

1 *Senate* BILL NO. *177*  
 2 INTRODUCED BY *Devin* *Beckle Goodwin* *Stacy Davis*  
 3 *Devin*

4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
 5 REVISION OF LAWS RELATING TO SNOWMOBILES; AMENDING TITLE 53,  
 6 CHAPTER 10, R.C.M. 1947; AND ADDING AUTHORIZATION FOR  
 7 NONRESIDENT TEMPORARY-USE PERMITS; AND REPEALING SECTION  
 8 53-1024, R.C.M. 1947."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-1012, R.C.M. 1947, is amended to  
 12 read as follows:

13 "53-1012. Definition of terms. As used in this act  
 14 chapter, the following terms shall have the meanings  
 15 indicated herein, unless the context otherwise clearly  
 16 requires that another meaning be is intended:

17 ~~(e)(1)~~ "Person" includes an individual, partnership,  
 18 association, corporation, and any other body or group of  
 19 persons, whether incorporated or not, and regardless of the  
 20 degree of formal organization.

21 ~~(b)(2)~~ "Snowmobile" includes any self-propelled  
 22 vehicle of an overall width of 48 inches or less excluding  
 23 accessories designed primarily for travel on snow or ice or  
 24 natural-terrain, which may be steered by wheels, skis, or  
 25 runners, and which is not otherwise registered or licensed

1 under the laws of the state of Montana.

2 ~~(e)(3)~~ "Owner" ~~shall include~~ includes every person as  
 3 defined herein, other than a lien holder or other person  
 4 having a security interest only, holding ~~record--title a~~  
 5 certificate of ownership to a snowmobile, and entitled to  
 6 the use or possession thereof.

7 ~~(d)(4)~~ "Operator" ~~shall include~~ includes every person  
 8 who operates or is in actual physical control of the  
 9 operation of a snowmobile.

10 ~~(e)(5)~~ "Roadway" ~~shall--include~~ includes only those  
 11 portions of any highway, road, or street improved, designed,  
 12 or ordinarily used for travel or parking of motor vehicles.

13 ~~(f)(6)~~ "Commission" means the fish and game commission  
 14 of the state of Montana.

15 ~~(g)(7)~~ "dBa" means sound pressure level measured on  
 16 the "A" weight scale in decibels.

17 ~~(h)(8)~~ "New snowmobile" means any snowmobile that has  
 18 not been previously sold to an "owner" as defined in  
 19 subsection ~~(e)(3)~~."

20 Section 2. Section 53-1013, R.C.M. 1947, is amended to  
 21 read as follows:

22 "53-1013. Certificate of ownership. (1) No snowmobile  
 23 ~~shall may~~ be operated upon any public or private lands,  
 24 trails, easements, lakes, rivers, streams, roadways or  
 25 shoulders of roadways, streets or highways, unless it a

*SB 177*

1 ~~certificate of ownership~~ has first been registered with  
2 ~~obtained from~~ the registrar of motor vehicles in accordance  
3 with the laws of this state.

4 (2) Before such ~~registration certificate~~ may be  
5 ~~accomplished~~ ~~obtained~~, the owner of a snowmobile shall make  
6 application for a certificate of ownership with the county  
7 treasurer of the county in which the owner resides, upon  
8 forms to be furnished for this purpose, ~~and to provide for~~  
9 ~~substantially which shall require~~ the following information:  
10 Name ~~name~~ of owner, residence by town and county, business  
11 or home mail address, name and address of lien holder,  
12 amount due under contract or lien, name and address of  
13 manufacturer, model number or name, serial number, and name  
14 and address of dealer or other person from whom acquired.  
15 The application shall be signed by at least one owner or by  
16 a properly authorized officer or representative of the  
17 owner.

18 (3) If a ~~certificate of ownership for a~~ snowmobile has  
19 previously been registered, ~~issued~~ under the provisions of  
20 this act ~~chapter~~, the application for registration ~~a new~~  
21 ~~certificate~~ must be accompanied by the immediately previous  
22 ~~registration--receipt, certificate~~ or by an affidavit upon a  
23 prescribed form, stating under oath that the vehicle had not  
24 been operated during the immediately previous year, ~~and~~  
25 ~~provided, however, that this paragraph shall not be~~

1 ~~applicable This subsection does not apply~~ to snowmobiles  
2 that are purchased as new and unused machines or that were  
3 operated when the provisions of this act ~~chapter~~ were not in  
4 force and effect.

5 (4) Upon completion of the application of  
6 ~~registration~~, in quintuplicate, on forms furnished by the  
7 registrar of motor vehicles, the county treasurer shall  
8 issue to the applicant two copies of the application, ~~marked~~  
9 ~~"owner's certificate of registration,"~~ one of which shall be  
10 marked "file copy", ~~and~~ forward one copy and the ~~original~~  
11 application to the registrar of motor vehicles, who shall  
12 cause to be entered the information contained in the  
13 application upon the corresponding records of his office,  
14 and shall furnish the applicant a certificate of ownership  
15 which shall contain the information found on the  
16 ~~registration, application, and the~~ ~~the~~ owner shall, at all  
17 times, retain possession of the certificate of ownership,  
18 except when the same is being transmitted to and from the  
19 registrar of motor vehicles for endorsement or cancellation.

20 (5) Upon application for an ~~owner's~~ a certificate of  
21 registration ~~ownership~~, a fee of two dollars ~~(+2)~~ ~~is~~ shall  
22 be paid to the county treasurer, one-half ~~(+1/2)~~ of which fee  
23 shall be forwarded by the county treasurer to the registrar  
24 of motor vehicles.

25 (6) Before a registration ~~tax-paid~~ decal may be

1 applied for pursuant to the laws of this state, the owner  
 2 must present the owner's certificate of ownership, or copy  
 3 of completed application therefor, as a prerequisite to  
 4 completing the application for the registration tax-paid  
 5 decal."

6 Section 3. Section 53-1014, R.C.M. 1947, is amended to  
 7 read as follows:

8 "53-1014. Transfer of title or interest. (1) Upon a  
 9 transfer of any ~~title or interest of an owner or owner-in-or~~  
 10 certificate of ownership to a snowmobile, registered under  
 11 the provisions of this act ~~as hereinafter required~~  
 12 chapter, the person or persons whose title or interest is to  
 13 be transferred shall write their signatures with pen and ink  
 14 upon the certificate of ownership issued for such vehicle,  
 15 in the appropriate space provided upon the reverse side of  
 16 such certificate, and such signature shall be acknowledged  
 17 before a notary public.

18 (2) Within ~~ten (10)~~ days thereafter, the transferee  
 19 shall forward both the certificate of ownership so endorsed  
 20 ~~and the certificate of registration~~, together with the  
 21 information required under this act chapter, to the  
 22 registrar, who shall file the same upon receipt thereof and  
 23 no certificate of ownership ~~and certificate of registration~~  
 24 shall be issued by the registrar of motor vehicles until the  
 25 outstanding certificates are surrendered to that office or

1 their loss established to his reasonable satisfaction. The  
 2 registrar of motor vehicles shall collect a fee of ~~two~~  
 3 ~~dollars--(\$2)~~ \$3 for each application for transfer of  
 4 ownership.

5 (3) The provisions of ~~subdivision subsection~~ (2) of  
 6 this section, requiring a transferee to forward the  
 7 certificate of ownership after endorsement ~~and--the~~  
 8 ~~certificate of--registration~~ to the registrar, shall not  
 9 apply in the event of the transfer of a snowmobile to a duly  
 10 licensed snowmobile dealer intending to resell such vehicle  
 11 and who operates the same only for demonstration purposes,  
 12 but every such dealer shall upon transferring such interest  
 13 deliver such certificate of ownership ~~and certificate of~~  
 14 ~~registration~~ with an application for registration a new  
 15 certificate executed by the new owner in accordance with the  
 16 provisions of this act chapter, and the registrar upon  
 17 receipt of ~~said the~~ certificate of ownership ~~certificate of~~  
 18 ~~registration~~ and application for registration a new  
 19 certificate, together with the conditional sales contract or  
 20 other lien, if any, shall issue a new certificate of  
 21 ownership ~~and certificate of registration~~ together with a  
 22 statement of any conditional sales contract, mortgage, or  
 23 other lien."

24 Section 4. Section 53-1015, R.C.M. 1947, is amended to  
 25 read as follows:

1       \*53-1015. Lost or mutilated certificates. In the event  
2 any certificate of registration or ownership ~~shall be~~ is  
3 lost, mutilated, or become becomes illegible, the persons to  
4 whom the same ~~shall have been~~ were issued shall immediately  
5 make application for and may obtain a duplicate thereof,  
6 upon payment of a fee of ~~one dollar (\$1).~~"

7       Section 5. Section 53-1016, R.C.M. 1947, is amended to  
8 read as follows:

9       \*53-1016. Exemptions. (1) The provisions of this ~~act~~  
10 ~~chapter~~, with respect to registration and certification of  
11 title ownership, shall do not apply to snowmobiles owned or  
12 used by the United States or another state or any agency or  
13 political subdivision thereof, or any snowmobile registered  
14 in a country other than the United States and to be  
15 temporarily used within this state for a period of not more  
16 than ~~thirty (30) days~~, or ~~to~~ any snowmobile registered in  
17 another state of the United States, but to be temporarily  
18 used within this state for not more than ~~thirty (30) days~~.  
19 Snowmobiles owned by the state of Montana or any agency or  
20 political subdivision thereof ~~shall be~~ are exempt only from  
21 the payment of fees ~~but and~~ shall otherwise comply with all  
22 the requirements of this ~~act~~ chapter.

23       (2) No political ~~subdivisions~~ subdivision of this  
24 state ~~shall have authority to~~ may prescribe further  
25 licensing or registration of snowmobiles and no political

1 subdivision shall may levy fees or charges for use or  
2 operation of snowmobiles within the subdivision.

3       ~~(3) The provisions of this chapter with respect to~~  
4 ~~registration and certification of ownership do not apply to~~  
5 ~~unregistered snowmobiles owned by nonresidents of the state~~  
6 ~~of Montana displaying visual proof that a "nonresident~~  
7 ~~temporary-use permit" has been purchased."~~

8       Section 6. There is a new R.C.M. section numbered  
9 53-1016.1 that reads as follows:

10       53-1016.1. Nonresident temporary-use permits. (1) The  
11 requirements pertaining to the "nonresident  
12 temporary-snowmobile-use permit" are as follows:

13       (a) Application for the issuance of the permit shall  
14 be made at locations and upon forms prescribed by the  
15 department. The forms shall include but are not limited to:

- 16       (i) applicant's name and permanent address;  
17       (ii) make, model, year, and serial number of the  
18 snowmobile; and  
19       (iii) affidavit declaring the nonresidency of the  
20 applicant.

21       (b) Upon submission of the application and a fee of  
22 \$6, a nonresident temporary-snowmobile-use sticker shall be  
23 issued. The sticker shall be displayed in a conspicuous  
24 manner on the snowmobile.

25       (2) The temporary permit is valid for a consecutive

1 15-day period as designated by the permit.

2 (3) The permit is not proof of ownership and no  
3 certificate of ownership may be issued.

4 (4) All money collected by payment of fees under this  
5 section shall be turned over to the state treasurer and  
6 placed in the earmarked revenue fund to the credit of the  
7 department of fish and game with one-half to be used in  
8 administering this section and one-half to be used in the  
9 development, maintenance, and operation of snowmobile  
10 facilities.

11 (5) The failure to display the permit as required by  
12 this section or the making of false statements in obtaining  
13 the permit is a misdemeanor, punishable by a fine of not  
14 less than \$25 or more than \$100.

15 Section 7. Section 53-1017, R.C.M. 1947, is amended to  
16 read as follows:

17 "53-1017. Report of stolen and recovered snowmobiles.  
18 ~~it shall be the duty of the~~ the sheriff of every county of  
19 the state and of the chief of police or commissioner of  
20 police of every city to shall make an immediate report to  
21 the registrar of motor vehicles of all snowmobiles reported  
22 to him as stolen or recovered, upon forms provided for by  
23 the registrar of motor vehicles. Failure on the part of any  
24 officer ~~shall be deemed to be~~ is misfeasance in office and  
25 ~~shall constitute~~ constitutes grounds for removal. Upon

1 receipt of such information, the registrar of motor vehicles  
2 shall file the same in an index to be known as the "stolen  
3 and recovered snowmobile index." ~~it shall also be the duty~~  
4 ~~of the~~ the registrar of motor vehicles to shall file reports  
5 of stolen and recovered snowmobiles reported to him from  
6 other states. The registrar of motor vehicles shall prepare  
7 once a month a list of all snowmobiles stolen or recovered  
8 during the previous month and forward a copy of the same to  
9 every sheriff and all police departments in cities of the  
10 first, second, and third class. Such list shall also be  
11 forwarded to the secretary of state or other proper  
12 official in each state of the United States. Before a  
13 certificate of ~~title as heretofore provided~~ ~~shall~~  
14 ownership may be issued under this act ~~chapter~~, the motor  
15 and serial number on the ~~motor vehicle to be registered~~  
16 snowmobile for which such certificate is to be issued shall  
17 be checked against the "stolen and recovered snowmobile  
18 index."

19 Section 8. Section 53-1018, R.C.M. 1947, is amended to  
20 read as follows:

21 "53-1018. Operation on public roads and streets. (1)  
22 ~~No person shall operate a snowmobile upon a~~  
23 ~~controlled access highway or facility at any time~~  
24 Snowmobile operation may be permitted on the roadway or  
25 shoulder of any other public road or highway, state highway,

1 county road, or city street located within the boundaries of  
 2 any municipality, only in the event that ~~said the~~ street,  
 3 road, or highway is drifted or covered by snow to such an  
 4 extent that travel thereon by other motor vehicles is  
 5 impractical or impossible--or--when; the operator is--in  
 6 ~~possession-of-a-written-permit~~ has received permission or is  
 7 otherwise authorized for such travel--issued by the  
 8 municipality in the case of town or city streets, the board  
 9 of county commissioners for county roads, or the state  
 10 highway patrol for all other highways; ~~or upon those~~  
 11 ~~streets-of-a-municipality--where~~ such operation has been  
 12 specifically so authorized on municipal streets by a duly  
 13 enacted municipal ordinance.

14 (2) A snowmobile may make a direct crossing of a  
 15 street or highway--where ~~whenever~~ such crossing is necessary  
 16 to get to another authorized area of operation. Such  
 17 crossing shall be made at an angle of approximately ~~ninety~~  
 18 90 degrees ~~(90)~~ to the direction of the highway, at a place  
 19 where no obstruction prevents a quick and safe crossing. The  
 20 snowmobile shall make a complete stop before entering upon  
 21 any part of the highway or road, and the operator shall  
 22 yield the ~~right-of-way~~ right-of-way to all oncoming traffic.

23 (3) No snowmobile ~~shall~~ may be operated upon a public  
 24 street or highway when permitted to do so by this act  
 25 chapter, unless equipped with at least one head lamp and one

1 tail lamp, which shall be lighted at all times during such  
 2 operation, and unless equipped with a suitable braking  
 3 device which may be operated by either hand or foot.

4 (4) The operator of a snowmobile who operates his  
 5 vehicle upon a public roadway, street, or highway when  
 6 allowed to do so under the provisions of this act chapter  
 7 shall have in his possession a license to drive a motor  
 8 vehicle as required by the laws of the state of Montana. An  
 9 operator who crosses a street, road, or highway, or who  
 10 operates a snowmobile in any other areas of the state where  
 11 operation is lawfully permitted--~~shall~~ is not be required to  
 12 apply for or possess a driver's license under the laws of  
 13 the state of Montana."

14 Section 9. Section 53-1019, R.C.M. 1947, is amended to  
 15 read as follows:

16 "53-1019. Unlawful operation on streets and highways.  
 17 It ~~shall--be~~ is unlawful for any person to drive or operate  
 18 any snowmobile upon a public street or highway in any one or  
 19 more of the following manners:

20 (1) ~~At~~ at a rate of speed greater than provided by law  
 21 for motor vehicles; ~~i~~

22 (2) ~~While~~ while under the influence of intoxicating  
 23 liquor or narcotics or habit-forming drugs; ~~i~~

24 (3) ~~in~~ in a careless or reckless manner so as to  
 25 endanger the person or property of another, or to cause

1 injury or damage to either:

2 (4) ~~Without a lighted head and taillight between the~~  
3 ~~hours of dusk and dawn:~~

4 ~~(5) Operating~~ operating a snowmobile, or permitting  
5 such operation, by any person who by reason of age or  
6 physical or mental disability is incapable of operating the  
7 snowmobile as required for safety under the prevailing  
8 circumstances."

9 Section 10. Section 53-1020, R.C.M. 1947, is amended  
10 to read as follows:

11 "53-1020. Other unlawful operation. (1) No person  
12 while operating a snowmobile, ~~shall~~ may use the same:

13 ~~(1)(a) For~~ for the purpose of driving, rallying, or  
14 harassing any of the game animals, game birds, or  
15 fur-bearing animals of the state, or any livestock,  
16 ~~provided, however, that an~~ (a) owner of livestock is not  
17 prohibited from managing or driving his own livestock by the  
18 use of snowmobiles and may direct other persons to so manage  
19 or drive his livestock, ~~provided further that~~ and the  
20 department of fish and game, including its duly authorized  
21 employees, is not prohibited from managing or driving game  
22 animals, game birds, or fur-bearing animals by the use of  
23 snowmobiles;

24 ~~(2)(b) To~~ to discharge a firearm from or upon a  
25 snowmobile;

1 ~~(c) upon a railroad right-of-way or railroad track,~~  
2 ~~but it is not unlawful for officers or employees of any~~  
3 ~~railroad operating over such tracks to operate snowmobiles~~  
4 ~~thereon;~~

5 ~~(d) without a lighted headlight and taillight between~~  
6 ~~the hours of dusk and dawn;~~

7 ~~(3)(2) Regulation of snowmobile noise.~~ (a) Except as  
8 provided in this section, every snowmobile shall be equipped  
9 at all times with noise-suppression devices, including an  
10 exhaust muffler, in good working order and in constant  
11 operation. No snowmobile ~~shall~~ may be modified by any person  
12 in any manner that ~~shall~~ will amplify or otherwise increase  
13 total noise emissions to a level greater than that emitted  
14 by the snowmobile as originally constructed, regardless of  
15 date of manufacture.

16 (b) No new snowmobile manufactured prior to June 30,  
17 1975, except snowmobiles designated for competition purposes  
18 only, may be sold or offered for sale unless that machine  
19 has been certified by the manufacturer as being able to  
20 conform to a sound level limitation of not more than  
21 ~~eighty-two~~ {82} dbA measured at ~~fifty~~ {50} feet. Every  
22 person who owns or operates a snowmobile manufactured after  
23 June 30, 1972, but prior to June 30, 1975, shall maintain  
24 his machine in such a manner that it will not exceed a sound  
25 level limitation of ~~eighty-two~~ {82} dbA measured at ~~fifty~~

1 {50} feet.

2 (c) No new snowmobile manufactured after June 30,  
3 1975, but prior to June 30, 1978, except snowmobiles  
4 designated for competition purposes only, may be sold or  
5 offered for sale unless that machine has been certified by  
6 the manufacturer as being able to conform to a sound level  
7 limitation of not more than ~~seventy-eight~~{78} dbA measured  
8 at ~~fifty~~{50} feet. Every person who owns or operates a  
9 snowmobile manufactured after June 30, 1975, but prior to  
10 June 30, 1978, shall maintain his machine in such a manner  
11 that it will not exceed a sound level limitation of  
12 ~~seventy-eight~~{78} dbA measured at ~~fifty~~{50} feet.

