

SENATE BILL NO. 64

INTRODUCED BY D. SANDS

BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE COMPLIANCE WITH THE FEDERAL REAL ID ACT OF 2005; CLARIFYING STATE PARTICIPATION; ALLOWING THE DEPARTMENT OF JUSTICE TO ADOPT RULES TO PROVIDE FEE WAIVERS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 61-5-129 AND 61-14-201, MCA; REPEALING SECTION 8, CHAPTER 443, LAWS OF 2017; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-5-129, MCA, is amended to read:

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

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

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

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

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

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

1 charge the following additional fees:

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

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

6 ~~(iii) for a person who renews a standard driver's license or a standard identification card under 61-5-~~
7 ~~111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's~~
8 ~~license or identification card between January 1, 2018, and June 30, 2018, the additional fee is \$25.~~

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

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13 **Section 2.** Section 61-14-201, MCA, is amended to read:

14 **"61-14-201. Rulemaking authority -- driver's licenses and identification cards.** (1) The

15 department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

16 (2) The department may adopt rules governing acceptable methods of proof of identification, including
17 name, date of birth, and authorized presence, that an individual must submit when applying for a license or
18 identification card, including a new, renewal, or replacement license or identification card.

19 (3) The department may adopt rules governing the determination of the driver's license expiration
20 date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a
21 person who is a foreign national whose presence in the United States is temporarily authorized under federal
22 law.

23 (4) The department shall adopt rules governing the calculation of grace periods for renewals and the
24 calculation of other time periods established by statute or federal regulation.

25 (5) The department may adopt rules governing the renewal of a driver's license by a person in the
26 military assigned to active duty who had a valid Montana driver's license at the time of entering active duty.

27 (6) The department shall adopt rules to set the standards for driver license examinations and
28 reexaminations.

1 (7) The department may adopt rules to set the standards for photographs, certifications, and signature
2 requirements for the issuance of driver's licenses.

3 (8) The department shall adopt rules establishing the functional abilities and skills required to exercise
4 ordinary and reasonable control to safely operate a motor vehicle. The rules:

5 (a) must include operational restrictions based on the driver's ability and skills;

6 (b) may direct the design of one or more types of skills tests. A skills test may consist of:

7 (i) a comprehensive assessment of a person's functional abilities by means of an actual
8 demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a
9 motor vehicle; or

10 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the
11 department, as related to a specific physical or mental condition or conditions or a request for reexamination.

12 (c) must include appropriate licensing criteria relating to the use of adaptive equipment or operational
13 limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction.

14 (9) The department shall adopt rules establishing vision requirements for a person to safely operate a
15 motor vehicle. The rules:

16 (a) must include the minimum uncorrected or corrected visual acuity requirements for both
17 unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or
18 licensee, including the use of bioptic lenses; and

19 (b) may include minimum field of vision and depth perception requirements for both unrestricted and
20 restricted licenses.

21 (10) The rules in subsections (8) and (9):

22 (a) may take into consideration any nationally recognized standards or recommended practices or
23 standards of other jurisdictions for assessment of a person's functional abilities and skills;

24 (b) may be derived from medical guidelines and information compiled by driver licensing medical
25 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for
26 persons with disabilities and senior citizens; and

27 (c) except as provided in 61-5-105, may not use a person's age or a person's physical or mental
28 disability, limitation, or condition as a justification for the denial of a license.

1 (11) The department shall adopt rules governing the issuance of a restricted learner license, including
2 when the department may issue a restricted learner license to allow for a driver to practice driving skills.

3 (12) The department shall adopt rules governing the issuance of a hardship license to a person who is
4 at least 13 years of age and because of individual hardship needs a restricted driver's license, including a
5 person who holds a learner license under 61-5-106. The department must consider, among other criteria,
6 whether a hardship license is needed because the applicant's parent or guardian is not available to accompany
7 the licensee, whether due to employment or circumstances related to the operation of a farm or ranch or
8 because the parent or guardian does not hold a valid driver's license, and the licensee is required to drive to the
9 licensee's school bus stop.

10 (13) The department may adopt rules governing probationary licenses, including:

11 (a) issuance to a person whose license has been suspended or revoked or whose license is subject
12 to a discretionary suspension or revocation;

13 (b) the establishment of restrictions placed on a probationary license;

14 (c) the expiration of a probationary license;

15 (d) the cancellation of a probationary license for violating the restrictions on the probationary license
16 or for another law violation; and

17 (e) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-232.

18 (14) The department may adopt rules governing the requirements for a veteran designation on a
19 driver's license or identification card.

20 (15) The department may adopt rules governing the issuance of a replacement driver's license.

21 (16) The department may adopt rules governing the certification process for cooperative driver testing
22 program instructors.

23 (17) The department may adopt rules for the implementation of online driver's license renewal.

24 (18) The department shall adopt rules governing the issuance, renewal, and cancellation of
25 identification cards that align with the proof of identity, residence, and authorized presence standards for a
26 driver's license.

27 (19) The department may adopt rules for determining moving violations.

28 (20) The department may adopt rules for charging a fee for not appearing at a scheduled commercial

1 skills test or motorcycle test and for the waiver of the fee for good cause shown.

2 (21) The department may adopt rules governing the conditions under which an applicant is eligible to
3 receive a driver's license or identification card by expedited service and to set the fee for expedited service.

4 (22) The department may adopt rules governing the conditions under which an applicant is eligible to
5 receive a waiver of fees collected pursuant to 61-5-129.

6 ~~(22)~~(23) The department may adopt rules to implement any other provision of this title."
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8 NEW SECTION. Section 3. Repealer. Section 8, Chapter 443, Laws of 2017, is repealed.
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10 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
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