

SENATE BILL NO. 55

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MOTOR VEHICLE REGISTRATION TRAUMATIC BRAIN INJURY DONATION LAWS; PROVIDING FOR USE OF THE FUNDS TO EDUCATE AND SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH TRAUMATIC BRAIN INJURIES; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN OPT-OUT PROVISION; AMENDING SECTIONS 2-15-2218 AND 61-3-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 2-15-2218, MCA, is amended to read:

"2-15-2218. Traumatic brain injury account. (1) There is a traumatic brain injury account in the state special revenue fund ~~for purposes of traumatic brain injury prevention, education, and support.~~

(2) Money in this account may be used by the department of public health and human services ~~to fund the advisory council and to provide grants for public information and prevention education regarding traumatic brain injury~~ for funding activities that educate and support recovery of individuals and families living with traumatic brain injuries, including military service personnel, promoting brain injury prevention, and supporting the traumatic brain injury advisory council.

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

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

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

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner



1 delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or

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

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

11 (b) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole
12 trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a
13 previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to
14 the registration renewal limitations of 61-3-312.

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

17 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
18 61-3-101;

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

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

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

22 and

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

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

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

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

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

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

- 1 (iv) a motorcycle or quadricycle under 61-3-321;
- 2 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
3 61-3-321 and 61-3-529; or
- 4 (vi) a trailer under 61-3-321;
- 5 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
6 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
7 anatomical gifts; and
- 8 (c) a unless the person opts out of the donation, an automatic donation of \$1 or more if the person
9 indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic
10 brain injury to fund activities that educate and support recovery of individuals and families living with traumatic
11 brain injuries, including military personnel, to promote brain injury prevention, and to support the traumatic brain
12 injury advisory council.
- 13 (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for
14 the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required
15 by subsection (5).
- 16 (7) The department may make full and complete investigation of the registration status of the motor
17 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
18 trailer under this section shall provide additional information to support the registration to the department if
19 requested.
- 20 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded
21 by the respective county treasurer or an authorized agent to the department for deposit in the state special
22 revenue fund to the credit of an account established by the department of public health and human services to
23 support activities related to awareness and education efforts for procurement of organ and tissue donations for
24 anatomical gifts.
- 25 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
26 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
27 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
28 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
29 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
30 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is

1 transferred.

2 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is
3 transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer,
4 or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax,
5 taxes, and fees.

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

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

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14 NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2016.

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