

## 1 HOUSE BILL NO. 383

2 INTRODUCED BY B. USHER, J. ELLSWORTH, S. FITZPATRICK, D. KARY, C. SMITH, G. VANCE, M.  
3 BERTOGLIO, M. BINKLEY, P. FIELDER, F. GARNER, D. HARVEY, D. HAWK, C. HINKLE, S. KERNS, C.  
4 KNUDSEN, R. KNUDSEN, D. LENZ, B. LER, B. PHALEN, J. READ, A. REGIER, D. SKEES, F. SMITH, M.  
5 STROMSWOLD, J. TREBAS, B. TSCHIDA, S. VINTON  
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING MOTORCYCLE  
8 ENDORSEMENTS ON DRIVER'S LICENSES; CLARIFYING THAT A MOTORCYCLE ENDORSEMENT IS  
9 NOT REQUIRED TO OPERATE A THREE-WHEELED MOTORCYCLE; AND AMENDING SECTION 61-5-102,  
10 MCA."  
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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14 **Section 1.** Section 61-5-102, MCA, is amended to read:

15 **"61-5-102. Drivers to be licensed -- penalty.** (1) (a) Except as provided in 61-5-104, a person may  
16 not drive a motor vehicle upon a highway in this state unless the person has a valid Montana driver's license. A  
17 person may not receive a Montana driver's license until the person surrenders to the department all valid  
18 driver's licenses issued by any other jurisdiction. A person may not have in the person's possession or under  
19 the person's control more than one valid Montana driver's license at any time.

20 (b) Except as provided in subsection (1)(c), the penalty for a violation of this section is a fine of not  
21 more than \$500.

22 (c) A person who is eligible to hold a driver's license and has obtained a valid driver's license but has  
23 not renewed the license as provided in 61-5-111(3)(c) is not subject to the penalty in subsection (1)(b).

24 (2) (a) (i) Except as provided in subsections (2)(a)(ii) and (2)(a)(iii), a license is not valid for the  
25 operation of a motorcycle unless the holder of the license has completed the requirements of 61-5-110 and the  
26 license has been clearly marked with the words "motorcycle endorsement".

27 (ii) A motorcycle endorsement is not required for the operation of a low-speed electric vehicle or a  
28 motorcycle that is propelled by an electric motor or other device that transforms stored electrical energy into the

1 motion of the vehicle, has a fully enclosed cab, is equipped with three wheels in contact with the ground, and is  
2 equipped with a seat and seatbelts.

3 (iii) A motorcycle endorsement is not required for the operation of an autocycle or a three-wheeled  
4 motorcycle.

5 (b) A license is not valid for the operation of a commercial motor vehicle unless the holder of the  
6 license has completed the requirements of 61-5-110, the license has been clearly marked with the words  
7 "commercial driver's license", and the license bears the proper endorsement for:

8 (i) the specific vehicle type or types being operated; or

9 (ii) the passengers or type or types of cargo being transported.

10 (3) A low-speed restricted driver's license is not valid for the operation of a motor vehicle other than a  
11 low-speed electric vehicle or a golf cart.

12 (4) When a city or town requires a licensed driver to obtain a local driving license or permit, a license  
13 or permit may not be issued unless the applicant presents a state driver's license valid under the provisions of  
14 this chapter."

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