

HOUSE BILL NO. 391

INTRODUCED BY D. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGISTRATION AND USE OF TRACKED
5 OFF-HIGHWAY VEHICLES; DEFINING "TRACKED OFF-HIGHWAY VEHICLE"; ESTABLISHING
6 REGISTRATION FEES AND PROVIDING FOR A PORTION OF THE FEES TO BE USED FOR SNOWMOBILE
7 TRAIL GROOMING AND MAINTENANCE; PROVIDING THAT THE VEHICLES BE CONSIDERED
8 SNOWMOBILES UNDER CERTAIN CIRCUMSTANCES AND OFF-HIGHWAY VEHICLES UNDER CERTAIN
9 CIRCUMSTANCES; AMENDING SECTIONS 10-3-1307, 23-1-105, 23-2-601, 23-2-616, 23-2-804, 61-1-101,
10 61-3-312, AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 10-3-1307, MCA, is amended to read:

15 **"10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees**
16 **-- issuance of permits -- inspection of motor carriers.** (1) After receiving notification from the person or entity
17 that plans to ship high-level radioactive waste or transuranic waste through the state, the department of
18 transportation shall assess fees according to the following schedule:

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

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

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

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

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

29 (5) If the waste is to be transported through the state by motor carrier, the department of transportation
30 shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services

1 division.

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

5 (7) Fees under this section must be assessed regardless of ownership, and 61-3-321~~(14)~~(15) and
6 61-10-127 do not apply."

7

8 **Section 2.** Section 23-1-105, MCA, is amended to read:

9 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) The department may levy
10 and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided
11 and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money
12 derived from the activities of the department, except as provided in subsection (5), must be deposited in the state
13 treasury in a state special revenue fund to the credit of the department.

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

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

22 (4) Money received from the collection of fees and charges is subject to the deposit requirements of
23 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant
24 to 17-6-105(8).

25 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing
26 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by
27 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,
28 commemorative, and interpretive merchandise and other related goods and services at department sites and
29 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise
30 and other related goods and services and from donations. Gross revenue from the sale of educational,

1 commemorative, and interpretive merchandise and other related goods and services must be deposited in the
2 fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided
3 in this subsection.

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

8 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321~~(19)(a)~~(20)(a) on or
9 after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and
10 operation of state parks."

11

12 **Section 3.** Section 23-2-601, MCA, is amended to read:

13 **"23-2-601. Definition of terms.** As used in 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617,
14 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644, unless the context requires
15 otherwise, the following definitions apply:

16 (1) "Certificate of registration" means the owner's receipt evidencing payment of fees due in order for
17 the snowmobile to be validly registered.

18 (2) "Certificate of title" means the document issued by the department of justice as prima facie evidence
19 of ownership.

20 (3) "dbA" means sound pressure level measured on the "A" weight scale in decibels.

21 (4) "Department" means the department of fish, wildlife, and parks of the state of Montana.

22 (5) "New snowmobile" means a snowmobile that has not been previously sold to an owner.

23 (6) "Operator" includes each person who operates or is in actual physical control of the operation of a
24 snowmobile.

25 (7) "Owner" includes each person, other than a lienholder or person having a security interest in a
26 snowmobile, that holds a certificate of title to a snowmobile and is entitled to the use or possession of the
27 snowmobile.

28 (8) "Person" means an individual, partnership, association, corporation, and any other body or group of
29 persons, regardless of the degree of formal organization.

30 (9) "Registration decal" means an adhesive sticker produced and issued by the department of justice,

1 its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed
2 for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

3 (10) "Roadway" means only those portions of a highway, road, or street improved, designed, or ordinarily
4 used for travel or parking of motor vehicles.

5 (11) "Snowmobile" means:

6 (a) a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed
7 primarily for travel on snow or ice, that may be steered by skis or runners and that is not otherwise registered or
8 licensed under the laws of the state of Montana; or

9 (b) a tracked off-highway vehicle as defined in 61-1-101 and registered under 61-3-321."

10

11 **Section 4.** Section 23-2-616, MCA, is amended to read:

12 **"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees.**

13 (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by
14 any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left
15 side of the cowl.

16 (2) (a) A Montana resident who owns a snowmobile operated on public land shall register the
17 snowmobile at the county treasurer's office in the county where the owner resides.

18 (b) A county treasurer shall register a snowmobile if:

19 (i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an
20 application for a certificate of title to the department, its authorized agent, or a county treasurer; or

21 (ii) the county treasurer has confirmed that the department of justice has an electronic record of title for
22 the snowmobile as provided in 61-3-101.

