



ADMINISTRATIVE RULES OF MONTANA

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) The primary document submitted must show the applicant's name and date of birth and must be verifiable by the governmental authority that issued the document. The following may be presented as a primary document:
 - (a) a driver's license or identification card, with color photograph or digitized image of the applicant and not expired for more than four years, issued by a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada;
 - (b) a certified copy of a birth certificate issued by a government bureau of vital statistics or board of health of a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada, or a report of a birth abroad of a U.S. citizen issued by the U.S. Department of State or a U.S. embassy;
 - (c) an unexpired military identification card issued by the U.S. Department of Defense that documents the applicant's active duty, reserve or retired personnel status or status as a dependent of active duty personnel and that contains a color photograph or digitized image of the applicant and the applicant's date of birth;
 - (d) a valid, unexpired passport issued to the applicant by the U.S. Department of State or by the Canadian government;
 - (e) a valid, unexpired passport issued to the applicant by a jurisdiction other than the United States or the Canadian government with either:
 - (i) a U.S. Department of Justice, Immigration and Naturalization Service (INS) record of arrival and departure (form I-94) attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status; or
 - (ii) an unexpired resident alien I-551 stamp.

- (f) one of the following valid unexpired documents issued by the U.S. Department of Justice, Immigration and Naturalization Service:
 - (i) certificate of naturalization (form N-550, N-570, or N-578);
 - (ii) certificate of citizenship (form N-560, N-561, or N-645);
 - (iii) Northern Mariana card (form I-551) bearing the imprint "Northern Mariana," not "resident alien";
 - (iv) American Indian card (form I-551) bearing the imprint "American Indian," not "resident alien";
 - (v) United States citizen identification card (form I-179 or I-197) ;
 - (vi) resident alien card (form I-551) ;
 - (vii) temporary resident identification card (form I-688) ;
 - (viii) US reentry permit (form I-327) ;
 - (ix) refugee travel document (form I-571) ;
 - (x) employment authorization card (form I-688A, I-688B, or I-766) ; or
 - (xi) record of arrival and departure, stamped "refugee" (form I-94 without a valid passport but stamped "refugee" with a photo affixed) .
 - (g) a US or Canadian-issued instruction or learner's driving permit, or a receipt for driver's license or permit, if it is current and contains a photo of the applicant and the applicant's date of birth;
 - (h) a prison inmate identification card issued to the applicant by the Montana department of corrections that contains a photograph or digitized image of the applicant and the applicant's date of birth and adult offender number;
 - (i) a digital identification card issued to the applicant by a federally recognized Indian tribe whose reservation is located in Montana that contains a digitized image of the applicant and the applicant's date of birth and tribal enrollment number; or
 - (j) an emergency identification photograph issued and certified by the driver licensing authority of a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada that includes the applicant's name and date of birth.
- (3) In addition to presenting a primary document, the applicant must also present one or more secondary documents to confirm the applicant's identity. The name on the secondary document presented by the applicant must match or be consistent with the name on the primary document presented by the applicant. The applicant may select a secondary document from the following list:
- (a) a second primary document as listed in (2) above;
 - (b) a driver's license or identification card that has expired for more than one year but not more than five years, or that is current but without a photograph;

- (c) a certified copy of a court order or judgment from a US or Canadian court of competent jurisdiction containing the applicant's full legal name and date of birth;
 - (d) any INS document listed in (2) (f) , not expired more than one year;
 - (e) a current employee photo identification card from a US or Canadian-based employer;
 - (f) a certified copy of a birth certificate issued by a jurisdiction other than by a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada;
 - (g) certification of release of discharge issued by the U.S. Department of Defense;
 - (h) a certified copy of a marriage certificate or license issued by a government jurisdiction;
 - (i) a medicare, medicaid or health insurance card with the applicant's name and the applicant's individual medicare, medicaid, or health insurance identification number;
 - (j) an unexpired permit to carry a firearm or concealed weapon issued by a chief of police in an organized, full-time police department or the county sheriff in a local jurisdiction within the U.S., bearing a color photo of the applicant;
 - (k) a current pilot's license issued by the U.S. Department of Transportation, Federal Aviation Administration;
 - (l) a copy of records or a transcript containing the applicant's full name and date of birth certified by the issuing elementary, secondary, or post-secondary school;
 - (m) a certificate of completion of a traffic or driver's education course approved by the department and the Superintendent of Public Instruction containing the applicant's name and date of birth;
 - (n) a U.S. nonmetal social security card or a Canadian social insurance card;
 - (o) a current school photo identification card with the student's name and student identification number; or
 - (p) a certified copy or a facsimile or photocopy of a certified copy of the birth certificate of the applicant's child, if the certificate lists the applicant's name and date of birth as parent.
- (4) In rare, extremely extenuating circumstances where an applicant cannot produce a primary document because the original records have been destroyed or were never created and a duplicate record cannot be obtained from the government agency customarily required to maintain such records, an applicant may ask the chief of the field operations bureau to accept and approve alternate documentation of the applicant's identity, name and date of birth.
- (5) The request must be in writing and the applicant's signature must be notarized. The request must describe, in detail, why the appropriate documents cannot be obtained and presented and why alternate documentation should be approved. Copies of the alternate documentation must be attached to the request. The completed request must be submitted to department headquarters. Upon receipt of a request, the chief of the field operation bureau must review the request, conduct an independent investigation of the circumstances underlying the request and the necessity for alternate documentation, and within 30 working days, issue to the applicant a written determination, approving or rejecting the request, including the chief's rationale for the determination.

Authorizing statute(s): 61-5-125, 61-12-502, MCA

Implementing statute(s): 61-5-105, 61-5-107, 61-5-111, MCA

History: Eff. 12/31/72; AMD, Eff. 12/5/76; AMD, 1982 MAR p. 154, Eff. 3/26/82; AMD, 1983 MAR p. 855, Eff. 7/15/83; AMD, 2000 MAR p. 2524, Eff. 9/22/00; AMD, 2002 MAR p. 1316, Eff. 4/26/02; AMD, 2013 MAR p. 1522, Eff. 8/23/13.