

HOUSE BILL NO. 254

INTRODUCED BY DEVLIN, SWITZER, PAVLOVICH, MENAHAN, D. BROWN,
PHILLIPS, C. SMITH, JONES, SWIFT

IN THE HOUSE

January 18, 1985	Introduced and referred to Committee on Highways and Transportation.
January 22, 1985	Fiscal Note requested.
January 23, 1985	Fiscal Note returned.
February 13, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 14, 1985	Second reading, do pass. Considered correctly engrossed.
February 15, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1985	Introduced and referred to Committee on Highways and Transportation.
March 20, 1985	Committee recommend bill be concurrred in. Report adopted.
March 22, 1985	Second reading, concurrred in.
March 25, 1985	Third reading, concurrred in. Ayes, 37; Noes, 12. Returned to House.

IN THE HOUSE

March 26, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 254

INTRODUCED BY

*Arthur Switzer Carlwood McWhorter
Dore Brown Phillip Jones Smith + Jones*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROFILE PHOTOGRAPHS ON A DRIVER'S LICENSE IDENTIFICATION CARD ISSUED TO A PERSON UNDER 19 YEARS OF AGE; AMENDING SECTION 61-5-111, MCA; AND PROVIDING AN APPLICABILITY DATE AND 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. Licenses issued to operators and chauffeurs -- renewals and expiration -- fees -- disposition. (1) The division shall have 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 such sales. In those areas where the division provides driver licensing services 3 days or more a week the division is responsible for sale of receipts and may not appoint an agent. The division, upon receipt of payment of the fees specified in this section, shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for. Such licenses shall contain a full-face photograph of the licensee in the size and form as prescribed by the division, 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. No license shall be valid until it has been so signed by the licensee. Five percent of the license fees collected by the county treasurer shall be deposited by the county treasurer for the use of the county general fund. In the event no agent is appointed under this section, 5% of the license fees collected by the division shall be retained by the division to defray the cost of handling.

(2) The division shall, when any person applies for renewal of an operator's or chauffeur's license, test the applicant's eyesight and may also in the division'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. A person shall be considered to have applied for renewal of a Montana operator's or chauffeur's license if the application is made within 3 months of the expiration of his license.

(3) Licenses shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.

1 (4) A license issued to a person under the age of 19
 2 years must contain a photograph of the licensee's profile.

3 ~~(4)~~(5) Whenever the division issues an original
 4 license to a person under the age of 18 years, the license
 5 shall be designated and clearly marked as a "provisional
 6 license". Any license so designated and marked may be
 7 suspended by the division for a period of not more than 12
 8 months, when its records disclose that the licensee,
 9 subsequent to the issuance of such license, has been guilty
 10 of careless or negligent driving. Upon renewal as applicable
 11 to operator's licenses, the division may, for any reasonable
 12 cause as shown by its records, designate the renewal of the
 13 license as provisional; otherwise, a license in usual form
 14 shall be issued subject to other provisions of the laws of
 15 Montana.

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

23 ~~(6)~~(7) Fees for driver's licenses shall be as follows:

24 (a) driver's license -- \$2 per year or fraction
 25 thereof;

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

3 ~~(7)~~(8) The county treasurer or other agent of the
 4 division collecting such fees shall retain 5% of each fee
 5 for the use of the county general fund and shall transmit
 6 the remainder to the state treasurer, who shall deposit to
 7 the credit of the state general fund all money received by
 8 him from the collection of the fees."

9 NEW SECTION. Section 2. Coordination instruction. If
 10 Article II, section 14, of the Montana constitution is
 11 amended by the electorate to permit the legislature to
 12 establish 21 years as the legal age for consuming alcoholic
 13 beverages, the phrase "19 years" in 61-5-111(4) must be
 14 changed to "21 years".

15 NEW SECTION. Section 3. Applicability. This act
 16 applies to persons who make an original application for a
 17 Montana driver's license on or after July 1, 1985, and to
 18 persons under the age of 19 years who renew a driver's
 19 license on or after July 1, 1985. If Article II, section 14,
 20 of the Montana constitution is amended by the electorate to
 21 permit the legislature to establish 21 years as the legal
 22 drinking age, this act applies to persons under the age of
 23 21 years who renew a driver's license.

