

HOUSE BILL NO. 494

INTRODUCED BY Z. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING TRAVEL TRAILER LAWS; STATING A PURPOSE; ALLOWING A TRAVEL TRAILER TO BE MADE INTO A TINY HOME ON WHEELS; DEFINING "TINY HOME", "TINY HOME ON WHEELS", AND "TINY HOME VILLAGE"; ALLOWING LOCAL GOVERNMENTS TO REGULATE TINY HOME VILLAGES; EXEMPTING TINY HOMES AND TINY HOMES ON WHEELS FROM TITLE 50, CHAPTER 60; AND AMENDING SECTIONS 15-6-228, 15-24-201, 50-60-102, AND 61-1-101, MCA."

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

NEW SECTION. **Section 1. Intent regarding tiny homes.** It is the intent of the legislature:

- (1) to empower local governments to allow and regulate tiny homes and tiny homes on wheels for residential use;
- (2) that a tiny home on wheels be treated as a travel trailer while in transit; and
- (3) that a tiny home on wheels be taxed as a mobile home when used as a residence.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 3], the following definitions apply:

- (1) "Tiny home" means a residential structure on a permanent foundation with a surface area of 320 square feet or less.
- (2) "Tiny home on wheels" has the meaning provided in 61-1-101.
- (3) "Tiny home village" means a parcel of land on which two or more spaces are available to the public for occupancy by tiny homes or tiny homes on wheels.

NEW SECTION. **Section 3. Local government powers regarding tiny homes.** (1) A local government may allow and regulate tiny home villages.

- (2) A local government may set standards for the construction of a tiny home.
- (3) A local government may tax a tiny home on wheels that is occupying a space in a tiny home village

1 pursuant to Title 15, chapter 24, part 2.

2

3 **Section 4.** Section 15-6-228, MCA, is amended to read:

4 **"15-6-228. Property subject to registration fee.** The following property that is subject to a registration
5 fee is exempt from property taxation:

6 (1) truck canopy covers or toppers and campers;

7 (2) motor homes;

8 (3) all watercraft;

9 (4) all trailers, semitrailers, pole trailers, and travel trailers as those terms are defined in 61-1-101,
10 except that a travel trailer meeting the criteria of a tiny home on wheels as defined in 61-1-101 may be taxed
11 pursuant to [section 3] and Title 15, chapter 24, part 2;

12 (5) all vehicles registered under 61-3-456;

13 (6) (a) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors,
14 including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

15 (b) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection
16 (6)(a);

17 (7) motorcycles and quadricycles; and

18 (8) light vehicles as defined in 61-1-101."

19

20 **Section 5.** Section 15-24-201, MCA, is amended to read:

21 **"15-24-201. Definitions.** As used in this part, the following definitions apply:

22 (1) "Dealer" means a person engaged in the distribution or sale of mobile homes or manufactured
23 homes.

24 (2) "Housetrailer" means a form of housing designed to be moved from one place to another by an
25 independent power connected to the housetrailer, which is either 8 feet wide or less or 45 feet long or less.

26 (3) "Manufactured home" means a residential dwelling built in a factory in accordance with the United
27 States department of housing and urban development code and the federal Manufactured Home Construction
28 and Safety Standards. A manufactured home does not include a mobile home or a housetrailer.

29 (4) "Mobile home" means: ~~forms~~

30 (a) a form of housing known as "trailers", "housetrailers", or "trailer coaches" a "trailer", "housetrailer",

1 "trailer coach" exceeding 8 feet in width or 45 feet in length, or "tiny home on wheels" that is designed to be
 2 moved from one place to another by an independent power connected to the mobile home; or

3 (b) any trailer, housetrailer, ~~or~~ trailer coach up to 8 feet in width or 45 feet in length, or tiny home on
 4 wheels that is used as a principal residence."
 5

6 **Section 6.** Section 50-60-102, MCA, is amended to read:

7 **"50-60-102. Applicability -- local government energy conservation standards.** (1) Except as
 8 provided in subsection (5), the state building code, as defined in 50-60-203(3), does not apply to:

