SENATE BILL NO. 16 1 INTRODUCED BY _____ GRAHAM 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL 4 REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL 5 VEHICLES AND CONVEYANCES: AMENDING SECTIONS 53-1014. 5 7 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 69-3508 69-3508 69-3512 THROUGH 69-3514 69-3516 8 9 69-3516+1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615, 10 R.C.M. 1947." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 53-1014, R.C.M. 1947, is amended to 13 read as follows: 14 15 "53-1014. Transfer of title or interest. (1) Upon a transfer of any title to or interest in of-an-owner-or-owner 16 in-or-to a snowmobile, registered as required under the 17 provisions of this act as-hereinbefore-required, the person 18 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--venicle 22 the snowmopile, 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.

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(2) Within ten--t10; days thereafter, the transferee

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ł shall forward both the certificate of ownership so endorsed z 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. The registrar of motor vehicles shall collect a fee of two 9 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 licensed snowmobile dealer intending to resell such--vehicle 16 17 and the snowmobile who operates the -- same it only for demonstration purposes, but every such dealer shall, upon 18 transferring such interest<u>, shall</u> deliver such the 19 certificate of ownership and certificate of registration 20 21 with an application for registration executed by the new 22 owner in accordance with the provisions of this actys 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

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or other lien, if any, shall issue a new certificate of
 ownership and certificate of registration togethar with a
 statement of any conditional sales contract, mortgage, or
 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 police of every city to make immediate report to the 10 registrar of motor vehicles of all snowmobiles reported to 11 12 him as stolen or recovered, upon forms provided for by the registrar of motor vehicles. Failure on the part of any 13 14 officer shall+be-deemed-to-be is misfeasance in office and 15 shall--constitute constitutes grounds for removal. Upon receipt of such information, the registrar of motor vehicles 16 17 shall file the same in an index to be known as the "stolen and recovered snowmobile index=". It shall is also be the 18 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 <u>Once a month the</u> 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 sheriffy and all police departments in 25 cities of the first, second, and third class. Such list

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1	shall also be forwarded to the secretary of state _y or other
2	proper official ${f v}$ 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) #t at a rate of speed greater than provided by law
14	for motor vehicles* <u>:</u>
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 anothery or to cause
19	injury or damage to either <u>w: or</u>
20	(4)Without-a-lighted-head-and-tsillig ht betweenthe
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

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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
5 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 decalt. 12 providedy--howevery that at all times during that period a 13 bill of sale or other proof of purchase reciting the date of purchase shall be carried by the operator or with the 14 15 snowmobile at--all--times. An owner or operator of such a snowmobile being operated after the ten--fl0; day grace 16 period without a current tax-paid decal displayed on the 17 snowmobile shall be subject to the penalties of section 13 19 53-1027, as amended."

20 Section 5. Section 59-350?, R.C.M. 1947, is amended to 21 read as follows:

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

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

5 (2) "Motorboat" means any vessel propelled by any machinery, any motors or engine of any description, whether 6 7 or not such machinery, motors or engine is the principal 8 source of propulsiony. including The term includes boats 9 temporarily equipped with detachable motors or enginesy 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 13 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.

(5) "Person" means an individual, partnership, firm,
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--meen "Commission" weans 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 treasurer to the owner of a motorboaty or by the registrar 6 7 of motor vehicles to dealers or manufacturers, ewarding 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 equalizationy county treasurer and displayed as required by 16 law. 17 (11) "Passenger" means every person carried on board a vessel other than: 18 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 quest 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 motorssats
13	prohibited display of decals. (1) Every motorboat on the
19	waters of this state propelled by <u>a</u> motor or engine of any
20	description shall be properly numbered and display valid
21	license decals. No person shell <u>may</u> 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

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approved numbering system of another state, and unless:
 (i)(a) the certificate of number awarded to such that
 motorocat is in full force and effecty; and

4 (2)(b) the identifying number set forth in the
5 certificate of number and the valid license decals are
5 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. tat(1) The owner of each motorboat requiring numbering by this state shall file 16 17 an application for number in the office of the county 18 treasurer wherein the motorboat or--vessel is owned or 19 taxabley 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, changes or false statement 23 contained in the application for-certificate-of-registration will render the certificate of number null--and void. Upon 24 25 receipt of the application in approved forms 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 motorboaty 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 heighty 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 15 numbers cannot be easily seen from another vessel or ashore. 17 No numerals, letters, or devices, other than those used in connection with the identifying number issued, shall may be 18 placed in the proximity of the identifying number, and no 19 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 motorpoat's identification. The certificate of number shall 24 be pocket size and shall be available to federal, states or local law enforcement officers at all reasonable times for 25

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inspection on the motorboat for which issuedy whenever the
 motorboat is on waters of this statey, except--boat <u>Boat</u>
 liveries are not required to have the certificate of number
 on board each motorboat, except-that <u>but</u> a rental agreement
 must be carried on board livery motorboats in place of the
 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 treasurary 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.

tdf(f) The numbering requirements of this act shall
 apply to motorboats operated by dealers, manufacturers, or
 their employees as follows:

the registrar of motor vehicles for one the identifying

1 number and one (1) or more certificates of number. A z 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, selling, or exchanging of the boat by the dealer. 5 6 (2)(b) The application for а dealer's or 7 manufacturer's identifying number shall include the name of the dealer or manufacturer and the his business address of 8 9 the--dealer--or--manufacturer. Each dealer or manufacturer 10 shall have one fth identifying number assigned to his 11 business. (3)(c) An application for dealer's or manufacturer's 12 13 identifying number and certificate of number shall be 14 accompanied by the following fees: 15 fat(i) for the identifying number, first certificate 15 of number, and set of license decals, five-dollars-(\$5); 17 (B)(ii) for each additional certificate of number and set of license decals applied for in any application, two 18 dollars-4\$21. 19 (4)(d) The registrar of motor vehicles shall issue 20 certificates of number for identifying number numbers 21 awarded to a dealer or manufacturer in the same manner as 22 23 provided in section 59-3504 (a)(1), as amended, except that no boat shall be described in the certificate and each 24 25 certificate shall state that the identifying number has been

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

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

12 totiff No person other than a dealer or manufacturer 13 or an employee of a dealer or manufacturer shell 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 (77)(3) No dealer or manufacturer or employee of a 19 dealer or manufacturer shell: may use a dealer's or 20 manufacturer's identifyin; 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-effecty-which-has-been--awarded--to
 25 it--pursuant--to--then--operative-federal-lew-or-a-federally

number-prior-to-operating-the-motorboat--on--the--waters--of this--state--in--excess--of--the--sixty-f60j-day-reciprocity period-provided-for-in-section-69-3586-(1)-of-this-set-Such recordation-shall-be-in--the--manner--and--pursuant--to--the procedure--required-for-the-award-of-number-under-subsection ta)-of-this-sections ff;[5] Should the ownership of a motorboat change, within a reasonable time a new application form with fee shall be filed with the county treasurer and a new certificate of number shall be awarded in the same manner as provided for in an original award of number. tates government has in force an over-all overall system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this act by the registrar of motor vehicles shall be in conformity therewith. th: [1] Every certificate of number and the license

approved-numbering-system-of-another-statey-shall-record-the

18 **(h)**[1] 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.

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(i)(B) Certificates of number due shall expire on
 April 30 of each calendar year and shall no longer be of any
 effect unless renewed under this act.

