

HOUSE BILL NO. 568
INTRODUCED BY J. RICE

IN THE HOUSE

FEBRUARY 2, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON APPROPRIATIONS.

FEBRUARY 4, 1991 FIRST READING.

FEBRUARY 5, 1991 ON MOTION, REREFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 15, 1991 PRINTING REPORT.

MARCH 16, 1991 ON MOTION, CONSIDERATION PASSED.

MARCH 18, 1991 ON MOTION, CONSIDERATION PASSED.

MARCH 19, 1991 SECOND READING, DO PASS.

MARCH 20, 1991 ENGROSSING REPORT.

MARCH 21, 1991 THIRD READING, PASSED.
AYES, 57; NOES, 41.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 28, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 3, 1991 SECOND READING, CONCURRED IN.

APRIL 4, 1991 THIRD READING, CONCURRED IN.
AYES, 36; NOES, 14.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 11, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 18, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 19, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1991

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *568*
 2 INTRODUCED BY *J. Rice*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
 5 REGULAR DRIVER'S LICENSES AND COMMERCIAL VEHICLE OPERATOR'S
 6 ENDORSEMENTS; AMENDING SECTION 61-5-111, MCA; AND PROVIDING
 7 AN EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "61-5-111. Renewals, expirations, and fees for
 12 licenses, permits, and endorsements. (1) The department has
 13 authority to appoint county treasurers and other qualified
 14 officers to act as its agents for the sale of driver's
 15 licenses receipts and shall make necessary rules governing
 16 sales. In those areas where the department provides driver
 17 licensing services 3 days or more a week, the department is
 18 responsible for sale of receipts and may not appoint an
 19 agent. The department, upon receipt of payment of the fees
 20 specified in this section, shall issue a driver's license to
 21 every qualifying applicant. The license shall contain a
 22 full-face photograph of the licensee in the size and form
 23 prescribed by the department, except as provided in
 24 subsection (4); a distinguishing number issued to the
 25 licensee; the full name, date of birth, residence address,

1 and a brief description of the licensee; and either a
 2 facsimile of the signature of the licensee or a space upon
 3 which he shall write his signature in pen and ink
 4 immediately upon receipt of the license. A license is not
 5 valid until it is signed by the licensee.

6 (2) (a) The department shall, when any person applies
 7 for renewal of a driver's license, test the applicant's
 8 eyesight and may also in the department's discretion have
 9 the applicant demonstrate his physical ability to operate
 10 and to exercise ordinary and reasonable care in the
 11 operation of a motor vehicle.

12 (b) In the case of commercial vehicle operator's
 13 endorsements, the department may also require that the
 14 applicant successfully complete a written examination as
 15 required by federal regulations.

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

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

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

24 (5) Whenever the department issues an original license
 25 to a person under the age of 18 years, the license shall be

1 designated and clearly marked as a "provisional license".
 2 Any license designated and marked as provisional may be
 3 suspended by the department for a period of not more than 12
 4 months, when its records disclose that the licensee,
 5 subsequent to the issuance of such license, has been guilty
 6 of careless or negligent driving. Upon renewal the
 7 department may, for any reasonable cause as shown by its
 8 records, designate the renewal of the license as
 9 provisional; otherwise, a license in usual form must be
 10 issued subject to other provisions of the laws of Montana.

11 (6) It is unlawful for any person to have in his
 12 possession or under his control more than one Montana
 13 driver's license at any one time. A license is not valid for
 14 the operation of a motorcycle or quadricycle until the
 15 holder thereof has completed the requirements of 61-5-110
 16 and the license has been clearly marked with the words
 17 "motorcycle endorsement". A license is not valid for the
 18 operation of a commercial vehicle until the holder thereof
 19 has completed the requirements of 61-5-110 and the license
 20 has been clearly marked with the words "commercial vehicle
 21 operator's endorsement".

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

23 (a) driver's license -- \$3 \$4 per year or fraction
 24 thereof;

25 (b) motorcycle endorsement -- 50 cents per year or

1 fraction thereof;

2 (c) commercial vehicle operator's endorsement:

3 (i) interstate -- \$3 \$5 per year or fraction thereof;

4 (ii) intrastate -- \$1-50 \$3.50 per year or fraction
 5 thereof.

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

9 (9) The holder of a chauffeur's license may convert his
 10 chauffeur's license to a commercial vehicle operator's
 11 endorsement by paying the appropriate fee covering the
 12 remainder of the life of his license and complying with the
 13 requirements established by the department.

