

1 SENATE BILL NO. 16
 2 INTRODUCED BY GRAHAM
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
 5 REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL
 6 VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014,
 7 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3509, 69-3507,
 8 69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516,
 9 69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615,
 10 R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 53-1014, R.C.M. 1947, is amended to
 14 read as follows:

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

25 (2) Within ~~ten--(10)~~ days thereafter, the transferee

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

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

1 or other lien, if any, shall issue a new certificate of
2 ownership and certificate of registration together with a
3 statement of any conditional sales contract, mortgage, or
4 other lien."

5 Section 2. 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~~ is the duty of the sheriff of every county of
9 the state and of the chief of police or commissioner of
10 police of every city to 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 to be~~ is misfeasance in office and
15 ~~shall constitute~~ constitutes grounds for removal. Upon
16 receipt of such information, the registrar of motor vehicles
17 shall file the same in an index to be known as the "stolen
18 and recovered snowmobile index". It ~~shall be~~ is also be the
19 duty of the registrar of motor vehicles to file reports of
20 stolen and recovered snowmobiles reported to him from other
21 states. ~~The~~ Once a month the registrar of motor vehicles
22 shall prepare ~~once a month~~ a list of all snowmobiles stolen
23 or recovered during the previous month and forward a copy of
24 the same to every sheriff and all police departments in
25 cities of the first, second, and third class. Such list

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

7 Section 3. Section 53-1019, R.C.M. 1947, is amended to
8 read as follows:

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

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

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

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

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

22 ~~(5) Operating~~ operation of a snowmobile or
23 permitting such operation by any person who by reason of
24 age or physical or mental disability is incapable of
25 operating the snowmobile as required for safety under the

1 prevailing circumstances."

2 Section 4. Section 53-1026, R.C.M. 1947, is amended to
3 read as follows:

4 "53-1026. Application to be made annually -- grace
5 period -- proof of purchase. (1) Application must be made to
6 the county treasurer for the issuance of tax-paid decals
7 annually. All tax-paid decals expire on June 30 of each
8 year.

9 (2) An owner of a newly purchased snowmobile shall
10 have a grace period of ~~ten--{10}~~ days from the date of
11 purchase to make application for a current tax-paid decal;
12 provided--~~however~~, that at all times during that period a
13 bill of sale or other proof of purchase reciting the date of
14 purchase shall be carried by the operator or with the
15 snowmobile ~~at--all--times~~. An owner or operator of such a
16 snowmobile being operated after the ~~ten--{10}~~-day grace
17 period without a current tax-paid decal displayed on the
18 snowmobile shall be subject to the penalties of section
19 53-1027, as amended."

20 Section 5. Section 69-350?, R.C.M. 1947, is amended to
21 read as follows:

22 "69-3502. Definitions. As used in this act, unless the
23 context clearly requires a different meaning the following
24 definitions apply:

25 (1) "Vessel" means every description of watercraft,

1 unless otherwise defined by the fish-and-game commission of
2 ~~the-state-of-Montana~~, other than a seaplane on the water,
3 used or capable of being used as a means of transportation
4 on water.

5 (2) "Motorboat" means any vessel propelled by any
6 machinery, any motor, or engine of any description, whether
7 or not such machinery, motor, or engine is the principal
8 source of propulsion, including the term includes boats
9 temporarily equipped with detachable motors or engines, but
10 ~~shall does~~ not include a vessel which has a valid marine
11 document issued by the U.S. coast guard of the United
12 States government or any federal agency successor thereto.

13 (3) "Owner" means a person, other than a lien holder,
14 having the property in or title to a motorboat or vessel.
15 The term includes a person entitled to the use or possession
16 of a motorboat or vessel subject to an interest in another
17 person, reserved or created by an agreement and securing
18 payment or performance of an obligation, but the term
19 excludes a lessee under a lease not intended as security.

20 (4) "Waters of this state" means any waters within the
21 territorial limits of this state.

22 (5) "Person" means an individual, partnership, firm,
23 corporation, association, or other entity.

24 (6) "Operate" means to navigate or otherwise use a
25 motorboat or a vessel.

1 (7) ~~The word "board" shall mean~~ "Commission" means
2 the fish and game commission of the state of Montana ~~in all~~
3 ~~sections of this act.~~

4 (8) "Certificate of number" means the certificate
5 issued annually by the ~~board of equalization~~ county
6 treasurer to the owner of a motorboat, ~~or by the registrar~~
7 ~~of motor vehicles to dealers or manufacturers, awarding~~
8 ~~assigning~~ such motorboat an identifying number and ~~will~~
9 ~~contain~~ containing such information as required.

10 (9) "Identifying number" means the boat number set
11 forth in the certificate of number and properly displayed on
12 the motorboat.

13 (10) "License decals" ~~mean~~ means the serially numbered
14 license stickers issued annually by the ~~board of~~
15 ~~equalization~~ county treasurer and displayed as required by
16 law.

17 (11) "Passenger" means every person carried on board a
18 vessel other than:

19 (a) the owner or his representative;

20 (b) the operator;

21 (c) bona fide members of the crew engaged in the
22 business of the vessel who have contributed no consideration
23 for their carriage and who are paid for their services; or

24 (d) any guest on board a vessel which is being used
25 exclusively for pleasure purposes who has not contributed

1 any consideration, directly or indirectly, for his carriage.

2 (12) "Operator" means the person who navigates, drives,
3 or is otherwise in immediate control of a motorboat or
4 vessel.

5 (13) "Documented vessel" means a vessel which has and
6 is required to have a valid marine document as a vessel of
7 the United States.

8 (14) "Uniform state waterway marking system" means one
9 of two categories:

10 (a) a system of aids to navigation to supplement the
11 federal system of marking in state waters;

12 (b) a system of regulatory markers to warn a vessel
13 operator of dangers or to provide general information and
14 directions."

15 Section 6. Section 69-3503, R.C.M. 1947, is amended to
16 read as follows:

17 "69-3503. Operation of unnumbered motorboats
18 prohibited -- display of decals. (1) Every motorboat on the
19 waters of this state propelled by a motor or engine of any
20 description shall be properly numbered and display valid
21 license decals. No person ~~shall~~ may operate or give
22 permission for the operation of any motorboat on such waters
23 unless the motorboat is numbered and displays valid license
24 decals in accordance with this act, in accordance with
25 applicable federal law, or in accordance with a federally

1 approved numbering system of another state, and unless:

2 ~~(1)(a)~~ the certificate of number awarded to such ~~the~~
3 motorboat is in full force and effect; and

4 ~~(2)(b)~~ the identifying number set forth in the
5 certificate of number and the valid license decals are
6 displayed on such motorboat.

7 (2) Any person who operates a motorboat on the waters
8 of this state without displaying the appropriate numbers and
9 license decals as required by this section ~~shall--be~~ is
10 punishable by a fine not to exceed ~~ten dollars--(\$10)~~.
11 However, the arresting officer may issue a courtesy citation
12 in lieu of the penalty provided for in this subsection."

13 Section 7. Section 69-3504, R.C.M. 1947, is amended to
14 read as follows:

15 "69-3504. Identification number. ~~(a)(1)~~ The owner of
16 each motorboat requiring numbering by this state shall file
17 an application for number in the office of the county
18 treasurer wherein the motorboat ~~or--vessel~~ is owned or
19 taxable, on forms prepared and furnished by the registrar of
20 motor vehicles. The application shall be signed by the owner
21 of the motorboat and shall be accompanied by a fee of one
22 ~~(\$1)--dollar~~. Any alteration, change, or false statement
23 contained in the application ~~for-certificate-of-registration~~
24 will render the certificate of number ~~null--and~~ void. Upon
25 receipt of the application in approved form, the county

1 treasurer shall issue to the applicant a certificate of
2 number prepared and furnished by the registrar of motor
3 vehicles, stating the number awarded to the motorboat and
4 the name and address of the owner. The number awarded must
5 be painted on or attached to each outboard side of the
6 forward half of the motorboat, or, if there are no such
7 sides, at a corresponding location on both outboard sides of
8 the foredeck of the motorboat for which it is issued. The
9 number awarded shall read from left to right, ~~be~~ in Arabic
10 numerals, in block characters of good proportion, a minimum
11 of ~~three--(3)~~ inches in height, excluding border or trim, and
12 of a color which shall contrast with the color of the
13 background, and ~~be~~ so maintained as to be clearly visible
14 and legible. The number shall not be placed on the obscured
15 underside of the flared bow where the angle is such that the
16 numbers cannot be easily seen from another vessel or ashore.
17 No numerals, letters, or devices other than those used in
18 connection with the identifying number issued, ~~shall~~ may be
19 placed in the proximity of the identifying number, and no
20 numerals, letters, or devices which might interfere with the
21 ready identification of the motorboat by its identifying
22 number ~~shall~~ may be carried as to interfere with the
23 motorboat's identification. The certificate of number shall
24 be pocket size and shall be available to federal, state, or
25 local law enforcement officers at all reasonable times for

1 inspection on the motorboat for which issued, whenever the
 2 motorboat is on waters of this state, ~~except--boat boat~~
 3 liveries are not required to have the certificate of number
 4 on board each motorboat, ~~except-that out~~ a rental agreement
 5 must be carried on board livery motorboats in place of the
 6 certificate of number.

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

14 ~~(c)(3)~~ The applicant ~~shall,~~ upon the filing of the
 15 application, shall pay to the county treasurer, the
 16 registration fee and shall also pay the personal property
 17 taxes assessed against the motorboat or vessel for the
 18 current year of registration before the application for
 19 registration or reregistration may be accepted by the county
 20 treasurer.

21 ~~(d)(4)~~ The numbering requirements of this act shall
 22 apply to motorboats operated by dealers, manufacturers, or
 23 their employees as follows:

24 ~~(1)(a)~~ A dealer or manufacturer may apply directly to
 25 the registrar of motor vehicles for one ~~(1)~~ identifying

1 number and one ~~(1)~~ or more certificates of number. A
 2 dealer's or manufacturer's identifying number shall be
 3 displayed on a dealer's or manufacturer's boat while the
 4 boat is operating for a purpose related to the buying,
 5 selling, or exchanging of the boat by the dealer.

6 ~~(2)(b)~~ The application for a dealer's or
 7 manufacturer's identifying number shall include the name of
 8 the dealer or manufacturer and the ~~his~~ business address of
 9 ~~the--dealer--or--manufacturer~~. Each dealer or manufacturer
 10 shall have one ~~(1)~~ identifying number assigned to his
 11 business.

12 ~~(3)(c)~~ An application for dealer's or manufacturer's
 13 identifying number and certificate of number shall be
 14 accompanied by the following fees:

15 ~~(4)(i)~~ for the identifying number, first certificate
 16 of number, and set of license decals, ~~five-dollars--(\$5);~~

17 ~~(5)(ii)~~ for each additional certificate of number and
 18 set of license decals applied for in any application, ~~two~~
 19 ~~dollars--(\$2).~~

20 ~~(4)(d)~~ The registrar of motor vehicles shall issue
 21 certificates of number for identifying ~~number numbers~~
 22 awarded to a dealer or manufacturer in the same manner as
 23 provided in section 59-3504 ~~(e)(1)~~, as amended, except that
 24 no boat shall be described in the certificate and each
 25 certificate shall state that the identifying number has been

1 awarded to a dealer or manufacturer. A dealer's or
2 manufacturer's certificate of number expires on April 30 of
3 the year for which it is issued.

4 ~~(5)(e)~~ A dealer's or manufacturer's identifying number
5 shall be displayed in the same manner as provided in section
6 69-3504 ~~(a)~~ (1), as amended of this act, except that the
7 number may be temporarily attached, ~~and that the~~ the last
8 three ~~(3)~~ letters shall be "DLR" for dealer and "MFR" for
9 manufacturer. ~~these~~ these letters shall be included,
10 respectively, in dealer or manufacturer identification
11 numbers only.

12 ~~(6)(f)~~ No person other than a dealer or manufacturer
13 or an employee of a dealer or manufacturer ~~shall~~ may display
14 or use a dealer's or manufacturer's identifying number. A
15 dealer's or manufacturer's identifying number may be
16 displayed only on motorboats owned by the dealer or
17 manufacturer.

18 ~~(7)(g)~~ No dealer or manufacturer or employee of a
19 dealer or manufacturer ~~shall~~ may use a dealer's or
20 manufacturer's identifying number for any purpose other than
21 the purpose described in subsection ~~(1)~~ (4)(a) of this
22 section.

23 ~~(e) The owner of any motorboat already covered by a~~
24 ~~number in full force and effect which has been awarded to~~
25 ~~it pursuant to the operative federal law or a federal~~

1 ~~approved numbering system of another state shall record the~~
2 ~~number prior to operating the motorboat on the waters of~~
3 ~~this state in excess of the sixty (60) day reciprocity~~
4 ~~period provided for in section 69-3506 (1) of this act. Such~~
5 ~~recordation shall be in the manner and pursuant to the~~
6 ~~procedure required for the award of number under subsection~~
7 ~~(a) of this section.~~

8 ~~(f)(5)~~ Should the ownership of a motorboat change,
9 within a reasonable time a new application form with fee
10 shall be filed with the county treasurer and a new
11 certificate of number shall be awarded in the same manner as
12 provided for in an original award of number.

13 ~~(g)(6)~~ If an agency of the United States government
14 has in force an ~~over-all~~ overall system of identification
15 numbering for motorboats in the United States, the numbering
16 system employed pursuant to this act by the registrar of
17 motor vehicles shall be in conformity therewith.

18 ~~(h)(7)~~ Every certificate of number and the license
19 decals awarded under this act shall continue in effect for a
20 period not to exceed ~~one (1)~~ year, unless sooner terminated
21 or discontinued in accordance with the provisions of this
22 act. Certificates of number and license decals shall show
23 the date of expiration thereon and may be renewed by the
24 owner in the same manner provided for in the initial
25 securing of the certificate.

1 ~~(j)(8)~~ Certificates of number ~~one~~ shall expire on
2 April 30 of each calendar year and shall no longer be of any
3 effect unless renewed under this act.

