

HOUSE BILL NO. 277

INTRODUCED BY T. WASHBURN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL GOVERNMENT TO AUTHORIZE THE USE
5 OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS; DEFINING "GOLF CART"; REQUIRING
6 REGISTRATION OF CERTAIN GOLF CARTS; AND AMENDING SECTIONS 10-3-1307, 23-1-105, 61-1-101,
7 61-3-312, 61-3-321, 61-3-332, 61-6-158, AND 61-12-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Unlawful OPERATION OF GOLF CARTS -- UNLAWFUL operation of golf cart
13 -- exception -- required equipment. (1) A person may not operate a golf cart on a public street or highway
14 open to the public unless the operation is specifically authorized by ordinance or regulation passed by the local
15 governing body of the county, city, or town for a public street or highway under its jurisdiction.

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

17 ~~(2)~~(3) A golf cart may not be operated on a public street or highway when permitted by this section
18 unless it is equipped with:

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

25 (4) EXCEPT AS PROVIDED IN 61-3-321, A GOLF CART IS EXEMPT FROM TITLING, REGISTRATION, AND MANDATORY
26 LIABILITY INSURANCE REQUIREMENTS UNDER THIS TITLE.

27
28 SECTION 2. SECTION 10-3-1307, MCA, IS AMENDED TO READ:

29 **"10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees**
30 **-- issuance of permits -- inspection of motor carriers.** (1) After receiving notification from the person or entity

1 that plans to ship high-level radioactive waste or transuranic waste through the state, the department of
2 transportation shall assess fees according to the following schedule:

3 (a) a fee of \$2,500 must be assessed for each cask designed for transport by truck; and

4 (b) a fee of \$4,500 must be assessed for the first cask designed for transport by rail and a fee of \$3,000
5 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same
6 shipment.

7 (2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns
8 the waste.

9 (3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to
10 the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

11 (4) The department of transportation shall deposit all of the fees collected under this section in the
12 radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

13 (5) If the waste is to be transported through the state by motor carrier, the department of transportation
14 shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services
15 division.

16 (6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61,
17 chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in
18 Montana.

19 (7) Fees under this section must be assessed regardless of ownership, and 61-3-321~~(13)~~(14) and
20 61-10-127 do not apply."

21

22 **SECTION 3. SECTION 23-1-105, MCA, IS AMENDED TO READ:**

23 **"23-1-105. Fees and charges.** (1) The department may levy and collect reasonable fees or other
24 charges for the use of privileges and conveniences that may be provided and to grant concessions that it
25 considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the
26 department, except as provided in subsection (5), must be deposited in the state treasury in a state special
27 revenue fund to the credit of the department.

28 (2) Overnight camping fees established by the department under subsection (1) must be discounted 50%
29 for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of
30 age or older or certified as disabled in accordance with rules adopted by the department.

1 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the
 2 time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered
 3 by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not
 4 allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered
 5 owner.

6 (4) Money received from the collection of fees and charges is subject to the deposit requirements of
 7 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant
 8 to 17-6-105(8).

9 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing
 10 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by
 11 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,
 12 commemorative, and interpretive merchandise and other related goods and services at department sites and
 13 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise
 14 and other related goods and services and from donations. Gross revenue from the sale of educational,
 15 commemorative, and interpretive merchandise and other related goods and services must be deposited in the
 16 fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided
 17 in this subsection.

18 (6) In recognition of the fact that individuals support state parks through the payment of certain motor
 19 vehicle registration fees, persons who pay the fee provided for in 61-3-321~~(18)(a)~~(19)(a) may not be required to
 20 pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such
 21 as overnight camping fees, are still chargeable and may be collected by the department."
 22

23 **Section 4.** Section 61-1-101, MCA, is amended to read:

24 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
 25 definitions apply:

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

30 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited

1 partnership, limited liability company, association, joint venture, state agency, local government unit, another state
2 government, the United States, a political subdivision of this or another state, or any other legal or commercial
3 entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 altered from the manufacturer's original design;

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

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

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

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

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

11 (12) "Customer identification number" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) an individual establishes residence;

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

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

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

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

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

16 (a) any temporary license or instruction permit;

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

18 (c) any nonresident's driving privilege;

19 (d) a motorcycle endorsement; or

20 (e) a commercial driver's license.

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

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

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

29 ~~(22)~~(23) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
30 on the vehicle.

1 ~~(23)~~(24) "Highway" or "public highway" means the entire width between the boundary lines of every
2 publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes
3 of vehicular travel.

4 ~~(24)~~(25) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
5 arrests for violations of traffic regulations.

