

APRIL 10, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *705*
 2 INTRODUCED BY *Malvin Bas Braun* *Whalen* *Bob Papijek*
 3 *Anderson* *Wieding* *Stayer* *Gandy*
 4 BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN
 5 RAILROAD EMPLOYEES FROM THE DRIVER'S LICENSE LAW WHILE
 6 ENGAGED IN TRAIN OPERATIONS OR MAINTENANCE-OF-WAY
 7 ACTIVITIES; AMENDING SECTION 61-5-104, MCA; AND PROVIDING AN
 8 IMMEDIATE EFFECTIVE DATE." *Pearce*

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

11 Section 1. Section 61-5-104, MCA, is amended to read:

12 "61-5-104. Exemptions. (1) The following persons are
13 exempt from license hereunder under this chapter:

14 (a) any a person who is a member of the armed forces of
15 the United States while operating a motor vehicle owned by
16 or leased to the United States government and being operated
17 on official business;

18 (b) any a person who is a member of the armed forces of
19 the United States on active duty in Montana who holds a
20 valid license issued by another state and the spouse of such
21 a person who holds a valid license issued by another state
22 and who is not employed in Montana except as a member of the
23 armed forces; if a spouse of a member of the armed forces
24 becomes gainfully employed in Montana, such the spouse must
25 be licensed as required by 61-5-102 within 90 days of

1 becoming so employed;

2 (c) any a person on active duty in the armed forces of
3 the United States who has in his immediate possession a
4 valid license issued in a foreign country by the armed
5 forces of the United States, for a period of 45 days from
6 the date of his return to the United States;

7 (d) any a person while driving or operating any road
8 machine, farm tractor, or implement of husbandry temporarily
9 operated or moved on a highway;

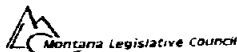
10 (e) (i) a person who is:

11 (A) a locomotive engineer, assistant engineer,
12 conductor, brakeman, railroad utility person, or other
13 member of the crew of a railroad locomotive or train being
14 operated upon rails, including operation on a railroad
15 crossing a public street, road, or highway; or

16 (B) an employee of a railroad engaged in
17 maintenance-of-way activities, including maintenance-of-way
18 activities on a railroad crossing a public street, road, or
19 highway, while driving or operating any machine, tractor, or
20 implement temporarily operated or moved on a highway.

21 (ii) A person employed as described in subsection
22 (1)(e)(i)(A) or (1)(e)(i)(B) is not required to display a
23 driver's license to a law enforcement officer in connection
24 with the operation of a railroad locomotive or train or in
25 connection with railroad maintenance-of-way activities

-2- INTRODUCED BILL
HB 705



1 within Montana.

2 (2) A nonresident who is at least 15 years of age and
3 who has in his immediate possession a valid operator's
4 license issued to him in his home state or country may
5 operate a motor vehicle in this state only as an operator.

6 (3) A nonresident who is at least 18 years of age and
7 who has in his immediate possession a valid commercial
8 operator's license issued to him in his home state or
9 country may operate a motor vehicle or commercial motor
10 vehicle in this state subject to the age limits applicable
11 to commercial vehicle operators in this state.

12 (4) Any A nonresident who is at least 18 years of age,
13 whose home state or country does not require the licensing
14 of operators, may operate a motor vehicle as an operator
15 only, for a period of not more than 90 days in any calendar
16 year, if the motor vehicle so operated is duly registered in
17 the home state or country of such nonresident.

18 (5) A driver's license issued hereunder under this
19 chapter to any person who enters the United States armed
20 forces, if valid and in force and effect at the time such
21 the person enters the service, ~~shall-continue~~ continues in
22 full force and effect so long as such the service ~~shall~~
23 ~~continue~~ continues unless such the license is sooner
24 suspended, revoked, or canceled for a cause as provided by
25 law, and for not to exceed 30 days following the date on

1 which holder of such the driver's license is honorably
2 separated from such the service. During ~~said the~~ the 30-day
3 period, such the license ~~shall-be~~ is valid only when in the
4 immediate possession of the licensee while driving and the
5 licensee has his discharge, separation, leave, or furlough
6 papers in his immediate possession."