4 ~~(j)(9)~~ In event of transfer of ownership, the
5 purchaser shall within a reasonable time furnish the county
6 treasurer notice of the acquisition of all or any part of
7 his interest other than the creation of a security interest
8 in a motorboat numbered in this state under this section, or
9 of the loss, theft, destruction, or abandonment of the
10 motorboat, ~~within reasonable time--thereof~~. Such transfer,
11 loss, theft, destruction, or abandonment shall terminate the
12 certificate of number for the motorboat, except that in the
13 case of a recovery from theft, or transfer of a part
14 interest which does not affect the owner's right to operate
15 the motorboat, the recovery or transfer does not terminate
16 the certificate of number.

17 ~~(k)(10)~~ A holder of a certificate of number shall
18 notify the county treasurer within reasonable time if his
19 address no longer conforms to the address appearing on the
20 certificate and shall, as a part of the notification,
21 furnish the county treasurer with his new address. The
22 registrar of motor vehicles may provide ~~in its rules by rule~~
23 for the surrender of the certificate bearing the former
24 address and its replacement with a certificate bearing the
25 new address or the alteration of an outstanding certificate

1 to show the new address of the holder.

2 ~~(j)(11)~~ No number other than the number and license
3 decal awarded to a motorboat or granted reciprocity under
4 this act, shall be painted, attached, or otherwise displayed
5 on either side of the forward half of the motorboat.

6 ~~(m)(12)~~ Fees collected under this section shall be
7 transmitted to the state treasurer who shall deposit the
8 fees in the motorboat certificate identification account of
9 an earmarked revenue fund. These fees shall be used only for
10 the administration and enforcement of sections 69-3501
11 through 69-3518, as amended.

12 ~~(n)(13)~~ An owner of a motorboat must notify the
13 registrar of motor vehicles, within a reasonable time,
14 giving the motorboat's identifying number and the owner's
15 name, ~~within reasonable time~~, when that motorboat becomes
16 documented as a vessel of the United States, is transferred,
17 lost, destroyed, abandoned, or ~~or~~ frauded, or within ~~sixty~~ ~~(60)~~
18 days after change of state of principal use."

19 Section 8. Section 69-3505, R.C.M. 1947, is amended to
20 read as follows:

21 "69-3505. Equipment. (1) Every motorboat or vessel
22 shall have aboard:

23 (a) One ~~one~~ one United States coast guard approved
24 personal flotation device in good and serviceable condition
25 for each person on board, provided that any person who has

1 not reached his ~~twelfth~~ 12th birthday shall have a United
 2 States coast guard approved life preserver properly fastened
 3 to his person when occupying a motorboat or vessel under
 4 ~~twenty-six-(26)~~ feet in length while such motorboat or
 5 vessel is in motion; ~~The fish and game commission shall~~
 6 ~~have the authority to designate waters and time of year on~~
 7 ~~these waters where all persons aboard a motorboat or vessel~~
 8 ~~must wear approved life preservers at all times.~~

9 ~~(b) When in operation or at anchor or moored away from~~
 10 ~~a docking facility between sunset and sunrise all vessels~~
 11 ~~shall display lights as prescribed by the board.~~

12 ~~(c)(b) If carrying or using any inflammable or~~
 13 ~~toxic fluid in any enclosure for any purpose, and if the~~
 14 ~~motorboat or vessel is not an entirely open motorboat or~~
 15 ~~vessel one, an efficient natural or mechanical ventilation~~
 16 ~~system prescribed by the board commission which shall be~~
 17 ~~used and be capable of removing resulting gases prior to~~
 18 ~~and during the time the motorboat or vessel is occupied by a~~
 19 ~~person.~~

20 ~~(d)(c) All motorboats shall carry the minimum number~~
 21 ~~of United States coast guard approved hand portable fire~~
 22 ~~extinguishers, the number of which is to be determined by~~
 23 ~~the Montana fish and game commission, or a United States~~
 24 ~~coast guard approved fixed fire extinguishing system,~~
 25 ~~except that motorboats less than ~~twenty-six-(26)~~ feet in~~

1 length of entirely open construction, propelled by outboard
 2 motors, and not carrying passengers for hire need not carry
 3 such portable fire extinguishers or fire extinguishing
 4 systems.

5 (2) Every motorboat or vessel shall have the
 6 carburetor or carburetors of every engine therein (except
 7 outboard motors) using gasoline as fuel, equipped with an
 8 efficient flame arrester, backfire trap, or other similar
 9 device.

10 (3) ~~The board may adopt rules modifying the equipment~~
 11 ~~requirements contained in this section to the extent~~
 12 ~~necessary to keep these requirements in conformity with the~~
 13 ~~provisions of the federal navigation and safety laws or with~~
 14 ~~the navigation and safety rules promulgated by the United~~
 15 ~~States coast guard. When in operation or at anchor or moored~~
 16 ~~away from a docking facility between sunset and sunrise, all~~
 17 ~~vessels shall display lights as prescribed by the~~
 18 ~~commission.~~

19 (4) ~~A person may not operate or give permission for~~
 20 ~~the operation of a vessel which is not equipped as required~~
 21 ~~by this section or modification thereof. The commission may~~
 22 ~~designate waters where and the time of year on these waters~~
 23 ~~when all persons aboard a motorboat or vessel must wear~~
 24 ~~approved life preservers at all times.~~

25 (5) ~~All vessels including houseboats and floating~~

1 cabins, may not be equipped in a manner which will permit
 2 discharge of inadequately treated sewage into waters of this
 3 state. No container of inadequately treated sewage may be
 4 placed, left or discharged in or near waters of this state
 5 by anyone at any time. All toilets located on any vessel
 6 operated on waters of this state shall have securely affixed
 7 to the interior discharge opening of them an operating
 8 treatment device or retaining tank meeting the standards
 9 established by the board of health and environmental
 10 sciences. Vessels, including houseboats and floating cabins,
 11 equipped with a galley or toilet shall have, not later than
 12 April 30, 1976, a wastewater holding system sealed to
 13 prevent the discharge of sewage as defined in section
 14 69-4802, R.C.M., 1947 water carried waste products, whether
 15 treated or untreated, into the surrounding waters.

16 (6) The commission may adopt rules modifying the
 17 equipment requirements contained in this section to the
 18 extent necessary to keep these requirements in conformity
 19 with the provisions of the federal navigation and safety
 20 laws or with the navigation and safety rules promulgated by
 21 the United States coast guard.

22 (7) A person may not operate or give permission for
 23 the operation of a vessel which is not equipped as required
 24 by this section."

25 Section 9. 69-3507, R.C.M. 1947, is amended to read as

1 follows:

2 "69-3507. Boat liveries. ~~(a)(1)~~ The owner of a boat
 3 livery shall cause to be kept a record of the name and
 4 address of the person or persons hiring any vessel which is
 5 designated or permitted by him to be operated; the
 6 identification number thereof; and of such vessel, the
 7 departure date and time, and the expected time of return.
 8 The record shall be preserved for at least ~~six (6)~~ months.

9 ~~(b)(2)~~ Neither the owner of a boat livery, nor his
 10 agent or employee shall permit any motorboat or any vessel
 11 designed or permitted by him to be operated as a motorboat
 12 or vessel to depart from his premises unless it shall have
 13 been provided, either by owner or renter, with the equipment
 14 required pursuant to section 69-3505 and any rules and
 15 regulations made pursuant thereto."

16 Section 10. Section 69-3508, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-3508. Prohibited operation and mooring --
 19 enforcement. ~~(a)(1)~~ No person shall may operate or knowingly
 20 permit any person to operate any motorboat or vessel, or
 21 manipulate any ~~water-skis~~ water skis, surfboard, or similar
 22 device, or other contrivance, in a reckless or negligent
 23 manner so as to endanger the life, limb, or property of any
 24 person.

25 ~~(b)(2)~~ No person shall may operate or knowingly

1 permit any person to operate, any motorboat or vessel, or
 2 manipulate any ~~water-skis~~ water skis, surfboard, or similar
 3 device, or other contrivance, while intoxicated or under the
 4 influence of any narcotic drug, barbiturate, or marijuana.

5 ~~(f)(13)~~ It ~~shall be~~ is unlawful for the owner of any
 6 motorboat or vessel, or any person having such in charge or
 7 in control, to authorize or knowingly permit the same to be
 8 operated by any person who by reason of physical or mental
 9 disability is incapable of operating such watercraft under
 10 the prevailing circumstances.

11 ~~(f)(14)~~ No person ~~shall~~ may operate, or knowingly
 12 permit any person to operate, any motorboat or vessel at a
 13 rate of speed greater than will permit such person, in the
 14 exercise of reasonable care, to bring the vessel to a stop
 15 within the assured clear distance ahead, ~~provided, however,~~
 16 ~~that~~ However, nothing in this act is intended to prevent the
 17 operator of a vessel actually competing in a regatta which
 18 is sanctioned by an appropriate governmental unit from
 19 attempting to attain high speeds on a marked racing course.

20 ~~(f)(15)~~ No person ~~shall~~ may make a reckless approach
 21 to, departure from, or passage by a dock, ramp, diving
 22 board, or float.

23 ~~(f)(16)~~ Skiers being pulled by motorboats must have on
 24 their person a life preserver, buoyant vest, or ring buoy.

25 ~~(f)(17)~~ No person ~~shall~~ may moor a vessel to any of the

1 buoys or beacons placed in any waters of this state by the
 2 authority of the United States, an agency of the United
 3 States, or the ~~board~~ nor ~~commission~~ or in any manner hang on
 4 with a vessel to such buoy or beacon, except in the act of
 5 maintenance work on such buoy or beacon, nor ~~shall~~ may any
 6 person deface, remove, or destroy any such buoy, beacon, or
 7 other authorized navigational marker maintained in the
 8 waters of this state.

9 ~~(h)(13)~~ If an officer whose duty it is to enforce the
 10 sections of this law observes a vessel being used without
 11 sufficient lifesaving or firefighting devices or in an
 12 overloaded or other unsafe condition and in his judgment,
 13 such use creates an especially hazardous condition, he may
 14 direct the operator to take whatever immediate and
 15 reasonable steps would be necessary for the safety of those
 16 aboard the vessel, including directing the operator to
 17 return to mooring or launching site and to remain there
 18 until the situation creating the hazard is corrected or
 19 ended."

20 Section 11. Section 69-3508.1, R.C.M. 1947, is amended
 21 to read as follows:

22 "69-3508.1. Discharge of waste from vessel prohibited.
 23 No person shall discharge or cause, permit, or suffer to be
 24 discharged any garbage, refuse, waste, or sewage from any
 25 vessel into, or upon, or near the waters at any stream,

1 river₁ or lake within the boundaries of the state of
2 Montana."

3 Section 12. Section 69-3512, R.C.M. 1947, is amended
4 to read as follows:

5 "69-3512. Collisions, accidents₁ and casualties.
6 ~~(a)(1) It shall be the duty of the~~ the operator of a vessel
7 involved in a collision, accident₁ or other casualty, so far
8 as he can do so without serious danger to his own vessel,
9 crew₁ and passengers (if any), to shall render to other
10 persons affected by the collision, accident₁ or other
11 casualty such assistance as may be practicable and as may
12 be necessary in order to save them from or minimize any
13 danger caused by the collision, accident₁ or other casualty
14 and ~~also--to~~ give his name, address₁ and identification of
15 his vessel in writing to any person injured and to the
16 owner₁ or person in control of any property damaged in the
17 collision, accident₁ or other casualty.

18 ~~(b)(2)~~ The board commission shall prepare and
19 distribute to each sheriff's office and state each game
20 wardens warden of this state₁ a standardized accident report
21 form₁; ~~any~~ any person involved in a collision, accident₁ or
22 other casualty involving a death, disappearance, personal
23 injury₁ or property damage in excess of ~~one-hundred--dollars~~
24 ~~(\$100.00)~~ shall immediately report such collision, accident₁
25 or other casualty to the sheriff's office or state game

1 warden of the county in which the collision, accident₁ or
2 casualty occurred and fill out a standardized accident
3 report form.

4 ~~(c)(3) It shall be the duty of any~~ A sheriff advised
5 of a collision, accident₁ or other casualty reported under
6 this act₁; to shall:

7 ~~(1)~~ (a) conduct an appropriate investigation of such
8 collision, accident₁ or other casualty; and

9 ~~(2)~~ (b) to prepare and submit a report of the results
10 of said the investigation, together with the completed
11 standardized accident report forms₁ to the board
12 commission."

13 Section 13. Section 69-3513, R.C.M. 1947, is amended
14 to read as follows:

15 "69-3513. Transmittal of information. In accordance
16 with any request duly made by an authorized official or
17 agency of the United States, any information compiled or
18 otherwise available to the board commission pursuant to
19 section subsections (2) and (3) of 69-3512 (b) and (c)₁ as
20 amended₁ shall be transmitted to said such official or
21 agency of the United States."

22 Section 14. Section 69-3514, R.C.M. 1947, is amended
23 to read as follows:

24 "69-3514. ~~Water-skis~~ Water skis and surfboards. ~~(a)(1)~~
25 No person ~~shall~~ may operate a motorboat or vessel on any

1 waters of this state for the purpose of towing a person or
 2 persons on ~~water-skis~~ water skis, a surfboard, or similar
 3 device or other contrivance unless ~~said the~~ operator is at
 4 least ~~twelve-(12)~~ years of age and ~~further--providing--that~~
 5 there is a second person, at least ~~twelve-(12)~~ years of age,
 6 in the vessel to act as observer to observe the person being
 7 towed.

8 ~~(2) nor shall any~~ No person may engage in ~~water-skiing~~
 9 ~~waterskiing~~, surfboarding, or similar activity, or towing
 10 some other contrivances at any time between the hours from
 11 one 1 hour after sunset to one 1 hour before sunrise, ~~and~~
 12 ~~provided--however, except that the--provisions--of this~~
 13 subsection ~~do~~ does not apply to a performer engaged in a
 14 professional exhibition or a person ~~or persons~~ engaged in a
 15 regatta or race authorized under this act.

