

1 SENATE BILL NO. 487
2 INTRODUCED BY S. VANCE
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; ~~REVISING~~
5 ~~FEES FOR DRIVER'S LICENSES; PROVIDING FOR THE DEPARTMENT OF JUSTICE TO SET FEES BY~~
6 ~~RULE; REVISING CREDENTIALS VALID FOR A DRIVER'S LICENSE APPLICATION; REVISING~~
7 ~~PROCEDURE FOR REVOCATION OF A DRIVER'S LICENSE; ALLOWING A PERSON TO HAVE ONLY ONE~~
8 ~~NONVOIDED DRIVER'S LICENSE OR IDENTIFICATION CARD; ~~SETTING AN 8-YEAR EXPIRATION DATE~~~~
9 ~~FOR ADULT DRIVER'S LICENSES; EXPANDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS~~
10 ~~61-5-107, 61-5-110, 61-5-111, 61-5-114, 61-5-201, 61-11-101, 61-12-501, AND 61-12-504, 61-14-201, AND~~
11 ~~61-14-202, MCA."~~

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

14
15 **Section 1.** Section 61-5-107, MCA, is amended to read:
16 **"61-5-107. Application for license or motorcycle endorsement.** (1) Each application for a learner
17 license, driver's license, commercial driver's license, or motorcycle endorsement must be made on a form
18 furnished by the department. ~~Each application must be accompanied by the proper fee, and payment of the fee~~
19 ~~entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from~~
20 ~~the date of application.~~ A voter registration form for mail registration as prescribed by the secretary of state
21 must be attached to each driver's license application. If the applicant wishes to register to vote, the department
22 shall accept the registration and forward the form to the election administrator.

23 (2) Each application must include the full legal name, date of birth, sex, residence address of the
24 applicant [and the applicant's social security number], must include a brief description of the applicant, and
25 must provide the following additional information:

26 (a) the name of each jurisdiction in which the applicant has previously been licensed to drive any
27 type of motor vehicle during the 10-year period immediately preceding the date of the application;

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1 (b) a certification from the applicant that the applicant is not currently subject to a suspension,
2 revocation, cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving
3 privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

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

7 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies
8 upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe
9 operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; and

10 (e) if the applicant is a foreign national whose presence in the United States is temporarily
11 authorized under federal law, the expiration date of the official document issued to the applicant by the bureau
12 of citizenship and immigration services of the department of homeland security authorizing the applicant's
13 presence in the United States.

14 [(3) The department shall keep the applicant's social security number from this source confidential,
15 except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise
16 permitted by state law administered by the department and may be provided to the department of public health
17 and human services for use in administering Title IV-D of the Social Security Act.]

18 (4) (a) When an application is received from an applicant who is not ineligible for licensure under
19 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the
20 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year
21 period. The driving record may be transmitted manually or by electronic medium.

22 (b) When received, the driving records must be appended to the driver's record created and
23 maintained in this state. The department may rely on information contained in driving records received under
24 this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a
25 report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law.

26 (5) An individual who is under 26 years of age but at least 15 years of age and who is required to
27 register in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an

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1 opportunity to fulfill those registration requirements in conjunction with an application for a learner license,
2 driver's license, commercial driver's license, or state identification card. If under 18 years of age but at least 15
3 years of age, an individual must be provided an opportunity to be registered by the selective service system
4 upon attaining 18 years of age. Any registration information supplied on the application must be transmitted by
5 the department to the selective service system. (Bracketed language terminates on occurrence of contingency--
6 sec. 1, Ch. 27, L. 1999.)"

7

8 **Section 2.** Section 61-5-110, MCA, is amended to read:

9 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**

10 **testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a
11 driver's license, the department shall conduct a check of the applicant's driving record by querying the national
12 driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system,
13 established under 49 U.S.C. 31309.

14 (2) (a) The department shall examine each applicant for a driver's license or motorcycle
15 endorsement, except as otherwise provided in this section. The examination must include a test of the
16 applicant's eyesight, a knowledge test examining the applicant's ability to read and understand highway signs
17 and the applicant's knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test
18 or a skills test demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe
19 operation of a motor vehicle or motorcycle. The road test or skills test must be performed by the applicant in a
20 motor vehicle that the applicant certifies is representative of the class and type of motor vehicle for which the
21 applicant is seeking a license or endorsement.

