

1 SENATE BILL NO. 9

2 INTRODUCED BY B. CROMLEY

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TERM OF DRIVER'S LICENSES RENEWED BY
6 MAIL; ALLOWING A SPOUSE OR DEPENDENT OF PERSONS STATIONED OUTSIDE MONTANA ON
7 ACTIVE MILITARY DUTY TO RENEW A DRIVER'S LICENSE BY MAIL FOR A SECOND CONSECUTIVE
8 TERM; AND AMENDING SECTION 61-5-111, MCA."

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

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12 **Section 1.** Section 61-5-111, MCA, is amended to read:

13 **"61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace**
14 **period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) The department may
15 appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts.
16 The department shall adopt necessary rules governing sales. In areas in which the department provides driver
17 licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint
18 an agent to sell receipts.

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

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

22 (ii) a distinguishing number issued to the licensee;

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

24 and

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

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

29 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records
30 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's

1 eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

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

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

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

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

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

17 (d) (i) A person may renew a driver's license by mail if the person certifies that the person is temporarily
18 out of state and will not be returning to the state prior to the expiration of the license. A person may not renew
19 by mail for a subsequent license term after a mail renewal, except that a spouse or dependent of a person
20 stationed outside Montana on active military duty may renew a driver's license by mail for one additional
21 consecutive term following a mail renewal.

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

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

27 (iv) ~~The~~ Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail is
28 4 8 years, and a person may not renew by mail for consecutive license terms.

29 (v) The department may not renew a license by mail if the records check conducted in accordance with
30 61-5-110(1) shows an ineligible license status for the applicant.

1 (e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than
2 30 days prior to the expiration date of a driver's license. The department shall mail the notice to the Montana
3 mailing address shown on the driver's license unless the licensee has submitted a change of address as
4 required by 61-5-115.

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

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

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

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

16 (6) Fees for driver's licenses are:

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

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

19 (c) commercial driver's license:

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

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

22 (d) renewal notice -- 50 cents.

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

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