

To: House Transportation Committee
Chairman Jon Sonju
Committee members

January 31, 2007

RE: HB 483

The following comments opposing HB 483 are offered on behalf of the Great Falls Trail Bike Riders Association (GFTBRA). The GFTBRA represents about 1000 ATV and Motorcycle riders from Great Falls and surrounding areas. GFTBRA is a charter club of the Montana Trail Vehicle Riders Assn.

HB 483 proposes the requirement of DOT tires for all motor vehicles on a highway. As motorcycle and ATV riders, we oppose Section 1. 61-9-406 (1). This would adversely affect the recreational off highway vehicle riders throughout Montana.

DOT tests tires (on specific rims) for speed rating and load index and while this maybe important for highway use it does not relate to off highway vehicle travel. There's a large tire selection available for motorcycle riders and each has his or her own personal preference for type/style/make/model. Many tires that are used for off road/dual sport riding by the motorcycle community do not have the DOT symbol but are safe. While there are knobby tires with the DOT symbol, the DOT symbol doesn't make the knobby tire safe for highways. This symbol is not large, and a motorcycle would have to be stopped to see if the tire complied or not. DOT tires are not readily available for ATV's.

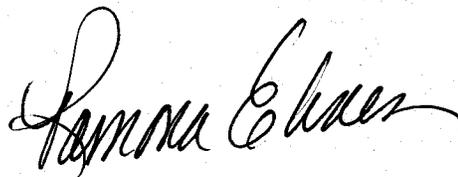
Montana's description of a highway, 61-1-101(20) is "the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel". It includes dirt/gravel and black top surfaces. Currently the OHV family travels from point "a" to point "b" in the barrow pits, along shoulder of roads, and at times on the actual road surface. As you travel Hwy 200 at Lincoln, you can see those trails that run from town (motels, restaurants, gas stations) to trail heads. In Neihart, from town to Carpenter Creek road, Harley Creek road or to Jefferson Creek road, all without good barrow pits, the shoulder of the road is used. The destination is a dirt road, a "way" that would be also be affected by this bill. These travelers are families, retired people, locals and part time residents. This bill would eliminate their ability to pursue their recreational riding in a legal manner and directly affect the economy of rural communities.

We would encourage a close look at the economic impact the Paiute Trail and tourism have on the small rural communities in Utah before major changes in statutes affecting OHV recreation is contemplated.

We also question the need or reason for this amendment. We could not find statistics stating an increase in the accident rate for use of non-DOT tires for motorcycles or other vehicles. No safety issue has been identified. To our knowledge there has not been any federal mandate requiring Montana to comply with another ever-changing Federal Regulation or risk loss of federal funding.

We thank you for the opportunity to voice our opinion and hope that you will consider our comments when you consider this bill.

Ramona Ehnes, President
Great Falls Trail Bike Riders Association
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Great Falls, MT 59403



Information included:

Brief Economic information on Paiute ATV Trail, taken from "OHV Demographics and Economic Statistics", National OHV Managers Meeting

Example: top picture: DOT tire
Bottom picture: Not for highway use, (Non DOT tire)

49 CFR 571.119 Tire standards for vehicles other than passenger tires.

49 CFR 574.5 Tire identification requirements

Montana Code Annotated 2005 61-1-101 (20) "Highway" definition

This is the same bill mirrors HB 407 that was introduced in the 2005 legislature. Attached is the second comment sent via email to Representative Golie.

