_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY RECOGNIZING TRIBAL IDENTIFICATION CARDS AS VALID GOVERNMENT-ISSUED IDENTIFICATION; PROVIDING FOR ACCEPTANCE OF TRIBAL IDENTIFICATION CARDS BY STATE AND LOCAL GOVERNMENTS AND PRIVATE ENTITIES; PROVIDING EXCEPTIONS; AND PROVIDING DEFINITIONS.”

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

NEW SECTION. **Section 1. Tribal identification cards -- recognition -- acceptable uses -- exceptions.** (1) A tribal identification card is recognized as a valid form of government-issued identification in this state. Whenever a Montana identification card issued pursuant to 61-12-501 is an acceptable form of identification under state law or administrative rule for the purpose of establishing a person's identity or age, a tribal identification card is also an acceptable form of identification for the same purpose.

(2) A state agency or political subdivision shall accept a tribal identification card for the purpose of establishing identity or verifying age whenever a Montana driver's license or identification card would be accepted for the same purpose.

(3) A person or entity conducting business in this state that accepts a Montana driver's license or identification card for the purpose of establishing identity or verifying age shall accept a tribal identification card for the same purpose, subject to the provisions of this section.

(4) The recognition required by this section includes but is not limited to identification used for:

(a) obtaining goods and services;

(b) conducting commercial or financial transactions;

(c) verifying age for the purchase of age-restricted goods or services;

(d) applying for or accessing state or local government services, licenses, or permits; and

(e) other purposes for which identification is required or accepted under state law or administrative rule.

(5) A tribal identification card may not be refused solely because:

(a) the identification card was issued by a tribal government;

(b) the identification card does not contain an expiration date, if the issuing tribal government does not require an expiration date; or

(c) the identification card cannot be electronically scanned or verified, if the information necessary to establish identity or age can otherwise be reasonably determined.

(6) Nothing in this section:

(a) authorizes a person to operate a motor vehicle without a valid driver's license;

(b) substitutes a tribal identification card for a passport or other credential specifically required by federal law or regulation;

(c) establishes eligibility for a benefit, license, permit, or service for which qualifications other than identity or age must be established;

(d) requires a tribal identification card to be accepted as proof of residency, citizenship, or another status not established by the card; or

(e) prohibits the refusal of an identification card based on reasonable grounds to believe the card is fraudulent, altered, invalid, or presented by a person other than the cardholder.

(7) As used in this section, the following definitions apply:

(a) "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, other political subdivision or public corporation, or any entity created by agreement between two or more political subdivisions.

(b) "State agency" means a department, board, commission, office, bureau, or other public authority of state government.

(c) "Tribal identification card" means an identification card issued by the government of a federally recognized Indian tribe that contains:

(i) the name of the cardholder;

(ii) a photograph of the cardholder; and

(iii) the cardholder's date of birth if the card is used to verify age.

NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 1, chapter 1, and the provisions of Title 1, chapter 1, apply to [section 1].

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