4 title in event of transfer of ownership, the 5 purchaser shall within a reasonable time furnish the county treasurer notice of the acquisition of all or any part of 6 7 his interest other than the creation of a security interest in a motorboat numbered in this state under this sectiony or 8 9 of the loss, theft, destruction, or abandonment of the motorboaty-within-reasonable-time--thereof. Such transfer, 10 loss, theft, destruction, or abandonment shall terminate the 11 12 certificate of number for the motorboat, except that in the 13 case of a recovery from thefty 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 tk)(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 address and its replacement with a certificate bearing the 24 new address or the alteration of an outstanding certificate 25

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1 to show the new address of the holder.

2 <u>()</u> () No number other than the number and license decal awarded to a motorboat or granted reciprocity under this acty shall be painted, attached, or otherwise displayed on either side of the forward half of the motorboat.

6 <u>(m)(12)</u> 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 ±9-3501 11 through 69-3518<u>* as amended</u>. 12 <u>int(13)</u> An owner of a motorboat must notify the

registrar of motor vehicles, within a reasonable times 13 giving the motorboat's identifying number and the owner's 14 15 name, within-reasonable-timey when that motorboat becomes 16 documented as a vessel of the United States, is transferred, 17 lost, destroyed, abandoned, or frauded, or within sixty-(50) days after change of state of principal use." 18 Section 8. Section 69-3505, R.C.M. 1947, is amended to 19 20 read as follows: #69-3505. Equipment. (1) Every motorboat or vessel 21 shall have aboard: 22

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

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not reached his tweifth 12th birthday shall have a United 1 States coast quard approved life preserver properly fastened 2 з to his person when occupying a motorboat or vessel under twenty-six--f26t feet in length while such motorboot or 4 vessel is in motion: The-fish--and--game--commission--shall 5 6 have--the--authority-to-designate-waters-and-time-of-year-on 7 these-waters-where-all-persons-aboard-a-motorpoat-or--vessel 8 must-wear-approved-life-preservers-at-all-times. 9 +b}--When-in-operation-or-st-anchor-or-moored-sway-from a--docking--facility--between-sunset-and-sunrise-all-vessels 10 11 shall-display-lights-as-prescribed-by-the-boards te)(b) If if carrying or using any inflammable or 12 13 toxic fluid in any enclosure for any purpose, and if the 14 motorboat or vessel is not an entirely open motorboat--or vessel one, an efficient natural or mechanical ventilation 15 system prescribed by the board commission which shall be 15 17 used and be capable of removing resulting gases prior toy 18 and during the time the motorboat or vessel is occupied by a 19 person**:** (d)(c) All-motorboats-shall-carry-the--minimum--number 20

21 of United States coast guard approved hand portable fire extinguishers, the number of which is to be determined by 22 23 the Hontona--fish--and--game commissions or a United States coast guard approved fixed fire extinguishing system. 24 25 excepty that motorboats less than twenty-six-f26} feat in 1 length of entirely open construction, propelled by outboard motors, and not carrying passengers for hire need not carry z such portable fire extinguishers or fire extinguishing 3 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 fuely equipped with an efficient flame arrester, backfire trap, or other similar я Q. device.

10	(3) Theboard-may-adopt-rules-modifying-the-equipment
11	requirementscontainedinthissectiontotheextent
12	necessaryto-keep-these-requirements-in-conformity-with-the
13	provisions-of-the-federal-navigation-and-safety-laws-or-with
14	the-navigation-and-safety-rules-promulgatedbytheUnited
15	States-coast-guardy 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	<u>commission</u> .
19	(4)
20	theoperation-of-a-vessel-which-is-not-equipped-as-required
21	by-this-section-or-modification-thereof* <u>The commission_may</u>
22	<u>designate waters where and the time of year on these waters</u>
23	when all persons aboard a _motorboat_or _vessel _must_wear
24	approved life preservers at all times.
25	(5) Avesselyincludinghouseboatsandfloating

1 cobinsy-moy-not-be-easipped-in-a-manner--which--will--permit 2 discharge-of-inadequately-treated-sewage-into-waters-of-this 3 statew--No--container--of-inadequately-treated-sewage-may-be 4 placedy-left-or-discharged-in-or-near-waters-of--this--state by--anyone--at--any--times-All-toilets-located-on-any-vessel 5 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 havey-not-later-than 12 April-30y--1976y a wastewater holding system sealed to 13 prevent the discharge of sewage--as--defined--in-section 14 69-4002y-RuCuMu-1947 water carried waste products, whether 15 treated or untreated, into the surrounding waters. 16 16) 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. 22 171 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][]] 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	designatedor permitted by him to be operated; the
6	identification number thereofyand of such vessely the
7	departure date and time, and the expected time of return.
8	The record shall be preserved for at least six-t 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
14 15	required pursuant to section 69-3505 and any rules and regulations made pursuant thereto."
	· · · · · · · · · · · · · · · · · · ·
15	regulations made pursuant thereto."
15 16	regulations made pursuant thereto." Section 10. Section 69-3508, R.C.M. 1947, is amended
15 16 17	regulations made pursuant thereto." Section 10. Section 69-3508, R.C.N. 1947, is amended to read as follows:
15 16 17 18	regulations made pursuant thereto." Section 10. Section 69-3508, R.C.M. 1947, is amended to read as follows: #69-3508. Prohibited operation and mooring
15 16 17 18 19	<pre>regulations made pursuant thereto." Section 10. Section 69-3508, R.C.N. 1947, is amended to read as follows:</pre>
15 16 17 18 19 20	<pre>regulations made pursuant thereto." Section 10. Section 69-3508, R.C.N. 1947, is amended to read as follows:</pre>
15 16 17 18 19 20 21	<pre>regulations made pursuant thereto." Section 10. Section 69-3508, R.C.N. 1947, is amended to read as follows:</pre>
15 16 17 18 19 20 21 22	<pre>regulations made pursuant thereto." Section 10. Section 69-3508, R.C.M. 1947, is amended to read as follows:</pre>

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1 parmit any parson to operater any motorboat or vessalr or 2 manipulate any water-skis water skis, surfboard, or similar 3 Javicey or other contrivancey while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana. 4 5 fet(3) It shall-be is unlawful for the owner of any 6 motorboat or vessely or any person having such in charge or 7 in controly to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental 8 9 disability is incapable of operating such watercraft under the prevailing circumstances. 10

fd)(4) No person shall may operate or knowingly 11 permit any person to operater any motorboat or vessel at a 12 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 aheadt. providedy-howevery that However, nothing in this act is intended to prevent the 16 17 operator of a vessel actually competing in a regatta which 13 is sanctioned by an appropriate governmental unit from attempting to attain high speeds on a marked racing course. 19 2.0 te)(5) No person shall may make a reckless approach to, departure from, or bassage by a dock, ramp, diving 21 22 boards or float.

23 (ff)(6) Skiers being pulled by motorboats must have on
 24 their person a life preserver, buoyant vest, or ring buoy.
 25 (fd)(7) No person shall may moor a vessel to any of that

1 buoys or beacons placed in any waters of this state by the 2 authority of the United States, an agency of the United States, or the board-nor commission or in any manner hang on 3 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 person deface, remover or destroy any such buoy, beaconr or 5 7 other authorized navigational marker maintained in the waters of this state. 8

9 th)[3] If an officer whose duty it is to enforce the sections of this law observes a vessel being used without 10 11 sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition and in his judgmenty 12 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 until the situation creating the hazard is corrected or 18 19 ended."

