

SENATE BILL NO. 38

INTRODUCED BY T. GAUTHIER

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO RECREATIONAL TRAIL PROGRAMS ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; EXPANDING USES OF SUMMER MOTORIZED RECREATION TRAIL GRANT FUNDS; RENAMING THE SNOWMOBILE TRAIL PASS AS THE WINTER TRAIL PASS; REVISING WINTER TRAIL PASS PURCHASE REQUIREMENTS AND REVENUE DISTRIBUTION; AMENDING SECTIONS 23-2-113, 23-2-631, 23-2-634, 23-2-636, 23-2-641, 23-2-642, 61-3-321, AND 87-1-601, MCA; REPEALING SECTION 23-2-615, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 23-2-113, MCA, is amended to read:

"23-2-113. Summer motorized recreation trail grant program -- rulemaking. (1) There is a summer motorized recreation trail grant program by which the department may grant funds deposited in the account established in 23-2-112 to private clubs and organizations for the following purposes:

- (a) to mark or sign, maintain, and improve summer motorized recreation trails; ~~and~~
- (b) to mitigate and eradicate noxious weeds along summer motorized recreation trails; and
- (c) to provide motorized safety and ethics education.

(2) In utilizing funds pursuant to this section, the department shall consider the recommendations of the ~~state trails~~ off-highway vehicle advisory committee established pursuant to 23 U.S.C. 206.

(3) The department may adopt rules to implement the provisions of 23-2-110 through 23-2-113."

Section 2. Section 23-2-631, MCA, is amended to read:

"23-2-631. Operation on public roads, streets, and highways. (1) A person may not operate a snowmobile upon a controlled-access highway or facility at any time. Snowmobile operation is permitted on the

1 roadway or shoulder of any public road or highway, state highway, county road, or city street located within the
2 boundaries of any municipality only in the event that:

3 (a) the street, road, or highway is drifted or covered by snow to the extent that travel on the street,
4 road, or highway by other motor vehicles is impractical or impossible;

5 (b) the operator has received permission or is otherwise authorized for that travel by the municipality
6 in the case of town or city streets, the board of county commissioners for county roads, or the state highway
7 patrol for all other highways; or

8 (c) operation has been authorized on municipal streets by a municipal ordinance.

9 (2) A snowmobile may make a direct crossing of a street or highway whenever the crossing is
10 necessary to get to another authorized area of operation. The crossing must be made at an angle of
11 approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe
12 crossing. The snowmobile must make a complete stop before entering upon any part of the traffic way, and the
13 operator shall yield the right-of-way to all oncoming traffic.

14 (3) A snowmobile may not be operated upon a public street or highway when permitted to do so by
15 ~~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,~~
16 ~~and 23-2-641 through 23-2-644~~ this part unless equipped with at least one headlamp and one taillamp, which
17 must be lighted at all times during operation, and unless equipped with a suitable braking device operable by
18 either hand or foot.

19 (4) (a) Unless operation is otherwise allowed under subsection (4)(b) or (4)(c), the operator of a
20 snowmobile who operates the snowmobile upon a public roadway, street, or highway when allowed to do so
21 under 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, 23-2-~~
22 ~~631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part must have in possession a license to drive a
23 motor vehicle as required by the laws of the state of Montana.

24 (b) The operator of a snowmobile may operate the snowmobile upon a public roadway, street, or
25 highway when allowed to do so under the provisions of ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-~~
26 ~~617, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part if the operator:

27 (i) has in possession a certificate showing the successful completion of a Montana-approved
28 snowmobile safety education course; and

1 (ii) is in the physical presence and under the supervision of a person who is 18 years of age or older.

2 (c) An operator who crosses a street, road, or highway, who operates a snowmobile upon a street,
3 road, or highway that is drifted or covered with snow to the extent that travel on the street, road, or highway by
4 other motor vehicles is impractical or impossible, or who operates a snowmobile in any other areas of the state
5 where operation is lawfully permitted is not required to apply for or possess a driver's license under the laws of
6 the state of Montana."

