



AN ACT REVISING THE MONTANA FOOTPATH AND BICYCLE TRAIL ACT OF 1975; PROVIDING FOR THE MAINTENANCE AND REPAIR OF SHARED-USE PATHS, INCLUDING THE STRUCTURES AND PROCESSES NECESSARY FOR BICYCLE AND PEDESTRIAN SAFETY EDUCATION; PROVIDING FOR AND ALLOCATING THE REVENUE FROM AN OPTIONAL FEE ON MOTOR VEHICLE REGISTRATION TO BE USED FOR MAINTAINING, REPAIRING, AND ESTABLISHING SHARED-USE PATHS AND FOR SAFETY EDUCATION; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 60-3-301, 60-3-302, 60-3-303, 60-3-304, 61-3-321, AND 61-3-509, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Shared-use path project.** The department of transportation shall, to the extent funds are available pursuant to [section 2]:

- (1) establish a project for the maintenance and repair of shared-use paths described in this part and for educating users of shared-use paths;
- (2) contract for services to produce, disseminate, and deliver safety information and programs to pedestrians and bicyclists. The contract must be with an entity that has a demonstrated ability to provide safety information on a statewide basis to pedestrians and bicyclists.
- (3) consider adding signage along certain shared-use paths that designate walking pathways of least 1,320 feet that may be referred to as "Take a Break - Take a Walk" pathways.

**Section 2. Allocation of funds.** (1) Of the total funds in the account established in 61-3-321(21)(a):

- (a) In fiscal year 2018 only, an amount not to exceed \$50,000 must be transferred to the department of justice to reprogram the software and equipment of the department and the department's vendor to accommodate the optional fee provided for in 61-3-321(21); and
- (b) of the remainder in fiscal year 2018 and for succeeding fiscal years:
  - (i) 20% of the total must be allocated to the department of transportation to be used for bicycle and

pedestrian education throughout the state as provided in [section 1(2)]; and

(ii) 80% of the total must be allocated as provided in subsection (2) by the department of transportation to each of the five districts established in 2-15-2502.

(2) The amount of funds to be allocated to a district is equal to the total amount of optional registration fees provided for in 61-3-321(21)(a) collected in the district divided by the total amount of the optional registration fees provided for in 61-3-321(21)(a) collected for the entire state.

(3) Except as provided in subsection (4), the total funds allocated to a district under subsection (1)(b)(ii) must be used within the district for the maintenance and repair of shared-use paths described in this part. At least 10% of the funds allocated to a district under subsection (1)(b)(ii) must be used to maintain or repair shared-use paths that are not part of the state-maintained federal-aid highway system.

(4) (a) Subject to the provisions of subsection (4)(b), if all of the shared-use paths in the district are maintained and repaired at a level that meets or exceeds the standards established pursuant to 60-3-304(3)(c) or if there are no shared-use paths in the district that are not part of the state-maintained federal-aid highway system, any funds remaining in a fiscal year may be used to construct new shared-use paths within the district.

(b) Prior to the construction or extension of a shared-use path, the department shall enter into a maintenance agreement with the county or municipality, or both, in which the path is proposed to be constructed or extended. The maintenance agreement may provide that maintenance be conducted by the county or the municipality, by both the county and the municipality, by the department, or by a combination of those entities. Based on the maintenance agreement and available funding, the department shall transfer funds from the account established in 61-3-321(21)(a) to the appropriate county or municipality as provided for in the maintenance agreement. If the maintenance agreement provides for maintenance by the department, the department shall use the funds in the account for that purpose.

**Section 3.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory

appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,

the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

**Section 4.** Section 60-3-301, MCA, is amended to read:

**"60-3-301. Short title.** This part may be cited as the "~~Montana Footpath and Bicycle Trail Act of 1975~~ Shared-Use Path Act"."

