

HOUSE BILL NO. 515

INTRODUCED BY B. USHER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; PROVIDING
5 FOR REVOCATION OF A COMMERCIAL DRIVER'S LICENSE FOR SEVERE FORMS OF HUMAN
6 TRAFFICKING; REVISING THE DRIVER REHABILITATION PROGRAM; REVISING LICENSE
7 REQUIREMENTS AND RENEWALS; ALLOWING A KNOWLEDGE TEST REGARDING MILITARY
8 COMMERCIAL MOTOR VEHICLE EXPERIENCE; ~~REVISING SURRENDER REQUIREMENTS FOR REVOKED~~
9 ~~DRIVER'S LICENSES~~; REVISING RESTORATION REQUIREMENTS; REVISING SELF-INSURANCE
10 REQUIREMENTS; ELIMINATING CERTAIN INDEMNITY BONDS; REVISING RECORDKEEPING; LIMITING
11 DISCLOSURE OF SOCIAL SECURITY NUMBERS; REVISING MOVING VIOLATIONS PROVISIONS FOR
12 HABITUAL OFFENDERS; AMENDING SECTIONS 61-2-302, 61-5-111, 61-5-123, ~~61-5-209~~, 61-6-131, 61-6-157,
13 61-6-301, 61-6-302, 61-6-303, 61-11-102, 61-11-203, AND 61-11-508, MCA; REPEALING SECTIONS 61-6-132,
14 61-6-137, 61-6-138, 61-6-140, AND 61-6-142, MCA; AND PROVIDING EFFECTIVE DATES."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 NEW SECTION. **Section 1. Permanent revocation of commercial driver's license -- felony**
19 **involving use of commercial motor vehicle for severe form of trafficking of persons.** (1) If the department
20 receives a conviction report that a person used a commercial motor vehicle in the commission of an offense under
21 45-5-702 or a similar law in another state or in the commission of a felony of a severe form of trafficking of
22 persons, the department shall revoke the person's commercial driver's license for life and may not reinstate the
23 commercial driver's license for any reason.

- 24 (2) For purposes of this section, "severe form of trafficking of persons" means:
25 (a) sex trafficking in which a commercial sexual activity is induced by force, fraud, or coercion;
26 (b) sex trafficking in which the person induced to perform commercial sexual activity is under 18 years
27 of age; or
28 (c) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services
29 through the use of force, fraud, or coercion for the purpose of subjecting the person to involuntary servitude, debt
30 bondage, or slavery.

1
2 **Section 2.** Section 61-2-302, MCA, is amended to read:
3 **"61-2-302. Establishment of driver rehabilitation and improvement program -- participation by**
4 **offending drivers.** (1) The department may establish by administrative ~~rules~~ rule a driver rehabilitation and
5 improvement program or programs. The programs may consist of electronic or classroom instruction in rules of
6 the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training,
7 and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques and must
8 include the requirements for obtaining a restricted probationary driver's license.

9 (2) Except when otherwise provided or restricted by statute, a person whose driver's license is
10 suspended or revoked by the department, unless the suspension or revocation was for an offense under
11 61-8-401, 61-8-406, or 61-8-411, may participate in any driver rehabilitation and improvement program
12 established under this section if the person's license is:

13 (a) suspended as a result of a violation of the traffic laws of this state, unless the suspension was
14 imposed under the authority provided in Title 61, chapter 8, part 8; or

15 (b) revoked and the person has:

16 (i) completed at least 3 months of a 1-year revocation; or

17 (ii) completed 1 year of a 3-year revocation; and

18 (iii) met the requirements for reobtaining a Montana driver's license.

19 (3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the
20 enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the
21 driver rehabilitation and improvement program provided for in this section may be stayed if that person complies
22 with the requirements established for the driver rehabilitation and improvement program and meets the eligibility
23 requirements of subsection (2).

24 (4) If a person's driver's license has been surrendered before the person's selection for participation in
25 the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's
26 agreement to participate in the program.

27 (5) The stay of enforcement of any suspension or revocation action must be terminated and the
28 suspension or revocation action must be reinstated if a person declines to participate in the driver rehabilitation
29 and improvement program or fails to meet the attendance or other requirements established for participation in
30 the program.

1 (6) This part does not create a right to be included in any program established under this part.

2 (7) The department may establish a schedule of fees that may be charged to those persons participating
3 in the driver improvement and rehabilitation program. The fees must be used to help defray costs of maintaining
4 the program.