6 ~~(25)~~(26) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
7 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

8 ~~(26)~~(27) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

- 9 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or
10 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
11 commonly referred to as a donor vehicle.

12 ~~(27)~~(28) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
13 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

14 ~~(28)~~(29) "Manufactured home" has the meaning provided in 15-24-201.

15 ~~(29)~~(30) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
16 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
17 business.

18 ~~(30)~~(31) "Manufacturer's certificate of origin" means the original paper record produced and issued by
19 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
20 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
21 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
22 ownership of the vehicle to the person or persons named in the certificate.

23 ~~(31)~~(32) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
24 transported, that:

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

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

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

30 (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 pounds.
- 10 ~~(32)~~(33) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.
- 11 ~~(33)~~(34) "Montana resident" means:
- 12 (a) an individual who resides in Montana as determined under 1-1-215;
- 13 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
14 registered agent in this state.
- 15 ~~(34)~~(35) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
16 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
17 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.
- 18 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
19 or any successor federal agency.
- 20 ~~(35)~~(36) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
21 by a court that are operating motor vehicles upon a public highway in this state for the transportation of property
22 for hire on a commercial basis.
- 23 (b) The term does not include motor carriers regulated under Title 69, chapter 12.
- 24 ~~(36)~~(37) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
25 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one
26 or more attachments and a seat for the conveyance of a passenger.
- 27 (b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
28 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.
- 29 ~~(37)~~(38) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
30 produces 5 horsepower or less.

- 1 (b) The term does not include a bicycle, as defined in 61-8-102, or a motorized nonstandard vehicle.
- 2 ~~(38)~~(39) "Motor home" means a motor vehicle:
- 3 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
- 4 a self-propelled motor vehicle chassis or van;
- 5 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
- 6 standard; and
- 7 (c) providing at least four of the following types of facilities:
- 8 (i) cooking, refrigeration, or icebox;
- 9 (ii) self-contained toilet;
- 10 (iii) heating or air conditioning, or both;
- 11 (iv) potable water supply, including a faucet and sink; or
- 12 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.
- 13 ~~(39)~~(40) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
- 14 transported, that:
- 15 (i) is propelled by its own power, using an internal combustion engine or an electric motor;
- 16 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and
- 17 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
- 18 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.
- 19 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
- 20 "pocket rocket".
- 21 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
- 22 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
- 23 person.
- 24 ~~(40)~~(41) (a) "Motor vehicle" means:
- 25 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
- 26 highways of the state; and
- 27 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9;
- 28 (III) A GOLF CART ONLY IF IT IS EQUIPPED FOR USE ON THE HIGHWAYS AS PRESCRIBED IN CHAPTER 9 AND IS
- 29 OPERATED PURSUANT TO [SECTION 1].
- 30 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility

1 device, a motorized nonstandard vehicle, ~~a golf cart~~, or a motorized wheelchair or other low-powered,
2 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
3 used as a means of mobility for that person.

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

7 ~~(42)~~(43) "Nonresident" means a person who is not a Montana resident.

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

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

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

18 (b) The term does not include:

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

20 (ii) snowmobiles; or

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

23 ~~(45)~~(46) "Operator" means a person who is in actual physical control of a motor vehicle.

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

30 ~~(47)~~(48) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

1 ~~(48)~~(49) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
2 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
3 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
4 vessel.

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

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

11 ~~(54)~~(52) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
12 having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50
13 horsepower.

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

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

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

19 (b) The term does not include streetcars.

20 ~~(54)~~(55) "Recreational vehicle" includes a motor home, travel trailer, or camper.

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

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

29 ~~(57)~~(58) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
30 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer

1 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
2 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
3 vehicle for the registration period indicated in the receipt.

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

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

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

15 ~~(64)~~(62) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

17 ~~(62)~~(63) "School zone" means an area near a school beginning at the school's front door, encompassing
18 the campus and school property, and including the streets directly adjacent to the school property and for as
19 many blocks surrounding the school as determined by the local authority establishing a special speed limit under
20 61-8-310(1)(d).

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

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

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

29 ~~(66)~~(67) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
30 property on the highways but incidentally operated or moved over the highways, including road construction or

1 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
2 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
3 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

4 ~~(67)~~(68) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

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

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

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

19 ~~(69)~~(70) (a) "Stop", when required, means complete cessation from movement.

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

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

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

28 ~~(72)~~(73) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

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

6 ~~(74)~~(75) "Temporary registration permit" means a paper record:

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

10 (i) required vehicle and owner information; and

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

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

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

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

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

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

27 ~~(78)~~(79) "Travel trailer" means a vehicle:

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

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

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

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

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

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

7 ~~(81)~~(82) "Under the influence" has the meaning provided in 61-8-401.

