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

ON HIGHWAYS & TRANSPORTATION.

INTRODUCED AND REFERRED TO COMMITTEE

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.

LC 1225/01

SC. BILL NO. 1 2 INTRODUCED BY FOR AN ACT ENTLITLED: "AN ACT CREATING A NONRESIDENT Yunnam Lin Y-USE PERMIT FOR OFF-HIGHWAY VEHICLES; AND PROVIDING FEE. 6 7

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

9 <u>NEW SECTION.</u> 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:

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

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

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

25 (iii) an affidavit declaring the nonresidency of the



1 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.

7 (3) The temporary-use permit is valid for the calendar8 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.

(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
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

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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 <u>HB0337, as introduced</u>.

<u>DESCRIPTION OF PROPOSED LEGISLATION</u>: 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

<u>TECHNICAL NOTES</u>: 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.

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

2-2-93 DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for <u>HB0337, as introduced</u>

337

53rd Legislature

HB 0337/02

HB 0337/02

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

1	HOUSE BILL NO. 337	1	
2	INTRODUCED BY D. BROWN, FORRESTER, VOGEL, PAVLOVICH,	2	0
3	GAGE, GRADY, WEEDING, REAN, ENDY, KELLER, TVEIT, WAGNER,	3	
4	GROSFIELD, SWANSON, GALVIN, CLARK,	4	a
5	PETERSON, BRANDEWIE	5	
6		6	a
7	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A NONRESIDENT	7	ь
8	TEMPORARY-USE PERMIT FOR OFF-HIGHWAY VEHICLES; AND PROVIDING	8	۵
9	FOR A FEE."	9	t
10		10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	У
12	NEW SECTION, Section 1. Nonresident temporary-use	12	
13	permits use of fees. (1) An off-highway vehicle that is	13	c
14	owned by a nonresident and that is not registered in another	14	
15	state of the United States or in another country may not be	15	8
16	operated by a person in Montana unless a nonresident	16	р
17	temporary-use permit is obtained.	17	t
18	(2) The requirements pertaining to a nonresident	18	S
19	temporary-use permit for an off-highway vehicle are as	19	
20	follows:	20	
21	(a) Application for the issuance of the permit must be	21	c
22	made at locations and upon forms prescribed by the	22	r
23	department of justice FISH, WILDLIFE, AND PARKS. The forms	23	
24	must include but are not limited to:	24	S
25	(i) the applicant's name and permanent address:	25	ì

2 off-highway vehicle; and
3 (iii) an affidavit declaring the nonresidency of the
4 applicant.
5 (b) Upon submission of the application and a fee of \$5,

(ii) the make, model, year, and serial number of the

6 a nonresident off-highway vehicle temporary-use sticker must 7 be issued. The sticker must be displayed in a conspicuous 8 manner on the off-highway vehicle. The sticker is the 9 temporary-use permit.

10 (3) The temporary-use permit is valid for the calendar11 year designated on the permit.

12 (4) The permit is not proof of ownership, and a 13 certificate of ownership may not be issued.

14 (5) All money collected by payment of fees under this 15 section must be turned over to the state treasurer and 16 placed in the state special revenue fund to the credit of 17 the department of fish, wildlife, and parks and must be 18 spent as follows:

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.

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



-2- HB 337 SECOND READING

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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HB 0337/03

HOUSE BILL NO. 337 1 (ii) the make, model, year, and serial number of the 2 INTRODUCED BY D. BROWN, FORRESTER, VOGEL, PAVLOVICH, off-highway vehicle; and GAGE, GRADY, WEEDING, REAM, ENDY, KELLER, TVEIT, WAGNER, 3 (iii) an affidavit declaring the nonresidency of the GROSFIELD. SWANSON, GALVIN, CLARK, 4 applicant. PETERSON, BRANDEWIE 5 (b) Upon submission of the application and a fee of \$5, 6 a nonresident off-highway vehicle temporary-use sticker must A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A NONRESIDENT 7 be issued. The sticker must be displayed in a conspicuous TEMPORARY-USE PERMIT FOR OPP-HIGHNAY VEHICLES: AND PROVIDING 8 manner on the off-highway vehicle. The sticker is the FOR A FEE." 9 temporary-use permit. 10 (3) The temporary-use permit is valid for the calendar 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: year designated on the permit. 12 (4) The permit is not proof of ownership, and a NEW SECTION. Section 1. Nonresident temporary-use 13 certificate of ownership may not be issued. permits -- use of fees. (1) An off-highway vehicle that is 14 (5) All money collected by payment of fees under this owned by a nonresident and that is not registered in another 15 section must be turned--over TRANSMITTED to the state state of the United States or in another country may not be 16 treasurer and-placed-in-the-state-special--revenue--fund--to operated by a person in Montana unless a nonresident 17 the--credit--of--the-department-of-fishy-wildlifey-and-parks temporary-use permit is obtained. 18 and, WHO SHALL DEPOSIT THE MONEY IN THE ACCOUNT CREATED (2) The requirements pertaining to a nonresident 19 UNDER 23-2-804(3). THE MONEY COLLECTED BY PAYMENT OF FEES temporary-use permit for an off-highway vehicle are as 20 UNDER THIS SECTION must be spent as follows: follows: 21 (a) 40% to be used in administering this section; and (a) Application for the issuance of the permit must be 22 (b) 60% to be used to plan, develop, and implement a made at locations and upon forms prescribed by the 23 comprehensive program for appropriate off-highway vehicle department of justice FISH, WILDLIFE, AND PARKS. The forms 24 recreation use. must include but are not limited to: 25 (6) Failure to display the permit as required by this (i) the applicant's name and permanent address;

