

## SENATE BILL NO. 346

INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; DEFINING  
5 "MANUFACTURER'S SUGGESTED RETAIL PRICE"; ALLOWING ELECTRONIC RENEWAL NOTICE;  
6 INCREASING CERTAIN FEES FOR MOTORCYCLES AND QUADRICYCLES; REVISING COMMERCIAL  
7 DRIVER RECIPROCITY; REVISING THE DEFINITION OF "MOTOR VEHICLE RECORD"; CONSOLIDATING  
8 RULEMAKING AUTHORITY; ALLOWING FOR BIOPTIC LENS RULEMAKING AUTHORITY; AMENDING  
9 SECTIONS 15-15-201, 61-3-224, 61-3-312, 61-3-316, 61-3-321, 61-3-332, 61-3-414, 61-3-415, 61-3-423,  
10 61-3-474, 61-3-535, 61-4-203, 61-5-111, 61-5-112, 61-5-118, 61-5-123, 61-5-232, 61-11-102, 61-11-503,  
11 61-12-502, AND 61-13-103, MCA; REPEALING SECTIONS 61-3-315, 61-3-506, 61-4-532, 61-5-125, AND  
12 61-11-516, MCA; AND PROVIDING EFFECTIVE DATES."

13

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

15

16 **Section 1.** Section 15-15-201, MCA, is amended to read:

17 **"15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu**  
18 **of tax on motor vehicles.** (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light  
19 vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under  
20 authority of 15-8-202 shall file a written application for the appeal not later than 30 days after receipt of the mail  
21 renewal notice from the department as provided in 61-3-535. The application must be on a form prescribed by  
22 the department of justice in consultation with the state tax appeal board.

23 (b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis  
24 for appeal must be related to the factors to be considered and applied by the department of justice under  
25 61-3-503, ~~61-3-506~~, and 61-3-529 and established by the department's rulemaking authority in [section 22].

26 (2) (a) The treasurer of the county or municipality is not required to deposit local option vehicle taxes or  
27 fees in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as  
28 required for property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed  
29 in the same manner as those received without protest.

30 (b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding

1 concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

2 (3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly  
3 scheduled session if the application for the appeal was filed by December 1. If during its current session, a county  
4 tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the  
5 taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

6 (b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the  
7 following year. If a taxpayer's application that was timely filed after December 1 of the current session of the  
8 county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses  
9 or fails to hear the application during the following session, then the application is considered to be granted on  
10 the day following the board's final meeting for that year."

11

12 **Section 2.** Section 61-3-224, MCA, is amended to read:

13 **"61-3-224. Temporary registration permit -- ~~authority to adopt rules~~ -- issuance -- placement --**  
14 **fees.** ~~(1) The department may adopt rules governing the issuance of temporary registration permits. The rules~~  
15 ~~must specify the purposes for which a temporary registration permit may be issued, including but not limited to~~  
16 ~~issuance to:~~

17 ~~—— (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,~~  
18 ~~motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the~~  
19 ~~vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;~~

20 ~~—— (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number~~  
21 ~~in order to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title~~  
22 ~~under 61-3-107 or 61-3-212;~~

23 ~~—— (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation~~  
24 ~~of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle~~  
25 ~~under this chapter;~~

26 ~~—— (d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state~~  
27 ~~for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of~~  
28 ~~residence;~~

29 ~~—— (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply~~  
30 ~~fertilizer to agricultural lands into the state for special demonstration in this state;~~

1 ~~\_\_\_\_\_ (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle~~  
 2 ~~that the financial institution has obtained following repossession;~~

3 ~~\_\_\_\_\_ (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle~~  
 4 ~~by the insurer as a result of the settlement of an insurance claim;~~

5 ~~\_\_\_\_\_ (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road~~  
 6 ~~recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road~~  
 7 ~~recreational use is equipped for use on the highways as prescribed in chapter 9 but the quadricycle or motorcycle~~  
 8 ~~designed for off-road recreational use is not registered or is only registered for off-road use in the nonresident's~~  
 9 ~~home state; or~~

10 ~~\_\_\_\_\_ (i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in~~  
 11 ~~length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances~~  
 12 ~~beyond the new owner's control, surrender a previously assigned certificate of title.~~

13 ~~(2)(1)~~ (a) The department, an authorized agent, or a county treasurer may issue a temporary registration  
 14 permit for any purpose authorized under the rules adopted by the department.

15 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of  
 16 the department-approved electronic interface only if authorized by the department.

17 ~~(3)(2)~~ A person, using a department-approved electronic interface, may issue a temporary registration  
 18 permit for any purpose authorized under the rules adopted by the department.

19 ~~(4)(3)~~ A temporary registration permit issued under this section must contain the following information:

20 (a) a temporary plate number as prescribed by the department;

21 (b) the expiration date of the temporary registration permit; and

22 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,  
 23 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification  
 24 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,  
 25 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and  
 26 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,  
 27 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

28 ~~(5)(4)~~ A temporary registration permit for:

29 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the  
 30 rear exterior of the vehicle where a license plate is required to be displayed; and

1 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle  
2 must be plainly visible and firmly attached to the vehicle or vessel.

3 ~~(6)~~(5) (a) Except as provided in 61-3-431 and subsections ~~(6)(b)~~ (5)(b) and ~~(6)(c)~~ (5)(c) of this section,  
4 a \$19.50 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent,  
5 or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department,  
6 the authorized agent, or a county treasurer upon issuance of the temporary registration permit.

7 (b) Except as provided in 61-3-431, a fee of \$24.50 is imposed and must be paid upon issuance of a  
8 temporary registration permit by:

9 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires  
10 a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or motorcycle  
11 designed for off-road recreational use; or

12 (ii) a person who issued a temporary registration permit using a department-approved electronic interface.

13 (c) A fee of \$24 is imposed and must be paid upon issuance of a temporary registration permit for a  
14 90-day temporary registration permit as provided in 61-3-303(3)(b).

15 ~~(7)~~(6) The fees imposed under this section, upon collection, must be forwarded to the state and  
16 deposited as follows:

17 (a) \$16.50 from each permit fee collected pursuant to subsection ~~(6)~~ (5) in the state special revenue  
18 account established in 44-10-204; and

19 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-118.

20 ~~(8)~~(7) If a temporary registration permit is issued under this section to a person to whom ownership of  
21 a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or  
22 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."  
23

24 **Section 3.** Section 61-3-312, MCA, is amended to read:

25 **"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in 61-3-313  
26 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day  
27 of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

28 (2) A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes  
29 required under 61-3-303 and 61-3-321(13) to the department, an authorized agent, or a county treasurer in any  
30 county of this state.