22 (b) The knowledge test, road test, or skills test may be waived by the department:

23 (i) upon certification of the applicant's successful completion of the test by a certified cooperative
24 driver testing program as provided in subsection (3) or by a certified third-party commercial driver testing
25 program as provided in 61-5-118; or

26 (ii) in accordance with a driver's license reciprocity agreement between the department and a
27 foreign country.

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1 (c) The skills test may be waived by the department upon the applicant's completion of the
2 requirements of 61-5-123.

3 (3) The department is authorized to certify as a cooperative driver testing program any state-
4 approved high school traffic education course offered by or in cooperation with a school district that employs an
5 approved instructor who has current endorsement from the superintendent of public instruction as a teacher of
6 traffic education or any motorcycle safety training course approved by the board of regents and that employs an
7 approved instructor of motorcycle safety training and who agrees to:

8 (a) administer standardized knowledge and road tests or skills tests required by the department to
9 students participating in the district's high school traffic education courses or motorcycle safety training courses
10 approved by the board of regents;

11 (b) certify the test results to the department; and

12 (c) comply with regulations of the department, the superintendent of public instruction, and the
13 board of regents.

14 (4) (a) Except as otherwise provided by law, an applicant who has a ~~valid~~-driver's license issued by
15 another jurisdiction that is currently valid or expired for less than 1 year may surrender that license for a
16 Montana license of the same class, type, and endorsement upon payment of the required fees and successful
17 completion of a vision examination. In addition, an applicant surrendering a commercial driver's license issued
18 by another jurisdiction shall successfully complete any examination required by federal regulations before being
19 issued a commercial driver's license by the department.

20 (b) The department may require an applicant who surrenders a ~~valid~~-driver's license issued by
21 another jurisdiction that is currently valid or expired for less than 1 year to submit to a knowledge and road or
22 skills test if:

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

26 (ii) the surrendered license does not include readily discernible adaptive equipment or operational
27 restrictions appropriate to the applicant's functional abilities; or

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1 (iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

2 (c) When a license from another jurisdiction is surrendered, the department shall notify the issuing
3 agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain
4 the license from another jurisdiction for identification or other nondriving purposes, the department shall place a
5 distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return
6 the marked license to the applicant.

7 (5) The department may enter into a reciprocity agreement with a foreign country to provide for the
8 mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the
9 department determines that the licensing standards of the foreign country are comparable to those of this state.
10 The agreement may not include the reciprocal exchange of a commercial driver's license."

11

12 **Section 3.** Section 61-5-111, MCA, is amended to read:

13 ~~"61-5-111. Contents of driver's license, renewal, license expirations, license replacements,~~

14 ~~grace period, and fees for licenses, permits, and endorsements -- notice of expiration.~~ (1) (a) The
15 department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's
16 license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the
17 department is responsible for sale of receipts and may appoint an agent to sell 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
22 driver's 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, and Montana residence address unless the licensee requests~~
26 ~~use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant~~
27 ~~driver's license unless authorized by department rule;~~

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1 ~~(iv) — a brief description of the licensee;~~

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

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

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

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

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

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

16 ~~(iii) — the applicant wants to remove or modify the restrictions stated on the expired or expiring~~
17 ~~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~~
24 ~~application is made within 6 months before or 1 year after the expiration of the person's license or if the person~~
25 ~~has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection~~
26 ~~(3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination~~
27 ~~station.~~

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

3 ~~(ii) — An applicant who renews a driver's license by mail or online shall submit a completed~~
4 ~~application and the 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~~
8 ~~online is 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~~
11 ~~for 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 more than 1 year; or~~

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

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

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

24 ~~(g) — The department shall send electronically or mail a driver's license renewal notice no earlier~~
25 ~~than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall~~
26 ~~send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the~~
27 ~~licensee, provide the notice using an authorized method of electronic delivery, or both.~~

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

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

6 (c) ~~— A license issued to a person who is under 21 years of age expires on the licensee's 21st~~
7 ~~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~~
21 ~~must 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 corresponding fees, set by administrative rule, which must be~~
24 ~~commensurate to the costs to the department, must be paid:; Corresponding fees may include fees for a:~~

25 (i)(a) ~~— driver's license, except a commercial driver's license -- \$5 a year or fraction of a year that is not~~
26 ~~a commercial driver's license;~~

27 (ii)(b) ~~— motorcycle endorsement -- 50 cents a year or fraction of a year ;~~

