

SENATE BILL NO. 390

INTRODUCED BY

Jerguson Berganzel

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FEES FOR DRIVER'S LICENSES, COMMERCIAL DRIVER'S LICENSES, AND REGISTRATION OF MOTOR VEHICLES; AMENDING SECTIONS 61-3-321, 63-3-325, 61-5-111, AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- public-owned vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers, in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under (other than motortrucks), \$5;

(b) motor vehicles weighing over 2,850 pounds (other than motortrucks), \$10;

(c) electrically driven passenger vehicles, \$10;

(d) all motorcycles and quadricycles, \$2;

(e) tractors and/or trucks, \$10;

(f) buses are classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, \$2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight (except housetrailers), \$5;

(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, \$10, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually,

1 regardless of size or capacity.

2 (2) All rates are 25% higher for motor vehicles, trailers, and semitrailers not equipped with
3 pneumatic tires.

4 (3) "Tractor", as specified in this section, means any motor vehicle, except passenger cars, used
5 for towing a trailer or semitrailer.

6 (4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after
7 the time of registration as set by law, the registration or license fee for the remainder of the year is one-half
8 of the regular fee.

9 (5) An additional fee of ~~\$5.25~~ 25 cents per year for each registration of a vehicle, except trailers
10 and semitrailers registered in other jurisdictions and registered through a proportional registration
11 agreement, must be collected as a registration fee. Revenue from this fee must be forwarded by the
12 respective county treasurers to the state treasurer for ~~deposit in the general fund. The department shall~~
13 ~~distribute 25 cents from the motor vehicle registration fee for payment of supplemental benefits~~ distribution
14 as provided for in 19-6-709.

15 (6) A fee of \$2 for each set of new number plates must be collected when number plates provided
16 for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

17 (7) The provisions of this part with respect to the payment of registration fees do not apply to and
18 are not binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United
19 States of America or any state, county, or city.

20 (8) The provisions of this section relating to the payment of registration fees or new number plate
21 fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332,
22 or 61-3-335."

23

24 **Section 2.** Section 61-3-325, MCA, is amended to read:

25 **"61-3-325. Vehicles subject to staggered registration -- fees and taxes -- disposition.** (1) Any
26 motor vehicle in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may
27 be registered as part of the fleet on the following fleet renewal date. The department of transportation shall
28 collect the remaining fees and taxes due for the registration year after crediting the registrant for the period
29 that was previously paid.

30 (2) (a) The department of transportation shall compute fees and taxes due on each motor vehicle

1 in the fleet as provided in part 5 of this chapter, based on its domicile.

2 (b) The department of transportation shall also collect a registration fee of ~~\$7.50~~ \$4.75 for each
3 motor vehicle in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall
4 retain \$4.50 of each registration fee for administrative costs and forward the remaining ~~\$3~~ 25 cents to the
5 state treasurer for ~~deposit in the general fund in lieu of the fee~~ distribution as provided in 61-3-321(5).

6 (c) All fees and taxes must be paid no later than February 15 each year.

7 (d) The fees and taxes collected must be distributed by the department of transportation as
8 provided in 61-3-321 and part 5 of this chapter, based on the domicile of each motor vehicle."

9

10 **Section 3.** Section 61-5-111, MCA, is amended to read:

11 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**

12 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
13 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In those
14 areas where the department provides driver licensing services 3 days or more a week, the department is
15 responsible for sale of receipts and may not appoint an agent. The department, upon receipt of payment
16 of the fees specified in this section, shall issue a driver's license to every qualifying applicant. The license
17 must contain a full-face photograph of the licensee in the size and form prescribed by the department,
18 except as provided in subsection (4); a distinguishing number issued to the licensee; the full name, date
19 of birth, residence address, and a brief description of the licensee; and either a facsimile of the signature
20 of the licensee or a space upon which the licensee shall write the licensee's signature in pen and ink
21 immediately upon receipt of the license. A license is not valid until it is signed by the licensee.

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

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

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

30 (d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days

1 and no later than 30 days prior to the expiration date of the person's license.

