

1 HOUSE BILL NO. 275

2 INTRODUCED BY E. STAFMAN, B. EDWARDS, M. LEE, P. STRAND, B. CLOSE, S. FYANT, J. WEBER, A.

3 GRIFFITH, M. CUNNINGHAM, S. ROSENZWEIG, T. RUNNING WOLF, M. FOX, C. KEOGH, C. POPE, D.

4 JOY

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6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DRIVING PRIVILEGE CARD; ESTABLISHING

7 ELIGIBILITY, THE APPLICATION PROCEDURE, AND THE REQUIRED CONTENT FOR A DRIVING

8 PRIVILEGE CARD; PROVIDING FOR THE VOIDING AND REVOCATION OF A DRIVING PRIVILEGE CARD;

9 PROVIDING FOR THE ADOPTION OF FEES FOR A DRIVING PRIVILEGE CARD; PROVIDING

10 RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 61-5-104, ~~61-5-105~~, 61-5-

11 110, 61-5-116, 61-5-121, 61-5-201, 61-5-203, 61-5-204, 61-11-503, AND 61-14-201, MCA; AND PROVIDING A

12 DELAYED EFFECTIVE DATE."

13

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

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16 NEW SECTION. Section 1. Driving privilege card -- eligibility. (1) (a) As used in [sections 1

17 through 5] and except as provided in subsections (1)(b) and (1)(c), "driving privilege card" means an

18 identification card that conveys permission to operate a motor vehicle.

19 (b) A motorcycle endorsement is necessary to operate a motorcycle.

20 (c) A driving privilege card may not be used to operate a commercial motor vehicle.

21 ~~(2) — A person who is ineligible for a driver's license under 61-5-105(10) is eligible for a driving~~

22 ~~privilege card.~~

23 ~~(3)(2)~~ (a) Except as provided in subsection ~~(3)(b)~~ (2)(b), a driving privilege card expires 2 years after

24 issuance.

25 (b) A driving privilege card issued to a person who is 19 or 20 years of age expires on the person's

26 21st birthday.

27 ~~(4)(3)~~ A driving privilege card may not be issued to a person:

28 (a) whose license or driving privilege is currently suspended, revoked, or canceled, or who is

disqualified from operating a commercial motor vehicle in this or any state, as evidenced by an ineligible status report from the national driver register, established under 49 U.S.C. 30302, or from the commercial driver's license information system, established under 49 U.S.C. 31309;

(b) who is addicted to the use of alcohol or narcotic drugs;

(c) who has previously been adjudged to be afflicted with or suffering from a mental disability or disease and who, at the time of application, has not been restored to competency by the methods provided by law;

(d) who is required by this chapter to take an examination;

(e) who has not deposited proof of financial responsibility when required under the provisions of Title 61, chapter 6;

(f) who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate a motor vehicle on the highway; or

(g) who has a condition characterized by lapse of consciousness or control, either temporary or prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor vehicle safely.

~~(5)(4)~~ A person may not be discriminated against on the basis of holding or presenting a driving privilege card.

~~(6)(5) A PERSON WHO IS ISSUED A DRIVING PRIVILEGE CARD AND WHO OWNS OR OPERATES A MOTOR VEHICLE MUST POSSESS, AT A MINIMUM, A MOTOR VEHICLE LIABILITY POLICY THAT MEETS OR EXCEEDS THE MINIMUM COVERAGE LIMITS UNDER 61-6-103, INCLUDING A POLICY CERTIFIED AS PROVIDED IN 61-6-133 AS PROOF OF FINANCIAL RESPONSIBILITY.~~

NEW SECTION. Section 2. Application for driving privilege card. (1) Each application for a driving privilege card must be made on a form furnished by the department and be accompanied by the proper fee as provided by rule.

(2) Each application must include the applicant's proof of identity, including full legal name, date of birth, and sex, and the applicant's proof of Montana residence AND PROOF OF LAWFUL PRESENCE IN THE UNITED STATES.

(3) An applicant may establish proof of identity with one of the following documents:

(a) a birth certificate;

(b) a marriage license;

(c) a valid identification issued by Montana or another state; or

(d) a valid passport issued by a foreign country.

