

HOUSE BILL NO. 337

INTRODUCED BY D. BROWN, FORRESTER, VOGEL, PAVLOVICH,  
GAGE, GRADY, WEEDING, REAM, ENDY, KELLER, TVEIT, WAGNER,  
GROSFIELD, SWANSON, GALVIN, CLARK,  
PETERSON, BRANDEWIE

IN THE HOUSE

JANUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 2, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1993	PRINTING REPORT.
FEBRUARY 4, 1993	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 5, 1993	ENGROSSING REPORT.
FEBRUARY 6, 1993	THIRD READING, PASSED. AYES, 91; NOES, 5.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 41; NOES, 7.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. 337  
 2 INTRODUCED BY *Steve Swan* *Forrest Ring*  
 3 *Edmund* *Bob Smith* *Clayton* *Ream* *Esley*  
 4 *Bill* *Swanson* *Helmer* *Clark* *Peterson*  
 5 BILL FOR AN ACT ENTITLED: "AN ACT CREATING A NONRESIDENT  
 6 TEMPORARY-USE PERMIT FOR OFF-HIGHWAY VEHICLES; AND PROVIDING  
 7 FOR A FEE."

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

9 NEW SECTION. Section 1. Nonresident temporary-use  
 10 permits -- use of fees. (1) An off-highway vehicle that is  
 11 owned by a nonresident and that is not registered in another  
 12 state of the United States or in another country may not be  
 13 operated by a person in Montana unless a nonresident  
 14 temporary-use permit is obtained.

15 (2) The requirements pertaining to a nonresident  
 16 temporary-use permit for an off-highway vehicle are as  
 17 follows:

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

- 22 (i) the applicant's name and permanent address;  
 23 (ii) the make, model, year, and serial number of the  
 24 off-highway vehicle; and  
 25 (iii) an affidavit declaring the nonresidency of the

1 applicant.

2 (b) Upon submission of the application and a fee of \$5,  
 3 a nonresident off-highway vehicle temporary-use sticker must  
 4 be issued. The sticker must be displayed in a conspicuous  
 5 manner on the off-highway vehicle. The sticker is the  
 6 temporary-use permit.

7 (3) The temporary-use permit is valid for the calendar  
 8 year designated on the permit.

9 (4) The permit is not proof of ownership, and a  
 10 certificate of ownership may not be issued.

11 (5) All money collected by payment of fees under this  
 12 section must be turned over to the state treasurer and  
 13 placed in the state special revenue fund to the credit of  
 14 the department of fish, wildlife, and parks and must be  
 15 spent as follows:

- 16 (a) 40% to be used in administering this section; and  
 17 (b) 60% to be used to plan, develop, and implement a  
 18 comprehensive program for appropriate off-highway vehicle  
 19 recreation use.

20 (6) Failure to display the permit as required by this  
 21 section or making false statements in obtaining the permit  
 22 is a misdemeanor and is punishable by a fine of not less  
 23 than \$25 or more than \$100.

24 NEW SECTION. Section 2. Codification instruction.  
 25 [Section 1] is intended to be codified as an integral part

LC 1225/01

- 1 of Title 23, chapter 2, part 8, and the provisions of Title
- 2 23, chapter 2, part 8, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0337, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act creating a nonresident temporary use permit for off-highway vehicles and providing a fee.

ASSUMPTIONS:

1. Based on estimates from the Law Enforcement Division of the Department of Fish, Wildlife and Parks and from the U.S. Forest Service, it is estimated that there are at least 600 nonresident off-highway vehicles using state trails.

FISCAL IMPACT:

Revenues: 600 nonresident OHV x \$5.00 = \$3,000 per year

TECHNICAL NOTES: New Section 1 (6) establishes a fine for failure to display the permit, but does not identify the account to which the fine should be deposited.

Daniel Lewis 2-2-93

DAVID LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Dave Brown 2-2-93

DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB0337, as introduced

**HB 337**

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

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owned by a nonresident and that is not registered in another  
state of the United States or in another country may not be  
operated by a person in Montana unless a nonresident  
temporary-use permit is obtained.

(2) The requirements pertaining to a nonresident  
temporary-use permit for an off-highway vehicle are as  
follows:

(a) Application for the issuance of the permit must be  
made at locations and upon forms prescribed by the  
department of justice FISH, WILDLIFE, AND PARKS. The forms  
must include but are not limited to:

(i) the applicant's name and permanent address;

(ii) the make, model, year, and serial number of the  
off-highway vehicle; and

(iii) an affidavit declaring the nonresidency of the  
applicant.

(b) Upon submission of the application and a fee of \$5,  
a nonresident off-highway vehicle temporary-use sticker must  
be issued. The sticker must be displayed in a conspicuous  
manner on the off-highway vehicle. The sticker is the  
temporary-use permit.

(3) The temporary-use permit is valid for the calendar  
year designated on the permit.

(4) The permit is not proof of ownership, and a  
certificate of ownership may not be issued.

(5) All money collected by payment of fees under this  
section must be turned over to the state treasurer and  
placed in the state special revenue fund to the credit of  
the department of fish, wildlife, and parks and must be  
spent as follows:

(a) 40% to be used in administering this section; and

(b) 60% to be used to plan, develop, and implement a  
comprehensive program for appropriate off-highway vehicle  
recreation use.

(6) Failure to display the permit as required by this  
section or making false statements in obtaining the permit  
is a misdemeanor and is punishable by a fine of not less

1    than \$25 or more than \$100. ALL FINES COLLECTED UNDER THIS  
2    SECTION MUST BE TRANSMITTED TO THE STATE TREASURER, WHO  
3    SHALL DEPOSIT THE MONEY IN THE ACCOUNT CREATED UNDER  
4    23-2-804(3). FIFTY PERCENT OF THIS MONEY AND THE INTEREST  
5    EARNED ON IT MUST BE USED FOR OFF-HIGHWAY VEHICLE SAFETY AND  
6    EDUCATION. THE REMAINING 50% OF THE MONEY AND THE INTEREST  
7    EARNED ON IT MUST BE USED FOR ENFORCEMENT.

8       NEW SECTION.   **Section 2.**   Codification       instruction.

9    [Section 1] is intended to be codified as an integral part  
10   of Title 23, chapter 2, part 8, and the provisions of Title  
11   23, chapter 2, part 8, apply to [section 1].

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(5) All money collected by payment of fees under this  
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treasurer and--placed--in--the--state--special--revenue--fund--to  
the--credit--of--the--department--of--fish--wildlife--and--parks  
and, WHO SHALL DEPOSIT THE MONEY IN THE ACCOUNT CREATED  
UNDER 23-2-804(3). THE MONEY COLLECTED BY PAYMENT OF FEES  
UNDER THIS SECTION must be spent as follows:

(a) 40% to be used in administering this section; and

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10 NEW SECTION. Section 2. Codification instruction.  
11 [Section 1] is intended to be codified as an integral part  
12 of Title 23, chapter 2, part 8, and the provisions of Title  
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