1 (3) The department, an authorized agent, or a county treasurer shall use the online motor vehicle liability  
2 insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.

3 (4) Except as ~~provided in 61-3-315~~ established by the department's rulemaking authority in [section 22],  
4 the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed  
5 registration is determined in accordance with 61-3-311. A registration receipt is valid for the registration period  
6 for which it is issued.

7 (5) The owner of a motor vehicle subject to registration renewal under the provisions of this section is  
8 considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment  
9 for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department,  
10 an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's  
11 registration period.

12 (6) The department, an authorized agent, or a county treasurer may not renew the registration of a motor  
13 vehicle for which ownership has been transferred and that was originally registered without being titled under the  
14 provisions of 61-3-303(3)(b) unless:

15 (a) the previously issued certificate of title has been surrendered to the department, an authorized agent,  
16 or the county treasurer and the process for issuing a certificate of title has been completed; or

17 (b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and  
18 bond in support of the application for a certificate of title as permitted in 61-3-208."

19

20 **Section 4.** Section 61-3-316, MCA, is amended to read:

21 **"61-3-316. New registrations.** Except as provided in 61-3-311, a motor vehicle that is registered for the  
22 first time in this state must be assigned a registration period corresponding to when the motor vehicle is first  
23 registered in this state. Except as permitted in ~~61-3-315~~, 61-3-318, ~~and or~~ 61-3-324, or established by the  
24 department's rulemaking authority in [section 22], the registration period for a motor vehicle must remain the same  
25 from year to year."

26

27 **Section 5.** Section 61-3-321, MCA, is amended to read:

28 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
29 **fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section, registration fees must  
30 be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft,

1 trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

2 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under  
3 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging  
4 trucks that weigh 1 ton or less is as follows:

- 5 (i) if the vehicle is 4 or less years old, \$217;  
6 (ii) if the vehicle is 5 through 10 years old, \$87; and  
7 (iii) if the vehicle is 11 or more years old, \$28.

8 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years  
9 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

10 (3) (a) Except as provided in ~~subsection~~ subsections (3)(b) and (15), the one-time registration fee based  
11 on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

- 12 (i) if the declared weight is less than 6,000 pounds, \$61.25; or  
13 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

14 (b) ~~For a trailer, semitrailer, or pole trailer that is registered under 61-3-701, the fees required in~~  
15 ~~subsection (3)(a) must be paid annually~~ the annual registration fee based on the declared weight is as follows:

- 16 (i) if the declared weight is less than 6,000 pounds, \$30; or  
17 (ii) if the declared weight is 6,000 pounds or more, \$60.

18 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and  
19 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- 20 (a) 2,850 pounds and over, \$10; and  
21 (b) under 2,850 pounds, \$5.

22 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other  
23 than a quadricycle or motorcycle is \$61.25.

24 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

25 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on  
26 the age of the motor home, is as follows:

- 27 (i) less than 2 years old, \$282.50;  
28 (ii) 2 years old and less than 5 years old, \$224.25;  
29 (iii) 5 years old and less than 8 years old, \$132.50; and  
30 (iv) 8 years old and older, \$97.50.

1 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee  
2 under this section may permanently register the motor home upon payment of:

3 (i) a one-time registration fee of \$237.50;

4 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be  
5 deposited in the account established under 61-6-158;

6 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

7 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate  
8 license plate under 61-3-465.

9 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years  
10 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.

11 (8) (a) ~~(i)~~ Except as provided in ~~subsection~~ subsections (8)(b) and (15), the one-time registration fee for  
12 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee  
13 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for  
14 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

15 ~~(b)(ii)~~ An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle  
16 as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

17 (b) (i) The annual registration fee for motorcycles and quadricycles registered for use on the public  
18 highways under 61-3-701 is \$44.

19 (ii) The annual registration fee for motorcycles and quadricycles registered for off-highway use under  
20 61-3-701 is \$44.

21 (iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use and for  
22 use on the public highways under 61-3-701 is \$88.

23 (iv) An additional safety fee of \$7 must be collected annually for each motorcycle or quadricycle  
24 registered under 61-3-701. The safety fee must be deposited in the state motorcycle safety account provided for  
25 in 20-25-1002.

26 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the  
27 length of the travel trailer, is as follows:

28 (a) under 16 feet in length, \$72; and

29 (b) 16 feet in length or longer, \$152.

30 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,

1 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

2 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,  
3 \$65.50;

4 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in  
5 length, \$125.50; and

6 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

7 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a  
8 snowmobile is \$60.50.

9 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose  
10 of daily rental to customers is assessed:

11 (A) a fee of \$40.50 in the first year of registration; and

12 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

13 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently  
14 registered and the business is assessed the registration fee imposed in subsection (11)(a).

15 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

16 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a  
17 low-speed restricted driver's license is \$25.

18 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and  
19 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,  
20 which must be displayed visibly on the golf cart.

21 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of  
22 standard license plates, a new single standard license plate, or a replacement set of special license plates  
23 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously  
24 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be  
25 paid if the vehicle to which the plates are transferred is not currently registered.

26 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate  
27 number from license plates issued before January 1, 2010, when replacement of those plates is required under  
28 61-3-332(3).

29 (c) The fees imposed in this subsection (13) must be deposited in the account established under  
30 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.



1 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are  
2 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled  
3 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle  
4 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),  
5 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

6 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,  
7 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,  
8 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle  
9 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the  
10 fees imposed under this section.

11 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

12 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited  
13 in the state general fund.

14 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the  
15 enumerated vehicles or vessels that constitute inventory of the dealership.

16 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of  
17 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and  
18 transmitted separately from the registration fee. The fee must be deposited in an account in the state special  
19 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.  
20 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise  
21 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned  
22 facilities at Virginia City and Nevada City.

23 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person  
24 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election  
25 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not  
26 be collected.

27 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify  
28 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may  
29 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is  
30 made, the fee may not be collected at any subsequent annual registration unless the person makes the written

1 election to pay the additional fee on one or more of the light vehicles.

2 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered  
3 to a different person.

4 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,  
5 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be  
6 collected and forwarded to the state for deposit in the account established in 44-1-504.

7 (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected  
8 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from  
9 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the  
10 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be  
11 allocated as provided in 60-3-309.

12 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a  
13 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

14 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by  
15 61-3-721.

16 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in  
17 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle  
18 division administration account established in 61-3-112.

19 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of  
20 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current  
21 fiscal year appropriation for the ~~motor vehicle division administration~~ account established in 61-3-112.