(4) An applicant may establish proof of residence IN MONTANA with any two of the following documents:

(a) a lease;

(b) a bill;

(c) a school document;

(d) a medical document;

(e) an employment document;

(f) a faith-based document, including but not limited to baptismal or marriage records;

(g) an insurance document;

(h) a certificate of title;

(i) a change of address confirmation issued by the United States postal service; or

(j) a financial institution record.

(5) AN APPLICANT MAY ESTABLISH PROOF OF LAWFUL PRESENCE IN THE UNITED STATES BY PROVIDING EVIDENCE THAT THE APPLICANT IS IN AN ASYLUM PROCESS, HAS TEMPORARY PROTECTED STATUS, HAS SPECIAL JUVENILE STATUS, IS A VICTIM OF HUMAN TRAFFICKING AS DEFINED IN 45-5-701, HAS EMPLOYMENT AUTHORIZATION TO WORK IN THE UNITED STATES, OR HAS A LEGAL DOCUMENT PREVENTING REMOVAL FROM THE COUNTRY. AN APPLICANT MAY ESTABLISH PROOF OF LAWFUL PRESENCE IN THE UNITED STATES WITH A VALID:

(A) FOREIGN PASSPORT WITH AN I-551 STAMP ON A MACHINE-READABLE IMMIGRANT VISA;

(B) FORM I-9, EMPLOYMENT ELIGIBILITY VERIFICATION, FROM THE DEPARTMENT OF HOMELAND SECURITY;

(C) FORM I-20, CERTIFICATE OF ELIGIBILITY FOR NONIMMIGRANT STUDENT STATUS, ENDORSED BY A

1 DESIGNATED SCHOOL OFFICIAL;

2 (D) FORM DS-2019, CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR STATUS, ACCOMPANIED BY A
3 FORM I-94 OR FORM I-94A AS DESCRIBED IN SUBSECTION (5)(E);

4 (E) FORM I-94 OR I-94A, ARRIVAL/DEPARTURE RECORD, ISSUED BY THE UNITED STATES CUSTOMS AND
5 BORDER PROTECTION OR THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES;

6 (F) FORM I-327, REENTRY PERMIT, FROM THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES;

7 (G) FORM I-571, REFUGEE TRAVEL DOCUMENT, FROM THE UNITED STATES CITIZENSHIP AND IMMIGRATION
8 SERVICES;

9 (H) FORM I-589, APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL, FROM THE UNITED
10 STATES CITIZENSHIP AND IMMIGRATION SERVICES;

11 (I) FORM I-797, NOTICE OF ACTION, ISSUED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION
12 SERVICES;

13 (J) CERTIFICATION FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF
14 REFUGEE RESETTLEMENT;

15 (K) LEGAL DOCUMENT SHOWING THE APPLICANT IS IN AN ASYLUM PROCESS AND AWAITING A COURT DATE
16 OR THE OUTCOME OF AN ASYLUM PROCEEDING;

17 (L) LEGAL DOCUMENT THAT INDICATES WITHHOLDING OF REMOVAL OR WITHHOLDING OF DEPORTATION;

18 (M) ADMINISTRATIVE ORDER ISSUED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY
19 STAYING REMOVAL;

20 (N) ELIGIBILITY LETTER ISSUED BY THE OFFICE OF REFUGEE RESETTLEMENT FOR PERSONS WHO ARE
21 UNDER THE AGE OF 18;

22 (O) RESIDENT OF AMERICAN SAMOA CARD; OR

23 (P) OTHER DOCUMENT THAT THE DEPARTMENT ACCEPTS AS DEMONSTRABLE PROOF OF LAWFUL
24 PRESENCE IN THE UNITED STATES.

25 ~~(5)(6)~~ A person may not be discriminated against on the basis that the person applied for, was
26 denied, or was issued a driving privilege card.

27 ~~(6)(7)~~ Disclosure of records related to driving privilege cards is governed by Title 61, chapter 11, part
28 5.

(7)(8) Each applicant must be examined pursuant to 61-5-110.