23 (c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained
24 by the department of justice, by entering the fees paid and recording any changes to the record.

25 (3) The owner registering a snowmobile shall pay the registration fee prescribed in 61-3-321(11) or (13)
26 and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the
27 most recent year in which the snowmobile was registered. Upon payment of the proper fee, the treasurer shall
28 issue a registration receipt that contains information considered necessary by the department of justice and a
29 listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the
30 county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

1 (4) The county treasurer shall forward the application to the department of justice and shall issue to the
2 applicant a registration decal in the style and design prescribed by the department of justice.

3 (5) The county treasurer may not register a snowmobile under this section unless the applicant has paid
4 the registration fee.

5 (6) (a) ~~At~~ Except as provided in subsection (6)(b), all money collected from payment of registration fees
6 and all interest accruing from use of this money must be forwarded to the state, as provided in 15-1-504, for
7 deposit in the state general fund.

8 (b) An amount of \$60.50 collected for each registration of a tracked off-highway vehicle under 61-3-321
9 must be forwarded to the state for deposit as provided in 61-3-321(23)."

10

11 **Section 5.** Section 23-2-804, MCA, is amended to read:

12 **"23-2-804. Decal required.** (1) Except as provided in 23-2-802, an off-highway vehicle may not be
13 operated by a person for off-road recreation on public lands in Montana unless there is displayed in a
14 conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer,
15 as visual proof that the following fees have been paid:

16 (a) the registration fee provided for in 61-3-321(5) or (13); or

17 (b) when the vehicle will be used as provided in this section, the registration and taxation fees for
18 motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's
19 certificate of registration and payment receipt. The county treasurer may confirm the registration status of a
20 motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic
21 record of title for the vehicle.

22 (2) The decal must be serially numbered."

23

24 **Section 6.** Section 61-1-101, MCA, is amended to read:

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

27 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
28 and is specifically authorized by the department to electronically access and update the department's motor
29 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
30 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) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
20 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

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

25 (8) "Commercial driver's license" means:

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

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

30 (9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in

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

1 (10) "Commission" means the state transportation commission.

2 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:

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

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

7 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:

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

9 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
10 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
11 25 years old; and

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

14 (13) "Customer identification number" means:

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

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

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

22 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through
23 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

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

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

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

1 (ii) employees of the persons included in subsection (14)(b)(i) when engaged in the specific performance
2 of their duties as employees; or

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

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

6 (16) "Department" means the department of justice acting directly or through its duly authorized officers
7 or agents.

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

10 (18) "Domiciled" means a place where:

11 (a) an individual establishes residence;

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

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

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

16 (19) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as
17 maintained by the department on the individual Montana driving record and the CDLIS driver record for that
18 person.

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

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

22 (a) any temporary license or instruction permit;

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

24 (c) any nonresident's driving privilege;

25 (d) a motorcycle endorsement; or

26 (e) a commercial driver's license.

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

30 (23) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either

1 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which
2 a remuneration is obtained or derived for transportation service.

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

5 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability
6 insurance requirements under this title.

7 (25) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the
8 vehicle.

9 (26) "Hazardous material" means:

10 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be
11 placarded under 49 CFR, part 172; or

12 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

13 (27) "Highway" or "public highway" means the entire width between the boundary lines of every publicly
14 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of
15 vehicular travel.

16 (28) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
17 arrests for violations of traffic regulations.

18 (29) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively
19 used by the owner of the vehicle in the conduct of the owner's agricultural operations.

20 (30) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

21 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

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

24 (31) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
25 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

26 (32) "Low-speed electric vehicle" means a motor vehicle, upon or by which a person may be transported,
27 that:

28 (a) has four wheels;

29 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified
30 by the manufacturer;

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

3 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
4 grid or from renewable electrical energy sources;

5 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

6 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
7 identification number as provided in 49 CFR, part 565; and

8 (g) is equipped as provided in 61-9-432.

9 (33) "Low-speed restricted driver's license" means a license or permit limited to the operation of a
10 low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

11 (a) a temporary license or instruction permit;

12 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
13 61-5-122, whether or not the person holds a valid driver's license; and

14 (c) a nonresident's similarly restricted driving privilege.

15 (34) "Manufactured home" has the meaning provided in 15-24-201.

16 (35) "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 (36) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
20 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 (37) (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 (38) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.
- 12 (39) "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 (40) (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 (41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by
22 a court that are operating motor vehicles upon a public highway in this state for the transportation of property for
23 hire on a commercial basis.
- 24 (b) The term does not include motor carriers regulated under Title 69, chapter 12.
- 25 (42) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that
26 is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or
27 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 (43) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces

1 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 (44) "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 (45) (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 (46) (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;

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

29 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated
30 pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

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

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

8 (48) "Nonresident" means a person who is not a Montana resident.