14 (10) The holder of a valid chauffeur's license who is
 15 renewing and wishes to obtain a commercial vehicle
 16 operator's endorsement may do so upon paying the appropriate
 17 fees and complying with the requirements established by the
 18 department."

19 NEW SECTION. **Section 2.** Effective date. [This act] is
 20 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0568, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would increase the fees for regular driver licenses and commercial vehicle operator endorsements.

ASSUMPTIONS:

1. Total drivers' license receipts, under current law, will be \$1,966,000 in FY92 and \$1,971,000 in FY93 (OBPP).
2. The standard four-year driver license will increase from \$12 to \$16.
3. 60% of commercial vehicle operator endorsements sold are for intrastate use for which the current fee is \$1.50; the other 40% are for interstate use for which the current rate is \$3. A \$2 increase per year in each of these fees will raise the average fee from \$2.10 to \$4.10 per year.

FISCAL IMPACT:


Department of Justice

Revenues:

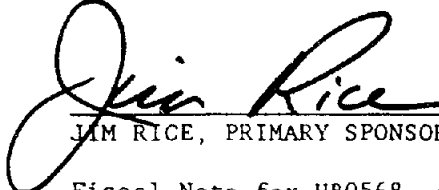
	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund (01)	800,000	1,119,000	319,000	801,000	1,121,000	320,000
Highway Patrol Retire (02)	654,000	872,000	218,000	656,000	875,000	219,000
Dept. of Justice (02)	46,000	61,000	15,000	46,000	61,000	15,000
Traffic Education (02)	<u>466,000</u>	<u>622,000</u>	<u>156,000</u>	<u>468,000</u>	<u>624,000</u>	<u>156,000</u>
Total	1,966,000	2,674,000	708,000	1,971,000	2,681,000	710,000
General Fund Impact			319,000			320,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Some counties will receive minimal increases in revenue.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JIM RICE, PRIMARY SPONSOR DATE
Fiscal Note for HB0568, as introduced **HB 568**

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0568, third reading, with amendments.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill would increase the fees for regular driver licenses and commercial vehicle operator endorsements and revise the allocation of license fees among the general fund and state special revenue accounts.

ASSUMPTIONS:

1. Total drivers' license receipts, under current law, will be \$1,966,000 in FY92 and \$1,971,000 in FY93 (OBPP).
2. The standard four-year driver license will increase from \$12 to \$16.
3. 60% of commercial vehicle operator endorsements sold are for intrastate use for which the current fee is \$1.50; the other 40% are for interstate use for which the current rate is \$3. A \$2 increase per year in each of these fees will raise the average fee from \$2.10 to \$4.10 per year.
4. The distribution of driver license fees is revised such that the state general fund portion is increased from 38 1/3% to 53.75%, the highway patrol officers' retirement percentage is decreased from 33 1/3% to 25% and the state traffic education percentage is decreased from 23 1/3% to 17.5%.

FISCAL IMPACT:

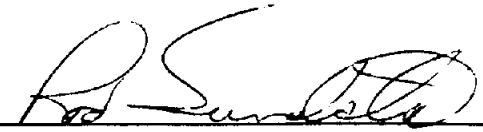
Department of Justice

Revenues:

	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>
General Fund (01)	800,000	1,508,000	708,000	801,000	1,511,000	710,000
Highway Patrol Retire (02)	654,000	654,000	0	656,000	656,000	0
Dept. of Justice (02)	46,000	46,000	0	46,000	46,000	0
Traffic Education (02)	<u>466,000</u>	<u>466,000</u>	<u>0</u>	<u>468,000</u>	<u>468,000</u>	<u>0</u>
Total	1,966,000	2,674,000	708,000	1,971,000	2,681,000	710,000
General Fund Impact			708,000			710,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

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 4-3-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 4/5/91
 JIM RICE, PRIMARY SPONSOR DATE

Fiscal Note for HB0568, third reading, with amendments.

568-2

1 HOUSE BILL NO. 568
2 INTRODUCED BY J. RICE
3

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5 REGULAR-DRIVER'S-LICENSES-AND COMMERCIAL VEHICLE OPERATOR'S
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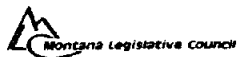
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1 designated and clearly marked as a "provisional license".
 2 Any license designated and marked as provisional may be
 3 suspended by the department for a period of not more than 12
 4 months, when its records disclose that the licensee,
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 24 thereof;

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1 fraction thereof;

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19 NEW SECTION. **Section 2.** Effective date. [This act] is
 20 effective July 1, 1991.

