

SENATE BILL NO. 243

INTRODUCED BY VAUGHN, LYBECK, DARKO, PETERSON,
JONES, HARPER, ANDERSON, LYNCH, E. SMITH, MENAHAN,
BRANDEWIE, C. SMITH

IN THE SENATE

JANUARY 29, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 18, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1987	PRINTING REPORT.
FEBRUARY 20, 1987	SECOND READING, DO PASS.
FEBRUARY 21, 1987	ENGROSSING REPORT.
FEBRUARY 23, 1987	THIRD READING, PASSED. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
MARCH 5, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1987	SECOND READING, CONCURRED IN.
MARCH 9, 1987	THIRD READING, CONCURRED IN. AYES, 71; NOES, 26. RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1987	RECEIVED FROM HOUSE. SENT TO ENROLLING.
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1 *Senate* BILL NO. *243*
 2 INTRODUCED BY *Thughan, Lyub, Marko Peterson*
 3 *Harper, J. Anderson, Spick, E. Smith, Mendon*
 4 *Boyd, C. Smith* A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PURCHASE OF
 5 A TEMPORARY PERMIT FOR OPERATION OF OUT-OF-STATE BOATS ON
 6 MONTANA WATERS; TO PROVIDE FOR ENFORCEMENT, PENALTIES, AND
 7 DISPOSITION OF PERMIT FEE REVENUE; AND AMENDING SECTION
 8 23-2-511, 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, must be properly numbered and display valid
 16 license decals. No person may operate or give permission for
 17 the operation of any motorboat on such waters unless the
 18 motorboat is numbered and displays valid license decals in
 19 accordance with this part, with applicable federal law, or
 20 with a federally approved numbering system of another state
 21 and unless:

- 22 (a) the certificate of number 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; and
 2 (c) a temporary permit has been obtained from the
 3 department in accordance with [section 2] for any motorboat
 4 not licensed in Montana or under federal law.

5 (2) Upon transfer of ownership of a motorboat from a
 6 registered boat dealer or manufacturer, the transferred
 7 motorboat may be operated on the waters of this state for 20
 8 consecutive calendar days immediately following the transfer
 9 of ownership without displaying the numbers and license
 10 decal required by subsection (1) provided that when the
 11 motorboat is operated during those 20 consecutive calendar
 12 days, a bill of sale or other evidence of transfer reciting
 13 the date of the transfer of ownership is retained in the
 14 motorboat and is exhibited to a warden or other officer upon
 15 request."

16 NEW SECTION. Section 2. Temporary permit for
 17 operation of out-of-state motorboat -- violation -- penalty
 18 -- disposition of proceeds. (1) The temporary permit
 19 required by 23-2-511(1)(c) may be purchased from the
 20 department for a fee of \$10. When properly affixed to the
 21 motorboat, such permit authorizes the operation of the
 22 motorboat for a period of 30 days on the waters of this
 23 state. The department shall provide reasonable notice of the
 24 permit requirement and shall make the permits available to
 25 the public.



-2- INTRODUCED BILL
 SB 243

1 (2) The temporary permit must be issued in the form of
2 a decal that must denote the time during which it is valid.
3 The decal must be conspicuously displayed on the motorboat
4 during all times of operation.

5 (3) A person who operates a motorboat in violation of
6 23-2-511(1)(c) or this section is guilty of a misdemeanor
7 and shall be fined no more than \$100.

8 (4) All proceeds received by the department from
9 payment of the permit fee must be deposited in the state
10 special revenue fund for use by the department in enforcing
11 boating laws of the state and developing and maintaining
12 public boating access and facilities.

13 NEW SECTION. Section 3. Codification instruction.
14 Section 2 is intended to be codified as an integral part of
15 Title 23, chapter 2, part 5, and the provisions of Title 23,
16 chapter 2, part 5, apply to section 2.

17 NEW SECTION. Section 4. Extension of authority. Any
18 existing authority of the department of fish, wildlife, and
19 parks to make rules on the subject of the provisions of this
20 act is extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB243, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill requires the purchase of a permit for out-of-state motorboat operation on Montana waters; provides for the enforcement and administration of this act; and the disposition of the permit fee.

