

SENATE BILL NO. 366

INTRODUCED BY J. COHENOUR, J. ESSMANN, J. SESSO, F. THOMAS, B. USHER

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A NEW DRIVER'S LICENSE OR IDENTIFICATION
5 CARD TO COMPLY WITH THE FEDERAL REAL ID ACT OF 2005; PROVIDING THAT APPLICATION FOR A
6 REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD IS VOLUNTARY; PROVIDING FEES;
7 EXTENDING RULEMAKING AUTHORITY; PROVIDING FOR APPROPRIATIONS; AUTHORIZING THE
8 DEPARTMENT OF JUSTICE TO ENTER INTO A LOAN FOR IMPLEMENTATION OF THE REAL ID ACT;
9 PROVIDING FOR CONTINGENT VOIDNESS; AMENDING SECTION SECTIONS 17-5-2001 AND 61-5-128,
10 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE EFFECTIVE DATES."

11

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

13

14 NEW SECTION. Section 1. REAL ID-compliant driver's license or identification card -- voluntary
15 **application.** (1) The department shall issue a Montana driver's license or identification card that complies with
16 the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.

17 (2) (a) When required to obtain a Montana driver's license or identification card, a person may choose
18 to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's license or
19 REAL ID-compliant identification card.

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

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

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

27 (4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-111(6),
28 and the fees charged to apply for a standard identification card under 61-12-504, the department may charge the
29 following additional fees:

30 (i) for a person who is applying for a REAL ID-compliant driver's license or identification card during a

1 renewal period specified in 61-5-111(3)(c), the additional fee is \$25; and

2 (ii) for a person who is applying for a REAL ID-compliant driver's license or identification card prior to the
3 renewal period specified in 61-5-111(3)(c), the additional fee is \$50; AND

4 (III) FOR A PERSON WHO RENEWS A STANDARD DRIVER'S LICENSE OR A STANDARD IDENTIFICATION CARD UNDER
5 61-5-111(3)(C) BETWEEN JUNE 1, 2017, THROUGH DECEMBER 31, 2017, AND IS APPLYING FOR A REAL ID-COMPLIANT
6 DRIVER'S LICENSE OR IDENTIFICATION CARD BETWEEN JANUARY 1, 2018, AND JUNE 30, 2018, THE ADDITIONAL FEE IS
7 \$25.

8 (b) The fees collected under this subsection (4) must be deposited in the state special revenue fund to
9 be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and
10 identification cards.

11

12 **SECTION 2. SECTION 17-5-2001, MCA, IS AMENDED TO READ:**

13 **"17-5-2001. Loans to state agencies.** (1) An agency responsible for the procurement and provision of
14 vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described
15 in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over
16 a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge
17 to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

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

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

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

26 (b) For purposes of the financing of the motor vehicle information technology system, loans are payable
27 from the money in the motor vehicle information technology system account as provided in 61-3-550. The term
28 of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made,
29 the projected revenue of the motor vehicle information technology system account, based upon the fees approved
30 by the legislature, must be sufficient to repay the indebtedness over the proposed term.

1 (3) The department of justice is authorized to enter into contracts, loan agreements, or other forms of
 2 indebtedness with the board of investments for an amount not to exceed \$4.6 million, payable over a term not
 3 to exceed 10 years, for financing the cost of an information technology system, and other associated costs, for
 4 the implementation of the REAL ID Act of 2005. Loans are payable from the money from the state special revenue
 5 fund provided for in [section 1(4)(b)]."

6
 7 **Section 3.** Section 61-5-128, MCA, is amended to read:

8 **"61-5-128. Legislative finding and direction to state agency not to implement REAL ID Act.** ~~(1) The~~
 9 ~~legislature finds that the enactment into law by the U.S. congress of the REAL ID Act of 2005, as part of Public~~
 10 ~~Law 109-13, is inimical to the security and well-being of the people of Montana, will cause unneeded expense~~
 11 ~~and inconvenience to those people, and was adopted by the U.S. congress in violation of the principles of~~
 12 ~~federalism contained in the 10th amendment to the U.S. constitution.~~