-End-

HOUSE BILL NO. 568

INTRODUCED BY J. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR REGULAR-DRIVER'S-LICENSES-AND COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENTS; AMENDING SECTION 61-5-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. A license is not valid until it is signed by the licensee.

(2) (a) The department shall, when any person applies for renewal of a driver's license, test the applicant's eyesight and may also in the department's discretion have the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle.

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

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

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

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

(5) Whenever the department issues an original license to a person under the age of 18 years, the license shall be



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 2 Any license designated and marked as provisional may be
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1 fraction thereof;

2 (c) commercial vehicle operator's endorsement:

3 (i) interstate -- ~~\$3~~ \$5 per year or fraction thereof;

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 18 department."

19 NEW SECTION. Section 2. Effective date. [This act] is
 20 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
March 28, 1991

Page 2 of 3
March 28, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 568 (third reading copy -- blue), respectfully report that House Bill No. 568 be amended and as so amended be concurred in:

1. Title, line 5.

Following: "AND"

Insert: "REGULAR DRIVER'S LICENSES AND"

2. Title, line 6.

Following: "ENDORSEMENTS;"

Insert: "REVISING THE DISPOSITION OF FEES;"

3. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-5-111"

Insert: "AND 61-5-121"

4. Page 3, line 23.

Strike: "S3"

Insert: "S4"

5. Page 4, line 19.

Following: line 18

Insert: "Section 2. Section 61-5-121, MCA, is amended to read:
"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of ~~33-1/3%~~ 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of ~~5%~~ 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

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

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

(d) The amount of ~~23-1/3%~~ 17.5% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of ~~30-1/3%~~ 53.75% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of ~~5%~~ 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

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

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e), and (1)(f)."

NEW SECTION. Section 3. Coordination instruction. If House Bill No. 2 or some other act of the 52nd legislature is passed and approved and does not contain provisions appropriating to the department of justice the money realized from the increases in fees contained in [section 1 of this act] for the purpose of increasing the number of field personnel engaged in driver's license examinations, [this act] is void."
Renumber: subsequent section

Signed: Cecil Weeding
Cecil Weeding, Chairman

3/28/91
Adj. Coord.
SB 3/28 12:10
Sec. of Senate

HOUSE BILL NO. 568
INTRODUCED BY J. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
REGULAR-DRIVER'S-LICENSES-AND REGULAR DRIVER'S LICENSES AND
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DISPOSITION OF FEES; AMENDING SECTION SECTIONS 61-5-111 AND
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(5) Whenever the department issues an original license



1 to a person under the age of 18 years, the license shall be
 2 designated and clearly marked as a "provisional license".
 3 Any license designated and marked as provisional may be
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 8 department may, for any reasonable cause as shown by its
 9 records, designate the renewal of the license as
 10 provisional; otherwise, a license in usual form must be
 11 issued subject to other provisions of the laws of Montana.

12 (6) It is unlawful for any person to have in his
 13 possession or under his control more than one Montana
 14 driver's license at any one time. A license is not valid for
 15 the operation of a motorcycle or quadricycle until the
 16 holder thereof has completed the requirements of 61-5-110
 17 and the license has been clearly marked with the words
 18 "motorcycle endorsement". A license is not valid for the
 19 operation of a commercial vehicle until the holder thereof
 20 has completed the requirements of 61-5-110 and the license
 21 has been clearly marked with the words "commercial vehicle
 22 operator's endorsement".

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

24 (a) driver's license -- \$3 ~~\$4~~ \$3 \$4 per year or
 25 fraction thereof;

1 (b) motorcycle endorsement -- 50 cents per year or
 2 fraction thereof;

3 (c) commercial vehicle operator's endorsement:

4 (i) interstate -- ~~\$3~~ \$5 per year or fraction thereof;

5 (ii) intrastate -- ~~\$1.50~~ \$3.50 per year or fraction
 6 thereof.

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

10 (9) The holder of a chauffeur's license may convert his
 11 chauffeur's license to a commercial vehicle operator's
 12 endorsement by paying the appropriate fee covering the
 13 remainder of the life of his license and complying with the
 14 requirements established by the department.

15 (10) The holder of a valid chauffeur's license who is
 16 renewing and wishes to obtain a commercial vehicle
 17 operator's endorsement may do so upon paying the appropriate
 18 fees and complying with the requirements established by the
 19 department."