13 (d) No new snowmobile manufactured after June 30,  
14 1978, except snowmobiles designated for competition purposes  
15 only, may be sold or offered for sale unless that machine  
16 has been certified by the manufacturer as being able to  
17 conform to a sound level limitation of not more than  
18 ~~seventy-three~~{73} dbA measured at ~~fifty~~{50} feet. Every  
19 person who owns or operates a snowmobile manufactured after  
20 June 30, 1978, shall maintain his machine in such a manner  
21 that it will not exceed a sound level limitation of  
22 ~~seventy-three~~{73} dbA measured at ~~fifty~~{50} feet.

23 (e) The fish and game commission ~~shall have the~~  
24 ~~authority to~~ may adopt and revise sound level limitations  
25 for all snowmobiles manufactured after June 30, 1978.

1 However, a sound level limitation adopted or revised by the  
2 commission ~~shall~~ may not be higher than a decibel standard  
3 of ~~seventy-three~~{73} dbA measured at ~~fifty~~{50} feet. The  
4 adoption or revision of sound level limitation by the  
5 commission shall be effective beginning June 30 of the  
6 succeeding calendar year and any sound level limitation  
7 formally adopted or revised shall remain in effect for a  
8 minimum period of ~~two~~{2} years. Every person who owns or  
9 operates a snowmobile manufactured after June 30, 1978,  
10 shall maintain his machine in compliance with the sound  
11 level limitation which is applicable to new snowmobiles  
12 manufactured during the period that a sound level limitation  
13 adopted by the commission is in effect.

14 (f) A manufacturer who certifies that a new snowmobile  
15 can comply with the noise limitation requirements of this  
16 act chapter shall affix a permanent notice of that  
17 certification to every snowmobile offered for sale in the  
18 state of Montana.

19 (g) In certifying that a new snowmobile can comply  
20 with the noise limitation requirements of this act chapter,  
21 a manufacturer shall make such a certification based upon  
22 measurements made in accordance with SAE recommended  
23 practice J192, as amended. The fish and game commission, in  
24 enforcing the provisions of this act, shall make  
25 measurements of snowmobile noise in accordance with

1 applicable practices outlined in the "procedure for sound  
2 level measurements of snowmobiles" used by the international  
3 snowmobile industry association (January, 1969), as amended,  
4 or with such other standards for measurement of sound level  
5 as the commission may adopt.

6 (h) This section does not apply to organized races or  
7 similar competitive events held on

8 (i) private lands, with the permission of the owner,  
9 lessee, or custodian of the land; or

10 (ii) public lands, with the consent of the public  
11 agency having the authority to grant such consent, provided  
12 that total sound produced by such an event shall ~~may~~ not  
13 exceed ~~fifty--(50)~~ dbA at any point ~~fifty--(50)~~ feet or more  
14 outside the area under the control of the sponsoring entity.

15 ~~{4}--Upon-a-railroad-right-of-way--or--railroad--tracks~~  
16 ~~provided--however--it--shall--not--be--unlawful--for--officers--or~~  
17 ~~employees--of--any--railroad--operating--over--said--tracks--to~~  
18 ~~operate-snowmobiles-thereon."~~

19 Section 11. Section 53-1022, R.C.M. 1947, is amended  
20 to read as follows:

21 "53-1022. Enforcement. The following persons may  
22 enforce the provisions of this act chapter:

23 (1) ~~The~~ the enforcement officers employed by the state  
24 department of fish and game, with respect to violations  
25 relating to wildlife or birds, discharging firearms, or

1 sound level limitations. However, with respect to the sale  
2 of any new snowmobile which is subject to the provisions of  
3 this act chapter, the attorney general of the state of  
4 Montana shall, upon the request of the commission, sue for  
5 the recovery of the penalties provided in section 53-1023  
6 and bring an action for a restraining order, or temporary or  
7 permanent injunction, against a person who sells or offers  
8 to sell a new snowmobile that does not satisfy the sound  
9 level limitations imposed by this act chapter.

10 (2) ~~The~~ the sheriffs of the respective counties, and  
11 the police officers of cities and towns, within their  
12 respective jurisdictions, and the state highway patrol, with  
13 respect to any violation of this act chapter upon the public  
14 streets or highways, or any public right-of-way."

15 Section 12. Section 53-1023, R.C.M. 1947, is amended  
16 to read as follows:

17 "53-1023. Penalties. (1) A person who violates any  
18 provision of this act chapter or a rule ~~and--regulation~~  
19 adopted pursuant thereto shall pay a civil penalty of not  
20 less than ~~fifteen--dollars--(\$15)~~ ~~nor~~ or more than ~~five~~  
21 ~~hundred--dollars--(\$500)~~ for each separate violation.

22 (2) A person who willfully violates any provision of  
23 this act chapter or a rule ~~or--regulation~~ adopted pursuant  
24 thereto shall pay a civil penalty of not less than ~~fifty~~  
25 ~~dollars--(\$50)~~ ~~nor~~ or more than ~~one-thousand--dollars--(\$1,000)~~

1 for each separate violation.

2 (3) A manufacturer who certifies that a new snowmobile  
3 can meet the sound level limitations imposed by this act  
4 ~~chapter~~ shall be subject to the penalty provisions of  
5 subsections (1) and (2) if any machine so certified does not  
6 meet the appropriate sound level limitation.

7 (4) For the purposes of this section, every sale of a  
8 new snowmobile that does not meet the sound level  
9 limitations imposed by this act ~~shall constitute chapter~~  
10 ~~constitutes~~ a separate violation."

11 Section 13. Section 53-1025, R.C.M. 1947, is amended  
12 to read as follows:

13 "53-1025. Display of tax-paid decals on snowmobiles  
14 required -- application and issuance. ~~(a)(1)~~ No snowmobile  
15 ~~shall~~ may be operated by any person in the state of Montana  
16 unless there is displayed in a conspicuous place thereon a  
17 decal as visual proof that Montana personal property taxes  
18 have been paid thereon for the current year. Application for  
19 the issuance of such tax-paid decal shall be made to the  
20 county treasurer upon forms to be furnished for this  
21 purpose, which may be obtained from the registrar of motor  
22 vehicles or at the county assessor's office in the county  
23 wherein the owner resides, and ~~is to which shall~~ provide for  
24 substantially the following information: name of owner,  
25 address, registration certificate of ownership number, name

1 of manufacturer, model number, make, horsepower, year of  
2 manufacture, statement evidencing assessment, payment of  
3 property tax, and such other information as the registrar of  
4 motor vehicles may require. ~~Said~~ The application shall be  
5 signed by the county treasurer and transmitted by him to the  
6 registrar of motor vehicles accompanied by a fee of two  
7 ~~dollars-(\$2)~~. All moneys collected from payment of such fees  
8 and all interest accruing from use of these moneys shall be  
9 turned over to the state treasurer and placed by him in the  
10 earmarked revenue fund to the credit of the state fish and  
11 game commission, with ~~one-dollar-(\$1)~~ designated for use in  
12 enforcing the purposes of this act ~~chapter~~ and ~~one-dollar~~  
13 ~~(\$1)~~ designated for use in developing the development,  
14 maintenance, and operation of snowmobile facilities. Upon  
15 receipt of the application in approved form the registrar of  
16 motor vehicles or county treasurer shall issue to the  
17 applicant a decal in the style and design prescribed by the  
18 registrar of motor vehicles and of a different color than  
19 the preceding year, numbered numerically consecutively.

20 ~~(b)(2)~~ Before filing the application with the county  
21 treasurer, the applicant shall submit the same to the county  
22 assessor of the county and the county assessor shall enter  
23 on the application in a place provided for that purpose, the  
24 full and true and assessed valuation of the snowmobile for  
25 the year for which the application is made.

1       ~~fe)(3)~~ The applicant shall pay the county treasurer  
2 the application fee and shall also pay the personal property  
3 taxes assessed against the snowmobile for the current year  
4 before the application ~~for--registration--or--reregistration~~  
5 may be accepted by the county treasurer."

6       Section 14. Section 53-1025.1, R.C.M. 1947, is amended  
7 to read as follows:

8       "53-1025.1. Duplicate ~~registration--receipt--or~~ decal.  
9 In the event any ~~registration--receipt--or~~ tax-paid decal  
10 ~~shall--be~~ is lost, mutilated, or ~~become~~ becomes illegible,  
11 the persons to whom the same ~~shall--have--been~~ were issued  
12 shall immediately make application for and may obtain a  
13 duplicate thereof, upon payment of a fee of ~~one-dollar--(\$1)~~  
14 to the county treasurer."

15       Section 15. Section 53-1027, R.C.M. 1947, is amended  
16 to read as follows:

17       "53-1027. Failure to display decal a misdemeanor --  
18 penalty. ~~(1)~~ The failure to display a current tax-paid decal  
19 during the time provided in this ~~act--shall--constitute~~  
20 chapter is a misdemeanor, punishable by a fine of not less  
21 than ~~ten--dollars--(\$10)~~ or \$25 or more than ~~fifty--dollars~~  
22 ~~(\$50)~~ \$100.

23       (2) All fines and forfeitures collected under Title  
24 53, chapter 10 relating to snowmobiles shall be transmitted  
25 to the state treasurer who shall deposit such fines and

1 forfeitures in the earmarked revenue fund to the credit of  
2 the department of fish and game to be used only for  
3 snowmobile safety and education."

4       Section 16. Section 53-1028, R.C.M. 1947, is amended  
5 to read as follows:

6       "53-1028. Officers authorized to enforce ~~act~~ chapter.  
7 The fish and game commission, enforcement personnel, the  
8 sheriffs and their deputies of the various counties of the  
9 state, the Montana highway patrol, and the police of each  
10 municipality shall enforce the provisions of this ~~act~~  
11 chapter."

12       Section 17. Section 53-1029, R.C.M. 1947, is amended  
13 to read as follows:

14       "53-1029. Issuance of dealer registration certificate.  
15 (1) A dealer registration certificate shall be issued in  
16 accordance with this ~~act~~ chapter.

17       (2) Upon receipt of dealer application and payment of  
18 fees which will be ~~five--dollars--(\$5)~~, the dealer shall be  
19 issued ~~two~~ two (2) dealer snowmobile identification cards which  
20 ~~will~~ shall be carried by dealer or dealer's customer when  
21 operating or demonstrating dealer's snowmobiles.

22       (3) No bond ~~will--be~~ is required of the dealer.

23       (4) Additional dealer snowmobile identification cards  
24 may be purchased by the dealer for a fee of ~~two--dollars~~  
25 ~~(\$2)~~.

1       ~~(5) A dealer registration certificate and~~  
2       ~~identification cards expire on June 30 following the date of~~  
3       ~~issuance.~~

4       ~~(6) All money collected from such fees and all~~  
5       ~~interest accruing from use of this money shall be deposited~~  
6       ~~in the earmarked revenue fund to the credit of the~~  
7       ~~department of fish and game, with one-half designated for~~  
8       ~~use in enforcing the purposes of this chapter and one-half~~  
9       ~~designated for use in the development, maintenance, and~~  
10       ~~operation of snowmobile facilities."~~

11       Section 18. Repealer. Section 53-1024, R.C.M. 1947, is  
12       repealed.

-End-

STATE OF MONTANA

REQUEST NO. 144-77

FISCAL NOTE

(amended)  
Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act for the general revision of the laws relating to snowmobiles and adding a provision authorizing the issuance of non-resident temporary-use permits.

Section 2 of Senate Bill 177 increases the snowmobile registration fee from \$2 to \$3. One-half of this fee is retained by the county treasurer and the remaining one-half is forwarded by the county to the state Registrar of Motor Vehicles to cover administrative costs.

Section 6 establishes a \$6 nonresident snowmobile temporary-use permit. All monies collected from sale of such permits are to be credited to the snowmobile earmarked revenue account with one-half to be used by the Department of Fish and Game in administering this law and one-half to be used in the development, maintenance, and operation of snowmobile facilities.

Section 17 requires that the "interest" earned from the \$2 snowmobile tax-paid decal collections are to be placed in the snowmobile earmarked revenue account. Currently, all interest earned from such earmarked accounts are place in the state's General Fund.

Section 19 increases the minimum fine for failure to display a current tax-paid decal from \$10 to \$25. It also earmarks fines and forfeitures collected for snowmobile safety and education uses.

Section 21 places all money collected from the issuance of snowmobile dealer registration certificates into the snowmobile earmarked revenue account of the Department of Fish and Game. One-half of the funds are designated for use in enforcing the purposes of this law, and one-half are designated for use in the development, maintenance, and operation of snowmobile facilities. Currently, the revenue is forwarded to the Registrar of Motor Vehicles.

ASSUMPTION:

Approximately 1,000 nonresident snowmobile temporary-use permits will be sold annually.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Revenue Impact - State:		
Section 2 - Snowmobile registration fees		
Collections under proposed law	\$26,700	\$27,900
Collections under current law	<u>17,800</u>	<u>18,600</u>
Increase in registration fee collections	<u>\$ 8,900</u>	<u>\$ 9,300</u>
Section 6 - Nonresident temporary-use permits		
Collections under proposed law	\$ 6,000	\$ 6,000
Collections under current law	<u>0</u>	<u>0</u>
Increase in permit collections	<u>\$ 6,000</u>	<u>\$ 6,000</u>

(continued)

\_\_\_\_\_  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: \_\_\_\_\_

## FISCAL NOTE

(amended)

Form BD 15

In compliance with a written request received February 8, 1977, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## FISCAL IMPACT: (continued)

## Revenue Impact - State: (continued)

	<u>FY 78</u>	<u>FY 79</u>
Section 17 - Interest earned on \$2 decal		
Revenue under proposed law	\$ 600	\$ 600
Revenue under current law	<u>0</u>	<u>0</u>
Increase in revenue	<u>\$ 600</u>	<u>\$ 600</u>
Section 19 - Increase minimum fine <sup>1</sup>		
Collections under proposed law	\$ 2,384	\$ 2,500
Collections under current law	<u>1,907</u>	<u>2,000</u>
Increase in collections	<u>\$ 477</u>	<u>\$ 500</u>
Section 21 - Earmarking of snowmobile dealer Registration fee		
Subsequent Revenue Impact		
Registrar of Motor Vehicles Account	(\$ 1,089)	(\$ 1,288)
Fish & Game Earmarked Revenue Account	<u>1,089</u>	<u>1,288</u>
	<u>\$ 0</u>	<u>\$ 0</u>
Net revenue increase to Fish and Game under proposed law	<u>\$17,066</u>	<u>\$17,688</u>

<sup>1</sup> Currently the revenues collected from such fines are credited to the Fish and Game Earmarked Revenue Account. The proposed legislation would place the money in the snowmobile earmarked revenue account to be used exclusively for snowmobile safety and education activities administered by the department.

## Subsequent Revenue Impact

Fish and Game Earmarked Revenue Acct.	(\$2,384)	(\$ 2,500)
Snowmobile Earmarked Revenue Account	<u>2,384</u>	<u>2,500</u>
	<u>\$ 0</u>	<u>\$ 0</u>

## Expenditure Impact - State:

## Proposed law

Snowmobile enforcement	\$34,841	\$35,094
Snowmobile safety and education	2,384	2,500
Snowmobile facilities	<u>34,841</u>	<u>35,094</u>
Total expenditures under proposed law	<u>\$72,066</u>	<u>\$72,688</u>

(continued)

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

## STATE OF MONTANA

REQUEST NO. 144-77  
(amended)

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## FISCAL IMPACT: (continued)

## Expenditure Impact - State: (continued)

	<u>FY 78</u>	<u>FY 79</u>
Current law		
Snowmobile Enforcement	\$27,500	\$27,500
Snowmobile Safety and Education	0	0
Snowmobile Facilities	<u>27,500</u>	<u>27,500</u>
Total expenditures under current law	<u>\$55,000</u>	<u>\$55,000</u>
Increased Expenditures under proposed law	<u>\$17,066</u>	<u>\$17,688</u>

## LOCAL IMPACT:

## Section 2 - Snowmobile registration fees

Collections under proposed law	\$26,700	\$27,900
Collections under current law	<u>17,800</u>	<u>18,600</u>
Increase in registration fee collections	<u>\$ 8,900</u>	<u>\$ 9,300</u>

*Richard L. Dwyer*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2-10-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 1977, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

THIS FISCAL NOTE REVISES AMENDED FISCAL NOTE OF FEBRUARY 10, 1977.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act for the general revision of the laws relating to snowmobiles and adding a provision authorizing the issuance of non-resident temporary-use permits.

Section 2 of Senate Bill 177 increases the snowmobile certificate of ownership fee from \$2 to \$3. One-half of this fee is retained by the county treasurer and the remaining one-half is forwarded by the county to the State Registrar of Motor Vehicles to cover administrative costs. It is proposed that the certification fee be paid only once and not annually as is now the case.

Section 3 increases the fee for transferring a snowmobile certificate between parties from \$2 to \$3. The revenue collected from this fee is deposited with the Registrar of Motor Vehicles.

Section 6 establishes a \$6 nonresident snowmobile temporary-use permit. All monies collected from sale of such permits are to be credited to the Snowmobile Earmarked Revenue Fund with one-half to be used by the Department of Fish and Game in administering this law and one-half to be used in the development, maintenance, and operation of snowmobile facilities.

Section 17 requires that the "interest" earned from the \$2 snowmobile tax-paid decal collections is to be placed in the Snowmobile Earmarked Revenue Fund. Currently, all interest earned from such ERA Funds are placed in the state's General Fund.

Section 19 earmarks snowmobile fine and forfeiture revenues collected under Title 53, Chapter 10, to be used only for snowmobile safety and education purposes. Currently such fine revenue is placed in the Fish and Game ERA Fund and used for general purposes.

Section 21 places all money collected from the issuance of snowmobile dealer registration certificates into the Snowmobile Earmarked Revenue Fund of the Department of Fish and Game. One-half of the funds are designated for use in enforcing the purposes of this law, and one-half are designated for use in the development, maintenance, and operation of snowmobile facilities. Currently, the revenue is forwarded to the Registrar of Motor Vehicles.

## ASSUMPTIONS:

1. Under Section 2, it is assumed that approximately 1,000 new snowmobile certificates will be issued each year of the biennium.
2. Under Section 3, it is estimated that approximately 3,000 snowmobiles are transferred between various parties each year.
3. Approximately 1,000 nonresident snowmobile temporary-use permits will be sold annually under Section 6.
4. Under Section 17, it is assumed that approximately \$10,000 of principal in the Snowmobile Earmarked Revenue Fund, invested at 6%, would earn about \$600 per year.

