

SENATE BILL NO. 311

INTRODUCED BY E. BUTTREY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TERMS FOR A MILITARY SKILLS TEST WAIVER FOR A COMMERCIAL DRIVER'S LICENSE; PROVIDING RULEMAKING AUTHORITY; 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 for veterans with related to military commercial motor vehicles experience -- rulemaking. (1) The department may waive the skills test required for a commercial driver's license if an applicant ~~who~~ meets the conditions in subsection (2) and is:

- (a) a veteran of 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) ~~certifies~~ 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;

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

- (i) ~~the applicant is regularly employed, or within the last 90 days was regularly employed, in a~~ the military position ~~requiring~~ in which the applicant served required regular operation over at least a 2-year period



1 immediately prior to either discharge or application, as applicable, of a commercial motor vehicle representative
2 of the class of motor vehicle for which the applicant is seeking a commercial driver's license; and

3 (ii) the applicant was exempted under 49 CFR 383.3(c) from the requirements of this part when operating
4 a commercial motor vehicle in the military; ~~and~~

5 ~~—— (iii) for at least 2 years immediately preceding the applicant's honorable separation from military service~~
6 ~~as evidenced by the applicant's certificate of release or discharge from active duty, the applicant was operating~~
7 ~~a motor vehicle representative of the class of motor vehicle for which the applicant is seeking a commercial~~
8 ~~driver's license.~~

9 ~~(2)(3)~~ The department shall adopt rules necessary for the administration of this section."

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

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