

SENATE BILL NO. 6

INTRODUCED BY GALT

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 8, 1979	Introduced and referred to Committee on Fish and Game. On motion Senator Galt was added as author to the prefiled bill.
January 9, 1979	Committee recommend bill do pass. Report adopted.
January 10, 1979	Printed and placed on members' desks.
January 11, 1979	Second reading, do pass.
January 12, 1979	Considered correctly engrossed.
January 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

January 15, 1979	Introduced and referred to Committee on Fish and Game.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 5, 1979	Second reading, concurred in.
March 7, 1979	Third reading, concurred in.

IN THE SENATE

March 8, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
---------------	--

SENATE BILL NO. 6

INTRODUCED BY _____

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO BOATS AND SNOWMOBILES; AMENDING SECTIONS 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-529, AND 23-2-632, MCA."

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

Section 1. Section 23-2-511, MCA, is amended to read:

"23-2-511. Operation of unnumbered motorboats prohibited -- display of decals. (1) Every motorboat on the waters of this state, propelled by a motor or an engine of any description, ~~shall~~ must be properly numbered and display valid license decals. No person may operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and displays valid license decals in accordance with this part; ~~in accordance with~~ applicable federal law, or ~~in accordance with~~ a federally approved numbering system of another state and unless:

(a) the certificate of number ~~awarded~~ assigned to the motorboat is in full force and effect; and

(b) the identifying number set forth in the certificate of number and the valid license decals are

displayed on such motorboat.

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

Section 2. Section 23-2-512, MCA, is amended to read:

"23-2-512. Identification number. (1) The owner of each motorboat requiring numbering by this state shall file an application for number in the office of the county treasurer where the motorboat is owned or taxable on forms prepared and furnished by the division of motor vehicles. The application ~~shall~~ must be signed by the owner of the motorboat and ~~shall~~ be accompanied by a fee of \$1. Any alteration, change, or false statement contained in the application will render the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the division of motor vehicles, stating the number ~~awarded~~ assigned to the motorboat and the name and address of the owner.

(2) Before filing the application with the county treasurer, the applicant shall submit it to the county assessor, who shall enter on the application, in a space to

1 be provided for that purpose, the market value and taxable
2 value of the motorboat for the year for which the
3 application for registration is made.

4 (3) The applicant, upon the filing of the application,
5 shall pay to the county treasurer the registration fee and
6 the personal property taxes assessed against the motorboat
7 or vessel for the current year of registration before the
8 application for registration or reregistration may be
9 accepted by the county treasurer.

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

15 (5) If an agency of the United States government has
16 in force a comprehensive system of identification numbering
17 for motorboats in the United States, the numbering system
18 employed pursuant to this part by the division of motor
19 vehicles ~~shall~~ must be in conformity.

20 (6) Every certificate of number and the license decals
21 ~~awarded~~ assigned under this part ~~shall continue~~ continues in
22 effect for a period not to exceed 1 year unless sooner
23 terminated or discontinued in accordance with the provisions
24 of this part. Certificates of number and license decals
25 ~~shall~~ must show the date of expiration and may be renewed by

1 the owner in the same manner provided for in the initial
2 securing of the certificate.

3 (7) Certificates of number ~~shall~~ expire on April 30 of
4 each year and may not be in effect unless renewed under this
5 part.

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

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

1 (10) (a) The number awarded ~~assigned~~ must be painted
 2 on or attached to each outboard side of the forward half of
 3 the motorboat or, if there are no such sides, at a
 4 corresponding location on both outboard sides of the
 5 foredeck of the motorboat. The number awarded ~~assigned shall~~
 6 ~~must~~ read from left to right ~~be in Arabic numerals; in and~~
 7 block characters of good proportion at least 3 inches tall
 8 excluding border or trim of a color that contrasts with the
 9 color of the background and be so maintained as to be
 10 clearly visible and legible. The number may not be placed on
 11 the obscured underside of the flared bow where it cannot be
 12 easily seen from another vessel or ashore. No numerals,
 13 letters, or devices, other than those used in connection
 14 with the identifying number issued, may be placed in the
 15 proximity of the identifying number. No numerals, letters,
 16 or devices which ~~that~~ might interfere with the ready
 17 identification of the motorboat by its identifying number
 18 may be carried as to interfere with the motorboat's
 19 identification. No number other than the number and license
 20 decal awarded ~~assigned~~ to a motorboat or granted reciprocity
 21 under this part ~~shall~~ may be painted, attached, or otherwise
 22 displayed on either side of the forward half of the
 23 motorboat.

24 (b) The certificate of number shall be pocket size and
 25 available to federal, state, or local law enforcement

1 officers at all reasonable times for inspection on the
 2 motorboat whenever the motorboat is on waters of this state.

3 (c) Boat liveries are not required to have the
 4 certificate of number on board each motorboat, but a rental
 5 agreement must be carried on board livery motorboats in
 6 place of the certificate of number.

