

## 1 SENATE BILL NO. 336

2 INTRODUCED BY C. FRIEDEL

3 BY REQUEST OF THE ATTORNEY GENERAL

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DRIVER'S  
6 LICENSE RENEWALS; EXTENDING THE LICENSE RENEWAL PERIOD TO 1 YEAR PAST THE  
7 EXPIRATION DATE; EXTENDING THE LENGTH OF TIME A DRIVER'S LICENSE IS VALID FROM 8 TO 12  
8 YEARS; AUTHORIZING RENEWAL APPLICANTS ON ACTIVE MILITARY DUTY TO RENEW A LICENSE BY  
9 MAIL OR ONLINE AS LONG AS THE APPLICANT IS ON ACTIVE DUTY; AMENDING SECTION 61-5-111,  
10 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13

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

15 **"61-5-111. Contents of driver's license, renewal, license expirations, license replacements,**  
16 **grace period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) (a) The  
17 department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's  
18 license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the  
19 department is responsible for sale of receipts and may appoint an agent to sell receipts.

20 (b) The department may enter into an authorized agent agreement with the county treasurer of any  
21 county in which the department no longer maintains a driver examination station for the purpose of providing  
22 driver's license renewal services.

23 (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a  
24 driver's license to each qualifying applicant. The license must contain:

25 (i) a full-face photograph of the licensee in the size and form prescribed by the department;

26 (ii) a distinguishing number issued to the licensee;

27 (iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use  
28 of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant

1 driver's license unless authorized by department rule;

2 (iv) a brief description of the licensee;

3 (v) either the licensee's customary manual signature or a reproduction of the licensee's customary  
4 manual signature; and

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

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

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

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

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

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

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

23 (c) A person is considered to have applied for renewal of a Montana driver's license if the application  
24 is made within 6 months before or ~~3 months~~ 1 year after the expiration of the person's license. Except as  
25 provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana  
26 driver's examination station.

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

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

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

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

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

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

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

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

15 (D) the applicant's license:

16 (I) has been expired for ~~3 months or longer~~ more than 1 year; or

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

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

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

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

26 ~~(f)~~ (g) The department shall send electronically or mail a driver's license renewal notice no earlier than  
 27 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send  
 28 the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the

1 licensee, provide the notice using an authorized method of electronic delivery, or both.

2 (4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary  
3 of the licensee's birthday ~~8-12~~ years or less after the date of issue or on the licensee's 75th birthday, whichever  
4 occurs first.

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

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

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

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

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

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

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

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

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

26 (iii) commercial driver's license:

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

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

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

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

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

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

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

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

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

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

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19 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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