

1 *House* BILL NO. *659*
 2 INTRODUCED BY *Jim Nelson Hager*
 3 *Legislative*
 4 *Referral* A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A MOTORCYCLE
 5 FROM THE OFF-HIGHWAY DECAL REQUIREMENT OF SECTION 23-2-804,
 6 MCA, WHEN THE MOTORCYCLE IS OTHERWISE LICENSED UNDER SECTION
 7 61-3-321, MCA, WHICH GOVERNS VEHICLE AND LICENSE FEES; AND
 8 AMENDING SECTION 23-2-804, MCA."
 9

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

11 **Section 1.** Section 23-2-804, MCA, is amended to read:

12 **"23-2-804. Decal required -- fee -- disposition.** (1)
 13 Except as provided in 23-2-802 and subsection (4) of this
 14 section, no off-highway vehicle may be operated by any
 15 person for recreation on public lands in Montana unless
 16 there is displayed in a conspicuous place a decal, in a form
 17 prescribed by the department of justice and issued by the
 18 county treasurer, as visual proof that the following fees
 19 have been paid for the current year:

20 (a) (i) the fee in lieu of tax provided for in
 21 23-2-803; and

22 (ii) the registration fee provided for in 23-2-817; or

23 (b) when the vehicle will be used as provided in this
 24 section, the registration and taxation fees for motorcycles
 25 and quadricycles subject to licensure under 61-3-321, as

1 evidenced by presentation of an owner's certificate of
 2 registration and payment receipt; and

3 (c) the off-highway decal fee provided for in this
 4 section.

5 (2) The decal will be serially numbered and have the
 6 expiration date of December 31 of the appropriate year
 7 printed thereon.

8 (3) The off-highway decal fee is \$5, which the county
 9 treasurer shall collect and transmit to the state treasurer,
 10 who shall deposit the money in an interest-bearing account
 11 in the state special revenue fund to the credit of the
 12 department of fish, wildlife, and parks. The decal fee and
 13 the interest and income to the account must be spent as
 14 follows:

15 (a) 40% must be used to enforce the provisions of this
 16 section; and

17 (b) 60% must be spent to develop and implement a
 18 comprehensive program and to plan appropriate off-highway
 19 vehicle recreation use except that:

20 (i) no money may be spent for this purpose before
 21 January 1, 1991; and

22 (ii) evaluation for development of a program plan must
 23 begin January 1, 1991.

24 (4) Motorcycles subject to licensure under 61-3-321, as
 25 evidenced by presentation of an owner's certificate of



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1 registration and payment receipt, are exempt from the
2 off-highway decal requirement of this section."

-End-

HOUSE BILL NO. 659

INTRODUCED BY T. NELSON, HAGER, SOUTHWORTH, KILPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT ~~A--MOTORCYCLE~~ PROVIDE LIMITED EXEMPTIONS FROM THE OFF-HIGHWAY DECAL REQUIREMENT OF SECTION 23-2-804, MCA, WHEN THE ~~MOTORCYCLE~~ OFF-HIGHWAY VEHICLE IS OTHERWISE LICENSED UNDER SECTION 61-3-321, MCA, WHICH GOVERNS VEHICLE AND LICENSE FEES; AND AMENDING ~~SECTION~~ SECTIONS 23-2-802 AND 23-2-804, MCA."

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

SECTION 1. SECTION 23-2-802, MCA, IS AMENDED TO READ:

"23-2-802. Exemptions. The provisions of this part do not apply to:

(1) an off-highway vehicle:

(a) owned or used by the United States or another state or an agency or political subdivision thereof;

(b) registered in a country other than the United States, temporarily used within this state for not more than 30 days; or

(c) registered in another state of the United States, temporarily used within this state for not more than 30 days; or

(2) a licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or picnicking on a

visible two-track trail or road within 1 mile of a designated road."

