

HOUSE BILL NO. 283

INTRODUCED BY O'CONNELL, JACK MOORE, KEYSER, BLAYLOCK,
LYBECK, ZABROCKI, PISTORIA, MILLER, LORY, HARRINGTON,
BERGENE, BRANDEWIE, MANNING, CHRISTIAENS, VAN VALKENBURG,
MONTAYNE, PAVLOVICH, LYNCH, E. SMITH, HIRSCH, BOYLAN,
JACOBSON, H. HAMMOND, HAND, J. BROWN, HOWE, VINCENT,
KEENAN, MILES, ABRAMS, CONNELLY, HART, MENAHAN, HARBIN,
MCCORMICK, BACHINI, O'HARA, KOEHNKE, SPAETH, FRITZ, JONES,
B. WILLIAMS, NISBET, DRISCOLL, ADDY, QUILICI, KRUEGER,
D. BROWN, SCHYE, PECK, J. HAMMOND, GARCIA, REAM, HARDING,
C. SMITH, KADAS, HARP, SWIFT, MANUEL, DONALDSON, BRADLEY

IN THE HOUSE

January 19, 1985	Introduced and referred to Committee on State Administration.
January 22, 1985	Fiscal Note requested.
January 25, 1985	Fiscal Note returned.
February 1, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 2, 1985	Second reading, pass consideration.
February 4, 1985	Second reading, do pass. Considered correctly engrossed.
February 5, 1985	Third reading, passed. Ayes, 94; Noes, 4. Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on State Administration.
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March 11, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1985	Second reading, concurred in.
March 15, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 16, 1985	Received from Senate.
March 20, 1985	Second reading, amendments concurred in.
March 21, 1985	Third reading, amendments concurred in. Sent to enrolling. Reported correctly enrolled.

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Connelly *Smith*
 INTRODUCED BY *HOUSE* BILL NO. *283*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING DRIVER'S LICENSE AND DUPLICATE DRIVER'S LICENSE FEES; PROVIDING THAT

THE INCREASE IN THESE FEES BE DEPOSITED INTO THE MONTANA HIGHWAY PATROLMEN'S RETIREMENT PENSION TRUST FUND; AMENDING SECTIONS 15-1-501, 19-6-401, 19-6-404, 20-7-504, 61-5-111, AND 61-5-114, 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. 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 photograph of the licensee in the size and form as

1 prescribed by the division, a distinguishing number issued
 2 to the licensee; the full name, date of birth, residence
 3 address, and a brief description of the licensee; and either
 4 a facsimile of the signature of the licensee or a space upon
 5 which he shall write his signature in pen and ink
 6 immediately upon receipt of the license. No license shall be
 7 valid until it has been so signed by the licensee. Five
 8 percent--of--the--license--fees--collected--by--the---county
 9 treasurer--shall--be--deposited--by--the--county--treasurer--for--the
 10 use--of--the--county--general--fund--in--the--event--no--agent--is
 11 appointed--under--this--section--5%--of--the--license--fees
 12 collected--by--the--division--shall--be--retained--by--the--division
 13 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.

INTRODUCED BILL
 HB 283



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

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

20 (6) Fees for driver's licenses shall be as follows:

21 (a) driver's license -- \$2 ~~\$3~~ per year or fraction
 22 thereof;

23 (b) motorcycle endorsement -- 50 cents per year or
 24 fraction thereof.

25 ~~{7}--The--county--treasurer--or--other--agent--of--the~~

1 ~~division--collecting--such--fees--shall--retain--5%--of--each--fee~~
 2 ~~for--the--use--of--the--county--general--fund--and--shall--transmit~~
 3 ~~the--remainder--to--the--state--treasurer,--who--shall--deposit--to~~
 4 ~~the--credit--of--the--state--general--fund--all--money--received--by~~
 5 ~~him--from--the--collection--of--the--fees--"~~

6 Section 2. Section 61-5-114, MCA, is amended to read:
 7 "61-5-114. Duplicate ~~certificates~~ licenses. In the
 8 event that an instruction permit or operator's or
 9 chauffeur's license issued under the provisions of this
 10 chapter is lost or destroyed, the person to whom the same
 11 was issued may upon the payment of a fee of ~~\$1~~ \$5 obtain a
 12 duplicate or substitute thereof, upon furnishing proof
 13 satisfactory to the division that such permit or license has
 14 been lost or destroyed."

15 NEW SECTION. Section 3. Disposition of fees. (1) The
 16 disposition of the fees from driver's licenses provided for
 17 in 61-5-111(6)(a), motorcycle endorsements provided for in
 18 61-5-111(6)(b), and duplicate driver's licenses provided for
 19 in 61-5-114 is as follows:

20 (a) The amount of 33 1/3% of each driver's license fee
 21 and of each duplicate driver's license fee must be deposited
 22 into the Montana highway patrolmen's retirement pension
 23 trust fund.

24 (b) (i) If the fees are collected by a county
 25 treasurer or other agent of the division, the amount of

1 3 1/3% of each driver's license fee and of each duplicate
2 driver's license fee must be deposited into the county
3 general fund.