22 ~~(24) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price~~  
23 ~~suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and~~  
24 ~~first made available for retail sale by the manufacturer.~~

25 ~~(b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle or motor~~  
26 ~~home and does not contain price additions or deductions for optional accessories.~~

27 ~~(c) When a manufacturer's suggested retail price is unavailable for a light vehicle or motor home, the~~  
28 ~~department shall determine an alternative valuation for the light vehicle or motor home. (Bracketed language~~  
29 ~~terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"~~

30

1           **Section 6.** Section 61-3-332, MCA, is amended to read:

2           **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,  
3 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of  
4 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and  
5 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license  
6 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles  
7 owned by other persons.

8           (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all  
9 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,  
10 as determined by the department, and be furnished by the department. In years when standard license plates  
11 are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear  
12 license plate of the vehicle.

13           (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles  
14 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration  
15 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear  
16 license plate of the permanently registered motor vehicle.

17           (c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently  
18 registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word  
19 "permanent" on the plate in lieu of issuing a registration decal for the plate.

20           (3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate  
21 design first issued in 1989 or later or current collegiate or generic specialty license plate designs. For the  
22 purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate with  
23 a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated as  
24 standard license plates.

25           (ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon  
26 renewal of registration under 61-3-312, the license plates are 5 or more years old or will become older than 5  
27 years during the registration period. New license plates must be issued in accordance with the implementation  
28 schedule adopted by the department under ~~61-3-315~~ section 22.

29           (iii) A vehicle owner may elect to keep the same license plate number from license plates issued before  
30 January 1, 2010, when replacement of those plates is required under this subsection.

1 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may  
2 display the license plate and plate design in effect at the time of registration for the entire registration period.

3 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may  
4 display the license plate and plate design in effect at the time of registration for the entire period that the light  
5 vehicle or motor home is permanently registered.

6 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer,  
7 semitrailer, or pole trailer.

8 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461  
9 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative  
10 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized  
11 under 61-3-458.

12 (4) (a) All license plates must be metal and treated with a reflectorized background material according  
13 to specifications prescribed by the department. The word "Montana" must be placed on each license plate and,  
14 except for license plates that are 4 inches wide and 7 inches in length, the outline of the state of Montana must  
15 be used as a distinctive border on each standard license plate.

16 (b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or  
17 more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in  
18 length.

19 (c) Plates for motorcycles and quadricycles must be 4 inches wide and 7 inches in length.

20 (d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a  
21 declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than  
22 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall  
23 pay all applicable fees for the plates chosen.

24 (5) The distinctive registration numbers for standard license plates must begin with a number one or with  
25 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.  
26 Except for special license plates, collegiate license plates, generic specialty license plates, fleet license plates,  
27 and standard license plates that are 4 inches wide and 7 inches in length, the distinctive registration number or  
28 letter-number combination assigned to the motor vehicle must appear on the plate preceded by the number of  
29 the county and appearing in horizontal order on the same horizontal baseline. The county number must be  
30 separated from the distinctive registration number by a separation mark unless a letter-number combination is

1 used. The dimensions of the numerals and letters must be determined by the department, and all county and  
2 registration numbers must be of equal height.

3 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,  
4 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition  
5 to the markings provided in this section, standard license plates must bear the following distinctive markings:

6 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may  
7 designate the prefix number for the various state departments. All numbered plates issued to state departments  
8 must bear the words "State Owned", and a year number may not be indicated on the plates because these  
9 numbered plates are of a permanent nature and will be replaced by the department only when the physical  
10 condition of numbered plates requires it.

11 (b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties,  
12 municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not  
13 operating for profit, and that are used and operated by officials and employees in the line of duty and for motor  
14 vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol  
15 and used and operated by officials and employees in the line of duty, there must be placed on the standard  
16 license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT".  
17 Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each  
18 of the counties in the state and those of the municipalities and special districts that obtain plates within each  
19 county must begin with number one and be numbered consecutively. Because these standard license plates are  
20 of a permanent nature, they are subject to replacement by the department only when the physical condition of  
21 the license plates requires it and a year number may not be displayed on the plates.

22 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:  
23 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;  
24 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;  
25 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;  
26 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;  
27 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;  
28 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,  
29 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must  
30 be assigned numbers by the department as they are formed, beginning with the number 57.

1 (8) Each type of special license plate approved by the legislature, except collegiate license plates  
 2 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be  
 3 a separate series of plates, numbered as provided in subsection (5), except that the county number must be  
 4 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this  
 5 section, the special plates are subject to the same rules and laws as govern the issuance of standard license  
 6 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who  
 7 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,  
 8 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,  
 9 semitrailer, or pole trailer.

10 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and  
 11 a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided  
 12 in 61-5-122 must, upon written application on a form prescribed by the department, be issued a special license  
 13 plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

14 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the  
 15 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances  
 16 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking  
 17 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

18 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special  
 19 license plate upon written application, as provided in this subsection (9), is not required to reapply upon  
 20 reregistration of the motor vehicle.

21 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that  
 22 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through  
 23 61-3-733."

24

25 **Section 7.** Section 61-3-414, MCA, is amended to read:

26 **"61-3-414. Special motorcycle license plates for military personnel, veterans, and spouses --**  
 27 **department to design -- fees -- disposition.** (1) The department shall design and issue motorcycle license  
 28 plates for all special military and veteran license plates provided for in 61-3-458~~(2)(d) and (3)~~.

29 (2) A person requesting a special military or veteran motorcycle license plate under this section:

30 (a) is subject to the eligibility requirements for the license plate as provided in 61-3-458; and

1 (b) shall pay to the county treasurer or an authorized agent:

2 (i) an administrative fee of \$5 upon issuance of the motorcycle license plate, to be deposited in the  
3 county general fund;

4 (ii) a \$5 license plate fee, to be deposited in the state general fund; and

5 (iii) a \$10 veterans' cemetery fee, to be deposited as provided in 61-3-459(2).

6 (3) Upon request, after paying the fees imposed under subsection (2)(b) and any applicable vehicle  
7 registration fees under this chapter, the surviving spouse of an eligible veteran, if the spouse has not remarried,  
8 may retain the special license plates issued to the deceased veteran, subject to the eligibility requirements for  
9 the plate as provided in 61-3-458(4)."

10

11 **Section 8.** Section 61-3-415, MCA, is amended to read:

12 **"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A  
13 Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and  
14 who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a  
15 design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit  
16 organizations that grant wishes to chronically or critically ill Montana children.