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

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

19 Section 3. Section 23-2-513, MCA, is amended to read:
 20 "23-2-513. Dealer's identification number. (1) A
 21 dealer or manufacturer may apply directly to the division of
 22 motor vehicles for one identifying number and one or more
 23 certificates of number. A dealer's or manufacturer's
 24 identifying number shall be displayed on his boat while the
 25 boat is operating for a purpose related to the buying,

1 selling, or exchanging of the boat by the dealer or
2 manufacturer.

3 (2) The application for a dealer's or manufacturer's
4 identifying number ~~shall~~ **must** include his name and business
5 address. Each dealer or manufacturer will have one
6 identifying number assigned to his business.

7 (3) An application for dealer's or manufacturer's
8 identifying number and certificate of number **must** be
9 accompanied by the following fees:

10 (a) for the identifying number, first certificate of
11 number, and set of license decals, \$5;

12 (b) for each additional certificate of number and set
13 of license decals applied for in any application, \$2.

14 (4) The division of motor vehicles shall issue
15 certificates of number for the identifying numbers ~~awarded~~
16 ~~assigned~~ to a dealer or manufacturer in the same manner as
17 provided in 23-2-512(1) and (10), as amended, except that no
18 boat ~~shall~~ **may** be described in the certificate and each
19 certificate ~~shall~~ **must** state that the identifying number has
20 been ~~awarded~~ ~~assigned~~ to a dealer or manufacturer. A
21 dealer's or manufacturer's certificate of number expires on
22 April 30 of the year for which it is issued.

23 (5) A dealer's or manufacturer's identifying number
24 shall be displayed in the same manner as provided in
25 23-2-512(10), as amended, except that the number may be

1 temporarily attached. The last three letters shall be "DLR"
2 for dealer and "MFR" for manufacturer. These letters shall
3 be included, respectively, in dealer or manufacturer
4 identification numbers only.

5 (6) No person other than a dealer or manufacturer or
6 an employee of a dealer or manufacturer may display or use a
7 dealer's or manufacturer's identifying number. A dealer's or
8 manufacturer's identifying number may be displayed only on
9 motorboats owned by the dealer or manufacturer.

10 (7) No dealer or manufacturer or employee of a dealer
11 or manufacturer may use a dealer's or manufacturer's
12 identifying number for any purpose other than the purpose
13 described in subsection (1) of this section."

14 Section 4. Section 23-2-514, MCA, is amended to read:
15 "23-2-514. Exemption from numbering provisions. A
16 motorboat ~~shall~~ **is** not be required to be numbered under this
17 part if it is:

18 (1) ~~already~~ covered by a number in full force and
19 effect ~~which that~~ has been ~~awarded~~ ~~assigned~~ to it pursuant
20 to federal law or a federally approved numbering system of
21 another state, provided that such vessel shall not have been
22 within this state for a period in excess of 60 consecutive
23 days. After 60 consecutive days within this state, this
24 state becomes the motorboat's state of principal use and the
25 owner **must** apply for a Montana number, certificate of

1 number, and license decal.

2 (2) a motorboat from a country other than the United
3 States temporarily using the waters of this state;

4 (3) a motorboat whose owner is the United States, a
5 state, or subdivision thereof;

6 (4) a ship's lifeboat."

7 Section 5. Section 23-2-529, MCA, is amended to read:

8 "23-2-529. Water skis and surfboards. (1) No person
9 may operate a motorboat or vessel on any waters of this
10 state for the purpose of towing a person or persons on water
11 skis, a surfboard, or similar device ~~or other contrivance~~
12 unless the operator is at least 12 years of age and there is
13 a second person, at least 12 years of age, in the vessel to
14 act as observer to observe the person being towed.

15 (2) No person may engage in waterskiing, surfboarding,
16 or similar activity or towing some other contrivances at any
17 time between the hours from 1 hour after sunset to 1 hour
18 before sunrise, except that this subsection does not apply
19 to a performer engaged in a professional exhibition or a
20 person engaged in a regatta or race authorized under this
21 part.

22 (3) All right-of-way rules applying to the a towing
23 vessel ~~shall~~ apply to a person being towed."

24 Section 6. Section 23-2-632, MCA, is amended to read:

25 "23-2-632. Unlawful operation on streets and highways.

1 ~~(1) It is unlawful for any a person to drive or operate any~~
2 a snowmobile upon ~~on~~ a public street or highway ~~in any one~~
3 ~~or more of the following manners:~~

4 ~~(1)(a) at a rate of speed greater than provided by law~~
5 for motor vehicles;

6 ~~(2)(b) while under the influence of intoxicating~~
7 liquor or narcotics or habit-forming drugs;

8 ~~(3)(c) in a careless or reckless manner so as to~~
9 endanger the person or property of another or to cause
10 injury or damage to either; or

11 ~~(d) if that person by reason of age or mental or~~
12 ~~physical disability is incapable of operating the snowmobile~~
13 ~~safely under the prevailing circumstances.~~

14 ~~(4)(2) It is unlawful operation of a snowmobile or~~
15 ~~permitting such to permit the operation of a snowmobile on a~~
16 ~~public street or highway by any a person who by reason of~~
17 age or physical or mental disability is incapable of
18 operating the snowmobile ~~as required for safety~~ safely under
19 the prevailing circumstances."

