

## HOUSE BILL NO. 708

INTRODUCED BY G. NIKOLAKAKOS, B. BARKER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ALL PERSONS SERVING IN A RESERVE COMPONENT TO BE ELIGIBLE FOR CERTAIN COMMERCIAL DRIVER'S LICENSE WAIVERS; AND AMENDING SECTION 61-5-123, MCA."

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 -- definition.** (1) As used in this section, "current or former military service member" means a person:

- (a) honorably discharged from the armed forces of the United States;
- (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) 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

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

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

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

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

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

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

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

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

14 (i) motor transport operator--88M (Army);

15 (ii) PATRIOT launching station operator--14T (Army);

16 (iii) fueller--92F (Army);

17 (iv) vehicle operator--2T1 (Air Force);

18 (v) fueller--2F0 (Air Force);

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

20 (vii) motor vehicle operator--3531 (Marine Corps); or

21 (viii) equipment operator--E.O. (Navy);

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

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

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

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

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

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

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

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

10 (a) is or was regularly employed in a military position requiring:

11 (i) operation of a passenger commercial motor vehicle if requesting waiver of the skills and  
12 knowledge test for a passenger endorsement;

13 (ii) operation of a tank vehicle if requesting waiver of the skills and knowledge test for a tank  
14 vehicle endorsement; or

15 (iii) transportation of hazardous materials if requesting waiver of the skills and knowledge test for a  
16 hazardous materials endorsement;

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

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

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

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

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

26 - END -