2 (e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection
3 (2)(a), for a 4-year period, provided that the person:

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

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

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

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

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

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

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

22 (6) It is unlawful for any person to have in the person's possession or under the person's control
23 more than one Montana driver's license at any one time. A license is not valid for the operation of a
24 motorcycle or quadricycle until the holder of the license has completed the requirements of 61-5-110 and
25 the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for
26 the operation of a commercial vehicle until the holder of the license has completed the requirements of
27 61-5-110 and the license has been clearly marked with the words "commercial driver's license".

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

29 (a) driver's license, except a commercial driver's license -- ~~\$4~~ \$3 per year or fraction of a year;

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

1 (c) commercial driver's license:

2 (i) interstate -- ~~\$5~~ \$4 per year or fraction of a year;

3 (ii) intrastate -- ~~\$3.50~~ \$3 per year or fraction of a year.

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

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

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

13

14 **Section 4.** Section 61-5-121, MCA, is amended to read:

15 **"61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for
16 in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial driver's licenses
17 provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

18 (a) The amount of ~~25%~~ 33.33% of each driver's license fee and 25% of each duplicate driver's
19 license fee must be deposited into an account in the state special revenue fund. The department shall
20 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
21 as provided in 19-6-404.

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

25 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
26 be deposited into the general fund.

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

29 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
30 be deposited into the general fund.

1 (d) The amount of ~~8.75%~~ 11.67% of each driver's license fee and 8.75% of each duplicate driver's
2 license fee must be deposited into the state traffic education account.

3 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
4 of ~~62.5%~~ 50% of each driver's license fee and 62.5% of each duplicate driver's license fee must be
5 deposited into the state general fund.

6 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
7 ~~3.75%~~ 4.6% of each commercial driver's license fee must be deposited into the county general fund,
8 otherwise all of the fee must be deposited in the state general fund.

9 (g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state
10 traffic education account in the state special revenue fund.

11 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
12 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
13 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
14 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
15 together with a statement indicating what portion of each fee is to be deposited into the account in the
16 state special revenue fund as provided in subsection (1)(a) and the state general fund. The state treasurer,
17 upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d)
18 through (1)(g).

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

25
26 **NEW SECTION. Section 5. Coordination instruction.** If House Bill No. 248 is not passed and
27 approved with a provision authorizing the department of justice to issue driver's licenses that are valid for
28 8 years, then [sections 3 and 4 of this act] are void.

29
30 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 1995.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0390, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act reducing fees for driver's licenses, commercial driver's licenses, and registration of motor vehicles.

ASSUMPTIONS:

1. About 1.1 million vehicles will pay \$5 less in registration fees, resulting in a \$5.5 million decrease in general fund revenue. In addition, fleet registrations collected by the Department of Transportation will decrease general fund revenues by \$98,500.
2. The estimated reduction in drivers' license revenue assumes that HB248 passes, which establishes an eight year driver's license. This is according to the coordination instructions in Section 5.
3. During the four-year staggered implementation phase of the conversion to eight-year drivers' licenses, 50% of the licenses issued will be four-year, and 50% will be eight-year, producing an average fee of \$18 per license issued.
4. Revenue estimates are based on the 7/1/95 effective date. Revenues are expected to decrease by \$191,700 in the general fund, increase by \$380,000 in the highway patrol state special retirement fund, increase by \$268,000 in the state special traffic education fund, and county general fund revenues increase by \$57,000.
5. The Executive Budget contains \$130,000 general fund each year for traffic education administration which would be replaced with the increased state special revenue.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
General fund (01):		
Vehicle registration	(5,598,500)	(5,598,500)
Drivers' license	(191,700)	(191,700)
H.P. Retirement SSR (02)	380,000	380,000
Traffic education SSR (02)	<u>268,000</u>	<u>268,000</u>
Total	(5,142,200)	(5,142,200)

Total Net Impact on General Fund Balance:

General Fund (Cost) (01)	(5,660,200)	(5,660,200)
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County general funds revenues will increase by \$57,000 each year of the biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Beginning in fiscal year 2000, except for adjustments for growth or decline in the number of active driver licenses, state general fund revenue would decrease by another \$500,000 per fiscal year.