-End-

SENATE MEMBERS

CARROLL GRAHAM
CHAIRMAN

FRANK HAZEL BAKER
VICE CHAIRMAN

CHET BLAYLOCK

PAT M. GOODOVER

DIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

ELEANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

HOUSE MEMBERS

JOHN B. DRISCOLL

OSCAR KVAALEN

J. D. LYNCH

ROBERT L. MARKS

H. DAVID COGLEY
DIRECTOR, LEGAL SERVICES

ROBERT PERSON
DIRECTOR, RESEARCH

LC0005

1979 Legislature
Code Commissioner Bill - Summary

SENATE Bill No. 6

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO RECREATIONAL VEHICLES; AMENDING SECTIONS 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-529, 23-2-632, MCA.

Sections 1, 2, 3, and 4. 23-2-511, 23-2-512, 23-2-513, 23-2-514. In 1977 the legislature changed "awarding" to "assigned" in the definition section (23-2-502) of a boat certificate number. The amendments bring the other statutes dealing with boat certificate numbers into conformity with that change.

Section 5. 23-2-529. The words deleted from 23-2-529 are redundant. In addition, subsection (3) is amended in order to clarify that a person being towed by a boat is to follow the same right-of-way rules that govern the operation of the towing vessel.

Section 6. 23-2-632. Subsection (4) does not follow the introductory clause in 23-2-632. The proposed amendment rearranges the existing statute to clarify its meaning and makes minor grammatical changes.

Approved by Comm.
on Fish and Game

SENATE BILL NO. 6

INTRODUCED BY

[Handwritten Signature]

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO BOATS AND SNOWMOBILES; AMENDING SECTIONS 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-529, AND 23-2-632, MCA."

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

Section 1. Section 23-2-511, MCA, is amended to read:

"23-2-511. Operation of unnumbered motorboats prohibited — display of decals. (1) Every motorboat on the waters of this state, propelled by a motor or an engine of any description, shall must be properly numbered and display valid license decals. No person may operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and displays valid license decals in accordance with this part, in-accordance with applicable federal law, or in-accordance with a federally approved numbering system of another state and unless:

(a) the certificate of number awarded assigned to the motorboat is in full force and effect; and

(b) the identifying number set forth in the certificate of number and the valid license decals are

displayed on such motorboat.

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

Section 2. Section 23-2-512, MCA, is amended to read:

"23-2-512. Identification number. (1) The owner of each motorboat requiring numbering by this state shall file an application for number in the office of the county treasurer where the motorboat is owned or taxable on forms prepared and furnished by the division of motor vehicles. The application shall must be signed by the owner of the motorboat and shall be accompanied by a fee of \$1. Any alteration, change, or false statement contained in the application will render the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the division of motor vehicles, stating the number awarded assigned to the motorboat and the name and address of the owner.

(2) Before filing the application with the county treasurer, the applicant shall submit it to the county assessor, who shall enter on the application, in a space to

1 be provided for that purpose, the market value and taxable
2 value of the motorboat for the year for which the
3 application for registration is made.

4 (3) The applicant, upon the filing of the application,
5 shall pay to the county treasurer the registration fee and
6 the personal property taxes assessed against the motorboat
7 or vessel for the current year of registration before the
8 application for registration or reregistration may be
9 accepted by the county treasurer.

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

15 (5) If an agency of the United States government has
16 in force a comprehensive system of identification numbering
17 for motorboats in the United States, the numbering system
18 employed pursuant to this part by the division of motor
19 vehicles ~~shall~~ **must** be in conformity.

20 (6) Every certificate of number and the license decals
21 ~~awarded~~ **assigned** under this part ~~shall continue~~ **continues** in
22 effect for a period not to exceed 1 year unless sooner
23 terminated or discontinued in accordance with the provisions
24 of this part. Certificates of number and license decals
25 ~~shall~~ **must** show the date of expiration and may be renewed by

1 the owner in the same manner provided for in the initial
2 securing of the certificate.

3 (7) Certificates of number ~~shall~~ expire on April 30 of
4 each year and may not be in effect unless renewed under this
5 part.

