

HOUSE BILL NO. 301

INTRODUCED BY D. LOGE, D. FERN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS FOR THE USE OF CERTAIN
5 FISHING ACCESS SITES; REQUIRING THE PURCHASE OF A WILDLIFE CONSERVATION LICENSE ~~AND~~
6 ~~THE DISPLAY OF A PARKING PASS OR PAYMENT OF A DAY USE FEE~~; PROVIDING PENALTIES;
7 ELIMINATING THE LIGHT MOTOR VEHICLE REGISTRATION FEE FOR FISHING ACCESS SITES; AMENDING
8 SECTION SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING ~~AN EFFECTIVE DATE~~ EFFECTIVE
9 DATES."

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

12
13 NEW SECTION. Section 1. Requirements for use of fishing access sites. (1) ~~To park a motor~~
14 ~~vehicle at~~ USE a HIGH-USE fishing access site LISTED IN SUBSECTION (4) for any purpose, a person 16 YEARS OF AGE
15 OR OLDER shall first obtain a wildlife conservation license pursuant to 87-2-202 ~~and display a valid fishing access~~
16 ~~site parking pass on the dashboard of the vehicle~~ OR PAY A \$2 DAY USE FEE TO BE COLLECTED AT THE SITE.

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

19 ~~(3)(2) If purchased electronically, the wildlife conservation license and fishing access site parking pass~~
20 ~~may be displayed electronically on request for inspection by a warden, another officer, or an employee of the~~
21 ~~department until a paper copies are~~ COPY IS received by the purchaser in the mail.

22 ~~(4)(3) Other fees for the use of fishing access sites, such as overnight camping fees, are still chargeable~~
23 ~~and may be collected by the department.~~

24 (4) THE TERM "HIGH-USE FISHING ACCESS SITE" INCLUDES THE FOLLOWING FISHING ACCESS SITES:

25 (A) BIGHORN;

26 (B) BLACK'S FORD;

27 (C) BROWNES BRIDGE;

28 (D) CARTER'S BRIDGE;

29 (E) FISHTRAP CREEK;

30 (F) FLORENCE BRIDGE;

- 1 (G) HENNEBERRY;
 2 (H) JOHNSRUD PARK;
 3 (I) KELLY ISLAND;
 4 (J) KONA BRIDGE;
 5 (K) MALLARD'S REST;
 6 (L) OLD STEEL BRIDGE;
 7 (M) ROSEBUD EAST;
 8 (N) ROSEBUD WEST;
 9 (O) SIDNEY BRIDGE;
 10 (P) SOMERS;
 11 (Q) TARKIO;
 12 (R) TEAKETTLE;
 13 (S) WOLF CREEK BRIDGE;
 14 (T) WOODSIDE BRIDGE;
 15 (U) YORK BRIDGE.

16
 17 NEW SECTION. Section 2. Fishing access site violation. (1) Subject to subsection (2), a person
 18 convicted of a violation of [section 1] shall be fined not less than ~~\$50~~ \$10 or more than \$1,000. In addition, the
 19 person, upon conviction, may be subject to forfeiture of any current hunting, fishing, or trapping license issued
 20 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
 21 recreational purposes for a period of time set by the court.

22 (2) Until ~~July 1, 2020~~ MARCH 1, 2021, violators of [section 1] must be issued a warning but the penalties
 23 provided in subsection (1) may not be applied.

24
 25 **Section 3.** Section 23-1-105, MCA, is amended to read:

26 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) The department may levy
 27 and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided
 28 and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money
 29 derived from the activities of the department, except as provided in subsection (5), must be deposited in the state
 30 treasury in a state special revenue fund to the credit of the department. [This state special revenue fund is subject

1 to legislative fund transfer.]

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

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

10 (4) Money received from the collection of fees and charges is subject to the deposit requirements of
11 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant
12 to 17-6-105(8).

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

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

26 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or after
27 January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and operation
28 of state parks. (Bracketed language in subsection (1) terminates June 30, 2019--sec. 28, Ch. 6, Sp. L. November
29 2017.)"

