

HOUSE BILL 871

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Highways and Transportation.
February 20, 1979	Rereferred to Committee on Taxation.
March 24, 1979	Committee recommend bill, do not pass.
March 26, 1979	Report adopted.

1 House BILL NO. 871
 2 INTRODUCED BY Walton

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING NONHIGHWAY
 5 VEHICLES; PROVIDING EXCEPTIONS; IMPOSING A NONHIGHWAY
 6 VEHICLE USE FEE; PROVIDING A METHOD OF CERTIFICATION;
 7 PROVIDING PENALTIES; EXEMPTING CERTAIN NONHIGHWAY VEHICLES
 8 FROM TAXATION; AMENDING SECTION 15-6-201, MCA."

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

11 NEW SECTION. Section 1. Definitions. As used in
 12 [sections 1 through 19], unless the context clearly
 13 indicates otherwise, the following definitions apply:

- 14 (1) The term "dba" means sound pressure level measured
- 15 on the "A" weight scale in decibels.
- 16 (2) "Department" means the department of fish and game
- 17 of the state of Montana.
- 18 (3) "New nonhighway vehicle" means any nonhighway
- 19 vehicle that has not been previously sold to an owner, as
- 20 defined in subsection (7).
- 21 (4) (a) "Nonhighway vehicle" means any self-propelled
- 22 vehicle used for recreation or cross-country travel on
- 23 public lands, trails, easements, lakes, rivers, or streams.
- 24 Such vehicles include but are not limited to motorcycles,
- 25 dune buggies, amphibious vehicles, air cushion vehicles, and

1 any other means of land transportation deriving motive power
 2 from any source other than muscle or wind.

- 3 (b) Nonhighway vehicle does not include:
- 4 (i) any vehicle designed primarily for travel on
- 5 over, or in the water;
- 6 (ii) snowmobiles; or
- 7 (iii) any vehicle otherwise licensed under the laws of
- 8 the state.

9 (5) "Nonhighway vehicle use permit" means the permit
 10 system established for nonhighway vehicles in this state
 11 under [sections 2 through 6].

12 (6) "Operator" includes every person who operates or
 13 is in actual physical control of the operation of a
 14 nonhighway vehicle.

15 (7) "Owner" includes every person as defined herein,
 16 other than a lienholder or other person having a security
 17 interest only, holding a certificate of ownership to a
 18 nonhighway vehicle and entitled to the use or possession
 19 thereof.

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

24 NEW SECTION. Section 2. Nonhighway vehicle use permit
 25 fee -- application and issuance -- use of fees. (1) No

1 nonhighway vehicle may be operated by any person in the
 2 state upon any public lands, trails, easements, lakes,
 3 rivers, or streams unless there is displayed on it a decal
 4 as visual proof that the nonhighway vehicle use permit fee
 5 has been paid for the current year.

6 (2) Application for the nonhighway vehicle use permit
 7 decal shall be made to the county treasurer upon forms to be
 8 furnished for this purpose, which may be obtained from the
 9 division of motor vehicles or at the county assessor's
 10 office in the county where the owner resides. The
 11 application shall contain the following information:

- 12 (a) name of owner;
- 13 (b) address;
- 14 (c) certificate of ownership number;
- 15 (d) name of manufacturer;
- 16 (e) model number;
- 17 (f) make;
- 18 (g) horsepower;
- 19 (h) year of manufacture;
- 20 (i) such other information as the division of motor
 21 vehicles may require.

22 (3) The application shall be signed by the county
 23 treasurer and transmitted by him to the division of motor
 24 vehicles accompanied by a fee of \$15. Upon receipt of the
 25 application in approved form, the division of motor vehicles

1 or county treasurer shall issue to the applicant a decal in
 2 the style and design prescribed by the division and of a
 3 different color than the preceding year, numbered in
 4 sequence.

5 (4) The applicant shall pay the county treasurer the
 6 application fee for the current year before the application
 7 may be accepted by the county treasurer.

