

Amendment - 2nd Reading-yellow - Requested by: Greg Oblander - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0333.002.001

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 ~~(3)~~ FUNDS DEPOSITED IN THE ACCOUNT MUST BE used by the department pursuant to ~~23-2-113~~ and
2 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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1 ~~the grantee, make an initial distribution of~~ 50% of the funding to the entity receiving the award ~~with the other~~
2 ~~50% to be distributed on receipt by the department of expense receipts and proof of completion of the project~~
3 ~~for which the money is awarded, a distribution of 40% on receipt by the department of expense receipts, and a~~
4 ~~distribution of the final 10% of the funding on receipt by the department of proof of completion of the project for~~
5 ~~which the money is awarded.~~

6 ~~(5)(6)~~ The department may adopt rules to implement the provisions of 23-2-110 through 23-2-113."
7

8 **Section 4.** 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) (a) Application for the issuance of the trail pass must be made at locations and on forms
26 prescribed by the department. The forms must include but are not limited to the applicant's name and
27 permanent street address.

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1 **(b) The applicant's name and permanent street address, as required in subsection (3)(a), and any**
2 **other personal identification information, including but not limited to the applicant's phone number, may not be**
3 **made public but may be used by other state agencies or the Montana university system for the sole purpose of**
4 **gathering information for user studies that include usage criteria, trends, and growth.**

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), but the person shall
7 carry proof of rental if operating the snowmobile in a snowmobile area that otherwise requires a trail pass
8 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) Except for 50 cents, which is a search and rescue surcharge deposited pursuant to 87-1-601,
12 money collected by payment of fees under this section must be deposited in the state special revenue fund to
13 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) \$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 for the statewide snowmobile trail grooming
17 program.

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

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

23 (8) For the purposes of this section:

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

26 (b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."
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1 **Section 5.** Section 23-2-814, MCA, is amended to read:

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

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

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

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

12 **(b) The applicant's name and permanent street address, as required in subsection (3)(a), and any**
13 **other personal identification information, including but not limited to the applicant's phone number, may not be**
14 **made public but may be used by other state agencies or the Montana university system for the sole purpose of**
15 **gathering information for user studies that include usage criteria, trends, and growth.**

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

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

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

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

- 24 (i) \$27.50 must be expended to maintain off-highway vehicle trails;
25 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to
26 23-2-806;
27 (iii) \$2 must be remitted to the license agent who sold the nonresident temporary-use permit; and

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

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

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

10

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

12 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

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

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

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

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

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

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

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

26 (i) if the declared weight is less than 6,000 pounds, \$61.25; or

27 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

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

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

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

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

11 (24) For the purposes of this section, "manufacturer's suggested retail price" means the price
12 suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and
13 first made available for retail sale by the manufacturer."
14

15 **NEW SECTION. Section 7. Saving clause.** [This act] does not affect rights and duties that matured,
16 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

17
18 **NEW SECTION. Section 8. Effective date.** [This act] is effective January 1, 2024.

19 - END -