

HOUSE BILL NO. 512

INTRODUCED BY E. MCCLAFFERTY

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CERTAIN USES OF MOTOR VEHICLES TO RETRIEVE BIG GAME; PROVIDING REQUIREMENTS FOR QUALIFIED PERSONS; CREATING AN EXCEPTION FOR UNLAWFUL USE OF A VEHICLE WHILE HUNTING; AMENDING SECTION 87-6-405, MCA; AND PROVIDING A TERMINATION DATE."

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

**NEW SECTION. Section 1. Authorization for certain uses of motor vehicles to retrieve game. (1)**

Subject to the provisions of this section, a qualifying person may use a motor-driven vehicle to retrieve a big game animal that the hunter has lawfully taken on state trust lands or in wildlife management areas.

(2) The person retrieving the big game animal:

(a) must be 60 years of age or older;

(b) may use only established or existing roads that are open to the public except for closures during big game hunting season;

(c) shall keep the vehicle on the established or existing road;

(d) shall haul any harvested and tagged big game animal to an established or existing road;

(e) must possess a resident or nonresident license and appropriate permit or tag to hunt big game animals;

(f) may be accompanied by a person possessing a resident or nonresident license to hunt big game animals;

(g) may use only established or existing roads to retrieve a big game animal between the hours of 11 a.m. and 1 p.m.; and

(h) shall declare the retrieval method pursuant to this section when reporting at a checking station.

(3) A person retrieving a big game animal pursuant to this section may not carry a rifle while retrieving the big game animal.

**Section 2.** Section 87-6-405, MCA, is amended to read:



1           **"87-6-405. Unlawful use of vehicle while hunting.** (1) Except as provided in 87-2-803(4), a person  
2 may not:

3           (a) hunt or attempt to hunt any game animal or game bird from any self-propelled or drawn vehicle; or

4           (b) use a self-propelled vehicle to intentionally concentrate, drive, rally, stir up, or harass wildlife, except  
5 predators of this state. This subsection (1)(b) does not apply to landowners and their authorized agents engaged  
6 in the immediate protection of that landowner's property.

7           (2) Except as provided in 87-2-803(4) and subject to [section 1], a person may not, while hunting a game  
8 animal or bird:

9           (a) drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush,  
10 or harass or attempt to harass a game animal or game bird with the use or aid of a motor-driven vehicle;

11           (b) use a motor-driven vehicle other than on an established road or trail unless the person has reduced  
12 a big game animal to possession and cannot easily retrieve the big game animal. In that case, a motor-driven  
13 vehicle may be used to retrieve the big game animal, except in areas where more restrictive regulations apply  
14 or where the landowner has not granted permission. After the retrieval, the motor-driven vehicle must be returned  
15 to an established road or trail by the shortest possible route. For purposes of safety and allowing normal travel,  
16 a motor-driven vehicle may be parked on the roadside or directly adjacent to a road or trail.

17           (c) drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested  
18 or harvested cropland, except upon an established road or trail, unless written permission has been given by the  
19 landowner and is in possession of the hunter.

20           (3) The restrictions in subsection (2) on motor-driven vehicle use off an established road or trail apply  
21 only to hunting on state or private land and not to hunting on federal land unless the federal agency specifically  
22 requests or approves state enforcement.

23           (4) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000  
24 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon  
25 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
26 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
27 77-1-101, for recreational purposes for a period of time set by the court.

28           (5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through  
29 87-6-907."  
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1            NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
2 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

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4            NEW SECTION. **Section 4. Termination.** [This act] terminates February 28, 2017.

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