HOUSE BILL NO. 679

INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS, BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON, SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL, SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT, STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN, KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED, SPRING, PAVLOVICH, MCCAFFREE, J. JOHNSON, KNOX, ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH, SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL, MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB, HANSEN, BARNETT, STANG, B. BROWN, BECK, DEVLIN, STANFORD, PETERSON, L. NELSON, MASON, BIRD, TOWE, STOVALL, DEBRUYCKER, QUILICI, ENDY, DAVIS, REAM BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE

IN THE HOUSE

| MARCH 12, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION. |
|----------------|---|
| | FIRST READING. |
| MARCH 29, 1993 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED, REPORT ADOPTED, |
| MARCH 30, 1993 | PRINTING REPORT. |
| | SECOND READING, DO PASS. |
| MARCH 31, 1993 | ENGROSSING REPORT. |
| APRIL 1, 1993 | THIRD READING, PASSED. AYES, 87; NOES, 11. |
| | TRANSMITTED TO SENATE. |
| IN | THE SENATE |
| APRIL 2, 1993 | ON MOTION, RULES SUSPENDED TO ALLOW LATE TRANSMITTAL OF BILL. |
| | INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION. |
| | FIRST READING. |
| APRIL 13, 1993 | COMMITTEE RECOMMEND BILL BE |

CONCURRED IN AS AMENDED. REPORT ADOPTED. APRIL 14, 1993 SECOND READING, NOT CONCURRED IN. SECOND READING, INDEFINITELY POSTPONED. ON MOTION, PREVIOUS ACTION RECONSIDERED. APRIL 15, 1993 SECOND READING, CONCURRED IN AS AMENDED. THIRD READING, CONCURRED IN. AYES, 44; NOES, 5. RETURNED TO HOUSE WITH AMENDMENTS. IN THE HOUSE APRIL 16, 1993 SECOND READING, AMENDMENTS CONCURRED IN. APRIL 19, 1993 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

53rd Legislature

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House BILL NO. 679 , Born 1 INTRODUCED BY /22 BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEEN REVISING L FOR AN ACT ENTITLED RELATING TO VEHICLE USE: ALLOWING OFF-HIGHWAY 6 OFF-HIGHWAY 4 WANZENZIK N FOREST AND BUREAU OF LAND, MANAGEMENT Mintha nox OFF HIGHWAY VEHICLES PUBLIC BOADS Hach CROSS +2052 Hawar CONDITIONS OFF-HIGHWAY VEHICI 10 Can Na maine FOR OFF-HIGHWAY / VEHICLE TRĂĬNIŃ 11 SAFETY FEDERAL TUNDS FOR OFF-HIGHWAY VEHICLE SAFETY APPROPRIATIN 12 TRAINING: AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA; AND 13 14 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 Section 1. Section 61-8-111, MCA, is amended to read: 17 "61-8-111. State laws applicable on certain forest 18 development roads -- enforcement -- exceptions. (1) Porest 19 Except as provided in subsection (2), forest development 20 roads in the state, whether or not they meet the definition 21 22 of a public highway by the laws of this state, are subject

to the traffic laws of this state, and the Montana highway

patrol and county sheriffs of this state shall have

jurisdiction thereon to investigate accidents and enforce

2 (2) Exceptions to regulation under subsection (1) for 3 off-highway vehicle use may be permitted at the discretion 4 and determination of the United States forest service when 5 the following conditions are met: 6 (a) The exception is authorized by the forest 7 supervisor. 8 (b) The exception is properly signed. 9 (c) The off-highway vehicle has a valid registration 10 decal. 11 (d) The off-highway vehicle and the operation of the 12 vehicle comply with 36 CFR 261.13. 13 (e) An unlicensed off-highway vehicle operator is 14 accompanied by a licensed, responsible adult. 15 (f) Each off-highway vehicle operator and passenger 16 shall comply with the requirements of 61-9-417." NEW SECTION. Section 2. State laws applicable 17 on 18 certain bureau of land management roads -- exceptions. (1) 19 Exceptions to the traffic laws of this state for roads on 20 land in this state owned by the U.S. bureau of land 21 management may be permitted at the discretion and 22 determination of the U.S. bureau of land management when the 23 following conditions are met: 24 (a) The exception is authorized by district the 25 supervisor.

the Montana traffic laws on those roads.

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1 (b) The exception is properly signed.

2 (c) The off-highway vehicle has a valid registration
3 decal.

4 (d) The off-highway vehicle and the operation of the
5 vehicle comply with 43 CFR 8340.

6 (e) An unlicensed off-highway vehicle operator is
7 accompanied by a licensed, responsible adult.

8 (2) Each off-highway vehicle operator and passenger
 9 shall comply with the requirements of 61-9-417.

NEW SECTION. Section 3. Off-highway 10 crossings of public roads. An off-highway vehicle may make a direct 11 crossing of a public road when the crossing is necessary to 12 get to another authorized area of operation. The crossing 13 14 must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction 15 prevents a quick and safe crossing. The off-highway vehicle 16 must make a complete stop before entering upon any part of 17 18 the traffic way, and the operator shall yield the 19 right-of-way to all oncoming traffic.

20 <u>NEW SECTION.</u> Section 4. Off-highway vehicle operator 21 responsibilities. (1) An off-highway vehicle operator shall 22 accept all legal responsibility for injury or damage of any 23 kind to the extent that the injury or damage results from 24 risks inherent in the sport of off-highway vehicle use and 25 shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

4 (2) Risks inherent in the sport of off-highway 5 operation include variations in terrain, surface or 6 subsurface conditions, crevices, ravines, streams, poor 7 visibility, rocks, trees, other forms of forest growth or 8 debris, and any other natural hazard.

