



Department of Justice Motor Vehicle Division 2021 Legislation

VEHICLES

1. Federal odometer code

a. Amend 61-3-206

- Current law
 - Vehicles less than 10 years require odometer readings.
- Issue presented
 - Current law is not compliant with federal guidelines and other states processes.
- Amendment
 - Change odometer year requirement to less than 20 years to match federal code.
 - Effective date upon passage and approval

2. Amend 61-1-101(85)

a. Defining a travel trailer's length

- Current law
 - Travel trailer is defined as a trailer that is 40 feet or less in length.
- Issue presented
 - When a trailer is 41 feet, the trailer does not fit anywhere in MCA and cannot be registered.
- Amendment
 - Change the definition to less than 45 ft.

3. Disability Placard

a. Amend 61-5-106

- Current law
 - Permanent placards are valid for 3 years
 - Permits issued before October 1, 1993 expires on death of permittee or certification that the criteria no longer exist
- Issue presented
 - For permanent disability placards the longer expiration is better customer service
 - The grandfather clause now covers a span of 27 years
- Amendment
 - Amend 49-4-305 to extend the duration of the placard to 5 years
 - Permits issued before October 1, 1993 expires on July 1, 2022 or on certification that the criteria no longer exist



DRIVERS

4. Commercial Drivers

- Amend 61-8-803 Serious Traffic Offenses
 - Serious traffic offenses may occur by a commercial driver while operating a non-commercial motor vehicle
 - Current law
 - a. Limited to “while operating a commercial motor vehicle”
 - Issue presented
 - a. Federal regulation has been clarified to define serious traffic offenses to be include commercial drivers operating a non-commercial motor vehicle.
 - Amendment
 - a. Complies with federal regulation by defining serious traffic offenses when a commercial driver or while in a commercial motor vehicle.
 - Prohibit using a hand-held device or texting while operating a commercial motor vehicle
 - Current law
 - a. Commercial drivers are prohibited from texting and driving.
 - Issue presented
 - a. Non-compliant with federal law because the use of hand-held devices is prohibited, not just texting
 - Amendment
 - a. Complies with federal regulation
- Amend 61-5-110 Records Check of Applicants—Examination of Applicants
 - Commercial Entry Level Driver Training (CELDT)
 - Current law
 - None.
 - Issue presented
 - a. Federal regulation requires CELDT training before an individual may take the skills test to receive a Class A or B for the first time, to upgrade to a Class A or B, to receive passenger or school bus endorsements. CELDT is required to be completed before taking the knowledge test for a hazardous materials endorsement.
 - Amendment
 - a. Change commercial licensing requirements to include CELDT
 - b. Effective: Feb 7, 2022



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- **Querying the Commercial Driver Drug and Alcohol Clearinghouse**
 - Current law
None.
 - Issue presented
 - a. New federal regulation will require a query to the clearinghouse to determine whether the applicant is ineligible to operate a commercial motor vehicle.
 - Amendment
 - a. Require the department to query the clearinghouse to determine whether the applicant is ineligible to operate a commercial motor vehicle before licensing, renewing, or upgrading a commercial driver license.
 - Effective date, January 1, 2023

- **Surrender of licenses**
 - Current law
Allows applicant to receive commercial driver license back at the time of surrender.
 - Issue presented
 - a. Federal regulation and MVD business practices requires MVD to seize a commercial driver license and not return it to the applicant when the applicant has surrendered an out-of-state CDL. 49 CFR 384.211
 - b. Clarifies department's responsibilities to surrendered licenses
 - Amendment
 - a. Prohibit the department from returning the commercial driver license when surrendering an out-of-state CDL.

- **Surrender of driver license or identification card**
 - Current law
Requires department to notify out-of-state jurisdictions when driver license is surrendered.
 - Issue presented
 - a. Clarify the law is for both identification cards and driver licenses
 - Amendment
 - a. Require department to notify out-of-state jurisdiction when driver license or identification card is surrendered; thus, canceling all other credentials.

- b. **Amend 61-5-107 Military Waiver**
 - **Comply with federal requirements for knowledge and skills waiver**
 - Current law
 - a. Ability to waive knowledge and skills testing for military commercial drivers



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- Issue presented
 - a. Non-compliant with federal law because knowledge test waiver only requires 12 months
- Amendment
 - a. Complies with federal regulation 383.77

5. Driver License Exemptions 61-5-104

- a. Amend driver license exemptions
 - Current law
 - A driver who is completed a skills test is required to be licensed.
 - Issue presented
 - The department is required to issue a learner license when taking a driver on a skills (drive) test. Sometimes, a driver may be able to complete a written and skills test on the same day. Sometimes, a person may be under a requirement to take a skills test for a medical reason. In both these situations, the department must issue a physical learner license before starting the test. The customer would experience a more efficient process without this requirement.
 - Amendment
 - Amend 61-5-104 to add an exemption to allow the department to complete drive tests with a customer who does not hold a license.

