

HOUSE BILL NO. 782

INTRODUCED BY MENAHAN

IN THE HOUSE

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| February 13, 1979 | Introduced and referred to Committee on Judiciary. |
| February 19, 1979 | Committee recommend bill do pass. Report adopted. |
| February 21, 1979 | Second reading, do pass. |
| February 22, 1979 | Considered correctly engrossed. Third reading, passed. Transmitted to second house. |

IN THE SENATE

| | |
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| February 23, 1979 | Introduced and referred to Committee on Fish and Game. |
| March 7, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 9, 1979 | Second reading, concurred in. |
| March 13, 1979 | Third reading, concurred in as amended. |

IN THE HOUSE

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|----------------|---|
| March 14, 1979 | Returned from second house. Concurred in as amended. |
| March 16, 1979 | Second reading, amendments adopted. |
| March 17, 1979 | Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled. |

1 House BILL NO. 782
 2 INTRODUCED BY Menahan - By Request

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ANNUAL
 5 REGISTRATION OF SNOWMOBILES AND ASSESSING A REGISTRATION
 6 FEE; REVISING THE TITLE REQUIREMENTS FOR SNOWMOBILES;
 7 REVISING THE REGISTRATION REQUIREMENTS FOR SNOWMOBILE
 8 DEALERS; GENERALLY REVISING FEES AND THEIR ALLOCATION;
 9 PROVIDING A REGISTRATION EXCEPTION FOR NONRESIDENT
 10 SNOWMOBILE RACERS; ELIMINATING THE DISCRETION OF THE
 11 DEPARTMENT OF FISH AND GAME OVER DECIBEL STANDARDS; AND
 12 AMENDING SECTIONS 23-2-601, 23-2-611 THROUGH 23-2-614,
 13 23-2-616, 23-2-618, 23-2-619, AND 23-2-634, MCA."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 23-2-601, MCA, is amended to read:
 17 "23-2-601. Definition of terms. As used in this part,
 18 the following terms shall have the meanings indicated
 19 herein, unless the context otherwise clearly requires that
 20 another meaning is intended:

- 21 (1) "Certificate of ownership" means the document
 22 issued by the division of motor vehicles as prima facie
 23 evidence of ownership.
- 24 (2) "Certificate of registration" means the owner's
 25 receipt evidencing payment of taxes, decal fees, and

1 registration fees for a given registration year.

2 ~~(3)~~ (3) "dba" means sound pressure level measured on
 3 the "A" weight scale in decibels.

4 ~~(4)~~ (4) "Department" means the department of fish and
 5 game of the state of Montana.

6 ~~(5)~~ (5) "New snowmobile" means any snowmobile that has
 7 not been previously sold to an owner, as defined in
 8 subsection (5).

9 ~~(6)~~ (6) "Operator" includes every person who operates
 10 or is in actual physical control of the operation of a
 11 snowmobile.

12 ~~(7)~~ (7) "Owner" includes every person as defined
 13 herein, other than a lien holder or other person having a
 14 security interest only, holding a certificate of ownership
 15 to a snowmobile and entitled to the use or possession
 16 thereof.

17 ~~(8)~~ (8) "Person" includes an individual, partnership,
 18 association, corporation, and any other body or group of
 19 persons, whether incorporated or not and regardless of the
 20 degree of formal organization.

21 ~~(9)~~ (9) "Roadway" includes only those portions of any
 22 highway, road, or street improved, designed, or ordinarily
 23 used for travel or parking of motor vehicles.

24 ~~(10)~~ (10) "Snowmobile" includes any self-propelled
 25 vehicle of an overall width of 48 inches or less, excluding

1 accessories, designed primarily for travel on snow or ice,
2 which may be steered by skis or runners and which is not
3 otherwise registered or licensed under the laws of the state
4 of Montana."

5 Section 2. Section 23-2-611, MCA, is amended to read:

6 "23-2-611. Certificate of ownership. (1) No snowmobile
7 may be operated upon any public lands, trails, easements,
8 lakes, rivers, streams, roadways or shoulders of roadways,
9 streets, or highways, unless a certificate of ownership has
10 first been obtained from the division of motor vehicles in
11 accordance with the laws of this state.

12 (2) ~~Before such certificate may be obtained, the~~ the
13 owner of a snowmobile shall make application for a
14 certificate of ownership with the county treasurer of the
15 county in which the owner resides, upon forms to be
16 furnished for this purpose, which the forms shall require
17 the following information:

- 18 (a) name of the owner;
- 19 (b) residence of the owner by town and county;
- 20 (c) business or home mail address of the owner;
- 21 (d) name and address of any lien holder;
- 22 (e) amount due under any contract or lien;
- 23 (f) name ~~and address~~ of the manufacturer;
- 24 (g) model number or name;
- 25 (h) ~~serial~~ identification number; and

1 (i) name and address of the dealer or other person
2 from whom acquired.

3 (3) The application shall be signed by at least one
4 owner or by a properly authorized officer or representative
5 of the owner.

6 (4) If a certificate of ownership ~~for a snowmobile~~ has
7 previously been issued under the provisions of this part,
8 the application for a new certificate must be accompanied by
9 the immediately previous certificate ~~or by an affidavit upon~~
10 ~~a prescribed form stating under oath that the vehicle had~~
11 ~~not been operated during the immediately previous year.~~ This
12 subsection does not apply to snowmobiles that are purchased
13 as new and unused machines or that were operated when the
14 provisions of this part were not in force and effect.

15 (5) Upon completion of the application in
16 quintuplicate on forms furnished by the division of motor
17 vehicles, the county treasurer shall issue to the applicant
18 two copies of the application, one of which shall be marked
19 "file copy"~~and~~ The treasurer shall forward one copy and
20 the original application to the division, which shall ~~cause~~
21 ~~to be entered~~ enter the information contained in the
22 application upon the corresponding records of its office,
23 and shall furnish the applicant a certificate of ownership
24 which shall contain the ~~that~~ information found ~~on~~ in the
25 application considered necessary by the division and a

1 permanent ownership number. The certificate of ownership is
2 not required to be renewed annually and is valid as long as
3 the person holding it owns the snowmobile.

4 (6) The owner shall at all times retain possession of
5 the certificate of ownership, except when the same it is
6 being transmitted to and from the division for endorsement
7 or cancellation. ~~The owner of a snowmobile shall display his
8 certificate of ownership number on both sides of the cowling
9 of the snowmobile and shall maintain the number in legible
10 condition at all times. The number shall read from left to
11 right and be marked in Arabic numerals in block characters
12 of good proportion and shall be a minimum of 3 inches in
13 height, excluding border or trim, and of a color that
14 contrasts with the color of the background.~~

15 (7) Upon application for a certificate of ownership, a
16 fee of \$3 shall be paid to the county treasurer, one-half \$2
17 of which fee shall be forwarded by the county treasurer to
18 the division of motor vehicles and deposited in the motor
19 vehicle recording account of the earmarked revenue fund.

20 (8) ~~Before a tax paid decal may be applied for
21 pursuant to the laws of this state, the owner must present
22 the certificate of ownership or copy of completed
23 application therefor as a prerequisite to completing the
24 application for the tax paid decal.~~

25 Section 3. Section 23-2-612, MCA, is amended to read:

1 *23-2-612. Transfer of interest. (1) Except as
2 provided in subsection (3), upon a transfer of any
3 certificate of ownership to a snowmobile registered as
4 required under the provisions of this part, the person whose
5 title or interest is to be transferred shall write his
6 signature with pen and ink upon the certificate of ownership
7 issued for the snowmobile in the appropriate space provided
8 upon the reverse side of the certificate, and such signature
9 shall be acknowledged before a notary public.

10 (2) Within 20 calendar days thereafter, the transferee
11 shall forward make application for transfer of the
12 certificate of ownership so endorsed ~~together with the~~
13 ~~information required under this part~~ with the county
14 treasurer of the county in which the transferee resides and
15 also make application for registration of the snowmobile.
16 The county treasurer shall forward the application to the
17 division of motor vehicles, which shall file the same upon
18 receipt thereof. No certificate of ownership may be issued
19 by the division until the outstanding certificates are
20 surrendered to that office or their loss established to its
21 reasonable satisfaction. The division county treasurer shall
22 collect a fee of \$3 for each application for transfer of
23 ownership, of which \$2 shall be forwarded to the division of
24 motor vehicles for deposit in the motor vehicle recording
25 account of the earmarked revenue fund.

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1 (3) A purchaser of a new or used snowmobile from a
 2 licensed snowmobile dealer has a grace period of 20 calendar
 3 days from the date of purchase to ~~register the snowmobile,~~
 4 make application for a certificate of ownership, and to
 5 obtain a tax-paid decal. It is not a violation of this part
 6 or any other law for the purchaser to operate such a ~~newly~~
 7 ~~acquired~~ snowmobile without a certificate of ownership,
 8 ~~certificate of registration,~~ and a tax-paid decal during the
 9 20-day period. During this period the sticker, provided for
 10 in subsection (4), shall remain affixed to the snowmobile.

