

HOUSE BILL NO. 489

INTRODUCED BY M. NOLAND, SKEES

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING UNLAWFUL MOORING BY ANY VESSEL;
5 PROVIDING A DEFINITION OF A FIXED VESSEL; REQUIRING REGISTRATION, REGISTRATION FEES,
6 VALIDATION DECALS, IDENTIFYING NUMBERS, AND CERTAIN EQUIPMENT FOR FIXED VESSELS;
7 CLARIFYING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 23-2-502,
8 23-2-511, 23-2-512, 23-2-515, 23-2-519, 23-2-521, AND 61-3-321, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **NEW SECTION. Section 1. Unlawful mooring.** (1) A person may not moor, anchor, fasten to the shore,
13 or otherwise secure a vessel in any waters of the state for more than ~~5~~ 14 days within any period of 28
14 consecutive days unless the person:

- 15 (a) moves the vessel at least ~~5~~ 1 nautical ~~miles~~ MILE from its previous location;
16 (b) is authorized for private dock or moorage; or
17 (c) is authorized by the government agency or private interest having jurisdiction over the waters.
18 (2) The ~~5-day~~ 14-DAY limit may be reached through either a number of separate moorings or ~~5~~ 14 days
19 of continuous overnight occupation during the 28-day period.
20 (3) The department may adopt rules to implement this section.

21
22 **Section 2.** Section 23-2-502, MCA, is amended to read:
23 **"23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning, the
24 following definitions apply:

- 25 (1) "Certificate of number" means the certificate issued by the department of justice, an authorized agent,
26 as defined in 61-1-101, or a county treasurer to the owner of a motorboat, ~~or~~ sailboat, or fixed vessel, assigning
27 the motorboat, ~~or~~ sailboat, or fixed vessel an identifying number and containing other information as required by
28 the department of justice.
29 (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.
30 (3) "Documented vessel" means a vessel that has and is required to have a valid marine document as

1 a vessel of the United States.

2 ~~(4)~~ (4) "Fixed vessel" means a vessel not actually used for navigation that is moored, anchored, fastened
3 to the shore, or otherwise secured on the waters of the state.

4 ~~(4)(5)~~ (5) "Identifying number" means the boat number set forth in the certificate of number and properly
5 displayed on the motorboat, ~~or sailboat, or fixed vessel.~~

6 ~~(5)(6)~~ (6) "Lienholder" means a person holding a security interest.

7 ~~(6)(7)~~ (7) "Manufacturer" means a person engaged in the business of manufacturing or importing new and
8 unused vessels or new and unused outboard motors for the purpose of sale or trade.

9 ~~(7)(8)~~ (8) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
10 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
11 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

12 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
13 or any successor federal agency.

14 ~~(8)(9)~~ (9) "Operate" means to navigate or otherwise use a motorboat or a vessel.

15 ~~(9)(10)~~ (10) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a
16 motorboat or vessel.

17 ~~(10)(11)~~ (11) (a) "Owner" means a person, other than a lienholder, having the property in or title to a
18 motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel
19 subject to an interest in another person, reserved or created by an agreement securing payment or performance
20 of an obligation.

21 (b) The term does not include a lessee under a lease not intended as security.

22 ~~(11)(12)~~ (12) "Passenger" means each person carried on board a vessel other than:

23 (a) the owner or the owner's representative;

24 (b) the operator;

25 (c) bona fide members of the crew engaged in the business of the vessel who have not contributed any
26 consideration for their carriage and who are paid for their services; or

27 (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not
28 contributed any consideration, directly or indirectly, for the guest's carriage.

29 ~~(12)(13)~~ (13) "Person" means an individual, partnership, firm, corporation, association, or other entity.

30 ~~(13)(14)~~ (14) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine

1 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
 2 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
 3 vessel.

4 ~~(14)~~(15) "Registration decal" means an adhesive sticker produced by the department of justice and
 5 issued by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the
 6 owner of a motorboat, sailboat, fixed vessel, or personal watercraft as proof of payment of fees imposed on the
 7 motorboat, sailboat, fixed vessel, or personal watercraft for the registration period indicated on the decal as
 8 recorded by the department of justice under 61-3-101.

9 ~~(15)~~(16) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

10 (b) The term does not include a canoe or kayak propelled by wind.

11 ~~(16)~~(17) "Security interest" means an interest that is reserved or created by an agreement that secures
 12 payment or performance of an obligation and is valid against third parties generally.

