

Montana Junk Vehicles

Montana Code Annotated 2017

TITLE 15. TAXATION

CHAPTER 1. TAX ADMINISTRATION

Part 5. Disposition of Tax Proceeds

Settlement Of County Treasurer With Department

15-1-504. Settlement of county treasurer with department. (1) Except as provided in subsections (2) and (3), the county treasurer, between the 1st and 20th days of each month, shall remit to the department all money belonging to the state that was collected by the county treasurer during the preceding month. The remittance must be accompanied by a detailed report upon a form that the department prescribes. The department may assess counties an interest charge of 10% a year on all money not remitted within 5 days from the time required by this section.

(2) By June 20 of each year, the county treasurer shall remit to the department an estimate of all money belonging to the state that was collected by the county treasurer by June 15, in addition to the amount collected during the preceding month. By July 15, the county treasurer shall remit all money belonging to the state that was collected by the county treasurer during the remainder of June.

(3) Beginning July 1, 2006, the county treasurer shall remit to the department of justice by the 20th of each month all state money that was collected by the county treasurer due to motor vehicle, vessel, and snowmobile transactions during the preceding month. The remittance must be accompanied by a detailed report upon a form prescribed by the department of justice. The department may assess counties an interest charge, at the rate of 10% a year, on all money that is not remitted by the prescribed time.

History: En. Sec. 3990, Pol. C. 1895; re-en. Sec. 2715, Rev. C. 1907; re-en. Sec. 2255, R.C.M. 1921; Cal. Pol. C. Sec. 3865; amd. Sec. 1, Ch. 47, L. 1925; re-en. Sec. 2255, R.C.M. 1935; R.C.M. 1947, 84-4401; amd. Sec. 1, Ch. 72, L. 1991; amd. Sec. 1, Ch. 4, Sp. L. July 1992; amd. Sec. 1, Ch. 102, L. 1993; amd. Sec. 6, Ch. 257, L. 2001; amd. Sec. 5, Ch. 542, L. 2005.

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TITLE 61. MOTOR VEHICLES

CHAPTER 4. SALES AND DISTRIBUTION OF MOTOR VEHICLES

Part 3. Transportation of Vehicles

Single Movement Permit – Fee – Limitation – County Treasurer To Issue

61-4-310. Single movement permit – fee – limitation – county treasurer to issue. (1) A vehicle subject to registration under chapter 3 may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the vehicle in lieu of fees required under [61-3-321](#) and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes or fees in lieu of property tax on the vehicle, if any are due, have been paid, and upon payment of a fee of \$5. The fee must be forwarded to the department of revenue for deposit in the state general fund. The permit is not in lieu of fees and permits required under [61-4-301](#) and [61-4-302](#).

(2) The permit is for the transit of the vehicle only, and the vehicle may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in [75-10-501](#) apply to this subsection.

(4) A manufactured home, mobile home, or housetrailer may be moved unladen upon the highways of this state from a point within the state to a point of destination only if a tax-paid receipt authorizing the move has been issued under [15-24-206](#).

History: En. Sec. 1, Ch. 182, L. 1955; amd. Sec. 1, Ch. 126, L. 1965; amd. Sec. 2, Ch. 18, L. 1974; R.C.M. 1947, 53-119.1(part); amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 1, Ch. 79, L. 1993; amd. Sec. 249, Ch. 42, L. 1997; amd. Sec. 21, Ch. 13, Sp. L. August 2002; amd. Sec. 109, Ch. 596, L. 2005.

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TITLE 75. ENVIRONMENTAL PROTECTION

CHAPTER 10. WASTE AND LITTER CONTROL

Part 5. Motor Vehicle Recycling and Disposal

Definitions

75-10-501. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) “Board” means the board of environmental review provided for in [2-15-3502](#).

(2) “Component part” means any identifiable part of a discarded, ruined, wrecked, or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.