8 ~~(82)~~(83) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
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 what
11 is commonly known as "secondhand" within the ordinary meaning of that term.

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

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

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

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

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

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

29

30 **SECTION 5. SECTION 61-3-312, MCA, IS AMENDED TO READ:**

1 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in 61-3-313
2 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day
3 of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

4 (2) Except as provided in subsection (4), a person may renew a motor vehicle's registration by submitting
5 full payment for the fees or taxes required under 61-3-303 and 61-3-321~~(42)~~(13) to the department, an authorized
6 agent, or a county treasurer in any county of this state.

7 (3) The department, an authorized agent, or a county treasurer may use the online motor vehicle liability
8 insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.

9 (4) Beginning July 1, 2011, and except when the verification system is temporarily unavailable, a
10 registration may not be renewed when compliance with 61-6-301 cannot be determined using the verification
11 system.

12 (5) Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be
13 retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration
14 receipt is valid for the registration period for which it is issued.

15 (6) The owner of a motor vehicle subject to registration renewal under the provisions of this section is
16 considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment
17 for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department,
18 an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's
19 registration period and if, beginning July 1, 2011, the department, authorized agent, or county treasurer
20 determines the owner is in compliance with 61-6-301 using the verification system provided in 61-6-157.

21 (7) The department, an authorized agent, or a county treasurer may not renew the registration of a motor
22 vehicle for which ownership has been transferred and that was originally registered without being titled under the
23 provisions of 61-3-303(3)(b) unless:

24 (a) the previously issued certificate of title has been surrendered to the department, an authorized agent,
25 or the county treasurer and the process for issuing a certificate of title has been completed; or

26 (b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and
27 bond in support of the application for a certificate of title as permitted in 61-3-208."

28

29 **SECTION 6. SECTION 61-3-321, MCA, IS AMENDED TO READ:**

30 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**

1 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
2 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
3 semitrailers, and pole trailers as provided in subsections (2) through ~~(19)~~ (20):

4 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
5 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- 6 (a) if the vehicle is 4 or less years old, \$217;
7 (b) if the vehicle is 5 through 10 years old, \$87; and
8 (c) if the vehicle is 11 or more years old, \$28.

9 (3) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee based on the declared
10 weight of a trailer, semitrailer, or pole trailer is as follows:

- 11 (a) if the declared weight is less than 6,000 pounds, \$61.25; or
12 (b) if the declared weight is 6,000 pounds or more, \$148.25.

13 (4) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for motor vehicles owned
14 and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

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

17 (5) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for off-highway vehicles other
18 than a quadricycle or motorcycle is \$61.25.

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

20 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

- 21 (i) less than 2 years old, \$282.50;
22 (ii) 2 years old and less than 5 years old, \$224.25;
23 (iii) 5 years old and less than 8 years old, \$132.50; and
24 (iv) 8 years old and older, \$97.50.

25 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
26 under this section may permanently register the motor home upon payment of:

- 27 (i) a one-time registration fee of \$237.50;
28 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
29 deposited in the account established under 61-6-158; and
30 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.

1 (8) (a) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for motorcycles and
2 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
3 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

4 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
5 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

6 (9) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for travel trailers, based on
7 the length of the travel trailer, is as follows:

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

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

10 (10) Except as provided in subsection ~~(14)~~ (15), the one-time registration fee for a motorboat, sailboat,
11 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

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

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

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

17 (11) (a) Except as provided in subsections (11)(b) and ~~(14)~~ (15), the one-time registration fee for a
18 snowmobile is \$60.50.

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

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

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

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

25 (12) The one-time registration fee for golf carts authorized to operate on certain public streets and
26 highways pursuant to [section 1] is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
27 which must be displayed visibly on the golf cart.

28 ~~(12)~~(13) (a) Except as provided in subsection ~~(12)(b)~~ (13)(b), a fee of \$10 must be collected when a new
29 set of standard license plates, a new single standard license plate, or a replacement set of special license plates
30 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously

1 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
2 paid if the vehicle to which the plates are transferred is not currently registered.

3 (b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep
4 the same license plate number from license plates issued on or after January 1, 2006, but before January 1,
5 2010, when replacement of those plates is required under 61-3-332(3).

6 (c) The fees imposed in this subsection ~~(12)~~ (13) must be deposited in the account established under
7 61-6-158, except that \$2 of the fee imposed in subsection ~~(12)(a)~~ (13)(a) must be deposited in the state general
8 fund.