7
8 **Section 3.** Section 23-2-634, MCA, is amended to read:

9 **"23-2-634. Regulation of snowmobile noise.** (1) Except as provided in this section, each
10 snowmobile must be equipped at all times with noise-suppression devices, including an exhaust muffler in good
11 working order and in constant operation. A snowmobile may not be modified by any person in any manner that
12 will amplify or otherwise increase total noise emissions to a level greater than that emitted by the snowmobile
13 as originally constructed, regardless of date of manufacture.

14 (2) Each person who owns or operates a snowmobile manufactured after June 30, 1972, but prior to
15 June 30, 1975, shall maintain the machine in such a manner that it will not exceed a sound level limitation of 82
16 dbA measured at 50 feet.

17 (3) A snowmobile manufactured after June 30, 1975, except snowmobiles designated for competition
18 purposes only, may not be sold or offered for sale unless that machine has been certified by the manufacturer
19 as being able to conform to a sound level limitation of not more than 78 dbA measured at 50 feet. Each person
20 who owns or operates a snowmobile manufactured after June 30, 1975, shall maintain the machine in a
21 manner so that it will not exceed a sound level limitation of 78 dbA measured at 50 feet.

22 (4) A manufacturer who certifies that a new snowmobile can comply with the noise limitation
23 requirements of ~~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~~
24 ~~through 23-2-635, and 23-2-641 through 23-2-644~~ this part shall affix a permanent notice of that certification to
25 every snowmobile offered for sale in the state of Montana.

26 (5) In certifying that a new snowmobile can comply with the noise limitation requirements of ~~23-2-601,~~
27 ~~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~~
28 ~~through 23-2-644~~ this part, a manufacturer shall make the certification based upon measurements made in

1 accordance with SAE recommended practice J192, as amended. The department, in enforcing the provisions of
 2 this section, shall make measurements of snowmobile noise in accordance with applicable practices used by
 3 the international snowmobile manufacturers association or with other standards for measurement of sound level
 4 that the department may adopt.

5 (6) This section does not apply to organized races or similar competitive events held on:

6 (a) private lands or waters, with the permission of the owner, lessee, or custodian of the land or
 7 waters; or

8 (b) public lands or waters, with the consent of the public agency having the authority to grant
 9 consent."

10

11 **Section 4.** Section 23-2-636, MCA, is amended to read:

12 **"23-2-636. Snowmobile Winter trail pass -- fees -- penalties.** (1) Except for snowmobiles for which
 13 ~~a nonresident temporary use permit is purchased pursuant to 23-2-615 and except~~ as provided in subsection
 14 (4), to be eligible to operate a snowmobile or a dog sled or to use motorized equipment or mechanical transport
 15 in snowmobile areas groomed with a grant or funding assistance awarded by the department, a person shall
 16 first purchase a ~~snowmobile~~ winter trail pass for:

17 (a) \$20, if the snowmobile or motorized equipment is registered in Montana pursuant to 61-3-321 or
 18 the person operating the dog sled or mechanical transport is a resident as determined under 1-1-215. A trail
 19 pass purchased pursuant to this subsection (1)(a) is valid for up to 2 years from the date of purchase but no
 20 later than June 30 of the second year. ~~;~~ ~~or~~

21 (b) \$35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant to
 22 61-3-321 or the person operating the dog sled or mechanical transport is not a resident as determined under 1-
 23 1-215. ~~This subsection (1)(b) does not apply to motorized equipment exempt from registration in Montana~~
 24 ~~pursuant to 61-3-321(14)~~ A trail pass purchased pursuant to this subsection (1)(b) is valid for up to 1 year from
 25 the date of purchase but no later than June 30 of the following year.