(continued)

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

## STATE OF MONTANA

REQUEST NO. 144-77

## FISCAL NOTE

Form BD 15

In compliance with a written request received February 16, 1977, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

THIS FISCAL NOTE REVISES AMENDED FISCAL NOTE OF FEBRUARY 10, 1977. (continued)

## FISCAL IMPACT:

Revenue Impact - State:	FY 78	FY 79
<u>Section 2</u> - Certification of ownership fee increase		
Fee collections forwarded to Registrar of Motor Vehicles		
Undercurrent law	\$20,000	\$20,000
Under proposed law	<u>1,500</u>	<u>1,500</u>
Decrease in fee collections	<u>(18,500)</u>	<u>(18,500)</u>
<u>Section 3</u> - Certificate transfer fee increase		
Fees deposited with Registrar of Motor Vehicles		
Under proposed law	9,000	9,000
Under current law	<u>6,000</u>	<u>6,000</u>
Increase in fee collections	<u>3,000</u>	<u>3,000</u>
<u>Section 6</u> - Nonresident temporary-use permits		
Collections under proposed law	6,000	6,000
Collections under current law	<u>0</u>	<u>0</u>
Increase in permit collections	<u>6,000</u>	<u>6,000</u>
<u>Section 17</u> - Interest earned on \$2 decal		
Revenue under proposed law	600	600
Revenue under current law	<u>0</u>	<u>0</u>
Increase in revenue	<u>600</u>	<u>600</u>
<u>Section 19</u> - Earmarking of snowmobile fine revenues		
Decrease to Fish and Game Earmarked Revenue Fund	(1,950)	(2,000)
Increase to Snowmobile Earmarked Revenue Fund	<u>1,950</u>	<u>2,000</u>
Net effect under Section 19	<u>0</u>	<u>0</u>
<u>Section 21</u> - Earmarking of snowmobile dealer registration fee		
Decrease Registrar of Motor Vehicles Account	(1,089)	(1,288)
Increase Fish and Game Earmarked Revenue Fund	<u>1,089</u>	<u>1,288</u>
Net effect under Section 21	<u>0</u>	<u>0</u>
<u>Summary</u>		
Revenue effect under proposed law		
Increase to Department of Fish and Game	7,689	7,888
Decrease from Registrar of Motor Vehicles	<u>(16,589)</u>	<u>(16,788)</u>
Total	<u>\$ (8,900)</u>	<u>\$ (8,900)</u>

(cont inued)

Date: .....

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 16, 1977, there is hereby submitted a Fiscal Note for Amended Senate Bill 177 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

THIS FISCAL NOTE REVISES AMENDED FISCAL NOTE OF FEBRUARY 10, 1977. (continued)

## LOCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
<u>Section 2</u> - Certification of ownership fee increase		
Fee collections retained by county treasurer		
Under current law	\$20,000	\$20,000
Under proposed law	<u>1,500</u>	<u>1,500</u>
Decrease in fee collections	<u>\$(18,500)</u>	<u>\$(18,500)</u>

*Richard L. Drury for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-27-77

Approved by Comm.  
on Fish and Game

SENATE BILL NO. 177

INTRODUCED BY DUNKLE, GOODOVER, STORY, DOVER, DEVINE

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION OF LAWS RELATING TO SNOWMOBILES; AMENDING SECTIONS ~~26-220, 26-221, 26-222, 26-223~~ AND TITLE 53, CHAPTER 10, R.C.M. 1947; AND ADDING AUTHORIZATION FOR NONRESIDENT TEMPORARY-USE PERMITS; AND REPEALING SECTION 53-1024, R.C.M. 1947."

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

Section 1. Section 53-1012, R.C.M. 1947, is amended to read as follows:

"53-1012. Definition of terms. As used in this ~~act~~ chapter, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning ~~be~~ is intended:

~~(a)~~ (1) "Person" includes an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

~~(b)~~ (2) "Snowmobile" includes any self-propelled vehicle of an overall width of 48 inches or less excluding accessories designed primarily for travel on snow or ice ~~or natural-terrain~~, which may be steered by ~~wheels~~, skis, or

runners, and which is not otherwise registered or licensed under the laws of the state of Montana.

~~(c)~~ (3) "Owner" ~~shall include~~ includes every person as defined herein, other than a lien holder or other person having a security interest only, holding ~~record title a~~ certificate of ownership to a snowmobile, and entitled to the use or possession thereof.

~~(d)~~ (4) "Operator" ~~shall include~~ includes every person who operates or is in actual physical control of the operation of a snowmobile.

~~(e)~~ (5) "Roadway" ~~shall include~~ includes only those portions of any highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

~~(f)~~ (6) "Commission" means the fish and game commission of the state of Montana.

~~(g)~~ (7) "dba" means sound pressure level measured on the "A" weight scale in decibels.

~~(h)~~ (8) "New snowmobile" means any snowmobile that has not been previously sold to an "owner" as defined in subsection ~~(e)~~ (3)."

Section 2. Section 53-1013, R.C.M. 1947, is amended to read as follows:

"53-1013. Certificate of ownership. (1) No snowmobile ~~shall~~ may be operated upon any public ~~or private~~ lands, trails, easements, lakes, rivers, streams, roadways or

1 shoulders of roadways, streets or highways, unless ~~it a~~  
 2 certificate of ownership has first been ~~registered with~~  
 3 obtained from the registrar of motor vehicles in accordance  
 4 with the laws of this state.

5 (2) Before such ~~registration certificate~~ may be  
 6 ~~accomplished~~ obtained, the owner of a snowmobile shall make  
 7 application for a certificate of ownership with the county  
 8 treasurer of the county in which the owner resides, upon  
 9 forms to be furnished for this purpose, ~~and to provide for~~  
 10 ~~substantially which shall require~~ the following information:  
 11 ~~Name~~ name of owner, residence by town and county, business  
 12 or home mail address, ~~name~~ and address of lien holder,  
 13 amount due under contract or lien, ~~name~~ and address of  
 14 manufacturer, model number or name, serial number, and ~~name~~  
 15 and address of dealer or other person from whom acquired.  
 16 The application shall be signed by at least one owner, or by  
 17 a properly authorized officer or representative of the  
 18 owner.

19 (3) If a certificate of ownership for a snowmobile has  
 20 previously been ~~registered, issued~~ under the provisions of  
 21 this ~~act chapter~~, the application for ~~registration a new~~  
 22 certificate must be accompanied by the immediately previous  
 23 ~~registration receipt, certificate~~ or by an affidavit upon a  
 24 prescribed form, stating under oath that the vehicle had not  
 25 been operated during the immediately previous year.

1 ~~provided, however, that this paragraph shall not be~~  
 2 ~~applicable~~ This subsection does not apply to snowmobiles  
 3 that are purchased as new and unused machines or that were  
 4 operated when the provisions of this ~~act chapter~~ were not in  
 5 force and effect.

6 (4) Upon completion of the application of  
 7 ~~registration~~, in quintuplicate, on forms furnished by the  
 8 registrar of motor vehicles, the county treasurer shall  
 9 issue to the applicant two copies of the application, ~~marked~~  
 10 ~~"owner's certificate of registration,"~~ one of which shall be  
 11 marked "file copy," and forward one copy and the original  
 12 application to the registrar of motor vehicles, who shall  
 13 cause to be entered the information contained in the  
 14 application upon the corresponding records of his office,  
 15 and shall furnish the applicant a certificate of ownership,  
 16 which shall contain the information found on the  
 17 ~~registration, application, and the~~ The owner shall, at all  
 18 times, retain possession of the certificate of ownership,  
 19 except when the same is being transmitted to and from the  
 20 registrar of motor vehicles for endorsement or cancellation.

21 (5) Upon application for ~~an owner's~~ a certificate of  
 22 ~~registration ownership~~, a fee of ~~two dollars (\$2)~~ \$3 shall  
 23 be paid to the county treasurer, one-half ~~(1/2)~~ of which fee  
 24 shall be forwarded by the county treasurer to the registrar  
 25 of motor vehicles.

1       (6) Before a ~~registration tax-paid~~ decal may be  
 2 applied for pursuant to the laws of this state, the owner  
 3 must present the ~~owner's~~ certificate of ownership, or copy  
 4 of completed application therefor, as a prerequisite to  
 5 completing the application for the ~~registration tax-paid~~  
 6 decal."

7       Section 3. Section 53-1014, R.C.M. 1947, is amended to  
 8 read as follows:

9       "53-1014. Transfer of ~~title or~~ interest. (1) Upon a  
 10 transfer of any ~~title or interest of an owner or owner is or~~  
 11 certificate of ownership to a snowmobile, registered under  
 12 the provisions of this ~~act as heretofore required~~  
 13 chapter, the person or persons whose title or interest is to  
 14 be transferred shall write their signatures with pen and ink  
 15 upon the certificate of ownership issued for such vehicle,  
 16 in the appropriate space provided upon the reverse side of  
 17 such certificate, and such signature shall be acknowledged  
 18 before a notary public.

19       (2) Within ~~ten~~ 10 days thereafter, the transferee  
 20 shall forward ~~both~~ the certificate of ownership so endorsed  
 21 ~~and the certificate of registration~~, together with the  
 22 information required under this ~~act~~ chapter, to the  
 23 registrar, who shall file the same upon receipt thereof and  
 24 nc certificate of ownership ~~and certificate of registration~~  
 25 shall be issued by the registrar of motor vehicles until the

1       outstanding certificates are surrendered to that office or  
 2 their loss established to his reasonable satisfaction. The  
 3 registrar of motor vehicles shall collect a fee of ~~two~~  
 4 ~~dollars~~ ~~(\$2)~~ \$3 for each application for transfer of  
 5 ownership.

6       (3) The provisions of ~~subdivision~~ subsection (2) of  
 7 this section, requiring a transferee to forward the  
 8 certificate of ownership after endorsement ~~and the~~  
 9 ~~certificate of registration~~ to the registrar, shall not  
 10 apply in the event of the transfer of a snowmobile to a duly  
 11 licensed snowmobile dealer intending to resell such vehicle  
 12 and who operates the same only for demonstration purposes,  
 13 but every such dealer shall upon transferring such interest  
 14 deliver such certificate of ownership ~~and certificate of~~  
 15 ~~registration~~ with an application for ~~registration a new~~  
 16 certificate executed by the new owner in accordance with the  
 17 provisions of this ~~act~~ chapter, and the registrar upon  
 18 receipt of ~~said the~~ certificate of ownership, ~~certificate of~~  
 19 ~~registration~~ and application for ~~registration a new~~  
 20 certificate, together with the conditional sales contract or  
 21 other lien, if any, shall issue a new certificate of  
 22 ownership ~~and certificate of registration~~ together with a  
 23 statement of any conditional sales contract, mortgage, or  
 24 other lien."

25       Section 4. Section 53-1015, R.C.M. 1947, is amended to

1 read as follows:

2 "53-1015. Lost or mutilated certificates. In the event  
3 any certificate of ~~registration or~~ ownership shall be is  
4 lost, mutilated, or ~~become~~ becomes illegible, the persons to  
5 whom the same ~~shall have been~~ were issued shall immediately  
6 make application for and may obtain a duplicate thereof,  
7 upon payment of a fee of ~~one dollar~~ {1}."

8 Section 5. Section 53-1016, R.C.M. 1947, is amended to  
9 read as follows:

10 "53-1016. Exemptions. (1) The provisions of this ~~act~~  
11 chapter, with respect to ~~registration and~~ certification of  
12 ~~title ownership~~, shall do not apply to snowmobiles owned or  
13 used by the United States or another state or any agency or  
14 political subdivision thereof, ~~or~~ any snowmobile registered  
15 in a country other than the United States and to be  
16 temporarily used within this state for a period of not more  
17 than ~~thirty~~ {30} days, or to any snowmobile registered in  
18 another state of the United States, but to be temporarily  
19 used within this state for not more than ~~thirty~~ {30} days.  
20 Snowmobiles owned by the state of Montana, or any agency or  
21 political subdivision thereof, ~~shall be~~ are exempt only from  
22 the payment of fees, ~~but~~ and shall otherwise comply with all  
23 the requirements of this ~~act~~ chapter.

24 (2) No political ~~subdivisions~~ subdivision of this  
25 state ~~shall have authority to~~ may prescribe further

1 licensing or registration of snowmobiles and no political  
2 subdivision ~~shall~~ may levy fees or charges for use or  
3 operation of snowmobiles within the subdivision.

4 {3} The provisions of this chapter with respect to  
5 registration and certification of ownership do not apply to  
6 unregistered snowmobiles owned by nonresidents of the state  
7 of Montana displaying visual proof that a "nonresident  
8 temporary-use permit" has been purchased."

9 Section 6. There is a new R.C.M. section numbered  
10 53-1016.1 that reads as follows:

11 53-1016.1. Nonresident temporary-use permits. (1) The  
12 requirements pertaining to the "nonresident  
13 temporary-snowmobile-use permit" are as follows:

14 (a) Application for the issuance of the permit shall  
15 be made at locations and upon forms prescribed by the  
16 department. The forms shall include but are not limited to:

- 17 (i) applicant's name and permanent address;
- 18 (ii) make, model, year, and serial number of the  
19 snowmobile; and
- 20 (iii) affidavit declaring the nonresidency of the  
21 applicant.

22 (b) Upon submission of the application and a fee of  
23 \$6, a nonresident temporary-snowmobile-use sticker shall be  
24 issued. The sticker shall be displayed in a conspicuous  
25 manner on the snowmobile.

1 (2) The temporary permit is valid for a consecutive  
2 ~~45-day~~ 30-DAY period as designated by the permit.

3 (3) The permit is not proof of ownership and no  
4 certificate of ownership may be issued.

5 (4) All money collected by payment of fees under this  
6 section shall be turned over to the state treasurer and  
7 placed in the earmarked revenue fund to the credit of the  
8 department of fish and game with one-half to be used in  
9 administering this section and one-half to be used in the  
10 development, maintenance, and operation of snowmobile  
11 facilities.

12 (5) The failure to display the permit as required by  
13 this section or the making of false statements in obtaining  
14 the permit is a misdemeanor, punishable by a fine of not  
15 less than \$25 or more than \$100.

16 SECTION 7. SECTION 26-220, R.C.M. 1947, IS AMENDED TO  
17 READ AS FOLLOWS:

18 "26-220. License agents -- appointment. The director  
19 may appoint license agents as needed to sell state hunting  
20 and fishing licenses and any permits or certificates  
21 prescribed by the commission, according to rules adopted by  
22 the commission."

23 SECTION 8. SECTION 26-221, R.C.M. 1947, IS AMENDED TO  
24 READ AS FOLLOWS:

25 "26-221. Bond of license agent -- preferred claim of

1 state for license money. (1) An appointed license agent  
2 shall furnish a corporate surety bond of one thousand  
3 dollars (\$1,000), or in an amount equal to the value of the  
4 licenses, permits, and certificates received for  
5 distribution, the amount to be fixed at the discretion of  
6 the director. The bond shall secure the faithful performance  
7 of the duties imposed on the license agent and the  
8 accounting for and payment to the state of all moneys  
9 received from the sale of hunting and fishing licenses and  
10 any permits or certificates prescribed by the commission.  
11 The license agent shall properly account for all unsold  
12 licenses, permits, and certificates, annually on April 1, or  
13 at any other time at the request of the director.

14 (2) All money received for the sale of licenses,  
15 permits, and certificates at all times belongs to the state.  
16 In case of an assignment for the benefit of creditors,  
17 receivership, or bankruptcy, the state has a preferred claim  
18 against the assets and estate of a license agent for all  
19 moneys owed the state."

20 SECTION 9. SECTION 26-222, R.C.M. 1947, IS AMENDED TO  
21 READ AS FOLLOWS:

22 "26-222. Compensation -- duties. (1) License agents,  
23 except salaried employees of the department, shall receive  
24 for all services rendered the sum of fifteen cents (15¢) for  
25 each license, permit, or certificate issued. On or before

1 the 10th day of each month each license agent shall submit  
 2 to the department all duplicates of each class of licenses  
 3 sold during the preceding month and shall accompany the  
 4 duplicate licenses with all moneys received for the sale of  
 5 the licenses, less a fee of fifteen cents (15¢) for each  
 6 license sold. Each license agent shall keep his license  
 7 account open at all reasonable hours to inspection by the  
 8 commission, the director, the wardens, or the legislative  
 9 auditor.

10 (2) For purposes of this section, the term "license"  
 11 includes any license, permit, and certificate prescribed by  
 12 the commission."

13 SECTION 10, SECTION 26-223, R.C.M., 1947, IS AMENDED TO  
 14 READ AS FOLLOWS:

15 "26-223. Appointments nontransferable -- revocation --  
 16 oaths. Appointments of license agents shall be  
 17 nontransferable, and each appointment shall be valid only at  
 18 the single location of the business as stated on the  
 19 certificate of appointment. Such appointments may be  
 20 summarily revoked at any time by the state fish and game  
 21 director upon discontinuance of the business at the stated  
 22 location or for noncompliance with the provisions of this  
 23 act or other regulations. Duly appointed license agents are  
 24 hereby authorized to administer oaths to applicants for  
 25 hunting and fishing licenses and for other permits and

1 certificates prescribed by the commission."

2 Section 11. Section 53-1017, R.C.M., 1947, is amended  
 3 to read as follows:

4 "53-1017. Report of stolen and recovered snowmobiles.  
 5 ~~It shall be the duty of the~~ The sheriff of every county of  
 6 the state and ~~of~~ the chief of police or commissioner of  
 7 police of every city ~~to shall~~ shall make an immediate report to  
 8 the registrar of motor vehicles of all snowmobiles reported  
 9 to him as stolen or recovered, upon forms provided for by  
 10 the registrar of motor vehicles. Failure on the part of any  
 11 officer ~~shall be deemed to be~~ is misfeasance in office and  
 12 ~~shall constitute~~ constitutes grounds for removal. Upon  
 13 receipt of such information, the registrar of motor vehicles  
 14 shall file the same in an index to be known as the "stolen  
 15 and recovered snowmobile index." ~~It shall also be the duty~~  
 16 ~~of the~~ The registrar of motor vehicles ~~to shall~~ shall file reports  
 17 of stolen and recovered snowmobiles reported to him from  
 18 other states. The registrar of motor vehicles shall prepare  
 19 once a month a list of all snowmobiles stolen or recovered  
 20 during the previous month and forward a copy of the same to  
 21 every sheriff, and all police departments in cities of the  
 22 first, second, and third class. Such list shall also be  
 23 forwarded to the secretary of state, or other proper  
 24 official, in each state of the United States. Before a  
 25 certificate of title, ~~as heretofore provided, shall~~

1 ownership may be issued under this ~~act~~ chapter, the motor  
 2 and serial number on the ~~motor vehicle to be registered~~  
 3 snowmobile for which such certificate is to be issued shall  
 4 be checked against the "stolen and recovered snowmobile  
 5 index."

6 Section 12. Section 53-1018, R.C.M. 1947, is amended  
 7 to read as follows:

8 "53-1018. Operation on public roads and streets. (1)  
 9 ~~No person shall operate a snowmobile upon a~~  
 10 ~~controlled access highway or facility at any time.~~  
 11 Snowmobile operation may be permitted on the roadway or  
 12 shoulder of any ~~other~~ public road or highway, state highway,  
 13 county road, or city street located within the boundaries of  
 14 any municipality, only in the event that ~~said~~ the street,  
 15 road, or highway is drifted or covered by snow to such an  
 16 extent that travel thereon by other motor vehicles is  
 17 impractical or impossible, ~~or when~~; the operator ~~is in~~  
 18 ~~possession of a written permit~~ has received permission or is  
 19 otherwise authorized for such travel, ~~issued~~ by the  
 20 municipality in the case of town or city streets, the board  
 21 of county commissioners for county roads, or the state  
 22 highway patrol for all other highways; ~~or upon those~~  
 23 ~~streets of a municipality where~~ such operation has been  
 24 specifically so authorized on municipal streets by a ~~duly~~  
 25 ~~enacted~~ municipal ordinance.

