

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FOREIGN
5 SERVICE WORKERS ENTERING DUTY IN MONTANA; EXEMPTING FROM INCOME TAX SALARIES
6 RECEIVED BY UNITED STATES FOREIGN SERVICE WORKERS WHO ENTERED DUTY IN MONTANA;
7 ALLOWING A FOREIGN SERVICE WORKER'S DRIVER'S LICENSE TO REMAIN IN EFFECT DURING
8 FOREIGN SERVICE WORK; AMENDING SECTION 61-5-104, MCA; AND PROVIDING AN APPLICABILITY
9 DATE."

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

12
13 NEW SECTION. **Section 1. Foreign service workers exemption.** (1) The salary received from the
14 United States for foreign service work by residents of the state who are members of the United States foreign
15 service and who entered duty in the state is exempt from state income tax.

16 (2) For the purposes of this section, "member of the United States foreign service" means United
17 States government employees described in 22 U.S.C. 3903.

18
19 **Section 2.** Section 61-5-104, MCA, is amended to read:

20 **"61-5-104. Exemptions.** (1) The following persons are exempt from licensure under this chapter:

21 (a) a person who is a member of the armed forces of the United States while operating a motor
22 vehicle owned by or leased to the United States government and being operated on official business;

23 (b) a person who is a member of the armed forces of the United States on active duty in Montana who
24 holds a valid license issued by another state and the spouse of the person who holds a valid license issued by
25 another state and who is not employed in Montana, except as a member of the armed forces. If a spouse of a
26 member of the armed forces becomes gainfully employed in Montana, the spouse must be licensed, as
27 required by 61-5-102, within 90 days of becoming employed.

28 (c) a person on active duty in the armed forces of the United States and in immediate possession of a

1 valid license issued to that person in a foreign country by the armed forces of the United States, for a period of
2 45 days from the date of the person's return to the United States;

3 (d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined in
4 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

5 (e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility
6 person, or other member of the crew of a railroad locomotive or train being operated upon rails, including
7 operation on a railroad crossing a public street, road, or highway. A person employed as described in this
8 subsection is not required to display a driver's license to a law enforcement officer in connection with the
9 operation of a railroad train within Montana.

10 (f) a person who temporarily drives, operates, or moves an off-highway vehicle on a forest
11 development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway
12 vehicle use by the United States forest service if the person:

13 (i) is under 16 years of age but at least 12 years of age; and

14 (ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession
15 a certificate showing the successful completion of an off-highway vehicle safety education course approved by
16 the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license
17 issued under this chapter.

18 (2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid
19 operator's license issued to the nonresident by the nonresident's home state or country may operate a motor
20 vehicle, except a commercial motor vehicle, in this state.

21 (3) (a) A nonresident who is in immediate possession of a valid commercial driver's license issued to
22 the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards
23 of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

24 (b) For the purpose of this chapter, "jurisdiction" means a state, territory, or possession of the United
25 States, the District of Columbia, a province or territory of Canada, or the federal district of Mexico.

26 (4) A nonresident who is at least 18 years of age, whose home state or country does not require the
27 licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days
28 in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

1 (5) (a) A driver's license issued under this chapter to a person who enters the United States armed
2 forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the
3 service continues, unless the license is suspended, revoked, or canceled for a cause as provided by law, and
4 for up to 90 days following the date on which the licensee is honorably separated from the service.

5 (b) A person serving in the United States armed forces may renew the person's driver's license at any
6 point of the person's service, and any renewed license continues in effect as long as the service continues,
7 unless the license is suspended, revoked, or canceled for a cause as provided by law.

8 (c) A person serving in the United States armed forces may apply for a Montana driver's license upon
9 meeting the requirements in 61-5-103, and this license continues in effect as long as the service continues,
10 unless the license is suspended, revoked, or canceled for a cause as provided by law, and for up to 90 days
11 following the date on which the licensee is honorably separated from the service.

12 (6) (a) A driver's license issued under this chapter to a person who enters the United States foreign
13 service, if valid and in effect at the time that the person enters the foreign service, continues in effect as long as
14 the service continues, unless the license is suspended, revoked, or canceled for a cause as provided by law,
15 and for up to 90 days following the date on which the licensee is honorably separated from the foreign service.

16 (b) A person serving in the United States foreign service may renew the person's driver's license at
17 any point of the person's service, and any renewed license continues in effect as long as the service continues,
18 unless the license is suspended, revoked, or canceled for a cause as provided by law.

19 (c) This subsection (6) applies to United States government employees described in 22 U.S.C. 3903."
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21 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 15, chapter 31, part 21, and the provisions of Title 15, chapter 31, part 21, apply to [section
23 1].

24
25 **NEW SECTION. Section 4. Applicability.** [This act] applies to income tax years beginning after
26 December 31, 2021.

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