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- 1 ~~(iii)(c) interstate commercial driver's license ; and~~
- 2 ~~(d) intrastate commercial driver's license.~~
- 3 ~~(A) interstate \$10 a year or fraction of a year; or~~
- 4 ~~(B) intrastate \$8.50 a year or fraction of a year.~~
- 5 ~~(b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.~~
- 6 ~~(7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the~~
- 7 ~~department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this~~
- 8 ~~part, the department shall include the word "veteran" on the face of the license.~~
- 9 ~~(b) After a person's status as a veteran is denoted on a driver's license, the department may not~~
- 10 ~~require further documentation of that status from the holder of the license upon subsequent renewal or~~
- 11 ~~replacement.~~
- 12 ~~(8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's~~
- 13 ~~license online or by mail.~~
- 14 ~~(b) If the department does not have a digitized photograph and signature record of the applicant,~~
- 15 ~~the applicant shall apply in person.~~
- 16 ~~(c) The term of the replacement license must be the term of the applicant's current driver's license.~~
- 17 ~~(9) (a) An applicant may request an expedited delivery service for a driver's license or identification~~
- 18 ~~card. The department shall set a fee for expedited delivery based on the cost of providing this service.~~
- 19 ~~(b) The fees for expedited delivery must be deposited in the motor vehicle division administration~~
- 20 ~~account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for~~
- 21 ~~delivery, personnel, and related technology. "~~

22

23 **Section 4.** Section 61-5-114, MCA, is amended to read:

24 ~~"61-5-114. Replacement license -- veteran designation. (1) If a learner license or a driver's license~~

25 ~~issued under the provisions of this chapter is lost or destroyed or a person wants to update personal~~

26 ~~information contained on a learner license or a driver's license issued to the person, the person to whom the~~

27 ~~license was issued may, upon the payment of a fee of \$10 set by administrative rule, which must be~~

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1 ~~commensurate to the costs to the department, obtain a replacement license, upon furnishing proof satisfactory~~
2 ~~to the department that the license has been lost or destroyed or that personal information has changed.~~

3 (2) ~~— If the hazardous materials endorsement on a commercial driver's license issued under the~~
4 ~~provisions of this chapter is revoked or removed pursuant to the authority provided in 61-5-147, the person to~~
5 ~~whom the license was issued shall surrender to the department the person's commercial driver's license with~~
6 ~~the hazardous materials endorsement and may obtain, upon making application and paying a \$10 fee fee set~~
7 ~~by administrative rule, which must be commensurate to the costs to the department, a replacement license that~~
8 ~~does not include a hazardous materials endorsement.~~

9 (3) ~~— The department shall include the word "veteran" on the face of a driver's license if the~~
10 ~~requirements of 61-5-111(7) are met by the person applying for the driver's license. "~~

11

12 **Section 3.** Section 61-5-201, MCA, is amended to read:

13 **"61-5-201. Authority of department to cancel license.** (1) The department may cancel a driver's
14 license if it has reasonable grounds to believe that:

15 (a) the licensee was not entitled to the issuance;

16 (b) since the issuance, the licensee has become ineligible as determined pursuant to the
17 provisions of 61-5-105; ~~or~~

18 (c) the licensee failed to give the required or correct information in the licensee's application or
19 committed any fraud in making the application; or

20 (d) the licensee has applied for another driver's license or an identification card issued by the
21 department.

22 (2) Upon cancellation, the licensee shall surrender the canceled license to the department.

23 (3) A person whose driver's license is canceled because the person failed to give the required or
24 correct information on the application or committed any fraud in making the application is disqualified from
25 operating a commercial motor vehicle for a period of 60 days from the date of the cancellation."

26

27 **Section 4.** Section 61-11-101, MCA, is amended to read:

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1 **"61-11-101. Report of convictions and suspension or revocation of driver's licenses --**
2 **surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8,
3 makes mandatory the ~~suspension or~~ revocation of the driver's license or commercial driver's license of the
4 person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's
5 licenses then held by the convicted person. The court shall, ~~within 5 days after the conviction,~~ forward the
6 ~~license and a record of the conviction to the department and destroy the driver's licenses.~~ If the person does not
7 ~~possess a driver's license, the court shall indicate that fact in its report to the department.~~

8 (2) A court having jurisdiction over offenses committed under a statute of this state or a municipal
9 ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or
10 ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days
11 after the conviction. The court may recommend that the department issue a restricted probationary license on
12 the condition that the individual comply with the requirement that the person attend and complete a chemical
13 dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

14 (3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take
15 any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the
16 adjudication upon which it is based to the department within 5 days on forms furnished by the department.

