

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DRIVER'S LICENSE LAWS; ALLOWING APPLICANTS
5 FOR DRIVER'S LICENSES TO REQUEST A LICENSE RESTRICTION NOTING A PERSONAL
6 COMMUNICATION LIMITATION OR OTHER MEDICAL INFORMATION; PROVIDING RULEMAKING
7 AUTHORITY; AND AMENDING SECTION 61-14-201, MCA."

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

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11 NEW SECTION. **Section 1. Communication restrictions.** At the request of an applicant, and if the
12 applicant expresses to the department a personal communication limitation or other medical information that
13 would be relevant to a peace officer during a traffic stop or to first responders during an emergency, the
14 department may include an appropriate restriction on a license issued to the applicant.

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16 **Section 2.** Section 61-14-201, MCA, is amended to read:

17 **"61-14-201. Rulemaking authority -- driver's licenses and identification cards.** (1) The
18 department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

19 (2) The department may adopt rules governing acceptable methods of proof of identification, including
20 name, date of birth, and authorized presence, that an individual must submit when applying for a license or
21 identification card, including a new, renewal, or replacement license or identification card.

22 (3) The department may adopt rules governing the determination of the driver's license expiration
23 date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a
24 person who is a foreign national whose presence in the United States is temporarily authorized under federal
25 law.

26 (4) The department shall adopt rules governing the calculation of grace periods for renewals and the
27 calculation of other time periods established by statute or federal regulation.

28 (5) The department may adopt rules governing the renewal of a driver's license by a person in the

1 military assigned to active duty who had a valid Montana driver's license at the time of entering active duty.

2 (6) The department shall adopt rules to set the standards for driver license examinations and
3 reexaminations.

4 (7) The department may adopt rules to set the standards for photographs, certifications, and signature
5 requirements for the issuance of driver's licenses.

6 (8) The department shall adopt rules establishing the functional abilities and skills required to exercise
7 ordinary and reasonable control to safely operate a motor vehicle. The rules:

8 (a) must include operational restrictions based on the driver's ability and skills;

9 (b) may direct the design of one or more types of skills tests. A skills test may consist of:

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

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

15 (c) must include appropriate licensing criteria relating to the use of adaptive equipment or operational
16 limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction.

17 (9) The department shall adopt rules establishing vision requirements for a person to safely operate a
18 motor vehicle. The rules:

19 (a) must include the minimum uncorrected or corrected visual acuity requirements for both
20 unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or
21 licensee, including the use of bioptic lenses; and

22 (b) may include minimum field of vision and depth perception requirements for both unrestricted and
23 restricted licenses.

24 (10) The rules in subsections (8) and (9):

25 (a) may take into consideration any nationally recognized standards or recommended practices or
26 standards of other jurisdictions for assessment of a person's functional abilities and skills;

27 (b) may be derived from medical guidelines and information compiled by driver licensing medical
28 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for

1 persons with disabilities and senior citizens; and

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

4 (11) The department shall adopt rules governing the issuance of a restricted learner license, including
5 when the department may issue a restricted learner license to allow for a driver to practice driving skills.

6 (12) The department shall adopt rules governing the issuance of a hardship license to a person who is
7 at least 13 years of age and because of individual hardship needs a restricted driver's license, including a
8 person who holds a learner license under 61-5-106. The department must consider, among other criteria,
9 whether a hardship license is needed because the applicant's parent or guardian is not available to accompany
10 the licensee, whether due to employment or circumstances related to the operation of a farm or ranch or
11 because the parent or guardian does not hold a valid driver's license, and the licensee is required to drive to the
12 licensee's school bus stop.

13 (13) The department may adopt rules governing probationary licenses, including:

14 (a) issuance to a person whose license has been suspended or revoked or whose license is subject
15 to a discretionary suspension or revocation;

16 (b) the establishment of restrictions placed on a probationary license;

17 (c) the expiration of a probationary license;

18 (d) the cancellation of a probationary license for violating the restrictions on the probationary license
19 or for another law violation; and

20 (e) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-232.

21 (14) The department may adopt rules governing the requirements for a veteran designation on a
22 driver's license or identification card.

23 (15) The department may adopt rules governing the issuance of a replacement driver's license.

24 (16) The department may adopt rules governing the certification process for cooperative driver testing
25 program instructors.

26 (17) The department may adopt rules for the implementation of online driver's license renewal.

27 (18) The department shall adopt rules governing the issuance, renewal, and cancellation of
28 identification cards that align with the proof of identity, residence, and authorized presence standards for a

1 driver's license.

2 (19) The department may adopt rules for determining moving violations.

3 (20) The department may adopt rules for charging a fee for not appearing at a scheduled commercial
4 skills test or motorcycle test and for the waiver of the fee for good cause shown.

5 (21) The department shall adopt rules governing restrictions for personal communication limitations
6 and other medical information that would be helpful to a peace officer during a traffic stop.

7 ~~(24)~~(22) The department may adopt rules governing the conditions under which an applicant is eligible
8 to receive a driver's license or identification card by expedited service and to set the fee for expedited service.

9 ~~(22)~~(23) The department may adopt rules to implement any other provision of this title."
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11 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12 integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 1].

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