TECHNICAL NOTES:

1. HB248 has a 10/1/95 effective date. SB390 has a 7/1/95 effective date.
2. The increase in fees in the SSR accounts is attributable to the conversion from a four- to an eight-year license and the resulting short-term revenue windfall.

Dave Lewis 2.18.95

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

GREG JERGESON, PRIMARY SPONSOR DATE

Fiscal Note for SB0390, as introduced

SB 390

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0390, introduced bill, as amended by Senate Highways

DESCRIPTION OF PROPOSED LEGISLATION:

A bill reducing fees for driver's licenses and commercial driver's licenses.

ASSUMPTIONS:

1. The estimated impact on driver license revenue assumes that HB248 is passed and approved. HB248 establishes an eight-year driver's license.
2. During the four-year staggered implementation phase of the conversion to eight-year driver's licenses, 50% of the licenses issued will be four-year, and 50% will be eight-year. This bill reduces the basic license fee from \$4 per year to \$3 per year. Therefore, it is assumed that the average basic operator fee will be \$18 per license [(50% x 4 years x \$3 = \$6) + (50% x 8 years x \$3 = \$12)].
3. The revenue estimates are based on the 10/1/95 effective date and coordination language with HB248. It is assumed that the full-year FY97 impact will also be applicable to FY98 and FY99 (during years two through four of the four-year implementation phase). The revenue impacts are based upon the amended revenue distribution percentages among the general fund, the highway patrol retirement clearing state special revenue account, and the traffic and safety education state special revenue account.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Driver license fees (Gen Fund) (01)	(157,000)	(210,000)
HP retirement state spec (02)	707	942
Traffic education state spec (02)	498,000	664,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County general fund revenues are expected to be revenue-neutral because the decreased rate of distribution would offset any increase in revenues which would be generated by passage of HB248.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Beginning in FY2000, except for potential adjustments for growth or decline in the number of active driver licenses, state general fund revenue would decrease by another \$500,000 per fiscal year due to the full conversion to eight-year driver licenses.

Dave Lewis 3-8-95

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

Greg Jergeson 3/8/95

 GREG JERGESON, PRIMARY SPONSOR DATE

Fiscal Note for SB0390, introduced bill, as amended by Senate Highways

SB 390#2

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 390

INTRODUCED BY JERGESON, BERGSAGEL

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FEES FOR DRIVER'S LICENSES, AND COMMERCIAL DRIVER'S LICENSES, AND REGISTRATION OF MOTOR VEHICLES; AMENDING SECTIONS ~~61-3-321, 63-3-325,~~ 61-5-111, AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE DATE DATES AND A TERMINATION DATE."

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

~~Section 1. Section 61-3-321, MCA, is amended to read:~~

~~"61-3-321. Registration fees of vehicles — public owned vehicles exempt from license or registration fees — disposition of fees. (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, house trailers, and semitrailers, in accordance with this chapter, as follows:~~

~~(a) motor vehicles weighing 2,850 pounds or under (other than motor trucks), \$5;~~

~~(b) motor vehicles weighing over 2,850 pounds (other than motor trucks), \$10;~~

~~(c) electrically driven passenger vehicles, \$10;~~

~~(d) all motorcycles and quadricycles, \$2;~~

~~(e) tractors and/or trucks, \$10;~~

~~(f) buses are classed as motor trucks and licensed accordingly;~~

~~(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and house trailers of all weights, \$2;~~

~~(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight (except house trailers), \$5;~~

~~(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, \$10, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil~~

1 ~~and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually,~~
2 ~~regardless of size or capacity.~~

3 ~~(2) All rates are 25% higher for motor vehicles, trailers, and semitrailers not equipped with~~
4 ~~pneumatic tires.~~

5 ~~(3) "Tractor", as specified in this section, means any motor vehicle, except passenger cars, used~~
6 ~~for towing a trailer or semitrailer.~~

7 ~~(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after~~
8 ~~the time of registration as set by law, the registration or license fee for the remainder of the year is one half~~
9 ~~of the regular fee.~~

