

HOUSE BILL NO. 764

INTRODUCED BY D. LOGE, J. KRAUTTER, C. POPE, A. REDFIELD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTRIC VEHICLE LAWS; ALLOWING

5 FOR STUDY OF THE EFFECTS OF ELECTRIC VEHICLES; REQUIRING THE DEPARTMENT OF JUSTICE

6 TO DISCLOSE CERTAIN INFORMATION FOR STUDY; CREATING A STATUTORY APPROPRIATION;

7 DEFINING "ELECTRIC VEHICLE" AND "PLUG-IN HYBRID ELECTRIC VEHICLE"; ALLOWING FOR AN

8 ANNUAL FEE ON ELECTRIC VEHICLES AND PLUG-IN HYBRID ELECTRIC VEHICLES; PROVIDING FOR

9 DISPOSITION OF THE ANNUAL FEE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS

10 17-7-502, 61-1-101, 61-3-317, AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE AND A

11 TERMINATION DATE."

12

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

14

15 NEW SECTION. **Section 1. Required disclosure of electric and plug-in hybrid electric vehicle**

16 **information.** Upon request of the department of transportation or the department of environmental quality for

17 purposes of [sections 1 and 2], the department of justice shall provide electric vehicle and plug-in hybrid electric

18 vehicle registration information that is not considered personal information.

19

20 NEW SECTION. **Section 2. Electric vehicle fund -- statutory appropriation.** (1) There is an electric

21 vehicle program account in the state special revenue fund to the credit of the department of environmental quality.

22 (2) The electric vehicle program account consists of money deposited into the account from electric

23 vehicle and plug-in hybrid electric vehicle registration fees in accordance with ~~61-3-321~~ 61-3-321(2)(c) and

24 money from any other source. Any interest earned by the account must be deposited into the account and used

25 to sustain the program.

26 ~~_____ (3) Twenty-five percent of the funds from the electric vehicle program account must be deposited in the~~

27 ~~highway restricted account provided for in 15-70-126 for distribution to local governments as provided in~~

28 ~~15-70-101.~~

29 ~~(4)(3) Funds from the electric vehicle program account retained by the department of environmental~~

30 ~~quality~~ must be used for planning, development, implementation, and administration of programs, policies, and

1 projects related to electric vehicle adoption and use in Montana. Eligible activities include but are not limited to:
 2 (a) studies and recommendations related to the impacts of electric vehicle adoption on infrastructure and
 3 the highway fund and appropriate long-term funding mechanisms;
 4 (b) the planning, installation, maintenance, funding, and financing of electric vehicle infrastructure; and
 5 (c) marketing, education, and outreach related to electric vehicles and tourism.
 6 ~~(5)~~(4) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of
 7 environmental quality for the implementation of [sections 1 and 2].
 8

9 **Section 3.** Section 17-7-502, MCA, is amended to read:

10 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 11 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
 12 need for a biennial legislative appropriation or budget amendment.

13 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
 14 of the following provisions:

15 (a) The law containing the statutory authority must be listed in subsection (3).

16 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
 17 appropriation is made as provided in this section.

18 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
 19 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
 20 10-3-312; 10-3-314; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110;
 21 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222;
 22 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604;
 23 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622;
 24 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409;
 25 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011;
 26 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108;
 27 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;
 28 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518;
 29 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102];
 30 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; ~~and~~ 90-9-306; and [section 2].

1 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 2 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 3 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 4 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 5 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 6 appropriation authority for the payments.(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 7 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 8 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
 9 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 10 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 11 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion
 12 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112
 13 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,
 14 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of
 15 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates
 16 June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of
 17 contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant
 18 to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.
 19 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,
 20 L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the
 21 inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304
 22 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates
 23 June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant
 24 to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023;
 25 pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,
 26 Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,
 27 Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

28

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

30 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following

1 definitions apply:

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

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

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

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

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

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

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

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

24 (6) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
25 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

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

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

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

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

5 (9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
6 commerce to transport passengers or property if the vehicle:

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

9 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
10 greater;

11 (iii) is designed to transport at least 16 passengers, including the driver;

12 (iv) is a school bus; or

13 (v) is of any size and is used in the transportation of hazardous materials.

14 (b) The following vehicles are not commercial motor vehicles:

15 (i) an authorized emergency vehicle:

16 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

17 (B) operated when responding to or returning from an emergency call or operated in another official
18 capacity;

19 (ii) a vehicle:

20 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

21 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
22 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
23 of the farm, including any area within that perimeter that is in the adjoining state; and

24 (C) not used to transport goods for compensation or for hire; or

25 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
26 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
27 personnel in part-time national guard training, and national guard military technicians, or active duty United States
28 coast guard personnel.

