

HOUSE OF REPRESENTATIVES
Roll Call
TRANSPORTATION COMMITTEE

DATE 2-2-05

NAME	PRESENT	ABSENT	EXCUSED
REP. SCOTT MENDENHALL, CHAIR	✓		
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN	✓		
REP. GEORGE GOLIE	✓		
REP. LARRY JENT			✓
REP. JIM KEANE	✓		
REP. MONICA LINDEEN			✓
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE TRANSPORTATION COMMITTEE** TABLED **HB 398, HB 443, HB 445**, by motion, on
Wednesday, February 2, 2005.

Kyanne Kelly
(For the Committee)

Jan
(Chief Clerk of the House)

8:35 / 2/3
(Time) (Date)

February 2, 2005

Kyanne Kelly, Secretary

Phone: 1512



HOUSE STANDING COMMITTEE REPORT

February 3, 2005

Page 1 of 8

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 385** (first reading copy -- white) do pass as amended.

Signed: 
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, lines 7 and 8.

Strike: "THAT" on line 7 through "ENTITY;" on line 8

Insert: "FOR ISSUANCE OF A DRIVER'S LICENSE TO A FOREIGN NATIONAL WHOSE PRESENCE IN THE UNITED STATES IS TEMPORARILY AUTHORIZED UNDER FEDERAL LAW AND IMPOSING CERTAIN CONDITIONS ON RENEWAL AND EXPIRATION OF THAT LICENSE; AUTHORIZING THE DEPARTMENT OF JUSTICE TO ADOPT RULES REGARDING ISSUANCE OF A DRIVER'S LICENSE TO A FOREIGN NATIONAL;"

Following: "61-5-105"

Insert: ", "

Strike: "AND 61-5-106"

Insert: "61-5-107, 61-5-111, AND 61-5-125"

2. Title, lines 8 and 9.

Strike: "AN" on line 8 through "IMMEDIATE" on line 9

Strike: "DATE" on line 9

Insert: "DATES AND APPLICABILITY DATES"

3. Page 1, line 14.

Strike: "-- no refusal for debts"

Strike: "(1)"

4. Page 1, line 16.

Strike: "(a)"

Insert: "(1)"

Committee Vote:

Yes 8, No 4.

270938SC.hkh

2/3/05
jbu

5. Page 1, line 17.

Strike: "(i)"

Insert: "(a)"

6. Page 1, line 19.

Strike: "(ii)"

Insert: "(b)"

7. Page 1, line 21.

Strike: "(b)"

Insert: "(2)"

8. Page 1, line 24.

Strike: "(c)"

Insert: "(3)"

9. Page 1, line 25.

Strike: "(d)"

Insert: "(4)"

10. Page 1, line 28.

Strike: "(e)"

Insert: "(5)"

11. Page 1, line 29.

Strike: "(f)"

Insert: "(6)"

12. Page 2, line 1.

Strike: "(g)"

Insert: "(7)"

13. Page 2, line 7.

Strike: "(h)"

Insert: "(8)"

14. Page 2, line 9.

Strike: "(i)"

Insert: "(9)"

15. Page 2, lines 13 and 14.

Strike: subsection (2) in its entirety

16. Page 2, line 16 through page 3, line 20.

Strike: sections 2 and 3 in their entirety

Insert: "Section 2. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Each application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the

applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium.

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Insert: "Section 3. Section 61-5-111, MCA, is amended to read:

"61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace period, and fees for licenses, permits, and endorsements -- notice of expiration. (1) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts. The department shall adopt necessary rules governing sales. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee; and

(iv) either the licensee's customary signature or a digital reproduction of the licensee's customary signature.

(b) The department may not use the licensee's social security number as the distinguishing number unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's

license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) Except as provided in subsections (3)(d)(iv) through (3)(d)(vi), a person may renew a driver's license by mail if the person certifies that the person is temporarily out of state and will not be returning to the state prior to the expiration of the license.

(ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph or signature record of the renewal applicant from the expiring license, then the department may require the renewal applicant to submit a personal photograph and signature that meets the requirements prescribed by the department.

(iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for consecutive license terms.

(v) The department may not renew a license by mail if the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant.

(vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail.

(e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a driver's license. The department shall mail the notice to the Montana mailing address shown on the driver's license unless the licensee has submitted a change of address as required by 61-5-115.