NEW SECTION. Section 3. Content of driving privilege card. A driving privilege card must contain:

- (1) a full-face photograph of the person issued the card, in the size and form prescribed by the department;
- (2) a distinguishing number issued to the person by the department;
- (3) the person's full legal name, date of birth, and Montana residence address, unless the person requests the use of the person's mailing address;
- (4) a brief description of the person;
- (5) either the person's customary manual signature or a reproduction of the person's customary manual signature;
- (6) the issuance date and the expiration date of the driving privilege card;
- (7) any endorsements or restrictions applicable to the person; **and**
- (8) spaces for indicating whether the person has executed:
 - (a) a document under 72-17-201 of intent to make a gift of all or part of the driver's body under the Uniform Anatomical Gift Act; or
 - (b) a declaration under 50-9-103 relating to the use of life-sustaining treatment; **and**
- (9) the following statement, printed in a conspicuous manner: "Valid for driving only".**

NEW SECTION. Section 4. Administration of driving privilege card. County treasurers or other qualified officers appointed by the department pursuant to 61-5-111 must be the department's agents for the sale of driving privilege receipts.

NEW SECTION. Section 5. Revocation of driving privilege card. If the possessor of a driving privilege card is in removal proceedings or has been ordered removed from the United States, the driving privilege card is void and may be revoked by the motor vehicle division.

Section 6. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of the person who holds a valid license issued by another state;

(c) a person on active duty in the armed forces of the United States and in immediate possession of a valid license issued to that person in a foreign country by the armed forces of the United States, for a period of 45 days from the date of the person's return to the United States;

(d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined in 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

(e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including operation on a railroad crossing a public street, road, or highway. A person employed as described in this subsection (1)(e) is not required to display a driver's license to a law enforcement officer in connection with the operation of a railroad train within Montana.

(f) a person who temporarily drives, operates, or moves an off-highway vehicle on a forest development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway vehicle use by the United States forest service if the person:

(i) is under 16 years of age but at least 12 years of age; and

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter.

(2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid operator's license issued to the nonresident by the nonresident's home state or country may operate a motor vehicle, except a commercial motor vehicle, in this state.

(3) (a) A nonresident who is in immediate possession of a valid commercial driver's license issued

to the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

(b) For the purpose of this chapter, "jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, a province or territory of Canada, or the federal district of Mexico.

(4) A nonresident who is at least 18 years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

(5) (a) A driver's license issued under this chapter to a person who enters the United States armed forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service.

(b) A person serving in the United States armed forces may renew the person's driver's license at any point of the person's service, and any renewed license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law.

(c) A person serving in the United States armed forces may apply for a Montana driver's license upon meeting the requirements in 61-5-103, and this license continues in effect as long as the service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days following the date on which the licensee is honorably separated from the service.

(6) A person who is in immediate possession of a driving privilege card issued by this state or another state may operate a motor vehicle in this state."

Section 7. Section 61-5-105, MCA, is amended to read:

~~"61-5-105. Who may not be licensed. The department may not issue a license under this chapter to a person:~~

~~(1) who is under 16 years of age unless:~~

~~(a) the person is at least 15 years of age and has passed a driver's education course approved by the department and the superintendent of public instruction; or~~

~~(b) the person is at least 13 years of age and, because of individual hardship, to be determined by~~

~~the department, needs a restricted license;~~

~~(2) — whose license or driving privilege is currently suspended, revoked, or canceled, except as provided in 61-5-232, or who is disqualified from operating a commercial motor vehicle in this or any state, as evidenced by an ineligible status report from the national driver register, established under 49 U.S.C. 30302, or from the commercial driver's license information system, established under 49 U.S.C. 31309;~~

~~(3) — who is addicted to the use of alcohol or narcotic drugs;~~

~~(4) — who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who, at the time of application, has not been restored to competency by the methods provided by law;~~

~~(5) — who is required by this chapter to take an examination;~~

~~(6) — who has not deposited proof of financial responsibility when required under the provisions of chapter 6 of this title;~~

~~(7) — who has any condition characterized by lapse of consciousness or control, either temporary or prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a commercial motor vehicle under applicable state or federal regulations.~~

~~(8) — who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate a motor vehicle on the highway;~~

~~(9) — who is not a resident of or domiciled in Montana except as provided in 61-5-103(3); or~~

~~(10) — whose presence in the United States is not authorized under federal law. When an applicant who is not a citizen of the United States applies for a driver's license, the department shall verify that the applicant is lawfully present in the United States by using the federal systematic alien verification for entitlements program. The department may not accept a driver's license issued by another state as proof that an applicant is lawfully present in the United States under federal law. A person who is ineligible for a driver's license under this subsection (10) is eligible for a driving privilege card under [section 1]."~~

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2 **Section 7.** Section 61-5-110, MCA, is amended to read:

3 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**

4 **testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a

5 driver's license or a driving privilege card, the department shall conduct a check of the applicant's driving record

6 by querying the national driver register, established under 49 U.S.C. 30302, and the commercial driver's license

7 information system, established under 49 U.S.C. 31309.