9 (3) An off-highway vehicle operator is responsible for:
10 (a) knowing the range of the operator's ability to
11 navigate any slope, trail, or area for off-highway vehicle
12 use within the limits of the operator's ability, taking into
13 consideration the conditions;

14 (b) maintaining control of speed and course at all15 times while operating the off-highway vehicle;

16 (c) heeding all posted warnings; and

17 (d) refraining from acting in a manner that may cause18 or contribute to the injury of anyone.

(4) The provisions of this section do not affect a
products liability cause of action based upon the design or
manufacture of off-highway equipment or products or safety
equipment used incidental to the operation of an off-highway
vehicle.

24 <u>NEW SECTION.</u> Section 5. Off-highway vehicle safety
25 education training program -- appropriation. (1) There is an

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off-highway vehicle safety education training program.
 Beginning October 1, 1994, the department of fish, wildlife,
 and parks shall coordinate the program as funds are
 available.

5 (2) Beginning October 1, 1994, the department of 6 justice shall transfer to the department of fish, wildlife, 7 and parks all money available for the program under 23 8 U.S.C. 402.

9 (3) There is an account in the state special revenue 10 fund in which all money received for the administration of 11 the off-highway vehicle safety education training program 12 must be deposited. The money in the account is statutorily 13 appropriated, as provided in 17-7-502, to the department of 14 fish, wildlife, and parks for the administration of the 15 program.

16 Section 6. Section 17-7-502, MCA, is amended to read:

17 "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
effective, a statutory appropriation must comply with both
of the following provisions:

25 (a) The law containing the statutory authority must be

l listed in subsection (3).

2 (b) The law or portion of the law making a statutory
3 appropriation must specifically state that a statutory
4 appropriation is made as provided in this section.

(3) The following laws are the only laws containing 5 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 6 7 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 8 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 9 16-1-411: -17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 10 11 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 12 13 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 14 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section 5]; 23-5-136; 23-5-306; 23-5-409; 15 23-5-610: 23-5-612; 16 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204: 17 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150: 18 53-24-206; 61-5-121; 67-3-205; 75-1-1101: 75-5-507: 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 19 80-2-103; 20 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 21 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the
principal, interest, premiums, and costs of issuing, paying,
and securing all bonds, notes, or other obligations, as due,
that have been authorized and issued pursuant to the laws of

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that have entered into agreements 1 Montana. Agencies 2 authorized by the laws of Montana to pay the state 3 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 4 sufficient to pay the principal and interest as due on the 5 bonds or notes have statutory appropriation authority for 6 7 the payments. (In subsection (3): pursuant to sec. 7, Ch. 8 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; 9 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 10 11 22-3-811 terminates June 30, 1993.)"

<u>NEW SECTION.</u> Section 7. Codification instruction. (1)
[Section 2] is intended to be codified as an integral part
of Title 61, chapter 8, part 1, and the provisions of Title
61, chapter 8, part 1, apply to [section 2].

16 (2) [Sections 3 through 5] are intended to be codified
17 as an integral part of Title 23, chapter 2, part 8, and the
18 provisions of Title 23, chapter 2, part 8, apply to
19 [sections 3 through 5].

20 <u>NEW SECTION.</u> Section 8. Effective date. [This act] is
21 effective on passage and approval.

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0679, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the law relating to off-highway vehicle use; allowing off highway vehicle use on certain U. S. Forest Service and Bureau of Land Management roads; allowing off-highway vehicles to cross public roads under certain conditions; establishing a standard of responsibility for off-highway vehicle operators; providing for off-highway vehicle safety training after 1994 and appropriating federal funds for off-highway vehicle safety training.

ASSUMPTIONS:

- 1. According to the Highway Traffic Safety Division, Department of Justice, the amount of federal funds available for this program is unknown at this time.
- 2. The Department of Fish, Wildlife and Parks (FWP) will receive Federal Highway Administration funds through a contract with the Highway Traffic Safety Division.
- 3. When the federal funds become available, FWP will establish the format for the off-highway vehicle safety training program. This will be accomplished with current level department staff.

FISCAL IMPACT:

Department of Fish, Wildlife and Parks:

No fiscal impact in FY94. The program could start in FY95, but the funding amount is unknown.

Highway Safety Division, Department of Justice:

A portion of the funds transferred by the United States Code part 23, Section 402 potentially provided through Section 153 penalty provisions contained in the Intermodal Surface Transportation Efficiency Act of 1991 would be used to fund this program.

TECHNICAL NOTES:

New section 5(3) should establish a federal special revenue fund instead of a state special revenue fund, because the revenue to fund the safety program will be from the Federal Highway Administration.

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

ROBERT C. CLARK, PRIMARY SPONSOR DATE

Fiscal Note for HB0679, as introduced

53rd Legislature

HB 0679/02 APPROVED BY COMMITTEE

HOUSE BILL NO. 679 1 INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS, 2 BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON, 3 SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL, ۸ SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT, 5 STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN, 6 KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED, 7 SPRING, PAVLOVICH, MCCAFFREE, J. JOHNSON, KNOX, 8 ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH, 9 SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL, 10 MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB, 11 HANSEN, BARNETT, STANG, B. BROWN, BECK, 12 DEVLIN, STANFORD, PETERSON, L. NELSON, 13 MASON, BIRD, TOWE, STOVALL, 14 DEBRUYCKER, QUILICI, ENDY, 15 DAVIS, REAM 16 BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE 17 18 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW 19

A BILL FOR AN ACT ENTITIED. IN THE INTERPORT HEREIGN AND ANTER AN

APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY
 TRAINING; <u>AND</u> AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA;
 AND-PROVIDING-AN-IMMEDIATE-EPPECTIVE-DATE."

