

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through XX pertaining to the)
requirements for the issuance,)
replacement, or renewal of a REAL)
ID compliant driver's license or)
identification card)

TO: All Concerned Persons

1. On July 20, 2018, the Department of Justice published MAR Notice No. 23-3-252 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1330 of the 2018 Montana Administrative Register, Issue Number 14.

2. The department has adopted the above-stated rules as proposed: New Rule I (23.3.171), New Rule II (23.3.172), New Rule III (23.3.173), New Rule IV (23.3.174), New Rule V (23.3.175), New Rule VI (23.3.176), New Rule VII (23.3.177), New Rule VIII (23.3.178), New Rule IX (23.3.179), New Rule X (23.3.180), New Rule XI (23.3.181), New Rule XII (23.3.182), New Rule XIII (23.3.183), New Rule, XIV (23.3.184), New Rule XV (23.3.185), New Rule XVI (23.3.186), New Rule XVII (23.3.187), New Rule XVIII (23.3.188), New Rule XIX (23.3.189), and New Rule XX (23.3.190).

3. The department has thoroughly considered the comments received. A summary of the comments received and the department's responses are as follows:

Comment 1: A commenter objected to not including the penalty section for providing false information, forged documents, and the process for revoking a credential and requested clarification of the difference between a declaration for REAL ID and traditional credentials.

Response 1: The department disagrees with this comment. The department will use the same language in the application for both a traditional credential and a REAL ID credential. The department has separate authority to cancel credentials when an applicant submits false information.

Comment 2: A commenter objected to the lack of a specific retention period for scanned documents and asked whether presented documents will be available at renewals.

Response 2: The department disagrees with this comment. New Rule XX outlines the retention schedule of scanned documents. A customer is only required to present additional documentation when certain information changes.

Comment 3: A commenter objected to the department not stating the specific requirements for when a customer must report changes to a name, date of birth, or social security number.

Response 3: The department disagrees with this comment. Montana statute (61-5-115, MCA) requires a credential holder to notify the department within 10 days of an address change. There is no such requirement, either by state law or federal regulation, that requires an individual to notify the department of any other changes.

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

/s/ Timothy C. Fox
Timothy C. Fox
Attorney General
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Certified to the Secretary of State September 25, 2018.