

1 SENATE BILL NO. 370

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ISSUE,
5 UNDER CERTAIN CIRCUMSTANCES AND IF CERTAIN CRITERIA ARE MET, ENHANCED DRIVER'S
6 LICENSES AND ENHANCED IDENTIFICATION CARDS TO UNITED STATES CITIZENS WHO RESIDE IN
7 MONTANA TO FACILITATE TRAVEL BETWEEN THE UNITED STATES AND CANADA AND MEXICO;
8 AUTHORIZING THE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF
9 HOMELAND SECURITY; ALLOWING THE DEPARTMENT TO CHARGE A FEE TO A RECIPIENT OF AN
10 ENHANCED DRIVER'S LICENSE OR ENHANCED IDENTIFICATION CARD; ALLOWING THE DEPARTMENT
11 TO ADOPT RULES GOVERNING THE APPLICATION REQUIREMENTS, THE FEE, AND THE BASIS FOR THE
12 FEE; AND REQUIRING THE DEPARTMENT TO REPORT TO THE LEGISLATURE IF THE PROGRAM IS NOT
13 IMPLEMENTED BY A CERTAIN DATE."

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

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17 **NEW SECTION. Section 1. Authority to enter into travel document agreement with federal agency.**

18 The department may enter into an agreement with the U.S. department of homeland security to facilitate the
19 acceptance of an enhanced driver's license or enhanced identification card issued by the department to a
20 qualified Montana resident who is a United States citizen as an acceptable document to denote identity and
21 citizenship, as required under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004,
22 Public Law 108-458, for purposes of entering the United States from Canada and Mexico at land and sea ports
23 of entry.

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25 **NEW SECTION. Section 2. Issuance of enhanced driver's license or enhanced identification card**

26 **-- application process -- fees.** (1) (a) The department may, upon request of an applicant and subject to an
27 agreement entered into as provided in [section 1], issue an enhanced driver's license or enhanced identification
28 card to an applicant who is a Montana resident and a United States citizen and who is otherwise eligible for
29 issuance or renewal of a driver's license, a commercial driver's license, or an identification card under Title 61,
30 chapter 12, part 5, or this chapter.

1 (b) The department shall advise the applicant in writing that any enhanced driver's license or enhanced
2 identification card issued will have a machine-readable zone and an embedded radio frequency identification chip
3 containing a unique reference number that, when read from up to 30 feet away, may be used by border crossing
4 authorities to verify the bearer's identity against department records.

5 (c) The radio frequency identification chip may not contain any personal identifying information about
6 the holder or any other information displayed on the front of the license or card.

7 (2) (a) A person who applies for a new or renewal enhanced driver's license or enhanced identification
8 card shall apply in person at one of the driver examination stations identified by the department for receipt and
9 processing of the applications as provided in subsection (3).

10 (b) In addition to other conditions for issuance required in [sections 2 and 3], the applicant must present
11 for inspection and copying evidence sufficient to denote the applicant's identity and citizenship. The evidence
12 must be verified in accordance with an agreement between the department and the U.S. department of homeland
13 security entered into as provided in [section 1].

14 (3) The department may limit receipt and processing of the applications for enhanced driver's licenses
15 and enhanced identification cards to one or more driver examination stations located in Billings, Bozeman,
16 Helena, Glasgow, Great Falls, Kalispell, or Missoula.

17 (4) An employee of the department who is responsible for processing and issuing enhanced driver's
18 licenses or enhanced identification cards shall provide the department with proof of the employee's United States
19 citizenship and submit to a background check required by the U.S. department of homeland security.

20 (5) An application for an enhanced driver's license or enhanced identification card must be accompanied
21 by a payment of a fee not to exceed \$36 for an enhanced driver's license or \$18 for an enhanced identification
22 card. The fee is in addition to the fees required in 61-5-111 and 61-12-504.

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24 **NEW SECTION. Section 3. Rulemaking authority.** The department may adopt rules to:

25 (1) specify or clarify application requirements unique to issuance of an enhanced driver's license or
26 enhanced identification card; and

27 (2) establish the appropriate fee to be paid for an enhanced driver's license or enhanced identification
28 card, subject to the limit prescribed in [section 2(5)], based on:

29 (a) additional costs incurred by the department in producing or procuring through a contractor enhanced
30 driver's licenses and enhanced identification cards that comply with the technology compatibility, security, and

1 operational requirements for border protection established by the U.S. department of homeland security;

2 (b) additional costs incurred by the department or passed on to the department by a vendor in providing
3 a protective sleeve for the enhanced driver's license or enhanced identification card that the holder may use to
4 prevent the radio frequency identification chip from being read when the chip is not in use at a border crossing
5 station;

6 (c) additional costs incurred by the department to conduct background checks acceptable to the U.S.
7 department of homeland security on department employees who are authorized to issue or produce enhanced
8 driver's licenses or enhanced identification cards; and

9 (d) other factors that affect the costs to the department of accepting applications for and issuing or
10 renewing enhanced driver's licenses and enhanced identification cards.

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12 **NEW SECTION. Section 4. Treatment under state law.** Except as provided in [sections 2 and 3], an
13 enhanced driver's license must be treated the same and is subject to the same requirements, restrictions, and
14 sanctions as a driver's license or commercial driver's license under state law.

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16 **NEW SECTION. Section 5. Report to legislature.** If the department has not implemented a program
17 to issue enhanced driver's licenses or enhanced identification cards on or before July 1, 2018, the department
18 shall report to the legislature or an appropriate interim committee of the legislature on its efforts to implement the
19 program and shall describe the obstacles impeding implementation.

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21 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified
22 as an integral part of Title 61, chapter 5, and the provisions of Title 61, chapter 5, apply to [sections 1 through 5].

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