

HOUSE BILL NO. 789

INTRODUCED BY M. CAMPBELL, CORDIER, JAYNE, JOPEK, NOONAN, PHILLIPS, SANDS, SESSO,  
WINDY BOY

A BILL FOR AN ACT ENTITLED: "AN ACT TREATING A TRIBAL IDENTIFICATION CARD IN A MANNER  
SIMILAR TO A STATE IDENTIFICATION CARD FOR PURPOSES OF CERTAIN STATE LAWS; AND  
AMENDING SECTIONS 16-3-322, 16-6-305, 30-14-1704, 33-19-321, 45-6-332, 45-8-206, 45-8-322, 61-3-101,  
61-3-216, 61-5-206, 61-5-302, 87-2-106, AND 87-2-202, MCA."

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

**Section 1.** Section 16-3-322, MCA, is amended to read:

**"16-3-322. Recordkeeping.** (1) A licensee, at the time of the sale of a keg, shall record the following:

- (a) the purchaser's name, address, and date of birth and the number of the purchaser's driver's license, state-issued or military identification card, tribal identification card, or valid United States or foreign passport;
- (b) the date of purchase;
- (c) the name of the clerk making the sale;
- [(d) the keg identification number required under 16-3-321]; and
- (e) the purchaser's signature and date of purchase.

(2) The licensee shall maintain the record for not less than 45 days after the date of the sale.

(3) A licensee who maintains the records required by this section shall make the records available during regular business hours for inspection by law enforcement pursuant to 16-3-323."

**Section 2.** Section 16-6-305, MCA, is amended to read:

**"16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider.** (1) (a)

Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by his the person's parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

(b) A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic



1 beverage in an intoxicating quantity to a person under 21 years of age.

2 (c) For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage  
3 that is sufficient to produce:

4 (i) a blood, breath, or urine alcohol concentration in excess of 0.05; or

5 (ii) substantial or visible mental or physical impairment.

6 (2) ~~Any~~ A person is guilty of a misdemeanor who:

7 (a) invites a person under the age of 21 years into a public place where an alcoholic beverage is sold  
8 and treats, gives, or purchases an alcoholic beverage for the person;

9 (b) permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase  
10 alcoholic beverages for ~~him~~ the person; or

11 (c) holds out the person to be 21 years of age or older to the owner of the establishment or ~~his or her~~  
12 to the owner's employee ~~or employees~~.

13 (3) It is unlawful for any person to fraudulently misrepresent ~~his or her~~ the person's age to any dispenser  
14 of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in  
15 any identification card, including a tribal identification card.

16 (4) A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to  
17 applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the  
18 person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result  
19 of the intoxicated condition created by the violation. (See compiler's comments for contingent termination of  
20 certain text.)"

21

22 **Section 3.** Section 30-14-1704, MCA, is amended to read:

23 **"30-14-1704. Computer security breach.** (1) Any person or business that conducts business in  
24 Montana and that owns or licenses computerized data that includes personal information shall disclose any  
25 breach of the security of the data system following discovery or notification of the breach to any resident of  
26 Montana whose unencrypted personal information was or is reasonably believed to have been acquired by an  
27 unauthorized person. The disclosure must be made without unreasonable delay, consistent with the legitimate  
28 needs of law enforcement, as provided in subsection (3), or consistent with any measures necessary to determine  
29 the scope of the breach and restore the reasonable integrity of the data system.

30 (2) Any person or business that maintains computerized data that includes personal information that the

1 person or business does not own shall notify the owner or licensee of the information of any breach of the security  
2 of the data system immediately following discovery if the personal information was or is reasonably believed to  
3 have been acquired by an unauthorized person.

4 (3) The notification required by this section may be delayed if a law enforcement agency determines that  
5 the notification will impede a criminal investigation and requests a delay in notification. The notification required  
6 by this section must be made after the law enforcement agency determines that it will not compromise the  
7 investigation.

