

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on MARCH 7, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, Bill Farrell, Jerry Noble, Lawrence Stimatz, Cecil Weeding, Bob Williams

Members Excused: Senator John Harp

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on House Bills: 165, 394, 595, 602.

HEARING ON HOUSE BILL 165

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ORVAL ELLISON, District 81 explained that House Bill 165 does essentially the same thing for off-road vehicles as what was done for the snowmobilers a number of years ago.

List of Testifying Proponents and What Group they Represent:

Linda Ellison, MT Trail Bike Riders Association
Robert Lee, MT Trail Bike Riders Association
Tom Dowling, Motorcycle Industry Council
Dick Johnson, MT Fish, Wildlife and Parks

List of Testifying Opponents and What Group They Represent:

None

Testimony:

LINDA ELLISON, MT Trail Bike Riders Association testified in support of House Bill 165. SEE EXHIBIT 1.

ROBERT LEE, President of the MT Trail Bike Riders Association stated that they looked at what other states have been doing with their off-road vehicle programs. The states were: Idaho, Washington, California, Utah, Michigan and Colorado. These programs consist primarily of three topics:

1. education - regarding safety, legal aspects of where and how to ride;
2. user conflict litigation and resource protection;
3. facility improvements - the construction and improvement of trails.

Mr. Lee explained the facility improvements as being trail maintenance, the construction and upgrading of trails, improvement and creation of parking areas at trail heads. Washington has provided camping facilities in populated used areas. In other states more populous than Montana, they have created open-riding areas. These are not fenced off, but do have specific boundaries in which early season riding can take place. It takes the pressure off of trails during the time of year when the rest of the landscape is sensitive and it provides an area where riders can hone their skills. In other states the programs are conducted primarily through education. They use workshops, meeting with club organizations, videos, pamphlets, handbooks. He distributed a sample of the maps used elsewhere. SEE EXHIBIT 2. The noise law is another result of the OH Programs. He stated that they got a bill passed in 1987 and it did not do the job for them. He explained that they asked to be taxed in order to put those dollars to work for an OH Program. They need this off highway program to help deal with the multitude of agencies and private interests that they normally deal with.

TOM DOWLING representing the Motorcycle Industry Council of Arlington, Virginia explained that they are a non-profit organization consisting of manufacturers and distributors of motorcycles. They support the concepts of House Bill 165.

DICK JOHNSON, MT Fish, Wildlife and Parks stated that the Department supports House Bill 165. This bill will license motorcycle, quadracycles, dune buggies, air cushion vehicles used for recreation on public lands. House Bill 165 will require off-road vehicles to display decals provided by the County Treasurer's Office upon time of registration. This decal is required for any street vehicle which may be used off the road.

Questions From Committee Members: CHAIRMAN TVEIT asked if the bill addresses off-road vehicles which we be only ridden on public land. He also confirmed that if a rancher owns a four wheeler and takes it off his ranch to go hunting, he would have to pay this fee, otherwise if he keeps his vehicle on his property, he would not have to.

LINDA ELLISON stated that it is for off-road vehicles used on public land for recreation.

SENATOR FARRELL asked what they would do with people from other states.

LINDA ELLISON answered saying that right now it is not in this bill, because it is addressed in the present statute. Most of these types of programs are set up with a reciprocal type of agreement. The statute states that if that vehicle is registered in another state, than in need not be registered in Montana for 30 days.

SENATOR FARRELL asked about the reciprocal agreement.

LINDA ELLISON explained that when she goes to Idaho, even though they have required registration, since Montana does not she is not required to register in Idaho. Because of all the use they were getting from Spokane residents, they had to go back and take a look at that. What Idaho has done, is instigated a temporary use permit for those machines. It is not in this bill for Montana at the present time.

SENATOR FARRELL asked about page 14, line 9 regarding the \$50 fee.

LINDA ELLISON stated that what it tries to address is there are "fly-by-night" dealers who, as a dealer, can buy a bike cheap, but only sells maybe one per year. She said they are trying to put a cap on that type of activity by saying that you have to prove to us that you have sold three vehicles or more during the year or we want the \$50 renewal for the application.

SENATOR FARRELL asked how much a dealer license is.

LEE HEIMAN said they have to put in a \$5,000 bond.

PETER FUNK said he thought the dealer license was about \$300.

SENATOR FARRELL asked if there is existing authority to have the Game Warden's fines deposited in the account with the Department of Justice.

PETER FUNK stated that he did not believe that fines normally written by a game warden would go into the Motor Vehicle account under the existing language. Those fines should be distributed like any regular misdemeanor fine.

REPRESENTATIVE ELLISON informed the Committee that when the original bill was passed, there was \$5 in that fee that was supposed to go to enforcement. Somehow or another they forgot to put that language in there to earmark that portion. Actually, the counties have got a windfall of that \$5 up until now. Additionally, with these vehicles being registered, there will be a lot more picked up. He stated that there are a lot of those vehicles out there that are not paying it now.

Closing by Sponsor: REPRESENTATIVE ELLISON closed the hearing on House Bill 165.

HEARING ON HOUSE BILL 394

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ROBERT CLARK, District 31 stated that House Bill 394 was at the request of the Department of Justice. He explained that the bill tells us what information the Department of Justice can release. The \$4 fee is double from what they do now.

