SENATE JUDICIARY
Exhibit No. 1
Date 1-19-05
Bill No. SB 104

Making our Roadways Safer for All Montanans

SB 104: Montana's Graduated Driver's Licensing Program
(The following is a section-by-section technical analysis of SB 104.)

Section 1. Purpose.
This section sets forth the policy objectives of proven graduated driver's licensing programs throughout the country.

Section 2. Prerequisites for issuance of driver's license to a minor.
A driver under age 18 years of age may obtain a driver's license if:

- They have held an instruction permit or TELL for not less than 6 months;
- They have passed a road/skills test;
- The parent/legal guardian certifies that the youth driver has had at least 50 hours of driving experience (at least 10 of which is at night); and
- The parent/legal guardian certifies that the youth driver has had no traffic or other violations during the 6 months immediately preceding application for a driver's license. [NOTE - the Department already requires parental approval in order to obtain a license, so this should not inconvenience parents/legal guardians.]

*If parent/legal guardian is unable to certify that no violations have occurred, the instruction permit or TELL may be extended an additional year or until age 18, whichever occurs first.
*Section 2 does not apply to a person who has been licensed in another state for at least 6 months and surrenders a valid driver's license from that state.

Section 3. First year restrictions on driver's license issued to a minor.
A driver under the age of 18 is subject to the following restrictions for a period of 1 year from the date of issuance or until 18, whichever occurs first:

- All occupants must be wearing a seatbelt, and the number of occupants cannot exceed the number of seatbelts in the vehicle.
- Subject to the following exceptions, a restricted licensee cannot operate a vehicle between the hours of 11 p.m. and 5 a.m.:
  - -accompanied by a licensed driver over 21 who is seated in the front seat [NOTE: SB 104 takes into account the challenges created by a motorcycle.];
  - -employment purposes;
  - -school sponsored event;
  - -religious sponsored event;
  - -medical, fire, or law enforcement-related emergency;
  - -farm & ranch exemption; **OR**
  - -emancipated minor.

For the **FIRST 6 MONTHS** of the 1-year restricted period, a licensee cannot operate the vehicle with more than one passenger who is under 21 years of age unless:

- Supervised by a licensed driver who is at least 21 years of age and who is the ONLY passenger in the front seat; **OR**
- Any additional passengers are family members, only one of which is in the front seat of the vehicle.

- For the first 6 months, a licensee may not operate a motorcycle with a passenger who is under 21 years of age.

For the **SECOND 6 MONTHS** of the 1-year restricted period, a licensee cannot operate the vehicle with more than three passengers who are under 21 years of age unless:

- Supervised by a licensed driver who is at least 21 yeas of age; **OR**
- Any additional passengers are family members.

- Subsection 2 addresses the unique statutory limitations imposed by motorcycles.

Section 4. Penalty for violation of first-year restrictions.
A person who violates any of the restrictions imposed by Section 3 shall be fined an amount not to exceed $500. Upon receipt of the conviction, the Department shall suspend the license for 90 days on first conviction and 6 months for second or subsequent convictions. NO PROBATIONARY LICENSE CAN BE ISSUED DURING THE SUSPENSION PERIOD.

Section 5. Education on distracted driving.
The Department, in conjunction with OPI, shall encourage traffic education to include the dangers of physical and cognitive distractions while driving, including food and drink, cell phones, stereo adjustments, emotion, fatigue, etc.

Section 6. Instruction permits/TELL's/Traffic education permits - temporary licenses.
Amends the provisions of 61-5-106, MCA, to be consistent with the other provisions of SB 104.

Section 7. Contents of driver's license.
Amends 61-5-111, MCA, to provide that when the Department issues a driver's license to a person under 18, the license **MUST BE** clearly marked with a notation that conveys the restrictions imposed under Section 3.

Section 8. Codification instruction.

Section 9. Effective date.
SB 104's provisions are effective **JULY 1, 2006.**

Section 10. New Section - Applicability.
SB 104 applies to a person who is under 18 at the time of application unless they were issued an instruction permit, TELL, or traffic education permit prior to the effective date.