10 ~~(5) An additional fee of \$5.25 25 cents per year for each registration of a vehicle, except trailers~~
11 ~~and semitrailers registered in other jurisdictions and registered through a proportional registration~~
12 ~~agreement, must be collected as a registration fee. Revenue from this fee must be forwarded by the~~
13 ~~respective county treasurers to the state treasurer for deposit in the general fund. The department shall~~
14 ~~distribute 25 cents from the motor vehicle registration fee for payment of supplemental benefits distribution~~
15 ~~as provided for in 19-6-709.~~

16 ~~(6) A fee of \$2 for each set of new number plates must be collected when number plates provided~~
17 ~~for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).~~

18 ~~(7) The provisions of this part with respect to the payment of registration fees do not apply to and~~
19 ~~are not binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United~~
20 ~~States of America or any state, county, or city.~~

21 ~~(8) The provisions of this section relating to the payment of registration fees or new number plate~~
22 ~~fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332,~~
23 ~~or 61-3-335."~~

24

25 ~~**Section 2.** Section 61-3-325, MCA, is amended to read:~~

26 ~~"61-3-325. Vehicles subject to staggered registration fees and taxes disposition. (1) Any~~
27 ~~motor vehicle in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may~~
28 ~~be registered as part of the fleet on the following fleet renewal date. The department of transportation shall~~
29 ~~collect the remaining fees and taxes due for the registration year after crediting the registrant for the period~~
30 ~~that was previously paid.~~

1 ~~(2) (a) The department of transportation shall compute fees and taxes due on each motor vehicle~~
 2 ~~in the fleet as provided in part 5 of this chapter, based on its domicile.~~

3 ~~(b) The department of transportation shall also collect a registration fee of \$7.50 \$4.75 for each~~
 4 ~~motor vehicle in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall~~
 5 ~~retain \$4.50 of each registration fee for administrative costs and forward the remaining \$3.25 cents to the~~
 6 ~~state treasurer for deposit in the general fund in lieu of the fee distribution as provided in 61-3-321(5).~~

7 ~~(c) All fees and taxes must be paid no later than February 15 each year.~~

8 ~~(d) The fees and taxes collected must be distributed by the department of transportation as~~
 9 ~~provided in 61-3-321 and part 5 of this chapter, based on the domicile of each motor vehicle."~~

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

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

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

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

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

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

3 (e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection
4 (2)(a), for a 4-year period, provided that the person:

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

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

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

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

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

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

16 (5) Whenever the department issues an original license to a person under the age of 18 years, the
17 license must be designated and clearly marked as a "provisional license". Any license designated and
18 marked as provisional may be suspended by the department for a period of not more than 12 months, when
19 its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless
20 or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records,
21 designate the renewal of the license as provisional; otherwise, a license in usual form must be issued
22 subject to other provisions of the laws of Montana.

23 (6) It is unlawful for any person to have in the person's possession or under the person's control
24 more than one Montana driver's license at any one time. A license is not valid for the operation of a
25 motorcycle or quadricycle until the holder of the license has completed the requirements of 61-5-110 and
26 the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for
27 the operation of a commercial vehicle until the holder of the license has completed the requirements of
28 61-5-110 and the license has been clearly marked with the words "commercial driver's license".

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

30 (a) driver's license, except a commercial driver's license -- ~~\$4~~ \$3 per year or fraction of a year;

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

2 (c) commercial driver's license:

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

4 (ii) intrastate -- ~~\$3.50~~ \$3 per year or fraction of a year.

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

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

11 (10) A person may not renew a driver's license by mail until the person has received a digital license
12 issued by the department. As used in this subsection, the term "digital license" means a license having
13 a computer-imaged photograph and signature."
14

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

16 "61-5-121. **Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for
17 in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial driver's licenses
18 provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

19 (a) The amount of ~~25%~~ 22.25% of each driver's license fee and 25% of each duplicate driver's
20 license fee must be deposited into an account in the state special revenue fund. The department shall
21 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
22 as provided in 19-6-404.

23 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
24 of ~~3.75%~~ 3.33% of each driver's license fee and 3.75% of each duplicate driver's license fee must be
25 deposited into the county general fund.

26 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
27 be deposited into the general fund.

28 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
29 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

30 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must

1 be deposited into the general fund.

