

## 1 HOUSE BILL NO. 735

2 INTRODUCED BY HILBERT, POMNICHOWSKI

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE ADDITION OF A SECOND ADDRESS ON  
5 A DRIVER'S LICENSE IN CASES IN WHICH A LICENSEE'S ADDRESS OF RESIDENCE IS DIFFERENT FROM  
6 THE MAILING ADDRESS; ~~AND~~ AMENDING SECTION 61-5-111, MCA; AND PROVIDING A DELAYED  
7 EFFECTIVE DATE."

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

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

12 **"61-5-111. Contents of driver's license, renewal, renewal by mail, license expirations, grace**  
13 **period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) (a) The department may  
14 appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts.  
15 The department shall adopt necessary rules governing sales. In areas in which the department provides driver  
16 licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an  
17 agent to sell receipts.

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

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

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

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

25 (iii) the full legal name, date of birth, Montana mailing address and actual address of residence, if  
26 applicable and different from the licensee's mailing address, and a brief description of the licensee; and

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

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

1 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records  
2 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's  
3 eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

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

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

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

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

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

19 (d) (i) Except as provided in subsections (3)(d)(iv) through (3)(d)(vi), a person may renew a driver's  
20 license by mail if the person certifies that the person is temporarily out of state and will not be returning to the  
21 state prior to the expiration of the license. A person may not renew by mail for a subsequent license term after  
22 a mail renewal, except that a spouse or dependent of a person stationed outside Montana on active military duty  
23 may renew a driver's license by mail for one additional consecutive term following a mail renewal.

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

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

29 (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail is 8 years.

30 (v) The department may not renew a license by mail if:

1 (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for  
2 the applicant; or

3 (B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the  
4 retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572.

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

7 (e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than  
8 30 days prior to the expiration date of a driver's license. Except as provided in 61-3-119 and 61-5-115, the  
9 department shall mail the notice to the Montana mailing address shown on the driver's license.

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

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

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

16 (d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary  
17 of the licensee's birthday 5 years or less after the date of issue.

18 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials  
19 endorsement after surrendering a comparable commercial driver's license with a hazardous materials  
20 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday  
21 5 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's  
22 license information system, a security threat assessment was performed on the person as a condition of issuance  
23 of the surrendered license.

24 (e) A license issued to a person who is a foreign national whose presence in the United States is  
25 temporarily authorized under federal law expires, as determined by the department, no later than the expiration  
26 date of the official document issued to the person by the bureau of citizenship and immigration services of the  
27 department of homeland security authorizing the person's presence in the United States.

28 (5) When the department issues a driver's license to a person under 18 years of age, the license must  
29 be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

30 (6) (a) Upon application for a driver's license or commercial driver's license and any combination of the

1 specified endorsements, the following fees must be paid:

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

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

4 (iii) commercial driver's license:

5 (A) interstate -- \$10 a year or fraction of a year; or

6 (B) intrastate -- \$8.50 a year or fraction of a year.

7 (b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents."

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9 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2008.

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- END -