

1 HOUSE BILL NO. 398

2 INTRODUCED BY D. KARY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO OPERATION OF OFF-HIGHWAY
5 VEHICLES BY PERSONS UNDER 16 YEARS OF AGE; REQUIRING COMPLETION OF A SAFETY
6 EDUCATION COURSE TO OPERATE ON CERTAIN PUBLIC LANDS; ALLOWING COMPLETION OF A
7 SAFETY EDUCATION COURSE PROVIDED BY A NATIONALLY RECOGNIZED SAFETY ORGANIZATION;
8 AND AMENDING SECTION 23-2-824, MCA."

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

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12 **NEW SECTION. Section 1. Operation of off-highway vehicle on public lands by persons under**
13 **16 years of age.** (1) Except as provided in subsection (2), a person who is under 16 years of age may operate
14 an off-highway vehicle on public lands only if the person, at the time of operation of the off-highway vehicle, has
15 in the person's possession a certificate showing the successful completion of an off-highway vehicle safety
16 education course:

17 (a) approved by the department of fish, wildlife, and parks; or

18 (b) provided by a nationally recognized off-highway vehicle safety organization, including an online
19 course.20 (2) This section does not apply to a person operating an off-highway vehicle on public lands for
21 agricultural purposes, including management of grazing leases.

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23 **Section 2.** Section 23-2-824, MCA, is amended to read:24 **"23-2-824. Operation on public roads, streets, and highways.** (1) A person may operate an
25 off-highway vehicle on a controlled-access highway or facility only if the vehicle is registered and licensed under
26 61-3-301 and the operator possesses a license to drive the vehicle issued under Title 61, chapter 5.27 (2) Off-highway vehicle operation is permitted on the roadway or shoulder of any public road or highway,
28 state highway, county road, or city street located within the boundaries of any municipality only if:29 (a) the operator has received permission or is otherwise authorized for that travel by the municipality in
30 the case of town or city streets, the board of county commissioners for county roads, or the state highway patrol

1 for all other highways; or

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

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

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

9 ~~(b)~~(5) An operator is exempt from the requirement to possess a license when operating an off-highway
10 vehicle as allowed under subsection (2) if the person:

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

12 ~~(ii)~~ at the time of operation of the off-highway vehicle;

13 ~~(a)~~ has in the person's possession a certificate showing the successful completion of an off-highway
14 vehicle safety education course;

15 ~~(i)~~ approved by the department of fish, wildlife, and parks ~~and~~; or

16 ~~(ii)~~ provided by a nationally recognized off-highway vehicle safety organization, including an online
17 course; and

18 ~~(b)~~ is in the physical presence of a person who possesses a license to drive a motor vehicle."
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20 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
21 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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