13 ~~(2) The state of Montana will not shall~~ participate in the implementation of the REAL ID Act of 2005,
 14 Public Law 109-13. The department, including the motor vehicle division of the department, is directed ~~not~~ to
 15 implement the provisions of the REAL ID Act of 2005 ~~and to report to the governor any attempt by agencies or~~
 16 ~~agents of the U.S. department of homeland security to secure the implementation of the REAL ID Act of 2005~~
 17 ~~through the operations of that division and department."~~

18
 19 **NEW SECTION. SECTION 4. APPROPRIATIONS.** (1) FOR THE BIENNIUM BEGINNING JULY 1, 2017, THERE IS
 20 APPROPRIATED \$75,000 FROM THE STATE SPECIAL REVENUE FUND REFERENCED IN [SECTION 1(4)(B)] TO THE MOTOR
 21 VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE FOR PROVIDING INFORMATION TO THE PUBLIC ABOUT [THIS ACT].

22 (2) FOR THE BIENNIUM BEGINNING JULY 1, 2017, THERE IS APPROPRIATED \$800,000 FROM THE STATE SPECIAL
 23 REVENUE FUND REFERENCED IN [SECTION 1(4)(B)] TO THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF JUSTICE FOR
 24 REPROGRAMMING INFORMATION TECHNOLOGY SYSTEMS AND MODIFYING SYSTEMS TO IMPLEMENT [THIS ACT].

25 (3) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, THERE IS APPROPRIATED \$1.852 MILLION FROM THE STATE
 26 SPECIAL REVENUE FUND REFERENCED IN [SECTION 1(4)(B)] TO THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF
 27 JUSTICE FOR OPERATING EXPENSES RELATED TO THE IMPLEMENTATION OF [THIS ACT].

28 (4) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, THERE IS APPROPRIATED \$1.852 MILLION FROM THE STATE
 29 SPECIAL REVENUE FUND REFERENCED IN [SECTION 1(4)(B)] TO THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF
 30 JUSTICE FOR OPERATING EXPENSES RELATED TO THE IMPLEMENTATION OF [THIS ACT].

1
2 NEW SECTION. SECTION 5. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE THAT THE
3 DEPARTMENT OF JUSTICE USE MODIFIED FULL-TIME EQUIVALENT POSITIONS TO IMPLEMENT [THIS ACT].

4
5 NEW SECTION. SECTION 6. Codification instruction. [Section 1] is intended to be codified as an
6 integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 1].

7
8 NEW SECTION. SECTION 7. CONTINGENT VOIDNESS. IF BEFORE JANUARY 1, 2018, THE STATE OF MONTANA
9 RECEIVES AN EXTENSION FROM COMPLIANCE WITH THE REAL ID ACT OF 2005, PUBLIC LAW 109-13, FROM THE
10 DEPARTMENT OF HOMELAND SECURITY, THE APPROPRIATION IN [SECTION 4(3)] IS VOID.

11
12 NEW SECTION. SECTION 8. CONTINGENT VOIDNESS. IF THE REAL ID ACT OF 2005, PUBLIC LAW 109-13,
13 IS REPEALED OR IF THE FEDERAL GOVERNMENT NOTIFIES THE STATE OF MONTANA THAT COMPLIANCE WITH THE REAL
14 ID ACT IS NOT REQUIRED, THEN [THIS ACT] IS VOID.

15
16 NEW SECTION. SECTION 9. Effective date -- CONTINGENCY. [~~This act~~] (1) EXCEPT AS PROVIDED IN
17 SUBSECTION (2), [THIS ACT] is effective January 1, 2018.

18 (2) IF BEFORE JANUARY 1, 2018, THE STATE OF MONTANA RECEIVES AN EXTENSION FROM COMPLIANCE WITH
19 THE REAL ID ACT OF 2005, PUBLIC LAW 109-13, FROM THE DEPARTMENT OF HOMELAND SECURITY, [THIS ACT] IS
20 EFFECTIVE ~~JULY~~ JANUARY 1, 2019. NOTIFICATION OF THE EXTENSION MUST BE SENT TO THE MONTANA DEPARTMENT OF
21 JUSTICE AND THE CODE COMMISSIONER.

22 - END -