20 **SECTION 2. SECTION 61-5-121, MCA, IS AMENDED TO READ:**

21 **"61-5-121. Disposition of fees.** (1) The disposition of
 22 the fees from driver's licenses provided for in
 23 61-5-111(7)(a), motorcycle endorsements provided for in
 24 61-5-111(7)(b), commercial vehicle operator's endorsements
 25 provided for in 61-5-111(7)(c), and duplicate driver's

1 licenses provided for in 61-5-114 is as follows:

2 (a) The amount of ~~33-1/3%~~ 25% of each driver's license
3 fee and of each duplicate driver's license fee must be
4 deposited into an account in the state special revenue fund.
5 The department shall transfer the funds from this account to
6 the Montana highway patrol officers' retirement pension
7 trust fund as provided in 19-6-404. Funds transferred from
8 the account are statutorily appropriated, as provided in
9 17-7-502, to the pension trust fund.

10 (b) (i) If the fees are collected by a county treasurer
11 or other agent of the department, the amount of 5% 3.75% of
12 each driver's license fee and of each duplicate driver's
13 license fee must be deposited into the county general fund.

14 (ii) If the fees are collected by the department, the
15 amount provided for in subsection (1)(b)(i) must be
16 deposited into the state special revenue fund for use by the
17 department to defray the costs of issuing licenses or
18 duplicate licenses.

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

23 (ii) If the fee is collected by the department, the
24 amount provided for in subsection (1)(c)(i) must be
25 deposited into the state special revenue fund for use by the

1 department to defray the costs of issuing motorcycle
2 endorsements.

3 (d) The amount of ~~23-1/3%~~ 17.5% of each driver's
4 license fee and of each duplicate driver's license fee and
5 the amount of 35% of each motorcycle endorsement fee must be
6 deposited into the state traffic education account.

7 (e) The amount of ~~38-1/3%~~ 53.75% of each driver's
8 license fee and of each duplicate driver's license fee and
9 the amount of 60% of each motorcycle endorsement fee must be
10 deposited into the state general fund.

11 (f) If the fee is collected by the county treasurer or
12 other agent of the department, the amount of 5% 3.75% of
13 each commercial vehicle operator's endorsement fee must be
14 deposited into the county general fund, otherwise all of the
15 fee must be deposited in the state general fund.

16 (2) (a) If fees from driver's licenses, commercial
17 vehicle operator's endorsements, motorcycle endorsements,
18 and duplicate driver's licenses are collected by a county
19 treasurer or other agent of the department, he shall deposit
20 the amounts provided for in subsections (1)(b)(i) and
21 (1)(c)(i) into the county general fund. He shall then remit
22 to the state treasurer all remaining fees, together with a
23 statement indicating what portion of each fee is to be
24 deposited into the account in the state special revenue fund
25 as provided in subsection (1)(a), the state traffic

1 education account, and the state general fund. The state
 2 treasurer, upon receipt of the fees and statement, shall
 3 deposit the fees as provided in subsections (1)(a), (1)(d),
 4 (1)(e), and (1)(f).

5 (b) If fees from driver's licenses, commercial vehicle
 6 operator's endorsements, motorcycle endorsements, and
 7 duplicate driver's licenses are collected by the department,
 8 it shall remit all fees to the state treasurer, together
 9 with a statement indicating what portion of each fee is to
 10 be deposited into the account in the state special revenue
 11 fund as provided in subsection (1)(a), the state special
 12 revenue fund, the state traffic education account, and the
 13 state general fund. The state treasurer, upon receipt of the
 14 fees and statement, shall deposit the fees as provided in
 15 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e),
 16 and (1)(f)."

17 NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF
 18 HOUSE BILL NO. 2 OR SOME OTHER ACT OF THE 52ND LEGISLATURE
 19 IS PASSED AND APPROVED AND DOES NOT CONTAIN PROVISIONS
 20 APPROPRIATING TO THE DEPARTMENT OF JUSTICE THE MONEY
 21 REALIZED FROM THE INCREASES IN FEES CONTAINED IN [SECTION 1
 22 OF THIS ACT] FOR THE PURPOSE OF INCREASING THE NUMBER OF
 23 FIELD PERSONNEL ENGAGED IN DRIVER'S LICENSE EXAMINATIONS,
 24 [THIS ACT] IS VOID.

25 NEW SECTION. Section 4. Effective date. [This act] is

1 effective July 1, 1991.