5 (8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the
6 peace, youth court judge, or judge of a district court of the state, ~~or hearing examiner of the department.~~

7 (9) (a) Except as provided in subsection (9)(b), the department may issue a restricted probationary
8 license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon
9 issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the
10 license.

11 (b) The department may not issue a restricted probationary license that would permit an individual to
12 drive a commercial motor vehicle during a period in which:

13 (i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

14 (ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

15 (10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the
16 restrictions imposed on a restricted license issued to the person under this section."

17

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

19 **"61-5-111. Contents of driver's license, renewal, license expirations, license replacements, grace**
20 **period, and fees for licenses, permits, and endorsements -- notice of expiration.**(1) (a) The department may
21 appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts.
22 The department shall adopt necessary rules governing sales. In areas in which the department provides driver
23 licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an
24 agent to sell receipts.

25 (b) The department may enter into an authorized agent agreement with the county treasurer of any
26 county in which the department no longer maintains a driver examination station for the purpose of providing
27 driver's license renewal services.

28 (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's
29 license to each qualifying applicant. The license must contain:

30 (i) a full-face photograph of the licensee in the size and form prescribed by the department;

- 1 (ii) a distinguishing number issued to the licensee;
- 2 (iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use
3 of the mailing address, ~~and a brief description of the licensee~~ except that the Montana residence address must
4 be used for a REAL ID-compliant driver's license unless authorized by department rule;
- 5 (iv) a brief description of the licensee;
- 6 ~~(iv)~~(v) either the licensee's customary manual signature or a reproduction of the licensee's customary
7 manual signature; and
- 8 ~~(v)~~(vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.
- 9 (b) The department may not use the licensee's social security number as the distinguishing number. A
10 license is not valid until it is signed by the licensee.
- 11 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records
12 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's
13 eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:
- 14 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may
15 impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle
16 on the highway; and
- 17 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
18 appropriate to the applicant's functional abilities; or
- 19 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.
- 20 (b) In the case of a commercial driver's license, the department shall, if the information was not provided
21 in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the
22 applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately
23 preceding the date of the renewal application and may also require that the applicant successfully complete a
24 written examination as required by federal regulations.
- 25 (c) A person is considered to have applied for renewal of a Montana driver's license if the application
26 is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in
27 subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's
28 examination station.
- 29 (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's
30 license by mail or online.

1 (ii) An applicant who renews a driver's license by mail or online shall submit to the department an
 2 approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant,
 3 or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.

4 (iii) If the department does not have a digitized photograph and signature record of the renewal applicant
 5 from the expiring license, then the renewal applicant shall apply in person.

6 (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online
 7 is 8 years.

8 (v) The department may not renew a license by mail or online if:

9 (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for
 10 the applicant;

11 (B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the
 12 retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

13 (C) the applicant seeks a change of address, a change of date of birth, or a name change; or

14 (D) the applicant's license:

15 (I) has been expired for 3 months or longer; or

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

18 (vi) If a license was issued to a foreign national whose presence in the United States is temporarily
 19 authorized under federal law, the license may not be renewed by mail or online.

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

23 (f) The department shall send electronically or mail a driver's license renewal notice no earlier than ~~90~~
 24 120 days and no later than 30 days prior to the expiration date of a driver's license. ~~Except as provided in~~
 25 ~~61-3-119 and 61-5-115, the~~ The department shall mail send the notice to the licensee's Montana mailing address
 26 ~~shown on the driver's license or use an authorized method of electronic delivery.~~ SHOWN ON THE DRIVER'S LICENSE
 27 OR, IF REQUESTED BY THE LICENSEE, PROVIDE THE NOTICE USING AN AUTHORIZED METHOD OF ELECTRONIC DELIVERY,
 28 OR BOTH.

29 (4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of
 30 the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs

1 first.

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

4 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

5 (d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary
6 of the licensee's birthday ~~5~~ 4 years or less after the date of issue.

7 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials
8 endorsement after surrendering a comparable commercial driver's license with a hazardous materials
9 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday
10 ~~5~~ 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's
11 license information system, a security threat assessment was performed on the person as a condition of issuance
12 of the surrendered license.