8 (5) All money collected from payment of the fees and
 9 all interest accruing from use of this money shall be turned
 10 over to the state treasurer and placed in the earmarked
 11 revenue fund to the credit of the department, with \$1
 12 designated for use in enforcing the purposes of [sections 1
 13 through 19] and \$14 designated for use in the development,
 14 maintenance, and operation of nonhighway vehicle facilities.

15 NEW SECTION. Section 3. Application to be made
 16 annually -- grace period -- proof of purchase. (1)
 17 Application must be made to the county treasurer for the
 18 issuance of a nonhighway vehicle use permit decal annual y.
 19 All decals expire on June 30 of each year.

20 (2) An owner of a newly purchased nonhighway vehicle
 21 shall have a grace period of 20 calendar days from the date
 22 of purchase to make application for a current nonhighway
 23 vehicle use permit decal, provided that at all times during
 24 that period a bill of sale or other proof of purchase
 25 reciting the date of purchase shall be carried by the

1 operator or with the nonhighway vehicle. An owner or
 2 operator of such a nonhighway vehicle being operated after
 3 the 20-day grace period without a current nonhighway vehicle
 4 use permit decal displayed on the nonhighway vehicle shall
 5 be subject to the penalties of [section 18], as amended.

6 NEW SECTION. Section 4. Vehicles exempted from
 7 nonhighway use permits. Nonhighway use permits are required
 8 under the provisions of [sections 1 through 19] except for
 9 the following:

10 (1) nonhighway vehicles owned and operated by the
 11 United States, another state, or a political subdivision
 12 thereof;

13 (2) nonhighway vehicles owned and operated by this
 14 state or by any municipality or political subdivision
 15 thereof;

16 (3) a nonhighway vehicle operating in an organized
 17 competitive event on privately owned or leased land.
 18 However, if such leased land is owned by the state of
 19 Montana, this exemption does not apply unless the state
 20 agency exercising jurisdiction over the land in question
 21 specifically authorizes the competitive event.

22 (4) nonhighway vehicles operated on lands owned or
 23 leased by the nonhighway vehicle owner or operator or on
 24 lands on which the operator has permission to operate
 25 without a nonhighway use permit;

1 (5) a nonhighway vehicle owned by a resident of
 2 another state if the nonhighway vehicle is registered in
 3 accordance with the laws of the other state. This exemption
 4 shall apply only to the extent that a similar exemption or
 5 privilege is granted under the laws of that state, except
 6 that any nonhighway vehicle that is validly registered in
 7 another state and which is physically located in this state
 8 for a period of more than 15 consecutive days is required to
 9 obtain a Montana nonhighway use permit.

10 (6) nonhighway vehicles while being used for search
 11 and rescue purposes under the authority or direction of an
 12 appropriate search and rescue or law enforcement agency;

13 (7) nonhighway vehicles used primarily for
 14 construction or inspection purposes during the course of a
 15 commercial operation.

16 NEW SECTION. Section 5. Nonresident temporary use
 17 permits -- use of fees. (1) The requirements pertaining to
 18 the nonresident temporary nonhighway vehicle use permit are
 19 as follows:

20 (a) Application for the issuance of the permit shall
 21 be made at locations and upon forms prescribed by the
 22 department. The forms shall include but are not limited to:

23 (i) applicant's name and permanent address;
 24 (ii) make, model, year, and serial number of the
 25 nonhighway vehicle; and

1 (iii) affidavit declaring the nonresidency of the
2 applicant.

3 (b) Upon submission of the application and a fee of
4 \$6, a nonresident temporary nonhighway vehicle use sticker
5 shall be issued. The sticker shall be displayed in a
6 conspicuous manner on the nonhighway vehicle.

7 (2) The temporary permit is valid for a consecutive
8 30-day period as designated by the permit.

9 (3) The permit is not proof of ownership, and no
10 certificate of ownership may be issued.

