

1 HOUSE BILL NO. 622

2 INTRODUCED BY D. LOGE, K. WALSH, R. FITZGERALD, G. PARRY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR NONRESIDENT TITLING OF VEHICLES;
5 PROVIDING THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE AUTHORITY AND
6 LEGISLATIVE DIRECTION TO IMPLEMENT NONRESIDENT TITLING; AND AMENDING SECTION 61-3-201,
7 MCA."

8

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

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11 **Section 1.** Section 61-3-201, MCA, is amended to read:

12 **"61-3-201. Certificate of title required -- nonresident title -- exclusions.** (1) Except as provided in
13 subsection ~~(2)~~ (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
14 watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by
15 or an electronic record of title has not been created by the department shall apply to the department, its
16 authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole
17 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

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

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

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

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

23 (d) shall require an applicant to submit a penalty bond of no less than \$250,000 payable to the
24 motor vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller,
25 financial institution, the state, or any other state by using this section.

26 ~~(2)~~(3) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal
27 watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

28 (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,

1 sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer,
2 camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

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

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

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

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

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

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

14 or

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

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

17 (f) an implement of husbandry;

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

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

21 (i) a dolly or converter gear;

22 (j) a mobile home or housetrailer;

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

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

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