

HOUSE BILL NO. 465

INTRODUCED BY P. BECK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO TITLE AND  
5 REGISTER MOTOR VEHICLES OWNED BY A PERMANENT RESIDENT OF MAMMOTH HOT SPRINGS,  
6 YELLOWSTONE NATIONAL PARK; REQUIRING THE DEPARTMENT TO ISSUE A DRIVER'S LICENSE TO  
7 A PERMANENT RESIDENT OF MAMMOTH HOT SPRINGS, YELLOWSTONE NATIONAL PARK; DEFINING  
8 "PERMANENT RESIDENT OF MAMMOTH HOT SPRINGS"; GRANTING THE DEPARTMENT RULEMAKING  
9 AUTHORITY; AMENDING SECTIONS 61-5-103, 61-5-105, AND 61-5-125, MCA; AND PROVIDING A DELAYED  
10 EFFECTIVE DATE."

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

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14 NEW SECTION. **Section 1. License plates for residents of Mammoth Hot Springs, Yellowstone**  
15 **national park -- rulemaking.** (1) Upon request by a permanent resident of Mammoth Hot Springs, Yellowstone  
16 national park, the department shall title and register a motor vehicle owned by the resident and issue Montana  
17 license plates for the motor vehicle.

18 (2) A motor vehicle titled and registered pursuant to this section is subject to all applicable fees and taxes  
19 imposed under Title 61, chapter 3, including any local option motor vehicle tax that Park County may impose  
20 pursuant to 61-3-537.

21 (3) After consultation with the Park County treasurer and county commission, the department may adopt  
22 rules necessary to implement and administer this section.

23 (4) For the purposes of this chapter, "permanent resident of Mammoth Hot Springs" means a person who  
24 has resided in Mammoth Hot Springs, Yellowstone national park, for more than 60 consecutive days.

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26 **Section 2.** Section 61-5-103, MCA, is amended to read:

27 **"61-5-103. Residency requirement.** (1) A person who has resided in Montana for more than 60  
28 consecutive days is considered to be a resident for the purpose of being licensed to operate a motor vehicle and  
29 must be licensed under the laws of Montana before operating a motor vehicle.

30 (2) A person who has resided in Montana for more than 30 consecutive days:

1 (a) is considered to be a resident for the purpose of being licensed to operate a commercial motor  
2 vehicle; and

3 (b) must be licensed under the laws of Montana before operating any commercial motor vehicle.

4 (3) Except as provided in subsection (4) and upon request by a permanent resident of Mammoth Hot  
5 Springs, Yellowstone national park, the department may issue a driver's license to the permanent resident of  
6 Mammoth Hot Springs, as defined in [section 1].

7 ~~(3)~~(4) The department may issue a commercial driver's license to a person who is not a resident of  
8 Montana or domiciled in Montana only if:

9 (a) the person is domiciled in a foreign country with commercial driver's license standards, as determined  
10 by the federal motor carrier safety administration of the department of transportation, that are not similar to the  
11 testing and licensing standards provided in 49 CFR, part 383, subparts F, G, and H; or

12 (b) the person is domiciled in a state that is prohibited by the federal motor carrier safety administration  
13 from issuing commercial driver's licenses under 49 CFR 384.405."

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

16 **"61-5-105. Who may not be licensed.** The department may not issue a license under this chapter to  
17 a person:

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

19 (a) the person is at least 15 years of age and has passed a driver's education course approved by the  
20 department and the superintendent of public instruction; or

21 (b) the person is at least 13 years of age and, because of individual hardship, to be determined by the  
22 department, needs a restricted license;

23 (2) whose license or driving privilege is currently suspended, revoked, or canceled or who is disqualified  
24 from operating a commercial motor vehicle in this or any state, as evidenced by an ineligible status report from  
25 the national driver register, established under 49 U.S.C. 30302, or from the commercial driver's license  
26 information system, established under 49 U.S.C. 31309;

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

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

- 1 (5) who is required by this chapter to take an examination;
- 2 (6) who has not deposited proof of financial responsibility when required under the provisions of chapter  
3 6 of this title;
- 4 (7) who has any condition characterized by lapse of consciousness or control, either temporary or  
5 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an  
6 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed  
7 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the  
8 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor  
9 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a  
10 commercial motor vehicle under applicable state or federal regulations;
- 11 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate  
12 a motor vehicle on the highway;
- 13 (9) who is not a resident of or domiciled in Montana except as provided in 61-5-103(3) and (4); or
- 14 (10) who does not submit proof satisfactory to the department that the applicant's presence in the United  
15 States is authorized under federal law. The department may not accept as a primary source of identification a  
16 driver's license issued by a state if the state does not require that a driver licensed in that state be lawfully present  
17 in the United States under federal law."

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- 19 **Section 4.** Section 61-5-125, MCA, is amended to read:
- 20 **"61-5-125. Authority of department -- rulemaking authority.** (1) The department shall administer and  
21 enforce the provisions of this chapter.
- 22 (2) The department shall adopt rules setting standards to govern driver's license examinations and  
23 reexaminations. The rules:
- 24 (a) must specifically address the functional abilities and skills required for a person to exercise ordinary  
25 and reasonable control in the safe operation of a motor vehicle on a highway;
- 26 (b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and  
27 restricted licensure and may include minimum field of vision and depth perception requirements and hearing  
28 requirements for unrestricted and restricted licensure;
- 29 (c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability  
30 to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test

1 may consist of:

2 (i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration  
3 of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

4 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the  
5 department, as related to a specific physical or mental condition or conditions or a request for reexamination;

6 (d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

7 (e) may take into consideration any nationally recognized standards or recommended practices for  
8 assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor  
9 vehicle on the highway;

10 (f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational  
11 limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

12 (g) may be derived from medical guidelines and information compiled by driver licensing medical  
13 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for  
14 persons with disabilities and senior citizens; and

15 (h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation,  
16 or condition as a justification for denial of a license.

17 (3) The department may adopt additional rules governing:

18 (a) acceptable methods of proof of identification that must be supplied by a person upon application for  
19 or renewal of a driver's license;

20 (b) issuance of a hardship license to an underage applicant;

21 (c) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license  
22 fees;

23 (d) circumstances under which the department may issue a probationary license to a person whose  
24 license has been suspended or revoked or a person whose license is subject to a discretionary suspension or  
25 revocation;

26 (e) restrictions to be imposed upon a probationary license;

27 (f) renewal of a driver's license by a person in the military assigned to active duty who had a valid  
28 Montana driver's license at the time of entering active duty;

29 (g) issuance of a replacement driver's license; ~~and~~

30 (h) a determination of the driver's license expiration date, minimum and maximum license terms, and

1 license renewal requirements for a driver's license issued to a person who is a foreign national whose presence  
2 in the United States is temporarily authorized under federal law; and

3 (i) as provided in 61-5-103(3), the issuance of a driver's license to a permanent resident of Mammoth  
4 Hot Springs, as defined in [section 1]."

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6 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an  
7 integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [section 1].

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9 NEW SECTION. Section 6. Effective date. [This act] is effective January 1, 2010.

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