11 (4) All money collected by payment of fees under this
12 section shall be turned over to the state treasurer and
13 placed in the earmarked revenue fund to the credit of the
14 department, with one-half to be used in administering this
15 section and one-half to be used in the development,
16 maintenance, and operation of nonhighway vehicle facilities.

17 (5) The failure to display the permit as required by
18 this section or the making of false statements in obtaining
19 the permit is a misdemeanor, punishable by a fine of not
20 less than \$25 or more than \$100.

21 NEW SECTION. Section 6. Duplicate decal. In the event
22 any nonhighway vehicle use permit decal is lost, mutilated,
23 or becomes illegible, the person to whom the same was issued
24 shall immediately make application for and may obtain a
25 duplicate thereof, upon payment of a fee of \$1 to the county

1 treasurer.

2 NEW SECTION. Section 7. Certificate of ownership. (1)
3 No nonhighway vehicle may be operated upon any public lands,
4 trails, easements, lakes, rivers, or streams unless a
5 certificate of ownership has first been obtained from the
6 division of motor vehicles in accordance with the laws of
7 this state.

8 (2) Before such certificate may be obtained, the owner
9 of a nonhighway vehicle shall make application for a
10 certificate of ownership with the county treasurer of the
11 county in which the owner resides, upon forms to be
12 furnished for this purpose which shall require the following
13 information:

- 14 (a) name of owner;
- 15 (b) residence by town and county;
- 16 (c) business or home mail address;
- 17 (d) name and address of lienholder;
- 18 (e) amount due under contract or lien;
- 19 (f) name and address of manufacturer;
- 20 (g) model number or name;
- 21 (h) serial number; and
- 22 (i) name and address of dealer or other person from
23 whom acquired.

24 (3) The application shall be signed by at least one
25 owner or by a properly authorized officer or representative

1 of the owner.

2 (4) If a certificate of ownership for a nonhighway
3 vehicle has previously been issued under the provisions of
4 this section, the application for a new certificate must be
5 accompanied by the immediately previous certificate or by an
6 affidavit upon a prescribed form stating under oath that the
7 vehicle had not been operated during the immediately
8 previous year. This subsection does not apply to nonhighway
9 vehicles that are purchased as new and unused machines or
10 that were operated when the provisions of [sections 1
11 through 19] were not in force and effect.

12 (5) Upon completion of the application on forms
13 furnished by the division of motor vehicles, the county
14 treasurer shall forward one copy and the original
15 application to the division, which shall cause to be entered
16 the information contained in the application upon the
17 corresponding records of its office, and shall furnish the
18 applicant a certificate of ownership, which shall contain
19 the information found on the application and a permanent
20 ownership number. The certificate of ownership is not
21 required to be renewed annually and is valid as long as the
22 person holding it owns the nonhighway vehicle.

23 (6) The owner shall at all times retain possession of
24 the certificate of ownership, except when the same is being
25 transmitted to and from the division for endorsement or

1 cancellation.

2 (7) Upon application for a certificate of ownership, a
3 fee of \$3 shall be paid to the county treasurer, one-half of
4 which fee shall be forwarded by the county treasurer to the
5 division of motor vehicles.

6 NEW SECTION. Section 8. Transfer of interest. (1)
7 Except as provided in subsection (3), upon a transfer of any
8 certificate of ownership to a nonhighway vehicle registered
9 as required under the provisions of [section 7], the person
10 whose title or interest is to be transferred shall write his
11 signature with pen and ink upon the certificate of ownership
12 issued for the nonhighway vehicle in the appropriate space
13 provided upon the reverse side of the certificate, and such
14 signature shall be acknowledged before a notary public.

15 (2) Within 20 calendar days thereafter, the transferee
16 shall forward the certificate of ownership so endorsed,
17 together with the information required under [section 7], to
18 the division of motor vehicles, which shall file the same
19 upon receipt thereof. No certificate of ownership may be
20 issued by the division until the outstanding certificates
21 are surrendered to that office or their loss established to
22 its reasonable satisfaction. The division shall collect a
23 fee of \$3 for each application for transfer of ownership.