8 (2) (a) The department shall examine each applicant for a driver's license, ~~or~~ motorcycle

9 endorsement, or driving privilege card, except as otherwise provided in this section. The examination must

10 include a test of the applicant's eyesight, a knowledge test examining the applicant's ability to read and

11 understand highway signs and the applicant's knowledge of the traffic laws of this state, and, except as

12 provided in 61-5-118, a road test or a skills test demonstrating the applicant's ability to exercise ordinary and

13 reasonable control in the safe operation of a motor vehicle or motorcycle. The road test or skills test must be

14 performed by the applicant in a motor vehicle that the applicant certifies is representative of the class and type

15 of motor vehicle for which the applicant is seeking a license or endorsement.

16 (b) The knowledge test, road test, or skills test may be waived by the department:

17 (i) upon certification of the applicant's successful completion of the test by a certified cooperative

18 driver testing program as provided in subsection (4) or by a certified third-party commercial driver testing

19 program as provided in 61-5-118; or

20 (ii) in accordance with a driver's license reciprocity agreement between the department and a

21 foreign country.

22 (c) The skills test may be waived by the department upon the applicant's completion of the

23 requirements of 61-5-123.

24 (3) The department shall, pursuant to administrative rule authority granted in 61-14-202(4), (5),

25 and (6), conduct records checks prior to processing a nonexempt commercial driver's license application and

26 prior to renewing, transferring, or upgrading a commercial driver's license or commercial learner's permit, and

27 shall act in conformity with the legislative direction provided in 61-14-202(5) and (6) upon receiving results from

28 records checks. The department shall implement the administrative rules on or before January 1, 2024.

(4) The department is authorized to certify as a cooperative driver testing program any state-approved high school traffic education course offered by or in cooperation with a school district that employs an approved instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic education or any motorcycle safety training course approved by the board of regents and that employs an approved instructor of motorcycle safety training and who agrees to:

(a) administer standardized knowledge and road tests or skills tests required by the department to students participating in the district's high school traffic education courses or motorcycle safety training courses approved by the board of regents;

(b) certify the test results to the department; and

(c) comply with regulations of the department, the superintendent of public instruction, and the board of regents.

(5) (a) Except as otherwise provided by law, an applicant who has a driver's license issued by another jurisdiction that is currently valid or expired for less than 1 year may surrender that license for a Montana license of the same class, type, and endorsement upon payment of the required fees and successful completion of a vision examination. In addition, an applicant surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any examination required by federal regulations before being issued a commercial driver's license by the department.

(b) The department may require an applicant who surrenders a driver's license or driving privilege card issued by another jurisdiction that is currently valid or expired for less than 1 year to submit to a knowledge and road or skills test if:

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

(ii) the surrendered license or card does not include readily discernible adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

(c) When a license or card from another jurisdiction is surrendered, the department shall notify the issuing agency from the other jurisdiction that the applicant has surrendered the license or card. If the applicant

wants to retain the license or card from another jurisdiction for identification or other nondriving purposes, the department shall place a distinctive mark on the license or card, indicating that the license or card may be used for nondriving purposes only, and return the marked license or card to the applicant.

(6) The department may enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and exchange of a valid driver's license or driving privilege card issued by this state or the foreign country if the department determines that the licensing standards of the foreign country are comparable to those of this state. The agreement may not include the reciprocal exchange of a commercial driver's license."

Section 8. Section 61-5-116, MCA, is amended to read:

"61-5-116. License to be carried and exhibited on demand. (1) A licensee must have the licensee's driver's license in the licensee's immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of the department. However, a person charged with violating this section may not be convicted if the person produces in court or the office of the arresting officer a driver's license issued to the person and valid at the time of the person's arrest.