1 (2) A snowmobile may make a direct crossing of a  
 2 street or highway, ~~where~~ whenever such crossing is necessary  
 3 to get to another authorized area of operation. Such  
 4 crossing shall be made at an angle of approximately ~~ninety~~  
 5 90 degrees ~~(90)~~ to the direction of the highway, at a place  
 6 where no obstruction prevents a quick and safe crossing. The  
 7 snowmobile shall make a complete stop before entering upon  
 8 any part of the highway or road, and the operator shall  
 9 yield the ~~right-of-way~~ right-of-way to all oncoming traffic.

10 (3) No snowmobile ~~shall~~ may be operated upon a public  
 11 street or highway when permitted to do so by this ~~act~~  
 12 chapter, unless equipped with at least one head lamp and one  
 13 tail lamp, which shall be lighted at all times during such  
 14 operation, and unless equipped with a suitable braking  
 15 device which may be operated by either hand or foot.

16 (4) The operator of a snowmobile who operates his  
 17 vehicle upon a public roadway, street, or highway when  
 18 allowed to do so under the provisions of this ~~act~~ chapter  
 19 shall have in his possession a license to drive a motor  
 20 vehicle as required by the laws of the state of Montana. An  
 21 operator who crosses a street, road, or highway, OR WHO  
 22 OPERATES A SNOWMOBILE UPON A STREET, ROAD, OR HIGHWAY THAT  
 23 IS DRIFTED OR COVERED WITH SNOW TO SUCH AN EXTENT THAT  
 24 TRAVEL THEREON BY OTHER MOTOR VEHICLES IS IMPRACTICAL OR  
 25 IMPOSSIBLE, or who operates a snowmobile in any other areas

1 of the state where operation is lawfully permitted, ~~shall is~~  
 2 not be required to apply for or possess a driver's license  
 3 under the laws of the state of Montana."

4 Section 13. Section 53-1019, R.C.M. 1947, is amended  
 5 to read as follows:

6 "53-1019. Unlawful operation on streets and highways.  
 7 It ~~shall be~~ is unlawful for any person to drive or operate  
 8 any snowmobile upon a public street or highway in any one or  
 9 more of the following manners:

10 (1) ~~At~~ at a rate of speed greater than provided by law  
 11 for motor vehicles;

12 (2) ~~While~~ while under the influence of intoxicating  
 13 liquor or narcotics or habit-forming drugs;

14 (3) ~~In~~ in a careless or reckless manner so as to  
 15 endanger the person or property of another, or to cause  
 16 injury or damage to either;

17 (4) ~~Without a lighted head and taillight between the~~  
 18 ~~hours of dusk and dawn.~~

19 (5) ~~Operating~~ operating a snowmobile, or permitting  
 20 such operation, by any person who by reason of age or  
 21 physical or mental disability is incapable of operating the  
 22 snowmobile as required for safety under the prevailing  
 23 circumstances."

24 Section 14. Section 53-1020, R.C.M. 1947, is amended  
 25 to read as follows:

1 "53-1020. Other unlawful operation. (1) No person  
 2 while operating a snowmobile, ~~shall may~~ use the same:

3 (1) (a) ~~For~~ for the purpose of driving, rallying, or  
 4 harassing any of the game animals, game birds, or  
 5 fur-bearing animals of the state, or any livestock,  
 6 ~~provided, however, that as~~ an owner of livestock is not  
 7 prohibited from managing or driving his own livestock by the  
 8 use of snowmobiles and may direct other persons to so manage  
 9 or drive his livestock, ~~provided further that~~ and the  
 10 department of fish and game, including its duly authorized  
 11 employees, is not prohibited from managing or driving game  
 12 animals, game birds, or fur-bearing animals by the use of  
 13 snowmobiles;

14 (2) (b) ~~to~~ to discharge a firearm from or upon a  
 15 snowmobile;

16 (c) upon a railroad right-of-way or railroad track,  
 17 but it is not unlawful for officers or employees of any  
 18 railroad operating over such tracks to operate snowmobiles  
 19 thereon;

20 (d) without a lighted headlight and taillight between  
 21 the hours of dusk and dawn;

22 (3) (2) ~~Regulation of snowmobile noise.~~ (a) Except as  
 23 provided in this section, every snowmobile shall be equipped  
 24 at all times with noise-suppression devices, including an  
 25 exhaust muffler, in good working order and in constant

1 operation. No snowmobile ~~shall~~ may be modified by any person  
2 in any manner that ~~shall~~ will amplify or otherwise increase  
3 total noise emissions to a level greater than that emitted  
4 by the snowmobile as originally constructed, regardless of  
5 date of manufacture.

6 (b) No new snowmobile manufactured prior to June 30,  
7 1975, except snowmobiles designated for competition purposes  
8 only, may be sold or offered for sale unless that machine  
9 has been certified by the manufacturer as being able to  
10 conform to a sound level limitation of not more than  
11 ~~eighty-two~~ (82) dbA measured at ~~fifty~~ (50) feet. Every  
12 person who owns or operates a snowmobile manufactured after  
13 June 30, 1972, but prior to June 30, 1975, shall maintain  
14 his machine in such a manner that it will not exceed a sound  
15 level limitation of ~~eighty-two~~ (82) dbA measured at ~~fifty~~  
16 (50) feet.

17 (c) No new snowmobile manufactured after June 30,  
18 1975, but prior to June 30, 1978, except snowmobiles  
19 designated for competition purposes only, may be sold or  
20 offered for sale unless that machine has been certified by  
21 the manufacturer as being able to conform to a sound level  
22 limitation of not more than ~~seventy-eight~~ (78) dbA measured  
23 at ~~fifty~~ (50) feet. Every person who owns or operates a  
24 snowmobile manufactured after June 30, 1975, but prior to  
25 June 30, 1978, shall maintain his machine in such a manner

1 that it will not exceed a sound level limitation of  
2 ~~seventy-eight~~ (78) dbA measured at ~~fifty~~ (50) feet.

3 (d) No new snowmobile manufactured after June 30,  
4 1978, except snowmobiles designated for competition purposes  
5 only, may be sold or offered for sale unless that machine  
6 has been certified by the manufacturer as being able to  
7 conform to a sound level limitation of not more than  
8 ~~seventy-three~~ (73) dbA measured at ~~fifty~~ (50) feet. Every  
9 person who owns or operates a snowmobile manufactured after  
10 June 30, 1978, shall maintain his machine in such a manner  
11 that it will not exceed a sound level limitation of  
12 ~~seventy-three~~ (73) dbA measured at ~~fifty~~ (50) feet.

13 (e) The fish and game commission ~~shall have the~~  
14 ~~authority to~~ may adopt and revise sound level limitations  
15 for all snowmobiles manufactured after June 30, 1978.  
16 However, a sound level limitation adopted or revised by the  
17 commission ~~shall~~ may not be higher than a decibel standard  
18 of ~~seventy-three~~ (73) dbA measured at ~~fifty~~ (50) feet. The  
19 adoption or revision of sound level limitation by the  
20 commission shall be effective beginning June 30 of the  
21 succeeding calendar year and any sound level limitation  
22 formally adopted or revised shall remain in effect for a  
23 minimum period of ~~two~~ (2) years. Every person who owns or  
24 operates a snowmobile manufactured after June 30, 1978,  
25 shall maintain his machine in compliance with the sound

1 level limitation which is applicable to new snowmobiles  
2 manufactured during the period that a sound level limitation  
3 adopted by the commission is in effect.

4 (f) A manufacturer who certifies that a new snowmobile  
5 can comply with the noise limitation requirements of this  
6 ~~act~~ chapter shall affix a permanent notice of that  
7 certification to every snowmobile offered for sale in the  
8 state of Montana.

9 (g) In certifying that a new snowmobile can comply  
10 with the noise limitation requirements of this ~~act~~ chapter,  
11 a manufacturer shall make such a certification based upon  
12 measurements made in accordance with SAE recommended  
13 practice J192, as amended. The fish and game commission, in  
14 enforcing the provisions of this act, shall make  
15 measurements of snowmobile noise in accordance with  
16 applicable practices outlined in the "procedure for sound  
17 level measurements of snowmobiles" used by the international  
18 snowmobile industry association (January, 1969), as amended,  
19 or with such other standards for measurement of sound level  
20 as the commission may adopt.

21 (h) This section does not apply to organized races or  
22 similar competitive events held on

23 (i) private lands, with the permission of the owner,  
24 lessee, or custodian of the land; or

25 (ii) public lands, with the consent of the public

1 agency having the authority to grant such consent, provided  
2 that total sound produced by such an event shall may not  
3 exceed ~~fifty~~ (50) dBA at any point ~~fifty~~ (50) feet or more  
4 outside the area under the control of the sponsoring entity.

5 ~~(4) Upon a railroad right-of-way or railroad track,~~  
6 ~~provided, however, it shall not be unlawful for officers or~~  
7 ~~employees of any railroad operating over said tracks to~~  
8 ~~operate snowmobiles thereon."~~

9 Section 15. Section 53-1022, R.C.M. 1947, is amended  
10 to read as follows:

11 "53-1022. Enforcement. The following persons may  
12 enforce the provisions of this ~~act~~ chapter:

13 (1) ~~The~~ the enforcement officers employed by the state  
14 department of fish and game, with respect to violations  
15 relating to wildlife or birds, discharging firearms, or  
16 sound level limitations. However, with respect to the sale  
17 of any new snowmobile which is subject to the provisions of  
18 this ~~act~~ chapter, the attorney general of the state of  
19 Montana shall, upon the request of the commission, sue for  
20 the recovery of the penalties provided in ~~section~~ 53-1023,  
21 and bring an action for a restraining order, or temporary or  
22 permanent injunction, against a person who sells or offers  
23 to sell a new snowmobile that does not satisfy the sound  
24 level limitations imposed by this ~~act~~ chapter.

25 (2) ~~The~~ the sheriffs of the respective counties, and

1 the police officers of cities and towns, within their  
2 respective jurisdictions, and the state highway patrol, with  
3 respect to any violation of this ~~act chapter~~ upon the public  
4 streets or highways, or any public right-of-way."

5 Section 16. Section 53-1023, R.C.M. 1947, is amended  
6 to read as follows:

7 "53-1023. Penalties. (1) A person who violates any  
8 provision of this ~~act chapter~~ or a rule ~~and regulation~~  
9 adopted pursuant thereto shall pay a civil penalty of not  
10 less than ~~fifteen dollars--(\$15)--or~~ or more than ~~five~~  
11 ~~hundred dollars--(\$500)~~ for each separate violation.

12 (2) A person who willfully violates any provision of  
13 this ~~act chapter~~ or a rule ~~or regulation~~ adopted pursuant  
14 thereto shall pay a civil penalty of not less than ~~fifty~~  
15 ~~dollars--(\$50)--or~~ or more than ~~one thousand dollars--(\$1,000)~~  
16 for each separate violation.

17 (3) A manufacturer who certifies that a new snowmobile  
18 can meet the sound level limitations imposed by this ~~act~~  
19 ~~chapter~~ shall be subject to the penalty provisions of  
20 subsections (1) and (2) if any machine so certified does not  
21 meet the appropriate sound level limitation.

22 (4) For the purposes of this section, every sale of a  
23 new snowmobile that does not meet the sound level  
24 limitations imposed by this ~~act--shall--constitute~~ chapter  
25 constitutes a separate violation."

1 Section 17. Section 53-1025, R.C.M. 1947, is amended  
2 to read as follows:

3 "53-1025. Display of tax-paid decals on snowmobiles  
4 required -- application and issuance. ~~(a) (1)~~ No snowmobile  
5 ~~shall~~ may be operated by any person in the state of Montana  
6 unless there is displayed in a conspicuous place thereon a  
7 decal as visual proof that Montana personal property taxes  
8 have been paid thereon for the current year. Application for  
9 the issuance of such tax-paid decal shall be made to the  
10 county treasurer upon forms to be furnished for this  
11 purpose, which may be obtained from the registrar of motor  
12 vehicles or at the county assessor's office in the county  
13 wherein the owner resides, and ~~is to~~ which shall provide for  
14 substantially the following information: name of owner,  
15 address, ~~registration certificate of ownership~~ number, name  
16 of manufacturer, model number, make, horsepower, year of  
17 manufacture, statement evidencing assessment, payment of  
18 property tax, and such other information as the registrar of  
19 motor vehicles may require. ~~Said~~ The application shall be  
20 signed by the county treasurer and transmitted by him to the  
21 registrar of motor vehicles accompanied by a fee of ~~two~~  
22 ~~dollars--(\$2)~~. All moneys collected from payment of such fees  
23 and all interest accruing from use of these moneys shall be  
24 turned over to the state treasurer and placed by him in the  
25 earmarked revenue fund to the credit of the state fish and

game commission, with ~~one-dollar~~ ~~(\$1)~~ designated for use in enforcing the purposes of this ~~act~~ chapter and ~~one-dollar~~ ~~(\$1)~~ designated for use in developing the development, maintenance, and operation of snowmobile facilities. Upon receipt of the application in approved form the registrar of motor vehicles or county treasurer shall issue to the applicant a decal in the style and design prescribed by the registrar of motor vehicles and of a different color than the preceding year, numbered ~~numerically~~ consecutively.

~~(b)~~ (2) Before filing the application with the county treasurer, the applicant shall submit the same to the county assessor of the county and the county assessor shall enter on the application in a place provided for that purpose, the full and true and assessed valuation of the snowmobile for the year for which the application is made.

~~(c)~~ (3) The applicant shall pay the county treasurer the application fee and shall also pay the personal property taxes assessed against the snowmobile for the current year before the application ~~for registration or reregistration~~ may be accepted by the county treasurer."

Section 19. Section 53-1025.1, R.C.M. 1947, is amended to read as follows:

"53-1025.1. Duplicate ~~registration receipt or~~ decal. In the event any ~~registration receipt or~~ tax-paid decal ~~shall be~~ is lost, mutilated, or ~~become~~ becomes illegible,

the persons to whom the same ~~shall have been~~ were issued shall immediately make application for and may obtain a duplicate thereof, upon payment of a fee of ~~one-dollar~~ ~~(\$1)~~ to the county treasurer."

Section 19. Section 53-1027, R.C.M. 1947, is amended to read as follows:

"53-1027. Failure to display decal a misdemeanor -- penalty. ~~(1)~~ The failure to display a current tax-paid decal during the time provided in this ~~act~~ ~~shall constitute~~ chapter is a misdemeanor, punishable by a fine of not less than ~~ten dollars~~ ~~(\$10)~~ or \$25 \$10 or more than ~~fifty dollars~~ ~~(\$50)~~ \$100 \$50.

(2) All fines and forfeitures collected under Title 53, chapter 10 relating to snowmobiles shall be transmitted to the state treasurer who shall deposit such fines and forfeitures in the earmarked revenue fund to the credit of the department of fish and game to be used only for snowmobile safety and education."

Section 20. Section 53-1028, R.C.M. 1947, is amended to read as follows:

"53-1028. Officers authorized to enforce ~~act~~ chapter. The fish and game commission, enforcement personnel, the sheriffs and their deputies of the various counties of the state, the Montana highway patrol, and the police of each municipality shall enforce the provisions of this ~~act~~

1 chapter."

2 Section 21. Section 53-1029, R.C.M. 1947, is amended  
3 to read as follows:

4 "53-1029. Issuance of dealer registration certificate.

5 (1) A dealer registration certificate shall be issued in  
6 accordance with this ~~act~~ chapter.

7 (2) Upon receipt of dealer application and payment of  
8 fees which will be ~~five dollars (\$5)~~, the dealer shall be  
9 issued two ~~(2)~~ dealer snowmobile identification cards which  
10 ~~will shall~~ be carried by dealer or dealer's customer when  
11 operating or demonstrating dealer's snowmobiles.

12 (3) No bond ~~will be~~ is required of the dealer.

13 (4) Additional dealer snowmobile identification cards  
14 may be purchased by the dealer for a fee of ~~two dollars~~  
15 ~~(\$2)~~.

16 (5) A dealer registration certificate and  
17 identification cards expire on June 30 following the date of  
18 issuance.

19 (6) All money collected from such fees and all  
20 interest accruing from use of this money shall be deposited  
21 in the earmarked revenue fund to the credit of the  
22 department of fish and game, with one-half designated for  
23 use in enforcing the purposes of this chapter and one-half  
24 designated for use in the development, maintenance, and  
25 operation of snowmobile facilities."

1 Section 22. Repealer. Section 53-1024, R.C.M. 1947, is  
2 repealed.

-End-

Approved by Comm.  
on Fish and Game

SENATE BILL NO. 177

INTRODUCED BY DUNKLE, GOODOVER, STORY, DOVER, DEVINE

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION OF LAWS RELATING TO SNOWMOBILES; AMENDING SECTIONS 26-221, 26-222, 26-223 AND TITLE 53, CHAPTER 10, R.C.M. 1947; AND ADDING AUTHORIZATION FOR NONRESIDENT TEMPORARY-USE PERMITS; AND REPEALING SECTION 53-1024, R.C.M. 1947."

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

Section 1. Section 53-1012, R.C.M. 1947, is amended to read as follows:

"53-1012. Definition of terms. As used in this ~~act~~ chapter, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning be is intended:

(b)(1) "Person" includes an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(b)(2) "Snowmobile" includes any self-propelled vehicle ~~of an overall width of 48 inches or less excluding accessories~~ designed primarily for travel on snow or ice ~~or natural--terrain~~, which may be steered by ~~wheels~~ skis or

runners, and which is not otherwise registered or licensed under the laws of the state of Montana.

(c)(3) "Owner" ~~shall include~~ includes every person as defined herein, other than a lien holder or other person having a security interest only, holding ~~record title~~ a certificate of ownership to a snowmobile, and entitled to the use or possession thereof.

(c)(4) "Operator" ~~shall include~~ includes every person who operates or is in actual physical control of the operation of a snowmobile.

(c)(5) "Roadway" ~~shall include~~ includes only those portions of any highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

(f)(6) "Commission" means the fish and game commission of the state of Montana.

(g)(7) "dba" means sound pressure level measured on the "A" weight scale in decibels.

(h)(8) "New snowmobile" means any snowmobile that has not been previously sold to an "owner" as defined in subsection (c)(3)."

Section 2. Section 53-1013, R.C.M. 1947, is amended to read as follows:

"53-1013. Certificate of ownership. (1) No snowmobile ~~shall~~ may be operated upon any public ~~or private~~ lands, trails, easements, lakes, rivers, streams, roadways or

*The changes in S.B. 177 are on page 4 refer to yellow printing.*

1 shoulders of roadways, streets or highways, unless it a  
 2 certificate of ownership has first been registered--with  
 3 obtained from the registrar of motor vehicles in accordance  
 4 with the laws of this state.

5 (2) Before such registration certificate may be  
 6 accomplished obtained, the owner of a snowmobile shall make  
 7 application for a certificate of ownership with the county  
 8 treasurer of the county in which the owner resides, upon  
 9 forms to be furnished for this purpose, ~~and to provide for~~  
 10 substantially which shall require the following information:  
 11 Name name of owner, residence by town and county, business  
 12 or home mail address, name and address of lien holder,  
 13 amount due under contract or lien, name and address of  
 14 manufacturer, model number or name, serial number, and name  
 15 and address of dealer or other person from whom acquired.  
 16 The application shall be signed by at least one owner, or by  
 17 a properly authorized officer or representative of the  
 18 owner.

