SENATE BILL NO. 6<br>INTRODUCED BY GAIT

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 8, 1979

January 9, 1979

January 10, 1979

January ll, 1979
January 12,1979
January 13, 1979

January 15, 1979

March 3, 1979

March 5, 1979
March 7, 1979

Introduced and referred to Committee on Fish and Game.

On motion Senator Gait was added as author to the prefiled bill.

Committee recommend bill do pass. Report adopted.

Printed and placed on members' desks.

Second reading, do pass.
Considered correctly engrossed.
Third reading, passed. Transmitted to second house.

IN THE HOUSE
Introduced and referred to Committee on Fish and Game.

Committee recommend bill. be concurred in. Report adopted.

Second reading, concurred in.
Third reading, concurred in.

IN THE SENATE
March 8, 1979

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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        SENATE BILL ND. 6
    INTRODUCED by
        BY REQUEST OF THE CODE COMAISSIONER
    A bILL FOR AN ACY ENTITLED: MAN ACT TO GENERALLY rEviSE amD
    CLARIFY THE LAM RELATING III gIGATS AND SMOWHOBILES; AMEMOING
    SECTIOMS 23-2-511, 23-2-512, 23-2-513, 23-2-514* 23-2-529.
    ANO 23-2-632, MCA.*
    BE IT Emacted by the legislature of the state of montana:
        Section 1. Section 23-2-5li, MCA. is amended to readz
        -23-2-511. Operation of unmubered motorboats
    prohibited - display of decals. (1) Every motorbolat on the
    waters of this state, propelled by a motor or an engine of
    any description, shot+ must be properly numbered and display
    valid license decals. No person may oparate or give
    permission for the operation of any motorboat on such waters
    unless the motorboat is numbered and displays valld license
    decals in accordance with this part, Fn--aceovemee with
    applicable federal law, or in-recordence.with a federally
    approved numbering system of another state and unless:
        (a) the certificate of number mwerded 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 flicense decals are
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## displayed on such motorboat.

(2) Any person who operates 3 motorboat on the maters of this state without displaying the appropriate numbers and license decals as required by this section is puntshable by a fine not to exceed sto. Honever, the arresting officer way issue 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 requirimg numbering by this state shall flie an application for number in the office of the county treasuror where the motorboat is owned or taxabie on forms prepared and furnished by the division of motor vohiclese The application breth ust be signed by the owner of the motorborat and sheth be accompanjed by a fee of sie Any altaration. change, or false statement contained in the application will render the certiflicate of numer voide Upon receipt of the application in approved forme the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the division of motor vehicles, stating the number awerded assigned to the motorboat and the name and address of the ownere
(2) Beforefiling the application with the county treasurer. the applicant shali submit it to the county assessor. who shall enter on the applicationg in a space to
be provided for that purpose. the market value and taxable value of the motorboat for the year for which the application for registration is made.
(3) The applicant. upon the filing of the applicationt shall pay to the county treasurer the registration fee and the personal property taxes assessed against the motorboat or vessel for the current rear of reçistration before the application for registration or reregistration my be accepted by the county traasurer.
(4) Should the ownership of a motorbat change. a new appilication formwith fee shatt nust be filied within a reasonable tife with the country treasurer and a new certificate of number emerded assigned in the same maner as provided for in an or iginsl eword assignant of number.
(5) If an egency of the united states government has in force compronensive system of identification numbering for motorboats in the linted states. the numbering systen employed pursuant to this part by the division of motor venicles etwett must be in conformity.
(6) Every certificate of number and the license decals owerded assigned under this part shatt-eontimue continues In effoct for a period not to exceed 1 year unless seoner terminated or discontinued in accordance with the provisions of this parte Certificates of number and iicense decals shett must show the date of expiration and may be renewed by

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the owner in the same mammer provided for in the initial

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the owner in the same mammer provided for in the initial
securing of the certificate.
securing of the certificate.
(7) Certificates of number shot7 expire on April 30 of
(7) Certificates of number shot7 expire on April 30 of
each year and may not be in effect unless renewed under this
each year and may not be in effect unless renewed under this
part.

