

HOUSE BILL NO. 171  
INTRODUCED BY R. HAMILTON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRST-TIME HUNTER WHO IS 16 YEARS OF AGE OR OLDER TO BE DEFERRED FROM HUNTER SAFETY INSTRUCTION REQUIREMENTS FOR ONE SEASON; ESTABLISHING THE TERMS AND CONDITIONS OF THE DEFERRAL, INCLUDING A CONDITION THAT HUNTING UNDER THE DEFERRAL BE CONDUCTED IN THE PRESENCE OF A LICENSED RESIDENT HUNTER; AND AMENDING SECTION 87-2-105, MCA."

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

**NEW SECTION. Section 1. Safety instruction deferral for first-time hunter -- conditions of deferral and hunting.** (1) A resident, as defined in 87-2-102, who is 16 years of age or older may apply to the department for a deferral from the safety instruction requirements of 87-2-105. A deferral may be granted pursuant to the terms and conditions of this section and must be granted free of charge on a one-time basis only. A deferral is valid for only 1 license year. Proof of deferral must be presented to a license agent at the time of purchase of a hunting license pursuant to this section.

(2) (a) To qualify for a deferral under this section, an applicant shall affirm by affidavit that:

- (i) the applicant has never purchased a hunting license in Montana or in any other state or province;
- (ii) the applicant will conduct all hunting pursuant to the deferral while accompanied by a resident hunter who is 25 years of age or older and who meets the qualifications of subsection (2)(b); and
- (iii) the applicant has reviewed and understands the basic rules of safe firearms handling.

(b) A resident hunter who will accompany the applicant pursuant to subsection (2)(a)(ii) shall affirm by affidavit that the resident hunter has:

- (i) attained 25 years of age;
- (ii) completed a Montana hunter safety and education course;
- (iii) purchased a resident hunting license in 3 of the 4 license years prior to the application;
- (iv) reviewed and understands the basic rules of safe firearms handling;
- (v) included the resident hunter's automated licensing system number for inclusion on the deferral; and
- (vi) agreed to accompany the applicant during all of the applicant's hunting pursuant to the deferral and will remain within normal hearing distance of the applicant while using normal voice control.

(3) A resident who receives a deferral pursuant to this section may purchase any resident hunting license at full price during the license year in which the deferral is issued but is ineligible to apply for or purchase a special license or permit issued by drawing.

(4) A resident who exercises a deferral pursuant to this section is required to complete a Montana hunter safety and education course prior to purchasing any Montana hunting license in a subsequent license year.

(5) The commission may by rule establish additional necessary conditions under which a safety instruction deferral may be issued and exercised pursuant to this section.

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

**"87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) and as provided in [section 1], a hunting license may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

- (a) a Montana hunter safety and education course established in subsection (4) or (6); or
- (b) a hunter safety course in any other state or province.

(2) 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 determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) 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 determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. 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 the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from

Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to any person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course."

**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

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