

SENATE BILL NO. 363

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "TOURIST HOME"; AMENDING SECTION 50-51-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 50-51-102, MCA, is amended to read:

"50-51-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

- (a) breakfast is served and is included in the charge for a guest room; and
- (b) the number of daily guests served does not exceed 18.

(2) (a) "Day visitor" means a guest whose primary purpose on the guest ranch is to participate in recreational activities regularly provided by the guest ranch for a fee including but not limited to hunting, horseback riding, working cattle, hiking, biking, snowmobiling, or fishing, who may be served food incidental to the activity, and who does not stay overnight.

(b) The term does not include persons attending weddings, parties, large group functions, or other meals not related to the recreational activities described in subsection (2)(a) and who may not be served food unless the guest ranch or other entity serving the food has a license issued pursuant to 50-50-201.

(3) "Department" means the department of public health and human services provided for in 2-15-2201.

(4) "Establishment" means a bed and breakfast, hotel, motel, roominghouse, guest ranch, outfitting and guide facility, boardinghouse, or tourist home.

(5) "Guest ranch" means a facility that:

- (a) uses one or more permanent structures, one or more of which have running water, sewage

- 1 disposal, and a kitchen;
- 2 (b) furnishes sleeping accommodations on advance reservations for a minimum stay;
- 3 (c) provides recreational activities that include but are not limited to hunting, horseback riding,
- 4 fishing, hiking, biking, snowmobiling, or a working cattle ranch experience to its guests and day visitors; and
- 5 (d) is a small establishment or a seasonal establishment.
- 6 (6) "Hotel" or "motel" includes:
- 7 (a) a building or structure kept, used, maintained as, advertised as, or held out to the public to be a
- 8 hotel, motel, inn, motor court, tourist court, or public lodginghouse; and
- 9 (b) a place where sleeping accommodations are furnished for a fee to transient guests, with or
- 10 without meals.
- 11 (7) "Outfitting and guide facility" means a facility that:
- 12 (a) uses one or more permanent structures, one or more of which have running water, sewage
- 13 disposal, and a kitchen;
- 14 (b) furnishes sleeping accommodations to guests;
- 15 (c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or
- 16 guide, as defined in 37-47-101; and
- 17 (d) is a small establishment or a seasonal establishment.
- 18 (8) "Person" includes an individual, partnership, corporation, association, county, municipality,
- 19 cooperative group, or other entity engaged in the business of operating, owning, or offering the services of a
- 20 bed and breakfast, hotel, motel, boardinghouse, tourist home, guest ranch, outfitting and guide facility, or
- 21 roominghouse.
- 22 (9) "Roominghouse" or "boardinghouse" means buildings in which separate sleeping rooms are
- 23 rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or
- 24 permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities
- 25 or kitchens within each room, and whose occupants do not need professional nursing or personal-care services
- 26 provided by the facility.
- 27 (10) "Seasonal establishment" means a guest ranch or outfitting and guide facility operating for less
- 28 than 120 days in a calendar year and offering accommodations to no more than 40 people on average a day.

1 The average number of people a day is determined by dividing the total number of guests accommodated
2 during the year by the total number of days that the establishment was open for the purpose of accommodating
3 guests as a guest ranch or outfitting and guide facility during the year.

4 (11) "Small establishment" means a guest ranch or an outfitting and guide facility offering
5 accommodations to no more than 24 people on average a day. The average number of people a day is
6 determined by dividing the total number of guests accommodated during the year by the total number of days
7 that the establishment was open for the purpose of accommodating guests as a guest ranch or outfitting and
8 guide facility during the year.

9 (12) "Tourist home" means a an entire private home or condominium that is ~~not~~never occupied by
10 an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or
11 weekly basis.

12 (13) "Transient guest" means a guest for only a brief stay, such as the traveling public."
13

14 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

15 - END -