

HOUSE BILL NO. 341

INTRODUCED BY E. BUTTREY, W. MCKAMEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MOTOR VEHICLE REGISTRATION TRAUMATIC BRAIN INJURY DONATION LAWS; PROVIDING FOR THE USE OF THE FUNDS TO EDUCATE AND SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH TRAUMATIC BRAIN INJURIES; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN OPT-OUT PROVISION; PROVIDING FOR NOTICE; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 2-15-2218, 33-22-2104, 61-3-303, AND 61-14-101, MCA."

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

Section 1. Section 2-15-2218, MCA, is amended to read:

"2-15-2218. Traumatic brain injury account. (1) There is a traumatic brain injury account in the state special revenue fund ~~for purposes of traumatic brain injury prevention, education, and support.~~

(2) Money in this account may be used by the department of public health and human services to ~~fund the advisory council and to provide grants for public information and prevention education regarding traumatic brain injury for funding activities that educate and support recovery of individuals and families, including military service personnel, living with traumatic brain injuries, promote brain injury prevention, and support the traumatic brain injury advisory council.~~"

Section 2. Section 33-22-2104, MCA, is amended to read:

"33-22-2104. Cancer screening account. (1) There is a cancer screening account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services.

(2) The account consists of:

(a) money collected from the donation provided for in 61-3-303(6)(d)(c);

(b) other gifts and donations to the department for cancer screening efforts; and

1 (c) interest and income earned on the account.

2 (3) Money in the account must be used by the department of public health and human services to
3 support cancer screening efforts."
4

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

6 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
7 resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public
8 highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the
9 registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in
10 the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or
11 driven upon the public highways of this state. A person serving or retired from serving aboard the USS Montana
12 may register by mail in Lewis and Clark County using forms prescribed by the department.

13 (2) A Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer with
14 co-owners, one or more of whom are not Montana residents, may register the vehicle regardless of the fact that
15 one or more of the co-owners would otherwise not qualify to register the vehicle under subsection (1) if the
16 registering Montana resident is:

17 (a) an individual human being; and

18 (b) the principal operator of, and in whom is vested the right of possession and control of, the
19 vehicle.

20 (3) Except as provided in subsection (4), the county treasurer or an authorized agent shall register
21 any vehicle for which:

22 (a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, an
23 owner delivers an application for a certificate of title to the department, an authorized agent, or a county
24 treasurer; or

25 (b) the county treasurer or an authorized agent confirms that the department has an electronic
26 record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

27 (4) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer,
28 or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which

1 registration is required under 61-3-701 after the county treasurer or the authorized agent examines the current
2 out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The
3 county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to
4 provide additional information, prescribed by the department, to ensure that the electronic record of registration
5 maintained by the department is complete.

6 (b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-
7 220(4) and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer,
8 semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway
9 vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a
10 previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit
11 from the authorized agent or county treasurer that originally issued the temporary registration permit.

12 (c) A person serving or retired from serving aboard the USS Montana shall include in an
13 application for a certificate of title, in a manner prescribed by the department, proof that the person has current
14 orders to serve or has previously served aboard the USS Montana.

15 (5) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state,
16 the county treasurer or an authorized agent shall:

17 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
18 61-3-101;

19 (b) assign a registration period for the vehicle under 61-3-311;

20 (c) determine the vehicle's age, if required, under 61-3-501;

21 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection
22 (6); and

23 (e) assign and issue license plates for the vehicle under 61-3-331.

24 (6) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county
25 treasurer or an authorized agent:

26 (a) the fees in lieu of tax or registration fees as required for:

27 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or
28 fee under 61-3-537 or 61-3-570;

- 1 (ii) a motor home under 61-3-321;
- 2 (iii) a travel trailer under 61-3-321;
- 3 (iv) a motorcycle or quadricycle under 61-3-321;
- 4 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor
- 5 under 61-3-321 and 61-3-529; or
- 6 (vi) a trailer under 61-3-321;
- 7 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
- 8 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
- 9 anatomical gifts;
- 10 ~~(c) — a donation of \$1 or more if the person indicates that the person wishes to donate to promote~~
- 11 ~~education on, support for, and awareness of traumatic brain injury ;and~~
- 12 ~~(d)(c)~~ a donation of \$1 or more if the person indicates that the person wishes to donate to a program
- 13 supporting cancer screening; and
- 14 (d) unless the person opts out of the donation, an automatic donation of \$1 to fund activities that
- 15 educate and support recovery of individuals and families, including military service personnel, living with
- 16 traumatic brain injuries, promote brain injury prevention, and support the traumatic brain injury advisory council.
- 17 The county treasurer or an authorized agent shall post a notice that is at least 8 1/2 x 11 inches in size in one or
- 18 more locations where a person registering a motor vehicle, trailer, semitrailer, or pole trailer can read it. The
- 19 notice must explain the donation details provided in this subsection (6)(d) in substantially similar language,
- 20 including the automatic nature of the donation and the option to opt out of it.
- 21 (7) The county treasurer or an authorized agent may not issue a registration receipt or license
- 22 plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the
- 23 payments required by subsection (6).
- 24 (8) The department may make full and complete investigation of the registration status of the motor
- 25 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or
- 26 pole trailer under this section shall provide additional information to support the registration to the department if
- 27 requested.
- 28 (9) Revenue that accrues from the ~~voluntary~~ donations provided for in subsection (6) must be

forwarded by the respective county treasurer or an authorized agent to the department for deposit as follows:

(a) in the state special revenue fund to the credit of an account established by the department of labor and industry to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts if the revenue is from the donation provided for in subsection (6)(b);

(b) to the credit of the special revenue account established in 33-22-2104 if the revenue is from the donation provided for in subsection (6)(c); and

(b)(c) to the credit of the account established in 2-15-2218 if the revenue is from the donation provided for in subsection (6)(c)(d); and

(c) to the credit of the special revenue account established in 33-22-2104 if the revenue is from the donation provided for in subsection (6)(d).