17 (2) A person requesting a special motorcycle license plate under this section shall pay to the county  
18 treasurer or an authorized agent:

19 (a) an administrative fee of \$5 upon issuance of the special license plate, to be deposited in the county  
20 general fund;

21 (b) a \$5 license plate fee; and

22 (c) a donation fee of \$20.

23 (3) The county treasurer or an authorized agent shall remit the fees required in subsections (2)(b) and  
24 (2)(c) to the department. For each special plate issued, the department shall deposit \$5 in the state general fund  
25 and \$20 in an account in the state special revenue fund to be used by the department as provided in subsection  
26 (4).

27 (4) The department shall use the money deposited in the account in the state special revenue fund as  
28 provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based  
29 nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

30 ~~(5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this~~

1 ~~section and to establish the criteria that an entity must meet to receive grant funds.~~

2 (6)(5) The account in the state special revenue fund provided for in subsection (3) is statutorily  
3 appropriated to the department, as provided in 17-7-502."

4

5 **Section 9.** Section 61-3-423, MCA, is amended to read:

6 **"61-3-423. Rules -- limit Limit of one identical pair of plates for each operator.** The department shall  
7 adopt rules to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer,  
8 semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole  
9 trailers before issuing the lettered license plates. The department may not issue more than one identical pair of  
10 lettered license plates for any licensed amateur radio station in any one licensing period."

11

12 **Section 10.** Section 61-3-474, MCA, is amended to read:

13 **"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking**  
14 **-- approval -- registration decal -- listing of plate sponsors.** (1) The department shall:

15 (a) design the background and general format of generic specialty license plates;

16 (b) in consultation with the department of corrections, determine which license plate processing system  
17 is the most efficient and versatile manufacturing method for the production of generic specialty license plates;  
18 and

19 (c) use a numbering system for generic specialty license plates that is distinctive from the numbering  
20 system required under 61-3-332 or used for collegiate license plates;

21 ~~(d) adopt rules that prescribe:~~

22 ~~—— (i) the minimum and maximum number of characters that a generic specialty license plate may display;~~

23 ~~—— (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and~~

24 ~~—— (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.~~

25 (2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license  
26 plates must be approved by the department prior to the manufacture of the plates.

27 (3) Upon the issuance of generic specialty license plates, a registration decal must be affixed to the  
28 license plates as provided in 61-3-332.

29 (4) The department shall maintain a list of the sponsors that have been approved to promote the sale  
30 and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic



1 specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty  
 2 license plate. The department shall, upon request, make copies of this list available to interested members of the  
 3 public.

4 (5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty  
 5 license plate sponsorship if:

6 (a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

7 (b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the  
 8 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored  
 9 generic specialty license plate; or

10 (c) the department has reliable information that the sponsor is no longer qualified for sponsorship under  
 11 61-3-472 through 61-3-481.

12 (6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance  
 13 and sale of the sponsor's generic specialty license plates must be terminated.

14 (b) A person who owns a motor vehicle displaying valid generic specialty license plates affiliated with  
 15 a sponsor whose sponsorship status has been revoked may continue to display those generic specialty license  
 16 plates on the person's motor vehicle until the motor vehicle's registration is renewed.

17 (c) Following revocation of a sponsor's sponsorship status, the department may not issue replacements  
 18 or duplicates of generic specialty license plates affiliated with that sponsor."

19

20 **Section 11.** Section 61-3-535, MCA, is amended to read:

21 **"61-3-535. Motor vehicle registration renewal -- reminder notice and renewal by mail.** (1) The  
 22 owner of a motor vehicle subject to renewal of registration under 61-3-312 may renew the registration of a motor  
 23 vehicle by mail or by electronic methods when the value, age, length, weight, or other criteria used to determine  
 24 the tax or fee for a particular type of motor vehicle are available to the department by electronic means.

25 (2) Any mail renewal procedure developed by the department ~~must~~ may:

26 (a) include a procedure to facilitate automated handling of mail renewal, including issuance of  
 27 replacement plates when required by statute;

28 (b) include a procedure to verify compliance with 61-6-301 using the system provided in 61-6-157; ~~and~~  
 29 or

30 (c) provide for a ~~written~~ reminder notice ~~by mail~~ to the owner of a motor vehicle of the requirement to

1 renew the vehicle's registration."

2

3 **Section 12.** Section 61-4-203, MCA, is amended to read:

4 **"61-4-203. Administration.** The department shall supervise and regulate all persons required by this  
5 part to be licensed. In the supervision and regulation thereof the department may:

6 (1) make investigations it considers necessary; and

7 (2) conduct hearings and compel attendance of witnesses at the hearings pursuant to the Montana  
8 Administrative Procedure Act; ~~and~~

9 ~~———(3) prescribe rules it determines necessary to carry out the provisions of this part."~~

10

11 **Section 13.** Section 61-5-111, MCA, is amended to read:

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

27 (iv) either the licensee's customary manual signature or a reproduction of the licensee's customary  
28 manual signature; and

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

30 (b) The department may not use the licensee's social security number as the distinguishing number. A

1 license is not valid until it is signed by the licensee.

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

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

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

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

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

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

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

22 (ii) An applicant who renews a driver's license by mail or online shall submit to the department an  
23 approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant,  
24 or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.

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

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

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

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

1 the applicant;

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

4 (C) the applicant seeks a change of address or a name change; or

5 (D) the applicant's license:

6 (I) has been expired for 3 months or longer; or

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

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

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

14 (f) The department shall mail a driver's license renewal notice no earlier than 90 days and no later than  
15 30 days prior to the expiration date of a driver's license. Except as provided in 61-3-119 and 61-5-115, the  
16 department shall mail the notice to the Montana mailing address shown on the driver's license.

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

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

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

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

25 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials  
26 endorsement after surrendering a comparable commercial driver's license with a hazardous materials  
27 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday  
28 5 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's  
29 license information system, a security threat assessment was performed on the person as a condition of issuance  
30 of the surrendered license.

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

5 ~~(f) The department may adopt rules to implement online driver's license renewal.~~

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

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

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

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

12 (iii) commercial driver's license:

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

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

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

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

19 (b) After a person's status as a veteran is denoted on a driver's license, the department may not require  
 20 further documentation of that status from the holder of the license upon subsequent renewal or replacement."

