

1 H BILL NO. 158
2 INTRODUCED BY Waldron Courtney Kinkade
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
5 RELATING TO REGISTRATION OF SNOWMOBILES; PROVIDING A \$3
6 RECORDING FEE; DELETING ANNUAL REGISTRATION REQUIREMENTS
7 OTHER THAN OBTAINING AN ANNUAL TAX-PAID DECAL; AMENDING THE
8 DEFINITION OF "SNOWMOBILE" TO EXCLUDE ALL-TERRAIN VEHICLES;
9 AMENDING SECTIONS 53-1012, 53-1013, 53-1014, 53-1015,
10 53-1016, 53-1017, 53-1024, 53-1025, AND 53-1025.1, R.C.M.
11 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

24 ~~(b)~~(2) "Snowmobile" includes any self-propelled
25 vehicle designed primarily for travel on snow or ice or

1 ~~natural--terrain~~ which may be steered by wheels, skis, or
2 runners, and which is not otherwise registered recorded or
3 licensed under the laws of the state of Montana.

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

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

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

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

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

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

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

24 "53-1013. Certificate of ownership. (1) No snowmobile
25 shall may be operated upon any public or private lands,

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

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

20 (3) If a certificate of ownership for a snowmobile has
 21 previously been ~~registered~~ obtained under the provisions of
 22 this act, the application for ~~registration~~ a new certificate
 23 of ownership must be accompanied by the immediately previous
 24 ~~registration receipt~~ certificate of ownership or by an
 25 affidavit upon a prescribed form, stating under oath that

1 the vehicle had not been operated during the immediately
 2 previous year, ~~provided, however, that this paragraph~~ this
 3 subsection shall not be applicable to snowmobiles that are
 4 purchased as new and unused machines or that were operated
 5 when the provisions of this act were not in force and
 6 effect.

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

23 (5) Upon application for ~~an owner's~~ a certificate of
 24 registration ownership, a fee of ~~two dollars (\$2)~~ 11 shall
 25 be paid to the county treasurer, ~~one-half (1/2)~~ of which fee

1 shall be forwarded by the county treasurer to the registrar
2 of motor vehicles.

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

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

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

21 (2) Within ~~ten~~ (10) days thereafter, the transferee
22 shall forward both the certificate of ownership so endorsed,
23 and ~~the certificate of registration~~, together with the
24 information required under this act, to the registrar, who
25 shall file the same upon receipt thereof, and no certificate

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

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

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

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

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

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

25 (2) No political subdivisions of this state shall have

1 authority to prescribe further licensing or registration of
2 snowmobiles and no political subdivision shall levy fees or
3 charges for use or operation of snowmobiles within the
4 subdivision."

5 Section 6. Section 53-1017, R.C.M. 1947, is amended to
6 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 immediate report to the
11 registrar of motor vehicles of all snowmobiles reported to
12 him as stolen or recovered, upon forms provided for by the
13 registrar of motor vehicles. Failure on the part of any
14 officer shall be ~~deemed~~ considered to be misfeasance in
15 office and shall constitute 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 ownership, as heretofore provided,
 4 shall be issued under this act, the motor and serial number
 5 on the ~~motor vehicle to be registered snowmobile for which~~
 6 ~~such certificate is to be issued~~ shall be checked against
 7 the "stolen and recovered snowmobile index".

8 Section 7. Section 53-1024, R.C.M. 1947, is amended to
 9 read as follows:

10 "53-1024. Tax on snowmobiles -- definitions. As used
 11 in this act, the following terms shall have the meanings
 12 indicated herein, unless the context otherwise clearly
 13 requires that another meaning be is intended:

14 ~~a=~~[1] "Person" includes an individual, partnership,
 15 association, corporation, and any other body or group of
 16 persons, whether incorporated or not, and regardless of the
 17 degree of formal organization.

18 ~~b=~~[2] "Snowmobile" includes any self-propelled vehicle
 19 designed primarily for travel on snow or ice ~~or--natural~~
 20 ~~terrain~~ which may be steered by ~~wheels,~~ skis, or runners,
 21 and which is not otherwise registered ~~recorded~~ or licensed
 22 under the laws of the state of Montana.

23 ~~c=~~[3] "Owner" shall include every person as defined
 24 herein, other than a lien holder or other person having a
 25 security interest only, holding ~~record title~~ a certificate

1 of ownership to a snowmobile and entitled to the use or
 2 possession thereof."

3 Section 8. Section 53-1025, R.C.M. 1947, is amended to
 4 read as follows:

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

1 him in the earmarked revenue fund to the credit of the state
 2 fish and game commission, with ~~one--dollar--{ \$1 }~~ designated
 3 for use in enforcing the purposes of this act and ~~one--dollar~~
 4 ~~{ \$1 }~~ designated for use in developing snowmobile facilities.
 5 Upon receipt of the application in approved form the
 6 registrar of motor vehicles or county treasurer shall issue
 7 to the applicant a decal in the style and design prescribed
 8 by the registrar of motor vehicles and of a different color
 9 than the preceding year, numbered numerically.