List of Testifying Proponents and What Group they Represent:

Peter Funk, Assistant Attorney General, Department of Justice

Testimony:

PETER FUNK, Assistant Attorney General, Department of Justice stated that this bill was at their request to clarify an existing statute. SEE EXHIBIT 3. What the repealer section refers to is the existing statute which deals with the release of records. He stated that there were four problems with the existing statute. First of all, no one can find the statute. They would like to move it into a place in the code that makes more sense. The second problem is that it says any person gets a certified copy. This means that someone in the Motor Vehicle Division must stamp and certify each record. Nobody want a certified record except for courts. A majority of the requests the Department of Justice gets, which is approximately 3,050 requests per year, most are from insurers. The third is the language which requires that they give out information regarding a person's registration and the vehicles which are registered to them. At the present time, those two are separate systems within the Motor Vehicle Division. He explained that the registration information is done out of the Registrar's office in Deer Lodge and the record keeping, as far as conviction, is kept over at the Scott Hart Building. There is a separate statute, 61-3-101 which allows any person to obtain the registering information on another person. Problem four with the existing statute is that it is silent as to specifying the information that can be released. On page 1, line 17-20 they specifically have identified the information that will be released on one of these requests. On page 2, line 3 they have drawn a distinction between simply providing someone with a copy of a record and a certified copy of a record. They have tried to reflect in the \$10 fee roughly the time that is spent by an individual going through verifying the print out. With the exclusion of charging fees to criminal justice agencies that are included in there, he did not feel that they would be charging many \$10 fees. All courts, all prosecutors and all state and federal agencies are going to get those things without the imposition of a fee. At the present time, Representative Quilici is sponsoring a bill which will do away with the Motor Vehicle's Special Account which is established on a statewide basis. He expressed support for this bill. Doing away with that account, additional revenues which are generated by the Department of Justice, will be deposited in the general fund.

PETER FUNK informed the Committee that the Department felt that, if in their operations, they can increase revenues for the general fund, then the requests they may make in the future for increased budgets for the Department of Justice might be looked upon more favorably.

List of Testifying Opponents and What Group They Represent:

Ron Ashabraner, State Farm Insurance
Ben Havdahl, MT Motor Carriers Association

Testimony:

RON ASHABRANER representing State Farm Insurance stated that they are opposed to House Bill 165 because they see it as an impact to their policy holders. They request information through a data flow service in their regional office in Salem, Oregon. He expressed concern, even though the intent is to clarify the information that is available to the insurer, it does exactly the opposite. It would require that they get the insured's permission before they could get a complete accident record. The problem with that is when a consumer comes in, the insurance agent can usually give a policy that day because they know they can go through data flow and get back a record in sufficient time. He stated the bill states they can not have the driving record or the information pertaining to non-convictions and accidents without the permission of the insured. He stated that deferred sentences for DUIs do not show up on a driving record. If they can not get complete driving records, the result will be waiting for 30-60 days. The language in the bill could be changed and the bill could be supported if that language could be more specific as to what information the industry can have. They are opposed to the fee, and feel that it would be passed onto the consumer. They would like to see the entire first section rewritten.

BEN HAVDAHL representing the MT Motor Carriers Association stated that they are caught between the proponents and opponents. MT Motor Carriers Association provides a service for its members and the members request motor vehicle records checked of individuals that they are hiring through their association office and they expedite those record checks. The Department of Transportation's regulations require motor carriers to make an annual records check of their drivers on an annual basis.

BEN HAVDAHL stated that some of their members have a substantial amount of drivers. The increased cost of the fee would represent an increase cost of 100% to their members. He gave a sample of a record check. SEE EXHIBIT 4.

Questions From Committee Members: SENATOR NOBLE stated that his business uses the system and that it is working fine now. He asked Peter Funk why the fee is being doubled.

PETER FUNK stated that the reason behind raising the fee was to generate more revenue for the Department of Justice programs.

CHAIRMAN TVEIT asked Ron Ashabraner how they get the information and if they get certified records.

RON ASHABRANER stated that they don't need certified records. They go through their regional office, they go into data flow which is connected to Mr. Funk's office. They do not come as individual sheets, they come as a mass computer print out. He stated that they need complete reports. Even if there is no conviction, if there is a traffic stop and it was caused for a reason, they want to be the judge as to whether that stop had any merit or not.

LEE HEIMAN explained that in subsection 2 where it says that the Department of Justice can not release that information without a release provided by the party.

RON ASHABRANER stated that it says "may not be released" but actually they are releasing that information. He stated that at least they are getting it right now.

SENATOR FARRELL asked if the Department of Justice was aware that there are a number of people who are required to have those and pay the fee.

PETER FUNK stated that they are aware that as an example, insurers, motor carriers, and a variety of people are required to get these types of reports. The majority of the record requests they get are done by entities who have no choice but to make that request.

SENATOR NOBLE stated that he feels that the majority of requests come from small employers, because their insurance companies have tightened the reins on who they will insure and they are forced to send in a request for every new person they hire.

Closing by Sponsor: REPRESENTATIVE CLARK closed the hearing on House Bill 394. He stated that he thinks the money that would be saved by the records that are checked and turn up bad drivers, saving money for the insurance companies, would far outweigh the extra money that would be paid for the fee.

