

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 23.3.129, 23.3.131, and 23.3.147,) NOTICE OF PUBLIC HEARING ON
pertaining to collection and verification) PROPOSED AMENDMENT
of social security numbers for drivers')
licenses and identification cards)

TO: All Concerned Persons

1. On July 24, 2013, at 11:00 a.m., the Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Justice no later than 5:00 p.m. on July 10, 2013, to advise us of the nature of the accommodation that you need. Please contact Kathy Stelling, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail kstelling@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

23.3.129 COLLECTION AND VERIFICATION OF SOCIAL SECURITY NUMBER ON DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS; PROCESSING OF AN APPLICANT WHO DOES NOT HAVE A SOCIAL SECURITY NUMBER (1) An applicant who has been issued a social security number will be required to provide it to the department upon application for an original driver's license, ~~or~~ upon renewal of a driver's license, or upon application for an identification card if the applicant has not supplied, and the department has not verified, the number in a prior application process.

(2) The social security number supplied by the applicant will be electronically submitted by the department to the Social Security Administration for verification. If the social security number supplied by the applicant to the department is not verified by the Social Security Administration, the applicant must contact the Social Security Administration and correct the problem prior to completion of the application process. ~~provide proof of the social security number by presenting a document listed in (3) that shows the applicant's name and social security number.~~

~~(3) The following are acceptable documents for confirming an applicant's social security number:~~

~~(a) an original social security card issued by the Social Security Administration;~~

~~(b) a U.S. Internal Revenue Service wage and tax statement (W-2 form);~~

- ~~(c) a U.S. or state income tax return from a previous year;~~
- ~~(d) a payroll check or payroll check stub;~~
- ~~(e) a document prepared by a bank, an insurance company, or a brokerage firm;~~
- ~~(f) a letter from the Social Security Administration or computer printout from the Social Security Administration;~~
- ~~(g) an unexpired U.S. military identification card;~~
- ~~(h) a pilot's license;~~
- ~~(i) a medicare or medicaid card;~~
- ~~(j) a health insurance benefits card, if the member number represents the applicant's social security number; or~~
- ~~(k) a Veterans' Administration card with social security number preprinted on the card.~~

(4) remains the same, but is renumbered (3).

~~(5) (4)~~ The application process will be terminated and a license or identification card will be denied for incomplete information if an applicant:

(a) and (b) remain the same.

~~(6) (5)~~ An applicant's social security number may not be used as the applicant's driver's license or identification card number or be included as part of the applicant's driver's license or identification card number ~~on a driver's license issued or renewed on or after October 1, 2000, unless the applicant submits a written request for the social security number to be used, in part, as the applicant's driver's license number.~~

(7) remains the same, but is renumbered (6).

AUTH: 61-5-125, 61-12-502, MCA

IMP: 61-5-107, 61-5-111, MCA

23.3.131 DOCUMENTING PROOF OF NAME, IDENTITY, AND DATE OF BIRTH FOR ORIGINAL DRIVER'S LICENSE APPLICATIONS

(1) Upon original application for a driver's license or identification card, the applicant must provide proof of identity, including full legal name and date of birth, by presenting one primary document and one or more secondary documents from the lists specified in (2) and (3). An applicant who has a social security number must provide this number and it must verify with the Social Security Administration.

(2) through (5) remain the same.

AUTH: 61-5-125, 61-12-502, MCA

IMP: 61-5-107, 61-5-111, MCA

23.3.147 IDENTIFICATION CARDS (1) remains the same.

(2) An identification card applicant must appear in person at a Montana driver's examination station, submit a completed application, on a form prescribed by the department, and provide proof of his or her identity and date of birth in accordance with ARM 23.3.131 and proof of Montana residence in accordance with ARM 23.3.130. ~~Only a Montana mailing address may be used on an identification~~

card, and if the applicant has separate mailing and residence addresses, both addresses must be included on the application.

(3) through (8) remain the same.

AUTH: 61-12-502, MCA
IMP: 61-12-501, 61-12-502, 61-12-504, MCA

REASON: Section 61-12-502, MCA, requires the department to adopt rules for the issuance of identification cards that comport with the standards for the issuance of a driver's license in the areas of proof of identity, residence, and authorized presence standards. The changes proposed to 23.3.129(1), (5), and (6), 23.3.131(1) ("or identification card") and 23.3.147(2) are suggested to comply with that mandate. In addition, 61-5-107(2), MCA, requires every applicant for a driver's license to provide the department with that applicant's social security number. The changes proposed to 23.3.129(2) and 23.3.131(1) ("An applicant who has a social security number must provide this number and it must verify with the Social Security Administration.") are proposed to ensure the highest potential accuracy of the social security number information. Such verified information protects Montana citizens, deters identity theft and fraud, and authenticates the integrity of these state-issued documents.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Funk, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail pfunk@mt.gov, and must be received no later than August 1, 2013.

5. Peter Funk, Department of Justice, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <https://doj.mt.gov/agooffice/administrative-rules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site

accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. On June 5, 2013, Rep. David Howard, primary bill sponsor of HB 178, was sent a draft to the e-mail address found in the 2013-2014 Montana Legislative Guide.

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Tim Fox
Tim Fox
Attorney General
Department of Justice

Certified to the Secretary of State June 10, 2013.