

HOUSE BILL 250

Introduced by Harper, et al.

1/17	Introduced
1/17	Referred to Highways & Transportation
1/18	First Reading
1/18	Fiscal Note Requested
1/24	Fiscal Note Received
1/26	Fiscal Note Printed
1/29	Hearing
2/05	Tabled in Committee

1 HOUSE BILL NO. 250  
 2 INTRODUCED BY Hayden ~~announced~~ Bob Labin  
 3 John DeBourcier  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN APPLICANT  
 5 FOR RENEWAL OF A DRIVER'S LICENSE TO WATCH A VIDEO TAPE OR  
 6 FILM AND SUCCESSFULLY COMPLETE A TEST ON ITS CONTENTS;  
 7 INCREASING THE FEE FOR RENEWAL OF A DRIVER'S LICENSE;  
 8 ALLOCATING THE INCREASED INCOME TO PAY COSTS OF THE VIDEO  
 9 TAPE OR FILM; AMENDING SECTIONS 61-5-111 AND 61-5-121, MCA;  
 10 AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY  
 11 DATE."  
 12

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

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

15 "61-5-111. Renewals, expirations, and fees for  
 16 licenses, permits, and endorsements. (1) The department has  
 17 authority to appoint county treasurers and other qualified  
 18 officers to act as its agents for the sale of driver's  
 19 licenses receipts and shall make necessary rules governing  
 20 sales. In those areas where the department provides driver  
 21 licensing services 3 days or more a week, the department is  
 22 responsible for sale of receipts and may not appoint an  
 23 agent. The department, upon receipt of payment of the fees  
 24 specified in this section, shall issue a driver's license to  
 25 every qualifying applicant. The license shall contain a

1 full-face photograph of the licensee in the size and form  
 2 prescribed by the department, except as provided in  
 3 subsection (4); a distinguishing number issued to the  
 4 licensee; the full name, date of birth, residence address,  
 5 and a brief description of the licensee; and either a  
 6 facsimile of the signature of the licensee or a space upon  
 7 which he shall write his signature in pen and ink  
 8 immediately upon receipt of the license. A license is not  
 9 valid until it is signed by the licensee.

10 (2) (a) The department;

11 (i) shall, when any a person applies for renewal of a  
 12 driver's license;

13 (A) test the applicant's eyesight; and

14 (B) require the applicant to view the video tape or  
 15 film presentation required under [section 4] and  
 16 successfully complete a written examination on the content  
 17 of the material in the video tape or film; and

18 (ii) may also--in--the--department's--discretion have  
 19 require the applicant to demonstrate his physical ability to  
 20 operate and to exercise ordinary and reasonable care in the  
 21 operation of a motor vehicle.

22 (b) In the case of commercial vehicle operator's  
 23 endorsements, the department may also require that the  
 24 applicant successfully complete a written examination as  
 25 required by federal regulations.

1 (c) A person is considered to have applied for renewal  
2 of a Montana driver's license if the application is made  
3 within 3 months of the expiration of his license.

4 (3) A license expires on the anniversary of the date of  
5 birth of the licensee 4 years or less after the date of  
6 issue.

7 (4) A license issued to a person under the age of 21  
8 years must contain a photograph of the licensee's profile.

9 (5) Whenever the department issues an original license  
10 to a person under the age of 18 years, the license shall  
11 must be designated and clearly marked as a "provisional  
12 license". Any A license designated and marked as provisional  
13 may be suspended by the department for a period of not more  
14 than 12 months, when its records disclose that the licensee,  
15 subsequent to the issuance of such license, has been guilty  
16 of careless or negligent driving. Upon renewal the  
17 department may, for any reasonable cause as shown by its  
18 records, designate the renewal of the license as  
19 provisional; otherwise, a license in usual form must be  
20 issued subject to other provisions of the laws of Montana.

21 (6) ~~It--is-unlawful-for-any~~ A person to may not have in  
22 his possession or under his control more than one Montana  
23 driver's license at any one time. A license is not valid for  
24 the operation of a motorcycle or quadricycle until the  
25 holder thereof of the license has completed the requirements

1 of 61-5-110 and the license has been clearly marked with the  
2 words "motorcycle endorsement". A license is not valid for  
3 the operation of a commercial vehicle until the holder  
4 thereof of the license has completed the requirements of  
5 61-5-110 and the license has been clearly marked with the  
6 words "commercial vehicle operator's endorsement".

7 (7) Fees for driver's licenses are:

8 (a) driver's license -- \$3 \$3.25 per year or fraction  
9 thereof of a year;

10 (b) motorcycle endorsement -- 50 cents per year or  
11 fraction thereof of a year;

12 (c) commercial vehicle operator's endorsement:

13 (i) interstate -- \$3 per year or fraction thereof of a  
14 year;

15 (ii) intrastate -- \$1.50 per year or fraction thereof of  
16 a year.

17 (8) A license designated as a chauffeur's license as of  
18 January 1, 1988, is valid as a commercial vehicle operator's  
19 endorsement until the expiration of the license.

