



AN ACT GENERALLY REVISING TRAFFIC EDUCATION LAWS; REVISING THE TRAFFIC EDUCATION DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AUTHORIZING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO APPROVE PRIVATE TRAFFIC EDUCATION COURSES; AUTHORIZING A SCHOOL DISTRICT TO PROVIDE THE TRAFFIC EDUCATION CLASSROOM INSTRUCTION IN A DISTANCE LEARNING FORMAT; ALLOWING A PARENT OR GUARDIAN OF A STUDENT WHO COMPLETES THE TRAFFIC EDUCATION CLASSROOM INSTRUCTION TO INSTRUCT THE STUDENT IN THE HANDS-ON DRIVING PORTION OF THE TRAFFIC EDUCATION COURSE; ALLOWING A TEMPORARY OPPORTUNITY FOR A STUDENT TO OBTAIN A LEARNER LICENSE AFTER TAKING AN ONLINE TRAFFIC EDUCATION COURSE DUE TO THE COVID-19 PANDEMIC; AMENDING SECTIONS 20-7-502, 20-7-503, 61-5-106, AND 61-5-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 20-7-502, MCA, is amended to read:

"20-7-502. Duties of superintendent of public instruction. The superintendent of public instruction shall:

- (1) develop, administer, and supervise a program of instruction in traffic education;
- (2) establish basic course requirements in instruction for traffic education;
- (3) establish the qualifications for a teacher of traffic education;
- (4) approve teachers of traffic education when the teachers are qualified;
- (5) establish criteria for traffic education course approval based on the basic course requirements, teacher of traffic education qualifications, and the requirements of law;
- (6) approve traffic education courses when the courses meet the criteria for approval, including a

commercially available private traffic education course;

(7) promulgate a policy for the distribution of the traffic education money to approved traffic education courses and annually order the distribution of the proceeds of the traffic education account in the manner required by law;

(8) assist districts with the conduct of traffic education; ~~and~~

(9) periodically conduct onsite driver education program reviews;

(10) establish any alternative course requirements necessary to allow a district to provide an online or distance learning classroom component for a traffic education course pursuant to 20-7-503(2)(a); and

(11) establish any alternative course requirements necessary to allow the student's parents or guardian to instruct the student in the hands-on driving component of a traffic education course pursuant to 20-7-503(2)(b)."

Section 2. Section 20-7-503, MCA, is amended to read:

"20-7-503. District establishment of traffic education program. (1) The trustees of any district operating a junior high school or high school may establish and maintain a traffic education course. The traffic education course shall be:

~~(1)(a)~~ (1)(a) for students who are 15 years old or older or will have reached their 15th birthday within 6 months of the course completion;

~~(2)(b)~~ (1)(b) taught by a teacher of traffic education;

~~(3)(c)~~ (1)(c) conducted in accordance with the basic course requirements established by the superintendent of public instruction; and

~~(4)(d)~~ (1)(d) taught during regular school hours, after regular school hours, on Saturdays, or as a summer school course, at the option of the trustees.

(2) (a) A school district may offer the classroom portion of a traffic education course through an online or distance learning platform.

(b) When a student completes the classroom portion of a traffic education course pursuant to subsection (2)(a), the student is authorized to take the hands-on driving portion of the traffic education course under the instruction of the student's parent or guardian."

Section 3. Section 61-5-106, MCA, is amended to read:

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

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

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

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

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

(2) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside within the geographical boundaries of or attend a school in the school district that offers the course. A learner license entitles the licensee to operate a motor vehicle when accompanied by an approved instructor, a

licensed parent or guardian, or other driver as provided in subsection (1)(b) and may be restricted to specific times or areas.

(b) A person who meets the age requirements established in subsection (2)(a) and was unable to participate in a traffic education course as a result of the covid-19 pandemic must be allowed to test for and receive a learner license upon showing proof of completion of an online traffic education course.

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

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

- (i) a motor vehicle when an approved instructor is seated beside the permittee; or
- (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved instructor.

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

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

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

Section 4. Section 61-5-132, MCA, is amended to read:

"61-5-132. Prerequisites for issuance of driver's license to minor. (1) The department may issue a driver's license, subject to the restrictions of 61-5-133, to a person under 18 years of age if the person:

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

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

(c) (i) has successfully completed a traditional traffic education course approved pursuant to 20-7-503(1) and presents written certification from the person's parent or legal guardian that states that the person has had at least 50 hours of driving experience, 10 of which were at night, during which the person was supervised by a parent, a legal guardian, or a person at least 18 years of age, with the consent of the parent or legal guardian, who had a valid driver's license; or

(ii) has successfully completed an alternative traffic education course approved by the department of justice and presents written certification from the person's parent or legal guardian that states the person has had at least 75 hours of driving experience, 15 of which were at night, during which the person was supervised by a parent, legal guardian, or a person at least 18 years of age, with the consent of the parent or legal guardian, who had a valid driver's license; and

(d) presents written certification from the person's parent or legal guardian that states that, during the 6-month period immediately preceding application for a driver's license, the person has not been convicted of a traffic violation or convicted of or adjudicated for an offense involving the use of alcohol or drugs and the person has no pending traffic, alcohol, or drug citations.

(2) If a parent or a legal guardian for a person under 18 years of age cannot certify that the person has a 6-month conviction-free record for traffic, alcohol, and drug violations and no pending traffic, alcohol, or drug citations, the department may extend the person's learner license for an additional 1-year period or until the person's 18th birthday, whichever occurs first.

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

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

enrollment status."

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Termination. [Section 3] terminates June 30, 2023.

- END -

I hereby certify that the within bill,
SB 300, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 300

INTRODUCED BY C. GLIMM

AN ACT GENERALLY REVISING TRAFFIC EDUCATION LAWS; REVISING THE TRAFFIC EDUCATION DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AUTHORIZING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO APPROVE PRIVATE TRAFFIC EDUCATION COURSES; AUTHORIZING A SCHOOL DISTRICT TO PROVIDE THE TRAFFIC EDUCATION CLASSROOM INSTRUCTION IN A DISTANCE LEARNING FORMAT; ALLOWING A PARENT OR GUARDIAN OF A STUDENT WHO COMPLETES THE TRAFFIC EDUCATION CLASSROOM INSTRUCTION TO INSTRUCT THE STUDENT IN THE HANDS-ON DRIVING PORTION OF THE TRAFFIC EDUCATION COURSE; ALLOWING A TEMPORARY OPPORTUNITY FOR A STUDENT TO OBTAIN A LEARNER LICENSE AFTER TAKING AN ONLINE TRAFFIC EDUCATION COURSE DUE TO THE COVID-19 PANDEMIC; AMENDING SECTIONS 20-7-502, 20-7-503, 61-5-106, AND 61-5-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.