16 ~~(b)(3) All right-of-way~~ right-of-way rules applying to
 17 the towing vessel shall apply."

18 Section 15. Section 69-3516, R.C.M. 1947, is amended
 19 to read as follows:

20 "69-3516. Filing of regulations rules. A copy of the
 21 regulations rules adopted pursuant to this act, and of any
 22 amendments thereto, shall be filed in the office of the
 23 board commission and in the office of the secretary of
 24 state. ~~Rules and regulations~~ shall be published by the board
 25 commission in a convenient form and made easily available to

1 all vessel operators."

2 Section 16. Section 69-3516.1, R.C.M. 1947, is amended
 3 to read as follows:

4 "69-3516.1. Education program. The board commission
 5 shall coordinate a statewide boat safety education program."

6 Section 17. Section 69-3517, R.C.M. 1947, is amended
 7 to read as follows:

8 "69-3517. Enforcement of act. It shall be the duty of
 9 the ~~fish-and-game~~ commission to enforce the sections of this
 10 law. The state fish and game director shall employ all the
 11 necessary personnel to comply with this section. All
 12 sheriffs and peace officers of the state of Montana and all
 13 United States coast guard law enforcement officers shall
 14 have authority to enforce provisions of sections 69-3501
 15 through 69-3518, as amended."

16 Section 18. Section 69-3518, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-3518. Penalty. Violations of any section of this
 19 ~~act chapter~~ unless otherwise specified shall be a
 20 misdemeanor and be punishable by fine of not less than
 21 ~~fifteen-dollars-(15)~~ or more than ~~five--hundred--dollars~~
 22 ~~(500.00)~~ or by imprisonment up to ~~six-(6)~~ months, or by
 23 both such fine and imprisonment. All fine and bond
 24 forfeitures shall be transmitted to the state treasurer who
 25 shall deposit such fines and forfeitures in the motorboat

1 account of an earmarked fund, the the moneys shall be used
 2 only by the ~~fish-and--game~~ commission for enforcement of
 3 sections 69-3501 through 69-3518, as amended."

4 Section 19. Section 69-6601, R.C.M. 1947, is amended
 5 to read as follows:

6 "69-6601. Policy of state. In order to safeguard the
 7 life, health, property, and welfare of the citizens of
 8 Montana while using passenger tramways, as defined in
 9 ~~section 2-((69-6602<)-of-this-act,~~ it shall be the policy of
 10 the state to protect its citizens and visitors from
 11 unnecessary mechanical hazards in the design, construction,
 12 and operation of passenger tramways, but not from the
 13 hazards inherent in the sports of mountaineering, skiing,
 14 and hiking, or from the hazards of the area served utilized
 15 by the skier or other sportsman, and that periodic
 16 inspections be required of passenger tramways with a view to
 17 assuring that each one of them meets the rules and
 18 ~~regulations~~ as set forth by the department. The state,
 19 through the department, shall register all passenger
 20 tramways in the state, establish reasonable standards of
 21 design, construction, and operational practices, and cause
 22 to be made such inspections as may be necessary in carrying
 23 this policy into effect."

24 Section 20. Section 69-6610, R.C.M. 1947, is amended
 25 to read as follows:

1 "69-6610. Additional powers and duties of department.
 2 ~~(1)~~ In addition to all other powers and duties conferred and
 3 imposed upon the department by this ~~article chapter,~~ the
 4 department shall ~~have-and-exercise-the-following-powers--and~~
 5 ~~duties:~~

6 ~~(a)(1)~~ To adopt reasonable rules and ~~regulations~~
 7 relating to public safety in the design, construction, and
 8 operation of passenger tramways, but which ~~shall~~ may not
 9 relate or pertain to an area served by a passenger tramway.

10 In adopting such rules and ~~regulations~~ the department shall:

11 (a) use as a guideline the standards contained in "The
 12 American National Standards Institute--Safety Requirements
 13 for Aerial Passenger Tramways," ANSI B 77.1--1970, as
 14 amended from time to time, or equivalent, and as amended or
 15 supplemented from time to time by the department, ~~and shall~~
 16 ~~not-be-discriminatory-in-their-application-to--operators--of~~
 17 ~~passenger-tramways--and-shall~~

18 (b) hold hearings and take in all evidence relating to
 19 the adoption of these rules, ~~and--regulations--and-the~~
 20 ~~department-shall~~

21 (2) supply to each operator a copy of its rules and
 22 ~~regulations~~ and each amendment thereto or revision thereof;

23 (3) avoid discrimination in application of the rules
 24 to operators of passenger tramways;

25 ~~(b)(4)~~ To hold hearings and take evidence in all

1 matters relating to the exercise and performance of the
2 powers and duties vested in the department, subpoena
3 witnesses, administer oaths, and compel the testimony of
4 witnesses and the production of books, papers, and records
5 relevant to any inquiry;

6 ~~(e)(5)~~ to approve, deny, revoke, and renew the
7 registrations provided for in this chapter;

8 ~~(d)(6)~~ to cause the prosecution and enjoinder of all
9 persons violating the provisions of this chapter and incur
10 the necessary expenses thereof;

11 ~~(e)--to elect officers and adopt a seal--which--may--be~~
12 ~~affixed to all registrations issued by the department;~~

13 ~~(f)(7)~~ to employ, within the funds available, and
14 prescribe the duties of a ~~secretary and~~ such other personnel
15 as the department ~~shall deem~~ considers necessary."

16 Section 21. Section 69-6615, R.C.M. 1947, is amended
17 to read as follows:

18 "69-6615. Tramways not common ~~carrier~~ carriers or
19 public utilities. Passenger tramways shall not be construed
20 to be common ~~carrier~~ carriers or public utilities for the
21 purposes of regulation within the meaning of the laws of the
22 state of Montana."

-End-

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LC 0005

1977 Legislature
Code Commissioner Bill - Summary

_____ Bill No. _____

FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING
TO RECREATIONAL VEHICLES AND CONVEYANCES.

(This summary does not include discussion of routine form or
grammatical changes.)

Section 1. 53-1014. In (2) changed "and" to "or" to
correct apparent error.

Section 2. 53-1017. Changed "shall be" and "shall be
deemed to be" to "is". Deleted the preposition "for" after
"provided".

Section 3. 53-1019. Deleted subsection (4) requiring
a lighted headlight and tail light between the hours dusk
and dawn because it conflicts with 53-1018 (3) which requires
a lighted headlight and tail light at all times during opera-
tion.

Section 4. 53-1026. Deleted "at all times" at end of
first sentence of (2) because redundant.

Section 5. 69-3502. Changed subsection (7) definition
of "board" (meaning fish and game commission) to "commission".

Changed subsection (8) and (10) references to "board of
equalization" to "county treasurer", since under 69-3504(a)
and 69-3504.1(1) the county treasurer now performs these
functions. The references were overlooked by a 1973 bill
which replaced "board of equalization" with "department of
revenue" and a 1974 bill which replaced "department of revenue"
with "county treasurer". In subsection (8), because the
registrar of motor vehicles issues the certificate of number
to manufacturers and dealers under 69-3504(d)(4), a reference
to "registrar of motor vehicles" was added along with the
county treasurer.

Section 6. 69-3503. In first sentence added the article "a" and changed "shall be" to "is". Changed numbering and arrangement of subsection. Added "and" before "unless" to avoid a possible double negative construction.

Section 7. 69-3504. Changed "shall" to "may" when used with a negative to correct grammar and to indicate a stronger prohibition. Deleted subsection (e) because it conflicts with 69-3506(1). Deleted "vessel" since "vessels" don't need a "certificate of number". Deleted "certificate of registration" since it is the same thing as the "certificate of number".

Section 8. 69-3505. Changed "board" to "commission" in accordance with definition change of section 5 of this bill.

Rearranged subsections as follows: last part of subsection (1)(a) is renumbered subsection (4). Subsection (1)(b) is renumbered subsection (3). Subsection (3) is renumbered subsection (6). Subsection (4) is renumbered subsection (7).

In subsection (1)(d) [renumbered (1)(c)] "the minimum number of" was deleted. By saying "the minimum number" of fire extinguishers shall be carried it would technically be illegal to carry more - a ridiculous result. The section goes on to specify how many shall be carried, hence it is needless to say "the minimum number".

The first paragraph of subsection (5), generally forbidding discharge of inadequately treated sewage from a vessel, appears to be in conflict with 69-3508.1, which prohibits discharge of any waste or sewage. At any rate, as of April 30, 1976, the first paragraph was superseded by the second paragraph, hence the first paragraph is deleted.

The second paragraph of subsection (5) refers to 69-4802 for a definition of sewage. That definition by its terms would seem applicable to buildings only, and not to vessels. To avoid any dispute as to what constitutes sewage the definition itself is inserted in this paragraph, and the reference to 69-4802 is deleted.

Section 9. 69-3057. Deleted "designated" in (1) and "designed" in (2) as confusing and unnecessary language.

Section 10. 69-3508. Changed "shall" to "may". Changed "board" to "commission" in accordance with the definition change of section 5 of this bill.

Section 11. 69-3508.1. Added sanction against disposing of waste "near the water of any stream", i.e., on the banks of any stream. This sanction is in the first paragraph of 69-3505(5), which is deleted pursuant to explanation of section 8, hence should be included in this section.

Section 12. 69-3512. Changed "it shall be the duty of" to "shall" and changed "board" to "commission" in accordance with the definition change of section 5 of this bill.

Section 13. 69-3513. Changed "board" to "commission" pursuant to definition change of section 5.

Section 14. 69-3514. Changed "shall" to "may".

Section 15. 69-3516. Changed "board" to "commission" pursuant to definition change of section 5.

Section 16. 69-3516.1. Changed "board" to "commission" pursuant to definition change of section 5.

Section 17. 69-3517. Deleted "fish and game" before "commission" since "commission" is defined as the fish and game commission and is uniformly referred to as "the commission".

Section 18. 69-3518. Section 69-3508.1 prohibits discharge of waste from a vessel. 69-3508.2 formerly provided a penalty. In 1975 the legislature, in Section 2, Chapter 308, Laws 1975, repealed the penalty provision under the impression that the general penalty provision in 69-3518 would thus become applicable. But by its terms, 69-3518 applies only to the act of which it was a part, i.e., Chapter 285, Laws 1959. 69-3508.1 was not a part of that act, hence the penalty of 69-3518 does not apply to 69-3508.1, and consequently that section currently carries no penalty.

Changed "this act" in 69-3518 to "this chapter", meaning Chapter 35 of Title 69 of the Revised Codes of Montana. References to "this chapter" in the R.C.M. uniformly mean the code chapter rather than the session law chapter. By so doing, it should be noted that 69-3504.1, 69-3508.1, and 69-3516.1 would all be brought under the general penalty provision, whereas before they were not.

Section 19. 69-6601. Changed "served" to "utilized" to correct apparent grammatical misnomer.

Section 20. 69-6610. Changed "article" to "chapter" since there is no such thing as an article in the code and "chapter" appears to be what was intended.

Rearranged subsections to make them more coherent and meaningful.

Subsection (e) is deleted as it pertains to the board of aerial tramway safety which was abolished. This subsection was overlooked at the time the function was switched to the department of administration.

Section 21. 69-6615. Changed "carrier" to "carriers" to make grammatically correct.

Approved by Comm.
on Fish and Game

SENATE BILL NO. 16
INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL
VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014,
53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507,
69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516,
69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615,
R.C.M. 1947."

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

Section 1. Section 53-1014, R.C.M. 1947, is amended to
read as follows:

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

(2) Within ~~ten~~ (10) days thereafter, the transferee

shall forward both the certificate of ownership so endorsed
and the certificate of registration, together with the
information required under this act, to the registrar, who
shall file ~~the same~~ them upon receipt thereof, ~~and no~~ no
certificate of ownership ~~and~~ or certificate of registration
~~shall~~ may be issued by the registrar of motor vehicles until
the outstanding certificates are surrendered to that office
or their loss established to his reasonable satisfaction.
The registrar of motor vehicles shall collect a fee of ~~two~~
~~dollars~~ ~~(\$2)~~ for each application for transfer of ownership.

(3) The provisions of ~~subdivision~~ subsection (2) of
this section, requiring a transferee to forward the
certificate of ownership after endorsement and the
certificate of registration to the registrar, shall not
apply in the event of the transfer of a snowmobile to a duly
licensed snowmobile dealer intending to resell ~~such vehicle~~
~~and the snowmobile~~ who operates ~~the same~~ it only for
demonstration purposes, but every such dealer ~~shall~~, upon
transferring such interest, shall deliver ~~such the~~
certificate of ownership and certificate of registration
with an application for registration executed by the new
owner in accordance with the provisions of this act, ~~and~~
~~the~~ The registrar, upon receipt of ~~said the~~ certificate of
ownership, certificate of registration, and application for
registration, together with the conditional sales contract

1 or other lien, if any, shall issue a new certificate of
2 ownership and certificate of registration together with a
3 statement of any conditional sales contract, mortgage, or
4 other lien."

5 Section 2. 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~~ is the duty of the sheriff of every county of
9 the state and of the chief of police or commissioner of
10 police of every city to 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 to be~~ is misfeasance in office and
15 ~~shall constitute~~ constitutes grounds for removal. Upon
16 receipt of such information, the registrar of motor vehicles
17 shall file the same in an index to be known as the "stolen
18 and recovered snowmobile index". It ~~shall be~~ is also be the
19 duty of the registrar of motor vehicles to file reports of
20 stolen and recovered snowmobiles reported to him from other
21 states. ~~The~~ Once a month the registrar of motor vehicles
22 shall prepare ~~once a month~~ a list of all snowmobiles stolen
23 or recovered during the previous month and forward a copy of
24 the same to every sheriff, and all police departments in
25 cities of the first, second, and third class. Such list

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

7 Section 3. Section 53-1019, R.C.M. 1947, is amended to
8 read as follows:

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

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

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

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

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

22 ~~(5)~~ (4) Operating operation of a snowmobile, or
23 permitting such operation, by any person who by reason of
24 age or physical or mental disability is incapable of
25 operating the snowmobile as required for safety under the

1 prevailing circumstances."