2 (d) The amount of ~~8.75%~~ 27.25% of each driver's license fee and 8.75% of each duplicate driver's
3 license fee must be deposited into the state traffic education account.

4 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
5 of ~~62.5%~~ 47.17% of each driver's license fee and 62.5% of each duplicate driver's license fee must be
6 deposited into the state general fund.

7 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
8 ~~3.75%~~ 3.13% of each commercial driver's license fee must be deposited into the county general fund,
9 otherwise all of the fee must be deposited in the state general fund.

10 (g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
11 state traffic education account in the state special revenue fund, and the amount of 33.2% of each
12 motorcycle endorsement fee must be deposited into the state general fund.

13 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
14 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
15 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
16 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
17 together with a statement indicating what portion of each fee is to be deposited into the account in the
18 state special revenue fund as provided in subsection (1)(a) and the state general fund. The state treasurer,
19 upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d)
20 through (1)(g).

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

27

28 **Section 3.** Section 61-5-121, MCA, is amended to read:

29 "**61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for
30 in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial driver's licenses

1 provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

2 (a) The amount of ~~25%~~ 33.33% of each driver's license fee and 25% of each duplicate driver's
3 license fee must be deposited into an account in the state special revenue fund. The department shall
4 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
5 as provided in 19-6-404.

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

9 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
10 be deposited into the general fund.

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

13 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
14 be deposited into the general fund.

15 (d) The amount of ~~8.75%~~ 11.67% 40.88% of each driver's license fee and 8.75% of each
16 duplicate driver's license fee must be deposited into the state traffic education account.

17 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
18 of ~~62.5%~~ 50% 20.79% of each driver's license fee and 62.5% of each duplicate driver's license fee must
19 be deposited into the state general fund.

20 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
21 ~~3.75%~~ 4.6% of each commercial driver's license fee must be deposited into the county general fund,
22 otherwise all of the fee must be deposited in the state general fund.

23 (g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state
24 traffic education account in the state special revenue fund.

25 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
26 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
27 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
28 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
29 together with a statement indicating what portion of each fee is to be deposited into the account in the
30 state special revenue fund as provided in subsection (1)(a) and the state general fund. The state treasurer,

1 upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d)
2 through (1)(g).

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

9

10 NEW SECTION. Section 4. Coordination instruction. (1) If House Bill No. 248 is not passed and
11 approved with a provision authorizing the department of justice to issue driver's licenses that are valid for
12 8 years, then ~~[sections 3 and 4 of this act]~~ are IS void.

13 (2) IF HOUSE BILL NO. 248 IS PASSED AND APPROVED AND IF IT INCLUDES ONE OR MORE
14 SECTIONS THAT AMEND 61-5-121, EITHER TEMPORARILY OR PERMANENTLY, THEN THOSE SECTIONS
15 ARE VOID AND ARE SUPERSEDED BY [SECTIONS 2 AND 3 OF THIS ACT].

16 (3) IF SENATE BILL NO. 83 IS PASSED AND APPROVED AND IF IT INCLUDES A SECTION THAT
17 AMENDS 61-5-121, THEN THAT SECTION IS VOID AND IS SUPERSEDED BY [SECTIONS 2 AND 3 OF THIS
18 ACT].

19

20 NEW SECTION. Section 5. Effective date DATES. ~~{This act} is (1) [SECTIONS 1, 2, 4, AND 6]~~
21 AND THIS SECTION ARE effective July OCTOBER 1, 1995.

22 (2) [SECTION 3] IS EFFECTIVE OCTOBER 1, 1999.

23

24 NEW SECTION. SECTION 6. TERMINATION. [SECTION 2] TERMINATES SEPTEMBER 30, 1999.

25

-END-

1 SENATE BILL NO. 390

2 INTRODUCED BY JERGESON, BERGSAGEL

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FEES FOR DRIVER'S LICENSES, AND COMMERCIAL
6 DRIVER'S LICENSES, ~~AND REGISTRATION OF MOTOR VEHICLES~~; AMENDING SECTIONS ~~61-3-321,~~
7 ~~63-3-325,~~ 61-5-111, AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE DATE DATES AND A
8 TERMINATION DATE."

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.