11 (4) Prior to the delivery of the snowmobile to the
 12 purchaser, the dealer shall issue and affix to the
 13 snowmobile a sticker (in a form to be prescribed by the
 14 division of motor vehicles). The sticker shall contain the
 15 name and address of the purchaser, the date of sale, the
 16 name and address of the dealer, and a description of the
 17 snowmobile, including its serial number. The dealer shall
 18 keep a copy of the sticker for his records and shall send a
 19 copy of the sticker to the division.

20 (5) The provisions of subsection (2) of this section
 21 ~~requiring a transferee to forward the certificate of~~
 22 ~~ownership after endorsement to the division,~~ do not apply in
 23 the event of the transfer of a snowmobile to a duly licensed
 24 snowmobile dealer intending to resell the snowmobile and who
 25 operates it only for demonstration purposes, but every such

1 dealer, upon transferring such interest, shall deliver the
 2 certificate of ownership with an application for a new
 3 certificate executed by the new owner in accordance with the
 4 provisions of this part. The division, upon receipt of the
 5 certificate of ownership and application for a new
 6 certificate, together with the conditional sales contract or
 7 other lien, if any, shall issue a new certificate of
 8 ownership together with a statement of any conditional sales
 9 contract, mortgage, or other lien."

10 Section 4. Section 23-2-613, MCA, is amended to read:

11 "23-2-613. Lost or mutilated certificates. In--the
 12 event ~~if~~ any certificate of ownership is lost, mutilated, or
 13 becomes illegible, the person to whom ~~the same~~ ~~it~~ was issued
 14 shall immediately make application for and may obtain a
 15 duplicate thereof, upon payment of a fee of ~~\$1~~ \$2."

16 Section 5. Section 23-2-616, MCA, is amended to read:

17 "23-2-616. ~~Display of Registration and~~ tax-paid decals
 18 -- application and issuance -- use of fees. (1) A
 19 snowmobile may be operated by any person in the state of
 20 Montana unless ~~it has been registered and~~ there is displayed
 21 in a conspicuous place on it a decal as visual proof that
 22 Montana personal property taxes have been paid on it for the
 23 current year.

24 (2) Application for ~~the tax-paid decal~~ registration
 25 shall be made to the county treasurer upon forms to be

1 furnished by the division of motor vehicles for this
 2 purpose, which may be obtained from the--division--of--motor
 3 vehicles--or at the county assessor's treasurer's office in
 4 the county where the owner resides. The application shall
 5 contain the following information:

6 (a) name and address of the owner;

7 ~~(b)--address~~

8 ~~(c)(b)~~ certificate of ownership number;

9 ~~(d)(c)~~ name make of manufacturer the snowmobile;

10 ~~(e)(d)~~ model number name of the snowmobile;

11 ~~(f)--make~~

12 ~~(g)--horsepower~~

13 ~~(h)(e)~~ year of manufacture;

14 ~~(i)(f)~~ a statement evidencing the assessment and
 15 payment of property tax; and

16 ~~(j)(g)~~ such other information as the division of motor
 17 vehicles may require.

18 ~~(3) The application shall be signed by the county~~
 19 ~~treasurer and transmitted by him to the division of motor~~
 20 ~~vehicles accompanied by a fee of \$2. The application shall~~
 21 ~~be accompanied by a decal fee of 1/2, a registration fee of~~
 22 ~~50 cents, and, if the snowmobile has previously been~~
 23 ~~registered, by the registration certificate for the most~~
 24 ~~recent year in which the snowmobile was registered. The~~
 25 ~~treasurer shall sign the application and issue a~~

1 ~~registration receipt which shall contain information~~
 2 ~~considered necessary by the division of motor vehicles and a~~
 3 ~~listing of fees and taxes paid. The owner shall retain~~
 4 ~~possession of the registration receipt until it is~~
 5 ~~surrendered to the county treasurer for reregistration or to~~
 6 ~~a purchaser or subsequent owner pursuant to a transfer of~~
 7 ~~ownership.~~

8 ~~(4) Upon receipt of the application in approved form~~
 9 ~~the division of motor vehicles or county treasurer the~~
 10 ~~county treasurer shall forward the signed application to the~~
 11 ~~division of motor vehicles and shall issue to the applicant~~
 12 ~~a decal in the style and design prescribed by the division~~
 13 ~~and of a different color than the preceding year, numbered~~
 14 ~~in sequence.~~

15 ~~(5) Before filing the application with the county~~
 16 ~~treasurer, the applicant shall submit it to the county~~
 17 ~~assessor of the county of residence and the county assessor~~
 18 ~~shall enter on the application in a place provided for that~~
 19 ~~purpose the market value and taxable value of the snowmobile~~
 20 ~~for the year for which the application is made. The county~~
 21 ~~treasurer may not accept any application under this section~~
 22 ~~until the applicant has paid the decal and registration fees~~
 23 ~~and personal property taxes assessed against the snowmobile~~
 24 ~~for the current year.~~

25 ~~(5) The applicant shall pay the county treasurer the~~

1 ~~application fee and the personal property taxes assessed~~
 2 ~~against the snowmobile for the current year before the~~
 3 ~~application may be accepted by the county treasurer.~~

4 (6) All moneys ~~money~~ collected from payment of the
 5 decals fees and all interest accruing from use of these
 6 moneys ~~this money~~ shall be turned over ~~forwarded~~ to the
 7 state treasurer and placed in the earmarked revenue fund to
 8 the credit of the department, with \$1 designated for use in
 9 enforcing the purposes of this part and \$1 designated for
 10 use in the development, maintenance, and operation of
 11 snowmobile facilities. All money collected from payment of
 12 the registration fee shall be forwarded to the state
 13 treasurer and deposited in the motor vehicle recording
 14 account of the earmarked revenue funds."

15 Section 6. Section 23-2-618, MCA, is amended to read:

16 "23-2-618. Application for registration and tax-paid
 17 decals to be made annually -- ~~grace period~~ --- ~~proof of~~
 18 ~~purchase periods.~~ (1) Application must be made to the county
 19 treasurer for registration and the issuance of tax-paid
 20 decals annually. All registrations and tax-paid decals
 21 expire on June 30 of each year, and application for
 22 registration must be made not later than August 15 of each
 23 year. The renewal takes effect on July 1 of each year. The
 24 certificate of registration and tax-paid decal issued under
 25 this part are valid only during the registration year for

1 which issued.

2 (2) An ~~owner of a newly purchased snowmobile shall~~
 3 ~~have a grace period of 20 calendar days from the date of~~
 4 ~~purchase to make application for a current tax-paid decal~~
 5 ~~provided that at all times during that period a bill of sale~~
 6 ~~or other proof of purchase reciting the date of purchase~~
 7 ~~shall be carried by the operator or with the snowmobile. An~~
 8 ~~owner or operator of such a snowmobile being operated after~~
 9 ~~the 20-day grace period without a current tax-paid decal~~
 10 ~~displayed on the snowmobile shall be subject to the~~
 11 ~~penalties of 23-2-642(1) as amended. The owner of a~~
 12 snowmobile registered under this part is entitled to operate
 13 the vehicle between July 1 and August 15 without displaying
 14 a tax-paid decal for the current year and without a current
 15 registration if the owner displays the tax-paid decal for
 16 the previous year and if the vehicle was registered for the
 17 previous year."

18 Section 7. Section 23-2-619, MCA, is amended to read:

19 "23-2-619. Dealer registration certificate -- use of
 20 fees. (1) A dealer registration certificate shall be issued
 21 in accordance with this part.

22 (2) The dealer application shall be accompanied by an
 23 application fee of \$5 and a registration fee of \$5. Upon
 24 receipt of ~~the~~ dealer application and payment of fees, which
 25 ~~will be \$5,~~ the dealer shall be issued two dealer snowmobile

1 identification cards which shall be carried by ~~the~~ dealer or
2 ~~the~~ dealer's customer when operating or demonstrating ~~the~~
3 dealer's snowmobiles.

4 (3) No bond is required of the dealer.

5 ~~(4) The dealer shall have a principal place of~~
6 ~~business where he shall maintain all his business records~~
7 ~~and display and sell merchandise.~~

8 ~~(5) An applicant for renewal of a snowmobile dealer~~
9 ~~registration shall certify that he has sold 3 or more~~
10 ~~snowmobiles during the preceding year or pay an additional~~
11 ~~\$50 renewal registration fee or provide a copy of a written~~
12 ~~new snowmobile franchise or sales agreement that the~~
13 ~~applicant has with a manufacturer, importer, or distributor.~~

14 ~~(4)(6) Additional dealer snowmobile identification~~
15 ~~cards as required by need justified to the division of motor~~
16 ~~vehicles may be purchased by the dealer for a fee of \$2.~~

17 ~~(5)(7) A--dealer Dealer registration certificate~~
18 ~~certificates and identification cards expire on June 30~~
19 ~~following the date of issuance.~~

20 ~~(6)(8) (a) All money collected from such the dealer~~
21 ~~application fees and all interest accruing from use of this~~
22 ~~money shall be deposited in the earmarked revenue fund to~~
23 ~~the credit of the department, with one-half designated for~~
24 ~~use in enforcing the purposes of this part and one-half~~
25 ~~designated for use in the development, maintenance, and~~

1 operation of snowmobile facilities.

