

SENATE BILL NO. 507
INTRODUCED BY BRUEGGEMAN, HENDRICK, JOPEK

AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; PROVIDING DEFINITIONS; CLARIFYING THE ISSUING OF CERTIFICATES OF TITLE, REGISTRATION, AND LICENSE PLATE REQUIREMENTS FOR STREET RODS, SPECIALLY CONSTRUCTED VEHICLES, KIT VEHICLES, AND CUSTOM VEHICLES; AUTHORIZING CERTAIN CUSTOM VEHICLES AND STREET RODS NOT USED FOR GENERAL TRANSPORTATION PURPOSES TO DISPLAY ONLY A REAR LICENSE PLATE UPON PAYMENT OF A FEE; AMENDING SECTIONS 61-3-301, 61-3-411, 61-9-204, 61-9-407, AND 61-9-430, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. ***(BECAME LAW APRIL 2005)

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

Section 1. Definitions. As used in this title, unless the context requires otherwise, the following definitions apply:

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

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

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

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

(2) "Kit vehicle" is a motor vehicle assembled from a manufactured kit, either as:

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

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

(3) (a) "Not used for general transportation purposes" means the operation of a motor vehicle, registered as a collector's item, a custom vehicle, or a street rod, to or from a car club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation activity.

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

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

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

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

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

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

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

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

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

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

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

Section 2. Certificate of title -- custom vehicle, street rod, kit vehicle, or specially constructed vehicle. (1) When a person applies for a certificate of title for a custom vehicle or street rod and a certificate of title is issued or an electronic record of title is created pursuant to this chapter, the certificate of title or electronic record of title must provide:

(a) the model year and year of manufacture of the body of the vehicle that the custom vehicle or street rod resembles as the model year and year of manufacture for the custom vehicle or street rod;

(b) a vehicle description of the custom vehicle or street rod if the vehicle is a custom vehicle built to resemble a vehicle manufactured after 1948 and at least 25 years before the current calendar year or a street rod built to resemble a vehicle manufactured before 1949; and

(c) if there is no manufacturer's certificate of origin for the custom vehicle or street rod, the vehicle identification number from the chassis or frame of the custom vehicle or street rod or a state-assigned vehicle identification number.

(2) When a person applies for a certificate of title for a kit vehicle, excluding a kit vehicle that qualifies as a custom vehicle or street rod, and a certificate of title is issued or an electronic record of title is created pursuant to this chapter, the certificate of title or electronic record of title must list:

(a) the model year and year of manufacture as contained on the manufacturer's certificate of origin for the kit vehicle or, if a manufacturer's certificate of origin does not exist, the calendar year in which application for title was made;

(b) a vehicle description of the kit vehicle; and

(c) in absence of a manufacturer's certificate of origin for the kit vehicle, the vehicle identification number from the chassis or frame of the donor vehicle or a state-assigned vehicle identification number.

(3) When a person applies for a certificate of title for a specially constructed vehicle and a certificate of title is issued or an electronic record of title is created pursuant to this chapter, the certificate of title or electronic record of title must list:

(a) the model year and year of manufacture as the calendar year in which application for title was made;

(b) a vehicle description, as determined by the department, of the assembled or custom-built vehicle; and

(c) the vehicle identification number, if any, from the chassis or frame of the vehicle or a state-assigned vehicle identification number.

(4) Prior to assignment of a state-assigned vehicle identification number or to confirm a vehicle identification number from the chassis or frame of a custom vehicle, street rod, or specially constructed vehicle, the department may require a vehicle inspection.

Section 3. Registration -- custom vehicle, street rod, kit vehicle, or specially constructed vehicle. (1) (a) A custom vehicle or street rod:

(i) that is more than 30 years old may be registered under 61-3-411 as a collector's item; or

(ii) may be registered, depending on the vehicle type, as a motor home, a bus, a truck having a manufacturer's rated capacity of more than 1 ton, a truck tractor, or a light vehicle upon payment of the registration fee required in 61-3-321, the applicable fee or fee in lieu of tax provided for in 61-3-522, 61-3-529, or 61-3-560 through 61-3-562, and if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

(b) The owner of a custom vehicle or street rod that is originally registered under subsection (1)(a) or that was registered prior to January 1, 2006, may be authorized to operate the custom vehicle or street rod while displaying only one license plate on the rear exterior of the vehicle if the owner certifies that the custom vehicle or street rod is not used for general transportation purposes and pays an additional \$10 fee, to be deposited in the state general fund.