13 (e) A license issued to a person who is a foreign national whose presence in the United States is
14 temporarily authorized under federal law expires, as determined by the department, no later than the expiration
15 date of the official document issued to the person by the bureau of citizenship and immigration services of the
16 department of homeland security authorizing the person's presence in the United States.

17 (f) The department may adopt rules to implement online driver's license renewal.

18 (5) When the department issues a driver's license to a person under 18 years of age, the license must
19 be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

20 (6) (a) Upon application for a driver's license or commercial driver's license and any combination of the
21 specified endorsements, the following fees must be paid:

22 (i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

23 (ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

24 (iii) commercial driver's license:

25 (A) interstate -- \$10 a year or fraction of a year; or

26 (B) intrastate -- \$8.50 a year or fraction of a year.

27 (b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

28 (7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the
29 department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this
30 part, the department shall include the word "veteran" on the face of the license.

1 (b) After a person's status as a veteran is denoted on a driver's license, the department may not require
2 further documentation of that status from the holder of the license upon subsequent renewal or replacement.

3 (8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license
4 online or by mail.

5 (b) If the department does not have a digitized photograph and signature record of the applicant, the
6 applicant shall apply in person.

7 (c) The term of the replacement license must be the term of the applicant's current driver's license.

8 (9) (a) An applicant may request an expedited delivery service for a driver's license or identification card.
9 The department shall set a fee for expedited delivery based on the cost of providing this service.

10 (b) The fees for expedited delivery must be deposited in the motor vehicle division administration account
11 established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery,
12 personnel, and related technology."

13

14 **Section 4.** Section 61-5-123, MCA, is amended to read:

15 **"61-5-123. Waiver of skills test or knowledge test related to military commercial motor vehicles**
16 **experience -- rulemaking.** (1) The department may waive the skills test or knowledge test, or both, required for
17 a commercial driver's license if an applicant meets the conditions in subsection (2) and is:

- 18 (a) a veteran of the armed forces of the United States who was honorably discharged;
19 (b) currently serving in the armed forces of the United States;
20 (c) serving full-time in a reserve component, as defined in 37-1-138; or
21 (d) honorably discharged from the reserve component after serving full-time in the reserve component.

22 (2) An applicant shall:

- 23 (a) certify that, during the 2-year period immediately prior to application, the applicant:
24 (i) did not have more than one license except for a military license;
25 (ii) did not have a license suspended, revoked, or canceled;
26 (iii) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);
27 (iv) did not have more than one conviction for a serious traffic violation as provided in 49 CFR 383.51(c);

28 and

29 (v) did not have any conviction for a violation of military, state, or local law relating to motor vehicle traffic
30 control other than a parking violation arising in connection with any traffic accident and has no record of an

1 accident in which the applicant was at fault;

2 (b) provide evidence and certify that:

3 (i) the applicant has passed a knowledge test for a commercial motor vehicle for the class of motor
 4 vehicle for which the applicant is seeking a commercial driver's license given by the military;

5 ~~(i)~~(ii) the military position in which the applicant served required regular operation over at least a 2-year
 6 period immediately prior to either discharge or application, as applicable, of a commercial motor vehicle
 7 representative of the class of motor vehicle for which the applicant is seeking a commercial driver's license; and

8 ~~(ii)~~(iii) the applicant was exempted under 49 CFR 383.3(c) from the requirements of this part when
 9 operating a commercial motor vehicle in the military.

10 (3) The department shall adopt rules necessary for the administration of this section."
 11

12 ~~Section 5. Section 61-5-209, MCA, is amended to read:~~

13 ~~"61-5-209. Surrender and return of license upon suspension or revocation. When the department~~
 14 ~~suspends or revokes a license, it shall require that the license be surrendered to and be retained by the~~
 15 ~~department except that at the end of the period of suspension, the surrendered license must be returned to the~~
 16 ~~licensee."~~

17
 18 **Section 5.** Section 61-6-131, MCA, is amended to read:

19 **"61-6-131. When proof of financial responsibility required.** (1) Whenever the department under any
 20 of the laws of this state revokes the license or privilege to drive of any person, the license must remain revoked
 21 and may not be renewed and a license may not be issued to the person until permitted under the motor vehicle
 22 laws of this state and not then unless and until the person maintains proof of financial responsibility restored until
 23 the person is otherwise eligible and files a certificate of insurance as provided in 61-6-133 or 61-6-134.

