

1 *Senate* BILL NO. *173*
 2 INTRODUCED BY *Laughlin Marko Peterson*
 3 *HARP Bishop Rapp-Snook*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY TO
 5 REQUIRE A TEMPORARY PERMIT FOR THE OPERATION OF ALL
 6 OUT-OF-STATE MOTORBOATS BY DELETING THE REQUIREMENT THAT
 7 PERMITS MAY BE REQUIRED ONLY IF THE MOTORBOAT IS FROM A
 8 STATE WITH A SIMILAR TEMPORARY FEE; PROVIDING A COORDINATION
 9 INSTRUCTION CONTINGENTLY AMENDING SECTION 23-2-511, MCA; AND
 10 AMENDING SECTION 7-16-2121, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 7-16-2121, MCA, is amended to read:
 14 "7-16-2121. Temporary permit for operation of
 15 out-of-state motorboat -- violation -- penalty --
 16 disposition of proceeds. (1) A temporary permit may be
 17 required by a county for operation of a motorboat on waters
 18 within the county if the motorboat is from a state that
 19 ~~requires--a--similar--temporary-permit-for-operation-in-that~~
 20 ~~state-of-a-motorboat-licensed-in~~ other than Montana. [Only
 21 one valid temporary permit is required for a motorboat.] The
 22 permit may be purchased from the county for a fee of \$10.
 23 ~~When-properly-affixed-to-the-motorboat,--such--permit~~ which
 24 authorizes the operation of the motorboat for a period of 30
 25 days within the county, or for a fee of \$25, which

1 authorizes the operation within the county for one year from
 2 the date of purchase. To be valid, the permit must be
 3 properly affixed to the motorboat. The county shall provide
 4 reasonable notice of the permit requirement and shall make
 5 the permits available to the public.

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

10 (3) A person who operates a motorboat in violation of
 11 23-2-511(1)(c) or this section is guilty of a misdemeanor
 12 and shall be fined no more than \$50.

13 (4) All proceeds received by the county from payment
 14 of the permit fee must be used in enforcing compliance with
 15 the temporary permit and developing and maintaining public
 16 boating access and facilities."

17 **NEW SECTION. Section 2.** Coordination instruction. If
 18 House Bill No. 6 is passed and approved requiring all
 19 counties to sell temporary permits for the operation of
 20 motorboats on county waters if the boats are from a state
 21 that also requires a temporary permit:

22 (1) [section 1 of this act] and the enactment of House
 23 Bill No. 6 must be codified to give effect to each. The
 24 first sentence of 7-16-2121(1) as amended by [section 1 of
 25 this act] and by House Bill No. 6 must each be codified as

1 individual subsections of 7-6-2121(1);

2 (2) the bracketed language in the amendment of
3 7-16-2121(1) in [section 1 of this act] is effective and the
4 brackets are to be removed. If House Bill No. 6 is not
5 passed and approved as provided in this section, the
6 bracketed language is void; and

7 (3) the amendment to 23-2-511 in House Bill No. 6 is
8 void and 23-2-511 is amended to read:

9 "23-2-511. Operation of unnumbered motorboats
10 prohibited -- display of decals. (1) Every motorboat on the
11 waters of this state, propelled by a motor or an engine of
12 any description, must be properly numbered and display valid
13 license decals. No person may operate or give permission for
14 the operation of any motorboat on such waters unless the
15 motorboat is numbered and displays valid license decals in
16 accordance with this part, with applicable federal law, or
17 with a federally approved numbering system of another state
18 and unless:

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

21 (b) the identifying number set forth in the
22 certificate of number and the valid license decals are
23 displayed on such motorboat; and

24 (c) if required, a temporary permit has been obtained
25 from the county in which the boat is being operated ~~if--that~~

1 ~~county---requires---a---temporary--permit--for--out-of-state~~
2 ~~motorboats~~, as provided in 7-16-2121.

