

House BILL NO. 248

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF JUSTICE

Bonny Bergeson
Henry Clark
Henry
Bank
Fruit
Taylor

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING; CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS; ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110, 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

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

Section 1. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department shall may not issue ~~any~~ a license hereunder under this chapter to ~~any~~ a person:

(1) who is under ~~the age of 16 years, with those exceptions~~ of age unless:

(a) ~~The department may issue a driver's license to a~~ the person who is at least 15 years of age if ~~he and~~ has passed a driver's education course approved by the department and the superintendent of public instruction; or

(b) ~~The department may issue a restricted license to any~~ the person who is at least 13 years of age and, because of individual hardship, to be determined by the department, needs a restricted license;

(2) whose license ~~has been~~ or driving privilege is currently suspended during the suspension, or ~~to any person whose license has been revoked, except as provided in 61-5-208 in this or any state~~;

(3) who is ~~an habitual drunkard, or is~~ addicted to the use of alcohol or narcotic drugs;

(4) who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who, at the time of application, has not ~~at the time of application~~ been restored to competency by the methods provided by law;

1 (5) who is required by this chapter to take an examination, ~~unless the person shall have~~
2 ~~successfully passed such examination;~~

3 (6) who ~~is~~ has not deposited proof of financial responsibility when required under the provisions
4 of the ~~motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and~~
5 ~~who has not deposited such proof~~ chapter 6 of this title; or

6 (7) who ~~is suffering from any form of epileptic type seizures or similar disorders~~ has any condition
7 characterized by lapse of consciousness or control, either temporary or prolonged, ~~which that~~ is or may
8 become chronic; ~~provided that.~~ However, the department may in its discretion issue a license to a an
9 otherwise qualified person suffering from ~~epileptic type seizures or similar disorder characterized by lapse~~
10 ~~of consciousness or control, a condition~~ if otherwise qualified to be licensed to drive a motor vehicle, when
11 ~~the afflicted person can show through a written report from his~~ person's attending physician attests in
12 writing that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of
13 ~~consciousness or control for a sufficient period and that the condition is stabilized as attested to by said~~
14 physician the person's condition has stabilized and would not be likely to interfere with that person's ability
15 to operate a motor vehicle safely."

16
17 **Section 2.** Section 61-5-106, MCA, is amended to read:

18 **"61-5-106. Instruction and permits -- traffic education learner licenses and permits and -- temporary**
19 **licenses.** (1) ~~A~~ The department may issue an instruction permit to a person satisfying the age requirements
20 specified in 61-5-105(1) ~~may apply to the department for an instruction permit. The department may in its~~
21 ~~discretion,~~ after the applicant has successfully passed all parts of the examination other than the driving
22 test, ~~issue to the applicant an~~ the knowledge test and the vision examination as provided in 61-5-110. An
23 instruction permit ~~that~~ entitles the ~~applicant~~ permittee, while ~~having the permit in the applicant's~~ immediate
24 possession of the permit and accompanied by a licensed driver seated beside the permittee, to drive a motor
25 vehicle upon the public highways for a period of 6 months ~~when accompanied by a licensed driver who is~~
26 ~~occupying a seat beside the driver~~ from the date the fees required in 61-5-111 are paid.

27 (2) ~~In addition, the~~ The department may issue an ~~instruction permit~~ traffic education learner
28 license to any person who is at least 14½ years of age and who has successfully completed or is
29 successfully participating in a traffic education course approved by the department and the superintendent
30 of public instruction. ~~An instruction permit must be restricted to the operation of a motor vehicle~~ A traffic

1 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an
 2 approved instructor or licensed parent or guardian and may be ~~further~~ restricted to specific times or areas.

3 ~~(2)(3) (a) The department upon receiving proper application may in its discretion~~ An instructor of
 4 a traffic education program approved by the department and by the superintendent of public instruction may
 5 issue a traffic education permit that is effective for a school year or more restricted period to an applicant
 6 who is enrolled in a traffic education program approved by the department ~~even though the applicant has~~
 7 ~~not reached the legal age to be eligible for a driver's license~~ and who meets the age requirements specified
 8 in 20-7-503. The permit entitles the permittee, when the permittee has a permit in the permittee's

9 (b) When in immediate possession of the traffic education permit, ~~to~~ the permittee may operate
 10 ~~only~~ on a designated highway or within a designated area;

11 (i) a motor vehicle ~~only~~ when an approved instructor is ~~occupying a seat~~ seated beside the
 12 permittee; or

13 (ii) a motorcycle or quadricycle ~~only~~ when under the immediate and proximate supervision of an
 14 approved instructor.

15 ~~(3)(4)~~ (4) The department may in its discretion issue a temporary driver's permit to an applicant for
 16 a driver's license permitting the applicant to operate a motor vehicle while the department is completing
 17 its investigation and determination of all facts relative to the applicant's right to receive a driver's license.
 18 The temporary driver's permit must be in the permittee's immediate possession while operating a motor
 19 vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

20 ~~(4)(5)~~ (5) The department may in its discretion issue a temporary commercial driver's license to an
 21 applicant permitting the applicant to operate a commercial motor vehicle while the department is completing
 22 its investigation and determination of all facts relative to the applicant's right to receive a commercial
 23 driver's license. The temporary license must be in the applicant's immediate possession while operating a
 24 commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has
 25 been refused."

26
 27 **Section 3.** Section 61-5-107, MCA, is amended to read:

28 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) ~~Every~~ Each
 29 application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form
 30 furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.

1 ~~Every~~ Each application must be accompanied by the proper fee, and payment of the fee entitles the
 2 applicant to not more than three attempts to pass the examination within a period of 6 months from the
 3 date of application. A voter registration form for mail registration as prescribed by the secretary of state
 4 must be attached to each driver's license application. If the applicant wishes to register to vote, the
 5 department shall accept the registration and forward the form to the election administrator.

6 (2) ~~Every~~ Each application must state the full name, date of birth, sex, and residence address of
 7 the applicant, must briefly describe the applicant, and must state whether:

8 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if
 9 so, when and by what state or country, ~~and whether;~~

10 (b) any commercial operator license has ever been suspended or revoked; ~~or whether~~

11 (c) an application has ever been refused, and, if so, the date of and reason for suspension,
 12 revocation, or refusal.

13 (3) ~~Whenever~~ When application is received from an applicant previously licensed by ~~any other~~
 14 another jurisdiction, the department shall request a copy of the applicant's driving record from the previous
 15 licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When
 16 received, the driving records become a part of the driver's record in this state with the same force and
 17 effect as though entered on the driver's record in this state in the original instance."
 18

19 **Section 4.** Section 61-5-110, MCA, is amended to read:

20 "**61-5-110. Examination of applicants -- cooperative driver testing programs.** (1) The department
 21 shall examine every applicant for a driver's license or motorcycle endorsement, except as otherwise
 22 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test
 23 examining the applicant's ability to read and understand highway signs ~~regulating, warning, and directing~~
 24 ~~traffic,~~ and the applicant's knowledge of the traffic laws of this state, and ~~must include an actual~~
 25 ~~demonstration of~~ a road test demonstrating the applicant's ability to exercise ordinary and reasonable
 26 control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial
 27 driver's license may include additional items. The knowledge test or road test, or both, may be waived by
 28 the department upon certification of the applicant's successful completion of the test by a certified
 29 cooperative driver testing program, as provided in subsection (2).