19 (3) If a certificate of ownership for a snowmobile has  
 20 previously been registered, issued under the provisions of  
 21 this act chapter, the application for registration a new  
 22 certificate must be accompanied by the immediately previous  
 23 registration-receipt, certificate or by an affidavit upon a  
 24 prescribed form, stating under oath that the vehicle had not  
 25 been operated during the immediately previous year.

1 ~~provided, however, that this paragraph shall not be~~  
 2 ~~applicable~~ This subsection does not apply to snowmobiles  
 3 that are purchased as new and unused machines or that were  
 4 operated when the provisions of this ~~act~~ chapter were not in  
 5 force and effect.

6 (4) Upon completion of the application of  
 7 ~~registration~~, in quintuplicate, on forms furnished by the  
 8 registrar of motor vehicles, the county treasurer shall  
 9 issue to the applicant two copies of the application, marked  
 10 "owner's certificate of registration", one of which shall be  
 11 marked "file copy", and forward one copy and the original  
 12 application to the registrar of motor vehicles, who shall  
 13 cause to be entered the information contained in the  
 14 application upon the corresponding records of his office,  
 15 and shall furnish the applicant a certificate of ownership,  
 16 which shall contain the information found on the  
 17 ~~registration application, and the~~ The owner shall, at all  
 18 times, retain possession of the certificate of ownership,  
 19 except when the same is being transmitted to and from the  
 20 registrar of motor vehicles for endorsement or cancellation.  
 21 THE CERTIFICATE OF OWNERSHIP IS NOT REQUIRED TO BE RENEWED  
 22 ANNUALLY, AND IS VALID AS LONG AS THE PERSON HOLDING IT OWNS  
 23 THE SNOWMOBILE.

24 (5) Upon application for ~~an owner's~~ a certificate of  
 25 registration ownership, a fee of ~~two dollars~~ (\$2) \$3 shall

## SENATE BILL NO. 177

INTRODUCED BY DUNKLE, GOODOVER, STORY, DOVER, DEVINE

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION OF LAWS RELATING TO SNOWMOBILES; AMENDING SECTIONS 26-220, 26-221, 26-222, 26-223 AND TITLE 53, CHAPTER 10, R.C.M. 1947; AND ADDING AUTHORIZATION FOR NONRESIDENT TEMPORARY-USE PERMITS; AND REPEALING SECTION 53-1024, R.C.M. 1947."

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

Section 1. Section 53-1012, R.C.M. 1947, is amended to read as follows:

"53-1012. Definition of terms. As used in this ~~act~~ ~~chapter~~, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning ~~be~~ ~~is~~ intended:

~~(a)(1)~~ "Person" includes an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

~~(b)(2)~~ "Snowmobile" includes any self-propelled vehicle of an overall width of 48 inches or less excluding accessories designed primarily for travel on snow or ice or ~~natural-terrain~~, which may be steered by ~~wheels~~, skis, or

runners, and which is not otherwise registered or licensed under the laws of the state of Montana.

~~(c)(3)~~ "Owner" ~~shall include~~ includes every person as defined herein, other than a lien holder or other person having a security interest only, holding ~~record title a~~ certificate of ownership to a snowmobile, and entitled to the use or possession thereof.

~~(d)(4)~~ "Operator" ~~shall include~~ includes every person who operates or is in actual physical control of the operation of a snowmobile.

~~(e)(5)~~ "Roadway" ~~shall include~~ includes only those portions of any highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

~~(f)(6)~~ "Commission" means the fish and game commission of the state of Montana.

~~(g)(7)~~ "dba" means sound pressure level measured on the "A" weight scale in decibels.

~~(h)(8)~~ "New snowmobile" means any snowmobile that has not been previously sold to an "owner" as defined in subsection ~~(c)(3)~~.

Section 2. Section 53-1013, R.C.M. 1947, is amended to read as follows:

"53-1013. Certificate of ownership. (1) No snowmobile ~~shall~~ may be operated upon any public ~~or-private~~ lands, trails, easements, lakes, rivers, streams, roadways or

1 shoulders of roadways, streets or highways, unless it a  
 2 certificate of ownership has first been registered ~~with~~  
 3 obtained from the registrar of motor vehicles in accordance  
 4 with the laws of this state.

5 (2) Before such registration certificate may be  
 6 ~~accomplished~~ obtained, the owner of a snowmobile shall make  
 7 application for a certificate of ownership with the county  
 8 treasurer of the county in which the owner resides, upon  
 9 forms to be furnished for this purpose, ~~and to provide for~~  
 10 substantially which shall require the following information:  
 11 ~~Name~~ name of owner, residence by town and county, business  
 12 or home mail address, ~~name~~ and address of lien holder,  
 13 amount due under contract or lien, ~~name~~ and address of  
 14 ~~manufacturer~~, ~~model number~~ or name, serial number, and ~~name~~  
 15 and address of dealer or other person from whom acquired.  
 16 The application shall be signed by at least one owner or by  
 17 a properly authorized officer or representative of the  
 18 owner.

19 (3) If a certificate of ownership for a snowmobile has  
 20 previously been ~~registered~~ issued under the provisions of  
 21 this ~~act~~ chapter, the application for registration a new  
 22 certificate must be accompanied by the immediately previous  
 23 ~~registration receipt~~ certificate or by an affidavit upon a  
 24 prescribed form stating under oath that the vehicle had not  
 25 been operated during the immediately previous year.

1 ~~provided, however, that this paragraph shall not be~~  
 2 ~~applicable~~ This subsection does not apply to snowmobiles  
 3 that are purchased as new and unused machines or that were  
 4 operated when the provisions of this ~~act~~ chapter were not in  
 5 force and effect.

6 (4) Upon completion of the application of  
 7 ~~registration~~ in quintuplicate, on forms furnished by the  
 8 registrar of motor vehicles, the county treasurer shall  
 9 issue to the applicant two copies of the application, marked  
 10 "owner's certificate of registration" one of which shall be  
 11 marked "file copy" and forward one copy and the original  
 12 application to the registrar of motor vehicles, who shall  
 13 cause to be entered the information contained in the  
 14 application upon the corresponding records of his office,  
 15 and shall furnish the applicant a certificate of ownership  
 16 which shall contain the information found on the  
 17 ~~registration application~~ and the ~~the~~ owner shall at all  
 18 times retain possession of the certificate of ownership,  
 19 except when the same is being transmitted to and from the  
 20 registrar of motor vehicles for endorsement or cancellation.  
 21 THE CERTIFICATE OF OWNERSHIP IS NOT REQUIRED TO BE RENEWED  
 22 ANNUALLY, AND IS VALID AS LONG AS THE PERSON HOLDING IT OWNS  
 23 THE SNOWMOBILE.

24 (5) Upon application for ~~an owner's~~ a certificate of  
 25 registration ownership, a fee of ~~two dollars~~ (\$2) shall

1 be paid to the county treasurer, one-half ~~(1/2)~~ of which fee  
2 shall be forwarded by the county treasurer to the registrar  
3 of motor vehicles.

4 (6) Before a registration ~~tax-paid~~ decal may be  
5 applied for pursuant to the laws of this state, the owner  
6 must present the owner's certificate of ownership, or copy  
7 of completed application therefor, as a prerequisite to  
8 completing the application for the registration ~~tax-paid~~  
9 decal."

10 Section 3. Section 53-1014, R.C.M. 1947, is amended to  
11 read as follows:

12 \*53-1014. Transfer of ~~title or interest.~~ (1) Upon a  
13 transfer of any ~~title or interest of an owner or owner in or~~  
14 certificate of ownership to a snowmobile registered under  
15 the provisions of this ~~act as hereinbefore required~~  
16 chapter, the person or persons whose title or interest is to  
17 be transferred shall write their signatures with pen and ink  
18 upon the certificate of ownership issued for such vehicle,  
19 in the appropriate space provided upon the reverse side of  
20 such certificate, and such signature shall be acknowledged  
21 before a notary public.

22 (2) Within ~~ten (10)~~ days thereafter, the transferee  
23 shall forward ~~both~~ the certificate of ownership so endorsed  
24 ~~and the certificate of registration,~~ together with the  
25 information required under this ~~act~~ chapter, to the

1 registrar, who shall file the same upon receipt thereof and  
2 no certificate of ownership ~~and certificate of registration~~  
3 shall be issued by the registrar of motor vehicles until the  
4 outstanding certificates are surrendered to that office or  
5 their loss established to his reasonable satisfaction. The  
6 registrar of motor vehicles shall collect a fee of ~~two~~  
7 ~~dollars--(\$2)~~ \$1 for each application for transfer of  
8 ownership.

9 (3) The provisions of ~~subdivision subsection~~ (2) of  
10 this section, requiring a transferee to forward the  
11 certificate of ownership after endorsement ~~and the~~  
12 ~~certificate of registration~~ to the registrar, shall not  
13 apply in the event of the transfer of a snowmobile to a duly  
14 licensed snowmobile dealer intending to resell such vehicle  
15 and who operates the same only for demonstration purposes,  
16 but every such dealer shall upon transferring such interest  
17 deliver such certificate of ownership ~~and certificate of~~  
18 ~~registration~~ with an application for registration a new  
19 certificate executed by the new owner in accordance with the  
20 provisions of this ~~act~~ chapter, and the registrar upon  
21 receipt of ~~said the~~ certificate of ownership ~~certificate of~~  
22 ~~registration~~ and application for registration a new  
23 certificate, together with the conditional sales contract or  
24 other lien, if any, shall issue a new certificate of  
25 ownership ~~and certificate of registration~~ together with a

1 statement of any conditional sales contract, mortgage, or  
2 other lien."

3 Section 4. Section 53-1015, R.C.M. 1947, is amended to  
4 read as follows:

5 "53-1015. Lost or mutilated certificates. In the event  
6 any certificate of registration or ownership ~~shall be~~ is  
7 lost, mutilated, or become ~~becomes~~ illegible, the persons to  
8 whom the same ~~shall have been~~ were issued shall immediately  
9 make application for and may obtain a duplicate thereof,  
10 upon payment of a fee of ~~one dollar (\$1).~~"

11 Section 5. Section 53-1016, R.C.M. 1947, is amended to  
12 read as follows:

13 "53-1016. Exemptions. (1) The provisions of this act  
14 ~~chapter,~~ with respect to registration and certification of  
15 ~~title ownership, shall do~~ not apply to snowmobiles owned or  
16 used by the United States or another state or any agency or  
17 political subdivision thereof, or any snowmobile registered  
18 in a country other than the United States and to be  
19 temporarily used within this state for a period of not more  
20 than ~~thirty (30) days,~~ or ~~to~~ any snowmobile registered in  
21 another state of the United States, but to be temporarily  
22 used within this state for not more than ~~thirty (30) days.~~  
23 Snowmobiles owned by the state of Montana, or any agency or  
24 political subdivision thereof, ~~shall be~~ are exempt only from  
25 the payment of fees, ~~but and~~ shall otherwise comply with all

1 the requirements of this act ~~chapter.~~

2 (2) No political ~~subdivisions~~ subdivision of this  
3 state ~~shall have authority to~~ may prescribe further  
4 licensing or registration of snowmobiles and no political  
5 subdivision ~~shall may~~ may levy fees or charges for use or  
6 operation of snowmobiles within the subdivision.

7 ~~(3) The provisions of this chapter with respect to~~  
8 ~~registration and certification of ownership do not apply to~~  
9 ~~unregistered snowmobiles owned by nonresidents of the state~~  
10 ~~of Montana displaying visual proof that a "nonresident~~  
11 ~~temporary-use permit" has been purchased."~~

12 Section 6. There is a new R.C.M. section numbered  
13 53-1016.1 that reads as follows:

14 53-1016.1. Nonresident temporary-use permits. (1) The  
15 requirements pertaining to the "nonresident  
16 temporary-snowmobile-use permit" are as follows:

17 (a) Application for the issuance of the permit shall  
18 be made at locations and upon forms prescribed by the  
19 department. The forms shall include but are not limited to:

- 20 (i) applicant's name and permanent address;  
21 (ii) make, model, year, and serial number of the  
22 snowmobile; and  
23 (iii) affidavit declaring the nonresidency of the  
24 applicant.

25 (b) Upon submission of the application and a fee of

1 \$6, a nonresident temporary-snowmobile-use sticker shall be  
2 issued. The sticker shall be displayed in a conspicuous  
3 manner on the snowmobile.

4 (2) The temporary permit is valid for a consecutive  
5 ~~15-day~~ 30-DAY period as designated by the permit.

6 (3) The permit is not proof of ownership and no  
7 certificate of ownership may be issued.

8 (4) All money collected by payment of fees under this  
9 section shall be turned over to the state treasurer and  
10 placed in the earmarked revenue fund to the credit of the  
11 department of fish and game with one-half to be used in  
12 administering this section and one-half to be used in the  
13 development, maintenance, and operation of snowmobile  
14 facilities.

15 (5) The failure to display the permit as required by  
16 this section or the making of false statements in obtaining  
17 the permit is a misdemeanor, punishable by a fine of not  
18 less than \$25 or more than \$100.

19 SECTION 7. SECTION 26-220, R.C.M., 1947, IS AMENDED TO  
20 READ AS FOLLOWS:

21 "26-220. License agents -- appointment. The director  
22 may appoint license agents as needed to sell state hunting  
23 and fishing licenses and any permits or certificates  
24 prescribed by the commission, according to rules adopted by  
25 the commission."

1 SECTION 8. SECTION 26-221, R.C.M., 1947, IS AMENDED TO  
2 READ AS FOLLOWS:

3 "26-221. Bond of license agent -- preferred claim of  
4 state for license money. (1) An appointed license agent  
5 shall furnish a corporate surety bond of one thousand  
6 dollars (\$1,000), or in an amount equal to the value of the  
7 licenses, permits, and certificates received for  
8 distribution, the amount to be fixed at the discretion of  
9 the director. The bond shall secure the faithful performance  
10 of the duties imposed on the license agent and the  
11 accounting for and payment to the state of all moneys  
12 received from the sale of hunting and fishing licenses and  
13 any permits or certificates prescribed by the commission.  
14 The license agent shall properly account for all unsold  
15 licenses, permits, and certificates, annually on April 1, or  
16 at any other time at the request of the director.

17 (2) All money received for the sale of licenses,  
18 permits, and certificates at all times belongs to the state.  
19 In case of an assignment for the benefit of creditors,  
20 receivership, or bankruptcy, the state has a preferred claim  
21 against the assets and estate of a license agent for all  
22 moneys owed the state."

23 SECTION 9. SECTION 26-222, R.C.M., 1947, IS AMENDED TO  
24 READ AS FOLLOWS:

25 "26-222. Compensation -- duties. (1) License agents,

1 except salaried employees of the department, shall receive  
 2 for all services rendered the sum of fifteen cents (15¢) for  
 3 each license, permit, or certificate issued. On or before  
 4 the 10th day of each month each license agent shall submit  
 5 to the department all duplicates of each class of licenses  
 6 sold during the preceding month and shall accompany the  
 7 duplicate licenses with all moneys received for the sale of  
 8 the licenses, less a fee of fifteen cents (15¢) for each  
 9 license sold. Each license agent shall keep his license  
 10 account open at all reasonable hours to inspection by the  
 11 commission, the director, the wardens, or the legislative  
 12 auditor.

13 (2) For purposes of this section, the term "license"  
 14 includes any license, permit, and certificate prescribed by  
 15 the commission."

16 SECTION 10. SECTION 26-223, R.C.M. 1947, IS AMENDED TO  
 17 READ AS FOLLOWS:

18 "26-223. Appointments nontransferable -- revocation --  
 19 oaths. Appointments of license agents shall be  
 20 nontransferable, and each appointment shall be valid only at  
 21 the single location of the business as stated on the  
 22 certificate of appointment. Such appointments may be  
 23 summarily revoked at any time by the state fish and game  
 24 director upon discontinuance of the business at the stated  
 25 location or for noncompliance with the provisions of this

1 act or other regulations. Duly appointed license agents are  
 2 hereby authorized to administer oaths to applicants for  
 3 hunting and fishing licenses and for other permits and  
 4 certificates prescribed by the commission."

5 Section 11. Section 53-1017, R.C.M. 1947, is amended  
 6 to read as follows:

7 "53-1017. Report of stolen and recovered snowmobiles.  
 8 ~~It shall be the duty of the~~ The sheriff of every county of  
 9 the state and of the chief of police or commissioner of  
 10 police of every city to shall make an immediate report to  
 11 the registrar of motor vehicles of all snowmobiles reported  
 12 to him as stolen or recovered, upon forms provided for by  
 13 the registrar of motor vehicles. ~~Failure on the part of any~~  
 14 ~~officer shall be deemed to be~~ is ~~misfeasance in office and~~  
 15 ~~shall constitute~~ constitutes grounds for removal. Upon  
 16 receipt of such information, the registrar of motor vehicles  
 17 shall file the same in an index to be known as the "stolen  
 18 and recovered snowmobile index." ~~It shall also be the duty~~  
 19 ~~of the~~ The registrar of motor vehicles to shall file reports  
 20 of stolen and recovered snowmobiles reported to him from  
 21 other states. The registrar of motor vehicles shall prepare  
 22 once a month a list of all snowmobiles stolen or recovered  
 23 during the previous month and forward a copy of the same to  
 24 every sheriff and all police departments in cities of the  
 25 first, second, and third class. Such list shall also be

1 forwarded to the secretary of state or other proper  
 2 official in each state of the United States. Before a  
 3 certificate of title ~~as heretofore provided~~ shall  
 4 ownership may be issued under this act chapter, the motor  
 5 and serial number on the ~~motor vehicle to be registered~~  
 6 snowmobile for which such certificate is to be issued shall  
 7 be checked against the "stolen and recovered snowmobile  
 8 index."

9 Section 12. Section 53-1018, R.C.M. 1947, is amended  
 10 to read as follows:

11 "53-1018. Operation on public roads and streets, AND  
 12 RAILROAD RIGHT-OF-WAY. (1) ~~No person shall operate a~~  
 13 ~~snowmobile upon a controlled access highway or facility at~~  
 14 ~~any time.~~ Snowmobile operation may be permitted on the  
 15 roadway or shoulder of any other public road or highway,  
 16 state highway, county road, or city street, RAILROAD  
 17 RIGHT-OF-WAY OR RAILROAD TRACKS located within the  
 18 boundaries of any municipality, only in the event that ~~said~~  
 19 ~~the~~ street, road, or highway, RAILROAD RIGHT-OF-WAY OR  
 20 RAILROAD TRACKS is drifted or covered by snow to such an  
 21 extent that travel thereon by other motor vehicles is  
 22 impractical or impossible, ~~or when~~ the operator ~~is in~~  
 23 ~~possession of a written permit~~ has received permission or is  
 24 otherwise authorized for such travel, ~~issued by the~~  
 25 municipality in the case of town or city streets, the board

1 of county commissioners for county roads, or the state  
 2 highway patrol for all other highways, OR AN OFFICIAL  
 3 REPRESENTATIVE OF THE RAILROAD, IN THE CASE OF RAILROAD  
 4 RIGHT-OF-WAY OR RAILROAD TRACKS; or upon ~~those streets of a~~  
 5 ~~municipality where~~ such operation has been specifically so  
 6 authorized on municipal streets by a ~~duly-enacted~~ municipal  
 7 ordinance.