20 Section 11. Section 69-3508.1, R.C.M. 1947, is amended

- 21 to read as follows:
- #69-3508.1. Discharge of waste from vessel prohibited.
 No person shall discharge or cause, permition suffer to be
 discharged any garbage, refuse, wastei or sewage from any
 vessel into; or uponi or near the waters at any stream,

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1	river1 or	lake	within	the	boundar i es	of	the	state	of
2	Montana."								

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

"69-3512. Collisions, accidents, and casualties. 5 (a)(1) It-shall-be-the-duty-of-the The operator of a vasse) 6 7 involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, 8 9 crews and passengers (if any), to shall render to other 10 persons affected by the collision, accident, 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, accident, or other casualty, - 14 and also--to give his name, address, and identification of 15 his vessel in writing to any person injured and to the ownery or person in control of any property damaged in the 16 17 collision, accidenty 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 statey a standardized accident report 21 formt, any Any person involved in a collision, accident, or 22 other casualty involving a death, disappearance, personal 23 injury, or property damage in excess of one-hundred--dollars 24 f\$100+00; shall immediately report such collision; accident; 25 or other casualty to the sheriff's office or state game

warden of the county in which the collision, accident, or 1 casualty occurred and fill out a standardized accident 2 3 report form. (c)(3) It-shall-be-the-duty-of-ony A sheriff advised 4 of a collision, accident, or other casualty reported under 5 this act+-to shall: 5 (ti)(a) conduct an appropriate investigation of such 7 collision, accident, or other casualty; and 8 9 +2+(b) to prepare and submit a report of the results 10 of said the investigation, together with the completed standardized accident report forms, to the board 11 12 commission." Section 13. Section 69-3513, R.C.M. 1947, is amended 13 14 to read as follows: #69~3513. Transmittal of information. In accordance 15 with any request duly made by an authorized official or 15 agency of the United States, any information compiled or 17 otherwise available to the board commission pursuant to 18 19 section subsections (2) and (3) of 69-3512 (b)-and-(c)1 as 20 amended, 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 amanded 23 to read as follows: *69-3514. Hater-skis Water skis and surfboards. (3)(1) 24

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No person shall may operate a motorboat or vessel on any

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waters of this state for the purpose of towing a person or persons on water-skis water_skis, a surfboard, or similar device or other contrivance unless said the operator is at least twelve-f12; years of agew and further--providing-that there is a second person, at least twelve-f12; years of age, in the vessel to act as observer to observe the person being towedv.

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 sunriset. 12 providedy--howevery 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. Filin; of regulations <u>rules</u>. A copy of the 21 regulations <u>rules</u> adopted pursuant to this act_y and of any 22 amendments theretoy shall be filed in the office of the 23 beard <u>commission</u> and in the office of the secretary of 24 state. Rules and-regulations shall be published by the board 25 <u>commission</u> in a convenient form and made easily available to

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all vessel operators." Section 16. Section 69-3516.1, R.C.M. 1947, is amended

3 to read as follows:

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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 law. The state fish and game director shall employ all the 10 11 necessary personnel to comply with this section. All sheriffs and peace officers of the state of Montana and all 12 13 United States coast guard law enforcement officers shall have authority to enforce provisions of sections 69-3501 14 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 act chapter unless otherwise specified shall be a 19 20 misdemeanor and be punishable by fine of not less than 21 fifteen-dollars-(\$15) or more than five--hundred--dollars 22 (15500 = 00) or by imprisonment up to (120 = 0.00)both such fine and imprisonment. All fine and bond 23 forfeitures shall be transmitted to the state treasurer who 24 25 shall deposit such fines and forfeitures in the motorboat

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account of an earmarked fundte the The moneys shall be used
 only by the fish-and--game commission for enforcement of
 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:

"69-6601. Policy of state. In order to safeguard the 6 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-set, it shall be the policy of the state to protect its citizens and visitors from 10 unnecessary mechanical hazards in the designs constructions 11 12 and operation of passenger tramways, but not from the 13 hazards inherent in the sports of mountaineering, skiing, 14 and hikingy or from the hazards of the area served utilized 15 by the skier or other sportsmant 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 Z2 to be made such inspections as may be necessary in carrying 23 this policy into affect."

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

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*69-661C. Additional powers and duties of department.
 (1) In addition to all other powers and duties conferred and
 imposed upon the department by this article gnapter. the
 department shall have-and-exercise-the-following-powers-and
 duties:

6 ta)(1) To adopt reasonable rules and--regulations 7 relating to public safety in the design, construction, and 8 operation of passenger tramwaysy but which shall may not 9 relate or pertain to an area served by a passenger tranway. In adopting such rules and regulations the department shall: 10 [a] use as a guideline the standards contained in "The 11 12 American National Standards Institute--Safety Requirements 13 for Aerial Passenger Tramways** ANSI B 77-1--1970, as amended from time to time, or equivalent, and as amended or 14 15 supplemented from time to time by the departmenty; and-shall 16 not-be-discriminatory-in-their-application-to--operators--of 17 passenger-tranwaysy-and-shall (b) hold hearings and take in all evidence relating to 18 19 the adoption of these rules, and--requisions;--and-the 20 department-shall 21 (2) supply to each operator a copy of its rules and 22 requiations and each amendment thereto or revision thereofw; 23 (3) avoid discrimination in application of the rules 24 to operators of passenger tranwaysi 25 tb)(4) To hold hearings and take evidence in all

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

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

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

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

13 (f)(7) fo employ, within the funds available, and 14 prescribe the duties of o-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:

13 "69-6615. Tranways not common emerier carriers or 19 public utilities. Passenger tranways shall not be construed 20 to be common emerier 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. <u>53-1014</u>. In (2) changed "and" to "or" to correct apparent error.

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

Section 3. <u>53-1019</u>. 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 operation.

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

Section 5. <u>69-3502</u>. 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. <u>69-3503</u>. 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. <u>69-3504</u>. 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. <u>69-3505</u>. 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 <u>inadequately treated</u> sewage from a vessel, appears to be in conflict with 69-3508.1, which prohibits discharge of <u>any</u> 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. <u>69-3057</u>. Deleted "designated" in (1) and "designed" in (2) as confusing and unnecessary language.

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

Section 11. <u>69-3508.1</u>. Added sanction against disposing of waste "<u>near</u> 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. <u>69-3512</u>. 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. <u>69-3513</u>. Changed "board" to "commission" pursuant to definition change of section 5.

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

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

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

Section 17. <u>69-3517</u>. 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. <u>69-3518</u>. 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 <u>not</u> 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. <u>69-6601</u>. Changed "served" to "utilized" to correct apparent grammatical misnomer.

Section 20. <u>69-6610</u>. 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. <u>69-6615</u>. Changed "carrier" to "carriers" to make grammatically correct.

SB 0016/02

Approved by Comm. on Fish and Game

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; ANUNDING SECTIONS 53-1014,
7	53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507,
8	69-3508, 69-3508.1, 69-3512 TRROUGE 69-3514, 69-3516,
9	69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615,
10	R.C.H. 1947.

11

BE IT EMACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 53-1014, B.C.H. 1947, is amended to
read as follows:

15 *53-1014. Transfer of title or interest. (1) Upon a transfer of any title to or interest in ef-an-ewhor-or-ewhor 16 17 in or to a snownobile, 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 shall write their his signatures signature with pen and ink 20 upon the certificate of ownership issued for such-rehisle 21 the snownobile, in the appropriate space provided upon the 22 23 reverse side of such the certificate, and such signature 24 shall be acknowledged before a notary public.

