during any 1 calendar year.

15 (b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an
16 airport terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are
17 made, or could be made, at the terminal or mall.

18 (c) Upon prior written notice to the department, a dealer may display one motor vehicle, power
19 sports vehicle, or trailer at a geographic location other than that of the dealer's established place of business as
20 listed on the dealer's license if no actual sales are made, or could be made, at the display location and the
21 display:

22 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit
23 corporation or association organized and operated exclusively for religious, charitable, scientific, or educational
24 purposes and the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is
25 being held or the program is being promoted; or

26 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly
27 identified business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned
28 or leased by the other business entity and where the other entity regularly conducts its business. A display

1 under this subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

2 (5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same
3 geographic location as another dealer's established place of business, each dealer shall ensure that all records,
4 office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly
5 identified and attributed to the appropriate dealer.

6 (6) A dealer shall install and maintain telephone service at the dealer's established place of
7 business. The telephone service must be listed in the directory assistance that applies to the area in which the
8 business is located, or if a cellular service is used, the dealer's cell phone number must be posted at the
9 dealer's established place of business.

10 (7) A dealer shall conspicuously post at the dealer's established place of business written notice
11 indicating the regular and customary office hours maintained by the dealer.

12 (8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that
13 covers any motor vehicle bearing a set of dealer plates or a demonstrator plate and any power sports vehicle
14 displaying a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise
15 may be operated by a customer in the regular course of the dealer's business operations.

16 (b) A dealer shall ensure that the department is named as a certificate holder on any general
17 liability insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of
18 insurance does not occur as a result of cancellation or termination of a previously certified policy.

19 (c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance
20 obligation imposed under chapter 6 of this title.

21 (9) A dealer shall display at the dealer's established place of business at least one sign stating the
22 name of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale,
23 trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and
24 readable to the major avenue of traffic at a minimum distance of 150 feet.

25 (10) As used in this section "storage lot" means property owned, leased, or rented by a dealer that
26 is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's
27 inventory may be placed when space at the dealer's established place of business is not available."

28

1 **Section 26.** Section 61-4-201, MCA, is amended to read:

2 **"61-4-201. Definitions.** As used in this part, the following definitions apply unless the context clearly
3 indicates otherwise:

4 (1) "Community" means the relevant market area of a franchise. For the purposes of this part, the
5 relevant market area of a franchise is the county or counties in which the franchisee is located.

6 (2) "Distribute" means to sell new motor vehicles other than at retail or to enter into a franchise
7 agreement authorizing a dealer to buy new motor vehicles for resale or to service motor vehicles under a
8 manufacturer's or distributor's warranty.

9 (3) "Distributor" or "wholesaler" means a person who sells or distributes a line-make of new motor
10 vehicles to new motor vehicle dealers in this state or who maintains distributor representatives in this state.

11 (4) "Distributor branch" means a branch office maintained or availed of by a distributor or
12 wholesaler for the sale of a line-make of new motor vehicles to new motor vehicle dealers in this state for
13 directing or supervising its representatives in this state.

14 (5) "Factory branch" means a branch office maintained or availed of by a manufacturer for the sale
15 of a line-make of new motor vehicles to distributors or for the sale of new motor vehicles to new motor vehicle
16 dealers in this state or for directing or supervising its representatives in this state.

17 (6) "Franchise" means a contract and any agreed-to amendments between or among two or more
18 persons when all of the following conditions are included:

19 (a) a commercial relationship of definite duration or continuing indefinite duration is involved;

20 (b) the franchisee is granted the right to:

21 (i) offer, sell, and service in this state new motor vehicles manufactured or distributed by the
22 franchisor; or

23 (ii) service motor vehicles pursuant to the terms of a franchise and a manufacturer's warranty;

24 (c) the franchisee, as an independent and separate business, constitutes a component of the
25 franchisor's distribution system; and

26 (d) the operation of the franchisee's business is substantially reliant on the franchisor for the
27 continued supply of new motor vehicles, parts, and accessories.

28 (7) "Franchisee" means a person who receives new motor vehicles from the franchisor under a

1 franchise and who offers, sells, and services the new motor vehicles to and for the general public.

2 (8) "Franchisor" means a person who manufactures, imports, or distributes new motor vehicles
3 and who may enter into a franchise.

4 (9) "Importer" means a person who transports or arranges for the transportation of a foreign
5 manufactured new motor vehicle into the United States for sale in this state.

6 (10) "Line-make" means vehicles that are offered for sale, lease, or distribution under a common
7 name, trademark, or service mark.

8 (11) "Manufacturer" means a person who manufactures or assembles a line-make of new motor
9 vehicles and distributes them directly or indirectly through one or more distributors to one or more new motor
10 vehicle dealers in this state or who manufactures or installs on previously assembled truck chassis special
11 bodies or equipment that, when installed, forms an integral part of the new motor vehicle and that constitutes a
12 major manufacturing alteration, but does not include a person who installs a camper on a pickup truck. The
13 term includes a central or principal sales corporation or other entity through which, by contractual agreement or
14 otherwise, a manufacturer distributes its products.

15 (12) "Motor vehicle" includes a motorboat and a personal watercraft ~~as defined in 23-2-502~~, a
16 snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

17 (13) "New motor vehicle" means a motor vehicle that has not been the subject of a retail sale
18 regardless of the mileage of the vehicle.

19 (14) "New motor vehicle dealer" means a person who buys, sells, exchanges, or offers or attempts
20 to negotiate a sale or exchange or any interest in or who is engaged in the business of selling new motor
21 vehicles under a franchise with the manufacturer of the new motor vehicles or used motor vehicles taken in
22 trade on new motor vehicles.

23 (15) (a) "Retail sale" means the sale of a new motor vehicle.

24 (b) "Retail sale" does not mean a sale:

25 (i) of a new motor vehicle to a purchaser who is acquiring the vehicle for the purposes of a resale;
26 or

27 (ii) that is the result of a transfer between two licensed new motor vehicle dealers.

28 (16) "Transferee" means a person or entity that:

- 1 (a) is in possession or control of a new motor vehicle dealer;
2 (b) holds an ownership or signed contract interest in a new motor vehicle dealer;
3 (c) is acting in a fiduciary capacity for a new motor vehicle dealer; or
4 (d) is an heir, devisee, personal representative, beneficiary, successor, or assign of a new motor
5 vehicle dealer."

6

7 **Section 27.** Section 61-4-212, MCA, is amended to read:

8 **"61-4-212. Damage notice -- definition.** (1) Except as provided in subsection (2), a franchisor is
9 required:

10 (a) to disclose in writing to a new motor vehicle dealer damage to a new motor vehicle delivered to
11 the new motor vehicle dealer if the damage is known to the franchisor and repaired, the damage occurred after
12 the manufacturing process is complete but before delivery to the new motor vehicle dealer, and the damage
13 exceeds 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's
14 authorized warranty rate for labor and parts; and

15 (b) to disclose in writing to a purchaser of the new motor vehicle before entering into a sales
16 contract that the new motor vehicle has been damaged and repaired if the damage to the new motor vehicle
17 exceeds 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's
18 authorized warranty rate for labor and parts.

19 (2) Disclosure is not required for any glass, tires, or bumper of a new motor vehicle if the damaged
20 item has been replaced with original or comparable equipment.

21 (3) If disclosure is not required under subsection (2), a purchaser may not revoke or rescind a
22 sales contract due solely to the fact that the new motor vehicle was damaged and repaired before completion of
23 the sale.

24 (4) ~~For purposes of~~ As used in this section, "franchisor's suggested retail price" means the retail
25 price of the new motor vehicle suggested by the franchisor, including the retail delivered price suggested by the
26 franchisor for each accessory or item of optional equipment physically attached to the new motor vehicle at the
27 time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the
28 franchisor for the new motor vehicle."

