

HOUSE BILL NO. 397

INTRODUCED BY MCCULLOCH, FOSTER, CLARK, ANDERSON, WYATT,
REAM, GRIMES, KADAS, RYAN, BRANDEWIE
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
	FIRST READING.
FEBRUARY 10, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 74; NOES, 26.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 41; NOES, 6.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
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APRIL 2, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 397
 2 INTRODUCED BY McCallister, Clark, Anderson
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
 4 Wyatt, Beane, Jimma, Koles, W. Lynn, B. Lewis
 5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
 6 DUPLICATE DRIVER'S LICENSES AND INSTRUCTION PERMITS AND FOR
 7 COPIES OF MONTANA DRIVING RECORDS; ESTABLISHING A FEE FOR
 8 NATIONAL DRIVER REGISTER INQUIRIES; PROVIDING FOR THE
 9 ISSUANCE OF AN IDENTIFICATION CARD TO ANY APPLICANT;
 10 INCREASING THE FEE FOR IDENTIFICATION CARDS; APPROPRIATING
 11 MONEY TO THE DEPARTMENT OF JUSTICE TO FUND IMPROVEMENTS IN
 12 THE SECURITY OF MONTANA DRIVER'S LICENSES; AMENDING SECTIONS
 13 61-5-114, 61-11-105, 61-12-501, AND 61-12-504, MCA; AND
 14 PROVIDING AN EFFECTIVE DATE."
 15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17 **Section 1.** Section 61-5-114, MCA, is amended to read:
 18 "61-5-114. Duplicate licenses. In the event that an
 19 instruction permit or driver's license issued under the
 20 provisions of this chapter is lost or destroyed, the person
 21 to whom the same was issued may upon the payment of a fee of
 22 \$5 \$8 obtain a duplicate or substitute thereof, upon
 23 furnishing proof satisfactory to the department that such
 24 the permit or license has been lost or destroyed."
 25 **Section 2.** Section 61-11-105, MCA, is amended to read:

1 "61-11-105. Release of information -- fees. (1) Except
 2 as provided in subsection (2), the department shall, upon
 3 request and with the licensee's approval, furnish a person
 4 the individual Montana driving record of a licensee, showing
 5 the following:
 6 (a) licensee identification data, which may not include
 7 the individual's residence address;
 8 (b) driver's license status and expiration date;
 9 (c) convictions of the licensee; and
 10 (d) traffic accidents in which the licensee was
 11 involved.
 12 (2) Information relating to a traffic accident that did
 13 not involve a conviction, as defined in 61-11-203, may not
 14 be released by the department unless the release is
 15 requested or approved by a party involved in the accident or
 16 is required by court order or a duly executed subpoena. The
 17 department shall, upon request, furnish a criminal justice
 18 agency or any person or firm having a legitimate purpose as
 19 determined by the department with the individual Montana
 20 driving record of a licensee showing the items listed in
 21 subsections (1)(a) through (1)(d).
 22 (3) A fee of \$3 \$4 must be paid for each individual
 23 Montana driving record requested. A fee of \$3 must be paid
 24 for each national driver register (NDR) inquiry. A fee of
 25 \$10 must be paid if a certified Montana record, as provided

in 61-11-102(6), is requested. ~~Individual~~ All driving records must be provided without charge to any criminal justice agency, as defined in 44-5-103, or other state or federal agency."

Section 3. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards. The department ~~is-hereby-authorized-to~~ may issue identification cards to any person:

~~{1}--who-is-not-the-holder-of-a-valid-driver's--license;~~

or

~~{2}--whose-driver's-license-is-suspended."~~

Section 4. Section 61-12-504, MCA, is amended to read:

"61-12-504. (Temporary) Fees for identification cards -- disposition of fees. (1) Fees not in excess of \$1 for identification cards issued pursuant to this part must be collected and credited to a state special revenue fund to be known as the Montana highway patrol identification card fund. Except as provided in subsection (2), the fund must be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the Montana highway patrol identification card fund must be transferred to the general fund. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-12-504. (Effective July 1, 1993) Fees for

identification cards. (1) Fees not in excess of \$1 \$8 for identification cards issued pursuant to this part must be collected and deposited in the general fund.