8 (4) For purposes of this section, the following definitions apply:

9 (a) "Breach of the security of the data system" means unauthorized acquisition of computerized data that  
10 materially compromises the security, confidentiality, or integrity of personal information maintained by the person  
11 or business and causes or is reasonably believed to cause loss or injury to a Montana resident. Good faith  
12 acquisition of personal information by an employee or agent of the person or business for the purposes of the  
13 person or business is not a breach of the security of the data system, provided that the personal information is  
14 not used or subject to further unauthorized disclosure.

15 (b) (i) "Personal information" means an individual's first name or first initial and last name in combination  
16 with any one or more of the following data elements, when either the name or the data elements are not  
17 encrypted:

18 (A) social security number;

19 (B) driver's license number, ~~or~~ state identification card number, or tribal identification card number;

20 (C) account number or credit or debit card number, in combination with any required security code,  
21 access code, or password that would permit access to an individual's financial account.

22 (ii) Personal information does not include publicly available information that is lawfully made available  
23 to the general public from federal, state, or local government records.

24 (5) (a) For purposes of this section, notice may be provided by one of the following methods:

25 (i) written notice;

26 (ii) electronic notice, if the notice provided is consistent with the provisions regarding electronic records  
27 and signatures set forth in 15 U.S.C. 7001;

28 (iii) telephonic notice; or

29 (iv) substitute notice, if the person or business demonstrates that:

30 (A) the cost of providing notice would exceed \$250,000;

- 1 (B) the affected class of subject persons to be notified exceeds 500,000; or
- 2 (C) the person or business does not have sufficient contact information.
- 3 (b) Substitute notice must consist of the following:
- 4 (i) an electronic mail notice when the person or business has an electronic mail address for the subject
- 5 persons; and
- 6 (ii) conspicuous posting of the notice on the website page of the person or business if the person or
- 7 business maintains one; or
- 8 (iii) notification to applicable local or statewide media.
- 9 (6) Notwithstanding subsection (5), a person or business that maintains its own notification procedures
- 10 as part of an information security policy for the treatment of personal information and that does not unreasonably
- 11 delay notice is considered to be in compliance with the notification requirements of this section if the person or
- 12 business notifies subject persons in accordance with its policies in the event of a breach of security of the data
- 13 system.
- 14 (7) If a business discloses a security breach to any individual pursuant to this section and gives a notice
- 15 to the individual that suggests, indicates, or implies to the individual that the individual may obtain a copy of the
- 16 file on the individual from a consumer credit reporting agency, the business shall coordinate with the consumer
- 17 reporting agency as to the timing, content, and distribution of the notice to the individual. The coordination may
- 18 not unreasonably delay the notice to the affected individuals."

19

20 **Section 4.** Section 33-19-321, MCA, is amended to read:

21 **"33-19-321. Computer security breach.** (1) Any licensee or insurance-support organization that

22 conducts business in Montana and that owns or licenses computerized data that includes personal information

23 shall provide notice of any breach of the security of the system following discovery or notice of the breach of the

24 security of the system to any individual whose unencrypted personal information was or is reasonably believed

25 to have been acquired by an unauthorized person. The notice must be made without unreasonable delay,

26 consistent with the legitimate needs of law enforcement, as provided in subsection (3), or consistent with any

27 measures necessary to determine the scope of the breach and restore the reasonable integrity of the data

28 system.

29 (2) Any person to whom personal information is disclosed in order for the person to perform an insurance

30 function pursuant to this part that maintains computerized data that includes personal information shall notify the

1 licensee or insurance-support organization of any breach of the security of the system in which the data is  
2 maintained immediately following discovery of the breach of the security of the system if the personal information  
3 was or is reasonably believed to have been acquired by an unauthorized person.

4 (3) The notice required by this section may be delayed if a law enforcement agency determines that the  
5 notice will impede a criminal investigation and requests a delay of notice. The notice required by this section must  
6 be made after the law enforcement agency determines that the notice will not compromise the investigation.

7 (4) Licensees, insurance-support organizations, and persons to whom personal information is disclosed  
8 pursuant to this part shall develop and maintain an information security policy for the safeguarding of personal  
9 information and security breach notice procedures that provide expedient notice to individuals as provided in  
10 subsection (1).