24 NEW SECTION. Section 4. Effective date. This act is
 25 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 153-85

Form BD-15

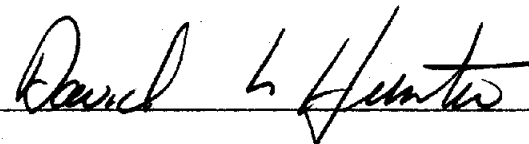
In compliance with a written request received 01-22-85, 19 _____, there is hereby submitted a Fiscal Note for House Bill 254 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

House Bill 254 requires profile photographs on a driver's license issued to a person under the age of 19 years.

Fiscal Impact:

The proposed legislation has no significant fiscal impact upon the Department of Justice.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 23, 1985
HB 254

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 254

INTRODUCED BY

Markus Switzer, Carlene Metzger, One Brain Phillips, Smith + Jones

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROFILE PHOTOGRAPHS ON A DRIVER'S LICENSE IDENTIFICATION CARD ISSUED TO A PERSON UNDER 19 YEARS OF AGE; AMENDING SECTION 61-5-111, MCA; AND PROVIDING AN APPLICABILITY DATE AND 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. Licenses issued to operators and chauffeurs -- renewals and expiration -- fees -- disposition. (1) The division shall have 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 such sales. In those areas where the division provides driver licensing services 3 days or more a week the division is responsible for sale of receipts and may not appoint an agent. The division, upon receipt of payment of the fees specified in this section, shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for. Such licenses shall contain a full-face photograph of the licensee in the size and form as prescribed by the division, 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. No license shall be valid until it has been so signed by the licensee. Five percent of the license fees collected by the county treasurer shall be deposited by the county treasurer for the use of the county general fund. In the event no agent is appointed under this section, 5% of the license fees collected by the division shall be retained by the division to defray the cost of handling.

(2) The division shall, when any person applies for renewal of an operator's or chauffeur's license, test the applicant's eyesight and may also in the division'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. A person shall be considered to have applied for renewal of a Montana operator's or chauffeur's license if the application is made within 3 months of the expiration of his license.

(3) Licenses shall expire on the anniversary of the date of birth of the licensee 4 years or less after the date of issue.



1 (4) A license issued to a person under the age of 19
 2 years must contain a photograph of the licensee's profile.

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 4 license to a person under the age of 18 years, the license
 5 shall be designated and clearly marked as a "provisional
 6 license". Any license so designated and marked may be
 7 suspended by the division for a period of not more than 12
 8 months, when its records disclose that the licensee,
 9 subsequent to the issuance of such license, has been guilty
 10 of careless or negligent driving. Upon renewal as applicable
 11 to operator's licenses, the division may, for any reasonable
 12 cause as shown by its records, designate the renewal of the
 13 license as provisional; otherwise, a license in usual form
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16 ~~(5)~~(6) It shall be unlawful for any person to have in
 17 his possession or under his control more than one Montana
 18 operator's or chauffeur's license at any one time. A license
 19 is not valid for the operation of a motorcycle until the
 20 holder thereof has completed the requirements of 61-5-110
 21 and the license has been clearly marked with the words
 22 "motorcycle endorsement".

23 ~~(6)~~(7) Fees for driver's licenses shall be as follows:

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 25 thereof;

1 (b) motorcycle endorsement -- 50 cents per year or
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9 NEW SECTION. Section 2. Coordination instruction. If
 10 Article II, section 14, of the Montana constitution is
 11 amended by the electorate to permit the legislature to
 12 establish 21 years as the legal age for consuming alcoholic
 13 beverages, the phrase "19 years" in 61-5-111(4) must be
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 2 INTRODUCED BY Justin Switzer, Carlene Henschel,
 3 One Brain Phillips Smith + Jones
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PROFILE Swift

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REFERENCE BILL

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HB 0254/02

1 effective July 1, 1985.

-End-