1

2 **Section 28.** Section 61-4-213, MCA, is amended to read:

3 **"61-4-213. Warranty reimbursement -- definitions.** (1) (a) If a motor vehicle franchisor requires or
4 permits motor vehicle franchisees to perform labor or provide parts in satisfaction of a warranty issued by the
5 franchisor:

6 (i) the motor vehicle franchisor shall reimburse the motor vehicle franchisee for the labor as
7 rendered, using the franchisor's labor time guide or the labor time guide used by the dealer for labor furnished
8 other than pursuant to warranty, at the dealer's election, and for parts and supplies, including but not limited to
9 engine, transmission, and other parts assemblies, as furnished, in an amount equal to the prevailing retail rate
10 charged by the franchisee for the labor or the prevailing retail markup charged by the franchisee for the parts
11 and supplies in circumstances in which the labor is rendered or the parts and supplies are furnished other than
12 pursuant to warranty;

13 (ii) the motor vehicle franchisor shall reimburse the motor vehicle franchisee pursuant to
14 subsection (1)(a)(i) for labor performed on and parts supplied for a motor vehicle by the franchisee in good faith
15 and in accordance with the manufacturer's warranty and written repair requirements and procedures,
16 notwithstanding any requirement that the franchisor accept the return of the motor vehicle or make payment to
17 a consumer with respect to the motor vehicle pursuant to the provisions of Title 61, chapter 4, part 5; and

18 (iii) the motor vehicle franchisee may establish its prevailing retail labor rate or parts markup by
19 submitting to the motor vehicle franchisor whichever of the following produces the fewer number of repair
20 orders, all of which must be for repairs made no more than 180 days before the submission:

21 (A) all consecutive repair orders that include 100 sequential repair orders reflecting qualified
22 repairs; or

23 (B) all repair orders closed during any period of 90 consecutive days.

24 (b) The submission required under subsection (1)(a)(iii) may consist of:

25 (i) a single set of repair orders for calculating both the franchisee's prevailing retail labor rate and
26 its parts markup;

27 (ii) separate sets of repair orders, one for calculating the franchisee's prevailing retail labor rate
28 and the other for calculating its parts markup; or

(iii) a set of repair orders for calculating only the franchisee's prevailing retail labor rate or only its prevailing retail parts markup.

(2) The motor vehicle franchisee shall calculate its prevailing retail labor rate by determining the total charges for labor from the qualified repairs submitted and then dividing that amount by the total number of hours charged for the repairs.

(3) The motor vehicle franchisee shall calculate its prevailing retail parts markup by determining the total charges for parts from the qualified repairs submitted, dividing that amount by the franchisee's total cost of the purchase of those parts including shipping and other charges, subtracting 1, and multiplying by 100 to produce a percentage.

(4) The motor vehicle franchisee shall provide written notice to the motor vehicle franchisor of its prevailing retail labor rate or prevailing retail parts markup calculated in accordance with subsection (2) or (3) if the franchisee seeks to be compensated under subsection (1).

(5) Any discounts must be allocated as indicated on the face of a repair order between parts and labor. If no allocation is indicated, they must be allocated pro rata. Manufacturer or distributor promotional reward program cash-equivalent pay methods may not be considered discounts.

(6) (a) The prevailing retail labor rate or the prevailing retail parts markup that is declared must go into effect 30 days following the motor vehicle franchisor's receipt of the notice referred to in subsection (2) unless within the 30-day period the franchisor contests the declaration by written notice of objection, received by the motor vehicle franchisee within the 30-day period, that the declared rate or markup is materially inaccurate.

(b) The objection must contain:

(i) a full explanation of any and all reasons that the declared rate is materially inaccurate;

(ii) evidence substantiating each stated reason;

(iii) a copy of all calculations used by the franchisor to demonstrate the material inaccuracy; and

(iv) a proposed adjusted retail labor rate or retail parts rate, as applicable.

(c) The motor vehicle franchisor may not submit more than one notice of objection to the motor vehicle franchisee with respect to any declared labor rate or retail parts markup, except in connection with litigation. After submitting the notice of objection, the franchisor may not add to, expand, supplement, or

1 otherwise modify any element of the objection, including but not limited to its grounds for contesting the labor
2 rate or parts markup, except in connection with litigation.

3 (d) A revision or supplement to a submission to correct or clarify the submission does not
4 constitute a new submission for any purpose, including but not limited to that of subsection (9).

5 (7) In a judicial proceeding or a department proceeding involving an application or enforcement of
6 the provisions of 61-4-203, 61-4-204, and 61-4-210(4):

7 (a) the issue must be limited to whether the labor rate or parts markup submitted by the motor
8 vehicle franchisee was materially inaccurate;

9 (b) the motor vehicle franchisor has the burden of proof; and

10 (c) any resolution of the matter must be retroactive to the date 30 days following the franchisor's
11 receipt of the franchisee's submission.

12 (8) A motor vehicle franchisor may not directly or indirectly:

13 (a) (i) require a motor vehicle franchisee to establish or alter its labor rate or parts markup by any
14 means or methodology other than as prescribed in 61-4-204; or

15 (ii) except to object to or rebut a franchisee's declared retail labor rate or parts markup, itself
16 initiate a process to establish or alter that labor rate or parts markup, including but not limited to:

17 (A) substituting any other purported qualified repair order sample for that submitted by a
18 franchisee, including but not limited to the use, for purposes of establishing or reducing the franchisee's labor
19 rate, of the franchisee's sample submitted for purposes of establishing or increasing its parts markup or the use,
20 for purposes of establishing or reducing the franchisee's parts markup, of the franchisee's sample submitted for
21 purposes of establishing or increasing its labor rate; or

22 (B) imposing an unduly burdensome or time-consuming method or requiring information that is
23 unduly burdensome or time-consuming to provide, including but not limited to part-by-part or transaction-by-
24 transaction calculations;

25 (b) recover or attempt to recover all or any portion of the franchisor's costs for compensating its
26 dealers for warranty labor, parts, or supplies, either by reduction in the amount due or by separate charge or a
27 surcharge to the wholesale price paid by the dealer to the franchisor for any product, including motor vehicles
28 and parts;

- 1 (c) establish or implement a special part number for parts used in warranty work if it results in
2 lower compensation to the franchisee than as calculated in this section;
- 3 (d) require, influence, or attempt to influence a franchisee to implement or change the prices for
4 which it sells parts or labor in retail repairs;
- 5 (e) take or threaten to take adverse action against a franchisee who seeks to obtain compensation
6 pursuant to this section or dissuade or discourage the franchisee from doing so, including but not limited to:
- 7 (i) creating or implementing an obstacle or process that is inconsistent with the franchisor's
8 obligations to the franchisee under this section;
- 9 (ii) acting or failing to act, other than in good faith;
- 10 (iii) hindering, delaying, or rejecting the proper and timely payment of compensation due under this
11 section to a franchisee;
- 12 (iv) establishing, implementing, enforcing, or applying any policy, standard, rule, program, or
13 incentive regarding compensation due under this section other than in a uniform and consistent manner among
14 the franchisor's franchisees in this state; or
- 15 (v) conducting or threatening to conduct any warranty repair, nonwarranty repair, or other service-
16 related audit; or
- 17 (f) implement or continue a policy, procedure, or program to any of its franchisees for
18 compensation that is inconsistent with this section.
- 19 (9) A motor vehicle franchisee may not submit, to establish or increase rates paid pursuant to
20 subsections (1)(a)(iii) and (1)(b):
- 21 (a) its warranty labor rate more than once in a 12-month period; and
22 (b) its warranty parts markup more than once in a 12-month period.
- 23 (10) A recreational motor vehicle franchisee's warranty compensation for parts means actual
24 wholesale cost plus a minimum 30% handling charge and any freight costs incurred to return the removed parts
25 to the recreational motor vehicle franchisor.
- 26 (11) If a motor vehicle franchisor supplies a part or parts to a motor vehicle franchisee at no cost or
27 at a reduced cost for use in fulfilling a warranty, the franchisor must compensate the franchisee for the
28 franchisee's cost of the part, if any, plus an amount equal to the franchisee's prevailing retail parts markup,

1 multiplied by the fair wholesale value of the part. The fair wholesale value of the part is the greater of:

2 (a) the amount the franchisee paid for the part or a substantially identical part if already owned by
3 the franchisee;

4 (b) the cost of the part shown in a current or prior established price schedule of the franchisor; or

5 (c) the cost of a substantially identical part shown in a current or prior established price schedule
6 of the franchisor.

7 (12) (a) The motor vehicle franchisor shall reimburse the motor vehicle franchisee for parts supplied
8 and labor rendered under a warranty within 30 days after approval of a claim for reimbursement.

9 (b) All claims for reimbursement must be approved or disapproved within 30 days after receipt of
10 the claim by the motor vehicle franchisor. When a claim is disapproved, the motor vehicle franchisee must be
11 notified in writing of the grounds for the disapproval. A claim that has been approved and paid may not be
12 charged back to the franchisee unless it can be shown that the claim was false or fraudulent, that the labor was
13 not properly performed, or that the parts or labor were unnecessary to correct the defective condition.

14 (c) A manufacturer may not deny a claim or reduce the amount to be reimbursed to the dealer if
15 the dealer has provided reasonably sufficient documentation demonstrating that the dealer performed the
16 services in compliance with the written policies and procedures of the manufacturer known to the dealer at the
17 time of submission of the claim.