HEARING ON HOUSE BILL 595

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ANGELA RUSSELL, District 99 House Bill 595 would allow the erection of historical markers throughout the State of Montana. Representative Russell informed the Committee that these are specifically for the important events of Indian tribes of the State of Montana. If some of these stories are not written down in books or on markers, a part of that very important history will be lost. The tribes are very much in support of this and it is good for the State of Montana and also, it is good for tourism.

List of Testifying Proponents and What Group they Represent:

Bob Clarke, Montana Historical Society
Margaret Richardson, Montana Inn Keepers Association
Gloria Hermanson, MT Cultural Advisory

List of Testifying Opponents and What Group They Represent:

None

Testimony:

BOB CLARKE, Director for the Historical Society stated that they are the agency called upon to fund the historical markers with a portion of the accommodations tax. They are comfortable with the bill in the way it is written.

MARGARET RICHARDSON representing the Montana Inn Keepers Association stated they support House Bill 595 and feel that it would enhance the tourist attraction in the state.

GLORIA HERMANSON representing the MT Cultural Advisory stated they support House Bill 595.

List of Those Testifying Who Were Neutral:

Jesse Munro, Acting Director for the Highway Department

Testimony:

JESSE MUNRO, Acting Director for the Highway Department stated that they are not for or against the bill, but only ask that they not be involved in the design work on these signs. The Historical Society and the tribes should be the ones to design the signs and just let the Highway Department put them up.

Questions From Committee Members: SENATOR WEEDING asked Representative Russell how she felt about the Highway Department not designing the signs.

REPRESENTATIVE RUSSELL stated that it was fine.

Closing by Sponsor: REPRESENTATIVE RUSSELL closed the hearing on House Bill 595.

HEARING ON HOUSE BILL 602

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RANDY ROTH, District 96 stated that House Bill 602 is at the request of a constituent who ran into an unforeseen problem as a result of purchasing a new tractor trucks. The trucks were approximately three feet longer and this put him out of compliance with the current length within the statute. He hauls empty soda cans all over the State of Montana into the Dakotas out of Wyoming. As a result of not being in compliance he has to pick up a trip permit each time he comes in and goes out of state. This bill calls for a term permit which will allow him a full year on that permit at \$125 per truck. The bill was amended in the House so that these trucks would be allowed only on the interstate and not on secondary roads.

List of Testifying Proponents and What Group they Represent:

Rudolf Bertolino, R & M Trucking, Billings
Ben Havdahl, MT Motor Carriers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

RUDOLF BERTOLINO who owns R & M Trucking based in Billings and operates from Worland, Wyoming to Bismark, North Dakota, from Worland to Boise, Idaho and to Salt Lake City. The problem in their operation is within their own state. Each time they go in or out of the state they need to buy the \$10 permit. The trips consist of about 7 trips per week. In North Dakota they are allowed to run on secondary highways to pick up grain which is brought to Butte. At the present time, in Montana, they are limited to the interstate system and they are satisfied with that.

BEN HAVDAHL representing the MT Motor Carriers Association stated they support House Bill 602. The 1982 Service Transportation Act, a Federal Act, removed restrictions on tractor length. So, what has happened is the manufacturers are manufacturing longer tractors. The Federal Highway Administration grandfathered 53 foot length semitrailers for Montana. Ben explained that the House amended this bill to restrict the 100 foot trailer to 55 mph and a 95 foot can go 65. The Highway Patrol will have to differentiate that 5 foot difference. He stated that they did not oppose the speed limit. It may be a problem though, for those who have to enforce it.

Those Testifying Who Were Neutral:

Jesse Munro, Acting Director for the Highway Department

Testimony:

JESSE MUNRO, Acting Director for the Highway Department stated that they are not in support, nor do they oppose it. He did want to point out, when this was brought to their attention last year, what they did was draft an administrative rule that allowed the 100 foot combinations to operate on the interstate only with the trip permit. The problem they had was the current loss that they can not issue a term permit to a vehicle in excess of 95 feet if it has a reducible load. He explained that this bill gives him 100 foot and allows him to buy a term permit for \$125 per year.

JESSE MUNRO explained to the Committee that the reason the House Committee put in the bill the limiting to the interstate, is they felt that the 95 foot law is a good law and that anything in excess of 95 feet should all be treated the same. That is why anything over 95 feet is being treated the same as the triples. The other reason why the Department suggested they be limited to the interstate is because MT has not done the off-tracking studies like the other states have on their 2 lane primaries, to see how these long combinations actually track as they go down the road and how much they go over the center line.

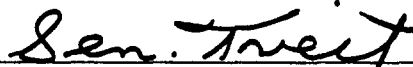
JESSE MUNRO informed the Committee that the Department is in the process of doing that study. Before we allow these combinations to operate on our primaries, this study should be done. Other states have done this study, and what they have come up with are maps that tell you what routes you can go on for your length.

Questions From Committee Members: None

Closing by Sponsor: REPRESENTATIVE ROTH closed the hearing on House Bill 602.

ADJOURNMENT

Adjournment At: 2:50 p.m.