24 (3) A purchaser of a new or used nonhighway vehicle
25 from a licensed nonhighway vehicle dealer has a grace period

1 of 20 calendar days from the date of purchase to make
 2 application for a certificate of ownership and to obtain a
 3 nonhighway vehicle use permit. It is not a violation of
 4 [sections 1 through 19] or any other law for the purchaser
 5 to operate such a nonhighway vehicle without a certificate
 6 of ownership and a nonhighway vehicle use permit during the
 7 20-day period. During this period the sticker, provided for
 8 in subsection (4), shall remain affixed to the nonhighway
 9 vehicle.

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

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

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

10 NEW SECTION. Section 9. Lost or mutilated
 11 certificates. In the event any certificate of ownership is
 12 lost, mutilated, or becomes illegible, the person to whom
 13 the same was issued shall immediately make application for
 14 and may obtain a duplicate thereof, upon payment of a fee of
 15 \$1.

16 NEW SECTION. Section 10. Dealer registration
 17 certificate -- use of fees. (1) A dealer registration
 18 certificate shall be issued in accordance with [sections 7
 19 through 10].

20 (2) Upon receipt of dealer application and payment of
 21 a fee of \$5, the dealer shall be issued two dealer
 22 nonhighway vehicle identification cards which shall be
 23 carried by dealer or dealer's customer when operating or
 24 demonstrating dealer's nonhighway vehicles.

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

1 (4) Additional dealer nonhighway vehicle
2 identification cards may be purchased by the dealer for a
3 fee of \$2.

4 (5) A dealer registration certificate and
5 identification cards expire on June 30 following the date of
6 issuance.

7 (6) All money collected from such fees and all
8 interest accruing from use of this money shall be deposited
9 in the earmarked revenue fund to the credit of the
10 department for development, maintenance, and operation of
11 nonhighway vehicle facilities or other facilities that may
12 properly be used for nonhighway vehicle use.

13 NEW SECTION. Section 11. Exemptions. (1) The
14 provisions of [sections 7 through 10], with respect to
15 certification of ownership, do not apply to nonhighway
16 vehicles owned or used by the United States or another state
17 or any agency or political subdivision thereof, any
18 nonhighway vehicle registered in a country other than the
19 United States and to be temporarily used within this state
20 for a period of not more than 30 days, or to any nonhighway
21 vehicle registered in another state of the United States but
22 to be temporarily used within this state for not more than
23 30 days. Nonhighway vehicles owned by the state of Montana
24 or any agency or political subdivision thereof are exempt
25 only from the payment of fees and shall otherwise comply

1 with all the requirements of [sections 1 through 19].

2 (2) The provisions of [sections 7 through 10] with
3 respect to certification of ownership do not apply to
4 unregistered nonhighway vehicles owned by nonresidents of
5 the state of Montana displaying visual proof that a
6 nonresident temporary nonhighway vehicle use permit has been
7 purchased.

8 NEW SECTION. Section 12. Noise limits. (1) Nonhighway
9 vehicle maximum noise limits at a distance of 50 feet from
10 the centerline of travel may not exceed:

11 (a) for any such vehicle manufactured before January
12 1, 1973, 92 dbA;

13 (b) for any such vehicle manufactured on or after
14 January 1, 1973, and before January 1, 1975, 88 dbA;

15 (c) for any such vehicle manufactured on or after
16 January 1, 1975, 86 dbA.

17 (2) The department may accept a dealer's certificate
18 as proof of compliance with this section.

19 (3) Test procedures for compliance with this section
20 shall be established by the department, taking into
21 consideration the test procedures of the society of
22 automotive engineers.

23 (4) No person may sell or offer for sale a new
24 nonhighway vehicle that produces a maximum noise exceeding
25 the noise limits set forth in subsection (1) for which noise

1 emission standards or regulations have not been adopted by
2 the administrator of the environmental protection agency
3 pursuant to the federal Noise Control Act of 1972, P.L.
4 92-574.