21

22 **Section 14.** Section 61-5-112, MCA, is amended to read:

23 ~~"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking --~~  
 24 ~~reciprocity Reciprocal agreements. (1) The department shall adopt rules that it considers necessary for the~~  
 25 ~~safety and welfare of the traveling public governing the classification of commercial driver's licenses and related~~  
 26 ~~endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules~~  
 27 ~~must:~~

28 ~~----- (a) subject to the exceptions provided in this section, comport with the licensing standards and~~  
 29 ~~requirements of 49 CFR, part 383, the medical qualifications of 49 CFR, part 391, and the security threat~~  
 30 ~~assessment provisions of 49 CFR, part 1572;~~

- 1 ~~—— (b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with~~  
2 ~~medical qualification and visual acuity standards prescribed by the department;~~
- 3 ~~—— (c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or~~  
4 ~~older;~~
- 5 ~~—— (d) allow for issuance of a seasonal commercial driver's license based on standards established by the~~  
6 ~~department for the waiver of the knowledge and road or skills test for a qualified person employed in farm-related~~  
7 ~~service industries who has a good driving record and sufficient prior driving experience;~~
- 8 ~~—— (e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;~~
- 9 ~~—— (f) prescribe the requirements for the medical statement that must be submitted in order for a person to~~  
10 ~~be qualified for a type 2 commercial driver's license;~~
- 11 ~~—— (g) prescribe the minimum standards for certification of a third-party commercial driver testing program~~  
12 ~~and any test waiver under 61-5-118; and~~
- 13 ~~—— (h) allow for the issuance of a commercial learner's permit.~~
- 14 ~~—— (2) The department is authorized to enter into reciprocal agreements with adjacent states that would~~  
15 ~~allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles~~  
16 ~~of a farm to operate without a commercial driver's license because the vehicles are not considered commercial~~  
17 ~~motor vehicles as provided in 61-1-101(9)(b)(ii)."~~

18

19 **Section 15.** Section 61-5-118, MCA, is amended to read:

20 **"61-5-118. Third-party commercial driver testing program -- certification of testing programs and**  
21 **examiners -- rulemaking -- fees -- test waiver.** (1) The department may contract with and certify the following  
22 as a third-party commercial driver testing program to administer the approved commercial driver skills test to a  
23 Montana commercial driver's license applicant:

- 24 (a) any person, employer of commercial drivers, private driver training facility, or other private company;  
25 (b) a postsecondary institution as defined in 20-26-603;  
26 (c) a department, agency, or instrumentality of a local government of the state; or  
27 (d) a department, agency, or instrumentality of a tribal government of the state.

28 (2) A certified third-party driver testing program shall administer the same skills test as would otherwise  
29 be administered by the department.

30 ~~(3) The department shall adopt rules governing the certification, operation, and monitoring of third-party~~

1 testing programs. The rules must:

2 ~~—— (a) substantially comply with the licensing standards and requirements in 49 CFR, part 383, and the state~~  
3 ~~compliance standards in 49 CFR, part 384, including:~~

4 ~~—— (i) issuance of a commercial driver's license skills testing certificate to a certified program upon execution~~  
5 ~~of a third-party skills testing agreement;~~

6 ~~—— (ii) requiring that all third-party skills test examiners meet minimum qualifications, including passing~~  
7 ~~background checks paid for by the third-party testing program and successfully completing a formal skills test~~  
8 ~~examiner training course;~~

9 ~~—— (iii) providing examiner test limitations, minimum testing standards, and refresher training requirements;~~  
10 ~~and~~

11 ~~—— (iv) requiring recordkeeping and a detailed audit program that includes overt and covert test monitoring~~  
12 ~~and onsite audits by state and federal personnel;~~

13 ~~—— (b) specifically address the requirements for certifying third-party commercial driver testing programs,~~  
14 ~~including place of business, appropriate bond and liability insurance, and facilities requirements; and~~

15 ~~—— (c) specify minimum technology requirements for recordkeeping, scheduling applicants for the skills test,~~  
16 ~~conducting the skills test, and electronically transferring skills test results to the department.~~

17 ~~(4)(3)~~ The department may decertify a third-party commercial driver testing program for failure to comply  
18 with the department rules or federal regulations.

19 ~~(5)(4)~~ The department may collect the following fees:

20 (a) a fee of \$5,000 to certify a third-party commercial driver testing program and a fee of \$2,500 for  
21 certification renewal;

22 (b) a fee of \$500 to certify each third-party commercial driver examiner and a fee of \$100 for certification  
23 renewal; and

24 (c) a fee of \$25 for each successfully completed skills test to be paid by the applicant.

25 ~~(6)(5)~~ (a) A commercial driver's license applicant who is tested under the third-party commercial driver  
26 testing program must have passed the knowledge test required by 61-5-110 and complied with commercial  
27 driver's license department rules and federal regulations and must possess a valid Montana commercial learner's  
28 permit ~~issued under 61-5-112.~~

29 (b) The road test or the skills test required by 61-5-110 may be waived by the department for a  
30 commercial driver's license applicant upon certification of the applicant's successful completion of the road test

1 or the skills test by:

2 (i) a third-party commercial driver testing program certified under this section; or

3 (ii) a third-party commercial driver examiner from a jurisdiction that has a comparable third-party  
4 commercial driver testing program, as determined by the department."

5

6 **Section 16.** Section 61-5-123, MCA, is amended to read:

7 **"61-5-123. Waiver of skills test related to military commercial motor vehicles experience --**

8 **rulemaking.** (1) The department may waive the skills test required for a commercial driver's license if an applicant  
9 meets the conditions in subsection (2) and is:

10 (a) a veteran of the armed forces of the United States who was honorably discharged;

11 (b) currently serving in the armed forces of the United States;

12 (c) serving full-time in a reserve component, as defined in 37-1-138; or

13 (d) honorably discharged from the reserve component after serving full-time in the reserve component.

14 (2) An applicant shall:

15 (a) certify that, during the 2-year period immediately prior to application, the applicant:

16 (i) did not have more than one license except for a military license;

17 (ii) did not have a license suspended, revoked, or canceled;

18 (iii) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);

19 (iv) did not have more than one conviction for a serious traffic violation as provided in 49 CFR 383.51(c);

20 and

21 (v) did not have any conviction for a violation of military, state, or local law relating to motor vehicle traffic  
22 control other than a parking violation arising in connection with any traffic accident and has no record of an  
23 accident in which the applicant was at fault; and

24 (b) provide evidence and certify that:

25 (i) the military position in which the applicant served required regular operation over at least a 2-year  
26 period immediately prior to either discharge or application, as applicable, of a commercial motor vehicle  
27 representative of the class of motor vehicle for which the applicant is seeking a commercial driver's license; and

28 (ii) the applicant was exempted under 49 CFR 383.3(c) from the requirements of this part when operating  
29 a commercial motor vehicle in the military.