20 (9) The holder of a chauffeur's license may convert his  
21 chauffeur's license to a commercial vehicle operator's  
22 endorsement by paying the appropriate fee covering the  
23 remainder of the life of his license and complying with the  
24 requirements established by the department.

25 (10) The holder of a valid chauffeur's license who is

1 renewing and wishes to obtain a commercial vehicle  
2 operator's endorsement may do so upon paying the appropriate  
3 fees and complying with the requirements established by the  
4 department."

5 **Section 2.** Section 61-5-121, MCA, is amended to read:

6 "**61-5-121. Disposition of fees.** (1) The disposition of  
7 the fees from driver's licenses provided for in  
8 61-5-111(7)(a), motorcycle endorsements provided for in  
9 61-5-111(7)(b), commercial vehicle operator's endorsements  
10 provided for in 61-5-111(7)(c), and duplicate driver's  
11 licenses provided for in 61-5-114 is as follows:

12 (a) The amount of ~~33-1/3%~~ 30.77% of each driver's  
13 license fee and 33 1/3% of each duplicate driver's license  
14 fee must be deposited into an account in the state special  
15 revenue fund. The department shall transfer the funds from  
16 this account to the Montana highway patrol officers'  
17 retirement pension trust fund as provided in 19-6-404. Funds  
18 transferred from the account are statutorily appropriated,  
19 as provided in 17-7-502, to the pension trust fund.

20 (b) (i) If the fees are collected by a county treasurer  
21 or other agent of the department, the amount of 5% of each  
22 driver's license fee and of each duplicate driver's license  
23 fee must be deposited into the county general fund.

24 (ii) If the fees are collected by the department, the  
25 amount provided for in subsection (1)(b)(i) must be

1 deposited into the state special revenue fund for use by the  
2 department to defray the costs of issuing licenses or  
3 duplicate licenses.

4 (c) (i) If the fee is collected by a county treasurer  
5 or other agent of the department, the amount of 5% of each  
6 motorcycle endorsement must be deposited into the county  
7 general fund.

8 (ii) If the fee is collected by the department, the  
9 amount provided for in subsection (1)(c)(i) must be  
10 deposited into the state special revenue fund for use by the  
11 department to defray the costs of issuing motorcycle  
12 endorsements.

13 (d) The amount of ~~23-1/3%~~ 21.51% of each driver's  
14 license fee and 23 1/3% of each duplicate driver's license  
15 fee and the amount of 35% of each motorcycle endorsement fee  
16 must be deposited into the state traffic education account.

17 (e) The amount of ~~38-1/3%~~ 35.35% of each driver's  
18 license fee and 38.35% of each duplicate driver's license  
19 fee and the amount of 60% of each motorcycle endorsement fee  
20 must be deposited into the state general fund.

21 (f) If the fee is collected by the county treasurer or  
22 other agent of the department, the amount of 5% of each  
23 commercial vehicle operator's endorsement fee must be  
24 deposited into the county general fund, otherwise all of the  
25 fee must be deposited in the state general fund.

1 (2) (a) If fees from driver's licenses, commercial  
 2 vehicle operator's endorsements, motorcycle endorsements,  
 3 and duplicate driver's licenses are collected by a county  
 4 treasurer or other agent of the department, he shall deposit  
 5 the amounts provided for in subsections (1)(b)(i) and  
 6 (1)(c)(i) into the county general fund. He shall then remit  
 7 to the state treasurer all remaining fees, together with a  
 8 statement indicating what portion of each fee is to be  
 9 deposited into the account in the state special revenue fund  
 10 as provided in subsection (1)(a), the state traffic  
 11 education account, the driver's license applicant's  
 12 examination account, and the state general fund. The state  
 13 treasurer, upon receipt of the fees and statement, shall  
 14 deposit the fees as provided in subsections (1)(a), (1)(d),  
 15 (1)(e), and (1)(f), and (1)(g).

16 (b) If fees from driver's licenses, commercial vehicle  
 17 operator's endorsements, motorcycle endorsements, and  
 18 duplicate driver's licenses are collected by the department,  
 19 it shall remit all fees to the state treasurer, together  
 20 with a statement indicating what portion of each fee is to  
 21 be deposited into the account in the state special revenue  
 22 fund as provided in subsection (1)(a), the state special  
 23 revenue fund, the state traffic education account, the  
 24 driver's license applicant's examination account, and the  
 25 state general fund. The state treasurer, upon receipt of the

1 fees and statement, shall deposit the fees as provided in  
 2 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e),  
 3 and (1)(f), and (1)(g)."

4 NEW SECTION. Section 3. Driver's license applicant's  
 5 examination account. There is in the state special revenue  
 6 fund a driver's license applicant's examination account into  
 7 which money is deposited as provided in 61-5-121. The  
 8 legislature shall appropriate money from the account to the  
 9 department for the purpose of preparing and presenting the  
 10 video tape or film presentations and administering the  
 11 written examinations required in 61-5-111(2)(a)(i)(B).