18 (d) A manufacturer may not deny a claim based solely on a dealer's incidental failure to comply
19 with a specific claim processing requirement, such as a clerical error or other administrative technicality that
20 does not put into question the legitimacy of the claim.

21 (e) A franchisor may not audit a claim after the expiration of 12 months following the payment of
22 the claim.

23 (13) ~~For the purposes of~~ As used in this section, the following definitions apply:

24 (a) "Labor" means work or service performed, including that of a diagnostic character, with respect
25 to repair of a motor vehicle.

26 (b) "Parts" means original or replacement parts, accessories, and components with respect to a
27 motor vehicle, including engine, transmission, and other parts assemblies.

28 (c) (i) "Qualified repair" means a repair to a vehicle that:

1 (A) would have come within the motor vehicle franchisor's new vehicle warranty but for the vehicle
2 having exceeded the time or mileage limit of the warranty;

3 (B) does not otherwise constitute warranty work; and

4 (C) does not constitute any of the work encompassed by subsection (13)(c)(ii).

5 (ii) The term does not include:

6 (A) routine maintenance, including but not limited to replacements of fluids, filters, batteries, bulbs,
7 belts, nuts, bolts, or fasteners, unless provided in the course of and related to a repair;

8 (B) replacements of or work on tires, wheels, or elements related to either tires or wheels, including
9 but not limited to vehicle alignments and tire or wheel rotations;

10 (C) repairs for which volume discounts have been negotiated with government agencies, insurers,
11 extended warranty or service contract providers, or other third-party payors;

12 (D) repairs that are the subject of motor vehicle franchisor special events, promotions, or service
13 campaigns or are otherwise subject to motor vehicle franchisor discounts;

14 (E) repairs of motor vehicles owned by the dealer or an employee of the dealer;

15 (F) installations of accessories;

16 (G) repairs of conditions caused by collision, road hazard, the force of the elements, vandalism,
17 theft, or owner, operator, or third-party negligence or deliberate acts;

18 (H) safety or vehicle emission inspections required by law;

19 (I) vehicle reconditioning;

20 (J) parts sold at wholesale;

21 (K) repairs using aftermarket parts; or

22 (L) goodwill repairs or replacements approved and reimbursed by the motor vehicle franchisor.

23 (d) "Qualified repair order" means a repair order that encompasses, in whole or in part, a qualified
24 repair or repairs.

25 (e) "Repair order" means an invoice paid by a retail customer and closed as of the time of
26 submission, encompassing one or more repairs to or other work on a vehicle, and reflecting, in the case of a
27 prevailing retail parts markup submission, the cost of each part and its sale price and, in the case of a prevailing
28 retail labor rate submission, the labor hours allocated to each job and the sale price of the labor. The invoice

1 may be submitted in electronic form.

2 (f) "Warranty" means, in addition to a new motor vehicle warranty, predelivery preparation, a
3 recall, or a certified preowned warranty, in each case issued or administered by a motor vehicle franchisor."

4

5 **Section 29.** Section 61-4-222, MCA, is amended to read:

6 **"61-4-222. Fees.** (1) Upon making the application required under 61-4-221, the manufacturer shall
7 pay to the department a fee of \$250, which entitles the manufacturer to one set of license plates, and an
8 additional fee of \$20 for each additional set of license plates. The manufacturer may receive one set of license
9 plates for each manufacturer's representative.

10 (2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal
11 watercraft as defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in
12 23-2-801."

13

14 **Section 30.** Section 61-4-402, MCA, is amended to read:

15 **"61-4-402. Definitions.** As used in this part, the following definitions apply:

16 (1) "Finance company" or "finance agency" means a person, firm, association, corporation, or
17 other organization engaged in the business of buying, selling, assigning, dealing, financing, or acquiring
18 conditional contracts of sale or engaged in the business of purchasing or acquiring promissory notes or any
19 other form or evidences of indebtedness of sale, either secured by vendor's lien, conditional bill of sale, chattel
20 mortgage, or leases arising out of the sale of motor vehicles in this state.

21 (2) ~~The term "manufacturer"~~ "Manufacturer" means a person, firm, corporation, partnership, or
22 association engaged either directly or indirectly in the manufacture or wholesale distribution of motor vehicles.

23 (3) ~~The term "motor vehicle", as used in this part,~~ "Motor vehicle" includes a personal watercraft as
24 defined in 23-2-502, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

25 (4) ~~The terms "sell"~~ "Sell", "sold", "buy", and "purchase", ~~as used in this part,~~ include exchange,
26 barter, gift, and offer or contract to sell or buy.

27 (5) ~~The term "wholesale distributor"~~ "Wholesale distributor" means a person, firm, association,
28 corporation, or other organization engaged directly or indirectly in the sale or distribution of motor vehicles to

1 agents or to dealers."

2

3 **Section 31.** Section 61-4-501, MCA, is amended to read:

4 **"61-4-501. Definitions.** ~~For purposes of~~ As used in this part, the following definitions apply:

5 (1) "Collateral charge" means all governmental charges, including but not limited to sales tax,
6 property tax, license and registration fees, and fees in lieu of tax.

7 (2) "Consumer" means the purchaser or lessee, other than for purposes of resale or lease, of a
8 passenger motor vehicle used for personal, family, or household purposes that has not been brought into
9 nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations. The term includes
10 any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an
11 express warranty applicable to the passenger motor vehicle and any other person entitled by the terms of the
12 warranty to enforce the obligations of the warranty.

13 (3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

14 (4) "Manufacturer" has the meaning applied to that word in 61-4-201.

15 (5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home,
16 propelled by its own power, designed primarily to transport persons or property upon the public highways, and
17 sold or registered in this state.

18 (b) The term does not include:

19 (i) a truck with 15,000 pounds or more gross vehicle weight rating; or

20 (ii) components, systems, fixtures, appliances, furnishings, accessories, and features that are
21 designed, used, and maintained primarily for residential purposes.

22 (6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by
23 the consumer and any previous consumers prior to the first written notice of the nonconformity to the
24 manufacturer or its agent and during any subsequent period when the motor vehicle is not out of service
25 because of nonconformity. The reasonable allowance for use must be computed by multiplying the total
26 contract price of the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator
27 the number of miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

28 (7) "Warranty period" means the period ending 2 years after the date of the original delivery to the

1 consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

2

3 **Section 32.** Section 61-5-104, MCA, is amended to read:

4 **"61-5-104. Exemptions -- definition.** (1) The following persons are exempt from licensure under this
5 chapter:

6 (a) a person who is a member of the armed forces of the United States while operating a motor
7 vehicle owned by or leased to the United States government and being operated on official business;

8 (b) a person who is a member of the armed forces of the United States on active duty in Montana
9 who holds a valid license issued by another state and the spouse of the person who holds a valid license
10 issued by another state;

11 (c) a person on active duty in the armed forces of the United States and in immediate possession
12 of a valid license issued to that person in a foreign country by the armed forces of the United States, for a
13 period of 45 days from the date of the person's return to the United States;

14 (d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined
15 in 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

16 (e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad
17 utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including
18 operation on a railroad crossing a public street, road, or highway. A person employed as described in this
19 subsection is not required to display a driver's license to a law enforcement officer in connection with the
20 operation of a railroad train within Montana.

21 (f) a person who temporarily drives, operates, or moves an off-highway vehicle on a forest
22 development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway
23 vehicle use by the United States forest service if the person:

24 (i) is under 16 years of age but at least 12 years of age; and

25 (ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's
26 possession a certificate showing the successful completion of an off-highway vehicle safety education course
27 approved by the department of fish, wildlife, and parks and is in the physical presence of a person who
28 possesses a license issued under this chapter.

(2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid operator's license issued to the nonresident by the nonresident's home state or country may operate a motor vehicle, except a commercial motor vehicle, in this state.

(3) (a) A nonresident who is in immediate possession of a valid commercial driver's license issued to the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

(b) ~~For the purpose of~~ As used in this chapter, "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, a province or territory of Canada, or the federal district of Mexico.

(4) A nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

(5) (a) A driver's license issued under this chapter to a person who enters the United States armed forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service.

(b) A person serving in the United States armed forces may renew the person's driver's license at any point of the person's service, and any renewed license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law.

(c) A person serving in the United States armed forces may apply for a Montana driver's license upon meeting the requirements in 61-5-103, and this license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service."