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part.
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(8) In event of transfer of ownership, the purchaser shali furnish the county creasurer notice within a reasoncble $t$ ae of the acquisition of all or any part of his interest, oth $r$ than the creition of a security interest. in a motorboat umbered in tiis state or of the loss, theft. destruction, or abandonment of the motorboat. The transfer, lossp theft, destructionp or abandonemt terminates the certificate of number for the motorboat. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat does not terminate the certificate of number.
(9) A nolder of a certificate of number shall notify the county treasurer within reasonable time if his address no longer conforms to the address appearing on the certificate and furnish the county treasurer with his new address. The division of motor vehicles may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the now address or the alteration of an outstanding certificate to show the new address of the holder:

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1 furnish the county creasurer notice wfthin a
gestruction, or abandonment of the motorboat. The transfer,
gestruction, or abandonment of the motorboat. The transfer,
ossp theft, destruction, or abandon⿻ent terminates the

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ossp theft, destruction, or abandon⿻ent terminates the
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(10) (a) The number eworded assigned must be painted on or attached to each outboard side of the forward half of the motorboat or, if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motorboat. The number ewarted assloned shett must read from left to righty be in Arabic nuseralstin and block characters of good proportion ot least 3 inches tall excluding border or trimp of color that contrasts with the color of the backgroundy and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. No numerals. letters, or devicesp other than those used in connection with the identifying number issuedv may be placed in the proximity of the identifying number. No mumerals, letterso or devices whith that wight interfere with the ready identification of the motorboat by its identifying number may be carried as to interfere with the eotorboat's identification. No number other than the number and license decal awerded assigned to a motorboat or granted reciprocity under this part shott may be painted, attached, or othervise displayed on either side of the formard half of the motorboat.
(b) The certificate of number shall be pocket size and available to federal. state, or local 1 aw enforcoment
officers at all reasonable times for inspection on the motorboat whenever the motorboat is on maters of this statee
(c) Boat liveries are not required to have the certificate of number on soard each motorboat* but a rental agreement must be carried on boardivery motorboats in place of the certificate of number.
(11) Fees collected under this section shall be transaitted to the state treasurer who shall deposit the fees in the motorboat certificate identification account of an earmarked revenue fund. These fees shall be used only for the administration and enforcement of this part, as amendede
(12) An owner of a motorboat must within a reasonable time notify the division of motor vehicles, giving the motorboat's identifying nuaber and the owner's name when that motorboat becomes docueented as a vessel of the United States or is transferred, loste destroyed. abandoned, or frauded or within 60 days after change of state of princtipal use."

Section 3. Section 23-2-513, MCA, is amended to read:
-23-2-513. Dealer"s identification number. (i) A dealer or manufacturer may apply directly to the division of motor vehicles for one identifying number and one or more certificates of number. A dealer's or manufacturer"s ldentifying number shall be displayed on his boat while the boat is operating for d purpose related to the duying,

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selling, of exchanging of the boat by the deater or manifacturer.
(2) The application for a dealer's or manufucturer's identffying number stmett mist include his name and business address. Each dealer or mafufacturer will have one Identifying number assiymed to his business.
(3) An application for dealiers or manufacturer*s Identifying number and certificate of number must be accompaniad by the following fees:
(a) for the identifying number, first certificate of number, and set of license decals, 35 :
(b) for each additional certificate of mumbar and set of license decals applied for in any application. \(\$ 2\).
(4) The division of motor vehicles shall issue certificates of number for the identifying numbers ewered assionad to a deajer or manufacturer in the same manner as provided in 23-2-512(1) and (10) : as amended, except that no boat shoty max be described in the certificate and each certificate shoty mat state that the identifying number has been ewerded ascioned to a dealer or eanufacturere A dealer's or maffacturer's certificate of number expires on April 30 of the year for which it is issued.
(5) A dealer's or mandacturer"s identifying number stall be displayed in the sdafe monner as provided in 23-2-512(10), as amended, except that the number way be
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temporarily attached. The last three letters shall be wolqw -or dealer and mpr" for mánufacturer. These letters shall be inciuded, respectively, in dealer or mamfacturer identification numbers only.
(6) No person other than dealer or manufacturer or an employee of a dealer or manflacturer may display or use a dealef's or nanufaciurer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats oned by the dealr $r$ or manufacturere
(7) No dealer or safuffeturer or employee of a dealer or ammfacturer may use a dealer's or manufacturer"s Identifylng number for any purpose other than the purpose described in subsection \{1\} of this section. $=$
section 4. Section 23-2-514, MCA, is amended to read:
-23-2-514. Exemption from numbering provisions. A motorboat shett is not bequired to be numbered under this part if it is:
(1) etreedy covered oy a number in full force and effect whteh that has been ewerded assioned to it pursuant to federal law or a federally approved numbering system of anothef statep provided that such vessel shall not have been within this state for a priod in excess of 60 consecutive days. After 60 consecurtive days within this state, this state becomes the motorboat's state of principal use and the owner must apply fur a Montana number, certificate of