9 (49) (a) "Not used for general transportation purposes" means the operation of a motor vehicle, registered
10 as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle
11 club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation 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 (50) (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, tracked off-highway vehicles
17 when the tracks have been replaced by wheels or tires, and any other means of land transportation deriving
18 motive power from any source other than muscle or wind.

19 (b) The term does not include:

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

21 (ii) snowmobiles; or

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

24 (51) "Operator" means a person who is in actual physical control of a motor vehicle.

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

1 (53) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

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

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

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

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

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

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

16 (59) (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 (60) "Recreational vehicle" includes a motor home, travel trailer, or camper.

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

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

27 (63) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
28 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
29 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
30 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the

1 vehicle for the registration period indicated in the receipt.

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

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

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

13 (67) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

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

19 (69) "Sell" means to transfer ownership from one person to another person or from a dealer to another
20 person for consideration.

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

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

27 (72) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
28 property on the highways but incidentally operated or moved over the highways, including road construction or
29 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
30 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this

1 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

2 (73) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

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

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

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

17 (75) (a) "Stop", when required, means complete cessation from movement.

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

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

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

26 (78) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

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

4 (80) "Temporary registration permit" means a paper record:

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

8 (i) required vehicle and owner information; and

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

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

14 (81) "Tracked off-highway vehicle" means an off-highway vehicle that has had the wheels or tires
 15 removed and replaced with tracks intended for use on snow and ice. A tracked off-highway vehicle must be
 16 considered to be a snowmobile for the purposes of Title 23, chapter 2, part 6, and, except for 61-3-321, parts 2
 17 and 3 of this chapter and must be considered to be an off-highway vehicle for the purposes of Title 23, chapter
 18 2, part 8, and, except for 61-3-321, parts 2 and 3 of this chapter when the tracks are replaced by wheels or tires.

19 ~~(81)~~(82) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
 20 conveyances either singly or together while using any highways for purposes of travel.

21 ~~(82)~~(83) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
 22 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
 23 upon the towing vehicle.

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

25 ~~(83)~~(84) "Transaction summary receipt" means an electronic record produced and issued by the
 26 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
 27 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
 28 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
 29 described in the receipt on the electronic record of title maintained under 61-3-101.

30 ~~(84)~~(85) "Travel trailer" means a vehicle:

- 1 (a) that is 40 feet or less in length;
2 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;
3 (c) with gross trailer area of less than 320 square feet; and
4 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
5 as a principal residence.

6 ~~(85)~~(86) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
7 transportation of property.

8 ~~(86)~~(87) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
9 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

10 ~~(87)~~(88) "Under the influence" has the meaning provided in 61-8-401.

11 ~~(88)~~(89) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
12 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
13 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
14 is commonly known as "secondhand" within the ordinary meaning of that term.

15 ~~(89)~~(90) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
16 than nine persons and intended for but not limited to family or personal transportation without compensation.

17 ~~(90)~~(91) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
18 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
19 or tracks.

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

23 ~~(91)~~(92) "Vehicle identification number" means the number, letters, or combination of numbers and letters
24 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
25 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

26 ~~(92)~~(93) "Vessel" means every description of watercraft, unless otherwise defined by the department,
27 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

28 ~~(93)~~(94) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
29 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
30 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or

1 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

2

3 **Section 7.** Section 61-3-312, MCA, is amended to read:

4 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in 61-3-313
5 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day
6 of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

7 (2) A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes
8 required under 61-3-303 and 61-3-321~~(13)~~(14) to the department, an authorized agent, or a county treasurer in
9 any county of this state.

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

12 (4) 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 (5) 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.

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

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

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

27

28 **Section 8.** Section 61-3-321, MCA, is amended to read:

29 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
30 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon

1 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
2 semitrailers, and pole trailers as provided in subsections (2) through ~~(20)~~: (21).

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

5 (a) if the vehicle is 4 or less years old, \$217;

6 (b) if the vehicle is 5 through 10 years old, \$87; and

7 (c) if the vehicle is 11 or more years old, \$28.

8 (3) Except as provided in subsection ~~(15)~~ (16), the one-time registration fee based on the declared
9 weight of a trailer, semitrailer, or pole trailer is as follows:

10 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

11 (b) if the declared weight is 6,000 pounds or more, \$148.25.