24 ~~(2) If a person is not licensed, but by the final order or judgment is convicted of or forfeits any bail or~~
 25 ~~collateral deposited to secure an appearance for trial for any offense requiring the revocation of a license, a~~
 26 ~~license may not be issued to the person until the person gives and maintains proof of financial responsibility.~~

27 ~~(3) Whenever the department revokes a nonresident's operating privilege by reason of a conviction or~~
 28 ~~forfeiture of bail, the privilege remains revoked unless the person has previously given or immediately gives and~~
 29 ~~maintains proof of financial responsibility.~~

30 (2) The department may not issue a probationary license to a person whose driver's license or privilege

1 to drive is revoked unless the department receives proof of financial responsibility by a certificate of insurance
 2 as provided in 61-6-133 or 61-6-134 and the person is otherwise eligible for a probationary license."

3

4 **Section 6.** Section 61-6-157, MCA, is amended to read:

5 **"61-6-157. Creation of online motor vehicle liability insurance verification system.** (1) The
 6 department, in cooperation with the commissioner of insurance, shall establish an accessible common
 7 carrier-based motor vehicle insurance verification system to verify the compliance of a motor vehicle owner or
 8 operator with motor vehicle liability policy requirements under 61-6-103, 61-6-301, and 61-6-302 and facilitate
 9 or monitor proof of financial responsibility filings under 61-6-133 and 61-6-134.

10 (2) The department may contract with a private vendor or vendors to establish and maintain the system.

11 (3) The system must:

12 (a) send requests to insurers for verification of motor vehicle liability insurance using electronic services
 13 established by the insurers, through the internet, world wide web, or a similar proprietary or common carrier
 14 electronic system in compliance with the specifications and standards of the insurance industry committee on
 15 motor vehicle administration and other applicable industry standards;

16 (b) include appropriate provisions to secure its data against unauthorized access and to maintain a
 17 record of all requests and responses;

18 (c) be accessible, without fee, to authorized personnel of the department, the courts, law enforcement
 19 personnel, county treasurers, and authorized agents under the provisions of 61-3-116;

20 (d) interface, wherever possible, with existing department and law enforcement systems;

21 (e) receive insurance data file transfers from insurers under specifications and standards set forth in
 22 subsection (3)(a) to identify vehicles that are not covered by an insurance policy;

23 (f) provide a means by which low-volume insurers that are unable to deploy an online interface with the
 24 system can report insurance policy data to the department or its designee for inclusion in the system;

25 (g) provide a means to track separately or distinguish motor vehicles that are subject to a certificate of
 26 self-insurance under 61-6-143, ~~a surety or indemnity bond under 61-6-137 or 61-6-301, or a deposit of cash or~~
 27 ~~securities under 61-6-138;~~

28 (h) be available 24 hours a day, 7 days a week, subject to reasonable allowances for scheduled
 29 maintenance or temporary system failures, to verify the insurance status of any vehicle in a manner prescribed
 30 by the department; and

1 (i) be used only for information-gathering and educational purposes until the completion of an appropriate
2 testing period of not less than 6 months.

3 (4) The provisions of Title 2, chapter 6, parts 10 and 11, do not apply to the information contained in the
4 verification system.

5 (5) Every insurer shall cooperate with the department in establishing and maintaining the system and
6 shall provide access to motor vehicle liability policy status information to verify liability coverage:

7 (a) for a vehicle insured by that company that is registered in this state; and

8 (b) if available, for a vehicle that is insured by that company or that is operated in this state and that is
9 the subject of an accident investigation regardless of where the vehicle is registered."
10

11 **Section 7.** Section 61-6-301, MCA, is amended to read:

12 **"61-6-301. Required motor vehicle insurance -- family member exclusion.** (1)(a) Except as provided
13 in subsection (1)(b), an owner of a motor vehicle that is registered and operated in Montana by the owner or with
14 the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law
15 for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a motor
16 vehicle in an amount not less than that required by 61-6-103, or a certificate of self-insurance issued in
17 accordance with 61-6-143.

18 (b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection
19 (1)(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family
20 member in a motor vehicle liability insurance policy.