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number, and license decal.
    (2) a motorboat from a country other than the United
States temporarily using the waters of this state;
    (3) a motorboat whose owner is the united states, a
stateg or subdivision thereof;
    (4) a ship's Jifeboat.*
    Section 5. Section 23-2-529, MCA, is amended to read:
    -23-2-529. Water skis and surfboards. (1) No person
may operate a motorboat or vessel on any waters of this
state for the purpose of towing a person or persons on water
skist a surfboard, or similar device or-fotlop--eontrutwence
unless the operator is at least 12 years of age and there is
a second person, at least }12\mathrm{ years of age, in the vessel to
ect-as-observer to observe the person being towed.
(2) No person may engage in watersking, surfboarding, or siailar activity or towing some other contrivances at any time between the hours from 1 hour after sunset to 1 hour before sunrise, except that this subsection does not apply to a performer engaged in a professional exhibtition or a person engaged in a regatta or race authorized under thls part.
(3) All right-of-way rules applying to the a towing vessel shatt apply to a person being tened."
Section 5. Section 23-2-632, MCA, is amended to reada
"23-2-632. Unlawful operation on streets and highways.
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a snowmobile upen on a publice street or highway fon-ony-one
or-more-of-the-folthowing-merners {
t+lal at a rate of speed greater than provided by law for motor vehicles;
titibl while under the infiuence of intoxicating 1 lquar or norcotics or habit-foreling drugs:
trifl in careless or reckiess manner so as to endanger the person or property of another or to cause Injury or damage to either ; or
Ldi_uf that pacson_by reason of nge_or mentalor physicaldisablify_ls incapabla of operatiog the sogmoblia safely under the prexallion_ciccunstances a
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## -End-


State $\mathscr{C}_{\text {appital }}$
Helma, 5lliol
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RORERTA MOODY
DIRFGTOM. LFGISLATIVE SEFVICFS

## house members

JOHN E DRISCOLI
OSCAR KVAALEN
JD LYNCH
ROBERT L. MARKS
H. DAVID COGLEY DIRECTOR LEGAL SERVICES
ROBERT PERSON DIRECTOA, RESEARCH

1979 Legislature
Code Commissioner Bill - Summary
SENATE Bill NO. 6
AN ACT TO GENERALLY REVISE AND CIARIFY THE LAW RELATING TO
RECREATIONAI VFHICT.FS; AMENDING SFCTIONS 23-2-51.1, 23-2-512,
$23-2-513,23-2-514, ~ 23-2-529, ~ 23-2-632, ~ M C A . ~$

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 cortificate 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