2 Section 4. Section 53-1026, R.C.M. 1947, is amended to
3 read as follows:

4 "53-1026. Application to be made annually -- grace
5 period -- proof of purchase. (1) Application must be made to
6 the county treasurer for the issuance of tax-paid decals
7 annually. All tax-paid decals expire on June 30 of each
8 year.

9 (2) An owner of a newly purchased snowmobile shall
10 have a grace period of ~~ten~~(10) days from the date of
11 purchase to make application for a current tax-paid decal,
12 provided, ~~however~~ that at all times during that period a
13 bill of sale or other proof of purchase reciting the date of
14 purchase shall be carried by the operator or with the
15 snowmobile ~~at all times~~. An owner or operator of such a
16 snowmobile being operated after the ~~ten~~(10)-day grace
17 period without a current tax-paid decal displayed on the
18 snowmobile shall be subject to the penalties of ~~section~~
19 53-1027, as amended."

20 Section 5. Section 69-3502, R.C.M. 1947, is amended to
21 read as follows:

22 "69-3502. Definitions. As used in this act, unless the
23 context clearly requires a different meaning the following
24 definitions apply:

25 (1) "Vessel" means every description of watercraft,

1 unless otherwise defined by the ~~fish and game~~ commission of
2 ~~the state of Montana~~, other than a seaplane on the water,
3 used or capable of being used as a means of transportation
4 on water.

5 (2) "Motorboat" means any vessel propelled by any
6 machinery, ~~any~~ motor, or engine of any description, whether
7 or not such machinery, motor, or engine is the principal
8 source of propulsion, ~~including~~ The term includes boats
9 temporarily equipped with detachable motors or engines, but
10 ~~shall does~~ not include a vessel which has a valid marine
11 document issued by the U.S. coast guard of the United
12 States government or any federal agency successor thereto.

13 (3) "Owner" means a person, other than a lien holder,
14 having the property in or title to a motorboat or vessel.
15 The term includes a person entitled to the use or possession
16 of a motorboat or vessel subject to an interest in another
17 person, reserved or created by an agreement ~~and~~ securing
18 payment or performance of an obligation, but the term
19 excludes a lessee under a lease not intended as security.

20 (4) "Waters of this state" means any waters within the
21 territorial limits of this state.

22 (5) "Person" means an individual, partnership, firm,
23 corporation, association, or other entity.

24 (6) "Operate" means to navigate or otherwise use a
25 motorboat or a vessel.

1 (7) ~~The word "board" shall mean~~ "Commission" means
 2 the fish and game commission of the state of Montana ~~in all~~
 3 ~~sections of this act.~~

4 (8) "Certificate of number" means the certificate
 5 issued annually by the ~~board of equalization~~ county
 6 treasurer to the owner of a motorboat, ~~or by the registrar~~
 7 ~~of motor vehicles to dealers or manufacturers, awarding~~
 8 ~~assigning~~ such motorboat an identifying number and ~~will~~
 9 ~~contain~~ containing such information as required.

10 (9) "Identifying number" means the boat number set
 11 forth in the certificate of number and properly displayed on
 12 the motorboat.

13 (10) "License decals" ~~mean~~ means the serially numbered
 14 license stickers issued annually by the ~~board of~~
 15 ~~equalization, county treasurer~~ and displayed as required by
 16 law.

17 (11) "Passenger" means every person carried on board a
 18 vessel other than:

19 (a) the owner or his representative;

20 (b) the operator;

21 (c) bona fide members of the crew engaged in the
 22 business of the vessel who have contributed no consideration
 23 for their carriage and who are paid for their services; or

24 (d) any guest on board a vessel which is being used
 25 exclusively for pleasure purposes who has not contributed

1 any consideration, directly or indirectly, for his carriage.

2 (12) "Operator" means the person who navigates, drives,
 3 or is otherwise in immediate control of a motorboat or
 4 vessel.

5 (13) "Documented vessel" means a vessel which has and
 6 is required to have a valid marine document as a vessel of
 7 the United States.

8 (14) "Uniform state waterway marking system" means one
 9 of two categories:

10 (a) a system of aids to navigation to supplement the
 11 federal system of marking in state waters;

12 (b) a system of regulatory markers to warn a vessel
 13 operator of dangers or to provide general information and
 14 directions."

15 Section 6. Section 69-3503, F.C.M. 1947, is amended to
 16 read as follows:

17 "69-3503. Operation of unnumbered motorboats
 18 prohibited -- display of decals. (1) Every motorboat on the
 19 waters of this state propelled by a motor or engine of any
 20 description shall be properly numbered and display valid
 21 license decals. No person ~~shall~~ may operate or give
 22 permission for the operation of any motorboat on such waters
 23 unless the motorboat is numbered and displays valid license
 24 decals in accordance with this act, in accordance with
 25 applicable federal law, or in accordance with a federally

1 approved numbering system of another state, and unless:

2 ~~(1)(a)~~ the certificate of number awarded to ~~each~~ the

3 motorboat is in full force and effect; and

4 ~~(2)(b)~~ the identifying number set forth in the

5 certificate of number and the valid license decals are

6 displayed on such motorboat.

7 (2) Any person who operates a motorboat on the waters

8 of this state without displaying the appropriate numbers and

9 license decals as required by this section ~~shall be~~ is

10 punishable by a fine not to exceed ~~ten dollars~~ (\$10).

11 However, the arresting officer may issue a courtesy citation

12 in lieu of the penalty provided for in this subsection."

13 Section 7. Section 69-3504, R.C.M. 1947, is amended to

14 read as follows:

15 "69-3504. Identification number. ~~(a)(1)~~ The owner of

16 each motorboat requiring numbering by this state shall file

17 an application for number in the office of the county

18 treasurer wherein the motorboat ~~or vessel~~ is owned or

19 taxable, on forms prepared and furnished by the registrar of

20 motor vehicles. The application shall be signed by the owner

21 of the motorboat and shall be accompanied by a fee of ~~one~~

22 ~~(\$1) dollar~~. Any alteration, change, or false statement

23 contained in the application ~~for certificate of registration~~

24 will render the certificate of number ~~null and~~ void. Upon

25 receipt of the application in approved form, the county

1 treasurer shall issue to the applicant a certificate of

2 number prepared and furnished by the registrar of motor

3 vehicles, stating the number awarded to the motorboat and

4 the name and address of the owner. The number awarded must

5 be painted on or attached to each outboard side of the

6 forward half of the motorboat, or, if there are no such

7 sides, at a corresponding location on both outboard sides of

8 the foredeck of the motorboat for which it is issued. The

9 number awarded shall read from left to right, be in Arabic

10 numerals, in block characters of good proportion, a minimum

11 of ~~three~~ (3) inches in height, excluding border or trim, ~~and~~

12 of a color which shall contrast with the color of the

13 background, and be so maintained as to be clearly visible

14 and legible. The number shall not be placed on the obscured

15 underside of the flared bow where the angle is such that the

16 numbers cannot be easily seen from another vessel or ashore.

17 No numerals, letters, or devices, other than those used in

18 connection with the identifying number issued, ~~shall~~ may be

19 placed in the proximity of the identifying number, and no

20 numerals, letters, or devices which might interfere with the

21 ready identification of the motorboat by its identifying

22 number ~~shall~~ may be carried as to interfere with the

23 motorboat's identification. The certificate of number shall

24 be pocket size and shall be available to federal, state, or

25 local law enforcement officers at all reasonable times for

1 inspection on the motorboat for which issued, whenever the
 2 motorboat is on waters of this state, ~~except boat~~ Boat
 3 liveries are not required to have the certificate of number
 4 on board each motorboat, ~~except that~~ but a rental agreement
 5 must be carried on board livery motorboats in place of the
 6 certificate of number.

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

14 ~~(c)(3)~~ The applicant ~~shall~~, upon the filing of the
 15 application, shall pay to the county treasurer, the
 16 registration fee and shall also pay the personal property
 17 taxes assessed against the motorboat or vessel for the
 18 current year of registration before the application for
 19 registration or reregistration may be accepted by the county
 20 treasurer.

21 ~~(4)(4)~~ The numbering requirements of this act shall
 22 apply to motorboats operated by dealers, manufacturers, or
 23 their employees as follows:

24 ~~(4)(a)~~ A dealer or manufacturer may apply directly to
 25 the registrar of motor vehicles for one ~~(4)~~ identifying

1 number and one ~~(4)~~ or more certificates of number. A
 2 dealer's or manufacturer's identifying number shall be
 3 displayed on a dealer's or manufacturer's boat while the
 4 boat is operating for a purpose related to the buying,
 5 selling, or exchanging of the boat by the dealer.

6 ~~(4)(b)~~ The application for a dealer's or
 7 manufacturer's identifying number shall include the name of
 8 the dealer or manufacturer and ~~the~~ his business address of
 9 ~~the dealer or manufacturer~~. Each dealer or manufacturer
 10 shall have one ~~(4)~~ identifying number assigned to his
 11 business.

12 ~~(4)(c)~~ An application for dealer's or manufacturer's
 13 identifying number and certificate of number shall be
 14 accompanied by the following fees:

15 ~~(4)(i)~~ for the identifying number, first certificate
 16 of number, and set of license decals, ~~five dollars~~ ~~(\$5)~~;

17 ~~(4)(ii)~~ for each additional certificate of number and
 18 set of license decals applied for in any application, ~~two~~
 19 ~~dollars~~ ~~(\$2)~~.

20 ~~(4)(d)~~ The registrar of motor vehicles shall issue
 21 certificates of number for identifying ~~number~~ numbers
 22 awarded to a dealer or manufacturer in the same manner as
 23 provided in ~~section~~ 69-3504 ~~(a)(1)~~, as amended, except that
 24 no boat shall be described in the certificate and each
 25 certificate shall state that the identifying number has been

1 awarded to a dealer or manufacturer. A dealer's or
2 manufacturer's certificate of number expires on April 30 of
3 the year for which it is issued.

4 ~~(5)~~ (e) A dealer's or manufacturer's identifying number
5 shall be displayed in the same manner as provided in section
6 69-3504 ~~(a) (1), as amended of this act,~~ except that the
7 number may be temporarily attached, ~~and that the~~ The last
8 three ~~(3)~~ letters shall be "DLR" for dealer and "MFB" for
9 manufacturer. ~~these~~ These letters shall be included,
10 respectively, in dealer or manufacturer identification
11 numbers only.

12 ~~(6)~~ (f) No person other than a dealer or manufacturer
13 or an employee of a dealer or manufacturer shall may display
14 or use a dealer's or manufacturer's identifying number. A
15 dealer's or manufacturer's identifying number may be
16 displayed only on motorboats owned by the dealer or
17 manufacturer.

18 ~~(7)~~ (g) No dealer or manufacturer or employee of a
19 dealer or manufacturer shall may use a dealer's or
20 manufacturer's identifying number for any purpose other than
21 the purpose described in subsection ~~(4)~~ (4) (a) of this
22 section.

23 ~~(e) The owner of any motorboat already covered by a~~
24 ~~number in full force and effect, which has been awarded to~~
25 ~~it pursuant to then operative federal law or a federally~~

1 ~~approved numbering system of another state, shall record the~~
2 ~~number prior to operating the motorboat on the waters of~~
3 ~~this state in excess of the sixty (60) day reciprocity~~
4 ~~period provided for in section 69-3506 (1) of this act. Such~~
5 ~~recordation shall be in the manner and pursuant to the~~
6 ~~procedure required for the award of number under subsection~~
7 ~~(a) of this section.~~

8 ~~(f)~~ (5) Should the ownership of a motorboat change,
9 within a reasonable time a new application form with fee
10 shall be filed with the county treasurer and a new
11 certificate of number shall be awarded in the same manner as
12 provided for in an original award of number.

13 ~~(g)~~ (6) If an agency of the United States government
14 has in force an ~~over-all~~ overall system of identification
15 numbering for motorboats in the United States, the numbering
16 system employed pursuant to this act by the registrar of
17 motor vehicles shall be in conformity therewith.

18 ~~(h)~~ (7) Every certificate of number and the license
19 decals awarded under this act shall continue in effect for a
20 period not to exceed ~~one~~ (1) year, unless sooner terminated
21 or discontinued in accordance with the provisions of this
22 act. Certificates of number and license decals shall show
23 the date of expiration thereon and may be renewed by the
24 owner in the same manner provided for in the initial
25 securing of the certificate.

1 ~~(8)~~ Certificates of number ~~are~~ shall expire on
2 April 30 of each calendar year and shall no longer be of any
3 effect unless renewed under this act.

4 ~~(9)~~ In event of transfer of ownership, the
5 purchaser shall within a reasonable time furnish the county
6 treasurer notice of the acquisition of all or any part of
7 his interest other than the creation of a security interest
8 in a motorboat numbered in this state under this section, or
9 of the loss, theft, destruction, or abandonment of the
10 motorboat, ~~within reasonable time thereof~~. Such transfer,
11 loss, theft, destruction, or abandonment shall terminate the
12 certificate of number for the motorboat, except that in the
13 case of a recovery from theft, or transfer of a part
14 interest which does not affect the owner's right to operate
15 the motorboat, the recovery or transfer does not terminate
16 the certificate of number.

17 ~~(10)~~ A holder of a certificate of number shall
18 notify the county treasurer within reasonable time if his
19 address no longer conforms to the address appearing on the
20 certificate and shall, as a part of the notification,
21 furnish the county treasurer with his new address. The
22 registrar of motor vehicles may provide ~~in its rules by rule~~
23 for the surrender of the certificate bearing the former
24 address and its replacement with a certificate bearing the
25 new address or the alteration of an outstanding certificate

1 to show the new address of the holder.

2 ~~(11)~~ No number other than the number and license
3 decal awarded to a motorboat or granted reciprocity under
4 this act, shall be painted, attached, or otherwise displayed
5 on either side of the forward half of the motorboat.