2 ~~(b) All money collected from dealer registration and~~
3 ~~renewal registration fees shall be deposited in the motor~~
4 ~~vehicle recording account of the earmarked revenue fund."~~

5 Section 8. Section 23-2-614, MCA, is amended to read:

6 "23-2-614. Exemptions. (1) The provisions of this
7 part, with respect to ~~registration, tax-paid decals, and~~
8 ~~certification of ownership, do not apply to snowmobiles~~
9 ~~owned or used by the United States or another state or any~~
10 ~~agency or political subdivision thereof, any snowmobile~~
11 ~~registered in a country other than the United States and to~~
12 ~~be temporarily used within this state for a period of not~~
13 ~~more than 30 days, or to any snowmobile registered in~~
14 ~~another state of the United States but to be temporarily~~
15 ~~used within this state for not more than 30 days.~~
16 ~~Snowmobiles owned by the state of Montana or any agency or~~
17 ~~political subdivision thereof are exempt only from the~~
18 ~~payment of fees and shall otherwise comply with all the~~
19 ~~requirements of this part.~~

20 (2) The provisions of this part with respect to
21 ~~registration, tax-paid decals, and certification of~~
22 ~~ownership do not apply to unregistered snowmobiles owned by~~
23 ~~nonresidents of the state of Montana who either:~~

24 (1) ~~displaying display~~ visual proof that a nonresident
25 ~~temporary-use permit has been purchased; or~~

1 (b) use the snowmobile only in races and for not more
 2 than 30 days in the state. "Race" means an organized
 3 competition on a predetermined course that is run according
 4 to accepted rules."

5 Section 9. Section 23-2-634, MCA, is amended to read:

6 "23-2-634. Regulation of snowmobile noise. (1) Except
 7 as provided in this section, every snowmobile shall be
 8 equipped at all times with noise-suppression devices,
 9 including an exhaust muffler in good working order and in
 10 constant operation. No snowmobile may be modified by any
 11 person in any manner that will amplify or otherwise increase
 12 total noise emissions to a level greater than that emitted
 13 by the snowmobile as originally constructed, regardless of
 14 date of manufacture.

15 (2) Every person who owns or operates a snowmobile
 16 manufactured after June 30, 1972, but prior to June 30,
 17 1975, shall maintain his machine in such a manner that it
 18 will not exceed a sound level limitation of 82 dbA measured
 19 at 50 feet.

20 (3) No new snowmobile manufactured after June 30,
 21 1975, except snowmobiles designated for competition purposes
 22 only, may be sold or offered for sale unless that machine
 23 has been certified by the manufacturer as being able to
 24 conform to a sound level limitation of not more than 78 dbA
 25 measured at 50 feet. Every person who owns or operates a

1 snowmobile manufactured after June 30, 1975, shall maintain
 2 his machine in such a manner that it will not exceed a sound
 3 level limitation of 78 dbA measured at 50 feet.

4 ~~{4}--The department may adopt and revise sound level~~
 5 ~~limitations for all snowmobiles manufactured after June 30,~~
 6 ~~1975. However, a sound level limitation adopted or revised~~
 7 ~~by the department may not be higher than a decibel standard~~
 8 ~~of 78 dbA measured at 50 feet. The adoption or revision of~~
 9 ~~sound level limitation by the department shall be effective~~
 10 ~~beginning June 30 of the succeeding calendar year and any~~
 11 ~~sound level limitation formally adopted or revised shall~~
 12 ~~remain in effect for a minimum period of 2 years. Every~~
 13 ~~person who owns or operates a snowmobile manufactured after~~
 14 ~~June 30, 1975, shall maintain his machine in compliance with~~
 15 ~~the sound level limitation which is applicable to new~~
 16 ~~snowmobiles manufactured during the period that a sound~~
 17 ~~level limitation adopted by the department is in effect.~~

18 ~~{5}{4}~~ A manufacturer who certifies that a new
 19 snowmobile can comply with the noise limitation requirements
 20 of this part shall affix a permanent notice of that
 21 certification to every snowmobile offered for sale in the
 22 state of Montana.

23 ~~{6}{5}~~ In certifying that a new snowmobile can comply
 24 with the noise limitation requirements of this part, a
 25 manufacturer shall make such a certification based upon

1 measurements made in accordance with SAE recommended
2 practice J192, as amended. The department, in enforcing the
3 provisions of this section, shall make measurements of
4 snowmobile noise in accordance with applicable practices
5 outlined in the "Procedure for Sound Level Measurements of
6 Snowmobiles" (January, 1969), as amended, used by the
7 international snowmobile industry association or with such
8 other standards for measurement of sound level as the
9 department may adopt.

10 ~~(7)(6)~~ This section does not apply to organized races
11 or similar competitive events held on:

12 (a) private lands, with the permission of the owner,
13 lessee, or custodian of the land; or

14 (b) public lands, with the consent of the public
15 agency having the authority to grant such consent, provided
16 that total sound produced by such an event may not exceed 50
17 dbA at any point 50 feet or more outside the area under the
18 control of the sponsoring entity."

-End-

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 2 INTRODUCED BY Menahan - By Request
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 7 REVISING THE REGISTRATION REQUIREMENTS FOR SNOWMOBILE
 8 DEALERS; GENERALLY REVISING FEES AND THEIR ALLOCATION;
 9 PROVIDING A REGISTRATION EXCEPTION FOR NONRESIDENT
 10 SNOWMOBILE RACERS; ELIMINATING THE DISCRETION OF THE
 11 DEPARTMENT OF FISH AND GAME OVER DECIBEL STANDARDS; AND
 12 AMENDING SECTIONS 23-2-601, 23-2-611 THROUGH 23-2-614,
 13 23-2-616, 23-2-618, 23-2-619, AND 23-2-634, MCA."

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 22 issued by the division of motor vehicles as prima facie
 23 evidence of ownership.
 24 (2) "Certificate of registration" means the owner's
 25 receipt evidencing payment of taxes, decal fees, and

- 1 registration fees for a given registration year.
 2 ~~(1)~~(3) "dba" means sound pressure level measured on
 3 the "A" weight scale in decibels.
 4 ~~(2)~~(4) "Department" means the department of fish and
 5 game of the state of Montana.
 6 ~~(3)~~(5) "New snowmobile" means any snowmobile that has
 7 not been previously sold to an owner, as defined in
 8 subsection (5).
 9 ~~(4)~~(6) "Operator" includes every person who operates
 10 or is in actual physical control of the operation of a
 11 snowmobile.
 12 ~~(5)~~(7) "Owner" includes every person as defined
 13 herein, other than a lien holder or other person having a
 14 security interest only, holding a certificate of ownership
 15 to a snowmobile and entitled to the use or possession
 16 thereof.
 17 ~~(6)~~(8) "Person" includes an individual, partnership,
 18 association, corporation, and any other body or group of
 19 persons, whether incorporated or not and regardless of the
 20 degree of formal organization.
 21 ~~(7)~~(9) "Roadway" includes only those portions of any
 22 highway, road, or street improved, designed, or ordinarily
 23 used for travel or parking of motor vehicles.
 24 ~~(8)~~(10) "Snowmobile" includes any self-propelled
 25 vehicle of an overall width of 48 inches or less, excluding

1 accessories, designed primarily for travel on snow or ice,
2 which may be steered by skis or runners and which is not
3 otherwise registered or licensed under the laws of the state
4 of Montana."

5 Section 2. Section 23-2-611, MCA, is amended to read:

6 "23-2-611. Certificate of ownership. (1) No snowmobile
7 may be operated upon any public lands, trails, easements,
8 lakes, rivers, streams, roadways or shoulders of roadways,
9 streets, or highways, unless a certificate of ownership has
10 first been obtained from the division of motor vehicles in
11 accordance with the laws of this state.

12 ~~(2) Before such certificate may be obtained, the~~ the
13 owner of a snowmobile shall make application for a
14 certificate of ownership with the county treasurer of the
15 county in which the owner resides, upon forms to be
16 furnished for this purpose, which ~~the forms~~ forms shall require
17 the following information:

- 18 (a) name of the owner;
- 19 (b) residence of the owner by town and county;
- 20 (c) business or home mail address of the owner;
- 21 (d) name and address of any lien holder;
- 22 (e) amount due under any contract or lien;
- 23 (f) ~~name and address of the~~ name and address of the manufacturer;
- 24 (g) model number or name;
- 25 (h) ~~serial~~ serial identification number; and

1 (i) name and address of the dealer or other person
2 from whom acquired.

3 (3) The application shall be signed by at least one
4 owner or by a properly authorized officer or representative
5 of the owner.

6 (4) If a certificate of ownership ~~for a snowmobile~~ has
7 previously been issued under the provisions of this part,
8 the application for a new certificate must be accompanied by
9 the immediately previous certificate ~~or by an affidavit upon~~
10 ~~a prescribed form stating under oath that the vehicle had~~
11 ~~not been operated during the immediately previous year.~~ This
12 subsection does not apply to snowmobiles that are purchased
13 as new and unused machines or that were operated when the
14 provisions of this part were not in force and effect.

