

HOUSE BILL NO. 202

INTRODUCED BY B. BENNETT, J. ECK, S. FITZPATRICK, F. GARNER, G. HERTZ, S. HESS, D. LAMM,
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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN OPTIONAL DONATION TO DRINKING AND
DRIVING PREVENTION PROGRAMS WHEN REGISTERING A MOTOR VEHICLE; RESTRICTING THE
DEPARTMENT OF JUSTICE; AMENDING SECTION 61-3-303, MCA; AND PROVIDING A DELAYED
EFFECTIVE DATE."

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

NEW SECTION. Section 1. Account for drinking and driving prevention -- source of funds -- use.

(1) There is an account in the state special revenue fund to be used by the department for funding statewide
drinking and driving prevention programs or county drinking and driving prevention programs established under
61-2-106.

(2) The department of justice shall deposit the revenue collected under 61-3-303(5)(d) in the account.

Section 2. Section 61-3-303, MCA, is amended to read:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana
resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven ~~upon~~ on the public
highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the
owner is domiciled. A nonresident who has an interest in real property in Montana may register in the county
where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven ~~upon~~ on
the public highways of this state.

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

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

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

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

8 (b) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole
9 trailer 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 may submit an application for certificate of title, subject to
11 the registration renewal limitations of 61-3-312.

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

14 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
15 61-3-101;

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

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

18 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5);

19 and

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

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

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

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

26 (ii) a motor home under 61-3-321;

27 (iii) a travel trailer under 61-3-321;

28 (iv) a motorcycle or quadricycle under 61-3-321;

29 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
30 61-3-321 and 61-3-529; or

1 (vi) a trailer under 61-3-321;

2 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
3 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
4 anatomical gifts; ~~and~~

5 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
6 education on, support for, and awareness of traumatic brain injury; and

7 (d) a donation of \$1 or more if the person indicates that the person wishes to donate to drinking and
8 driving prevention programs.

9 (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for
10 the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required
11 by subsection (5).

12 (7) The department may make full and complete investigation of the registration status of the motor
13 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
14 trailer under this section shall provide additional information to support the registration to the department if
15 requested.

16 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded
17 by the respective county treasurer or an authorized agent to the department for deposit in the state special
18 revenue fund to the credit of an account established by the department of public health and human services to
19 support activities related to awareness and education efforts for procurement of organ and tissue donations for
20 anatomical gifts.

21 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
22 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
23 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
24 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
25 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
26 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
27 transferred.

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

1 taxes, and fees.

2 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded
3 by the respective county treasurer or an authorized agent to the department for deposit in the state special
4 revenue fund to the credit of the account established in 2-15-2218 to support activities related to education
5 regarding prevention of traumatic brain injury.

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

9 (12) (A) Revenue SUBJECT TO SUBSECTION (12)(B), REVENUE that accrues from the voluntary donation
10 provided in subsection (5)(d) must be forwarded by the respective county treasurer or an authorized agent to the
11 department for deposit in the state special revenue fund to the credit of an account established by the department
12 of transportation under [section 1] for funding drinking and driving prevention programs.

13 (B) THE DEPARTMENT SHALL USE REVENUE COLLECTED UNDER THIS SUBSECTION (12) TO OFFSET ANY COSTS
14 INCURRED BY THE DEPARTMENT IN RECONFIGURING OR REPROGRAMMING THE STATEWIDE ONLINE COMPUTER SYSTEM
15 MAINTAINED UNDER 61-3-345 TO ALLOW FOR THE DONATION PROVIDED FOR IN SUBSECTION (5)(D)."

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17 NEW SECTION. Section 3. RESTRICTION ON DEPARTMENT OF JUSTICE. THE DEPARTMENT OF JUSTICE MAY
18 NOT CHANGE TO A MOTOR VEHICLE REGISTRATION RENEWAL CARD THAT IS A LARGER FORMAT OR DIFFERENT TYPE FROM
19 THE CARD FORMAT AND TYPE IN USE PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] SOLELY BECAUSE OF THE ADDITION OF
20 THE LANGUAGE ALLOWING FOR THE VOLUNTARY DONATION PROVIDED FOR IN 61-3-303(5)(D).

21
22 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 61, chapter 2, part 1, and the provisions of Title 61, chapter 2, part 1, apply to [section 1].

24
25 NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2016.

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