

HOUSE BILL NO. 59  
INTRODUCED BY HARRINGTON

IN THE HOUSE

DECEMBER 31, 1990                   INTRODUCED AND REFERRED TO COMMITTEE  
                                          ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991                    FIRST READING.

JANUARY 25, 1991                   COMMITTEE RECOMMEND BILL  
                                          DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 26, 1991                   PRINTING REPORT.

JANUARY 28, 1991                   ON MOTION, CONSIDERATION PASSED.

JANUARY 30, 1991                   SECOND READING, DO PASS AS AMENDED.

JANUARY 31, 1991                   ENGROSSING REPORT.

FEBRUARY 1, 1991                   THIRD READING, PASSED.  
                                          AYES, 87; NOES, 12.

                                          TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
                                          ON HIGHWAYS & TRANSPORTATION.

                                          FIRST READING.

MARCH 20, 1991                    COMMITTEE RECOMMEND BILL BE  
                                          CONCURRED IN AS AMENDED. REPORT  
                                          ADOPTED.

MARCH 22, 1991                    SECOND READING, CONCURRED IN.

MARCH 23, 1991                    THIRD READING, CONCURRED IN.  
                                          AYES, 45; NOES, 2.

                                          RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991                    RECEIVED FROM SENATE.

                                          SECOND READING, AMENDMENTS  
                                          CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

## 1 HOUSE BILL NO. 59

2 INTRODUCED BY HARRINGTON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RELEASE OF  
5 A PERSON'S DRIVING RECORD WITHOUT THAT PERSON'S APPROVAL,  
6 EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY; AND  
7 AMENDING SECTION 61-11-105, MCA."

8

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

10 **Section 1.** Section 61-11-105, MCA, is amended to read:

11 **"61-11-105. Release of information -- fees.** (1) **The**  
12 **Except as provided in subsection (2), the department shall,**  
13 **upon request and with the licensee's approval,** furnish a  
14 person the individual driving record of a licensee showing  
15 the following:

16 (a) licensee identification data and address;  
17 (b) driver's license status and expiration date;  
18 (c) convictions of the licensee; and  
19 (d) traffic accidents in which the licensee was  
20 involved.

21 ~~(2) Information relating to a traffic accident that did~~  
22 ~~not involve a conviction, as defined in 61-11-203, may not~~  
23 ~~be released by the department unless the release is~~  
24 ~~requested or approved by a party involved in the accident or~~  
25 ~~is required by court order or a duly executed subpoena. The~~

1 department shall, upon request, furnish a criminal justice  
2 agency the individual driving record of a licensee showing  
3 the items listed in subsections (1)(a) through (1)(d).

4 (3) A fee of \$3 must be paid for each record requested.  
5 A fee of \$10 must be paid if a certified record, as provided  
6 in 61-11-102(6), is requested ~~as provided in 61-11-102(6).~~  
7 Individual driving records must be provided without charge  
8 to any criminal justice agency, as defined in 44-5-103, or  
9 other state or federal agency."

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 59

INTRODUCED BY HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RELEASE OF  
A PERSON'S DRIVING RECORD WITHOUT THAT PERSON'S APPROVAL,  
EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY; PROVIDING  
CERTAIN EXCEPTIONS; AND AMENDING SECTION 61-11-105, MCA."

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

**Section 1.** Section 61-11-105, MCA, is amended to read:

"61-11-105. Release of information -- fees. (1) The  
Except as provided in subsection (2), the department shall,  
upon request and with the licensee's approval, furnish a  
person the individual driving record of a licensee showing  
the following:

- (a) licensee identification data and address;
- (b) driver's license status and expiration date;
- (c) convictions of the licensee; and
- (d) traffic accidents in which the licensee was  
involved.

(2) ~~Information relating to a traffic accident that did  
not involve a conviction, as defined in 61-11-203, may not  
be released by the department unless the release is  
requested or approved by a party involved in the accident or  
is required by court order or a duly executed subpoena. The~~

department shall, upon request, furnish a criminal justice  
agency, a representative of the media, or any person or firm  
having a legitimate purpose as determined by the department  
with the individual driving record of a licensee showing the  
items listed in subsections (1)(a) through (1)(d).

(3) A fee of \$3 must be paid for each record requested.  
A fee of \$10 must be paid if a certified record, as provided  
in 61-11-102(6), is requested ~~as provided in 61-11-102(6).~~  
Individual driving records must be provided without charge  
to any criminal justice agency, as defined in 44-5-103, or  
other state or federal agency."

-End-

SECOND READING



1 HOUSE BILL NO. 59  
2 INTRODUCED BY HARRINGTON  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RELEASE OF  
5 A PERSON'S DRIVING RECORD WITHOUT THAT PERSON'S APPROVAL;  
6 ~~EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY;~~ PROVIDING  
7 CERTAIN EXCEPTIONS; INCREASING FEES FOR REQUESTS FOR DRIVING  
8 RECORDS; AND AMENDING SECTION 61-11-105, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 61-11-105, MCA, is amended to read:

12 "61-11-105. Release of information -- fees. (1) The  
13 Except as provided in subsection (2), the department shall,  
14 upon request and with the licensee's approval, furnish a  
15 person the individual driving record of a licensee showing  
16 the following:

- 17 (a) licensee identification data and address;
- 18 (b) driver's license status and expiration date;
- 19 (c) convictions of the licensee; and
- 20 (d) traffic accidents in which the licensee was  
21 involved.