15 (5) Upon completion of the application ~~in~~
16 ~~quintuplicate~~ on forms furnished by the division of motor
17 vehicles, the county treasurer shall issue to the applicant
18 two copies of the application, one of which shall be marked
19 "file copy" ~~and the treasurer shall forward one copy and~~
20 the original application to the division, which shall cause
21 ~~to be entered~~ enter the information contained in the
22 application upon the corresponding records of its office,
23 and shall furnish the applicant a certificate of ownership
24 which shall contain the ~~that~~ that information found ~~on in~~
25 application considered necessary by the division and a

1 permanent ownership number. The certificate of ownership is
2 not required to be renewed annually and is valid as long as
3 the person holding it owns the snowmobile.

4 (6) The owner shall at all times retain possession of
5 the certificate of ownership, except when the same is
6 being transmitted to and from the division for endorsement
7 or cancellation. ~~The owner of a snowmobile shall display his~~
8 ~~certificate of ownership number on both sides of the cowling~~
9 ~~of the snowmobile and shall maintain the number in legible~~
10 ~~condition at all times. The number shall read from left to~~
11 ~~right and be marked in Arabic numerals, in block characters~~
12 ~~of good proportion, and shall be a minimum of 3 inches in~~
13 ~~height, excluding border or trim, and of a color that~~
14 ~~contrasts with the color of the background.~~

15 (7) Upon application for a certificate of ownership, a
16 fee of \$3 shall be paid to the county treasurer, one-half \$2
17 of which fee shall be forwarded by the county treasurer to
18 the division of motor vehicles and deposited in the motor
19 vehicle recording account of the earmarked revenue fund.

20 ~~(8) Before a tax paid decal may be applied for~~
21 ~~pursuant to the laws of this state, the owner must present~~
22 ~~the certificate of ownership or copy of completed~~
23 ~~application therefor as a prerequisite to completing the~~
24 ~~application for the tax paid decal."~~

25 Section 3. Section 23-2-612, MCA, is amended to read:

1 "23-2-612. Transfer of interest. (1) Except as
2 provided in subsection (3), upon a transfer of any
3 certificate of ownership to a snowmobile registered as
4 required under the provisions of this part, the person whose
5 title or interest is to be transferred shall write his
6 signature with pen and ink upon the certificate of ownership
7 issued for the snowmobile in the appropriate space provided
8 upon the reverse side of the certificate, and such signature
9 shall be acknowledged before a notary public.

10 (2) Within 20 calendar days thereafter, the transferee
11 shall forward make application for transfer of the
12 certificate of ownership so endorsed together with the
13 information required under this part with the county
14 treasurer of the county in which the transferee resides and
15 also make application for registration of the snowmobile.
16 The county treasurer shall forward the application to the
17 division of motor vehicles, which shall file the same upon
18 receipt thereof. No certificate of ownership may be issued
19 by the division until the outstanding certificates are
20 surrendered to that office or their loss established to its
21 reasonable satisfaction. The division county treasurer shall
22 collect a fee of \$3 for each application for transfer of
23 ownership, of which \$2 shall be forwarded to the division of
24 motor vehicles for deposit in the motor vehicle recording
25 account of the earmarked revenue fund.

1 (3) A purchaser of a new or used snowmobile from a
 2 licensed snowmobile dealer has a grace period of 20 calendar
 3 days from the date of purchase to register the snowmobile,
 4 make application for a certificate of ownership, and to
 5 obtain a tax-paid decal. It is not a violation of this part
 6 or any other law for the purchaser to operate such a newly
 7 acquired snowmobile without a certificate of ownership,
 8 certificate of registration, and a tax-paid decal during the
 9 20-day period. During this period the sticker, provided for
 10 in subsection (4), shall remain affixed to the snowmobile.

11 (4) Prior to the delivery of the snowmobile to the
 12 purchaser, the dealer shall issue and affix to the
 13 snowmobile a sticker (in a form to be prescribed by the
 14 division of motor vehicles). The sticker shall contain the
 15 name and address of the purchaser, the date of sale, the
 16 name and address of the dealer, and a description of the
 17 snowmobile, including its serial number. The dealer shall
 18 keep a copy of the sticker for his records and shall send a
 19 copy of the sticker to the division.

20 (5) The provisions of subsection (2) of this section
 21 ~~requiring a transferee to forward the certificate of~~
 22 ~~ownership after endorsement to the division~~ do not apply in
 23 the event of the transfer of a snowmobile to a duly licensed
 24 snowmobile dealer intending to resell the snowmobile and who
 25 operates it only for demonstration purposes, but every such

1 dealer, upon transferring such interest, shall deliver the
 2 certificate of ownership with an application for a new
 3 certificate executed by the new owner in accordance with the
 4 provisions of this part. The division, upon receipt of the
 5 certificate of ownership and application for a new
 6 certificate, together with the conditional sales contract or
 7 other lien, if any, shall issue a new certificate of
 8 ownership together with a statement of any conditional sales
 9 contract, mortgage, or other lien."

10 Section 4. Section 23-2-613, MCA, is amended to read:
 11 "23-2-613. Lost or mutilated certificates. In--the
 12 event if any certificate of ownership is lost, mutilated, or
 13 becomes illegible, the person to whom ~~the same~~ it was issued
 14 shall immediately make application for and may obtain a
 15 duplicate thereof, upon payment of a fee of ~~\$1~~ \$2."

16 Section 5. Section 23-2-616, MCA, is amended to read:
 17 "23-2-616. ~~Display of Registration and~~ tax-paid decals
 18 -- application and issuance -- use of fees. (1) No
 19 snowmobile may be operated by any person in the state of
 20 Montana unless it has been registered and there is displayed
 21 in a conspicuous place on it a decal as visual proof that
 22 Montana personal property taxes have been paid on it for the
 23 current year.

24 (2) Application for the ~~tax-paid decal~~ registration
 25 shall be made to the county treasurer upon forms to be

1 furnished by the division of motor vehicles for this
 2 purpose, which may be obtained ~~from the division of motor~~
 3 ~~vehicles--or~~ at the county assessor's ~~treasurer's~~ office in
 4 the county where the owner resides. The application shall
 5 contain the following information:

- 6 (a) name and address of the owner;
 7 ~~(b)--address~~
 8 ~~(c)(b)~~ certificate of ownership number;
 9 ~~(d)(c)~~ name make of manufacturer the snowmobile;
 10 ~~(e)(d)~~ model number name of the snowmobile;
 11 ~~(f)--make~~
 12 ~~(g)--horsepower~~
 13 ~~(h)(e)~~ year of manufacture;
 14 ~~(i)(f)~~ a statement evidencing the assessment and
 15 payment of property tax; and
 16 ~~(j)(g)~~ such other information as the division of motor
 17 vehicles may require.

18 ~~(3) The application shall be signed by the county~~
 19 ~~treasurer--and--transmitted--by--him--to--the--division--of--motor~~
 20 ~~vehicles--accompanied--by--a--fee--of--\$2. The application shall~~
 21 ~~be accompanied by a decal fee of \$2, a registration fee of~~
 22 ~~50 cents, and, if the snowmobile has previously been~~
 23 ~~registered, by the registration certificate for the most~~
 24 ~~recent year in which the snowmobile was registered. The~~
 25 ~~treasurer shall sign the application and issue a~~

1 registration receipt which shall contain information
 2 considered necessary by the division of motor vehicles and a
 3 listing of fees and taxes paid. The owner shall retain
 4 possession of the registration receipt until it is
 5 surrendered to the county treasurer for reregistration or to
 6 a purchaser or subsequent owner pursuant to a transfer of
 7 ownership.

8 ~~(4) Upon receipt of the application in approved form,~~
 9 ~~the division of motor vehicles or county treasurer the~~
 10 ~~county treasurer shall forward the signed application to the~~
 11 ~~division of motor vehicles and shall issue to the applicant~~
 12 a decal in the style and design prescribed by the division
 13 and of a different color than the preceding year, numbered
 14 in sequence.

