

1 HOUSE BILL NO. 851
2 INTRODUCED BY E. STAFMAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DRIVING PRIVILEGE CARD; ESTABLISHING
5 ELIGIBILITY FOR A DRIVING PRIVILEGE CARD; ESTABLISHING THE APPLICATION PROCEDURE FOR A
6 DRIVING PRIVILEGE CARD; ESTABLISHING THE REQUIRED CONTENT OF A DRIVING PRIVILEGE
7 CARD; PROVIDING FOR THE ADOPTION OF FEES FOR A DRIVING PRIVILEGE CARD; PROVIDING
8 RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 61-5-104, 61-5-110, 61-5-
9 116, 61-5-121, 61-5-201, 61-5-204, 61-11-503, AND 61-14-201, MCA; AND PROVIDING A DELAYED
10 EFFECTIVE DATE."

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

13
14 NEW SECTION. **Section 1. Driving privilege card -- eligibility.** (1) (a) A person who is 16 years of
15 age or older and a resident of the state for 30 days or more but who does not meet the requirements for a
16 driver's license may apply for a driving privilege card.

17 (b) A person who is at least 15 years of age and has passed a driver's education course approved
18 by the department and the superintendent of public instruction but who does not qualify for a driver's license
19 under 61-5-105(1)(a) may apply for a learner's driving privilege card.

20 (c) A person who is at least 13 years of age and is experiencing individual hardship, to be
21 determined by the department, but who does not qualify for a restricted driver's license may apply for a
22 restricted driving privilege card.

23 (2) A driving privilege is an identification card that conveys permission to operate a motor vehicle,
24 except that:

25 (a) a motorcycle endorsement is necessary to operate a motorcycle; and

26 (b) a driving privilege card may not be used to operate a commercial motor vehicle.

27 (3) A driving privilege card expires 5-years1_year after its issuance, except that a driving privilege
28 card issued to a person less than 5-years1_year before the person turns 21 expires on the person's 21st

1 birthday.

2 (4) A driving privilege card may not be issued to a person:

3 (a) whose license or driving privilege is currently suspended, revoked, or canceled, or who is
4 disqualified from operating a commercial motor vehicle in this or any state, as evidenced by an ineligible status
5 report from the national driver register, established under 49 U.S.C. 30302, or from the commercial driver's
6 license information system, established under 49 U.S.C. 31309;

7 (b) who is addicted to the use of alcohol or narcotic drugs;

8 (c) who has previously been adjudged to be afflicted with or suffering from any mental disability or
9 disease and who, at the time of application, has not been restored to competency by the methods provided by
10 law;

11 (d) who is required by this chapter to take an examination;

12 (e) who has not deposited proof of financial responsibility when required under the provisions of
13 chapter 6 of this title;

14 (f) who has any condition characterized by lapse of consciousness or control, either temporary or
15 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an
16 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed
17 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the
18 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor
19 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a
20 commercial motor vehicle under applicable state or federal regulations.

21 (g) who lacks the functional ability, due to a physical or mental disability or limitation, to safely
22 operate a motor vehicle on the highway.

23 (5) A person may not be discriminated against on the basis of holding or presenting a driving
24 privilege card.

25

26 **NEW SECTION. Section 2. Driving privilege card -- application.** (1) Each application for a driving
27 privilege card must be made on a form furnished by the department and be accompanied by the proper fee.

28 (2) (a) Each application must include the full legal name, date of birth, sex, and Montana residence

1 address of the applicant. An applicant may establish these elements with a combination of any two or more of
2 the following documents:

- 3 (i) a lease;
- 4 (ii) a bill;
- 5 (iii) a school document;
- 6 (iv) a medical document;
- 7 (v) an employment document;
- 8 (vi) a faith-based document, including but not limited to baptismal or marriage records;
- 9 (vii) an insurance document;
- 10 (viii) a certificate of title;
- 11 (ix) a change of address confirmation issued by the United States postal service;
- 12 (x) a financial institution record;
- 13 (xi) a birth certificate;
- 14 (xii) a marriage license;
- 15 (xiii) a valid identification issued by Montana or another state; or
- 16 (xiv) a valid passport issued by a foreign country.