4 5

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

6 Section 1. Section 61-8-111, MCA, is amended to read: 7 *61-8-111. State laws applicable on certain forest 8 development roads -- enforcement -- exceptions. (1) Forest 9 Except as provided in subsection (2), forest development 10 roads in the state THAT QUALIFY AS MAINTENANCE LEVEL 3 OR 11 GREATER IN THE UNITED STATES FOREST SERVICE HANDBOOK, 12 whether or not they meet the definition of a public highway 13 by the laws of this state, are subject to the traffic laws 14 of this state, and the Montana highway patrol and county 15 sheriffs of this state shall have jurisdiction thereon to 16 investigate accidents and enforce the Montana traffic laws 17 on those roads.

18 (2) Exceptions to regulation under subsection (1) for

19 off-highway vehicle use may be permitted at the discretion

20 and determination of the United States forest service when

21 the following conditions are met:

22 (a) The exception is authorized by the forest
23 supervisor.

- 24 (b) The exception is properly signed.
- 25 (c) The off-highway vehicle has a valid registration



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HB 679 SECOND READING

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| 1 | decal. |
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| 2 | (d) The off-highway vehicle and the operation of the |
| 3 | vehicle comply with 36 CFR 261.13. |
| 4 | <u>{e}Anunlicensedoff-highwayvehicleoperatoris</u> |
| 5 | accompanied-by-a-licensed,-responsible-adult. |
| 6 | $\frac{1}{1}$ Each off-highway vehicle operator and passenger |
| 7 | shall comply with the requirements of 61-9-417." |
| 8 | NEW SECTION. Section 2. State laws applicable on |
| 9 | certain bureau of land management roads <u>ENFORCEMENT</u> |
| 10 | exceptions. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), U.S. |
| 11 | BUREAU OF LAND MANAGEMENT ROADS IN THE STATE THAT QUALIFY AS |
| 12 | COLLECTOR ROADS IN THE U.S. BUREAU OF LAND MANAGEMENT |
| 13 | MANUAL, WHETHER OR NOT THEY MEET THE DEFINITION OF A PUBLIC |
| 14 | HIGHWAY BY THE LAWS OF THIS STATE, ARE SUBJECT TO THE |
| 15 | TRAFFIC LAWS OF THIS STATE, AND THE MONTANA HIGHWAY PATROL |
| 16 | AND COUNTY SHERIFFS OF THIS STATE HAVE JURISDICTION TO |
| 17 | INVESTIGATE ACCIDENTS AND ENFORCE THE MONTANA TRAFFIC LAWS |
| 18 | ON THOSE ROADS. |
| 19 | $\frac{1}{2}$ Exceptions to the traffic laws of this state for |
| 20 | roads on land in this state owned by the U.S. bureau of land |
| 21 | management may be permitted at the discretion and |
| 22 | determination of the U.S. bureau of land management when the |
| 23 | following conditions are met: |
| 24 | (a) The exception is authorized by the district |
| 25 | supervisor AUTHORIZED OFFICER. |

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(b) The exception is properly signed.

2 (c) The off-highway vehicle has a valid registration
3 decal.

4 (d) The off-highway vehicle and the operation of the
5 vehicle comply with 43 CFR 8340.

6 (e)--An---unlicensed--off-highway--vehicle--operator--is
7 accompanied-by-a-licensed7-responsible-adult.

8 (2)(3) Each off-highway vehicle operator and passenger
 9 shall comply with the requirements of 61-9-417.

10 NEW SECTION. Section 3. Off-highway crossings of 11 public roads. (1) An EXCEPT AS PROVIDED IN SUBSECTION (2), 12 AN off-highway vehicle may make a direct crossing of a 13 public road when the crossing is necessary to get to another 14 authorized area of operation. The crossing must be made at 15 an angle of approximately 90 degrees to the direction of 16 traffic at a place where no obstruction prevents a quick and 17 safe crossing. The off-highway vehicle must make a complete 18 stop before entering upon any part of the traffic way, and 19 the operator shall yield the right-of-way to all oncoming 20 traffic.

 21
 (2) AN OPF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR

 22
 ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE

 23
 SYSTEM.

24 <u>NEW SECTION.</u> Section 4. Off-highway vehicle operator
 25 responsibilities <u>-- UNLICENSED OPERATORS.</u> (1) An off-highway

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vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

8 (2) Risks inherent in the sport of off-highway 9 operation include variations in terrain, surface or 10 subsurface conditions, crevices, ravines, streams, poor 11 visibility, rocks, trees, other forms of forest growth or 12 debris, and any other natural hazard.

13 (3) An off-highway vehicle operator is responsible for:
14 (a) knowing the range of the operator's ability to
15 navigate any slope, trail, or area for off-highway vehicle
16 use within the limits of the operator's ability, taking into
17 consideration the conditions;

(b) maintaining control of speed and course at all
 times while operating the off-highway vehicle;

20 (c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause
 or contribute to the injury of anyone.

(4) The provisions of this section do not affect a
products liability cause of action based upon the design or
manufacture of off-highway equipment or products or safety

equipment used incidental to the operation of an off-highway
 vehicle.

3 (5) AN UNLICENSED OPERATOR WHO HAS SUCCESSFULLY 4 COMPLETED THE OFF-HIGHWAY VEHICLE SAFETY EDUCATION TRAINING 5 PROGRAM OFFERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND 6 PARKS MAY OPERATE AN OFF-HIGHWAY VEHICLE ON A MAINTENANCE 7 LEVEL 3 OR GREATER FOREST SERVICE ROAD UNDER THE DIRECT

8 SUPERVISION OF A LICENSED ADULT.

<u>NEW SECTION.</u> Section 5. Off-highway vehicle safety
education training program -- appropriation. (1) There is an
off-highway vehicle safety education training program.
Beginning October 1, 1994, the department of fish, wildlife,
and parks shall coordinate the program as funds are
available.

