

HOUSE BILL NO. 798

INTRODUCED BY S. GUNDERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DRIVER'S LICENSE DENOTATION FOR RETIRED LAW ENFORCEMENT OFFICERS AND RETIRED FIRST RESPONDERS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 61-5-111, 61-12-502, AND 61-14-201, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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

"61-5-111. Contents of driver's license, renewal, license expirations, license replacements, 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 license receipts. 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's 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, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;
- (iv) a brief description of the licensee;
- (v) either the licensee's customary manual signature or a reproduction of the licensee's customary

1 manual signature; and

2 (vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

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

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

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

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

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

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

21 (c) A person is considered to have applied for renewal of a Montana driver's license if the
22 application is made within 6 months before or 1 year after the expiration of the person's license or if the person
23 has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection
24 (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination
25 station.

26 (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(v), a person may renew a driver's
27 license by mail or online.

28 (ii) An applicant who renews a driver's license by mail or online shall submit a completed

1 application and the fees required for renewal.

2 (iii) If the department does not have a digitized photograph and signature record of the renewal
3 applicant from the expiring license, then the renewal applicant shall apply in person.

4 (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or
5 online is 12 years for a driver's license or 8 years for a REAL ID-compliant driver's license.

6 (v) The department may not renew a license by mail or online if:

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

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

11 (C) the applicant seeks a change of address, a change of date of birth, or a name change; or

12 (D) the applicant's license:

13 (I) has been expired for more than 1 year; or

14 (II) except as provided in subsection (3)(f), was renewed by mail or online at the time of the
15 applicant's previous renewal.

16 (e) A renewal applicant who is stationed outside Montana on active military duty may renew the
17 license by mail or online as long as the applicant is on active military duty.

18 (f) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active
19 military duty may renew the applicant's license by mail or online for one additional consecutive term following a
20 renewal by mail or online.

21 (g) The department shall send electronically or mail a driver's license renewal notice no earlier
22 than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall
23 send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the
24 licensee, provide the notice using an authorized method of electronic delivery, or both.

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

28 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the

1 licensee's birthday 4 years or less after the date of issue.

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

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

6 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials
7 endorsement after surrendering a comparable commercial driver's license with a hazardous materials
8 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's
9 birthday 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial
10 driver's license information system, a security threat assessment was performed on the person as a condition of
11 issuance of the surrendered license.

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

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

18 (6) (a) Upon application for a driver's license or commercial driver's license and any combination of
19 the specified endorsements, the following fees must be paid:

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

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

22 (iii) commercial driver's license:

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

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

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

26 (7) (a) ~~Upon~~On receiving a request from a person whose status as a veteran has been verified by
27 the department of military affairs pursuant to 10-2-1301 and ~~upon~~on receiving the information and fees
28 required in this part, the department shall include the word "veteran" on the face of the license.

1 **(b)** On receiving a request from a person who is a retired law enforcement officer or a retired first
 2 responder, with proof of this status that conforms to department rulemaking, and on receiving the information
 3 and fees required in this part, the department shall include an appropriate denotation on the face of the license.

4 ~~(b)~~**(c)** After a person's status as a veteran, retired law enforcement officer, or retired first responder is
 5 denoted on a driver's license, the department may not require further documentation of that status from the
 6 holder of the license upon subsequent renewal or replacement.

7 **(8)** (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's
 8 license online or by mail.

9 **(b)** If the department does not have a digitized photograph and signature record of the applicant,
 10 the applicant shall apply in person.

11 **(c)** The term of the replacement license must be the term of the applicant's current driver's license.

12 **(9)** (a) An applicant may request an expedited delivery service for a driver's license or identification
 13 card. The department shall set a fee for expedited delivery based on the cost of providing this service.

14 **(b)** The fees for expedited delivery must be deposited in the motor vehicle division administration
 15 account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for
 16 delivery, personnel, and related technology."
 17

18 **Section 2.** Section 61-12-502, MCA, is amended to read:

19 **"61-12-502. Veteran, retired law enforcement officer, retired first responder designation.** The
 20 department shall include:

21 **(1)** the word "veteran" on the face of an identification card if the requirements of 61-5-111(7) are
 22 met by the person applying for the identification card; or

23 **(2)** the words "retired law enforcement officer" or "retired first responder", or appropriate
 24 abbreviations, on the face of an identification card if requirements set by department rulemaking are met by the
 25 person applying for the identification card."
 26

27 **Section 3.** Section 61-14-201, MCA, is amended to read:

28 **"61-14-201. Rulemaking authority -- driver's licenses and identification cards.** (1) The

1 department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

2 (2) The department may adopt rules governing acceptable methods of proof of identification,
3 including name, date of birth, and authorized presence, that an individual must submit when applying for a
4 license or identification card, including a new, renewal, or replacement license or identification card.