29 (c) For purposes of this subsection (9):

30 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or

- 1 crops or the raising of livestock owned by or under the direct control of that person;
- 2 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
3 of a combination or articulated vehicle;
- 4 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
5 a single vehicle; and
- 6 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 7 (10) "Commission" means the state transportation commission.
- 8 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 9 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
10 altered from the manufacturer's original design; or
- 11 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
12 constructed in whole or in part from nonoriginal materials.
- 13 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:
- 14 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or
- 15 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
16 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
17 25 years old; and
- 18 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
19 materials.
- 20 (13) "Customer identification number" means:
- 21 (a) a driver's license or identification card number when the customer is an individual who has been
22 issued a driver's license or identification card by a state driver licensing authority;
- 23 (b) a federal employer or tax identification number when the customer is a business entity that has been
24 issued a federal employer or tax identification number;
- 25 (c) the identification number assigned by the secretary of state to a business entity authorized to do
26 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
27 or tax identification number other than a social security number; or
- 28 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through
29 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.
- 30 (14) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the

1 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
2 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
3 mobile equipment that is not registered in the name of the person.

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

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

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

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

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

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

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

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

17 (a) an individual establishes residence;

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

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

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

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

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

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

28 (a) any temporary license or learner license;

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

30 (c) any nonresident's driving privilege;

1 (d) a motorcycle endorsement; or

2 (e) a commercial driver's license.

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

6 ~~(23)~~ "Electric vehicle" means a vehicle that is powered solely by an electric motor powered by storage
7 batteries or fuel cells that can be recharged from an external source. The term does not include a low-speed
8 electric vehicle, a medium-speed electric vehicle, or a plug-in hybrid electric vehicle.

9 ~~(23)~~~~(24)~~ "For hire" means an action performed for remuneration of any kind, whether paid or promised,
10 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from
11 which a remuneration is obtained or derived for transportation service.

12 ~~(24)~~~~(25)~~ (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person
13 or persons and golf equipment and that has an average speed of less than 15 miles per hour.

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

16 ~~(25)~~~~(26)~~ "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
17 on the vehicle.

18 ~~(26)~~~~(27)~~ "Hazardous material" means:

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

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

22 ~~(27)~~~~(28)~~ "Highway" or "public highway" means the entire width between the boundary lines of every
23 publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes
24 of vehicular travel.

25 ~~(28)~~~~(29)~~ "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
26 arrests for violations of traffic regulations.

27 ~~(29)~~~~(30)~~ "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
28 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

29 ~~(30)~~~~(31)~~ "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

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

3 ~~(31)~~(32) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
4 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

5 ~~(32)~~(33) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be
6 transported, that:

7 (a) has four wheels;

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

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

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

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

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

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

18 ~~(33)~~(34) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
19 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

20 (a) a temporary license or learner license;

21 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
22 61-5-122, whether or not the person holds a valid driver's license; and

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

24 ~~(34)~~(35) "Manufactured home" has the meaning provided in 15-24-201.

25 ~~(35)~~(36) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
26 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
27 business.

28 ~~(36)~~(37) "Manufacturer's certificate of origin" means the original paper record produced and issued by
29 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
30 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must

1 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
2 ownership of the vehicle to the person or persons named in the certificate.

3 ~~(37)~~(38) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
4 transported, that:

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

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

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

10 (iv) is fully enclosed and includes at least one door for entry;

11 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

12 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
13 identification number as provided in 49 CFR, part 565;

14 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
15 indicates the vehicle's maximum speed rating; and

16 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

17 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
18 registration under Title 61, chapter 3.

19 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

20 ~~(38)~~(39) "Mobile home" or "house trailer" has the meaning provided in 15-24-201.

21 ~~(39)~~(40) "Montana resident" means:

22 (a) an individual who resides in Montana as determined under 1-1-215; or

23 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
24 registered agent in this state.

25 ~~(40)~~(41) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
26 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
27 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

28 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
29 or any successor federal agency.

30 ~~(41)~~(42) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed

1 by a court that are operating motor vehicles on a public highway in this state for the transportation of property for
2 hire on a commercial basis.

3 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

4 ~~(42)~~(43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
5 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one
6 or more attachments and a seat for the conveyance of a passenger.