SENATOR LARRY TVEIT, Chairman

LT/pb

senmin.307

ROLL CALL

HIGHWAY

COMMITTEE

DATE March 7, 1989

51st

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

Montana Trail Bike Riders Association

P.O. Box 6118, Bozeman, MT 59771-6118

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 3-7-89

BILL NO. HB 165

Comments Re: HB 165
Senate Highways and Transportation Committee
March 7, 1989

Linda Ellison, Secretary/Treasurer,
Montana Trail Bike Riders Assn.
(Proponent)

Through HB 165 it is our intent to:

- provide a viable registration system for off-highway vehicles
- provide a redirection of fees, enabling the act to pay its own way administratively
- bring the fee in lieu of tax in line with differences in value between snowmobiles and OHVs
- to provide certificates of ownership for OHVs
- to provide for registration of OHV dealers
- to provide an OHV recreation management program that is paid for by the people it provides services for

The present statute regarding OHV registration does not provide funding for administration or enforcement. Consequently, registration information is not entered into the motor vehicle recording system, and compliance rates are low.

The current fee in lieu of tax for snowmobiles is \$22/15. The market value of off-highway motorcycles and ATV's is considerably less than that of snowmobiles. Reducing the fee in lieu of tax on OHV's accordingly, to \$18/8, would allow the remainder of \$'s to be redirected for administrative purposes without increasing the total cost to the involved taxpayers, and would more closely reflect that difference in the rate of taxation and value.

There is a viable history supporting the above reduction and redirection: During last session's consideration of the bill resulting in this statute, it was expressly pointed out by the Department of Fish, Wildlife and Parks and others, that no monies were provided for enforcement or administration. The fee amounts were then amended by an amount sufficient to cover those costs, but the appropriate language to direct administration was not included and is not a part of the existing statute. (I have provided the committee secretary with a copy of that information along with a copy of my testimony.)

Funding enforcement will increase compliance, and the increased number of "decaled" OHV's will offset the redirection of the \$'s from the counties.

We have tried to provide a fee structure that will adequately cover the costs of services rendered by the various departments, and have provided additional fees at times when added time or materials are needed in gathering initial information, such as when applying for a certificate of ownership, or affecting a transfer of interest.

In order to provide a certificate of ownership, all OHV dealers must be registered. There are some OHV dealers who are not covered by existing statutes.

Lack of a certificate of ownership and meaningfully recorded registration leaves OHV's susceptible to "hit and run" theft, and hampers recovery efforts, and resale by legitimate owners.

It is our intent that the program-oriented "decal" portion of the fee also be paid by "street-legal" licensed OHV's used for recreation on public lands, and that there be a reasonable allowance for use of legitimate utility vehicles on public lands.

While the above outlines the "housekeeping" side of this bill, the primary purpose of this legislation is the creation of an OHV program which will focus planning efforts and funding solely on OHV recreation, in order to provide needed trail maintenance, improve trail network design, and help resolve social conflicts in much the same way the snowmobile program has enhanced wintertime recreation.

In Montana, planning for motorized recreation is done by 11 National Forests, 3 BLM districts, the Department of State Lands, and the Parks division of the Montana Department of Fish, Wildlife, and Parks-- all as individual entities, without regard for the overall picture.

This piecemeal approach, along with deficiencies in funding are major barriers to responsive management occurring at a time when there has been a significant rise in all forms of trail use in Montana, along with a corresponding rise in demand for increased opportunities.

Formulation of reasonable guidelines for OHV use and on-the-ground resource management will be enhanced when there is a forum for addressing concerns in a concerted fashion. Establishment of an OHV program provides that forum. Through a format of cooperative agreements such as the snowmobile program employs, all agencies can participate, thus expanding the fiscal outlook and management capabilities of each. The program will come FROM the users, as a direct return FOR their tax \$'s.

We recognize that such a program cannot emerge instantaneously in full force. We have therefore, included language that will allow funding to begin accruing effective January 1, 1990, and have delayed evaluation for implementation until January 1, 1991.

MTBRA respectfully requests your consideration and support in this endeavor.

1 HOUSE BILL NO. 813

2 INTRODUCED BY COHEN, GRADY, HARPER, ELLISON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A FEE IN
5 LIEU OF TAX FOR OFF-HIGHWAY VEHICLES; PROVIDING FOR BSH
6 DISTRIBUTION OF THE PROCEEDS FOR THE BENEFIT OF THE
7 GOVERNMENT-BLOCK-GRANT-FUND; AMENDING SECTION 15-6-146, MCA;
8 AND PROVIDING EFFECTIVE DATES."

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

11 NEW SECTION. Section 1. Definitions. As used in
12 (sections 1 through 7 and 9), unless the context clearly
13 indicates otherwise, the following definitions apply:

14 (1) (a) "Off-highway vehicle" means a self-propelled
15 three-or-four-wheeled vehicle used for recreation or
16 cross-country travel on public lands, trails, easements,
17 lakes, rivers, or streams. The term includes but is not
18 limited to motorcycles, quadricycles, dune buggies,
19 amphibious vehicles, air cushion vehicles, and any other
20 means of land transportation deriving motive power from any
21 source other than muscle or wind.

22 (b) Off-highway vehicle does not include:

- 23 (i) vehicles designed primarily for travel on, over,
24 or in the water;
- 25 (ii) snowmobiles; or

1 (iii) vehicles otherwise licensed under the laws of the
2 state.

