

HOUSE BILL NO. 508

INTRODUCED BY C. EDMUNDS

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF JUSTICE TO WAIVE THE COMMERCIAL DRIVER'S LICENCE SKILLS TEST FOR VETERANS WITH MILITARY COMMERCIAL MOTOR VEHICLE EXPERIENCE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 61-5-110, MCA."

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

NEW SECTION. **Section 1. Waiver of skills test for veterans with military commercial motor vehicles experience -- rulemaking.** The department may waive the skills test required for a commercial driver's license if an applicant who is a veteran of the armed forces of the United States:

- (1) certifies that, during the 2-year period immediately prior to application, the applicant:
  - (a) did not have more than one license except for a military license;
  - (b) did not have a license suspended, revoked, or canceled;
  - (c) was not convicted of a disqualifying offense as provided in 49 CFR 383.51(b);
  - (d) did not have more than one conviction for a serious traffic violation as provided in 49 CFR 383.51(c);
- and
- (e) 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.
- (2) provides evidence and certifies that:
  - (a) the applicant is regularly employed, or within the last 90 days was regularly employed, in a military position requiring operation of a commercial motor vehicle;
  - (b) the applicant was exempted from the requirements of 49 CFR 383.3(c) when operating a commercial motor vehicle in the military; and
  - (c) for at least 2 years immediately preceding the applicant's honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, the applicant was operating a motor vehicle representative of the class of motor vehicle for which the applicant is seeking a commercial

1 driver's license.

2 (3) The department shall adopt rules necessary for the administration of this section.

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4 **Section 2.** Section 61-5-110, MCA, is amended to read:

5 **"61-5-110. Records check of applicants -- examination of applicants -- test waiver -- cooperative**  
6 **driver testing programs.** (1) Prior to examining an applicant for a driver's license, the department shall conduct  
7 a check of the applicant's driving record by querying the national driver register, established under 49 U.S.C.  
8 30302, and the commercial driver's license information system, established under 49 U.S.C. 31309.

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

17 (b) The knowledge test, road test, or skills test may be waived by the department upon certification of  
18 the applicant's successful completion of the test by a certified cooperative driver testing program, as provided in  
19 subsection (3) or by a certified third-party commercial driver testing program as provided in 61-5-118.

20 (c) The skills test may be waived by the department upon the applicant's completion of the requirements  
21 of [section 1].

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

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

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

1 (c) comply with regulations of the department, the superintendent of public instruction, and the board of  
2 regents.

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

8 (b) The department may require an applicant who surrenders a valid driver's license issued by another  
9 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 impair,  
11 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the  
12 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  
19 a 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."

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22 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
23 integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 1].

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