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

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

1 (10) (a) The number ~~awarded~~ assigned must be painted
 2 on or attached to each outboard side of the forward half of
 3 the motorboat or, if there are no such sides, at a
 4 corresponding location on both outboard sides of the
 5 foredeck of the motorboat. The number ~~awarded~~ assigned shall
 6 ~~must~~ read from left to right ~~be~~ in Arabic numerals ~~in~~ and
 7 block characters of good proportion at least 3 inches tall
 8 excluding border or trim of a color that contrasts with the
 9 color of the background and be so maintained as to be
 10 clearly visible and legible. The number may not be placed on
 11 the obscured underside of the flared bow where it cannot be
 12 easily seen from another vessel or ashore. No numerals,
 13 letters, or devices other than those used in connection
 14 with the identifying number issued, may be placed in the
 15 proximity of the identifying number. No numerals, letters,
 16 or devices which ~~that~~ might interfere with the ready
 17 identification of the motorboat by its identifying number
 18 may be carried as to interfere with the motorboat's
 19 identification. No number other than the number and license
 20 decal ~~awarded~~ assigned to a motorboat or granted reciprocity
 21 under this part shall ~~may~~ be painted, attached, or otherwise
 22 displayed on either side of the forward half of the
 23 motorboat.

24 (b) The certificate of number shall be pocket size and
 25 available to federal, state, or local law enforcement

1 officers at all reasonable times for inspection on the
 2 motorboat whenever the motorboat is on waters of this state.

3 (c) Boat liveries are not required to have the
 4 certificate of number on board each motorboat, but a rental
 5 agreement must be carried on board livery motorboats in
 6 place of the certificate of number.

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

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

19 Section 3. Section 23-2-513, MCA, is amended to read:
 20 "23-2-513. Dealer's identification number. (1) A
 21 dealer or manufacturer may apply directly to the division of
 22 motor vehicles for one identifying number and one or more
 23 certificates of number. A dealer's or manufacturer's
 24 identifying number shall be displayed on his boat while the
 25 boat is operating for a purpose related to the buying,

1 selling, or exchanging of the boat by the dealer or
2 manufacturer.

3 (2) The application for a dealer's or manufacturer's
4 identifying number shall ~~must~~ include his name and business
5 address. Each dealer or manufacturer will have one
6 identifying number assigned to his business.

7 (3) An application for dealer's or manufacturer's
8 identifying number and certificate of number must be
9 accompanied by the following fees:

10 (a) for the identifying number, first certificate of
11 number, and set of license decals, \$5;

12 (b) for each additional certificate of number and set
13 of license decals applied for in any application, \$2.

14 (4) The division of motor vehicles shall issue
15 certificates of number for the identifying numbers ~~awarded~~
16 assigned to a dealer or manufacturer in the same manner as
17 provided in 23-2-512(1) and (10), as amended, except that no
18 boat shall ~~may~~ be described in the certificate and each
19 certificate shall ~~must~~ state that the identifying number has
20 been ~~awarded~~ assigned to a dealer or manufacturer. A
21 dealer's or manufacturer's certificate of number expires on
22 April 30 of the year for which it is issued.

23 (5) A dealer's or manufacturer's identifying number
24 shall be displayed in the same manner as provided in
25 23-2-512(10), as amended, except that the number may be

1 temporarily attached. The last three letters shall be "DLR"
2 for dealer and "MFR" for manufacturer. These letters shall
3 be included, respectively, in dealer or manufacturer
4 identification numbers only.

5 (6) No person other than a dealer or manufacturer or
6 an employee of a dealer or manufacturer may display or use a
7 dealer's or manufacturer's identifying number. A dealer's or
8 manufacturer's identifying number may be displayed only on
9 motorboats owned by the dealer or manufacturer.

10 (7) No dealer or manufacturer or employee of a dealer
11 or manufacturer may use a dealer's or manufacturer's
12 identifying number for any purpose other than the purpose
13 described in subsection (1) of this section."

14 Section 4. Section 23-2-514, MCA, is amended to read:

15 "23-2-514. Exemption from numbering provisions. A
16 motorboat shall ~~is~~ not be required to be numbered under this
17 part if it is:

18 (1) ~~already~~ covered by a number in full force and
19 effect which ~~that~~ has been ~~awarded~~ assigned to it pursuant
20 to federal law or a federally approved numbering system of
21 another state, provided that such vessel shall not have been
22 within this state for a period in excess of 60 consecutive
23 days. After 60 consecutive days within this state, this
24 state becomes the motorboat's state of principal use and the
25 owner must apply for a Montana number, certificate of

1 SENATE BILL NO. 6
 2 INTRODUCED BY Staff
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAW RELATING TO BOATS AND SNOWMOBILES; AMENDING
 7 SECTIONS 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-529,
 8 AND 23-2-632, MCA."