3 (2) "Department" means the department of fish,
4 wildlife, and parks.

5 NEW SECTION. Section 2. Exemptions. (1) The
6 provisions of [sections 1 through 7 and 9] do not apply to
7 an off-highway vehicle:

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

10 (b) registered in a country other than the United
11 States, temporarily used within this state for not more than
12 30 days; OR

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

16 (d) operated only on hands-owned or leased--by--the
17 off-highway-vehicle-owner.

18 NEW SECTION. Section 3. Fee in lieu of tax on
19 off-highway vehicles -- disposition of fees. (1) There is a
20 fee in lieu of tax on off-highway vehicles to be paid to the
21 county treasurer of the county in which the owner of the
22 off-highway vehicle resides.

23 (a) The fee for an off-highway vehicle less than 3
24 years old is \$20. In all other cases the fee is \$12.

25 (b) The age of an off-highway vehicle is determined by



1 subtracting the manufacturer's designated model year from
2 the current calendar year.

3 (2) Within 10 days after the end of each month, the
4 county treasurer shall transmit to the state treasurer for
5 deposit in the local government block grant account created
6 in 7-6-303 the balance, after deducting and depositing in
7 the county general fund an amount equal to 5% of
8 collections of the fee in lieu of tax on off-highway
9 vehicles during the previous month. THE COUNTY TREASURER
10 SHALL DISTRIBUTE ALL FEES IN LIEU OF TAX COLLECTED ON
11 OFF-HIGHWAY VEHICLES PURSUANT TO [SECTION 3] IN THE RELATIVE
12 PROPORTIONS REQUIRED BY THE LEVIES FOR STATE, COUNTY, SCHOOL
13 DISTRICT, AND MUNICIPAL PURPOSES IN THE SAME MANNER AS
14 PERSONAL PROPERTY TAXES ARE DISTRIBUTED.

15 NEW SECTION. Section 4. Decal required. Except as
16 provided in [section 2], no off-highway vehicle may be
17 operated by any person in Montana unless there is displayed
18 in a conspicuous place a decal, in a form prescribed by the
19 department, as visual proof that the fee in lieu of tax
20 provided for in [section 3] has been paid for the current
21 year. THE DECAL WILL BE SERIALY NUMBERED AND HAVE THE
22 EXPIRATION DATE OF DECEMBER 31 OF THE APPROPRIATE YEAR
23 PRINTED THEREON.

24 NEW SECTION. Section 5. Identification of off-highway
25 vehicle to which fee applies. (1) When the owner of an

1 off-highway vehicle pays the fee in lieu of tax provided for
2 in [section 3], he shall furnish to the county treasurer,
3 upon a form furnished by the department for this purpose,
4 the following information about the off-highway vehicle:
5 (a) name of the owner;
6 (b) residence or mailing address of the owner, by town
7 and county;

8 (c) name of the manufacturer;
9 (d) model number or name; and
10 (e) identification number.

11 (2) The application must be signed by at least one
12 owner or by a properly authorized agent of the owner.
13 (3) Upon payment of the fee in lieu of tax and
14 completion of the identification form, the county treasurer
15 shall deliver the decal provided for in [section 4].

16 NEW SECTION. Section 6. Enforcement. The department's
17 enforcement personnel, sheriffs and their deputies, the
18 Montana highway patrol, and the police of each municipality
19 shall enforce the provisions of [sections 1 through 7 and
20 9].

21 NEW SECTION. Section 7. Penalty -- disposition. (1)
22 The failure to display a current decal indicating that the
23 fee in lieu of tax has been paid on the off-highway vehicle
24 for the current year as provided in [section 4] is a
25 misdemeanor punishable by a fine of not less than \$10 or

1 more--than--\$50 EQUAL TO FIVE TIMES THE FEE IN LIEU OF TAX

2 THAT IS DUE ON THE OFF-HIGHWAY VEHICLE FOR THE CURRENT YEAR.

3 (2) All fines collected under this section must be
4 transmitted to the state treasurer, who shall deposit the
5 money in the earmarked revenue fund to the credit of the
6 department to be used for off-highway vehicle safety and
7 education.

8 Section 8. Section 15-6-146, MCA, is amended to read:

9 "15-6-146. Class sixteen property -- description --
10 taxable percentage. (1) Class sixteen property includes:

11 (a) watercraft;

12 (b) ~~all~~ terrain ~~vehicles~~ ~~not~~ ~~registered~~ ~~under~~
13 ~~61-3-3817~~;

14 (c) ~~(b)~~ harness, saddlery, and other tack equipment;

15 (d) ~~(c)~~ all other property used for noncommercial
16 purposes which is not real property or an improvement to
17 real property and which is not included in another class or
18 exempt from taxation under Title 15, chapter 6, part 2.

19 (2) Class sixteen property is taxed at 11% of its
20 market value."

21 NEW SECTION. Section 9. Regulation by local
22 government precluded. No political subdivision may prescribe
23 further licensing or registration of off-highway vehicles,
24 and no political subdivision may levy fees or charges for
25 use or operation of off-highway vehicles within the

1 subdivision.

2 NEW SECTION. Section 10. Extension of authority. Any
3 existing authority of the department of fish, wildlife, and
4 parks to make rules on the subject of the provisions of this
5 act is extended to the provisions of this act.