7 NEW SECTION. Section 2. Effective date. [This act] is
8 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 705

INTRODUCED BY GALVIN, B. BROWN, WHALEN, CONNELLY,
PIPINICH, SOUTHWORTH, FRITZ, ANDERSON, WEEDING, HARPER,
GRADY, HOCKETT, PECK, MENAHAN, O'KEEFE, HARRINGTON,
SCHYE, RANEY, D. BROWN, G. BECK, SQUIRES, LYNCH, BACHINI,
KEATING, NATHE, HARP, HALLIGAN, NOBLE, MANNING,
J. JOHNSON, DAILY, DRISCOLL, COHEN, STANG, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN
RAILROAD EMPLOYEES FROM THE DRIVER'S LICENSE LAW WHILE
ENGAGED IN TRAIN OPERATIONS OR MAINTENANCE-OF-WAY
ACTIVITIES; AMENDING SECTION 61-5-104, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are
exempt from license hereunder under this chapter:

(a) any a person who is a member of the armed forces of
the United States while operating a motor vehicle owned by
or leased to the United States government and being operated
on official business;

(b) any a person who is a member of the armed forces of
the United States on active duty in Montana who holds a
valid license issued by another state and the spouse of such

a person who holds a valid license issued by another state
and who is not employed in Montana except as a member of the
armed forces; if a spouse of a member of the armed forces
becomes gainfully employed in Montana, such the spouse must
be licensed as required by 61-5-102 within 90 days of
becoming so employed;

(c) any a person on active duty in the armed forces of
the United States who has in his immediate possession a
valid license issued in a foreign country by the armed
forces of the United States, for a period of 45 days from
the date of his return to the United States;

(d) any a person while driving or operating any road
machine, farm tractor, or implement of husbandry temporarily
operated or moved on a highway;

(e) ~~(f)~~ a person who is:
~~(A)~~ a locomotive engineer, assistant engineer,
conductor, brakeman, railroad utility person, or other
member of the crew of a railroad locomotive or train being
operated upon rails, including operation on a railroad
crossing a public street, road, or highway; or.

~~(B) an employee of a railroad engaged in
maintenance-of-way activities, including maintenance-of-way
activities on a railroad crossing a public street, road, or
highway, while driving or operating any machine, tractor, or
implement temporarily operated or moved on a highway.~~

SECOND READING



1 ~~(1)~~ A person employed as described in THIS subsection
 2 ~~(1)(e)(1)(A)-or-(1)(e)(1)(B)~~ is not required to display a
 3 driver's license to a law enforcement officer in connection
 4 with the operation of a railroad locomotive or train or in
 5 connection with railroad maintenance-of-way activities
 6 within Montana.

7 (2) A nonresident who is at least 15 years of age and
 8 who has in his immediate possession a valid operator's
 9 license issued to him in his home state or country may
 10 operate a motor vehicle in this state only as an operator.

11 (3) A nonresident who is at least 18 years of age and
 12 who has in his immediate possession a valid commercial
 13 operator's license issued to him in his home state or
 14 country may operate a motor vehicle or commercial motor
 15 vehicle in this state subject to the age limits applicable
 16 to commercial vehicle operators in this state.

17 (4) Any A nonresident who is at least 18 years of age,
 18 whose home state or country does not require the licensing
 19 of operators, may operate a motor vehicle as an operator
 20 only, for a period of not more than 90 days in any calendar
 21 year, if the motor vehicle so operated is duly registered in
 22 the home state or country of such nonresident.

23 (5) A driver's license issued hereunder under this
 24 chapter to any person who enters the United States armed
 25 forces, if valid and in force and effect at the time such

1 the person enters the service, ~~shall-continue~~ continues in
 2 full force and effect so long as such the service shall
 3 continue continues unless such the license is sooner
 4 suspended, revoked, or canceled for a cause as provided by
 5 law, and for not to exceed 30 days following the date on
 6 which holder of such the driver's license is honorably
 7 separated from such the service. During said the 30-day
 8 period, such the license shall-be is valid only when in the
 9 immediate possession of the licensee while driving and the
 10 licensee has his discharge, separation, leave, or furlough
 11 papers in his immediate possession."