-End-

Conference Committee
on House Bill 568
Report No. 1, April 18, 1991

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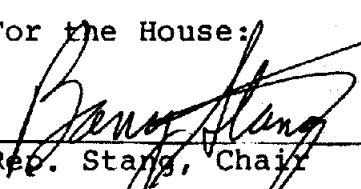
Mr. Speaker and Mr. President:


We, your Conference Committee on House Bill 568 met and considered Senate committee on Highways and Transportation amendments, dated March 28, 1991, and recommend that the amendments be accepted in their entirety.

And this Conference Committee report be adopted.


For the House:

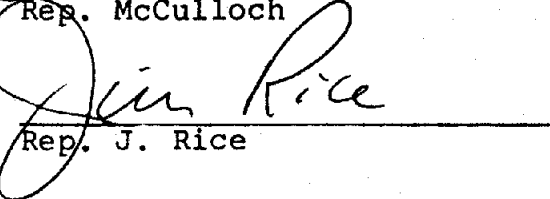
For the Senate:

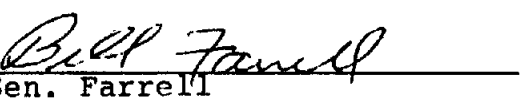

Rep. Stang, Chair


Sen. Weeding, Chair


Rep. McCulloch


Sen. Brucki


Rep. J. Rice


Sen. Farrell

ADOPT
REJECT

CC #1
HB 568
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AN ACT INCREASING THE FEES FOR REGULAR DRIVER'S LICENSES AND COMMERCIAL VEHICLE OPERATOR'S ENDORSEMENTS; REVISING THE DISPOSITION OF FEES; AMENDING SECTIONS 61-5-111 AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE 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. Renewals, expirations, and fees for licenses, permits, and endorsements. (1) The department has authority to appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In those areas where the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to every qualifying applicant. The license shall contain a full-face photograph of the licensee in the size and form prescribed by the department, except as provided in subsection (4); a distinguishing number issued to the licensee; the full name, date of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink immediately upon receipt of the license. A license is not valid until it is signed by the licensee.

(2) (a) The department shall, when any person applies for renewal of a driver's license, test the applicant's eyesight and may also in the department's discretion have the applicant demonstrate his physical ability to operate and to exercise ordinary and reasonable care in the operation of a motor vehicle.

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

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

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

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

(5) Whenever the department issues an original license to a person under the age of 18 years, the license shall be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months, when its records disclose that the licensee, subsequent to the issuance of such license, has been guilty of careless or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records, designate the renewal of the license as

provisional; otherwise, a license in usual form must be issued subject to other provisions of the laws of Montana.

(6) It is unlawful for any person to have in his possession or under his control more than one Montana driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until the holder thereof has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial vehicle operator's endorsement".

(7) Fees for driver's licenses are:

(a) driver's license -- ~~3~~ \$4 per year or fraction thereof;

(b) motorcycle endorsement -- 50 cents per year or fraction thereof;

(c) commercial vehicle operator's endorsement:

(i) interstate -- ~~3~~ \$5 per year or fraction thereof;

(ii) intrastate -- ~~1.50~~ \$3.50 per year or fraction thereof.

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

(9) The holder of a chauffeur's license may convert his chauffeur's license to a commercial vehicle operator's endorsement by paying the appropriate fee covering the remainder of the life

of his license and complying with the requirements established by the department.

(10) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial vehicle operator's endorsement may do so upon paying the appropriate fees and complying with the requirements established by the department."

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

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

(a) The amount of ~~33-1/3%~~ 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of ~~5%~~ 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount

provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

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

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

(d) The amount of ~~23-1/3%~~ 17.5% of each driver's license fee and of each duplicate driver's license fee and the amount of 35% of each motorcycle endorsement fee must be deposited into the state traffic education account.

(e) The amount of ~~38-1/3%~~ 53.75% of each driver's license fee and of each duplicate driver's license fee and the amount of 60% of each motorcycle endorsement fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 5% 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate

driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. He shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(d), (1)(e), and (1)(f).

(b) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, the state traffic education account, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e), and (1)(f)."

Section 3. Coordination instruction. If House Bill No. 2 or some other act of the 52nd legislature is passed and approved and does not contain provisions appropriating to the department of

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justice the money realized from the increases in fees contained in [section 1 of this act] for the purpose of increasing the number of field personnel engaged in driver's license examinations, [this act] is void.

Section 4. Effective date. [This act] is effective July 1, 1991.