displayed on such motorboat.
(2) Any person who operates a motorbot 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 s10. 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 requifing 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 atrety astst be signed by the owner of the motorboat and smatt be accompanied by a fee of sle Any alteration, change, or false statement contained in the application will render the certificate of number vold. Upon recejpt of the application in approved formp the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the division of motor vehicies. stating the number ewerded assigned to the motorboat and the name and address of the owner.
(2) Beforefiling the application with the county tredsurer, the applicant shall submit it to the county assessor. mo shall enter on the application. in a space to
be provided for that furpose, the ararket value and taxable value of the motorboat for the year for which the application for registration is made.
(3) The applicant, upon the filing of the application, shall pay to the county treasurer the registration fee and the personal property taxes assessed against the motorboat or vessel for the current year of registration before the application for registration or reregistration may be accepted by the county treasurer.
(4) Should the ownership of motorboat changep a new application form witt fee shoty mast be filed within a reasonable time with the county treasurer and a new certificate of number oworded assioned in the same manmer as provided for in an originil eword assignent of number.
(5) If an agency of the United states government has in force a comprohensive system of identification nuabering for motorboats in the United states, the numbering system employed pursuant to this part by the division of motor vehicles shott mist be in conformity-
(6) Every certificate of number and the license decals owerded assigned under this part shot+-eontinue contiaues in effect for a period not to exceed 1 year unless seener terminated or discontinued in accordance with the provisions of this part. Certificates of mumber and license decals shett must show the date of expiration and may be renewed by
the owner in the same maneer provided for in the initidt securing of the certificate.
(7) Certificates of number shott expire on April 30 of each year and may not be in effect unless renewed under this part.
(8) In event of transfer of ownershipe the purchaser shall furnish the county treasurer notice within a reasonable time of the acıuisition of all or any part of his interestr other than the creation of a security interest. in a motorboat numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat. The transfer. lossp theft, destruction, or abandonment terminates the certificate of number for the motorboat. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat does not terminate the certificate of number.
(9) A holder of a certificate of number shall notify the county treasurer mithin reasonable time if his address no longer conforms to the address appearting on the certificate and furnish the county treasurer with his new adgress. The division of motor venicies may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holdtar.
(10) (a) The number emerted assigoed must be painted on or attached to each outboard side of the formard half of the motorboat or. if there are no such sides. at a corresponding location on both outboard sides of the foredeck of the motorboat. The number ewerded assloned shett must read from left to rifhtrbe in Arabic numeralsoth and block characters of good proportion at least 3 inches tall excluding border or triat of a color that contrasts with the color of the backgrounds and be so maintalined as to be clearly vistble and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. No numerals. lettersp or devicest other than those used in connection with the identifying number issuedv may be placed in the proximity of the identifying number. No mumerals. letters* or devices wien that aight interfere with the ready identification of the motorboat by its identifying number way be carried as to interfere with the motorboat's Identification. No number other than the number and license dacal ewarded assigned to a motorboat or granted rec $\ddagger p r o c i t y$ under this part shett may be palnted, attached, or otherwise displayed on either side of the forward half of the notorboat.
(b) The certificate of number shall be pocket size and avallable to federal, statep or local law enforcement
officers at all reasonable times for inspection on the motorboat whenever the motorboat is on waters of this state.
(c) Boat liveries are not required to have the certificate of number on board each motorboat, but a rental agreement must be carried on board livery motorboats in place of the certificate of number.
(11) Fees collected under this section shall be transmitted to the state treasurer who shall deposit the fees in the motorboat certificate identification account of an earmarked revenue fund. These fees shall be used only for the administration and enforcement of this part. as amended.
(12) An owner of a motorboat must within a reasonable time notify the division of motor vehiclesp giving the motorboat's identifying number and the owner*s name when that motboat becomes documented as a vessel of the United States or is transferrede lost, destroyed, abandoned, or frauded or within 60 days after change of state of principal use.

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=23-2-si3. Dealer's identification numbere (1) A dealer or marufacturer may apply directly to the division of motor vehicles for one identifying muber and one or more certificutes of numioer. A dealer"s or manufacturer"s identifying number shall be displayed on his boat while the bodt is operating for d purpose related to the ouying,


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selling, or exchanging of the boat by the dealer or
manufacturer*
    (2) The application for a dealer's or manufacturer*s
identifying number shat+ must include his name and businoss
address. Each dealer or mamufacturer will have one
identifying number assigned to his bustmess.
    (3) An epplication for dealer"s or manufacturer's
identifring number and certificate of number must be
accompanied by the following fees:
    (a) for the identifying number, first certificate of
number, and set of license decals, 55:
(b) for each additional certificate of number and set of license decals applied for in any application, s2.
(4) The division of motor vehicles shall issue certificates of number for the identifying numbers amorded assigned to a dealer or manufacturer in the same oanner as provided in 23-2-512(1) and (10), as amended, except that no boat shetf may be described in the certificate and each certificate shoty must state that the identifying number has been owarded assigned to a dealer or earmfacturer. A dealer's or manufacturer's certificate of number expires on April 30 of the year for which it is issued.
(5) A dealer's or manufacturer's identifying number shall be displayed in the same manner as provided in 23-2-512(10). as amended, except that the number may be
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temporarily dttachect. The last thre letters shall be mokn for dealer and "MFR" for mafacturer. These letters shall be included. respectively, in dealer or manfacturer identification numbers onlye
(6) No person other than dealer or manufacturer or an employee of a dealer or manufacturar may display or use a dealer's or anmufacturer"s identifying number. A dealer's or nanufacturer"s identifying number may be displayed only on motorboats owned by the dealer or manufacturer.
(7) No dedier or marmfacturer or employee of a dealer or manufacturer may use a dealer's or manufactureris identifying number for any purpose other than the purpose described in subsection (l) of this section."