21 ~~(2) A motor vehicle owner who prefers to post an indemnity bond with the department in lieu of obtaining~~
22 ~~a policy of liability insurance may do so. The bond must guarantee that any loss resulting from liability imposed~~
23 ~~by law for bodily injury, death, or damage to property suffered by any person caused by accident and arising out~~
24 ~~of the operation, maintenance, and use of the motor vehicle sought to be registered must be paid within 30 days~~
25 ~~after final judgment is entered establishing the liability. The indemnity bond must guarantee payment in the~~
26 ~~amount provided for insurance under subsection (1).~~

27 ~~————(3) Any bond given in connection with this section is a continuing instrument and must cover the period~~
28 ~~for which the motor vehicle is to be registered and operated. The bond must be on a form approved by the~~
29 ~~commissioner of insurance and must be with a surety company authorized to do business in the state.~~

30 ~~(4)~~(2) It is unlawful for a person to operate a motor vehicle upon ways of this state open to the public as

1 defined in 61-8-101 without a valid policy of liability insurance in effect in an amount not less than that required
2 by 61-6-103 unless the person has been issued a certificate of self-insurance under 61-6-143, ~~has posted an~~
3 ~~indemnity bond with the department as provided in this section,~~ or is operating a vehicle exempt under 61-6-303."
4

5 **Section 8.** Section 61-6-302, MCA, is amended to read:

6 **"61-6-302. Proof of compliance.** (1) The registration receipt required by 61-3-322 must contain a
7 statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate the vehicle
8 without a valid motor vehicle liability insurance policy, or a certificate of self-insurance, ~~or a posted indemnity~~
9 ~~bond,~~ as required by 61-6-301.

10 (2) (a) Each owner or operator of a motor vehicle shall carry in the motor vehicle as proof of compliance
11 with 61-6-301 either:

12 (i) an insurance card approved by the department but issued by the insurance carrier to the motor vehicle
13 owner; or

14 (ii) an electronic device on which an electronic document issued by the insurance carrier showing proof
15 of compliance with 61-6-301 may be displayed.

16 (b) If the insurance card or electronic document is issued under a commercial automobile insurance
17 policy or a self-insured fleet, the insurance card or electronic document must indicate the status as "commercially
18 insured" or "fleet".

19 (c) A motor vehicle owner or operator shall exhibit the insurance card or display the electronic document
20 on demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field
21 deputy or inspector of the department.

22 (d) A person commits an offense under this subsection if the person fails to carry in the motor vehicle
23 the insurance card or an electronic device on which the electronic document may be displayed or fails to exhibit
24 the insurance card or display the electronic document on demand of a person specified in subsection (2)(c).

25 (e) For the purposes of this subsection (2), "insurance card" includes an electronic representation or
26 equivalent of a documentary insurance card that the insurer delivers by electronic means, as defined in
27 33-15-601, to satisfy the requirements of this subsection (2).

28 (3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the
29 officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve the
30 complaint and notice to appear on the owner of the vehicle:

1 (a) personally; or

2 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration
3 receipt for the vehicle or, following query through available law enforcement systems, at the address maintained
4 for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

5 (4) An owner or operator charged with violating subsection (2) may not be convicted if:

6 (a) the arresting or issuing officer or another person authorized to access information from the online
7 motor vehicle liability insurance verification system under 61-6-309 submits to the system, when implemented,
8 a request that provides proof of insurance valid at the time the alleged violation took place; or

9 (b) when the system under 61-6-157 is not available, the person produces in court or the office of the
10 arresting or issuing officer proof of insurance valid at the time the alleged violation took place."

11

12 **Section 9.** Section 61-6-303, MCA, is amended to read:

13 **"61-6-303. Exempt vehicles.** The following vehicles and their drivers are exempt from the provisions
14 of 61-6-301:

15 (1) a vehicle owned by the United States government or any state or political subdivision;

16 ~~(2) a vehicle for which cash, securities, or a bond has been deposited or filed with the department upon~~
17 ~~terms and conditions providing the same benefits available under a required motor vehicle liability insurance~~
18 ~~policy;~~

19 ~~— (3) a vehicle owned by a self-insurer certified as provided in 61-6-143;~~

20 ~~(4)(2)~~ an implement of husbandry or special mobile equipment that is only incidentally operated on a
21 highway or property open to use by the public;

22 ~~(5)(3)~~ a vehicle operated upon a highway only for the purpose of crossing the highway from one property
23 to another;

24 ~~(6)(4)~~ a commercial vehicle registered or proportionally registered in this and any other jurisdiction if the
25 vehicle is covered by a motor vehicle liability insurance policy complying with the laws of another jurisdiction in
26 which it is registered;

27 ~~(7)(5)~~ a motorcycle or quadricycle;

28 ~~(8)(6)~~ a vehicle moved solely by human or animal power;

29 ~~(9)(7)~~ a vehicle owned by a nonresident if it is currently registered in the owner's resident jurisdiction and
30 the owner is in compliance with the motor vehicle liability insurance requirements, if any, of that jurisdiction."