(2) Each identification card expires on the anniversary of the date of birth of the holder 4 years after the date of issue."

NEW SECTION. Section 5. Appropriation. There is appropriated from the general fund to the department of justice \$200,000 in fiscal year 1994 and \$215,000 in fiscal year 1995 to fund improvement of the security of Montana driver's licenses and to provide a means of automated access to license information through digitizing the license image, the addition of a magnetic reader stripe, and a hologram or other security device.

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0397, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the fees for duplicate driver's licenses and instruction permits and for copies of Montana driving records; establishing a fee for national driver register inquiries; providing for the issuance of an identification card to any applicant; increasing the fee for identification cards.

ASSUMPTIONS:

1. 12,450 duplicate driver licenses were issued in calendar 1991. The same number will be issued in FY94 and FY95. The bill would raise fees for issuance of duplicate driver licenses from \$5 to \$8.
2. 385,000 Montana driving records were requested and issued in FY92. The same volume will be issued in FY94 and FY95. The bill would raise the fee for these requests from \$3 to \$4.
3. A National Driver Register (NDR) inquiry will be made for 30% of federal employees in the state each year and there are currently 20,000 federal employees in Montana. The estimated annual revenue from imposition of a \$3 fee for each inquiry is \$18,000 (6,000 x \$3).
4. It is assumed that 5% of all licensed drivers (5% x 680,000) will purchase an identification (ID) card in addition to the driver's license at time of license renewal. Therefore, 8,500 (680,000 X 5% / 4) will buy ID cards each year, plus 2,500 that are purchased annually under current law. Current law limits the issuance of these cards to those who do not hold a valid driver's license or whose license is suspended. The bill would raise the ID card fee from \$1 to \$8.
5. The following expenses are estimated to be necessary to provide security and imaging to the driver's license: operating expenses of postage for ID cards: \$2,300; computer network charges for new on-line driver services access for 42 counties: \$20,200; additional contract fees for imaging: \$138,700; estimated growth in the number of licenses processed (FY95): \$16,800; and data processing equipment each year: \$17,000.
6. Although the executive budget recommends funding the Motor Vehicle Division with highways state special revenue, funding for the Driver Services Bureau is shown as general fund on this fiscal note to be consistent with the action of the General Government and Transportation Appropriations Subcommittee on January 22, 1993, to reject the funding switch.

FISCAL IMPACT: Department of Justice-Driver Services Bureau:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
FTE	108.25	108.25	0.00	108.25	108.25	0.00
Personal Services	2,704,300	2,704,300	0	2,711,600	2,711,600	0
Operating	978,700	1,139,900	161,200	990,200	1,168,200	178,000
Equipment	124,400	141,400	17,000	129,100	146,100	17,000
Debt Service	131,500	131,500	0	131,500	131,500	0
Total	3,938,900	4,117,100	178,200	3,962,400	4,157,400	195,000
Funding:						
General Fund	3,924,400	4,102,600	178,200	3,949,900	4,144,900	195,000
Federal Special Revenue	14,500	14,500	0	12,500	12,500	0
Total	3,938,900	4,117,100	178,200	3,962,400	4,157,400	195,000

(continued)

Dave Lewis 2-5-93
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Scott T. McCulloch 2-9-93
 SCOTT MCCULLOCH, PRIMARY SPONSOR DATE

Fiscal Note for HB0397, as introduced**HB 397**

Fiscal Note Request HB0397, as introduced
Form BD-15 page 2
(continued)

Revenues:

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Duplicate Driver Lic. (General Fund)	62,250	99,600	37,350	62,250	99,600	37,350
Driving Record Report (General Fund)	1,155,000	1,540,000	385,000	1,155,000	1,540,000	385,000
NDR Inquiry (General Fund)	0	18,000	18,000	0	18,000	18,000
Identification Card (General Fund)	<u>2,500</u>	<u>88,000</u>	<u>85,500</u>	<u>2,500</u>	<u>88,000</u>	<u>85,500</u>
Total	1,219,750	1,745,600	525,850	1,219,750	1,745,600	525,850
Net General Fund Impact			347,650			330,850

HB 397

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0397, third reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act increasing the fees for copies of Montana driving records; providing for the issuance of an identification card to any applicant; increasing the fee for identification cards; and establishing appropriations to the Department of Justice to fund improvements in the security of driver's licenses and to provide a means of automated access to license information through digitizing the license image, adding a magnetic reader stripe, and a hologram.