15 ~~(4)(5) Before filing the application with the county~~
 16 ~~treasurer, the applicant shall submit it to the county~~
 17 ~~assessor of the county of residence and the county assessor~~
 18 ~~shall enter on the application in a place provided for that~~
 19 ~~purpose the market value and taxable value of the snowmobile~~
 20 ~~for the year for which the application is made. The county~~
 21 ~~treasurer may not accept any application under this section~~
 22 ~~until the applicant has paid the decal and registration fees~~
 23 ~~and personal property taxes assessed against the snowmobile~~
 24 ~~for the current year.~~

25 ~~(5)--The applicant shall pay the county treasurer the~~

1 ~~application fee and the personal property taxes assessed~~
 2 ~~against the snowmobile for the current year before the~~
 3 ~~application may be accepted by the county treasurers~~

4 (6) All moneys ~~money~~ collected from payment of the
 5 ~~decals~~ fees and all interest accruing from use of these
 6 moneys ~~this money~~ shall be turned over ~~forwarded~~ to the
 7 state treasurer and placed in the earmarked revenue fund to
 8 the credit of the department, with \$1 designated for use in
 9 enforcing the purposes of this part and \$1 designated for
 10 use in the development, maintenance, and operation of
 11 snowmobile facilities. ~~All money collected from payment of~~
 12 ~~the registration fee shall be forwarded to the state~~
 13 ~~treasurer and deposited in the motor vehicle recording~~
 14 ~~account of the earmarked revenue funds."~~

15 Section 6. Section 23-2-618, MCA, is amended to read:

16 "23-2-618. Application for registration and tax-paid
 17 decals to be made annually -- grace period -- proof of
 18 purchase periods. (1) Application must be made to the county
 19 treasurer for registration and the issuance of tax-paid
 20 decals annually. All registrations and tax-paid decals
 21 expire on June 30 of each year, and application for
 22 registration must be made not later than August 15 of each
 23 year. The renewal takes effect on July 1 of each year. The
 24 certificate of registration and tax-paid decal issued under
 25 this part are valid only during the registration year for

1 which issued.

2 (2) An ~~owner of a newly purchased snowmobile shall~~
 3 have a grace period of 20 calendar days from the date of
 4 purchase to ~~make an application for a current tax-paid decal,~~
 5 ~~provided that at all times during that period a bill of sale~~
 6 ~~or other proof of purchase reciting the date of purchase~~
 7 ~~shall be carried by the operator or with the snowmobile. An~~
 8 ~~owner or operator of such a snowmobile being operated after~~
 9 ~~the 20-day grace period without a current tax-paid decal~~
 10 ~~displayed on the snowmobile shall be subject to the~~
 11 ~~penalties of 23-2-642(1), as amended. The owner of a~~
 12 snowmobile registered under this part is entitled to operate
 13 the vehicle between July 1 and August 15 without displaying
 14 a tax-paid decal for the current year and without a current
 15 registration if the owner displays the tax-paid decal for
 16 the previous year and if the vehicle was registered for the
 17 previous year."

18 Section 7. Section 23-2-619, MCA, is amended to read:

19 "23-2-619. Dealer registration certificate -- use of
 20 fees. (1) A dealer registration certificate shall be issued
 21 in accordance with this part.

22 (2) The dealer application shall be accompanied by an
 23 application fee of \$5 and a registration fee of \$5. Upon
 24 receipt of ~~the~~ dealer application and payment of fees, which
 25 ~~will be \$5,~~ the dealer shall be issued two dealer snowmobile

1 identification cards which shall be carried by ~~the~~ dealer or
2 ~~the~~ dealer's customer when operating or demonstrating ~~the~~
3 dealer's snowmobiles.

4 (3) No bond is required of the dealer.

5 ~~(4) The dealer shall have a principal place of~~
6 ~~business where he shall maintain all his business records~~
7 ~~and display and sell merchandise.~~

8 ~~(5) An applicant for renewal of a snowmobile dealer~~
9 ~~registration shall certify that he has sold 3 or more~~
10 ~~snowmobiles during the preceding year or pay an additional~~
11 ~~\$50 renewal registration fee or provide a copy of a written~~
12 ~~new snowmobile franchise or sales agreement that the~~
13 ~~applicant has with a manufacturer, importer, or distributor.~~

14 ~~(4)(6) Additional dealer snowmobile identification~~
15 ~~cards as required by need justified to the division of motor~~
16 ~~vehicles may be purchased by the dealer for a fee of \$2.~~

17 ~~(5)(7) A--dealer Dealer registration certificate~~
18 ~~certificates and identification cards expire on June 30~~
19 ~~following the date of issuance.~~

20 ~~(6)(8) (a) All money collected from such the dealer~~
21 ~~application fees and all interest accruing from use of this~~
22 ~~money shall be deposited in the earmarked revenue fund to~~
23 ~~the credit of the department, with one-half designated for~~
24 ~~use in enforcing the purposes of this part and one-half~~
25 ~~designated for use in the development, maintenance, and~~

1 operation of snowmobile facilities.

2 ~~(b) All money collected from dealer registration and~~
3 ~~renewal registration fees shall be deposited in the motor~~
4 ~~vehicle recording account of the earmarked revenue fund."~~

5 Section 8. Section 23-2-614, MCA, is amended to read:

6 "23-2-614. Exemptions. (1) The provisions of this
7 part, with respect to ~~registration, tax-paid decals, and~~
8 ~~certification of ownership, do not apply to snowmobiles~~
9 ~~owned or used by the United States or another state or any~~
10 ~~agency or political subdivision thereof, any snowmobile~~
11 ~~registered in a country other than the United States and to~~
12 ~~be temporarily used within this state for a period of not~~
13 ~~more than 30 days, or to any snowmobile registered in~~
14 ~~another state of the United States but to be temporarily~~
15 ~~used within this state for not more than 30 days.~~
16 ~~Snowmobiles owned by the state of Montana or any agency or~~
17 ~~political subdivision thereof are exempt only from the~~
18 ~~payment of fees and shall otherwise comply with all the~~
19 ~~requirements of this part.~~

20 (2) The provisions of this part with respect to
21 ~~registration, tax-paid decals, and certification of~~
22 ~~ownership do not apply to unregistered snowmobiles owned by~~
23 ~~nonresidents of the state of Montana who either:~~

24 ~~(a) displaying display visual proof that a nonresident~~
25 ~~temporary-use permit has been purchased; or~~

1 (b) use the snowmobile only in races and for not more
 2 than 30 days in the state. "Race" means an organized
 3 competition on a predetermined course that is run according
 4 to accepted rules."

5 Section 9. Section 23-2-634, MCA, is amended to read:

6 "23-2-634. Regulation of snowmobile noise. (1) Except
 7 as provided in this section, every snowmobile shall be
 8 equipped at all times with noise-suppression devices,
 9 including an exhaust muffler in good working order and in
 10 constant operation. No snowmobile may be modified by any
 11 person in any manner that will amplify or otherwise increase
 12 total noise emissions to a level greater than that emitted
 13 by the snowmobile as originally constructed, regardless of
 14 date of manufacture.

15 (2) Every person who owns or operates a snowmobile
 16 manufactured after June 30, 1972, but prior to June 30,
 17 1975, shall maintain his machine in such a manner that it
 18 will not exceed a sound level limitation of 82 dbA measured
 19 at 50 feet.

20 (3) No new snowmobile manufactured after June 30,
 21 1975, except snowmobiles designated for competition purposes
 22 only, may be sold or offered for sale unless that machine
 23 has been certified by the manufacturer as being able to
 24 conform to a sound level limitation of not more than 78 dbA
 25 measured at 50 feet. Every person who owns or operates a

1 snowmobile manufactured after June 30, 1975, shall maintain
 2 his machine in such a manner that it will not exceed a sound
 3 level limitation of 78 dbA measured at 50 feet.

4 ~~{4}--The department may adopt and revise sound level~~
 5 ~~limitations for all snowmobiles manufactured after June 30,~~
 6 ~~1975. However, a sound level limitation adopted or revised~~
 7 ~~by the department may not be higher than a decibel standard~~
 8 ~~of 78 dbA measured at 50 feet. The adoption or revision of~~
 9 ~~sound level limitation by the department shall be effective~~
 10 ~~beginning June 30 of the succeeding calendar year and any~~
 11 ~~sound level limitation formally adopted or revised shall~~
 12 ~~remain in effect for a minimum period of 2 years. Every~~
 13 ~~person who owns or operates a snowmobile manufactured after~~
 14 ~~June 30, 1975, shall maintain his machine in compliance with~~
 15 ~~the sound level limitation which is applicable to new~~
 16 ~~snowmobiles manufactured during the period that a sound~~
 17 ~~level limitation adopted by the department is in effect.~~

18 ~~{5}{4}~~ A manufacturer who certifies that a new
 19 snowmobile can comply with the noise limitation requirements
 20 of this part shall affix a permanent notice of that
 21 certification to every snowmobile offered for sale in the
 22 state of Montana.

23 ~~{6}{5}~~ In certifying that a new snowmobile can comply
 24 with the noise limitation requirements of this part, a
 25 manufacturer shall make such a certification based upon

1 measurements made in accordance with SAE recommended
2 practice J192, as amended. The department, in enforcing the
3 provisions of this section, shall make measurements of
4 snowmobile noise in accordance with applicable practices
5 outlined in the "Procedure for Sound Level Measurements of
6 Snowmobiles" (January, 1969), as amended, used by the
7 international snowmobile industry association or with such
8 other standards for measurement of sound level as the
9 department may adopt.

10 ~~(7)(b)~~ This section does not apply to organized races
11 or similar competitive events held on:

12 (a) private lands, with the permission of the owner,
13 lessee, or custodian of the land; or

14 (b) public lands, with the consent of the public
15 agency having the authority to grant such consent, provided
16 that total sound produced by such an event may not exceed 50
17 dbA at any point 50 feet or more outside the area under the
18 control of the sponsoring entity."