6 ~~(12)~~ Fees collected under this section shall be
7 transmitted to the state treasurer who shall deposit the
8 fees in the motorboat certificate identification account of
9 an earmarked revenue fund. These fees shall be used only for
10 the administration and enforcement of ~~sections~~ 69-3501
11 through 69-3518, as amended.

12 ~~(13)~~ An owner of a motorboat must notify the
13 registrar of motor vehicles, within a reasonable time,
14 giving the motorboat's identifying number and the owner's
15 name, ~~within reasonable time~~, when that motorboat becomes
16 documented as a vessel of the United States, is transferred,
17 lost, destroyed, abandoned, or frauded, or within ~~sixty~~ (60)
18 days after change of state of principal use."

19 Section 8. Section 69-3505, R.C.M. 1947, is amended to
20 read as follows:

21 "69-3505. Equipment. (1) Every motorboat or vessel
22 shall have aboard:

23 (a) ~~One~~ one United States coast guard approved
24 personal flotation device in good and serviceable condition
25 for each person on board, provided, that any person who has

1 not reached his ~~twelfth~~ 12th birthday shall have a United
 2 States coast guard approved life preserver properly fastened
 3 to his person when occupying a motorboat or vessel under
 4 ~~twenty-six (26) feet in length while such motorboat or~~
 5 ~~vessel is in motion.~~ The fish and game commission shall
 6 ~~have the authority to designate waters and time of year on~~
 7 ~~these waters where all persons aboard a motorboat or vessel~~
 8 ~~must wear approved life preservers at all times.~~

9 ~~(b) When in operation or at anchor or moored away from~~
 10 ~~a docking facility between sunset and sunrise all vessels~~
 11 ~~shall display lights as prescribed by the board.~~

12 ~~(c)(b) If~~ if carrying or using any inflammable or
 13 toxic fluid in any enclosure for any purpose, and if the
 14 motorboat or vessel is not an entirely open motorboat or
 15 vessel one, an efficient natural or mechanical ventilation
 16 system prescribed by the board commission which shall be
 17 used and be capable of removing resulting gases prior to,
 18 and during the time the motorboat or vessel is occupied by a
 19 person.

20 ~~(d)(c) All motorboats shall carry the minimum number~~
 21 ~~of United States coast guard approved hand portable fire~~
 22 ~~extinguishers, the number of which is to be determined by~~
 23 ~~the Montana fish and game commission, or a United States~~
 24 ~~coast guard approved fixed fire extinguishing system,~~
 25 ~~except, that motorboats less than twenty-six (26) feet in~~

1 length of entirely open construction, propelled by outboard
 2 motors, and not carrying passengers for hire need not carry
 3 such portable fire extinguishers or fire extinguishing
 4 systems.

5 (2) Every motorboat or vessel shall have the
 6 carburetor or carburetors of every engine therein (except
 7 outboard motors) using gasoline as fuel, equipped with an
 8 efficient flame arrester, backfire trap, or other similar
 9 device.

10 (3) ~~The board may adopt rules modifying the equipment~~
 11 ~~requirements contained in this section to the extent~~
 12 ~~necessary to keep these requirements in conformity with the~~
 13 ~~provisions of the federal navigation and safety laws or with~~
 14 ~~the navigation and safety rules promulgated by the United~~
 15 ~~States coast guard. When in operation or at anchor or moored~~
 16 ~~away from a docking facility between sunset and sunrise, all~~
 17 ~~vessels shall display lights as prescribed by the~~
 18 ~~commission.~~

19 (4) ~~A person may not operate or give permission for~~
 20 ~~the operation of a vessel which is not equipped as required~~
 21 ~~by this section or modification thereof. The commission may~~
 22 ~~designate waters where and the time of year on these waters~~
 23 ~~when all persons aboard a motorboat or vessel must wear~~
 24 ~~approved life preservers at all times.~~

25 (5) ~~A vessel, including houseboats and floating~~

1 ~~cabins, may not be equipped in a manner which will permit~~
 2 ~~discharge of inadequately treated sewage into waters of this~~
 3 ~~state. No container of inadequately treated sewage may be~~
 4 ~~placed, left or discharged in or near waters of this state~~
 5 ~~by anyone at any time. All toilets located on any vessel~~
 6 ~~operated on waters of this state shall have securely affixed~~
 7 ~~to the interior discharge opening of them an operating~~
 8 ~~treatment device or retaining tank meeting the standards~~
 9 ~~established by the board of health and environmental~~
 10 ~~sciences. Vessels, including houseboats and floating cabins,~~
 11 ~~equipped with a galley or toilet shall have, not later than~~
 12 ~~April 30, 1976, a wastewater holding system sealed to~~
 13 ~~prevent the discharge of sewage as defined in section~~
 14 ~~69-3502, R.C.M. 1947 water carried waste products, whether~~
 15 ~~treated or untreated, into the surrounding waters.~~

16 (6) The commission may adopt rules modifying the
 17 equipment requirements contained in this section to the
 18 extent necessary to keep these requirements in conformity
 19 with the provisions of the federal navigation and safety
 20 laws or with the navigation and safety rules promulgated by
 21 the United States coast guard.

22 (7) A person may not operate or give permission for
 23 the operation of a vessel which is not equipped as required
 24 by this section."

25 Section 9. 69-3507, R.C.M. 1947, is amended to read as

1 follows:

2 "69-3507. Boat liveries. ~~(a)(1)~~ The owner of a boat
 3 livery shall cause to be kept a record of the name and
 4 address of the person or persons hiring any vessel which is
 5 ~~designated~~ or permitted by him to be operated, the
 6 identification number ~~thereof, and of such vessel,~~ the
 7 departure date and time, and the expected time of return.
 8 The record shall be preserved for at least ~~six (6)~~ months.

9 ~~(b)(2)~~ Neither the owner of a boat livery, nor his
 10 agent or employee shall permit any motorboat or any vessel
 11 ~~designed~~ or permitted by him to be operated as a motorboat
 12 or vessel to depart from his premises unless it shall have
 13 been provided, either by owner or renter, with the equipment
 14 required pursuant to ~~section~~ 69-3505 and any rules ~~and~~
 15 ~~regulations~~ made pursuant thereto."

16 Section 10. Section 69-3508, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-3508. Prohibited operation and mooring --
 19 enforcement. ~~(a)(1)~~ No person shall ~~may~~ operate or knowingly
 20 permit any person to operate, any motorboat or vessel, or
 21 manipulate any ~~water skis~~ water skis, surfboard, or similar
 22 device, or other contrivance, in a reckless or negligent
 23 manner so as to endanger the life, limb, or property of any
 24 person.

25 ~~(b)(2)~~ No person shall ~~may~~ operate, or knowingly

1 permit any person to operate, any motorboat or vessel, or
 2 manipulate any ~~water-skis~~ water skis, surfboard, or similar
 3 device, or other contrivance, while intoxicated or under the
 4 influence of any narcotic drug, barbiturate, or marijuana.

5 ~~(e)(3)~~ It ~~shall be~~ is unlawful for the owner of any
 6 motorboat or vessel, or any person having such in charge or
 7 in control, to authorize or knowingly permit the same to be
 8 operated by any person who by reason of physical or mental
 9 disability is incapable of operating such watercraft under
 10 the prevailing circumstances.

11 ~~(e)(4)~~ No person ~~shall may~~ operate, or knowingly
 12 permit any person to operate, any motorboat or vessel at a
 13 rate of speed greater than will permit such person, in the
 14 exercise of reasonable care, to bring the vessel to a stop
 15 within the assured clear distance ahead, ~~provided, however,~~
 16 ~~that However,~~ nothing in this act is intended to prevent the
 17 operator of a vessel actually competing in a regatta which
 18 is sanctioned by an appropriate governmental unit from
 19 attempting to attain high speeds on a marked racing course.

20 ~~(e)(5)~~ No person ~~shall may~~ make a reckless approach
 21 to, departure from, or passage by a dock, ramp, diving
 22 board, or float.

23 ~~(e)(6)~~ Skiers being pulled by motorboats must have on
 24 their person a life preserver, buoyant vest, or ~~ring-buoy~~
 25 SKI BELT.

1 ~~(e)(7)~~ No person ~~shall may~~ moor a vessel to any of the
 2 buoys or beacons placed in any waters of this state by the
 3 authority of the United States, an agency of the United
 4 States, or the ~~board-of~~ commission or in any manner hang on
 5 with a vessel to such buoy or beacon, except in the act of
 6 maintenance work on such buoy or beacon, nor ~~shall may~~ any
 7 person deface, remove, or destroy any such buoy, beacon, or
 8 other authorized navigational marker maintained in the
 9 waters of this state.

10 ~~(e)(8)~~ If an officer whose duty it is to enforce the
 11 sections of this law observes a vessel being used without
 12 sufficient lifesaving or firefighting devices or in an
 13 overloaded or other unsafe condition and in his judgment,
 14 such use creates an especially hazardous condition, he may
 15 direct the operator to take whatever immediate and
 16 reasonable steps would be necessary for the safety of those
 17 aboard the vessel, including directing the operator to
 18 return to mooring or launching site and to remain there
 19 until the situation creating the hazard is corrected or
 20 ended."

21 Section 11. Section 69-3508.1, R.C.M. 1947, is amended
 22 to read as follows:

23 "69-3508.1. Discharge of waste from vessel prohibited.
 24 No person shall discharge or cause, permit, or suffer to be
 25 discharged any garbage, refuse, waste, or sewage from any

1 vessel into, ~~or~~ upon, or near the waters at any stream,
2 river, or lake within the boundaries of the state of
3 Montana."

4 Section 12. Section 69-3512, R.C.M. 1947, is amended
5 to read as follows:

6 "69-3512. Collisions, accidents, and casualties.
7 ~~(a) (1) It shall be the duty of the~~ The operator of a vessel
8 involved in a collision, accident, or other casualty, so far
9 as he can do so without serious danger to his own vessel,
10 crew, and passengers (if any), ~~to~~ shall render to other
11 persons affected by the collision, accident, or other
12 casualty, such assistance as may be practicable and as may
13 be necessary in order to save them from or minimize any
14 danger caused by the collision, accident, or other casualty,
15 and ~~also to~~ give his name, address, and identification of
16 his vessel in writing to any person injured and to the
17 owner, or person in control of any property damaged in the
18 collision, accident, or other casualty.

19 ~~(b) (2)~~ The board commission shall prepare and
20 distribute to each sheriff's office and ~~state~~ each game
21 ~~warden warden~~ of this state, a standardized accident report
22 form, ~~and any~~ any person involved in a collision, accident, or
23 other casualty involving a death, disappearance, personal
24 injury, or property damage in excess of ~~one hundred dollars~~
25 ~~(\$100.00)~~ shall immediately report such collision, accident,

1 or other casualty to the sheriff's office or ~~state~~ game
2 warden of the county in which the collision, accident, or
3 casualty occurred and fill out a standardized accident
4 report form.

5 ~~(c) (3) It shall be the duty of any~~ A sheriff advised
6 of a collision, accident, or other casualty reported under
7 this act, ~~to~~ shall:

8 ~~(4) (a)~~ (a) conduct an appropriate investigation of such
9 collision, accident, or other casualty; and

10 ~~(2) (b) to~~ (b) prepare and submit a report of the results
11 of ~~said~~ the investigation, together with the completed
12 standardized accident report forms, to the ~~board~~
13 commission."

14 Section 13. Section 69-3513, R.C.M. 1947, is amended
15 to read as follows:

16 "69-3513. Transmittal of information. In accordance
17 with any request duly made by an authorized official or
18 agency of the United States, any information compiled or
19 otherwise available to the ~~board~~ commission pursuant to
20 ~~section subsections (2) and (3) of 69-3512 (b) and (c), as~~
21 amended, shall be transmitted to ~~said~~ such official or
22 agency of the United States."

23 Section 14. Section 69-3514, R.C.M. 1947, is amended
24 to read as follows:

25 "69-3514. ~~Water skis~~ Water skis and surfboards. ~~(a) (1)~~

1 No person ~~shall~~ may operate a motorboat or vessel on any
 2 waters of this state for the purpose of towing a person or
 3 persons on ~~water skis~~ water skis, a surfboard, or similar
 4 device or other contrivance unless ~~said the~~ operator is at
 5 least ~~twelve~~ (12) years of age, and ~~further providing that~~
 6 there is a second person, at least ~~twelve~~ (12) years of age,
 7 in the vessel to act as observer to observe the person being
 8 towed.

9 ~~(2) nor shall any~~ No person may engage in ~~water skiing~~
 10 waterskiing, surfboarding, or similar activity, or towing
 11 some other contrivances at any time between the hours from
 12 ~~one 1~~ hour after sunset to ~~one 1~~ hour before sunrise,
 13 ~~provided, however, except that the provisions of this~~
 14 subsection ~~do~~ does not apply to a performer engaged in a
 15 professional exhibition or a person ~~or persons~~ engaged in a
 16 regatta or race authorized under this act.

17 ~~(b)(3)~~ All ~~right-of-way~~ right-of-way rules applying to
 18 the towing vessel shall apply."

19 Section 15. Section 69-3516, R.C.M. 1947, is amended
 20 to read as follows:

21 "69-3516. Filing of ~~regulations~~ rules. A copy of the
 22 ~~regulations~~ rules adopted pursuant to this act, and of any
 23 amendments thereto, shall be filed in the office of the
 24 ~~board~~ commission and in the office of the secretary of
 25 state. Rules ~~and regulations~~ shall be published by the ~~board~~

1 commission in a convenient form and made easily available to
 2 all vessel operators."

3 Section 16. Section 69-3516.1, R.C.M. 1947, is amended
 4 to read as follows:

5 "69-3516.1. Education program. The ~~board~~ commission
 6 shall coordinate a statewide boat safety education program."

7 Section 17. Section 69-3517, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-3517. Enforcement of act. It shall be the duty of
 10 the ~~fish and game~~ commission to enforce the sections of this
 11 law. The state fish and game director shall employ all the
 12 necessary personnel to comply with this section. All
 13 sheriffs and peace officers of the state of Montana and all
 14 United States coast guard law enforcement officers shall
 15 have authority to enforce provisions of ~~sections~~ 69-3501
 16 through 69-3518, as amended."

