

1 SENATE BILL NO. 47
 2 INTRODUCED BY T. MANZELLA
 3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMMERCIAL DRIVER'S LICENSE LAW TO COMPLY
 6 WITH FEDERAL REQUIREMENTS; REQUIRING THE DEPARTMENT OF JUSTICE TO QUERY THE ENTRY-
 7 LEVEL DRIVER TRAINING PROVIDER REGISTRY AND THE COMMERCIAL DRUG AND ALCOHOL
 8 CLEARINGHOUSE UNDER CERTAIN CONDITIONS; REQUIRING THE DEPARTMENT TO TAKE CERTAIN
 9 ACTIONS AS A RESULT OF REQUIRED QUERIES; PROVIDING RULEMAKING AUTHORITY; AMENDING
 10 SECTION SECTIONS 61-5-110 AND 61-14-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
 11 A DELAYED EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 61-5-110, MCA, is amended to read:

16 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**
 17 **testing programs -- reciprocal agreement with foreign country.** (1) (a) Prior to examining an applicant for a
 18 driver's license, the department shall conduct a check of the applicant's driving record by querying the national
 19 driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system,
 20 established under 49 U.S.C. 31309.

21 (b) (i) The department shall conduct an electronic query to the entry-level driver training provider
 22 registry for a nonexempt commercial driver's license applicant prior to:

23 (A) administering a commercial driver's license skills test for a class A or class B commercial
 24 driver's license or for a passenger or school bus endorsement;

25 (B) upgrading from a class B commercial driver's license to a class A commercial driver's license;

26 or

27 (C) administering a knowledge test for a hazardous materials endorsement.

28 (ii) The department may not act under subsection (1)(b)(i) when the entry-level driver training

1 department determines that the licensing standards of the foreign country are comparable to those of this state.
2 The agreement may not include the reciprocal exchange of a commercial driver's license."

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4 **SECTION 2. SECTION 61-14-202, MCA, IS AMENDED TO READ:**

5 **"61-14-202. Rulemaking authority -- commercial driver licensing.** (1) The department shall adopt
6 rules governing the classification of commercial driver's licenses and related endorsements and the
7 examination of commercial driver's license applicants and renewal applicants that the department considers
8 necessary for the safety and welfare of the traveling public. The rules must:

9 (a) subject to the department's functional and vision requirements, conform to the licensing
10 standards and requirements of 49 CFR, part 383, the medical qualification of 49 CFR, part 391, and the
11 security threat assessment provisions of 49 CFR, part 1572, unless a waiver from a licensing standard or
12 requirement has been granted by the federal department of transportation;

13 (b) allow for the issuance of an interstate commercial driver's license;

14 (c) allow for the issuance of an intrastate-only commercial driver's license, including the
15 establishment of medical qualification and visual acuity standards;

16 (d) allow for the issuance of a school bus driver endorsement that waives the knowledge test or
17 the skills test based on comparable experience of the endorsement candidate, as established by the
18 department;

19 ~~(d)~~(e) establish the requirement for the issuance of a seasonal commercial driver's license, including
20 the waiver of the knowledge and skills test for a qualified person employed in a farm-related service industry;

21 ~~(e)~~(f) establish the operational and seasonal restrictions for a seasonal commercial driver's license;

22 ~~(f)~~(g) establish the requirements for the medical statement that must be submitted for a person to be
23 qualified for a commercial driver's license; and

24 ~~(g)~~(h) allow for and establish the requirements for the issuance of a commercial learner's permit.

25 (2) The department shall adopt rules governing the minimum standards for certification of a third-
26 party commercial driver testing program and any test waiver under 61-5-118 and governing the certification,
27 operation, and monitoring of third-party skills testing programs. The rules must:

28 (a) substantially comply with the licensing standards and requirements of 49 CFR, part 383, and

1 the state compliance standards of 49 CFR, part 384, including:

2 (i) issuance of a commercial driver's license skills testing certificate to a certified program upon
3 execution of a third-party skills testing agreement;

4 (ii) requiring that all third-party skills test examiners meet minimum qualifications, including
5 passing background checks paid for by the third-party testing program and successfully completing a formal
6 skills test examiner training course;

7 (iii) providing examiner test limitations, minimum testing standards, and refresher training
8 requirements; and

9 (iv) requiring recordkeeping and a detailed audit program that includes overt and covert test
10 monitoring and onsite audits by state and federal personnel;

11 (b) specifically address the requirements for certifying third-party commercial driver testing
12 programs, including place of business, appropriate bond and liability insurance, and facilities requirements; and

13 (c) specify minimum technology requirements for recordkeeping, scheduling applicants for the
14 skills test, conducting the skills test, and electronically transferring skills test results to the department.

15 (3) The department shall adopt rules governing the waiver of knowledge and skills tests related to
16 commercial vehicle operators with military experience as provided in 61-5-123.

17 (4) The department shall adopt rules governing the administration of a commercial driver's license
18 skills test for a nonexempt applicant for a class A or class B commercial driver's license, for upgrading a
19 commercial driver's license from class B to class A, and for obtaining a passenger or school bus endorsement
20 and the administration of a knowledge test for a hazardous materials endorsement. The rules must provide:

21 (a) for the department conducting an electronic query to the entry-level driver training provider
22 registry. ~~The rules must provide;~~

23 (b) that the department may not conduct a skills test or hazardous materials endorsement
24 knowledge test when the entry-level driver training provider registry does not validate that the nonexempt
25 applicant completed the requisite entry-level driver training; and

26 (c) that an examiner of school bus driver endorsement candidates has had a commercial driver's
27 license issued in Montana in the last 10 years and has had at least 2 years of experience driving a school bus
28 in Montana.

1 (5) The department shall adopt rules that provide that prior to issuing, renewing, transferring, or
2 upgrading a commercial driver's license or commercial learner's permit, the department shall conduct a check
3 of the applicant's eligibility by electronically querying the commercial drug and alcohol clearinghouse. The rules
4 must provide that the department may not issue, renew, transfer, or upgrade a commercial driver's license or
5 commercial learner's permit when the result from the clearinghouse indicates the driver is prohibited from
6 operating a commercial motor vehicle.

7 (6) The department shall adopt rules that provide that upon receiving federal motor carrier safety
8 administration notification that the commercial learner's permit or commercial driver's license holder is
9 prohibited from operating a commercial motor vehicle, the department shall initiate established procedures for
10 downgrading the commercial learner's permit or commercial driver's license. The rules must provide that
11 downgrade must be completed and recorded on the commercial driver's license system driver record within 60
12 days of the notification. The rules must further provide that if, after the department completes and records the
13 downgrade on the commercial driver's license system driver record, the department receives federal motor
14 carrier safety administration notification that:

15 (a) a driver is no longer prohibited from operating a commercial motor vehicle, the department
16 shall make the driver eligible for reinstatement of the commercial learner's permit or commercial driver's license
17 privilege to the driver's license; and

18 (b) the driver was erroneously identified as prohibited from operating a commercial motor vehicle,
19 the department shall:

20 (i) reinstate the commercial learner's permit or commercial driver's license privilege to the driver's
21 license as expeditiously as possible; and

22 (ii) expunge from the commercial driver's license system driver record and motor vehicle record
23 any reference related the driver's erroneous prohibited status."

24

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

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27 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
28 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

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3 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2024.

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- END -

AMEND