

1 HOUSE BILL NO. 708

2 INTRODUCED BY G. NIKOLAKAKOS, B. BARKER

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

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

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

11 **"61-5-123. Waiver of skills test or knowledge test related to military commercial motor vehicles**

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

13 person:

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

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

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

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

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

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

23 (a) certify and provide evidence that the member:

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

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

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

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) fueler--92F (Army);
17 (iv) vehicle operator--2T1 (Air Force);
18 (v) fueler--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;

(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.

(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:

(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-

(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."

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