9 ~~(13)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and
10 are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or
11 controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202,
12 or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c),
13 (1)(d), (1)(e), (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

14 ~~(14)~~(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
15 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
16 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
17 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
18 this section.

19 ~~(15)~~(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this
20 section.

21 ~~(16)~~(17) Except as otherwise provided in this section, revenue collected under this section must be
22 deposited in the state general fund.

23 ~~(17)~~(18) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the
24 enumerated vehicles or vessels that constitute inventory of the dealership.

25 ~~(18)~~(19) (a) Unless a person exercises the option in subsection ~~(18)(b)~~ (19)(b), an additional fee of \$4
26 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
27 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
28 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
29 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
30 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

1 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
 2 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
 3 not to pay the additional \$4 fee provided for in subsection ~~(18)(a)~~ (19)(a). If a written election is made, the fee may
 4 not be collected.

5 ~~(19)(20)~~ For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
 6 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
 7 collected and forwarded to the state for deposit in the account established in 44-1-504.

8 ~~(20)(21)~~ This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed
 9 by 61-3-721."

10

11 **SECTION 7. SECTION 61-3-332, MCA, IS AMENDED TO READ:**

12 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
 13 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
 14 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
 15 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
 16 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
 17 owned by other persons.

18 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all
 19 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
 20 as determined by the department, and be furnished by the department. In years when standard license plates
 21 are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear
 22 license plate of the vehicle.

23 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
 24 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
 25 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
 26 license plate of the permanently registered motor vehicle.

27 (c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently
 28 registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word
 29 "permanent" on the plate in lieu of issuing a registration decal for the plate.

30 (3) (a) (i) Beginning January 1, 2010, and every 5 years after that date, the department shall design

1 standard license plates to replace previously issued standard license plates. For the purposes of this subsection
2 (3), all military, veteran, and amateur radio license plates and any license plate with a wheelchair design,
3 excluding collegiate or generic specialty plates with a wheelchair design, are treated as standard license plates.

4 (ii) License plates issued on or after January 1, 2010, must be replaced with the most recent design of
5 standard license plates or a new replacement collegiate or generic specialty license plate if, upon renewal of
6 registration under 61-3-332, the license plates are 5 or more years old or will become older than 5 years during
7 the registration period.

8 (iii) License plates issued on or before January 1, 2010, must be replaced with the most recent design
9 of standard license plates or a new replacement collegiate or generic specialty license plate in accordance with
10 the implementation schedule adopted by the department under 61-3-315. Until January 1, 2015, and upon
11 payment of the fee required in ~~61-3-321(12)(b)~~ 61-3-321(13)(b), a vehicle owner may elect to keep the same
12 license plate number from license plates issued on or after January 1, 2006, but before January 1, 2010, when
13 replacement of those plates is required under this subsection.

14 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
15 display the license plate and plate design in effect at the time of registration for the entire registration period.

16 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
17 display the license plate and plate design in effect at the time of registration for the entire period that the light
18 vehicle or motor home is permanently registered.

19 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer,
20 semitrailer, or pole trailer.

21 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461
22 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative
23 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized
24 under 61-3-458.

25 (4) For trailers and motor vehicles, other than motorcycles and quadricycles, plates must be of metal 6
26 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of
27 Montana must be used as a distinctive border on all license plates, and the word "Montana" must be placed on
28 each license plate. All license plates must be treated with a reflectorized background material according to
29 specifications prescribed by the department.

30 (5) The distinctive registration numbers for standard license plates must begin with a number one or with

1 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
2 Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license
3 plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear
4 on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal
5 baseline. The county number must be separated from the distinctive registration number by a separation mark
6 unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by
7 the department, and all county and registration numbers must be of equal height.

8 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,
9 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition
10 to the markings provided in this section, standard license plates must bear the following distinctive markings:

11 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may
12 designate the prefix number for the various state departments. All numbered plates issued to state departments
13 must bear the words "State Owned", and a year number may not be indicated on the plates because these
14 numbered plates are of a permanent nature and will be replaced by the department only when the physical
15 condition of numbered plates requires it.

16 (b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties,
17 municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not
18 operating for profit, and that are used and operated by officials and employees in the line of duty and for motor
19 vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol
20 and used and operated by officials and employees in the line of duty, there must be placed on the standard
21 license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT".
22 Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each
23 of the counties in the state and those of the municipalities and special districts that obtain plates within each
24 county must begin with number one and be numbered consecutively. Because these standard license plates are
25 of a permanent nature, they are subject to replacement by the department only when the physical condition of
26 the license plates requires it and a year number may not be displayed on the plates.

