

## HOUSE BILL NO. 273

INTRODUCED BY R. MEHLHOFF, HOLLANDSWORTH, BALYEAT, RIPLEY, BELCOURT, LONEY, JONES,  
WELBORN, WAGNER, OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE OPERATION OF OFF-HIGHWAY VEHICLES  
ON CERTAIN PUBLIC ROADS WHEN AUTHORIZED BY A LOCAL GOVERNMENT OR THE STATE HIGHWAY  
PATROL."

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

NEW SECTION. Section 1. Operation on public roads, streets, and highways. (1) A person may  
not operate an off-highway vehicle on a controlled-access highway or facility ~~at any time.~~ ONLY IF THE VEHICLE IS  
REGISTERED AND LICENSED UNDER 61-3-301 AND THE OPERATOR POSSESSES A LICENSE TO DRIVE THE VEHICLE ISSUED  
UNDER TITLE 61, CHAPTER 5.

(2) Off-highway vehicle operation is permitted on the roadway or shoulder of any public road or highway,  
state highway, county road, or city street located within the boundaries of any municipality only if:

(a) the operator has received permission or is otherwise authorized for that travel by the municipality in  
the case of town or city streets, the board of county commissioners for county roads, or the state highway patrol  
for all other highways; or

(b) operation is authorized on municipal streets by municipal ordinance.

~~(2)(3)~~ An off-highway vehicle may not be operated as allowed under ~~this section~~ SUBSECTION (2) unless  
it is equipped with at least one headlamp and one taillamp, which must be lighted at all times during operation,  
and unless it is equipped with a suitable braking device operable by either hand or foot.

~~(3)(4)~~ (a) Except as provided in subsection ~~(3)(b)~~ (4)(B), a person who operates an off-highway vehicle  
when allowed under ~~this section~~ SUBSECTION (2) must have in the person's possession a license to drive a motor  
vehicle issued under Title 61, chapter 5.

(b) An operator is exempt from the requirement to possess a license when operating an off-highway  
vehicle as allowed under ~~this section~~ SUBSECTION (2) if the person:

(i) is under 16 years of age but at least 12 years of age; and

(ii) at the time of operation of the off-highway vehicle, has in the person's possession a certificate

1 showing the successful completion of an off-highway vehicle safety education course approved by the department  
2 of fish, wildlife, and parks and is in the physical presence of a person who possesses a license to drive a motor  
3 vehicle.

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5 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
6 integral part of Title 23, chapter 2, part 8, and the provisions of Title 23, chapter 2, part 8, apply to [section 1].

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