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

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

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

18 (d) The amount of 23 1/3% of each driver's license fee
19 and of each duplicate driver's license fee and the amount of
20 35% of each motorcycle endorsement fee must be deposited
21 into the state traffic education account.

22 (e) The amount of 40% of each driver's license fee and
23 of each duplicate driver's license fee and the amount of 60%
24 of each motorcycle endorsement fee must be deposited into
25 the state general fund.

1 (2) (a) If fees from driver's licenses, motorcycle
2 endorsements, and duplicate driver's licenses are collected
3 by a county treasurer or other agent of the division, he
4 shall deposit the amounts provided for in subsections
5 (1)(b)(i) and (1)(c)(i) into the county general fund. He
6 shall then remit to the state treasurer all remaining fees,
7 together with a statement indicating what portion of each
8 fee is to be deposited into the Montana highway patrolmen's
9 retirement pension trust fund, the state traffic education
10 account, and the state general fund. The state treasurer,
11 upon receipt of the fees and statement, shall deposit the
12 fees as provided in subsections (1)(a), (1)(d), and (1)(e).

13 (b) If fees from driver's licenses, motorcycle
14 endorsements, and duplicate driver's licenses are collected
15 by the division, it shall remit all fees to the state
16 treasurer, together with a statement indicating what portion
17 of each fee is to be deposited into the Montana highway
18 patrolmen's retirement pension trust fund, the state special
19 revenue fund, the state traffic education account, and the
20 state general fund. The state treasurer, upon receipt of the
21 fees and statement, shall deposit the fees as provided in
22 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and
23 (1)(e).

24 Section 4. Section 15-1-501, MCA, is amended to read:

25 "15-1-501. (Effective July 1, 1985--Applicable to tax

1 years beginning after December 31, 1984) Disposition of
 2 moneys from certain designated license and other taxes. (1)
 3 The state treasurer shall deposit to the credit of the state
 4 general fund all moneys received by him from the collection
 5 of:

6 (a) automobile fees from driver's license licenses,
 7 motorcycle endorsements, and duplicate driver's licenses as
 8 provided in [section 3] fees-under-subsections--(1)--through
 9 (6)-of-61-5-111;

10 (b) electrical energy producer's license taxes under
 11 chapter 51;

12 (c) severance taxes allocated to the general fund
 13 under chapter 36;

14 (d) liquor license taxes under Title 16;

15 (e) telephone [company] license taxes under chapter
 16 53; and

17 (f) inheritance and estate taxes under Title 72,
 18 chapter 16.

19 (2) Seventy-five percent of all moneys received from
 20 the collection of income taxes under chapter 30 and
 21 corporation license and income taxes under chapter 31,
 22 except as provided in 15-31-702, shall be deposited in the
 23 general fund subject to the prior pledge and appropriation
 24 of such income tax and corporation license tax collections
 25 for the payment of long-range building program bonds. The

1 remaining 25% of the proceeds of the corporation license
 2 tax, excluding that allocated to the counties under
 3 15-31-702, corporation income tax, and income tax shall be
 4 deposited to the credit of the state special revenue fund
 5 for state equalization aid to the public schools of Montana.

6 (3) The state treasurer shall also deposit to the
 7 credit of the state general fund all moneys received by him
 8 from the collection of license taxes, fees, and all net
 9 revenues and receipts from all other sources under the
 10 operation of the Montana Alcoholic Beverage Code.

11 (4) Thirty-three and one-third percent of the total
 12 collections of the oil severance tax under chapter 36 shall
 13 be deposited into the local government block grant account
 14 within the state special revenue fund. After the
 15 distribution provided for in 15-36-112, the remainder of the
 16 oil severance tax collections shall be deposited in the
 17 general fund."

18 Section 5. Section 19-6-401, MCA, is amended to read:

19 "19-6-401. Payments into retirement fund. All
 20 appropriations made by the state, all contributions by
 21 members of the Montana highway patrol, in the amount
 22 hereinafter specified, and all interest on and increase of
 23 the investments and moneys under this account, and a portion
 24 of the fees from driver's licenses and duplicate driver's
 25 licenses as provided in [section 3] shall be paid to the

1 state treasurer, who shall credit the payments to the
2 Montana highway patrolmen's retirement pension trust fund."

3 Section 6. Section 19-6-404, MCA, is amended to read:
4 "19-6-404. State's contribution. The state of Montana
5 shall annually contribute to the account an amount equal to
6 16.57% of the salaries paid to the highway patrolmen who are
7 covered by this account from the general fund. In addition,
8 the state shall contribute to the account a portion of the
9 fees from driver's licenses and duplicate driver's licenses
10 as provided in [section 3]."

11 Section 7. Section 20-7-504, MCA, is amended to read:
12 "20-7-504. State traffic education account -- proceeds
13 earmarked for the account. (1) There is a traffic education
14 account in the treasury of the state of Montana. There shall
15 be paid into this account a portion of the fines and
16 forfeitures collected in any court from persons apprehended
17 or arrested by highway patrol officers or department of
18 highways peace officers for any violation of chapter 3, part
19 1 of chapter 4, or chapters 5 through 10 of Title 61
20 relating to the operation or use of motor vehicles in the
21 following amounts:

- 22 (a) if a fine is imposed, 25% of the fine imposed;
23 (b) if multiple offenses are involved, 25% of the
24 total sum of all fines imposed;
25 (c) if a fine is suspended, in whole or in part, 25%

1 of the fine actually paid; and

2 (d) if any deposit of bail is made for an offense to
3 which this section applies and the bail is forfeited, 25% of
4 the forfeited bail.