(3) “Department” means the department of environmental quality provided for in [2-15-3501](#).

(4) (a) “Junk vehicle” means a motor vehicle, including component parts:

(i) that is discarded, ruined, wrecked, or dismantled;

(ii) that, except as provided in subsection (4)(b), is not lawfully and validly licensed; and

(iii) that remains inoperative or incapable of being driven.

(b) If a vehicle is permanently registered under [61-3-562](#) and meets the criteria for a junk vehicle under subsection (4)(a), the vehicle is a junk vehicle.

(5) “Motor vehicle graveyard” means a collection point established by a county for junk motor vehicles prior to their disposal.

(6) (a) “Motor vehicle wrecking facility” means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.

(b) The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard.

(7) “Person” means any individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or other governmental or private entity, whether organized for profit or not.

(8) “Public view” means any point 6 feet above the surface of the center of a public road from which junk vehicles can be seen.

(9) “Shielding” means the construction or use of fencing or constructed or natural barriers to conceal junk vehicles from public view.

History: En. Sec. 1, Ch. 410, L. 1973; amd. Sec. 1, Ch. 251, L. 1977; amd. Sec. 1, Ch. 252, L. 1977; R.C.M. 1947, 69-6801; amd. Sec. 1, Ch. 28, L. 1983; amd. Sec. 1, Ch. 572, L. 1991; amd. Sec. 196, Ch. 418, L. 1995; amd. Secs. 529, 568, Ch. 546, L. 1995; amd. Sec. 1, Ch. 265, L. 2007; amd. Sec. 2503, Ch. 56, L. 2009.

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Adoption Of Rules

75-10-503. Adoption of rules. (1) The department shall adopt rules necessary for the administration of this part, except [75-10-520](#), including but not limited to rules pertaining to:

- (a) the establishment, control, operation, and licensing of motor vehicle wrecking facilities and graveyards;
 - (b) the control of junk vehicles in locations other than motor vehicle wrecking facilities and graveyards;
 - (c) the inspection and evaluation of premises and records subject to or required by this part;
 - (d) the development of budget and fiscal forms and procedures for counties;
 - (e) the review, approval, and control procedures for county motor vehicle graveyards developed under this part; and
 - (f) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The department may not adopt a rule that requires any motor vehicle wrecking facility that existed prior to July 1, 1973, and that has been continuously used as a motor vehicle wrecking facility to construct a fence or barrier that would be in excess of 12 feet in height.
- (2) The department shall adopt rules authorizing the sale of junk vehicles by county motor vehicle graveyards to licensed motor vehicle wrecking facilities.
- (3) The department shall adopt rules providing for the reimbursement of hired removal charges of certain abandoned vehicles in accordance with [61-12-401](#).

History: (1)En. Sec. 8, Ch. 410, L. 1973; amd. Sec. 6, Ch. 252, L. 1977; R.C.M. 1947, 69-6808(part); amd. Sec. 2, Ch. 28, L. 1983; (2)En. Sec. 1, Ch. 698, L. 1989; amd. Sec. 2, Ch. 572, L. 1991; amd. Sec. 197, Ch. 418, L. 1995; amd. Sec. 5, Ch. 513, L. 1999.

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Motor Vehicle Wrecking Facility And Motor Vehicle Graveyard Licenses

75-10-511. Motor vehicle wrecking facility and motor vehicle graveyard licenses. (1) A person may not conduct, maintain, or operate a motor vehicle wrecking facility or motor vehicle graveyard without a license issued by the department.

(2) Application for the license must be made on forms furnished by the department.

(3) An annual fee of \$100 must be paid to the department for the license. The fee may be quarterly prorated for new facilities.

(4) A motor vehicle graveyard is excluded from paying the annual license fee but must meet all other requirements of this part.

(5) A license must be displayed in a prominent place in the licensed facility or graveyard.

(6) The license expires on December 31 of the year issued.