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

16 (c) The applicant shall pay the county treasurer the
 17 application fee and shall also pay the personal property
 18 taxes assessed against the snowmobile for the current year
 19 before the application for ~~registration--or--reregistration~~ a
 20 ~~tax-paid decal~~ may be accepted by the county treasurer."

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

23 "53-1025.1. Duplicate ~~registration--receipt--or~~ decal.
 24 In the event any ~~registration--receipt--or~~ ~~tax-paid~~ decal
 25 ~~shall--be~~ is lost, mutilated, or become illegible, the

1 persons to whom the same ~~shall--have--been~~ ~~was~~ issued shall
 2 immediately make application for and may obtain a duplicate
 3 thereof, upon payment of a fee of ~~one--dollar--{ \$1 }~~ to the
 4 county treasurer."

-End-

STATE OF MONTANA

REQUEST NO. 78-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, , 19 77 , there is hereby submitted a Fiscal Note for House Bill 158 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 to clarify the law relating to registration of snowmobiles; providing a \$3 recording fee; deleting annual registration requirements other than obtaining an annual tax-paid decal; amending the definition of "snowmobile" to exclude all-terrain vehicles; amending other sections.

ASSUMPTIONS:

1. The annual registration fee of \$2 is no longer required.
2. ½ of the fees collected on each application for transfer of ownership and original application will be retained by the county and ½ forwarded to the Registrar of Motor Vehicles.
3. 2,500 registered snowmobiles will be resold each year.
2,500 new snowmobiles will be sold each year.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Fees received under current law	\$17,740	\$17,740	\$35,480
Fees to be received under proposed law	<u>7,500</u>	<u>7,500</u>	<u>15,000</u>
Decrease in fees	<u>\$10,240</u>	<u>\$10,240</u>	<u>\$20,480</u>

LOCAL IMPACT:

Local government would recognize a decrease in fee collections of \$10,240 per year.

Richard L. Drury for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-19-77

Approved by Committee
on Highways & Transportation

1 H BILL NO. 158
2 INTRODUCED BY Waldron Courtney Kinkade

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
5 RELATING TO REGISTRATION OF SNOWMOBILES; PROVIDING A \$3
6 RECORDING FEE; DELETING ANNUAL REGISTRATION REQUIREMENTS
7 OTHER THAN OBTAINING AN ANNUAL TAX-PAID DECAL; AMENDING THE
8 DEFINITION OF "SNOWMOBILE" TO EXCLUDE ALL-TERRAIN VEHICLES;
9 AMENDING SECTIONS 53-1012, 53-1013, 53-1014, 53-1015,
10 53-1016, 53-1017, 53-1024, 53-1025, AND 53-1025.1, R.C.M.
11 1947."

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

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

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

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

24 ~~(b)(2)~~ "Snowmobile" includes any self-propelled
25 vehicle designed primarily for travel on snow or ice or

1 ~~natural--terrain~~ which may be steered by wheels, skis or
2 runners, and which is not otherwise registered recorded or
3 licensed under the laws of the state of Montana.

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

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

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

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

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

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

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

24 "53-1013. Certificate of ownership. (1) No snowmobile
25 ~~shall~~ may be operated upon any public or private lands,

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

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

20 (3) If a certificate of ownership for a snowmobile has
 21 previously been registered, obtained under the provisions of
 22 this act, the application for registration a new certificate
 23 of ownership must be accompanied by the immediately previous
 24 registration receipt, certificate of ownership or by an
 25 affidavit upon a prescribed form, stating under oath that

1 the vehicle had not been operated during the immediately
 2 previous year, ~~provided, however, that this paragraph~~ this
 3 subsection shall not be applicable to snowmobiles that are
 4 purchased as new and unused machines or that were operated
 5 when the provisions of this act were not in force and
 6 effect.

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

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

1 shall be forwarded by the county treasurer to the registrar
2 of motor vehicles.

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

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

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

21 (2) Within ~~ten~~ ~~{10}~~ days thereafter, the transferee
22 shall forward ~~both~~ the certificate of ownership so endorsed,
23 ~~and the certificate of registration~~, together with the
24 information required under this act, to the registrar, who
25 shall file the same upon receipt thereof, and no certificate

1 of ownership ~~and certificate of registration~~ shall be issued
2 by the registrar of motor vehicles until the outstanding
3 certificates are surrendered to that office or their loss
4 established to his reasonable satisfaction. The registrar of
5 motor vehicles shall collect a fee of ~~two dollars~~ ~~{\$2}~~ \$3
6 for each application for transfer of ownership.