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

11 Section 1. Section 23-2-511, MCA, is amended to read:

12 "23-2-511. Operation of unnumbered motorboats
 13 prohibited -- display of decals. (1) Every motorboat on the
 14 waters of this state, propelled by a motor or an engine of
 15 any description, ~~shall~~ must be properly numbered and display
 16 valid license decals. No person may operate or give
 17 permission for the operation of any motorboat on such waters
 18 unless the motorboat is numbered and displays valid license
 19 decals in accordance with this part, ~~in accordance with~~
 20 applicable federal law, or ~~in accordance with~~ a federally
 21 approved numbering system of another state and unless:

22 (a) the certificate of number awarded assigned to the
 23 motorboat is in full force and effect; and

24 (b) the identifying number set forth in the
 25 certificate of number and the valid license decals are

1 displayed on such motorboat.

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

8 Section 2. Section 23-2-512, MCA, is amended to read:

9 "23-2-512. Identification number. (1) The owner of
 10 each motorboat requiring numbering by this state shall file
 11 an application for number in the office of the county
 12 treasurer where the motorboat is owned or taxable on forms
 13 prepared and furnished by the division of motor vehicles.
 14 The application ~~shall~~ must be signed by the owner of the
 15 motorboat and ~~shall~~ be accompanied by a fee of \$1. Any
 16 alteration, change, or false statement contained in the
 17 application will render the certificate of number void. Upon
 18 receipt of the application in approved form, the county
 19 treasurer shall issue to the applicant a certificate of
 20 number prepared and furnished by the division of motor
 21 vehicles, stating the number ~~awarded~~ assigned to the
 22 motorboat and the name and address of the owner.

23 (2) Before filing the application with the county
 24 treasurer, the applicant shall submit it to the county
 25 assessor, who shall enter on the application, in a space to

1 be provided for that purpose, the market value and taxable
2 value of the motorboat for the year for which the
3 application for registration is made.

4 (3) The applicant, upon the filing of the application,
5 shall pay to the county treasurer the registration fee and
6 the personal property taxes assessed against the motorboat
7 or vessel for the current year of registration before the
8 application for registration or reregistration may be
9 accepted by the county treasurer.

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

15 (5) If an agency of the United States government has
16 in force a comprehensive system of identification numbering
17 for motorboats in the United States, the numbering system
18 employed pursuant to this part by the division of motor
19 vehicles shall must be in conformity.

20 (6) Every certificate of number and the license decals
21 awarded assigned under this part shall ~~continue~~ continues in
22 effect for a period not to exceed 1 year unless sooner
23 terminated or discontinued in accordance with the provisions
24 of this part. Certificates of number and license decals
25 shall must show the date of expiration and may be renewed by

1 the owner in the same manner provided for in the initial
2 securing of the certificate.

3 (7) Certificates of number shall expire on April 30 of
4 each year and may not be in effect unless renewed under this
5 part.

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

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

1 (10) (a) The number awarded ~~assigned~~ must be painted
 2 on or attached to each outboard side of the forward half of
 3 the motorboat or, if there are no such sides, at a
 4 corresponding location on both outboard sides of the
 5 foredeck of the motorboat. The number awarded ~~assigned shall~~
 6 ~~must~~ read from left to right ~~be~~ in Arabic numerals ~~in and~~
 7 block characters of good proportion at least 3 inches tall
 8 excluding border or trim of a color that contrasts with the
 9 color of the background and be so maintained as to be
 10 clearly visible and legible. The number may not be placed on
 11 the obscured underside of the flared bow where it cannot be
 12 easily seen from another vessel or ashore. No numerals,
 13 letters, or devices other than those used in connection
 14 with the identifying number issued may be placed in the
 15 proximity of the identifying number. No numerals, letters,
 16 or devices which ~~that~~ might interfere with the ready
 17 identification of the motorboat by its identifying number
 18 may be carried as to interfere with the motorboat's
 19 identification. No number other than the number and license
 20 decal awarded ~~assigned~~ to a motorboat or granted reciprocity
 21 under this part ~~shall~~ may be painted, attached, or otherwise
 22 displayed on either side of the forward half of the
 23 motorboat.

24 (b) The certificate of number shall be pocket size and
 25 available to federal, state, or local law enforcement

1 officers at all reasonable times for inspection on the
 2 motorboat whenever the motorboat is on waters of this state.

3 (c) Boat liveries are not required to have the
 4 certificate of number on board each motorboat, but a rental
 5 agreement must be carried on board livery motorboats in
 6 place of the certificate of number.

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

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

19 Section 3. Section 23-2-513, NCA, is amended to read:
 20 "23-2-513. Dealer's identification number. (1) A
 21 dealer or manufacturer may apply directly to the division of
 22 motor vehicles for one identifying number and one or more
 23 certificates of number. A dealer's or manufacturer's
 24 identifying number shall be displayed on his boat while the
 25 boat is operating for a purpose related to the buying,

1 selling, or exchanging of the boat by the dealer or
2 manufacturer.

3 (2) The application for a dealer's or manufacturer's
4 identifying number shall ~~must~~ include his name and business
5 address. Each dealer or manufacturer will have one
6 identifying number assigned to his business.

