

SENATE BILL NO. 91

INTRODUCED BY T. MANZELLA

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DRIVER'S LICENSES AND IDENTIFICATION CARDS TO DISPLAY CITIZENSHIP STATUS; AMENDING SECTIONS 61-5-111 AND 61-12-501, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 61-5-111, MCA, is amended to read:

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

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

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

- (i) a full-face photograph of the licensee in the size and form prescribed by the department;
- (ii) a distinguishing number issued to the licensee;
- (iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;
- (iv) a brief description of the licensee;
- (v) either the licensee's customary manual signature or a reproduction of the licensee's customary

1 manual signature; and

2 (vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran; ;

3 and

4 (vii) on or after January 1, 2026, if the applicant is a citizen of the United States, an image of an
5 eagle to signify the licensee's status as a United States citizen.

6 (b) The department may not use the licensee's social security number as the distinguishing
7 number. A license is not valid until it is signed by the licensee.

8 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a
9 records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the
10 applicant's eyesight. The department may also require the applicant to submit to a knowledge and road or skills
11 test if:

12 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or
13 may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor
14 vehicle on the highway; and

15 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
16 appropriate to the applicant's functional abilities; or

17 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring
18 license.

19 (b) In the case of a commercial driver's license, the department shall, if the information was not
20 provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in
21 which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period
22 immediately preceding the date of the renewal application and may also require that the applicant successfully
23 complete a written examination as required by federal regulations.

24 (c) A person is considered to have applied for renewal of a Montana driver's license if the
25 application is made within 6 months before or 1 year after the expiration of the person's license or if the person
26 has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection
27 (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination
28 station.

(d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(v), a person may renew a driver's license by mail or online.

(ii) An applicant who renews a driver's license by mail or online shall submit a completed application and the fees required for renewal.

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

(iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online is 12 years for a driver's license or 8 years for a REAL ID-compliant driver's license.

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

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

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

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

(D) the applicant's license:

(I) has been expired for more than 1 year; or

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

(e) A renewal applicant who is stationed outside Montana on active military duty may renew the license by mail or online as long as the applicant is on active military duty.

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

(g) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.

(4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the

1 anniversary of the licensee's birthday 12 years or less after the date of issue or on the licensee's 75th birthday,
2 whichever occurs first.

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

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

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

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

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

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

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

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

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

25 (iii) commercial driver's license:

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

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

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

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

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

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

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

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

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

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

Section 2. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards -- lawful presence verification.

(1) The department may issue an identification card to any person who maintains a residence in this state and whose presence in the United States is authorized under federal law.

(2) On or after January 1, 2026, an identification card issued pursuant to this section to a citizen of the United States must display an image of an eagle to signify the licensee's status as a United States citizen.

~~(2)(3)~~ When an applicant who is not a citizen of the United States applies for an identification card, the department shall verify that the applicant is lawfully present in the United States by:

(a) using the federal systematic alien verification for entitlements program; ~~OR ANY OTHER VERIFICATION PROGRAM APPROVED BY THE FEDERAL GOVERNMENT.~~

(b) using any other verification program approved by the federal government; or

(c) allowing an applicant to establish proof of lawful presence in the United States with a valid:

(i) foreign passport with an I-551 stamp on a machine-readable immigrant visa;

(ii) form I-9, employment eligibility verification, from the department of homeland security;

(iii) form I-20, certificate of eligibility for nonimmigrant student status, endorsed by a designated
school official;

(iv) form DS-2019, certificate of eligibility for exchange visitor status, accompanied by a form I-94
or form I-94A as described in subsection (3)(c)(v);

(v) form I-94 or I-94A, arrival/departure record, issued by the United States customs and border
protection or the United States citizenship and immigration services;

(vi) form I-327, reentry permit, from the United States citizenship and immigration services;

(vii) form I-571, refugee travel document, from the United States citizenship and immigration
services;

(viii) form I-589, application for asylum and for withholding of removal, from the United States
citizenship and immigration services;

(ix) form I-797, notice of action, issued by the United States citizenship and immigration services;

(x) certification from the United States department of health and human services office of refugee
resettlement;

(xi) legal document showing the applicant is in an asylum process and awaiting a court date or the
outcome of an asylum proceeding;

(xii) legal document that indicates withholding of removal or withholding of deportation;

(xiii) administrative order issued by the United States department of homeland security staying
removal;

(xiv) eligibility letter issued by the office of refugee resettlement for persons who are under the age
of 18;

(xv) resident of American Samoa card; or

(xvi) other document that the department accepts as demonstrable proof of lawful presence in the
United States.

(4) The department shall revoke the identification card of a person who fails to remain lawfully

1 present in the United States.

2 ~~(3)~~~~(4)~~~~(5)~~ A person may only have one nonvoided driver's license or identification card issued by
3 the department at any time."
4

5 NEW SECTION. SECTION 3. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE THAT THE AGENCY
6 IMPLEMENTS THE PROVISIONS OF [THIS ACT] WITHIN EXISTING RESOURCES FOR THE DESIGN THAT DISPLAYS CITIZENSHIP
7 STATUS.
8

9 NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are
10 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
11 the part remains in effect in all valid applications that are severable from the invalid applications.
12

13 NEW SECTION. Section 5. Applicability. [This act] applies to a driver's license or identification card
14 issued on or after January 1, 2026.
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