OHV Demographic and Economic Statistics

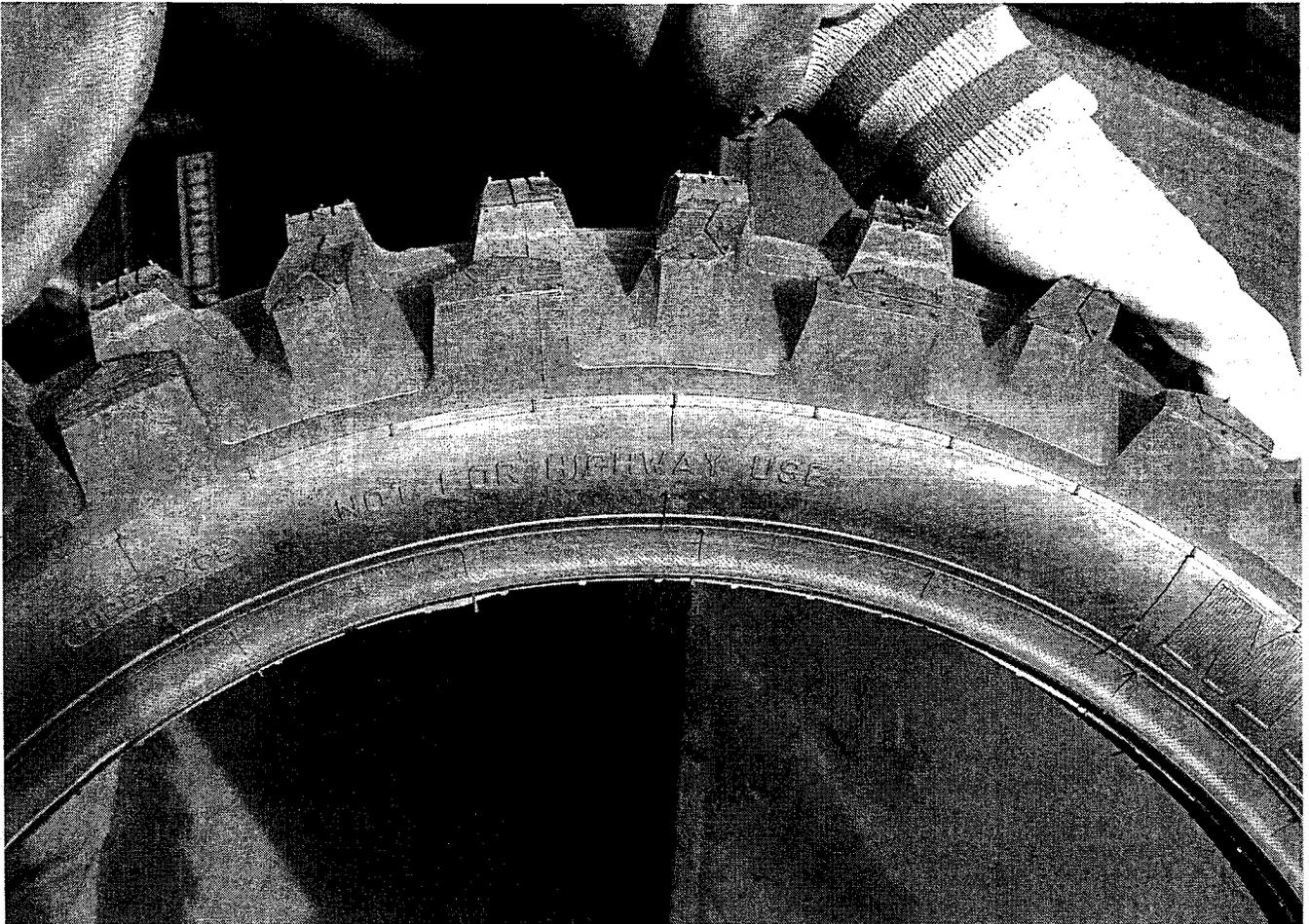
Note: This section is taken from a report based on data presented in March 2003 at the National OHV Managers Meeting in Charlotte, North Carolina. The document was written by Dick Dufourd , Central Oregon OHV Coordinator.

In an effort to revitalize depressed communities in southern **Utah**, the **Paiute ATV trail** was established. This has a 238-mile core trail system with another 550 miles of side trails that connect to 16 communities.

- a. in the mid-80s, Marysvale had 7 businesses, but with the trail, there are 21 businesses today
- b. in 1996, a new RV park was built in Marysvale with 20 units, it expanded to 40 units in 1999 and 80 units in 2001. It is booked well over a year in advance.
- c. during Jamboree week, riders spend \$500,000
- d. the average rider spends \$110/riding day
- e. this previously depressed area now receives \$5 million/year from OHV recreationists.

The **Hatfield-McCoy** trail system in **West Virginia** is only two years old and has 400 miles in 4 counties. This trail system will eventually be 2,000 miles in the heart of the economically depressed Appalachia.

- a. there were 6,000 trail permits sold in 2001, 14,000 in 2002, and 20,000 (est) for 2003
- b. in the two years, 6 outfitter-guide businesses have formed, 9 campgrounds have been built, and 2 new hotels have been built
- c. two years ago, none of the existing businesses were turning a profit, today, all of the businesses have some level of profit margin



[Code of Federal Regulations]
 [Title 49, Volume 5]
 [Revised as of October 1, 2004]
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 [CITE: 49CFR571.123]

[Page 418-420]

TITLE 49--TRANSPORTATION

CHAPTER V--NATIONAL HIGHWAY TRAFFIC
 SAFETY ADMINISTRATION, DEPARTMENT
 OF TRANSPORTATION

PART 571 FEDERAL MOTOR VEHICLE SAFETY STANDARDS--Table of Contents

Subpart B Federal Motor Vehicle Safety Standards

Sec. 571.123 Standard No. 123; Motorcycle controls and displays.

S1. Scope. This standard specifies requirements for the location, operation, identific displays, and requirements for motorcycle stands and footrests.

S2. Purpose. The purpose of this standard is to minimize accidents caused by operator

S3. Application. This standard applies to motorcycles equipped with handlebars, except exclusively for use by law enforcement agencies.