30 ~~(3) The department shall adopt rules necessary for the administration of this section."~~



1

2           **Section 17.** Section 61-5-232, MCA, is amended to read:

3           **"61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant to  
4 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the  
5 national driver register may petition the district court of the county in which the person resides for a restricted-use  
6 driving permit for use only within the state of Montana if:

7           (a) the person has maintained continuous residence in Montana for at least 5 years and is not otherwise  
8 ineligible for a license under 61-5-105;

9           (b) the person submits a certified driving record from the licensing agency of each state that has reported  
10 the person's status as ineligible to the national driver register that shows that at least 5 years have elapsed from  
11 the effective date of the most recent withdrawal of the person's driver's license or driving privileges by the other  
12 state or states;

13           (c) for the 5-year period immediately preceding application for a restricted-use driving permit, the person  
14 has not been convicted in any jurisdiction of a felony or misdemeanor offense;

15           (d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are  
16 currently pending against the person;

17           (e) the person certifies that a good faith effort was made to resolve the person's ineligible status through  
18 the licensing agency of each state or states that reported the person's status as ineligible to the national driver  
19 register, including the payment of any pending fees or fines; and

20           (f) the person provides any other information required by department rule.

21           (2) ~~The department may adopt rules to determine the process for issuance, withdrawal, and monitoring~~  
22 ~~of a restricted-use driving permit.~~ The department may issue a restricted-use driving permit only to a person who  
23 satisfies all of the requirements of this section as determined by a district court pursuant to subsection (1). A  
24 person who is issued a restricted-use driving permit may use it only for an essential driving purpose as defined  
25 by the department.

26           (3) For purposes of this section, the following definitions apply:

27           (a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving  
28 privilege underlying a current ineligible status report made by another state's licensing agency to the national  
29 driver register.

30           (b) "National driver register" means the registry established under 49 U.S.C. 30302.

1 (c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this state  
2 for essential driving purposes only and that is issued by the department to a person whose status on the national  
3 driver register is reported as ineligible to operate a motor vehicle other than a commercial motor vehicle."  
4

5 **Section 18.** Section 61-11-102, MCA, is amended to read:

6 **"61-11-102. Records to be kept by department.** (1) Except as provided in subsection (8), the  
7 department shall create and maintain a central database of electronic files that includes an individual Montana  
8 driving record for each person:

9 (a) who has been issued a Montana driver's license;

10 (b) who does not have a driver's license from, or active driving record in, another jurisdiction and for  
11 whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or  
12 revocation of the person's driver's license; and

13 (c) whose driver's license or driving privileges have been suspended, revoked, canceled, or otherwise  
14 withdrawn by the department.

15 (2) An individual Montana driving record maintained under this section must include:

16 (a) personal information obtained from the application for a driver's license or a report of conviction;

17 (b) the person's driver's license number, license type, status, endorsements, restrictions, issue and  
18 expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed  
19 against the person;

20 (c) all convictions reported to the department for the person; and

21 (d) traffic accidents in which the person was involved, except that a record of involvement in a traffic  
22 accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203,  
23 for an act causally related to the accident.

24 (3) (a) The department shall create and maintain a CDLIS driver record for each person who has been  
25 issued a Montana commercial driver's license or for whom a record of conviction, disqualification, or other  
26 licensure action has been taken for violations of any state or local law relating to motor vehicle traffic regulation,  
27 other than a parking violation, committed while operating a commercial motor vehicle.

28 (b) A CDLIS driver record maintained by the department must meet the requirements of 49 CFR 384.225.

29 (c) If the department receives notice that a person has been disqualified by the federal motor carrier  
30 safety administration as an imminent hazard under 49 CFR 383.52, the department shall record the

1 disqualification on the CDLIS driver record.

2 (4) The department shall retain records created under this section for a period of time that meets or  
3 exceeds the standards established under 49 CFR, part 384.

4 (5) The department is further authorized, upon receiving a record of the conviction in this state of a  
5 nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by  
6 electronic or other means, a report of the conviction to the motor vehicle administrator in the state in which the  
7 person is a resident or licensed.

8 (6) The department may place on a computer storage device the information contained on original  
9 records or reproductions of original records made pursuant to this section. Signatures on records are not required  
10 to be placed on a computer storage device.

11 (7) (a) Except as provided in subsection (7)(b), a reproduction of the information placed on a computer  
12 storage device is an original of the record for all purposes and is admissible in evidence without further foundation  
13 in all courts or administrative agencies when the department certifies the record.

14 (b) An order, record, or paper generated from the department's central database of electronic files of  
15 individual Montana driving records may be certified electronically by the generating computer. The certification  
16 must be a certification of the order, record, or paper as it appeared on a specific date.

17 (c) A court, an office of a clerk of court, or an attorney licensed to practice law in this state may receive  
18 and use a computer-generated individual Montana driving record as evidence without further foundation when:

19 (i) the individual Montana driving record is electronically transmitted from the department's central  
20 database of electronic individual Montana driving records to a department-authorized terminal device maintained  
21 by the court, the office of the clerk of court, or the attorney; and

22 (ii) the judge, an officer of the court, or the attorney certifies that the record was not altered in any way.

23 (8) ~~(a)~~ Except as provided in subsection (4), the department may destroy any individual Montana driving  
24 record maintained under this section if there are no suspensions or revocations on the record and there has been  
25 no renewed credential in the immediately preceding 16 years.

26 ~~(b) The department shall adopt rules governing the destruction of records."~~

27

28 **Section 19.** Section 61-11-503, MCA, is amended to read:

29 **"61-11-503. Definitions.** As used in this part, the following definitions apply:

30 (1) "Disclose" means to engage in any practice or conduct that makes available or known, by means of

1 any communication to another person, organization, or entity, personal information contained in a motor vehicle  
2 record.

3 (2) "Express consent" means an affirmative authorization given in writing by a person to whom personal  
4 information pertains that specifically allows the department to release personal information to another person,  
5 organization, or entity. Consent may be conveyed electronically if the conveyance includes an electronic  
6 signature, as defined in 30-18-102, from the person to whom the personal information pertains.

7 (3) "Highly restricted personal information" means an individual's photograph or image, social security  
8 number, or medical or disability information.

9 (4) "Motor vehicle record" means any record maintained by the department that pertains to a driver's  
10 license, commercial driver's license, driving permit, ~~motor vehicle title, motor vehicle registration, or identification~~  
11 ~~card issued by the department~~ identification card, or title or registration for a motor vehicle, trailer, semitrailer, pole  
12 trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle.

13 (5) "Person" does not mean a state agency or local government entity.

14 (6) (a) "Personal information" means information that identifies a person, including a person's name,  
15 address, telephone number, social security number, driver's license or identification number, date of birth,  
16 photograph or image, and medical or disability information.