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

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 173

INTRODUCED BY VAUGHN, DARKO, PETERSON,
PAVLOVICH, HARP, BISHOP, RAPP-SVRCEK

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY TO REQUIRE A TEMPORARY PERMIT FOR THE OPERATION OF ALL OUT-OF-STATE MOTORBOATS BY DELETING THE REQUIREMENT THAT PERMITS MAY BE REQUIRED ONLY IF THE MOTORBOAT IS FROM A STATE WITH A SIMILAR TEMPORARY FEE; PROVIDING A COORDINATION INSTRUCTION CONTINGENTLY AMENDING SECTION 23-2-511, MCA; AND AMENDING SECTION 7-16-2121, MCA."

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

Section 1. Section 7-16-2121, MCA, is amended to read:

"7-16-2121. Temporary permit for operation of out-of-state motorboat -- violation -- penalty -- disposition of proceeds. (1) A temporary permit may be required by a county for operation of a motorboat on MONTANA waters ~~within--the--county~~ if the motorboat is from a state ~~that-requires-a-similar-temporary-permit--for--operation--in that--state--of--a-motorboat-licensed-in~~ other than Montana. [Only one valid temporary permit is required for a motorboat.] The permit may be purchased from the county for a fee of \$10⁰⁰, ~~When properly affixed to the motorboat,--such permit which~~ authorizes the operation of the motorboat for a

period of 30 days ~~within-the-county~~, or for a fee of \$25, ~~which authorizes the operation within--the--county~~ OF THE MOTORBOAT for one year from the date of purchase. To be valid, the permit must be properly affixed to the motorboat. The county shall provide reasonable notice of the permit requirement and shall make the permits available to the public.

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

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

(4) All proceeds received by the county from payment of the permit fee must be used in enforcing compliance with the temporary permit and developing and maintaining public boating access and facilities."

NEW SECTION. Section 2. Coordination instruction. If House Bill No. 6 is passed and approved requiring all counties to sell temporary permits for the operation of motorboats on county MONTANA waters if the boats are from a state that also requires a temporary permit:

(1) [section 1 of this act] and the enactment of House Bill No. 6 must be codified to give effect to each. The

1 first sentence of 7-16-2121(1) as amended by [section 1 of
2 this act] and by House Bill No. 6 must each be codified as
3 individual subsections of 7-6-2121(1);

4 (2) the bracketed language in the amendment of
5 7-16-2121(1) in [section 1 of this act] is effective and the
6 brackets are to be removed. If House Bill No. 6 is not
7 passed and approved as provided in this section, the
8 bracketed language is void; and

9 (3) the amendment to 23-2-511 in House Bill No. 6 is
10 void and 23-2-511 is amended to read:

11 "23-2-511. Operation of unnumbered motorboats
12 prohibited -- display of decals. (1) Every motorboat on the
13 waters of this state, propelled by a motor or an engine of
14 any description, must be properly numbered and display valid
15 license decals. No person may operate or give permission for
16 the operation of any motorboat on such waters unless the
17 motorboat is numbered and displays valid license decals in
18 accordance with this part, with applicable federal law, or
19 with a federally approved numbering system of another state
20 and unless:

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

23 (b) the identifying number set forth in the
24 certificate of number and the valid license decals are
25 displayed on such motorboat; and

1 (c) if required, a temporary permit has been obtained
2 from the A county in which the boat is being operated ~~if~~
3 ~~that county requires a temporary permit for out-of-state~~
4 ~~motorboats~~, as provided in 7-16-2121.

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."

-End-

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PAVLOVICH, HARP, BISHOP, RAPP-SVRCEK

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period of 30 days within-the-county, or for a fee of \$25, which authorizes the operation within--the--county OF THE MOTORBOAT for one year from the date of purchase. To be valid, the permit must be properly affixed to the motorboat.

The county shall provide reasonable notice of the permit requirement and shall make the permits available to the public.

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

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

(4) All proceeds received by the county from payment of the permit fee must be used in enforcing compliance with the temporary permit and developing and maintaining public boating access and facilities."