6 NEW SECTION. Section 11. Codification instruction.
7 Sections 1 through 7 and 9 are intended to be codified as an
8 integral part of Title 23, chapter 2, and the provisions of
9 Title 23, chapter 2, apply to sections 1 through 7 and 9.

10 NEW SECTION. Section 12. Effective dates. (1) Section
11 10 and this section are effective on passage and approval.
12 (2) Sections 1 through 9 are effective January 1,
13 1988.

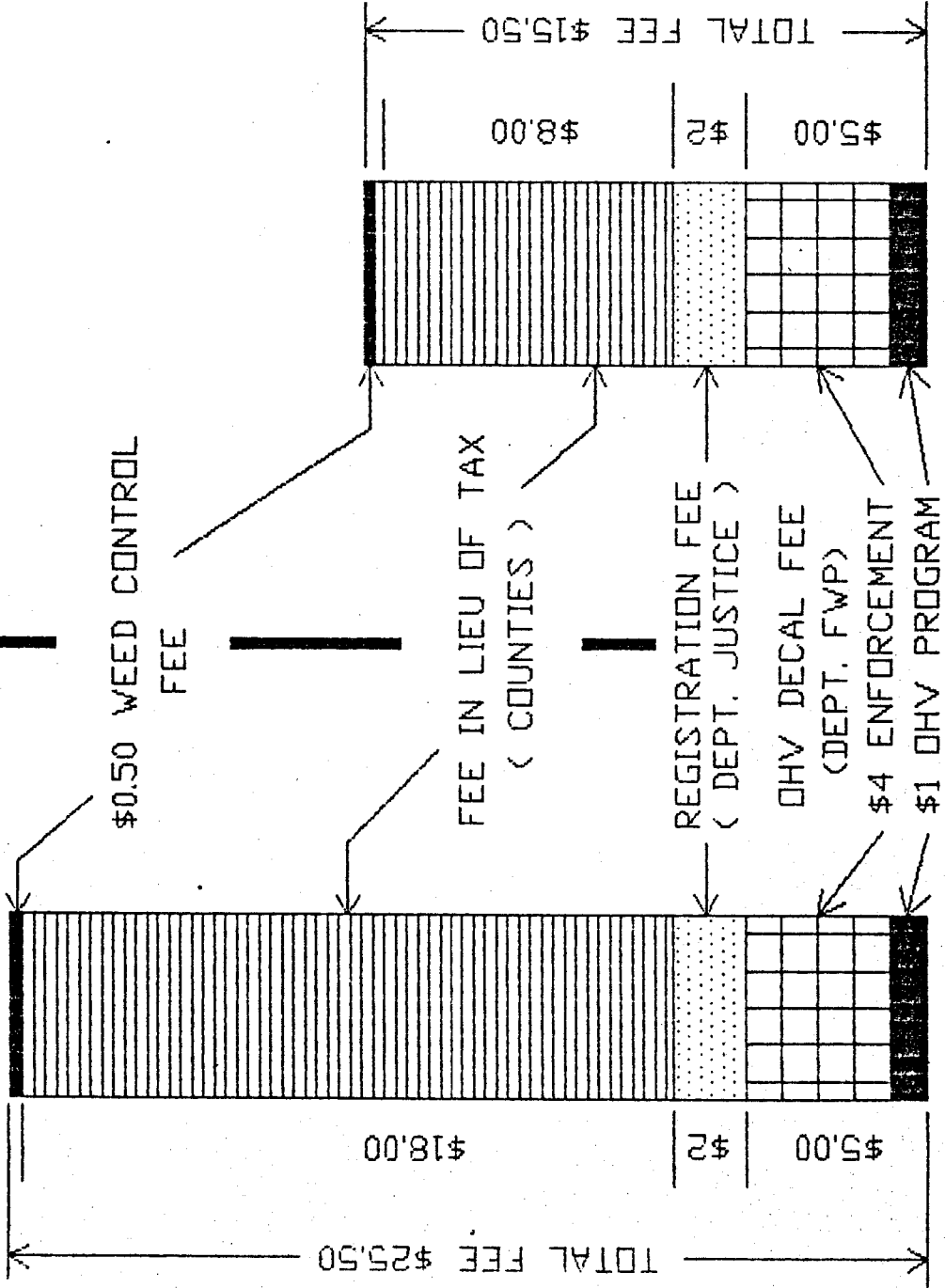
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HB165 OFF HIGHWAY VEHICLE FEE DISTRIBUTION

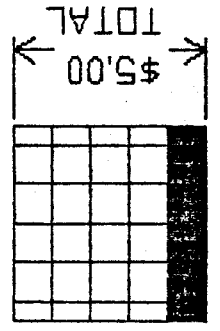
BY: MTBRA
MARCH 1, 1988

OHV'S 3 YEARS OR LESS

OHV'S OLDER THAN 3 YEARS



OHV DECAL FEE
FOR
LICENSED VEHICLES
(MOTORCYCLES AND
ATV'S ONLY)



Serask Highway
3/7/89
H B 165
Exhibit # 1

LINDA ELLISON
President
Sec/T

MONTANA TRAIL BIKE RIDER'S ASSN.