7 (b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

8 (c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been
9 modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

10 (d) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized
11 nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

12 ~~(43)~~(44) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
13 produces 5 horsepower or less.

14 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized nonstandard
15 vehicle.

16 ~~(44)~~(45) "Motor home" means a motor vehicle:

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

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

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

22 (i) cooking, refrigeration, or icebox;

23 (ii) self-contained toilet;

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

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

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

27 ~~(45)~~(46) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
28 transported, that:

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

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

1 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
2 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

5 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility
6 device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for
7 use by a physically disabled person.

8 ~~(46)~~(47) (a) "Motor vehicle" means:

9 (i) a vehicle propelled by its own power and designed or used to transport persons or property on the
10 highways of the state;

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

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

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

18 ~~(47)~~(48) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
19 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
20 as the result of a retail sale.

21 ~~(48)~~(49) "Nonresident" means a person who is not a Montana resident.

22 ~~(49)~~(50) (a) "Not used for general transportation purposes" means the operation of a motor vehicle
23 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
24 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation
25 activity.

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

28 ~~(50)~~(51) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
29 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
30 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land

1 transportation deriving motive power from any source other than muscle or wind.

2 (b) The term does not include:

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

4 (ii) snowmobiles; or

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

7 ~~(51)(52)~~ "Operator" means a person who is in actual physical control of a motor vehicle.

8 ~~(52)(53)~~ "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
9 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
10 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
11 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
12 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
13 person in whom is vested the right of possession or control.

14 ~~(53)(54)~~ "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

15 ~~(54)(55)~~ "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
16 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
17 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
18 vessel.

19 (56) "Plug-in hybrid electric vehicle" means a vehicle that is powered by both an internal combustion
20 engine and an electric motor powered by storage batteries or fuel cells that can be recharged from an external
21 source.

22 ~~(55)(57)~~ "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
23 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
24 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
25 structural members capable generally of sustaining themselves as beams between the supporting connections.

26 ~~(56)(58)~~ "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
27 violations of traffic regulations.

28 ~~(57)(59)~~ (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
29 having a seat or saddle on which the operator sits.

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

1 ~~(58)~~(60) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
2 stationary rails.

3 ~~(59)~~(61) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
4 coupled to the engine, that is operated on rails.

5 (b) The term does not include streetcars.

6 ~~(60)~~(62) "Recreational vehicle" includes a motor home, travel trailer, or camper.

7 ~~(61)~~(63) "Registration" or "register" means the act or process of creating an electronic record, maintained
8 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
9 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
10 department records.

11 ~~(62)~~(64) "Registration decal" means an adhesive sticker produced by the department and issued by the
12 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
13 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
14 registration period indicated on the sticker as recorded by the department under 61-3-101.

15 ~~(63)~~(65) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
16 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
17 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
18 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
19 vehicle for the registration period indicated in the receipt.

20 ~~(64)~~(66) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
21 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
22 other than resale.

23 ~~(65)~~(67) "Revocation" means the termination by action of the department of a person's driver's license,
24 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
25 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
26 exercised. An application for a new license may be presented and acted on by the department after the expiration
27 of the period of the revocation.

28 ~~(66)~~(68) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
29 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
30 the term refers to any roadway separately but not to all roadways collectively.

1 ~~(67)~~(69) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

3 ~~(68)~~(70) "School zone" means an area near a school beginning at the school's front door, encompassing
4 the campus and school property, and including the streets directly adjacent to the school property and for as
5 many blocks surrounding the school as determined by the local authority establishing a special speed limit under
6 61-8-310(1)(d).

7 ~~(69)~~(71) "Sell" means to transfer ownership from one person to another person or from a dealer to
8 another person for consideration.

9 ~~(70)~~(72) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
10 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
11 that of its load rests on or is carried by another vehicle.

12 ~~(71)~~(73) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
13 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
14 is not otherwise registered or licensed under the laws of the state of Montana.

15 ~~(72)~~(74) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
16 property on the highways but incidentally operated or moved over the highways, including road construction or
17 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
18 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
19 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

20 ~~(73)~~(75) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

30 (b) The term does not include a motor vehicle that has been repaired or restored to its original design

1 by replacing parts.

2 ~~(74)~~(76) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
3 is constructed on a truck chassis or that has special features for occasional off-road use.

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

5 ~~(75)~~(77) (a) "Stop", when required, means complete cessation from movement.

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

9 ~~(76)~~(78) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
10 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
11 space at the dealer's established place of business is not available.