11 (5) For purposes of this section, the following definitions apply:

12 (a) "Breach of the security of the system" means unauthorized acquisition of computerized data that  
13 compromises the security, confidentiality, or integrity of personal information maintained by a licensee,  
14 insurance-support organization, or person to whom information is disclosed pursuant to this part. Acquisition of  
15 personal information by a licensee, insurance-support organization, or employee or agent of a person as  
16 authorized pursuant to this part is not a breach of the security of the system.

17 (b) (i) "Personal information" means an individual's first name or first initial and last name in combination  
18 with any one or more of the following data elements, when the name and the data elements are not encrypted:

19 (A) social security number;

20 (B) driver's license number, ~~or~~ state identification card number, or tribal identification card number;

21 (C) account number or credit or debit card number, in combination with any required security code,  
22 access code, or password that would permit access to an individual's financial account.

23 (ii) Personal information does not include publicly available information that is lawfully made available  
24 to the general public from federal, state, or local government records."  
25

26 **Section 5.** Section 45-6-332, MCA, is amended to read:

27 **"45-6-332. Theft of identity.** (1) A person commits the offense of theft of identity if the person purposely  
28 or knowingly obtains personal identifying information of another person and uses that information for any unlawful  
29 purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical  
30 information in the name of the other person without the consent of the other person.

1 (2) (a) A person convicted of the offense of theft of identity if no economic benefit was gained or was  
 2 attempted to be gained or if an economic benefit of less than \$1,000 was gained or attempted to be gained shall  
 3 be fined an amount not to exceed \$1,000, imprisoned in the county jail for a term not to exceed 6 months, or both.

4 (b) A person convicted of the offense of theft of identity if an economic benefit of \$1,000 or more was  
 5 gained or attempted to be gained shall be fined an amount not to exceed \$10,000, imprisoned in a state prison  
 6 for a term not to exceed 10 years, or both.

7 (3) As used in this section, "personal identifying information" includes but is not limited to the name, date  
 8 of birth, address, telephone number, driver's license number, social security number or other federal government  
 9 identification number, tribal identification card number, place of employment, employee identification number,  
 10 mother's maiden name, financial institution account number, credit card number, or similar identifying information  
 11 relating to a person.

12 (4) If restitution is ordered, the court may include, as part of its determination of an amount owed,  
 13 payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit  
 14 history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt,  
 15 lien, or other obligation of the victim arising as a result of the actions of the defendant."  
 16

17 **Section 6.** Section 45-8-206, MCA, is amended to read:

18 **"45-8-206. Public display or dissemination of obscene material to minors.** (1) A person having  
 19 custody, control, or supervision of any commercial establishment or newsstand may not knowingly or purposely:

20 (a) display obscene material to minors in such a way that minors, as a part of the invited public, will be  
 21 able to view the material; ~~provided, however~~ However, that a person is considered not to have displayed obscene  
 22 material to minors if the material is kept behind devices commonly known as blinder racks so that the lower  
 23 two-thirds of the material is not exposed to view or other reasonable efforts were made to prevent view of the  
 24 material by a minor;

25 (b) sell, furnish, present, distribute, or otherwise disseminate to a minor or allow a minor to view, with  
 26 or without consideration, any obscene material; or

27 (c) present to a minor or participate in presenting to a minor, with or without consideration, any  
 28 performance that is obscene to minors.

29 (2) A person does not violate this section if:

30 (a) ~~he~~ the person had reasonable cause to believe the minor was 18 years of age. "Reasonable cause"

1 includes but is not limited to being shown a draft card, driver's license, marriage license, birth certificate,  
2 educational identification card, governmental identification card, tribal identification card, or other official or  
3 apparently official card or document purporting to establish that the person is 18 years of age;

4 (b) the person is, or is acting as, an employee of a bona fide public school, college, or university or a  
5 retail outlet affiliated with and serving the educational purposes of a school, college, or university and the material  
6 or performance was disseminated in accordance with policies approved by the governing body of the institution;

7 (c) the person is an officer, director, trustee, or employee of a public library or museum and the material  
8 or performance was acquired by the library or museum and disseminated in accordance with policies approved  
9 by the governing body of the library or museum;

