



AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES FOR HARDSHIP LICENSES THAT ALLOW PERMITHOLDERS 14 YEARS OF AGE OR OLDER TO OPERATE A MOTOR VEHICLE TO OR FROM A SCHOOL BUS STOP WITHOUT A PARENT OR LEGAL GUARDIAN; REVISING THE DEPARTMENT'S RULEMAKING AUTHORITY; AND AMENDING SECTION 61-5-125, MCA.

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

Section 1. Section 61-5-125, MCA, is amended to read:

"61-5-125. Authority of department -- rulemaking authority. (1) The department shall administer and enforce the provisions of this chapter.

(2) The department shall adopt rules setting standards to govern driver's license examinations and reexaminations. The rules:

(a) must specifically address the functional abilities and skills required for a person to exercise ordinary and reasonable control in the safe operation of a motor vehicle on a highway;

(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licensure and may include minimum field of vision and depth perception requirements and hearing requirements for unrestricted and restricted licensure;

(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination;

(d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

(e) may take into consideration any nationally recognized standards or recommended practices for

assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

(g) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation, or condition as a justification for denial of a license.

(3) The department shall adopt rules governing the issuance of a hardship license to an underage applicant, including but not limited to an applicant who is 14 years of age or older who holds a valid instruction permit or a traffic education learner license under 61-5-106. The rules must consider whether a hardship license is needed because the applicant's licensed parent or guardian is not available to accompany the permitholder due to employment or circumstances related to the operation of a farm or ranch and the permitholder is required to drive more than 7 miles from the permitholder's residence to the permitholder's school bus stop.

~~(3)~~(4) The department may adopt additional rules governing:

(a) acceptable methods of proof of identification that must be supplied by a person upon application for or renewal of a driver's license;

~~(b)~~ issuance of a hardship license to an underage applicant;

~~(c)~~(b) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license fees;

~~(d)~~(c) circumstances under which the department may issue a probationary license to a person whose license has been suspended or revoked or a person whose license is subject to a discretionary suspension or revocation;

~~(e)~~(d) restrictions to be imposed upon a probationary license;

~~(f)~~(e) renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty;

~~(g)~~(f) issuance of a replacement driver's license; and

~~(h)~~(g) a determination of the driver's license expiration date, minimum and maximum license terms, and

license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law."

- END -

I hereby certify that the within bill,
HB 0216, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 216

INTRODUCED BY M. MILLER

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