

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING
Rules I through III, pertaining to the) ON PROPOSED ADOPTION
license plate age-based reissuance)
process)

TO: All Concerned Persons

1. On March 19, 2014, at 10:00 a.m., the Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Justice no later than 5:00 p.m. on March 12, 2014, to advise us of the nature of the accommodation that you need. Please contact Jaime Burkhalter, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail jburkhalter@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I GENERAL PROVISIONS (1) Beginning in 2014, the department will implement an age-based license plate reissuance process. License plate reissuance is required when a set of license plates has been assigned to one or more vehicles for five years or more.

(2) Except as provided in (3), the five-year license plate reissuance process applies to all plates assigned to a vehicle that is subject to annual registration.

(3) The following plates are exempt from the five-year license plate reissuance process:

- (a) permanently registered plates issued pursuant to 61-3-562, MCA;
- (b) collector's or vintage plates issued pursuant to 61-3-412, MCA; and
- (c) plates for registered apportionable motor vehicles as defined in 61-3-712, MCA.

(4) License plates may not be transferred to another motor vehicle if, at the time of transfer, the plates are more than five years old and are subject to reissue.

AUTH: 61-3-315, 61-3-332, MCA

IMP: 61-3-315, 61-3-332, MCA

NEW RULE II SCHEDULE FOR REISSUANCE (1) Except as provided in (2), license plates issued on or before December 31, 2009, will be reissued in 2014; plates issued in 2010 will be reissued in 2015; plates issued in 2011 will be reissued in 2016; plates issued in 2012 will be reissued in 2017; plates issued in 2013 will be

reissued in 2018; and plates issued in 2014 will be reissued in 2019. Plates issued in 2015 or thereafter will be reissued during the registration renewal five years after the initial issuance.

(2) License plates that are not reissued in accordance with (1) must be reissued at the next registration renewal for that vehicle. For example, if a vehicle bearing plates issued on or before December 31, 2009, is renewed in 2014 before reissuance is initiated, those plates must be reissued the next year the vehicle registration is renewed (2015).

AUTH: 61-3-315, 61-3-332, MCA

IMP: 61-3-315, 61-3-332, MCA

NEW RULE III NOTIFICATION AND PROCESS FOR REISSUANCE

(1) When the license plates issued to a vehicle are due for reissuance, the department will send an annual registration renewal notice to the vehicle owner. The notice will include the total fees required for registration renewal, including the plate fee established in 61-3-321(13), MCA.

(2) When a customer renews a vehicle registration online or by mail and pays the required fees, the county treasurer will mail the customer a new registration decal and reissued plates of the same design, including personalized license plates and amateur radio plates.

(a) For purposes of this rule, "same design" means an identical design or the most current version of that plate. For example:

(i) a sponsor plate will be reissued as the same design sponsor plate; if the sponsor has revised the plate's design, then the most current version will be provided; or

(ii) a standard issue plate will be reissued as a plate with the same graphics and year. This means that a vehicle with a 1989 standard issue plate will be reissued a 1989 standard issue plate, and a vehicle with a 2006 standard issue plate will be reissued a 2006 standard issue plate. Standard plate designs and years can be viewed at <https://doj.mt.gov/driving/license-plates/>.

(b) To select a different license plate design, a vehicle owner must contact the county treasurer's office.

(3) When renewing a vehicle registration in person at the county treasurer's office, the customer may select a different plate design for reissued plates. A customer may retain the license plate number from expiring plates by paying the fee established in 61-3-321(13)(b), MCA. This fee is exclusive of other license plate specific fees and does not apply to retain a personalized license plate or the call sign text on an amateur radio plate.

(4) Regular replacement plate fees will apply to any plate replacement that occurs separately from the mandatory five-year reissuance cycle.

AUTH: 61-3-315, 61-3-332, MCA

IMP: 61-3-315, 61-3-332, MCA

REASON: Section 61-3-332, MCA, requires that license plates issued on or after January 1, 2010, must be replaced with new license plates if, upon renewal of

registration, the license plates are five or more years old or will become older than five years during the registration period. Section 61-3-315, MCA, requires rulemaking by the department to set an implementation schedule for license plates issued on or before December 31, 2009. These rules are proposed to meet those requirements.

The license plate replacement system enhances public safety. First, the new system will assist law enforcement officers by enhancing their ability to correctly identify motor vehicle license plates. Second, the general public will directly benefit from the improved ability to see vehicles at nighttime, especially vehicles parked in roadways. As license plates age, their reflectivity levels commonly drop well below 50 percent within as little as five years of issuance.

The five-year plate-based reissuance process will also minimize the production and distribution impacts of past practices: the statewide reissuance of all license plates in a single year, regardless of age or years of assignment to a vehicle.

These factors were important considerations in enacting the statutory five-year license plate reissuance requirement.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: James Scheier, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail jscheier@mt.gov, and must be received no later than March 27, 2014.

5. James Scheier, Department of Justice, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <https://doj.mt.gov/agooffice/administrative-rules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may

be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. On February 6, 2014, John Brueggeman, primary bill sponsor of SB 508, 2009 session, was sent a draft by e-mail.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Tim Fox
Tim Fox
Attorney General
Department of Justice

Certified to the Secretary of State February 18, 2014.