

1 HOUSE BILL NO. 333
2 INTRODUCED BY G. OBLANDER, S. GIST, N. NICOL, T. SMITH
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTORIZED RECREATION LAWS;
5 REQUIRING A TRAIL PASS APPLICANT'S STREET ADDRESS; INCREASING FINES FOR NOT
6 FOLLOWING TRAIL PASS LAWS; PROVIDING THAT HALF-PORTIONS OF FINES ARE TO BE DEPOSITED
7 IN THE SUMMER MOTORIZED TRAIL RECREATION ACCOUNT; ~~REVISING FEES FOR CERTAIN~~
8 ~~TRAILERS AND BOATS; INCREASING CERTAIN LICENSE PLATE FEES;~~ AMENDING SECTIONS 23-2-111,
9 23-2-112, 23-2-113, 23-2-636, 23-2-814, AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE
10 DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13

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

15 **"23-2-111. Summer motorized recreation trail pass for residents -- fees -- penalties.** (1) Except
16 as provided in subsection (5) of this section, motorized equipment registered in Montana pursuant to 61-3-321
17 may not be operated on a summer motorized recreation trail unless a summer motorized recreation trail pass is
18 affixed in a conspicuous place to the motorized equipment.

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

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

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

- 25 (a) the applicant's name and permanent street address;
- 26 (b) a physical description of the motorized equipment; ~~and~~
- 27 (c) proof of the motorized equipment's registration in Montana; AND

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1 (D) THE APPLICANT'S NAME AND PERMANENT STREET ADDRESS, AS REQUIRED IN SUBSECTION (4)(A), AND
2 ANY OTHER PERSONAL IDENTIFICATION INFORMATION, INCLUDING BUT NOT LIMITED TO THE APPLICANT'S PHONE NUMBER,
3 MAY NOT BE MADE PUBLIC BUT MAY BE USED BY OTHER STATE AGENCIES OR THE MONTANA UNIVERSITY SYSTEM FOR
4 THE SOLE PURPOSE OF GATHERING INFORMATION FOR USER STUDIES THAT INCLUDE USAGE CRITERIA, TRENDS, AND
5 GROWTH.

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

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

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

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

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

19

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

21 **"23-2-112. Summer motorized recreation trail account.** (1) There is a summer motorized
22 recreation trail account in the state special revenue fund established in 17-2-102.

23 (2) THE FOLLOWING MUST BE DEPOSITED IN THE ACCOUNT:

24 (A) Pursuant PURSUANT to 23-2-111, AND 23-2-814, half of the revenue collected from the sale of
25 summer motorized recreation trail passes; AND

26 (B) PENALTIES COLLECTED PURSUANT TO 23-2-111(7) AND 23-2-814(6) and nonresident temporary-
27 use permits must be deposited in the account and,

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1 ~~(3)~~ FUNDS DEPOSITED IN THE ACCOUNT MUST BE used by the department pursuant to 23-2-113 and

2 ~~23-2-113 and~~ this subsection ~~(2)~~ (3):

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

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

7 (c) the remainder must be granted for designation, maintenance, and improvement of summer
8 motorized recreation trails AS PROVIDED IN 23-2-825.

9 ~~(3)~~(4) Interest and income earned on the account and any unspent or unencumbered money in the
10 account at the end of a fiscal year must remain in the account."

11

12 **SECTION 3. SECTION 23-2-113, MCA, IS AMENDED TO READ:**

13 **"23-2-113. Summer motorized recreation trail grant program -- rulemaking.** (1) There is a
14 summer motorized recreation trail grant program by which the department may grant funds deposited in the
15 account established in 23-2-112 to private clubs and organizations for the following purposes:

16 (a) to mark or sign, maintain, and improve summer motorized recreation trails;

17 (b) to mitigate and eradicate noxious weeds along summer motorized recreation trails; ~~and~~

18 (c) to provide motorized safety and ethics education; and

19 ~~(d)~~ to acquire various hand tools and chain saws needed to accomplish trail projects. The grantee

20 shall provide to the department on request an itemized list and receipts for all purchases of hand tools and

21 chain saws made using grant funds.

22 ~~(2)~~ Entities receiving a grant may use up to 7% of the funds for administrative costs.

23 ~~(2)~~(3) The department may require an applicant to provide a 10% match in cash or donated services
24 to be eligible to receive a grant.

25 ~~(3)~~(4) In utilizing funds pursuant to this section, the department shall consider the recommendations
26 of the off-highway vehicle advisory committee established pursuant to 23 U.S.C. 206.

27 ~~(4)~~(5) After awarding a grant pursuant to this section, the department shall distribute, on request of

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2 **Section 5.** Section 23-2-814, MCA, is amended to read:

3 **"23-2-814. Nonresident temporary-use permits -- use of fees.** (1) Except as provided in 23-2-802,
4 an off-highway vehicle that is owned by a nonresident may not be operated by a person in Montana unless a
5 nonresident temporary-use permit is obtained.

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

8 (a) Application for the issuance of the permit must be made at locations and on forms prescribed
9 by the department of fish, wildlife, and parks. The forms must include but are not limited to:

- 10 (i) the applicant's name and permanent street address;
- 11 (ii) the make, model, year, and serial number of the off-highway vehicle; and
- 12 (iii) an affidavit declaring the nonresidency of the applicant.

13 **(b) THE APPLICANT'S NAME AND PERMANENT STREET ADDRESS, AS REQUIRED IN SUBSECTION (3)(A)**
14 **(2)(a), AND ANY OTHER PERSONAL IDENTIFICATION INFORMATION, INCLUDING BUT NOT LIMITED TO THE APPLICANT'S**
15 **PHONE NUMBER, MAY NOT BE MADE PUBLIC BUT MAY BE USED BY OTHER STATE AGENCIES OR THE MONTANA UNIVERSITY**
16 **SYSTEM FOR THE SOLE PURPOSE OF GATHERING INFORMATION FOR USER STUDIES THAT INCLUDE USAGE CRITERIA,**
17 **TRENDS, AND GROWTH.**

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

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

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

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

- 26 (i) \$27.50 must be expended to maintain off-highway vehicle trails;
- 27 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to

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1 23-2-806;

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

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

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

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

12

13 **Section 6.** Section 61-3-321, MCA, is amended to read:

14 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

15 **registration fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section,

16 registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles,
17 snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

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

21 (i) if the vehicle is 4 or less years old, \$217;

22 (ii) if the vehicle is 5 through 10 years old, \$87; and

23 (iii) if the vehicle is 11 or more years old, \$28.

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

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