- 1
- 2 **Section 10.** Section 61-11-102, MCA, is amended to read:
- 3 **"61-11-102. Records to be kept by department.** (1) Except as provided in subsection (8), the
- 4 department shall create and maintain a central database of electronic files that includes an individual Montana
- 5 driving record for each person:
- 6 (a) who has been issued a Montana driver's license;
- 7 (b) who does not have a driver's license from, or active driving record in, another jurisdiction and for
- 8 whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or
- 9 revocation of the person's driver's license; and
- 10 (c) whose driver's license or driving privileges have been suspended, revoked, canceled, or otherwise
- 11 withdrawn by the department.
- 12 (2) An individual Montana driving record maintained under this section must include:
- 13 (a) personal information obtained from the application for a driver's license or a report of conviction;
- 14 (b) the person's driver's license number, license type, status, endorsements, restrictions, issue and
- 15 expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed
- 16 against the person;
- 17 (c) all convictions reported to the department for the person; and
- 18 (d) traffic accidents in which the person was involved, except that a record of involvement in a traffic
- 19 accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203,
- 20 for an act causally related to the accident.
- 21 (3) (a) The department shall create and maintain a CDLIS driver record for each person who has been
- 22 issued a Montana commercial driver's license or for whom a record of conviction, disqualification, or other
- 23 licensure action has been taken for violations of any state or local law relating to motor vehicle traffic regulation,
- 24 other than a parking violation, committed while operating a commercial motor vehicle.
- 25 (b) A CDLIS driver record maintained by the department must meet the requirements of 49 CFR 384.225.
- 26 (c) If the department receives notice that a person has been disqualified by the federal motor carrier
- 27 safety administration ~~as an imminent hazard under 49 CFR 383.52;~~ the department shall record the
- 28 ~~disqualification~~ suspension or revocation on the CDLIS driver record.
- 29 (4) The department shall retain records created under this section for a period of time that meets or
- 30 exceeds the standards established under 49 CFR, part 384.

1 (5) The department is further authorized, upon receiving a record of the conviction in this state of a
2 nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by
3 electronic or other means, a report of the conviction to the motor vehicle administrator in the state in which the
4 person is a resident or licensed.

5 (6) The department may place on a computer storage device the information contained on original
6 records or reproductions of original records made pursuant to this section. Signatures on records are not required
7 to be placed on a computer storage device.

8 (7) (a) Except as provided in subsection (7)(b), a reproduction of the information placed on a computer
9 storage device is an original of the record for all purposes and is admissible in evidence without further foundation
10 in all courts or administrative agencies when the department certifies the record.

11 (b) An order, record, or paper generated from the department's central database of electronic files of
12 individual Montana driving records may be certified electronically by the generating computer. The certification
13 must be a certification of the order, record, or paper as it appeared on a specific date.

14 (c) A court, an office of a clerk of court, or an attorney licensed to practice law in this state may receive
15 and use a computer-generated individual Montana driving record as evidence without further foundation when:

16 (i) the individual Montana driving record is electronically transmitted from the department's central
17 database of electronic individual Montana driving records to a department-authorized terminal device maintained
18 by the court, the office of the clerk of court, or the attorney; and

19 (ii) the judge, an officer of the court, or the attorney certifies that the record was not altered in any way.

20 (8) (a) Except as provided in subsection (4), the department may destroy any individual Montana driving
21 record maintained under this section if there are no suspensions or revocations on the record and there has been
22 no renewed credential in the immediately preceding 16 years.

23 (b) The department shall adopt rules governing the destruction of records."
24

25 **Section 11.** Section 61-11-203, MCA, is amended to read:

26 **"61-11-203. Definitions -- habitual traffic offenders -- point schedule.** (1) As used in this part, the
27 following definitions apply:

28 (a) "Conviction" has the meaning provided in 61-5-213 RESULTING FROM A VIOLATION OF TRAFFIC
29 REGULATIONS ON HIGHWAYS IN THIS STATE OR A TRAFFIC STATUTE OR TRAFFIC REGULATION IN ANOTHER JURISDICTION.