8 (2) A snowmobile may make a direct crossing of a  
 9 street or highway, RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS  
 10 where ~~whenever~~ such crossing is necessary to get to another  
 11 authorized area of operation. Such crossing shall be made at  
 12 an angle of approximately ~~ninety~~ 20 degrees ~~{90}~~ to the  
 13 direction of the ~~highway~~ TRAFFIC, at a place where no  
 14 obstruction prevents a quick and safe crossing. The  
 15 snowmobile shall make a complete stop before entering upon  
 16 any part of the ~~highway or road~~ TRAFFIC WAY, and the  
 17 operator shall yield the ~~right-of-way~~ right-of-way to all  
 18 oncoming traffic.

19 (3) No snowmobile shall ~~may~~ be operated upon a public  
 20 street or highway, RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS  
 21 when permitted to do so by this act chapter, unless equipped  
 22 with at least one head lamp and one tail lamp, which shall  
 23 be lighted at all times during such operation, and unless  
 24 equipped with a suitable braking device which may be  
 25 operated by either hand or foot.

1 (4) The operator of a snowmobile who operates his  
 2 vehicle upon a public roadway, street, or highway ~~RAILROAD~~  
 3 ~~RIGHT-OF-WAY OR RAILROAD TRACKS,~~ when allowed to do so under  
 4 the provisions of this ~~act~~ chapter shall have in his  
 5 possession a license to drive a motor vehicle as required by  
 6 the laws of the state of Montana. An operator who crosses a  
 7 street, road, or highway, ~~RAILROAD RIGHT-OF-WAY OR RAILROAD~~  
 8 ~~TRACKS, OR WHO OPERATES A SNOWMOBILE UPON A STREET, ROAD, OR~~  
 9 ~~HIGHWAY, RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS THAT IS~~  
 10 ~~DRIFTED OR COVERED WITH SNOW TO SUCH AN EXTENT THAT TRAVEL~~  
 11 ~~THEREON BY OTHER MOTOR VEHICLES IS IMPRACTICAL OR~~  
 12 ~~IMPOSSIBLE,~~ or who operates a snowmobile in any other areas  
 13 of the state where operation is lawfully permitted, ~~shall is~~  
 14 not be required to apply for or possess a driver's license  
 15 under the laws of the state of Montana."

16 Section 13. Section 53-1019, R.C.M. 1947, is amended  
 17 to read as follows:

18 "53-1019. Unlawful operation on streets and highways.  
 19 It ~~shall be is~~ unlawful for any person to drive or operate  
 20 any snowmobile upon a public street or highway in any one or  
 21 more of the following manners:

22 (1) ~~At at~~ a rate of speed greater than provided by law  
 23 for motor vehicles;:

24 (2) ~~While~~ while under the influence of intoxicating  
 25 liquor or narcotics or habit-forming drugs;:

1 (3) ~~in in~~ a careless or reckless manner so as to  
 2 endanger the person or property of another, or to cause  
 3 injury or damage to either;:

4 (4) ~~Without a lighted head and taillight between the~~  
 5 ~~hours of dusk and dawn;~~

6 (5) ~~Operating~~ operating a snowmobile, or permitting  
 7 such operation, by any person who by reason of age or  
 8 physical or mental disability is incapable of operating the  
 9 snowmobile as required for safety under the prevailing  
 10 circumstances."

11 Section 14. Section 53-1020, R.C.M. 1947, is amended  
 12 to read as follows:

13 "53-1020. Other unlawful operation. (1) No person  
 14 while operating a snowmobile, ~~shall may~~ use the same:

15 (a) ~~for~~ for the purpose of driving, rallying, or  
 16 harassing any of the game animals, game birds, or  
 17 fur-bearing animals of the state, or any livestock,  
 18 ~~provided, however, that an~~ (AD owner of livestock is not  
 19 prohibited from managing or driving his own livestock by the  
 20 use of snowmobiles and may direct other persons to so manage  
 21 or drive his livestock, ~~provided further that~~ and the  
 22 department of fish and game, including its duly authorized  
 23 employees, is not prohibited from managing or driving game  
 24 animals, game birds, or fur-bearing animals by the use of  
 25 snowmobiles;:

1 ~~(2)(b) To~~ discharge a firearm from or upon a  
2 snowmobile;

3 ~~(c) upon a railroad right-of-way or railroad track~~  
4 ~~EXCEPT AS PROVIDED FOR IN SECTION 53-1018, but it is not~~  
5 ~~unlawful for officers or employees of any railroad operating~~  
6 ~~over such tracks to operate snowmobiles thereon;~~

7 ~~(d) without a lighted headlight and taillight between~~  
8 ~~the hours of dusk and dawn;~~

9 ~~(3)(2) Regulation of snowmobile noise.~~ (a) Except as  
10 provided in this section, every snowmobile shall be equipped  
11 at all times with noise-suppression devices, including an  
12 exhaust muffler, in good working order and in constant  
13 operation. No snowmobile ~~shall~~ may be modified by any person  
14 in any manner that ~~shall~~ will amplify or otherwise increase  
15 total noise emissions to a level greater than that emitted  
16 by the snowmobile as originally constructed, regardless of  
17 date of manufacture.

18 (b) No new snowmobile manufactured prior to June 30,  
19 1975, except snowmobiles designated for competition purposes  
20 only, may be sold or offered for sale unless that machine  
21 has been certified by the manufacturer as being able to  
22 conform to a sound level limitation of not more than  
23 ~~eighty-two~~{82} dbA measured at ~~fifty~~{50} feet. Every  
24 person who owns or operates a snowmobile manufactured after  
25 June 30, 1972, but prior to June 30, 1975, shall maintain

1 his machine in such a manner that it will not exceed a sound  
2 level limitation of ~~eighty-two~~{82} dbA measured at ~~fifty~~  
3 {50} feet.

4 (c) No new snowmobile manufactured after June 30,  
5 1975, but prior to June 30, 1978, except snowmobiles  
6 designated for competition purposes only, may be sold or  
7 offered for sale unless that machine has been certified by  
8 the manufacturer as being able to conform to a sound level  
9 limitation of not more than ~~seventy-eight~~{78} dbA measured  
10 at ~~fifty~~{50} feet. Every person who owns or operates a  
11 snowmobile manufactured after June 30, 1975, but prior to  
12 June 30, 1978, shall maintain his machine in such a manner  
13 that it will not exceed a sound level limitation of  
14 ~~seventy-eight~~{78} dbA measured at ~~fifty~~{50} feet.

15 (d) No new snowmobile manufactured after June 30,  
16 1978, except snowmobiles designated for competition purposes  
17 only, may be sold or offered for sale unless that machine  
18 has been certified by the manufacturer as being able to  
19 conform to a sound level limitation of not more than  
20 ~~seventy-three~~{73} dbA measured at ~~fifty~~{50} feet. Every  
21 person who owns or operates a snowmobile manufactured after  
22 June 30, 1978, shall maintain his machine in such a manner  
23 that it will not exceed a sound level limitation of  
24 ~~seventy-three~~{73} dbA measured at ~~fifty~~{50} feet.

25 (e) The fish and game commission ~~shall have the~~

1 ~~authority to~~ may adopt and revise sound level limitations  
 2 for all snowmobiles manufactured after June 30, 1978.  
 3 However, a sound level limitation adopted or revised by the  
 4 commission ~~shall~~ may not be higher than a decibel standard  
 5 of ~~seventy-three--{73}~~ dbA measured at ~~fifty--{50}~~ feet. The  
 6 adoption or revision of sound level limitation by the  
 7 commission shall be effective beginning June 30 of the  
 8 succeeding calendar year and any sound level limitation  
 9 formally adopted or revised shall remain in effect for a  
 10 minimum period of ~~two--{2}~~ years. Every person who owns or  
 11 operates a snowmobile manufactured after June 30, 1978,  
 12 shall maintain his machine in compliance with the sound  
 13 level limitation which is applicable to new snowmobiles  
 14 manufactured during the period that a sound level limitation  
 15 adopted by the commission is in effect.

16 (f) A manufacturer who certifies that a new snowmobile  
 17 can comply with the noise limitation requirements of this  
 18 act chapter shall affix a permanent notice of that  
 19 certification to every snowmobile offered for sale in the  
 20 state of Montana.

21 (g) In certifying that a new snowmobile can comply  
 22 with the noise limitation requirements of this act chapter,  
 23 a manufacturer shall make such a certification based upon  
 24 measurements made in accordance with SAE recommended  
 25 practice J192, as amended. The fish and game commission, in

1 enforcing the provisions of this act, shall make  
 2 measurements of snowmobile noise in accordance with  
 3 applicable practices outlined in the "procedure for sound  
 4 level measurements of snowmobiles" used by the international  
 5 snowmobile industry association (January, 1969), as amended,  
 6 or with such other standards for measurement of sound level  
 7 as the commission may adopt.

8 (h) This section does not apply to organized races or  
 9 similar competitive events held on

10 (i) private lands, with the permission of the owner,  
 11 lessee, or custodian of the land; or

12 (ii) public lands, with the consent of the public  
 13 agency having the authority to grant such consent, provided  
 14 that total sound produced by such an event ~~shall~~ may not  
 15 exceed ~~fifty--{50}~~ dbA at any point ~~fifty--{50}~~ feet or more  
 16 outside the area under the control of the sponsoring entity.

17 ~~{4}--Upon-a-railroad-right-of-way--or--railroad--tracks~~  
 18 ~~provided, however, it shall not be unlawful for officers or~~  
 19 ~~employees of any railroad operating over said tracks to~~  
 20 ~~operate snowmobiles thereon."~~

21 Section 15. Section 53-1022, R.C.M. 1947, is amended  
 22 to read as follows:

23 "53-1022. Enforcement. The following persons may  
 24 enforce the provisions of this act chapter:

25 (1) ~~The~~ the enforcement officers employed by the state

1 department of fish and game, with respect to violations  
 2 relating to wildlife or birds, discharging firearms, or  
 3 sound level limitations. However, with respect to the sale  
 4 of any new snowmobile which is subject to the provisions of  
 5 this ~~act~~ chapter, the attorney general of the state of  
 6 Montana shall, upon the request of the commission, sue for  
 7 the recovery of the penalties provided in ~~section~~ 53-1023  
 8 and bring an action for a restraining order, or temporary or  
 9 permanent injunction, against a person who sells or offers  
 10 to sell a new snowmobile that does not satisfy the sound  
 11 level limitations imposed by this ~~act~~ chapter.

12 (2) ~~The~~ the sheriffs of the respective counties, and  
 13 the police officers of cities and towns, within their  
 14 respective jurisdictions, and the state highway patrol, with  
 15 respect to any violation of this ~~act~~ chapter upon the public  
 16 streets or highways, or any public right-of-way."

17 Section 16. Section 53-1023, R.C.M. 1947, is amended  
 18 to read as follows:

19 "53-1023. Penalties. (1) A person who violates any  
 20 provision of this ~~act~~ chapter or a rule ~~and~~ and ~~regulation~~  
 21 adopted pursuant thereto shall pay a civil penalty of not  
 22 less than ~~fifteen dollars--(\$15)--nor~~ or more than ~~five~~  
 23 ~~hundred dollars--(\$500)~~ for each separate violation.

24 (2) A person who willfully violates any provision of  
 25 this ~~act~~ chapter or a rule ~~or~~ and ~~regulation~~ adopted pursuant

1 thereto shall pay a civil penalty of not less than ~~fifty~~  
 2 ~~dollars--(\$50)--nor~~ or more than ~~one thousand dollars--(\$1,000)~~  
 3 for each separate violation.

4 (3) A manufacturer who certifies that a new snowmobile  
 5 can meet the sound level limitations imposed by this ~~act~~  
 6 chapter shall be subject to the penalty provisions of  
 7 subsections (1) and (2) if any machine so certified does not  
 8 meet the appropriate sound level limitation.

9 (4) For the purposes of this section, every sale of a  
 10 new snowmobile that does not meet the sound level  
 11 limitations imposed by this ~~act~~ shall constitute ~~chapter~~  
 12 constitutes a separate violation."

13 Section 17. Section 53-1025, R.C.M. 1947, is amended  
 14 to read as follows:

15 "53-1025. Display of tax-paid decals on snowmobiles  
 16 required -- application and issuance. ~~(a)~~ (1) No snowmobile  
 17 ~~shall~~ may be operated by any person in the state of Montana  
 18 unless there is displayed in a conspicuous place thereon a  
 19 decal as visual proof that Montana personal property taxes  
 20 have been paid thereon for the current year. Application for  
 21 the issuance of such tax-paid decal shall be made to the  
 22 county treasurer upon forms to be furnished for this  
 23 purpose, which may be obtained from the registrar of motor  
 24 vehicles or at the county assessor's office in the county  
 25 wherein the owner resides, and ~~is to~~ which shall provide for

1 substantially the following information: name of owner,  
 2 address, registration certificate of ownership number, name  
 3 of manufacturer, model number, make, horsepower, year of  
 4 manufacture, statement evidencing assessment, payment of  
 5 property tax, and such other information as the registrar of  
 6 motor vehicles may require. ~~Seid~~ The application shall be  
 7 signed by the county treasurer and transmitted by him to the  
 8 registrar of motor vehicles accompanied by a fee of ~~two~~  
 9 ~~dollars~~ ~~(\$2)~~. All moneys collected from payment of such fees  
 10 and all interest accruing from use of these moneys shall be  
 11 turned over to the state treasurer and placed by him in the  
 12 earmarked revenue fund to the credit of the state fish and  
 13 game commission, with ~~one-dollar~~ ~~(\$1)~~ designated for use in  
 14 enforcing the purposes of this act chapter and ~~one-dollar~~  
 15 ~~(\$1)~~ designated for use in developing the development,  
 16 maintenance, and operation of snowmobile facilities. Upon  
 17 receipt of the application in approved form the registrar of  
 18 motor vehicles or county treasurer shall issue to the  
 19 applicant a decal in the style and design prescribed by the  
 20 registrar of motor vehicles and of a different color than  
 21 the preceding year, numbered numerically consecutively.

22 ~~(b)(2)~~ Before filing the application with the county  
 23 treasurer, the applicant shall submit the same to the county  
 24 assessor of the county and the county assessor shall enter  
 25 on the application in a place provided for that purpose, the

1 full and true and assessed valuation of the snowmobile for  
 2 the year for which the application is made.

3 ~~(c)(3)~~ The applicant shall pay the county treasurer  
 4 the application fee and shall also pay the personal property  
 5 taxes assessed against the snowmobile for the current year  
 6 before the application ~~for--registration--or--reregistration~~  
 7 may be accepted by the county treasurer.\*

8 Section 18. Section 53-1025.1, R.C.M. 1947, is amended  
 9 to read as follows:

10 "53-1025.1. Duplicate ~~registration--receipt--or~~ decal.  
 11 In the event any ~~registration--receipt--or~~ tax-paid decal  
 12 ~~shall--be~~ is lost, mutilated, or become ~~becomes~~ illegible,  
 13 the persons to whom the same ~~shall--have--been~~ were issued  
 14 shall immediately make application for and may obtain a  
 15 duplicate thereof, upon payment of a fee of ~~one-dollar~~ ~~(\$1)~~  
 16 to the county treasurer."

17 Section 19. Section 53-1027, R.C.M. 1947, is amended  
 18 to read as follows:

19 "53-1027. Failure to display decal a misdemeanor --  
 20 penalty. ~~(1)~~ The failure to display a current tax-paid decal  
 21 during the time provided in this ~~act--shall--constitute~~  
 22 chapter is a misdemeanor, punishable by a fine of not less  
 23 than ~~ten--dollars--(\$10)~~ ~~nor~~ ~~\$25~~ \$10 or more than fifty  
 24 ~~dollars--(\$50)~~ ~~\$100~~ \$20.

25 (2) All fines and forfeitures collected under Title

1 ~~53, chapter 10 relating to snowmobiles shall be transmitted~~  
 2 ~~to the state treasurer who shall deposit such fines and~~  
 3 ~~forfeitures in the earmarked revenue fund to the credit of~~  
 4 ~~the department of fish and game to be used only for~~  
 5 ~~snowmobile safety and education."~~

6 Section 20. Section 53-1028, R.C.M. 1947, is amended  
 7 to read as follows:

8 "53-1028. Officers authorized to enforce ~~act~~ chapter.  
 9 The fish and game commission, enforcement personnel, the  
 10 sheriffs and their deputies of the various counties of the  
 11 state, the Montana highway patrol, and the police of each  
 12 municipality shall enforce the provisions of this ~~act~~  
 13 ~~chapter."~~

14 Section 21. Section 53-1029, R.C.M. 1947, is amended  
 15 to read as follows:

16 "53-1029. Issuance of dealer registration certificate.  
 17 (1) A dealer registration certificate shall be issued in  
 18 accordance with this ~~act~~ chapter.

19 (2) Upon receipt of dealer application and payment of  
 20 fees which will be ~~five dollars~~ ~~(\$5)~~, the dealer shall be  
 21 issued two ~~(2)~~ dealer snowmobile identification cards which  
 22 ~~will~~ ~~shall~~ be carried by dealer or dealer's customer when  
 23 operating or demonstrating dealer's snowmobiles.

24 (3) No bond ~~will~~ ~~be~~ ~~is~~ required of the dealer.

25 (4) Additional dealer snowmobile identification cards

1 may be purchased by the dealer for a fee of ~~two dollars~~  
 2 ~~(\$2)~~.

3 (5) A ~~dealer registration certificate and~~  
 4 ~~identification cards expire on June 30 following the date of~~  
 5 ~~issuance.~~

6 (6) ~~All money collected from such fees and all~~  
 7 ~~interest accruing from use of this money shall be deposited~~  
 8 ~~in the earmarked revenue fund to the credit of the~~  
 9 ~~department of fish and game, with one-half designated for~~  
 10 ~~use in enforcing the purposes of this chapter and one-half~~  
 11 ~~designated for use in the development, maintenance, and~~  
 12 ~~operation of snowmobile facilities."~~

13 Section 22. Repealer. Section 53-1024, R.C.M. 1947, is  
 14 repealed.

-End-

APRIL 5, 1977

be amended in the third reading copy as follows:

1. Amend page 4, section 2, line 17.

Following: "application"

Insert: "and a permanent ownership number"

2. Amend page 4, section 2, line 23.

Following: "SNOWMOBILE."

Insert: "The owner of a snowmobile shall display his certificate of ownership number on both sides of the cowling of the snowmobile and shall maintain the number in legible condition at all times. The number shall read from left to right and be marked in Arabic numerals, in block characters of good proportion, and shall be a minimum of 3 inches in height, excluding border or trim, and of a color that contrasts with the color of the background."

3. Amend page 13, section 12, lines 11 and 12.

Following: "and"

Strike: ", "

Insert: "and"

Following: "streets"

Strike: ", AND RAILROAD RIGHT-OF-WAY"

(CONTINUED)

4. Amend page 13, section 12, line 14.

Following: "~~time-~~"

Insert: "No person shall operate a snowmobile upon a controlled access highway or facility at any time."