Section 33. Section 61-5-112, MCA, is amended to read:

"61-5-112. Reciprocal agreements. The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license ~~because the vehicles are not considered commercial motor vehicles as provided in 61-1-101(10)(b)(ii).~~"

1

2 **Section 34.** Section 61-5-119, MCA, is amended to read:

3 **"61-5-119. Definitions Cancellation defined.** (1) For the purposes of 61-5-120, "driver rehabilitation
4 specialist" means a person who:

5 (a) ~~possesses current certification from the association of driver educators for the disabled as a~~
6 ~~driver rehabilitation specialist; or~~

7 (b) ~~(i) provides comprehensive services in the clinical evaluation of the abilities of a person with a~~
8 ~~disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment,~~
9 ~~motor vehicle modification prescription, and driver education;~~

10 (ii) ~~(A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,~~
11 ~~occupational, or recreational therapy, or in a related profession; or~~

12 ~~(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and~~

13 (iii) ~~has at least 1 year of experience in the area of driver evaluation and training for individuals with~~
14 ~~disabilities.~~

15 (2) ~~For the purposes of~~ As used in this chapter, unless the context requires otherwise,
16 "cancellation" means that a driver's license is annulled and terminated because of some error or defect or
17 because the licensee is no longer entitled to the license. Except as provided in 61-5-201(3), the cancellation of
18 a license is without prejudice and application for a new license may be made at any time after cancellation."

19

20 **Section 35.** Section 61-5-120, MCA, is amended to read:

21 **"61-5-120. Medical assessment and rehabilitation driving permit -- definition.** (1) Upon the
22 written request of a licensed physician, licensed physician assistant, or advanced practice registered nurse, as
23 defined in 37-8-102, on a form prescribed by the department, the department may authorize a driver
24 rehabilitation specialist to issue a temporary medical assessment and rehabilitation driving permit to a person
25 who is not licensed to drive or whose license has expired under the provisions of this chapter for the purpose of
26 driver assessment, rehabilitation, and training.

27 (2) The temporary permit may be issued only to a person who is 16 years of age or older.

28 (3) The permit is valid for up to 6 weeks, beginning with the date of the first evaluation of the

1 permitholder by the driver rehabilitation specialist. The driver rehabilitation specialist shall sign and date the
2 permit at the time of the first evaluation.

3 (4) The permit is valid only when the permitholder is operating a motor vehicle under the
4 immediate supervision of the driver rehabilitation specialist during the permitholder's participation in an actual
5 in-vehicle evaluation process.

6 (5) The department may extend the duration of a medical assessment and rehabilitation permit for
7 an additional 6-week period if the driver rehabilitation specialist, licensed physician, licensed physician
8 assistant, or advanced practice registered nurse certifies that the permitholder needs additional time to
9 complete the driver assessment, rehabilitation, and training process.

10 (6) As used in this section, "driver rehabilitation specialist" means a person who:

11 (a) possesses current certification from the association of driver educators for the disabled as a
12 driver rehabilitation specialist; or

13 (b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a
14 disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment,
15 motor vehicle modification prescription, and driver education;

16 (ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,
17 occupational, or recreational therapy, or in a related profession; or

18 (B) has an equivalent of 8 years of experience in driver rehabilitation and education; and

19 (iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with
20 disabilities."

21
22 **Section 36.** Section 61-5-232, MCA, is amended to read:

23 **"61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant
24 to 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the
25 national driver register may petition the district court of the county in which the person resides for a restricted-
26 use driving permit for use only within the state of Montana if:

27 (a) the person has maintained continuous residence in Montana for at least 5 years and is not
28 otherwise ineligible for a license under 61-5-105;

(b) the person submits a certified driving record from the licensing agency of each state that has reported the person's status as ineligible to the national driver register that shows that at least 5 years have elapsed from the effective date of the most recent withdrawal of the person's driver's license or driving privileges by the other state or states;

(c) for the 5-year period immediately preceding application for a restricted-use driving permit, the person has not been convicted in any jurisdiction of a felony or misdemeanor offense;

(d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are currently pending against the person;

(e) the person certifies that a good faith effort was made to resolve the person's ineligible status through the licensing agency of each state or states that reported the person's status as ineligible to the national driver register, including the payment of any pending fees or fines; and

(f) the person provides any other information required by department rule.

(2) The department may issue a restricted-use driving permit only to a person who satisfies all of the requirements of this section as determined by a district court pursuant to subsection (1). A person who is issued a restricted-use driving permit may use it only for an essential driving purpose as defined by the department.

(3) ~~For purposes of~~ As used in this section, the following definitions apply:

(a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving privilege underlying a current ineligible status report made by another state's licensing agency to the national driver register.

(b) "National driver register" means the registry established under 49 U.S.C. 30302.

(c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this state for essential driving purposes only and that is issued by the department to a person whose status on the national driver register is reported as ineligible to operate a motor vehicle other than a commercial motor vehicle."

Section 37. Section 61-6-102, MCA, is amended to read:

"61-6-102. Definitions. As used in this part, unless the context clearly indicates a different meaning,

1 the following definitions apply:

2 (1) "Commercial automobile insurance coverage" means any coverage provided to an insured,
3 regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form
4 and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in
5 underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics,
6 including but not limited to experience rating, schedule rating, loss rating, or deductible rating.

7 (2) "Insurer" means an authorized insurer, as defined in 33-1-201, who issues or renews a motor
8 vehicle liability policy.

9 (3) "Judgment" means any judgment that has become final by expiration without appeal of the time
10 within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of
11 competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership,
12 maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services,
13 because of bodily injury to or death of any person or for damages because of injury to or destruction of
14 property, including the loss of use of property, or upon a cause of action on an agreement of settlement for
15 damages.

16 (4) "License" means a driver's license as defined in 61-1-101.

17 (5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer
18 than 500 vehicles in this state.

19 (6) (a) "Motor vehicle liability policy" means a policy of insurance issued or renewed by an insurer
20 to a person who owns or operates a motor vehicle that meets or exceeds the minimum coverage limits under
21 61-6-103, including a policy certified as provided in 61-6-133 as proof of financial responsibility.

22 (b) A certificate filed for a nonresident as proof of financial responsibility under 61-6-134 must be
23 treated as a motor vehicle liability policy under this part.

24 (7) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the
25 laws of this state pertaining to the operation by the nonresident of a motor vehicle or the use of a motor vehicle
26 owned by the nonresident in this state.

27 (8) "Person" means every natural person, firm, partnership, association, or corporation.

28 (9) "Proof of financial responsibility" means proof of ability to respond in damages for liability on

1 account of accidents occurring subsequent to the effective date of the proof of financial responsibility, arising
2 out of the ownership, maintenance, or use of a motor vehicle.

3 (10) "State" means any state, territory, or possession of the United States, the District of Columbia,
4 or any province of the Dominion of Canada.

5 (11) "Suspension" means the withdrawal, by action of the department, of a motor vehicle's
6 registration, ~~as defined in 61-1-101~~, for a period of time prescribed by department rule.

7 (12) "System" means the online motor vehicle liability insurance verification system created in 61-6-
8 157."

9

10 **Section 38.** Section 61-6-302, MCA, is amended to read:

11 **"61-6-302. Proof of compliance -- definition.** (1) The registration receipt required by 61-3-322 must
12 contain a statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate
13 the vehicle without a valid motor vehicle liability insurance policy, or a certificate of self-insurance, as required
14 by 61-6-301.

15 (2) (a) Each owner or operator of a motor vehicle shall carry in the motor vehicle as proof of
16 compliance with 61-6-301 either:

17 (i) an insurance card approved by the department but issued by the insurance carrier to the motor
18 vehicle owner; or

19 (ii) an electronic device on which an electronic document issued by the insurance carrier showing
20 proof of compliance with 61-6-301 may be displayed.

21 (b) If the insurance card or electronic document is issued under a commercial automobile
22 insurance policy or a self-insured fleet, the insurance card or electronic document must indicate the status as
23 "commercially insured" or "fleet".

24 (c) A motor vehicle owner or operator shall exhibit the insurance card or display the electronic
25 document on demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol
26 officer, or a field deputy or inspector of the department.

27 (d) A person commits an offense under this subsection if the person fails to carry in the motor
28 vehicle the insurance card or an electronic device on which the electronic document may be displayed or fails

1 to exhibit the insurance card or display the electronic document on demand of a person specified in subsection
2 (2)(c).

3 (e) ~~For the purposes of~~ As used in this subsection (2), "insurance card" includes an electronic
4 representation or equivalent of a documentary insurance card that the insurer delivers by electronic means, as
5 defined in 33-15-601, to satisfy the requirements of this subsection (2).

