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Transportation Interim Committee

66th Montana Legislature

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December 23, 2019

TO: Transportation Interim Committee members

FR: Transportation Interim Committee staff

The Montana Department of Justice's Motor Vehicle Division (MVD) is in full compliance with the federal REAL ID Act and regulation. In September, the Transportation Interim Committee heard from the department about its efforts to inform the public about REAL ID as well as information about the issuance of REAL IDs.

The Montana Legislature passed a law in 2007 against the federal REAL ID Act of 2005, citing concerns about federal overreach. During the 2017 Legislative Session, Montana's legislature adopted Senate Bill No. 366 and directed MVD to create an optional driver license that complies with the act. In January 2019, MVD began issuing compliant credentials for Montanans who choose to obtain them.

Federal agencies and the Transportation Security Administration will continue to accept valid Montana driver licenses and ID cards to board domestic commercial flights and access secure federal facilities until October 1, 2020. Beginning October 2020, only Montana licenses and ID cards that are REAL ID compliant will be accepted to board domestic commercial flights or enter secure federal facilities.

The law passed and approved by the Legislature in 2017 established contingencies based on federal extensions for compliance and potential elimination of the federal program. Now that Montana complies with the federal law and it remains on the books, Montana's statute is out-of-date. In September, the committee discussed draft legislation to address the inconsistencies.

Committee staff as well as the department will need additional direction from the committee to develop a potential bill draft. Questions for committee consideration and discussion include:

- Should a contingency that if the federal law is eliminated the state law is void continue to be in statute?
 - Is it necessary?
 - If federal law repealed, would there be a reason for the state to issue REAL IDs?
- Should fee waivers be incorporated into the statute?
 - For whom?
 - Permissive to department or directive in statute?