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

SECOND READING

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 the upon receipt thereof, and no No certificate of ownership and or certificate of registration 5 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 dellars (\$2) for each application for transfer of ownership. 10 11 (3) The provisions of subdivision subsection (2) of 12 this section, requiring a transferee to forward the certificate of ownership after endorsement and the 13 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 snowsobile who operates the same it only for 18 demonstration purposes, but every such dealer shall, upon 19 transferring such interest<u>, shall</u> deliver such the certificate of ownership and certificate of registration 20 21 with an application for registration executed by the new 22 owner in accordance with the provisions of this acty 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 or other lien, if any, shall issue a new certificate of
 ownership and certificate of registration together with a
 statement of any conditional sales contract, mortgage, or
 other lien.*

5 Section 2. Section 53-1017, B.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 registrar of motor vehicles of all snowmobiles reported to 11 him as stolen or recovered, upon forms provided for by the 12 13 registrar of motor vehicles. Failure on the part of any 14 officer shall be decord 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 snownobiles reported to his from other 21 states. The Once a month the registrar of motor vehicles 22 shall prepare ence-a-month a list of all snowmobiles stolen 23 or recovered during the previous wonth 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 proper official, in each state of the United States. Before 2 З a certificate of title, as heretofore provided, shall be 4 issued under this act, the motor and serial number on the motor vehicle to be registered shall be checked against the 5 6 Astolen and recovered snowmobile inder." Section 3. Section 53-1019, B.C.B. 1947, is amended to 7 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 snowmobile upon a public street or highway in any one or 11 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 marcotics or babit-forming drugs-; (3) In in a careless or reckless manner so as to 17 endanger the person or property of another, or to cause 18 19 injury or damage to eitherw: or 20 21 hours-of-duck-and-dave-22 (5) (4) Operating operation of a snowmobile, or 23 permitting such operationy by any person who by reason of 24 age or physical or mental disability is incapable of

operating the snowmobile as required for safety under the

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1 prevailing circumstances.*

2 Section 4. Section 53-1026, R.C.H. 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+. provided -- housevery that at all times during that period a 12 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 snowaobile being operated after the tea-{10}-day grace 17 period without a current tax-paid decal displayed on the 18 snowmobile shall be subject to the penalties of section 53-1027, as apended." 19

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

r69-3502. Definitions. As used in this act, unless the
 context clearly requires a different meaning the following
 definitions apply:

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

unless otherwise defined by the fish and game commission of
 the state of Sontana, other than a seaplane on the water,
 used or capable of being used as a means of transportation
 on water.

5 (2) "Notorboat" means any vessel propelled by any machinery, any motor, or engine of any description, whether Б. 7 or not such machinery, motor, or engine is the principal 8 source of propulsiony, including The term includes boats P 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.

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

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

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

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

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1 (7) The-word-"beard"-shall--eean "Commission" means 2 the fish and game commission of the state of Montana in-all 3 cogtions-of-thic-act. 4 (8) "Certificate of number" means the certificate issued annually by the board of equalization county 5 treasurer to the owner of a motorboaty or by the registrar 6 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" seam means the serially numbered 14 license stickers issued annually by the board---of 15 equalisation, 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

business of the vessel who have contributed no consideration
for their carriage and who are paid for their services; or
(d) any guest on board a vessel which is being used
exclusively for pleasure purposes who has not contributed

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1 any consideration, directly or indirectly, for his carriage. (12) "Operator" means the person who navigates, drives, 2 or is otherwise in immediate control of a motorboat or 3 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 Q. 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 warm a vessel 13 operator of dangers or to provide general information and 14 directions." 15 Section 6. Section 69-3503, B.C.M. 1947. is amended to 16 read as follows: 17 #69-3503. Operation of unnumbered motortoats 18 probibited -- 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

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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 effect₇₁ 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 to adollars (\$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 each motorboat requiring numbering by this state shall file 16 17 an application for number in the office of the county treasurer wherein the motorboat er-ressel is owned or 18 19 tarable, on forms prepared and furnished by the registrar of motor wehicles. The application shall be signed by the owner 20 21 of the motorboat and shall be accompanied by a fee of ene -4\$1--dellar. Any alteration. change. or false statement 22 23 contained in the application for destificate of registration will render the certificate of number aul--and woid. Opon 24 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 а 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 sotorboat by its identifying number shall may be carried as to interfere with the 22 23 notorboat'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

inspection on the motorboat for which issuedy whenever the
 motorboat is on waters of this statey, except—beat Boat
 liveries are not required to have the certificate of number
 on board each motorboat, except—that but a rental agreement
 must be carried on board livery motorboats in place of the
 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 assesser 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 <u>BOTORBORT</u> for the year for which said the 13 application for registration is made.

14 (e)(3) The applicant eball, upon the filing of the 15 application, <u>shall</u> 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 1--

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

dealer's or 6 +7+ (b) The application for a 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 sanufacturer. Each dealer or sanufacturer shall have one (1) identifying number assigned to his 10 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 dellars (\$5);

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

20 (4)(d) The registrar of motor vehicles shall issue
21 certificates of number for identifying ausber <u>numbers</u>
22 awarded to a dealer or manufacturer in the same manner as
23 provided in ecction 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

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

(5) (e) A dealer's or manufacturer's identifying number 4 shall be displayed in the same manner as provided in meetion 5 69-3504 (a) (1), as amended of this act, except that the 6 number may be temporarily attachedy, and that the The last 7 three 434 letters shall be "DLR" for dealer and "HFR" for 8 9 manufacturers, those These letters shall be included, respectively, in dealer or manufacturer identification 10 11 numbers only.

12 (6)(f) No person other than a dealer or manufacturer
13 or an employee of a dealer or manufacturer oball 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)(9) 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 motorbest-already covered by a
 24 augbor in full force and offect, which has been awarded to
 25 it persuant to then operative federal law or a federally

 1
 approved_numbering_system_of_another_state, shall-record_the

 2
 number_prist_to_-operating_the_meterheat_en_the_waters_of

 3
 this_state_in_excess_of_the_simty--(60) --day_recordety

 4
 period_provided_for_in_section_69-3506-(1)-of_this_ast, Such

 5
 recordation_shall_be__in_the__masher_and_pursuant.to_the

 6
 procedure_required_for_the_award_of_number_water_scabscation

 7
 (a)-of_this_mention_

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 (9)(6) If an agency of the United States government 14 has in force an ever-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 ene-{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 coner in the same manner provided for in the initial 25 securing of the certificate.

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(i) (8) Certificates of number due shall expire on
 April 30 of each calendar year and shall no longer be of any
 effect unless renewed under this act.

2 (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 motorboaty 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 cwner'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 reles 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

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1 to show the new address of the holder.

2 (1)(11) We number other than the number and license 3 decal awarded to a motorboat or granted reciprocity under 4 this acty 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.

(13) An owner of a motorboat must notify the 12 13 registrar of motor vehicles, within a reasonable time, 14 giving the motorboat's identifying number and the coner's 15 name. within reasonable time, when that notorboat becomes 16 documented as a vessel of the United States, is transferred. 17 lost, destroyed, abandoned, or frauded, or within sisty (60) days after change of state of principal use." 18 19 Section 8. Section 69-3505, B.C.S. 1947, is amended to

20 read as follows:

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

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

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1 not reached his twelfth 12th birthday shall have a United 2 States coast guard approved life preserver properly fastened to his person when occupying a motorboat or vessel under 3 Ŭ. tweaty-siz-{26} feet in length while such motorbcat or vessel is in motion,: The fish and gase commission shall 5 6 these--watere-where-all-persons-aboard-a-setorbeat-er-vessel 7 aust-wear-approved-life-preservers-at-all-times-8

9 (b) - - When in - operation - or at another or - second away from
 10 a-decking facility between subset and -- second - all -- vessels
 11 shall-display lights - as preseribed - by - the beard.