NEW SECTION. Section 2. Coordination instruction. If House Bill No. 6 is passed and approved requiring all counties to sell temporary permits for the operation of motorboats on county MONTANA waters if the boats are from a state that also requires a temporary permit:

(1) [section 1 of this act] and the enactment of House Bill No. 6 must be codified to give effect to each. The

1 first sentence of 7-16-2121(1) as amended by [section 1 of
2 this act] and by House Bill No. 6 must each be codified as
3 individual subsections of 7-6-2121(1);

4 (2) the bracketed language in the amendment of
5 7-16-2121(1) in [section 1 of this act] is effective and the
6 brackets are to be removed. If House Bill No. 6 is not
7 passed and approved as provided in this section, the
8 bracketed language is void; and

9 (3) the amendment to 23-2-511 in House Bill No. 6 is
10 void and 23-2-511 is amended to read:

11 "23-2-511. Operation of unnumbered motorboats
12 prohibited -- display of decals. (1) Every motorboat on the
13 waters of this state, propelled by a motor or an engine of
14 any description, must be properly numbered and display valid
15 license decals. No person may operate or give permission for
16 the operation of any motorboat on such waters unless the
17 motorboat is numbered and displays valid license decals in
18 accordance with this part, with applicable federal law, or
19 with a federally approved numbering system of another state
20 and unless:

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

23 (b) the identifying number set forth in the
24 certificate of number and the valid license decals are
25 displayed on such motorboat; and

1 (c) if required, a temporary permit has been obtained
2 from the A county in which the boat is being operated if
3 ~~that county requires a temporary permit for out-of-state~~
4 ~~motorboats~~, as provided in 7-16-2121.

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."

-End-

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 173
Representative Harper

March 4, 1989 11:08 am
Page 1 of 2

Mr. Chairman: I move to amend SENATE BILL 173 (third reading copy -- blue).

Signed: *Harper*
Representative Harper

And, that such amendments to SENATE BILL 173 read as follows:

1. Title, line 6.
Following: line 5
Strike: "REQUIRE A TEMPORARY"
Insert: "OFFER A YEARLY"
Following: "OPERATION OF"
Strike: "ALL"

2. Title, lines 7 and 8.
Following: "MOTORBOATS" on line 7
Strike: "BY" through "ONLY" on line 8.

3. Title, line 9.
Following: "SIMILAR"
Strike: "TEMPORARY"

4. Page 1, line 19.
Following: ~~"within the county"~~
Insert: "within the county"

5. Page 1, line 21.
Following: ~~"in"~~
Strike: "other than"
Insert: "that requires a similar temporary permit for operation in that state of a motorboat licensed in"

6. Page 2, line 1.
Following: ~~"within the county"~~
Insert: "within the county"

7. Page 2, line 2.
Following: ~~"within the county"~~
Insert: "within the county"

8. Page 2, line 22.
Following: ~~"county"~~
Strike: "MONTANA"
Insert: "county"

9. Page 3, line 3.
Following: "of"
Strike: "7-6-2121(1)"
Insert: "7-16-2121(1)"

10. Page 4, line 1.
Following: "a"
Strike: "temporary"

11. Page 4, line 2.
Following: ~~"the"~~
Strike: "A"
Insert: "the"

12. Page 4, line 4.
Following: ~~"motorboats"~~
Insert: "if that county requires a temporary permit for out of state motorboats"

March 4, 1989
Page 2 of 2

ADOPT

REJECT

SB173.1
511108CW.HRT

R

HOUSE SB173.1

511108CW.HRT RT

SB 173

SENATE BILL NO. 173

INTRODUCED BY VAUGHN, DARKO, PETERSON,

PAVLOVICH, HARP, BISHOP, RAPP-SVRCEK

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Section 1. Section 7-16-2121, MCA, is amended to read:

"7-16-2121. Temporary permit for operation of out-of-state motorboat -- violation -- penalty -- disposition of proceeds. (1) A temporary permit may be required by a county for operation of a motorboat on MONTANA waters within-the-county WITHIN THE COUNTY if the motorboat is from a state that-requires-a-similar-temporary-permit-for operation--in--that--state--of-a-motorboat-licensed-in other than THAT REQUIRES A SIMILAR TEMPORARY PERMIT FOR OPERATION IN THAT STATE OF A MOTORBOAT LICENSED IN Montana. [Only one valid temporary permit is required for a motorboat.] The permit may be purchased from the county for a fee of \$10-,"

~~When--properly--affixed--to-the-motorboat, such-permit which~~ authorizes the operation of the motorboat for a period of 30 days ~~within-the-county~~ WITHIN THE COUNTY, or for a fee of \$25, which authorizes the operation ~~within-the-county~~ WITHIN THE COUNTY OF THE MOTORBOAT for one year from the date of purchase. To be valid, the permit must be properly affixed to the motorboat. The county shall provide reasonable notice of the permit requirement and shall make the permits available to the public.