10 (d) an exhibition in a state of nudity is for a bona fide scientific or medical purpose for a bona fide school,  
11 library, or museum; or

12 (e) the person is a retail sales clerk with no financial interest in the material or performance or in the  
13 establishment displaying or selling the material or performance."  
14

15 **Section 7.** Section 45-8-322, MCA, is amended to read:

16 **"45-8-322. Application, renewal, permit, and fees.** (1) The application form must be readily available  
17 at the sheriff's office and must read as follows:

18 **CONCEALED WEAPON PERMIT APPLICATION**

19 To be completed by each person making application:

20 **RESIDENT OF MONTANA AT LEAST 6 MONTHS** ( ) Yes ( ) No

21 **CITIZEN OF THE UNITED STATES** ( ) Yes ( ) No

22 **18 YEARS OF AGE OR OLDER** ( ) Yes ( ) No

23 PLEASE TYPE OR PRINT

24 Full name: .....

25 Last First Middle

26 Alias/Maiden/Nickname: .....

27 Address: Home: ..... Zip .....

28 Employer: ..... Zip .....

29 Phone: ...../...../.....

30 Home Employer Message



1 Place of birth:.....Date of birth: .....

2 Driver's license #:..... Issuing state: .....

3 Social Security #:.....

4 Sex ..... Ht. .... Wt. .... Eyes ..... Hair .....

5 LIST EACH FORMER EMPLOYER OR BUSINESS ENGAGED IN FOR THE LAST 5 YEARS:

6	Employer or		
7	business name	Address	Dates of employment
8	1. ....	.....	.....
9	2. ....	.....	.....
10	3. ....	.....	.....
11	4. ....	.....	.....
12	5. ....	.....	.....
13	6. ....	.....	.....

14 LIST EACH PLACE IN WHICH YOU HAVE LIVED FOR THE LAST 5 YEARS:

15	City	State	Dates of residence
16	1. ....	.....	.....
17	2. ....	.....	.....
18	3. ....	.....	.....
19	4. ....	.....	.....
20	5. ....	.....	.....
21	6. ....	.....	.....

22 MILITARY SERVICE, BRANCH ..... FROM ..... TO .....

23 TYPE OF DISCHARGE ..... RANK UPON DISCHARGE .....

24 HAVE YOU EVER BEEN ARRESTED FOR OR CONVICTED OF A CRIME OR FOUND GUILTY IN A  
25 COURT-MARTIAL PROCEEDING?

26 ( ) YES ( ) NO

27 IF YES, COMPLETE THE FOLLOWING (Exceptions: minor traffic violations) (Attach additional sheet if  
28 necessary):

29	City	State	Charge	Date
30	1. ....	.....	.....	.....





- 1 2. ....
- 2 3. ....
- 3 4. ....
- 4 5. ....

5 LIST THREE PERSONS WHOM YOU HAVE KNOWN FOR AT LEAST 5 YEARS THAT WILL BE CREDIBLE  
 6 WITNESSES TO YOUR GOOD MORAL CHARACTER AND PEACEABLE DISPOSITION (DO NOT include  
 7 relatives or present/past employers):

	Name	Address	Phone
8			
9	1. ....	.....	.....
10	2. ....	.....	.....
11	3. ....	.....	.....

12 PLEASE EXPLAIN YOUR REASONS FOR REQUESTING THIS PERMIT (Attach additional sheet if necessary):  
 13 .....  
 14 .....  
 15 .....  
 16 .....  
 17 .....

18 I, the undersigned applicant, swear that the foregoing information is true and correct to the best of my knowledge  
 19 and belief and is given with the full knowledge that any misstatement may be sufficient cause for denial or  
 20 revocation of a permit to carry a concealed weapon. I authorize any person having information concerning me  
 21 that relates to the information requested by this application and the requirements for a concealed weapon permit,  
 22 either public record or otherwise, to furnish it to the sheriff to whom this application is made.

23 .....  
 24 Signature  
 25 .....