30 (2) The department is authorized to certify as a cooperative driver testing program any

1 state-approved high school traffic education course offered by or in cooperation with a school district that
 2 employs an approved instructor who has current endorsement from the superintendent of public instruction
 3 as a teacher of traffic education and who agrees to:

4 (a) administer standardized knowledge and road tests required by the department to students
 5 participating in the district's high school traffic education courses:

6 (b) certify the test results to the department; and

7 (c) comply with regulations of the department and the superintendent of public instruction.

8 ~~(2)(3)~~ Within 90 days of receipt of an application for a commercial driver's license, the department
 9 shall give an examination to the applicant in the county where the applicant resides.

10 ~~(3)(4)~~ Except as otherwise provided by law, a resident who has a valid driver's license issued by
 11 another state may surrender that license for a Montana license of the same class, type, and endorsement
 12 upon payment of the required fees, successful completion of a vision examination, and, if requested by the
 13 examiner, completion of either the knowledge test or road test, or both. A resident who obtains a Montana
 14 driver's license in this manner is exempt from the written examination and actual demonstration of the
 15 operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in
 16 the case of commercial drivers, In addition, a resident surrendering a commercial driver's license issued by
 17 another state shall successfully complete any examination required by federal regulations before being
 18 issued a commercial driver's license by the department."

19
 20 **Section 5.** Section 61-5-111, MCA, is amended to read:

21 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**
 22 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
 23 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In ~~these~~
 24 areas ~~where~~ in which the department provides driver licensing services 3 days or more a week, the
 25 department is responsible for sale of receipts and may, in its discretion, ~~not~~ appoint an agent to sell
 26 receipts. The department, upon receipt of payment of the fees specified in this section, shall issue a driver's
 27 license to ~~every~~ each qualifying applicant. The license must contain a full-face photograph of the licensee
 28 in the size and form prescribed by the department, ~~except as provided in subsection (4);~~ a distinguishing
 29 number issued to the licensee; the full name, date of birth, ~~residence~~ Montana mailing address, and a brief
 30 description of the licensee; and either ~~a facsimile of the signature of the licensee or a space upon which~~

1 ~~the licensee shall write the licensee's signature in pen and ink immediately upon receipt of the license or~~
2 a digital reproduction of the licensee's signature. A license is not valid until it is signed by the licensee.

3 (2) (a) ~~The~~ When a person applies for renewal of a driver's license, the department shall, ~~when any~~
4 ~~person applies in person for renewal of a driver's license,~~ test the applicant's eyesight and ~~may also,~~ in the
5 department's discretion, may have the applicant ~~demonstrate~~ complete a road test demonstrating the
6 applicant's ~~physical~~ ability to operate and to exercise ordinary and reasonable care in the operation of a
7 motor vehicle.

8 (b) In the case of a commercial driver's license, the department may also require that the applicant
9 successfully complete a written examination as required by federal regulations.

10 (c) A person is considered to have applied for renewal of a Montana driver's license if the
11 application is made within 6 months before or 3 months after the expiration of the person's license.

12 ~~(d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days~~
13 ~~and no later than 30 days prior to the expiration date of the person's license.~~

14 (e) (i) ~~A person may renew a driver's license by mail, without the tests provided for in subsection~~
15 ~~(2)(a), for a 4 year period, provided that the person:~~

16 ~~(A) has not accumulated five or more points on the person's driving record for the 4 years~~
17 ~~immediately preceding the expiration date; and~~

18 ~~(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's~~
19 ~~physical and mental ability to safely operate a motor vehicle.~~

20 (iii) ~~The department may not renew a driver's license by mail for more than one renewal period. At~~
21 ~~the expiration of the mail renewal period, a person shall apply in person for a renewal.~~

22 ~~(iii) A person who holds a probationary or restricted license may not renew the license by mail.~~

23 (3)(a) Except as provided in subsection (3)(b) and (3)(c), a license expires on the anniversary of
24 the date of birth of the licensee 4 licensee's birthday 8 years or less after the date of issue or on the
25 licensee's 75th birthday, whichever occurs first. The department may adopt rules to stagger the
26 implementation of the conversion to an 8-year license cycle over a 4-year period.

27 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
28 licensee's birthday 4 years or less after the date of issue.

29 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st
30 birthday.

1 ~~(4) A license issued to a person under the age of 21 years must contain a photograph of the~~
 2 ~~licensee's profile.~~

3 ~~(5)(4) Whenever the department issues an original license to a person under the age of 18 years,~~
 4 ~~the license must be designated and clearly marked as a "provisional license". Any license designated and~~
 5 ~~marked as provisional may be suspended by the department for a period of not more than 12 months, when~~
 6 ~~its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless~~
 7 ~~or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records,~~
 8 ~~designate the renewal of the license as provisional; otherwise, a license in usual form must be issued~~
 9 ~~subject to other provisions of the laws of Montana.~~

10 ~~(6)(5) It is unlawful for any person to have in the person's possession or under the person's control~~
 11 ~~more than one valid Montana driver's license at any one time. A license is not valid for the operation of a~~
 12 ~~motorcycle or quadricycle until unless the holder of the license has completed the requirements of 61-5-110~~
 13 ~~and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid~~
 14 ~~for the operation of a commercial vehicle until unless the holder of the license has completed the~~
 15 ~~requirements of 61-5-110 and the license has been clearly marked with the words "commercial driver's~~
 16 ~~license".~~

17 ~~(7)(6) Fees for driver's licenses are:~~

- 18 (a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;
 19 (b) motorcycle endorsement -- 50 cents per year or fraction of a year;
 20 (c) commercial driver's license:
 21 (i) interstate -- \$5 per year or fraction of a year;
 22 (ii) intrastate -- \$3.50 per year or fraction of a year.

23 ~~(8)(7) The holder of a valid chauffeur's license may convert or renew the chauffeur's license to a~~
 24 ~~commercial driver's license by paying the appropriate fee covering the remainder of the life of the license~~
 25 ~~and complying with the requirements established by the department.~~

26 ~~(9) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial~~
 27 ~~driver's license may do so upon paying the appropriate fees and complying with the requirements~~
 28 ~~established by the department.~~

29 ~~(10) A person may not renew a driver's license by mail until the person has received a digital license~~
 30 ~~issued by the department. As used in this subsection, the term "digital license" means a license having a~~

1 ~~computer imaged photograph and signature."~~

2

3 **Section 6.** Section 61-5-121, MCA, is amended to read:

4 **"61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses ~~provided for~~
5 ~~in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), and~~ commercial driver's
6 licenses, ~~provided for in 61-5-111(7)(c), and~~ from duplicate driver's licenses provided for in 61-5-114 is
7 as follows:

8 (a) The amount of ~~25%~~ 16.7% of each driver's license fee and of each duplicate driver's license
9 fee must be deposited into an account in the state special revenue fund. The department shall transfer the
10 funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided
11 in 19-6-404.