6 (3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2),
7 the officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and
8 serve the complaint and notice to appear on the owner of the vehicle:

9 (a) personally; or

10 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration
11 receipt for the vehicle or, following query through available law enforcement systems, at the address
12 maintained for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

13 (4) An owner or operator charged with violating subsection (2) may not be convicted if:

14 (a) the arresting or issuing officer or another person authorized to access information from the
15 online motor vehicle liability insurance verification system under 61-6-309 submits to the system, when
16 implemented, a request that provides proof of insurance valid at the time the alleged violation took place; or

17 (b) when the system under 61-6-157 is not available, the person produces in court or the office of
18 the arresting or issuing officer proof of insurance valid at the time the alleged violation took place."

19
20 **Section 39.** Section 61-8-105, MCA, is amended to read:

21 **"61-8-105. Obedience to peace officers, flag persons, crossing guards, and public safety**
22 **workers -- definitions.** A person may not willfully fail or refuse to comply with a lawful order or direction of a
23 peace officer, flag person, crossing guard, or public safety worker pertaining to the use of the highways by
24 traffic. ~~For purposes of~~ As used in this section:

25 (1) "peace officer" has the same meaning as provided in 7-32-303; and

26 (2) "public safety worker" means a person who is authorized to provide assistance at the scene of
27 an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an
28 emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator

1 appointed by a law enforcement agency."

2

3 **Section 40.** Section 61-8-110, MCA, is amended to read:

4 **"61-8-110. Forest development road, special service road defined.** ~~For the purpose of~~ As used in
5 61-8-111 and 61-8-112 a :

6 (1) "forest development road" ~~is defined as~~ means a road located on national forest lands or on a
7 right-of-way acquired by the United States and used for the protection, administration, and utilization of the
8 national forests and other lands administered by the United States forest service; and a

9 (2) "special service road" ~~is defined as~~ means a forest development road or segment thereof of a
10 forest development road, the right-of-way for which is controlled by the United States and which is not a part of
11 the highway system of the state or of a county or other public road authority of this state, designated by the
12 forest service, pursuant to the regulations of the secretary of the United States department of agriculture, as a
13 special service road for the purpose of controlling and regulating its use to accomplish the purposes of the
14 secretary of agriculture's regulations applicable to the administration of the forest development transport
15 system."

16

17 **Section 41.** Section 61-8-303, MCA, is amended to read:

18 **"61-8-303. Speed restrictions -- definitions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-
19 8-312, the speed limit for vehicles traveling:

20 (a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an
21 hour at all times and the speed limit for vehicles traveling on interstate highways within an urbanized area of
22 50,000 population or more is 65 miles an hour at all times;

23 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles
24 an hour during the nighttime;

25 (c) in an urban district is 25 miles an hour.

26 (2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits
27 imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the
28 right-hand lane under the following circumstances:

1 (a) while traveling on a two-lane road; and

2 (b) in a designated passing zone.

3 (3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a
4 vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and
5 prudent under the conditions existing at the point of operation, taking into account the amount and character of
6 traffic, visibility, weather, and roadway conditions.

7 (4) Except when a special hazard exists that requires lower speed for compliance with subsection
8 (3), the limits specified in this section are the maximum lawful speeds allowed.

9 (5) ~~"Daytime"~~ As used in this section, "daytime" means from one-half hour before sunrise to one-
10 half hour after sunset. "Nighttime" means at any other hour.

11 (6) The speed limits set forth in this section may be altered by the transportation commission or a
12 local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

13 (7) A person who violates this section is subject to the penalties provided in 61-8-725."
14

15 **Section 42.** Section 61-8-376, MCA, is amended to read:

16 **"61-8-376. Authorized operation of electric personal assistive mobility devices.** Electric personal
17 assistive mobility devices, ~~as defined in 61-1-101,~~ are permitted to operate on sidewalks, unless they are
18 prohibited by official traffic control devices, on bike paths, and on roads and streets that have a speed limit of
19 35 miles an hour or less."
20

21 **Section 43.** Section 61-8-803, MCA, is amended to read:

22 **"61-8-803. Suspension of commercial driver's license -- serious traffic violations -- definition.**

23 (1) If the department receives notice from a court or another licensing jurisdiction that a person holding or
24 required to hold a commercial driver's license has been convicted of more than one serious traffic violation in
25 separate incidents within a 3-year period, the department shall suspend the person's commercial driver's
26 license:

27 (a) for 60 days upon receipt of notice of the second conviction; or

28 (b) for 120 days upon receipt of notice of the third or subsequent conviction.

1 (2) ~~For purposes of~~ As used in this section, "serious traffic violation" means conviction, when
2 operating a commercial motor vehicle, of:
3 (a) speeding 15 or more miles an hour above a posted speed limit;
4 (b) reckless driving, reckless endangerment of a highway worker, or reckless endangerment of
5 emergency personnel;
6 (c) improper or erratic traffic lane changes;
7 (d) following too closely;
8 (e) a violation of a state law or local ordinance relating to the operation of a motor vehicle,
9 excluding a parking, weight, or equipment violation, that arises in connection with a fatal accident;
10 (f) operating a commercial motor vehicle without a commercial driver's license;
11 (g) operating a commercial motor vehicle without a commercial driver's license in one's possession
12 or refusing to display a commercial driver's license upon request;
13 (h) operating a commercial motor vehicle without the proper class of commercial driver's license or
14 endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or
15 types of cargo being transported; or
16 (i) using a mobile device to send text messages while operating a commercial motor vehicle in
17 violation of a state or local law or ordinance on motor vehicle traffic control.
18 (3) A person is considered to have committed a second or subsequent serious traffic violation if
19 less than 3 years have passed between the date of an offense that resulted in a prior conviction and the date of
20 the offense that resulted in the most recent conviction."
21

22 **Section 44.** Section 61-8-1001, MCA, is amended to read:

23 **"61-8-1001. Definitions.** As used in this part, unless the context requires otherwise and unless a
24 different meaning plainly is required, the following definitions apply:

25 (1) "Aggravated driving under the influence" means a person is in violation of 61-8-1002(1)(a),
26 (1)(b), (1)(c), or (1)(d) and:

27 (a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other
28 bodily substance, is 0.16 or more;

1 (b) the person is under the order of a court or the department to equip any motor vehicle the
2 person operates with an approved ignition interlock device;

3 (c) the person's driver's license or privilege to drive is suspended, cancelled, or revoked as a result
4 of a prior violation of driving under the influence, including a violation of 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d),
5 an offense that meets the definition of aggravated driving under the influence, or a similar offense under
6 previous laws of this state or the laws of another state; or

7 (d) the person refuses to give a breath sample as required in 61-8-1016 and the person's driver's
8 license or privilege to drive was suspended, cancelled, or revoked under the provisions of an implied consent
9 statute.

10 (2) "Alcoholic beverage" means a compound produced for human consumption as a drink that
11 contains 0.5% or more of alcohol by volume.

12 (3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of
13 alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

14 (4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more
15 passengers, including the driver.

16 (5) "Camper" has the meaning provided in 61-1-101.

17 (6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

18 (7) "Drug" means any substance that when taken into the human body can impair a person's ability
19 to operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

20 (8) "DUI court" means any court that has established a special docket for handling cases involving
21 persons convicted under 61-8-1007 or 61-8-1008 and that implements a program of incentives and sanctions
22 intended to assist a participant to complete treatment ordered pursuant to 61-8-1009 and to end the
23 participant's criminal behavior associated with the use of alcohol or drugs.

24 (9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

25 (10) "Motor home" has the meaning provided in 61-1-101.

26 (11) "Motor vehicle" has the meaning provided in 61-1-101.

27 (12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains
28 any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially

1 removed.

2 (13) "Passenger area" means the area designed to seat the driver and passengers while a motor
3 vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a
4 passenger is seated in the vehicle, including an unlocked glove compartment.

5 (14) "Under the influence" ~~means that as a result of taking into the body alcohol, drugs, or any~~
6 ~~combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished~~ has the
7 meaning provided in 61-1-101.

8 (15) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a
9 bicycle."

10

11 **Section 45.** Section 61-9-105, MCA, is amended to read:

12 **"61-9-105. Obedience to peace officers, highway patrol officers, and public safety workers --**
13 **definition.** (1) A person may not willfully fail or refuse to comply with a lawful order or direction of a peace
14 officer, highway patrol officer, or public safety worker pertaining to the use of the highways by traffic.

15 (2) ~~For purposes of~~ As used in this section, "public safety worker" means a person who is
16 authorized to provide assistance at the scene of an incident that requires traffic control and who is either a
17 member of a paid or volunteer fire department, an emergency medical service provider, a member of a search
18 and rescue team, or a civilian accident investigator appointed by a law enforcement agency."