12 (c) (b) If if carrying or using any inflammable or 13 toric fluid in any enclosure for any purpose, and if the 14 notorboat or vessel is not an entirely open seterbeat-or 15 vessel one, an efficient natural or mechanical ventilation 16 system prescribed by the beard 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-sotorboats-shall-sarry 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 Bontesa-fish-and-game commission, or a United States
24 coast guard approved fixed fire extinguishing system,
25 excepty that motorboats less than twenty-siz-(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 fuely equipped with an 8 efficient flame arrester, backfire trap, or other similar 9 device.

10 (3) The beard may adopt rules sodifying the equipment 11 12 Recessary-to-keep-these-requirements-in-conformity-with--the 13 provisions-of the fodoral-savigation-and-safety-lave-or-with 14 the--perigation--and -- safety-rules-prosulgated-by-the-United 15 States deast quard, When in operation or at anchor or moored 16 away from a docking facility between sunset and sunrise, all vessels shall display lights as prescribed by the 17 18 commission. 19 (4) A -- percen--- may -- not-operate-or-give-permission-for 20 the-operation-of-a-ressel-which-is-net-equipped-as--required 21 by--this-section or-addification-thereof. The compission may 22 designate waters where and the time of year on these waters 23 when all persons aboard a motorbcat or vessel must wear 24 approved life preservers at all times. 25

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1	Gabing, maymotbe-equipp ed-im-a-manner-which will-permit
2	discharge-of-iBadequately-treated-semage-into-vaters-of-this
3	stateNo-container-of-inadequately-treatedsewagenaybe
4	placedy-loft-or-discharged-in-or-near-vators-of-this-sta te
5	by-abyobe-at-aby time
6	eperated on-waters of this state shall have securely affixed
7	tethe-interiordischarge-openingofthen-th-operating
8	treatsent-device of-retainingtanksecondards
9	ostabliched by the board of boalth and environmental
10	sciences. Vessels, including houseboats and floating cabins,
11	equipped with a galley or toilet shall have , not-later than
12	April-307-49767 a wastewater holding system sealed to
13	prevent the discharge of sevageas-definedinsection
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	<u>extent necessary to keep these requirements in conformity</u>
19	with the provisions of the federal navigation and safety
20	laws or with the pavigation and safety rules promulgated by
21	the United States coast guard.
22	171 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.H. 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 identification number thereof, and of such vessel, the 6 departure date and time, and the expected time of return. 7 The record shall be preserved for at least sim (6) months. 8 9 (b) (2) Weither 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 metorboat 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 required made pursuant thereto."

Section 10. Section 69-3508, R.C.H. 1947, is amended
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

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permit any person to operate, any motorboat or vessel, or
 manipulate any water_okis water_skis, surfboard, or similar
 device, or other contrivance, while intexicated or under the
 influence of any narcotic drug, barbiturate, or marijuana.
 for (3) It shall be is unlawful for the owner of any

6 motorboat or vessely or any person having such in charge or 7 in controly to anthorize 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 (d) [4] No person shall may operate, or knowingly permit any person to operate, any motorboat or vessel at a 12 13 rate of speed greater than will permit such person, in the exercise of reasonable care, to bring the vessel to a stop 14 within the assured clear distance ahead+. provided, however, 15 16 that However, nothing in this act is intended to prevent the operator of a vessel actually competing in a regatta which 17 18 is sanctioned by an appropriate governmental unit from 19 attempting to attain high speeds on a marked racing course. 20 (5) No person shall may make a reckless approach to, departure from, or passage by a dock, ramp, diving 21 22 board, or float.

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

1 (9) (7) We person shall may meer a vessel to any of the 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 sor commission or in any manner hang on а 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 б 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 (b) (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 aboard the wessel, including directing the operator to 17 18 return to mooring or launching site and to remain there until the situation creating the bazard is corrected or 19 20 ended."

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

r69-3508.1. Discharge of waste from vessel prohibited.
No person shall discharge or cause, permit, or suffer to be
discharged any garbage, refuse, waste, or sewage from any

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vessel into, or upon, or near the waters at any stream,
 river, or lake within the boundaries of the state of
 Hontana.*

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

6 #69-3512. Collisions, accidents, and casualties. 7 (a) (1) It-shall bo-the-duty-of-the The operator of a vessel involved in a collision, accident, or other casualty, so far 8 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, cr other casualty, such assistance as may be practicable and as may 12 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 te 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-dollare 25 (\$100,00) shall immediately report such collision, accident,

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warden of the county in which the collision, accident, or 2 casualty occurred and fill out a standardized accident 3 report form. (s) (3) It-shall-be-the-duty of any A sheriff advised 5 6 of a collision, accident, or other casualty reported under 7 this act+-te shall: (1) (a) conduct an appropriate investigation of such 8 9 collision, accident, or other casualty; and (2) (b) to prepare and submit a report of the results 10 of said the investigation, together with the completed 11 12 standardized accident report forms, to the beard 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 with any request duly made by an authorized official or 17 agency of the United States, any information compiled or 18 19 otherwise awailable to the board commission pursuant to 20 subsections (2) and (3) of 69-3512 (b) and (c), as

or other casualty to the sheriff's office or state game

21 <u>amended</u>, 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. Hator-skis Water skis and surfboards. (a) (1)

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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-skie 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 6 there is a second person, at least twolve (12) years of age, 7 in the wessel to act as observer to observe the person being 8 towedy.

(2) eer-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 sunriset, 12 13 provided, -- however, except that the -- provisions of this 14 subsection do does not apply to a performer engaged in a professional exhibition or a person er persons engaged in a 15 regatta or race authorized under this act. 16

17 (b) (3) All right of way right of way rules applying to
 18 the towing wessel 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 SB 0016/02

1	<u>compission</u> 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 <u>commission</u>
6	shall coordinate a statewide boat safety education program."
7	Section 17. Section 69-3517, R.C.H. 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 soctions 69-3501
16	through 69-3518 <u>, as amended</u> ."
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	ast <u>chapter</u> unless otherwise specified shall be a

misdemeanor and be punishable by fine of not less than

fifteen-dollars-(\$15) or more than five--hundred--dollars

-(\$500-00) or by imprisonment up to sim-(6) months, or by

both such fine and imprisonment. All fine and bond

forfeitures shall be transmitted to the state treasurer who

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shall deposit such fines and forfeitures in the motorboat
 account of an earmarked fund+<u>, the The</u> moneys shall be used
 only by the fish-and-game commission for enforcement of
 sections 69-3501 through 69-3518<u>, as amended</u>."

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

7 "69-6601. Policy of state. In order to safequard the 8 life, health, property, and welfare of the citizens of 9 Hontana while using passenger tranways, as defined in 10 section-2-f69-66021-of this est, it shall be the policy of 11 the state to protect its citizens and visitors from 12 unnecessary mechanical bazards in the design, construction, 13 and operation of passenger tranvays, but not from the 14 hazards inherent in the sports of scuntaineering, 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 transays 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 tranways 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.N. 1947, is amended

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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 (1) To adopt reasonable rules and -- regulations 8 relating to public safety in the design, construction, and q operation of passenger tranways, but which shall may not 10 relate or pertain to an area served by a passenger tranway. In adopting such rules and regulations the department shall: 11 12 [a] use as a guideline the standards contained in "The 13 American National Standards Institute---Safety Requirements for Aerial Passenger Tranvays-", ARSI B 77.1--- 1970, as 14 15 amended from time to time, or equivalent, and as amended or 16 supplemented from time to time by the department; and shall not---bo---disoriainatory--in-their-application-to-operators-of 17 18 passenger-tranvays,-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 tranways;

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1 (b) (3) To hold hearings and take evidence in all atters relating to the exercise and performance of the powers and duties vested in the department, subpoena vitnesses, administer oaths, and compel the testimony of vitnesses and the production of books, papers, and records f relevant to any inquiry;

7 (0) (5) To approve, deny, revoke, and renew the
8 registrations provided for in this chapter;

9 (4) (6) To cause the prosecution and enjoinder of all
10 persons violating the provisions of this chapter and incur
11 the necessary expenses thereof;

13 affixed-to-all-registrations issued-by-the-departments

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."