12 NEW SECTION. Section 4. Video tape or film  
 13 presentations to driver's license applicants. The department  
 14 shall prepare a video tape or film of not more than 30  
 15 minutes duration explaining defensive driving techniques,  
 16 driver safety precautions, and highway courtesy. Each  
 17 applicant for renewal of a driver's license under 61-5-111  
 18 shall view the video tape or film and successfully complete  
 19 an examination on its contents.

20 NEW SECTION. Section 5. Codification instruction.  
 21 [Sections 3 and 4] are intended to be codified as an  
 22 integral part of Title 61, chapter 5, part 1, and the  
 23 provisions of Title 61, chapter 5, part 1, apply to  
 24 [sections 3 and 4].

25 NEW SECTION. Section 6. Effective date -- partial

LC 1315/01

1 **delayed applicability.** [This act] is effective January 1,  
2 1992, and for purposes of the presentation of the video tape  
3 or film to driver's license renewal applicants, applies to  
4 events occurring after December 31, 1992.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0250, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed bill would require an applicant for renewal of a driver's license to view a video tape or film and successfully complete a test on the subject matter; increase the fee for renewal of a driver's license and allocate the increased revenue to pay costs of the video tape or film; increase in the renewal fee would be effective January 1, 1992 and required viewing and testing would be effective January 1, 1993.


ASSUMPTIONS:

1. 162,500 driver licenses, including both new and renewals, will be issued during each year of the 1993 biennium.
2. Increased expenditures attributable to this bill would be funded by the general fund to the extent they exceed earmarked revenues.
3. The impact on FTE and expenditures is based upon the assumption that the average current waiting lines for driver license services will remain the same (will neither be increased or decreased).
4. It is assumed that a more fully automated system of testing and scoring would substantially increase the FY93 equipment costs and decrease the number of FTE and personal services costs, although some increased FTE would still be necessary. The estimated expenditures shown in the fiscal impact assume that test sheets will be completed and scored manually.
5. 28.00 new FTE would be necessary as Driver Exam Clerks (Grade 6, Step 2) to handle the additional workload. Employee benefits are calculated at a 25% rate. The clerks are assumed to be hired during October, 1992.
6. 4.00 FTE new Driver Examiners would be necessary to open rural license stations for two days per week rather than one day per week to handle the additional time required for renewals. The positions would be at Grade 11, Step 2, for nine months during FY93. Employee benefits are calculated at a 25% rate.
7. It would be necessary to rent additional or new space for some license stations to house the video booths necessary to provide individual TV/VCR viewing/testing points.
8. Equipment required includes four new vehicles for new driver examiners, 300 TV/VCR machines, and 33 new counter terminals.
9. It is assumed that 7.37% of the proposed driver license fees would be allocated to a state special revenue account for video tape and film support.
10. Current law expenditures and funding is represented by the executive budget recommendation for the 1993 biennium for the Driver Services Bureau of the Department of Justice.

FISCAL IMPACT:

see next page

  
ROD SUNDSTED, BUDGET DIRECTOR      1-24-91  
Office of Budget and Program Planning      DATE

  
HAL HARPER, PRIMARY SPONSOR      1/26/91  
Fiscal Note for HB0250, as introduced      DATE  
**HB 250**

Department of Justice-Driver Services Bureau

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	94.05	94.05	0.00	94.05	126.05	32.00
Personal Services	2,139,385	2,139,385	0	2,151,766	2,595,766	444,000
Operating Costs	671,502	671,502	0	666,611	869,611	203,000
Equipment	87,470	87,470	0	56,335	395,735	339,400
Total	2,898,357	2,898,357	0	2,874,712	3,861,112	986,400
<u>Funding:</u>						
General Fund (01)	2,720,357	2,720,357	0	2,736,712	3,489,562	752,850
State Special (02)	128,000	128,000	0	88,000	88,000	0
Driver Lic. Exam. (02)	0	0	0	0	233,550	233,550
Federal Special (03)	50,000	50,000	0	50,000	50,000	0
Total	2,898,357	2,898,357	0	2,874,712	3,861,112	986,400
<u>Revenue:</u>						
General Fund (01)	747,500	747,150	(350)	747,500	746,800	(700)
Driver's Education (02)	455,000	454,700	(300)	455,000	454,400	(600)
Highway Patrol Retire. (02)	650,000	650,000	0	650,000	650,000	0
Driver Lic. Exam. (02)	0	77,850	77,850	0	155,700	155,700
State/County Support (02)	97,500	101,550	4,050	97,500	105,600	8,100
Total	1,950,000	2,031,250	81,250	1,950,000	2,112,500	162,500
General Fund Impact			(350)			(753,550)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Minimal increase in revenues to certain counties.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Ongoing expenses in future biennia would be approximately \$800,000 per year with supporting revenue of about \$150,000 per year based upon the number of new licenses and renewals estimated for the 1993 biennium.

TECHNICAL NOTES:

The bill does not specify the percentage of the driver license fee that is to be deposited into the new account established in Section 3 of the bill. 7.37% of the fee has no specified disposition.

**HB 250**