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

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

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

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

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

25 (2) No political subdivisions of this state shall have

1 authority to prescribe further licensing or registration of
2 snowmobiles and no political subdivision shall levy fees or
3 charges for use or operation of snowmobiles within the
4 subdivision."

5 Section 6. Section 53-1017, R.C.M. 1947, is amended to
6 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 immediate report to the
11 registrar of motor vehicles of all snowmobiles reported to
12 him as stolen or recovered, upon forms provided for by the
13 registrar of motor vehicles. Failure on the part of any
14 officer shall be deemed considered to be misfeasance in
15 office and shall constitute 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~~ ownership, as heretofore provided,
 4 shall be issued under this act, the motor and serial number
 5 on the ~~motor-vehicle-to-be-registered~~ snowmobile for which
 6 such certificate is to be issued shall be checked against
 7 the "stolen and recovered snowmobile index"."

8 Section 7. Section 53-1024, R.C.M. 1947, is amended to
 9 read as follows:

10 "53-1024. Tax on snowmobiles -- definitions. As used
 11 in this act, the following terms shall have the meanings
 12 indicated herein, unless the context otherwise clearly
 13 requires that another meaning be is intended:

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

18 ~~b(2)~~ "Snowmobile" includes any self-propelled vehicle
 19 designed primarily for travel on snow or ice ~~or--natural~~
 20 ~~terrain~~ which may be steered by ~~wheels,~~ skis, or runners,
 21 and which is not otherwise ~~registered~~ recorded or licensed
 22 under the laws of the state of Montana.

23 ~~ev(3)~~ "Owner" shall include every person as defined
 24 herein, other than a lien holder or other person having a
 25 security interest only, holding ~~record-title~~ a certificate

1 of ownership to a snowmobile and entitled to the use or
 2 possession thereof."

3 Section 8. Section 53-1025, R.C.M. 1947, is amended to
 4 read as follows:

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

1 him in the earmarked revenue fund to the credit of the state
 2 fish and game commission, with ~~one-dollar--~~{\\$1} designated
 3 for use in enforcing the purposes of this act and ~~one-dollar~~
 4 {\\$1} designated for use in developing snowmobile facilities.
 5 Upon receipt of the application in approved form the
 6 registrar of motor vehicles or county treasurer shall issue
 7 to the applicant a decal in the style and design prescribed
 8 by the registrar of motor vehicles and of a different color
 9 than the preceding year, numbered numerically.

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

16 (c) The applicant shall pay the county treasurer the
 17 application fee and shall also pay the personal property
 18 taxes assessed against the snowmobile for the current year
 19 before the application for ~~registration-or-reregistration a~~
 20 tax-paid decal may be accepted by the county treasurer."

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

23 "53-1025.1. Duplicate ~~registration--receipt-or~~ decal.
 24 In the event any ~~registration--receipt--or~~ tax-paid decal
 25 ~~shall--be~~ is lost, mutilated, or become illegible, the

1 persons to whom the same ~~shall-have-been~~ was issued shall
 2 immediately make application for and may obtain a duplicate
 3 thereof, upon payment of a fee of ~~one-dollar--~~{\\$1} to the
 4 county treasurer."

-End-

1 H BILL NO. 158
2 INTRODUCED BY Waldron Courtney Kinkadee

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
5 RELATING TO REGISTRATION OF SNOWMOBILES; PROVIDING A \$3
6 RECORDING FEE; DELETING ANNUAL REGISTRATION REQUIREMENTS
7 OTHER THAN OBTAINING AN ANNUAL TAX-PAID DECAL; AMENDING THE
8 DEFINITION OF "SNOWMOBILE" TO EXCLUDE ALL-TERRAIN VEHICLES;
9 AMENDING SECTIONS 53-1012, 53-1013, 53-1014, 53-1015,
10 53-1016, 53-1017, 53-1024, 53-1025, AND 53-1025.1, R.C.M.
11 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

24 (b)(2) "Snowmobile" includes any self-propelled
25 vehicle designed primarily for travel on snow or ice or

1 natural--terrain, which may be steered by wheels, skis, or
2 runners, and which is not otherwise registered, recorded, or
3 licensed under the laws of the state of Montana.

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

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

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

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

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

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

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

24 "53-1013. Certificate of ownership. (1) No snowmobile
25 shall ~~may~~ be operated upon any public or private lands,

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

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

20 (3) If a certificate of ownership for a snowmobile has
 21 previously been ~~registered~~ obtained under the provisions of
 22 this act, the application for registration a new certificate
 23 of ownership must be accompanied by the immediately previous
 24 ~~registration receipt~~ certificate of ownership or by an
 25 affidavit upon a prescribed form, stating under oath that

1 the vehicle had not been operated during the immediately
 2 previous year, ~~provided, however, that this paragraph~~ this
 3 subsection shall not be applicable to snowmobiles that are
 4 purchased as new and unused machines or that were operated
 5 when the provisions of this act were not in force and
 6 effect.