5 (2) ~~Thirty-five--percent~~ A portion of all money
6 ~~received--by--the--state~~ from the collection of ~~the-motor~~
7 ~~vehicle fees from driver's license-fee--provided--for--under~~
8 ~~the--laws--of-Montana licenses, motorcycle endorsements, and~~
9 duplicate driver's licenses shall be contributed to the
10 traffic education account as provided in [section 3]."

11 NEW SECTION. Section 8. Codification instruction.
12 Section 3 is intended to be codified as an integral part of
13 Title 61, chapter 5.

14 NEW SECTION. Section 9. Effective date. This act is
15 effective July 1, 1985.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 145-85Form BD-15

In compliance with a written request received January 22, 19 85, there is hereby submitted a Fiscal Note for House Bill 283 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 283 increases driver's license and duplicate driver's license fees; provides that the fee increase be deposited into the Montana Highway Patrol Officer's Retirement Pension Trust Fund.

ASSUMPTIONS:

1. Approximately 11,500 duplicate driver's licenses are issued each year.
2. Approximately 13,900 motorcycle endorsements are issued each year.
3. Approximately 162,700 driver's licenses (operators and chauffeurs) are issued each year.
4. Driver's licenses and motorcycle endorsements are issued on a four-year basis.
5. Approximately 61% of driver's license receipts are collected by the Motor Vehicle Division and 39% are collected by the counties.

FISCAL IMPACT:Revenue:

County General Funds	
Under Proposed Law	\$ 26,645
Under Current Law	26,147
Estimated Increase	\$ 498

Driver's Licensing Special Fund:	
Under Proposed Law	\$ 41,675
Under Current Law	40,898
Estimated Increase	\$ 777

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 25, 1985

Request No. FNN 145-85
Form BD-15 Page 2

FISCAL IMPACT:

Revenue: (continued)

Traffic Education Special Revenue Fund

Under Proposed Law	\$478,640
Under Current Law	<u>469,315</u>
Estimated Increase	\$ 9,345

Highway Patrol Retirement Fund

Under Proposed Law	\$669,900
Under Current Law	<u>-0-</u>
Estimated Increase	\$669,900

State General Fund

Under Proposed Law	\$820,840
Under Current Law	<u>804,540</u>
Estimated Increase	\$ 16,300

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

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

20 (6) Fees for driver's licenses shall be as follows:

21 (a) driver's license -- \$2 \$3 per year or fraction
 22 thereof;

23 (b) motorcycle endorsement -- 50 cents per year or
 24 fraction thereof.

25 ~~{7}--The--county--treasurer--or--other--agent--of--the~~

1 ~~division--collecting--such--fees--shall--retain--5%--of--each--fee~~
 2 ~~for--the--use--of--the--county--general--fund--and--shall--transmit~~
 3 ~~the--remainder--to--the--state--treasurer, who--shall--deposit--to~~
 4 ~~the--credit--of--the--state--general--fund--all--money--received--by~~
 5 ~~him--from--the--collection--of--the--fees."~~

6 Section 2. Section 61-5-114, MCA, is amended to read:

7 "61-5-114. Duplicate certificates licenses. In the
 8 event that an instruction permit or operator's or
 9 chauffeur's license issued under the provisions of this
 10 chapter is lost or destroyed, the person to whom the same
 11 was issued may upon the payment of a fee of \$1 \$5 obtain a
 12 duplicate or substitute thereof, upon furnishing proof
 13 satisfactory to the division that such permit or license has
 14 been lost or destroyed."

15 NEW SECTION. Section 3. Disposition of fees. (1) The
 16 disposition of the fees from driver's licenses provided for
 17 in 61-5-111(6)(a), motorcycle endorsements provided for in
 18 61-5-111(6)(b), and duplicate driver's licenses provided for
 19 in 61-5-114 is as follows:

20 (a) The amount of 33 1/3% of each driver's license fee
 21 and of each duplicate driver's license fee must be deposited
 22 into the Montana highway patrolmen's retirement pension
 23 trust fund.

24 (b) (i) If the fees are collected by a county
 25 treasurer or other agent of the division, the amount of

1 3 1/3% of each driver's license fee and of each duplicate
2 driver's license fee must be deposited into the county
3 general fund.

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

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

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

18 (d) The amount of 23 1/3% of each driver's license fee
19 and of each duplicate driver's license fee and the amount of
20 35% of each motorcycle endorsement fee must be deposited
21 into the state traffic education account.

22 (e) The amount of 40% of each driver's license fee and
23 of each duplicate driver's license fee and the amount of 60%
24 of each motorcycle endorsement fee must be deposited into
25 the state general fund.

