

## 1 HOUSE BILL NO. 462

2 INTRODUCED BY M. STROMSWOLD, E. BUTTREY, J. CARLSON, W. GALT, C. KNUDSEN, R. KNUDSEN,

3 L. SHELDON-GALLOWAY, B. USHER

4 BY REQUEST OF THE ATTORNEY GENERAL

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LEARNER LICENSES;  
7 REQUIRING CERTAIN DUTIES TO BE PERFORMED BY A RESPONSIBLE ADULT WHEN A PARENT OR  
8 GUARDIAN IS NOT AVAILABLE; AMENDING SECTIONS 61-5-106, 61-5-108, AND 61-5-132, MCA; AND  
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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13 **Section 1.** Section 61-5-106, MCA, is amended to read:

14 **"61-5-106. ~~Instruction~~ Learner licenses -- traffic education permits -- temporary driver's**  
15 **permits.** (1) (a) The department may issue a learner license, which is valid for 1 year from the date of  
16 issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has  
17 successfully passed the knowledge test and the vision examination, as provided in 61-5-110. Except as  
18 provided in subsections (1)(b) and (1)(c), a learner license entitles the licensee, while in immediate possession  
19 of the license and accompanied by a licensed driver seated beside the licensee, to drive a motor vehicle other  
20 than a motorcycle upon the public highways.

21 (b) (i) If the licensee is under 18 years of age, Except as provided in subsection (1)(b)(ii), if the  
22 licensee is under 18 years of age, the driver supervising the licensee must be a parent or a legal guardian of  
23 the licensee or, with the permission of the licensee's parent or legal guardian, a licensed driver 18 years of age  
24 or older. Each occupant of a motor vehicle driven by a licensee who is under 18 years of age shall wear a  
25 properly adjusted and fastened seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety  
26 restraint.

27 (ii) If the licensee is a ward of the state, the driver supervising the licensee must be a licensed driver  
28 18 years of age or older.

1 (c) A person holding a learner license for a motorcycle may drive a motorcycle upon a public highway  
2 if the person is not carrying a passenger, has immediate possession of the license, and is under the immediate  
3 and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the  
4 licensee is under 18 years of age:

5 (i) a motorcycle-endorsed licensed driver who is riding with the licensee and who is operating a  
6 separate motorcycle or other motor vehicle; or

7 (ii) a licensed driver who is operating a separate motor vehicle if the licensee has successfully  
8 completed a motorcycle safety training course through a cooperative driver testing program certified under 61-  
9 5-110.

10 (2) The department may issue a learner license, which is valid for 1 year from the date of issuance, to  
11 any person who is at least 14 1/2 years of age and who has successfully completed or is successfully  
12 participating in a traffic education course approved by the department and the superintendent of public  
13 instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside within  
14 the geographical boundaries of or attend a school in the school district that offers the course. A learner license  
15 entitles the licensee to operate a motor vehicle when accompanied by an approved instructor, a licensed parent  
16 or guardian, or other driver as provided in subsection (1)(b) and may be restricted to specific times or areas.

17 (3) (a) An instructor of a traffic education program approved by the department and by the  
18 superintendent of public instruction may issue a traffic education permit that is effective for a school year or  
19 more restricted period to an applicant who is enrolled in a traffic education program approved by the  
20 department and who meets the age requirements specified in 20-7-503.

21 (b) When in immediate possession of the traffic education permit, the permittee may operate on a  
22 designated highway or within a designated area:

23 (i) a motor vehicle when an approved instructor is seated beside the permittee; or

24 (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved  
25 instructor.

26 (4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's  
27 license permitting the applicant to operate a motor vehicle while the department is completing its investigation  
28 and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's

1 permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when  
2 the applicant's license has been issued or for good cause has been refused.

3 (5) The department may in its discretion issue a temporary commercial driver's license to an applicant  
4 permitting the applicant to operate a commercial motor vehicle while the department is completing its  
5 investigation and determination of all facts relative to the applicant's right to receive a commercial driver's  
6 license. The temporary license must be in the applicant's immediate possession while operating a commercial  
7 motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused.

8 (6) The department may in its discretion issue a temporary medical assessment and rehabilitation  
9 driving permit, as provided in 61-5-120."

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11 **Section 2.** Section 61-5-108, MCA, is amended to read:

12 **"61-5-108. Application of minors -- imputed liability.** (1) The application of a person who is under  
13 18 years of age for a learner license, driver's license, or medical assessment and rehabilitation driving permit  
14 must be signed and verified before a person authorized to administer oaths or an employee of the department  
15 by a parent of the applicant or, if ~~none is a parent~~ a parent is not available,

16 (a) by some other responsible adult who is willing to assume the obligation imposed under this  
17 chapter upon a person signing the application of a minor; or

18 (b) by the minor if the minor has submitted a certificate of insurance to the department pursuant to 61-  
19 6-133.

20 (2) Any negligence or willful misconduct of a minor who is under 18 years of age when driving a motor  
21 vehicle upon a highway must be imputed to a person who has signed the application of the minor for a learner  
22 license, driver's license, or medical and rehabilitation driving permit. The person who signs the application is  
23 jointly and severally liable with the minor for any damages caused by the negligence or willful misconduct  
24 unless a motor vehicle liability policy, as provided for in chapter 6 of this title, covering the minor is in effect, in  
25 which case there is no imputed liability as described in this section."

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27 **Section 3.** Section 61-5-132, MCA, is amended to read:

28 **"61-5-132. Prerequisites for issuance of driver's license to minor.** (1) The department may issue

1 a driver's license, subject to the restrictions of 61-5-133, to a person under 18 years of age if the person:

2 (a) has held a learner license or traffic education permit for a period of not less than 6 months;

3 (b) has passed a road test or a skills test, as provided in 61-5-110;

4 (c) presents written certification from the person's parent or legal guardian, or if none is available, a  
5 responsible adult, that states that the person has had at least 50 hours of driving experience, 10 of which were  
6 at night, during which the person was supervised by a parent, a legal guardian, or a person at least 18 years of  
7 age, with the consent of the parent or legal guardian, who had a valid driver's license; and

8 (d) presents written certification from the person's parent or legal guardian, or if none is available, a  
9 responsible adult, that states that, during the 6-month period immediately preceding application for a driver's  
10 license, the person has not been convicted of a traffic violation or convicted of or adjudicated for an offense  
11 involving the use of alcohol or drugs and the person has no pending traffic, alcohol, or drug citations.

12 (2) If a parent or a legal guardian, or if none is available, a responsible adult, for a person under 18  
13 years of age cannot certify that the person has a 6-month conviction-free record for traffic, alcohol, and drug  
14 violations and no pending traffic, alcohol, or drug citations, the department may extend the person's learner  
15 license for an additional 1-year period or until the person's 18th birthday, whichever occurs first.

16 (3) (a) The requirements of subsections (1)(a) through (1)(c) do not apply to a person under 18 years  
17 of age who has been licensed in another state for at least 6 months and surrenders a valid driver's license from  
18 that state.

19 (b) The requirements of subsection (1)(c) do not apply to a person under 18 years of age who, at the  
20 time of application for a driver's license, is an enrollee of a job corps program located in Montana. The  
21 department may require the applicant to provide current documentation of the applicant's job corps program  
22 enrollment status."

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24 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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