Section 4. Section 23-2-514. MCA, is amended to read:
23-2-514. Exemption from numbering provisions. a motorboat shett ix not be required to be numbered under this part if it is:
(1) otreedy covered by a number in full force and effect whten that has been ewerted assigned to it pursuant to federal law or a federally approved numbering system of arother statif provided that such vessel shall not have been within this state for ariod in excess of 60 consecutive days. After so consecutive days within this state, this state becomes the motorbort's state of principal use and the owner must apply fur a Hontana number; certificate of
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AND 23-2-632. MCA.*
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-23-2-511. Operation of unnumbered motorboats
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motorboat is in full force and effect; and
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(b) the identifying number set forth in the
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(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."

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THIRD READING
> be provided for that purpose, the mefket value and taxable value of the notorboat for the vear for which the application for registration is mace.
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> (4) Should the ownership of a motorboat changet an application form with fee shetf mast be filed within a reasonable time with the county treasurer and new certificate of number ererded inslogitit in the samm manner as provided for in an originsi eword assigiant of mumber
> (5) If an agency of the United States governeent has in force a comprehensive system of identification mumering for motorboats in the Uhited states. the numbering system employed pursuant to this part by the division of motor vehicles ohoty mast be in conformity.
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[^0](10) (a) The number awarded ascloned must be painted on or attached to each outboard side of the forward half of the motorboat org if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motor boat. The number merced afsionad stool must read frow left to rightp-te in arabic numeralsw-th and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. mo numerals letters. or devices other than those used in connection with the identifying number issued v may be placed in the proximity of the identifying number. No numerals, letters. or devices witch that wight interfere with the ready identification of the motorboat by its identifying number may be carried as to interfere with the motorboat "s Identification. No number other than the number and lIcense decal amended assigned to a motorboat or granted reciprocity under this part mot may be painted, attached, or otherwise displayed on either side of the forward half of the motorboat.
(b) The certificate of number shall be pocket size and available to federation state, or local lam enforcement
officers at all reasonable times for inspection on the motorboat whenever the motorboat is on maters of this state.
(C) Boat liveries are not required to have the certificate of number on board each motorboat. but a rental agreement must be carried on board livery motorboats in place of the certificate of number.
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Section 3. Section 23-2-513, NCA, is amended to reads
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selling, or exchanging of the boat by the tealer or
manufacturer.
(2) The application for dealer's or manufacturer's identifying number shoti must include his name and business addresse Eech dealer or manfacturer will have one Identifying number assigned to his businesse
(3) An application for dealer's or manufacturer"s identifying number and certificate of number must be accompanied by the following fees:
(a) for the identifying number, first certificate of number, and set of 1 icense decals. 35 :
(b) for each additional certificate of number and set of license decals applied for in any applicationy s2.
(4) The division of motor vehlcles shall issue certificates of number for the identifying numbers emerded assioned to a dealer or monufacturer in the same earmer as provided in 23-2-512(1) and (10), as amended, except that no boat shott aly be described in the certificate and each certificate shott mint state that the identifying number mas been merded assizned to a dealer or eamufacturere A dealer"s or manufacturer's certificate of number expires on April 30 of the year for which it is issuede
(5) A dealer's or mamifacturer's identifying number shall be displayed in the same manner as provided in 23-2-512(10), as amended, except that the number may be
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temporarily ateached. The last three letters shall be min" Por dealer and mifR for monfacturer. These letters shall be includede respectively in dealer or manufacturer identificistion numbers only.
16) No person other than a dealer or mamsfacturer or an employee of a dealer or manufacturer may oisplay or use a dealer"s or manufacturer's identifying numbere A dealer*s or manufacturer's identifyink number may be displayed only on motorboats omed by the dealer or manufacturer.
(1) No dealer or monfacturer or employee of a deater or mamufacturer may use a dealer's or mamfacturer"s Identifying number for any purpose other than the purpose described in subsection (1) of this section."