ASSUMPTIONS:

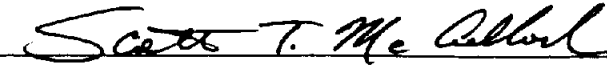
1. 385,000 Montana driving records were requested and issued in FY92. The same volume will be issued in FY94 and FY95. The bill would raise the fee for these requests from \$3 to \$4.
2. 5% of all licensed drivers (5% x 680,000) will purchase an identification (ID) card in addition to the driver's license at time of license renewal. Therefore, 8,500 (680,000 X 5% / 4) will buy ID cards each year, plus 2,500 that are purchased annually under current law. Current law limits the issuance of these cards to those who do not hold a valid driver's license or whose license is suspended. The bill would raise the ID card fee from \$1 to \$8.
3. The following expenses are estimated to be necessary to provide security and imaging to the driver's license: operating expenses of postage for ID cards: \$2,300; computer network charges for new on-line driver services access for 42 counties: \$20,200; additional contract fees for imaging: \$138,700; estimated growth in the number of licenses processed (FY95): \$16,800; and data processing equipment each year: \$17,000.
4. Total estimated expenditures are less than the amounts appropriated in the bill. \$200,000 is appropriated in FY94 and \$215,000 is appropriated in FY95.
5. Funding for the Driver Services Bureau is shown consistent with the action of the General Government and Transportation Appropriations Subcommittee on January 22, 1993.

FISCAL IMPACT: Department of Justice-Driver Services Bureau:

	FY '94			FY '95		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	108.25	108.25	0.00	108.25	108.25	0.00
Personal Services	2,704,300	2,704,300	0	2,711,600	2,711,600	0
Operating	978,700	1,139,900	161,200	990,200	1,168,200	178,000
Equipment	124,400	141,400	17,000	129,100	146,100	17,000
Debt Service	<u>131,500</u>	<u>131,500</u>	<u>0</u>	<u>131,500</u>	<u>131,500</u>	<u>0</u>
Total	3,938,900	4,117,100	178,200	3,962,400	4,157,400	195,000
<u>Funding:</u>						
General Fund	3,924,400	4,102,600	178,200	3,949,900	4,144,900	195,000
Federal Special Revenue	<u>14,500</u>	<u>14,500</u>	<u>0</u>	<u>12,500</u>	<u>12,500</u>	<u>0</u>
Total	3,938,900	4,117,100	178,200	3,962,400	4,157,400	195,000

(continued)

 3-12-93
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 SCOTT MCCULLOCH, PRIMARY SPONSOR DATE

Fiscal Note for HB0397, third reading

HB 397 #2

Revenues:

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Driving Record Report (General Fund)	1,155,000	1,540,000	385,000	1,155,000	1,540,000	385,000
Identification Card (General Fund)	<u>2,500</u>	<u>88,000</u>	<u>85,500</u>	<u>2,500</u>	<u>88,000</u>	<u>85,500</u>
Total	1,157,500	1,628,000	470,500	1,157,500	1,628,000	470,500
Net General Fund Impact			292,300			275,500

HB 397 #2

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 397

INTRODUCED BY MCCULLOCH, POSTER, CLARK, ANDERSON, WYATT,

REAM, GRIMES, KADAS, RYAN, BRANDEWIE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
~~DUPLICATE DRIVER'S LICENSES AND INSTRUCTION PERMITS AND FOR~~
COPIES OF MONTANA DRIVING RECORDS; ~~ESTABLISHING A FEE FOR~~
~~NATIONAL DRIVER REGISTER INQUIRIES~~; PROVIDING FOR THE
ISSUANCE OF AN IDENTIFICATION CARD TO ANY APPLICANT;
INCREASING THE FEE FOR IDENTIFICATION CARDS; APPROPRIATING
MONEY TO THE DEPARTMENT OF JUSTICE TO FUND IMPROVEMENTS IN
THE SECURITY OF MONTANA DRIVER'S LICENSES; LIMITING
INFORMATION THAT MAY BE PLACED ON A DRIVER'S LICENSE
MAGNETIC STRIPE; AMENDING SECTIONS ~~61-5-114~~, 61-11-105,
61-12-501, AND 61-12-504, MCA; AND PROVIDING AN EFFECTIVE
DATE."

