

HOUSE BILL NO. 277

INTRODUCED BY T. WASHBURN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL GOVERNMENT TO AUTHORIZE THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS; DEFINING "GOLF CART"; ~~AND~~ AMENDING SECTIONS 61-1-101 AND 61-12-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Unlawful operation of golf cart -- exception -- required equipment.** (1)

A person may not operate a golf cart on a public street or highway open to the public unless the operation is specifically authorized by ordinance or regulation passed by the local governing body of the county, city, or town for a public street or highway under its jurisdiction.

(2) A PERSON OPERATING A GOLF CART UNDER THIS SECTION MUST HAVE A VALID DRIVER'S LICENSE.

~~(2)~~(3) A golf cart may not be operated on a public street or highway when permitted by this section unless it is equipped with:

- (a) at least one and not more than two headlamps;
- (b) at least one taillamp;
- (c) at least one reflector;
- (d) stop lamps;
- (e) a horn; and
- (f) a mirror that reflects to the driver a view of the highway.

Section 2. Section 61-1-101, MCA, is amended to read:

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

(1) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes upon behalf of a third party.

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

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

9 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
10 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
11 transportation of persons for compensation.

12 (4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited
13 liability company, or other legal entity recognized under state law.

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

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

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

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

23 (7) "Commercial driver's license" means:

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

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

28 (8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
29 commerce to transport passengers or property if the vehicle:

30 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,

- 1 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- 2 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
- 3 greater;
- 4 (iii) is designed to transport at least 16 passengers, including the driver;
- 5 (iv) is a school bus; or
- 6 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.
- 7 (b) The following vehicles are not commercial motor vehicles:
- 8 (i) an authorized emergency service vehicle:
- 9 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 10 (B) entitled to the exemptions granted under 61-8-107;
- 11 (ii) a vehicle:
- 12 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
- 13 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
- 14 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
- 15 of the farm, including any area within that perimeter that is in the adjoining state; and
- 16 (C) not used to transport goods for compensation or for hire; or
- 17 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
- 18 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
- 19 personnel in part-time national guard training, and national guard military technicians, or active duty United States
- 20 coast guard personnel.
- 21 (c) For purposes of this subsection (8):
- 22 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
- 23 crops or the raising of livestock owned by or under the direct control of that person;
- 24 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
- 25 of a combination or articulated vehicle;
- 26 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
- 27 a single vehicle; and
- 28 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 29 (9) "Commission" means the state transportation commission.
- 30 (10) "Custom-built motorcycle" means a motorcycle that is equipped with:

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

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

5 (11) "Custom vehicle" means a motor vehicle other than a motorcycle that:

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

7 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
8 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
9 25 years old; and

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

12 (12) "Customer identification number" means:

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

15 (b) a federal employer or tax identification number when the customer is a business entity that has been
16 issued a federal employer or tax identification number;

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

20 (d) if the customer has not been issued one of the numbers described in subsections (12)(a) through
21 (12)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

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

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

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

29 (ii) employees of the persons included in subsection (13)(b)(i) when engaged in the specific performance
30 of their duties as employees; or

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

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

4 (15) "Department" means the department of justice acting directly or through its duly authorized officers
5 or agents.

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

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

9 (a) an individual establishes residence;

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

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

12 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
13 or pole trailer that it owns or leases.

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

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

17 (a) any temporary license or instruction permit;

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

19 (c) any nonresident's driving privilege;

20 (d) a motorcycle endorsement; or

21 (e) a commercial driver's license.

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

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

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

30 ~~(22)~~(23) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load

1 on the vehicle.

2 ~~(23)~~(24) "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 purposes
4 of vehicular travel.

5 ~~(24)~~(25) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
6 arrests for violations of traffic regulations.

7 ~~(25)~~(26) "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 ~~(26)~~(27) "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 vehicle; or

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

13 ~~(27)~~(28) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
14 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

15 ~~(28)~~(29) "Manufactured home" has the meaning provided in 15-24-201.

16 ~~(29)~~(30) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
17 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
18 business.

19 ~~(30)~~(31) "Manufacturer's certificate of origin" means the original paper record produced and issued by
20 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
21 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
22 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
23 ownership of the vehicle to the person or persons named in the certificate.