1 (2) (a) If fees from driver's licenses, motorcycle
2 endorsements, and duplicate driver's licenses are collected
3 by a county treasurer or other agent of the division, he
4 shall deposit the amounts provided for in subsections
5 (1)(b)(i) and (1)(c)(i) into the county general fund. He
6 shall then remit to the state treasurer all remaining fees,
7 together with a statement indicating what portion of each
8 fee is to be deposited into the Montana highway patrolmen's
9 retirement pension trust fund, the state traffic education
10 account, and the state general fund. The state treasurer,
11 upon receipt of the fees and statement, shall deposit the
12 fees as provided in subsections (1)(a), (1)(d), and (1)(e).

13 (b) If fees from driver's licenses, motorcycle
14 endorsements, and duplicate driver's licenses are collected
15 by the division, it shall remit all fees to the state
16 treasurer, together with a statement indicating what portion
17 of each fee is to be deposited into the Montana highway
18 patrolmen's retirement pension trust fund, the state special
19 revenue fund, the state traffic education account, and the
20 state general fund. The state treasurer, upon receipt of the
21 fees and statement, shall deposit the fees as provided in
22 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and
23 (1)(e).

24 Section 4. Section 15-1-501, MCA, is amended to read:
25 "15-1-501. (Effective July 1, 1985--Applicable to tax

1 years beginning after December 31, 1984) Disposition of
 2 moneys from certain designated license and other taxes. (1)
 3 The state treasurer shall deposit to the credit of the state
 4 general fund all moneys received by him from the collection
 5 of:

6 (a) automobile fees from driver's license licenses,
 7 motorcycle endorsements, and duplicate driver's licenses as
 8 provided in [section 3] fees-under-subsections--(1)--through
 9 (6)-of-61-5-111;

10 (b) electrical energy producer's license taxes under
 11 chapter 51;

12 (c) severance taxes allocated to the general fund
 13 under chapter 36;

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15 (e) telephone [company] license taxes under chapter
 16 53; and

17 (f) inheritance and estate taxes under Title 72,
 18 chapter 16.

19 (2) Seventy-five percent of all moneys received from
 20 the collection of income taxes under chapter 30 and
 21 corporation license and income taxes under chapter 31,
 22 except as provided in 15-31-702, shall be deposited in the
 23 general fund subject to the prior pledge and appropriation
 24 of such income tax and corporation license tax collections
 25 for the payment of long-range building program bonds. The

1 remaining 25% of the proceeds of the corporation license
 2 tax, excluding that allocated to the counties under
 3 15-31-702, corporation income tax, and income tax shall be
 4 deposited to the credit of the state special revenue fund
 5 for state equalization aid to the public schools of Montana.

6 (3) The state treasurer shall also deposit to the
 7 credit of the state general fund all moneys received by him
 8 from the collection of license taxes, fees, and all net
 9 revenues and receipts from all other sources under the
 10 operation of the Montana Alcoholic Beverage Code.

11 (4) Thirty-three and one-third percent of the total
 12 collections of the oil severance tax under chapter 36 shall
 13 be deposited into the local government block grant account
 14 within the state special revenue fund. After the
 15 distribution provided for in 15-36-112, the remainder of the
 16 oil severance tax collections shall be deposited in the
 17 general fund."

18 Section 5. Section 19-6-401, MCA, is amended to read:

19 "19-6-401. Payments into retirement fund. All
 20 appropriations made by the state, all contributions by
 21 members of the Montana highway patrol, in the amount
 22 hereinafter specified, and all interest on and increase of
 23 the investments and moneys under this account, and a portion
 24 of the fees from driver's licenses and duplicate driver's
 25 licenses as provided in [section 3] shall be paid to the

1 state treasurer, who shall credit the payments to the
2 Montana highway patrolmen's retirement pension trust fund."

3 Section 6. Section 19-6-404, MCA, is amended to read:

4 "19-6-404. State's contribution. The state of Montana
5 shall annually contribute to the account an amount equal to
6 16.57% of the salaries paid to the highway patrolmen who are
7 covered by this account from the general fund. In addition,
8 the state shall contribute to the account a portion of the
9 fees from driver's licenses and duplicate driver's licenses
10 as provided in [section 3]."

11 Section 7. Section 20-7-504, MCA, is amended to read:

12 "20-7-504. State traffic education account -- proceeds
13 earmarked for the account. (1) There is a traffic education
14 account in the treasury of the state of Montana. There shall
15 be paid into this account a portion of the fines and
16 forfeitures collected in any court from persons apprehended
17 or arrested by highway patrol officers or department of
18 highways peace officers for any violation of chapter 3, part
19 1 of chapter 4, or chapters 5 through 10 of Title 61
20 relating to the operation or use of motor vehicles in the
21 following amounts:

- 22 (a) if a fine is imposed, 25% of the fine imposed;
23 (b) if multiple offenses are involved, 25% of the
24 total sum of all fines imposed;
25 (c) if a fine is suspended, in whole or in part, 25%

1 of the fine actually paid; and

2 (d) if any deposit of bail is made for an offense to
3 which this section applies and the bail is forfeited, 25% of
4 the forfeited bail.

5 (2) ~~Thirty-five--percent~~ A portion of all money
6 ~~received--by--the--state~~ from the collection of ~~the-motor~~
7 ~~vehicle fees from driver's license-fee--provided--for--under~~
8 ~~the--laws--of-Montana~~ licenses, motorcycle endorsements, and
9 duplicate driver's licenses shall be contributed to the
10 traffic education account as provided in [section 3]."