12 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
13 of ~~3.75%~~ 2.5% of each driver's license fee and of each duplicate driver's license fee must be deposited
14 into the county general fund.

15 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
16 be deposited into the general fund.

17 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
18 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

19 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
20 be deposited into the general fund.

21 (d) The amount of ~~8.75%~~ 5.85% of each driver's license fee and of each duplicate driver's license
22 fee must be deposited into the state traffic education account.

23 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
24 of ~~62.5%~~ 74.95% of each driver's license fee and of each duplicate driver's license fee must be deposited
25 into the state general fund.

26 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
27 ~~3.75%~~ 2.5% of each commercial driver's license fee must be deposited into the county general fund,
28 otherwise all of the fee must be deposited in the state general fund.

29 (g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
30 state traffic education account in the state special revenue fund, and the amount of 33.2% of each

1 motorcycle endorsement fee must be deposited into the state general fund.

2 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
3 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
4 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
5 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
6 together with a statement indicating what portion of each fee is to be deposited into the account in the
7 state special revenue fund, as provided in subsection (1)(a), and in the state general fund. The state
8 treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a)
9 and (1)(d) through (1)(g).

10 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
11 duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer,
12 together with a statement indicating what portion of each fee is to be deposited into the account in the
13 state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state
14 general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided
15 in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

16
17 **NEW SECTION. Section 7. Applicability.** [This act] applies to a person who, on or after October
18 1, 1995, applies for a Montana driver's license or who seeks to renew a Montana driver's license that
19 expires on or after October 1, 1995.

20
21 **NEW SECTION. Section 8. Effective dates.** (1) [Section 4 and this section] are effective on
22 passage and approval.

23 (2) [Sections 1 through 3 and 5 through 7] are effective October 1, 1995.

24 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0248, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


A bill generally revising laws pertaining to driver licensing and examination; creating a cooperative driver testing program in conjunction with a state-approved high school traffic education course; extending the term of a driver's license in certain circumstances; providing for electronic transfer of driving records; adjusting the disposition of license fees.


ASSUMPTIONS:

Department of Justice:

1. (a) In FY96, 50 of the schools expressing an interest in the cooperative driver testing program will participate in the program and in FY97, 70 schools will participate.
(b) About 6,000 (12,000 x 50%) of the total number of students participating annually in the driver education program will participate in this cooperative driver testing program in FY96 and 8,400 students (12,000 x 70%) in FY97.
(c) The same percentage of waivers issued during the pilot cooperative driver testing program will apply during FY96 and FY97. Therefore, in FY96, 5,880 (6,000 x 98%) knowledge tests will be waived through this program and in FY97, 8,230 (8,400 x 98%). In FY96 about 1,080 (6,000 x 20% less 10% sampling tested) driving skills tests will be waived through this program and in FY97 about 1,512 driving skills tests will be waived (8,400 x 20% less 10% sampling tested).
2. Staff hours currently devoted to testing and available for reassignment after implementation of the cooperative driver testing program established by HB248 (estimated to be 546 hours (0.26 FTE) in FY96 and 771 hours (0.37 FTE) in FY97 will be reassigned to provide service to the public to reduce waiting lines and to perform other duties. This will help the department to continue providing service to the public with the present law base FTE.
3. During the four-year staggered implementation phase of the conversion to eight-year driver licenses, 50% of the driver licenses issued will be four-year licenses and 50% will be eight-year licenses.
4. The percentage of driver licenses issued to individuals under the age of 21 and over the age of 75 will remain constant and the increasing population between the ages of 21 and 75 will offset any fiscal impact of HB248 on the under-21 and over-75 population.
5. Allocation percentages for the driver license fees have been adjusted so that the additional revenue from the transition to eight-year licenses will increase general fund revenue by about \$1.64 million annually during the eight-year phase-in period (\$3.28 million x 50%). The total revenues earmarked for the state special revenue accounts will remain approximately the same as under present law.

(Continued)

 1.24.95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/23/96
ERNEST BERGSAGEL, PRIMARY SPONSOR/DATE

Fiscal Note for HB0248, as introduced

HB 248

(continued)

ASSUMPTIONS:

Office of Public Instruction:

6. Under present law, the state traffic education account receives 8.75% of each driver's license fee and of each duplicate driver's license fee. The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to the state traffic education account from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
General Fund (01)	1,630,000	1,640,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to county general funds from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The annual increase in revenue due to a longer license period should be realized during the eight year implementation period until all present licenses are converted. Beginning in fiscal year 2004, except for adjustments for growth or decline in the number of active driver licenses, general fund revenue should decrease to a level approximating the 1997 biennium present law estimates. Revenue to the state special revenue accounts should decrease below 1997 biennium present law estimates because of the decrease in the applicable percentage rates.

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 248

2 INTRODUCED BY BERGSAGEL, JERGESON, STANG, BECK, HARRINGTON, CLARK, TVEIT, KEATING,

3 TOEWS

4 BY REQUEST OF THE DEPARTMENT OF JUSTICE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER
7 LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING;
8 CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED
9 HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN
10 CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS;
11 ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE
12 DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110,
13 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES ~~AND~~ AN APPLICABILITY DATE,
14 AND A TERMINATION DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 **Section 1.** Section 61-5-105, MCA, is amended to read:

19 "**61-5-105. Who may not be licensed.** The department ~~shall~~ may not issue ~~any~~ a license ~~hereunder~~
20 under this chapter to ~~any~~ a person:

21 (1) who is under ~~the age of 16 years, with these exceptions of age unless:~~

22 (a) ~~The department may issue a driver's license to a~~ the person who is at least 15 years of age if
23 ~~he~~ and has passed a driver's education course approved by the department and the superintendent of public
24 instruction; or

25 (b) ~~The department may issue a restricted license to any~~ the person who is at least 13 years of age
26 and, because of individual hardship, to be determined by the department, needs a restricted license;

27 (2) whose license ~~has been~~ or driving privilege is currently suspended ~~during the suspension,~~ or
28 ~~to any person whose license has been~~ revoked, except as provided in 61-5-208 in this or any state;

29 (3) who is ~~an habitual drunkard, or is~~ addicted to the use of alcohol or narcotic drugs;

30 (4) who has previously been adjudged to be afflicted with or suffering ~~from~~ any mental disability

1 or disease and who, at the time of application, has not ~~at the time of application~~ been restored to
2 competency by the methods provided by law;

3 (5) who is required by this chapter to take an examination, ~~unless the person shall have~~
4 ~~successfully passed such examination~~;