15 (2) Beginning October 1, 1994, the department of
16 justice shall transfer to the department of fish, wildlife,
17 and parks all money available for the program under 23
18 U.S.C. 402.

19 (3) There is an account in the state special revenue 20 fund in which all money received for the administration of 21 the off-highway vehicle safety education training program 22 must be deposited. The money in the account is statutorily 23 appropriated, as provided in 17-7-502, to the department of 24 fish, wildlife, and parks for the administration of the 25 program.

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Section 6. Section 17-7-502, MCA, is amended to read: "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

7 (2) Except as provided in subsection (4), to be
8 effective, a statutory appropriation must comply with both
9 of the following provisions:

10 (a) The law containing the statutory authority must be 11 listed in subsection (3).

12 (b) The law or portion of the law making a statutory
13 appropriation must specifically state that a statutory
14 appropriation is made as provided in this section.

15 (3) The following laws are the only laws containing 16 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 17 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1+111;18 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 19 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 20 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 21 22 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 23 19-11-606: 19-12-301: 19-13-604: 19-15-101: 20-4-109: 24 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section 25 5]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;

1 23-5-631; 23-7-301; 23-7-402; 27-12-206: 37-43-204; 2 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 3 53-24-206; 61-5-121: 67-3-205: 75-1-1101: 75-5-507: 4 75-5-1108: 75-11-313; 76-12-123: 77-1-808: 80-2-103; 5 80-11-310: 82-11-136: 82-11-161: 85-1-220: 90-3-301; 6 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

7 (4) There is a statutory appropriation to pay the 8 principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, ÿ 10 that have been authorized and issued pursuant to the laws of 11 Montana. Agencies that have entered into agreements 12 authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 13 17-2-107, as determined by the state treasurer, an amount 14 sufficient to pay the principal and interest as due on the 15 16 bonds or notes have statutory appropriation authority for 17 the payments. (In subsection (3): pursuant to sec. 7, Ch. 18 567, L. 1991, the inclusion of 19-6-709 terminates upon 19 death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 20 21 22-3-811 terminates June 30, 1993.)*

<u>NEW SECTION.</u> Section 7. Codification instruction. (1)
(Section 2) is intended to be codified as an integral part
of Title 61, chapter 8, part 1, and the provisions of Title
61, chapter 8, part 1, apply to [section 2].

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(2) [Sections 3 through 5] are intended to be codified
 as an integral part of Title 23, chapter 2, part 8, and the
 provisions of Title 23, chapter 2, part 8, apply to
 (sections 3 through 5).

5 NEW-SECTION---Section-8.--Effective--date--{This-act}-is--

6 effective-on-passage-and-approval;

-End-

ontana Legislative Council

HB 0679/02

1 HOUSE BILL NO. 679 1 2 INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS, 2 3 BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON, 3 4 SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL, 4 5 SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT, S STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN, 6 6 KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED, 7 7 SPRING, PAVLOVICH, MCCAPFREE, J. JOHNSON, KNOX, 8 8 ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH, 9 9 SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL, 10 10 MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB, 11 11 12 HANSEN, BARNETT, STANG, B. BROWN, BECK, 12 DEVLIN, STANFORD, PETERSON, L. NELSON, 13 13 MASON, BIRD, TOWE, STOVALL, 14 14 15 DEBRUYCKER, QUILICI, ENDY, 15 16 DAVIS, REAM 16 BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE 17 17 18 18 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW 19 19 RELATING TO OFF-HIGHWAY VEHICLE USE; ALLOWING OFF-HIGHWAY 20 20 VEHICLE USE ON CERTAIN FOREST AND BUREAU OF LAND MANAGEMENT 21 21 ROADS: ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS 22 22 UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF 23 23 RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING 24 24 FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994; 25 25

APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY TRAINING: AND AMENDING SECTIONS 17-7-502 AND 61-8-111, MCA+ AND-PROVIDING-AN-IMMEDIATE-BPFECTIVE-DATE." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 61-8-111, MCA, is amended to read: *61-8-111. State laws applicable on certain forest development roads -- enforcement -- exceptions. (1) Porest Except as provided in subsection (2), forest development roads in the state THAT QUALIFY AS MAINTENANCE LEVEL 3 OR GREATER IN THE UNITED STATES FOREST SERVICE HANDBOOK, whether or not they meet the definition of a public highway by the laws of this state, are subject to the traffic laws of this state, and the Montana highway patrol and county sheriffs of this state shall have jurisdiction thereon to investigate accidents and enforce the Montana traffic laws on those roads. (2) Exceptions to regulation under subsection (1) for off-highway vehicle use may be permitted at the discretion and determination of the United States forest service when the following conditions are met: (a) The exception is authorized by the forest supervisor. (b) The exception is properly signed.