7 (3) An application for dealer's or manufacturer's
8 identifying number and certificate of number must be
9 accompanied by the following fees:

10 (a) for the identifying number, first certificate of
11 number, and set of license decals, \$5;

12 (b) for each additional certificate of number and set
13 of license decals applied for in any application, \$2.

14 (4) The division of motor vehicles shall issue
15 certificates of number for the identifying numbers ~~awarded~~
16 assigned to a dealer or manufacturer in the same manner as
17 provided in 23-2-512(1) and (10), as amended, except that no
18 boat shall ~~may~~ be described in the certificate and each
19 certificate shall ~~must~~ state that the identifying number has
20 been ~~awarded assigned~~ to a dealer or manufacturer. A
21 dealer's or manufacturer's certificate of number expires on
22 April 30 of the year for which it is issued.

23 (5) A dealer's or manufacturer's identifying number
24 shall be displayed in the same manner as provided in
25 23-2-512(10), as amended, except that the number may be

1 temporarily attached. The last three letters shall be "DLR"
2 for dealer and "MFR" for manufacturer. These letters shall
3 be included, respectively, in dealer or manufacturer
4 identification numbers only.

5 (6) No person other than a dealer or manufacturer or
6 an employee of a dealer or manufacturer may display or use a
7 dealer's or manufacturer's identifying number. A dealer's or
8 manufacturer's identifying number may be displayed only on
9 motorboats owned by the dealer or manufacturer.

10 (7) No dealer or manufacturer or employee of a dealer
11 or manufacturer may use a dealer's or manufacturer's
12 identifying number for any purpose other than the purpose
13 described in subsection (1) of this section."

14 Section 4. Section 23-2-514, MCA, is amended to read:
15 "23-2-514. Exemption from numbering provisions. A
16 motorboat shall ~~is~~ not be required to be numbered under this
17 part if it is:

18 (1) ~~already~~ covered by a number in full force and
19 effect which ~~that~~ has been ~~awarded assigned~~ to it pursuant
20 to federal law or a federally approved numbering system of
21 another state, provided that such vessel shall not have been
22 within this state for a period in excess of 60 consecutive
23 days. After 60 consecutive days within this state, this
24 state becomes the motorboat's state of principal use and the
25 owner must apply for a Montana number, certificate of

1 number, and license decal.

2 (2) a motorboat from a country other than the United
3 States temporarily using the waters of this state;

4 (3) a motorboat whose owner is the United States, a
5 state, or subdivision thereof;

6 (4) a ship's lifeboat."

7 Section 5. Section 23-2-529, MCA, is amended to read:

8 "23-2-529. Water skis and surfboards. (1) No person
9 may operate a motorboat or vessel on any waters of this
10 state for the purpose of towing a person or persons on water
11 skis, a surfboard, or similar device ~~or other contrivance~~
12 unless the operator is at least 12 years of age and there is
13 a second person, at least 12 years of age, in the vessel to
14 act as observer to observe the person being towed.

15 (2) No person may engage in waterskiing, surfboarding,
16 or similar activity or towing some other contrivances at any
17 time between the hours from 1 hour after sunset to 1 hour
18 before sunrise, except that this subsection does not apply
19 to a performer engaged in a professional exhibition or a
20 person engaged in a regatta or race authorized under this
21 part.

22 (3) All right-of-way rules applying to the a towing
23 vessel ~~shall~~ apply to a person being towed."

24 Section 5. Section 23-2-632, MCA, is amended to read:

25 "23-2-632. Unlawful operation on streets and highways.

1 ~~(1) It is unlawful for any a person to drive or operate any~~
2 a snowmobile upon ~~on~~ a public street or highway ~~in any one~~
3 ~~or more of the following manners:~~

4 ~~(1)(a)~~ at a rate of speed greater than provided by law
5 for motor vehicles;

6 ~~(2)(b)~~ while under the influence of intoxicating
7 liquor or narcotics or habit-forming drugs;

8 ~~(3)(c)~~ in a careless or reckless manner so as to
9 endanger the person or property of another or to cause
10 injury or damage to either; or

11 ~~(d) if that person by reason of age or mental or~~
12 ~~physical disability is incapable of operating the snowmobile~~
13 ~~safely under the prevailing circumstances.~~

14 ~~(4)(2) It is unlawful operation of a snowmobile or~~
15 ~~permitting such to permit the operation of a snowmobile on a~~
16 ~~public street or highway~~ by any a person who by reason of
17 age or physical or mental disability is incapable of
18 operating the snowmobile ~~as required for safety~~ safely under
19 the prevailing circumstances."

-End-

1 SENATE BILL NO. 6

2 INTRODUCED BY GALT

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LAW RELATING TO BOATS AND SNOWMOBILES; AMENDING
7 SECTIONS 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-529,
8 AND 23-2-632, MCA."