-End-

1 HOUSE BILL NO. 782
 2 INTRODUCED BY MENAHAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ANNUAL
 5 REGISTRATION OF SNOWMOBILES AND ASSESSING A REGISTRATION
 6 FEE; REVISING THE TITLE REQUIREMENTS FOR SNOWMOBILES;
 7 REVISING THE REGISTRATION REQUIREMENTS FOR SNOWMOBILE
 8 DEALERS; GENERALLY REVISING FEES AND THEIR ALLOCATION;
 9 PROVIDING A REGISTRATION EXCEPTION FOR NONRESIDENT
 10 SNOWMOBILE RACERS; ELIMINATING THE DISCRETION OF THE
 11 DEPARTMENT OF FISH AND GAME OVER DECIBEL STANDARDS; AND
 12 AMENDING SECTIONS 23-2-601, 23-2-611 THROUGH 23-2-614,
 13 23-2-616, 23-2-618, 23-2-619, AND 23-2-634, MCA."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 23-2-601, MCA, is amended to read:

17 "23-2-601. Definition of terms. As used in this part,
 18 the following terms shall have the meanings indicated
 19 herein, unless the context otherwise clearly requires that
 20 another meaning is intended:

21 (1) "Certificate of ownership" means the document
 22 issued by the division of motor vehicles as prima facie
 23 evidence of ownership.

24 (2) "Certificate of registration" means the owner's
 25 receipt evidencing payment of taxes, decal fees, and

1 registration fees for a given registration year.

2 (3) "dba" means sound pressure level measured on
 3 the "A" weight scale in decibels.

4 (4) "Department" means the department of fish and
 5 game of the state of Montana.

6 (5) "New snowmobile" means any snowmobile that has
 7 not been previously sold to an owner, as defined in
 8 subsection (5).

9 (6) "Operator" includes every person who operates
 10 or is in actual physical control of the operation of a
 11 snowmobile.

12 (7) "Owner" includes every person as defined
 13 herein, other than a lien holder or other person having a
 14 security interest only, holding a certificate of ownership
 15 to a snowmobile and entitled to the use or possession
 16 thereof.

17 (8) "Person" includes an individual, partnership,
 18 association, corporation, and any other body or group of
 19 persons, whether incorporated or not and regardless of the
 20 degree of formal organization.

21 (9) "Roadway" includes only those portions of any
 22 highway, road, or street improved, designed, or ordinarily
 23 used for travel or parking of motor vehicles.

24 (10) "Snowmobile" includes any self-propelled
 25 vehicle of an overall width of 48 inches or less, excluding

1 accessories, designed primarily for travel on snow or ice,
2 which may be steered by skis or runners and which is not
3 otherwise registered or licensed under the laws of the state
4 of Montana."

5 Section 2. Section 23-2-611, MCA, is amended to read:

6 "23-2-611. Certificate of ownership. (1) No snowmobile
7 may be operated upon any public lands, trails, easements,
8 lakes, rivers, streams, roadways or shoulders of roadways,
9 streets, or highways, unless a certificate of ownership has
10 first been obtained from the division of motor vehicles in
11 accordance with the laws of this state.

12 (2) ~~Before such certificate may be obtained, the~~ the
13 owner of a snowmobile shall make application for a
14 certificate of ownership with the county treasurer of the
15 county in which the owner resides, upon forms to be
16 furnished for this purpose, which the forms shall require
17 the following information:

- 18 (a) name of the owner;
- 19 (b) residence of the owner by town and county;
- 20 (c) business or home mail address of the owner;
- 21 (d) name and address of any lien holder;
- 22 (e) amount due under any contract or lien;
- 23 (f) name and address of the manufacturer;
- 24 (g) model number or name;
- 25 (h) ~~serial~~ identification number; and

1 (i) name and address of the dealer or other person
2 from whom acquired.

3 (3) The application shall be signed by at least one
4 owner or by a properly authorized officer or representative
5 of the owner.

6 (4) If a certificate of ownership for a snowmobile has
7 previously been issued under the provisions of this part,
8 the application for a new certificate must be accompanied by
9 the immediately previous certificate ~~or by an affidavit upon~~
10 ~~a prescribed form stating under oath that the vehicle had~~
11 ~~not been operated during the immediately previous year.~~ This
12 subsection does not apply to snowmobiles that are purchased
13 as new and unused machines or that were operated when the
14 provisions of this part were not in force and effect.

15 (5) Upon completion of the application in
16 ~~quintuplicate~~ on forms furnished by the division of motor
17 vehicles, the county treasurer shall issue to the applicant
18 two copies of the application, one of which shall be marked
19 "file copy" ~~and the~~ the treasurer shall forward one copy and
20 the original application to the division, which shall cease
21 ~~to be entered~~ enter the information contained in the
22 application upon the corresponding records of its office,
23 and shall furnish the applicant a certificate of ownership
24 which shall contain the that information found ~~on~~ in the
25 application considered necessary by the division and a

1 permanent ownership number. The certificate of ownership is
2 not required to be renewed annually and is valid as long as
3 the person holding it owns the snowmobile.

4 (6) The owner shall at all times retain possession of
5 the certificate of ownership, except when the same is
6 being transmitted to and from the division for endorsement
7 or cancellation. ~~The owner of a snowmobile shall display his~~
8 ~~certificate of ownership number on both sides of the cowling~~
9 ~~of the snowmobile and shall maintain the number in legible~~
10 ~~condition at all times. The number shall read from left to~~
11 ~~right and be marked in Arabic numerals in block characters~~
12 ~~of good proportion and shall be a minimum of 3 inches in~~
13 ~~height, excluding border or trim, and of a color that~~
14 ~~contrasts with the color of the background.~~

15 (7) Upon application for a certificate of ownership, a
16 fee of \$3 shall be paid to the county treasurer, one-half \$2
17 of which fee shall be forwarded by the county treasurer to
18 the division of motor vehicles and deposited in the motor
19 vehicle recording account of the earmarked revenue fund.

20 ~~(8) Before a tax paid decal may be applied for~~
21 ~~pursuant to the laws of this state, the owner must present~~
22 ~~the certificate of ownership or copy of completed~~
23 ~~application therefor as a prerequisite to completing the~~
24 ~~application for the tax paid decal.~~

25 Section 3. Section 23-2-612, MCA, is amended to read:

1 *23-2-612. Transfer of interest. (1) Except as
2 provided in subsection (3), upon a transfer of any
3 certificate of ownership to a snowmobile registered as
4 required under the provisions of this part, the person whose
5 title or interest is to be transferred shall write his
6 signature with pen and ink upon the certificate of ownership
7 issued for the snowmobile in the appropriate space provided
8 upon the reverse side of the certificate, and such signature
9 shall be acknowledged before a notary public.

10 (2) Within 20 calendar days thereafter, the transferee
11 shall forward make application for transfer of the
12 certificate of ownership so endorsed together with the
13 information required under this part with the county
14 treasurer of the county in which the transferee resides and
15 also make application for registration of the snowmobile.
16 The county treasurer shall forward the application to the
17 division of motor vehicles, which shall file the same upon
18 receipt thereof. No certificate of ownership may be issued
19 by the division until the outstanding certificates are
20 surrendered to that office or their loss established to its
21 reasonable satisfaction. The division county treasurer shall
22 collect a fee of \$3 for each application for transfer of
23 ownership, of which \$2 shall be forwarded to the division of
24 motor vehicles for deposit in the motor vehicle recording
25 account of the earmarked revenue fund.

1 (3) A purchaser of a new or used snowmobile from a
 2 licensed snowmobile dealer has a grace period of 20 calendar
 3 days from the date of purchase to ~~register the snowmobile,~~
 4 make application for a certificate of ownership, and to
 5 obtain a tax-paid decal. It is not a violation of this part
 6 or any other law for the purchaser to operate such a ~~newly~~
 7 ~~acquired~~ snowmobile without a certificate of ownership,
 8 ~~certificate of registration,~~ and a tax-paid decal during the
 9 20-day period. During this period the sticker, provided for
 10 in subsection (4), shall remain affixed to the snowmobile.

11 (4) Prior to the delivery of the snowmobile to the
 12 purchaser, the dealer shall issue and affix to the
 13 snowmobile a sticker (in a form to be prescribed by the
 14 division of motor vehicles). The sticker shall contain the
 15 name and address of the purchaser, the date of sale, the
 16 name and address of the dealer, and a description of the
 17 snowmobile, including its serial number. The dealer shall
 18 keep a copy of the sticker for his records and shall send a
 19 copy of the sticker to the division.

20 (5) The provisions of subsection (2) of this section
 21 requiring ~~a transferee to forward the certificate of~~
 22 ~~ownership after endorsement to the division,~~ do not apply in
 23 the event of the transfer of a snowmobile to a duly licensed
 24 snowmobile dealer intending to resell the snowmobile and who
 25 operates it only for demonstration purposes, but every such

1 dealer, upon transferring such interest, shall deliver the
 2 certificate of ownership with an application for a new
 3 certificate executed by the new owner in accordance with the
 4 provisions of this part. The division, upon receipt of the
 5 certificate of ownership and application for a new
 6 certificate, together with the conditional sales contract or
 7 other lien, if any, shall issue a new certificate of
 8 ownership together with a statement of any conditional sales
 9 contract, mortgage, or other lien."