Section 21. Section 69-6615, B.C.E. 1947, is amended
to read as follows:

19 "69-6615. Tranways not common carrier carriers or
20 public utilities. Passenger tranways 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-

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1 SENATE BILL NO. 16 1 2 INTRODUCED BY GRAHAM 2 з 3 а A BILL FOR AN ACT ENTITLED: "AW ACT FOR THE GENERAL 血 5 REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL 5 6 VEHICLES AND CONVEXANCES: AMENDING SECTIONS 53-1014. 6 7 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 7 8 69-3508. 69-3508.1. 69-3512 THROUGH 69-3514. 69-3516. 8 9 69-3516.1. 69-3517. 69-3518. 69-6601. 69-6610. AND 69-6615. q 10 R.C.N. 1947.* 10 11 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 12 13 Section 1. Section 53-1014, R.C.H. 1947, is amended to 13 14 read as follows: 14 15 "53-1014. Transfer of title or interest. (1) Opon a 15 16 transfer of any title to or interest in ef-an-evener-er-evener 16 17 in-or-to a snowmobile, registered as required under the 17 18 provisions of this act as-hereisbefore-required, the person 18 er-persens whose title or interest is to be transferred 19 19 20 shall write their his signature signature with pen and ink 20 21 upon the certificate of ownership issued for such--webiele 21 22 the snowmobile, in the appropriate space provided upon the 22 reverse side of such the certificate, and such signature 23 24 shall be acknowledged before a notary public. 24

There are no changes in $S\beta//2$, and due to length will not be rer. Please refer to yellow copy for complete text.

THIRD READING

and the certificate of registration, together with the information required under this act, to the registrar, who shall file the same then 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 cwnership 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 actr. and the The registrar, upon receipt of said the certificate of ownership, certificate of registration, and application for 25 registration, together with the conditional sales contract

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shall forward both the certificate of ownership so endorsed

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

5 Section 2. Section 53-1017, R.C.H. 1947, is amended to 6 read as follows:

7 "53-1017. Report of stolen and recovered snowmobiles. It shall be is the duty of the sheriff of every county of 8 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 his 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-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 and recovered snowmobile index-", It shall is also be the 18 19 duty of the registrar of motor vehicles to file reports of 20 stolen and recovered shownobiles reported to him from other states. The Once a month the registrar of motor vehicles 21 shall prepare once-a-south a list of all snowmobiles stolen 22 23 or recovered during the previous month and forward a copy of 24 the same to every sheriffy and all police departments in 25 cities of the first, second, and third class. Such list

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1 shall also be forwarded to the secretary of state, or other 2 proper official, in each state of the United States. Before a certificate of title, as heretofore provided, shall be 3 issued under this act, the motor and serial number on the 4 notor wehicle to be registered shall be checked against the 5 6 "stolen and recovered snowsobile index." 7 Section 3. Section 53-1019, B.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 wanners:

13 (1) 44 at a rate of speed greater than provided by law
14 for motor vehicles.

15 (2) #bile while under the influence of intoxicating
16 liquor or marcotics or habit-forming drugs.

17 (3) In in a careless or reckless manner so as to
18 endanger the person or property of anothery or to cause
19 injury or damage to either-: or

20 (4)...Without a lightod head and teillight...between...the
21 hours of dusk and daws.

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

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2
                        INTRODUCED BY GRAHAM
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8
     A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5
     REVISION AND CLARIFICATION OF LAWS RELATING TO RECHEATIONAL
 6
     VEHICLES AND CONVEXANCES: AMENDING SECTIONS 53-1014.
     53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507,
7
 8
     69-3508, 69-3508.1, 69-3512 THBODGH 69-3514, 69-3516,
q
     69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615,
10
     R.C.H. 1947.*
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SENATE BILL NO. 16

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:

13 Section 1. Section 53-1014, B.C.H. 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 ef-an-even-or-owner 17 in-or to a snowmobile, registered as required under the 18 provisions of this act as bereinbefore 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-webicle 22 the snowmobile, in the appropriate space provided upon the 23 reverse side of each the certificate, and such signature 24 shall be acknowledged before a notary public.

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

REFERENCE BILL

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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 8 shall file the case then 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 wehicles 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 dellarg-(\$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 snownobile dealer intending to resell such--vehicle 17 and the snowsobile who operates the same it only for demonstration purposes, but every such dealer shall, upon 18 19 transferring such interest, shall deliver such the certificate of ownership and certificate of registration 20 21 with an application for registration executed by the new owner in accordance with the provisions of this acty, and 22 23 the <u>The</u> registrar, upon receipt of said the certificate of 24 ownership, certificate of registration_ and application for 25 registration, together with the conditional sales contract

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or other lien, if any, shall issue a new certificate of
 ownership and certificate of registration together with a
 statement of any conditional sales contract, mortgage, or
 other lien.*

5 Section 2. Section 53-1017, B.C.M. 1947, is amended to 6 read as follows:

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

shall also be forwarded to the secretary of state, or other 1 proper official, in each state of the Duited States. Before 2 3 a certificate of title, as heretofore provided, shall be issued under this act, the motor and serial number on the 4 motor wehicle to be registered shall be checked against the 5 6 "stolen and recovered snowmobile index." 7 Section 3. Section 53-1019, B.C.H. 1947, is amended to read as follows: В 9 #53-1019. Unlawful operation on streets and highways. It shall be unlawful for any person to drive or operate any 10 in wnobile upon a public street or highway in any one or 11 12 more of the following manners: 13 (1) At at a rate of speed greater than provided by law 14 for motor vehicles. (2) While while under the influence of intoxicating 15 liquor or marcotics or habit-forming drugs-; 16 17 (3) In in a careless or reckless manner so as to endanger the person or property of another, or to cause 18 indury or damage to eithery; or 19 (4) -- Withest-a-lightod-head-and-teillight--between--the 20 hourg-of-desk-and-dawa-21 (5) (4) Operating operation of a snowmobile, or 22 permitting such operation, by any person who by reason of 23 age or physical or mental disability is incapable of 24 25 operating the snowhobile as required for safety under the

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1 prevailing circumstances."

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

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

9 (2) An owner of a newly purchased snowmobile shall 10 have a grace period of ten-(10) days from the date of purchase to make application for a current tax-paid decalt. 11 providedy-howevery that at all times during that period a 12 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 period without a current tax-paid decal displayed on the 17 18 snowmobile shall be subject to the penalties of section 53-1027, as amended." 19

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

reguires a different meaning the following
 definitions apply:

25 (1) "¥

(1) "Vessel"+ means every description of watercraft.

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unless otherwise defined by the fish and game commission of
 the state of dontana, other than a seaplane on the water,
 used or capable of being used as a means of transportation
 on water.

