

## 1 HOUSE BILL NO. 216

2 INTRODUCED BY M. MILLER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PERMITHOLDERS 14 YEARS OF AGE OR OLDER TO  
5 OPERATE A MOTOR VEHICLE TO OR FROM A SCHOOL BUS STOP WITHOUT A PARENT OR LEGAL  
6 GUARDIAN; AND AMENDING SECTION 61-5-106, MCA."

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

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10 **Section 1.** Section 61-5-106, MCA, is amended to read:11 **"61-5-106. Instruction permits -- traffic education learner licenses and permits -- temporary**

12 **licenses.** (1) (a) The department may issue an instruction permit, which is valid for 1 year from the date of  
13 issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully  
14 passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in  
15 subsections (1)(b), ~~and (1)(c), and (3)~~, an instruction permit entitles the permitholder, while in immediate  
16 possession of the permit and accompanied by a licensed driver seated beside the permitholder, to drive a motor  
17 vehicle other than a motorcycle upon the public highways.

18 (b) ~~If Except as provided in subsection (3), if~~ the permitholder is under 18 years of age, the driver  
19 supervising the permitholder must be a parent or a legal guardian of the permitholder or, with the permission of  
20 the permitholder's parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor  
21 vehicle driven by a permitholder who is under 18 years of age shall wear a properly adjusted and fastened  
22 seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint.

23 (c) A person holding an instruction permit for a motorcycle may drive a motorcycle upon a public highway  
24 if the person is not carrying a passenger, has immediate possession of the permit, and is under the immediate  
25 and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the  
26 permitholder is under 18 years of age:

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

29 (ii) a licensed driver who is operating a separate motor vehicle if the permitholder has successfully  
30 completed a motorcycle safety training course through a cooperative driver testing program certified under

1 61-5-110.

2 (2) The department may issue a traffic education learner license, which is valid for 1 year from the date  
3 of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is  
4 successfully participating in a traffic education course approved by the department and the superintendent of  
5 public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside  
6 within the geographical boundaries of or attend a school in the school district that offers the course. ~~A~~ Except as  
7 provided in subsection (3), a traffic education learner license entitles the licensee to operate a motor vehicle only  
8 when accompanied by an approved instructor or licensed parent or guardian and may be restricted to specific  
9 times or areas.

10 (3) (a) A permitholder who possesses a valid instruction permit or a valid traffic education learner license,  
11 is in immediate possession of the permit or license, is 14 years of age or older, and resides more than 7 miles  
12 from the school bus stop nearest the permitholder's residence may operate a motor vehicle, other than a  
13 motorcycle, upon a public highway between the permitholder's residence and the school bus stop for the sole  
14 purpose of riding the school bus to or from the permitholder's school.

15 (b) A permitholder may operate a motor vehicle in accordance with subsection (3)(a) without a licensed  
16 driver 18 years of age or older in the motor vehicle.

17 (c) A permitholder operating a motor vehicle in accordance with subsection (3)(a) may not carry  
18 passengers under the age of 18 unless the passengers are members of the permitholder's family.

19 ~~(3)~~(4) (a) An instructor of a traffic education program approved by the department and by the  
20 superintendent of public instruction may issue a traffic education permit that is effective for a school year or more  
21 restricted period to an applicant who is enrolled in a traffic education program approved by the department and  
22 who meets the age requirements specified in 20-7-503.

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

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

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

28 ~~(4)~~(5) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's  
29 license permitting the applicant to operate a motor vehicle while the department is completing its investigation  
30 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)~~(6) 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 investigation  
5 and determination of all facts relative to the applicant's right to receive a commercial driver's license. The  
6 temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle  
7 and is invalid when the applicant's license has been issued or for good cause has been refused.

8 ~~(6)~~(7) 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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