

1 H BILL NO. 606
2 INTRODUCED BY Waldron

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING ALL-TERRAINE
5 VEHICLE, REQUIRING REGISTRATION OF SUCH VEHICLES, PROVIDING
6 FOR AN ANNUAL USE PERMIT, AND ESTABLISHING OPERATION AND
7 SAFETY REQUIREMENTS FOR SUCH VEHICLES."

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

10 Section 1. Definitions. As used in this act the
11 following definitions apply:

12 (1) "Person" means an individual, partnership,
13 association, or corporation.

14 (2) "All-terrain vehicle" means any self-propelled
15 vehicle designed or used primarily for travel over natural
16 terrain or on undeveloped roads or trails, which is not
17 otherwise registered or licensed under the laws of the state
18 of Montana. The term includes motorcycles not licensed under
19 Title 53, chapter 1.

20 (3) "Owner" means every person, other than a
21 lienholder or person having a security interest only, having
22 a certificate of ownership to an all-terrain vehicle, and
23 entitled to the use or possession thereof.

24 (4) "Commission" means the fish and game commission.

25 (5) "dba" means sound pressure level measured on the

1 "A" weight scale in decibels.

2 Section 2. Certificate of ownership. (1) No
3 all-terrain vehicle may be operated in the state unless a
4 certificate of ownership has first been obtained for the
5 vehicle.

6 (2) The owner of an all-terrain vehicle shall make
7 application for a certificate of ownership with the county
8 treasurer of the county in which the owner resides upon
9 forms to be furnished for this purpose. The forms shall
10 require the name of owner, residence by town and county,
11 business or home mailing address, name and address of
12 lienholder, amount due under contract or lien, name and
13 address of manufacturer, model number or name, serial
14 number, and name and address of dealer or other person from
15 whom acquired. The application shall be signed by at least
16 one owner or by a properly authorized officer or
17 representative of the owner.

18 (3) Upon completion of the application and upon
19 payment of a \$3 recording fee, the county treasurer shall
20 issue to the applicant one copy of the application and shall
21 forward the original and one additional copy to the
22 registrar of motor vehicles. The registrar shall cause to be
23 entered the information contained in the application upon
24 the corresponding records of his office and shall issue the
25 applicant a certificate of ownership. One-half of the

1 recording fee shall be retained by the county treasurer and
2 one-half shall be forwarded to the registrar of motor
3 vehicles.

4 Section 3. Transfer of interest. (1) Upon a transfer
5 of any interest of an owner in an all-terrain vehicle, the
6 person whose interest is to be transferred shall write his
7 signature with pen and ink upon the certificate of ownership
8 issued for such vehicle, in the appropriate space provided
9 upon the reverse side of such certificate, and such
10 signature shall be acknowledged before a notary public.

11 (2) Within 20 days thereafter, the transferee shall
12 forward the certificate of ownership so endorsed, together
13 with the information required under this act, to the
14 registrar, who shall file the same upon receipt thereof. No
15 certificate of ownership may be issued by the registrar of
16 motor vehicles until the outstanding certificates are
17 surrendered to that office or their loss established to his
18 reasonable satisfaction. Each application for transfer of
19 ownership shall be accompanied by a fee of \$3.

20 (3) The provisions of subsection (2) of this section,
21 requiring a transferee to forward the certificate of
22 ownership after endorsement to the registrar, shall not
23 apply in the event of the transfer of an all-terrain vehicle
24 to a licensed dealer intending to resell such vehicle and
25 who operates the same only for demonstration purposes. Each

1 such dealer shall upon transferring interest in the vehicle
2 forward the certificate of ownership endorsed by the former
3 owner and an application executed by the new owner to the
4 registrar of motor vehicles. The registrar upon receipt of
5 the certificate of ownership and application for a new
6 certificate, together with the conditional sales contract or
7 other lien, if any, shall issue a new certificate of
8 ownership, together with a statement of any conditional
9 sales contract, mortgage, or other lien.

