

DEPARTMENT OF JUSTICE SB 104: Graduated Driver Licensing for Teens

Background

In Montana in 2003:

- the rate of fatal crashes for **drivers under 16** was
 - four times higher than for drivers between 25-29 years of age
 - over five times higher than for drivers over 70 years old
- the rate of fatal crashes for **16-year-old drivers** was
 - more than twice that of 25-29 year-old drivers
 - two and one-half times greater than 70 year-old drivers

Since 1999, 67 people have died in crashes involving drivers 16 years old or younger, and over 5,000 people have been injured.

Montana Crashes Involving a Driver 16 or Under				
Year	Crashes	Fatal Crashes	Fatalities	Injuries
2000	2,385	16	17	1,541
2001	2,271	7	12	1,220
2002	2,361	11	14	1,214
2003	2,136	21	24	1,124
Total	9,153	55	67	5,099

* Individuals injured and killed could be of any age

Graduated Driver Licensing

Since 1993, 37 states and the District of Columbia have adopted comprehensive programs that include a three-stage graduated licensing process. Eleven states have enacted partial programs. Only two states – Montana and Wyoming – lack any part of a graduated licensing system.

The National Transportation Safety Board, the Advocates for Highway and Auto Safety, and the Insurance Institute for Highway Safety all recommend the adoption of a three-stage graduated driver licensing process for teen drivers.

- **First Stage:** requires young drivers to be supervised by a licensed driver for a minimum period of time, optimally at least six months, and requires 30-50 hours of certified driving, some of which should be nighttime driving.
- **Intermediate Stage:** restricts unsupervised night driving by newly licensed drivers within specified hours, optimally starting at 9 or 10 pm; and that limits teenage passengers without adult supervision, optimally to none or one teen passenger for a minimum period of at least six months.
- **Final Stage:** full licensure.

Proposed Changes

SB 204 proposes a three-stage graduated driver licensing program for Montanans under 18 years of age. While the young driver is driving during both the first and second stages, all vehicle occupants must wear a seatbelt or be properly restrained in a child restraint system.

First Stage: Instruction Permit or Traffic Education Learner's License

- Young drivers must be supervised by a parent, legal guardian or, with the parent or guardian's consent, a licensed driver 18 years of age or older for a minimum period of six months.
- Before a young driver moves to the intermediate stage, the parent or legal guardian must certify that the young driver:
 - had at least 50 hours of driving experience, 10 of which were at night, during permit stage; and
 - has not been convicted of a traffic violation or alcohol or drug offense in the preceding six-month period and has no pending traffic, alcohol or drug citations.

Intermediate Stage: Restraint, time-of-day and passenger restrictions for the first-year of license include:

- For first six months, only one passenger under 18 unless:
 - supervised by licensed driver 18 or older and only supervising driver in front seat or
 - additional passengers under 18 are members of young driver's family and only one passenger is in the front seat
- For second six months, only three passengers under 18 unless:
 - supervised by licensed driver 18 or older or
 - additional passengers under 18 are members of young driver's family
- No operation of vehicle between 11 p.m. and 5 a.m., subject to exceptions for:
 - supervised by licensed driver 18 or older
 - employment
 - school- or religious-sponsored events
 - medical, fire or law enforcement-related emergency
 - farm and ranch operations
 - emancipated minor

Final Stage: Full licensure at the end of the one-year restriction period or upon turning 18, whichever first occurs. Young driver does not need to return to a driver's exam station.

Specific provisions for young motorcycle riders

- During the permit stage, if the young driver has completed a motorcycle safety training course through a cooperative driver testing program, the supervising driver need only be 18 or older and licensed. No motorcycle endorsement is required.
- During the first six months of one-year restriction, a passenger under 18 is not allowed.

SB 104 does not change the age at which a young person may be licensed.

Senate Amendments

- Exempts job corps enrollees from parental certification requirement.
- Allows up to three people in the front seat during the restricted period when a licensed driver is present (to allow for bench seats in pickups.)