(c) (i) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(i), either a set of pioneer or vintage license plates, as described in 61-3-411(2), or a set of original Montana license plates, as allowed under 61-3-412(1), must be assigned and issued to the custom vehicle or street rod.

(ii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(ii) and unless the owner has applied for personalized license plates, special license plates for military personnel, veterans, or spouses, collegiate plates, or generic specialty license plates or has met the requirements of subsection (1)(b), a set of standard license plates must be assigned to the vehicle under 61-3-331.

(iii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(iii) and if the owner of a custom vehicle or street rod has met the requirements of subsection (1)(b), a single license plate, including a personalized standard license plate, special license plate for military personnel, veterans, or spouses, collegiate plate, or generic specialty license plate, if otherwise available to the vehicle owner or vehicle type, may be issued for the custom vehicle or street rod.

(2) (a) The owner of a kit vehicle shall pay the registration fees provided for in 61-3-321, the light vehicle registration fee provided for in 61-3-560 and 61-3-561, and if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

(b) Upon original registration of a kit vehicle and unless the owner has applied for special license plates, collegiate plates, or generic specialty license plates, standard license plates must be assigned and issued to the kit vehicle under 61-3-331.

(3) (a) Depending on whether the specially constructed vehicle is a motor home, bus, truck having a manufacturer's rated capacity of more than 1 ton, truck tractor, or light vehicle, the owner of a specially constructed vehicle shall pay the registration

fees provided for in 61-3-321, any registration fee or fee in lieu of tax provided for in 61-3-522, 61-3-529, 61-3-560, and 61-3-561, and if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

(b) Upon original registration of a specially constructed vehicle and unless the owner has applied for special license plates, collegiate plates, or generic specialty license plates, standard license plates must be assigned and issued to the specially constructed vehicle under 61-3-331.

Section 4. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) (a) Except as otherwise provided in this chapter subsection (1)(b), a person may not operate a motor vehicle upon the public highways of Montana unless the vehicle is properly registered and has the proper number plates conspicuously displayed, one on the front and one on the rear of the vehicle, each securely fastened to prevent it from swinging and unobstructed from plain view, except that vehicles authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one number plate conspicuously displayed on the rear. A person may not display on a vehicle at the same time a number assigned to it under any motor vehicle law except as provided in this chapter. A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.

(b) A custom vehicle or street rod registered under [section 3(1)(b) or (1)(c)(iii)] may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod.

(2) A person may not purchase or display on a vehicle a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county of the person's permanent residence at the time of application for registration. However, the owner of a motor vehicle requiring a license plate on a motor vehicle used in the public transportation of persons or property may make application for the license in any county through which the motor vehicle passes in its regularly scheduled route, and the license plate issued bearing the number assigned to that county may be displayed on the motor vehicle in any other county of the state.

(3) It is unlawful to:

(a) display license plates issued to one vehicle on any other vehicle, trailer, or semitrailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of number plates issued under 61-3-332(4)(a) or special license plates issued under 61-3-332(10) or 61-3-421 more than 18 months after a new design of number plates or special license plates has been issued, except as provided in 61-3-332(4)(c) and (4)(d), 61-3-448, or 61-3-468.

(4) This section does not apply to a vehicle exempt from taxation under 15-6-215 or subject to the registration fee or fee in lieu of tax under 61-3-520.

(5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty prescribed in 61-3-601.

(6) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front and the rear bumper of a motor vehicle equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle."