13 ~~(17)~~(18) "Uniform state waterway marking system" means one of two categories:

14 (a) a system of aids to navigation to supplement the federal system of marking in state waters;

15 (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information
 16 and directions.

17 ~~(18)~~(19) "Validation decal" means an adhesive sticker produced by the department and issued by the
 18 department or a county treasurer to the owner of a motorboat, sailboat, fixed vessel, or personal watercraft
 19 verifying the identifying number assigned to the motorboat, sailboat, fixed vessel, or personal watercraft and the
 20 name and address of the owner to meet requirements of the federal standard numbering system.

21 ~~(19)~~(20) "Vessel" means every description of watercraft, unless otherwise defined by the department,
 22 other than a seaplane on the water, used or capable of being used as a means of transportation or flotation on
 23 water.

24 ~~(20)~~(21) "Waters of this state" means any waters within the territorial limits of this state."
 25

26 **Section 3.** Section 23-2-511, MCA, is amended to read:

27 **"23-2-511. Operation of unnumbered motorboats or sailboats prohibited -- display of registration**
 28 **and validation decals.** (1) ~~A~~ On the waters of the state, a motorboat on the waters of this state that is propelled
 29 by a motor or an engine of any description, ~~or a sailboat on the waters of this state, or a fixed vessel~~ or a fixed vessel must be
 30 properly numbered and display valid registration and validation decals. A person may not operate or give

1 permission for the operation of any motorboat, ~~or~~ sailboat, or fixed vessel on the waters of this state unless the
 2 motorboat, ~~or~~ sailboat, or fixed vessel is numbered and displays valid registration and validation decals in
 3 accordance with this part and applicable federal law or with a federally approved numbering system of another
 4 state and unless:

5 (a) the certificate of number assigned to the motorboat, ~~or~~ sailboat, or fixed vessel is in effect;

6 (b) the identifying number set forth in the certificate of number and the valid license decals are displayed
 7 on the motorboat, ~~or~~ sailboat, or fixed vessel; and

8 (c) a temporary permit has been obtained from the county in which a motorboat is being operated if that
 9 county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

10 (2) Upon transfer of ownership of a motorboat, ~~or~~ sailboat, or fixed vessel, the transferred motorboat,
 11 ~~or~~ sailboat, or fixed vessel may be operated on the waters of this state for 40 consecutive calendar days
 12 immediately following the transfer of ownership without displaying the registration and validation decals required
 13 by subsection (1) if when the motorboat, ~~or~~ sailboat, or fixed vessel is operated during those 40 consecutive
 14 calendar days, a temporary registration permit has been issued under 61-3-224 and is shown to a warden or
 15 other officer upon request."
 16

17 **Section 4.** Section 23-2-512, MCA, is amended to read:

18 **"23-2-512. Identifying number.** (1) The owner of each motorboat, sailboat, fixed vessel, or personal
 19 watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer
 20 in the county where the motorboat, sailboat, fixed vessel, or personal watercraft is owned, on forms prepared and
 21 furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat,
 22 fixed vessel, or personal watercraft and be accompanied by the fee prescribed in 61-3-321(10). Any alteration,
 23 change, or false statement contained in the application renders the certificate of number void. Upon receipt of
 24 the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared
 25 and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, fixed vessel,
 26 or personal watercraft and the name and address of the owner. Validation decals verifying the identifying number
 27 for each motorboat, sailboat, fixed vessel, or personal watercraft must be issued along with the certificate of
 28 number and must be displayed on the motorboat, sailboat, fixed vessel, or personal watercraft.

29 (2) The fine for failing to display the validation decals may not be more than the cost incurred by the
 30 justice's court.

1 (3) The department may give only verbal or written warnings until December 31, 2007, for failing to
2 display validation decals in an attempt to educate the boating public.

3 (4) If the ownership of a motorboat, sailboat, fixed vessel, or personal watercraft changes, a new
4 application form with the certification fee must be filed within 40 days with the county treasurer and a new
5 certificate of number assigned in the same manner as provided for in an original assignment of number. New
6 validation decals must be issued simultaneously.

7 (5) If an agency of the United States government has in force a comprehensive system of identification
8 numbering for motorboats in the United States, the numbering system employed pursuant to this part by the
9 department of justice must be in conformity.

