SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 2
DATE: 1/20/05
BILL NO. SB174

*** Bill No. ***

Introduced By *********

By Request of the Department ~~of Justice~~

1/19/2005 - Final Draft w/o title and effective dates

A Bill for an Act entitled: "An Act generally revising the motor vehicle laws to implement Team 261 business-process recommendations; *****automating and simplifying the process for issuance of temporary registration permits; standardizing length of temporary registration permits and the grace period for titling or registering a newly acquired vehicle; imposing a $5 fee for issuance of certain temporary registration permits; imposing $10 fee for issuance of a temporary registration permit to a non-resident or to a person via the secure electronic application; authorizing certain persons to electronically update department records via authorized agent agreements; setting the standards for authorized agents, including maximum allowable service or convenience fees chargeable by authorized agents; authorizing certain health care providers to issue temporary disabled parking placards and electronically submit disabled parking placard application upon behalf of patient; providing effective dates; repealing sections 15-16-202, 61-3-207, 61-3-209, 61-3-316, 61-3-342, and 61-3-526, MCA."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Customer service accounts - electronic updates or changes to motor vehicle or driver records.** (1) The department may provide secure electronic applications to permit a person, for specific purposes and as determined by the department, to access or update:

(a) an electronic record of title or registration for any vehicle registered to that person; or

(b) an electronic individual Montana driving record for that person.

(2) Purposes for which a person may access or update an electronic record of title or registration for a vehicle registered to, or acquired by, the person may include, but are not limited to:

(a) issuing a temporary registration permit for a newly acquired vehicle;

(b) renewing vehicle registration on an annual or periodic basis;

(c) updating or changing personal information, including residence or mailing addresses; and

(d) changing the anniversary date and registration period for a vehicle registered to the person.

(3) Purposes for which a person may access or update an electronic individual Montana driving record for that person may include, but are not limited to, the following:

(a) updating or changing personal information, including residence or mailing addresses;

(b) obtaining a copy of the person's individual Montana driving record;

(c) paying a reinstatement fee owed to the department; and applying for a replacement driver's license.

NEW SECTION. **Section 2.** In this title, unless the context otherwise requires:

(1) "authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the

department's motor vehicle titling, registration or driver records, via an approved automated interface, for specific functions/purposes upon behalf of a third party.

(2) "authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent must operate in performing specific motor vehicle or driver-related record functions.

(3) the phrase "county where a vehicle is domiciled" means the county in which the vehicle owner permanently resides or if a vehicle is owned by a corporation, or is leased or used for commercial purposes, the county in which the vehicle is permanently assigned or most frequently used, dispatched or controlled.

(4) for purposes of [section 3] and this section, "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, government of another state or of the United States, or political subdivision of this or another state or any other legal or commercial entity.

NEW SECTION. **Section 3. Services that may be performed by an authorized agent.** (1) The department may authorize a person to perform, upon the department's behalf, specific motor vehicle titling, registration or driver licensing functions assigned to, or administered by, the department under this title or title 23, chapter 2, parts 5, 6, and 8. Such authorization must be evidenced by an authorized agent agreement.

(2) An authorized agent must meet all of the requirements established by the department.

(3) An authorized agent must submit to the department, or its designee, all statutorily prescribed fees, taxes or penalties it collects.

(4) (a) In addition to statutorily prescribed fees, taxes and penalties and except where specifically prohibited by statute or the authorized agent agreement, an authorized agent may collect and retain a reasonable convenience fee for its services.

(b) If an authorized agent is a municipal or county officer, the convenience fee may be charged and collected as permitted under 7-5-2133 or 7-5-4125.

(5) The department may provide an automated mechanism to ensure that any statutorily prescribed fee, tax or penalty, if any, collected by an authorized agent or a county treasurer in other than the county where a vehicle is domiciled, is transferred to the county treasurer for the county where the vehicle is domiciled.

NEW SECTION. **Section 4. Payment of fees by credit card or other commercially acceptable means.** (1) The department may accept payment of any fee, tax or penalty that the department administers by credit card, debit card, electronic funds transfer, or other commercially acceptable means.

(2) (a) If the payment is made by credit card, debit card, charge card, or similar method, the liability is not discharged and the person has not paid the tax, fee or penalty until the department, its authorized agent or the county treasurer receives payment or credit from the financial institution or credit card company responsible for making the payment or credit and the payment or credit is not subsequently charged back to the state by the financial institution or credit card company. Upon receipt of the payment or credit, the amount is considered

Section 92. 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) (a) 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.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver license renewal services.

(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