5 (5) No person may sell or offer for sale a new
6 nonhighway vehicle that produces noise that exceeds or in
7 any way violates the noise emission standards or regulations
8 adopted for such a vehicle by the administrator of the
9 environmental protection agency pursuant to the federal
10 Noise Control Act of 1972, P.L. 92-574.

11 NEW SECTION. Section 13. Permission necessary to
12 enter upon private lands. The provisions of [sections 1
13 through 19] apply to all lands in this state. Nothing in
14 [sections 1 through 19] shall be considered to grant to any
15 person the right or authority to enter upon private property
16 without permission of the property owner.

17 NEW SECTION. Section 14. Local political subdivisions
18 or state agencies to regulate operation of nonhighway
19 vehicles. Notwithstanding any of the provisions of [sections
20 1 through 19], any city, county, or other political
21 subdivision of this state or any state agency may regulate
22 the operation of nonhighway vehicles on public lands,
23 waters, and other properties under its jurisdiction by
24 adopting regulations or ordinances of its governing body,
25 provided that the regulations are not less stringent than

1 the provisions of [sections 1 through 19].

2 NEW SECTION. Section 15. Operating violations. It is
3 unlawful for any person to operate any nonhighway vehicle:

4 (1) while under the influence of intoxicating liquor
5 or a controlled substance;

6 (2) in such a manner as to endanger the property of
7 another;

8 (3) on lands not owned by the operator or owner of the
9 nonhighway vehicle without a lighted headlight and taillight
10 between the hours of dusk and dawn or when otherwise
11 required for the safety of others regardless of ownership;

12 (4) on lands not owned by the operator or owner of the
13 nonhighway vehicle without an adequate braking device or
14 when otherwise required for the safety of others regardless
15 of ownership;

16 (5) without a spark arrester approved by the
17 department;

18 (6) without an adequate and operating muffling device
19 which effectively limits vehicle noise to meet the
20 requirements of [section 12];

21 (7) on the median of any divided highway;

22 (8) on lands not owned by the operator or owner of the
23 nonhighway vehicle in any area or in such a manner so as to
24 unreasonably expose the underlying soil or to create an
25 erosion condition or to injure, damage, or destroy trees,

1 growing crops, or other vegetation;

2 (9) on lands not owned by the operator or owner of the
3 nonhighway vehicle or on any trail that is restricted to
4 pedestrian or animal travel; and

5 (10) on any public lands in violation of rules and
6 regulations of the agency administering such lands.

7 NEW SECTION. Section 16. Accidents involving
8 nonhighway vehicles. The owner or operator of a nonhighway
9 vehicle that is involved in any accident, collision, or
10 upset when personal injury occurs to any person or when
11 property damage exceeds \$100 shall report the accident or
12 occurrence to a state or local law enforcement agency
13 responsible for collecting reports of accidents involving
14 motor vehicles.

15 NEW SECTION. Section 17. Enforcement. The following
16 persons may enforce the provisions of [sections 1 through
17 19]:

18 (1) the enforcement officers employed by the
19 department, with respect to violations relating to wildlife
20 or birds, discharging firearms, or sound level limitations.
21 However, with respect to the sale of any new nonhighway
22 vehicle that is subject to the provisions of [section 12],
23 the attorney general of the state of Montana shall, upon the
24 request of the department, sue for the recovery of the
25 penalties provided in [section 18] and bring an action for a

1 restraining order or temporary or permanent injunction
2 against a person who sells or offers to sell a new
3 nonhighway vehicle that does not satisfy the sound level
4 limitations imposed by [section 12].

5 (2) the sheriffs and their deputies of the respective
6 counties and the police officers of cities and towns, within
7 their respective jurisdictions, and the state highway
8 patrol, with respect to any violation of [sections 1 through
9 19].

10 NEW SECTION. Section 18. Penalties. (1) The failure
11 to display a current nonhighway vehicle use permit during
12 the time provided in [sections 2, 3, and 5] is a
13 misdemeanor, punishable by a fine of not less than \$25 or
14 more than \$200.

