

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COMMERCIAL DRIVER'S LICENSES TO COMPLY
5 WITH FEDERAL REQUIREMENTS; AND AMENDING SECTION 61-5-110, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 **Section 1.** Section 61-5-110, MCA, is amended to read:

10 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**
11 **testing programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a
12 driver's license, the department shall conduct a check of the applicant's driving record by querying the national
13 driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system,
14 established under 49 U.S.C. 31309.

15 (2) (a) The department shall examine each applicant for a driver's license or motorcycle
16 endorsement, except as otherwise provided in this section. The examination must include a test of the
17 applicant's eyesight, a knowledge test examining the applicant's ability to read and understand highway signs
18 and the applicant's knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test
19 or a skills test demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe
20 operation of a motor vehicle or motorcycle. The road test or skills test must be performed by the applicant in a
21 motor vehicle that the applicant certifies is representative of the class and type of motor vehicle for which the
22 applicant is seeking a license or endorsement.

23 (b) The knowledge test, road test, or skills test may be waived by the department:

24 (i) upon certification of the applicant's successful completion of the test by a certified cooperative
25 driver testing program as provided in subsection (3) or by a certified third-party commercial driver testing
26 program as provided in 61-5-118; or

27 (ii) in accordance with a driver's license reciprocity agreement between the department and a foreign
28 country.



1 (c) The skills test may be waived by the department upon the applicant's completion of the
2 requirements of 61-5-123.

3 (3) (a) The department is authorized to certify as a cooperative driver testing program any state-
4 approved high school traffic education course offered by or in cooperation with a school district that employs an
5 approved instructor who has current endorsement from the superintendent of public instruction as a teacher of
6 traffic education or any motorcycle safety training course approved by the board of regents and that employs an
7 approved instructor of motorcycle safety training and who agrees to:

8 ~~(a)(i)~~ administer standardized knowledge and road tests or skills tests required by the department to
9 students participating in the district's high school traffic education courses or motorcycle safety training courses
10 approved by the board of regents;

11 ~~(b)(ii)~~ certify the test results to the department; and

12 ~~(c)(iii)~~ comply with regulations of the department, the superintendent of public instruction, and the
13 board of regents.

14 (b) Beginning February 7, 2022, prior to licensing, renewing, or upgrading a commercial driver's
15 license or commercial learner's permit, the department shall conduct a query to the entry-level driver training
16 provider registry. The department is prohibited from licensing, renewing, or upgrading a commercial driver's
17 license or commercial learner's permit when the entry-level driver training provider registry does not validate the
18 applicant completed the requisite entry-level driver training.

19 (c) Beginning January 6, 2023, prior to licensing, renewing, or upgrading a commercial driver's license
20 or commercial learner's permit, the department shall conduct a check of the applicant's eligibility by querying
21 the commercial drug and alcohol clearinghouse. The department is prohibited from licensing, renewing, or
22 upgrading a commercial driver's license or commercial learner's permit when the result from the clearinghouse
23 indicates the driver is prohibited from operating a commercial motor vehicle.

24 (4) (a) Except as otherwise provided by law, an applicant who has a valid driver's license issued by
25 another jurisdiction may surrender that license for a Montana license of the same class, type, and endorsement
26 upon payment of the required fees and successful completion of a vision examination. In addition, an applicant
27 surrendering a commercial driver's license issued by another jurisdiction shall successfully complete any
28 examination required by federal regulations before being issued a commercial driver's license by the

1 department.

2 (b) The department may require an applicant who surrenders a valid driver's license issued by
3 another jurisdiction to submit to a knowledge and road or skills test if:

4 (i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair,
5 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the
6 highway; and

7 (ii) the surrendered license does not include readily discernible adaptive equipment or operational
8 restrictions appropriate to the applicant's functional abilities; or

9 (iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

10 (c) When a license from another jurisdiction is surrendered, the department shall notify the issuing
11 agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain
12 the license from another jurisdiction for identification or other nondriving purposes, the department shall place a
13 distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return
14 the marked license to the applicant.

15 (5) The department may enter into a reciprocity agreement with a foreign country to provide for the
16 mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the
17 department determines that the licensing standards of the foreign country are comparable to those of this state.
18 The agreement may not include the reciprocal exchange of a commercial driver's license."

19 - END -