10 (6) A certificate of number and validation decals issued under this part are effective unless terminated
11 or discontinued in accordance with the provisions of this part. All motorboats, sailboats, fixed vessels, or personal
12 watercraft already numbered must exhibit validation decals by December 31, 2005. All validation decals expire
13 on February 28, 2008. Validation decals must be obtained by the expiration date at any regional office of the
14 department or through the department website and are in effect for another 3-year period ending February 28,
15 2011. The requirement of renewal validation decals must continue in subsequent 3-year periods, and renewal
16 validation decals must be identified by color in accordance with the federal numbering system. Except as provided
17 in 23-2-511(2) and subsection (4) of this section, the operation of a motorboat, sailboat, fixed vessel, or personal
18 watercraft is prohibited without current validation decals.

19 (7) Validation decals must be approximately 3 square inches. The validation decals must be serially
20 numbered in accordance with the federal numbering system and must be displayed on each side of the vessel.

21 (8) If ownership is transferred, the purchaser shall notify the county treasurer within 40 days of the
22 acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a
23 motorboat, sailboat, fixed vessel, or personal watercraft numbered in this state or of the loss, theft, destruction,
24 or abandonment of the motorboat, sailboat, fixed vessel, or personal watercraft. The transfer, loss, theft,
25 destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, fixed vessel, or
26 personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to
27 operate the motorboat, sailboat, fixed vessel, or personal watercraft does not terminate the certificate of number.

28 (9) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the
29 holder's address no longer conforms to the address appearing on the certificate and shall furnish the county
30 treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate

1 bearing the former address and its replacement with a certificate bearing the new address or the alteration of an
2 outstanding certificate to show the new address of the holder.

3 (10) (a) The identifying number assigned must be painted on or attached to each outboard side of the
4 forward half of the motorboat, sailboat, fixed vessel, or personal watercraft or, if there are no sides, at a
5 corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, fixed vessel, or personal
6 watercraft. The identifying number assigned must read from left to right in Arabic numerals and block characters
7 of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the
8 background and be so maintained as to be clearly visible and legible. The identifying number may not be placed
9 on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore.
10 Numerals, letters, or devices other than those used in connection with the identifying number issued may not be
11 placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready
12 identification of the motorboat, sailboat, fixed vessel, or personal watercraft by its identifying number may not be
13 carried in a manner that interferes with the motorboat's, sailboat's, fixed vessel's, or personal watercraft's
14 identification. A number other than the identifying number assigned to a motorboat, sailboat, fixed vessel, or
15 personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed
16 on either side of the forward half of the motorboat, sailboat, fixed vessel, or personal watercraft. A registration
17 decal issued under this part must be placed next to the identifying number located on the left side of a motorboat,
18 sailboat, fixed vessel, or personal watercraft or, if there are no sides, at the corresponding location on the left
19 outboard side of the foredeck of the motorboat, sailboat, fixed vessel, or personal watercraft. The validation decal
20 must be placed immediately aft of the registration decal on the left side and immediately aft of the identifying
21 number on the right side of a motorboat, sailboat, fixed vessel, or personal watercraft.

22 (b) The certificate of number must be pocket size and available to federal, state, or local law enforcement
23 officers at all reasonable times for inspection on the motorboat, sailboat, fixed vessel, or personal watercraft
24 whenever the motorboat, sailboat, fixed vessel, or personal watercraft is on waters of this state.

25 (c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat,
26 fixed vessel, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats,
27 fixed vessels, or personal watercraft in place of the certificate of number.

28 (11) An owner of a motorboat, sailboat, fixed vessel, or personal watercraft shall within a reasonable time
29 notify the department of justice, giving the motorboat's, sailboat's, fixed vessel's, or personal watercraft's
30 identifying number and the owner's name if the motorboat, sailboat, fixed vessel, or personal watercraft is

1 transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a
2 motorboat becomes documented as a vessel of the United States.

3 ~~———— (12) The department shall reimburse the department of justice for any programming costs necessary to~~
4 ~~implement the provisions of this section that are incurred in fiscal year 2005."~~

5

6 **Section 5.** Section 23-2-515, MCA, is amended to read:

7 **"23-2-515. Registration decal to be displayed.** (1) A Montana motorboat, sailboat, fixed vessel, or
8 personal watercraft numbered in accordance with the provisions of 23-2-512 must display a registration decal.
9 For this purpose, the county treasurer, upon proof of payment of the registration fee as required by 61-3-321(10),
10 shall issue a registration decal prepared and furnished by the department of justice with all new certificates of
11 number and, if applicable, all renewals of the certificates of number.