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AS A MENDED

THIRD READING

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section or making false statements in obtaining the permit 1 is a misdemeanor and is punishable by a fine of not less 2 3 than \$25 or more than \$100. ALL FINES COLLECTED UNDER THIS SECTION MUST BE TRANSMITTED TO THE STATE TREASURER, 4 WHO SHALL DEPOSIT THE NONEY IN THE ACCOUNT CREATED UNDER 5 6 23-2-804(3). FIFTY PERCENT OF THIS MONEY AND THE INTEREST 7 EARNED ON IT MUST BE USED FOR OFF-HIGHWAY VEHICLE SAFETY AND 8 EDUCATION. THE REMAINING 50% OF THE MONEY AND THE INTEREST 9 EARNED ON IT MUST BE USED FOR ENFORCEMENT.

10 <u>NEW SECTION.</u> 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
13 23, chapter 2, part 8, apply to [section 1].

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1	HOUSE BILL NO. 337	1	(ii) the make, model, year, and serial number of the
2	INTRODUCED BY D. BROWN, FORRESTER, VOGEL, PAVLOVICH,	2	off-highway vehicle; and
3	GAGE, GRADY, WEEDING, REAN, ENDY, KELLER, TVEIT, WAGNER,	3	(iii) an affidavit declaring the nonresidency of the
4	GROSFIELD, SWANSON, GALVIN, CLARK,	4	applicant.
5	PETERSON, BRANDEWIE	5	(b) Upon submission of the application and a fee of \$5,
6		6	a nonresident off-highway vehicle temporary-use sticker must
7	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A NONRESIDENT	7	be issued. The sticker must be displayed in a conspicuous
B	TEMPORARY-USE PERMIT FOR OPP-HIGHWAY VEHICLES; AND PROVIDING	8	manner on the off-highway vehicle. The sticker is the
9	FOR A PEE."	9	temporary-use permit.
10		10	(3) The temporary-use permit is valid for the calendar
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	year designated on the permit.
12	NEW SECTION. Section 1. Nonresident temporary-use	12	(4) The permit is not proof of ownership, and a
13	permits use of fees. (1) An off-highway vehicle that is	13	certificate of ownership may not be issued.
14	owned by a nonresident and that is not registered in another	14	(5) All money collected by payment of fees under this
15	state of the United States or in another country may not be	15	section must be turnedover <u>TRANSMITTED</u> to the state
16	operated by a person in Montana unless a nonresident	16	treasurer and-placed-in-the-state-specialrevenuefundto
17	temporary-use permit is obtained.	17	thecreditofthe-department-of-fishy-wildlifey-and-parks
18	(2) The requirements pertaining to a nonresident	18	and, WHO SHALL DEPOSIT THE MONEY IN THE ACCOUNT CREATED
19	temporary-use permit for an off-highway vehicle are as	19	UNDER 23-2-804(3). THE MONEY COLLECTED BY PAYMENT OF FEES
20	follows:	20	UNDER THIS SECTION must be spent as follows:
21	(a) Application for the issuance of the permit must be	21	(a) 40% to be used in administering this section; and
22	made at locations and upon forms prescribed by the	22	(b) 60% to be used to plan, develop, and implement a
23	department of justice PISH, WILDLIPE, AND PARKS. The forms	23	comprehensive program for appropriate off-highway vehicle
24	must include but are not limited to:	24	recreation use.
25	(i) the applicant's name and permanent address;	25	(6) Failure to display the permit as required by this
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REFERENCE BILL

HB 0337/03

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13 23, chapter 2, part 8, apply to [section 1].

-End-

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