12 (4) Except as provided in subsection ~~(15)~~ (16), the one-time registration fee for motor vehicles owned
13 and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

14 (a) 2,850 pounds and over, \$10; and

15 (b) under 2,850 pounds, \$5.

16 (5) Except as provided in ~~subsection (15)~~ subsections (13) and (16), the one-time registration fee for
17 off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

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

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

20 (i) less than 2 years old, \$282.50;

21 (ii) 2 years old and less than 5 years old, \$224.25;

22 (iii) 5 years old and less than 8 years old, \$132.50; and

23 (iv) 8 years old and older, \$97.50.

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

26 (i) a one-time registration fee of \$237.50;

27 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
28 deposited in the account established under 61-6-158;

29 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

30 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate

1 license plate under 61-3-465.

2 (8) (a) Except as provided in subsection ~~(15)~~ (16), the one-time registration fee for motorcycles and
3 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
4 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

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

7 (9) Except as provided in subsection ~~(15)~~ (16), the one-time registration fee for travel trailers, based on
8 the length of the travel trailer, is as follows:

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

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

11 (10) Except as provided in subsection ~~(15)~~ (16), the one-time registration fee for a motorboat, sailboat,
12 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

13 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
14 \$65.50;

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

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

18 (11) (a) Except as provided in subsections (11)(b) and ~~(15)~~ (16), the one-time registration fee for a
19 snowmobile is \$60.50.

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

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

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

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

26 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

27 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
28 low-speed restricted driver's license is \$25.

29 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
30 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,

1 which must be displayed visibly on the golf cart.

2 (13) Except as provided in subsection (16), the one-time registration fee for a tracked off-highway vehicle
 3 is \$202. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly
 4 on the vehicle. If the vehicle has been registered in accordance with this subsection, registration under subsection
 5 (5) or (8) is not required when the tracks are replaced with wheels or tires.

6 ~~(13)~~(14) (a) Except as provided in subsection ~~(13)~~(b) (14)(b), a fee of \$10 must be collected when a new
 7 set of standard license plates, a new single standard license plate, or a replacement set of special license plates
 8 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
 9 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
 10 paid if the vehicle to which the plates are transferred is not currently registered.

11 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
 12 number from license plates issued before January 1, 2010, when replacement of those plates is required under
 13 61-3-332(3).

14 (c) The fees imposed in this subsection ~~(13)~~ (14) must be deposited in the account established under
 15 61-6-158, except that \$2 of the fee imposed in subsection ~~(13)~~(a) (14)(a) must be deposited in the state general
 16 fund.

17 ~~(14)~~(15) The provisions of this part with respect to the payment of registration fees do not apply to and
 18 are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or
 19 controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202,
 20 or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d),
 21 (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

22 ~~(15)~~(16) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
 23 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
 24 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
 25 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
 26 fees imposed under this section.

27 ~~(16)~~(17) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this
 28 section.

29 ~~(17)~~(18) Except as otherwise provided in this section, revenue collected under this section must be
 30 deposited in the state general fund.

1 ~~(18)~~(19) The fees imposed by subsections (2) through ~~(12)~~ (13) are not required to be paid by a dealer
2 for the enumerated vehicles or vessels that constitute inventory of the dealership.

3 ~~(19)~~(20) (a) Unless a person exercises the option in either subsection ~~(19)(b)~~ (20)(b) or ~~(19)(c)~~ (20)(c),
4 an additional fee of \$6 must be collected for each light vehicle registered under this part. This fee must be
5 accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in
6 the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of
7 state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25
8 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada
9 City.

10 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
11 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
12 not to pay the additional \$6 fee provided for in subsection ~~(19)(a)~~ (20)(a). If a written election is made, the fee may
13 not be collected.

14 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
15 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
16 make a written election not to pay the additional \$6 fee provided for in subsection ~~(19)(a)~~ (20)(a). If a written
17 election is made, the fee may not be collected at any subsequent annual registration unless the person makes
18 the written election to pay the additional fee on one or more of the light vehicles.

19 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
20 to a different person.

21 ~~(20)~~(21) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
22 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
23 collected and forwarded to the state for deposit in the account established in 44-1-504.

24 ~~(21)~~(22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed
25 by 61-3-721.

26 (23) Of the \$202 collected for each registration under subsection (13), \$60.50 must be deposited in an
27 account in the state special revenue fund to the credit of the department of fish, wildlife, and parks to be used for
28 the statewide snowmobile trail grooming program."

29

30 NEW SECTION. Section 9. Effective date. [This act] is effective January 1, 2016.

31

- END -