12 (2) (a) The registration decal must be of a style and design prescribed by the department of justice.

13 (b) The registration decal must be serially numbered.

14 (c) The registration decals issued for a motorboat, sailboat, fixed vessel, or personal watercraft do not
15 expire while the motorboat, sailboat, fixed vessel, or personal watercraft remains in the same ownership.

16 (3) A registration decal must be displayed on the left side of the forward half, 3 inches aft of the
17 identifying numbers."

18

19 **Section 6.** Section 23-2-519, MCA, is amended to read:

20 **"23-2-519. Penalty -- disposition.** (1) Failure to pay the registration fee as provided for in 61-3-321(10)
21 is a misdemeanor, punishable by a fine equal to four times the registration fee that is due on the motorboat,
22 sailboat, fixed vessel, personal watercraft, or motorized pontoon for the current year of registration.

23 (2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

24 (a) 50% to the general fund of the county in which the motorboat, sailboat, fixed vessel, personal
25 watercraft, or motorized pontoon is issued a certification number; and

26 (b) 50% to the motorboat account of the state special revenue fund for use by the department in the
27 enforcement of this part."

28

29 **Section 7.** Section 23-2-521, MCA, is amended to read:

30 **"23-2-521. Equipment.** (1) Every motorboat or vessel must have aboard:

1 (a) one personal flotation device that is approved by the United States coast guard and that is in good
2 and serviceable condition for each person on board, provided that a person who has not reached 12 years of age
3 must have a life preserver that is approved by the United States coast guard and that is properly fastened to the
4 person when occupying a motorboat or vessel under 26 feet in length while the motorboat or vessel is in motion;

5 (b) if carrying or using an inflammable or toxic fluid in an enclosure for any purpose and if the motorboat
6 or vessel is not an entirely open one, an efficient natural or mechanical ventilation system prescribed by the
7 department that must be used and be capable of removing resulting gases prior to and during the time the
8 motorboat or vessel is occupied by a person;

9 (c) hand portable fire extinguishers approved by the United States coast guard, the number of which is
10 to be determined by the department, or a fixed fire extinguishing system that is approved by the United States
11 coast guard, except that motorboats less than 26 feet in length of entirely open construction, propelled by
12 outboard motors, and not carrying passengers for hire need not carry the portable fire extinguishers or fire
13 extinguishing systems.

14 (2) The carburetor or carburetors of each of the engines of a motorboat or vessel (except outboard
15 motors) that use gasoline as fuel must be equipped with an efficient flame arrester, backfire trap, or other similar
16 device.

17 (3) (a) Except as provided in subsection (3)(b), the exhaust of an internal combustion engine used on
18 a motorboat or vessel must be muffled either by discharge underwater or by a functioning muffler capable of
19 muffling exhaust noise to 90 dbA or less when measured at a distance of 1 meter from the muffler at idle speed
20 in accordance with the stationary sound level measurement procedure for pleasure motorboats (SAE J2005). The
21 muffler may not be modified or altered, such as by a cutout. The department may require a test at dockside to
22 determine exhaust noise level.

23 (b) The provisions of subsection (3)(a) do not apply to a motorboat or vessel:

24 (i) competing in a state-sanctioned regatta or boat race while on trial runs between 9 a.m. and 5 p.m.
25 and during a period not more than 48 hours immediately preceding the regatta or boat race;

26 (ii) operating under a separate permit issued by the department for the purpose of tuning engines, making
27 test or trial runs, or competing in official trials for speed records other than in connection with regattas or boat
28 races; or

29 (iii) operated by an authorized agent of federal, state, or local government to carry out the duty of
30 enforcement, search and rescue, firefighting, or research.

1 (4) (a) Except as provided in subsection (4)(b), a vessel may not be equipped with a siren, and a person
2 may not use or install a siren on a vessel.

3 (b) An authorized emergency vessel may be equipped with a siren capable of sound audible under
4 normal conditions from a distance of not less than 500 feet, but the siren may be used only when the vessel is
5 operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the
6 law, and the operator of the vessel shall sound the siren when necessary to warn persons of the vessel's
7 approach.

8 (5) When in operation or at anchor or moored away from a docking facility between sunset and sunrise,
9 all vessels must display lights as prescribed by the department.

