OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: The People of the State of Montana; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: April 2, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and suspending certain requirements pertaining to online and mail-in driver's licenses renewals

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

For the duration of the emergency, § 10-3-104(2)(a), MCA, provides authority to the Governor to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster."

In addition, Montana's public health laws authorize the Department of Public Health and Human Services (DPHHS), acting under the Governor's direction, to "issue written orders for correction" of "conditions of public health importance," to "prevent and mitigate conditions of public health importance" through measures including "isolation and quarantine" and "abatement of public health nuisances." Section 50-1-202, MCA. DPHHS, under the Governor's direction, may take action to correct public health deficiencies in "buildings or facilities where persons assemble." Section 50-1-203, MCA. Montana law provides that these authorities will be utilized to respond to an "outbreak of disease," § 10-3-103(4), MCA, and to "limit the transmission of the communicable disease." *See, e.g.*, § 50-1-101(6), MCA.

COVID-19 is an easily transmissible, potentially fatal respiratory illness. It is believed to be transmitted through contact with contaminated surfaces and close contact with contagious individuals. As I found in my March 26, 2020 Directive requiring Montanans to stay at home as much as possible, combating the spread of COVID-19 requires Montanans to practice social distancing and limit their in-person contacts with others to the greatest extent possible. Similarly, state offices should limit the need for in-person encounters with the public whenever possible.

The Attorney General, who oversees the Montana Department of Justice, Motor Vehicle Division (MVD), has requested the temporary suspension of (1) certain requirements pertaining to the process for renewing a driver's license online or by mail; (2) certain requirements relating to the administration of commercial driver's licenses where waiver has been authorized by the Federal Motor Carrier Safety Administration (FMCSA); and (3) certain timelines relating to motor vehicle title and registration transactions. The request is made in light of the measures being taken by the State of Montana and local governments across the state to temporarily modify and restrict access to government offices and require the use of online, mail or telephone access to services where available. The temporary suspensions requested will, in conjunction with my March 17, 2020 Directive extending the expiration dates for certain MVD-issued credentials, further reduce the present need for direct interactions

between Montana citizens and government employees for certain driver's license and vehicle title and registration transactions.

Based on the foregoing considerations, I find that strict compliance with certain requirements related to driver's licenses outlined below, will prevent, hinder, or delay necessary actions in coping with the COVID-19 pandemic.

Therefore, in accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana law, I hereby direct the following measures be in place in the State of Montana effective immediately for the duration of the emergency, except as specifically provided herein:

I. Online/Mail Renewal of Driver's License

- MVD may renew a driver's license online or by mail:
    - without submission of an approved vision examination and medical evaluation form;
    - regardless of whether the license was previously renewed online or by mail;
    - so long as the license has not been expired for more than one (1) year; and
    - for a foreign national whose presence in the United States is temporarily authorized, so long as that authorized presence is verified by MVD through the U.S. Customs and Immigration Service's SAVE verification system.
- The duration of any license renewed under this Directive will be no more than two (2) years. Strict compliance with the above-described requirements of § 61-5-111(3)(d), MCA, are temporarily suspended for this limited purpose only. All other requirements of § 61-5-111(3)(d), MCA, remain in effect.

II. Commercial Driver's License Administration

- MVD may temporarily administer the provisions of Title 61, Chapter 5, MCA, relating to commercial driver's licenses in a manner consistent with any temporary waivers authorized by the Federal Motor Carrier Safety Administration (FMCSA).
- Strict compliance with the Title 61 requirements relating to commercial driver's licenses are temporarily suspended for this limited purpose only, and only those provisions of Title 61, Chapter 5, MCA, directly related to a federal waiver authorization are affected. All other requirements of Title 61, Chapter 5, MCA, relating to commercial driver's license administration remain in effect.

III. Statutory Timelines for Certain Motor Vehicle and Driver's License Transactions

- The following statutory timelines for the described motor vehicle and driver's license transactions are hereby extended for a period of ninety (90) days:
    - the deadline for registration and title application for vehicles as applied to vehicles transferred after March 16, 2020 (§ 61-3-220(3), MCA);
    - the deadline for dealer transmittal of title paperwork to a county treasurer or authorized agent for sales occurring after March 16, 2020 (§ 61-4-111(2), MCA); and
    - the deadline for a new Montana resident to (1) register and title vehicles (§ 61-3-302(1)(b), MCA) and secure a Montana driver's license (§ 61-5-103, MCA).

- Strict compliance with these specified statutory timelines is temporarily suspended for this limited purpose only.

Conflicting Administrative Rules Suspended

- To the extent any administrative rules conflict with the provisions of this Directive, strict compliance with the provisions of such rules is suspended for the duration of the emergency.

Authorities: Sections 10-3-103, -104, -302, and -305, MCA; **§§ 50-1-202, -203, and -204, MCA;** Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- Nothing in this Directive shall be construed to limit, modify, or otherwise affect the authority granted by law to the Governor, any department, agency, political subdivision, officer, agent, or employee of the State of Montana, or any local or municipal government except as expressly provided in this Directive or other Directives now in effect implementing Executive Orders 2-2020 and 3-2020.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.