5 (6) who is has not deposited proof of financial responsibility when required under the provisions
6 of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and
7 ~~who has not deposited such proof~~ chapter 6 of this title; or

8 (7) who is ~~suffering from any form of epileptic type seizures or similar disorders~~ has any condition
9 characterized by lapse of consciousness or control, either temporary or prolonged, ~~which that~~ is or may
10 become chronic, ~~provided that. However,~~ the department may in its discretion issue a license to a an
11 otherwise qualified person suffering from ~~epileptic type seizures or similar disorder~~ characterized by lapse
12 of consciousness or control, a condition if ~~otherwise qualified to be licensed to drive a motor vehicle~~, when
13 the afflicted ~~person can show through a written report from his person's~~ attending physician attests in
14 writing that ~~he has not experienced an epileptic type seizure or similar disorder~~ characterized by lapse of
15 consciousness or control for a sufficient period and that the condition is stabilized as attested to by said
16 ~~physician~~ the person's condition has stabilized and would not be likely to interfere with that person's ability
17 to operate a motor vehicle safely."

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19 **Section 2.** Section 61-5-106, MCA, is amended to read:

20 **"61-5-106. Instruction and permits -- traffic education learner licenses and permits and -- temporary**
21 **licenses.** (1) ~~A~~ The department may issue an instruction permit to a person satisfying the age requirements
22 specified in 61-5-105(1) ~~may apply to the department for an instruction permit. The department may in its~~
23 ~~discretion,~~ after the applicant has successfully passed ~~all parts of the examination other than the driving~~
24 ~~test,~~ issue to the applicant an the knowledge test and the vision examination as provided in 61-5-110. An
25 instruction permit that entitles the ~~applicant~~ permittee, while ~~having the permit in the applicant's immediate~~
26 ~~possession of the permit and accompanied by a licensed driver seated beside the permittee,~~ to drive a motor
27 vehicle upon the public highways for a period of 6 months ~~when accompanied by a licensed driver who is~~
28 ~~occupying a seat beside the driver~~ from the date the fees required in 61-5-111 are paid.

29 (2) ~~In addition, the~~ The department may issue an instruction permit a traffic education learner
30 license to any person who is at least 14½ years of age and who has successfully completed or is

1 successfully participating in a traffic education course approved by the department and the superintendent
 2 of public instruction. ~~An instruction permit must be restricted to the operation of a motor vehicle~~ A traffic
 3 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an
 4 approved instructor or licensed parent or guardian and may be further restricted to specific times or areas.

5 ~~(2)(3) (a) The department upon receiving proper application may in its discretion~~ An instructor of
 6 a traffic education program approved by the department and by the superintendent of public instruction may
 7 issue a traffic education permit that is effective for a school year or more restricted period to an applicant
 8 who is enrolled in a traffic education program approved by the department ~~even though the applicant has~~
 9 ~~not reached the legal age to be eligible for a driver's license~~ and who meets the age requirements specified
 10 in 20-7-503. The permit entitles the permittee, when the permittee has a permit in the permittee's

11 (b) When in immediate possession of the traffic education permit, to the permittee may operate
 12 ~~only~~ on a designated highway or within a designated area:

13 (i) a motor vehicle only when an approved instructor is occupying a seat seated beside the
 14 permittee; or

15 (ii) a motorcycle or quadricycle only when under the immediate and proximate supervision of an
 16 approved instructor.

17 ~~(3)(4)~~ The department may in its discretion issue a temporary driver's permit to an applicant for
 18 a driver's license permitting the applicant to operate a motor vehicle while the department is completing
 19 its investigation and determination of all facts relative to the applicant's right to receive a driver's license.
 20 The temporary driver's permit must be in the permittee's immediate possession while operating a motor
 21 vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

22 ~~(4)(5)~~ The department may in its discretion issue a temporary commercial driver's license to an
 23 applicant permitting the applicant to operate a commercial motor vehicle while the department is completing
 24 its investigation and determination of all facts relative to the applicant's right to receive a commercial
 25 driver's license. The temporary license must be in the applicant's immediate possession while operating
 26 a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause
 27 has been refused."

28
 29 **Section 3.** Section 61-5-107, MCA, is amended to read:

30 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Every Each**

1 application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form
 2 furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.
 3 ~~Every~~ Each application must be accompanied by the proper fee, and payment of the fee entitles the
 4 applicant to not more than three attempts to pass the examination within a period of 6 months from the
 5 date of application. A voter registration form for mail registration as prescribed by the secretary of state
 6 must be attached to each driver's license application. If the applicant wishes to register to vote, the
 7 department shall accept the registration and forward the form to the election administrator.

8 (2) ~~Every~~ Each application must state the full name, date of birth, sex, and residence address of
 9 the applicant, must briefly describe the applicant, and must state whether:

10 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if
 11 so, when and by what state or country, ~~and whether;~~

12 (b) any commercial operator license has ever been suspended or revoked, ~~or whether~~

13 (c) an application has ever been refused, and, if so, the date of and reason for suspension,
 14 revocation, or refusal.

15 (3) ~~Whenever~~ When application is received from an applicant previously licensed by ~~any other~~
 16 another jurisdiction, the department shall request a copy of the applicant's driving record from the previous
 17 licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When
 18 received, the driving records become a part of the driver's record in this state with the same force and
 19 effect as though entered on the driver's record in this state in the original instance."
 20

21 **Section 4.** Section 61-5-110, MCA, is amended to read:

22 **"61-5-110. Examination of applicants -- cooperative driver testing programs.** (1) The department
 23 shall examine every applicant for a driver's license or motorcycle endorsement, except as otherwise
 24 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test
 25 examining the applicant's ability to read and understand highway signs ~~regulating, warning, and directing~~
 26 ~~traffic,~~ and the applicant's knowledge of the traffic laws of this state, and ~~must include an actual~~
 27 ~~demonstration of~~ a road test demonstrating the applicant's ability to exercise ordinary and reasonable
 28 control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial
 29 driver's license may include additional items. The knowledge test or road test, or both, may be waived by
 30 the department upon certification of the applicant's successful completion of the test by a certified

1 cooperative driver testing program, as provided in subsection (2).

2 (2) The department is authorized to certify as a cooperative driver testing program any
 3 state-approved high school traffic education course offered by or in cooperation with a school district that
 4 employs an approved instructor who has current endorsement from the superintendent of public instruction
 5 as a teacher of traffic education and who agrees to:

6 (a) administer standardized knowledge and road tests required by the department to students
 7 participating in the district's high school traffic education courses:

8 (b) certify the test results to the department; and

9 (c) comply with regulations of the department and the superintendent of public instruction.

10 ~~(2)(3)~~ Within 90 days of receipt of an application for a commercial driver's license, the department
 11 shall give an examination to the applicant in the county where the applicant resides.

