



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

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

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

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

(a) ~~a veteran of~~ honorably discharged from the armed forces of the United States ~~who was honorably discharged;~~

(b) currently serving in the armed forces of the United States;

(c) serving full-time in a reserve component, as defined in 37-1-138; or

(d) honorably discharged from the reserve component after serving full-time in the reserve component.

~~(2) An applicant shall:~~

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

~~(i) did not have more than one license except for a military license;~~

~~(ii) did not have a license suspended, revoked, or canceled;~~

~~(iii) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);~~

~~(iv) did not have more than one conviction for a serious traffic violation as provided in 49 CFR 383.51(c); and~~

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

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

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

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

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

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

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

(a) certify and provide evidence that the member:

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

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

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

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

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

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

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

(iv) has not had any convictions for a violation of federal, military, state, or local law relating to motor

vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and

(v) has no record of an accident in which the current or former military service member was at fault.

(4) A current or former military service member applying for waiver of the knowledge test shall certify and provide evidence that during the 1-year period immediately prior to the application, the member:

(a) is or was regularly employed and designated as a:

(i) motor transport operator—88M (Army);

(ii) PATRIOT launching station operator—14T (Army);

(iii) fueler—92F (Army);

(iv) vehicle operator—2T1 (Air Force);

(v) fueler—2F0 (Air Force);

(vi) pavement and construction equipment operator—3E2 (Air Force);

(vii) motor vehicle operator—3531 (Marine Corps); or

(viii) equipment operator—E.O. (Navy);

(b) is operating a vehicle representative of the commercial motor vehicle type the driver applicant expects to operate on separation from the military, or operated a similar vehicle type immediately preceding separation from the military;

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

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

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

(f) has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in 61-8-803;

(g) has not had any convictions for a violation of federal, military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and

(h) has no record of an accident in which the current or former military service member was at fault.

(5) A current or former military service member applying for waiver of the applicable skills and knowledge tests for a passenger, tank vehicle, or hazardous materials endorsement shall certify and provide evidence that during the 1-year period immediately prior to the application, the member:

- (a) is or was regularly employed in a military position requiring:
- (i) operation of a passenger commercial motor vehicle if requesting waiver of the skills and knowledge test for a passenger endorsement;
- (ii) operation of a tank vehicle if requesting waiver of the skills and knowledge test for a tank vehicle endorsement; or
- (iii) transportation of hazardous materials if requesting waiver of the skills and knowledge test for a hazardous materials endorsement;
- (b) has not simultaneously held more than one civilian license;
- (c) has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in 61-8-802;
- (d) has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in 61-8-803;
- (e) has not had any convictions for a violation of federal, military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and
- (f) has no record of an accident in which the current or former military service member was at fault."

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

- END -

I hereby certify that the within bill,
HB 438, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 438

INTRODUCED BY S. GALLOWAY, D. ANKNEY, M. BLASDEL, K. BOGNER, B. BROWN, J. COHENOUR, M. CUFFE, J. ESP, S. FITZPATRICK, T. GAUTHIER, B. GILLESPIE, G. HERTZ, S. HINEBAUCH, B. HOVEN, D. HOWARD, D. KARY, B. KEENAN, T. MCGILLVRAY, K. REGIER, D. SALOMON, J. WELBORN, D. BARTEL, D. BEDEY, S. BERGLEE, M. BERTOGLIO, M. BINKLEY, L. BREWSTER, E. BUTTREY, W. CURDY, J. DOOLING, N. DURAM, D. FERN, P. FIELDER, T. FRANCE, G. FRAZER, J. FULLER, M. FUNK, W. GALT, F. GARNER, J. GILLETTE, S. GIST, S. GREEF, S. GUNDERSON, D. HARVEY, D. HAWK, E. HILL, C. HINKLE, J. HINKLE, M. HOPKINS, J. KASSMIER, J. KEANE, E. KERR-CARPENTER, C. KNUDSEN, R. KNUDSEN, D. LENZ, B. LER, D. LOGE, M. MALONE, M. MARLER, R. MARSHALL, W. MCKAMEY, B. MERCER, B. MITCHELL, T. MOORE, F. NAVE, M. NOLAND, S. NOVAK, J. PATELIS, B. PHALEN, J. READ, L. REKSTEN, V. RICCI, J. SCHILLINGER, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, D. SKEES, F. SMITH, E. STAFMAN, M. STROMSWOLD, M. THANE, J. TREBAS, B. TSCHIDA, B. USHER, S. VINTON, K. WALSH, M. WEATHERWAX, T. WELCH, R. WHITEMAN PENA, K. WHITMAN, J. WINDY BOY, K. ZOLNIKOV

BY REQUEST OF THE ATTORNEY GENERAL

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