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

(3) "Owner" means a person, other than a lien holder, having the property is or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by <u>an</u> agreement and securing payment or performance of an obligation, but the term 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.

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

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

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1 (7) The word "beard" shall—means "Compission" means 2 the fish and game commission of the state of Bontana in-all 3 soutiens of this-act.

4 (8) "Certificate of number" means the certificate
5 issued annually by the beard of equalisation county
6 treasurer to the owner of a motorboaty or by the registrar
7 of motor, vehicles, to dealers or manufacturers, averding
8 assigning such motorboat am 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.

(10) "License decals" non Reans the serially numbered
license stickers issued annually by the board—of
equalization, county treasurer and displayed as required by
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;

(c) bona fide members of the crew engaged in the
business of the vessel who have contributed no consideration
for their carriage and who are paid for their services; or
(d) any guest on board a vessel which is being used
exclusively for pleasure purposes who has not contributed

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any consideration, directly or indirectly, for his carriage. 1 (12) "Operator" means the person who navigates, drives, 2 or is otherwise in immediate control of a motorbcat or 3 vessel. fi (13) "Documented vessel" means a vessel which has and 5 is required to have a valid marine document as a vessel of 6 the United States. 7 (14) "Uniform state waterway marking system" means one 8 9 of two categories: 10 (a) a system of aids to navigation to supplement the feleral system of marking in state waters; 11 12 (b) a system of regulatory markers to warm a vessel operator of dangers or to provide general information and 13 directions." 14 Section 6. Section 69-3503, R.C.E. 1947, is amended to 15 read as follows: 16 17 #69-3503. Operation of unnnsbered motorboats 18 prohibited --- display of decals. (1) Every motorboat on the waters of this state propelled by a motor or engine of any 19 20 description shall be properly numbered and display valid license decals. Bo person shall may operate or give 21 22 permission for the operation of any motorboat on such waters 23 unless the motorboat is numbered and displays valid license decals in accordance with this act, in accordance with 24

- 25 applicable federal law, or in accordance with a federally
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approved numbering system of another state, <u>abd</u> unless;
 (1) (a) the certificate of number awarded to <u>such</u> the
 notorboat is in full force and effect₇; 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—he is 10 punishable by a fine not to exceed ten dellars-(\$10}. 11 However, the arresting officer may issue a courtesy citation 12 in liem of the penalty provided for in this subsection."

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

"69-3504. Identification number. (a) (1) The owner of 15 each motorboat requiring numbering by this state shall file 16 17 an application for number in the office of the county 18 treasurer wherein the motorboat er-- tessel is owned or taxable, on forms prepared and furnished by the registrar of 19 20 notor vehicles. The application shall be signed by the owner 21 of the motorboat and shall be accompanied by a fee of eac 22 -fs1--dellar. Any alteration, change, or false statement 23 contained in the application for cortificate of registration 24 will render the certificate of number sell---and woid. Upon 25 receipt of the application in approved form, the county

treasurer shall issue to the applicant a certificate of 1 number prepared and furnished by the registrar of motor 2 vehicles, stating the number awarded to the motorboat and 3 the name and address of the owner. The number awarded must а. be painted on or attached to each outboard side of the 5 forward half of the motorboaty or, if there are no such 6 7 sides, at a corresponding location on both outboard sides of я the foredeck of the motorboat for which it is issued. The 9 number awarded shall read from left to right, be in Arabic numerals, in block characters of good proportion, a minimum 10 of three-{3} inches in height, excluding border or tris, and 11 of a color which shall contrast with the color of the 12 13 background, and be so maintained as to be clearly visible 14 and legible. The number shall not be placed on the obscured underside of the flared bow where the angle is such that the 15 numbers cannot be easily seen from another vessel or ashore. 16 17 No numerals, letters, or devices, other than those used in connection with the identifying number issued, shall may be 18 placed in the provisity of the identifying number, and no 19 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 sotorboat'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

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inspection on the motorboat for which issuedy whenever the
 motorboat is on waters of this statey, except boat Boat
 liveries are not required to have the certificate of number
 on board each motorboat, except that but a rental agreement
 must be carried on board livery motorboats in place of the
 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 essesses 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 <u>MOTORBOAT</u> for the year for which said the 13 application for registration is made.

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

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

6 (3)(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 hig business address of 9 the dealer or manufacturer. Each dealer or manufacturer 10 shall have one (1) identifying number assigned to his 9 susiness.

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 (1) for the identifying number, first certificate
 of number, and set of license decals, five dellars (\$5);

17 (B)(ii) for each additional certificate of number and
18 set of license decals applied for in any application, two
19 dellars (\$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 nanufacturer in the same manner as
23 provided in sections 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

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

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

12 (6)(f) No person other than a dealer or manufacturer 13 or an employee of a dealer or manufacturer chall 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 even of any seterbeat already...covered by a
 24 sumber is full force and offect, which has been awarded to
 25 it-pursuant to these operative foderal law or a -federally

 1
 approved numbering system of another state, shall record the

 2
 humber prior to operating the meterbeat on the vaters of

 3
 this state in encose of the sitty (60) day - reciprosity

 4
 period provided for in section 69-3506 (1) of this ast, Such

 5
 recordation shall be in the aster to the

 6
 procedupe required for the avail of subber 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 (9)(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 notor vehicles shall be in conformity therewith.

-{h}(7) Every certificate of number and the license 18 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.

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+ (i) (0) Certificates of number 4me 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 4 5 purchaser shall within a reasonable time furnish the county treasurer notice of the acquisition of all or any part of 6 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 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 interest which does not affect the owner's right to operate 14 15 the sotorboat, the recovery or transfer does not terminate 16 the certificate of number.

17 (h) (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 rales 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

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1 to show the new address of the holder.

2 (1) (11) We number other than the number and license 3 decal awarded to a motorboat or granted reciprocity under 4 this act₇ shall be painted, attached₁ 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 whough 69-3518, as amended.

12 (b)(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 sisty-(60) 18 days after change of state of principal use."

19 Section 8. Section 69-3505, R.C.S. 1947, is amended to20 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

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1 not reached his twolfth 12th birthday shall have a United 2 States coast quard approved life preserver properly fastened З to his person when occupying a motorboat or vessel under twenty-siz-(26) feet in length while such motorboat or D. 5 vessel is in motion.; The fish and gase cossission chall 6 have the authority to designate waters and time of ... year ... on 7 these--waters-where-all-persons-aboard-a-motorbett-er-fossel 8 aust-wear-approved-life-preservers-at-all-times-

9 (b)--When in operation or at anchor or second away from
 10 a docking facility between sumset and -sumples -all - records
 11 shall-display lights as prescribed by the beard.

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

20 (d) (c) all -motorboate -shell-sarry-the-mininus-number
21 of United States coast guard approved hand portable fire
22 extinguishers, the number of which is to be determined by
23 the Montaga-fish-and-game commission, or a United States
24 coast guard approved fixed fire extinguishing system,
25 except, that motorboats less than twenty-siz-(26) feet in

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length of entirely open construction, propelled by outboard
 motors, and not carrying passengers for hire need not carry
 such portable fire extinguishers or fire extinguishing
 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 fuely equipped with an 8 efficient flame arrester, backfire trap, or other similar 9 device.