6. Drivers Licenses 61-5-111

- a. Amend Grace Period
 - Current law
 - The grace period is defined in 61-5-111(3)(c) as three months. If an individual renews within this time period, they are not required to retake the written and drive tests
 - Issue presented
 - For individuals who are beyond the grace period they are required to appear in-person and take the tests.
 - Amendment
 - Amend 61-5-111 to extend this grace period to one year. The department believes this will allow individuals to renew their driver licenses without having to take limited resources for testing, while maintaining the public's safety.
- b. Amend on-line and mail-in renewal process to allow temporary foreign nationals to participate
 - Current law
 - Temporary foreign nationals are prohibited from renewing their driver license online or by mail
 - Issue presented
 - Foreign nationals with permanent residency are permitted to renew online or by mail.



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- Amendment
 - Amend 61-5-111 to allow temporary foreign nationals to renew online or by mail by submitting documentation of authorized presence and only if their authorized presence is verified through SAVE.
- c. Amend on-line and renewal process to allow self-certification of medical and vision requirements
 - Current law
 - All drivers must submit a medical and vision report when renewing online or by mail
 - Issue presented
 - Prevents drivers from utilizing this service
 - Many states use a self-certification process of an applicant's abilities
 - Amendment
 - Amend 61-5-111 to remove the requirement to submit a medical and vision report when renewing online or by mail

7. Foster Children

- Amend 61-5-106
 - Current law
 - 61-5-106 requires the driver supervising an under 18 who holds a learner license to be approved by a parent or legal guardian
 - 61-5-108 requires parental consent, of if a parent is not available another responsible adult, and is responsible for damages
 - Issue presented
 - This permission may be difficult for a child in foster care because their foster parent is not qualified to give permission
 - It is difficult for foster children to have parental or legal guardian consent
 - Amendment
 - Amend 61-5-106 to allow a foster child to be supervised by anyone who is over the age of 21, or over 18 with parent/guardian consent
 - Amend 61-5-108 to allow a foster child to prove financial responsibility by filing an SR-22 with the department

8. Identification Cards

- Amend 61-12-501 Identification Cards
 - Surrender of driver license or identification card to Montana will surrender all out-of-state credentials
- Current law
 - a. Department may issue an identification card to a person who maintains a residence in Montana



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- Issue presented
 - a. Clarify the individual must be a Montana resident.
- Amendment
 - a. Amend 61-12-501 to require Montana residency.
- Limit number of identification cards to be issued at a time
- Amend 61-12-501-4 Identification Cards
 - Allow for similar standards for issuance, renewal, and replacement of identification cards
 - Current law
 - Basic information required to issue an identification card.
 - Issue presented
 - Does not allow for renewal
 - Amendment
 - Amend 61-12-501-4 to permit the department to bring clarity to issuance, renewal, and replacement of identification cards

9. Sanctions

- Amend 61-5-201 Clarify departments authority to sanction
 - Current law
 - Departments authority is over multiple sections of statute.
 - Issue presented
 - Separates out and clearly delineates the authority and general requirements for all sanctions
 - Amendment
 - Amend 61-5-201 to specify authority of department
- Amend 61-5-205, 208, 212, new section, 61-8-410 Clarify mandatory revocation or suspension of license
 - Current law
 - Requirements for revocation/suspension are detailed in 61-5-205 and 61-5-208.
 - Issue presented
 - Separates out the requirements for revocation, duration, and probationary license eligibility
 - Amendment
 - Amend 61-5-205 to detail the reasons for mandatory suspensions and revocations for conviction-based offenses
- Amend 61-11-211 Clarify probationary eligibility during mandatory revocation for habitual traffic offenders
 - Current law



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- Requirements for revocation/suspension are detailed in 61-5-205 and 61-5-208.
- Issue presented
 - Separates out the requirements for revocation, duration, and probationary license eligibility
- Amendment
 - Amend 61-5-205 to detail the reasons for mandatory suspensions and revocations for conviction-based offenses

10. Low-speed electric vehicle

- Amend 61-8-238 Clarify mandatory revocation or suspension of license
 - Current law
 - Permits a low speed electric vehicle to be operated by a person with a low-speed driver license
 - Issue presented
 - Individual with a standard driver license seem to be precluded from operating a low-speed vehicle. For example, a golf card
 - Amendment
 - Amend 61-8-238 to detail the reasons for mandatory suspensions and revocations for conviction-based offenses

11. Reports to the department

- a. Amend 61-11-101
 - Current law
 - 61-11-101 requires the courts and other agencies to report convictions or other actions requiring a sanction
 - The department does not have the authority to require these convictions to be reported in a certain format.
 - Issue presented
 - Clarity is needed for the department to require reporting of all data necessary to enter the information onto the driver record and to take appropriate action
 - Amendment
 - Amend 61-11-101 to require “as prescribed by the department”