12 NEW SECTION. Section 2. Effective date. [This act] is
 13 effective on passage and approval.

-End-

HOUSE BILL NO. 705

INTRODUCED BY GALVIN, B. BROWN, WHELEN, CONNELLY, PIPINICH, SOUTHWORTH, FRITZ, ANDERSON, WEEDING, HARPER, GRADY, HOCKETT, PECK, MENAHAN, O'KEEFE, HARRINGTON, SCHYE, RANEY, D. BROWN, G. BECK, SQUIRES, LYNCH, BACHINI, KEATING, NATHE, HARP, HALLIGAN, NOBLE, MANNING, J. JOHNSON, DAILY, DRISCOLL, COHEN, STANG, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN RAILROAD EMPLOYEES FROM THE DRIVER'S LICENSE LAW WHILE ENGAGED IN TRAIN OPERATIONS OR MAINTENANCE-OF-WAY ACTIVITIES; AMENDING SECTION 61-5-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(b) any a person who is a member of the armed forces of the United States on active duty in Montana who holds a valid license issued by another state and the spouse of such

a person who holds a valid license issued by another state and who is not employed in Montana except as a member of the armed forces; if a spouse of a member of the armed forces becomes gainfully employed in Montana, such the spouse must be licensed as required by 61-5-102 within 90 days of becoming so employed;

(c) any a person on active duty in the armed forces of the United States who has in his immediate possession a valid license issued in a foreign country by the armed forces of the United States, for a period of 45 days from the date of his return to the United States;

(d) any a person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(e) ~~(f)~~ a person who is: ~~(A)~~ a locomotive engineer, assistant engineer, conductor, brakeman, railroad utility person, or other member of the crew of a railroad locomotive or train being operated upon rails, including operation on a railroad crossing a public street, road, or highway; or.

~~(B) an employee of a railroad engaged in maintenance-of-way activities, including maintenance-of-way activities on a railroad crossing a public street, road, or highway, while driving or operating any machine, tractor, or implement temporarily operated or moved on a highway.~~



1 (1) A person employed as described in THIS subsection
 2 (1)(e)(1)(A) or (1)(e)(1)(B) is not required to display a
 3 driver's license to a law enforcement officer in connection
 4 with the operation of a railroad locomotive or train or in
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7 (2) A nonresident who is at least 15 years of age and
 8 who has in his immediate possession a valid operator's
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 12 who has in his immediate possession a valid commercial
 13 operator's license issued to him in his home state or
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 24 chapter to any person who enters the United States armed
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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 27, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 705 (third reading copy -- blue), respectfully report that House Bill No. 705 be amended and as so amended be concurred in.

1. Title, lines 11 and 12.

Strike: "OR MAINTENANCE-OF-WAY ACTIVITIES"

2. Page 3, lines 4 and 5.

Strike: "or in connection with railroad maintenance-of-way activities"

Signed: 
Cecil Weeding, Chairman

~~MA~~ 3-27-91
And. Coord.

SB 3-27 10:15
Sec. of Senate

SENATE
HB 705

1 HOUSE BILL NO. 705
 2 INTRODUCED BY GALVIN, B. BROWN, WHALEN, CONNELLY,
 3 PIPINICH, SOUTHWORTH, FRITZ, ANDERSON, WEEDING, HARPER,
 4 GRADY, HOCKETT, PECK, MENAHAN, O'KEEFE, HARRINGTON,
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 17 conductor, brakeman, railroad utility person, or other
 18 member of the crew of a railroad locomotive or train being
 19 operated upon rails, including operation on a railroad
 20 crossing a public street, road, or highway; or.

21 ~~(B)---an---employee---of---a---railroad---engaged---in~~
 22 ~~maintenance-of-way---activities; including maintenance-of-way~~
 23 ~~activities-on-a-railroad-crossing-a-public-street, road, or~~
 24 ~~highway, while driving or operating any machine, tractor, or~~
 25 ~~implement temporarily operated or moved on a highway.~~



1 ~~(ii)~~ A person employed as described in THIS subsection
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