17 Section 18. Section 69-3518, R.C.M. 1947, is amended
 18 to read as follows:

19 "69-3518. Penalty. Violations of any section of this
 20 ~~act~~ chapter unless otherwise specified shall be a
 21 misdemeanor and be punishable by fine of not less than
 22 ~~fifteen dollars~~ (\$15) or more than ~~five hundred dollars~~
 23 ~~(\$500.00)~~ or by imprisonment up to ~~six~~ (6) months, or by
 24 both such fine and imprisonment. All fine and bond
 25 forfeitures shall be transmitted to the state treasurer who

1 shall deposit such fines and forfeitures in the motorboat
2 account of an earmarked fund, ~~the~~ The moneys shall be used
3 only by the ~~fish and game~~ commission for enforcement of
4 ~~sections 69-3501 through 69-3518,~~ as amended."

5 Section 19. Section 69-6601, R.C.M. 1947, is amended
6 to read as follows:

7 "69-6601. Policy of state. In order to safeguard the
8 life, health, property, and welfare of the citizens of
9 Montana while using passenger tramways, as defined in
10 ~~sections 2 [69-6602] of this act,~~ it shall be the policy of
11 the state to protect its citizens and visitors from
12 unnecessary mechanical hazards in the design, construction,
13 and operation of passenger tramways, but not from the
14 hazards inherent in the sports of mountaineering, skiing,
15 and hiking, or from the hazards of the area ~~served~~ utilized
16 by the skier or other sportsman, and that periodic
17 inspections be required of passenger tramways with a view to
18 assuring that each one of them meets the rules and
19 ~~regulations~~ as set forth by the department. The state,
20 through the department, shall register all passenger
21 tramways in the state, establish reasonable standards of
22 design, construction, and operational practices, and cause
23 to be made such inspections as may be necessary in carrying
24 this policy into effect."

25 Section 20. Section 69-6610, R.C.M. 1947, is amended

1 to read as follows:

2 "69-6610. Additional powers and duties of department.
3 ~~(1)~~ In addition to all other powers and duties conferred and
4 imposed upon the department by this ~~article~~ chapter, the
5 department shall ~~have and exercise the following powers and~~
6 ~~duties:~~

7 ~~(a) (1)~~ To adopt reasonable rules ~~and regulations~~
8 relating to public safety in the design, construction, and
9 operation of passenger tramways, but which shall not relate
10 or pertain to an area served by a passenger tramway.

11 In adopting such rules ~~and regulations~~ the department shall:

12 (a) use as a guideline the standards contained in "The
13 American National Standards Institute--Safety Requirements
14 for Aerial Passenger Tramways," ANSI B 77.1--1970, as
15 amended from time to time, or equivalent, and as amended or
16 supplemented from time to time by the department, ~~and shall~~
17 ~~not be discriminatory in their application to operators of~~
18 ~~passenger tramways, and shall~~

19 (b) hold hearings and take in all evidence relating to
20 the adoption of these rules, ~~and regulations, and the~~
21 ~~department shall~~

22 (2) supply to each operator a copy of its rules and
23 ~~regulations~~ and each amendment thereto or revision thereof;

24 (3) avoid discrimination in application of the rules
25 to operators of passenger tramways;

1 ~~(b)~~ (4) To hold hearings and take evidence in all
2 matters relating to the exercise and performance of the
3 powers and duties vested in the department, subpoena
4 witnesses, administer oaths, and compel the testimony of
5 witnesses and the production of books, papers, and records
6 relevant to any inquiry;

7 ~~(c)~~ (5) To approve, deny, revoke, and renew the
8 registrations provided for in this chapter;

9 ~~(d)~~ (6) To cause the prosecution and enjoinder of all
10 persons violating the provisions of this chapter and incur
11 the necessary expenses thereof;

12 ~~(e) To elect officers and adopt a seal which may be~~
13 ~~affixed to all registrations issued by the department;~~

14 ~~(f)~~ (7) To employ, within the funds available, and
15 prescribe the duties of a ~~secretary~~ and such ~~other~~ personnel
16 as the department ~~shall deem~~ considers necessary."

17 Section 21. Section 69-6615, R.C.M. 1947, is amended
18 to read as follows:

19 "69-6615. Tramways not common ~~carrier~~ carriers or
20 public utilities. Passenger tramways shall not be construed
21 to be common ~~carrier~~ carriers or public utilities for the
22 purposes of regulation within the meaning of the laws of the
23 state of Montana."

-End-

SENATE BILL NO. 16
INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014, 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516, 69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615, R.C.M. 1947."

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

Section 1. Section 53-1014, R.C.M. 1947, is amended to read as follows:

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

(2) Within ~~ten~~ ten days thereafter, the transferee

There are no changes in SB 16, and due to length will not be repeated. Please refer to yellow copy for complete text.

shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under this act, to the registrar, who shall file ~~the case~~ them upon receipt thereof, ~~and no~~ no certificate of ownership ~~and or~~ certificate of registration shall may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. The registrar of motor vehicles shall collect a fee of ~~two~~ two dollars ~~(\$2)~~ for each application for transfer of ownership.

(3) The provisions of ~~subdivision~~ subsection (2) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the registrar, shall not apply in the event of the transfer of a snowmobile to a duly licensed snowmobile dealer intending to resell ~~such vehicle~~ and the snowmobile who operates ~~the same~~ it only for demonstration purposes, but every such dealer shall, upon transferring such interest, shall deliver ~~such~~ the certificate of ownership and certificate of registration with an application for registration executed by the new owner in accordance with the provisions of this act, ~~and~~ and ~~the~~ The registrar, upon receipt of ~~said~~ the certificate of ownership, certificate of registration, and application for registration, together with the conditional sales contract

1 or other lien, if any, shall issue a new certificate of
2 ownership and certificate of registration together with a
3 statement of any conditional sales contract, mortgage, or
4 other lien."

5 Section 2. 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~~ is the duty of the sheriff of every county of
9 the state and of the chief of police or commissioner of
10 police of every city to 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 to be~~ is misfeasance in office and
15 ~~shall constitute~~ constitutes grounds for removal. Upon
16 receipt of such information, the registrar of motor vehicles
17 shall file the same in an index to be known as the "stolen
18 and recovered snowmobile index." It ~~shall~~ is also be the
19 duty of the registrar of motor vehicles to file reports of
20 stolen and recovered snowmobiles reported to him from other
21 states. ~~The~~ Once a month the registrar of motor vehicles
22 shall prepare ~~once a month~~ a list of all snowmobiles stolen
23 or recovered during the previous month and forward a copy of
24 the same to every sheriff, and all police departments in
25 cities of the first, second, and third class. Such list

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

7 Section 3. Section 53-1019, R.C.M. 1947, is amended to
8 read as follows:

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

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

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

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

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

22 ~~(5) (4) Operating operation of~~ operating operation of a snowmobile, or
23 permitting such operation, by any person who by reason of
24 age or physical or mental disability is incapable of
25 operating the snowmobile as required for safety under the

SENATE BILL NO. 16
INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014, 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516, 69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615, R.C.M. 1947."

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

Section 1. Section 53-1014, R.C.M. 1947, is amended to read as follows:

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

(2) Within ~~ten~~ (10) days thereafter, the transferee

shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under this act, to the registrar, who shall file ~~the case~~ them upon receipt thereof, ~~and no~~ no certificate of ownership ~~and or~~ certificate of registration shall not be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. The registrar of motor vehicles shall collect a fee of ~~two~~ two dollars ~~(\$2)~~ for each application for transfer of ownership.

(3) The provisions of ~~subdivision~~ subsection (2) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the registrar, shall not apply in the event of the transfer of a snowmobile to a duly licensed snowmobile dealer intending to resell ~~such vehicle~~ and the snowmobile who operates ~~the case~~ it only for demonstration purposes, but every such dealer shall, upon transferring such interest, shall deliver ~~each~~ the certificate of ownership and certificate of registration with an application for registration executed by the new owner in accordance with the provisions of this act, ~~and~~ and ~~the~~ The registrar, upon receipt of ~~said~~ the certificate of ownership, certificate of registration, and application for registration, together with the conditional sales contract

1 or other lien, if any, shall issue a new certificate of
 2 ownership and certificate of registration together with a
 3 statement of any conditional sales contract, mortgage, or
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 10 police of every city to 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 to be~~ is misfeasance in office and
 15 ~~shall constitute~~ constitutes grounds for removal. Upon
 16 receipt of such information, the registrar of motor vehicles
 17 shall file the same in an index to be known as the "stolen
 18 and recovered snowmobile index". It ~~shall~~ is also be the
 19 duty of the registrar of motor vehicles to file reports of
 20 stolen and recovered snowmobiles reported to him from other
 21 states. ~~The~~ Once a month the registrar of motor vehicles
 22 shall prepare ~~once a month~~ a list of all snowmobiles stolen
 23 or recovered during the previous month and forward a copy of
 24 the same to every sheriff, and all police departments in
 25 cities of the first, second, and third class. Such list

1 shall also be forwarded to the secretary of state, or other
 2 proper official, in each state of the United States. Before
 3 a certificate of title, as heretofore provided, shall be
 4 issued under this act, the motor and serial number on the
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13 (1) ~~at~~ at a rate of speed greater than provided by law
 14 for motor vehicles;

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

17 (3) ~~is~~ in a careless or reckless manner so as to
 18 endanger the person or property of another, or to cause
 19 injury or damage to either; or

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

22 ~~(5) (4) Operating operation of~~ operating operation of a snowmobile, or
 23 permitting such operation, by any person who by reason of
 24 age or physical or mental disability is incapable of
 25 operating the snowmobile as required for safety under the

1 prevailing circumstances."

2 Section 4. Section 53-1026, R.C.M. 1947, is amended to
3 read as follows:

4 "53-1026. Application to be made annually -- grace
5 period -- proof of purchase. (1) Application must be made to
6 the county treasurer for the issuance of tax-paid decals
7 annually. All tax-paid decals expire on June 30 of each
8 year.

9 (2) An owner of a newly purchased snowmobile shall
10 have a grace period of ~~ten--(10)~~ days from the date of
11 purchase to make application for a current tax-paid decal,
12 provided, ~~however,~~ that at all times during that period a
13 bill of sale or other proof of purchase reciting the date of
14 purchase shall be carried by the operator or with the
15 snowmobile ~~at all times~~. An owner or operator of such a
16 snowmobile being operated after the ~~ten--(10)~~-day grace
17 period without a current tax-paid decal displayed on the
18 snowmobile shall be subject to the penalties of ~~section~~
19 53-1027, as amended."

20 Section 5. Section 69-3502, R.C.M. 1947, is amended to
21 read as follows:

22 "69-3502. Definitions. As used in this act, unless the
23 context clearly requires a different meaning the following
24 definitions apply:

25 (1) "Vessel" means every description of watercraft,

1 unless otherwise defined by the ~~fish and game~~ commission of
2 ~~the state of Montana~~, other than a seaplane on the water,
3 used or capable of being used as a means of transportation
4 on water.

5 (2) "Motorboat" means any vessel propelled by any
6 machinery, ~~any~~ motor, or engine of any description, whether
7 or not such machinery, motor, or engine is the principal
8 source of propulsion, ~~including~~ The term includes boats
9 temporarily equipped with detachable motors or engines, but
10 ~~shall~~ does not include a vessel which has a valid marine
11 document issued by the U.S. coast guard of the United
12 States government or any federal agency successor thereto.

13 (3) "Owner" means a person, other than a lien holder,
14 having the property in or title to a motorboat or vessel.
15 The term includes a person entitled to the use or possession
16 of a motorboat or vessel subject to an interest in another
17 person, reserved or created by an agreement ~~and~~ securing
18 payment or performance of an obligation, but the term
19 excludes a lessee under a lease not intended as security.

20 (4) "Waters of this state" means any waters within the
21 territorial limits of this state.

22 (5) "Person" means an individual, partnership, firm,
23 corporation, association, or other entity.

24 (6) "Operate" means to navigate or otherwise use a
25 motorboat or a vessel.

1 (7) ~~The word "board" shall mean~~ "Commission" means
2 the fish and game commission of the state of Montana ~~in all~~
3 ~~sections of this act.~~

4 (8) "Certificate of number" means the certificate
5 issued annually by the ~~board of equalization~~ county
6 treasurer to the owner of a motorboat, ~~or by the registrar~~
7 ~~of motor vehicles to dealers or manufacturers, awarding~~
8 ~~assigning~~ such motorboat an identifying number and ~~will~~
9 ~~contain~~ containing such information as required.

10 (9) "Identifying number" means the boat number set
11 forth in the certificate of number and properly displayed on
12 the motorboat.

13 (10) "License decals" ~~mean~~ mean the serially numbered
14 license stickers issued annually by the ~~board of~~
15 ~~equalization, county treasurer~~ and displayed as required by
16 law.

17 (11) "Passenger" means every person carried on board a
18 vessel other than:

19 (a) the owner or his representative;

20 (b) the operator;

21 (c) bona fide members of the crew engaged in the
22 business of the vessel who have contributed no consideration
23 for their carriage and who are paid for their services; or

24 (d) any guest on board a vessel which is being used
25 exclusively for pleasure purposes who has not contributed

1 any consideration, directly or indirectly, for his carriage.

2 (12) "Operator" means the person who navigates, drives,
3 or is otherwise in immediate control of a motorboat or
4 vessel.

5 (13) "Documented vessel" means a vessel which has and
6 is required to have a valid marine document as a vessel of
7 the United States.

8 (14) "Uniform state waterway marking system" means one
9 of two categories:

10 (a) a system of aids to navigation to supplement the
11 federal system of marking in state waters;

12 (b) a system of regulatory markers to warn a vessel
13 operator of dangers or to provide general information and
14 directions."

