

Unofficial Draft Copy

As of: 01/11/2021, 12:37:48

Drafter: Hope Stockwell, 406-444-9280

67th Legislature

LC 0773

1

**** BILL NO. ****

2

INTRODUCED BY ****

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PURCHASE OF A SUMMER RECREATION TRAIL
5 PASS FOR USE OF BICYCLES ON PUBLIC HIGHWAYS, SHARED-USE PATHS, AND CERTAIN TRAILS;
6 PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING FOR DISTRIBUTION AND USE OF
7 REVENUE; AMENDING SECTIONS 23-2-110, 23-2-111, 23-2-112, AND 23-2-113, MCA; AND PROVIDING
8 AN IMMEDIATE EFFECTIVE DATE."

9

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

11

12 **Section 1.** Section 23-2-110, MCA, is amended to read:

13 **"23-2-110. Definitions.** For the purposes of this part, the following definitions apply:

14 (1) "Bicycle" has the same meaning as provided in 61-8-102.

15 (1)(2) "Department" means the department of fish, wildlife, and parks.

16 (3) "Household members" means individuals who reside at the same residence.

17 (2)(4) "Motorized equipment" means any motorized equipment authorized to be used on public lands
18 by the land management agency with jurisdiction over those lands.

19 (5) "Public highway" has the same meaning as provided in 60-1-103.

20 (6) "Shared-use path" has the same meaning as provided in 60-3-302.

21 (3)(7) "Summer ~~motorized~~-recreation trail" means a trail designated as open to motorized use or
22 bicycles and approved for inclusion in the summer ~~motorized~~-recreation trail grant program established in 23-2-
23 113 by the land management agency with jurisdiction over the trail."

24

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

26 **"23-2-111. Summer ~~motorized~~ recreation trail pass ~~for residents~~ -- fees -- penalties -- reporting.**

27 (1) Except as provided in subsection (5) of this section, motorized equipment registered in Montana pursuant to
28 61-3-321 or a bicycle ridden by a resident or nonresident may not be operated on a summer ~~motorized~~

Unofficial Draft Copy

As of: 01/11/2021, 12:37:48

Drafter: Hope Stockwell, 406-444-9280

67th Legislature

LC 0773

1 recreation trail unless a summer ~~motorized~~ recreation trail pass is affixed in a conspicuous place to the
2 motorized equipment or bicycle. The summer recreation trail pass is also required for use of a bicycle on a
3 public highway or a shared-use path.

4 (2) ~~(a) The~~ Except as provided in subsection (2)(b), the cost of a summer ~~motorized~~ recreation trail
5 pass is \$20. The trail pass is valid for 2 years and expires on December 31 of the second calendar year.

6 (b) A person who purchases a trail pass for a bicycle may, at the same time, purchase additional trail
7 passes for other bicycles owned by the person or for other household members for half price.

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

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

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

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

14 (c) proof of the motorized equipment's registration in Montana or the serial number of the bicycle; ~~and~~

15 (d) if purchased for a bicycle, whether the user rides predominantly on summer recreation trails or
16 public highways and shared-use paths.

17 (5) ~~A~~ The purchase of a trail pass is not required:

18 (a) by a person renting motorized equipment registered pursuant to 61-3-321 or a bicycle, is not
19 required to purchase a trail pass but the person shall carry proof of rental if operating the motorized equipment
20 or bicycle on a summer ~~motorized~~ recreation trail or the bicycle on a public highway or shared-use path; or

21 (b) for a bicycle operated by a person:

22 (i) who is 17 years of age or younger; or

23 (ii) who does not have a driver's license or whose driver's license is suspended and who uses the
24 bicycle to get to and from work.

25 (6) (a) Money collected by payment of fees for motorized equipment under this section must be used
26 as follows:

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

28 and

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

3 (b) Money collected by payment of fees for bicycles under this section must be used as follows:

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

5 (ii) of the remainder, half must be deposited in the summer recreation trail account established in 23-2-

6 112 and half must be transferred to the department of transportation to mark, sign, maintain, and improve

7 shared-use paths. The department of transportation shall seek public input on shared-use path maintenance

8 needs as it prioritizes expenditure of the funds.

9 (7) The failure to affix the trail pass as required by this section or the making of false statements in
10 obtaining the trail pass is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100. All fines
11 collected under this section must be transmitted to the department of revenue for deposit in the state general
12 fund.

13 (8) Before September 1 prior to the next regular legislative session, the department and the
14 department of transportation shall report to the environmental quality council, in accordance with 5-11-210,
15 about the sale of summer recreation trail passes and, in consultation with the state trails advisory committee
16 established pursuant to 23 U.S.C. 206 and other stakeholders, make recommendations on whether the fee for
17 the trail pass and the disbursement of funds pursuant to subsection (6) should be amended."

18

19 **Section 3.** Section 23-2-112, MCA, is amended to read:

20 **"23-2-112. Summer ~~motorized~~-recreation trail account.** (1) There is a summer ~~motorized~~
21 recreation trail account in the state special revenue fund established in 17-2-102.

22 (2) ~~Pursuant to 23-2-111, r~~Revenue collected from the sale of summer ~~motorized~~-recreation trail
23 passes must be deposited in the account pursuant to 23-2-111 and used by the department pursuant to 23-1-
24 113 and this subsection (2):

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

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

1 (c) the remainder must be granted for designation, maintenance, and improvement of summer
2 ~~motorized~~ recreation trails.

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

6 **Section 4.** Section 23-2-113, MCA, is amended to read:

7 **"23-2-113. Summer ~~motorized~~ recreation trail grant program -- rulemaking.** (1) There is a
8 summer ~~motorized~~ recreation trail grant program by which the department may grant funds deposited in the
9 account established in 23-2-112 to private clubs and organizations for the following purposes:

- 10 (a) to mark or sign, maintain, and improve summer ~~motorized~~ recreation trails; and
11 (b) to mitigate and eradicate noxious weeds along summer ~~motorized~~ recreation trails.

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

14 (3) The department may adopt rules to implement the provisions of 23-2-110 through 23-2-113."
15

16 NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective on passage and
17 approval.
18

- END -