25 (c) The off-highway vehicle has a valid registration

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HB 679

THIRD READING

| 1 | decal. | 1 |
|----|--|----|
| 2 | (d) The off-highway vehicle and the operation of the | 2 |
| 3 | vehicle comply with 36 CPR 261.13. | 3 |
| 4 | <u>te;Anunlicensedoff-highwayvehicleoperatoris</u> | 4 |
| 5 | accompanied-by-a-licensed;-responsible-adult; | 5 |
| 6 | <u>tft(E)</u> Each off-highway vehicle operator and passenger | 6 |
| 7 | shall comply with the requirements of 61-9-417." | 7 |
| 8 | NEW SECTION. Section 2. State laws applicable on | 8 |
| 9 | certain bureau of land management roads ENFORCEMENT | 9 |
| 10 | exceptions. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), U.S. | 10 |
| 11 | BUREAU OF LAND MANAGEMENT ROADS IN THE STATE THAT QUALIFY AS | 11 |
| 12 | COLLECTOR ROADS IN THE U.S. BUREAU OF LAND MANAGEMENT | 12 |
| 13 | MANUAL, WHETHER OR NOT THEY NEET THE DEPINITION OF A PUBLIC | 13 |
| 14 | HIGHWAY BY THE LAWS OF THIS STATE, ARE SUBJECT TO THE | 14 |
| 15 | TRAFFIC LAWS OF THIS STATE, AND THE MONTANA HIGHWAY PATROL | 15 |
| 16 | AND COUNTY SHERIFFS OF THIS STATE HAVE JURISDICTION TO | 16 |
| 17 | INVESTIGATE ACCIDENTS AND ENFORCE THE MONTANA TRAFFIC LAWS | 17 |
| 18 | ON THOSE ROADS. | 18 |
| 19 | <pre>tay(2) Exceptions to the traffic laws of this state for</pre> | 19 |
| 20 | roads on land in this state owned by the U.S. bureau of land | 20 |
| 21 | management may be permitted at the discretion and | 21 |
| 22 | determination of the U.S. bureau of land management when the | 22 |
| 23 | following conditions are met: | 23 |
| 24 | (a) The exception is authorized by the district | 24 |
| 25 | supervisor AUTHORIZED OFFICER. | 25 |

(b) The exception is properly signed.

(C) The off-highway vehicle has a valid registration
decal.

(d) The off-highway vehicle and the operation of the
 vehicle comply with 43 CFR 8340.

6 (e)--An---unlicensed--off-highway--vehicle--operator--is
7 accompanied-by-a-licensed--responsible-adult-

8 t² + (3) Each off-highway vehicle operator and passenger
9 shall comply with the requirements of 61-9-417.

<u>NEW SECTION.</u> Section 3. Off-highway crossings of public roads. (1) An EXCEPT AS PROVIDED IN SUBSECTION (2), AN off-highway vehicle may make a direct crossing of a public road when the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The off-highway vehicle must make a complete stop before entering upon any part of the traffic way, and the operator shall yield the right-of-way to all oncoming traffic.

(2) AN OFP-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR
 ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE
 SYSTEM.

NEW SECTION. Section 4. Off-highway vehicle operator
 responsibilities <u>-- UNLICENSED OPERATORS</u>. (1) An off-highway

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vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

8 (2) Risks inherent in the sport of off-highway 9 operation include variations in terrain, surface or 10 subsurface conditions, crevices, ravines, streams, poor 11 visibility, rocks, trees, other forms of forest growth or 12 debris, and any other natural hazard.

13 (3) An off-highway vehicle operator is responsible for:
14 (a) knowing the range of the operator's ability to
15 navigate any slope, trail, or area for off-highway vehicle
16 use within the limits of the operator's ability, taking into
17 consideration the conditions;

(b) maintaining control of speed and course at all
 times while operating the off-highway vehicle;

20 (c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause
 or contribute to the injury of anyone.

23 (4) The provisions of this section do not affect a
24 products liability cause of action based upon the design or
25 manufacture of off-highway equipment or products or safety

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equipment used incidental to the operation of an off-highway
 vehicle.

3 (5) AN UNLICENSED OPERATOR WHO HAS SUCCESSFULLY 4 COMPLETED THE OPF-HIGHWAY VEHICLE SAFETY EDUCATION TRAINING 5 PROGRAM OFFERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND 6 PARKS MAY OPERATE AN OFF-HIGHWAY VEHICLE ON A MAINTENANCE 7 LEVEL 3 OR GREATER FOREST SERVICE ROAD UNDER THE DIRECT 8 SUPERVISION OF A LICENSED ADULT.

<u>NEW SECTION.</u> Section 5. Off-highway vehicle safety
education training program -- appropriation. (1) There is an
off-highway vehicle safety education training program.
Beginning October 1, 1994, the department of fish, wildlife,
and parks shall coordinate the program as funds are
available.

15 (2) Beginning October 1, 1994, the department of
16 justice shall transfer to the department of fish, wildlife,
17 and parks all money available for the program under 23
18 U.S.C. 402.

19 (3) There is an account in the state special revenue 20 fund in which all money received for the administration of 21 the off-highway vehicle safety education training program 22 must be deposited. The money in the account is statutorily 23 appropriated, as provided in 17-7-502, to the department of 24 fish, wildlife, and parks for the administration of the 25 program.

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Section 6. Section 17-7-502, MCA, is amended to read: "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

7 (2) Except as provided in subsection (4), to be
8 effective, a statutory appropriation must comply with both
9 of the following provisions:

10 (a) The law containing the statutory authority must be11 listed in subsection (3).

12 (b) The law or portion of the law making a statutory
13 appropriation must specifically state that a statutory
14 appropriation is made as provided in this section.

15 (3) The following laws are the only laws containing 16 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 17 18 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 19 15-65-121: 15-70-101; 16-1-404; 16-1-410; 16-1-411; 20 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 21 22 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 23 **19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;** 24 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section 5]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 25

1 23-5-631: 23-7-301; 23-7-402; 27-12-206; 37-43-204: 2 37-51-501: 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 3 53-24-206: 61-5-121: 67-3-205; 75-1-1101: 75-5-507: 4 75-5-1108: 75-11-313: 76-12-123: 77-1-808: 80-2-103: 5 80-11-310; 82-11-136: 82-11-161; 85-1-220; 90-3-301: 90-4-215; 90-6-331; 90-7-220; and 90-9-306. б

(4) There is a statutory appropriation to pay the 7 8 principal, interest, premiums, and costs of issuing, paying, 9 and securing all bonds, notes, or other obligations, as due, 10 that have been authorized and issued pursuant to the laws of 11 Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state 12 13 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 14 15 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for 16 17 the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon 18 death of last recipient eligible for supplemental benefit; 19 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 20 22-3-811 terminates June 30, 1993.)" 21

<u>NEW SECTION.</u> Section 7. Codification instruction. (1)
[Section 2] is intended to be codified as an integral part
of Title 61, chapter 8, part 1, and the provisions of Title
61, chapter 8, part 1, apply to [section 2].