15 (2) A person who violates any other provision of
16 [sections 1 through 19] or a rule adopted pursuant thereto
17 shall pay a civil penalty of not less than \$25 or more than
18 \$500 for each separate violation.

19 (3) A manufacturer who certifies that a new nonhighway
20 vehicle can meet the sound level limitations imposed by
21 [section 12] shall be subject to the penalty provisions of
22 subsection (2) if any machine so certified does not meet the
23 appropriate sound level limitation. For the purposes of this
24 section, every sale of a new nonhighway vehicle that does
25 not meet the sound level limitations imposed by [section 12]

1 constitutes a separate violation.

2 **NEW SECTION.** Section 19. Use of funds from fines and
3 forfeitures. All fines and forfeitures collected under
4 [section 12] relating to nonhighway vehicles shall be
5 transmitted to the state treasurer who shall deposit such
6 fines and forfeitures in the earmarked revenue fund to the
7 credit of the department to be used only for nonhighway
8 vehicle safety and education.

9 Section 20. Section 15-6-201, MCA, is amended to read:

10 "15-6-201. Exempt categories. (1) (a) The property of
11 the United States, the state, counties, cities, towns,
12 school districts, irrigation districts organized under the
13 laws of Montana and not operating for profit, municipal
14 corporations, public libraries; buildings, with land they
15 occupy and furnishings therein, owned by a church and used
16 for actual religious worship and for residences of the
17 clergy, together with adjacent land reasonably necessary for
18 convenient use of such buildings owned by a church; such
19 other property as is used exclusively for agricultural and
20 horticultural societies, for educational purposes,
21 hospitals, and all property, both real and personal, without
22 limitation as to amount except that real property owned
23 shall not exceed 640 acres, owned and held by any
24 association or corporation organized under Title 35, chapter
25 20 or 21, Cemeteries, provided such cemeteries and any land

1 claimed to be exempt are not maintained and operated for
2 private or corporate profit; institutions of purely public
3 charity; evidence of debt secured by mortgages of record
4 upon real or personal property in the state of Montana; and
5 public art galleries and public observatories not used or
6 held for private or corporate profit are exempt from
7 taxation, but no more land than is necessary for such
8 purpose is exempt.

9 (b) As used in this subsection, the term "institutions
10 of purely public charity" includes organizations owning and
11 operating facilities for the care of the retired or aged or
12 chronically ill, which are not operated for gain or profit,
13 and the terms "public art galleries" and "public
14 observatories" mean only such art galleries and
15 observatories, whether of public or private ownership, as
16 are open to the public without charge or fee at all
17 reasonable hours and are used for the purpose of education
18 only.

19 (2) All household goods and furniture, including
20 clocks, musical instruments, sewing machines, and wearing
21 apparel of members of the family, used by the owner for
22 personal and domestic purposes or for furnishing or
23 equipping the family residence are exempt from taxation.

24 (3) A truck canopy cover or topper weighing less than
25 300 pounds and having no accommodations attached is exempt

1 growing crops, or other vegetation;

2 (9) on lands not owned by the operator or owner of the
3 nonhighway vehicle or on any trail that is restricted to
4 pedestrian or animal travel; and

5 (10) on any public lands in violation of rules and
6 regulations of the agency administering such lands.

7 NEW SECTION. Section 16. Accidents involving
8 nonhighway vehicles. The owner or operator of a nonhighway
9 vehicle that is involved in any accident, collision, or
10 upset when personal injury occurs to any person or when
11 property damage exceeds \$100 shall report the accident or
12 occurrence to a state or local law enforcement agency
13 responsible for collecting reports of accidents involving
14 motor vehicles.

15 NEW SECTION. Section 17. Enforcement. The following
16 persons may enforce the provisions of [sections 1 through
17 19]:

18 (1) the enforcement officers employed by the
19 department, with respect to violations relating to wildlife
20 or birds, discharging firearms, or sound level limitations.
21 However, with respect to the sale of any new nonhighway
22 vehicle that is subject to the provisions of [section 12],
23 the attorney general of the state of Montana shall, upon the
24 request of the department, sue for the recovery of the
25 penalties provided in [section 18] and bring an action for a

1 restraining order or temporary or permanent injunction
2 against a person who sells or offers to sell a new
3 nonhighway vehicle that does not satisfy the sound level
4 limitations imposed by [section 12].