**Section 5.** Section 60-3-302, MCA, is amended to read:

**"60-3-302. Bicycle trail Shared-use path defined.** As used in this part, "~~bicycle trail~~" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route. "shared-use path" means a multiuse path that is separated from motorized vehicular traffic by an open space, pavement markings, or a barrier within a highway right-of-way and that is usable for transportation purposes by pedestrians, runners, bicyclists, skaters, equestrians, and other nonmotorized users. A sidewalk, as defined in 61-8-102, is not a shared-use path."

**Section 6.** Section 60-3-303, MCA, is amended to read:

**"60-3-303. ~~Footpaths and bicycle trails~~ Shared-use paths to be established -- funding.** (1) (a) ~~The~~ Subject to the provisions of subsection (1)(b), the commission or the department or a county or city, with funds received from the commission or the department, may construct or extend ~~footpaths and bicycle trails~~. ~~Footpaths and bicycle trails may be established and extended to the nearest city or town or termination point of the highway or road~~ a shared-use path:

(i) ~~wherever a highway, road, or street is being constructed, reconstructed, or relocated. In addition,~~ wherever a highway, road, or street is being constructed, reconstructed, or relocated, ~~footpaths and bicycle trails may be established;~~

(ii) at any time along all streets a highway, road, or street under state jurisdiction. ~~Funds may also be expended to construct footpaths and bicycle trails along other highways, roads, and streets and in parks and recreation areas; or~~

(iii) if the construction enhances traffic safety and convenience. ~~Footpaths and bicycle trails may be~~

~~constructed along all sections of the national defense interstate highway system:~~

~~(b) Funds allocated by the department pursuant to [section 2] may be used for the purposes described in subsection (1)(a) of this section only as provided in [section 2(3)].~~

~~(2) ~~Footpaths and trails~~ A shared-use path may not be established under subsection (1):~~

~~(a) if the cost of establishing the ~~paths and trails~~ path is excessively disproportionate to the need or probable use; or~~

~~(b) if sparsity of population, other available ways, or other factors indicate an absence of any need for the ~~paths and trails~~ path.~~

~~(3) The commission shall let to contract in any period of 5 consecutive fiscal years not less than an average of \$200,000 each year for ~~footpaths and bicycle trails~~ to construct or extend shared-use paths. The department shall establish accounting procedures to document compliance with this subsection."~~

**Section 7.** Section 60-3-304, MCA, is amended to read:

**"60-3-304. Duties of department of transportation.** (1) The allocation of available funds for the maintenance, repair, and establishment of ~~paths and trails~~ shared-use paths and the expenditure of funds as authorized by this part are primarily for the maintenance and repair of shared-use paths and for the promotion of traffic safety on the highways, roads, and streets of the state.

~~(2)~~ (2) The transportation commission shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this part.

~~(2)(3)~~ (3) The department of transportation shall:

~~(a)~~ (a) maintain an inventory of all shared-use paths located in the right-of-way of each state-maintained federal-aid highway in Montana;

~~(b)~~ (b) maintain a plan for maintenance and repair of all the shared-use paths described in subsection (3)(a);

~~(c)~~ (c) recommend construction and maintenance standards for ~~footpaths and bicycle trails~~ shared-use paths. The department shall;

~~(d)~~ (d) provide a uniform system of signing ~~footpaths and bicycle trails~~ which shall apply to paths and trails shared-use paths that applies to all shared-use paths, whether under the jurisdiction of the commission and cities and counties. The commission and cities and counties shall restrict the use of ~~footpaths and bicycle trails~~ under their jurisdiction to pedestrians and nonmotorized vehicles to the maximum possible extent, except that the commission, in cooperation with local governments, may authorize the operation of snowmobiles on designated portions of ~~bicycle trails and footpaths~~ when snow conditions permit or a city or county; and

(e) as provided in [section 2], allocate funds in the account established in 61-3-321(21).

(4) (a) Except as provided in subsection (4)(b), shared-use paths may not be used by motorized vehicles.

(b) The transportation commission, a city or county, or the commission jointly with a city or county may authorize the use of snowmobiles on all or a portion of a shared-use path under its jurisdiction."