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(2) [Sections 3 through 5] are intended to be codified
 as an integral part of Title 23, chapter 2, part 8, and the
 provisions of Title 23, chapter 2, part 8, apply to
 [sections 3 through 5].

5 NEW-SECTION---Section-8.--Effective--date--{This-act}-is--

6 effective-on-passage-and-approvair

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2 April 13, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 679 (third reading copy -blue), respectfully report that House Bill No. 679 be amended as follows and as so amended be concurred in.

> Signed: Betty Brushi - Maue Senator Betty Bruski-Maus, Vice-Chair

That such amendments read:

1. Title, lines 20 through 22.
Following: "USE;" on line 20
Strike: remainder of line 20 through "ROADS;" on line 22

2. Title, page 2, line 2. Following: "AMENDING" Strike: "SECTIONS" Insert: "SECTION" Following: "17-7-502" Strike: "AND 61-8-111"

3. Page 2, line 6 through page 4, line 9. Strike: sections 1 and 2 in their entirety Renumber: subsequent sections

4. Page 4, line 25. Strike: "-- UNLICENSED OPERATORS"

5. Page 6, lines 3 through 8. Strike: subsection (5) in its entirety

6. Page 6, line 19.
Strike: "state"
Insert: "federal"

7. Page 6. Following: line 25 Insert: "(4) Authorization for the training program provided for in subsection (1) is contingent upon the receipt of federal funding for the program."

8. Page 7, line 25. Strike: "5" Insert: "3"

9. Page 8, lines 22 through 25.

<u>Busti-Maus</u> Senator Carrying Bill Amd. Coord. Sec. of Senate

811508SC.San

Page 2 of 2 April 13, 1993

10. Page 9, line 1. Strike: "(2)" Following: "Sections" Strike: "3" Insert: "1" Following: "through" Strike: "5" Insert: "3" 11. Page 9, line 4. Following: "sections" Strike: "3" Insert: "1" Following: "through" Strike: "5" Insert: "3"

Strike: subsection (1) in its entirety

-END-

SENATE H0 179 8115085C.san

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 15, 1993 11:05 am

Mr. Chairman: I move to amend House Bill No. 679 (third reading copy -- blue).

ADOPT

REJECT

Cec Signed: Weedi

That such amendments read:

Amend the Senate Committee on Highways and Transportation standing committee report on House Bill No. 679 dated April 13, 1993, as follows:

Strike amendment No. 7 in its entirety

Amend House Bill No. 679 (third reading -- blue copy) as follows:

1. Page 9. Following: line 6 Insert: "NEW SECTION. Section 6. Contingent voidness. If on July 1, 1995, funding is not available for the training program provided for in [section 3], then the provisions of [section 3] are void."

-END-

HB 679

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SENATE

[// - Amd. Coord.

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REFERENCE BILL

| 2 | INTRODUCED BY CLARK, WEEDING, GALVIN, SIMPKINS, |
|----|---|
| 3 | BURNETT, WYATT, GRINDE, SAYLES, RYE, GAGE, T. NELSON, |
| 4 | SIMON, D. BROWN, HERTEL, REHBEIN, HARRINGTON, VOGEL, |
| 5 | SWANSON, M. HANSON, SQUIRES, DRISCOLL, HIBBARD, TVEIT, |
| 6 | STRIZICH, LARSON, SWIFT, JERGESON, KEATING, RYAN, |
| 7 | KOEHNKE, MILLS, J. RICE, ELLIS, TASH, WANZENRIED, |
| 8 | SPRING, PAVLOVICH, MCCAFFREE, J. JOHNSON, KNOX, |
| 9 | ANDERSON, MENAHAN, GILBERT, KELLER, ROSE, SMITH, |
| 10 | SCHYE, DAILY, GERVAIS, HAYNE, BERGMAN, DOWELL, |
| 11 | MCCLERNAN, REA, BRENDEN, HALLIGAN, COBB, |
| 12 | HANSEN, BARNETT, STANG, B. BROWN, BECK, |
| 13 | DEVLIN, STANFORD, PETERSON, L. NELSON, |
| 14 | MASON, BIRD, TOWE, STOVALL, |
| 15 | DEBRUYCKER, QUILICI, ENDY, |
| 16 | DAVIS, REAM |
| 17 | BY REQUEST OF THE HOUSE HIGHWAYS COMMITTEE |
| 18 | |
| 19 | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW |
| 20 | RELATING TO OPF-HIGHWAY VEHICLE USE; ALLOWING-OPP-HIGHWAY |
| 21 | vehicle-use-on-certain-porest-and-burbau-op-land-management |
| 22 | ROADS: ALLOWING OFF-HIGHWAY VEHICLES TO CROSS PUBLIC ROADS |
| 23 | UNDER CERTAIN CONDITIONS; ESTABLISHING A STANDARD OF |
| 24 | RESPONSIBILITY FOR OFF-HIGHWAY VEHICLE OPERATORS; PROVIDING |
| 25 | FOR OPP-HIGHWAY VEHICLE SAFETY TRAINING AFTER 1994; |