17 (b) The term does not include the five-digit zip code of an address, information on vehicular accidents,  
18 driving or equipment-related violations, a person's driver's license or vehicle registration status, or a vehicle's  
19 insurance status.

20 (7) "Record" includes all books, papers, photographs, photostats, cards, film, tapes, recordings,  
21 electronic data, printouts, or other documentary materials, regardless of physical form or characteristics."  
22

23 **Section 20.** Section 61-12-502, MCA, is amended to read:

24 **"61-12-502. Rules for identification cards -- veteran Veteran designation.** ~~(1) The department shall~~  
25 ~~formulate and adopt rules governing the issuance and cancellation of identification cards that comport with the~~  
26 ~~proof of identity, residence, and authorized presence standards for a driver's license issued under Title 61,~~  
27 ~~chapter 5.~~

28 ~~——~~(2) The department shall include the word "veteran" on the face of an identification card if the  
29 requirements of 61-5-111(7) are met by the person applying for the identification card."  
30

1           **Section 21.** Section 61-13-103, MCA, is amended to read:

2           **"61-13-103. Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle upon  
3 a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly  
4 adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

5           (2) The provisions of this section do not apply to:

6           (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,  
7 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant  
8 is unable to wear a seatbelt for medical reasons;

9           (b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

10           (c) an operator of a motorcycle or a motor-driven cycle;

11           (d) an occupant of a vehicle licensed as special mobile equipment; or

12           (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may  
13 be exempted by the department.

14           ~~(3) The department may adopt rules to implement subsection (2)(e).~~

15           ~~(4)(3)~~ (3) The department or its agent may not require a driver who may be in violation of this section to stop  
16 except:

17           (a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the  
18 driver's vehicle is unsafe or not equipped as required by law; or

19           (b) if a person in the vehicle who is under 6 years of age and weighs less than 60 pounds is not properly  
20 restrained under 61-9-420 or this section."

21  
22           NEW SECTION. **Section 22. Rulemaking authority -- vehicle services.** (1) The department shall  
23 adopt rules for the registration of motor vehicles, including:

24           (a) simultaneous registration of multiple motor vehicles that have common ownership;

25           (b) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or  
26 issuing new license plates required by 61-3-332(3);

27           (c) devising a method to place license plates on the 5-year reissuance cycle to minimize production peaks  
28 and valleys;

29           (d) governing the renewal of registration pursuant to 61-3-312;

30           (e) early registration renewals when an owner of a motor vehicle presents extenuating circumstances;

1 and

2 (f) automated mailing of license plates by the department or its authorized agent, including an agent  
3 under contract with the department pursuant to 61-3-338.

4 (2) The department shall adopt rules to procure compliance with all of the laws of the state regulating the  
5 issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor  
6 vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates pursuant to 61-3-423.

7 (3) The department may adopt rules to establish vehicle brands or carried-forward brands according to  
8 61-3-202.

9 (4) The department may adopt rules governing affidavit and bond for certificate of title pursuant to  
10 61-3-208.

11 (5) The department may adopt rules for the implementation and administration of temporary registration  
12 permits, pursuant to 61-3-224, including issuance to:

13 (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,  
14 motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or  
15 vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;

16 (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number  
17 to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title under  
18 61-3-107 or 61-3-212;

19 (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of  
20 the vehicle while awaiting production and receipt of special or duplicate license plates ordered for a vehicle under  
21 Title 61, chapter 3;

22 (d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state  
23 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of  
24 residence;

25 (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply  
26 fertilizer to agricultural lands into the state for special demonstration in this state;

27 (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle  
28 that the financial institution has obtained following repossession;

29 (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle  
30 by the insurer as a result of the settlement of an insurance claim;

1 (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road  
2 recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road  
3 recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or  
4 motorcycle designated for off-road recreational use is not registered or is only registered for off-road use in the  
5 nonresident's home state; or

6 (i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in  
7 length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances  
8 beyond the new owner's control, surrender a previously assigned certification of title.

9 (6) The department may adopt rules for the assessment and collection of registration fees on light  
10 vehicles under 61-3-321 and 61-3-562, including the proration of fees under 61-3-520 and criteria for determining  
11 the motor vehicle's age.

12 (7) The department may adopt rules for imposing and collecting fees in lieu of tax, including:

13 (a) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's rated  
14 capacity of more than 1 ton, and truck tractors;

15 (b) criteria for determining the motor vehicle's age; and

16 (c) criteria for determining the manufacturer's rated capacity.

17 (8) The department may adopt rules, pursuant to Title 61, chapter 3, for the administration of fees for  
18 trailers, semitrailers, and pole trailers, including criteria for determining a trailer's age and weight.

19 (9) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472  
20 through 61-3-481, including:

21 (a) the minimum and maximum number of characters that a generic specialty license plate may display;

22 (b) the general placement of the sponsor's name, identifying phrase, and graphic; and

23 (c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

24 (10) The department may adopt rules governing dealers pursuant to the provisions of Title 61, chapter  
25 4, including:

26 (a) the application and issuance of dealer licenses, including the qualifications of dealers, and the  
27 staggering of expiration dates pursuant to 61-4-101;

28 (b) the issuance of dealer, demonstrator, courtesy, and transit plates pursuant to 61-4-102, 61-4-128  
29 through 61-4-130, 61-4-301, 61-4-307, and 61-4-308;

30 (c) the application and process for renewing a dealer license pursuant to 61-4-124; and

- 1 (d) governing the regulation of persons required to be licensed pursuant to Title 61, chapter 4, part 2.
- 2 (11) The department may adopt rules governing new motor vehicle warranties remedies pursuant to Title
- 3 61, chapter 4, part 5.
- 4 (12) The department may adopt rules for local option tax appeals pursuant to 15-15-201.
- 5 (13) The department may adopt rules to implement any other provision of this title.
- 6

7 **NEW SECTION. Section 23. Rulemaking authority -- driver's licenses and identification cards.**

- 8 (1) The department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.
- 9 (2) The department may adopt rules governing acceptable methods of proof of identification, including
- 10 name, date of birth, and authorized presence, that an individual must submit when applying for a license or
- 11 identification card, including a new, renewal, or replacement license or identification card.
- 12 (3) The department may adopt rules governing the determination of the driver's license expiration date,
- 13 minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person
- 14 who is a foreign national whose presence in the United States is temporarily authorized under federal law.
- 15 (4) The department shall adopt rules governing the calculation of grace periods for renewals and the
- 16 calculation of other time periods established by statute or federal regulation.
- 17 (5) The department may adopt rules governing the renewal of a driver's license by a person in the military
- 18 assigned to active duty who had a valid Montana driver's license at the time of entering active duty.
- 19 (6) The department shall adopt rules to set the standards for driver license examinations and
- 20 reexaminations.
- 21 (7) The department may adopt rules to set the standards for photographs, certifications, and signature
- 22 requirements for the issuance of driver's licenses.
- 23 (8) The department shall adopt rules establishing the functional abilities and skills required to exercise
- 24 ordinary and reasonable control to safely operate a motor vehicle. The rules:
- 25 (a) must include operational restrictions based on the driver's ability and skills;
- 26 (b) may direct the design of one or more types of skills tests. A skills test may consist of:
- 27 (i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration
- 28 of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or
- 29 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the
- 30 department, as related to a specific physical or mental condition or conditions or a request for reexamination.