ASSUMPTIONS:

1. We assume any motorboats not registered in Montana are subject to the out-of-state permit requirement when operated on Montana waters.
2. We estimate that there are 1,550 out-of-state motorboats operated on Montana waters every year. This is based upon estimates made by wardens from each region of the state as to the number of out-of-state boats checked each year while operating on Montana waters.
3. We assume these permits would be sold primarily through license agents at a \$.30 commission for each permit sold. The majority of the permits will be sold June through August.
4. We estimate that the number of citations issued for violations of this legislation would be insignificant.
5. We assume this legislation is effective October 1, 1987, if passed.
6. We estimated the need for .25 FTE to administer and enforce the provisions of this legislation.
7. Any funds remaining after covering administration and enforcement costs will be used to maintain and develop public boating access and facilities.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal	\$ 0	\$ 2,636	\$ 2,636	\$ 0	\$ 5,272	\$ 5,272
Operating	0	776	776	0	853	853
TOTAL	\$ 0	\$ 3,412	\$ 3,412	\$ 0	\$ 6,125	\$ 6,125
<u>Revenues:</u>						
Permit Fees	\$ 0	\$ 7,750	\$ 7,750	\$ 0	\$ 15,500	\$ 15,500

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Approximately \$9,000 per year will be generated to fund the maintenance and development of public boating access and facilities.

David L. Hunter DATE 2/2/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Eleanor L. Vaughn DATE 2/3/87
 ELEANOR VAUGHN, PRIMARY SPONSOR

Fiscal Note for SB243, as introduced.

SB 243

APPROVED BY COMM.
ON FISH AND GAME

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY TO
7 REQUIRE PURCHASE OF A TEMPORARY PERMIT FOR OPERATION OF
8 CERTAIN OUT-OF-STATE BOATS ON MONTANA WATERS WITHIN THE
9 COUNTY; TO PROVIDE FOR ENFORCEMENT, PENALTIES, AND
10 DISPOSITION OF PERMIT FEE REVENUE; AND AMENDING SECTION
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

25 (a) the certificate of number assigned to the

1 motorboat is in full force and effect; and

2 (b) the identifying number set forth in the
3 certificate of number and the valid license decals are
4 displayed on such motorboat; and

5 (c) a temporary permit has been obtained from the
6 department--in-accordance-with-(section-2)-for-any-motorboat
7 not-licensed-in-Montana-or-under-federal-law COUNTY IN WHICH
8 THE BOAT IS BEING OPERATED IF THAT COUNTY REQUIRES A
9 TEMPORARY PERMIT FOR OUT-OF-STATE MOTORBOATS, AS PROVIDED IN
10 [SECTION 2].

11 (2) Upon transfer of ownership of a motorboat from a
12 registered boat dealer or manufacturer, the transferred
13 motorboat may be operated on the waters of this state for 20
14 consecutive calendar days immediately following the transfer
15 of ownership without displaying the numbers and license
16 decal required by subsection (1) provided that when the
17 motorboat is operated during those 20 consecutive calendar
18 days, a bill of sale or other evidence of transfer reciting
19 the date of the transfer of ownership is retained in the
20 motorboat and is exhibited to a warden or other officer upon
21 request."

22 NEW SECTION. Section 2. Temporary permit for
23 operation of out-of-state motorboat -- violation -- penalty
24 -- disposition of proceeds. (1) The A temporary permit MAY
25 BE required by 23-2-511+{+}{+} A COUNTY FOR OPERATION OF A



1 MOTORBOAT ON WATERS WITHIN THE COUNTY IF THE MOTORBOAT IS
 2 FROM A STATE THAT REQUIRES A SIMILAR TEMPORARY PERMIT FOR
 3 OPERATION IN THAT STATE OF A MOTORBOAT LICENSED IN MONTANA.
 4 THE PERMIT may be purchased from the department COUNTY for a
 5 fee of \$10. When properly affixed to the motorboat, such
 6 permit authorizes the operation of the motorboat for a
 7 period of 30 days ~~on-the-waters-of-this-state~~ WITHIN THE
 8 COUNTY. The department COUNTY shall provide reasonable
 9 notice of the permit requirement and shall make the permits
 10 available to the public.

11 (2) The temporary permit must be issued in the form of
 12 a decal that must denote the time during which it is valid.
 13 The decal must be conspicuously displayed on the motorboat
 14 during all times of operation.

15 (3) A person who operates a motorboat in violation of
 16 23-2-511(1)(c) or this section is guilty of a misdemeanor
 17 and shall be fined no more than ~~\$100~~ \$50.

18 (4) All proceeds received by the department COUNTY
 19 from payment of the permit fee must be deposited ~~in the~~
 20 ~~state special revenue fund for use by the department~~ USED in
 21 enforcing ~~boating laws of the state~~ COMPLIANCE WITH THE
 22 TEMPORARY PERMIT and developing and maintaining public
 23 boating access and facilities.

24 ~~NEW SECTION--Section 3--Codification----instruction--~~
 25 ~~Section--2--is--intended--to--be--codified--as--an--integral--part--of~~

1 ~~Title 23, chapter 2, part 5, and the provisions of Title 23,~~
 2 ~~chapter 2, part 5, apply to section 2.~~
 3 NEW SECTION--Section 4--Extension of authority--Any
 4 existing--authority--of--the--department--of--fish--wildlife--and
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 6 act--is--extended--to--the--provisions--of--this--act.

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