9 (a) residential buildings containing less than five dwelling units or their attached-to structures, any farm
 10 or ranch building of any size, and any private garage or private storage structure of any size used only for the
 11 owner's own use, located within a county, city, or town, unless the local legislative body by ordinance or resolution
 12 makes the state building code applicable to these structures;

13 (b) mines and buildings on mine property regulated under Title 82, chapter 4, and subject to inspection
 14 under the Federal Mine Safety and Health Act;

15 (c) petroleum refineries and pulp and paper mills, except a structure classified under chapter 7, section
 16 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the 1991 edition of the
 17 Uniform Building Code;

18 (d) industrial process piping, vessels, and equipment and process-related structures located outside of
 19 another structure occupied on a regular basis by employees or the public; or

20 (e) traffic control signals, street lighting, traffic control signs, and other traffic control devices.

21 (2) Except as provided in subsection (5), the state may not enforce the state building code under
 22 50-60-205 for the buildings and equipment referred to in subsection (1). A county, city, or town that has made
 23 the state building code applicable to the buildings referred to in subsection (1) may enforce within the area of its
 24 jurisdiction the state building code as adopted by the county, city, or town.

25 (3) When good and sufficient cause exists, a written request for limitation of the state building code may
 26 be filed with the department for filing as a permanent record.

27 (4) The department may limit the application of any rule or portion of the state building code to include
 28 or exclude:

29 (a) specified classes or types of buildings according to use or other distinctions as may make
 30 differentiation or separate classification or regulation necessary, proper, or desirable; or

1 (b) specified areas of the state based on size, population density, special conditions prevailing in the
2 area, or other factors that make differentiation or separate classification or regulation necessary, proper, or
3 desirable.

4 (5) (a) Subject to subsection (6), for purposes of promoting the energy efficiency of home design and
5 operation, the provisions of the state building code relating to energy conservation adopted pursuant to
6 50-60-203(1) apply to residential buildings, except:

7 (i) farm and ranch buildings; and

8 (ii) any private garage or private storage structure attached to a residential building and used only for the
9 owner's own use.

10 (b) Subject to subsection (6), the provisions of the state building code relating to energy conservation
11 in residential buildings are enforceable:

12 (i) by the department only for those residential buildings containing five or more dwelling units or
13 otherwise subject to the state building code; and

14 (ii) through the builder self-certification program provided for in 50-60-802 for those residential buildings
15 containing less than five dwelling units and not otherwise subject to the state building code.

16 (6) (a) A county, city, or town with a building code enforcement program may, as part of its building code
17 or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the
18 purpose of providing incentives to encourage voluntary energy conservation. The incentive-based standards
19 adopted may exceed any applicable energy conservation standards contained in the state building code.

20 (b) New construction is not required to meet local standards that exceed state energy conservation
21 standards unless the building contractor elects to receive a local incentive.

22 (7) The provisions of this chapter do not apply to tiny homes as defined in [section 2] or tiny homes on
23 wheels as defined in 61-1-101."

24

25 **Section 7.** Section 61-1-101, MCA, is amended to read:

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

28 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
29 and is specifically authorized by the department to electronically access and update the department's motor
30 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or

1 purposes on behalf of a third party.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 a single vehicle; and
- 2 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 3 (10) "Commission" means the state transportation commission.
- 4 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 5 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
- 6 altered from the manufacturer's original design; or
- 7 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
- 8 constructed in whole or in part from nonoriginal materials.
- 9 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:
- 10 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or
- 11 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
- 12 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
- 13 25 years old; and
- 14 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
- 15 materials.
- 16 (13) "Customer identification number" means:
- 17 (a) a driver's license or identification card number when the customer is an individual who has been
- 18 issued a driver's license or identification card by a state driver licensing authority;
- 19 (b) a federal employer or tax identification number when the customer is a business entity that has been
- 20 issued a federal employer or tax identification number;
- 21 (c) the identification number assigned by the secretary of state to a business entity authorized to do
- 22 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
- 23 or tax identification number other than a social security number; or
- 24 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through
- 25 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.
- 26 (14) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
- 27 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
- 28 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
- 29 mobile equipment that is not registered in the name of the person.
- 30 (b) The term does not include the following:

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

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

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

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

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

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

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

13 (a) an individual establishes residence;

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

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

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

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

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

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

24 (a) any temporary license or learner license;

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

26 (c) any nonresident's driving privilege;

27 (d) a motorcycle endorsement; or

28 (e) a commercial driver's license.

