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HOUSE BILL NO. 333

INTRODUCED BY G. OBLANDER, S. GIST, N. NICOL, T. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTORIZED RECREATION LAWS; REQUIRING A TRAIL PASS APPLICANT'S STREET ADDRESS; INCREASING FINES FOR NOT FOLLOWING TRAIL PASS LAWS; PROVIDING THAT HALF PORTIONS OF FINES ARE TO BE DEPOSITED IN THE SUMMER MOTORIZED TRAIL RECREATION ACCOUNT; ~~REVISING FEES FOR CERTAIN TRAILERS AND BOATS; INCREASING CERTAIN LICENSE PLATE FEES;~~ AMENDING SECTIONS 23-2-111, 23-2-112, 23-2-636, 23-2-814, AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 23-2-111, MCA, is amended to read:

"23-2-111. Summer motorized recreation trail pass for residents -- fees -- penalties. (1) Except as provided in subsection (5) of this section, motorized equipment registered in Montana pursuant to 61-3-321 may not be operated on a summer motorized recreation trail unless a summer motorized recreation trail pass is affixed in a conspicuous place to the motorized equipment.

(2) The cost of a summer motorized recreation trail pass is \$20. The trail pass is valid for 2 years and expires on December 31 of the second calendar year.

(3) The trail pass is not transferable. However, if motorized equipment is sold with an affixed trail pass, the trail pass may continue to be used by the purchaser until the pass expires.

(4) Application for the issuance of the trail pass must be made at locations and on forms prescribed by the department. The forms must include but are not limited to:

(a) the applicant's name and permanent street address;

(b) a physical description of the motorized equipment; ~~and~~

(c) proof of the motorized equipment's registration in Montana; and

(d) the applicant's name and permanent street address, as required in subsection (4)(a), and any other personal identification information, including but not limited to the applicant's phone number, may not be

1 made public but may be used by other state agencies or the Montana university system for the sole purpose of
2 gathering information for user studies that include usage criteria, trends, and growth.

3 (5) A person renting motorized equipment registered pursuant to 61-3-321 is not required to
4 purchase a trail pass but shall carry proof of rental if operating the motorized equipment on a summer
5 motorized recreation trail.

6 (6) Money collected by payment of fees under this section must be used as follows:

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

9 (b) the remainder must be deposited in the summer motorized recreation trail account established
10 in 23-2-112.

11 (7) The failure to affix the trail pass as required by this section or the making of false statements in
12 obtaining the trail pass is a misdemeanor, punishable by a fine of ~~not less than \$25 \$40 or more than \$100 \$60.~~
13 All fines collected under this section must be transmitted to the department of revenue for deposit of half \$40 of
14 each \$60 fine in the state general fund and half \$20 of each \$60 fine in the summer motorized recreation trail
15 account provided for in 23-2-112."

16

17 **Section 2.** Section 23-2-112, MCA, is amended to read:

18 **"23-2-112. Summer motorized recreation trail account.** (1) There is a summer motorized
19 recreation trail account in the state special revenue fund established in 17-2-102.

20 (2) The following must be deposited in the account:

21 (a) Pursuant pursuant to 23-2-111, and 23-2-814, half of the revenue collected from the sale of
22 summer motorized recreation trail passes; and

23 (b) penalties collected pursuant to 23-2-111(7) and 23-2-814(6) and nonresident temporary-use
24 permits must be deposited in the account and,

25 (3) Funds deposited in the account must be used by the department pursuant to ~~23-2-113~~ and this
26 subsection ~~(2)~~(3):

27 (a) up to 5% deposited in the account each year may be used by the department for administrative
28 costs;

1 (b) \$1 from each trail pass sold pursuant to 23-2-111 must be granted for mitigation and
2 eradication of noxious weeds along summer motorized recreation trails; and

3 (c) the remainder must be granted for designation, maintenance, and improvement of summer
4 motorized recreation trails as provided in 23-2-825.

5 ~~(3)~~(4) Interest and income earned on the account and any unspent or unencumbered money in the
6 account at the end of a fiscal year must remain in the account."

7

8 **Section 3.** Section 23-2-636, MCA, is amended to read:

9 **"23-2-636. Winter trail pass -- fees -- penalties.** (1) Except as provided in subsection (4), to be
10 eligible to operate a snowmobile or a dog sled or to use motorized equipment or mechanical transport in
11 snowmobile areas groomed with a grant or funding assistance awarded by the department, a person shall first
12 purchase a winter trail pass for:

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

17 (b) \$35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant
18 to 61-3-321 or the person operating the dog sled or mechanical transport is not a resident as determined under
19 1-1-215. A trail pass purchased pursuant to this subsection (1)(b) is valid for up to 1 year from the date of
20 purchase but no later than June 30 of the following year.

21 (2) The trail pass must be affixed in a conspicuous place to each snowmobile, dog sled, motorized
22 equipment, or mechanical transport used. A trail pass is not transferable between a snowmobile, dog sled,
23 motorized equipment, or mechanical transport. If a snowmobile is sold with an affixed trail pass, the trail pass
24 may continue to be used by the purchaser of the snowmobile until it expires.