HOUSE BILL NO. 679

61-8-111, MCA+-AND-PROVIDING-AN-IMMEDIATE-EPPECTIVE-DATE." 3 4 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. - Section-61-8-1117-MCAy-is-amended-to-read;--6 7 #61-8-111---State--laws--applicable--on certain forest 8 development--roads----enforcement ---exceptions- (1) Porest 9 Except-as-provided-in--subsection--(2)7--forest development 10 roads--in--the--state THAT-QUALIFY-AS-MAINTENANCE-LEVEL-3-OR 11 GREATER--IN--THE--UNITED--STATES--POREST--SERVICE--HANDBOOK7 12 whether-or-not-they-meet-the-definition-of-a-public--highway 13 by--the--laws-of-this-state7-are-subject-to-the-traffic-laws 14 of-this-state; and-the-Montana--highway--patrol--and--county 15 sheriffs--of--this--state-shall-have-jurisdiction-thereon-to 16 investigate-accidents-and-enforce-the-Montana--traffic--laws 17 on-those-roads-18 t2)--Exceptions--to--regulation-under-subsection-t1)-for 19 off-highway-vehicle-use-may-be-permitted-at--the--discretion 20 and--determingtion--of-the-United-States-forest-service-when 21 the-following-conditions-are-met: 22 ta)--The--exception--is---authorized---by---the---forest 23 supervisor. 24 (b)--The-exception-is-properly-signed-25 tc;--The--off-highway--vehicle--has-a-valid-registration

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APPROPRIATING FEDERAL FUNDS FOR OFF-HIGHWAY VEHICLE SAFETY

TRAINING; AND AMENDING SECTIONS SECTION 17-7-502 AND



| 1 | decalt |
|----|--|
| 2 | <u>{d}The-off-highway-vehicle-and-theoperationofthe</u> |
| 3 | vehicle-comply-with-36-CFR-261-13- |
| 4 | <u>fejAnunlicensedoff-highwayvehicleoperatoris</u> |
| 5 | accompanied-by-a-licensedy-responsible-adult. |
| 6 | <u>ff)fB}Bach-off-highway-vehicle-operator-andpassenger</u> |
| 7 | shall-comply-with-the-requirements-of-61-9-417-" |
| 8 | <u>NBW-SBCTIONSection-2</u> Statelawsapplicableon |
| 9 | certainbureauofland-management-roads BNPORCEMBNT |
| 10 | exceptions: <u>{1}-BXCBPT-AS-PROVIDEB-IN-SUBSBCTION{2};U:S</u> |
| 11 | BURBAU-OF-LAND-MANAGEMENT-ROADS-IN-THE-STATE-THAT-QUALIPY-AS |
| 12 | COLLECTORROADSINTHEU-SBURBAUOFLAND-MANAGEMENT |
| 13 | MANUAL7-WHETHER-OR-NOT-THEY-MEET-THE-DEPINITION-OP-APUBLIC |
| 14 | H ichwaybythelawsopthissyate₇are-subject-to- the |
| 15 | TRAPPIC-LANS-OP-THIS-STATE7-AND-THE-MONTANAHIGHWAYPATROL |
| 16 | ANDCOUNTYSHERIFFSOFTHISSTATEHAVE-JURISDICTION-TO |
| 17 | Investigate-accidents-and-enforce-the-montanatrappicbaws |
| 18 | ON-THOSE-ROADS- |
| 19 | <pre>flighted for the traffic laws of this state for</pre> |
| 20 | roads-on-land-in-this-state-owned-by-the-U7ST-bureau-of-land |
| 21 | managementmaybepermittedatthediscretionand |
| 22 | determination-of-the-U-S-bureau-of-iand-management-when-the |
| 23 | following-conditions-are-met; |
| 24 | {a}Theexceptionisa uthorisedbythedistrict |
| 25 | supervisor AUTHORIESD-OPPICER. |

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| 1 | tb}The-exception-is-properly-signed, |
|----|---|
| 2 | t c}Theoff-highwayvehiclehas-a-valid-regis tration |
| 3 | deca l. |
| 4 | td;The-off-highway-vehicle-and-theoperationofthe |
| 5 | vehicle-comply-with-43-CPR-0340. |
| 6 | te;Anunlicensedoff-highwayvehicleoperatoris |
| 7 | accompanied-by-a-licensed;-responsible-adult; |
| 8 | {2}<u>{</u>3} Bach-off-highway-vehicle-operator-andpassenger |
| 9 | shall-comply-with-the-requirements-of-61-9-417. |
| 10 | NEW SECTION. Section 1. Off-highway crossings of |
| 11 | public roads. (1) An EXCEPT AS PROVIDED IN SUBSECTION (2), |
| 12 | AN off-highway vehicle may make a direct crossing of a |
| 13 | public road when the crossing is necessary to get to another |
| 14 | authorized area of operation. The crossing must be made at |
| 15 | an angle of approximately 90 degrees to the direction of |
| 16 | traffic at a place where no obstruction prevents a quick and |
| 17 | safe crossing. The off-highway vehicle must make a complete |
| 18 | stop before entering upon any part of the traffic way, and |
| 19 | the operator shall yield the right-of-way to all oncoming |
| 20 | traffic. |
| 21 | (2) AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON OR |
| 22 | ACROSS A HIGHWAY THAT IS PART OF THE FEDERAL-AID INTERSTATE |
| 23 | System. |
| 24 | NEW SECTION. Section 2. Off-highway vehicle operator |
| 25 | responsibilities UNLICENSED-OPERATORS. (1) An off-highway |

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1 vehicle operator shall accept all legal responsibility for 2 injury or damage of any kind to the extent that the injury 3 or damage results from risks inherent in the sport of 4 off-highway vehicle use and shall regulate personal conduct 5 at all times so that injury to self or other persons or 6 property that results from the risks inherent in the sport 7 of off-highway vehicle operation is avoided.

