

HOUSE BILL NO. 300

INTRODUCED BY K. WHITE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE SNOWMOBILE TRAIL PASS; PROVIDING FEES AND PENALTIES; DEFINING TERMS; REORGANIZING SECTIONS; AMENDING SECTIONS 15-1-122, 23-2-601, 23-2-614, 23-2-644, AND 23-2-657, MCA; AND REPEALING SECTION 23-2-652, MCA."

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

NEW SECTION. Section 1. Snowmobile trail pass -- fees -- penalties. (1) Except as provided in subsection (4), to be eligible to operate a snowmobile or use motorized equipment or mechanical transport in snowmobile areas groomed with a grant or funding assistance awarded by the department, a person shall first purchase a snowmobile trail pass for \$18.

(2) The trail pass is valid for 3 years from the date of purchase and must be affixed in a conspicuous place to each snowmobile, motorized equipment, or mechanical transport used. A trail pass is not transferrable between a snowmobile, motorized equipment, or mechanical transport.

(3) Application for the issuance of the trail pass must be made at locations and upon forms prescribed by the department.

(4) A person renting a snowmobile registered pursuant to 61-3-321(11)(b) is not required to purchase a snowmobile trail pass but shall carry proof of rental if operating a snowmobile in a snowmobile area that otherwise requires a trail pass pursuant to subsection (1).

(5) Money collected by payment of fees under this section must be deposited in the state special revenue fund to the credit of the department and used as follows:

(a) \$2 must be remitted to the vendor who sold the trail pass if the vendor is not the department;

(b) \$1 must be used for the enforcement of snowmobile laws pursuant to this part; and

(c) the remainder must be used by the department to award grants or funding assistance to snowmobile area operators for the grooming of snowmobile areas.

(6) The failure to affix the trail pass as required by this section or the making of false statements in obtaining the trail pass is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100.

1 **Section 2.** Section 15-1-122, MCA, is amended to read:

2 **"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services
3 account, provided for in 42-2-105, a base amount of \$59,209, and the amount of the transfer must be increased
4 by 10% in each succeeding fiscal year.

5 (2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or
6 recipients indicated the following amounts:

7 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48%
8 of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the
9 allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned
10 vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as
11 provided in 75-10-532.

12 (b) to the noxious weed state special revenue account provided for in 80-7-816, 1.50% of the motor
13 vehicle revenue deposited in the state general fund in each fiscal year;

14 (c) to the department of fish, wildlife, and parks:

15 (i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable
16 percentage to be:

17 (A) used to:

18 (I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;

19 (II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;

20 (III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and

21 (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle
22 recreational use, 16.7% in each fiscal year; and

23 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in
24 each fiscal year;

25 (ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50%
26 of the amount to be used for enforcing the purposes of ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617,~~
27 ~~23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ Title 23, chapter 2, part 6, and
28 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;
29 and

30 (iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be

1 deposited in the motorboat account to be used as provided in 23-2-533;

2 (d) 0.81% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with
3 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be
4 deposited in the veterans' services account provided for in 10-2-112(1);

5 (e) 0.30% of the motor vehicle revenue deposited in the state general fund in each fiscal year for deposit
6 in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation
7 services account provided for in 7-14-112; and

8 (f) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue
9 deposited in the state general fund in each fiscal year.

10 (3) The amount of \$200,000 is transferred from the state general fund to the livestock loss reduction and
11 mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.

12 (4) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means
13 revenue received from:

14 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

15 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered
16 pursuant to 61-3-321 and 61-3-562;

17 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

18 (d) all money collected pursuant to 15-1-504(3).

19 (5) The amounts transferred from the general fund to the designated recipient must be appropriated as
20 state special revenue in the general appropriations act for the designated purposes."

21
22 **Section 3.** Section 23-2-601, MCA, is amended to read:

23 **"23-2-601. Definition of terms.** As used in ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617,~~
24 ~~23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part, unless the context
25 requires otherwise, the following definitions apply:

26 (1) "Certificate of registration" means the owner's receipt evidencing payment of fees due in order for
27 the snowmobile to be validly registered.

28 (2) "Certificate of title" means the document issued by the department of justice as prima facie evidence
29 of ownership.

30 (3) "dbA" means sound pressure level measured on the "A" weight scale in decibels.

(4) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(5) "Mechanical transport" means any contrivance for moving a person over land that has moving parts and provides a mechanical advantage to the user.