26 Date of application  
 27 This application must be  
 28 signed in the presence of  
 29 the sheriff or a designee.

30 (2) The application must be in triplicate. The applicant must be given the original at the time the



1 completed application is filed with the sheriff, the sheriff shall keep a copy for at least 4 years, and a copy must,  
 2 within 7 days of the sheriff's receipt of the application, be mailed to the chief of police if the applicant resides in  
 3 a city or town with a police force.

4 (3) The fee for issuance of a permit is \$50. The permit must be renewed for additional 4-year periods  
 5 upon payment of a \$25 fee ~~per~~ for each renewal and upon request for renewal made within 90 days before  
 6 expiration of the permit. The permit and each renewal must be in triplicate, in a form prescribed by the department  
 7 of justice, and must, at a minimum, include the name, address, physical description, signature, driver's license  
 8 number, ~~or~~ state identification card number, or tribal identification card number, and a picture of the permittee.  
 9 A person in the United States armed forces satisfies the requirement of submitting a picture if the person submits  
 10 pictures of the front of the person's military identification card and the person's Montana driver's license. The  
 11 permit must state that federal and state laws on possession of firearms and other weapons differ and that a  
 12 person who violates the federal law may be prosecuted in federal court and the Montana permit will not be a  
 13 defense. The permittee must be given the original, and the sheriff shall keep a copy and send a copy to the  
 14 department of justice, which shall keep a central repository record of all permits. Replacement of a lost permit  
 15 must be treated as a renewal under this subsection.

16 (4) The sheriff shall conduct a background check of an applicant to determine whether the applicant is  
 17 eligible for a permit under 45-8-321, may require an applicant to submit the applicant's fingerprints, and may  
 18 charge the applicant \$5 for fingerprinting.

19 (5) Permit, background, and fingerprinting fees may be retained by the sheriff and used to implement  
 20 45-8-321 through 45-8-325.

21 (6) A state or local government law enforcement agency or other agency or any of its officers or  
 22 employees may not request a permittee to voluntarily submit information in addition to that required on an  
 23 application and permit."  
 24

25 **Section 8.** Section 61-3-101, MCA, is amended to read:

26 **"61-3-101. Duties of department -- records.** (1) (a) The department shall create and maintain a central  
 27 registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles,  
 28 trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, and snowmobiles for  
 29 which:

30 (i) an application for a certificate of title has been received by the department, its authorized agent, or

- 1 a county treasurer;
- 2 (ii) a certificate of title has been issued by the department; or
- 3 (iii) a registration, security interest, or lien transaction has been recorded by the department.
- 4 (b) The central registry of electronic files described in subsection (1) must include an electronic record
- 5 of registration for each motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
- 6 sailboat, and snowmobile registered in this state:
- 7 (i) for which the certificate of title was issued by another jurisdiction and that was registered in another
- 8 jurisdiction; or
- 9 (ii) for which a certificate of title has not been issued or is not required.
- 10 (2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
- 11 personal watercraft, sailboat, or snowmobile must contain the following information:
- 12 (a) the name, residence, and mailing address of the owner and:
- 13 (i) if the owner is the holder of a driver's license or identification card issued by the department, by a tribal
- 14 government, or by a motor vehicle agency of another jurisdiction, the owner's driver's license or identification card
- 15 number and the issuing jurisdiction; or
- 16 (ii) if the owner is a corporation, the registered agent's name and, if the agent is the holder of a driver's
- 17 license or identification card, the agent's driver's license or identification card number and the issuing jurisdiction;
- 18 (b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
- 19 watercraft, sailboat, or snowmobile, including, as pertinent to the motor vehicle, trailer, semitrailer, pole trailer,
- 20 camper, motorboat, personal watercraft, sailboat, or snowmobile:
- 21 (i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
- 22 watercraft, sailboat, or snowmobile;
- 23 (ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, camper,
- 24 motorboat, personal watercraft, sailboat, or snowmobile;
- 25 (iii) the identifying number;
- 26 (iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable,
- 27 at the time of the transfer of ownership;
- 28 (v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer,
- 29 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as shown by the manufacturer;
- 30 (vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper,

1 motorboat, personal watercraft, sailboat, or snowmobile, if any;