15 Section 6. Section 69-3503, R.C.M. 1947, is amended to
16 read as follows:

17 "69-3503. Operation of unnumbered motorboats
18 prohibited — display of decals. (1) Every motorboat on the
19 waters of this state propelled by a motor or engine of any
20 description shall be properly numbered and display valid
21 license decals. No person shall may operate or give
22 permission for the operation of any motorboat on such waters
23 unless the motorboat is numbered and displays valid license
24 decals in accordance with this act, in accordance with
25 applicable federal law, or in accordance with a federally

1 approved numbering system of another state, and unless:

2 ~~(1)~~ (a) the certificate of number awarded to such the
3 motorboat is in full force and effect; and

4 ~~(2)~~ (b) the identifying number set forth in the
5 certificate of number and the valid license decals are
6 displayed on such motorboat.

7 (2) Any person who operates a motorboat on the waters
8 of this state without displaying the appropriate numbers and
9 license decals as required by this section ~~shall be~~ is
10 punishable by a fine not to exceed ~~ten dollars~~ (\$10).
11 However, the arresting officer may issue a courtesy citation
12 in lieu of the penalty provided for in this subsection."

13 Section 7. Section 69-3504, R.C.M. 1947, is amended to
14 read as follows:

15 "69-3504. Identification number. ~~(1)~~ (1) The owner of
16 each motorboat requiring numbering by this state shall file
17 an application for number in the office of the county
18 treasurer wherein the motorboat ~~or vessel~~ is owned or
19 taxable, on forms prepared and furnished by the registrar of
20 motor vehicles. The application shall be signed by the owner
21 of the motorboat and shall be accompanied by a fee of ~~one~~
22 ~~(\$1) dollar~~. Any alteration, change, or false statement
23 contained in the application ~~for certificate of registration~~
24 will render the certificate of number ~~null and~~ void. Upon
25 receipt of the application in approved form, the county

1 treasurer shall issue to the applicant a certificate of
2 number prepared and furnished by the registrar of motor
3 vehicles, stating the number awarded to the motorboat and
4 the name and address of the owner. The number awarded must
5 be painted on or attached to each outboard side of the
6 forward half of the motorboat, or, if there are no such
7 sides, at a corresponding location on both outboard sides of
8 the foredeck of the motorboat for which it is issued. The
9 number awarded shall read from left to right, be in Arabic
10 numerals, in block characters of good proportion, a minimum
11 of ~~three~~ (3) inches in height, excluding border or trim, and
12 of a color which shall contrast with the color of the
13 background, and be so maintained as to be clearly visible
14 and legible. The number shall not be placed on the obscured
15 underside of the flared bow where the angle is such that the
16 numbers cannot be easily seen from another vessel or ashore.
17 No numerals, letters, or devices, other than those used in
18 connection with the identifying number issued, ~~shall~~ may be
19 placed in the proximity of the identifying number, and no
20 numerals, letters, or devices which might interfere with the
21 ready identification of the motorboat by its identifying
22 number ~~shall~~ may be carried as to interfere with the
23 motorboat's identification. The certificate of number shall
24 be pocket size and shall be available to federal, state, or
25 local law enforcement officers at all reasonable times for

1 inspection on the motorboat for which issued, whenever the
 2 motorboat is on waters of this state, ~~except boat~~ Boat
 3 liveries are not required to have the certificate of number
 4 on board each motorboat, ~~except that~~ but a rental agreement
 5 must be carried on board livery motorboats in place of the
 6 certificate of number.

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

14 ~~(c)(3)~~ The applicant ~~shall~~, upon the filing of the
 15 application, shall pay to the county treasurer, the
 16 registration fee and shall also pay the personal property
 17 taxes assessed against the motorboat or vessel for the
 18 current year of registration before the application for
 19 registration or reregistration may be accepted by the county
 20 treasurer.

21 ~~(4)(4)~~ The numbering requirements of this act shall
 22 apply to motorboats operated by dealers, manufacturers, or
 23 their employees as follows:

24 ~~(4)(a)~~ A dealer or manufacturer may apply directly to
 25 the registrar of motor vehicles for one ~~(4)~~ identifying

1 number and one ~~(4)~~ or more certificates of number. A
 2 dealer's or manufacturer's identifying number shall be
 3 displayed on a dealer's or manufacturer's boat while the
 4 boat is operating for a purpose related to the buying,
 5 selling, or exchanging of the boat by the dealer.

6 ~~(2)(b)~~ The application for a dealer's or
 7 manufacturer's identifying number shall include the name of
 8 the dealer or manufacturer and ~~the~~ his business address ~~of~~
 9 ~~the dealer or manufacturer~~. Each dealer or manufacturer
 10 shall have one ~~(4)~~ identifying number assigned to his
 11 business.

12 ~~(2)(c)~~ An application for dealer's or manufacturer's
 13 identifying number and certificate of number shall be
 14 accompanied by the following fees:

15 ~~(4)(i)~~ for the identifying number, first certificate
 16 of number, and set of license decals, ~~five dollars~~ ~~(\$5)~~;

17 ~~(4)(ii)~~ for each additional certificate of number and
 18 set of license decals applied for in any application, ~~two~~
 19 ~~dollars~~ ~~(\$2)~~.

20 ~~(4)(d)~~ The registrar of motor vehicles shall issue
 21 certificates of number for identifying ~~number~~ numbers
 22 awarded to a dealer or manufacturer in the same manner as
 23 provided in ~~section~~ 69-3504 ~~(a)(1)~~, as amended, except that
 24 no boat shall be described in the certificate and each
 25 certificate shall state that the identifying number has been

1 awarded to a dealer or manufacturer. A dealer's or
2 manufacturer's certificate of number expires on April 30 of
3 the year for which it is issued.

4 ~~(5)~~ (e) A dealer's or manufacturer's identifying number
5 shall be displayed in the same manner as provided in section
6 69-3504 ~~(a)~~ (1), ~~as amended of this act~~, except that the
7 number may be temporarily attached, ~~and that the The~~ last
8 three ~~(3)~~ letters shall be "DLR" for dealer and "MFR" for
9 manufacturer, ~~these These~~ letters shall be included,
10 respectively, in dealer or manufacturer identification
11 numbers only.

12 ~~(6)~~ (f) No person other than a dealer or manufacturer
13 or an employee of a dealer or manufacturer shall may display
14 or use a dealer's or manufacturer's identifying number. A
15 dealer's or manufacturer's identifying number may be
16 displayed only on motorboats owned by the dealer or
17 manufacturer.

18 ~~(7)~~ (g) No dealer or manufacturer or employee of a
19 dealer or manufacturer shall may use a dealer's or
20 manufacturer's identifying number for any purpose other than
21 the purpose described in subsection ~~(4)~~ (h) (a) of this
22 section.

23 ~~(e) The owner of any motorboat already covered by a~~
24 ~~number in full force and effect, which has been awarded to~~
25 ~~it pursuant to then operative federal law or a federally~~

1 ~~approved numbering system of another state, shall record the~~
2 ~~number prior to operating the motorboat on the waters of~~
3 ~~this state in excess of the sixty (60) day reciprocity~~
4 ~~period provided for in section 69-3506 (1) of this act. Such~~
5 ~~recording shall be in the manner and pursuant to the~~
6 ~~procedure required for the award of number under subsection~~
7 ~~(a) of this section.~~

8 ~~(4)~~ (5) Should the ownership of a motorboat change,
9 within a reasonable time a new application form with fee
10 shall be filed with the county treasurer and a new
11 certificate of number shall be awarded in the same manner as
12 provided for in an original award of number.

13 ~~(4)~~ (6) If an agency of the United States government
14 has in force an ~~over-all~~ overall system of identification
15 numbering for motorboats in the United States, the numbering
16 system employed pursuant to this act by the registrar of
17 motor vehicles shall be in conformity therewith.

18 ~~(4)~~ (7) Every certificate of number and the license
19 decals awarded under this act shall continue in effect for a
20 period not to exceed ~~one~~ (1) year, unless sooner terminated
21 or discontinued in accordance with the provisions of this
22 act. Certificates of number and license decals shall show
23 the date of expiration thereon and may be renewed by the
24 owner in the same manner provided for in the initial
25 securing of the certificate.

1 ~~(1)~~(8) Certificates of number ~~do~~ shall expire on
2 April 30 of each calendar year and shall no longer be of any
3 effect unless renewed under this act.

4 ~~(5)~~(9) In event of transfer of ownership, the
5 purchaser shall within a reasonable time furnish the county
6 treasurer notice of the acquisition of all or any part of
7 his interest other than the creation of a security interest
8 in a motorboat numbered in this state under this section, or
9 of the loss, theft, destruction, or abandonment of the
10 motorboat, ~~within reasonable time thereof~~. Such transfer,
11 loss, theft, destruction, or abandonment shall terminate the
12 certificate of number for the motorboat, except that in the
13 case of a recovery from theft, or transfer of a part
14 interest which does not affect the owner's right to operate
15 the motorboat, the recovery or transfer does not terminate
16 the certificate of number.

17 ~~(4)~~(10) A holder of a certificate of number shall
18 notify the county treasurer within reasonable time if his
19 address no longer conforms to the address appearing on the
20 certificate and shall, as a part of the notification,
21 furnish the county treasurer with his new address. The
22 registrar of motor vehicles may provide ~~in its rules by rule~~
23 for the surrender of the certificate bearing the former
24 address and its replacement with a certificate bearing the
25 new address or the alteration of an outstanding certificate

1 to show the new address of the holder.

2 ~~(1)~~(11) No number other than the number and license
3 decal awarded to a motorboat or granted reciprocity under
4 this act, shall be painted, attached, or otherwise displayed
5 on either side of the forward half of the motorboat.

6 ~~(*)~~(12) Fees collected under this section shall be
7 transmitted to the state treasurer who shall deposit the
8 fees in the motorboat certificate identification account of
9 an earmarked revenue fund. These fees shall be used only for
10 the administration and enforcement of sections 69-3501
11 through 69-3518, as amended.

12 ~~(*)~~(13) An owner of a motorboat must notify the
13 registrar of motor vehicles, within a reasonable time,
14 giving the motorboat's identifying number and the owner's
15 name, ~~within reasonable time~~, when that motorboat becomes
16 documented as a vessel of the United States, is transferred,
17 lost, destroyed, abandoned, or frauded, or within ~~sixty~~(60)
18 days after change of state of principal use."

19 Section 8. Section 69-3505, R.C.S. 1947, is amended to
20 read as follows:

21 "69-3505. Equipment. (1) Every motorboat or vessel
22 shall have aboard:

23 (a) ~~One~~ one United States coast guard approved
24 personal flotation device in good and serviceable condition
25 for each person on board, provided, that any person who has

1 not reached his ~~twelfth~~ 12th birthday shall have a United
 2 States coast guard approved life preserver properly fastened
 3 to his person when occupying a motorboat or vessel under
 4 ~~twenty-six (26)~~ feet in length while such motorboat or
 5 vessel is in motion; ~~The fish and game commission shall~~
 6 ~~have the authority to designate waters and time of year on~~
 7 ~~these waters where all persons aboard a motorboat or vessel~~
 8 ~~must wear approved life preservers at all times.~~

9 ~~(b) When in operation or at anchor or moored away from~~
 10 ~~a docking facility between sunset and sunrise all vessels~~
 11 ~~shall display lights as prescribed by the board.~~

12 ~~(c)(b) If~~ if carrying or using any inflammable or
 13 toxic fluid in any enclosure for any purpose, and if the
 14 motorboat or vessel is not an entirely open ~~motorboat or~~
 15 ~~vessel one~~, an efficient natural or mechanical ventilation
 16 system prescribed by the ~~board~~ commission which shall be
 17 used and be capable of removing resulting gases prior to,
 18 and during the time the motorboat or vessel is occupied by a
 19 person;

20 ~~(d)(c) All motorboats shall carry the minimum number~~
 21 ~~of United States coast guard approved hand portable fire~~
 22 ~~extinguishers, the number of which is to be determined by~~
 23 ~~the Montana fish and game commission, or a United States~~
 24 ~~coast guard approved fixed fire extinguishing system,~~
 25 ~~except, that motorboats less than twenty-six (26) feet in~~

1 length of entirely open construction, propelled by outboard
 2 motors, and not carrying passengers for hire need not carry
 3 such portable fire extinguishers or fire extinguishing
 4 systems.

5 (2) Every motorboat or vessel shall have the
 6 carburetor or carburetors of every engine therein (except
 7 outboard motors) using gasoline as fuel, equipped with an
 8 efficient flame arrester, backfire trap, or other similar
 9 device.

10 (3) ~~The board may adopt rules modifying the equipment~~
 11 ~~requirements contained in this section to the extent~~
 12 ~~necessary to keep these requirements in conformity with the~~
 13 ~~provisions of the federal navigation and safety laws or with~~
 14 ~~the navigation and safety rules promulgated by the United~~
 15 ~~States coast guard. When in operation or at anchor or moored~~
 16 ~~away from a docking facility between sunset and sunrise, all~~
 17 ~~vessels shall display lights as prescribed by the~~
 18 ~~commission.~~

19 (4) ~~A person may not operate or give permission for~~
 20 ~~the operation of a vessel which is not equipped as required~~
 21 ~~by this section or modification thereof. The commission may~~
 22 ~~designate waters where and the time of year on these waters~~
 23 ~~when all persons aboard a motorboat or vessel must wear~~
 24 ~~approved life preservers at all times.~~

25 (5) ~~A vessel, including houseboats and floating~~

1 ~~cabins, may not be equipped in a manner which will permit~~
 2 ~~discharge of inadequately treated sewage into waters of this~~
 3 ~~state. No container of inadequately treated sewage may be~~
 4 ~~placed, left or discharged in or near waters of this state~~
 5 ~~by anyone at any time. All toilets located on any vessel~~
 6 ~~operated on waters of this state shall have securely affixed~~
 7 ~~to the interior discharge opening of them an operating~~
 8 ~~treatment device or retaining tank meeting the standards~~
 9 ~~established by the board of health and environmental~~
 10 ~~sciences. Vessels, including houseboats and floating cabins,~~
 11 ~~equipped with a galley or toilet shall have, not later than~~
 12 ~~April 30, 1976, a wastewater holding system sealed to~~
 13 ~~prevent the discharge of sewage as defined in section~~
 14 ~~69-4802, R.C.M. 1947 water carried waste products, whether~~
 15 ~~treated or untreated, into the surrounding waters.~~

16 (6) The commission may adopt rules modifying the
 17 equipment requirements contained in this section to the
 18 extent necessary to keep these requirements in conformity
 19 with the provisions of the federal navigation and safety
 20 laws or with the navigation and safety rules promulgated by
 21 the United States coast guard.