S4. Definitions. Clockwise and counterclockwise mean opposing directions of rotation a

(a) The operational axis of the ignition control, viewed from in front of the ignition

(b) The axis of the right handlebar on which the twist-grip throttle is located, viewe

(c) The axis perpendicular to the center of the speedometer, viewed from the operator'

S5. Requirements.

S5.1. Each motorcycle shall be equipped with a supplemental engine stop control, locat

S5.2 Each motorcycle to which this standard applies shall meet the following requireme

S5.2.1 Control location and operation. If any item of equipment listed in Table 1, Col shall be located as specified in Column 2, and operable as specified in Column 3. Each con

S5.2.2 Display illumination and operation. If an item of equipment listed in Table 2, shall be visible to a seated operator under daylight conditions, shall illuminate as speci

S5.2.3 Control and display identification. If an item of equipment in Table 3, Column

(a) A symbol substantially in the form shown in Column 3; or

(b) Wording shown in both Column 2 and Column 4; or

(c) A symbol substantially in the form shown in Column 3 and wording shown in both Col

(d) The abbreviations ``M.P.H.'', ``km/h'', ``r/min'', ``Hi'', ``Lo'', ``L'', ``R'', a be spelled in full. Symbols and words may be provided for equipment items where none are s identification provided shall be placed on or adjacent to the control or display position,

S5.2.4 Stands. A stand shall fold rearward and upward if it contacts the ground when t

S5.2.5 Footrests. Footrests shall be provided for each designated seating position. Ea

Table 1--Motorcycle Control Location and Operation Requirements

Equipment control--Column 1	Location--Column 2	Operati
1. Manual clutch or integrated clutch and gear change.	Left handlebar.....	Squeeze to disenga

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2. Foot operated gear change.....	Left foot control.....	An upward motion o shifts transmissi numerical gear ra referred to as ``
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		downward motion t gear ratios (comm `lower gears'). gears are provide possible to shift directly to the l versa.
3. Headlamp upper-lower beam control....	Left handlebar.....	Up for upper beam, If combined with switch, means sha prevent inadverte `off' function.
4. Horn.....do.....	Push to activate.
5. Turn signal lamps.....	Handlebars.....	
6. Ignition.....	`Off'--countercl positions.
7. Manual fuel shutoff control.....	Rotate to operate. are separated by rotation. `Off' provided) are sep of rotation. Sequ `Off'--`Reserv
8. Twist-grip throttle.....	Right handlebar.....	Self-closing to id direction after r
9. Supplemental engine stop.....do.....	
10. Front wheel brake.....do.....	Squeeze to engage.
11. Rear wheel brakes.....	Right foot control \1)..... Left handlebar permissible for motor-driven cycles.	Depress to engage.

\1\ See S5.2.1 for requirements for vehicles with a single control for front and rear brak supplemental rear brake control.

Table 2--Motorcycle Display Illumination and Operation Requirements

Display--Column 1	Illumination--Column 2	Operat
1. Speedometer.....	Yes.....	The display is i the headlamp is
2. Neutral indication.....	Green display lamp.....	The display lamp gear selector i

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[GRAPHIC] [TIFF OMITTED] TR24SE98.035

[37 FR 7207, Apr. 12, 1972, as amended at 37 FR 17475, Aug. 29, 1972; 39 FR 32915, Sept. 12, 1974; 48 FR 42819, Sept. 20, 1983; 49 FR 35381, Sept. 7, 1984; 49 FR 35504, Sept. 10, 1984; 56 FR 61387, Dec. 3, 1991; 63 FR 28933, May 27, 1998; 63 FR 51001, Sept. 24, 1998]

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Sec. 574.5 Tire identification requirements.

Each tire manufacturer shall conspicuously label on one sidewall of each tire it manufactures, except tires manufactured exclusively for mileage-contract purchasers, or non-pneumatic tires or non-pneumatic tire assemblies, by permanently molding into or onto the sidewall, in the manner and location specified in Figure 1, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. However, at the option of the manufacturer, the information contained in paragraph (d) of this section may, instead of being permanently molded, be laser etched into or onto the sidewall in the location specified in Figure 1, during the manufacturing process of the tire and not later than 24 hours after the tire is removed from the mold. Each tire retreader, except tire readers who retread tires solely for their own use, shall conspicuously label one sidewall of each tire it retreads by permanently molding or branding into or onto the sidewall, in the manner and location specified in Figure 2, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. However, at the option of the retreader, the information set forth in paragraph (d) of this section may, instead of being permanently molded or branded, be laser etched into or onto the sidewall in the location specified in Figure 2, during the retreading of the tire and not later than 24 hours after the application of the new tread. * * *

* * * * *

(d) Fourth grouping. The fourth grouping, consisting of four numerical symbols, must identify the week and year of manufacture. The first two symbols must identify the week of the year by using "01" for the first full calendar week in each year, "02" for the second full calendar week, and so on. The calendar week runs from Sunday through the following Saturday. The final week of each year may include not more than 6 days of the following year. The third and fourth symbols must identify the year. Example: 0101 means the 1st week of 2001, or the week beginning Sunday, January 7, 2001, and ending Saturday, January 13, 2001. The symbols signifying the date of manufacture shall immediately follow the optional descriptive code (paragraph (c) of this section). If no optional descriptive code is used, the symbols signifying the date of manufacture must be placed in the area shown in Figures 1 and 2 of this section for the optional descriptive code."

