

SENATE BILL NO. 91

INTRODUCED BY J. HINKLE

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHAT CONSTITUTES UNLAWFUL USE OF A VEHICLE WHILE HUNTING; AND AMENDING SECTIONS 87-6-403 AND 87-6-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-6-403, MCA, is amended to read:

"87-6-403. Unlawful hunting from public highway. (1) Except as provided in 87-2-803 and 87-6-405, a person may not hunt or attempt to hunt any game animal or game bird on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-101, in the state.

(2) A person convicted of or who forfeits bond or bail after being charged with a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

(3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

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

"87-6-405. Unlawful use of vehicle while hunting. (1) Except as provided in 87-2-803, a person may not hunt or attempt to hunt any game animal or game bird from any self-propelled, motor-driven, or drawn vehicle. For the purposes of this section, the term "hunt" does not include:

- (a) spotting game from a vehicle; or
- (b) if hunting on, from, or across a road or trail or the shoulder, berm, or barrow pit right-of-way of a road or trail that is not a public highway, as defined in 61-1-101, a person who has both feet on the ground outside of a vehicle.

(2) A person may not:



1 (a) concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of
2 or attempt to concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement
3 of a game animal or game bird from or with the use or aid of a self-propelled, motor-driven, or drawn vehicle. This
4 subsection (2)(a) does not apply to landowners and their authorized agents engaged in the immediate protection
5 of that landowner's property.

6 (b) use a motor-driven vehicle other than on a road or trail designated for travel by a landowner unless
7 permission has been given by that landowner;

8 (c) use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed by
9 the land management agency unless permission has been given by that land management agency. The
10 restriction in this subsection (2)(c) applies only to state land and not to federal land.

11 (3) The following penalties apply for a violation of this section:

12 (a) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection
13 (1) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not
14 more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license
15 issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction
16 or forfeiture of bond or bail unless the court imposes a longer period.

17 (b) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection
18 (2) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not
19 more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting, fishing,
20 or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state lands,
21 as defined in 77-1-101, for recreational purposes for a period of time set by the court.

22 (c) A person convicted of or who forfeits bond or bail after being charged with a second or subsequent
23 violation of subsection (2)(a) within 5 years shall be fined not less than \$500 or more than \$1,000 or be
24 imprisoned for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing,
25 or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the
26 date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

27 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through
28 87-6-907."
29

30 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2017.

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