

CDLs – breaking down state and federal laws and regulations

Transportation Interim Committee – September, 2023

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What is a CDL?

- CDL stands for Commercial Driver's License;
- The term appears 44 times in the Montana Code—it is prevalent in Title 61, chapter 5, part 1. Licensing Provisions;
- Administrative rules for CDLs are in 23.3 subchapter 5 of the MAR;
- Rules for motor carriers are in 18.8 of the MAR;
- CDL is defined at 61-1-101(9), MCA:

"Commercial driver's license" means:

- (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; or
- (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

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What is a “commercial motor vehicle”?

- (10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:
- (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;
 - (iii) is designed to transport at least 16 passengers, including the driver;
 - (iv) is a school bus; or
 - (v) is of any size and is used in the transportation of hazardous materials.
- (b) The following vehicles are not commercial motor vehicles:
- (i) an authorized emergency vehicle:
 - (A) equipped with audible and visual signals as required under [61-9-401](#) and [61-9-402](#); and
 - (B) operated when responding to or returning from an emergency call or operated in another official capacity;
 - (ii) a vehicle:
 - (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
 - (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and
 - (C) not used to transport goods for compensation or for hire; or
 - (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.
- (c) For purposes of this subsection (10):
- (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;
 - (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;
 - (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and
 - (iv) "school bus" has the meaning provided in 49 CFR 383.5.

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Breaking down 61-1-101(10)

- Subsection (a) establishes what a CMV is;
- Subsection (b) establishes what is not a CMV;
- Subsection (c) provides definitions for use within 61-1-101(10).

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61-1-101(10)(a)

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;
- (iii) is designed to transport at least 16 passengers, including the driver;
- (iv) is a school bus; or
- (v) is of any size and is used in the transportation of hazardous materials.



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61-1-101(10)(b)

The following vehicles are not commercial motor vehicles:

- (i) an authorized emergency vehicle:
 - (A) equipped with audible and visual signals as required under [61-9-401](#) and [61-9-402](#); and
 - (B) operated when responding to or returning from an emergency call or operated in another official capacity;
- (ii) a vehicle:
 - (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
 - (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and
 - (C) not used to transport goods for compensation or for hire; or
- (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.

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61-1-101(10)(c)

For purposes of this subsection (10):

- (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;
- (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;
- (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and
- (iv) "school bus" has the meaning provided in 49 CFR 383.5.

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What types of CDL exist?

- Geographic: Intrastate and Interstate
- Size: Class A, B, and C
- Endorsements:
 - Double/triple trailers
 - Manual transmission
 - Passengers
 - School bus
 - Tank vehicle
 - Hazardous material

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How much does an Intrastate CDL cost?

Customer Age (years)	Driver Licensing Fee	Total Fee with a Motorcycle Endorsement	Length of CDL (years)
18	\$26.78	\$28.33	3
19	\$18.03	\$19.06	2
20	\$9.27	\$9.79	1
21-71	\$35.54	\$37.60	4
72	\$26.78	\$28.33	3
73	\$18.03	\$19.06	2
74	\$9.27	\$9.79	1
75 & older	\$35.54	\$37.60	4



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How much does an Interstate CDL cost?

Customer Age (years)	Driver Licensing Fee	Total Fee with a Motorcycle Endorsement	Length of CDL (years)
21-71	\$41.72	\$43.78	4
72	\$31.42	\$32.96	3
73	\$21.12	\$22.15	2
74	\$10.82	\$11.33	1
75 & older	\$41.72	\$43.78	4



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How did we get here?

- In the 1980s different states had different standards
- Example: Montana regulated bus drivers as chauffeurs
- There was a sense at the federal level that standardized training and reporting requirements were needed to protect the public



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Federal Legislation

Commercial Motor Vehicle Safety Act of 1986
(Title XII of the Anti-Drug Abuse Act of 1986)

- Directed the federal Transportation Secretary to set minimum CDL issuance standards;
- Limited drivers to one CDL;
- Established reporting requirements for CDL suspensions/violations/etc.;
- Established schedule for reducing federal highway money in noncompliant states



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Montana Legislation

Chapter 443, 1987 Session

- Adopted definitions of “commercial motor vehicle” and “hazardous material”
- Required a “commercial vehicle operator’s endorsement” to drive a CMV
- Required bus drivers to get endorsement rather than chauffeur’s license
- Directed MVD to adopt rules

Chapter 195, 1993 Session

- Changed “commercial vehicle operator’s endorsement” to “commercial driver’s license”

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Federal Legislation

Motor Carrier Safety Improvement Act of 1999

- Created the FMCSA as part of the federal DOT, tasked FMCSA with CDL oversight
- CDL oversight previously under FHWA
- Directed the DOT to adopt rules for medical testing

61-5-141, MCA, passed in 2011, implements medical testing requirements

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Federal rules

Under 49 CFR 1572, the TSA conducts security threat assessments for CDL applicants who want a hazardous materials endorsement

61-5-146, MCA, passed in 2005, implements this requirement

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Federal legislation and rules

Congress directed FMCSA to adopt entry-level driver training rules in 2012 (Moving Ahead for Progress in the 21st Century Act)

FMCSA finished its rulemaking process in 2015 and scheduled them to take effect in 2022

State legislation

Montana passed SB 47 (2023) – made statutory changes and directed rule changes regarding ELDT



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Moving forward

What do you want to know more about?