5 (2) the sheriffs and their deputies of the respective
6 counties and the police officers of cities and towns, within
7 their respective jurisdictions, and the state highway
8 patrol, with respect to any violation of [sections 1 through
9 19].

10 NEW SECTION. Section 18. Penalties. (1) The failure
11 to display a current nonhighway vehicle use permit during
12 the time provided in [sections 2, 3, and 5] is a
13 misdemeanor, punishable by a fine of not less than \$25 or
14 more than \$200.

15 (2) A person who violates any other provision of
16 [sections 1 through 19] or a rule adopted pursuant thereto
17 shall pay a civil penalty of not less than \$25 or more than
18 \$500 for each separate violation.

19 (3) A manufacturer who certifies that a new nonhighway
20 vehicle can meet the sound level limitations imposed by
21 [section 12] shall be subject to the penalty provisions of
22 subsection (2) if any machine so certified does not meet the
23 appropriate sound level limitation. For the purposes of this
24 section, every sale of a new nonhighway vehicle that does
25 not meet the sound level limitations imposed by [section 12]

1 constitutes a separate violation.

2 **NEW SECTION.** Section 19. Use of funds from fines and
3 forfeitures. All fines and forfeitures collected under
4 [section 12] relating to nonhighway vehicles shall be
5 transmitted to the state treasurer who shall deposit such
6 fines and forfeitures in the earmarked revenue fund to the
7 credit of the department to be used only for nonhighway
8 vehicle safety and education.

9 Section 20. Section 15-6-201, MCA, is amended to read:

10 "15-6-201. Exempt categories. (1) (a) The property of
11 the United States, the state, counties, cities, towns,
12 school districts, irrigation districts organized under the
13 laws of Montana and not operating for profit, municipal
14 corporations, public libraries; buildings, with land they
15 occupy and furnishings therein, owned by a church and used
16 for actual religious worship and for residences of the
17 clergy, together with adjacent land reasonably necessary for
18 convenient use of such buildings owned by a church; such
19 other property as is used exclusively for agricultural and
20 horticultural societies, for educational purposes,
21 hospitals, and all property, both real and personal, without
22 limitation as to amount except that real property owned
23 shall not exceed 640 acres, owned and held by any
24 association or corporation organized under Title 35, chapter
25 20 or 21, Cemeteries, provided such cemeteries and any land

1 claimed to be exempt are not maintained and operated for
2 private or corporate profit; institutions of purely public
3 charity; evidence of debt secured by mortgages of record
4 upon real or personal property in the state of Montana; and
5 public art galleries and public observatories not used or
6 held for private or corporate profit are exempt from
7 taxation, but no more land than is necessary for such
8 purpose is exempt.

9 (b) As used in this subsection, the term "institutions
10 of purely public charity" includes organizations owning and
11 operating facilities for the care of the retired or aged or
12 chronically ill, which are not operated for gain or profit,
13 and the terms "public art galleries" and "public
14 observatories" mean only such art galleries and
15 observatories, whether of public or private ownership, as
16 are open to the public without charge or fee at all
17 reasonable hours and are used for the purpose of education
18 only.

19 (2) All household goods and furniture, including
20 clocks, musical instruments, sewing machines, and wearing
21 apparel of members of the family, used by the owner for
22 personal and domestic purposes or for furnishing or
23 equipping the family residence are exempt from taxation.

24 (3) A truck canopy cover or topper weighing less than
25 300 pounds and having no accommodations attached is exempt

1 from taxation.

2 (4) A nonhighway vehicle as defined in [section 1]

3 that is used solely for nonhighway vehicle transportation

4 purposes is exempt from taxation."

-End-