10 (6) The department may designate waters where and the time of year on these waters when all persons
11 aboard a motorboat or vessel shall wear approved life preservers at all times.

12 (7) Vessels, including houseboats, ~~and~~ floating cabins, and fixed vessels equipped with a galley or toilet
13 must have a wastewater holding system sealed to prevent the discharge of water-carried waste products, whether
14 treated or untreated, into the surrounding waters.

15 (8) The department may adopt rules modifying the equipment requirements contained in this section to
16 the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and
17 safety laws or with the navigation and safety rules promulgated by the United States coast guard.

18 (9) A person may not operate or give permission for the operation of a vessel that is not equipped as
19 required by this section."

20

21 **Section 8.** Section 61-3-321, MCA, is amended to read:

22 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
23 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
24 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
25 semitrailers, and pole trailers as provided in subsections (2) through (20).

26 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
27 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

28 (a) if the vehicle is 4 or less years old, \$217;

29 (b) if the vehicle is 5 through 10 years old, \$87; and

30 (c) if the vehicle is 11 or more years old, \$28.

1 (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight
2 of a trailer, semitrailer, or pole trailer is as follows:

3 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

4 (b) if the declared weight is 6,000 pounds or more, \$148.25.

5 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
6 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

7 (a) 2,850 pounds and over, \$10; and

8 (b) under 2,850 pounds, \$5.

9 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
10 than a quadricycle or motorcycle is \$61.25.

11 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

12 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

13 (i) less than 2 years old, \$282.50;

14 (ii) 2 years old and less than 5 years old, \$224.25;

15 (iii) 5 years old and less than 8 years old, \$132.50; and

16 (iv) 8 years old and older, \$97.50.

17 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
18 under this section may permanently register the motor home upon payment of:

19 (i) a one-time registration fee of \$237.50;

20 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
21 deposited in the account established under 61-6-158;

22 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

23 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
24 license plate under 61-3-465.

25 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
26 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
27 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

28 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
29 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

30 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the

1 length of the travel trailer, is as follows:

2 (a) under 16 feet in length, \$72; and

3 (b) 16 feet in length or longer, \$152.

4 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, fixed
5 vessel, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

6 (a) for a personal watercraft or a motorboat, sailboat, fixed vessel, or motorized pontoon less than 16
7 feet in length, \$65.50;

8 (b) for a motorboat, sailboat, fixed vessel, or motorized pontoon at least 16 feet in length but less than
9 19 feet in length, \$125.50; and

10 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer or a fixed vessel at least
11 19 feet in length but less than 45 feet in length, \$295.50; and

12 (d) for a fixed vessel 45 feet in length or longer, \$500.

13 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
14 snowmobile is \$60.50.

15 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
16 of daily rental to customers is assessed:

17 (A) a fee of \$40.50 in the first year of registration; and

18 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

19 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
20 registered and the business is assessed the registration fee imposed in subsection (11)(a).

21 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

22 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
23 low-speed restricted driver's license is \$25.

24 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
25 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
26 which must be displayed visibly on the golf cart.

27 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
28 standard license plates, a new single standard license plate, or a replacement set of special license plates
29 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
30 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be

1 paid if the vehicle to which the plates are transferred is not currently registered.

2 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
3 number from license plates issued before January 1, 2010, when replacement of those plates is required under
4 61-3-332(3).

5 (c) The fees imposed in this subsection (13) must be deposited in the account established under
6 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

7 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
8 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
9 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
10 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
11 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

12 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
13 quadricycle, travel trailer, motor home, motorboat, sailboat, fixed vessel, personal watercraft, motorized pontoon,
14 snowmobile, motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed
15 electric vehicle is transferred, the new owner shall title and register the vehicle or vessel as required by this
16 chapter and pay the fees imposed under this section.

17 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

18 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
19 in the state general fund.

20 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
21 enumerated vehicles or vessels that constitute inventory of the dealership.

22 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
23 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
24 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
25 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
26 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
27 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

28 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
29 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
30 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not

1 be collected.

2 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
3 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
4 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
5 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
6 election to pay the additional fee on one or more of the light vehicles.

7 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
8 to a different person.

9 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
10 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
11 collected and forwarded to the state for deposit in the account established in 44-1-504.

12 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
13 61-3-721."

14

15 NEW SECTION. **Section 9. Codification instruction.** [Section 1] is intended to be codified as an
16 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to [section 1].

17

- END -