26 (2) The trail pass ~~is valid for 2 years from the date of purchase and~~ must be affixed in a conspicuous
 27 place to each snowmobile, dog sled, motorized equipment, or mechanical transport used. A trail pass ~~expires~~
 28 ~~on June 30 of the second year and~~ is not transferable between a snowmobile, dog sled, motorized equipment,

1 or mechanical transport. If a snowmobile is sold with an affixed trail pass, the trail pass may continue to be
 2 used by the purchaser of the snowmobile until it expires.

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

5 (4) The purchase of a trail pass is not required for:

6 (a) A person renting a snowmobile registered pursuant to 61-3-321(11)(c), is not required to purchase
 7 a snowmobile trail pass but the person shall carry proof of rental if operating a the snowmobile in a snowmobile
 8 area that otherwise requires a trail pass pursuant to subsection (1);

9 (b) a person participating in a sanctioned dog sled race; or

10 (c) motorized equipment exempt from registration in Montana pursuant to 61-3-321(14).

11 (5) Money Except for 50 cents, which is a search and rescue surcharge deposited pursuant to 87-1-
 12 601, money collected by payment of fees under this section must be deposited in the state special revenue
 13 fund to the credit of the department and used as follows:

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

15 (b) ~~\$4~~\$1.50 must be used for the enforcement of snowmobile laws pursuant to this part; and

16 (c) the remainder must be used by the department ~~to award grants or funding assistance to~~
 17 ~~snowmobile area operators for the grooming of snowmobile areas~~ for the statewide snowmobile trail grooming
 18 program.

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

21 (7) To be eligible for a ~~snowmobile~~ trail pass pursuant to this section, an all-terrain vehicle must have
 22 a wheel base of less than 50 inches in width and be equipped with tracks instead of wheels while operating on
 23 a groomed snowmobile trail administered by the department.

24 (8) For the purposes of this section:

25 (a) "motorized equipment" means any motorized equipment allowed by a snowmobile area operator;

26 and

27 (b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."
 28

1 **Section 5.** Section 23-2-641, MCA, is amended to read:

2 **"23-2-641. Enforcement.** (1) With respect to the sale of any new snowmobile that is subject to the
3 provisions of ~~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~~
4 ~~23-2-635, and 23-2-641 through 23-2-644~~ this part, the attorney general shall, upon the request of the
5 department, sue for the recovery of the penalties provided in 23-2-642 and bring an action for a restraining
6 order or temporary or permanent injunction against a person who sells or offers to sell a new snowmobile that
7 does not satisfy the sound level limitations imposed by ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-~~
8 ~~617, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644~~ this part.

9 (2) (a) The department is a criminal justice agency for the purpose of obtaining the technical
10 assistance and support services provided by the board of crime control under the provisions of 44-7-101.
11 Authorized officers of the department are granted peace officer status with the power:

12 (i) of search, seizure, and arrest;

13 (ii) to investigate activities in this state regulated by this part and rules of the department and the fish
14 and wildlife commission; and

15 (iii) to report violations to the county attorney of the county in which they occur.

16 (b) Sheriffs and their deputies of the various counties of the state, the Montana highway patrol,
17 authorized officers of the department, and the police of each municipality shall enforce the provisions of this
18 part."

19

20 **Section 6.** Section 23-2-642, MCA, is amended to read:

21 **"23-2-642. Penalties.** (1) The failure to display a current registration decal on a snowmobile is a
22 misdemeanor, punishable by a fine in an amount equal to five times the applicable registration fee payable
23 under 61-3-321.

24 (2) A person who violates any other provision of ~~23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-~~
25 ~~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 or a rule
26 adopted pursuant to ~~these sections~~ this part shall pay a civil penalty of not less than \$15 or more than \$500 for
27 each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than \$50 or more
28 than \$1,000 for each separate violation.