12 ~~(3)(4)~~ Except as otherwise provided by law, a resident who has a valid driver's license issued by
 13 another state may surrender that license for a Montana license of the same class, type, and endorsement
 14 upon payment of the required fees, successful completion of a vision examination, and, if requested by the
 15 examiner, completion of either the knowledge test or road test, or both. ~~A resident who obtains a Montana~~
 16 ~~driver's license in this manner is exempt from the written examination and actual demonstration of the~~
 17 ~~operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in~~
 18 ~~the case of commercial drivers,~~ In addition, a resident surrendering a commercial driver's license issued by
 19 another state shall successfully complete any examination required by federal regulations before being
 20 issued a commercial driver's license by the department."

21

22 **Section 5.** Section 61-5-111, MCA, is amended to read:

23 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**
 24 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
 25 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In these
 26 areas ~~where~~ in which the department provides driver licensing services 3 days or more a week, the
 27 department is responsible for sale of receipts and may, in its discretion, ~~not~~ appoint an agent to sell
 28 receipts. The department, upon receipt of payment of the fees specified in this section, shall issue a
 29 driver's license to ~~every~~ each qualifying applicant. The license must contain a full-face photograph of the
 30 licensee in the size and form prescribed by the department, ~~except as provided in subsection (4); a~~

1 distinguishing number issued to the licensee; the full name, date of birth, ~~residence~~ Montana mailing
 2 address, and a brief description of the licensee; and either ~~a facsimile of the signature of the licensee or~~
 3 ~~a space upon which the licensee shall write the licensee's signature in pen and ink immediately upon receipt~~
 4 ~~of the license or a digital reproduction of the licensee's signature~~. A license is not valid until it is signed
 5 by the licensee.

6 (2) (a) ~~The~~ When a person applies for renewal of a driver's license, the department shall, when any
 7 ~~person applies in person for renewal of a driver's license, test the applicant's eyesight and may also, in the~~
 8 department's discretion, may have the applicant ~~demonstrate~~ complete a road test demonstrating the
 9 applicant's ~~physical~~ ability to operate and to exercise ordinary and reasonable care in the operation of a
 10 motor vehicle.

11 (b) In the case of a commercial driver's license, the department may also require that the applicant
 12 successfully complete a written examination as required by federal regulations.

13 (c) A person is considered to have applied for renewal of a Montana driver's license if the
 14 application is made within 6 months before or 3 months of after the expiration of the person's license.

15 ~~(d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days~~
 16 ~~and no later than 30 days prior to the expiration date of the person's license.~~

17 ~~(e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection~~
 18 ~~(2)(a), for a 4-year period, provided that the person:~~

19 ~~(A) has not accumulated five or more points on the person's driving record for the 4 years~~
 20 ~~immediately preceding the expiration date; and~~

21 ~~(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's~~
 22 ~~physical and mental ability to safely operate a motor vehicle.~~

23 ~~(ii) The department may not renew a driver's license by mail for more than one renewal period. At~~
 24 ~~the expiration of the mail renewal period, a person shall apply in person for a renewal.~~

25 ~~(iii) A person who holds a probationary or restricted license may not renew the license by mail.~~

26 (D) THE DEPARTMENT SHALL MAIL A DRIVER'S LICENSE RENEWAL NOTICE NO EARLIER THAN
 27 60 DAYS AND NO LATER THAN 30 DAYS PRIOR TO THE EXPIRATION DATE OF A COMMERCIAL
 28 DRIVER'S LICENSE IF THE LICENSEE HAS PREVIOUSLY SUBMITTED A WRITTEN REQUEST FOR THE
 29 NOTICE, EITHER AT THE TIME OF INITIAL APPLICATION OR OF RENEWAL OF THE LICENSE.

30 (3) (a) Except as provided in subsection SUBSECTIONS (3)(b) and (3)(c), a license expires on the

1 anniversary of the ~~date of birth of the licensee~~ licensee's birthday 8 years or less after the date of issue
 2 or on the licensee's 75th birthday, whichever occurs first. The department may adopt rules to stagger the
 3 implementation of the conversion to an 8-year license cycle over a 4-year period.

4 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
 5 licensee's birthday 4 years or less after the date of issue.

6 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st
 7 birthday.

8 ~~(4) A license issued to a person under the age of 21 years must contain a photograph of the~~
 9 ~~licensee's profile.~~

10 ~~(5)(4) Whenever the department issues an original license to a person under the age of 18 years,~~
 11 ~~the license must be designated and clearly marked as a "provisional license". Any license designated and~~
 12 ~~marked as provisional may be suspended by the department for a period of not more than 12 months, when~~
 13 ~~its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless~~
 14 ~~or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records,~~
 15 ~~designate the renewal of the license as provisional; otherwise, a license in usual form must be issued~~
 16 ~~subject to other provisions of the laws of Montana.~~

17 ~~(6)(5) It is unlawful for any person to have in the person's possession or under the person's control~~
 18 ~~more than one valid Montana driver's license at any one time. A license is not valid for the operation of~~
 19 ~~a motorcycle or quadricycle ~~until~~ unless the holder of the license has completed the requirements of~~
 20 ~~61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license~~
 21 ~~is not valid for the operation of a commercial vehicle ~~until~~ unless the holder of the license has completed~~
 22 ~~the requirements of 61-5-110 and the license has been clearly marked with the words "commercial driver's~~
 23 ~~license".~~

24 ~~(7)(6) Fees for driver's licenses are:~~

25 (a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;

26 (b) motorcycle endorsement -- 50 cents per year or fraction of a year;

27 (c) commercial driver's license:

28 (i) interstate -- \$5 per year or fraction of a year;

29 (ii) intrastate -- \$3.50 per year or fraction of a year.

30 ~~(8)(7) The holder of a valid chauffeur's license may convert or renew the chauffeur's license to a~~

1 commercial driver's license by paying the appropriate fee ~~covering the remainder of the life of the license~~
 2 and complying with the requirements established by the department.

3 ~~(9) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial~~
 4 ~~driver's license may do so upon paying the appropriate fees and complying with the requirements~~
 5 ~~established by the department.~~

6 ~~(10) A person may not renew a driver's license by mail until the person has received a digital license~~
 7 ~~issued by the department. As used in this subsection, the term "digital license" means a license having~~
 8 ~~a computer imaged photograph and signature."~~

9
 10 **Section 6.** Section 61-5-121, MCA, is amended to read:

11 **"61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses ~~provided for~~
 12 ~~in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), and~~ commercial driver's
 13 licenses, ~~provided for in 61-5-111(7)(e), and from~~ duplicate driver's licenses provided for in 61-5-114 is
 14 as follows:

15 (a) The amount of ~~25%~~ 16.7% of each driver's license fee and 25% of each duplicate driver's
 16 license fee must be deposited into an account in the state special revenue fund. The department shall
 17 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
 18 as provided in 19-6-404.

19 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
 20 of ~~3.75%~~ 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be
 21 deposited into the county general fund.

22 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
 23 be deposited into the general fund.

24 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
 25 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

26 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
 27 be deposited into the general fund.

