

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; AMENDING SECTION 61-5-110, MCA; AND  
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13

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

15 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver**  
 16 **testing programs -- reciprocal agreement with foreign country.** (1) (a) Prior to examining an applicant for a  
 17 driver's license, the department shall conduct a check of the applicant's driving record by querying the national  
 18 driver register, established under 49 U.S.C. 30302, and the commercial driver's license information system,  
 19 established under 49 U.S.C. 31309.

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

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

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

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

27 (ii) The department may not act under subsection (1)(b)(i) when the entry-level driver training  
 28 provider registry does not validate that the nonexempt applicant completed the requisite entry-level driver

1 training.

2 (c) Beginning November 18, 2024, prior to issuing, renewing, transferring, or upgrading a  
3 commercial driver's license or a commercial learner's permit, the department shall conduct a check of the  
4 applicant's eligibility by electronically querying the commercial drug and alcohol clearinghouse. The department  
5 may not issue, renew, transfer, or upgrade a commercial driver's license or commercial learner's permit when  
6 the result from the clearinghouse indicates the driver is prohibited from operating a commercial motor vehicle.

7 (d) On receiving notification that, pursuant to 49 CFR 382.501(a), as in effect on November 15,  
8 2022, the commercial learner's permit or commercial driver's license holder is prohibited from operating a  
9 commercial motor vehicle, the department shall initiate established procedures for downgrading the commercial  
10 learner's permit or commercial driver's license. The downgrade must be completed and recorded on the  
11 commercial driver's license system driver record within 60 days of the notification.

12 (i) If, prior to the department completing and recording the downgrade on the commercial driver's  
13 license system driver record, the department receives notification that, pursuant to 49 CFR 382.503(a), as in  
14 effect on November 15, 2022, the commercial learner's permit or commercial driver's license holder is no longer  
15 prohibited from operating a commercial motor vehicle, the department shall terminate the downgrade process  
16 without removing the commercial learner's permit or commercial driver's license privilege from the driver's  
17 license.

18 (ii) If, after the department completes and records the downgrade on the commercial driver's  
19 license system driver record, the department receives federal motor carrier safety administration notification  
20 that, pursuant to 49 CFR 382.503(a), as in effect on November 15, 2022, a driver is no longer prohibited from  
21 operating a commercial motor vehicle, the department shall make the driver eligible for reinstatement of the  
22 commercial learner's permit or commercial driver's license privilege to the driver's license.

23 (iii) If, after the department completes and records the downgrade on the commercial driver's  
24 license system driver record, the department receives federal motor carrier safety administration notification  
25 that the driver was erroneously identified as prohibited from operating a commercial motor vehicle, the  
26 department shall:

27 (A) reinstate the commercial learner's permit or commercial driver's license privilege to the driver's  
28 license as expeditiously as possible; and

1           (B) expunge from the commercial driver's license system driver record and motor vehicle record  
2 any reference related to the driver's erroneous prohibited status.

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

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

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

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

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

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

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

27           (b)     certify the test results to the department; and

28           (c)     comply with regulations of the department, the superintendent of public instruction, and the

1 board of regents.

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

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

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

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

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

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

21 (5) The department may enter into a reciprocity agreement with a foreign country to provide for the  
22 mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the  
23 department determines that the licensing standards of the foreign country are comparable to those of this state.  
24 The agreement may not include the reciprocal exchange of a commercial driver's license."  
25

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

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