1 (3) A manufacturer who certifies that a new snowmobile meets the sound level limitations imposed by
 2 ~~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,~~
 3 ~~and 23-2-641 through 23-2-644~~ this part is subject to the penalty provisions of subsection (2) if the machine so
 4 certified does not meet the appropriate sound level limitation. For the purposes of this section, each sale of a
 5 new snowmobile that does not meet the sound level limitations imposed by ~~23-2-601, 23-2-602, 23-2-611, 23-2-~~
 6 ~~614 through 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
 7 part constitutes a separate violation."
 8

9 **Section 7.** Section 61-3-321, MCA, is amended to read:

10 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

11 **registration fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section,
 12 registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles,
 13 snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

14 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
 15 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for
 16 logging trucks that weigh 1 ton or less is as follows:

- 17 (i) if the vehicle is 4 or less years old, \$217;
- 18 (ii) if the vehicle is 5 through 10 years old, \$87; and
- 19 (iii) if the vehicle is 11 or more years old, \$28.

20 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10
 21 years old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

22 (3) (a) Except as provided in subsections (3)(b) and (15), the one-time registration fee based on the
 23 declared weight of a trailer, semitrailer, or pole trailer is as follows:

- 24 (i) if the declared weight is less than 6,000 pounds, \$61.25; or
- 25 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

26 (b) For a trailer, semitrailer, or pole trailer that is registered under 61-3-701, the annual registration
 27 fee based on the declared weight is as follows:

- 28 (i) if the declared weight is less than 6,000 pounds, \$30; or

1 (ii) if the declared weight is 6,000 pounds or more, \$60.

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

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

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

6 (5) (a) Except as provided in subsections (5)(b) and (15), the one-time registration fee for off-highway
7 vehicles other than a quadricycle or motorcycle is \$61.25.

8 (b) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to
9 an off-highway vehicle other than a quadricycle or motorcycle, the one-time registration fee is \$41.25.

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

12 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based
13 on the age of the motor home, is as follows:

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

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

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

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

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

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

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

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

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

26 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10
27 years old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.

28 (8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for

1 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee
2 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for
3 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

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

6 (b) (i) The annual registration fee for motorcycles and quadricycles registered for use on the public
7 highways under 61-3-701 is \$44.

8 (ii) The annual registration fee for motorcycles and quadricycles registered for off-highway use under
9 61-3-701 is \$44.

10 (iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use and
11 for use on the public highways under 61-3-701 is \$88.

12 (iv) An additional safety fee of \$7 must be collected annually for each motorcycle or quadricycle
13 registered under 61-3-701. The safety fee must be deposited in the state motorcycle safety account provided
14 for in 20-25-1002.

15 (c) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to
16 a motorcycle or quadricycle, the one-time registration fee for motorcycles and quadricycles registered for:

17 (i) use on the public highways is \$33.25; and

18 (ii) both off-road use and for use on the public highways is \$94.50.

19 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
20 length of the travel trailer, is as follows:

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

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

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

25 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
26 \$65.50;

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

1 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

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

4 (b) Whenever a valid ~~snowmobile~~ winter trail pass issued pursuant to 23-2-636 is affixed to a
5 snowmobile, the one-time registration fee is \$40.50.

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

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

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

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

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

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

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

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

23 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
24 number from license plates issued before January 1, 2010, when replacement of those plates is required under
25 61-3-332(3).

26 (c) The fees imposed in this subsection (13) must be deposited in the account established under 61-
27 6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

28 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are

1 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
2 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a
3 vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d),
4 (1)(e), (1)(g), (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.

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

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

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

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

15 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee
16 of \$9 must be collected for each light vehicle registered under this part. This fee must be accounted for and
17 transmitted separately from the registration fee. Of the \$9 fee:

18 (i) \$6.74 must be deposited in the state special revenue account established in 23-1-105 and used for
19 state parks;

20 (ii) 50 cents must be deposited in an account in the state special revenue fund to the credit of the
21 department of fish, wildlife, and parks and used for fishing access sites;

22 (iii) \$1.37 must be deposited in the trails and recreation facilities state special revenue account
23 established in 23-2-108; and

24 (iv) 39 cents must be deposited in the Montana heritage preservation and development account
25 established in 22-3-1004 and used for the operation of state-owned facilities at Virginia City and Nevada City.