28 (d) The amount of ~~8.75%~~ 5.85% of each driver's license fee and 8.75% of each duplicate driver's
 29 license fee must be deposited into the state traffic education account.

30 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount

1 of ~~62.5%~~ 74.95% of each driver's license fee and 62.5% of each duplicate driver's license fee must be
 2 deposited into the state general fund.

3 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
 4 ~~3.75%~~ 2.5% of each commercial driver's license fee must be deposited into the county general fund,
 5 otherwise all of the fee must be deposited in the state general fund.

6 (g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
 7 state traffic education account in the state special revenue fund, and the amount of 33.2% of each
 8 motorcycle endorsement fee must be deposited into the state general fund.

9 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
 10 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
 11 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
 12 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
 13 together with a statement indicating what portion of each fee is to be deposited into the account in the
 14 state special revenue fund, as provided in subsection (1)(a), and in the state general fund. The state
 15 treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a)
 16 and (1)(d) through (1)(g).

17 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
 18 duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer,
 19 together with a statement indicating what portion of each fee is to be deposited into the account in the
 20 state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state
 21 general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as
 22 provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

23

24 **NEW SECTION. Section 7. Applicability.** [This act] applies to a person who, on or after October
 25 1, 1995, applies for a Montana driver's license or who seeks to renew a Montana driver's license that
 26 expires on or after October 1, 1995.

27

28 **NEW SECTION. Section 8. Effective dates.** (1) [Section 4 and this section] are effective on
 29 passage and approval.

30 (2) [Sections 1 through 3 and 5 through 7] are effective October 1, 1995.

1 HOUSE BILL NO. 248

2 INTRODUCED BY BERGSAGEL, JERGESON, STANG, BECK, HARRINGTON, CLARK, TVEIT, KEATING,
3 TOEWS

4 BY REQUEST OF THE DEPARTMENT OF JUSTICE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER
7 LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING;
8 CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED
9 HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN
10 CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS;
11 ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE
12 DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110,
13 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES ~~AND~~ AN APPLICABILITY DATE,
14 AND A TERMINATION DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL
NOT BE REPRINTED. PLEASE REFER TO SECOND
READING COPY (YELLOW) FOR COMPLETE TEXT.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 248 (third reading copy -- blue), respectfully report that HB 248 be amended as follows and as so amended be concurred in.

Signed: Sen. Tveit
Senator Larry Tveit, Chair

That such amendments read:

1. Page 2, line 17.

Following: "safely"

Insert: "and, if a commercial driver's license is involved, the person is physically qualified to operate a commercial motor vehicle under applicable state or federal regulations"


2. Page 9.

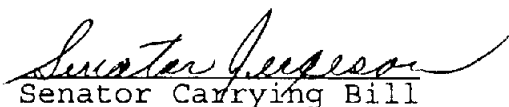
Following: line 30

Insert: "NEW SECTION. Section 9. Coordination instruction. If [this act] is passed and approved, then subsection (2) of 61-5-110 in [sections 4 and 5] of Senate Bill No. 34 (Chapter 53, Laws of 1995) is void."

Renumber: subsequent section

-END-


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

HB 248

SENATE

1 HOUSE BILL NO. 248

2 INTRODUCED BY BERGSAGEL, JERGESON, STANG, BECK, HARRINGTON, CLARK, TVEIT, KEATING,
3 TOEWS

4 BY REQUEST OF THE DEPARTMENT OF JUSTICE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER
7 LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING;
8 CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED
9 HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN
10 CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS;
11 ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE
12 DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110,
13 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES ~~AND~~, AN APPLICABILITY DATE,
14 AND A TERMINATION DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 **Section 1.** Section 61-5-105, MCA, is amended to read:

19 **"61-5-105. Who may not be licensed.** The department shall may not issue ~~any a~~ license ~~hereunder~~
20 under this chapter to any a person:

21 (1) who is under ~~the age of 16 years, with these exceptions of age unless:~~

22 (a) ~~The department may issue a driver's license to a~~ the person who is at least 15 years of age if
23 ~~he and~~ has passed a driver's education course approved by the department and the superintendent of public
24 instruction; ~~or~~

25 (b) ~~The department may issue a restricted license to any~~ the person who is at least 13 years of age
26 and, because of individual hardship, to be determined by the department, needs a restricted license;

27 (2) whose license ~~has been or driving privilege is currently~~ suspended during the suspension, or
28 ~~to any person whose license has been revoked, except as provided in 61-5-208 in this or any state;~~

29 (3) who is ~~an habitual drunkard, or is~~ addicted to the use of alcohol or narcotic drugs;

30 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability

1 or disease and who, at the time of application, has not ~~at the time of application~~ been restored to
2 competency by the methods provided by law;

3 (5) who is required by this chapter to take an examination, ~~unless the person shall have~~
4 ~~successfully passed such examination;~~

5 (6) who ~~is~~ has not deposited proof of financial responsibility when required under the provisions
6 of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and
7 ~~who has not deposited such proof~~ chapter 6 of this title; or

8 (7) who ~~is suffering from any form of epileptic type seizures or similar disorders~~ has any condition
9 characterized by lapse of consciousness or control, either temporary or prolonged, ~~which that~~ is or may
10 become chronic, ~~provided that~~. However, the department may in its discretion issue a license to a an
11 otherwise qualified person suffering from ~~epileptic type seizures or similar disorder~~ characterized by lapse
12 of consciousness or control, a condition if ~~otherwise qualified to be licensed to drive a motor vehicle,~~ when
13 the afflicted ~~person can show through a written report from his person's~~ attending physician attests in
14 writing that he ~~has not experienced an epileptic type seizure or similar disorder~~ characterized by lapse of
15 ~~consciousness or control for a sufficient period and that the condition is stabilized as attested to by said~~
16 ~~physician~~ the person's condition has stabilized and would not be likely to interfere with that person's ability
17 to operate a motor vehicle safely AND, IF A COMMERCIAL DRIVER'S LICENSE IS INVOLVED, THE PERSON
18 IS PHYSICALLY QUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE UNDER APPLICABLE STATE
19 OR FEDERAL REGULATIONS."

20
21 **Section 2.** Section 61-5-106, MCA, is amended to read:

22 **"61-5-106. Instruction and permits -- traffic education learner licenses and permits and -- temporary**
23 **licenses.** (1) ~~A~~ The department may issue an instruction permit to a person satisfying the age requirements
24 specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its
25 discretion, after the applicant has successfully passed all parts of the examination other than the driving
26 test, issue to the applicant an the knowledge test and the vision examination as provided in 61-5-110. An
27 instruction permit that entitles the applicant permittee, while having the permit in the applicant's immediate
28 possession of the permit and accompanied by a licensed driver seated beside the permittee, to drive a motor
29 vehicle upon the public highways for a period of 6 months when accompanied by a licensed driver who is
30 occupying a seat beside the driver from the date the fees required in 61-5-111 are paid.