11 NEW SECTION. Section 8. Codification instruction.
12 Section 3 is intended to be codified as an integral part of
13 Title 61, chapter 5.

14 NEW SECTION. Section 9. Effective date. This act is
15 effective July 1, 1985.

-End-

(4) Whenever the division 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 so designated and marked may be suspended by the division 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 as applicable to operator's licenses, the division may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form shall be issued subject to other provisions of the laws of Montana.

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

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

(a) driver's license -- \$2 ~~\$3~~ per year or fraction thereof;

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

~~(7) The county treasurer or other agent of the~~

~~division collecting such fees shall retain 5% of each fee for the use of the county general fund and shall transmit the remainder to the state treasurer, who shall deposit to the credit of the state general fund all money received by him from the collection of the fees."~~

Section 2. Section 61-5-114, MCA, is amended to read:

"61-5-114. Duplicate certificates licenses. In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon the payment of a fee of \$1 ~~\$2~~ obtain a duplicate or substitute thereof, upon furnishing proof satisfactory to the division that such permit or license has been lost or destroyed."

NEW SECTION. Section 3. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(6)(a), motorcycle endorsements provided for in 61-5-111(6)(b), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 33 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the Montana highway patrolmen's retirement pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the division, the amount of

1 3 1/3% of each driver's license fee and of each duplicate
2 driver's license fee must be deposited into the county
3 general fund.

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

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

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

18 (d) The amount of 23 1/3% of each driver's license fee
19 and of each duplicate driver's license fee and the amount of
20 35% of each motorcycle endorsement fee must be deposited
21 into the state traffic education account.

22 (e) The amount of 40% of each driver's license fee and
23 of each duplicate driver's license fee and the amount of 60%
24 of each motorcycle endorsement fee must be deposited into
25 the state general fund.

1 (2) (a) If fees from driver's licenses, motorcycle
2 endorsements, and duplicate driver's licenses are collected
3 by a county treasurer or other agent of the division, he
4 shall deposit the amounts provided for in subsections
5 (1)(b)(i) and (1)(c)(i) into the county general fund. He
6 shall then remit to the state treasurer all remaining fees,
7 together with a statement indicating what portion of each
8 fee is to be deposited into the Montana highway patrolmen's
9 retirement pension trust fund, the state traffic education
10 account, and the state general fund. The state treasurer,
11 upon receipt of the fees and statement, shall deposit the
12 fees as provided in subsections (1)(a), (1)(d), and (1)(e).

13 (b) If fees from driver's licenses, motorcycle
14 endorsements, and duplicate driver's licenses are collected
15 by the division, it shall remit all fees to the state
16 treasurer, together with a statement indicating what portion
17 of each fee is to be deposited into the Montana highway
18 patrolmen's retirement pension trust fund, the state special
19 revenue fund, the state traffic education account, and the
20 state general fund. The state treasurer, upon receipt of the
21 fees and statement, shall deposit the fees as provided in
22 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and
23 (1)(e).

24 Section 4. Section 15-1-501, MCA, is amended to read:
25 "15-1-501. (Effective July 1, 1985--Applicable to tax

1 years beginning after December 31, 1984) Disposition of
 2 moneys from certain designated license and other taxes. (1)
 3 The state treasurer shall deposit to the credit of the state
 4 general fund all moneys received by him from the collection
 5 of:

6 (a) automobile fees from driver's license licenses,
 7 motorcycle endorsements, and duplicate driver's licenses as
 8 provided in [section 3] fees-under-subsections--(i)--through
 9 (6)-of-61-5-111;

10 (b) electrical energy producer's license taxes under
 11 chapter 51;

12 (c) severance taxes allocated to the general fund
 13 under chapter 36;

14 (d) liquor license taxes under Title 16;

15 (e) telephone [company] license taxes under chapter
 16 53; and

17 (f) inheritance and estate taxes under Title 72,
 18 chapter 16.

19 (2) Seventy-five percent of all moneys received from
 20 the collection of income taxes under chapter 30 and
 21 corporation license and income taxes under chapter 31,
 22 except as provided in 15-31-702, shall be deposited in the
 23 general fund subject to the prior pledge and appropriation
 24 of such income tax and corporation license tax collections
 25 for the payment of long-range building program bonds. The

1 remaining 25% of the proceeds of the corporation license
 2 tax, excluding that allocated to the counties under
 3 15-31-702, corporation income tax, and income tax shall be
 4 deposited to the credit of the state special revenue fund
 5 for state equalization aid to the public schools of Montana.

6 (3) The state treasurer shall also deposit to the
 7 credit of the state general fund all moneys received by him
 8 from the collection of license taxes, fees, and all net
 9 revenues and receipts from all other sources under the
 10 operation of the Montana Alcoholic Beverage Code.

11 (4) Thirty-three and one-third percent of the total
 12 collections of the oil severance tax under chapter 36 shall
 13 be deposited into the local government block grant account
 14 within the state special revenue fund. After the
 15 distribution provided for in 15-36-112, the remainder of the
 16 oil severance tax collections shall be deposited in the
 17 general fund."