24 ~~(31)~~(32) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
25 transported, that:

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

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

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

- 1 (iv) is fully enclosed and includes at least one door for entry;
- 2 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
- 3 (vi) 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;
- 5 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
6 indicates the vehicle's maximum speed rating; and
- 7 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- 8 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
9 registration under Title 61, chapter 3.
- 10 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.
- 11 ~~(32)~~(33) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.
- 12 ~~(33)~~(34) "Montana resident" means:
- 13 (a) an individual who resides in Montana as determined under 1-1-215;
- 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 ~~(34)~~(35) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
17 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
18 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.
- 19 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
20 or any successor federal agency.
- 21 ~~(35)~~(36) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
22 by a court that are operating motor vehicles upon a public highway in this state for the transportation of property
23 for hire on a commercial basis.
- 24 (b) The term does not include motor carriers regulated under Title 69, chapter 12.
- 25 ~~(36)~~(37) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
26 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one
27 or more attachments and a seat for the conveyance of a passenger.
- 28 (b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
29 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.
- 30 ~~(37)~~(38) (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, as defined in 61-8-102, or a motorized nonstandard vehicle.

3 ~~(38)~~(39) "Motor home" means a motor vehicle:

4 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
5 a self-propelled motor vehicle chassis or van;

6 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
7 standard; and

8 (c) providing at least four of the following types of facilities:

9 (i) cooking, refrigeration, or icebox;

10 (ii) self-contained toilet;

11 (iii) heating or air conditioning, or both;

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

13 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

14 ~~(39)~~(40) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
15 transported, that:

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

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

18 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
19 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

22 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
23 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
24 person.

25 ~~(40)~~(41) (a) "Motor vehicle" means:

26 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
27 highways of the state; and

28 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9.

29 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility
30 device, a motorized nonstandard vehicle, a golf cart, or a motorized wheelchair or other low-powered,

1 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
2 used as a means of mobility for that person.

3 ~~(41)~~(42) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
4 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
5 as the result of a retail sale.

6 ~~(42)~~(43) "Nonresident" means a person who is not a Montana resident.

7 ~~(43)~~(44) (a) "Not used for general transportation purposes" means the operation of a motor vehicle,
8 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
9 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation
10 activity.

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

13 ~~(44)~~(45) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
14 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
15 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
16 transportation deriving motive power from any source other than muscle or wind.

17 (b) The term does not include:

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

19 (ii) snowmobiles; or

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

22 ~~(45)~~(46) "Operator" means a person who is in actual physical control of a motor vehicle.

23 ~~(46)~~(47) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
24 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
25 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
26 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
27 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
28 person in whom is vested the right of possession or control.

29 ~~(47)~~(48) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

30 ~~(48)~~(49) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine

1 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
2 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
3 vessel.

4 ~~(49)~~(50) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
5 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
6 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
7 structural members capable generally of sustaining themselves as beams between the supporting connections.

8 ~~(50)~~(51) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
9 violations of traffic regulations.

10 ~~(51)~~(52) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
11 having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50
12 horsepower.

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

14 ~~(52)~~(53) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated
15 upon stationary rails.

16 ~~(53)~~(54) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
17 coupled to the engine, that is operated upon rails.

18 (b) The term does not include streetcars.

19 ~~(54)~~(55) "Recreational vehicle" includes a motor home, travel trailer, or camper.

20 ~~(55)~~(56) "Registration" or "register" means the act or process of creating an electronic record, maintained
21 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
22 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
23 department records.

24 ~~(56)~~(57) "Registration decal" means an adhesive sticker produced by the department and issued by the
25 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
26 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
27 registration period indicated on the sticker as recorded by the department under 61-3-101.

28 ~~(57)~~(58) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
29 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
30 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title

1 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
2 vehicle for the registration period indicated in the receipt.

3 ~~(58)~~(59) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
4 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
5 other than resale.

6 ~~(59)~~(60) "Revocation" means the termination by action of the department of a person's driver's license,
7 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
8 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
9 exercised. An application for a new license may be presented and acted upon by the department after the
10 expiration of the period of the revocation.

11 ~~(60)~~(61) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
12 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
13 the term refers to any roadway separately but not to all roadways collectively.

14 ~~(61)~~(62) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

16 ~~(62)~~(63) "School zone" means an area near a school beginning at the school's front door, encompassing
17 the campus and school property, and including the streets directly adjacent to the school property and for as
18 many blocks surrounding the school as determined by the local authority establishing a special speed limit under
19 61-8-310(1)(d).

20 ~~(63)~~(64) "Sell" means to transfer ownership from one person to another person or from a dealer to
21 another person for consideration.

22 ~~(64)~~(65) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
23 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
24 that of its load rests upon or is carried by another vehicle.

25 ~~(65)~~(66) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
26 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
27 is not otherwise registered or licensed under the laws of the state of Montana.

28 ~~(66)~~(67) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
29 property on the highways but incidentally operated or moved over the highways, including road construction or
30 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is

1 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
2 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

3 ~~(67)~~(68) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

8 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from
9 other vehicles;

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

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

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

15 ~~(68)~~(69) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
16 is constructed on a truck chassis or that has special features for occasional off-road use.