7 (4) Upon completion of the application of ~~registration~~
 8 for a certificate of ownership, in quintuplicate, on forms
 9 furnished by the registrar of motor vehicles, the county
 10 treasurer shall issue to the applicant two copies of the
 11 application marked "~~owner's certificate of registration~~",
 12 one of which shall be marked "file copy,"¹ and forward one
 13 copy and the original application to the registrar of motor
 14 vehicles, who shall cause to be entered the information
 15 contained in the application upon the corresponding records
 16 of his office, and shall furnish the applicant a certificate
 17 of ownership, which shall contain the information found on
 18 the ~~registration application~~ application, ~~and the~~ the owner shall, at
 19 all times, retain possession of the certificate of
 20 ownership, except when the same is being transmitted to and
 21 from the registrar of motor vehicles for endorsement or
 22 cancellation.

23 (5) Upon application for ~~an owner's~~ a certificate of
 24 registration ownership, a fee of ~~two dollars (\$2)~~ 11 shall
 25 be paid to the county treasurer, one-half ~~(1/2)~~ of which fee

1 shall be forwarded by the county treasurer to the registrar
2 of motor vehicles.

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

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

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

21 (2) Within ~~ten--(10)~~ days thereafter, the transferee
22 shall forward ~~both~~ the certificate of ownership so endorsed,
23 ~~and the--certificate--of--registration~~ together with the
24 information required under this act, to the registrar, who
25 shall file the same upon receipt thereof, and no certificate

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

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

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

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

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

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

25 (2) No political subdivisions of this state shall have

1 authority to prescribe further licensing or registration of
2 snowmobiles and no political subdivision shall levy fees or
3 charges for use or operation of snowmobiles within the
4 subdivision."

5 Section 6. Section 53-1017, R.C.M. 1947, is amended to
6 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 immediate report to the
11 registrar of motor vehicles of all snowmobiles reported to
12 him as stolen or recovered, upon forms provided for by the
13 registrar of motor vehicles. Failure on the part of any
14 officer shall be ~~deemed~~ considered to be misfeasance in
15 office and shall constitute 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 ownership~~, as heretofore provided,
 4 shall be issued under this act, the motor and serial number
 5 on the ~~motor-vehicle-to-be-registered snowmobile for which~~
 6 ~~such certificate is to be issued~~ shall be checked against
 7 the "stolen and recovered snowmobile index".

8 Section 7. Section 53-1024, R.C.M. 1947, is amended to
 9 read as follows:

10 "53-1024. Tax on snowmobiles -- definitions. As used
 11 in this act, the following terms shall have the meanings
 12 indicated herein, unless the context otherwise clearly
 13 requires that another meaning be is intended:

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

18 b. (2) "Snowmobile" includes any self-propelled vehicle
 19 designed primarily for travel on snow or ice ~~or--nature~~
 20 ~~terrain~~ which may be steered by ~~wheels~~, skis, or runners
 21 and which is not otherwise registered ~~recorded~~ or licensed
 22 under the laws of the state of Montana.

23 c. (3) "Owner" shall include every person as defined
 24 herein, other than a lien holder or other person having a
 25 security interest only, holding ~~record-title~~ a certificate

1 of ownership to a snowmobile and entitled to the use or
 2 possession thereof."

3 Section 8. Section 53-1025, R.C.M. 1947, is amended to
 4 read as follows:

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

1 him in the earmarked revenue fund to the credit of the state
 2 fish and game commission, with ~~one-dollar--{\$1}~~ designated
 3 for use in enforcing the purposes of this act and ~~one-dollar~~
 4 ~~{\$1}~~ designated for use in developing snowmobile facilities.
 5 Upon receipt of the application in approved form the
 6 registrar of motor vehicles or county treasurer shall issue
 7 to the applicant a decal in the style and design prescribed
 8 by the registrar of motor vehicles and of a different color
 9 than the preceding year, numbered numerically.

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

16 (c) The applicant shall pay the county treasurer the
 17 application fee and shall also pay the personal property
 18 taxes assessed against the snowmobile for the current year
 19 before the application for ~~registration or reregistration~~ a
 20 tax-paid decal may be accepted by the county treasurer."

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

23 "53-1025.1. Duplicate ~~registration--receipt or~~ decal.
 24 In the event any ~~registration--receipt or~~ tax-paid decal
 25 ~~shall--be~~ is lost, mutilated, or become illegible, the

1 persons to whom the same ~~shall--have--been~~ was issued shall
 2 immediately make application for and may obtain a duplicate
 3 thereof, upon payment of a fee of ~~one-dollar--{\$1}~~ to the
 4 county treasurer."

-End-