19

20 **Section 46.** Section 61-9-204, MCA, is amended to read:

21 **"61-9-204. Taillamps -- definition.** (1) A motor vehicle, trailer, semitrailer, and pole trailer and any
22 other vehicle that is being drawn at the end of a combination of vehicles must be equipped with at least one
23 properly functioning taillamp mounted on the rear that emits a red light plainly visible from a distance of 500 feet
24 to the rear, except that in the case of a combination of vehicles, only the taillamp on the rearmost vehicle need
25 actually be seen from the distance specified. The vehicles mentioned in this subsection, other than a
26 motorcycle, quadricycle, motor-driven cycle, or truck tractor, registered in this state and manufactured or
27 assembled after January 1, 1956, must be equipped with at least two properly functioning taillamps, with at
28 least one mounted on each side of the rear of the vehicle, that emit a red light plainly visible from a distance of

1 1,000 feet to the rear of the vehicle.

2 (2) A taillamp upon a vehicle must be located at a height of not more than 72 inches or less than
3 15 inches.

4 (3) Either a taillamp or a separate lamp must illuminate with a white light the rear registration plate
5 and render it clearly legible from a distance of 50 feet to the rear. A taillamp or taillamps, together with a
6 separate lamp for illuminating the rear registration plate, must be lighted whenever the headlamps are lighted.

7 (4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's
8 item, but the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half
9 hour before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it
10 is equipped with the required taillamps.

11 (5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a
12 lens or a plastic cover or with a tinted or colored material, substance, system, or component placed on or in
13 front of rear lamps, taillamps, license plate lamps, or rear lamp combinations that obscures the taillamps or
14 diminishes the distance of visibility required by this section.

15 (6) (a) A custom vehicle or street rod may use a blue dot taillight, ~~as defined in subsection (6)(b),~~
16 as a stop lamp, a rear signal lamp, or a rear reflector. As used in this subsection, "blue dot taillight"

17 (b) ~~"Blue dot taillight"~~ means a red lamp installed in the rear of a motor vehicle containing a blue or
18 purple insert that is not more than 1 inch in diameter.

19

20 **Section 47.** Section 61-9-406, MCA, is amended to read:

21 **"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction devices --**

22 **definitions.** (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch
23 thick above the edge of the flange of the entire periphery.

24 (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a
25 metal tire in contact with the roadway.

26 (3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange,
27 cleat, spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction
28 surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will

1 not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the
2 traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may
3 not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the
4 manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required
5 for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. Except as provided in
6 subsection (4), the use of pneumatic tires embedded as provided in this section is permitted only between
7 October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire
8 failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through the
9 following June 15.

10 (4) Pneumatic tires that feature an embedded block, stud, flange, cleat, spike, or other
11 protuberance that is retractable may be used at any time of the year. However, the protuberance may not be
12 engaged or extended other than between October 1 and May 31 of each year on roads that do not contain ice
13 or snow.

14 (5) The department of transportation and local authorities, as defined in 61-8-102, in their
15 respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of
16 farm tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse
17 corrugations upon the periphery of the movable tracks, the operation of which upon the highway would
18 otherwise be prohibited under this section.

19 (6) The department of transportation may determine at any time that dangerous or unsafe
20 conditions on a highway require particular tires, tire chains, or traction devices for vehicles in addition to or
21 beyond the ordinary pneumatic rubber tires.

22 (7) The department of transportation shall place and maintain signs and other traffic control
23 devices on a highway designated under subsection (6) that indicate the tire, tire chain, or traction device
24 requirement determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic
25 tires embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the
26 department of transportation determines that chains are required and that no other traction devices will suffice,
27 the requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle,
28 including embedded tires. The signs or traffic control devices may differentiate in requirements for four-wheel-

1 drive vehicles in gear.

2 (8) A violation of subsection (6) or (7) is subject to the penalties provided in 61-9-520.

3 (9) As used in this section:

4 (a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly
5 metal or other hard, nonresilient material; and

6 (b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the
7 load."

8

9 **Section 48.** Section 61-9-407, MCA, is amended to read:

10 **"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and**

11 **location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle,
12 motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first
13 equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders,
14 splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and
15 deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle
16 and thrown into the air, as follows:

17 (a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above
18 and forward of the center of the tire or tires over and to the rear of the tires.

19 (b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend
20 downward in full width from a point not lower than halfway between the center of the tire or tires and the top of
21 the tire or tires and to the rear of the tires.

22 (c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash
23 aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the
24 highway when the vehicle is empty.

25 (d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons,
26 or flaps must extend downward to a point that is not more than 20 inches above the surface of the highway
27 when the vehicle is empty.

28 (2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water, or other substance that may be picked up and carried by the wheel or wheels.

(3) This section does not apply to a street rod as defined in 61-4-101, motor vehicles not originally equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

(4) A person convicted of violating this section is subject to the penalties provided in 61-9-515."

Section 49. Section 61-9-409, MCA, is amended to read:

"61-9-409. Seatbelts required in vehicles manufactured after 1964. (1) An automobile that was manufactured or assembled after January 1, 1965, and on or before January 1, 1968, must be equipped with safety belts installed for use in the left front and right front seats.

(2) A motor vehicle manufactured after January 1, 1968, must be equipped at each designated seating position with a safety belt system required for that seating position by the standards of the United States department of transportation at the time that the vehicle was manufactured.

(3) The safety belts required by this section must remain installed and in good working condition.

(4) A person convicted of violating this section is subject to the penalties provided in 61-9-516."

Section 50. Section 61-9-414, MCA, is amended to read:

"61-9-414. Logging trucks -- definitions. (1) A truck or truck trailer combination, except pole trailers, actively engaged in transporting logs must be equipped with chains, cables, steel straps, or fiber webbing with working load limits that meet or exceed the manufacturer's marked value. The number of tie-down assemblies must be determined by the working load limits and the total weight of the load. The working load limits must equal or exceed 1 1/2 times the total weight of the load.

(2) A pole trailer actively engaged in transporting logs upon the highways of the state must be equipped as follows:

- 1 (a) At least three wrappers are required as standard equipment. The wrappers must:
- 2 (i) have a minimum working load limit of at least 3,000 pounds; and
- 3 (ii) be long enough to encompass any load when secured by a binder.
- 4 (b) (i) Wrappers used to secure loads of logs together must be fastened by means of a binder.
- 5 (ii) The complete wrapper and binder assembly must have a working load limit of at least 3,000
- 6 pounds.
- 7 (iii) The handle, or leverage portion of the binder, when in use in tightening and holding the
- 8 wrapper, must be securely fastened to the wrapper or to the binder so that it cannot be accidentally loosened.
- 9 (c) At least two wrappers must be in use on all loads. The wrappers must be placed as close as
- 10 reasonably possible to the front and rear bunks.
- 11 (d) If short logs are loaded on top of longer logs, sufficient wrappers must be used to secure both
- 12 ends of the short logs to the main body of the load. A log may not extend laterally beyond the stakes that form
- 13 the outer boundary of the load at the top of the stakes. Logs or poles loaded above the tops of the stakes must
- 14 be loaded in a pyramidal fashion.
- 15 (3) ~~For the purposes of~~ As used in this section:
- 16 (a) "binder" means a device attached to a wrapper that provides tension on and secures a
- 17 wrapper; and
- 18 (b) "wrapper" means an indirect tie-down device, the tension of which is intended to secure a stack
- 19 of logs."
- 20

21 **Section 51.** Section 61-9-416, MCA, is amended to read:

22 **"61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a

23 motor vehicle operating for compensation that is equipped with specialized equipment designed and intended

24 for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on

25 the public roadways. If a tow truck owner or operator's business profits or benefits in any way from towing a

26 vehicle, the tow truck must be considered a commercial tow truck for the purposes of Title 61, chapter 8, and

27 this chapter.

28 (2) A commercial tow truck must be equipped with:

1 (a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors
2 must be of a type approved by the department.

3 (b) at least two highway warning signs as provided in 61-9-431.

4 (c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of
5 fire extinguisher, approved by the department;

6 (d) a lamp emitting a flashing red or amber light meeting the requirements of 61-9-402(7), or both a
7 red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can
8 be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet
9 under normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of
10 the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the
11 disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position
12 considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light
13 must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position.

14 Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck
15 during the period of preparation at the location from which the disabled vehicle is to be towed.

16 (e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle
17 from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled
18 vehicle that is to be towed;

19 (f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle
20 shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled
21 vehicle; and

22 (g) a portable electrical extension cord or other device for use in displaying stop, turn, and
23 taillamps on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of
24 the combined vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light
25 that is capable of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other
26 device referred to in this subsection (2)(g).

27 (3) The operator of a commercial tow truck used for the purpose of rendering assistance to other
28 vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place

1 a highway warning sign as required in 61-9-431.