22 (2) ~~Information relating to a traffic accident that did~~  
23 ~~not involve a conviction, as defined in 61-11-203,~~ may not  
24 ~~be released by the department unless the release is~~  
25 ~~requested or approved by a party involved in the accident or~~

1 ~~is required by court order or a duly executed subpoena~~  
2 ~~information relating to a traffic accident that did not~~  
3 ~~involve a conviction, as defined in 61-11-203, may not be~~  
4 ~~released by the department unless the release is requested~~  
5 ~~or approved by a party involved in the accident or is~~  
6 ~~required by court order or a duly executed subpoena. The~~  
7 ~~department shall, upon request, furnish a criminal justice~~  
8 ~~agency, a representative of the media, or any person or firm~~  
9 ~~having a legitimate purpose as determined by the department~~  
10 ~~with the individual driving record of a licensee showing the~~  
11 ~~items listed in subsections (1)(a) through (1)(d).~~

12 (3) A fee of \$3 \$6 must be paid for each record  
13 requested. A fee of ~~\$10~~ \$15 must be paid if a certified  
14 record, as provided in 61-11-102(6), is requested ~~as~~  
15 ~~provided in 61-11-102(6).~~ Individual driving records must be  
16 provided without charge to any criminal justice agency, as  
17 defined in 44-5-103, or other state or federal agency."

-End-

THIRD READING



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 20, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 59 (third reading copy as amended -- blue), respectfully report that House Bill No. 59 be amended and as so amended be concurred in.

1. Title, lines 7 and 8.

Strike: "INCREASING FEES FOR REQUESTS FOR DRIVING RECORDS;"

2. Page 1, line 10.

Following: line 9

Insert: "

STATEMENT OF INTENT

To implement 61-11-105(2), a statement of intent is required for this bill to provide guidelines for the adoption of rules under which the department of justice may determine if a person or firm has a legitimate purpose for requesting the individual driving record of a licensee. "Legitimate purpose" includes the formation and execution of a contract when the contract relies in part upon the contents of an individual's driving record."

3. Page 2, line 12.

Strike: "\$6"

Insert: "\$3"

4. Page 2, line 13.

Strike: "\$15"

Insert: "\$10"

Signed: \_\_\_\_\_

Cecil Weeding, Chairman

*AM 3-20-19*  
Amd. Coord.

*SB 3-20 12:45*  
Sec. of Senate

SENATE  
HB 59

## 1 HOUSE BILL NO. 59

2 INTRODUCED BY HARRINGTON

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RELEASE OF  
5 A PERSON'S DRIVING RECORD WITHOUT THAT PERSON'S APPROVAL,  
6 ~~EXCEPT FOR A RELEASE TO A CRIMINAL JUSTICE AGENCY; PROVIDING~~  
7 ~~CERTAIN EXCEPTIONS; INCREASING FEES FOR REQUESTS FOR DRIVING~~  
8 ~~RECORDS;~~ AND AMENDING SECTION 61-11-105, MCA."

9  
10 STATEMENT OF INTENT

11 TO IMPLEMENT 61-11-105(2), A STATEMENT OF INTENT IS  
12 REQUIRED FOR THIS BILL TO PROVIDE GUIDELINES FOR THE  
13 ADOPTION OF RULES UNDER WHICH THE DEPARTMENT OF JUSTICE MAY  
14 DETERMINE IF A PERSON OR FIRM HAS A LEGITIMATE PURPOSE FOR  
15 REQUESTING THE INDIVIDUAL DRIVING RECORD OF A LICENSEE.  
16 "LEGITIMATE PURPOSE" INCLUDES THE FORMATION AND EXECUTION OF  
17 A CONTRACT WHEN THE CONTRACT RELIES IN PART UPON THE  
18 CONTENTS OF AN INDIVIDUAL'S DRIVING RECORD.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 61-11-105, MCA, is amended to read:

22 "61-11-105. Release of information -- fees. (1) The  
23 Except as provided in subsection (2), the department shall,  
24 upon request and with the licensee's approval, furnish a  
25 person the individual driving record of a licensee showing

1 the following:

- 2 (a) licensee identification data and address;  
3 (b) driver's license status and expiration date;  
4 (c) convictions of the licensee; and  
5 (d) traffic accidents in which the licensee was  
6 involved.
- 7 (2) ~~information relating to a traffic accident that did~~  
8 ~~not involve a conviction, as defined in 61-11-203, may not~~  
9 ~~be released by the department unless the release is~~  
10 ~~requested or approved by a party involved in the accident or~~  
11 ~~is required by court order or a duly executed subpoena.~~  
12 INFORMATION RELATING TO A TRAFFIC ACCIDENT THAT DID NOT  
13 INVOLVE A CONVICTION, AS DEFINED IN 61-11-203, MAY NOT BE  
14 RELEASED BY THE DEPARTMENT UNLESS THE RELEASE IS REQUESTED  
15 OR APPROVED BY A PARTY INVOLVED IN THE ACCIDENT OR IS  
16 REQUIRED BY COURT ORDER OR A DULY EXECUTED SUBPOENA. The  
17 department shall, upon request, furnish a criminal justice  
18 agency, a representative of the media, or any person or firm  
19 having a legitimate purpose as determined by the department  
20 with the individual driving record of a licensee showing the  
21 items listed in subsections (1)(a) through (1)(d).
- 22 (3) A fee of \$3 ~~\$6~~ \$3 must be paid for each record  
23 requested. A fee of \$10 ~~\$15~~ \$10 must be paid if a certified  
24 record, as provided in 61-11-102(6), is requested as  
25 ~~provided in 61-11-102(6).~~ Individual driving records must be

HB 0059/04

- 1 provided without charge to any criminal justice agency, as
- 2 defined in 44-5-103, or other state or federal agency."

-End-