

SENATE BILL NO. 462

INTRODUCED BY S. NOVAK, S. DEMAROIS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO DRIVER LICENSING; REVISING AGES RELATING TO WHEN THE DEPARTMENT JUSTICE MOTOR VEHICLE DIVISION MAY ISSUE A DRIVER'S LICENSE; ALLOWING A COUNTY TO REQUEST A MOTOR VEHICLE DRIVER'S EXAMINATION AT ONCE A MONTH; AMENDING SECTIONS 61-5-101 AND 61-5-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 61-5-101, MCA, is amended to read:

"61-5-101. Driver licensing responsibilities of department. (1) The department shall maintain a permanent place of business at the state capital and shall provide the necessary staff, facilities, and equipment for the purpose of providing driver's license services as required by this part.

(2) The department shall provide an examiner to administer:

(a) a commercial driver's license or motor vehicle driver's license examination in any county of the state if the examination is previously scheduled through the department; and

(b) a motor vehicle driver's examination in every county scheduled at least once a month if requested by the county."

Section 2. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department may not issue a license under this chapter to a person:

(1) who is under 15 years of age unless:

(a) the person is at least 14 1/2 years of age and has passed a driver's education course approved by the department and the superintendent of public instruction; or

(b) the person is at least 13 years of age and, because of individual hardship, to be determined by

1 the department, needs a restricted license;

2 (2) whose license or driving privilege is currently suspended, revoked, or canceled, except as
3 provided in 61-5-232, or who is disqualified from operating a commercial motor vehicle in this or any state, as
4 evidenced by an ineligible status report from the national driver register, established under 49 U.S.C. 30302, or
5 from the commercial driver's license information system, established under 49 U.S.C. 31309;

6 (3) who is addicted to the use of alcohol or narcotic drugs;

7 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability or
8 disease and who, at the time of application, has not been restored to competency by the methods provided by
9 law;

10 (5) who is required by this chapter to take an examination;

11 (6) who has not deposited proof of financial responsibility when required under the provisions of
12 chapter 6 of this title;

13 (7) who has any condition characterized by lapse of consciousness or control, either temporary or
14 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an
15 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed
16 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the
17 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor
18 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a
19 commercial motor vehicle under applicable state or federal regulations.

20 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely
21 operate a motor vehicle on the highway;

22 (9) who is not a resident of or domiciled in Montana except as provided in 61-5-103(3); or

23 (10) whose presence in the United States is not authorized under federal law. When an applicant
24 who is not a citizen of the United States applies for a driver's license, the department shall verify that the
25 applicant is lawfully present in the United States by using the federal systematic alien verification for
26 entitlements program. The department may not accept a driver's license issued by another state as proof that
27 an applicant is lawfully present in the United States under federal law."
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