(7) If a motor vehicle wrecking facility ceases to do business, the license must be surrendered to the department. The license is not transferable.

History: En. Sec. 2, Ch. 410, L. 1973; amd. Sec. 2, Ch. 252, L. 1977; R.C.M. 1947, 69-6802(1) thru (6); amd. Sec. 2, Ch. 317, L. 2001.

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Records Required Of Facilities

75-10-512. Records required of facilities. (1) Each motor vehicle wrecking facility shall maintain books or files in which are kept a record and description of every junk vehicle obtained by it, together with the name and address of the person from whom the vehicle was purchased.

(2) This record must also contain:

(a) the certificate of title, sheriff's certificate of sale, notarized bill of sale from the former owner or person selling the vehicle, release of ownership or interest in the motor vehicle, or sheriff's release;

(b) the name of the state where the vehicle was last registered;

(c) the make of the vehicle;

(d) the vehicle identification number, as defined in [61-3-210](#), or the motor number, identification number, or serial number;

(e) the date purchased;

(f) the disposition of the vehicle.

(3) An authorized representative of the department of justice who presents credentials may also inspect, have access to, and copy records required under this section.

History: En. Sec. 4, Ch. 410, L. 1973; R.C.M. 1947, 69-6804(1), (2); amd. Sec. 1, Ch. 427, L. 1985; amd. Sec. 5, Ch. 725, L. 1991; amd. Sec. 76, Ch. 10, L. 1993; amd. Sec. 79, Ch. 477, L. 2003.

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Disposal Of Junk Vehicles – Records

75-10-513. Disposal of junk vehicles – records. (1) If a person owning or operating a motor vehicle wrecking facility submits a junk vehicle to the disposal program, the vehicle is then the property of the state.

(2) A person owning or operating a motor vehicle graveyard shall submit to the department the records, documents, and other information concerning junk vehicles received by that person that are required by rules of the department.

History: En. Sec. 4, Ch. 410, L. 1973; R.C.M. 1947, 69-6804(3); amd. Sec. 2, Ch. 427, L. 1985; amd. Sec. 13, Ch. 503, L. 1985; amd. Sec. 69, Ch. 18, L. 1995; amd. Sec. 1, Ch. 281, L. 2003; amd. Sec. 80, Ch. 477, L. 2003; amd. Sec. 3, Ch. 53, L. 2007.

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Disposition Of Money Collected

75-10-532. Disposition of money collected. All money received from the sale of junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees must be remitted to the state, as provided in [15-1-504](#). Subject to legislative fund transfers, the money must be used for the control, collection, recycling, and disposal of junk vehicles and component parts and for the removal of abandoned vehicles.

History: Ap. p. Sec. 6, Ch. 410, L. 1973; amd. Sec. 1, Ch. 520, L. 1975; amd. Sec. 4, Ch. 252, L. 1977; Sec. 69-6806, R.C.M. 1947; Ap. p. Sec. 7, Ch. 410, L. 1973; amd. Sec. 1, Ch. 52, L. 1975; amd. Sec. 2, Ch. 520, L. 1975; amd. Sec. 18, Ch. 140, L. 1977; amd. Sec. 5, Ch. 252, L. 1977; Sec. 69-6807, R.C.M. 1947; R.C.M. 1947, 69-6806(3), 69-6807(1); amd. Sec. 5, Ch. 241, L. 1983; amd. Sec. 4, Ch. 633, L. 1985; amd. Sec. 2, Ch. 718, L. 1985; amd. Sec. 198, Ch. 418, L. 1995; amd. Sec. 6, Ch. 513, L. 1999; amd. Sec. 38, Ch. 257, L. 2001; amd. Sec. 3, Ch. 317, L. 2001; amd. Sec. 2, Ch. 281, L. 2003; amd. Sec. 235, Ch. 542, L. 2005; amd. Sec. 8, Ch. 312, L. 2011.