10 Section 4. Section 23-2-613, MCA, is amended to read:

11 "23-2-613. Lost or mutilated certificates. In the
 12 event ~~if~~ any certificate of ownership is lost, mutilated, or
 13 becomes illegible, the person to whom ~~the same~~ it was issued
 14 shall immediately make application for and may obtain a
 15 duplicate thereof, upon payment of a fee of ~~\$1~~ \$2."

16 Section 5. Section 23-2-616, MCA, is amended to read:

17 "23-2-616. ~~Display of Registration and~~ tax-paid decals
 18 -- application and issuance -- use of fees. (1) No
 19 snowmobile may be operated ~~on public lands~~ by any person in
 20 the state of Montana unless ~~it has been registered and~~ there
 21 is displayed in a conspicuous place on ~~it~~ BOTH SIDES OF THE
 22 COYL a decal as visual proof that Montana personal property
 23 taxes have been paid on it for the current year.

24 (2) Application for the ~~tax-paid decal~~ registration
 25 shall be made to the county treasurer upon forms to be

1 furnished by the division of motor vehicles for this
2 purpose, which may be obtained from the division of motor
3 vehicles or at the county assessor's treasurer's office in
4 the county where the owner resides. The application shall
5 contain the following information:

- 6 (a) name and address of the owner;
- 7 (b) address;
- 8 (c) certificate of ownership number;
- 9 (d) name make of manufacturer the snowmobile;
- 10 (e) model number name of the snowmobile;
- 11 (f) make;
- 12 (g) horsepower;
- 13 (h) year of manufacture;
- 14 (i) a statement evidencing the assessment and
15 payment of property tax; and
- 16 (j) such other information as the division of motor
17 vehicles may require.

18 (3) The application shall be signed by the county
19 treasurer and transmitted by him to the division of motor
20 vehicles accompanied by a fee of \$2. The application shall
21 be accompanied by a decal fee of \$2, a registration fee of
22 50 cents, and, if the snowmobile has previously been
23 registered, by the registration certificate for the most
24 recent year in which the snowmobile was registered. The
25 treasurer shall sign the application and issue a

1 registration receipt which shall contain information
2 considered necessary by the division of motor vehicles and a
3 listing of fees and taxes paid. The owner shall retain
4 possession of the registration receipt until it is
5 surrendered to the county treasurer for reregistration or to
6 a purchaser or subsequent owner pursuant to a transfer of
7 ownership.

8 (4) Upon receipt of the application in approved form
9 the division of motor vehicles or county treasurer the
10 county treasurer shall forward the signed application to the
11 division of motor vehicles and shall issue to the applicant
12 a decal in the style and design prescribed by the division
13 and of a different color than the preceding year, numbered
14 in sequence.

15 (5) Before filing the application with the county
16 treasurer, the applicant shall submit it to the county
17 assessor of the county of residence and the county assessor
18 shall enter on the application in a place provided for that
19 purpose the market value and taxable value of the snowmobile
20 for the year for which the application is made. The county
21 treasurer may not accept any application under this section
22 until the applicant has paid the decal and registration fees
23 and personal property taxes assessed against the snowmobile
24 for the current year.

25 (6) The applicant shall pay the county treasurer the

1 application--fee--and--the--personal-property-taxes-assessed
2 against-the-snowmobile--for--the--current--year--before--the
3 application-may-be-accepted-by-the-county-treasurer.

4 (6) All moneys ~~money~~ collected from payment of the
5 decals fees and all interest accruing from use of these
6 moneys this money shall be turned-over forwarded to the
7 state treasurer and placed in the earmarked revenue fund to
8 the credit of the department, with \$1 designated for use in
9 enforcing the purposes of this part and \$1 designated for
10 use in the development, maintenance, and operation of
11 snowmobile facilities. All money collected from payment of
12 the registration fee shall be forwarded to the state
13 treasurer and deposited in the motor vehicle recording
14 account of the earmarked revenue fund."

15 Section 6. Section 23-2-618, MCA, is amended to read:

16 "23-2-618. Application for registration and tax-paid
17 decals to be made annually -- grace period---proof-of
18 purchase periods. ~~††~~ Application must be made to the county
19 treasurer for registration and the issuance of tax-paid
20 decals annually. All registrations and tax-paid decals
21 expire on June 30 of each year. ~~†† and application for~~
22 ~~registration must be made not later than August 15 of each~~
23 ~~year. The renewal takes effect on July 1 of each year. The~~
24 ~~certificate of registration and tax-paid decal issued under~~
25 ~~this part are valid only during the registration year for~~

1 ~~which issued.~~

2 (2) An owner of a newly-purchased snowmobile shall
3 have a grace period of 20 calendar days from the date of
4 purchase to make application for a current tax-paid decal,
5 provided that at all times during that period a bill of sale
6 or other proof of purchase reciting the date of purchase
7 shall be carried by the operator or with the snowmobile. An
8 owner or operator of such a snowmobile being operated after
9 the 20-day grace period without a current tax-paid decal
10 displayed on the snowmobile shall be subject to the
11 penalties of 23-2-642(1), as amended. ~~The owner of a~~
12 ~~snowmobile registered under this part is entitled to operate~~
13 ~~the vehicle between July 1 and August 15 without displaying~~
14 ~~a tax-paid decal for the current year and without a current~~
15 ~~registration if the owner displays the tax-paid decal for~~
16 ~~the previous year and if the vehicle was registered for the~~
17 ~~previous year."~~

18 Section 7. Section 23-2-619, MCA, is amended to read:

19 "23-2-619. Dealer registration certificate -- use of
20 fees. (1) A dealer registration certificate shall be issued
21 in accordance with this part.

22 (2) The dealer application shall be accompanied by an
23 application fee of \$5 and a registration fee of \$5. Upon
24 receipt of the dealer application and payment of fees, which
25 will be \$5, the dealer shall be issued two dealer snowmobile

1 identification cards which shall be carried by the dealer or
2 the dealer's customer when operating or demonstrating the
3 dealer's snowmobiles.

4 (3) No bond is required of the dealer.

5 (4) ~~The dealer shall have a principal place of~~
6 ~~business where he shall maintain all his business records~~
7 ~~and display and sell merchandise.~~

8 (5) ~~An applicant for renewal of a snowmobile dealer~~
9 ~~registration shall certify that he has sold 3 or more~~
10 ~~snowmobiles during the preceding year or pay an additional~~
11 ~~\$50 renewal registration fee or provide a copy of a written~~
12 ~~new snowmobile franchise or sales agreement that the~~
13 ~~applicant has with a manufacturer, importer, or distributor.~~

14 (4)(6) Additional dealer snowmobile identification
15 cards as required by need justified to the division of motor
16 vehicles may be purchased by the dealer for a fee of \$2.

17 (5)(7) ~~A--dealer Dealer~~ registration certificate
18 certificates and identification cards expire on June 30
19 following the date of issuance.

20 (6)(8) (a) All money collected from such the dealer
21 application fees and all interest accruing from use of this
22 money shall be deposited in the earmarked revenue fund to
23 the credit of the department, with one-half designated for
24 use in enforcing the purposes of this part and one-half
25 designated for use in the development, maintenance, and

1 operation of snowmobile facilities.

2 (b) ~~All money collected from dealer registration and~~
3 ~~renewal registration fees shall be deposited in the motor~~
4 ~~vehicle recording account of the earmarked revenue fund."~~

5 Section 8. Section 23-2-614, MCA, is amended to read:

6 "23-2-614. Exemptions. (1) The provisions of this
7 part, with respect to ~~registration, tax-paid decals, and~~
8 ~~certification of ownership, do not apply to snowmobiles~~
9 ~~owned or used by the United States or another state or any~~
10 ~~agency or political subdivision thereof, any snowmobile~~
11 ~~registered in a country other than the United States and to~~
12 ~~be temporarily used within this state for a period of not~~
13 ~~more than 30 days, or to any snowmobile registered in~~
14 ~~another state of the United States but to be temporarily~~
15 ~~used within this state for not more than 30 days.~~
16 ~~Snowmobiles owned by the state of Montana or any agency or~~
17 ~~political subdivision thereof are exempt only from the~~
18 ~~payment of fees and shall otherwise comply with all the~~
19 ~~requirements of this part.~~

20 (2) The provisions of this part with respect to
21 ~~registration, tax-paid decals, and certification of~~
22 ~~ownership do not apply to unregistered snowmobiles owned by~~
23 ~~nonresidents of the state of Montana who either:~~

24 (a) ~~displaying display~~ visual proof that a nonresident
25 ~~temporary-use permit has been purchased; or~~

1 (b) use the snowmobile only in races and for not more
 2 than 30 days in the state. "Race" means an organized
 3 competition on a predetermined course that is run according
 4 to accepted rules."

