

1 _____ BILL NO. _____
 2 INTRODUCED BY _____
 3 (Primary Sponsor)
 4 BY REQUEST OF THE ATTORNEY GENERAL

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMMERCIAL DRIVER LICENSING LAWS;
 6 CLARIFYING WAIVER OF THE SKILLS TEST, KNOWLEDGE TEST, OR BOTH, FOR CERTAIN MILITARY
 7 EXPERIENCE; AMENDING SECTION 61-5-123, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 8 DATE."

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

11
 12 **Section 1.** Section 61-5-123, MCA, is amended to read:

13 **"61-5-123. Waiver of skills test or knowledge test related to military commercial motor vehicles**
 14 **experience.** (1) ~~The department may waive the skills test or knowledge test, or both, required for a commercial~~
 15 ~~driver's license if an applicant meets the conditions in subsection (2) and is:~~ As used in this section, "current or
 16 former military service member" means a person:

- 17 (a) ~~a veteran of~~ honorably discharged from the armed forces of the United States ~~who was honorably~~
 18 ~~discharged;~~
- 19 (b) currently serving in the armed forces of the United States;
- 20 (c) serving full-time in a reserve component, as defined in 37-1-138; or
- 21 (d) honorably discharged from the reserve component after serving full-time in the reserve
 22 component.

23 ~~(2) An applicant shall:~~

24 ~~(a) certify that, during the 2-year period immediately prior to application, the applicant:~~

- 25 ~~(i) did not have more than one license except for a military license;~~
- 26 ~~(ii) did not have a license suspended, revoked, or canceled;~~
- 27 ~~(iii) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);~~
- 28 ~~(iv) did not have more than one conviction for a serious traffic violation as provided in 49 CFR~~

1 383.51(c); and

2 (v) ~~did not have any conviction for a violation of military, state, or local law relating to motor vehicle~~
3 ~~traffic control other than a parking violation arising in connection with any traffic accident and has no record of~~
4 ~~an accident in which the applicant was at fault; and~~

5 (b) ~~provide evidence and certify that:~~

6 (i) ~~the applicant has passed a knowledge test for a commercial motor vehicle for the class of motor~~
7 ~~vehicle for which the applicant is seeking a commercial driver's license given by the military;~~

8 (ii) ~~the military position in which the applicant served required regular operation over at least a 2-year~~
9 ~~period immediately prior to either discharge or application, as applicable, of a commercial motor vehicle~~
10 ~~representative of the class of motor vehicle for which the applicant is seeking a commercial driver's license; and~~

11 (iii) ~~the applicant was exempted under 49 CFR 383.3(c) from the requirements of this part when~~
12 ~~operating a commercial motor vehicle in the military.~~

13 (2) The department may waive the skills test, knowledge test, or both, required for a commercial
14 driver's license if an applicant is a current or former military service member and meets the conditions in
15 subsection (3), (4), or (5).

16 (3) A current or former military service member applying for waiver of the skills test shall:

17 (a) certify and provide evidence that the member:

18 (i) is or was regularly employed within the last year in a military position requiring operation of a
19 commercial motor vehicle;

20 (ii) was exempted from the commercial driver's license requirements in 61-8-803; and

21 (iii) was operating, for at least 2 years immediately preceding separation from the military, a vehicle
22 representative of the commercial motor vehicle type the driver applicant operates or expects to operate; and

23 (b) certify that during the 2-year period immediately prior to applying for a commercial driver's license,
24 the member:

25 (i) has not simultaneously held more than one civilian license;

26 (ii) has not had any license suspended, revoked, or canceled;

27 (iii) has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in
28 61-8-802;

1 (iv) has not had any convictions for a violation of federal, military, state, or local law relating to motor
2 vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and
3 (v) has no record of an accident in which the current or former military service member was at fault.
4 (4) A current or former military service member applying for waiver of the knowledge test shall certify
5 and provide evidence that during the 1-year period immediately prior to the application, the member:
6 (a) is or was regularly employed and designated as a:
7 (i) motor transport operator—88M (Army);
8 (ii) PATRIOT launching station operator—14T (Army);
9 (iii) fueler—92F (Army);
10 (iv) vehicle operator—2T1 (Air Force);
11 (v) fueler—2F0 (Air Force);
12 (vi) pavement and construction equipment operator—3E2 (Air Force);
13 (vii) motor vehicle operator—3531 (Marine Corps); or
14 (viii) equipment operator—E.O. (Navy);
15 (b) is operating a vehicle representative of the commercial motor vehicle type the driver applicant
16 expects to operate on separation from the military, or operated a similar vehicle type immediately preceding
17 separation from the military;
18 (c) has not simultaneously held more than one civilian license;
19 (d) has not had any license suspended, revoked, or canceled;
20 (e) has not had any convictions for any type of motor vehicle for the disqualifying offenses contained
21 in 61-8-802;
22 (f) has not had more than one conviction for any type of motor vehicle for serious traffic violations
23 contained in 61-8-803;
24 (g) has not had any convictions for a violation of federal, military, state, or local law relating to motor
25 vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and
26 (h) has no record of an accident in which the current or former military service member was at fault.
27 (5) A current or former military service member applying for waiver of the applicable skills and
28 knowledge tests for a passenger, tank vehicle, or hazardous materials endorsement shall certify and provide

- 1 evidence that during the 1-year period immediately prior to the application, the member:
2 (a) is or was regularly employed in a military position requiring:
3 (i) operation of a passenger commercial motor vehicle if requesting waiver of the skills and knowledge
4 test for a passenger endorsement;
5 (ii) operation of a tank vehicle if requesting waiver of the skills and knowledge test for a tank vehicle
6 endorsement; or
7 (iii) transportation of hazardous materials if requesting waiver of the skills and knowledge test for a
8 hazardous materials endorsement;
9 (b) has not simultaneously held more than one civilian license;
10 (c) has not had any convictions for any type of motor vehicle for the disqualifying offenses contained
11 in 61-8-802;
12 (d) has not had more than one conviction for any type of motor vehicle for serious traffic violations
13 contained in 61-8-803;
14 (e) has not had any convictions for a violation of federal, military, state, or local law relating to motor
15 vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and
16 (f) has no record of an accident in which the current or former military service member was at fault."
17

18 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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