18 Section 5. Section 19-6-401, MCA, is amended to read:

19 "19-6-401. Payments into retirement fund. All
 20 appropriations made by the state, all contributions by
 21 members of the Montana highway patrol, in the amount
 22 hereinafter specified, and all interest on and increase of
 23 the investments and moneys under this account, and a portion
 24 of the fees from driver's licenses and duplicate driver's
 25 licenses as provided in [section 3] shall be paid to the

1 state treasurer, who shall credit the payments to the
2 Montana highway patrolmen's retirement pension trust fund."

3 Section 6. Section 19-6-404, MCA, is amended to read:
4 "19-6-404. State's contribution. The state of Montana
5 shall annually contribute to the account an amount equal to
6 16.57% of the salaries paid to the highway patrolmen who are
7 covered by this account from the general fund. In addition,
8 the state shall contribute to the account a portion of the
9 fees from driver's licenses and duplicate driver's licenses
10 as provided in [section 3]."

11 Section 7. Section 20-7-504, MCA, is amended to read:
12 "20-7-504. State traffic education account -- proceeds
13 earmarked for the account. (1) There is a traffic education
14 account in the treasury of the state of Montana. There shall
15 be paid into this account a portion of the fines and
16 forfeitures collected in any court from persons apprehended
17 or arrested by highway patrol officers or department of
18 highways peace officers for any violation of chapter 3, part
19 1 of chapter 4, or chapters 5 through 10 of Title 61
20 relating to the operation or use of motor vehicles in the
21 following amounts:

- 22 (a) if a fine is imposed, 25% of the fine imposed;
23 (b) if multiple offenses are involved, 25% of the
24 total sum of all fines imposed;
25 (c) if a fine is suspended, in whole or in part, 25%

1 of the fine actually paid; and

2 (d) if any deposit of bail is made for an offense to
3 which this section applies and the bail is forfeited, 25% of
4 the forfeited bail.

5 (2) ~~Thirty-five--percent~~ A portion of all money
6 ~~received--by--the--state~~ from the collection of the ~~motor~~
7 ~~vehicle fees from driver's license-fee--provided--for--under~~
8 ~~the--laws--of-Montana licenses, motorcycle endorsements, and~~
9 duplicate driver's licenses shall be contributed to the
10 traffic education account as provided in [section 3]."

11 NEW SECTION. Section 8. Codification instruction.
12 Section 3 is intended to be codified as an integral part of
13 Title 61, chapter 5.

14 NEW SECTION. Section 9. Effective date. This act is
15 effective July 1, 1985.

-End-

STANDING COMMITTEE REPORT

SENATE

March 11 19 85

MR. PRESIDENT

STATE ADMINISTRATION

We, your committee on.....

having had under consideration..... HOUSE BILL No. 283

third reading copy (blue)
color

(Senator VanValkenburg will carry)

INCREASING DRIVER'S LICENSE FEES TO FUND HIGHWAY PATROL RETIREMENT SYSTEM.

Respectfully report as follows: That..... HOUSE BILL No. 283

be amended as follows:

1. Page 9, line 4.
Following: "contribution."
Insert: "(1)"


2. Page 9, line 10.
Following: "3]."
Insert: "(2) The department shall credit all fees deposited as provided in [section 3] as part of the state's contribution required in subsection (1)."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~


..... Chairman.

1 HOUSE BILL NO. 283

2 INTRODUCED BY O'CONNELL, JACK MOORE, KEYSER, BLAYLOCK,
 3 LYBECK, ZABROCKI, PISTORIA, MILLER, LORY, HARRINGTON,
 4 BERGENE, BRANDEWIE, MANNING, CHRISTIAENS, VAN VALKENBURG,
 5 MONTAYNE, PAVLOVICH, LYNCH, E. SMITH, HIRSCH, BOYLAN,
 6 JACOBSON, H. HAMMOND, HAND, J. BROWN, HOWE, VINCENT,
 7 KEENAN, MILES, ABRAMS, CONNELLY, HART, MENAHAN, HARBIN,
 8 MCCORMICK, BACHINI, O'HARA, KOEHNKE, SPAETH, FRITZ, JONES,
 9 B. WILLIAMS, NISBET, DRISCOLL, ADDY, QUILICI, KRUEGER,
 10 D. BROWN, SCHYE, PECK, J. HAMMOND, GARCIA, REAM, HARDING,
 11 C. SMITH, KADAS, HARP, SWIFT, MANUEL, DONALDSON, BRADLEY

12
 13 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING DRIVER'S
 14 LICENSE AND DUPLICATE DRIVER'S LICENSE FEES; PROVIDING THAT
 15 THE INCREASE IN THESE FEES BE DEPOSITED INTO THE MONTANA
 16 HIGHWAY PATROLMEN'S RETIREMENT PENSION TRUST FUND; AMENDING
 17 SECTIONS 15-1-501, 19-6-401, 19-6-404, 20-7-504, 61-5-111,
 18 AND 61-5-114, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

22 "61-5-111. Licenses issued to operators and chauffeurs
 23 -- renewals and expiration -- fees ---disposition. (1) The
 24 division shall have authority to appoint county treasurers
 25 and other qualified officers to act as its agents for the