22 (7) A person may not operate or give permission for
 23 the operation of a vessel which is not equipped as required
 24 by this section."

25 Section 9. 69-3507, R.C.M. 1947, is amended to read as

1 follows:

2 "69-3507. Boat liveries. ~~(a)(1)~~ The owner of a boat
 3 livery shall cause to be kept a record of the name and
 4 address of the person or persons hiring any vessel which is
 5 ~~designated or~~ permitted by him to be operated, the
 6 identification number ~~thereof, and of such vessel,~~ the
 7 departure date and time, and the expected time of return.
 8 The record shall be preserved for at least ~~six (6)~~ months.

9 ~~(b)(2)~~ Neither the owner of a boat livery, nor his
 10 agent or employee shall permit any motorboat or any vessel
 11 ~~designated or~~ permitted by him to be operated as a motorboat
 12 or vessel to depart from his premises unless it shall have
 13 been provided, either by owner or renter, with the equipment
 14 required pursuant to ~~section~~ 69-3505 and any rules ~~and~~
 15 ~~regulations~~ made pursuant thereto."

16 Section 10. Section 69-3508, R.C.M. 1947, is amended
 17 to read as follows:

18 "69-3508. Prohibited operation and mooring --
 19 enforcement. ~~(a)(1)~~ No person shall ~~may~~ operate or knowingly
 20 permit any person to operate, any motorboat or vessel, or
 21 manipulate any ~~water-ski~~ water skis, surfboard, or similar
 22 device, or other contrivance, in a reckless or negligent
 23 manner so as to endanger the life, limb, or property of any
 24 person.

25 ~~(b)(2)~~ No person shall ~~may~~ operate, or knowingly

1 permit any person to operate, any motorboat or vessel, or
 2 manipulate any ~~water-ski~~ water skis, surfboard, or similar
 3 device, or other contrivance, while intoxicated or under the
 4 influence of any narcotic drug, barbiturate, or marijuana.

5 ~~(4)~~ (3) It shall ~~be~~ is unlawful for the owner of any
 6 motorboat or vessel, or any person having such in charge or
 7 in control, to authorize or knowingly permit the same to be
 8 operated by any person who by reason of physical or mental
 9 disability is incapable of operating such watercraft under
 10 the prevailing circumstances.

11 ~~(4)~~ (4) No person shall may operate, or knowingly
 12 permit any person to operate, any motorboat or vessel at a
 13 rate of speed greater than will permit such person, in the
 14 exercise of reasonable care, to bring the vessel to a stop
 15 within the assured clear distance ahead, ~~provided, however,~~
 16 ~~that~~ However, nothing in this act is intended to prevent the
 17 operator of a vessel actually competing in a regatta which
 18 is sanctioned by an appropriate governmental unit from
 19 attempting to attain high speeds on a marked racing course.

20 ~~(4)~~ (5) No person shall may make a reckless approach
 21 to, departure from, or passage by a dock, ramp, diving
 22 board, or float.

23 ~~(4)~~ (6) Skiers being pulled by motorboats must have on
 24 their person a life preserver, buoyant vest, or ~~ring-buoy~~
 25 SKI BELT.

1 ~~(4)~~ (7) No person shall may moor a vessel to any of the
 2 buoys or beacons placed in any waters of this state by the
 3 authority of the United States, an agency of the United
 4 States, or the ~~board or~~ commission or in any manner hang on
 5 with a vessel to such buoy or beacon, except in the act of
 6 maintenance work on such buoy or beacon, nor shall may any
 7 person deface, remove, or destroy any such buoy, beacon, or
 8 other authorized navigational marker maintained in the
 9 waters of this state.

10 ~~(4)~~ (8) If an officer whose duty it is to enforce the
 11 sections of this law observes a vessel being used without
 12 sufficient lifesaving or firefighting devices or in an
 13 overloaded or other unsafe condition and in his judgment,
 14 such use creates an especially hazardous condition, he may
 15 direct the operator to take whatever immediate and
 16 reasonable steps would be necessary for the safety of those
 17 aboard the vessel, including directing the operator to
 18 return to mooring or launching site and to remain there
 19 until the situation creating the hazard is corrected or
 20 ended."

21 Section 11. Section 69-3508.1, B.C.M. 1987, is amended
 22 to read as follows:

23 "69-3508.1. Discharge of waste from vessel prohibited.
 24 No person shall discharge or cause, permit, or suffer to be
 25 discharged any garbage, refuse, waste, or sewage from any

1 vessel into, ~~or~~ upon, or near the waters at any stream,
2 river, or lake within the boundaries of the state of
3 Montana."

4 Section 12. Section 69-3512, R.C.M. 1947, is amended
5 to read as follows:

6 "69-3512. Collisions, accidents, and casualties.
7 ~~(a)(1) It shall be the duty of the~~ The operator of a vessel
8 involved in a collision, accident, or other casualty, so far
9 as he can do so without serious danger to his own vessel,
10 crew, and passengers (if any), ~~to shall~~ render to other
11 persons affected by the collision, accident, or other
12 casualty, such assistance as may be practicable and as may
13 be necessary in order to save them from or minimize any
14 danger caused by the collision, accident, or other casualty,
15 and ~~also to~~ give his name, address, and identification of
16 his vessel in writing to any person injured and to the
17 owner, or person in control of any property damaged in the
18 collision, accident, or other casualty.

19 ~~(b)(2) The board~~ commission shall prepare and
20 distribute to each sheriff's office and ~~state each~~ game
21 ~~wardens warden~~ of this state, a standardized accident report
22 form, ~~any~~ any person involved in a collision, accident, or
23 other casualty involving a death, disappearance, personal
24 injury, or property damage in excess of ~~one hundred dollars~~
25 ~~(\$100.00)~~ shall immediately report such collision, accident,

1 or other casualty to the sheriff's office or ~~state~~ game
2 warden of the county in which the collision, accident, or
3 casualty occurred and fill out a standardized accident
4 report form.

5 ~~(a)(3) It shall be the duty of any~~ A sheriff advised
6 of a collision, accident, or other casualty reported under
7 this act, ~~to shall~~:

8 ~~(4)(a)~~ (a) conduct an appropriate investigation of such
9 collision, accident, or other casualty; and

10 ~~(4)(b) to~~ (b) prepare and submit a report of the results
11 of said the investigation, together with the completed
12 standardized accident report forms, to the ~~board~~
13 commission."

14 Section 13. Section 69-3513, R.C.M. 1947, is amended
15 to read as follows:

16 "69-3513. Transmittal of information. In accordance
17 with any request duly made by an authorized official or
18 agency of the United States, any information compiled or
19 otherwise available to the ~~board~~ commission pursuant to
20 ~~section subsections (2) and (3) of 69-3512 (b) and (c), as~~
21 amended, shall be transmitted to ~~said~~ such official or
22 agency of the United States."

23 Section 14. Section 69-3514, R.C.M. 1947, is amended
24 to read as follows:

25 "69-3514. ~~Water-ski~~ Water skis and surfboards. ~~(a)(1)~~

1 No person shall may operate a motorboat or vessel on any
 2 waters of this state for the purpose of towing a person or
 3 persons on ~~water-skis~~ water skis, a surfboard, or similar
 4 device or other contrivance unless ~~said~~ the operator is at
 5 least ~~twelve~~ ~~(12)~~ years of age, and ~~further providing that~~
 6 there is a second person, at least ~~twelve~~ ~~(12)~~ years of age,
 7 in the vessel to act as observer to observe the person being
 8 towed.

9 ~~(2) nor shall any~~ No person may engage in ~~water-skiing~~
 10 waterskiing, surfboarding, or similar activity, or towing
 11 some other contrivances at any time between the hours from
 12 ~~one~~ 1 hour after sunset to ~~one~~ 1 hour before sunrise,
 13 ~~provided, however, except that the provisions of this~~
 14 subsection ~~do~~ does not apply to a performer engaged in a
 15 professional exhibition or a person ~~or persons~~ engaged in a
 16 regatta or race authorized under this act.

17 ~~(b)(3)~~ All ~~right-of-way~~ right-of-way rules applying to
 18 the towing vessel shall apply."

19 Section 15. Section 69-3516, R.C.M. 1947, is amended
 20 to read as follows:

21 "69-3516. Filing of ~~regulations~~ rules. A copy of the
 22 ~~regulations~~ rules adopted pursuant to this act, and of any
 23 amendments thereto, shall be filed in the office of the
 24 ~~board~~ commission and in the office of the secretary of
 25 state. Rules ~~and regulations~~ shall be published by the ~~board~~

1 commission in a convenient form and made easily available to
 2 all vessel operators."

3 Section 16. Section 69-3516.1, R.C.M. 1947, is amended
 4 to read as follows:

5 "69-3516.1. Education program. The ~~board~~ commission
 6 shall coordinate a statewide boat safety education program."

7 Section 17. Section 69-3517, R.C.M. 1947, is amended
 8 to read as follows:

9 "69-3517. Enforcement of act. It shall be the duty of
 10 the ~~fish and game~~ commission to enforce the sections of this
 11 law. The state fish and game director shall employ all the
 12 necessary personnel to comply with this section. All
 13 sheriffs and peace officers of the state of Montana and all
 14 United States coast guard law enforcement officers shall
 15 have authority to enforce provisions of ~~sections~~ 69-3501
 16 through 69-3518, as amended."

17 Section 18. Section 69-3518, R.C.M. 1947, is amended
 18 to read as follows:

19 "69-3518. Penalty. Violations of any section of this
 20 ~~act~~ chapter unless otherwise specified shall be a
 21 misdemeanor and be punishable by fine of not less than
 22 ~~fifteen dollars (\$15)~~ or more than ~~five hundred dollars~~
 23 ~~(\$500.00)~~ or by imprisonment up to ~~six~~ ~~(6)~~ months, or by
 24 both such fine and imprisonment. All fine and bond
 25 forfeitures shall be transmitted to the state treasurer who

1 shall deposit such fines and forfeitures in the motorboat
2 account of an earmarked fund, ~~the~~ The moneys shall be used
3 only by the ~~fish and game~~ commission for enforcement of
4 ~~sections 69-3501 through 69-3518,~~ as amended."

5 Section 19. Section 69-6601, R.C.M. 1947, is amended
6 to read as follows:

7 "69-6601. Policy of state. In order to safeguard the
8 life, health, property, and welfare of the citizens of
9 Montana while using passenger traways, as defined in
10 ~~section 2 [69-6602] of this act,~~ it shall be the policy of
11 the state to protect its citizens and visitors from
12 unnecessary mechanical hazards in the design, construction,
13 and operation of passenger traways, but not from the
14 hazards inherent in the sports of mountaineering, skiing,
15 and hiking, or from the hazards of the area ~~served~~ utilized
16 by the skier or other sportsman; and that periodic
17 inspections be required of passenger traways with a view to
18 assuring that each one of them meets the rules and
19 ~~regulations~~ as set forth by the department. The state,
20 through the department, shall register all passenger
21 traways in the state, establish reasonable standards of
22 design, construction, and operational practices, and cause
23 to be made such inspections as may be necessary in carrying
24 this policy into effect."

25 Section 20. Section 69-6610, R.C.M. 1947, is amended

1 to read as follows:

2 "69-6610. Additional powers and duties of department.
3 ~~(4)~~ In addition to all other powers and duties conferred and
4 imposed upon the department by this ~~article~~ chapter, the
5 department shall ~~have and exercise the following powers and~~
6 ~~duties:~~

7 ~~(a) (1)~~ To adopt reasonable rules ~~and regulations~~
8 relating to public safety in the design, construction, and
9 operation of passenger traways, but which shall may not
10 relate or pertain to an area served by a passenger traway.

11 ~~In adopting such rules and regulations the department shall;~~

12 (a) use as a guideline the standards contained in "The
13 American National Standards Institute—Safety Requirements
14 for Aerial Passenger Traways," ANSI B 77.1—1970, as
15 amended from time to time, or equivalent, and as amended or
16 supplemented from time to time by the department; ~~and shall~~
17 ~~not be discriminatory in their application to operators of~~
18 ~~passenger traways, and shall~~

19 (b) hold hearings and take in all evidence relating to
20 the adoption of these rules, ~~and regulations, and the~~
21 ~~department shall~~

22 (2) supply to each operator a copy of its rules and
23 ~~regulations~~ and each amendment thereto or revision thereof;

24 (3) avoid discrimination in application of the rules
25 to operators of passenger traways;

1 ~~(b)~~(8) To hold hearings and take evidence in all
2 matters relating to the exercise and performance of the
3 powers and duties vested in the department, subpoena
4 witnesses, administer oaths, and compel the testimony of
5 witnesses and the production of books, papers, and records
6 relevant to any inquiry;

7 ~~(c)~~(5) To approve, deny, revoke, and renew the
8 registrations provided for in this chapter;

9 ~~(d)~~(6) To cause the prosecution and enjoinder of all
10 persons violating the provisions of this chapter and incur
11 the necessary expenses thereof;

12 ~~(e) To elect officers and adopt a seal which may be
13 affixed to all registrations issued by the department;~~

14 ~~(f)~~(7) To employ, within the funds available, and
15 prescribe the duties of a ~~secretary~~ and such ~~other~~ personnel
16 as the department ~~shall deem~~ considers necessary."

17 Section 21. Section 69-6615, R.C.M. 1947, is amended
18 to read as follows:

19 "69-6615. Tramways not common ~~carrier~~ carriers or
20 public utilities. Passenger tramways shall not be construed
21 to be common ~~carrier~~ carriers or public utilities for the
22 purposes of regulation within the meaning of the laws of the
23 state of Montana."

-End-