5 (3) The department may adopt rules governing the determination of the driver's license expiration
6 date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a
7 person who is a foreign national whose presence in the United States is temporarily authorized under federal
8 law.

9 (4) The department shall adopt rules governing the calculation of grace periods for renewals and
10 the calculation of other time periods established by statute or federal regulation.

11 (5) The department may adopt rules governing the renewal of a driver's license by a person in the
12 military assigned to active duty who had a valid Montana driver's license at the time of entering active duty.

13 (6) The department shall adopt rules to set the standards for driver license examinations and
14 reexaminations.

15 (7) The department may adopt rules to set the standards for photographs, certifications, and
16 signature requirements for the issuance of driver's licenses.

17 (8) The department shall adopt rules establishing the functional abilities and skills required to
18 exercise ordinary and reasonable control to safely operate a motor vehicle. The rules:

19 (a) must include operational restrictions based on the driver's ability and skills;

20 (b) may direct the design of one or more types of skills tests. A skills test may consist of:

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

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

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

28 (9) The department shall adopt rules establishing vision requirements for a person to safely

1 operate a motor vehicle. The rules:

2 (a) must include the minimum uncorrected or corrected visual acuity requirements for both
3 unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or
4 licensee, including the use of bioptic lenses; and

5 (b) may include minimum field of vision and depth perception requirements for both unrestricted
6 and restricted licenses.

7 (10) The rules in subsections (8) and (9):

8 (a) may take into consideration any nationally recognized standards or recommended practices or
9 standards of other jurisdictions for assessment of a person's functional abilities and skills;

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

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

15 (11) The department shall adopt rules governing the issuance of a restricted learner license,
16 including when the department may issue a restricted learner license to allow for a driver to practice driving
17 skills.

18 (12) The department shall adopt rules governing the issuance of a hardship license to a person who
19 is at least 13 years of age and because of individual hardship needs a restricted driver's license, including a
20 person who holds a learner license under 61-5-106. The department must consider, among other criteria,
21 whether a hardship license is needed because the applicant's parent or guardian is not available to accompany
22 the licensee, whether due to employment or circumstances related to the operation of a farm or ranch or
23 because the parent or guardian does not hold a valid driver's license, and the licensee is required to drive to the
24 licensee's school bus stop.

25 (13) The department may adopt rules governing probationary licenses, including:

26 (a) issuance to a person whose license has been suspended or revoked or whose license is
27 subject to a discretionary suspension or revocation;

28 (b) the establishment of restrictions placed on a probationary license;

1 (c) the expiration of a probationary license;

2 (d) the cancellation of a probationary license for violating the restrictions on the probationary
3 license or for another law violation; and

4 (e) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-
5 232.

6 (14) The department may adopt rules governing the requirements for a designation of veteran
7 designation, retired law enforcement officer, or retired first responder on a driver's license or identification card.

8 (15) The department may adopt rules governing the issuance of a replacement driver's license.

9 (16) The department may adopt rules governing the certification process for cooperative driver
10 testing program instructors.

11 (17) The department may adopt rules for the implementation of online driver's license renewal.

12 (18) The department shall adopt rules governing the issuance, renewal, and cancellation of
13 identification cards that align with the proof of identity, residence, and authorized presence standards for a
14 driver's license.

15 (19) The department may adopt rules for determining moving violations.

16 (20) The department may adopt rules for charging a fee for not appearing at a scheduled
17 commercial skills test or motorcycle test and for the waiver of the fee for good cause shown.

18 (21) The department shall adopt rules governing restrictions for personal communication limitations
19 and other medical information that would be helpful to a peace officer during a traffic stop.

20 (22) The department may adopt rules governing the conditions under which an applicant is eligible
21 to receive a driver's license or identification card by expedited service and to set the fee for expedited service.

22 (23) The department may adopt rules to implement any other provision of this title."
23

24 **NEW SECTION. Section 4. Effective date.** [This act] is effective January 1, 2024.

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