3301 West Babcock
Bozeman, Montana 59715

587-4505



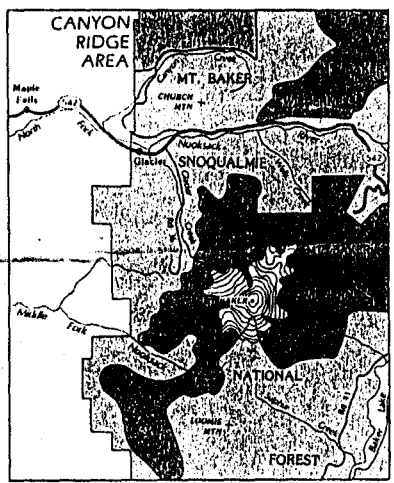
Montana's Snowmobile Program

EXISTING OHV PROGRAMS IN SELECTED STATES

EXHIBIT NO. 2
DATE 3/7/89
BILL NO. HB165

SUBMITTED BY MTERA 1-19-89

Puget Sound
16



CANYON RIDGE

Location: 4 mi. N of Glacier
Phone: (206) 856-1324 USDA Forest Service or (206) 592-5161 Whatcom Co Parks
Trails: Trailbike Season: when snow-free
Fees: none
Mailing Address: Mt. Baker Ranger District, P.O. Box 232, Sedro Woolley, WA-98284 or Whatcom Co. Parks, 3373 Mt. Baker Highway, Bellingham, WA 98226
Trail Map: Western Washington packet
Note: Cooperative trail system of the USDA Forest Service and Whatcom Co. Parks; trails not rated for difficulty

PLACES TO OFF-ROAD

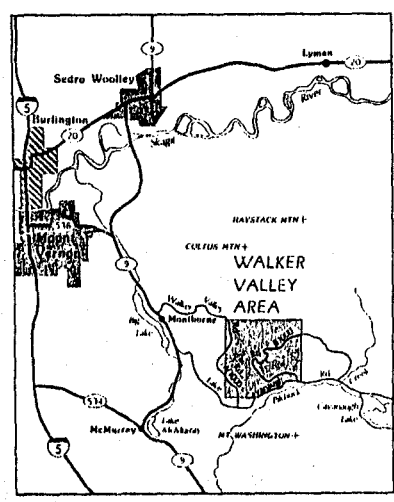
Puget Sound

Canyon Ridge

This trail loop will be a 26-mile trailbike ride. All but about eight miles of trail are in place. The loop should be completed by Fall 1985. Trail elevations range from 3,000 to 5,500 feet, and provide alpine mountain vistas.

The Canyon Creek Campground (USDA Forest Service) serves as the principal trailhead.

This project was funded with Whatcom County ORV funds and the Forest Service provided the ground.



WALKER VALLEY

Location: 7 mi. SE of Mt. Vernon
Phone: (206) 856-0083
Trails: Trailbike Season: daylight hours, all year, weather permitting
Fees: none
Mailing Address: Department of Natural Resources, 919 N. Township St., Sedro Woolley, WA 98284
Trail Map: not yet available

Walker Valley

The Walker Valley area is a lowland riding area popular with trailbikers. Elevations range from 500 to 3,000 feet.

The Department of Natural Resources is preparing a new management plan for the area. One of the plan's purposes is to improve management in order to improve opportunities for recreationists.

WASHINGTON STATE: OFF ROAD VEHICLE GUIDE - 1985



DIY OHV TRAIL AND BRIDGE CONSTRUCTION



This innovative trail marker, located in the Pike National Forest, Colorado, designates a true multiple-use trail.

COLORADO: USER CONFLICT MITIGATION

(4) Immediately upon the return of such certified matter, the district court shall fix a day for the hearing of said appeal and shall cause notice to be served upon the department and upon the appellant and also upon any other parties in interest upon whom service was required under the provisions of this section. The court may upon the hearing for a good cause shown admit evidence in addition to the matter certified by the department to the court, but in the absence of such permission from the court, the cause shall be heard on the matter certified to the court by the department. The trial of the matter shall be de novo, without a jury, and upon such trial the court shall determine whether or not the department regularly pursued its authority, whether or not the findings of the department ought to be sustained, and whether or not such findings are reasonable under all circumstances of the case. The department and each party in interest shall have the right to appear in the proceeding.

(5) If the court shall find from such trial, as aforesaid, that the findings and conclusions of the department are not in accordance with either the facts or the law or that they ought to be other or different from those made by the department or that any finding and conclusion or any decision, order, act, rule, or requirement of the department is unreasonable, the court shall set aside such finding, conclusion, decision, order, act, rule, or requirement of the department or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order, or judgment that shall be required or shall be legal and proper in the premises. Either the department or the appellant or any other party in interest, if there be any, may appeal to the supreme court from any final order, judgment, or decree of said district court, which said appeal shall be taken in the same manner as appeals are now taken in other civil actions to the supreme court.

(6) Upon such appeal, the supreme court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises and may stay the operation of any order, judgment, or decree of said district court without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed, it shall have precedence upon the calendar of said supreme court upon the record made in said district court and upon the matters certified to or which ought to have been certified by said department to said district court, and judgment and decree shall be entered herein as expeditiously as possible.