2 (vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for  
3 a trailer operating interstate, the declared weight;

4 (viii) the unique transaction record number, when available and assigned by the department, for each  
5 transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,  
6 sailboat, or snowmobile and the date of each transaction;

7 (ix) any brand required under state law or any brand carried forward from a certificate of title surrendered  
8 from another jurisdiction;

9 (x) if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat,  
10 or snowmobile has been or is currently registered in this state, the distinctive license plate number or certificate  
11 number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,  
12 sailboat, or snowmobile and a record of all fees and local option taxes, if applicable, paid for the current and  
13 preceding registration periods; and

14 (xi) other information that may be required for registration or may from time to time be found desirable.

15 (3) The electronic record of registration for a motor vehicle, trailer, semitrailer, pole trailer, motorboat,  
16 personal watercraft, sailboat, or snowmobile must contain, at a minimum, the following information:

17 (a) the name, residence, and mailing address of the owner and the driver's license or identification card  
18 data required in subsections (2)(a)(i) and (2)(a)(ii);

19 (b) the same data that is required under subsection (2)(b) for the electronic record of title; and

20 (c) any other data considered to be pertinent by the department.

21 (4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory  
22 requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers,  
23 pole trailers, motorboats, personal watercraft, sailboats, or snowmobiles that have not been registered within the  
24 preceding 4 years and that do not have an active lien.

25 (5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the  
26 department must be open to inspection during reasonable business hours, and the department shall furnish any  
27 information from the records, except personal information and highly restricted personal information, as defined  
28 in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the  
29 information, the department shall require the applicant to provide identification. The department may not disclose  
30 personal information or highly restricted personal information except as permitted or required under 61-11-507,

1 61-11-508, or 61-11-509."

2

3 **Section 9.** Section 61-3-216, MCA, is amended to read:

4 **"61-3-216. Certificates of title -- application -- contents -- issuance.** (1) The owner of a motor vehicle,  
5 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile shall apply for  
6 a certificate of title on a form prescribed by the department or, if authorized by the department, in an electronic  
7 record provided by the department and made available to an authorized agent of the department or a county  
8 treasurer.

9 (2) The application for a certificate of title, upon completion, must include:

10 (a) the name, residence, and mailing address of the owner and:

11 (i) if the owner is the holder of a driver's license or identification card issued by the department, a tribal  
12 government, or a motor vehicle agency of another jurisdiction, the owner's driver's license number or identification  
13 card number and the name of the jurisdiction issuing the license or card; or

14 (ii) if the owner is a corporation, the name of the corporation's registered agent's and, if the agent is the  
15 holder of a driver's license or identification card, the agent's driver's license number or identification card number  
16 and the name of the jurisdiction issuing the license or card;

17 (b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal  
18 watercraft, sailboat, or snowmobile, including, as available and pertinent to the vehicle:

19 (i) the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat,  
20 or snowmobile make, model, manufacturer's designated model year of manufacture, vehicle identification number,  
21 and type of body and a description of motive power;

22 (ii) the odometer reading, if applicable, at the time of transfer of ownership;

23 (iii) the gross vehicle weight rating, gross vehicle weight, or shipping weight, if applicable, as determined  
24 by the manufacturer;

25 (iv) whether the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,  
26 sailboat, or snowmobile was new or used at the time of transfer; and

27 (v) for a trailer operating intrastate, its declared weight;

28 (c) the date on which the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal  
29 watercraft, sailboat, or snowmobile was purchased by or was transferred to the applicant, the name and address  
30 of the person from whom the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal

1 watercraft, sailboat, or snowmobile was acquired, and the names and addresses of any secured parties or  
2 lienholders for whom the applicant is acknowledging a voluntary security interest;

3 (d) any other information that the department requires to identify the motor vehicle, trailer, semitrailer,  
4 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and to enable the department to  
5 determine whether the owner is entitled to a certificate of title and to determine the existence of security interests  
6 in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or  
7 snowmobile;

8 (e) if applicable, an odometer statement containing the information required in 61-3-206 or, if the title  
9 does not contain a space for the information, a separate document approved by the department that provides the  
10 same information that is required in 61-3-206; and

11 (f) a section that gives the applicant the option to direct the department, upon examination and review  
12 of the records and completion of the application process, to:

13 (i) issue a certificate of title as soon as possible; or

14 (ii) update the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper,  
15 motorboat, personal watercraft, sailboat, or snowmobile, issue a transaction summary receipt, and postpone the  
16 issuance of a certificate of a title until the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,  
17 personal watercraft, sailboat, or snowmobile owner submits a separate request for issuance of the certificate of  
18 title.