27 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
28 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
29 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
30 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;

1 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
 2 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
 3 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
 4 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must
 5 be assigned numbers by the department as they are formed, beginning with the number 57.

6 (8) Each type of special license plate approved by the legislature, except collegiate license plates
 7 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
 8 a separate series of plates, numbered as provided in subsection (5), except that the county number must be
 9 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this
 10 section, the special plates are subject to the same rules and laws as govern the issuance of standard license
 11 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who
 12 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,
 13 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,
 14 semitrailer, or pole trailer.

15 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon
 16 written application on a form prescribed by the department, be issued a special license plate with a design or
 17 decal bearing a representation of a wheelchair as the symbol of a person with a disability.

18 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the
 19 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances
 20 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking
 21 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

22 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
 23 license plate upon written application, as provided in this subsection (9), is not required to reapply upon
 24 reregistration of the motor vehicle.

25 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that
 26 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
 27 61-3-733."

28

29 **SECTION 8. SECTION 61-6-158, MCA, IS AMENDED TO READ:**

30 **"61-6-158. Vehicle insurance verification and license plate operating account. (1) There is a vehicle**

1 insurance verification and license plate operating account in the state special revenue fund type as provided in
2 17-2-102.

3 (2) Fees imposed under 61-3-321(7)(b)(ii) and ~~(42)~~ (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i),
4 or 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.

5 (3) The money in the vehicle insurance verification and license plate operating account must be used
6 by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of
7 the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution
8 of license plates by Montana correctional enterprises."

9

10 **Section 9.** Section 61-12-101, MCA, is amended to read:

11 **"61-12-101. Powers of local authorities to regulate traffic.** The provisions of chapters 8 and 9 do not
12 prevent local authorities with respect to sidewalks, streets, and highways under their jurisdiction and within the
13 reasonable exercise of the police power from:

14 (1) regulating the standing or parking of vehicles;

15 (2) regulating the traffic by means of police officers or traffic control devices;

16 (3) regulating or prohibiting processions or assemblages on the highways;

17 (4) designating particular highways as one-way highways and requiring that all vehicles on those
18 highways be moved in one specific direction;

19 (5) regulating the speed of vehicles in public parks;

20 (6) designating any highway as a through highway, as defined in 61-8-341, and requiring that all vehicles
21 stop before entering or crossing a through highway and designating any intersection, as defined in 61-8-102, as
22 a stop intersection and requiring all vehicles to stop at one or more entrances to stop intersections;

23 (7) restricting the use of highways as authorized in 61-10-128(2);

24 (8) regulating the operation of bicycles, as defined in 61-8-102, and requiring the registration and
25 licensing of bicycles, including requiring a registration fee;

26 (9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

27 (10) altering the speed limits as authorized in Title 7, chapter 14, and Title 61, chapter 8;

28 (11) regulating the operating of a vehicle by a person who is a habitual user of or under the influence of
29 any narcotic drug or who is under the influence of any other drug to a degree that renders the person incapable
30 of safely operating a vehicle within the incorporated limits of any city or town;

1 (12) regulating or prohibiting a person who is under the influence of intoxicating liquor from operating or
 2 being in actual physical control of a vehicle within the incorporated limits of a city or town;

3 (13) regulating or prohibiting the operation of a vehicle by a person in willful or wanton disregard for the
 4 safety of persons or property within the incorporated limits of a city or town;

5 (14) enacting as ordinances any provisions of chapter 8 or 9 and any other law regulating traffic,
 6 pedestrians, vehicles, and operators of vehicles that are not in conflict with state law or federal regulations and
 7 enforcing the ordinances; ~~and~~

8 (15) regulating the operation of motorized nonstandard vehicles, ~~as defined in 61-1-101~~, on sidewalks,
 9 streets, and highways; and

10 (16) regulating the operation of golf carts on streets and highways."

11
 12 **NEW SECTION. SECTION 10. Codification instruction.** [Section 1] is intended to be codified as an
 13 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

14
 15 **COORDINATION SECTION. SECTION 11. COORDINATION INSTRUCTION.** IF BOTH HOUSE BILL NO. 213 AND
 16 [THIS ACT] ARE PASSED AND APPROVED, THEN THE SECTION OF [THIS ACT] AMENDING 61-1-101 IS VOID AND THE
 17 DEFINITION OF "MOTOR VEHICLE" IN 61-1-101 MUST BE AMENDED AS FOLLOWS:

18 "(40) (a) "Motor vehicle" means:

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

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

22 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated
 23 pursuant to [section 1 of this act] or by a person with a low-speed restricted driver's license.

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

28
 29 **NEW SECTION. SECTION 12. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

30 - END -