12 ~~(77)~~(79) "Street" means the entire width between the boundary lines of every publicly maintained way
13 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

14 ~~(78)~~(80) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

19 ~~(79)~~(81) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
20 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
21 license for a period of time designated by law.

22 ~~(80)~~(82) "Temporary registration permit" means a paper record:

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

26 (i) required vehicle and owner information; and

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

28 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
29 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
30 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

1 (i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title,
2 whichever first occurs; or

3 (ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(3)(b).

4 ~~(84)~~(83) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
5 conveyances either singly or together while using any highways for purposes of travel.

6 ~~(82)~~(84) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
7 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
8 on the towing vehicle.

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

10 ~~(83)~~(85) "Transaction summary receipt" means an electronic record produced and issued by the
11 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
12 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
13 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
14 described in the receipt on the electronic record of title maintained under 61-3-101.

15 ~~(84)~~(86) "Travel trailer" means a vehicle:

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

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

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

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

21 ~~(85)~~(87) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
22 transportation of property.

23 ~~(86)~~(88) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
24 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

25 ~~(87)~~(89) "Under the influence" has the meaning provided in 61-8-401.

26 ~~(88)~~(90) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or
27 given away or had its title transferred from the person who first took title to it from the manufacturer, importer,
28 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
29 is commonly known as "secondhand" within the ordinary meaning of that term.

30 ~~(89)~~(91) "Van" means a motor vehicle designed for the transportation of at least six persons and not more

1 than nine persons and intended for but not limited to family or personal transportation without compensation.

2 ~~(90)~~(92) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or
3 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
4 tracks.

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

8 ~~(91)~~(93) "Vehicle identification number" means the number, letters, or combination of numbers and letters
9 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
10 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

11 ~~(92)~~(94) "Vessel" means every description of watercraft, unless otherwise defined by the department,
12 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

13 ~~(93)~~(95) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
14 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
15 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
16 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

17

18 **Section 5.** Section 61-3-317, MCA, is amended to read:

19 **"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty --**
20 **display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer
21 has a grace period of 40 calendar days from the date of purchase to make application for a certificate of title and
22 pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option taxes, if
23 applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets
24 and highways of this state during this period unless a temporary registration permit has been issued for and is
25 properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

26 (2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle
27 dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate
28 the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current
29 registration receipt or registration decal during the period allowed under 61-1-101~~(80)(b)~~(82)(b) if at all times
30 during that period a temporary registration permit issued under 61-3-224 is properly displayed."

1

2 **Section 6.** Section 61-3-321, MCA, is amended to read:

3 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
 4 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 5 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 6 semitrailers, and pole trailers as provided in subsections (2) through (20).

7 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
 8 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging
 9 trucks that weigh 1 ton or less is as follows:

- 10 (i) if the vehicle is 4 or less years old, \$217;
 11 (ii) if the vehicle is 5 through 10 years old, \$87; and
 12 (iii) if the vehicle is 11 or more years old, \$28.

13 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years
 14 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

15 (c) (i) An additional fee FOR THE STATE SPECIAL REVENUE ACCOUNT PROVIDED FOR IN [SECTION 2] AND THE
 16 HIGHWAY RESTRICTED ACCOUNT PROVIDED FOR IN 15-70-126 must be collected as provided in this subsection (2)(c)
 17 for an electric vehicle and a plug-in hybrid electric vehicle. The fee must be collected annually on all electric
 18 vehicles and plug-in hybrid electric vehicles, including those permanently registered under 61-3-562, as follows:

19 (A) the fee is \$100 for an electric vehicle IF THE DECLARED WEIGHT OF THE VEHICLE IS LESS THAN 6,000
 20 POUNDS OR THE VEHICLE HAS A MANUFACTURER'S RATED CAPACITY OF 1 TON OR LESS;

21 (B) THE FEE IS \$150 FOR AN ELECTRIC VEHICLE IF THE DECLARED WEIGHT OF THE VEHICLE IS 6,000 POUNDS OR
 22 MORE OR THE VEHICLE HAS A MANUFACTURER'S RATED CAPACITY OF MORE THAN 1 TON;

23 ~~(B)~~(C) the fee is \$40 \$100 for a plug-in hybrid electric vehicle if the declared weight OF THE VEHICLE is
 24 less than 6,000 pounds OR THE VEHICLE HAS A MANUFACTURER'S RATED CAPACITY OF 1 TON OR LESS; and

25 ~~(C)~~(D) the fee is \$150 for a plug-in hybrid electric vehicle if the declared weight OF THE VEHICLE is 6,000
 26 pounds or more OR THE VEHICLE HAS A MANUFACTURER'S RATED CAPACITY OF MORE THAN 1 TON.