19 (3) If the application is for a certificate of title to a new motor vehicle, trailer, semitrailer, pole trailer,  
20 camper, motorboat, personal watercraft, sailboat, or snowmobile, the application must be accompanied by a  
21 manufacturer's certificate of origin, properly assigned to the applicant.

22 (4) Except as provided in 61-3-208 or subsection (4)(b) of this section, if the application is for a certificate  
23 of title to a used motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat,  
24 or snowmobile, the application must be:

25 (a) accompanied by a certificate of title that is properly assigned by the prior owner to the applicant; or

26 (b) acknowledged by the prior owner if the prior owner's interest in the motor vehicle, trailer, semitrailer,  
27 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was assigned to the applicant by  
28 means of a transfer on the electronic record of title entered by an authorized agent of the department or a county  
29 treasurer.

30 (5) If the application is for a certificate of title to a camper and if a certificate of title properly assigned by

1 the prior owner is not available, the application must be accompanied by a notarized bill of sale or a conditional  
2 sales contract.

3 (6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12  
4 feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not  
5 available, the application must be accompanied by a notarized bill of sale, an invoice, the current registration  
6 receipt for the motorboat, personal watercraft, sailboat, or snowmobile, or a certificate of number showing the  
7 transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft,  
8 sailboat, or snowmobile from the immediate prior owner to the applicant."  
9

10 **Section 10.** Section 61-5-206, MCA, is amended to read:

11 **"61-5-206. Authority of department to suspend license or driving privilege -- right to hearing. (1)**

12 The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon  
13 a showing by its records or other sufficient evidence that the licensee:

14 (a) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;

15 (b) has falsified the licensee's date of birth on the application for a driver's license;

16 (c) is under 21 years of age and has altered the licensee's or another's driver's license, ~~or~~ identification  
17 card, or tribal identification card to obtain alcohol; or

18 (d) has authorized another to use the licensee's driver's license, ~~or~~ identification card, or tribal  
19 identification card to obtain alcohol.

20 (2) If the department suspends a driver's license under 61-5-207 or this section or reinstates a license  
21 suspension or revocation upon conviction or forfeiture of bail not vacated of any traffic violation by a person who  
22 holds a probationary driver's license under 61-2-302, the department shall immediately notify the licensee in  
23 writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early as practical,  
24 within 20 days after receipt of the request, in the county in which the licensee resides unless the department and  
25 the licensee agree that the hearing may be held in some other county. At the hearing, the department through  
26 its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the  
27 production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the  
28 department shall either rescind its order of suspension or, for good cause, may affirm, reduce, or extend the  
29 period of suspension of the license."  
30

1           **Section 11.** Section 61-5-302, MCA, is amended to read:

2           **"61-5-302. Unlawful use of license or identification card.** It is a misdemeanor for a person to:

3           (1) display or cause or permit to be displayed or have in the person's possession a canceled, revoked,  
4 suspended, fictitious, or altered driver's license, ~~or~~ identification card, or tribal identification card;

5           (2) lend the person's driver's license, ~~or~~ identification card, or tribal identification card to any other person  
6 or knowingly permit its use by another;

7           (3) display or represent as one's own any driver's license, ~~or~~ identification card, or tribal identification  
8 card not issued to the person;

9           (4) fail or refuse to surrender to the department upon its lawful demand a driver's license or identification  
10 card that has been suspended, revoked, or canceled;

11           (5) use a false or fictitious name in an application for a driver's license or identification card or knowingly  
12 make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or

13           (6) permit any unlawful use of a driver's license, ~~or~~ identification card, or tribal identification card issued  
14 to the person."

