



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

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

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

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the off-highway vehicle; and
- (iii) an affidavit declaring the nonresidency of the applicant.

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

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

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

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

- (i) \$15 must be expended to maintain off-highway vehicle trails;
- (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to 23-2-806;
- (iii) \$1 must be remitted to the license agent who sold the nonresident temporary-use permit;
- (iv) \$6 must be used by the department for off-highway vehicle safety education; and
- (v) \$1.50 must be used by the department to mitigate and eradicate noxious weeds along off-highway vehicle trails.

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

(6) Failure to display the permit as required by this section or making false statements in obtaining the

permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund."

- END -

I hereby certify that the within bill,
HB 0167, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 167

INTRODUCED BY J. WELBORN

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