History: En. Sec. 2, Ch. 204, L. 1951; amd. Sec. 1, Ch. 164, L. 1957; R.C.M. 1947, 53-419(c); amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Administrative procedure — judicial review of contested cases, Title 2, ch. 4, part 7.
Supreme Court jurisdiction, Title 3, ch. 2, part

District Court — appellate jurisdiction, 3-5-303.
Service of process, Title 25, ch. 3; Rule 4, M.R.Civ.P. (see Title 25, ch. 20).
Montana Rules of Appellate Procedure, Title 25, ch. 21.

61-6-107. Department to furnish operating record. The department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this part, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person and if there shall be no record of any conviction of such person

of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify. A fee of \$2 shall be paid for said certified abstract.

History: En. Sec. 3, Ch. 204, L. 1951; amd. Sec. 17, Ch. 121, L. 1965; amd. Sec. 1, Ch. 381, L. 1971; R.C.M. 1947, 53-420; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Records to be kept by Department of Justice, Duties of Department of Justice — records, 61-11-102.
61-3-101.

61-6-108. Matters not to be evidence in civil suits. Neither the action taken by the department pursuant to this part nor the findings, if any, of the department upon which such action is based shall be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

History: En. Sec. 11, Ch. 204, L. 1951; amd. Sec. 1, Ch. 184, L. 1974; R.C.M. 1947, 53-428; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Evidence, Title 26.

Liability for negligence as well as willful acts, 27-1-701.

Comparative negligence, 27-1-702.

61-6-109. Exceptions. This part shall not apply with respect to any motor vehicle owned by the United States, this state, or any political subdivision of this state or any municipality therein; or, except for 61-6-139, with respect to any motor vehicle which is subject to the provisions of 69-12-402, requiring insurance or other security.

History: En. Sec. 33, Ch. 204, L. 1951; amd. Sec. 3, Ch. 184, L. 1974; R.C.M. 1947, 53-450.

Cross-References

Public-owned vehicles exempt from license or registration fees, 61-3-321.

Number plates — publicly owned vehicles,

61-3-332.

61-6-110. Other relief not precluded. Nothing in this part shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

History: En. Sec. 38, Ch. 204, L. 1951; R.C.M. 1947, 53-455.

Cross-References

Civil trials, Title 25, ch. 7.

61-6-111. Repealed. Sec. 9, Ch. 218, L. 1985.

History: En. Sec. 30, Ch. 204, L. 1951; R.C.M. 1947, 53-447.

61-6-112. Surrender of license. Any person whose license shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this part, shall have been canceled or terminated, or who shall neglect to furnish other proof upon request of the department shall immediately return his license to the department. If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer or highway patrolman to secure possession thereof and to return the same to the department.

History: En. Sec. 31, Ch. 204, L. 1951; amd. Sec. 1, Ch. 107, L. 1957; R.C.M. 1947, 53-448; amd. Sec. 1, Ch. 218, L. 1985; amd. Sec. 1, Ch. 503, L. 1985.

EXHIBIT NO. 4

DATE 3-7-89

BILL NO. HB 394

DATE: 01/11/89

DEPARTMENT OF JUSTICE
DRIVER SERVICES BUREAU
HELENA, MT 444-3275

PAGE: 1

NAME: SCHRAB, HARLEY, LEO
ADDRESS: 4234 BRUCE

CITY: BILLINGS

DATE OF BIRTH: 020362 SEX: M
ST: MT ZIP: 59101

TIC NMBR: 517847014 STATE: MT TYPE: CMRCL STATUS: VALID EXP YEAR: 89
VOL TYPE: PRE 1-1-88 CLASS: ENDORSEMENT: STATUS:

LICENSE RESTRICTIONS:
NO MICYCLE ENDRS

SUMMONS HISTORY INFORMATION:

SEQ	ISSUE DATE	CONVCT DATE	DESCRIPTION
22	10/24/88	10/31/88	SPEEDING: RESTRICTED SPEED ZONE
20	04/25/87	02/09/88	SPEEDING: RESTRICTED SPEED ZONE
19	01/06/88	01/07/88	SPEEDING: EXCEEDING 65 MPH NIGHT LIMIT ON INTERSTATE
18	02/24/87	04/07/87	R.O.W. VIOLATION--FAIL TO YIELD TO VEH ON THROUGH HIGHW
17	02/05/87	04/03/87	SPEEDING: RESTRICTED SPEED ZONE
16	12/12/86	01/14/87	FAIL TO OBEY RED (STOP) TRAFFIC SIGNAL
12	05/03/86	11/25/86	SPEEDING: RESTRICTED SPEED ZONE
13	01/10/86	11/25/86	R.O.W. VIOL-FAIL TO YIELD WHFN ENTER HWY FRM PRVT RD OR
14	10/20/86	11/25/86	SPEEDING: RESTRICTED SPEED ZONE
15	07/19/85	11/21/86	MAKING LEFT TURN FROM IMPROPER LANE

ACCIDENT HISTORY INFORMATION:

SUMMONS REFERENCE	***** A C C I D E N T ***** NUMBER	DATE	TIME	ACCIDENT SEVERITY
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DRIVER IMPROVEMENT HISTORY INFORMATION:

SUMMONS REFERENCE	DESCRIPTION	ACTION BEGIN	ACTION END	RESTORE -DATE
---	SUSPENDED, MULTIPLE VIOLATIONS	04/03/87	10/02/87	10/02/87
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