Montana Code Annotated 2005

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

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

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

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

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

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

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

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

(6) "Commercial driver's license" means:

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

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

(7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus; or

(v) is of any size and is used in the transportation of hazardous materials as defined in [61-8-801](#).

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency service vehicle:

(A) equipped with audible and visual signals as required under [61-9-401](#) and [61-9-402](#); and

(B) entitled to the exemptions granted under [61-8-107](#);

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire; or

(iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.

(c) For purposes of this subsection (7):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and

(iv) "school bus" has the meaning provided in 49 CFR 383.5.

(8) "Commission" means the state transportation commission.

(9) "County where a vehicle is domiciled" means the county in which the vehicle owner permanently resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.

(10) "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.

(11) (a) "Dealer" means a person, firm, association, or corporation that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker, as defined in 61-4-131, of new or used motor vehicles, trailers, semitrailers, or pole trailers that are not registered in the name of the person, firm, association, or corporation and that are required to be licensed under chapter 4 of this title.

(b) The term does not include the following:

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

(ii) employees of the persons included in subsection (11)(b)(i) when engaged in the specific performance of their duties as employees; or

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

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

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

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

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

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

(a) any temporary license or instruction permit;

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

- (c) any nonresident's driving privilege;
- (d) a motorcycle endorsement; or
- (e) a commercial driver's license.

(17) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

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

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

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

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

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

(23) "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.

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

(25) "Manufactured home" has the meaning provided in 15-1-101.

(26) "Manufacturer" includes any person, firm, corporation, or association engaged in the manufacture of motor vehicles, trailers, or semitrailers as a regular business.

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

(28) "Mobile home" or "house trailer" has the meaning provided in 15-1-101.

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

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

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

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

(31) (a) "Motorcycle" means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

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

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

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

(33) "Motor home" means a motor vehicle:

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

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

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

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

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

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

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

(34) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be transported, that:

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

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

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

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

(c) The term does not include an electric personal assistive mobility device or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(35) (a) "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state.

(b) The term does not include a bicycle as defined in 61-8-102 or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

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

(37) "Nonresident" means a person who is not a resident of this state.

(38) (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.

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

(b) The term does not include:

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

(ii) snowmobiles; or

(iii) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

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

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

person in whom is vested the right of possession or control.

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

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

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

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

(46) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

(b) The term does not include golf carts.

(47) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

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

(b) The term does not include streetcars.

(49) "Recreational vehicle" includes self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreational, travel, or camping use.

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

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

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

(53) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle, a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for purposes other than resale.

(54) "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and may not be renewed or restored. An application for a new license may be presented and acted upon by the department after the expiration of the period of the revocation.

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

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

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

(57) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

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

(59) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property

on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

(60) (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.

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

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

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

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

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

(64) "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.

(65) "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn, but only during the period of suspension.

(66) "Temporary registration permit" means a paper record:

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

(i) required vehicle and owner information; and

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

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

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

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

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

(69) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in

the receipt on the electronic record of title maintained under 61-3-101.

(70) "Travel trailer" means a vehicle:

- (a) that is 40 feet or less in length;
- (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;
- (c) with gross trailer area of less than 320 square feet; and
- (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

(71) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(72) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(73) "Under the influence" has the meaning provided in 61-8-401.

(74) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(75) "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

(76) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

(77) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

(78) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(79) "Wholesaler" means a person, firm, partnership, association, or corporation that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer, pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions licensed under chapter 4, part 1.

History: En. Sec. 2, Ch. 267, L. 1947; R.C.M. 1947, 31-118; amd. Sec. 1, Ch. 421, L. 1979; (10), (23), (38), (60), (64)En. Sec. 1, Ch. 458, L. 2005; (1), (2), (9)En. Sec. 2, Ch. 596, L. 2005; (50)En. Sec. 137, Ch. 596, L. 2005; amd. Sec. 7, Ch. 233, L. 2005; amd. Sec. 5, Ch. 241, L. 2005; amd. Sec. 36, Ch. 428, L. 2005; amd. Secs. 11 thru 14, Ch. 468, L. 2005; amd. Sec. 41, Ch. 542, L. 2005; amd. Secs. 129, 133 thru 136, Ch. 596, L. 2005.

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