(4) (a) Except as provided in subsections (4)(b), and (4)(c), and (4)(d), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(d) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, on either:

(i) the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States; or

(ii) on the person's birthday immediately preceding the expiration date of the official document.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months when its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving.

(6) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

(b) motorcycle endorsement -- 50 cents a year or fraction of a year;

(c) commercial driver's license:

(i) interstate -- \$5 a year or fraction of a year;

(ii) intrastate -- \$3.50 a year or fraction of a year;

(d) renewal notice -- 50 cents.

(7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term."

Insert: "Section 4. Section 61-5-125, MCA, is amended to read:

"61-5-125. Authority of department -- rulemaking authority.

(1) The department shall administer and enforce the provisions of this chapter.

(2) The department shall adopt rules setting standards to govern driver's license examinations and reexaminations. The rules:

(a) must specifically address the functional abilities and skills required for a person to exercise ordinary and reasonable control in the safe operation of a motor vehicle on a highway;

(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licensure and may include minimum field of vision and depth perception requirements and hearing requirements for unrestricted and restricted licensure;

(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination;

(d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

(e) may take into consideration any nationally recognized standards or recommended practices for assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

(g) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation, or condition as a justification for denial of a license.

(3) The department may adopt additional rules governing:

(a) acceptable methods of proof of identification that must be supplied by a person upon application for or renewal of a driver's license;

(b) issuance of a hardship license to an underage applicant;

(c) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license fees;

(d) circumstances under which the department may issue a probationary license to a person whose license has been suspended or revoked or a person whose license is subject to a discretionary suspension or revocation;

(e) restrictions to be imposed upon a probationary license;

(f) renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty; and

(g) issuance of a duplicate driver's license; and

(h) a determination of the driver's license expiration date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law."

Insert: "NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Sections 2 and 3] are effective July 1, 2006."

Insert: "NEW SECTION. Section 6. Applicability. [This act] applies to driver's licenses issued on or after July 1, 2005, and to driver's licenses renewed on or after July 1, 2006."

- END -



HOUSE STANDING COMMITTEE REPORT

February 3, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 393** (first reading copy -- white) do pass as amended.

Signed: Scott Mendenhall
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 17.

Strike: "LIMITING GOVERNMENTAL LIABILITY;"

2. Page 2, line 13.

Strike: "medical" through "to a"

3. Page 2, line 15.

Following: "confirmation test"

Insert: "that is reported to the commercial motor vehicle operator employer by a medical review officer or breath alcohol technician hired by or under contract to the commercial motor vehicle operator employer"

4. Page 2, lines 18 and 19.

Following: "49 CFR 40.191"

Strike: ", " on line 18 through "technician" on line 19

5. Page 2, line 23.

Strike: "department"

Insert: "commercial motor vehicle operator employer"

6. Page 2, line 24.

Strike: "as provided in [section 2(1)]"

Committee Vote:

Yes 8, No 4.

270851SC.hkh

2/3/05

ifm

7. Page 2, line 29.

Strike: "medical" through "or"

8. Page 3, line 2.

Following: "subject to"

Insert: "subsection (8) and"

9. Page 3, line 18.

Following: "report"

Insert: "to the commercial motor vehicle operator employer"

10. Page 3, line 30.

Following: "report"

Insert: "to the commercial motor vehicle operator employer"

11. Page 4, line 19 through line 22.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

12. Page 5, line 8 through line 11.

Strike: section 3 in its entirety

Renumber: subsequent section

- END -



HOUSE STANDING COMMITTEE REPORT

February 3, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 269** (first reading copy -- white) do pass as amended.

Signed: _____

Scott Mendenhall
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 5.

Following: "LAND OR"

Strike: "PUBLIC"

2. Page 1, line 19.

Following: "or"

Strike: "public"

Insert: "to access"

3. Page 1, line 20.

Following: "23-2-301"

Insert: "and as permitted in 23-2-302"

4. Page 2, line 7.

Following: "or"

Insert: "to access"

5. Page 2, line 8.

Strike: "public"

Following: "23-2-301"

Insert: "and as permitted in 23-2-302"

- END -

Committee Vote:

Yes 8, No 4.