10 (3) The beard-may-adopt-rules-modifying-the--equipment 11 12 accessary-te-keep-these-requirents in-cenformity-tith--the 13 14 the mariqution - and -- sefety-relessing tod-by-the-United 15 States seast guard, When in operation or at anchor or moored 16 away from a docking facility between supset and suprise, all 17 vessels shall display lights as prescribed by the 18 commission. 19 (4) 1-- percen - say -- not-operate or give persiscien for 20 the operation of a tessel which is not operation as - required 21 by this section or medification thereof. The commission may 22 designate waters where and the time of year on these waters 23 when all persons aboard a sotorboat or vessel must wear 24 approved life preservers at all times. 25 (5) A---vessely---insluding---houseboats-----and----fleating

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1	Gabins, aaysot. be-equipp ed-in-a-aanner-which-vill-permit
2	diocharge of inadequately-treated sevage into vaters of this
3	State. No container of imadequately treated sevage asy be
4	placed, loftor-discharged-in-or-near-waters-of-this-state
5	by-anyone-at-any-time
6	operated-on-waters-of-this-state-shall-have-securely-affixed
7	tothointeriordischargeopeningofthes-an-operating
8	treatsont-dovice or-retainingtenk-neetingthestandards
9	established by the beard of health and onvicenmental
10	sciences. Vessels, including houseboats and floating cabins,
11	equipped with a galley or toilet shall have , met-later-than
12	April 30, 1976, a wastewater holding system sealed to
13	prevent the discharge of sevage-as-defined-in-section
14	69-4802, R.C.H. 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 quard.
22	[7] _ 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.H. 1947. is amonded to read as

Section 9. 69-3507, R.C.H. 1947, is assended to read as

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1 follows:

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

(b) (2) Weither the owner of a boat livery, nor his 9 10 agent or employee shall permit any motorboat or any vessel 11 lesisned-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 required pursuant to section 69-3505 and any rules and 14 15 regulations made pursuant thereto."

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

18 #69-3508. Prohibited operation and mooring --19 enforcement. -{a}-(1) No person shall may operate or knowingly permit any person to operate, any actorboat or vessel, or 20 manipulate any water-skis water skis, surfboard, or similar 21 22 device, or other contrivance, in a rackless 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

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

5 (3) It ohall be is unlawful for the owner of any 6 motorboat or vessely or any person having such in charge or 7 in controly 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.

(4) (4) No person shall may operater or knowingly 11 permit any person to operate, any motorboat or vessel at a 12 rate of speed greater than will permit such person, in the 13 exercise of reasonable care, to bring the vessel to a stop 14 within the assured clear distance ahead+, provided, hevever, 15 that However, nothing in this act is intended to prevent the 16 operator of a vessel actually competing in a regatta which 17 is sanctioned by an appropriate governmental unit from 18 attempting to attain high speeds on a marked racing course. 19 (e) (5) No person shall may make a reckless approach 20 to, departure from, or passage by a dock, ramp, diving 21 board, or float. 22

23 (f) (5) 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 States, or the board-nor commission or in any manner bang on with a vessel to such buoy or beacon, except in the act of 5 6 maintenance work on such buoy or beacon, nor shall may any person deface, remove, or destroy any such buoy, beacon, or 7 other authorized navigational marker maintained in the 8 9 waters of this state.

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

21 Section 11. Section 69-3508.1, B.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

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vessel into, or upon, or near the waters at any stream,
 river, or lake within the boundaries of the state of
 Hontana.ⁿ

4 Section 12. Section 69-3512, R.C.E. 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 involved in a collision, accident, or other casualty, so far 8 9 as he can do so without serious danger to his own vessel, crev, and passengers (if any), to shall render to other 10 persons affected by the collision, accident, or other 11 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 algo-to give his name, address, and identification of his vessel is writing to any person injured and to the 16 ownery or person in control of any property damaged in the 17 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 sardens warden of this state, a standardized accident report 22 form, any <u>Any</u> person involved in a collision, accident, or 23 other casualty involving a death, disappearance, personal 24 injury, or property damage in excess of ene-hundred-dellare 25 (\$100,00) shall immediately report such collision, accident,

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or other casualty to the sheriff's cffice or state game
 warden of the county in which the collision, accident, or
 casualty occurred and fill out a standardized accident
 report form.

5 (s)-(3) It-shall be the daty of any h sheriff advised
6 of a collision, accident, or other casualty reported under
7 this act+te shall:

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

10 (2)(b) to 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."

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

*69-3513. Transmittal of information. In accordance 16 17 with any request duly made by an authorized official or 18 agency of the United States, any information compiled or otherwise available to the beard commission pursuant to 19 20 section subsections (2) and (3) of 69-3512 (b)-and (c), as 21 agended, shall be transmitted to said such official or 22 agency of the United States." 23 Section 14. Section 69-3514, R.C.H. 1947, is amended

24 to read as follows:

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

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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 а 5 least twelvo-(12) years of age, and further-providing-that there is a second person, at least the second person age, 6 7 in the wessel 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 ene 1 hour after sunset to ene 1 hour before sunriset. 12 13 provided, --- hevever, except that the -- provisions --- of this 18 subsection de does not apply to a performer engaged in a professional exhibition or a person er-persons engaged in a 15 regatta or race authorized under this act. 16

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.H. 1947, is amended20 to read as follows:

21 "69-3516. Filing of regulations rules. A copy of the 22 regulations rules adopted pursuant to this acty and of any 23 amendments theretoy 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

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<u>commission</u> in a convenient form and made easily available to
 all vessel operators."

3 Section 16. Section 69-3516.1, B.C.S. 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.H. 1947, is amended
8 to read as follows:

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

Section 18. Section 69-3518, R.C.M. 1947, is amended
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 sim (6) months, or by
24 both such fine and imprisonment. All fine and bond
25 forfeitures shall be transmitted to the state treasurer who

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shall deposit such fines and forfeitures in the motorboat
 account of an earmarked fund₁, the <u>The</u> moneys shall be used
 only by the <u>fish and game</u> commission for enforcement of
 sections 69-3501 through 69-3518, as amended."

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

7 "69-6601. Policy of state. In order to safequard the 8 life, health, property, and welfare of the citizens of Montana while using passenger tranvays, as defined in 9 section-2-f69-66021-of-this-act, it shall be the policy of 10 11 the state to protect its citizens and visitors from 12 unnecessary mechanical hazards in the design, construction, 13 and operation of passenger tranvays, but not from the 14 hazards inherent in the sports of scuntaineering, skiing. and hiking, or from the hazards of the area served utilized 15 16 by the skier or other sportsman+ and that periodic inspections be required of passenger transays with a view to 17 18 assuring that each one of them meets the rules and 19 sequilations as set forth by the department. The state, through the department, shall register all passenger 20 tranways 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

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

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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:

(a) (1) To adopt reasonable rules and -- regulations 7 8 relating to public safety in the design, construction, and 9 operation of passenger transays, but which shall may not relate or pertain to an area served by a passenger tranvay. 10 11 In adopting such rules and receptations 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 Tranvays-"_ LUSI B 77.1-1970, as 15 amended from time to time, or equivalenty and as amended or 16 supplemented from time to time by the department; and shall act--bo--diserisisatory-in-their-application-to-operators-of 17 18 passenger-transays, and shall 19 (b) hold hearings and take in all evidence relating to the adoption of these rules, and regulations; -- and - the 20 21 department-shall

(2) supply to each operator a copy of its rules and
 regulations and each amendment thereto or revision thereof.
 (3) avoid discrimination in application of the rules

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25 to operators of passenger transays:

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1 (b)(0) 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 (4) (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 (b) To-olect officers and adopt a soal which may be affined 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.E. 1947, is amended
18 to read as follows:

19 **69-6615. Tranways not common carrier carriers or
20 public utilities. Passenger tranways 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 Hontana.*

-End-

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