

## 1 HOUSE BILL NO. 302

2 INTRODUCED BY J. TAYLOR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT DRIVER'S LICENSE TESTS BE CONDUCTED  
5 IN ENGLISH; AND AMENDING SECTIONS 1-1-510 AND 61-5-110, MCA."

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

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9 **Section 1.** Section 1-1-510, MCA, is amended to read:10 **"1-1-510. English as official and primary language of state and local governments.** (1) English is  
11 the official and primary language of:

12 (a) the state and local governments;

13 (b) government officers and employees acting in the course and scope of their employment; and

14 (c) government documents and records.

15 (2) A state statute, local government ordinance, or state or local government policy may not require a  
16 specific foreign language to be used by government officers and employees acting in the course and scope of  
17 their employment or for government documents and records or require a specific foreign language to be taught  
18 in a school as a student's primary language.19 (3) This section is not intended to violate the federal or state constitutional right to freedom of speech  
20 of government officers and employees acting in the course and scope of their employment. This Except as  
21 provided in 61-5-110(2)(b), this section does not prohibit a government officer or employee acting in the course  
22 and scope of employment from using a language other than English, including use in a government document  
23 or record, if the employee chooses; or prohibit the teaching of other languages in a school for general educational  
24 purposes or as secondary languages.25 (4) This section is not intended to limit the use of any other language by a tribal government. A school  
26 district and a tribe, by mutual agreement, may provide for the instruction of students that recognizes the cultural  
27 identity of Native American children and promotes the use of a common language for communication."  
2829 **Section 2.** Section 61-5-110, MCA, is amended to read:30 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing**

1 **programs.** (1) Prior to examining an applicant for a driver's license, the department shall conduct a check of the  
2 applicant's driving record by querying the national driver register, established under 49 U.S.C. 30302, and the  
3 commercial driver's license information system, established under 49 U.S.C. 31309.

4 (2) (a) The department shall examine each applicant for a driver's license or motorcycle endorsement,  
5 except as otherwise provided in this section. The examination must include a test of the applicant's eyesight, a  
6 knowledge test examining the applicant's ability to read and understand highway signs and the applicant's  
7 knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test  
8 demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor  
9 vehicle or motorcycle. The road test or skills test must be performed by the applicant in a motor vehicle that the  
10 applicant certifies is representative of the class and type of motor vehicle for which the applicant is seeking a  
11 license or endorsement.

12 (b) The knowledge test, road test, and skills test must be conducted in English.

13 ~~(b)~~(c) The knowledge test, road test, or skills test may be waived by the department upon certification  
14 of the applicant's successful completion of the test by a certified cooperative driver testing program, as provided  
15 in subsection (3), or by a certified third-party commercial driver testing program as provided in 61-5-118.

16 (3) The department is authorized to certify as a cooperative driver testing program any state-approved  
17 high school traffic education course offered by or in cooperation with a school district that employs an approved  
18 instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic  
19 education or any motorcycle safety training course approved by the board of regents and that employs an  
20 approved instructor of motorcycle safety training and who agrees to:

21 (a) administer standardized knowledge and road tests or skills tests required by the department to  
22 students participating in the district's high school traffic education courses or motorcycle safety training courses  
23 approved by the board of regents;

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

25 (c) comply with regulations of the department, the superintendent of public instruction, and the board of  
26 regents.

27 (4) (a) Except as otherwise provided by law, a resident who has a valid driver's license issued by another  
28 jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement upon  
29 payment of the required fees and successful completion of a vision examination. In addition, a resident  
30 surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any

1 examination required by federal regulations before being issued a commercial driver's license by the department.

2 (b) The department may require an applicant who surrenders a valid driver's license issued by another  
3 jurisdiction to submit to a knowledge and road or skills test if:

4 (i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair,  
5 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the  
6 highway; and

7 (ii) the surrendered license does not include readily discernible adaptive equipment or operational  
8 restrictions appropriate to the applicant's functional abilities; or

9 (iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

10 (c) When a license from another jurisdiction is surrendered, the department shall notify the issuing  
11 agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain  
12 the license from another jurisdiction for identification or other nondriving purposes, the department shall place  
13 a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return  
14 the marked license to the applicant."

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