

HOUSE BILL NO. 66

INTRODUCED BY LARSON, TOOLE, REAM, KASTEN

IN THE HOUSE

DECEMBER 4, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

DECEMBER 9, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

DECEMBER 10, 1993

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

DECEMBER 11, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

DECEMBER 14, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

DECEMBER 15, 1993

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.
AYES, 48; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

DECEMBER 15, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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

1 subsection (4); a distinguishing number issued to the
2 licensee; the full name, date of birth, residence address,
3 and a brief description of the licensee; and either a
4 facsimile of the signature of the licensee or a space upon
5 which the licensee shall write the licensee's signature in
6 pen and ink immediately upon receipt of the license. A
7 license is not valid until it is signed by the licensee.

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

14 (b) In the case of a commercial driver's license, the
15 department may also require that the applicant successfully
16 complete a written examination as required by federal
17 regulations.

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

21 (d) The department shall mail a driver's license
22 renewal notice to a person no earlier than 60 days and no
23 later than 30 days prior to the expiration date of the
24 person's license.

25 (e) (i) A person may renew a driver's license by mail,

1 without the tests provided for in subsection (2)(a), for a
 2 4-year period, provided that the person:

3 (A) has not accumulated five or more points on the
 4 person's driving record for the 4 years immediately
 5 preceding the expiration date; and

6 (B) submits a sworn affidavit on a form prescribed by
 7 the department, attesting to the person's physical and
 8 mental ability to safely operate a motor vehicle.

9 (ii) The department may not renew a driver's license by
 10 mail for more than one renewal period. At the expiration of
 11 the mail renewal period, a person shall apply in person for
 12 a renewal.

13 (iii) A person who holds a probationary or restricted
 14 license may not renew the license by mail.

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

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

20 (5) Whenever the department issues an original license
 21 to a person under the age of 18 years, the license must be
 22 designated and clearly marked as a "provisional license".
 23 Any license designated and marked as provisional may be
 24 suspended by the department for a period of not more than 12
 25 months, when its records disclose that the licensee,

1 subsequent to the issuance of the license, has been guilty
 2 of careless or negligent driving. Upon renewal the
 3 department may, for any reasonable cause as shown by its
 4 records, designate the renewal of the license as
 5 provisional; otherwise, a license in usual form must be
 6 issued subject to other provisions of the laws of Montana.

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

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

19 (a) driver's license, except a commercial driver's
 20 license -- \$4 per year or fraction of a year;

21 (b) motorcycle endorsement -- 50 cents per year or
 22 fraction of a year;

23 (c) commercial driver's license:

24 (i) interstate -- \$5 per year or fraction of a year;

25 (ii) intrastate -- \$3.50 per year or fraction of a year.

~~{8}--A-license-designated-as-a-chauffeur's-license-as-of
January-17-1988-is-valid-as-a-commercial--driver's--license
until-the-expiration-of-the-license-~~

{9}(8) The holder of a chauffeur's license may convert the chauffeur's license to a commercial driver's license by paying the appropriate fee covering the remainder of the life of the license and complying with the requirements established by the department.

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

(10) A person may not renew a driver's license by mail until the person has received a digital license issued by the department. As used in this subsection, the term "digital license" means a license having a computer-imaged photograph and signature."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0066, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising driver's license renewals; requiring the Department of Justice to notify a person by mail when the person's driver's license is up for renewal; allowing a person to renew a driver's license by mail.

ASSUMPTIONS:

1. The driver's license renewal "notice" requirement referred to in 61-5-111(2)(d) is conditioned upon implementation of the renewal by mail system described in this bill. Consequently, minimal activity will take place in the activities mail renewal and mail "notice" requirements during the 3 1/2 years beginning July 1, 1994.
2. A driver's license may not be renewed by mail until the licensee has received a digital license (computer-imaged photograph and signature) issued by the Department of Justice. Digital licenses are being implemented during the 1995 biennium; therefore, mail renewal will not be available until the end of the 4-year license period for digital licenses issued during this biennium.

FISCAL IMPACT:

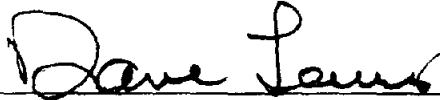
No fiscal impact during the 1995 biennium.


EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

When all drivers have a digitized license, there will be an annual general fund cost of approximately \$50,000 for mailing renewal notices. Up to 3.00 FTE may be needed to administer the mail renewal program in the central office of the Motor Vehicle Division. It is probable that the 3.00 FTE can be filled by field staff due to reduced workload at driver license stations as a result of expanded use of the mail renewal system. The ultimate volume usage of the mail-renewal system cannot be reasonably estimated at this time.

 12-8
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 12-9-93
DON LARSON, PRIMARY SPONSOR DATE
Fiscal Note for HB0066, as introduced

HB 66

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 House BILL NO. 66
2 INTRODUCED BY Lamm For Ream
3 Norton
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DRIVER'S
5 LICENSE RENEWALS; REQUIRING THE DEPARTMENT OF JUSTICE TO
6 NOTIFY A PERSON BY MAIL WHEN THE PERSON'S DRIVER'S LICENSE
7 IS UP FOR RENEWAL; ALLOWING A PERSON TO RENEW A DRIVER'S
8 LICENSE BY MAIL; AMENDING SECTION 61-5-111, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

1 subsection (4); a distinguishing number issued to the
2 licensee; the full name, date of birth, residence address,
3 and a brief description of the licensee; and either a
4 facsimile of the signature of the licensee or a space upon
5 which the licensee shall write the licensee's signature in
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8 (2) (a) The department shall, when any person applies
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10 applicant's eyesight and may also in the department's
11 discretion have the applicant demonstrate the applicant's
12 physical ability to operate and to exercise ordinary and
13 reasonable care in the operation of a motor vehicle.

14 (b) In the case of a commercial driver's license, the
15 department may also require that the applicant successfully
16 complete a written examination as required by federal
17 regulations.

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

21 (d) The department shall mail a driver's license
22 renewal notice to a person no earlier than 60 days and no
23 later than 30 days prior to the expiration date of the
24 person's license.

25 (e) (i) A person may renew a driver's license by mail,

without the tests provided for in subsection (2)(a), for a 4-year period, provided that the person:

(A) has not accumulated five or more points on the person's driving record for the 4 years immediately preceding the expiration date; and

(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's physical and mental ability to safely operate a motor vehicle.

(ii) The department may not renew a driver's license by mail for more than one renewal period. At the expiration of the mail renewal period, a person shall apply in person for a renewal.

(iii) A person who holds a probationary or restricted license may not renew the license by mail.

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

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

(5) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months, when its records disclose that the licensee,

subsequent to the issuance of the license, has been guilty of careless or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form must be issued subject to other provisions of the laws of Montana.

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

(7) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;

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

(c) commercial driver's license:

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NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1994.

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~~(8)--A license designated as a chauffeur's license as of January 1, 1988, is valid as a commercial driver's license until the expiration of the license.~~

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