Section 4. Section 23-2-514. MCA. is amended to read:
-23-2-514. Exemption from numbering provisions. A motorboat shat is not be required to be numbered under this part if it is:
11) etreety covered by a number in full force and effect whteh that has been merted assioned to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of 60 consecutive days. After 60 consecutive days within this state, this state becomes the motorboat's state of principal use and the owner must apply fur o Montana number, certificate of

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number. and license decal.
    (2) a motorboat from a country other than the United
States temporarily usin\j the maters of this state;
    (3) motorboat whose omner is the United Statest a
staten or subdivision thereof;
    (4) a ship's lifeboat.**
    Section 5. Section 23-2-529, MCA, is amended to read:
    m23-2-529. Water skls and surfboards. (1) Mo person
may operate a motorboat or vessel on any maters of this
state for the purpose of towing a person or persons on water
skise a surfboard, or slmilar device or--ether--eont-ivomee
unless the operator is at least }12\mathrm{ years of age and there is
a second person, at least }12\mathrm{ years of dge, in the vessel to
ect-es-observer to observe the person being towede
(2) No person may engage in waterskilinge surfboardinge or similar activity or towing some other contrivances at any time between the hours from 1 hour after sunset to 1 hour before sunrise. except that this subsection does not epply to performer engaged in a professional exhibition or a person engaged in a regatta or race authorized under this part.
(3) All right-of-may rules applying to the a towing vessel that doply to_a_perton beingi_torede"
Section b. Section 23-2-632, MCAp is amended to readz
-23-2-632. Unlawful operation on streets and highwayse
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U1 It is unlawful for eny a person to ortwe-er operate eny a snowmobile upon on public street or highway fromy-one of-wore-of-the-fottowing-monners:
t+f(a) at a rate of speed greater than provided by law for motor vehicles;
titibl while under the influence of intoxicating liquor or narcotics or mabit-forning drugs;
tstici in a careless or reckless manner so as to endanger the person or property of another or to cause injury or damage to either: or

Cif_if that person by ceason of age_or mental_or phyaical_disability is incapable_of operating the snomoblle safaly under the prexalling_circutstaticase

 pablicestreat or highmay by ont a person who by reason of age or physical or mental disability is incapable of operating the snommotile tor-pequired-fer-tefety yafely under the prevaliling circumstances."
-End-

SENATE BILL NO. 6
introduced by galt
by Request of the code comaissioner

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A BILL FOR AN ACT ENTITLED: EAN ACT TO GENERALLY REVISE AND Clarify the lan relafing to boats and snowmobiles; amending SECTIONS 23-2-511. 23-2-512. 23-2-513. 23-2-514, 23-2-529. ANO 23-2-632, MCA.*
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be it enacteo by the legistature of the state of montana:
Section 1. Section 23-2-511, MCAs is amended to read:
m23-2-511. Operstion of umumbered motorboats pronibited -- display of decalse (1) Every motorboat on the waters of this state propelled by motor or an engine of any description, shsit mast be properly numbered ant display valid license decals. Mo 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, +m-ereeopdence with applicable federal law or in-eceordence with a federally approved numbering system of another state and unless:
(a) the certificate of number eworded 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 motorboate

(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 sio. However, the arresting officer may issue a courtesy citation in lieu of the penalty prowided for in this subsections*