27 —— (ii) Fees imposed in this subsection (2)(c) must be deposited by the county treasurers who receive the
 28 fees at least annually on the first business day of the fiscal year in the state special revenue account established
 29 in [section 2].

30 (ii) THE COUNTY TREASURER OR AUTHORIZED AGENT SHALL TRANSMIT THE FEES TO THE STATE AS PROVIDED IN

1 15-1-504 FOR DEPOSIT AS FOLLOWS:

2 (A) 75% TO THE STATE SPECIAL REVENUE ACCOUNT PROVIDED FOR IN [SECTION 2]; AND

3 (B) 25% TO THE HIGHWAY RESTRICTED ACCOUNT PROVIDED FOR IN 15-70-126.

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

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

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

8 (b) If a trailer, semitrailer, or pole trailer is registered under 61-3-701, the fees required in subsection
9 (3)(a) must be paid annually.

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

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

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

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

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

17 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on
18 the age of the motor home, is as follows:

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

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

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

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

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

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

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

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

29 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
30 license plate under 61-3-465.

1 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
2 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.

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

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

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

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

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

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

14 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
15 \$65.50;

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

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

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

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

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

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

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

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

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

30 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and

1 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
2 which must be displayed visibly on the golf cart.

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

8 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
9 number from license plates issued before January 1, 2010, when replacement of those plates is required under
10 61-3-332(3).

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

13 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
14 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
15 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
16 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
17 (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.

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

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

24 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
25 in the state general fund.

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

28 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
29 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
30 transmitted separately from the registration fee. The fee must be deposited in an account in the state special

1 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
2 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise
3 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned
4 facilities at Virginia City and Nevada City.

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

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

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

16 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
17 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be
18 collected and forwarded to the state for deposit in the account established in 44-1-504.

19 (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected
20 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from
21 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the
22 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be
23 allocated as provided in 60-3-309.

24 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a
25 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

26 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
27 61-3-721.

28 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in
29 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle
30 division administration account established in 61-3-112.

1 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
2 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current
3 fiscal year appropriation for the motor vehicle division administration account established in 61-3-112. (Bracketed
4 language terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"

5
6 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 and 2] are intended to be codified
7 as an integral part of Title 90, and the provisions of Title 90 apply to [sections 1 and 2].

8
9 **NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF SENATE BILL NO. 226 AND [THIS ACT] ARE BOTH**
10 **PASSED AND APPROVED, THEN [SECTION 2 OF THIS ACT] MUST BE AMENDED AS FOLLOWS:**

11 "NEW SECTION. **Section 2. Electric vehicle fund -- statutory appropriation.** (1) There is an electric
12 vehicle program account in the state special revenue fund to the credit of the department of environmental quality.

13 (2) The electric vehicle program account consists of money deposited into the account from electric
14 vehicle and plug-in hybrid electric vehicle registration fees in accordance with 61-3-321 and money from any other
15 source. Any interest earned by the account must be deposited into the account and used to sustain the program.

16 (3) Twenty-five percent of the funds from the electric vehicle program account must be deposited in the
17 highway restricted account provided for in 15-70-126 for distribution to local governments as provided in
18 15-70-101.

19 (4) Funds from the electric vehicle program account retained by the department of environmental quality
20 must be used for planning, development, implementation, and administration of programs, policies, and projects
21 related to electric vehicle adoption and use in Montana. Eligible activities include but are not limited to:

22 (a) studies and recommendations related to the impacts of electric vehicle adoption on infrastructure and
23 the highway fund and appropriate long-term funding mechanisms;

24 (b) the planning, installation, maintenance, funding, and financing of electric vehicle infrastructure; and

25 (c) marketing, education, and outreach related to electric vehicles and tourism.

26 (5) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of
27 environmental quality for the implementation of [sections 1 and 2].

28 **(6) The department of environmental quality shall report on the projects related to electric vehicle**
29 **adoption and use in Montana to the transportation interim committee as provided in [section 1 of Senate Bill No.**
30 **226].**

1

2 NEW SECTION. SECTION 9. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2020.

3

4 NEW SECTION. Section 10. Termination. [This act] terminates ~~September 30, 2023~~ DECEMBER 31,
5 2023.

6

- END -