2 (4) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-
3 906 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering
4 assistance to a disabled vehicle, notwithstanding other provisions of this code.

5 (5) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an
6 emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in
7 response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-
8 threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs,
9 damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of 61-9-402(5).

10 (6) A person convicted of violating this section is subject to the penalties provided in 61-9-517."
11

12 **Section 52.** Section 61-9-417, MCA, is amended to read:

13 **"61-9-417. Headgear required for minor motorcycle riders.** (1) (a) Except as provided in
14 subsection (1)(b), an operator and passenger under 18 years of age of a motorcycle or quadricycle operated on
15 the streets or highways of this state shall wear protective headgear on the head. The headgear must meet
16 standards established by the department of justice.

17 (b) This section does not apply to an operator and passenger of an autocycle ~~as defined in 61-1-~~
18 ~~404~~ that is completely enclosed with a windshield, nonremovable doors, and a roof.

19 (2) A person may not operate a motorcycle upon a highway in the state unless all passengers
20 under 18 years of age are in compliance with subsection (1).

21 (3) A person convicted of violating this section is subject to the penalty provided in 61-9-518."
22

23 **Section 53.** Section 61-9-430, MCA, is amended to read:

24 **"61-9-430. Bumpers.** (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating
25 registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be
26 equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make
27 installation impractical or unnecessary, with a rear bumper.

28 (2) This section does not apply to a street rod, ~~as defined in 61-1-404~~, vehicles not originally

1 equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or
2 regulation at the time of manufacture."

3
4 **Section 54.** Section 61-9-432, MCA, is amended to read:

5 **"61-9-432. Low-speed and medium-speed electric vehicles -- required equipment.** (1) Low-speed
6 electric vehicles and medium-speed electric vehicles, ~~as defined in 61-1-101,~~ must be equipped with:

- 7 (a) headlamps, front and rear turn signal lamps, taillamps, and stop lamps;
8 (b) three red reflectors, two of which must be placed on each side as far to the rear of the vehicle
9 as practicable, and one of which must be placed on the rear of the vehicle;
10 (c) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror
11 mounted on the passenger's side of the vehicle or an interior mirror;
12 (d) a parking brake;
13 (e) a windshield that conforms to the federal motor vehicle safety standard provided in 49 CFR
14 571.205; and
15 (f) a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49
16 CFR 571.209.
17 (2) A medium-speed electric vehicle must be equipped with a roll bar, roll cage, or crush-proof
18 body design."

19
20 **Section 55.** Section 61-9-437, MCA, is amended to read:

21 **"61-9-437. Airbag fraud prohibition -- definitions.** (1) A person may not knowingly:

- 22 (a) import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit
23 supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with
24 Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make,
25 model, and year of the motor vehicle;
26 (b) sell, offer for sale, install, or reinstall in a motor vehicle a device that causes a motor vehicle's
27 diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag;
28 or

(c) sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's restraint system.

(2) A person who violates this section is subject to the penalties provided in 61-9-522.

(3) As used in this section:

(a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively.

(c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:

(i) the airbag was previously deployed or damaged;

(ii) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(iii) the airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(iv) the airbag is subject to the prohibitions of 49 U.S.C. 30120(j), as of February 12, 2023.

(d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. A supplemental restraint system includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer including both of the following:

(i) the airbag operates as designed in the event of a crash; and

(ii) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

1 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-522."

2
3 **Section 56.** Section 61-9-518, MCA, is amended to read:

4 **"61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** (1) A person convicted
5 of the violation of 61-9-417 shall be fined \$5.

6 ~~(2) A person convicted of the violation of 61-9-418 shall be punished by a fine of not less than \$10~~
7 ~~or more than \$100 for the first conviction. For a second conviction within 1 year, the person shall be punished~~
8 ~~by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the~~
9 ~~first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500."~~

10
11 **Section 57.** Section 61-9-520, MCA, is amended to read:

12 **"61-9-520. Violation of tire chain or traction device use -- penalty.** (1) A person violating the
13 provisions of 61-9-406(6) and (7) is guilty of the nonmoving offense of failure to use chains or approved traction
14 devices when required and upon conviction shall be punished by a fine of:

15 (a) \$250; or

16 (b) \$750 when the result of the violation of this section is an incident that causes the closure of all
17 lanes in one or both directions of a highway.

18 (2) A violation of 61-9-406(6) and (7) is not a misdemeanor subject to 45-2-101, 61-9-511, or 61-9-
19 512, ~~or 61-9-519.~~"

20
21 **Section 58.** Section 61-10-102, MCA, is amended to read:

22 **"61-10-102. Width -- definitions.** (1) Except as provided in subsections (2) and (3), a vehicle,
23 including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width
24 for buses is allowed only on paved highways 20 feet or more in width.

25 (2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling
26 hay that is moved or propelled upon the highway during daylight hours for a distance of not more than 100
27 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the
28 vehicle used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by

1 flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15
2 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the
3 farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet
4 the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used
5 for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be
6 preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted
7 to a county road within 100 miles of the farming operation of the owner.

8 (b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in width
9 and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

10 (c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be
11 granted a permit subject to the provisions of 61-10-121 through 61-10-127.

12 (d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the
13 highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to
14 operations of the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a
15 permit issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be
16 preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4)
17 must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does
18 not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to
19 movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed
20 limit, including the speed limit on an interstate highway.

21 (3) ~~(a) The width of a recreational vehicle, as defined in 61-1-101, and a camper, as defined in 61-~~
22 ~~4-101, that is being operated for noncommercial purposes may exceed 102 inches if:~~

23 (a) the excess width is attributable to recreational vehicle or camper appurtenances that do not
24 extend beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by
25 the recreational vehicle, or the motor vehicle providing motive power; and

26 (b) the rearview mirrors extend only the distance necessary to provide the appropriate field of view
27 for the vehicle before the recreational vehicle or camper appurtenances are attached.

28 ~~(b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an~~

1 awning and its support hardware or any appendage that is intended to be an integral part of the recreational
2 vehicle or camper and that is installed by the manufacturer or dealer.

3 (4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be
4 necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided
5 in subsection (1).

6 (5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for
7 a vehicle that exceeds 12 1/2 feet in width, that is hauling or towing an implement of husbandry, construction
8 equipment, or forestry equipment, and that is operating under this section or as authorized by special permit
9 issued under 61-10-121 through 61-10-125 if the vehicle is operating at highway speed or with the flow of
10 traffic.

11 (6) ~~For the purposes of~~ As used in this section, the following definitions apply:

12 (a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for
13 and used in construction, heavy construction, highway construction, and remodeling work.

14 (b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation
15 rule to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed.

16 (c) "Recreational vehicle or camper appurtenances" means an awning and its support hardware or
17 any appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed
18 by the manufacturer or dealer."

19

20 **Section 59.** Section 61-10-111, MCA, is amended to read:

21 **"61-10-111. Governor's authority to exempt vehicles from size and weight limits -- definition.**

22 (1) The governor may, through executive order, exempt vehicles from the size and weight limits imposed under
23 this part:

24 (a) upon a request of the director of the department of transportation and any other agency
25 involved in the need to move oversize or overweight vehicles on the highway during emergency circumstances;

26 (b) for a specified, limited period of time; and

27 (c) during emergency circumstances and to meet unusual conditions to ensure the general welfare
28 of the public.

(2) The agency director who requests the executive order may specify the areas in which the exemption is in effect, the duration of the exemption, the types of vehicles to be exempted, and any other appropriate conditions of the order.

(3) ~~For the purposes of~~ As used in this section, "emergency circumstances" means conditions brought about by a weather event or a natural or other occurrence for which the movement of vehicles that may exceed size and weight limits is necessary for responding to the event or occurrence or for moving supplies, agricultural or other products, or equipment in a manner that is necessary because of the event or occurrence."

Section 60. Section 61-10-124, MCA, is amended to read:

"61-10-124. (Temporary) Special permits -- fees -- definition. (1) Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), (3), and (4), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and (4). Special permits for vehicle combinations may specify and special permits under subsections (3) and (4) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on

1 December 31 of each year, with no grace period.

2 (c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of
3 the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000
4 pounds.

5 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
6 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
7 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
8 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
9 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
10 terminal and the interchange. The fee for this permit is \$125.

11 (e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer
12 exceeds 53 feet in length but does not exceed 57 feet in length.

13 (f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for
14 this permit is \$125.

15 (ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be
16 detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the
17 machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit
18 may be issued.

19 (iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is
20 responsible for providing information regarding the number of work hours required to dismantle the load.

21 (iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency
22 response vehicles and casks designed and used for the transport of spent nuclear materials are considered
23 nondivisible loads.