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

11 Section 1. Section 23-2-511, MCA, is amended to read:

12 "23-2-511. Operation of unnumbered motorboats
13 prohibited -- display of decals. (1) Every motorboat on the
14 waters of this state, propelled by a motor or an engine of
15 any description, shall ~~must~~ be properly numbered and display
16 valid license decals. No person may operate or give
17 permission for the operation of any motorboat on such waters
18 unless the motorboat is numbered and displays valid license
19 decals in accordance with this part, ~~in--accordance~~ with
20 applicable federal law, or ~~in--accordance~~ with a federally
21 approved numbering system of another state and unless:

22 (a) the certificate of number awarded assigned to the
23 motorboat is in full force and effect; and

24 (b) the identifying number set forth in the
25 certificate of number and the valid license decals are

1 displayed on such motorboat.

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

8 Section 2. Section 23-2-512, MCA, is amended to read:

9 "23-2-512. Identification number. (1) The owner of
10 each motorboat requiring numbering by this state shall file
11 an application for number in the office of the county
12 treasurer where the motorboat is owned or taxable on forms
13 prepared and furnished by the division of motor vehicles.
14 The application shall ~~must~~ be signed by the owner of the
15 motorboat and shall be accompanied by a fee of \$1. Any
16 alteration, change, or false statement contained in the
17 application will render the certificate of number void. Upon
18 receipt of the application in approved form, the county
19 treasurer shall issue to the applicant a certificate of
20 number prepared and furnished by the division of motor
21 vehicles, stating the number awarded assigned to the
22 motorboat and the name and address of the owner.

23 (2) Before filing the application with the county
24 treasurer, the applicant shall submit it to the county
25 assessor, who shall enter on the application, in a space to

1 be provided for that purpose, the market value and taxable
2 value of the motorboat for the year for which the
3 application for registration is made.

4 (3) The applicant, upon the filing of the application,
5 shall pay to the county treasurer the registration fee and
6 the personal property taxes assessed against the motorboat
7 or vessel for the current year of registration before the
8 application for registration or reregistration may be
9 accepted by the county treasurer.

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

15 (5) If an agency of the United States government has
16 in force a comprehensive system of identification numbering
17 for motorboats in the United States, the numbering system
18 employed pursuant to this part by the division of motor
19 vehicles shall ~~must~~ be in conformity.

20 (6) Every certificate of number and the license decals
21 awarded ~~assigned~~ under this part shall ~~continue~~ ~~continues~~ in
22 effect for a period not to exceed 1 year unless sooner
23 terminated or discontinued in accordance with the provisions
24 of this part. Certificates of number and license decals
25 shall ~~must~~ show the date of expiration and may be renewed by

1 the owner in the same manner provided for in the initial
2 securing of the certificate.

3 (7) Certificates of number shall expire on April 30 of
4 each year and may not be in effect unless renewed under this
5 part.

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

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

1 (10) (a) The number awarded ~~assigned~~ must be painted
 2 on or attached to each outboard side of the forward half of
 3 the motorboat or, if there are no such sides, at a
 4 corresponding location on both outboard sides of the
 5 foredeck of the motorboat. The number awarded ~~assigned~~ ~~shall~~
 6 ~~must~~ read from left to right, be in Arabic numerals, in ~~in~~ ~~and~~
 7 block characters of good proportion at least 3 inches tall
 8 excluding border or trim of a color that contrasts with the
 9 color of the background, and be so maintained as to be
 10 clearly visible and legible. The number may not be placed on
 11 the obscured underside of the flared bow where it cannot be
 12 easily seen from another vessel or ashore. No numerals,
 13 letters, or devices, other than those used in connection
 14 with the identifying number issued, may be placed in the
 15 proximity of the identifying number. No numerals, letters,
 16 or devices which ~~that~~ might interfere with the ready
 17 identification of the motorboat by its identifying number
 18 may be carried as to interfere with the motorboat's
 19 identification. No number other than the number and license
 20 decal awarded ~~assigned~~ to a motorboat or granted reciprocity
 21 under this part ~~shall~~ ~~may~~ be painted, attached, or otherwise
 22 displayed on either side of the forward half of the
 23 motorboat.

24 (b) The certificate of number shall be pocket size and
 25 available to federal, state, or local law enforcement

1 officers at all reasonable times for inspection on the
 2 motorboat whenever the motorboat is on waters of this state.

3 (c) Boat liveries are not required to have the
 4 certificate of number on board each motorboat, but a rental
 5 agreement must be carried on board livery motorboats in
 6 place of the certificate of number.

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

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

19 Section 3. Section 23-2-513, MCA, is amended to read:
 20 "23-2-513. Dealer's identification number. (1) A
 21 dealer or manufacturer may apply directly to the division of
 22 motor vehicles for one identifying number and one or more
 23 certificates of number. A dealer's or manufacturer's
 24 identifying number shall be displayed on his boat while the
 25 boat is operating for a purpose related to the buying,

1 selling, or exchanging of the boat by the dealer or
2 manufacturer.