(2) (a) Beginning September 1, 2025, a licensee may meet the requirements of subsection (1) by having a digital or hard copy version of the licensee's driver's license in the licensee's immediate possession at all times when operating a motor vehicle and displaying the license upon demand.

(b) Only a digital or hard copy version of the licensee's driver's license issued and authorized by the department is sufficient to meet the requirements of this section.

(3) As used in this section:

(a) "driver's license" has the same meaning as provided in 61-1-101 and includes a driving privilege card issued pursuant to [section 1]; and

(b) "licensee" includes a person who has been issued a driver's license or a driving privilege card."

Section 9. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) Except as provided in subsection (3), the disposition of the fees from driver's licenses, driving privilege cards, motorcycle endorsements, commercial driver's licenses, and

1 replacement driver's licenses provided for in 61-5-114 is as follows:

2 (a) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
3 of 2.5% of each driver's license fee, 2.5% of each commercial driver's license fee, and 3.75% of each
4 replacement driver's license fee must be deposited into the county general fund.

5 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(a)(i) must
6 be deposited into the state general fund.

7 (b) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of
8 3.34% of each motorcycle endorsement must be deposited into the county general fund.

9 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(b)(i) must be
10 deposited into the state general fund.

11 (c) The amount of 20.7% of each driver's license fee, 16.94% of each commercial driver's license
12 fee, and 8.75% of each replacement driver's license fee must be deposited into the state traffic education
13 account.

14 (d) In addition to the amounts deposited pursuant to subsections (1)(a)(ii) and (1)(b)(ii), the
15 remainder of each driver's license fee, each commercial driver's license fee, and each replacement driver's
16 license fee must be deposited into the state general fund.

17 (e) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state
18 motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle
19 endorsement fee must be deposited into the state general fund.

20 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
21 replacement driver's licenses are collected by a county treasurer or other agent of the department, the county
22 treasurer or agent shall deposit the amounts provided for in subsections (1)(a)(i) and (1)(b)(i) into the county
23 general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit as
24 provided in subsections (1)(c) through (1)(e).

25 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
26 replacement driver's licenses are collected by the department, it shall deposit the fees as provided in
27 subsections (1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(e).

28 (3) The fee for a renewal notice, whether collected by a county treasurer, an authorized agent, or

the department, must be remitted to the department for deposit in the state general fund.

(4) As used in this section, "driver's license" has the same meaning as provided in 61-1-101 and includes a driving privilege card issued pursuant to [section 1]."

Section 10. Section 61-5-201, MCA, is amended to read:

"61-5-201. Authority of department to cancel license. (1) The department may cancel a driver's license if it has reasonable grounds to believe that:

(a) the licensee was not entitled to the issuance;

(b) since the issuance, the licensee has become ineligible as determined pursuant to the provisions of 61-5-105;

(c) the licensee failed to give the required or correct information in the licensee's application or committed any fraud in making the application; or

(d) the licensee has applied for another driver's license or an identification card issued by the department.

(2) Upon cancellation, the licensee shall surrender the canceled license to the department.

(3) A person whose driver's license is canceled because the person failed to give the required or correct information on the application or committed any fraud in making the application is disqualified from operating a commercial motor vehicle for a period of 60 days from the date of the cancellation.

(4) As used in this section:

(a) "driver's license" has the same meaning as provided in 61-1-101 and includes a driving privilege card issued pursuant to [section 1]; and

(b) "licensee" includes a person who has been issued a driver's license or a driving privilege card."

Section 11. Section 61-5-203, MCA, is amended to read:

"61-5-203. Suspending privileges of nonresidents and unlicensed persons. (1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident pursuant to 61-5-104(2) through (4) and (6) is subject to suspension or revocation by the department in like manner and for like causes as a driver's license issued under this chapter.

(2) An unlicensed person's privilege to apply for and be issued a driver's license in this state is subject to suspension or revocation by the department in like manner and for like causes as a driver's license issued under this chapter."

Section 12. Section 61-5-204, MCA, is amended to read:

"61-5-204. Suspending resident's license upon conviction in another state. (1) The department may suspend or revoke the driver's license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another jurisdiction of an offense in that jurisdiction ~~which~~ that, if committed in this state, would be grounds for the suspension or revocation of the driver's license.