(10) (a) Except as provided in subsection (10)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. When registered, a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred or unless it was registered under 61-3-701.

(b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(11) The department, an authorized agent of the department, or a county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of 61-6-301."

Section 4. Section 61-14-101, MCA, is amended to read:

"61-14-101. Rulemaking authority -- vehicle services. (1) The department shall adopt rules for the registration of motor vehicles, including:

1 (a) (i) simultaneous registration of multiple motor vehicles that have common ownership;
2 (ii) defining the term "fleet" as used in 61-3-318 and 61-3-323; and
3 (iii) the issuance of fleet series license plates provided for in 61-3-325;
4 (b) verification of compliance with 61-6-301 before registering or renewing a registration of a
5 vehicle or issuing new license plates required by 61-3-332(3);
6 (c) devising a method to place license plates on the 5-year reissuance cycle to minimize
7 production peaks and valleys;
8 (d) early registration renewals when an owner of a motor vehicle presents extenuating
9 circumstances; and
10 (e) automated mailing of license plates by the department or its authorized agent, including an
11 agent under contract with the department pursuant to 61-3-338; and
12 (f) provision of the text of the notice provided for in 61-3-303(6)(d) with the mail renewal notice
13 from the department.

14 (2) The department shall adopt rules to procure compliance with all of the laws of the state
15 regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and
16 operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates
17 pursuant to 61-3-423.

18 (3) The department may adopt rules to establish vehicle brands or carried-forward brands
19 according to 61-3-202.

20 (4) The department may adopt rules governing affidavit and bond for certificate of title pursuant to
21 61-3-208.

22 (5) The department may adopt rules for the implementation and administration of temporary
23 registration permits, pursuant to 61-3-224, including issuance to:

24 (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,
25 motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or
26 vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;

27 (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification
28 number to move the vehicle to and from a designated inspection site prior to applying for a new certificate of

1 title under 61-3-107 or 61-3-212;

2 (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for
3 operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for a
4 vehicle under Title 61, chapter 3;

5 (d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this
6 state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's
7 jurisdiction of residence;

8 (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to
9 apply fertilizer to agricultural lands into the state for special demonstration in this state;

10 (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor
11 vehicle that the financial institution has obtained following repossession;

12 (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the
13 vehicle by the insurer as a result of the settlement of an insurance claim;

14 (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road
15 recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road
16 recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or
17 motorcycle designated for off-road recreational use is not registered or is only registered for off-road use in the
18 nonresident's home state; or

19 (i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12
20 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to
21 circumstances beyond the new owner's control, surrender a previously assigned certification of title.

22 (6) The department may adopt rules for the assessment and collection of registration fees on light
23 vehicles under 61-3-321 and 61-3-562, including the proration of fees under 61-3-520 and criteria for
24 determining the motor vehicle's age.

25 (7) The department may adopt rules for imposing and collecting fees in lieu of tax, including:

26 (a) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's
27 rated capacity of more than 1 ton, and truck tractors;

28 (b) criteria for determining the motor vehicle's age; and

(c) criteria for determining the manufacturer's rated capacity.

(8) The department may adopt rules, pursuant to Title 61, chapter 3, for the administration of fees for trailers, semitrailers, and pole trailers, including criteria for determining a trailer's age and weight.

(9) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472 through 61-3-481, including:

(a) the minimum and maximum number of characters that a generic specialty license plate may display;

(b) the general placement of the sponsor's name, identifying phrase, and graphic; and

(c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(10) The department may adopt rules governing dealers pursuant to the provisions of Title 61, chapter 4, including:

(a) the application and issuance of dealer licenses, including the qualifications of dealers, and the staggering of expiration dates pursuant to 61-4-101;

(b) the issuance of dealer, demonstrator, loaner, courtesy, and transit plates pursuant to 61-4-102, 61-4-128 through 61-4-130, 61-4-301, 61-4-307, and 61-4-308;

(c) the application and process for renewing a dealer license pursuant to 61-4-124; and

(d) governing the regulation of persons required to be licensed pursuant to Title 61, chapter 4, part 2.

(11) The department may adopt rules for local option tax appeals pursuant to 15-15-201.

(12) The department may adopt rules to implement any other provision of this title."

NEW SECTION. Section 5. Appropriation. For the biennium beginning July 1, 2025, there is appropriated \$600,000 from the traumatic brain injury account established in 2-15-2218 to the department of public health and human services for the purposes described in 2-15-2218.

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