

SENATE BILL NO. 165

INTRODUCED BY B. USHER, W. GALT, S. KELLY, S. KLAKKEN, E. ALBUS, R. GREGG, C. SCHOMER, J. FULLER, A. REGIER, S. WEBBER, D. LOGE, M. REGIER, S. VINTON, M. YAKAWICH, C. GLIMM, B. LER, J. GILLETTE, G. HERTZ, S. MORIGEAU, A. OLSEN, T. TEZAK, B. BEARD, J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BUSINESS FEES FOR SNOWMOBILE OR
MOTORIZED EQUIPMENT RENTALS; PROVIDING A TRAIL ENHANCEMENT RENTAL FEE; PROVIDING
THAT THE FEE MUST BE USED FOR MAINTENANCE AND REPAIR OF VEHICLES AND TRAILS; AND
AMENDING SECTION 23-2-636, MCA."

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

Section 1. Section 23-2-636, MCA, is amended to read:

"23-2-636. Winter trail pass -- fees -- penalties. (1) (a) Except as provided in subsection (4), to be eligible to operate a snowmobile or a dog sled or to use motorized equipment or mechanical transport in snowmobile areas groomed with a grant or funding assistance awarded by the department, a person shall first purchase a winter trail pass for:

(a)(i) \$20, if the snowmobile or motorized equipment is registered in Montana pursuant to 61-3-321 or the person operating the dog sled or mechanical transport is a resident as determined under 1-1-215. A trail pass purchased pursuant to this subsection (1)(a)(i) is valid for up to 2 years from the date of purchase but no later than June 30 of the second year.

(b)(ii) \$35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant to 61-3-321 or the person operating the dog sled or mechanical transport is not a resident as determined under 1-1-215. A trail pass purchased pursuant to this subsection (1)(b)(ii) is valid for up to 1 year from the date of purchase but no later than June 30 of the following year.

(b) In addition to the payment for a winter trail pass pursuant to subsection (1)(a), if the snowmobile or motorized equipment is operated as a rental from a rental business licensed in Montana, a person THE RENTER shall pay a \$5 trail enhancement rental fee TO THE RENTAL VENDOR each time the

snowmobile or motorized equipment is rented. THE RENTAL VENDOR MUST PAY \$5 TO THE DEPARTMENT FOR EACH SNOWMOBILE OR MOTORIZED EQUIPMENT RENTED EACH MONTH. THE PAYMENT MUST BE MADE BY THE FIRST WEEK OF THE MONTH FOLLOWING THE COLLECTION OF THE TRAIL ENHANCEMENT RENTAL FEE. The department shall distribute the trail enhancement rental fee as provided in subsection (5)(b).

(2) The trail pass must be affixed in a conspicuous place to each snowmobile, dog sled, motorized equipment, or mechanical transport used. A trail pass is not transferable between a snowmobile, dog sled, motorized equipment, or mechanical transport. If a snowmobile is sold with an affixed trail pass, the trail pass may continue to be used by the purchaser of the snowmobile until it expires.

(3) (a) Application for the issuance of the trail pass must be made at locations and on forms prescribed by the department. The forms must include but are not limited to the applicant's name and permanent street address.

(b) The applicant's name and permanent street address, as required in subsection (3)(a), and any other personal identification information, including but not limited to the applicant's phone number, may not be made public but may be used by other state agencies or the Montana university system for the sole purpose of gathering information for user studies that include usage criteria, trends, and growth.

(4) The purchase of a trail pass is not required for:

(a) a person renting a snowmobile registered pursuant to 61-3-321(11)(c), but the person shall carry proof of rental if operating the snowmobile in a snowmobile area that otherwise requires a trail pass pursuant to subsection (1);

(b) a person participating in a sanctioned dog sled race; or

(c) motorized equipment exempt from registration in Montana pursuant to 61-3-321(14).

(5) (a) Except for 50 cents, which is a search and rescue surcharge deposited pursuant to 87-1-601, money collected ~~by from~~ payment of fees under ~~this section~~ subsection (1)(a) must be deposited in the state special revenue fund to the credit of the department and used as follows:

(a)(i) \$2 must be remitted to the vendor who sold the trail pass if the vendor is not the department;

(b)(ii) \$1.50 must be used for the enforcement of snowmobile laws pursuant to this part; and

(c)(iii) the remainder must be used by the department for the statewide snowmobile trail grooming program.

1 **(b)** Money collected from payment of the trail enhancement rental fee under subsection (1)(b) must
2 be deposited in the state special revenue fund to the credit of the department and used as follows:

3 **(i)** 2% of the fee must be used by the department for the operation of the trail grooming program,
4 including but not limited to repairs for grooming vehicles; and

5 **(ii)** the remainder must be distributed by the department to entities that groom and maintain trails
6 in areas in which snowmobile or motorized vehicle rental entities operate.

7 **(6)** The failure to affix the trail pass as required by this section or the making of false statements in
8 obtaining the trail pass is a misdemeanor, punishable by a fine of not less than \$40 or more than \$100.

9 **(7)** To be eligible for a trail pass pursuant to this section, an all-terrain vehicle must have a wheel
10 base of less than 50 inches in width and be equipped with tracks instead of wheels while operating on a
11 groomed snowmobile trail administered by the department.

12 **(8)** For the purposes of this section:

13 **(a)** "motorized equipment" means any motorized equipment allowed by a snowmobile area
14 operator; and

15 **(b)** "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."

16 - END -