3 (2) The application for a dealer's or manufacturer's
4 identifying number shall ~~must~~ include his name and business
5 address. Each dealer or manufacturer will have one
6 identifying number assigned to his business.

7 (3) An application for dealer's or manufacturer's
8 identifying number and certificate of number must be
9 accompanied by the following fees:

10 (a) for the identifying number, first certificate of
11 number, and set of license decals, \$5;

12 (b) for each additional certificate of number and set
13 of license decals applied for in any application, \$2.

14 (4) The division of motor vehicles shall issue
15 certificates of number for the identifying numbers awarded
16 assigned to a dealer or manufacturer in the same manner as
17 provided in 23-2-512(1) and (10), as amended, except that no
18 boat shall ~~may~~ be described in the certificate and each
19 certificate shall ~~must~~ state that the identifying number has
20 been awarded assigned to a dealer or manufacturer. A
21 dealer's or manufacturer's certificate of number expires on
22 April 30 of the year for which it is issued.

23 (5) A dealer's or manufacturer's identifying number
24 shall be displayed in the same manner as provided in
25 23-2-512(10), as amended, except that the number may be

1 temporarily attached. The last three letters shall be "DLR"
2 for dealer and "MFR" for manufacturer. These letters shall
3 be included, respectively, in dealer or manufacturer
4 identification numbers only.

5 (6) No person other than a dealer or manufacturer or
6 an employee of a dealer or manufacturer may display or use a
7 dealer's or manufacturer's identifying number. A dealer's or
8 manufacturer's identifying number may be displayed only on
9 motorboats owned by the dealer or manufacturer.

10 (7) No dealer or manufacturer or employee of a dealer
11 or manufacturer may use a dealer's or manufacturer's
12 identifying number for any purpose other than the purpose
13 described in subsection (1) of this section."

14 Section 4. Section 23-2-514, MCA, is amended to read:
15 "23-2-514. Exemption from numbering provisions. A
16 motorboat shall ~~is~~ not be required to be numbered under this
17 part if it is:

18 (1) already covered by a number in full force and
19 effect which ~~that~~ has been awarded assigned to it pursuant
20 to federal law or a federally approved numbering system of
21 another state, provided that such vessel shall not have been
22 within this state for a period in excess of 60 consecutive
23 days. After 60 consecutive days within this state, this
24 state becomes the motorboat's state of principal use and the
25 owner must apply for a Montana number, certificate of

1 number, and license decal.

2 (2) a motorboat from a country other than the United
3 States temporarily using the waters of this state;

4 (3) a motorboat whose owner is the United States, a
5 state, or subdivision thereof;

6 (4) a ship's lifeboat."

7 Section 5. Section 23-2-529, MCA, is amended to read:

8 "23-2-529. Water skis and surfboards. (1) No person
9 may operate a motorboat or vessel on any waters of this
10 state for the purpose of towing a person or persons on water
11 skis, a surfboard, or similar device ~~or--other--contrivance~~
12 unless the operator is at least 12 years of age and there is
13 a second person, at least 12 years of age, in the vessel to
14 act as observer to observe the person being towed.

15 (2) No person may engage in waterskiing, surfboarding,
16 or similar activity or towing some other contrivances at any
17 time between the hours from 1 hour after sunset to 1 hour
18 before sunrise, except that this subsection does not apply
19 to a performer engaged in a professional exhibition or a
20 person engaged in a regatta or race authorized under this
21 part.

22 (3) All right-of-way rules applying to the a towing
23 vessel ~~shall apply to a person being towed.~~"

24 Section 6. Section 23-2-632, MCA, is amended to read:

25 "23-2-632. Unlawful operation on streets and highways.

1 ~~(1) It is unlawful for any a person to drive or operate any~~
2 ~~a snowmobile upon on a public street or highway in any one~~
3 ~~or more of the following manners:~~

4 ~~(1)(a) at a rate of speed greater than provided by law~~
5 ~~for motor vehicles;~~

6 ~~(2)(b) while under the influence of intoxicating~~
7 ~~liquor or narcotics or habit-forming drugs;~~

8 ~~(3)(c) in a careless or reckless manner so as to~~
9 ~~endanger the person or property of another or to cause~~
10 ~~injury or damage to either; or~~

11 ~~(d) if that person by reason of age or mental or~~
12 ~~physical disability is incapable of operating the snowmobile~~
13 ~~safely under the prevailing circumstances.~~

14 ~~(4)(2) It is unlawful operation of a snowmobile or~~
15 ~~permitting such to permit the operation of a snowmobile on a~~
16 ~~public street or highway by any a person who by reason of~~
17 ~~age or physical or mental disability is incapable of~~
18 ~~operating the snowmobile as required for safety safely under~~
19 ~~the prevailing circumstances."~~

-End-