~~(5)(6)~~ "New snowmobile" means a snowmobile that has not been previously sold to an owner.

~~(6)(7)~~ "Operator" includes each person who operates or is in actual physical control of the operation of a snowmobile.

~~(7)(8)~~ "Owner" includes each person, other than a lienholder or person having a security interest in a snowmobile, that holds a certificate of title to a snowmobile and is entitled to the use or possession of the snowmobile.

~~(8)(9)~~ "Person" means an individual, partnership, association, corporation, and any other body or group of persons, regardless of the degree of formal organization.

~~(9)(10)~~ "Registration decal" means an adhesive sticker produced and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

~~(10)(11)~~ "Roadway" means only those portions of a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

~~(11)(12)~~ "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, that may be steered by skis or runners and that is not otherwise registered or licensed under the laws of the state of Montana.

(13) "Snowmobile area" means those areas designated as snowmobile trails or areas open to the operation of snowmobiles.

(14) "Snowmobile area operators" means those persons responsible for the maintenance of snowmobile trails and for the designation of open areas or those persons providing rental snowmobile equipment. Operators may include but are not limited to the United States forest service, the Montana department of fish, wildlife, and parks, the Montana snowmobile association, individual snowmobile clubs, landowners or their tenants, persons who offer snowmobile equipment for rent, and private trail grooming contractors.

(15) "Snowmobiler" means any person operating or riding a snowmobile."

Section 4. Section 23-2-614, MCA, is amended to read:

1 **"23-2-614. Exemptions.** (1) (a) The provisions of ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through~~
2 ~~23-2-617, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part with respect
3 to registration, registration decals, certificates of title, ~~and certificates of ownership, and snowmobile trail passes~~
4 do not apply to snowmobiles owned or used by the United States or another state or any agency or political
5 subdivision of the United States or another state.

6 (b) Snowmobiles owned by the state of Montana or any agency or political subdivision of this state are
7 exempt only from the payment of fees and must otherwise comply with all the requirements of ~~23-2-601,~~
8 ~~23-2-602, 23-2-611, 23-2-614 through 23-2-617, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641~~
9 ~~through 23-2-644~~ this part.

10 (2) The provisions of ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617, 23-2-621, 23-2-622,~~
11 ~~23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part with respect to registration, registration
12 decals, certificates of title, and certificates of ownership do not apply to unregistered snowmobiles owned by
13 nonresidents of Montana who either:

14 (a) display visual proof that a nonresident temporary-use snowmobile permit has been purchased; or

15 (b) use the snowmobile only in races and for not more than 30 days in the state. "Race" means an
16 organized competition on a predetermined course that is run according to accepted rules."

17
18 **Section 5.** Section 23-2-644, MCA, is amended to read:

19 **"23-2-644. Deposit of funds from fines and forfeitures.** All fines and forfeitures collected under
20 ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-617, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and~~
21 ~~23-2-641 through 23-2-644~~ this part relating to snowmobiles, except those collected by a justice's court, must be
22 transmitted to the state, as provided in 15-1-504, for deposit in the state general fund."

23
24 **Section 6.** Section 23-2-657, MCA, is amended to read:

25 **"23-2-657. Environmental review compliance -- exemption.** (1) Except as provided in subsection (2),
26 the department of fish, wildlife, and parks shall comply with the provisions of Title 75, chapter 1, parts 1 and 2,
27 when:

28 (a) acting as a snowmobile area operator pursuant to ~~23-2-652 through 23-2-655~~ this part; or

29 (b) awarding a grant or other funding assistance to a snowmobile area operator.

30 (2) The department of fish, wildlife, and parks is exempt from the provisions of Title 75, chapter 1, parts

1 1 and 2, when taking actions as a snowmobile area operator pursuant to ~~23-2-652 through 23-2-655~~ this part or
2 when awarding a grant or other funding assistance to a snowmobile area operator if the action or award has been
3 previously subject to environmental review under Title 75, chapter 1, parts 1 and 2, and there is no proposed
4 change to the action or the use of the award."

5
6 **NEW SECTION. Section 7. Repealer.** The following section of the Montana Code Annotated is
7 repealed:

8 23-2-652. Definitions.

9
10 **NEW SECTION. Section 8. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 23, chapter 2, part 6, and the provisions of Title 23, chapter 2, part 6, apply to [section 1].

12 - END -