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 couhty treasurer where the motorboat is owned or taxable on forms prepared and furnished by the division of motor vehicles. The application shotz lust be signed by the owner of the motorboat and she 77 be accompanied by a fee of si. Any alteration, changer or false statement contained in the application will render the certificate of number void. Upon receipt of the application in approved fors. the county treasurer shall issue to the applicant certificate of number prepared and furnished by the division of motor vehicles: stating the number ararded assigned to the motorboat and the name and address of the owner.
(2) Beforefiling 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
be provided for that purposet the market vilim and taxible value of the motorboat for the year for which the application for registration is made.
(3) The applicant, upon the filing of the application, shall pay to the county treasurer the registration fee and the personal property taxes assessed against the motorboat or vessel for the current year of registration before the application for registration or reregistration may be accepted by the county treasurer.
(4) Should the ownership of a motorboat change, a new application form with fee shetl mast be filed within a reasonable time with the county treasurer and a new certificate of number morded assigned in the same manner as provided for in an original emard astignant of number.
(5) If an agency of the United States government has in force comprehensive system of identification numbering for cotorboats in the United States* the numbering system employed pursuant to this part by the division of motor vehicles shat* must be in conformity.
(6) Every certificate of number and the license decals oworded assigned under this part shozt-eontimoe continues in effect for a period not to exceed 1 year unless sooner terminated or discontinued in accordance with the provisions of this part. Certificates of number and license decals shatt nust show the date of expiration and may be renewed by
the owner in the same manner provided for in the initial securing of the certificate.
(7) Certificates of number shott expire on april 30 of each year and may not be in effect unless renewed under this part.
(8) In event of transfer of ownership, the purchaser shall furnish the county treasurer notice within a reasonabie time of the acquisition of all or any part af his interest, other than the creation of a security interest, in a motorboat numbered in this state or of the loss, theft, destruction. or abendonment of the motorboat. The transfer. loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorbat does not terminate the certificate of number.
(9) A holder of a certificate of number shall notify the county treasurer within reasonable time if his address no longer conforms to the address appearing on the certificate and furnish the county treasurer with his new address. The division of motor vehicles may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new oddress or the alteration of an outstanding certificate to show the new address of the holder.
(10) (a) Tine number amorded assigated must be painted on or attached to each outboard side of the formard half of the motorboat or, if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motorboat. The number awerded assigned shett must read from left to rightr-be in Mrabic numeralstin and block characters of good proportion at least 3 inches tall excluding border or trime of color that contrasts with the color of the backgrounds and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the fliared bow where it cannot be easily seen from another vessel or asnore. No numerals, letters, or devicesy other than those used in connection with the identifying number issuedv may be placed in the proximity of the identifying number. Mo numeralist letters; or devices whith that might interfere with the ready identification of the motorboat by its identifying number may be carried as to interfere with the motorboat's identification. No number other than the number and license decal aworded assigned to a motorboat or granted reciprocity under this part shatt nay be painted, attached, or otherwise displayed on either side of the formard half of the motorboat.
(D) The certificate of number shall be pocket size and available to federaly stater or local law enforcement
officers at all reasonable times for inspection on the notorboat whenever the motorboat is on waters of this state.
(c) Boat liveries are not required to have the certificate of number on board each motorboat, but a rental agreement must be carried on board livery motorboats in place of the certificate of number.
(11) Fees collected under this section shall be transmitted to the state treasurer who shall deposit the fees in the motorboat certificate identification account of an earmarked revenue fund. These fees shall be used only for the administration and enforcement of this part. as amended.
(12) An owner of a motorboet must within reasonable time notify the division of motor vehicles, giving the motorboat's identifying number and the owneris name when that motorboat becomes documented as a vessel of the united States or is transferred, lost, jestroyed, abandonedy or frauded or within 60 days after change of state of principal use."

Section 3. Section 23-2-513. mCA, is amended to read:
-23-2-513. Dealer's identification number. (1) A dealer or manufacturer may apply directiy to the division of eotor venicles for one identifying number and one or more certificates of numer. A dealer's or manufacturer"s identifying number shall be displayed on his boat wile the boat is operating for a purpose related to the buying.
selling. or exchanging of the boat by the dealer or
manafacturer.
(2) The application for a dealer*s or manufacturer*s
identifying number she7t must include his name and business
address. Each dealer or manufacturer will have one
identifying number assigned to his business.
(3) An application for dealer"s or manufacturer's
identifying number and certificate of number must be
accompanied by the following fees:
(a) for the identifying number, first certificate of
number, and set of license decals, ss;
(b) for ach additional certificate of number and set
of license decals epplied for in eny epplicetion. s2.
(4) The division of motor venicles shall issue
certificates of number for the identifying numbers ewarded
assigned to a dealer or manufacturer in the same manner as
provided in 23-2-512(1) and (10); as amended, except that no
boat shott bay be described in the certificate and each
certificate shell mast state that the identifying number has
been owerted assigata to a dealer or manufacturer. A
dealer's or manfacturer"s certificate of number expires on
April 30 of the year for which it is issued.
(s) A dealer's or manafacturer"s identifying number
shall be displayed in the same manner as provided in
23-2-512(10), as amended, except that the number may be
temporarily attached. The last three letters shall be mDLR" for dealer and mmFR" for manufacturer. These letters shall be included. respectively. in dealer or mamfacturer identification numbers only.
(6) No person other tham a dealer or manufacturer or an employee of a dealer or manufacturer may display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats omed by the deafer or manufacturer.
(T) No dealer or manufacturer or employee of a dealer or manufacturer may use a dealer's or manufacturer"s identifying number for any purpose other than the purpose described in subsection (1) of this section.*