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

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

(4) All proceeds received by the county from payment of the permit fee must be used in enforcing compliance with the temporary permit and developing and maintaining public boating access and facilities."

NEW SECTION. Section 2. Coordination instruction. If House Bill No. 6 is passed and approved requiring all counties to sell temporary permits for the operation of motorboats on county MONTANA COUNTY waters if the boats are from a state that also requires a temporary permit:

1 (1) [section 1 of this act] and the enactment of House
 2 Bill No. 6 must be codified to give effect to each. The
 3 first sentence of 7-16-2121(1) as amended by [section 1 of
 4 this act] and by House Bill No. 6 must each be codified as
 5 individual subsections of 7-6-2121(1); 7-16-2121(1);

6 (2) the bracketed language in the amendment of
 7 7-16-2121(1) in [section 1 of this act] is effective and the
 8 brackets are to be removed. If House Bill No. 6 is not
 9 passed and approved as provided in this section, the
 10 bracketed language is void; and

11 (3) the amendment to 23-2-511 in House Bill No. 6 is
 12 void and 23-2-511 is amended to read:

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

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

25 (b) the identifying number set forth in the

1 certificate of number and the valid license decals are
 2 displayed on such motorboat; and

3 (c) if required, a temporary permit has been obtained
 4 from the A THE county in which the boat is being operated if
 5 that--county--requires--a--temporary-permit-for-out-of-state
 6 motorboats IF THAT COUNTY REQUIRES A TEMPORARY PERMIT FOR
 7 OUT-OF-STATE MOTORBOATS, as provided in 7-16-2121.

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

-End-

~~FREE~~ Conference Committee Report
on SB 173
Report No. 1, April 10, 1989
page 1 of 2

4/12/89
4:50 pm
BOS

Mr President and Mr. Speaker:

We, your Conference Committee on SB 173 met and considered:

The House Committee of the Whole amendments to SB 173 (third reading copy --blue) offered by Rep. Harper and dated March 4, 1989.

We recommend that:

House amendments Nos. 1 through 8, 10, and 12 be rejected;

House amendments Nos. 9 and 11 be accepted; and

that SB 173 (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Strike: "OFFER A YEARLY"

Insert: "REQUIRE A TEMPORARY"

2. Title, line 7.

Following: "~~ALL~~"

Insert: "ALL"

3. Title, line 8.

Following: "~~ONLY~~"

Insert: "BY DELETING THE REQUIREMENT THAT PERMITS MAY BE REQUIRED
ONLY"

4. Title, line 9.

Following: "~~TEMPORARY~~"

Insert: "TEMPORARY"

5. Page 1, line 19.

Strike: "WITHIN THE COUNTY"

6. Page 1, lines 22 and 23.

Strike: "THAT" on line 22 through "LICENSED IN" on line 23

Insert: "other than"

7. Page 2, line 3.

Page 2, lines 4 and 5.

Strike: "WITHIN THE COUNTY"

continued

SB 173
ccsb173.410

8. Page 2, line 24.

Strike: "COUNTY"

Insert: "Montana"

9. Page 4, line 3.

Following: "temporary"

Insert: "temporary"

10. Page 4, lines 6 and 7.

Strike: "IF" on line 6 through "MOTORBOATS" on line 7

And that this Conference Committee Report be adopted.

FOR THE HOUSE

FOR THE SENATE

Paula Darko
Rep. Darko, Chairman

Bishop
Sen. Bishop

Bob Pavlovich
Rep. Pavlovich

John H. Anderson
Sen. Anderson

Clyde Smith
Rep. Smith

Senator Vaughn
Sen. Vaughn

ADOPT

REJECT