Section 5. Section 61-3-411, MCA, is amended to read:

"61-3-411. Registration of a motor vehicle owned and operated solely as a collector's item. (1) An owner of a motor vehicle that is more than 30 years old and that is used solely as a collector's item and ~~is not used~~ for general transportation purposes may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

- (a) the name and address of the owner;
- (b) the name and address of the person from whom ~~the vehicle was~~ purchased;
- (c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and
- (d) that the vehicle is owned and operated solely as a collector's item and ~~is not used~~ for general transportation purposes.

(2) Upon receipt of the application for registration and payment of the registration fees, including fees in lieu of tax, the department shall file the application and register the motor vehicle in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the applicant:

- (a) for a motor vehicle manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or
- (b) for a motor vehicle manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

(3) The year of issuance may not be shown on the plates.

(4) Annual renewal of the registration of a motor vehicle registered under this section is not required, and the registration is valid as long as the vehicle is in existence and owned by the initial registrant. ~~Upon sale of the motor vehicle, the purchaser shall renew the registration and pay a license renewal fee of \$10 for a vehicle weighing more than 2,850 pounds and \$5 for a vehicle weighing 2,850 pounds or less.~~"

Section 6. Section 61-9-204, MCA, is amended to read:

"61-9-204. Taillamps. (1) A motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle that is being drawn at the end of a combination of vehicles must be equipped with at least one properly functioning taillamp mounted on the rear that emits a red light plainly visible from a distance of 500 feet to the rear, except that in the case of a combination of vehicles, only the taillamp on the rearmost vehicle need actually be seen from the distance specified. The vehicles mentioned in this subsection, other than a motorcycle, quadricycle, motor-driven cycle, or truck tractor, registered in this state and manufactured or assembled after January 1, 1956, must be equipped with at least two properly functioning taillamps mounted on the rear that emit a red light plainly visible from a distance of 1,000 feet to the rear of the vehicle.

(2) A taillamp upon a vehicle must be located at a height of not more than 72 inches or less than 15 inches.

(3) Either a taillamp or a separate lamp must illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A taillamp or taillamps, together with a separate lamp for illuminating the rear registration plate, must be lighted whenever the headlights are lighted.

(4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's item, but the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it is equipped with the required taillamps.

(5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a lens or a plastic cover or with a tinted or colored material, substance, system, or component placed on or in front of rear lamps, taillamps, license plate lamps, or rear lamp combinations that obscures the taillamps or diminishes the distance of visibility required by this section.

~~(6) This section does not prohibit a vehicle manufactured prior to 1960 from being equipped with a taillamp that includes within the red cover a center lens that is blue in color.~~ (a) A custom vehicle or street rod may use a blue dot taillight, as defined in subsection (6)(b), as a stop lamp, a rear signal lamp, or a rear reflector.

(b) "Blue dot taillight" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than 1 inch in diameter."

Section 7. Section 61-9-407, MCA, is amended to read:

"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and location. (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle, motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders, splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle and thrown into the air, as follows:

(a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and forward of the center of the tire or tires over and to the rear of the tires.

(b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend downward in full width from a point not lower than halfway between the center of the tire or tires and the top of the tire or tires and to the rear of the tires.

(c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when the vehicle is empty.

(2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water, or other substance that may be picked up and carried by the wheel or wheels.

(3) This section does not apply to a street rod vehicles, as defined in [section 11], motor vehicles not originally equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

~~(4) For purposes of 61-9-430 and this section, "street rod" means a vehicle manufactured before 1949 that has been modified in body style or design."~~

Section 8. Section 61-9-430, MCA, is amended to read:

"61-9-430. Bumpers. (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make installation impractical or unnecessary, with a rear bumper.

(2) This section does not apply to a street rod vehicles, as defined in ~~61-9-407(4)~~ section 11, vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

Section 9. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 61, chapter 1, and the provisions of Title 61, chapter 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 3, part 2, and the provisions of Title 61, chapter 3, part 2, apply to [section 2].

(3) [Section 3] is intended to be codified as an integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [section 3].

Section 10. Coordination instruction. If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (1)(b) of 61-3-411 in [this act] must read as follows:

"(b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer was purchased;".

Section 11. Effective date. [This act] is effective on passage and approval.