17 (4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's
18 license or who is required to hold a commercial driver's license, a court may not take any action, including
19 deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic
20 control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the
21 person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who
22 holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to
23 the conviction of a person who holds any other type of driver's license.

24 (b) For purposes of this subsection (4), "who is required to hold a commercial driver's license"
25 refers to a person who did not have a commercial driver's license but who was operating a commercial motor
26 vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction
27 referred to in subsection (1).

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1 (5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-
2 203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol
3 or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in
4 which the conviction occurs shall require the person to surrender the registry identification card or license.

5 (b) Within 5 days after the conviction, the court shall forward the registry identification card and a
6 copy of the conviction to the department of revenue."
7

8 **Section 5.** Section 61-12-501, MCA, is amended to read:

9 **"61-12-501. Authority of department to issue identification cards -- lawful presence verification.**

10 (1) The department may issue an identification card to any person who maintains a residence in this state and
11 whose presence in the United States is authorized under federal law.

12 (2) When an applicant who is not a citizen of the United States applies for an identification card,
13 the department shall verify that the applicant is lawfully present in the United States by using the federal
14 systematic alien verification for entitlements program.

15 (3) A person may only have one nonvoided driver's license or identification card issued by the
16 department at any time."
17

18 **Section 6.** Section 61-12-504, MCA, is amended to read:

19 **"61-12-504. Fees for identification cards -- expiration of cards.** (1) Upon application for an
20 identification card issued pursuant to this part, a fee of \$16 set by administrative rule, which must be
21 commensurate to the costs to the department, of \$16 must be collected and deposited in the general fund,
22 ~~except that the fee for a card issued under subsection (3)(b) is \$8.~~

23 (2) A person with a disability, as defined in 39-30-103, may obtain a free identification card. An
24 individual discharged from any correctional facility must be furnished a free identification card upon release,
25 discharge, or parole.

26 (3) (a) ~~Except as provided in subsections (3)(b) and (3)(c), an~~ An identification card expires on the
27 anniversary of the cardholder's date of birth 8 years after the date of issue.

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1 ~~(b) An identification card issued to a person who is under 21 years of age expires on the anniversary~~
2 ~~of the cardholder's date of birth 4 years after the card's issue date.~~

3 ~~(e)(b)~~ An identification card issued to a person whose presence in the United States is temporarily
4 authorized under federal laws expires, as determined by the department, no later than the expiration date of the
5 official document issued to the person by the United States citizenship and immigration services of the
6 department of homeland security that authorizes the person's presence in the United States."

7

8 **Section 9.** Section 61-14-201, MCA, is amended to read:

9 **"61-14-201. Rulemaking authority -- driver's licenses and identification cards.** (1) The

10 department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

11 ~~(2) The department may adopt rules governing acceptable methods of proof of identification,~~
12 ~~including name, date of birth, and authorized presence, that an individual must submit when applying for a~~
13 ~~license or identification card, including a new, renewal, or replacement license or identification card.~~

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

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

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

22 ~~(6) The department shall adopt rules to set the standards for driver license examinations and~~
23 ~~reexaminations.~~

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

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

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- 1 ~~(a) — must include operational restrictions based on the driver's ability and skills;~~
- 2 ~~(b) — may direct the design of one or more types of skills tests. A skills test may consist of:~~
- 3 ~~(i) — a comprehensive assessment of a person's functional abilities by means of an actual~~
- 4 ~~demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a~~
- 5 ~~motor vehicle; or~~
- 6 ~~(ii) — a more limited assessment of a person's functional abilities, conducted at the discretion of the~~
- 7 ~~department, as related to a specific physical or mental condition or conditions or a request for reexamination.~~
- 8 ~~(c) — must include appropriate licensing criteria relating to the use of adaptive equipment or~~
- 9 ~~operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction.~~
- 10 ~~(9) — The department shall adopt rules establishing vision requirements for a person to safely~~
- 11 ~~operate a motor vehicle. The rules:~~
- 12 ~~(a) — must include the minimum uncorrected or corrected visual acuity requirements for both~~
- 13 ~~unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or~~
- 14 ~~licensee, including the use of bioptic lenses; and~~
- 15 ~~(b) — may include minimum field of vision and depth perception requirements for both unrestricted~~
- 16 ~~and restricted licenses.~~
- 17 ~~(10) — The rules in subsections (8) and (9):~~
- 18 ~~(a) — may take into consideration any nationally recognized standards or recommended practices or~~
- 19 ~~standards of other jurisdictions for assessment of a person's functional abilities and skills;~~
- 20 ~~(b) — may be derived from medical guidelines and information compiled by driver licensing medical~~
- 21 ~~advisory or review boards from other jurisdictions, as well as information received from advocacy groups for~~
- 22 ~~persons with disabilities and senior citizens; and~~
- 23 ~~(c) — except as provided in 61-5-105, may not use a person's age or a person's physical or mental~~
- 24 ~~disability, limitation, or condition as a justification for the denial of a license.~~
- 25 ~~(11) — The department shall adopt rules governing the issuance of a restricted learner license,~~
- 26 ~~including when the department may issue a restricted learner license to allow for a driver to practice driving~~
- 27 ~~skills.~~