30

- 1 **SECTION 4. SECTION 61-3-321, MCA, IS AMENDED TO READ:**
- 2 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
- 3 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
- 4 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
- 5 semitrailers, and pole trailers as provided in subsections (2) through (20).
- 6 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
- 7 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging
- 8 trucks that weigh 1 ton or less is as follows:
- 9 (i) if the vehicle is 4 or less years old, \$217;
- 10 (ii) if the vehicle is 5 through 10 years old, \$87; and
- 11 (iii) if the vehicle is 11 or more years old, \$28.
- 12 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years
- 13 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.
- 14 (3) (a) Except as provided in subsection (15), the one-time registration fee based on the declared weight
- 15 of a trailer, semitrailer, or pole trailer is as follows:
- 16 (i) if the declared weight is less than 6,000 pounds, \$61.25; or
- 17 (ii) if the declared weight is 6,000 pounds or more, \$148.25.
- 18 (b) If a trailer, semitrailer, or pole trailer is registered under 61-3-701, the fees required in subsection
- 19 (3)(a) must be paid annually.
- 20 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
- 21 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
- 22 (a) 2,850 pounds and over, \$10; and
- 23 (b) under 2,850 pounds, \$5.
- 24 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
- 25 than a quadricycle or motorcycle is \$61.25.
- 26 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 27 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on
- 28 the age of the motor home, is as follows:
- 29 (i) less than 2 years old, \$282.50;
- 30 (ii) 2 years old and less than 5 years old, \$224.25;

- 1 (iii) 5 years old and less than 8 years old, \$132.50; and
2 (iv) 8 years old and older, \$97.50.
- 3 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
4 under this section may permanently register the motor home upon payment of:
- 5 (i) a one-time registration fee of \$237.50;
6 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
7 deposited in the account established under 61-6-158;
8 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
9 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
10 license plate under 61-3-465.
- 11 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
12 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.
- 13 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
14 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
15 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 16 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
17 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 18 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
19 length of the travel trailer, is as follows:
- 20 (a) under 16 feet in length, \$72; and
21 (b) 16 feet in length or longer, \$152.
- 22 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
23 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- 24 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
25 \$65.50;
26 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
27 length, \$125.50; and
28 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.
- 29 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
30 snowmobile is \$60.50.

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

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

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

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

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

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

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

13 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
14 standard license plates, a new single standard license plate, or a replacement set of special license plates
15 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
16 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
17 paid if the vehicle to which the plates are transferred is not currently registered.

18 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
19 number from license plates issued before January 1, 2010, when replacement of those plates is required under
20 61-3-332(3).

21 (c) The fees imposed in this subsection (13) must be deposited in the account established under
22 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

23 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
24 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
25 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
26 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
27 (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.

28 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
29 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
30 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle

1 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
2 fees imposed under this section.

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

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

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

8 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
9 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
10 transmitted separately from the registration fee. ~~The fee must be deposited in an account in the state special
11 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.~~

12 Of the \$6 fee, ~~the department of fish, wildlife, and parks shall use~~

13 (i) \$5.37 \$5.62 must be deposited in the state special revenue account established in 23-1-105 and used
14 for state parks; [or as otherwise appropriated by the legislature], 25 cents for fishing access sites, and

15 (ii) 38 cents must be deposited in the Montana heritage preservation and development account
16 established in 22-3-1004 for the operation of state-owned facilities at Virginia City and Nevada City.

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

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

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

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

1 (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected
 2 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from
 3 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the
 4 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be
 5 allocated as provided in 60-3-309.

6 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a
 7 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

8 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
 9 61-3-721.

10 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in
 11 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle
 12 division administration account established in 61-3-112.

13 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
 14 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current
 15 fiscal year appropriation for the motor vehicle division administration account established in 61-3-112. ~~(Bracketed~~
 16 ~~language terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"~~

17
 18 **NEW SECTION. Section 5. Codification instruction.** (1) [Section 1] is intended to be codified as an
 19 integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

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

22
 23 **NEW SECTION. Section 6. Effective date.** (1) ~~FFhis~~ EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS act]
 24 is effective July 1, 2019.

25 (2) [SECTION 4] IS EFFECTIVE JANUARY 1, 2020.

26 - END -