26 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the
27 person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written
28 election not to pay the additional \$9 fee provided for in subsection (19)(a). If a written election is made, the fee

1 may not 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 \$9 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 \$10 must be
11 collected and forwarded to the state for deposit in the account established in 44-1-504.

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

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

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

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

24 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
25 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the
26 current fiscal year appropriation for the account established in 61-3-112.

27 (24) For the purposes of this section, "manufacturer's suggested retail price" means the price
28 suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and

1 first made available for retail sale by the manufacturer."
2

3 **Section 8.** Section 87-1-601, MCA, is amended to read:

4 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in 87-1-290, 87-1-293, 87-1-
5 623, and subsections (8) and (10) of this section, all money collected or received from the sale of hunting and
6 fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the
7 fish and game laws of this state, or from appropriations or received by the department from any other state
8 source must be turned over to the department of revenue and placed in the state special revenue fund to the
9 credit of the department.

10 (b) Any money received from federal sources must be deposited in the federal special revenue fund
11 to the credit of the department.

12 (c) All interest earned on money from the following sources must be placed in the state special
13 revenue fund to the credit of the department:

14 (i) the general license account;

15 (ii) the license drawing account;

16 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-
17 722, and 87-2-724; and

18 (iv) money received from the sale of any other hunting and fishing license.

19 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set
20 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures
21 authorized to be made by the department under the terms of this title. The money described in subsection (1)
22 must be spent for those purposes by the department, subject to appropriation by the legislature.

23 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state
24 special revenue fund and the federal special revenue fund.

25 (4) Except as provided in subsections (8) and (9), all money collected or received from fines and
26 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish
27 and game laws under Title 87 must be deposited by the department of revenue and credited to the department
28 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of

1 the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any
2 case in which the fine is not imposed in addition to the costs of prosecution.

3 (5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6)
4 of this section, money must be deposited in an account in the permanent fund if it is received by the department
5 from:

6 (i) the sale of surplus real property;

7 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
8 except royalties or other compensation based on production; and

9 (iii) leases of interests in department real property not contemplated at the time of acquisition.

10 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
11 operation, development, and maintenance of real property of the department and only upon appropriation by
12 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws
13 or state statutes specifically naming the department or money received by the department, then the use of this
14 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

15 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title
16 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous
17 funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

18 (7) Money received from the collection of license drawing applications is subject to the deposit
19 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit
20 schedule pursuant to 17-6-105(8).

21 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,
22 or rules adopted under 77-1-804 must be deposited in the state general fund.

23 (9) The department of revenue shall deposit in the state general fund one-half of the money received
24 from the fines imposed pursuant to Title 87, chapter 6.

25 (10) (a) The department shall deposit all money received from the search and rescue ~~surcharge~~
26 surcharges in 23-2-636 and 87-2-202 in a state special revenue account to the credit of the department for
27 search and rescue purposes as provided for in 10-3-801.

28 (b) Upon certification by the department of reimbursement requests submitted by the department of

1 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
2 department may transfer funds from the special revenue account to the search and rescue account provided for
3 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

4 (c) Using funds in the department's search and rescue account that are not already committed to
5 reimbursement for search and rescue missions, the department may provide matching funds to the department
6 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
7 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
8 to the statewide total of search and rescue missions.

9 (d) Any money deposited in the special revenue account is available for reimbursement of search and
10 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
11 equipment costs."

12

13 NEW SECTION. Section 9. Repealer. The following section of the Montana Code Annotated is
14 repealed:

15 23-2-615. Nonresident temporary-use snowmobile permits -- use of fees.

16

17 NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2021.

18

- END -