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

18 ~~(69)~~(70) (a) "Stop", when required, means complete cessation from movement.

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

22 ~~(70)~~(71) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
23 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
24 space at the dealer's established place of business is not available.

25 ~~(71)~~(72) "Street" means the entire width between the boundary lines of every publicly maintained way
26 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

27 ~~(72)~~(73) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

30 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal

1 materials.

2 ~~(73)~~(74) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
3 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
4 license for a period of time designated by law.

5 ~~(74)~~(75) "Temporary registration permit" means a paper record:

6 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a
7 department-approved electronic interface after an electronic record has been transmitted to the department, that
8 contains:

9 (i) required vehicle and owner information; and

10 (ii) the purpose for which the record was generated; and

11 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
12 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
13 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
14 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

15 ~~(75)~~(76) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
16 conveyances either singly or together while using any highways for purposes of travel.

17 ~~(76)~~(77) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
18 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
19 upon the towing vehicle.

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

21 ~~(77)~~(78) "Transaction summary receipt" means an electronic record produced and issued by the
22 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
23 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
24 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
25 described in the receipt on the electronic record of title maintained under 61-3-101.

26 ~~(78)~~(79) "Travel trailer" means a vehicle:

27 (a) that is 40 feet or less in length;

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

29 (c) with gross trailer area of less than 320 square feet; and

30 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used

1 as a principal residence.

2 ~~(79)~~(80) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
3 transportation of property.

4 ~~(80)~~(81) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
5 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

6 ~~(81)~~(82) "Under the influence" has the meaning provided in 61-8-401.

7 ~~(82)~~(83) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
8 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
9 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
10 is commonly known as "secondhand" within the ordinary meaning of that term.

11 ~~(83)~~(84) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
12 than nine persons and intended for but not limited to family or personal transportation without compensation.

13 ~~(84)~~(85) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
14 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
15 or tracks.

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

19 ~~(85)~~(86) "Vehicle identification number" means the number, letters, or combination of numbers and letters
20 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
21 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

22 ~~(86)~~(87) "Vessel" means every description of watercraft, unless otherwise defined by the department,
23 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

24 ~~(87)~~(88) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
25 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
26 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
27 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

28

29 **Section 3.** Section 61-12-101, MCA, is amended to read:

30 **"61-12-101. Powers of local authorities to regulate traffic.** The provisions of chapters 8 and 9 do not

- 1 prevent local authorities with respect to sidewalks, streets, and highways under their jurisdiction and within the
2 reasonable exercise of the police power from:
- 3 (1) regulating the standing or parking of vehicles;
 - 4 (2) regulating the traffic by means of police officers or traffic control devices;
 - 5 (3) regulating or prohibiting processions or assemblages on the highways;
 - 6 (4) designating particular highways as one-way highways and requiring that all vehicles on those
7 highways be moved in one specific direction;
 - 8 (5) regulating the speed of vehicles in public parks;
 - 9 (6) designating any highway as a through highway, as defined in 61-8-341, and requiring that all vehicles
10 stop before entering or crossing a through highway and designating any intersection, as defined in 61-8-102, as
11 a stop intersection and requiring all vehicles to stop at one or more entrances to stop intersections;
 - 12 (7) restricting the use of highways as authorized in 61-10-128(2);
 - 13 (8) regulating the operation of bicycles, as defined in 61-8-102, and requiring the registration and
14 licensing of bicycles, including requiring a registration fee;
 - 15 (9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
 - 16 (10) altering the speed limits as authorized in Title 7, chapter 14, and Title 61, chapter 8;
 - 17 (11) regulating the operating of a vehicle by a person who is a habitual user of or under the influence of
18 any narcotic drug or who is under the influence of any other drug to a degree that renders the person incapable
19 of safely operating a vehicle within the incorporated limits of any city or town;
 - 20 (12) regulating or prohibiting a person who is under the influence of intoxicating liquor from operating or
21 being in actual physical control of a vehicle within the incorporated limits of a city or town;
 - 22 (13) regulating or prohibiting the operation of a vehicle by a person in willful or wanton disregard for the
23 safety of persons or property within the incorporated limits of a city or town;
 - 24 (14) enacting as ordinances any provisions of chapter 8 or 9 and any other law regulating traffic,
25 pedestrians, vehicles, and operators of vehicles that are not in conflict with state law or federal regulations and
26 enforcing the ordinances; ~~and~~
 - 27 (15) regulating the operation of motorized nonstandard vehicles, ~~as defined in 61-4-101~~, on sidewalks,
28 streets, and highways; and
 - 29 (16) regulating the operation of golf carts on streets and highways."
- 30

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

3

4 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

5

- END -