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

~~Section 1. Section 61-5-114, MCA, is amended to read--~~

~~"61-5-114--Duplicate licenses--In the event that an~~
~~instruction permit or driver'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~~
~~\$5.90 obtain a duplicate or substitute thereof, upon~~

~~furnishing proof satisfactory to the department that such~~
~~the permit or license has been lost or destroyed."~~

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

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

(a) licensee identification data, which may not include
the individual's residence address;

(b) driver's license status and expiration date;

(c) convictions of the licensee; and

(d) traffic accidents in which the licensee was
involved.

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

(3) A fee of \$3.94 must be paid for each individual



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

Section 2. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards. The department ~~is hereby authorized to~~ may issue identification cards to any person:

(1) ~~who is not the holder of a valid driver's license;~~

or

(2) ~~whose driver's license is suspended.~~"

Section 3. Section 61-12-504, MCA, is amended to read:

"61-12-504. (Temporary) Fees for identification cards — disposition of fees. (1) Fees not in excess of \$1 for identification cards issued pursuant to this part must be collected and credited to a state special revenue fund to be known as the Montana highway patrol identification card fund. Except as provided in subsection (2), the fund must be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the Montana highway patrol identification card fund must be

transferred to the general fund. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-12-504. (Effective July 1, 1993) Fees for identification cards. (1) Fees not in excess of \$1 ~~\$8~~ for identification cards issued pursuant to this part must be collected and deposited in the general fund.

(2) Each identification card expires on the anniversary of the date of birth of the holder 4 years after the date of issue."

NEW SECTION. Section 4. Appropriation. There is appropriated from the general fund to the department of justice \$200,000 in fiscal year 1994 and \$215,000 in fiscal year 1995 to fund improvement of the security of Montana driver's licenses and to provide a means of automated access to license information through digitizing the license image, the addition of a magnetic reader stripe CONTAINING ONLY THE INFORMATION SHOWN ON THE FACE OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD, and a hologram or other security device.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-

1 HOUSE BILL NO. 397

2 INTRODUCED BY MCCULLOCH, POSTER, CLARK, ANDERSON, WYATT,

3 REAM, GRIMES, KADAS, RYAN, BRANDENIE

4 BY REQUEST OF THE DEPARTMENT OF JUSTICE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
7 ~~DUPLICATE-DRIVER'S-LICENSES-AND-INSTRUCTION-PERMITS-AND--FOR~~
8 COPIES OF MONTANA DRIVING RECORDS; ~~ESTABLISHING-A-FEE-FOR~~
9 ~~NATIONAL--DRIVER--REGISTER--INQUIRIES~~; PROVIDING FOR THE
10 ISSUANCE OF AN IDENTIFICATION CARD TO ANY APPLICANT;
11 INCREASING THE FEE FOR IDENTIFICATION CARDS; APPROPRIATING
12 MONEY TO THE DEPARTMENT OF JUSTICE TO FUND IMPROVEMENTS IN
13 THE SECURITY OF MONTANA DRIVER'S LICENSES; LIMITING
14 INFORMATION THAT MAY BE PLACED ON A DRIVER'S LICENSE
15 MAGNETIC STRIPE; AMENDING SECTIONS 61-5-114, 61-11-105,
16 61-12-501, AND 61-12-504, MCA; AND PROVIDING AN EFFECTIVE
17 DATE."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:20 ~~Section 1. Section 61-5-114, MCA, is amended to read:--~~