29 (22) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
30 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the

1 maximum speed of the device to 12 1/2 miles an hour.

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

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

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

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

11 (26) "Hazardous material" means:

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

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

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

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

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

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

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

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

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

28 (32) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported,
29 that:

30 (a) has four wheels;

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

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

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

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

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

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

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

13 (a) a temporary license or learner license;

14 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
15 61-5-122, whether or not the person holds a valid driver's license; and

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

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

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

21 (36) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
22 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
23 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
24 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
25 ownership of the vehicle to the person or persons named in the certificate.

26 (37) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be transported,
27 that:

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

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

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

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

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

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

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

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

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

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

13 (38) ~~"Mobile home"~~ (a) Except as provided in subsection (38)(b), "mobile home" or "housetrailer" has the
14 meaning provided in 15-24-201.

15 (b) As used in this title, the term "mobile home" does not include a tiny home on wheels as defined in
16 subsection (81).

17 (39) "Montana resident" means:

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

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

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

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

26 (41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by
27 a court that are operating motor vehicles on a public highway in this state for the transportation of property for
28 hire on a commercial basis.

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

30 (42) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that

1 is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or
2 more attachments and a seat for the conveyance of a passenger.

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

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

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

8 (43) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces
9 5 horsepower or less.

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

12 (44) "Motor home" means a motor vehicle:

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

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

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

18 (i) cooking, refrigeration, or icebox;

19 (ii) self-contained toilet;

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

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

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

23 (45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be transported,
24 that:

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

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

27 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
28 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

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

4 (46) (a) "Motor vehicle" means:

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

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

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

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

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

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

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

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

23 (50) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
24 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
25 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
26 transportation deriving motive power from any source other than muscle or wind.

27 (b) The term does not include:

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

29 (ii) snowmobiles; or

30 (iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is used

1 for off-road recreation on public lands.

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

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

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

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

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

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

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

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

22 (58) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
23 stationary rails.

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

26 (b) The term does not include streetcars.

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

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

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

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

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

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

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

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

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

23 (68) "School zone" means an area near a school beginning at the school's front door, encompassing the
24 campus and school property, and including the streets directly adjacent to the school property and for as many
25 blocks surrounding the school as determined by the local authority establishing a special speed limit under
26 61-8-310(1)(d).

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

29 (70) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
30 carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that

1 of its load rests on or is carried by another vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 space at the dealer's established place of business is not available.

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

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

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

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

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

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

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

16 (i) required vehicle and owner information; and

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

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

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

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

24 (81) "Tiny home on wheels" means a vehicle that:

25 (a) is 40 feet or less in length;

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

27 (c) has a gross trailer area of less than 320 square feet;

28 (d) is specifically designed to be used year-round but can be moved from one place to another by an
29 independent power; and

30 (e) meets standards established by the American national standards institute.

1 ~~(81)~~(82) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
2 conveyances either singly or together while using any highways for purposes of travel.

3 ~~(82)~~(83) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
4 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
5 on the towing vehicle.

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

7 ~~(83)~~(84) "Transaction summary receipt" means an electronic record produced and issued by the
8 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
9 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
10 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
11 described in the receipt on the electronic record of title maintained under 61-3-101.

12 ~~(84)~~(85) "Travel trailer" means ~~a vehicle~~:

13 ~~(a) that~~

14 (a) a vehicle that:

15 (i) is 40 feet or less in length;

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

17 ~~(c) with~~ (iii) has a gross trailer area of less than 320 square feet; and

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

20 (b) a tiny home on wheels as defined in subsection (81).

21 ~~(85)~~(86) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
22 transportation of property.

23 ~~(86)~~(87) "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)~~(88) "Under the influence" has the meaning provided in 61-8-401.

26 ~~(88)~~(89) "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)~~(90) "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)~~(91) (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)~~(92) "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)~~(93) "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)~~(94) "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 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 3] are intended to be codified
19 as an integral part of Title 7, chapter 15, and the provisions of Title 7, chapter 15, apply to [sections 1 through 3].

20 - END -