1 ~~(2)~~ In addition, the The department may issue an instruction permit a traffic education learner
 2 license to any person who is at least 14½ years of age and who has successfully completed or is
 3 successfully participating in a traffic education course approved by the department and the superintendent
 4 of public instruction. ~~An instruction permit must be restricted to the operation of a motor vehicle~~ A traffic
 5 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an
 6 approved instructor or licensed parent or guardian and may be ~~further~~ restricted to specific times or areas.

7 ~~(2)(3)~~ (a) The department upon receiving proper application may in its discretion An instructor of
 8 a traffic education program approved by the department and by the superintendent of public instruction may
 9 issue a traffic education permit that is effective for a school year or more restricted period to an applicant
 10 who is enrolled in a traffic education program approved by the department ~~even though the applicant has~~
 11 ~~not reached the legal age to be eligible for a driver's license~~ and who meets the age requirements specified
 12 in 20-7-503. ~~The permit entitles the permittee, when the permittee has a permit in the permittee's~~

13 (b) When in immediate possession of the traffic education permit, to the permittee may operate
 14 ~~only~~ on a designated highway or within a designated area;

15 (i) a motor vehicle ~~only~~ when an approved instructor is ~~occupying a seat~~ seated beside the
 16 permittee; or

17 (ii) a motorcycle or quadricycle ~~only~~ when under the immediate and proximate supervision of an
 18 approved instructor.

19 ~~(3)(4)~~ The department may in its discretion issue a temporary driver's permit to an applicant for
 20 a driver's license permitting the applicant to operate a motor vehicle while the department is completing
 21 its investigation and determination of all facts relative to the applicant's right to receive a driver's license.
 22 The temporary driver's permit must be in the permittee's immediate possession while operating a motor
 23 vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

24 ~~(4)(5)~~ The department may in its discretion issue a temporary commercial driver's license to an
 25 applicant permitting the applicant to operate a commercial motor vehicle while the department is completing
 26 its investigation and determination of all facts relative to the applicant's right to receive a commercial
 27 driver's license. The temporary license must be in the applicant's immediate possession while operating
 28 a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause
 29 has been refused."

1 **Section 3.** Section 61-5-107, MCA, is amended to read:

2 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) ~~Every~~ Each
3 application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form
4 furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.
5 ~~Every~~ Each application must be accompanied by the proper fee, and payment of the fee entitles the
6 applicant to not more than three attempts to pass the examination within a period of 6 months from the
7 date of application. A voter registration form for mail registration as prescribed by the secretary of state
8 must be attached to each driver's license application. If the applicant wishes to register to vote, the
9 department shall accept the registration and forward the form to the election administrator.

10 (2) ~~Every~~ Each application must state the full name, date of birth, sex, and residence address of
11 the applicant, must briefly describe the applicant, and must state whether:

12 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if
13 so, when and by what state or country, ~~and whether;~~

14 (b) any commercial operator license has ever been suspended or revoked; ~~or whether~~

15 (c) an application has ever been refused, and, if so, the date of and reason for suspension,
16 revocation, or refusal.

17 (3) ~~Whenever~~ When application is received from an applicant previously licensed by ~~any other~~
18 another jurisdiction, the department shall request a copy of the applicant's driving record from the previous
19 licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When
20 received, the driving records become a part of the driver's record in this state with the same force and
21 effect as though entered on the driver's record in this state in the original instance."
22

23 **Section 4.** Section 61-5-110, MCA, is amended to read:

24 **"61-5-110. Examination of applicants -- cooperative driver testing programs.** (1) The department
25 shall examine every applicant for a driver's license or motorcycle endorsement, except as otherwise
26 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test
27 examining the applicant's ability to read and understand highway signs ~~regulating, warning, and directing~~
28 ~~traffic,~~ and the applicant's knowledge of the traffic laws of this state, and ~~must include an actual~~
29 ~~demonstration of~~ a road test demonstrating the applicant's ability to exercise ordinary and reasonable
30 control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial

1 driver's license may include additional items. The knowledge test or road test, or both, may be waived by
 2 the department upon certification of the applicant's successful completion of the test by a certified
 3 cooperative driver testing program, as provided in subsection (2).

4 (2) The department is authorized to certify as a cooperative driver testing program any
 5 state-approved high school traffic education course offered by or in cooperation with a school district that
 6 employs an approved instructor who has current endorsement from the superintendent of public instruction
 7 as a teacher of traffic education and who agrees to:

8 (a) administer standardized knowledge and road tests required by the department to students
 9 participating in the district's high school traffic education courses:

10 (b) certify the test results to the department; and

11 (c) comply with regulations of the department and the superintendent of public instruction.

12 ~~(2)~~(3) Within 90 days of receipt of an application for a commercial driver's license, the department
 13 shall give an examination to the applicant in the county where the applicant resides.

14 ~~(3)~~(4) Except as otherwise provided by law, a resident who has a valid driver's license issued by
 15 another state may surrender that license for a Montana license of the same class, type, and endorsement
 16 upon payment of the required fees, successful completion of a vision examination, and, if requested by the
 17 examiner, completion of either the knowledge test or road test, or both. ~~A resident who obtains a Montana~~
 18 ~~driver's license in this manner is exempt from the written examination and actual demonstration of the~~
 19 ~~operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in~~
 20 ~~the case of commercial drivers, In addition, a resident surrendering a commercial driver's license issued by~~
 21 another state shall successfully complete any examination required by federal regulations before being
 22 issued a commercial driver's license by the department."

23
 24 **Section 5.** Section 61-5-111, MCA, is amended to read:

25 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**
 26 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
 27 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In these
 28 areas ~~where~~ in which the department provides driver licensing services 3 days or more a week, the
 29 department is responsible for sale of receipts and may, in its discretion, ~~not~~ appoint an agent to sell
 30 receipts. The department, upon receipt of payment of the fees specified in this section, shall issue a

1 driver's license to ~~every~~ each qualifying applicant. The license must contain a full-face photograph of the
 2 licensee in the size and form prescribed by the department, ~~except as provided in subsection (4); a~~
 3 distinguishing number issued to the licensee; the full name, date of birth, ~~residence~~ Montana mailing
 4 address, and a brief description of the licensee; and either ~~a facsimile of the signature of the licensee or~~
 5 ~~a space upon which the licensee shall write the licensee's signature in pen and ink immediately upon receipt~~
 6 ~~of the license~~ or a digital reproduction of the licensee's signature. A license is not valid until it is signed
 7 by the licensee.

8 (2) (a) ~~The~~ When a person applies for renewal of a driver's license, the department shall, ~~when any~~
 9 ~~person applies in person for renewal of a driver's license,~~ test the applicant's eyesight and ~~may also,~~ in the
 10 department's discretion, may have the applicant ~~demonstrate~~ complete a road test demonstrating the
 11 applicant's ~~physical~~ ability to operate and to exercise ordinary and reasonable care in the operation of a
 12 motor vehicle.