8 (2) Risks inherent in the sport of off-highway 9 operation include variations in terrain, surface or 10 subsurface conditions, crevices, ravines, streams, poor 11 visibility, rocks, trees, other forms of forest growth or 12 debris, and any other natural hazard.

(3) An off-highway vehicle operator is responsible for:
(a) knowing the range of the operator's ability to
navigate any slope, trail, or area for off-highway vehicle
use within the limits of the operator's ability, taking into
consideration the conditions;

(b) maintaining control of speed and course at all
 times while operating the off-highway vehicle;

20 (c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause
 or contribute to the injury of anyone.

(4) The provisions of this section do not affect a
products liability cause of action based upon the design or
manufacture of off-highway equipment or products or safety

equipment used incidental to the operation of an off-highway 1 2 vehicle. З +5+--AN--UNLICENSED--OPERATOR---WHO---HAS---SUCCESSPULLY 4 COMPLETED--THE-OFF-HIGHWAY-VEHICLE-SAFETY-EDUCATION-TRAINING PROGRAM-OFFERED-BY-THE-DEPARTMENT--OF--FISE7--WILBLIFE7--AND 5 6 PARK5--MAY--OPERATE--AN-OPP-HIGHWAY-VEHICLE-ON-A-MAINTENANCE LEVEL-3-OR-GREATER-POREST--SERVICE--ROAD--UNDER--THE--DIRBCT 7 SUPERVISION-OF-A-LICENSED-ADULT-8 NEW SECTION. Section 3. Off-highway vehicle safety 9

9 <u>NEW SECTION.</u> Section 3. Orr-highway vehicle safety 10 education training program -- appropriation. (1) There is an 11 off-highway vehicle safety education training program. 12 Beginning October 1, 1994, the department of fish, wildlife, 13 and parks shall coordinate the program as funds are 14 available.

15 (2) Beginning October 1, 1994, the department of
16 justice shall transfer to the department of fish, wildlife,
17 and parks all money available for the program under 23
18 U.S.C. 402.

19 (3) There is an account in the state <u>FEDERAL</u> special 20 revenue fund in which all money received for the 21 administration of the off-highway vehicle safety education 22 training program must be deposited. The money in the account 23 is statutorily appropriated, as provided in 17-7-502, to the 24 department of fish, wildlife, and parks for the 25 administration of the program.

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| 1 | (4) AUTHORISATION-POR-THE-TRAINING-PROGRAM-PROVIDED-POR |
|---|--|
| 2 | IN-SUBSECTION-(1)-IS-CONTINGENT-UPON-THE-RECEIPT-OPPEDERAL |
| 3 | PUNDING-POR-THE-PROGRAM, |

4 Section 4. Section 17-7-502, MCA, is amended to read: 5 "17-7-502. Statutory appropriations -- definition --6 requisites for validity. (1) A statutory appropriation is an 7 appropriation made by permanent law that authorizes spending 8 by a state agency without the need for a biennial 9 legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
 effective, a statutory appropriation must comply with both
 of the following provisions:

13 (a) The law containing the statutory authority must be
14 listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

(3) The following laws are the only laws containing 18 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 19 10-3-203: 10-3-312: 10-3-314: 10-4-301: 13-37-304; 15-1-111; 20 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 21 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 22 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 23 17-7-304: 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 24 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 25

19-11-606: 19-12-301; 19-13-604; 19-15-101; 20-4-109; 1 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section 2 3 5 3]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 4 23-5-631: 23-7-301: 23-7-402: 27-12-206: 37-43-204; 5 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 6 75-1-1101: 75-5-507; 7 75-5-1108; 75-11-313; 76-12-123: 77-1-808; 80-2-103; 8 80-11-310; 82-11-136: 82-11-161: 85-1-220; 90-3-301; 9 90-4-215: 90-6-331: 90-7-220: and 90-9-306.

10 (4) There is a statutory appropriation to pay the 11 principal, interest, premiums, and costs of issuing, paying, 12 and securing all bonds, notes, or other obligations, as due, 13 that have been authorized and issued pursuant to the laws of 14 Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state 15 16 treasurer, for deposit in accordance with 17-2-101 through 17 17-2-107, as determined by the state treasurer, an amount 18 sufficient to pay the principal and interest as due on the 19 bonds or notes have statutory appropriation authority for 20 the payments. (In subsection (3): pursuant to sec. 7, Ch. 21 567, L. 1991, the inclusion of 19-6-709 terminates upon 22 death of last recipient eligible for supplemental benefit; 23 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 24 22-3-811 terminates June 30, 1993.)*

25 NEW SECTION. Section 5. Codification instruction. [1]

-8-

f8ection-2}-is-intended-to-be-codified-as-an--integral--part
 of--Title-617-chapter-87-part-17-and-the-provisions-of-Title
 617-chapter-87-part-17-apply-to-{section-2}-

4 (2) [Sections 3 1 through 5 3] are intended to be
5 codified as an integral part of Title 23, chapter 2, part 8,
6 and the provisions of Title 23, chapter 2, part 8, apply to
7 [sections 3 1 through 5 3].

8 NEW-BECTIONT--Soction-8.--Bffective-date:-{Phis-act}--is-9 effective-on-passage-and-approval:

 NEW SECTION.
 SECTION 6.
 CONTINGENT
 VOIDNESS.
 IF
 ON

 11
 JULY 1, 1995, FUNDING IS
 NOT
 AVAILABLE
 FOR
 THE
 TRAINING

 12
 PROGRAM
 PROVIDED FOR IN [SECTION 3], THEN THE PROVISIONS OF

13 [SECTION 3] ARE VOID.

-End-