

HOUSE BILL NO. 167

INTRODUCED BY J. WELBORN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO OFF-HIGHWAY VEHICLE
NONRESIDENT TEMPORARY-USE PERMITS; INCREASING THE NONRESIDENT TEMPORARY-USE
PERMIT FEE FOR OFF-HIGHWAY VEHICLES; REQUIRING A NONRESIDENT TEMPORARY-USE PERMIT
FOR ALL OFF-HIGHWAY VEHICLES OWNED BY NONRESIDENTS; REQUIRING THAT MONEY COLLECTED
FROM THE FEE BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR CERTAIN
PURPOSES; AND AMENDING SECTIONS 23-2-802 AND 23-2-814, MCA."

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

Section 1. Section 23-2-802, MCA, is amended to read:

"23-2-802. Exemptions. The provisions of this part do not apply to:

(1) an off-highway vehicle:

~~_____ (a) owned or used by the United States or another state or an agency or political subdivision thereof of
the United States or another state;~~

~~(b) registered in a country other than the United States, temporarily used within this state for not more
than 30 days; or~~

~~_____ (c) registered in another state of the United States, temporarily used within this state for not more than
30 days; or~~

(2) AN OFF-HIGHWAY VEHICLE REGISTERED IN AN ADJACENT STATE OF THE UNITED STATES IF:

(A) THAT STATE DOES NOT REQUIRE PAYMENT OF A FEE TO USE OFF-HIGHWAY VEHICLES REGISTERED IN
MONTANA IN THAT STATE; AND

(B) THE OFF-HIGHWAY VEHICLE IS TEMPORARILY USED WITHIN THIS STATE FOR NOT MORE THAN 30 DAYS; OR

~~(2)(3) a licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or
picnicking on a visible two-track trail or road within 1 mile of a designated road."~~

Section 2. Section 23-2-814, MCA, is amended to read:

"23-2-814. Nonresident temporary-use permits -- use of fees. (1) ~~At~~ EXCEPT AS PROVIDED IN



1 ~~23-2-802, AN~~ off-highway vehicle that is owned by a nonresident ~~and that is not registered in another state of the~~
 2 ~~United States or in another country~~ may not be operated by a person in Montana unless a nonresident
 3 temporary-use permit is obtained.

4 (2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle are
 5 as follows:

6 (a) Application for the issuance of the permit must be made at locations and upon forms prescribed by
 7 the department of fish, wildlife, and parks. The forms must include but are not limited to:

8 (i) the applicant's name and permanent address;

9 (ii) the make, model, year, and serial number of the off-highway vehicle; and

10 (iii) an affidavit declaring the nonresidency of the applicant.

11 (b) Upon submission of the application and a fee of ~~\$5~~ ~~\$25~~ \$27, of which ~~50 cents~~ \$1 is a search and
 12 rescue surcharge, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be
 13 displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

14 (3) The temporary-use permit is valid for the calendar year designated on the permit.

15 (4) The permit is not proof of ownership, and a certificate of title may not be issued.

16 (5) ~~(a) All money~~ Except as provided in subsection (5)(b), money collected by payment of fees under this
 17 section must be ~~transmitted to the department of revenue for deposit in the state general fund~~ deposited in the
 18 state special revenue fund to the credit of the department of fish, wildlife, and parks and used as follows:

19 (i) \$14 ~~\$15~~ must be expended to maintain off-highway vehicle trails;

20 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to
 21 23-2-806;

22 (iii) \$1 must be remitted to the license agent who sold the nonresident temporary-use permit; and

23 (iv) \$10 ~~\$6~~ must be used by the department for off-highway vehicle safety education; AND

24 (v) \$1.50 MUST BE USED BY THE DEPARTMENT TO MITIGATE AND ERADICATE NOXIOUS WEEDS ALONG
 25 OFF-HIGHWAY VEHICLE TRAILS.

26 (b) The 50-cent ~~\$1~~ search and rescue surcharge must be deposited in the account established in
 27 10-3-801 for use as provided in that section.

28 (6) Failure to display the permit as required by this section or making false statements in obtaining the
 29 permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected
 30 under this section must be transmitted to the department of revenue for deposit in the state general fund."

31 - END -