5 Section 9. Section 23-2-634, MCA, is amended to read:
 6 "23-2-634. Regulation of snowmobile noise. (1) Except
 7 as provided in this section, every snowmobile shall be
 8 equipped at all times with noise-suppression devices,
 9 including an exhaust muffler in good working order and in
 10 constant operation. No snowmobile may be modified by any
 11 person in any manner that will amplify or otherwise increase
 12 total noise emissions to a level greater than that emitted
 13 by the snowmobile as originally constructed, regardless of
 14 date of manufacture.

15 (2) Every person who owns or operates a snowmobile
 16 manufactured after June 30, 1972, but prior to June 30,
 17 1975, shall maintain his machine in such a manner that it
 18 will not exceed a sound level limitation of 82 dbA measured
 19 at 50 feet.

20 (3) No new snowmobile manufactured after June 30,
 21 1975, except snowmobiles designated for competition purposes
 22 only, may be sold or offered for sale unless that machine
 23 has been certified by the manufacturer as being able to
 24 conform to a sound level limitation of not more than 78 dbA
 25 measured at 50 feet. Every person who owns or operates a

1 snowmobile manufactured after June 30, 1975, shall maintain
 2 his machine in such a manner that it will not exceed a sound
 3 level limitation of 78 dbA measured at 50 feet.

4 ~~(4) The department may adopt and revise sound level~~
 5 ~~limitations for all snowmobiles manufactured after June 30,~~
 6 ~~1975. However, a sound level limitation adopted or revised~~
 7 ~~by the department may not be higher than a decibel standard~~
 8 ~~of 78 dbA measured at 50 feet. The adoption or revision of~~
 9 ~~sound level limitation by the department shall be effective~~
 10 ~~beginning June 30 of the succeeding calendar year and any~~
 11 ~~sound level limitation formally adopted or revised shall~~
 12 ~~remain in effect for a minimum period of 2 years. Every~~
 13 ~~person who owns or operates a snowmobile manufactured after~~
 14 ~~June 30, 1975, shall maintain his machine in compliance with~~
 15 ~~the sound level limitation which is applicable to new~~
 16 ~~snowmobiles manufactured during the period that a sound~~
 17 ~~level limitation adopted by the department is in effect.~~

18 ~~(5) A manufacturer who certifies that a new~~
 19 ~~snowmobile can comply with the noise limitation requirements~~
 20 ~~of this part shall affix a permanent notice of that~~
 21 ~~certification to every snowmobile offered for sale in the~~
 22 ~~state of Montana.~~

23 ~~(6) In certifying that a new snowmobile can comply~~
 24 ~~with the noise limitation requirements of this part, a~~
 25 ~~manufacturer shall make such a certification based upon~~

1 measurements made in accordance with SAE recommended
2 practice J192, as amended. The department, in enforcing the
3 provisions of this section, shall make measurements of
4 snowmobile noise in accordance with applicable practices
5 outlined in the "Procedure for Sound Level Measurements of
6 Snowmobiles" (January, 1969), as amended, used by the
7 international snowmobile industry association or with such
8 other standards for measurement of sound level as the
9 department may adopt.

10 ~~(7)(6)~~ This section does not apply to organized races
11 or similar competitive events held on:

12 (a) private lands, with the permission of the owner,
13 lessee, or custodian of the land; or

14 (b) public lands, with the consent of the public
15 agency having the authority to grant such consent, provided
16 that total sound produced by such an event may not exceed 50
17 dbA at any point 50 feet or more outside the area under the
18 control of the sponsoring entity."

-End-

1 HOUSE BILL NO. 782

2 INTRODUCED BY MENAHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ANNUAL
5 REGISTRATION OF SNOWMOBILES AND ASSESSING A REGISTRATION
6 FEE; REVISING THE TITLE REQUIREMENTS FOR SNOWMOBILES;
7 REVISING THE REGISTRATION REQUIREMENTS FOR SNOWMOBILE
8 DEALERS; GENERALLY REVISING FEES AND THEIR ALLOCATION;
9 PROVIDING A REGISTRATION EXCEPTION FOR NONRESIDENT
10 SNOWMOBILE RACERS; ELIMINATING THE DISCRETION OF THE
11 DEPARTMENT OF FISH AND GAME OVER DECIBEL STANDARDS; AND
12 AMENDING SECTIONS 23-2-601, 23-2-611 THROUGH 23-2-614,
13 23-2-616, 23-2-618, 23-2-619, AND 23-2-634, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 23-2-601, MCA, is amended to read:

17 "23-2-601. Definition of terms. As used in this part
18 the following terms shall have the meanings indicated
19 herein, unless the context otherwise clearly requires that
20 another meaning is intended:

21 11) "Certificate of ownership" means the document
22 issued by the division of motor vehicles as prima facie
23 evidence of ownership.

24 12) "Certificate of registration" means the owner's
25 receipt evidencing payment of taxes, decal fees, and

1 registration fees for a given registration year.

2 ~~13~~ "dba" means sound pressure level measured on
3 the "A" weight scale in decibels.

4 ~~14~~ "Department" means the department of fish and
5 game of the state of Montana.

6 ~~15~~ "New snowmobile" means any snowmobile that has
7 not been previously sold to an owner, as defined in
8 subsection 17.

9 ~~16~~ "Operator" includes every person who operates
10 or is in actual physical control of the operation of a
11 snowmobile.

12 ~~17~~ "Owner" includes every person as defined
13 herein, other than a lien holder or other person having a
14 security interest only, holding a certificate of ownership
15 to a snowmobile and entitled to the use or possession
16 thereof.

17 ~~18~~ "Person" includes an individual, partnership,
18 association, corporation, and any other body or group of
19 persons, whether incorporated or not and regardless of the
20 degree of formal organization.

21 ~~19~~ "Roadway" includes only those portions of any
22 highway, road, or street improved, designed, or ordinarily
23 used for travel or parking of motor vehicles.

24 ~~101~~ "Snowmobile" includes any self-propelled
25 vehicle of an overall width of 48 inches or less, excluding

base replace this page of original Reference Copy of HB 782

1 accessories, designed primarily for travel on snow or ice,
2 which may be steered by skis or runners and which is not
3 otherwise registered or licensed under the laws of the state
4 of Montana."

5 Section 2. Section 23-2-611, MCA, is amended to read:

6 "23-2-611. Certificate of ownership. (1) No snowmobile
7 may be operated upon any public lands, trails, easements,
8 lakes, rivers, streams, roadways or shoulders of roadways,
9 streets, or highways, unless a certificate of ownership has
10 first been obtained from the division of motor vehicles in
11 accordance with the laws of this state.

12 (2) ~~Before such certificate may be obtained, the~~ the
13 owner of a snowmobile shall make application for a
14 certificate of ownership with the county treasurer of the
15 county in which the owner resides, upon forms to be
16 furnished for this purpose, which ~~the forms~~ shall require
17 the following information:

- 18 (a) name of ~~the~~ owner;
- 19 (b) residence ~~of the owner~~ by town and county;
- 20 (c) business or home mail address ~~of the owner~~;
- 21 (d) name and address of ~~any~~ lien holder;
- 22 (e) amount due under ~~any~~ contract or liens;
- 23 (f) name and address of ~~the~~ manufacturer;
- 24 (g) model number or name;
- 25 (h) serial ~~identification~~ number; and

1 (1) name and address of ~~the~~ dealer or other person
2 from whom acquired.

3 (3) The application shall be signed by at least one
4 owner or by a properly authorized officer or representative
5 of the owner.

6 (4) If a certificate of ownership for a snowmobile has
7 previously been issued under the provisions of this part,
8 the application for a new certificate must be accompanied by
9 the immediately previous certificate ~~or by an affidavit upon~~
10 ~~a prescribed form stating under oath that the vehicle had~~
11 ~~not been operated during the immediately previous year.~~ This
12 subsection does not apply to snowmobiles that are purchased
13 as new and unused machines or that were operated when the
14 provisions of this part were not in force and effect.

15 (5) Upon completion of the application in
16 quintuplicate on forms furnished by the division of motor
17 vehicles, the county treasurer shall issue to the applicant
18 two copies of the application, one of which shall be marked
19 "file copy" ~~and the treasurer shall~~ forward one copy and
20 the original application to the division, which shall cease
21 ~~to be entered into~~ the information contained in the
22 application upon the corresponding records of its office,
23 and shall furnish the applicant a certificate of ownership
24 which shall contain the ~~that~~ information found ~~on it~~ in the
25 application considered necessary by the division and a

March 7, 1979

SENATE STANDING COMMITTEE REPORT
(Fish and Game)

That House Bill No. 782 be amended as follows:

1. Page 8, line 19.
Following: "operated"
Insert: "on public lands"
2. Page 8, line 21.
Following: "on"
Strike: "it"
Insert: "both sides of the cowl"
3. Page 11, line 21.
Following: "year-"
Strike: the remainder of line 21 and lines 22 through line 1 on
page 12
Insert: "."
4. Page 12, line 11 through line 17.
Following: "~~amended-~~"
Strike: the remainder of line 11 and lines 12 through 17
5. Page 13, line 2.
Following: "when"
Strike: "operating or"