1 sale of driver's licenses receipts and shall make necessary
 2 rules governing such sales. In those areas where the
 3 division provides driver licensing services 3 days or more a
 4 week the division is responsible for sale of receipts and
 5 may not appoint an agent. The division, upon receipt of
 6 payment of the fees specified in this section, shall issue
 7 to every applicant qualifying therefor an operator's or
 8 chauffeur's license as applied for. Such licenses shall
 9 contain a photograph of the licensee in the size and form as
 10 prescribed by the division, a distinguishing number issued
 11 to the licensee; the full name, date of birth, residence
 12 address, and a brief description of the licensee; and either
 13 a facsimile of the signature of the licensee or a space upon
 14 which he shall write his signature in pen and ink
 15 immediately upon receipt of the license. No license shall be
 16 valid until it has been so signed by the licensee. Five
 17 percent--of--the--license--fees--collected--by--the---county
 18 treasurer--shall--be--deposited--by--the--county--treasurer--for--the
 19 use--of--the--county--general--fund;--in--the--event--no--agent--is
 20 appointed--under--this--section,--5%--of--the--license--fees
 21 collected--by--the--division--shall--be--retained--by--the--division
 22 to--defray--the--cost--of--handling:

23 (2) The division shall, when any person applies for
 24 renewal of an operator's or chauffeur's license, test the
 25 applicant's eyesight and may also in the division's

1 discretion have the applicant demonstrate his physical
2 ability to operate and to exercise ordinary and reasonable
3 care in the operation of a motor vehicle. A person shall be
4 considered to have applied for renewal of a Montana
5 operator's or chauffeur's license if the application is made
6 within 3 months of the expiration of his license.

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

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

22 (5) It shall be unlawful for any person to have in his
23 possession or under his control more than one Montana
24 operator's or chauffeur's license at any one time. A license
25 is not valid for the operation of a motorcycle until the

1 holder thereof has completed the requirements of 61-5-110
2 and the license has been clearly marked with the words
3 "motorcycle endorsement".

4 (6) Fees for driver's licenses shall be as follows:

5 (a) driver's license -- \$2 \$3 per year or fraction
6 thereof;

7 (b) motorcycle endorsement -- 50 cents per year or
8 fraction thereof.

9 ~~{7}--The--county--treasurer--or--other--agent--of--the~~
10 ~~division--collecting--such--fees--shall--retain--5%--of--each--fee~~
11 ~~for--the--use--of--the--county--general--fund--and--shall--transmit~~
12 ~~the--remainder--to--the--state--treasurer,--who--shall--deposit--to~~
13 ~~the--credit--of--the--state--general--fund--all--money--received--by~~
14 ~~him--from--the--collection--of--the--fees."~~

15 Section 2. Section 61-5-114, MCA, is amended to read:

16 "61-5-114. Duplicate ~~certificates~~ licenses. In the
17 event that an instruction permit or operator's or
18 chauffeur's license issued under the provisions of this
19 chapter is lost or destroyed, the person to whom the same
20 was issued may upon the payment of a fee of \$1 \$5 obtain a
21 duplicate or substitute thereof, upon furnishing proof
22 satisfactory to the division that such permit or license has
23 been lost or destroyed."

24 NEW SECTION. Section 3. Disposition of fees. (1) The
25 disposition of the fees from driver's licenses provided for

1 in 61-5-111(6)(a), motorcycle endorsements provided for in
 2 61-5-111(6)(b), and duplicate driver's licenses provided for
 3 in 61-5-114 is as follows:

4 (a) The amount of 33 1/3% of each driver's license fee
 5 and of each duplicate driver's license fee must be deposited
 6 into the Montana highway patrolmen's retirement pension
 7 trust fund.

8 (b) (i) If the fees are collected by a county
 9 treasurer or other agent of the division, the amount of
 10 3 1/3% of each driver's license fee and of each duplicate
 11 driver's license fee must be deposited into the county
 12 general fund.

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

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

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

1 endorsements.

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

6 (e) The amount of 40% of each driver's license fee and
 7 of each duplicate driver's license fee and the amount of 60%
 8 of each motorcycle endorsement fee must be deposited into
 9 the state general fund.

10 (2) (a) If fees from driver's licenses, motorcycle
 11 endorsements, and duplicate driver's licenses are collected
 12 by a county treasurer or other agent of the division, he
 13 shall deposit the amounts provided for in subsections
 14 (1)(b)(i) and (1)(c)(i) into the county general fund. He
 15 shall then remit to the state treasurer all remaining fees,
 16 together with a statement indicating what portion of each
 17 fee is to be deposited into the Montana highway patrolmen's
 18 retirement pension trust fund, the state traffic education
 19 account, and the state general fund. The state treasurer,
 20 upon receipt of the fees and statement, shall deposit the
 21 fees as provided in subsections (1)(a), (1)(d), and (1)(e).

22 (b) If fees from driver's licenses, motorcycle
 23 endorsements, and duplicate driver's licenses are collected
 24 by the division, it shall remit all fees to the state
 25 treasurer, together with a statement indicating what portion

1 of each fee is to be deposited into the Montana highway
 2 patrolmen's retirement pension trust fund, the state special
 3 revenue fund, the state traffic education account, and the
 4 state general fund. The state treasurer, upon receipt of the
 5 fees and statement, shall deposit the fees as provided in
 6 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), and
 7 (1)(e).

