



ADMINISTRATIVE RULES OF MONTANA



10.13.313 LEARNER LICENSE

- (1) All students enrolled in the traffic education program and receiving behind-the-wheel instruction shall have in their immediate possession a valid Montana traffic education permit, a valid Montana learner license, or a valid Montana driver license as prescribed in Title 61, chapter 5 of the Montana Code Annotated (MCA).
 - (a) A traffic education permit (TEP, also known as a restricted instruction permit or RIP) is authorized and prescribed in 61-5-106, MCA. It is valid from the date of issue until course completion as indicated by the expiration date, provided an approved traffic education teacher accompanies the student while driving. These permits are issued to the school district by the local driver examiner when presented official Office of Public Instruction approval for the current year. These permits shall not be given to the student, but shall be kept by the traffic education teacher and carried with the teacher in the car when the student is receiving behind-the-wheel instruction.
 - (b) A learner license is authorized and prescribed in 61-5-106(2) MCA. A driver with a learner license must be supervised from the front passenger seat of the motor vehicle by a licensed parent or other legal guardian, a qualified traffic education teacher, or some other licensed adult driver with permission of the parent or other legal guardian. This license may be obtained while the student is successfully participating in, or has successfully completed, a state-approved traffic education program.
- (2) A learner license may be obtained:
 - (a) through the local driver license exam office of the Motor Vehicle Division of the Department of Justice, provided:
 - (i) the respective school district personnel authorizes the student to apply for the license by placing his/her name on the "Student List" form (TE04) and transmits the student list, along with the "Certification" form (TE03) signed by the appropriate school district personnel to the local driver license exam office;
 - (ii) the student has paid the necessary fee and obtained the driver license receipt and application form.
 - (iii) the student presents the completed, notarized application and receipts for payment of the permit with proof of identity, certified birth certificate, proof of residency, and social security number to the examiner. The permit is valid for one year from the date of receipt.
 - (iv) the student is at least 14 1/2 years of age.

- (v) the student is successfully participating in or has successfully completed a state-approved traffic education program.
- (vi) the student successfully completes all parts of the driver license examination other than the driving test; or
- (b) through a public school district participating in the cooperative driver testing program (CDTP) provided:
 - (i) the student is at least 14 1/2 years of age and is enrolled in an approved traffic education program participating in the CDTP;
 - (ii) the student presents to the CDTP school district the completed, notarized application with proof of identity, certified birth certificate, proof of residency, and social security number;
 - (iii) the student successfully completes an eye exam and written knowledge test through the CDTP school district as authorized by the Department of Justice, Motor Vehicle Division. The learner license is valid for one year from the date of successful completion of the written exam; and
 - (iv) the respective CDTP school district personnel places the student's name on the "Student List" form (TE04) with an indication of a waiver for the knowledge test, and transmits the student list, along with the "Certification" form (TE03) signed by the appropriate school district personnel to the local driver license exam office within three days of issuance of the learner license to the student.

Authorizing statute(s): 20-7-502, MCA

Implementing statute(s): 20-7-502, MCA

History: NEW, 1989 MAR p. 438, Eff. 4/14/89; AMD, 2002 MAR p. 1067, Eff. 4/12/02; AMD, 2012 MAR p. 76, Eff. 1/13/12; AMD, 2017 MAR p. 1650, Eff. 9/23/17.