30 (b) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more

1 conviction points according to the schedule specified in subsection (2).

2 (c) "License" means any type of license or permit to operate a motor vehicle.

3 (d) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a
4 person while operating a motor vehicle or in actual physical control of a motor vehicle upon ~~a highway the ways~~
5 ~~of this state open to the public~~ A HIGHWAY.

6 (e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or
7 driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

8 (2) Subject to subsection (3), ~~the point schedule used~~ WHEN THE DEPARTMENT RECEIVES A REPORT OF
9 CONVICTION, THE DEPARTMENT SHALL ASSIGN POINTS BASED ON THE POINT SCHEDULE to determine whether an
10 individual is a habitual traffic offender ~~is~~, as follows:

11 (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

12 (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or
13 negligent vehicular assault, 12 points;

14 (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the
15 commission of which a motor vehicle is used, 12 points;

16 (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind ~~or operation~~
17 ~~of a motor vehicle by a person with alcohol concentration of 0.08 or more~~, 10 points;

18 (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

19 (f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person
20 to stop at the scene of the accident and give the required information and assistance, ~~as described in 61-7-105~~,
21 8 points;

22 (g) ~~willful~~ WILLFUL failure of the driver involved in an accident resulting in property damage of ~~\$250~~ \$1,000
23 to stop at the scene of the accident and give the required information or failure to otherwise report an accident
24 in violation of ~~the law~~ TITLE 61, CHAPTER 7, 4 points;

25 (h) reckless driving, 5 points;

26 (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

27 (j) any of the mandatory motor vehicle liability protection offenses ~~under 61-6-301 and 61-6-302~~, 5 points;

28 (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does
29 not apply to operating a motor vehicle within a period of 180 days from the date the license expired.

30 (l) speeding, except as provided in 61-8-725(2)(a), 3 points;

1 (m) all other moving violations, 2 points.

2 (3) ~~There may not be multiple application of cumulative points when two or more charges are filed~~
 3 ~~involving a single occurrence.~~ If there are two or more convictions involving a single occurrence, only the number
 4 of points for the specific conviction carrying the highest points is chargeable against that defendant."
 5

6 **Section 12.** Section 61-11-508, MCA, is amended to read:

7 **"61-11-508. Permitted disclosure of personal information -- specific uses.** (1) Upon application,
 8 proof of the identity of the person requesting a record, and payment of fees required in 61-11-510, the department
 9 may disclose personal information, including highly restricted personal information, from a motor vehicle record
 10 to:

11 ~~(1)~~(a) the person who is the subject of the motor vehicle record; or

12 ~~(2)~~(b) a person who represents that the use of the information will be strictly limited to one or more of
 13 the following:

14 ~~(a)~~(i) a federal, state, or local government agency, including a court or a law enforcement agency, and
 15 any individual acting on behalf of the agency in carrying out its functions, including representatives of the news
 16 media for a legitimate law enforcement purpose, as determined by the department; or

17 ~~(b)~~(ii) a person, organization, or entity, upon the express consent of the person to whom the information
 18 pertains.

19 (2) The department shall not disclose a social security number unless:

20 (a) for the purposes of subtitle VI of Title 49 of the U.S.C.;

21 (b) to the department of public health and human services for use in administering Title IV-D of the Social
 22 Security Act; or

23 (c) when the release of the social security number is specifically authorized by law."
 24

25 **NEW SECTION. Section 13. Repealer.** The following sections of the Montana Code Annotated are
 26 repealed:

27 61-6-132. Alternate methods of giving proof.

28 61-6-137. Bond as proof of responsibility.

29 61-6-138. Money or securities as proof of responsibility.

30 61-6-140. Substitution of proof of responsibility.

1 61-6-142. Duration of proof -- when money or securities may be canceled or returned.

2

3 NEW SECTION. **Section 14. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 61, chapter 8, part 8, and the provisions of Title 61, chapter 8, part 8, apply to [section 1].

5

6 NEW SECTION. **Section 15. Effective dates.** (1) Except as provided in subsections (2) and (3), [this
7 act] is effective on passage and approval.

8 (2) [Section 3(4)(d)] is effective October 1, 2020.

9 (3) [Section 3(9)] is effective January 1, 2020.

10 - END -