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

3 (9) The department shall adopt rules establishing vision requirements for a person to safely operate a  
4 motor vehicle. The rules:

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

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

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

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

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

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

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

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

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

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

30 (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 license or  
3 for another law violation; and
- 4 (e) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-232.
- 5 (14) The department may adopt rules governing the requirements for a veteran designation on a driver's  
6 license or identification card.
- 7 (15) The department may adopt rules governing the issuance of a replacement driver's license.
- 8 (16) The department may adopt rules governing the certification process for cooperative driver testing  
9 program instructors.
- 10 (17) The department may adopt rules for the implementation of online driver's license renewal.
- 11 (18) The department shall adopt rules governing the issuance, renewal, and cancellation of identification  
12 cards that align with the proof of identity, residence, and authorized presence standards for a driver's license.
- 13 (19) The department may adopt rules for determining moving violations.
- 14 (20) The department may adopt rules for charging a fee for not appearing at a scheduled commercial  
15 skills test or motorcycle test and for the waiver of the fee for good cause shown.
- 16 (21) The department may adopt rules governing the conditions under which an applicant is eligible to  
17 receive a driver's license or identification card by expedited service and to set the fee for expedited service.
- 18 (22) The department may adopt rules to implement any other provision of this title.
- 19
- 20 **NEW SECTION. Section 24. Rulemaking authority -- commercial driver licensing.** (1) The  
21 department shall adopt rules governing the classification of commercial driver's licenses and related  
22 endorsements and the examination of commercial driver's license applicants and renewal applicants that the  
23 department considers necessary for the safety and welfare of the traveling public. The rules must:
- 24 (a) subject to the department's functional and vision requirements, conform to the licensing standards  
25 and requirements of 49 CFR, part 383, the medical qualification of 49 CFR, part 391, and the security threat  
26 assessment provisions of 49 CFR, part 1572;
- 27 (b) allow for the issuance of an interstate commercial driver's license;
- 28 (c) allow for the issuance of an intrastate-only commercial driver's license, including the establishment  
29 of medical qualification and visual acuity standards;
- 30 (d) establish the requirement for the issuance of a seasonal commercial driver's license, including the

- 1 waiver of the knowledge and skills test for a qualified person employed in a farm-related service industry;
- 2 (e) establish the operational and seasonal restrictions for a seasonal commercial driver's license;
- 3 (f) establish the requirements for the medical statement that must be submitted for a person to be
- 4 qualified for a commercial driver's license; and
- 5 (g) allow for and establish the requirements for the issuance of a commercial learner's permit.
- 6 (2) The department shall adopt rules governing the minimum standards for certification of a third-party
- 7 commercial driver testing program and any test waiver under 61-5-118 and governing the certification, operation,
- 8 and monitoring of third-party skills testing programs. The rules must:
- 9 (a) substantially comply with the licensing standards and requirements of 49 CFR, part 383, and the state
- 10 compliance standards of 49 CFR, part 384, including:
- 11 (i) issuance of a commercial driver's license skills testing certificate to a certified program upon execution
- 12 of a third-party skills testing agreement;
- 13 (ii) requiring that all third-party skills test examiners meet minimum qualifications, including passing
- 14 background checks paid for by the third-party testing program and successfully completing a formal skills test
- 15 examiner training course;
- 16 (iii) providing examiner test limitations, minimum testing standards, and refresher training requirements;
- 17 and
- 18 (iv) requiring recordkeeping and a detailed audit program that includes overt and covert test monitoring
- 19 and onsite audits by state and federal personnel;
- 20 (b) specifically address the requirements for certifying third-party commercial driver testing programs,
- 21 including place of business, appropriate bond and liability insurance, and facilities requirements; and
- 22 (c) specify minimum technology requirements for recordkeeping, scheduling applicants for the skills test,
- 23 conducting the skills test, and electronically transferring skills test results to the department.
- 24 (3) The department shall adopt rules governing the waiver of knowledge and skills tests related to
- 25 commercial vehicle operators with military experience.

26

27 **NEW SECTION. Section 25. Other rulemaking authority.** (1) The department shall adopt rules to

28 identify the entity or entities that may qualify for grants under 61-3-415 and to establish criteria that an entity must

29 meet to receive grant funds.

30 (2) The department may adopt rules for the application, certification, and determination of the ability of

1 a self-insurer to pay any judgment under 61-6-143.

2 (3) The department may adopt rules for individuals who are exempt from wearing seatbelts under  
3 61-13-103.

4 (4) The department shall adopt rules governing sales, including sales of receipts by county treasurers  
5 and other authorized agents.

6 (5) The department may adopt rules governing the cancellation of received services upon receipt of an  
7 insufficient funds check in payment for a service.

8 (6) The department may adopt rules for the implementation of the Montana Driver Privacy Protection Act,  
9 including procedures for:

10 (a) verifying the identity of a person requesting personal information;

11 (b) maintaining records for release of personal information by the department or by any recipient under  
12 Title 61, chapter 11, part 5; and

13 (c) providing for oversight of sale or disclosure of personal information to third parties.

14 (7) The department may adopt rules for governing recordkeeping, including the destruction of records.

15

16 **NEW SECTION. Section 26. Repealer.** The following sections of the Montana Code Annotated are  
17 repealed:

18 61-3-315. Rules -- early renewal.

19 61-3-506. Rules.

20 61-4-532. Rulemaking.

21 61-5-125. Authority of department -- rulemaking authority.

22 61-11-516. Rulemaking.

23

24 **NEW SECTION. Section 27. Codification instruction.** [Sections 21 through 25] are intended to be  
25 codified as an integral part of Title 61, and the provisions of Title 61 apply to [sections 21 through 25].

26

27 **NEW SECTION. Section 28. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
28 effective on passage and approval.

29 (2) [Section 5(8)] is effective January 1, 2020.

30 - END -