(2) As used in this section, "driver's license" has the same meaning as provided in 61-1-101 and includes a driving privilege card issued pursuant to [section 1]."

Section 13. Section 61-11-503, MCA, is amended to read:

"61-11-503. Definitions. As used in this part, the following definitions apply:

(1) "Disclose" means to engage in any practice or conduct that makes available or known, by means of any communication to another person, organization, or entity, personal information contained in a motor vehicle record.

(2) "Express consent" means an affirmative authorization given in writing by a person to whom personal information pertains that specifically allows the department to release personal information to another person, organization, or entity. Consent may be conveyed electronically if the conveyance includes an electronic signature, as defined in 30-18-102, from the person to whom the personal information pertains.

(3) "Highly restricted personal information" means an individual's photograph or image, social security number, or medical or disability information.

(4) "Motor vehicle record" means any record maintained by the department that pertains to a driver's license, commercial driver's license, driving permit, driving privilege card, identification card, or title or registration for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle.

(5) "Person" does not mean a state agency or local government entity.

(6) (a) "Personal information" means information that identifies a person, including a person's name, address, telephone number, social security number, driver's license or identification number, date of birth, photograph or image, and medical or disability information.

(b) The term does not include the five-digit zip code of an address, information on vehicular accidents, driving or equipment-related violations, a person's driver's license or vehicle registration status, or a vehicle's insurance status.

(7) "Record" includes all books, papers, photographs, photostats, cards, film, tapes, recordings, electronic data, printouts, or other documentary materials, regardless of physical form or characteristics."

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

"61-14-201. Rulemaking authority -- driver's licenses and identification cards. (1) The department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

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

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

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

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

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

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

- 1 (8) The department shall adopt rules establishing the functional abilities and skills required to
2 exercise ordinary and reasonable control to safely operate a motor vehicle. The rules:
- 3 (a) must include operational restrictions based on the driver's ability and skills;
- 4 (b) may direct the design of one or more types of skills tests. A skills test may consist of:
- 5 (i) a comprehensive assessment of a person's functional abilities by means of an actual
6 demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a
7 motor vehicle; or
- 8 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the
9 department, as related to a specific physical or mental condition or conditions or a request for reexamination.
- 10 (c) must include appropriate licensing criteria relating to the use of adaptive equipment or
11 operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction.
- 12 (9) The department shall adopt rules establishing vision requirements for a person to safely
13 operate a motor vehicle. The rules:
- 14 (a) must include the minimum uncorrected or corrected visual acuity requirements for both
15 unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or
16 licensee, including the use of bioptic lenses; and
- 17 (b) may include minimum field of vision and depth perception requirements for both unrestricted
18 and restricted licenses.
- 19 (10) The rules in subsections (8) and (9):
- 20 (a) may take into consideration any nationally recognized standards or recommended practices or
21 standards of other jurisdictions for assessment of a person's functional abilities and skills;
- 22 (b) may be derived from medical guidelines and information compiled by driver licensing medical
23 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for
24 persons with disabilities and senior citizens; and
- 25 (c) except as provided in 61-5-105, may not use a person's age or a person's physical or mental
26 disability, limitation, or condition as a justification for the denial of a license.
- 27 (11) The department shall adopt rules governing the issuance of a restricted learner license,
28 including when the department may issue a restricted learner license to allow for a driver to practice driving

1 skills.

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

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

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

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

13 (c) the expiration of a probationary license;

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

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

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

(21) The department shall adopt rules governing restrictions for personal communication limitations and other medical information that would be helpful to a peace officer during a traffic stop.

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

(23) (a) By September 1, 2025, the department shall establish a program that allows every qualifying applicant for a driver's license the option to acquire a digital version of the applicant's driver's license in addition to the physical version issued pursuant to 61-5-116.

(b) By July 1, 2025, the department shall adopt rules to implement subsection (23)(a), including but not limited to issuance requirements, specifications, security and privacy protections, and allowable uses associated with the digital driver's license.

(24) The department shall adopt rules necessary to implement [sections 1 through 5], including setting fees, which must be reasonably related to the costs to the department.

~~(24)~~(25)The department may adopt rules to implement any other provision of this title."

NEW SECTION. Section 15. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [sections 1 through 5].

NEW SECTION. Section 16. Effective date. [This act] is effective January 1, 2026.

- END -