

HOUSE BILL NO. 538

INTRODUCED BY P. CLARK

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROOF OF PRIOR LICENSURE OR SUCCESSFUL COMPLETION OF A HUNTER SAFETY AND EDUCATION COURSE FOR A FIRST-TIME APPLICANT FOR A MONTANA HUNTING LICENSE; AMENDING SECTION 87-2-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 87-2-105, MCA, is amended to read:

"87-2-105. (Temporary) Safety instruction required. (1) A hunting license may not be issued to a resident person under the age of 18 years unless the person authorized to issue the license receives proof of competency as provided by this section.

(2) A hunting license may not be issued to a nonresident person under the age of 18 years unless the person authorized to issue the license receives proof of competency, as provided in this section, or a certificate verifying that the nonresident has successfully completed a course in the safe handling of firearms in any state or province.

(3) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license receives proof of competency, as provided in this section, or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or receives proof of completion of a bowhunter education course from the national bowhunter education foundation. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify

1 the public regarding bowhunter education requirements.

2 (5) A Montana hunting license may not be issued to any first-time applicant for a hunting license,
 3 regardless of the age or residency of the applicant, unless the person authorized to issue the license
 4 receives proof that the applicant has:

5 (a) been previously licensed to hunt in any state or province; or

6 (b) successfully completed a hunter safety and education course in any state or province.

7 (6) The department shall provide for a course of instruction in the safe handling of firearms and
 8 for that purpose may cooperate with any reputable organization having as one of its objectives the
 9 promotion of safety in the handling of firearms. The department may designate as an instructor any person
 10 it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the
 11 course of instruction and shall issue a certificate of competency in the safe handling of firearms to a
 12 person successfully completing the course.

13 ~~(6)~~(7) The department shall provide for a course of instruction from the national bowhunter
 14 education foundation and for that purpose may cooperate with any reputable organization having as one
 15 of its objectives the promotion of safety in the handling of bow hunting tackle. The department may
 16 designate as an instructor any person it finds to be competent to give the national bowhunter education
 17 foundation instruction. A person appointed shall give the course of instruction and shall issue a certificate
 18 of completion from the national bowhunter education foundation to any person successfully completing
 19 the course.

20 ~~(7)~~(8) The department may adopt rules regarding how a person authorized to issue a license
 21 determines proof of competency.

22 **87-2-105. (Effective July 1, 2001) Safety instruction required.** (1) A hunting license may not be
 23 issued to a resident person who is under 18 years of age unless the person authorized to issue the license
 24 receives a certificate of completion from the Montana youth hunter safety and education course
 25 established in subsection ~~(5)~~ (6).

26 (2) A hunting license may not be issued to a nonresident person who is under 18 years of age
 27 unless the person authorized to issue the license receives a certificate of completion from the Montana
 28 youth hunter safety and education course established in subsection ~~(5)~~ (6) or a certificate verifying that
 29 the nonresident has successfully completed a hunter safety course in any state or province.

30 (3) A hunting license may not be issued to a member of the regular armed forces of the United

1 States or to a member of the armed forces of a foreign government attached to the armed forces of the
2 United States who is assigned to active duty in Montana and who is otherwise considered a resident under
3 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana
4 household, unless the person authorized to issue the license receives proof of completion of a hunter
5 safety course approved by the department or a certificate verifying that the member or dependent has
6 successfully completed a hunter safety course in any state or province.

7 (4) A bow and arrow license may not be issued to a resident or nonresident unless the person
8 authorized to issue the license receives an archery license issued for a prior hunting season or receives
9 proof of completion of a bowhunter education course from the national bowhunter education foundation.
10 Neither the department nor the license agent is required to provide records of past archery license
11 purchases. As part of the department's bow and arrow licensing procedures, the department shall notify
12 the public regarding bowhunter education requirements.

13 (5) A Montana hunting license may not be issued to any first-time applicant for a hunting license,
14 regardless of the age or residency of the applicant, unless the person authorized to issue the license
15 receives proof that the applicant has:

16 (a) been previously licensed to hunt in any state or province; or

17 (b) successfully completed a hunter safety and education course in any state or province.

18 (6) The department shall provide for a youth hunter safety and education course that includes
19 instruction in the safe handling of firearms and for that purpose may cooperate with any reputable
20 organization having as one of its objectives the promotion of hunter safety and education. The department
21 may designate as an instructor any person it finds to be competent to give instructions to youth in hunter
22 safety and education, including the handling of firearms. A person appointed shall give the course of
23 instruction and shall issue a certificate of completion from Montana's youth hunter safety and education
24 course to a person successfully completing the course.

25 ~~(6)~~(7) The department shall provide for a course of instruction from the national bowhunter
26 education foundation and for that purpose may cooperate with any reputable organization having as one
27 of its objectives the promotion of safety in the handling of bow hunting tackle. The department may
28 designate as an instructor any person it finds to be competent to give the national bowhunter education
29 foundation instruction. A person appointed shall give the course of instruction and shall issue a certificate
30 of completion from the national bowhunter education foundation to any person successfully completing

1 the course.

2 ~~(7)~~(8) The department ~~may~~ shall develop an adult hunter education course.

3 ~~(8)~~(9) The department may adopt rules regarding how a person authorized to issue a license
4 determines proof of completion or achievement."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective March 1, 2002.

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