8 Section 4. Section 15-1-501, MCA, is amended to read:

9 "15-1-501. (Effective July 1, 1985--Applicable to tax
 10 years beginning after December 31, 1984) Disposition of
 11 moneys from certain designated license and other taxes. (1)
 12 The state treasurer shall deposit to the credit of the state
 13 general fund all moneys received by him from the collection
 14 of:

15 (a) automobile fees from driver's license licenses,
 16 motorcycle endorsements, and duplicate driver's licenses as
 17 provided in [section 3] fees-under-subsections--(1)--through
 18 (6)-of-61-5-111;

19 (b) electrical energy producer's license taxes under
 20 chapter 51;

21 (c) severance taxes allocated to the general fund
 22 under chapter 36;

23 (d) liquor license taxes under Title 16;

24 (e) telephone [company] license taxes under chapter
 25 53; and

1 (f) inheritance and estate taxes under Title 72,
 2 chapter 16.

3 (2) Seventy-five percent of all moneys received from
 4 the collection of income taxes under chapter 30 and
 5 corporation license and income taxes under chapter 31,
 6 except as provided in 15-31-702, shall be deposited in the
 7 general fund subject to the prior pledge and appropriation
 8 of such income tax and corporation license tax collections
 9 for the payment of long-range building program bonds. The
 10 remaining 25% of the proceeds of the corporation license
 11 tax, excluding that allocated to the counties under
 12 15-31-702, corporation income tax, and income tax shall be
 13 deposited to the credit of the state special revenue fund
 14 for state equalization aid to the public schools of Montana.

15 (3) The state treasurer shall also deposit to the
 16 credit of the state general fund all moneys received by him
 17 from the collection of license taxes, fees, and all net
 18 revenues and receipts from all other sources under the
 19 operation of the Montana Alcoholic Beverage Code.

20 (4) Thirty-three and one-third percent of the total
 21 collections of the oil severance tax under chapter 36 shall
 22 be deposited into the local government block grant account
 23 within the state special revenue fund. After the
 24 distribution provided for in 15-36-112, the remainder of the
 25 oil severance tax collections shall be deposited in the

1 general fund."

2 Section 5. Section 19-6-401, MCA, is amended to read:

3 "19-6-401. Payments into retirement fund. All
4 appropriations made by the state, all contributions by
5 members of the Montana highway patrol, in the amount
6 hereinafter specified, and all interest on and increase of
7 the investments and moneys under this account, and a portion
8 of the fees from driver's licenses and duplicate driver's
9 licenses as provided in [section 3] shall be paid to the
10 state treasurer, who shall credit the payments to the
11 Montana highway patrolmen's retirement pension trust fund."

12 Section 6. Section 19-6-404, MCA, is amended to read:

13 "19-6-404. State's contribution. (1) The state of
14 Montana shall annually contribute to the account an amount
15 equal to 16.57% of the salaries paid to the highway
16 patrolmen who are covered by this account from the general
17 fund. In addition, the state shall contribute to the account
18 a portion of the fees from driver's licenses and duplicate
19 driver's licenses as provided in [section 3].

20 (2) THE DEPARTMENT SHALL CREDIT ALL FEES DEPOSITED AS
21 PROVIDED IN [SECTION 3] AS PART OF THE STATE'S CONTRIBUTION
22 REQUIRED IN SUBSECTION (1)."

23 Section 7. Section 20-7-504, MCA, is amended to read:

24 "20-7-504. State traffic education account -- proceeds
25 earmarked for the account. (1) There is a traffic education

1 account in the treasury of the state of Montana. There shall
2 be paid into this account a portion of the fines and
3 forfeitures collected in any court from persons apprehended
4 or arrested by highway patrol officers or department of
5 highways peace officers for any violation of chapter 3, part
6 1 of chapter 4, or chapters 5 through 10 of Title 61
7 relating to the operation or use of motor vehicles in the
8 following amounts:

- 9 (a) if a fine is imposed, 25% of the fine imposed;
10 (b) if multiple offenses are involved, 25% of the
11 total sum of all fines imposed;
12 (c) if a fine is suspended, in whole or in part, 25%
13 of the fine actually paid; and
14 (d) if any deposit of bail is made for an offense to
15 which this section applies and the bail is forfeited, 25% of
16 the forfeited bail.

17 (2) ~~Thirty-five--percent~~ A portion of all money
18 ~~received--by--the--state~~ from the collection of ~~the--motor~~
19 ~~vehicle fees from driver's license-fee--provided--for--under~~
20 ~~the--laws--of--Montana licenses, motorcycle endorsements, and~~
21 duplicate driver's licenses shall be contributed to the
22 traffic education account as provided in [section 3]."

23 NEW SECTION. Section 8. Codification instruction.
24 Section 3 is intended to be codified as an integral part of
25 Title 61, chapter 5.

HB 0283/02

1 NEW SECTION. Section 9. Effective date. This act is
2 effective July 1, 1985.

-End-