

HOUSE BILL NO. 355
INTRODUCED BY C. LAMBERT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CRIMINAL BACKGROUND CHECK AS A PART OF AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE FOR THE PURPOSE OF TRANSPORTING PASSENGERS; AND AMENDING SECTIONS 61-5-112 AND 69-11-201, MCA."

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

Section 1. Section 61-5-112, MCA, is amended to read:

"61-5-112. Types and classes of commercial driver's licenses -- classification -- rulemaking -- reciprocity agreements. (1) The department shall adopt rules that it considers necessary for the safety and welfare of the traveling public governing the classification of commercial driver's licenses and related endorsements and the examination of commercial driver's license applicants and renewal applicants. The rules must:

(a) subject to the exceptions provided in this section, comport with the licensing standards and requirements of 49 CFR, part 383, the medical qualifications of 49 CFR, part 391, and the security threat assessment provisions of 49 CFR, part 1572;

(b) allow for the issuance of a type 2 (intrastate only) commercial driver's license in accordance with medical qualification and visual acuity standards prescribed by the department;

(c) allow for the issuance of a type 2 commercial driver's license to a person who is 18 years of age or older;

(d) allow for issuance of a seasonal commercial driver's license based on standards established by the department for the waiver of the knowledge and road or skills test for a qualified person employed in farm-related service industries who has a good driving record and sufficient prior driving experience;

(e) prescribe the operational and seasonal restrictions for a seasonal commercial driver's license;

(f) prescribe the requirements for the medical statement that must be submitted in order for a person to be qualified for a type 2 commercial driver's license; ~~and~~

(g) prescribe the minimum standards for certification of a third-party commercial driver testing program and any test waiver under 61-5-118; and

(h) provide for a criminal background check for all applicants for a commercial driver's license that is for

the purpose of transporting passengers.

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

Section 2. Section 69-11-201, MCA, is amended to read:

"69-11-201. Requirements for carriers of persons for reward. (1) A carrier of persons for reward ~~is bound to~~ shall provide vehicles safe and fit for the purposes to which they are put and is not excused for default in this respect by any degree of care.

(2) A carrier of persons for reward ~~must~~ may not overcrowd or overload ~~his~~ a vehicle.

(3) A carrier of persons for reward ~~must~~ shall give to passengers ~~all such~~ accommodations ~~as~~ that are usual and reasonable, ~~must~~ treat them with civility, and give them a reasonable degree of attention.

(4) A carrier of persons for reward ~~must~~ shall travel at a reasonable rate of speed, without any unreasonable delay or deviation from ~~his~~ the carrier's proper route.

(5) A criminal background check is required for a carrier of persons for reward."

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