

1 HOUSE BILL NO. 460

2 INTRODUCED BY J. DOOLING

3 BY REQUEST OF THE ATTORNEY GENERAL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING DRIVER'S
6 LICENSES; REQUIRING THE DEPARTMENT TO DESTROY A SURRENDERED DRIVER'S LICENSE,
7 COMMERCIAL DRIVER'S LICENSE, OR IDENTIFICATION CARD; AMENDING SECTION 61-5-110, MCA;
8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 61-5-110, MCA, is amended to read:

13 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**
14 **testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a
15 driver's license, the department shall conduct a check of the applicant's driving record by querying the national
16 driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system,
17 established under 49 U.S.C. 31309.

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

26 (b) The knowledge test, road test, or skills test may be waived by the department:

27 (i) upon certification of the applicant's successful completion of the test by a certified cooperative
28 driver testing program as provided in subsection (3) or by a certified third-party commercial driver testing

1 program as provided in 61-5-118; or

2 (ii) in accordance with a driver's license reciprocity agreement between the department and a foreign
3 country.

4 (c) The skills test may be waived by the department upon the applicant's completion of the
5 requirements of 61-5-123.

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

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

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

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

17 (4) (a) Except as otherwise provided by law, an applicant who has a valid driver's license issued by
18 another jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement
19 upon payment of the required fees and successful completion of a vision examination. In addition, an applicant
20 surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any
21 examination required by federal regulations before being issued a commercial driver's license by the
22 department.

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

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

28 (ii)(i) the surrendered license does not include readily discernible adaptive equipment or operational

1 restrictions appropriate to the applicant's functional abilities; or

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

3 (c) When a license or identification card from another jurisdiction is surrendered, the department shall
4 notify the issuing agency from the other jurisdiction that the applicant has surrendered the license or
5 identification card. ~~If the applicant wants to retain the license from another jurisdiction for identification or other~~
6 ~~nondriving purposes, the department shall place a distinctive mark on the license, indicating that the license~~
7 ~~may be used for nondriving purposes only, and return the marked license to the applicant. The department shall~~
8 destroy any surrendered driver's license, commercial driver's license, or identification card.

9 (5) The department may enter into a reciprocity agreement with a foreign country to provide for the
10 mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the
11 department determines that the licensing standards of the foreign country are comparable to those of this state.
12 The agreement may not include the reciprocal exchange of a commercial driver's license."

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14 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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