

1 SENATE BILL NO. 57

2 INTRODUCED BY M. BLASDEL, E. BUTTREY, J. SESSO, K. DUDIK, R. EHLI, R. LYNCH, V. RICCI

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING FUNDING SOURCES FOR THE HIGHWAY PATROL;
6 PROVIDING FOR AN INCREASE IN CERTAIN VEHICLE REGISTRATION FEES; AMENDING SECTIONS
7 44-1-501, 44-1-504, AND 61-3-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

9 WHEREAS, the Legislature created the Montana Highway Patrol to protect and serve the people of
10 Montana and to ensure their safety when traveling on Montana's roadways; and

11 WHEREAS, the 2005 Legislature enacted House Bill No. 35, which created a fund to address the
12 recruitment and retention issues within the Highway Patrol; and

13 WHEREAS, in 2005, the projections for the fund created from House Bill No. 35 predicted the fund to
14 become insolvent in 2014; however, due to the subsequent enactment of permanent registration, the fund was
15 projected to become insolvent by 2010; and

16 WHEREAS, the Montana Highway Patrol has been a good steward of the fund and has prudently
17 managed it to be solvent longer than initially projected despite the fund receiving reduced revenue due to
18 permanent registration;

19 WHEREAS, the fund created by House Bill No. 35 will become insolvent in fiscal year 2017; and

20 WHEREAS, this act is intended to increase the revenue for the fund created by House Bill No. 35 to allow
21 the Montana Highway Patrol to continue to hire, train, and retain competent officers to ensure that Montana
22 roadways are kept safe for all travelers.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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26 **Section 1.** Section 44-1-501, MCA, is amended to read:

27 **"44-1-501. Payment of expenses.** ~~All expenses of the~~ The highway patrol shall must be partially funded
28 from paid-out of the transportation department's account in the state special revenue fund."
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30 **Section 2.** Section 44-1-504, MCA, is amended to read:

"44-1-504. Special revenue account to partially fund highway patrol officers' salaries. (1) There

is an account in the state special revenue fund provided for in 17-2-102.

(2) The money in the account is for the department of justice to fund, pursuant to 2-18-303(5):

(a) the base salary and associated operating costs for highway patrol officer positions; and

(b) biennial salary increases for highway patrol officers.

~~———— (3) For the purposes of this section, the term "associated operating costs" does not include the state employer contribution provided for in 19-6-404."~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
25 \$65.50;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle

1 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
2 fees imposed under this section.

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

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

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

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

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

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

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

25 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
26 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of ~~\$5~~ \$10 must be
27 collected and forwarded to the state for deposit in the account established in 44-1-504.

28 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
29 61-3-721."
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COORDINATION SECTION. SECTION 4. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 473 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND IF HOUSE BILL NO. 473 AMENDS 15-70-403 TO INCREASE THE GASOLINE TAX IN SUBSECTION (1)(A) BY 8 CENTS OR MORE, THEN [THIS ACT] IS VOID.

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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