

1 HOUSE BILL NO. 282

2 INTRODUCED BY J. LASZLOFFY, ANDERSEN, BALYEAT, BARRETT, DEE BROWN, CLANCY, DALE,
3 ESP, FUCHS, LAIBLE, LEHMAN, LEWIS, K. MILLER, PATTISON, A. PETERSON, RICE, RIPLEY, ROME,
4 SCHRUMPF, WAITSCHIES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A PERSON'S SOCIAL
7 SECURITY NUMBER BE INCLUDED ON AN APPLICATION FOR A MONTANA HUNTING, FISHING, OR
8 TRAPPING LICENSE OR A WILDLIFE CONSERVATION LICENSE; AMENDING SECTIONS 87-2-106 AND
9 87-2-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND ~~AN~~ A RETROACTIVE
10 APPLICABILITY DATE."

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

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14 **Section 1.** Section 87-2-106, MCA, is amended to read:

15 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
16 may be procured from the director, a warden, or an authorized agent of the director. The applicant shall
17 state the applicant's name, age, ~~social security number~~, occupation, street address of permanent
18 residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as
19 a citizen of the United States or as an alien and other facts, data, or descriptions as may be required by
20 the department. An applicant for a resident license shall present a valid Montana driver's license, Montana
21 driver's examiner's identification card, or other identification specified by the department to substantiate
22 the required information. It is the applicant's burden to provide documentation establishing the applicant's
23 identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a license agent to
24 sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification
25 at the time of application for licensure. Except as provided in subsections (2) through (4), the statements
26 made by the applicant must be subscribed to before the officer or agent issuing the license.

27 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
28 mail. Statements on an application for a license to be issued by mail need not be subscribed to before the
29 employee or officer.

30 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the

1 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the
2 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

3 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or
4 fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to
5 obtain the license.

6 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the
7 department or by a license agent or an authorized representative of the license agent.

8 (6) It is unlawful to subscribe to any statement, on an application or license, that is materially
9 false. Any material false statement contained in an application renders the license issued pursuant to it
10 void. A person violating any provision of this subsection is guilty of a misdemeanor.

11 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of
12 affirming to a false statement to obtain a resident license shall be:

13 (i) fined an amount not less than the greater of \$100 or twice the cost of the nonresident license
14 that authorized the sought-after privilege or more than \$1,000;

15 (ii) imprisoned in the county jail for not more than 6 months; or

16 (iii) both fined and imprisoned.

17 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond
18 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,
19 fish, and trap in Montana for not less than 18 months.

20 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified
21 applicant in obtaining a resident license in violation of this section.

22 (9) ~~The department shall keep the applicant's social security number confidential, except that the~~
23 ~~number may be provided to the department of public health and human services for use in administering~~
24 ~~Title IV-D of the Social Security Act.~~

25 ~~(10) The department shall delete an applicant's social security number in any electronic database~~
26 ~~5 years after the date that application is made for the most recent license maintained by the department."~~

27

28 **Section 2.** Section 87-2-202, MCA, is amended to read:

29 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon
30 written application. The application must contain the applicant's name, age, ~~social security number,~~

1 occupation, street address of permanent residence, mailing address, qualifying length of time as a resident
 2 in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by
 3 the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's
 4 identification card, or other identification specified by the department to substantiate the required
 5 information when applying for a wildlife conservation license. It is the applicant's burden to provide
 6 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation
 7 license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an
 8 applicant who fails to produce the required identification at the time of application for licensure.

9 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
 10 recorded according to rules that the department may prescribe.

11 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

12 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

13 (4) Licenses issued are void after the last day of February next succeeding their issuance.

14 (5) ~~The department shall keep the applicant's social security number confidential, except that the~~
 15 ~~number may be provided to the department of public health and human services for use in administering~~
 16 ~~Title IV-D of the Social Security Act.~~

17 ~~(6) The department shall delete the applicant's social security number in any electronic database~~
 18 ~~5 years after the date that application is made for the most recent license maintained by the department."~~

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20 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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22 NEW SECTION. **Section 4. ~~Applicability~~ RETROACTIVE APPLICABILITY.** With regard to an application
 23 for a new hunting, fishing, or trapping license or a new wildlife conservation license, [this act] applies
 24 RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, to license years beginning on or after March 1, ~~2002~~ 2001.

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