17 (b) A person may not be discriminated against on the basis that the person applied for, was
18 denied, or was issued a driving privilege card.

19 (c) ~~The motor vehicle division may not release application materials to another entity without the~~
20 ~~applicant's consent unless on order from a court of competent jurisdiction~~Disclosure of records related to driving
21 privilege cards is governed by Title 61, chapter 11, part 5.

22 (3) Each applicant must be examined pursuant to 61-5-110.

23
24 **NEW SECTION. Section 3. Driving privilege card -- content.** A driving privilege card must contain:

- 25 (1) a full-face photograph of the person who was issued the card in the size and form prescribed
26 by the department;
- 27 (2) a distinguishing number issued to the person;
- 28 (3) the person's full legal name, date of birth, and Montana residence address, unless the person

1 requests the use of the person's mailing address;

2 (4) a brief description of the person;

3 (5) either the person's customary manual signature or a reproduction of the person's customary
4 manual signature;

5 (6) the issuance date and the expiration date of the driving privilege card;

6 (7) any endorsements or restrictions applicable to the person; and

7 (8) spaces for indicating whether the person has:

8 (a) executed a document under 72-17-201 of intent to make a gift of all or part of the driver's body
9 under the Uniform Anatomical Gift Act; or

10 (b) executed a declaration under 50-9-103 relating to the use of life-sustaining treatment.
11

12 NEW SECTION. Section 4. Driving privilege card -- administration. ~~County treasurers and other~~
13 ~~qualified officers appointed by the department pursuant to 61-5-111 Department of justice employees at motor~~
14 ~~vehicle department exam stations~~ must be the department's agents for the sale of driving privilege receipts.
15

16 **Section 5.** Section 61-5-104, MCA, is amended to read:

17 **"61-5-104. Exemptions.** (1) The following persons are exempt from licensure under this chapter:

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

20 (b) a person who is a member of the armed forces of the United States on active duty in Montana
21 who holds a valid license issued by another state and the spouse of the person who holds a valid license
22 issued by another state;

23 (c) a person on active duty in the armed forces of the United States and in immediate possession
24 of a valid license issued to that person in a foreign country by the armed forces of the United States, for a
25 period of 45 days from the date of the person's return to the United States;

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

28 (e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad

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

3 (2) "Express consent" means an affirmative authorization given in writing by a person to whom
4 personal information pertains that specifically allows the department to release personal information to another
5 person, organization, or entity. Consent may be conveyed electronically if the conveyance includes an
6 electronic 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
8 security number, or medical or disability information.

9 (4) "Motor vehicle record" means any record maintained by the department that pertains to a
10 driver's license, commercial driver's license, driving permit, driving privilege card, identification card, or title or
11 registration for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat,
12 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
15 name, address, telephone number, social security number, driver's license or identification number, date of
16 birth, 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
18 accidents, driving or equipment-related violations, a person's driver's license or vehicle registration status, or a
19 vehicle's 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 12.** 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
28 license or identification card, including a new, renewal, or replacement license or identification card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) the expiration of a probationary license;

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

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

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2 (14) The department may adopt rules governing the requirements for a veteran designation on a
3 driver's license or identification card.

4 (15) The department may adopt rules governing the issuance of a replacement driver's license.

5 (16) The department may adopt rules governing the certification process for cooperative driver
6 testing program instructors.

7 (17) The department may adopt rules for the implementation of online driver's license renewal.

8 (18) The department shall adopt rules governing the issuance, renewal, and cancellation of
9 identification cards that align with the proof of identity, residence, and authorized presence standards for a
10 driver's license.

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

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

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

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

18 (23) The department shall adopt rules necessary to implement [sections 1 through 4], including
19 setting fees, which ~~must be reasonably related to the costs to the department must be equal to driver's license~~
20 fees.

21 ~~(23)~~(24) The department may adopt rules to implement any other provision of this title."
22

23 NEW SECTION. Section 13. Codification instruction. [Sections 1 through 4] are intended to be
24 codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply
25 to [sections 1 through 4].
26

27 NEW SECTION. Section 14. Effective date. [This act] is effective January 1, 2024
28

- END -