5. Amend page 13, section 12, lines 16 and 17.

Following: "~~or~~"

Insert: "or"

Following: "street"

Strike: ", RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

6. Amend page 13, section 12, lines 19 and 20.

Following: "~~or~~"

Insert: "or"

Following: "highway"

Strike: ", RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

7. Amend page 14, section 12, line 1.

Following: "~~or~~"

Insert: "or"

8. Amend page 14, section 12, lines 2, 3, 4.

Following: "highways,"

Strike: "OR AN OFFICIAL REPRESENTATIVE OF THE RAILROAD, IN THE CASE OF RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

9. Amend page 14, section 12, line 9.

Following: "~~or~~"

Insert: "or"

Following: "highways,"

Strike: ", RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

10. Amend page 14, section 12, line 20.

Following: "~~or~~"

Insert: "or"

Following: "highway,"

Strike: "RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

11. Amend page 15, section 12, lines 2 and 3.

Following: "street"

Strike: ", "

Following: "~~or~~"

Insert: "or"

Following: "highway"

Strike: "RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"

12. Amend page 15, section 12, line 4.

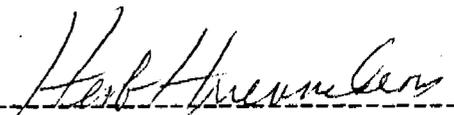
Following: "chapter"

Insert: ", "

APRIL 5, 1977

13. Amend page 15, section 12, lines 7 and 8.  
Following: "road"  
Strike: ", "  
Following: "or"  
Insert: "or"  
Following: "highway,"  
Strike: "RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS,"  
Following: "ROAD"  
Strike: ", "  
Following: "OR"  
Insert: "or"
14. Amend page 15, section 12, line 9.  
Following: "HIGHWAY"  
Strike: ", RAILROAD RIGHT-OF-WAY OR RAILROAD TRACKS"
15. Amend page 17, section 14, lines 3 through 6.  
Following: line 2  
Strike: subsection (c) in its entirety
- Reletter: subsequent subsection.

AS AMENDED BE CONCURRED IN

  
-----  
REP. HERB HUENNEKENS, CHAIRMAN

1 SENATE BILL NO. 177

2 INTRODUCED BY DUNKLE, GOODOVER, STORY, DOVER, DEVINE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL  
5 REVISION OF LAWS RELATING TO SNOWMOBILES; AMENDING SECTIONS  
6 26-220, 26-221, 26-222, 26-223 AND TITLE 53, CHAPTER 10,  
7 R.C.M. 1947; AND ADDING AUTHORIZATION FOR NONRESIDENT  
8 TEMPORARY-USE PERMITS; AND REPEALING SECTION 53-1024, R.C.M.  
9 1947."

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

12 Section 1. Section 53-1012, R.C.M. 1947, is amended to  
13 read as follows:

14 "53-1012. Definition of terms. As used in this act  
15 chapter, the following terms shall have the meanings  
16 indicated herein, unless the context otherwise clearly  
17 requires that another meaning be is intended:

18 ~~(b)(1)~~ "Person" includes an individual, partnership,  
19 association, corporation, and any other body or group of  
20 persons, whether incorporated or not, and regardless of the  
21 degree of formal organization.

22 ~~(b)(2)~~ "Snowmobile" includes any self-propelled  
23 vehicle of an overall width of 48 inches or less excluding  
24 accessories designed primarily for travel on snow or ice or  
25 natural--terrain, which may be steered by wheels, skis, or

1 runners, and which is not otherwise registered or licensed  
2 under the laws of the state of Montana.

3 ~~(c)(3)~~ "Owner" ~~shall include~~ includes every person as  
4 defined herein, other than a lien holder or other person  
5 having a security interest only, holding ~~record title a~~  
6 certificate of ownership to a snowmobile, and entitled to  
7 the use or possession thereof.

8 ~~(d)(4)~~ "Operator" ~~shall include~~ includes every person  
9 who operates or is in actual physical control of the  
10 operation of a snowmobile.

11 ~~(e)(5)~~ "Roadway" ~~shall include~~ includes only those  
12 portions of any highway, road, or street improved, designed,  
13 or ordinarily used for travel or parking of motor vehicles.

14 ~~(f)(6)~~ "Commission" means the fish and game commission  
15 of the state of Montana.

16 ~~(g)(7)~~ "dba" means sound pressure level measured on  
17 the "A" weight scale in decibels.

18 ~~(h)(8)~~ "New snowmobile" means any snowmobile that has  
19 not been previously sold to an "owner" as defined in  
20 subsection ~~(c)(3)~~.

21 Section 2. Section 53-1013, R.C.M. 1947, is amended to  
22 read as follows:

23 "53-1013. Certificate of ownership. (1) No snowmobile  
24 ~~shall~~ may be operated upon any public ~~or private~~ lands,  
25 trails, easements, lakes, rivers, streams, roadways or

1 shoulders of roadways, streets or highways, unless ~~it a~~  
 2 certificate of ownership has first been registered ~~with~~  
 3 obtained from the registrar of motor vehicles in accordance  
 4 with the laws of this state.

5 (2) Before such registration certificate may be  
 6 accomplished obtained, the owner of a snowmobile shall make  
 7 application for a certificate of ownership with the county  
 8 treasurer of the county in which the owner resides, upon  
 9 forms to be furnished for this purpose, ~~and to provide for~~  
 10 substantially which shall require the following information:  
 11 Name name of owner, residence by town and county, business  
 12 or home mail address, name and address of lien holder,  
 13 amount due under contract or lien, name and address of  
 14 manufacturer, model number or name, serial number, and name  
 15 and address of dealer or other person from whom acquired.  
 16 The application shall be signed by at least one owner, or by  
 17 a properly authorized officer or representative of the  
 18 owner.

19 (3) If a certificate of ownership for a snowmobile has  
 20 previously been registered, issued under the provisions of  
 21 this act chapter, the application for registration a new  
 22 certificate must be accompanied by the immediately previous  
 23 registration-receipt, certificate or by an affidavit upon a  
 24 prescribed form, stating under oath that the vehicle had not  
 25 been operated during the immediately previous year.

1 ~~provided, however, that this paragraph shall not be~~  
 2 ~~applicable~~ This subsection does not apply to snowmobiles  
 3 that are purchased as new and unused machines or that were  
 4 operated when the provisions of this act chapter were not in  
 5 force and effect.

6 (4) Upon completion of the application of  
 7 registration, in quintuplicate, on forms furnished by the  
 8 registrar of motor vehicles, the county treasurer shall  
 9 issue to the applicant two copies of the application, marked  
 10 "~~owner's certificate of registration~~", one of which shall be  
 11 marked "file copy", and forward one copy and the original  
 12 application to the registrar of motor vehicles, who shall  
 13 cause to be entered the information contained in the  
 14 application upon the corresponding records of his office,  
 15 and shall furnish the applicant a certificate of ownership,  
 16 which shall contain the information found on the  
 17 registration application AND A PERMANENT OWNERSHIP NUMBER,  
 18 ~~and the~~ the owner shall, at all times, retain possession of  
 19 the certificate of ownership, except when the same is being  
 20 transmitted to and from the registrar of motor vehicles for  
 21 endorsement or cancellation. THE CERTIFICATE OF OWNERSHIP IS  
 22 NOT REQUIRED TO BE RENEWED ANNUALLY, AND IS VALID AS LONG AS  
 23 THE PERSON HOLDING IT OWNS THE SNOWMOBILE. THE OWNER OF A  
 24 SNOWMOBILE SHALL DISPLAY HIS CERTIFICATE OF OWNERSHIP NUMBER  
 25 ON BOTH SIDES OF THE COILING OF THE SNOWMOBILE AND SHALL

1 MAINTAIN THE NUMBER IN LEGIBLE CONDITION AT ALL TIMES. THE  
 2 NUMBER SHALL READ FROM LEFT TO RIGHT AND BE MARKED IN ARABIC  
 3 NUMERALS, IN BLOCK CHARACTERS OF GOOD PROPORTION, AND SHALL  
 4 BE A MINIMUM OF 3 INCHES IN HEIGHT, EXCLUDING BORDER OR  
 5 IRIM, AND OF A COLOR THAT CONTRASTS WITH THE COLOR OF THE  
 6 BACKGROUND.

7 (5) Upon application for an owner's a certificate of  
 8 registration ownership, a fee of ~~two dollars (\$2)~~ \$3 shall  
 9 be paid to the county treasurer, one-half (~~1/2~~) of which fee  
 10 shall be forwarded by the county treasurer to the registrar  
 11 of motor vehicles.

12 (6) Before a registration tax-paid decal may be  
 13 applied for pursuant to the laws of this state, the owner  
 14 must present the owner's certificate of ownership, or copy  
 15 of completed application therefor, as a prerequisite to  
 16 completing the application for the registration tax-paid  
 17 decal."

18 Section 3. Section 53-1014, R.C.M. 1947, is amended to  
 19 read as follows:

20 "53-1014. Transfer of ~~title--or interest.~~ (1) Upon a  
 21 transfer of any ~~title-or-interest-of-an-owner-or-owner-in-or~~  
 22 certificate of ownership to a snowmobile, registered under  
 23 the provisions of this act ~~as hereinbefore required~~  
 24 chapter, the person or persons whose title or interest is to  
 25 be transferred shall write their signatures with pen and ink

1 upon the certificate of ownership issued for such vehicle,  
 2 in the appropriate space provided upon the reverse side of  
 3 such certificate, and such signature shall be acknowledged  
 4 before a notary public.

5 (2) Within ~~ten--(10)~~ days thereafter, the transferee  
 6 shall forward both the certificate of ownership so endorsed  
 7 ~~and the certificate of registration,~~ together with the  
 8 information required under this act chapter, to the  
 9 registrar, who shall file the same upon receipt thereof and  
 10 no certificate of ownership ~~and certificate of registration~~  
 11 shall be issued by the registrar of motor vehicles until the  
 12 outstanding certificates are surrendered to that office or  
 13 their loss established to his reasonable satisfaction. The  
 14 registrar of motor vehicles shall collect a fee of two  
 15 ~~dollars--(\$2)~~ \$3 for each application for transfer of  
 16 ownership.

17 (3) The provisions of ~~subdivision subsection~~ (2) of  
 18 this section, requiring a transferee to forward the  
 19 certificate of ownership after endorsement ~~and the~~  
 20 ~~certificate of registration~~ to the registrar, shall not  
 21 apply in the event of the transfer of a snowmobile to a duly  
 22 licensed snowmobile dealer intending to resell such vehicle  
 23 and who operates the same only for demonstration purposes,  
 24 but every such dealer shall upon transferring such interest  
 25 deliver such certificate of ownership ~~and certificate of~~

1 registration with an application for registration a new  
 2 certificate executed by the new owner in accordance with the  
 3 provisions of this act chapter, and the registrar upon  
 4 receipt of said the certificate of ownership, ~~certificate of~~  
 5 registration and application for registration a new  
 6 certificate, together with the conditional sales contract or  
 7 other lien, if any, shall issue a new certificate of  
 8 ownership and ~~certificate of registration~~ together with a  
 9 statement of any conditional sales contract, mortgage, or  
 10 other lien."

11 Section 4. Section 53-1015, R.C.M. 1947, is amended to  
 12 read as follows:

13 "53-1015. Lost or mutilated certificates. In the event  
 14 any certificate of registration ~~or ownership shall be is~~  
 15 lost, mutilated, or become becomes illegible, the persons to  
 16 whom the same ~~shall have been~~ was issued shall immediately  
 17 make application for and may obtain a duplicate thereof,  
 18 upon payment of a fee of ~~one dollar (\$1).~~"

19 Section 5. Section 53-1016, R.C.M. 1947, is amended to  
 20 read as follows:

21 "53-1016. Exemptions. (1) The provisions of this act  
 22 chapter, with respect to registration and certification of  
 23 title ownership, shall do not apply to snowmobiles owned or  
 24 used by the United States or another state or any agency or  
 25 political subdivision thereof, or any snowmobile registered

1 in a country other than the United States and to be  
 2 temporarily used within this state for a period of not more  
 3 than ~~thirty--(30)~~ days, or to any snowmobile registered in  
 4 another state of the United States, but to be temporarily  
 5 used within this state for not more than ~~thirty--(30)~~ days.  
 6 Snowmobiles owned by the state of Montana, or any agency or  
 7 political subdivision thereof, ~~shall be~~ are exempt only from  
 8 the payment of fees, ~~but and~~ shall otherwise comply with all  
 9 the requirements of this act chapter.

10 (2) No political subdivisions subdivision of this  
 11 state shall ~~have authority to~~ may prescribe further  
 12 licensing or registration of snowmobiles and no political  
 13 subdivision shall may levy fees or charges for use or  
 14 operation of snowmobiles within the subdivision.

15 (3) The provisions of this chapter with respect to  
 16 registration and certification of ownership do not apply to  
 17 unregistered snowmobiles owned by nonresidents of the state  
 18 of Montana displaying visual proof that a "nonresident  
 19 temporary-use permit" has been purchased."

20 Section 6. There is a new R.C.M. section numbered  
 21 53-1016.1 that reads as follows:

22 53-1016.1. Nonresident temporary-use permits. (1) The  
 23 requirements pertaining to the "nonresident  
 24 temporary-snowmobile-use permit" are as follows:

25 (a) Application for the issuance of the permit shall

1 be made at locations and upon forms prescribed by the  
2 department. The forms shall include but are not limited to:

- 3 (i) applicant's name and permanent address;  
4 (ii) make, model, year, and serial number of the  
5 snowmobile; and  
6 (iii) affidavit declaring the nonresidency of the  
7 applicant.

8 (b) Upon submission of the application and a fee of  
9 \$6, a nonresident temporary-snowmobile-use sticker shall be  
10 issued. The sticker shall be displayed in a conspicuous  
11 manner on the snowmobile.

12 (2) The temporary permit is valid for a consecutive  
13 15-day 30-DAY period as designated by the permit.

14 (3) The permit is not proof of ownership and no  
15 certificate of ownership may be issued.

16 (4) All money collected by payment of fees under this  
17 section shall be turned over to the state treasurer and  
18 placed in the earmarked revenue fund to the credit of the  
19 department of fish and game with one-half to be used in  
20 administering this section and one-half to be used in the  
21 development, maintenance, and operation of snowmobile  
22 facilities.

23 (5) The failure to display the permit as required by  
24 this section or the making of false statements in obtaining  
25 the permit is a misdemeanor, punishable by a fine of not

1 less than \$25 or more than \$100.

2 SECTION 7. SECTION 26-220, R.C.M. 1947, IS AMENDED TO  
3 READ AS FOLLOWS:

4 "26-220. License agents -- appointment. The director  
5 may appoint license agents as needed to sell state hunting  
6 and fishing licenses and any permits or certificates  
7 prescribed by the commission, according to rules adopted by  
8 the commission."

9 SECTION 8. SECTION 26-221, R.C.M. 1947, IS AMENDED TO  
10 READ AS FOLLOWS:

11 "26-221. Bond of license agent -- preferred claim of  
12 state for license money. (1) An appointed license agent  
13 shall furnish a corporate surety bond of one thousand  
14 dollars (\$1,000), or in an amount equal to the value of the  
15 licenses, permits, and certificates received for  
16 distribution, the amount to be fixed at the discretion of  
17 the director. The bond shall secure the faithful performance  
18 of the duties imposed on the license agent and the  
19 accounting for and payment to the state of all moneys  
20 received from the sale of hunting and fishing licenses and  
21 any permits or certificates prescribed by the commission.  
22 The license agent shall properly account for all unsold  
23 licenses, permits, and certificates, annually on April 1, or  
24 at any other time at the request of the director.

25 (2) All money received for the sale of licenses,

1 permits, and certificates at all times belongs to the state.  
 2 In case of an assignment for the benefit of creditors,  
 3 receivership, or bankruptcy, the state has a preferred claim  
 4 against the assets and estate of a license agent for all  
 5 moneys owed the state."

6 SECTION 9. SECTION 26-222, R.C.M. 1947, IS AMENDED TO  
 7 READ AS FOLLOWS:

8 "26-222. Compensation -- duties. (1) License agents,  
 9 except salaried employees of the department, shall receive  
 10 for all services rendered the sum of fifteen cents (15¢) for  
 11 each license, permit, or certificate issued. On or before  
 12 the 10th day of each month each license agent shall submit  
 13 to the department all duplicates of each class of licenses  
 14 sold during the preceding month and shall accompany the  
 15 duplicate licenses with all moneys received for the sale of  
 16 the licenses, less a fee of fifteen cents (15¢) for each  
 17 license sold. Each license agent shall keep his license  
 18 account open at all reasonable hours to inspection by the  
 19 commission, the director, the wardens, or the legislative  
 20 auditor.

21 (2) For purposes of this section, the term "license"  
 22 includes any license, permit, and certificate prescribed by  
 23 the commission."

24 SECTION 10. SECTION 26-223, R.C.M. 1947, IS AMENDED TO  
 25 READ AS FOLLOWS:

1 "26-223. Appointments nontransferable -- revocation --  
 2 oaths. Appointments of license agents shall be  
 3 nontransferable, and each appointment shall be valid only at  
 4 the single location of the business as stated on the  
 5 certificate of appointment. Such appointments may be  
 6 summarily revoked at any time by the state fish and game  
 7 director upon discontinuance of the business at the stated  
 8 location or for noncompliance with the provisions of this  
 9 act or other regulations. Duly appointed license agents are  
 10 hereby authorized to administer oaths to applicants for  
 11 hunting and fishing licenses and for other permits and  
 12 certificates prescribed by the commission."

13 Section 11. Section 53-1017, R.C.M. 1947, is amended  
 14 to read as follows:

15 "53-1017. Report of stolen and recovered snowmobiles.  
 16 ~~It shall be the duty of the~~ The sheriff of every county of  
 17 the state and of the chief of police or commissioner of  
 18 police of every city to shall make an immediate report to  
 19 the registrar of motor vehicles of all snowmobiles reported  
 20 to him as stolen or recovered, upon forms provided for by  
 21 the registrar of motor vehicles. ~~Failure on the part of any~~  
 22 ~~officer shall be deemed to be~~ is ~~misfeasance in office and~~  
 23 ~~shall constitute~~ constitutes ~~grounds for removal.~~ Upon  
 24 receipt of such information, the registrar of motor vehicles  
 25 shall file the same in an index to be known as the "stolen

1 and recovered snowmobile index." ~~It shall also be the duty~~  
 2 ~~of the~~ registrar of motor vehicles to shall file reports  
 3 of stolen and recovered snowmobiles reported to him from  
 4 other states. The registrar of motor vehicles shall prepare  
 5 once a month a list of all snowmobiles stolen or recovered  
 6 during the previous month and forward a copy of the same to  
 7 every sheriff, and all police departments in cities of the  
 8 first, second, and third class. Such list shall also be  
 9 forwarded to the secretary of state or other proper  
 10 official in each state of the United States. Before a  
 11 certificate of title ~~as heretofore provided, shall~~  
 12 ownership may be issued under this act ~~chapter,~~ the motor  
 13 and serial number on the ~~motor vehicle to be registered~~  
 14 snowmobile for which such certificate is to be issued shall  
 15 be checked against the "stolen and recovered snowmobile  
 16 index."