21 ~~"61-5-114. Duplicate licenses, in the event that an~~
22 ~~instruction permit or driver's license issued under the~~
23 ~~provisions of this chapter is lost or destroyed, the person~~
24 ~~to whom the same was issued may upon the payment of a fee of~~
25 ~~\$5.98 obtain a duplicate or substitute thereof upon~~

1 ~~furnishing proof satisfactory to the department that such~~
2 ~~the permit or license has been lost or destroyed."~~

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

4 "61-11-105. Release of information -- fees. (1) Except
5 as provided in subsection (2), the department shall, upon
6 request and with the licensee's approval, furnish a person
7 the individual Montana driving record of a licensee, showing
8 the following:

9 (a) licensee identification data, which may not include
10 the individual's residence address;

11 (b) driver's license status and expiration date;

12 (c) convictions of the licensee; and

13 (d) traffic accidents in which the licensee was
14 involved.

15 (2) Information relating to a traffic accident that did
16 not involve a conviction, as defined in 61-11-203, may not
17 be released by the department unless the release is
18 requested or approved by a party involved in the accident or
19 is required by court order or a duly executed subpoena. The
20 department shall, upon request, furnish a criminal justice
21 agency or any person or firm having a legitimate purpose as
22 determined by the department with the individual Montana
23 driving record of a licensee showing the items listed in
24 subsections (1)(a) through (1)(d).

25 (3) A fee of \$3.54 must be paid for each individual

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

Section 2. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards. The department is hereby authorized to ~~may~~ issue identification cards to any person:

~~(1) who is not the holder of a valid driver's license;~~
or

~~(2) whose driver's license is suspended."~~

Section 3. Section 61-12-504, MCA, is amended to read:

"61-12-504. (Temporary) Fees for identification cards -- disposition of fees. (1) Fees not in excess of \$1 for identification cards issued pursuant to this part must be collected and credited to a state special revenue fund to be known as the Montana highway patrol identification card fund. Except as provided in subsection (2), the fund must be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the Montana highway patrol identification card fund must be

transferred to the general fund. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-12-504. (Effective July 1, 1993) Fees for identification cards. (1) Fees not in excess of \$1 \$8 for identification cards issued pursuant to this part must be collected and deposited in the general fund.

(2) Each identification card expires on the anniversary of the date of birth of the holder 4 years after the date of issue."

NEW SECTION. Section 4. Appropriation. There is appropriated from the general fund to the department of justice \$200,000 in fiscal year 1994 and \$215,000 in fiscal year 1995 to fund improvement of the security of Montana driver's licenses and to provide a means of automated access to license information through digitizing the license image, the addition of a magnetic reader stripe CONTAINING ONLY THE INFORMATION SHOWN ON THE FACE OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD, and a hologram or other security device.

NEW SECTION. Section 5. Effective date. (This act) is effective July 1, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 397 (first reading copy -- blue), respectfully report that House Bill No. 397 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 4, line 6.

Following: "fund."

Insert: "A handicapped person, as defined in 39-30-103, may obtain a free identification card."

2. Page 4, line 12.

Following: "justice"

Strike: "\$200,000"

Insert: "\$178,200"

Following: "and"

Strike: "\$215,000"

Insert: "\$195,000"

-END-

HB 397

SENATE

680950SC.Sma

M- Amd. Coord.
Sec. of Senate

Stanc
Senator Carrying Bill

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 26, 1993 3:30 pm

Mr. Chairman: I move to amend House Bill No. 397 (third reading copy -- blue).

ADOPT

REJECT

Signed: 
Senator Daryl Toews

That such amendments read:

1. Page 2, line 10.
Following: "address"
Insert: "or information provided through means of an electronic tracking device"

-END-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 27, 1993 12:25 pm

Mr. Chairman: I move to amend House Bill No. 397 (third reading copy -- blue).

ADOPT

REJECT

Signed: 
Senator B. F. "Chris" Christiaens

That such amendments read:

1. Page 4, line 4.
Strike: "(1)"
2. Page 4, lines 7 through 9.
Strike: subsection (2) in its entirety

Amend the Senate committee on Highways and Transportation report dated March 26, 1993, as follows:

To amendment 1
Following: "card."
Insert: "An individual discharged from any correctional facility shall be furnished a free identification card upon release, discharge or parole."