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

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

28 (a) a person renting a snowmobile registered pursuant to 61-3-321(11)(c), but the person shall

1 carry proof of rental if operating the snowmobile in a snowmobile area that otherwise requires a trail pass
2 pursuant to subsection (1);

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

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

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

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

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

10 (c) the remainder must be used by the department for the statewide snowmobile trail grooming
11 program.

12 (6) The failure to affix the trail pass as required by this section or the making of false statements in
13 obtaining the trail pass is a misdemeanor, punishable by a fine of not less than ~~\$25-\$40~~ or more than \$100.

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

17 (8) For the purposes of this section:

18 (a) "motorized equipment" means any motorized equipment allowed by a snowmobile area
19 operator; and

20 (b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."
21

22 **Section 4.** Section 23-2-814, MCA, is amended to read:

23 **"23-2-814. Nonresident temporary-use permits -- use of fees.** (1) Except as provided in 23-2-802,
24 an off-highway vehicle that is owned by a nonresident may not be operated by a person in Montana unless a
25 nonresident temporary-use permit is obtained.

26 (2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle
27 are as follows:

28 (a) Application for the issuance of the permit must be made at locations and on forms prescribed

1 by the department of fish, wildlife, and parks. The forms must include but are not limited to:

2 (i) the applicant's name and permanent street address;

3 (ii) the make, model, year, and serial number of the off-highway vehicle; and

4 (iii) an affidavit declaring the nonresidency of the applicant.

5 (b) Upon submission of the application and a fee of \$35, of which \$2 is a search and rescue
6 surcharge, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be
7 displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

8 (3) The temporary-use permit is valid for the calendar year designated on the permit.

9 (4) The permit is not proof of ownership, and a certificate of title may not be issued.

10 (5) (a) Except as provided in subsection (5)(b), money collected by payment of fees under this
11 section must be deposited in the state special revenue fund to the credit of the department of fish, wildlife, and
12 parks and used as follows:

13 (i) \$27.50 must be expended to maintain off-highway vehicle trails;

14 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to
15 23-2-806;

16 (iii) \$2 must be remitted to the license agent who sold the nonresident temporary-use permit; and

17 (iv) \$1 must be used by the department to mitigate and eradicate noxious weeds along off-highway
18 vehicle trails.

19 (b) The \$2 search and rescue surcharge must be deposited in the account established in 10-3-801
20 for use as provided in that section.

21 (6) Failure to display the permit as required by this section or making false statements in obtaining
22 the permit is a misdemeanor and is punishable by a fine of ~~not less than \$25 \$40 or more than \$100 \$60~~. All
23 fines collected under this section must be transmitted to the department of revenue for deposit of half \$40 of
24 each \$60 fine in the state general fund and half \$20 of each \$60 fine in the summer motorized recreation trail
25 account provided for in 23-2-112."

26

27 **Section 5.** Section 61-3-321, MCA, is amended to read:

28 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

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

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

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

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

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

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

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

- 18 (i) if the declared weight is less than 6,000 pounds, \$30; or
- 19 (ii) if the declared weight is 6,000 pounds or more, \$60.

20 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned
21 and 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) (a) Except as provided in subsections (5)(b) and (15), the one-time registration fee for off-
25 highway vehicles other than a quadricycle or motorcycle is \$61.25.

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

28 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is

1 \$22.75.

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

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

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

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

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

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

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

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

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

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

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

18 (8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for
19 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee
20 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for
21 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

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

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

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

28 (iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use

1 and for use on the public highways under 61-3-701 is \$88.

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

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

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

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

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

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

13 (b) 16 feet in length or longer but less than 31 feet, \$152 ~~\$112~~ \$152; and

14 (c) 31 feet or longer, ~~\$152~~ \$192.

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

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

19 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than ~~49~~21
20 feet in length, \$125.50; and

21 (c) for a motorboat, sailboat, or motorized pontoon ~~49~~21 feet in length or longer, \$295.50.

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

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

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

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

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

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

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

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

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

10 (13) (a) Except as provided in subsection (13)(b), a fee of ~~\$10~~ ~~\$30~~ ~~\$10~~ must be collected when a
11 new set of standard license plates, a new single standard license plate, or a replacement set of special license
12 plates required under 61-3-332 is issued. The ~~\$10~~ ~~\$30~~ ~~\$10~~ fee imposed under this subsection (13)(a) does not
13 apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under
14 this section must be paid if the vehicle to which the plates are transferred is not currently registered.

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

18 (c) The fees imposed in this subsection (13) must be deposited in the account established under
19 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

20 (14) The provisions of this part with respect to the payment of registration fees do not apply to and
21 are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or
22 controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202,
23 or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a),
24 (1)(d), (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-
25 3-520.

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

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

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

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

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

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

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

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

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

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

24 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration,
25 certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and
26 may make a written election not to pay the additional \$9 fee provided for in subsection (19)(a). If a written
27 election is made, the fee may not be collected at any subsequent annual registration unless the person makes
28 the written election to pay the additional fee on one or more of the light vehicles.

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

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

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

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

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

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

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

21 (24) For the purposes of this section, "manufacturer's suggested retail price" means the price
22 suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and
23 first made available for retail sale by the manufacturer.

24

25 **NEW SECTION. Section 6.** **Effective date.** [This act] is effective January 1, 2024.

26

- END -