**Section 8.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- (a) if the vehicle is 4 or less years old, \$217;
- (b) if the vehicle is 5 through 10 years old, \$87; and
- (c) if the vehicle is 11 or more years old, \$28.

(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- (a) if the declared weight is less than 6,000 pounds, \$61.25; or
- (b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- (a) 2,850 pounds and over, \$10; and
- (b) under 2,850 pounds, \$5.

(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

- (i) less than 2 years old, \$282.50;
- (ii) 2 years old and less than 5 years old, \$224.25;
- (iii) 5 years old and less than 8 years old, \$132.50; and
- (iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

- (i) a one-time registration fee of \$237.50;
- (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under 61-6-158;
- (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
- (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate license plate under 61-3-465.

(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

- (a) under 16 feet in length, \$72; and
- (b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

- (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;
- (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and
- (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

- (A) a fee of \$40.50 in the first year of registration; and
- (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently

registered and the business is assessed the registration fee imposed in subsection (11)(a).

(12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

(b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a low-speed restricted driver's license is \$25.

(c) The one-time registration fee for golf carts authorized to operate on certain public streets and highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal, which must be displayed visibly on the golf cart.

(13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of standard license plates, a new single standard license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

(b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate number from license plates issued before January 1, 2010, when replacement of those plates is required under 61-3-332(3).

(c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

(15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the



enumerated vehicles or vessels that constitute inventory of the dealership.

(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

(ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered to a different person.

(20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be allocated as provided in [section 2].

(b) A person who registers one or more light vehicles may, at the time of annual registration, make a written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

(21)(22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

**Section 9.** Section 61-3-509, MCA, is amended to read:

**"61-3-509. Disposition of fees -- responsibility for dishonored payments.** (1) ~~All~~ Except as otherwise provided in 61-3-321, all registration fees imposed by 61-3-321 on light vehicles, motor homes, motorcycles, quadricycles, buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors for which a license is sought must be remitted to the state as provided in 15-1-504 every 30 days. The payments must be deposited in the state general fund.

(2) (a) The department, its authorized agent, or a county treasurer is responsible for pursuing remedies available under 27-1-717 or otherwise provided by law when a check, draft, converted check, electronic funds transfer, or order for the payment of money is dishonored:

(i) for lack of funds or credit;

(ii) because the issuer does not have an account with the entity from which the funds are to be drawn;

or

(iii) because the issuer stops payment with the intent to defraud the payee of the check or the payee named on the issued check, draft, converted check, electronic funds transfer, or order for the payment of money.

(b) Once fees have been remitted to the state under this section, adjustments may be made only for dishonored instruments if less than 1 year has elapsed from the date of remittance."

**Section 10. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 60, chapter 3, part 3, and the provisions of Title 60, chapter 3, part 3, apply to [sections 1 and 2].

**Section 11. Effective date.** [This act] is effective July 1, 2017.

- END -

I hereby certify that the within bill,  
HB 0225, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

HOUSE BILL NO. 225

INTRODUCED BY E. GREEF, F. GARNER

AN ACT REVISING THE MONTANA FOOTPATH AND BICYCLE TRAIL ACT OF 1975; PROVIDING FOR THE MAINTENANCE AND REPAIR OF SHARED-USE PATHS, INCLUDING THE STRUCTURES AND PROCESSES NECESSARY FOR BICYCLE AND PEDESTRIAN SAFETY EDUCATION; PROVIDING FOR AND ALLOCATING THE REVENUE FROM AN OPTIONAL FEE ON MOTOR VEHICLE REGISTRATION TO BE USED FOR MAINTAINING, REPAIRING, AND ESTABLISHING SHARED-USE PATHS AND FOR SAFETY EDUCATION; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 60-3-301, 60-3-302, 60-3-303, 60-3-304, 61-3-321, AND 61-3-509, MCA; AND PROVIDING AN EFFECTIVE DATE.