-END-

SENATE

HB 397
r681530CW.Sma

M- Amd. Coord.

SENATE

HB 397
r691224CW.Sma

 Amd. Coord.

HOUSE BILL NO. 397

INTRODUCED BY MCCULLOCH, FOSTER, CLARK, ANDERSON, WYATT,

REAM, GRIMES, KADAS, RYAN, BRANDEWIE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES FOR
DUPLICATE DRIVER'S LICENSES AND INSTRUCTION PERMITS AND FOR
COPIES OF MONTANA DRIVING RECORDS; ESTABLISHING A FEE FOR
NATIONAL DRIVER REGISTER INQUIRIES; PROVIDING FOR THE
ISSUANCE OF AN IDENTIFICATION CARD TO ANY APPLICANT;
INCREASING THE FEE FOR IDENTIFICATION CARDS; APPROPRIATING
MONEY TO THE DEPARTMENT OF JUSTICE TO FUND IMPROVEMENTS IN
THE SECURITY OF MONTANA DRIVER'S LICENSES; LIMITING
INFORMATION THAT MAY BE PLACED ON A DRIVER'S LICENSE
MAGNETIC STRIPE; AMENDING SECTIONS 61-5-114, 61-11-105,
61-12-501, AND 61-12-504, MCA; AND PROVIDING AN EFFECTIVE
DATE."

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

~~Section 1. Section 61-5-114, MCA, is amended to read:--~~

~~"61-5-114. Duplicate licenses. In the event that an
instruction permit or driver'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
\$5 obtain a duplicate or substitute thereof, upon~~

~~furnishing proof satisfactory to the department that such
the permit or license has been lost or destroyed."~~

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

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

(a) licensee identification data, which may not include
the individual's residence address OR INFORMATION PROVIDED
THROUGH MEANS OF AN ELECTRONIC TRACKING DEVICE;

(b) driver's license status and expiration date;

(c) convictions of the licensee; and

(d) traffic accidents in which the licensee was
involved.

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

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

Section 2. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards. The department ~~is hereby authorized to~~ may issue identification cards to any person:

~~(1)--who is not the holder of a valid driver's license;~~

or

~~(2)--whose driver's license is suspended."~~

Section 3. Section 61-12-504, MCA, is amended to read:

"61-12-504. (Temporary) Fees for identification cards -- disposition of fees. (1) Fees not in excess of \$1 for identification cards issued pursuant to this part must be collected and credited to a state special revenue fund to be known as the Montana highway patrol identification card fund. Except as provided in subsection (2), the fund must be used by the department to defray the cost of issuing identification cards.

(2) On or before June 30, 1993, the balance in the

Montana highway patrol identification card fund must be transferred to the general fund. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-12-504. (Effective July 1, 1993) Fees for identification cards. (1) Fees not in excess of \$1 ~~\$8~~ for identification cards issued pursuant to this part must be collected and deposited in the general fund. A HANDICAPPED PERSON, AS DEFINED IN 39-30-103, MAY OBTAIN A FREE IDENTIFICATION CARD. AN INDIVIDUAL DISCHARGED FROM ANY CORRECTIONAL FACILITY MUST BE FURNISHED A FREE IDENTIFICATION CARD UPON RELEASE, DISCHARGE, OR PAROLE.

(2) Each identification card expires on the anniversary of the date of birth of the holder 4 years after the date of issue."

NEW SECTION. Section 4. Appropriation. There is appropriated from the general fund to the department of justice ~~\$200,000~~ \$178,200 in fiscal year 1994 and ~~\$215,000~~ \$195,000 in fiscal year 1995 to fund improvement of the security of Montana driver's licenses and to provide a means of automated access to license information through digitizing the license image, the addition of a magnetic reader stripe CONTAINING ONLY THE INFORMATION SHOWN ON THE FACE OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD, and a hologram or other security device.

NEW SECTION. Section 5. Effective date. [This act] is

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1 effective July 1, 1993.

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