24 (g) A Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer
25 length.

26 (h) A term permit may be issued for an overlength vehicle moving a mobile home or a
27 manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in
28 width.

1 (3) The department may issue special permits to the operating company for a truck-trailer-trailer or
2 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

3 (a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on
4 other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary
5 services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may
6 authorize travel between the terminal and the interchange.

7 (b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not
8 exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

9 (c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall
10 length of 110 feet, inclusive of the front and rear bumpers and overhang;

11 (d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches
12 in width;

13 (e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared
14 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

15 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit
16 or \$20 for each trip permit;

17 (g) travel of the combination may be restricted to specific routes, hours of operation, specific days,
18 or seasonal periods; and

19 (h) the department may enforce any other restrictions determined by the department to be
20 necessary. The permit is not transferable, and the fee for the permit is \$200.

21 (4) The department of transportation may issue special permits under subsection (3) for vehicle
22 combinations that consist of a truck-trailer-trailer if:

23 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
24 95 feet; and

25 (b) the person, firm, or corporation applying for the permit:

26 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,
27 chlorite, dolomite, limestone, and custom combine equipment;

28 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations.

(5) ~~For the purposes of this section, a~~ As used in this section, "nondivisible load" is means:

(a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled and that is reduced to a minimum practical size and weight;

(b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would:

(i) compromise the intended use of the vehicle;

(ii) destroy the value of the load or vehicle; or

(iii) require more than 8 work hours to dismantle using appropriate equipment. (Void on occurrence of contingency--sec. 2, Ch. 285, L. 2003.)

61-10-124. (Effective on occurrence of contingency) Special permits -- fees -- definition. (1)

Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size in excess of that specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), (3), and (4), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (3) and (4). Special permits for vehicle combinations may specify and special permits under subsections (3) and (4) must specify highway routing and otherwise limit or prescribe conditions of operation of

1 the vehicle or combination, including but not limited to required equipment, speed, stability, operational
2 procedures, and insurance.

3 (b) A term permit may be issued to a dealer in implements of husbandry and self-propelled
4 machinery for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on
5 December 31 of each year, with no grace period.

6 (c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of
7 the fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000
8 pounds.

9 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
10 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
11 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
12 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
13 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
14 terminal and the interchange. The fee for this permit is \$125.

15 (e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer
16 exceeds 53 feet in length but does not exceed 57 feet in length.

17 (f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for
18 this permit is \$125.

19 (ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be
20 detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the
21 machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit
22 may be issued.

23 (iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is
24 responsible for providing information regarding the number of work hours required to dismantle the load.

25 (iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency
26 response vehicles and casks designed and used for the transport of spent nuclear materials are considered
27 nondivisible loads.

28 (g) A term permit may be issued for an overlength vehicle moving a mobile home or a

1 manufactured home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in
2 width.

3 (3) The department may issue special permits to the operating company for a truck-trailer-trailer or
4 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

5 (a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on
6 other highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary
7 services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may
8 authorize travel between the terminal and the interchange.

9 (b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not
10 exceed an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

11 (c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall
12 length of 110 feet, inclusive of the front and rear bumpers and overhang;

13 (d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches
14 in width;

15 (e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared
16 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

17 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit
18 or \$20 for each trip permit;

19 (g) travel of the combination may be restricted to specific routes, hours of operation, specific days,
20 or seasonal periods; and

21 (h) the department may enforce any other restrictions determined by the department to be
22 necessary. The permit is not transferable, and the fee for the permit is \$200.

23 (4) The department of transportation may issue special permits under subsection (3) for vehicle
24 combinations that consist of a truck-trailer-trailer if:

25 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
26 95 feet; and

27 (b) the person, firm, or corporation applying for the permit:

28 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,

- 1 chlorite, dolomite, limestone, and custom combine equipment;
- 2 (ii) operated the truck-trailer-trailer combination before July 1, 1987;
- 3 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
- 4 those vehicles used before July 1, 1987; and
- 5 (iv) provides the department of transportation with an affidavit confirming the routes used before
- 6 July 1, 1987, for truck-trailer-trailer operations.
- 7 (5) ~~For the purposes of this section, a~~ As used in this section, "nondivisible load" is means:
- 8 (a) on public roads off of interstate highways, a load that cannot be readily or reasonably
- 9 dismantled and that is reduced to a minimum practical size and weight;
- 10 (b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if
- 11 separated into smaller loads or vehicles, would:
- 12 (i) compromise the intended use of the vehicle;
- 13 (ii) destroy the value of the load or vehicle; or
- 14 (iii) require more than 8 work hours to dismantle using appropriate equipment."

15

16 **Section 61.** Section 61-10-141, MCA, is amended to read:

17 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**

18 **definition.** (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation

19 may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except

20 recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered

21 site or stationary scales. The peace officer, officer of the highway patrol, or employee of the department of

22 transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use

23 of portable scales if those stationary scales or an engineered site is within 2 miles.

24 (b) If it is determined in the weighing process that the maximum allowable weights specified in 61-

25 10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of

26 the highway patrol, or employee of the department of transportation may then require the driver to unload at a

27 designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the

28 maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the

1 excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-
2 10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the
3 load can be safely reduced to legal limits.

4 (2) Commodities and material unloaded as required by this section must be cared for by the owner
5 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by
6 this section may not be left on the highway right-of-way.

7 (3) The department of transportation may establish, maintain, and operate weigh stations, either
8 intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative
9 rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the
10 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety
11 requirements. The department may require vehicles over 10,000 pounds, except those exempted by
12 department administrative rule, to be inspected and weighed by portable scale crews when the portable scales
13 are used on an engineered site.

14 (4) ~~For the purposes of~~ As used in this section, "engineered site" means:

15 (a) a turnout designed and constructed by the department of transportation that has indents in the
16 pavement to level portable scales; or

17 (b) a site where leveling pads can be used in strict accordance with all of the manufacturer's
18 manuals and specifications."
19

20 **Section 62.** Section 61-11-101, MCA, is amended to read:

21 **"61-11-101. Report of convictions and suspension or revocation of driver's licenses --**
22 **surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8,
23 makes mandatory the revocation of the driver's license or commercial driver's license of the person by the
24 department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then
25 held by the convicted person. The court shall forward the conviction to the department and destroy the driver's
26 licenses.

27 (2) A court having jurisdiction over offenses committed under a statute of this state or a municipal
28 ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or

ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction. The court may recommend that the department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in which the conviction occurs shall require the person to surrender the registry identification card or license.

(b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy of the conviction to the department of revenue.

(6) A person convicted of violating this section is subject to the penalties provided in 61-5-307."

Section 63. Section 87-6-207, MCA, is amended to read:

"87-6-207. Unlawful use of boat. (1) A person may not use a motorboat or a sailboat as defined in

1 ~~23-2-502~~ 61-1-101 for the purpose of killing, capturing, taking, pursuing, concentrating, driving, or stirring up
2 any upland game bird, migratory bird, game animal, or fur-bearing animal until the motor is shut off or the sails
3 are furled and the progress of the vessel has ceased.

4 (2) The following penalties apply for a violation of this section:

5 (a) Unless otherwise provided in this subsection (2), a person convicted of a violation of this
6 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for
7 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be
8 subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to
9 hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a
10 period of time set by the court.

11 (b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat
12 to kill or take a mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear, the
13 person shall be fined not less than \$500 or more than \$2,000 or be imprisoned in the county detention center
14 for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational
15 use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months
16 from the date of conviction or forfeiture unless the court imposes a longer period.

17 (c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat
18 to kill or take a deer, antelope, elk, or mountain lion, the person shall be fined not less than \$300 or more than
19 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
20 person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the
21 privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court
22 imposes a longer period.

23 (d) If a person is convicted or forfeits bond or bail after being charged with unlawful use of a boat
24 to kill or take a fur-bearing animal, the person shall be fined not less than \$100 or more than \$1,000 or be
25 imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall
26 forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to
27 hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a
28 longer period, and any pelts possessed unlawfully must be confiscated."

1

2 NEW SECTION. Section 64. Repealer. The following sections of the Montana Code Annotated are

3 repealed:

4 61-9-513. Violation of general lighting requirement and slow-moving vehicle provisions -- penalty.

5 61-9-514. Unauthorized use of firefighter's private vehicle -- penalty.

6 61-9-519. Violation of tire restrictions -- penalty.

7

8 NEW SECTION. **Section 65. Codification instruction.** [Section 1] is intended to be codified as an

9 integral part of Title 61, chapter 3, part 1, and the provisions of Title 61, chapter 3, part 1, apply to [section 1].

10 - END -