

HOUSE BILL NO. 487

INTRODUCED BY P. CONNELL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A RESTRICTED-USE DRIVING PERMIT; PROVIDING
5 THAT A PERSON WITH A RESTRICTED-USE DRIVING PERMIT MAY DRIVE ONLY FOR ESSENTIAL
6 DRIVING PURPOSES WITHIN THE STATE OF MONTANA; ALLOWING A PERSON WHO IS INELIGIBLE FOR
7 A DRIVER'S LICENSE BECAUSE OF THE WITHDRAWAL OF DRIVING PRIVILEGES DUE TO
8 ALCOHOL-RELATED OR DRUG-RELATED VIOLATIONS IN ANOTHER STATE TO APPLY FOR A
9 RESTRICTED-USE DRIVING PERMIT; REQUIRING A PERSON TO LIVE IN MONTANA AND NOT ACCRUE
10 ANY TRAFFIC VIOLATIONS OR CONVICTIONS IN THE 5-YEAR PERIOD BEFORE APPLYING FOR A
11 RESTRICTED-USE DRIVING PERMIT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY;
12 AMENDING SECTION 61-5-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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16 NEW SECTION. **Section 1. Restricted-use driving permit -- conditions -- definitions.** (1) A person
17 who, pursuant to 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another
18 state to the national driver register may apply to the department for a restricted-use driving permit for use only
19 within the state of Montana if:

20 (a) the person has maintained continuous residence in Montana for at least 5 years and is not otherwise
21 ineligible for a license under 61-5-105;

22 (b) the person submits a certified driving record from the licensing agency of each state that has reported
23 the person's status as ineligible to the national driver register, established under 49 U.S.C. 30302, that shows
24 that at least 5 years have elapsed from the effective date of the most recent withdrawal of the person's driver's
25 license or driving privileges by the other state or states;

26 (c) for the 5-year period immediately preceding application for a restricted-use driving permit, the person
27 has not been convicted of a traffic violation or any crime in which the abuse of alcohol or dangerous drugs was
28 a contributing factor in the commission of the crime, including but not limited to driving under the influence of
29 alcohol or dangerous drugs;

30 (d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are

1 currently pending against the person; and

2 (e) any other information required by department rule is provided.

3 (2) The department may adopt rules to determine the process for issuance, withdrawal, and monitoring
4 of a restricted-use driving permit. The department may issue a restricted-use driving permit only to a person who
5 satisfies all of the requirements of this section. A person who is issued a restricted-use driving permit may use
6 it only for an essential driving purpose.

7 (3) For purposes of this section, the following definitions apply:

8 (a) "Essential driving purpose" means driving:

9 (i) directly to and from the person's residence and the person's place of regular employment;

10 (ii) to and from the person's residence in search of employment;

11 (iii) during work hours at the specific direction of the person's employer to carry out job-related functions;

12 (iv) directly to and from the person's residence and a school or educational institution in which the person
13 or a dependent family member is enrolled, but only during time periods immediately before or after regular school
14 hours and not for extracurricular activities;

15 (v) to and from the person's residence to carry out functions essential to maintenance of the household;

16 (vi) directly to and from the person's residence for a court-ordered chemical dependency assessment,
17 education course, or treatment program if any; or

18 (vii) directly to and from the person's residence to participate in any sobriety program in which the person
19 is actively enrolled.

20 (b) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving
21 privilege underlying a current ineligible status report made by another state's licensing agency to the national
22 driver register.

23 (c) "Restricted-use driving permit" means a paper document issued by the department to a person whose
24 status on the national driver register is ineligible to operate a motor vehicle, other than a commercial motor
25 vehicle, authorizing a person to drive within this state for essential driving purposes only.

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

28 **"61-5-105. Who may not be licensed.** The department may not issue a license under this chapter to
29 a person:

30 (1) who is under 16 years of age unless:

- 1 (a) the person is at least 15 years of age and has passed a driver's education course approved by the
2 department and the superintendent of public instruction; or
- 3 (b) the person is at least 13 years of age and, because of individual hardship, to be determined by the
4 department, needs a restricted license;
- 5 (2) except as provided in [section 1], whose license or driving privilege is currently suspended, revoked,
6 or canceled or who is disqualified from operating a commercial motor vehicle in this or any state, as evidenced
7 by an ineligible status report from the national driver register, established under 49 U.S.C. 30302, or from the
8 commercial driver's license information system, established under 49 U.S.C. 31309;
- 9 (3) who is addicted to the use of alcohol or narcotic drugs;
- 10 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability or
11 disease and who, at the time of application, has not been restored to competency by the methods provided by
12 law;
- 13 (5) who is required by this chapter to take an examination;
- 14 (6) who has not deposited proof of financial responsibility when required under the provisions of chapter
15 6 of this title;
- 16 (7) who has any condition characterized by lapse of consciousness or control, either temporary or
17 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an
18 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed
19 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the
20 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor
21 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a
22 commercial motor vehicle under applicable state or federal regulations;
- 23 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely operate
24 a motor vehicle on the highway;
- 25 (9) who is not a resident of or domiciled in Montana except as provided in 61-5-103(3); or
- 26 (10) whose presence in the United States is not authorized under federal law. When an applicant who
27 is not a citizen of the United States applies for a driver's license, the department shall verify that the applicant is
28 lawfully present in the United States by using the federal systematic alien verification for entitlements program.
29 The department may not accept a driver's license issued by another state as proof that an applicant is lawfully
30 present in the United States under federal law."

