

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

(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 cancelled;

(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 cancelled;

(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."

- END -