Section 4. Section 23-2-514. MCA. is amended to read:
-23-2-514. Exemption from numbering provisions. motorboat she7t is not be required to be numbered under this part if it is:
(1) otready covered by a number in full force and effect mhreh that has been aworded assigned to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of 60 consecutive dayse After 60 consecutive days within this state, this state Decomes the motorboat's state of principal use and the owner must apply for a Montana number, certificate of

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number, and license decal.
    (2) a motorboat from a country other than the United
States temporarily using the waters of this state;
    (3) a motorboat mhose owner is the United States, a
statez or subdivision thereof;
    (4) a ship's lifeboat.*
    Section 5. Section 23-2-529, MCA, is amended to read:
    N23-2-529. Water skis and surfboards. (1) No person
may operate a motorboat or vessel on any waters of this
state for the purpose of towing a person or persons on water
skist a surfboard, or similar device or--otmer--eontrivanee
unless the operator is at least }12\mathrm{ years of age and there is
a second person, at least l2 years of age, in the vessel to oct-as-observer to observe the person being towed.
(2) No person may engage in waterskiing, surfboarding, or similar activity of towing some other contrivances at any time between the hours from 1 hour after sunset to 1 nour before sunrise. except that this subsection does not apply to a performer engaged in a professional exhibition or a person engaged in a regatta or race authorized under this part.
(3) All right-of-way rules applying to the a towing vessel shatz apply tonaperson being_tared."
Section 6. Section 23-2-632, MCA, is amended to read:
"23-2-632. Unlawful operation on streets and highways.
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11) It is unlawful for any a person to drive-or operate any a snommobile upen on a public street or highway tn-any-one or-more-of-the-fot 7 owing-monners:
ttilal at a rate of speed greater than provided by law for motor vehiclest
tetibl while under the influence of intoxicating liquor or narcotics or habit-forming drugs;
t3ticl in a careless or reckless mamer so as to endanger the person or property of another or to cause injury or damage to either; or
(d) if that parson_by crason_of an or mantal_or physical_dieablity_is_iocapable_of operating_the_snounobile safalx_under the orexailing_circunctancesa
t47121 1t_is ualayful operotion--of--a--snowmobite--or permitting-sueh to-pernit_the operation of a_soownhile_ona public_streat_or_bigbray by eny a person who by reason of age or physical or mental disability is incapable of operating the snownobite as-requtred-for-sofety safely under the prevailing circumstances."

[^0]:    the owner in the sama manmer provided for in the initial securing of the coftificate.
    (7) Certificates of number strott expife on April 30 of each year and may not be in effect unless renewed under this part.
    (8) In event of transfer of ownershipe the purchaser shall furnish the county treasurer notice within a ressonable time of the açuisition of all or any part of this intarest. other than the creation of a security intereste in a motorboat numbered in this state or of the losse thefte destruction, or abandonment of the motorboat. The eransfer. losse theft, destructiong or abandonment terninates the certificate of number for the motorboat. Recovery from theft or transfer of a part interest that does not affect the owner"s right to operate the motorboat does not terminate the certificate of number.
    (9) A holder of a cortificate of number shall notify the county treesurer within reasonable time if his address no longar conforms to the address appearing on the certificate and furnish the county treasurer with his new address. The division of motor vehicles may provide by rule for the surrender of the certificate bedring the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

