1	HOUSE BILL NO. 226
2	INTRODUCED BY GILLAN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING CERTAIN DRIVING RESTRICTIONS DURING THE
5	FIRST YEAR OF LICENSURE ON FIRST-TIME DRIVERS WHO ARE UNDER 18 YEARS OF AGE;
6	REQUIRING A FIRST-TIME DRIVER UNDER 16 YEARS OF AGE TO HOLD AN INSTRUCTION PERMIT OR
7	A TRAFFIC EDUCATION LEARNER'S LICENSE FOR AT LEAST 3 MONTHS BEFORE THE DRIVER MAY
8	OBTAIN A LICENSE; PROVIDING EXCEPTIONS FOR EMPLOYMENT, SCHOOL AND CHURCH EVENTS,
9	HARDSHIP, AND THE OPERATION OF MOTOR VEHICLES FOR FARM PURPOSES; MAKING A VIOLATION
10	OF THE DRIVING RESTRICTIONS A SECONDARY OFFENSE; AND AMENDING SECTION 61-5-105, MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	NEW SECTION. **Section 1. Restrictions on new drivers under 18 years of age -- exceptions.** (1)
15	Except as otherwise provided in this section, during the first year of licensure, a person who is under 18 years
16	of age, who has not previously been licensed in Montana or in another jurisdiction, and who is issued a
17	noncommercial driver's license may not operate a motor vehicle:
18	(a) between the hours of midnight and 5:30 a.m. unless:
19	(i) accompanied by a licensed driver who is 21 years of age or older OR, IF OPERATING A MOTORCYCLE
20	OR QUADRICYCLE, UNDER THE IMMEDIATE AND PROXIMATE SUPERVISION OF A LICENSED DRIVER OR RIDER WHO IS 21
21	YEARS OF AGE OR OLDER;
22	(ii) driving between the person's residence and place of employment or driving for employment purposes
23	and carrying a signed statement from the licensee's employer;
24	(iii) driving between the person's residence and an official school-sponsored event; or
25	(iv) driving between the person's residence and an event sponsored by a religious organization; or
26	(b) with more than two other passengers who are under 18 years of age unless the passengers are
27	members of the driver's immediate family.
28	(2) The department may extend the period of restricted licensure beyond 1 year for a first-time driver
29	who is under 18 years of age if the driver:
30	(a) provides to the department false information on the licensee's application or commits fraud in

1   making the application;

2   (b) violates the restrictions provided in subsection (1);

3   (c) commits any of the acts listed in either 61-5-205 or 61-5-206 that allow the department to suspend

4   a licensee's driving privilege or issue a probationary license; or

5   (d) is found guilty of careless or negligent driving.

6   (3) A driver licensed under 61-5-105(1) and this section and all passengers in the driver's vehicle shall

7   wear seat belts at all times during the operation of the motor vehicle as required under 61-13-103.

8   (4) The provisions of this section do not apply to a person who:

9   (a) is operating a motor vehicle for the sole purpose of transporting farm products, farm machinery, or

10   farm supplies within 100 miles of the farm headquarters; or

11   (b) receives a restricted license because of individual hardship as provided under 61-5-105(1)(b).

12

13   NEW SECTION. **SECTION 2. SECONDARY OFFENSE.** A PEACE OFFICER MAY NOT STOP A MOTOR VEHICLE TO

14   DETERMINE IF THE DRIVER IS IN VIOLATION OF [SECTION 1] EXCEPT UPON REASONABLE CAUSE TO BELIEVE THAT THE

15   DRIVER HAS VIOLATED ANOTHER TRAFFIC REGULATION OR THAT THE VEHICLE IS UNSAFE OR NOT EQUIPPED AS REQUIRED

16   BY LAW.

17

18   **Section 3.** Section 61-5-105, MCA, is amended to read:

19   **"61-5-105. Who may not be licensed.** The department may not issue a license under this chapter to

20   a person:

21   (1) who is under ~~16~~ 18 years of age unless:

22   (a) the person is at least 15 years of age, ~~and~~ has passed a ~~driver's~~ traffic education course approved

23   by the department and the superintendent of public instruction, and has held an instruction permit or a traffic

24   education learner license for at least 3 months; ~~or~~

25   (b) the person is at least 13 years of age and, because of individual hardship, to be determined by the

26   department, needs a restricted license; OR

27   (C) THE PERSON IS AT LEAST 16 YEARS OF AGE AND HAS HELD AN INSTRUCTION PERMIT OR A TRAFFIC EDUCATION

28   LEARNER LICENSE FOR AT LEAST 3 MONTHS;

29   (2) whose license or driving privilege is currently suspended or revoked in this or any state, as

30   evidenced by an ineligible status report from the national driver register, established under 49 U.S.C. 30302,

1   or from the commercial driver's license information system, established under 49 U.S.C. 31309;

2   (3) who is addicted to the use of alcohol or narcotic drugs;

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

4   disease and who, at the time of application, has not been restored to competency by the methods provided by

5   law;

6   (5) who is required by this chapter to take an examination;

7   (6) who has not deposited proof of financial responsibility when required under the provisions of chapter

8   6 of this title;

9   (7) who has any condition characterized by lapse of consciousness or control, either temporary or

10   prolonged, that is or may become chronic. However, the department may in its discretion issue a license to an

11   otherwise qualified person suffering from a condition if the afflicted person's attending physician attests in writing

12   that the person's condition has stabilized and would not be likely to interfere with that person's ability to operate

13   a motor vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to

14   operate a commercial motor vehicle under applicable state or federal regulations; or.

15   (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate

16   a motor vehicle on the highway."

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18   NEW SECTION. **Section 4. Codification instruction.** [Section 1] is [SECTIONS 1 AND 2] ARE intended

19   to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1,

20   apply to [section 1] [SECTIONS 1 AND 2].

21   - END -