270850SC.hkh

2/3/05

fm



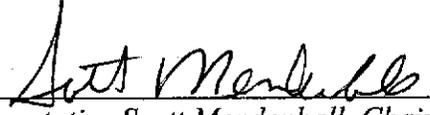
HOUSE STANDING COMMITTEE REPORT

February 3, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 186** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Scott Mendenhall, Chair

And, that such amendments read:

1. Title, line 8 through line 10.

Following: "MOTORCYCLE", " on line 8

Insert: "AND"

Strike: ", AND" on line 8 through "ENDORSEMENTS" on line 10

2. Title, line 12 through line 13.

Strike: "61-1-123" on line 12 through "61-8-605," on line 13

3. Page 1, line 18.

Following: "that" on line 18

Insert: " (a) was manufactured in one stage;
(b) "

4. Page 1, lines 19 through 22.

Strike: ", " on line 19 through "(b)" on line 22

Insert: "; and (c) "

5. Page 1, line 23.

Strike: "40"

Insert: "49"

6. Page 1, line 26.

Committee Vote:

Yes 10, No 2.

270849SC.hkh

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Following: "include"

Insert: "a vehicle manufactured before 1980,"

7. Page 2, line 10.

Following: "~~61-1-123~~"

Insert: "bicycle, as defined in 61-1-123, and a"

8. Page 2, line 25.

Following: "~~61-1-123~~"

Insert: "bicycle, as defined in 61-1-123, and a"

9. Page 3, line 15 through page 6, line 3.

Strike: sections 7 through 9 in their entirety

Renumber: subsequent sections

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-2-05 BILL NO. 398 MOTION NO. _____
MOTION: _____

DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	.	✓	
REP. JOHN BALYEAT		✓	
REP. BOB BERGREN		✓	
REP. GEORGE GOLIE		✓	
REP. LARRY JENT	✓		
REP. JIM KEANE		✓	
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. SCOTT MENDENHALL, CHAIR		✓	

4 8

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-2-05 BILL NO HB269 MOTION NO. _____

MOTION: DO PASS AS AMENDED

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALLYEAT		✓	
REP. BOB BERGREN		✓	
REP. GEORGE GOLIE	✓		
REP. LARRY JENT	✓		
REP. JIM KEANE	✓		
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM		✓	
REP. SCOTT MENDENHALL, CHAIR		✓	

8 4

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-2-05 BILL NO 385 MOTION NO. 1
MOTION: _____

Amendment BE AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN		✓	
REP. GEORGE GOLIE		✓	
REP. LARRY JENT	✓		
REP. JIM KEANE		✓	
REP. MONICA LINDEEN		✓	
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

8 4

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-2-05 BILL NO 385 MOTION NO. 2
MOTION: _____

DO PASS AS AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALLYEAT	✓		
REP. BOB BERGREN		✓	
REP. GEORGE GOLIE		✓	
REP. LARRY JENT	✓		
REP. JIM KEANE		✓	
REP. MONICA LINDEEN		✓	
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. SCOTT MENDENHALL, CHAIR	✓		

8 4

HOUSE OF REPRESENTATIVES
Roll Call Vote
TRANSPORTATION COMMITTEE

DATE 2-2-05 BILL NO HB393 MOTION NO. _____
MOTION: _____

As amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. BERNIE OLSON, VICE CHAIR	✓		
REP. JILL COHENOUR, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. JOHN BALYEAT	✓		
REP. BOB BERGREN		✓	
REP. GEORGE GOLIE		✓	
REP. LARRY JENT	✓		
REP. JIM KEANE		✓	
REP. MONICA LINDEEN	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM		✓	
REP. SCOTT MENDENHALL, CHAIR	✓		

8 4

COMMITTEE PROXY

DATE: 2-2-05

I request to be excused from the Transportation

Committee because of other commitments. I desire to leave my proxy vote with:
Rep Olson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO	SENATE BILL/AMENDMENT	AYE	NO
443 Table	X				
445 Table	X				
186 Amend	X				
186 ^{as} Amend	X				
269 Amend	X				
269 ^{as} Amend	X				
385 Amend	X				
385 ^{as} Amend					

Rep./Sen. Eric Anderson
 (Signature)

VISITORS REGISTER

Montana

House of Representatives

Transportation Committee

Bill Number: HJ 12

Date: 2/2/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Mike Duman	Federal Highway Admini			X
LLOYD RUE	" " "			X
LORAN FRAZIER	MDT	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

VISITORS REGISTER

Montana

House of Representatives

Transportation Committee

Bill Number: HB 445

Date: 2/2/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.