17 Section 12. Section 53-1018, R.C.M. 1947, is amended  
 18 to read as follows:

19 "53-1018. Operation on public roads ~~and~~ AND streets  
 20 ~~AND RAILROAD RIGHT OF WAY.~~ (1) ~~No person shall operate a~~  
 21 ~~snowmobile upon a controlled access highway or facility at~~  
 22 ~~any time.~~ NO PERSON SHALL OPERATE A SNOWMOBILE UPON A  
 23 CONTROLLED ACCESS HIGHWAY OR FACILITY AT ANY TIME.  
 24 Snowmobile operation may be permitted on the roadway or  
 25 shoulder of any other public road or highway, state highway,

1 county road, or OR city street, ~~RAILROAD RIGHT OF WAY OR~~  
 2 ~~RAILROAD TRACKS~~ located within the boundaries of any  
 3 municipality, only in the event that ~~said~~ the street, road,  
 4 or OR highway, ~~RAILROAD RIGHT OF WAY OR RAILROAD TRACKS~~ is  
 5 drifted or covered by snow to such an extent that travel  
 6 thereon by other motor vehicles is impractical or  
 7 impossible ~~or when the operator is in possession of a~~  
 8 ~~written permit has received permission or is otherwise~~  
 9 authorized for such travel ~~issued by the municipality in~~  
 10 the case of town or city streets, the board of county  
 11 commissioners for county roads, or OR the state highway  
 12 patrol for all other highways, ~~OR AN OFFICIAL REPRESENTATIVE~~  
 13 ~~OF THE RAILROAD, IN THE CASE OF RAILROAD RIGHT OF WAY OR~~  
 14 ~~RAILROAD TRACKS;~~ or upon those ~~streets of a~~ municipality  
 15 where such operation has been specifically so authorized on  
 16 municipal streets by a ~~duly enacted~~ municipal ordinance.

17 (2) A snowmobile may make a direct crossing of a  
 18 street or OR highway, ~~RAILROAD RIGHT OF WAY OR RAILROAD~~  
 19 ~~TRACKS~~ where ~~whenever~~ such crossing is necessary to get to  
 20 another authorized area of operation. Such crossing shall be  
 21 made at an angle of approximately ninety 90 degrees ~~(90)~~ to  
 22 the direction of the ~~highway~~ TRAFFIC, at a place where no  
 23 obstruction prevents a quick and safe crossing. The  
 24 snowmobile shall make a complete stop before entering upon  
 25 any part of the ~~highway or road~~ TRAFFIC WAY, and the

1 operator shall yield the ~~right-of-way~~ right-of-way to all  
2 oncoming traffic.

3 {3} No snowmobile ~~shall~~ may be operated upon a public  
4 street or OR highway, ~~RAILROAD RIGHT OF WAY OR RAILROAD~~  
5 ~~TRACKS~~ when permitted to do so by this ~~act~~ chapter, unless  
6 equipped with at least one head lamp and one tail lamp,  
7 which shall be lighted at all times during such operation,  
8 and unless equipped with a suitable braking device which may  
9 be operated by either hand or foot.

10 {4} The operator of a snowmobile who operates his  
11 vehicle upon a public roadway, street, or OR highway  
12 ~~RAILROAD RIGHT OF WAY OR RAILROAD TRACKS~~, when allowed to do  
13 so under the provisions of this ~~act~~ chapter, shall have in  
14 his possession a license to drive a motor vehicle as  
15 required by the laws of the state of Montana. An operator  
16 who crosses a street, road, or OR highway, ~~RAILROAD~~  
17 ~~RIGHT OF WAY OR RAILROAD TRACKS~~, OR WHO OPERATES A  
18 SNOWMOBILE UPON A STREET, ROAD, OR OR HIGHWAY, RAILROAD  
19 RIGHT OF WAY OR RAILROAD TRACKS THAT IS DRIFTED OR COVERED  
20 WITH SNOW TO SUCH AN EXTENT THAT TRAVEL THEREON BY OTHER  
21 MOTOR VEHICLES IS IMPRACTICAL OR IMPOSSIBLE, or who operates  
22 a snowmobile in any other areas of the state where operation  
23 is lawfully permitted, ~~shall~~ is not be required to apply for  
24 or possess a driver's license under the laws of the state of  
25 Montana."

1 Section 13. Section 53-1019, R.C.M. 1947, is amended  
2 to read as follows:

3 "53-1019. Unlawful operation on streets and highways.  
4 It ~~shall be~~ is unlawful for any person to drive or operate  
5 any snowmobile upon a public street or highway in any one or  
6 more of the following manners:

7 (1) ~~At~~ at a rate of speed greater than provided by law  
8 for motor vehicles;

9 (2) ~~While~~ while under the influence of intoxicating  
10 liquor or narcotics or habit-forming drugs;

11 (3) ~~in~~ in a careless or reckless manner so as to  
12 endanger the person or property of another, or to cause  
13 injury or damage to either;

14 (4) ~~Without a lighted head and tail light between the~~  
15 ~~hours of dusk and dawn~~

16 (5) ~~Operating~~ operating a snowmobile, or permitting  
17 such operation, by any person who by reason of age or  
18 physical or mental disability is incapable of operating the  
19 snowmobile as required for safety under the prevailing  
20 circumstances."

21 Section 14. Section 53-1020, R.C.M. 1947, is amended  
22 to read as follows:

23 "53-1020. Other unlawful operation. ~~11~~ No person  
24 while operating a snowmobile, ~~shall~~ may use the same:

25 (1) ~~For~~ for the purpose of driving, rallying, or

1 harassing any of the game animals, game birds, or  
 2 fur-bearing animals of the state or any livestock  
 3 ~~provided; however, that an~~ (A) owner of livestock is not  
 4 prohibited from managing or driving his own livestock by the  
 5 use of snowmobiles and may direct other persons to so manage  
 6 or drive his livestock; ~~provided further that and the~~  
 7 department of fish and game, including its duly authorized  
 8 employees, is not prohibited from managing or driving game  
 9 animals, game birds, or fur-bearing animals by the use of  
 10 snowmobiles; ~~and~~

11 ~~(b)~~ (b) To discharge a firearm from or upon a  
 12 snowmobile;

13 ~~(c) upon a railroad right-of-way or railroad track~~  
 14 ~~EXCEPT AS PROVIDED FOR IN SECTION 53-1019, but it is not~~  
 15 ~~unlawful for officers or employees of any railroad operating~~  
 16 ~~over such tracks to operate snowmobiles thereon~~

17 ~~(d)~~ (c) without a lighted headlight and taillight  
 18 between the hours of dusk and dawn;

19 ~~(e)~~ (2) ~~Regulation of snowmobile noise~~ (a) Except as  
 20 provided in this section, every snowmobile shall be equipped  
 21 at all times with noise-suppression devices, including an  
 22 exhaust muffler in good working order and in constant  
 23 operation. No snowmobile shall may be modified by any person  
 24 in any manner that shall will amplify or otherwise increase  
 25 total noise emissions to a level greater than that emitted

1 by the snowmobile as originally constructed, regardless of  
 2 date of manufacture.

3 (b) No new snowmobile manufactured prior to June 30,  
 4 1975, except snowmobiles designated for competition purposes  
 5 only, may be sold or offered for sale unless that machine  
 6 has been certified by the manufacturer as being able to  
 7 conform to a sound level limitation of not more than  
 8 ~~eighty-two (82)~~ dbA measured at ~~twenty~~ ~~(20)~~ feet. Every  
 9 person who owns or operates a snowmobile manufactured after  
 10 June 30, 1972, but prior to June 30, 1975, shall maintain  
 11 his machine in such a manner that it will not exceed a sound  
 12 level limitation of ~~eighty-two (82)~~ dbA measured at ~~twenty~~  
 13 ~~(20)~~ feet.

14 (c) No new snowmobile manufactured after June 30,  
 15 1975, but prior to June 30, 1978, except snowmobiles  
 16 designated for competition purposes only, may be sold or  
 17 offered for sale unless that machine has been certified by  
 18 the manufacturer as being able to conform to a sound level  
 19 limitation of not more than ~~seventy-eight (78)~~ dbA measured  
 20 at ~~twenty~~ ~~(20)~~ feet. Every person who owns or operates a  
 21 snowmobile manufactured after June 30, 1975, but prior to  
 22 June 30, 1978, shall maintain his machine in such a manner  
 23 that it will not exceed a sound level limitation of  
 24 ~~seventy-eight (78)~~ dbA measured at ~~twenty~~ ~~(20)~~ feet.

25 (d) No new snowmobile manufactured after June 30,

1 1978, except snowmobiles designated for competition purposes  
 2 only, may be sold or offered for sale unless that machine  
 3 has been certified by the manufacturer as being able to  
 4 conform to a sound level limitation of not more than  
 5 ~~seventy-three--(73)~~ dbA measured at ~~fifty--(50)~~ feet. Every  
 6 person who owns or operates a snowmobile manufactured after  
 7 June 30, 1978, shall maintain his machine in such a manner  
 8 that it will not exceed a sound level limitation of  
 9 ~~seventy-three--(73)~~ dbA measured at ~~fifty--(50)~~ feet.

10 (e) The fish and game commission ~~shall have the~~  
 11 ~~authority to~~ may adopt and revise sound level limitations  
 12 for all snowmobiles manufactured after June 30, 1978.  
 13 However, a sound level limitation adopted or revised by the  
 14 commission ~~shall~~ may not be higher than a decibel standard  
 15 of ~~seventy-three--(73)~~ dbA measured at ~~fifty--(50)~~ feet. The  
 16 adoption or revision of sound level limitation by the  
 17 commission shall be effective beginning June 30 of the  
 18 succeeding calendar year and any sound level limitation  
 19 formally adopted or revised shall remain in effect for a  
 20 minimum period of ~~two--(2)~~ years. Every person who owns or  
 21 operates a snowmobile manufactured after June 30, 1978,  
 22 shall maintain his machine in compliance with the sound  
 23 level limitation which is applicable to new snowmobiles  
 24 manufactured during the period that a sound level limitation  
 25 adopted by the commission is in effect.

1 (f) A manufacturer who certifies that a new snowmobile  
 2 can comply with the noise limitation requirements of this  
 3 act ~~chapter~~ shall affix a permanent notice of that  
 4 certification to every snowmobile offered for sale in the  
 5 state of Montana.

6 (g) In certifying that a new snowmobile can comply  
 7 with the noise limitation requirements of this act ~~chapter~~,  
 8 a manufacturer shall make such a certification based upon  
 9 measurements made in accordance with SAE recommended  
 10 practice J192, as amended. The fish and game commission, in  
 11 enforcing the provisions of this act, shall make  
 12 measurements of snowmobile noise in accordance with  
 13 applicable practices outlined in the "procedure for sound  
 14 level measurements of snowmobiles" used by the international  
 15 snowmobile industry association (January, 1969), as amended,  
 16 or with such other standards for measurement of sound level  
 17 as the commission may adopt.

18 (h) This section does not apply to organized races or  
 19 similar competitive events held on

20 (i) private lands, with the permission of the owner,  
 21 lessee, or custodian of the land; or

22 (ii) public lands, with the consent of the public  
 23 agency having the authority to grant such consent, provided  
 24 that total sound produced by such an event ~~shall~~ may not  
 25 exceed ~~fifty--(50)~~ dbA at any point ~~fifty--(50)~~ feet or more

1 outside the area under the control of the sponsoring entity.

2 ~~{4}--Upon a railroad right-of-way or railroad track,~~  
 3 ~~provided, however, it shall not be unlawful for officers or~~  
 4 ~~employees of any railroad operating over said tracks to~~  
 5 ~~operate snowmobiles thereon."~~

6 Section 15. Section 53-1022, R.C.M. 1947, is amended  
 7 to read as follows:

8 "53-1022. Enforcement. The following persons may  
 9 enforce the provisions of this act chapter:

10 (1) The the enforcement officers employed by the state  
 11 department of fish and game, with respect to violations  
 12 relating to wildlife or birds, discharging firearms, or  
 13 sound level limitations. However, with respect to the sale  
 14 of any new snowmobile which is subject to the provisions of  
 15 this act chapter, the attorney general of the state of  
 16 Montana shall, upon the request of the commission, sue for  
 17 the recovery of the penalties provided in section 53-1023,  
 18 and bring an action for a restraining order, or temporary or  
 19 permanent injunction, against a person who sells or offers  
 20 to sell a new snowmobile that does not satisfy the sound  
 21 level limitations imposed by this act chapter.

22 (2) The the sheriffs of the respective counties, and  
 23 the police officers of cities and towns, within their  
 24 respective jurisdictions, and the state highway patrol, with  
 25 respect to any violation of this act chapter upon the public

1 streets or highways, or any public right-of-way."

2 Section 16. Section 53-1023, R.C.M. 1947, is amended  
 3 to read as follows:

4 "53-1023. Penalties. (1) A person who violates any  
 5 provision of this act chapter or a rule ~~and regulation~~  
 6 adopted pursuant thereto shall pay a civil penalty of not  
 7 less than ~~fifteen dollars--(\$15)~~ nor or more than five  
 8 hundred ~~dollars--(\$500)~~ for each separate violation.

9 (2) A person who willfully violates any provision of  
 10 this act chapter or a rule ~~or regulation~~ adopted pursuant  
 11 thereto shall pay a civil penalty of not less than fifty  
 12 ~~dollars--(\$50)~~ nor or more than one thousand ~~dollars--(\$1,000)~~  
 13 for each separate violation.

14 (3) A manufacturer who certifies that a new snowmobile  
 15 can meet the sound level limitations imposed by this act  
 16 chapter shall be subject to the penalty provisions of  
 17 subsections (1) and (2) if any machine so certified does not  
 18 meet the appropriate sound level limitation.

19 (4) For the purposes of this section, every sale of a  
 20 new snowmobile that does not meet the sound level  
 21 limitations imposed by this act ~~shall constitute~~ chapter  
 22 constitutes a separate violation."

23 Section 17. Section 53-1025, R.C.M. 1947, is amended  
 24 to read as follows:

25 "53-1025. Display of tax-paid decals on snowmobiles

1 required -- application and issuance. ~~(e)(1)~~ No snowmobile  
 2 ~~shall~~ may be operated by any person in the state of Montana  
 3 unless there is displayed in a conspicuous place thereon a  
 4 decal as visual proof that Montana personal property taxes  
 5 have been paid thereon for the current year. Application for  
 6 the issuance of such tax-paid decal shall be made to the  
 7 county treasurer upon forms to be furnished for this  
 8 purpose, which may be obtained from the registrar of motor  
 9 vehicles or at the county assessor's office in the county  
 10 wherein the owner resides, and ~~is to~~ which shall provide for  
 11 substantially the following information: name of owner,  
 12 address, registration certificate of ownership number, name  
 13 of manufacturer, model number, make, horsepower, year of  
 14 manufacture, statement evidencing assessment, payment of  
 15 property tax, and such other information as the registrar of  
 16 motor vehicles may require. ~~Said~~ The application shall be  
 17 signed by the county treasurer and transmitted by him to the  
 18 registrar of motor vehicles accompanied by a fee of two  
 19 ~~dollars~~ ~~(\$2)~~. All moneys collected from payment of such fees  
 20 and all interest accruing from use of these moneys shall be  
 21 turned over to the state treasurer and placed by him in the  
 22 earmarked revenue fund to the credit of the state fish and  
 23 game commission, with ~~one-dollar~~ ~~(\$1)~~ designated for use in  
 24 enforcing the purposes of this act chapter and ~~one-dollar~~  
 25 ~~(\$1)~~ designated for use in developing the development.

1 maintenance, and operation of snowmobile facilities. Upon  
 2 receipt of the application in approved form the registrar of  
 3 motor vehicles or county treasurer shall issue to the  
 4 applicant a decal in the style and design prescribed by the  
 5 registrar of motor vehicles and of a different color than  
 6 the preceding year, numbered numerically consecutively.

7 ~~(b)(2)~~ Before filing the application with the county  
 8 treasurer, the applicant shall submit the same to the county  
 9 assessor of the county and the county assessor shall enter  
 10 on the application in a place provided for that purpose, the  
 11 full and true and assessed valuation of the snowmobile for  
 12 the year for which the application is made.

13 ~~(c)(3)~~ The applicant shall pay the county treasurer  
 14 the application fee and shall also pay the personal property  
 15 taxes assessed against the snowmobile for the current year  
 16 before the application ~~for registration or reregistration~~  
 17 may be accepted by the county treasurer."

18 Section 18. Section 53-1025.1, R.C.M. 1947, is amended  
 19 to read as follows:

20 "53-1025.1. Duplicate registration ~~receipt~~ or decal.  
 21 In the event any registration ~~receipt~~ or tax-paid decal  
 22 ~~shall be~~ is lost, mutilated, or become becomes illegible,  
 23 the persons to whom the same ~~shall have been~~ were issued  
 24 shall immediately make application for and may obtain a  
 25 duplicate thereof, upon payment of a fee of ~~one-dollar~~ ~~(\$1)~~

1 to the county treasurer."

2 Section 19. Section 53-1027, R.C.M. 1947, is amended  
3 to read as follows:

4 "53-1027. Failure to display decal a misdemeanor --  
5 penalty. (1) The failure to display a current tax-paid decal  
6 during the time provided in this act--shall constitute  
7 chapter is a misdemeanor, punishable by a fine of not less  
8 than ten--dollars--(\$10)--nor \$25 \$10 or more than fifty  
9 dollars--(\$50) \$100 \$50.

10 (2) All fines and forfeitures collected under Title  
11 53, chapter 10 relating to snowmobiles shall be transmitted  
12 to the state treasurer who shall deposit such fines and  
13 forfeitures in the earmarked revenue fund to the credit of  
14 the department of fish and game to be used only for  
15 snowmobile safety and education."

16 Section 20. Section 53-1028, R.C.M. 1947, is amended  
17 to read as follows:

18 "53-1028. Officers authorized to enforce act chapter.  
19 The fish and game commission, enforcement personnel, the  
20 sheriffs and their deputies of the various counties of the  
21 state, the Montana highway patrol, and the police of each  
22 municipality shall enforce the provisions of this act  
23 chapter."

24 Section 21. Section 53-1029, R.C.M. 1947, is amended  
25 to read as follows:

1 "53-1029. Issuance of dealer registration certificate.

2 (1) A dealer registration certificate shall be issued in  
3 accordance with this act chapter.

4 (2) Upon receipt of dealer application and payment of  
5 fees which will be ~~five-dollars~~(\$5), the dealer shall be  
6 issued two ~~(2)~~ dealer snowmobile identification cards which  
7 ~~will~~ shall be carried by dealer or dealer's customer when  
8 operating or demonstrating dealer's snowmobiles.

9 (3) No bond ~~will~~ be is required of the dealer.

10 (4) Additional dealer snowmobile identification cards  
11 may be purchased by the dealer for a fee of ~~two--dollars~~  
12 ~~(\$2).~~

13 (5) A dealer registration certificate and  
14 identification cards expire on June 30 following the date of  
15 issuance.

16 (6) All money collected from such fees and all  
17 interest accruing from use of this money shall be deposited  
18 in the earmarked revenue fund to the credit of the  
19 department of fish and game, with one-half designated for  
20 use in enforcing the purposes of this chapter and one-half  
21 designated for use in the development, maintenance, and  
22 operation of snowmobile facilities."

23 Section 22. Repealer. Section 53-1024, R.C.M. 1947, is  
24 repealed.

-End-