

Amendment - 2nd Reading-yellow - Requested by: Jedediah Hinkle - (H) Committee of the Whole

- 2023
68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0519.002.001

1 HOUSE BILL NO. 519
2 INTRODUCED BY B. MITCHELL, K. BOGNER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF DIGITAL DRIVER'S LICENSES;
5 GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF JUSTICE; AND AMENDING SECTIONS
6 61-5-116 AND 61-14-201, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 61-5-116, MCA, is amended to read:

11 **"61-5-116. License to be carried and exhibited on demand.** (1) A licensee must have the
12 licensee's driver's license in the licensee's immediate possession at all times when operating a motor vehicle
13 and shall display the license upon demand of a justice of the peace, a city or municipal judge, a peace officer, a
14 highway patrol officer, or a field deputy or inspector of the department. However, a person charged with
15 violating this section may not be convicted if the person produces in court or the office of the arresting officer a
16 driver's license issued to the person and valid at the time of the person's arrest.

17 (2) (a) Beginning September 1, 2025, a licensee may meet the requirements of subsection (1) by
18 having a digital OR HARD COPY version of the licensee's driver's license in the licensee's immediate possession
19 at all times when operating a motor vehicle and displaying the license upon demand.

20 (b) Only a digital OR HARD COPY version of the licensee's driver's license issued and authorized by
21 the department is sufficient to meet the requirements of this section."

22
23 **Section 2.** Section 61-14-201, MCA, is amended to read:

24 **"61-14-201. Rulemaking authority -- driver's licenses and identification cards.** (1) The
25 department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

26 (2) The department may adopt rules governing acceptable methods of proof of identification,
27 including name, date of birth, and authorized presence, that an individual must submit when applying for a

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1 license or identification card, including a new, renewal, or replacement license or identification card.

2 (3) The department may adopt rules governing the determination of the driver's license expiration
3 date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a
4 person who is a foreign national whose presence in the United States is temporarily authorized under federal
5 law.

6 (4) The department shall adopt rules governing the calculation of grace periods for renewals and
7 the calculation of other time periods established by statute or federal regulation.

8 (5) The department may adopt rules governing the renewal of a driver's license by a person in the
9 military assigned to active duty who had a valid Montana driver's license at the time of entering active duty.

10 (6) The department shall adopt rules to set the standards for driver license examinations and
11 reexaminations.

12 (7) The department may adopt rules to set the standards for photographs, certifications, and
13 signature requirements for the issuance of driver's licenses.

14 (8) The department shall adopt rules establishing the functional abilities and skills required to
15 exercise ordinary and reasonable control to safely operate a motor vehicle. The rules:

16 (a) must include operational restrictions based on the driver's ability and skills;

17 (b) may direct the design of one or more types of skills tests. A skills test may consist of:

18 (i) a comprehensive assessment of a person's functional abilities by means of an actual
19 demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a
20 motor vehicle; or

21 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the
22 department, as related to a specific physical or mental condition or conditions or a request for reexamination.

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

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

27 (a) must include the minimum uncorrected or corrected visual acuity requirements for both

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1 unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or
2 licensee, including the use of bioptic lenses; and

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

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

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

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

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

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

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

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

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

26 (b) the establishment of restrictions placed on a probationary license;

27 (c) the expiration of a probationary license;

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1 (d) the cancellation of a probationary license for violating the restrictions on the probationary
2 license or for another law violation; and

3 (e) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-
4 232.

5 (14) The department may adopt rules governing the requirements for a veteran designation on a
6 driver's 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
9 testing 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
12 identification cards that align with the proof of identity, residence, and authorized presence standards for a
13 driver's license.

14 (19) The department may adopt rules for determining moving violations.

15 (20) The department may adopt rules for charging a fee for not appearing at a scheduled
16 commercial skills test or motorcycle test and for the waiver of the fee for good cause shown.

17 (21) The department shall adopt rules governing restrictions for personal communication limitations
18 and other medical information that would be helpful to a peace officer during a traffic stop.

19 (22) The department may adopt rules governing the conditions under which an applicant is eligible
20 to receive a driver's license or identification card by expedited service and to set the fee for expedited service.

21 (23) (a) By September 1, 2025, the department shall establish a program that allows every
22 qualifying applicant for a driver's license the ability-OPTION to acquire a digital version of the applicant's driver's
23 license in addition to the physical version issued pursuant to 61-5-116.

24 (b) By July 1, 2025, the department shall adopt rules to implement subsection (23)(a), including but
25 not limited to issuance requirements, specifications, security and privacy protections, and allowable uses
26 associated with the digital driver's license. The rules must include that a digital version of a driver's license be
27 operable on a flip phone.