Section 2. Section 23-2-804, MCA, is amended to read:

"23-2-804. Decal required -- fee -- disposition. (1)

Except as provided in 23-2-802 ~~and-subsection-(4)-of-this section~~, no, AN off-highway vehicle may NOT be operated by any person for OFF-ROAD recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid for the current year:

(a) (i) the fee in lieu of tax provided for in 23-2-803; and

(ii) the registration fee provided for in 23-2-817; or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and MOTORCYCLES AND quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt; and

(c) the off-highway decal fee provided for in this section.

(2) The decal will be serially numbered and have the expiration date of December 31 of the appropriate year printed thereon.

(3) The off-highway decal fee is \$5, which the county



1 treasurer shall collect and transmit to the state treasurer,
2 who shall deposit the money in an interest-bearing account
3 in the state special revenue fund to the credit of the
4 department of fish, wildlife, and parks. The decal fee and
5 the interest and income to the account must be spent as
6 follows:

7 (a) 40% must be used to enforce the provisions of this
8 section; and

9 (b) 60% must be spent to develop and implement a
10 comprehensive program and to plan appropriate off-highway
11 vehicle recreation use except that:

12 (i) no money may be spent for this purpose before
13 January 1, 1991; and

14 (ii) evaluation for development of a program plan must
15 begin January 1, 1991.

16 ~~(4) Motorcycles subject to licensure under 61-3-321, as~~
17 ~~evidenced by presentation of an owner's certificate of~~
18 ~~registration and payment receipt, are exempt from the~~
19 ~~off-highway decal requirement of this section."~~

-End-

HOUSE BILL NO. 659

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A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT ~~A--MOTORCYCLE~~
 PROVIDE LIMITED EXEMPTIONS FROM THE OFF-HIGHWAY DECAL
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 OFF-HIGHWAY VEHICLE IS OTHERWISE LICENSED UNDER SECTION
 61-3-321, MCA, WHICH GOVERNS VEHICLE AND LICENSE FEES; AND
 AMENDING SECTION SECTIONS 23-2-802 AND 23-2-804, MCA."

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~~††~~(a) owned or used by the United States or another
 state or an agency or political subdivision thereof;

~~††~~(b) registered in a country other than the United
 States, temporarily used within this state for not more than
 30 days; or

~~††~~(c) registered in another state of the United
 States, temporarily used within this state for not more than
 30 days; or

(2) a licensed motorcycle or licensed quadricycle used
 for fishing and hiking access, camping, or picnicking on a

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Except as provided in 23-2-802 ~~and subsection (4) of this~~
~~section~~, no, AN off-highway vehicle may NOT be operated by
 any person for OFF-ROAD recreation on public lands in
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 following fees have been paid for the current year:

(a) (i) the fee in lieu of tax provided for in
 23-2-803; and

(ii) the registration fee provided for in 23-2-817; or

(b) when the vehicle will be used as provided in this
 section, the registration and taxation fees for motorcycles
 and MOTORCYCLES AND quadricycles subject to licensure under
 61-3-321, as evidenced by presentation of an owner's
 certificate of registration and payment receipt; and

(c) the off-highway decal fee provided for in this
 section.

(2) The decal will be serially numbered and have the
 expiration date of December 31 of the appropriate year
 printed thereon.

(3) The off-highway decal fee is \$5, which the county

1 treasurer shall collect and transmit to the state treasurer,
2 who shall deposit the money in an interest-bearing account
3 in the state special revenue fund to the credit of the
4 department of fish, wildlife, and parks. The decal fee and
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6 follows:

7 (a) 40% must be used to enforce the provisions of this
8 section; and

9 (b) 60% must be spent to develop and implement a
10 comprehensive program and to plan appropriate off-highway
11 vehicle recreation use except that:

12 (i) no money may be spent for this purpose before
13 January 1, 1991; and

14 (ii) evaluation for development of a program plan must
15 begin January 1, 1991.

16 ~~(4) -- Motorcycles subject to licensure under 61-3-321, as~~
17 ~~evidenced by presentation of an owner's certificate of~~
18 ~~registration and payment receipt, are exempt from the~~
19 ~~off-highway decal requirement of this section."~~

-End-