

HOUSE BILL 447

IN THE HOUSE

January 29, 1979

Introduced and referred to  
Committee on Judiciary.

1 House BILL NO. 447  
 2 INTRODUCED BY Sen. Esck  
 3 Waldron Huntrott

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 61-5-105, MCA, TO PROVIDE THAT AN OPERATOR'S OR CHAUFFEUR'S  
 6 LICENSE MAY NOT BE ISSUED IF THE INDIVIDUAL IS ADJUDGED  
 7 SERIOUSLY MENTALLY ILL AT THE TIME OF APPLYING FOR THE  
 8 LICENSE."

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

11 Section 1. Section 61-5-105, MCA, is amended to read:  
 12 "61-5-105. Who may not be licensed. The division of  
 13 motor vehicles shall not issue any license hereunder to any  
 14 person:

15 (1) as an operator, who is under the age of 16 years,  
 16 with these exceptions:

17 (a) The division may issue an operator's license to a  
 18 person who is 15 years if he has passed a driver's education  
 19 course approved by the division and the superintendent of  
 20 public instruction.

21 (b) The division may issue a restricted license as  
 22 hereinafter provided to any person who is at least 13 years  
 23 of age;

24 (2) as a chauffeur, employed by another for the  
 25 principal purpose of driving a motor vehicle when in use

1 exclusively for the transportation of property for  
 2 compensation, who is under the age of 18 years, or to any  
 3 person, as a chauffeur, who is employed by another for the  
 4 principal purpose of driving a motor vehicle transporting  
 5 passengers for hire or transporting school children, who is  
 6 under the age of 18 years;

7 (3) as an operator or chauffeur, whose license has  
 8 been suspended during the suspension, or to any person whose  
 9 license has been revoked, except as provided in 61-5-208;

10 (4) as an operator or chauffeur, who is an habitual  
 11 drunkard, or is addicted to the use of narcotic drugs;

12 (5) as an operator or chauffeur, who has ~~previously~~  
 13 ~~been adjudged to be afflicted with or suffering from any~~  
 14 ~~mental disability or disease and who has not at the time of~~  
 15 ~~application been restored to competency by the methods~~  
 16 ~~provided by law~~ is at the time of application, seriously  
 17 mentally ill based on an order of a court of competent  
 18 jurisdiction;

19 (6) as an operator or chauffeur, who is required by  
 20 this chapter to take an examination, unless the person shall  
 21 have successfully passed such examination;

22 (7) who is required under the provisions of the motor  
 23 vehicle financial responsibility laws of this state to  
 24 deposit proof of financial responsibility and who has not  
 25 deposited such proof;

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 INTRODUCED BILL

1           (8) as an operator or chauffeur, who is suffering from  
2 any form of epileptic type seizures or similar disorders  
3 characterized by lapse of consciousness or control, either  
4 temporary or prolonged, which is or may become chronic;  
5 provided that the division may in its discretion issue a  
6 license to a person suffering from epileptic type seizures  
7 or similar disorder characterized by lapse of consciousness  
8 or control, if otherwise qualified to be licensed to drive a  
9 motor vehicle, when the afflicted person can show through a  
10 written report from his attending physician that he has not  
11 experienced an epileptic type seizure or similar disorder  
12 characterized by lapse of consciousness or control for a  
13 sufficient period and that the condition is stabilized as  
14 attested to by said physician."

-End-