10 (4) A penalty of \$15 shall be collected by the county
11 treasurer upon an owner's failure to transfer title within
12 the time specified in subsection (2).

13 Section 4. Lost or mutilated certificates. In the
14 event any certificate of ownership is lost, mutilated, or
15 becomes illegible, the persons to whom the same was issued
16 shall immediately make application for and may obtain a
17 duplicate thereof, upon payment of a fee of \$1.

18 Section 5. Exemptions. (1) The provisions of this act
19 with respect to certification of ownership do not apply to
20 all-terrain vehicles owned or used by the United States or
21 another state or any agency or political subdivision thereof
22 or any vehicle to be temporarily used within this state for
23 a period of not more than 30 days. All-terrain vehicles
24 owned by the state of Montana or any agency or political
25 subdivision thereof are exempt only from the payment of fees

1 but shall otherwise comply with all the requirements of this
2 act.

3 (2) No political subdivisions of this state may
4 prescribe further licensing or registration of all-terrain
5 vehicles, and no political subdivision may levy fees or
6 charges for use or operation of such vehicles within the
7 subdivision.

8 Section 6. Use permit. (1) In addition to obtaining a
9 certificate of ownership, an owner of an all-terrain vehicle
10 must obtain a use permit decal for each vehicle operated in
11 the state of Montana.

12 (2) Application for such use permit shall be made to
13 the county treasurer upon forms to be furnished for this
14 purpose, which shall provide for substantially the following
15 information: name of owner, address, certificate of
16 ownership number, name of manufacturer, model number, make,
17 horsepower, and year of manufacture. The application shall
18 be accompanied by a fee of \$15, \$10 of which shall be
19 retained in the county general fund and \$5 of which shall be
20 transferred to the earmarked revenue fund to the credit of
21 the fish and game commission to be used for developing and
22 maintaining all-terrain vehicle facilities.

23 (3) Upon receipt of the application in approved form
24 the county treasurer shall issue to the applicant a decal in
25 the style and design prescribed by the treasurer. The decal

1 shall be displayed on the all-terrain vehicle in a
2 conspicuous manner at all times.

3 (4) Any person operating an all-terrain vehicle on
4 which the use permit decal is not displayed is guilty of a
5 misdemeanor and shall be fined not less than \$25 or more
6 than \$100.

7 (5) The use permit required by this section is in lieu
8 of all ad valorem taxes on such vehicles.

9 Section 7. Application to be made annually -- lost
10 decal. (1) Application must be made annually to the county
11 treasurer for the issuance of use permit decals. All decals
12 expire on December 31 of each year.

13 (2) In the event any decal is lost, mutilated, or
14 becomes illegible, the person to whom it was issued shall
15 immediately make application for and may obtain a duplicate
16 thereof, upon payment of a fee of \$1 to the county
17 treasurer.

18 Section 8. Report of stolen and recovered vehicles.
19 The sheriff of every county of the state and the chief of
20 police or commissioner of police of every city shall make
21 immediate report to the registrar of motor vehicles of any
22 all-terrain vehicle reported to him as stolen or recovered,
23 upon forms provided for by the registrar of motor vehicles.
24 Failure on the part of any officer is misfeasance in office
25 and is grounds for removal. Upon receipt of such

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

16 Section 9. Operation on public street, road, or
 17 highway. (1) No person may operate an all-terrain vehicle on
 18 a public street, road, or highway except in the following
 19 cases:

20 (a) when the street, road, or highway is in such
 21 condition because of weather that travel thereon by other
 22 motor vehicles is impractical or impossible;

23 (b) when it is necessary to cross the street, road, or
 24 highway in order to get to another authorized area of
 25 operation. Such crossing shall be made at an angle of

1 approximately 90° to the direction of the street, road, or
 2 highway, at a place where no obstruction prevents a quick
 3 and safe crossing. The all-terrain vehicle shall make a
 4 complete stop before crossing, and the operator shall yield
 5 the right-of-way to all oncoming traffic.

