

HOUSE BILL NO. 301

INTRODUCED BY D. LOGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR THE USE OF FISHING ACCESS SITES; REQUIRING THE PURCHASE OF A WILDLIFE CONSERVATION LICENSE AND THE DISPLAY OF A PARKING PASS; PROVIDING PENALTIES; AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Requirements for use of fishing access sites.** (1) To park a motor vehicle at a fishing access site for any purpose, a person shall first obtain a wildlife conservation license pursuant to 87-2-202 and display a valid fishing access site parking pass on the dashboard of the vehicle.

(2) A fishing access site parking pass must be issued free of charge to a person obtaining a wildlife conservation license.

(3) If purchased electronically, the wildlife conservation license and fishing access site parking pass may be displayed electronically on request for inspection by a warden, another officer, or an employee of the department until paper copies are received by the purchaser in the mail.

(4) Other fees for the use of fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

NEW SECTION. **Section 2. Fishing access site violation.** (1) Subject to subsection (2), a person convicted of a violation of [section 1] shall be fined not less than \$50 or more than \$1,000. In addition, the person, upon conviction, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(2) Until July 1, 2020, violators of [section 1] must be issued a warning but the penalties provided in subsection (1) may not be applied.

Section 3. Section 23-1-105, MCA, is amended to read:



1 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) The department may levy
2 and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided
3 and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money
4 derived from the activities of the department, except as provided in subsection (5), must be deposited in the state
5 treasury in a state special revenue fund to the credit of the department. [This state special revenue fund is subject
6 to legislative fund transfer.]

7 (2) Overnight camping fees established by the department under subsection (1) must be discounted 50%
8 for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of
9 age or older or certified as disabled in accordance with rules adopted by the department.

10 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the
11 time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered
12 by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not
13 allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered
14 owner.

15 (4) Money received from the collection of fees and charges is subject to the deposit requirements of
16 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant
17 to 17-6-105(8).

18 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing
19 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by
20 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,
21 commemorative, and interpretive merchandise and other related goods and services at department sites and
22 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise
23 and other related goods and services and from donations. Gross revenue from the sale of educational,
24 commemorative, and interpretive merchandise and other related goods and services must be deposited in the
25 fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided
26 in this subsection.

27 (6) In recognition of the fact that individuals support state parks through the payment of certain motor
28 vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to pay a
29 day-use fee for access to state parks. Other fees for the use of state parks ~~and fishing access sites~~, such as
30 overnight camping fees, are still chargeable and may be collected by the department.

1 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or after
2 January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and operation
3 of state parks. (Bracketed language in subsection (1) terminates June 30, 2019--sec. 28, Ch. 6, Sp. L. November
4 2017.)"

5
6 NEW SECTION. **Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an
7 integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

8 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 6, part 1, and the
9 provisions of Title 87, chapter 6, part 1, apply to [section 2].

10

11 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2019.

12

- END -