15

16           **Section 12.** Section 87-2-106, MCA, is amended to read:

17           **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license  
18 may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state the  
19 applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing  
20 address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United  
21 States or as an alien and other facts, data, or descriptions as may be required by the department. An applicant  
22 for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification  
23 card, tribal identification card, or other identification specified by the department to substantiate the required  
24 information. It is the applicant's burden to provide documentation establishing the applicant's identity and  
25 qualifications to purchase a license. It is a misdemeanor for a license agent to sell a hunting, fishing, or trapping  
26 license to an applicant who fails to produce the required identification at the time of application for licensure.  
27 Except as provided in subsections (2) through (4), the statements made by the applicant must be subscribed to  
28 before the officer or agent issuing the license.

29           (2) Except as provided in subsection (3), department employees or officers may issue licenses by  
30 telephone, by mail, on the internet, or by other electronic means. Statements on an application for a license to



1 be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before  
2 the employee or officer.

3 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director  
4 and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of  
5 87-2-102(7). The director shall process the application in an expedient manner.

6 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or fishing  
7 license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

8 (5) A license is void unless subscribed to by the licensee.

9 (6) It is unlawful to subscribe to or make any statement, on an application or license, that is materially  
10 false. Any material false statement contained in an application renders the license issued pursuant to it void. A  
11 person violating any provision of this subsection is guilty of a misdemeanor.

12 (7) It is unlawful for a nonresident to apply for or purchase for a nonresident's use the following resident  
13 licenses and permits:

14 (a) wildlife conservation license;

15 (b) hunting license or permit; or

16 (c) fishing license or permit.

17 (8) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming to  
18 or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a  
19 resident license in violation of subsection (7) shall be:

20 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized the  
21 sought-after privilege or more than \$1,000;

22 (ii) imprisoned in the county jail for not more than 6 months; or

23 (iii) both fined and imprisoned.

24 (b) In addition to the penalties specified in subsection (8)(a), upon conviction or forfeiture of bond or bail,  
25 the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap  
26 in Montana for not less than 18 months.

27 (9) It is a misdemeanor for a person to purposely or knowingly assist an unqualified applicant in obtaining  
28 a resident license in violation of this section.

29 [(10) The department shall keep the applicant's social security number confidential, except that the  
30 number may be provided to the department of public health and human services for use in administering Title

1 IV-D of the Social Security Act.]

2 (11) The department shall delete an applicant's social security number in any electronic database [5 years  
3 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended  
4 on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

5

6 **Section 13.** Section 87-2-202, MCA, is amended to read:

7 **"87-2-202. Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a wildlife  
8 conservation license must be sold upon written application. The application must contain the applicant's name,  
9 age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying  
10 length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and  
11 must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's  
12 examiner's identification card, a tribal identification card, or other identification specified by the department to  
13 substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden  
14 to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife  
15 conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(12). It is unlawful and  
16 a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the  
17 required identification at the time of application for licensure.

18 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
19 recorded according to rules that the department may prescribe.

20 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a  
21 search and rescue surcharge.

22 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is  
23 a search and rescue surcharge.

24 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the  
25 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access  
26 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage  
27 enhanced hunting access through the hunter management and hunting access enhancement programs  
28 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
29 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only  
30 once during any license year.

1 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses  
2 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced  
3 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access  
4 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage  
5 enhanced hunting access through the hunter management and hunting access enhancement programs  
6 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when  
7 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable  
8 only once during any license year.

9 (4) Licenses issued are void after the last day of February next succeeding their issuance.

10 [(5) The department shall keep the applicant's social security number confidential, except that the  
11 number may be provided to the department of public health and human services for use in administering Title  
12 IV-D of the Social Security Act.]

13 (6) The department shall delete the applicant's social security number in any electronic database [5 years  
14 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended  
15 on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in  
16 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.  
17 596, L. 2003.)"

18  
19 **NEW SECTION. Section 14. Notification to tribal governments.** The secretary of state shall send  
20 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
21 Chippewa tribe.

22 - END -