

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

\*\*\*\* BILL NO. \*\*\*\*

INTRODUCED BY \*\*\*\*

BY REQUEST OF THE \*\*\*\*

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF JUSTICE MOTOR VEHICLE DIVISION FROM ISSUING A REAL ID TO ANY APPLICANT WHO IS NOT A CITIZEN OF THE UNITED STATES; AND AMENDING SECTION 61-5-129, MCA; AMENDING SECTIONS 17-5-2001 AND 61-5-129, MCA."

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

**Section 1.** Section 17-5-2001, MCA, is amended to read:

**"17-5-2001. Loans to state agencies.** (1) An agency responsible for the procurement and provision

of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(a) the term of the indebtedness does not exceed the useful life of the items being financed; and

(b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$28.5 million, payable over a term not to exceed 15 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.

(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550.

1 The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the  
 2 loan is made, the projected revenue of the motor vehicle information technology system account, based upon  
 3 the fees approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

4 (3) The department of justice is authorized to enter into contracts, loan agreements, or other forms  
 5 of indebtedness with the board of investments for an amount not to exceed \$4.6 million, payable over a term  
 6 not to exceed 10 years, for financing the cost of an information technology system, and other associated costs,  
 7 for the implementation of the REAL ID Act of 2005. Loans are payable from the state special revenue fund  
 8 provided for in 61-5-129~~(4)(b)~~(5)(b). (Subsection (3) void on occurrence of contingency--sec. 8, Ch. 443, L.  
 9 2017.)"

11 **Section 2.**~~Section 1.~~ Section 61-5-129, MCA, is amended to read:

12 **"61-5-129. (Temporary) REAL ID-compliant driver's license or identification card -- voluntary**  
 13 **application.** (1) ~~The~~Except as provided in subsection (2), the department shall issue a Montana driver's license  
 14 or identification card that complies with the requirements of the federal REAL ID Act of 2005, Public Law 109-  
 15 13, to each qualifying applicant.

16 (2) The department may not issue a REAL ID-compliant driver's license to any applicant who is not  
 17 a citizen of the United States.

18 ~~(2)(3)~~ (a) ~~When~~Except as provided in subsection (2), when required to obtain a Montana driver's  
 19 license or identification card, a person may choose to apply for either a standard driver's license or identification  
 20 card, or for a REAL ID-compliant driver's license or REAL ID-compliant identification card.

21 (b) A person may not hold a valid standard driver's license or identification card and a valid REAL  
 22 ID-compliant driver's license or identification card at the same time.

23 ~~(3)(4)~~ (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other  
 24 requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.

25 (b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other  
 26 requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61,  
 27 chapter 12, part 5, and this chapter.

28 ~~(4)(5)~~ (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-

1 111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may  
2 charge the following additional fees

3 for a person who is applying for a REAL ID-compliant driver's license or identification card during or  
4 prior to a renewal period specified in 61-5-111(3)(c), the additional fee is \$25.

5 (b) The fees collected under this subsection (4) must be deposited in the state special revenue  
6 fund to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses  
7 and identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)"

8 - END -

DRAFT