

## HOUSE BILL NO. 579

INTRODUCED BY M. REINHART

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR THIRD-PARTY COMMERCIAL  
5 DRIVER TESTING PROGRAMS; ALLOWING SCHOOL DISTRICTS AND TRANSIT PROVIDERS TO RUN A  
6 THIRD-PARTY COMMERCIAL DRIVER TESTING PROGRAM; AND AMENDING SECTIONS 61-5-112 AND  
7 61-5-118, MCA."

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

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11 **Section 1.** Section 61-5-112, MCA, is amended to read:  
12 **"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking --**  
13 **reciprocity agreements.** (1) The department shall adopt rules that it considers necessary for the safety and  
14 welfare of the traveling public governing the classification of commercial driver's licenses and related  
15 endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules  
16 must:  
17 (a) subject to the exceptions provided in this section, comport with the licensing standards and  
18 requirements of 49 CFR, part 383, the medical qualifications of 49 CFR, part 391, and the security threat  
19 assessment provisions of 49 CFR, part 1572;  
20 (b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with  
21 medical qualification and visual acuity standards prescribed by the department;  
22 (c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or  
23 older;  
24 (d) allow for issuance of a seasonal commercial driver's license based on standards established by the  
25 department for the waiver of the knowledge and road or skills test for a qualified person employed in farm-related  
26 service industries who has a good driving record and sufficient prior driving experience;  
27 (e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;  
28 (f) prescribe the requirements for the medical statement that must be submitted in order for a person to  
29 be qualified for a type 2 commercial driver's license; ~~and~~  
30 (g) prescribe the minimum standards for certification of a third-party commercial driver testing program

1 and any test waiver under 61-5-118; and

2 (h) set a fee for administration of the third-party commercial driver testing program to cover actual costs  
3 incurred by the department.

4 (2) The department is authorized to enter into reciprocal agreements with adjacent states that would  
5 allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles  
6 of a farm to operate without a commercial driver's license because the vehicles are not considered commercial  
7 motor vehicles as provided in 61-1-101(8)(b)(ii)."

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9 **Section 2.** Section 61-5-118, MCA, is amended to read:

10 **"61-5-118. Third-party commercial driver testing program -- test waiver.** (1) The department may  
11 certify ~~as~~ a third-party commercial driver testing program ~~any~~ provided by a company that:

12 ~~——(a)~~ in the course of its commercial enterprise; customarily transports or hauls any goods, including  
13 agricultural commodities, in company-owned class A commercial motor vehicles as prescribed by federal  
14 regulations; or a school district or transit provider with employees required to possess a valid class A or class B  
15 commercial driver's license. The company, school district, or transit provider:

16 ~~(b)(a)~~ shall regularly and continuously ~~employs~~ employ a minimum number of drivers. The department  
17 shall determine the minimum number of drivers and whether they are regularly and continuously employed by  
18 the company.

19 ~~(c)(b)~~ has ~~must have~~ a permanent Montana mailing address and ~~maintains~~ maintain a place of business  
20 in this state that includes at least one permanent, regularly occupied structure with facilities and equipment to  
21 conduct offstreet skills testing;

22 ~~(d)(c)~~ employs ~~shall employ~~ at least one examiner with qualifications required by rules of the department;

23 and

24 ~~(e)(d)~~ complies ~~shall comply~~ with rules adopted by the department under 61-5-112.

25 (2) A provider of a third-party commercial driver testing program must have an agreement with the  
26 department that allows the provider to administer the commercial driver's license skills test to employees of the  
27 commercial entity, school district, or transit provider. The agreement must also:

28 (a) allow the federal motor carrier safety administration or its representative and the department to  
29 conduct random examinations, inspections, and audits without prior notice;

30 (b) require the department to conduct annual onsite inspections;

1 (c) require that all third-party examiners meet the same qualification and training standards as  
2 department examiners;

3 (d) require payment of the administration fees set as provided in 61-5-112;

4 (e) require the skills test to be the same as would otherwise be administered by the department;

5 (f) require that, on an annual basis, a department representative take the skills test administered by the  
6 third-party commercial driver testing program as if the representative was a test applicant or that the department  
7 test a sample of drivers who were examined by the program to compare results; and

8 (g) allow the department, upon 15 days' prior written notice, to cancel, suspend, or revoke the  
9 certification of a third-party commercial driver testing program allowed under subsection (1) if the program fails  
10 to comply with department standards.

11 (3) The revocation of a third-party commercial driver testing program certification under subsection (2)  
12 must be for a period of not less than 1 year. The third party may reapply for certification after the period of  
13 revocation has passed and upon submission of proof of correction of the circumstances that caused the  
14 revocation.

15 ~~(2) The road test or the skills test required by 61-5-110 may be waived by the department for a~~  
16 ~~commercial driver's license applicant upon certification of the applicant's successful completion of the road test~~  
17 ~~or the skills test by:~~

18 ~~—— (a) a third-party commercial driver testing program certified under subsection (1); or~~

19 ~~—— (b) a third-party commercial driver examiner from a jurisdiction that has a comparable third-party~~  
20 ~~commercial driver testing program, as determined by the department.~~

21 ~~(3) An examiner for a certified third-party commercial driver testing program may administer a road test~~  
22 ~~or a skills test only to a company employee who has applied to the department for a commercial driver's license~~  
23 ~~and who has passed the knowledge test required by 61-5-110 and by department or federal rules.~~

24 (4) A commercial driver's license applicant who passes a skills test administered by a third-party  
25 commercial driver testing program shall provide evidence to the department that the applicant has successfully  
26 passed the skills test administered by the third-party commercial driver testing program.

27 (5) A third-party commercial driver testing program may not test tour bus operators."

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