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

8 ~~(13) — The department may adopt rules governing probationary licenses, including:~~

9 ~~(a) — issuance to a person whose license has been suspended or revoked or whose license is~~
10 ~~subject to a discretionary suspension or revocation;~~

11 ~~(b) — the establishment of restrictions placed on a probationary license;~~

12 ~~(c) — the expiration of a probationary license;~~

13 ~~(d) — the cancellation of a probationary license for violating the restrictions on the probationary~~
14 ~~license or for another law violation; and~~

15 ~~(e) — the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-~~
16 ~~232.~~

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

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

20 ~~(16) — The department may adopt rules governing the certification process for cooperative driver~~
21 ~~testing program instructors.~~

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

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

26 ~~(19) — The department may adopt rules for determining moving violations.~~

27 ~~(20) — The department may adopt rules for charging a fee for not appearing at a scheduled~~

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1 ~~commercial skills test or motorcycle test and for the waiver of the fee for good cause shown.~~

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

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

6 ~~(23) — The department shall adopt rules setting the fees for driver's license applications, replacement,~~
7 ~~and endorsements. The fees must be commensurate to the costs to the department.~~

8 ~~(23)(24) The department may adopt rules to implement any other provision of this title."~~

9

10 **Section 10.** Section 61-14-202, MCA, is amended to read:

11 **"61-14-202. Rulemaking authority -- commercial driver licensing.** (1) The department shall adopt
12 ~~rules governing the classification of commercial driver's licenses and related endorsements and the~~
13 ~~examination of commercial driver's license applicants and renewal applicants that the department considers~~
14 ~~necessary for the safety and welfare of the traveling public. The rules must:~~

15 (a) — ~~subject to the department's functional and vision requirements, conform to the licensing~~
16 ~~standards and requirements of 49 CFR, part 383, the medical qualification of 49 CFR, part 391, and the~~
17 ~~security threat assessment provisions of 49 CFR, part 1572;~~

18 (b) — ~~allow for the issuance of an interstate commercial driver's license;~~

19 (c) — ~~allow for the issuance of an intrastate-only commercial driver's license, including the~~
20 ~~establishment of medical qualification and visual acuity standards;~~

21 (d) — ~~establish the requirement for the issuance of a seasonal commercial driver's license, including~~
22 ~~the waiver of the knowledge and skills test for a qualified person employed in a farm-related service industry;~~

23 (e) — ~~establish the operational and seasonal restrictions for a seasonal commercial driver's license;~~

24 (f) — ~~establish the requirements for the medical statement that must be submitted for a person to be~~
25 ~~qualified for a commercial driver's license; and~~

26 (g) — ~~allow for and establish the requirements for the issuance of a commercial learner's permit.~~

27 (2) — ~~The department shall adopt rules governing the minimum standards for certification of a third-~~

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1 ~~party commercial driver testing program and any test waiver under 61-5-118 and governing the certification,~~
2 ~~operation, and monitoring of third-party skills testing programs. The rules must:~~

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

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

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

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

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

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

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

18 ~~(3) — The department shall adopt rules governing the waiver of knowledge and skills tests related to~~
19 ~~commercial vehicle operators with military experience.~~

20 ~~(4) — The department shall adopt rules setting the fees for commercial driver's license applications~~
21 ~~and endorsements. The fees must be commensurate to the costs to the department. "~~

22 ~~- END -~~