13 (b) In the case of a commercial driver's license, the department may also require that the applicant
 14 successfully complete a written examination as required by federal regulations.

15 (c) A person is considered to have applied for renewal of a Montana driver's license if the
 16 application is made within 6 months before or 3 months of after the expiration of the person's license.

17 ~~(d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days~~
 18 ~~and no later than 30 days prior to the expiration date of the person's license.~~

19 ~~(e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection~~
 20 ~~(2)(a), for a 4 year period, provided that the person:~~

21 ~~(A) has not accumulated five or more points on the person's driving record for the 4 years~~
 22 ~~immediately preceding the expiration date; and~~

23 ~~(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's~~
 24 ~~physical and mental ability to safely operate a motor vehicle.~~

25 ~~(ii) The department may not renew a driver's license by mail for more than one renewal period. At~~
 26 ~~the expiration of the mail renewal period, a person shall apply in person for a renewal.~~

27 ~~(iii) A person who holds a probationary or restricted license may not renew the license by mail.~~

28 (D) THE DEPARTMENT SHALL MAIL A DRIVER'S LICENSE RENEWAL NOTICE NO EARLIER THAN
 29 60 DAYS AND NO LATER THAN 30 DAYS PRIOR TO THE EXPIRATION DATE OF A COMMERCIAL
 30 DRIVER'S LICENSE IF THE LICENSEE HAS PREVIOUSLY SUBMITTED A WRITTEN REQUEST FOR THE

1 NOTICE, EITHER AT THE TIME OF INITIAL APPLICATION OR OF RENEWAL OF THE LICENSE.

2 (3) ~~(a)~~ Except as provided in subsection SUBSECTIONS (3)(b) and (3)(c), a license expires on the
 3 anniversary of the date of birth of the licensee 4 licensee's birthday 8 years or less after the date of issue
 4 or on the licensee's 75th birthday, whichever occurs first. The department may adopt rules to stagger the
 5 implementation of the conversion to an 8-year license cycle over a 4-year period.

6 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
 7 licensee's birthday 4 years or less after the date of issue.

8 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st
 9 birthday.

10 ~~(4) A license issued to a person under the age of 21 years must contain a photograph of the~~
 11 ~~licensee's profile.~~

12 ~~(5)(4) Whenever the department issues an original license to a person under the age of 18 years,~~
 13 ~~the license must be designated and clearly marked as a "provisional license". Any license designated and~~
 14 ~~marked as provisional may be suspended by the department for a period of not more than 12 months, when~~
 15 ~~its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless~~
 16 ~~or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records,~~
 17 ~~designate the renewal of the license as provisional; otherwise, a license in usual form must be issued~~
 18 ~~subject to other provisions of the laws of Montana.~~

19 ~~(6)(5) It is unlawful for any person to have in the person's possession or under the person's control~~
 20 ~~more than one valid Montana driver's license at any one time. A license is not valid for the operation of~~
 21 ~~a motorcycle or quadricycle until unless the holder of the license has completed the requirements of~~
 22 ~~61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license~~
 23 ~~is not valid for the operation of a commercial vehicle until unless the holder of the license has completed~~
 24 ~~the requirements of 61-5-110 and the license has been clearly marked with the words "commercial driver's~~
 25 ~~license".~~

26 ~~(7)(6) Fees for driver's licenses are:~~

27 (a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;

28 (b) motorcycle endorsement -- 50 cents per year or fraction of a year;

29 (c) commercial driver's license:

30 (i) interstate -- \$5 per year or fraction of a year;

1 (ii) intrastate -- \$3.50 per year or fraction of a year.

2 ~~(8)(7)~~ The holder of a valid chauffeur's license may convert or renew the chauffeur's license to a
3 commercial driver's license by paying the appropriate fee ~~covering the remainder of the life of the license~~
4 and complying with the requirements established by the department.

5 ~~(9)~~ The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial
6 driver's license may do so upon paying the appropriate fees and complying with the requirements
7 established by the department.

8 ~~(10)~~ A person may not renew a driver's license by mail until the person has received a digital license
9 issued by the department. As used in this subsection, the term "digital license" means a license having
10 a computer imaged photograph and signature."

11
12 **Section 6.** Section 61-5-121, MCA, is amended to read:

13 "**61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses ~~provided for~~
14 ~~in 61-5-111(7)(a)~~, motorcycle endorsements ~~provided for in 61-5-111(7)(b)~~, and commercial driver's
15 licenses, ~~provided for in 61-5-111(7)(c)~~, and from duplicate driver's licenses provided for in 61-5-114 is
16 as follows:

17 (a) The amount of ~~25%~~ 16.7% of each driver's license fee and 25% of each duplicate driver's
18 license fee must be deposited into an account in the state special revenue fund. The department shall
19 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
20 as provided in 19-6-404.

21 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
22 of ~~3.75%~~ 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be
23 deposited into the county general fund.

24 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
25 be deposited into the general fund.

26 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
27 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

28 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
29 be deposited into the general fund.

30 (d) The amount of ~~8.75%~~ 5.85% of each driver's license fee and 8.75% of each duplicate driver's

1 license fee must be deposited into the state traffic education account.

2 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
3 of ~~62.5%~~ 74.95% of each driver's license fee and 62.5% of each duplicate driver's license fee must be
4 deposited into the state general fund.

5 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
6 ~~3.75%~~ 2.5% of each commercial driver's license fee must be deposited into the county general fund,
7 otherwise all of the fee must be deposited in the state general fund.

8 (g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
9 state traffic education account in the state special revenue fund, and the amount of 33.2% of each
10 motorcycle endorsement fee must be deposited into the state general fund.

11 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
12 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
13 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
14 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
15 together with a statement indicating what portion of each fee is to be deposited into the account in the
16 state special revenue fund, as provided in subsection (1)(a), and in the state general fund. The state
17 treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a)
18 and (1)(d) through (1)(g).

19 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
20 duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer,
21 together with a statement indicating what portion of each fee is to be deposited into the account in the
22 state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state
23 general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as
24 provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

25

26 **NEW SECTION. Section 7. Applicability.** [This act] applies to a person who, on or after October
27 1, 1995, applies for a Montana driver's license or who seeks to renew a Montana driver's license that
28 expires on or after October 1, 1995.

29

30 **NEW SECTION. Section 8. Effective dates.** (1) [Section 4 and this section] are effective on

1 passage and approval.

2 (2) [Sections 1 through 3 and 5 through 7] are effective October 1, 1995.

3

4 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF [THIS ACT] IS PASSED AND
5 APPROVED, THEN SUBSECTION (2) OF 61-5-110 IN [SECTIONS 4 AND 5] OF SENATE BILL NO. 34
6 (CHAPTER 53, LAWS OF 1995) IS VOID.

7

8 NEW SECTION. SECTION 10. TERMINATION. [SECTION 6] TERMINATES SEPTEMBER 30, 1999.

9

-END-