6 (c) when a city or county street, road, or highway has
 7 been designated by the local governing body as an area where
 8 such vehicles may be operated. In such case, the vehicle
 9 may be operated only on such portion of the street, road, or
 10 highway designated for such use and only during the time
 11 designated for such use.

12 (2) It is unlawful for any person to operate any
 13 all-terrain vehicle upon a public street or highway:

14 (a) at a rate of speed greater than provided by law
 15 for motor vehicles;

16 (b) while under the influence of intoxicating liquor
 17 or narcotics or habit-forming drugs;

18 (c) in a careless or reckless manner so as to endanger
 19 the person or property of another or cause injury or damage
 20 to either;

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

23 (e) without a valid operator's license or without
 24 being accompanied by a person holding a valid operator's
 25 license.

1 (3) It is unlawful to operate or permit operation of
2 an all-terrain vehicle by a person who by reason of physical
3 or mental disability is incapable of operating the vehicle
4 as required for safety under the prevailing circumstances.

5 Section 10. Other unlawful operation. No person while
6 operating an all-terrain vehicle may:

7 (1) drive, rally, or harass any of the game animals,
8 game birds, or fur-bearing animals of the state or any
9 livestock, provided that an owner of livestock is not
10 prohibited from managing or driving his own livestock by the
11 use of all-terrain vehicles and may direct other persons to
12 so manage or drive his livestock. The department of fish and
13 game, including its duly authorized employees, is not
14 prohibited from managing or driving game animals, game
15 birds, or fur-bearing animals by the use of all-terrain
16 vehicles.

17 (2) discharge a firearm from an all-terrain vehicle;

18 (3) carry any passenger unless the all-terrain vehicle
19 has adequate seating room and foot rests for each passenger.

20 Section 11. Exhaust equipment. (1) Each all-terrain
21 vehicle shall be equipped at all times with noise
22 suppression devices capable of reducing noise level to not
23 more than:

24 (a) 92 dbA at 50 feet with the engine at one-half the
25 maximum safe revolutions per minute; or

1 (b) 110 dbA at 20 inches from the exhaust with the
2 engine at one-half the maximum safe revolutions per minute,
3 in which case the decimeter shall be held at 45° to the rear
4 of and level with the point of exhaust emission.

5 (2) Each all-terrain vehicle shall be equipped with a
6 United States forest service approved spark arrestor muffler
7 at all times.

8 Section 12. Minor to wear helmet. No minor may operate
9 an all-terrain vehicle unless wearing a protective helmet.

10 Section 13. Penalties. Except as otherwise provided:

11 (1) a person who willfully violates any provision of
12 this act or a rule adopted pursuant thereto shall pay a
13 civil penalty of not less than \$50 or more than \$1,000 for
14 each separate violation, and shall be additionally liable
15 for any damage caused thereby;

16 (2) a manufacturer who certifies that a new
17 all-terrain vehicle can meet the sound level limitations
18 imposed by this act is subject to the penalty provisions of
19 subsection (1) if any machine so certified does not meet the
20 appropriate sound level limitation.

21 Section 14. Enforcement. The fish and game commission,
22 enforcement personnel, the sheriffs and their deputies of
23 the various counties of the state, the Montana highway
24 patrol, and the police of each municipality shall enforce
25 the provisions of this act.

1 Section 15. Accidents involving all-terrain vehicles.
2 The owner or operator of an all-terrain vehicle which is
3 involved in any accident, collision, or upset upon a public
4 street or highway where personal injury occurs to any person
5 or where property damage exceeds \$100, shall report the
6 accident or occurrence to a state or local law-enforcement
7 agency responsible for collecting reports of accidents
8 involving motor vehicles.

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