



SENATE BILL 43: CDLs for Veterans Revisions

2015-2016 General Assembly

Committee: Senate Transportation
Introduced by: Sens. Brown, Meredith
Analysis of: First Edition

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Prepared by: Wendy Graf Ray
Committee Counsel

SUMMARY: *Senate Bill 43 would amend the skills test waiver for CDL applicants with military experience by:*

- *Expanding the time period allowed between a retired or discharged applicant being regularly employed in a qualified position and the date of application for the CDL from 90 days to one year; and*
- *Providing an additional method of certification of eligibility for the waiver (besides certification by a commanding officer) by allowing the applicant to provide a Form DD 214 and a military-issued drivers license.*

[As introduced, this bill was identical to H319, as introduced by Reps. Szoka, Jeter, Adams, Pendleton, which is currently in House Transportation.]

CURRENT LAW: G.S. 20-37.13 requires that an applicant pass both a knowledge and a skills test for driving a commercial motor vehicle prior to being issued a CDL. The tests are to be prescribed and conducted by the Division of Motor Vehicles and must comply with minimum federal standards.

In 2009, legislation was enacted (effective January 1, 2010) authorizing the Division to waive the skills test required under G.S. 20-37.13 for a qualified CDL applicant who is an active or reserve member of the armed forces, is regularly employed in a job requiring operation of a commercial vehicle, has completed a skills test administered by the military, and has operated a commercial vehicle for the two-year period immediately preceding the date of application.

In 2013, legislation was enacted to expand the provision, allowing the Division to also waive the skills test for retired or discharged members of the armed forces if the applicant operated a commercial vehicle for the two-year period immediately preceding the date of discharge and the date of discharge is no more than 90 days prior to the date of application.

The language in the provision has been crafted to comply with federal regulations, specifically 49 C.F.R. §383.77, which sets out requirements for waiver of a CDL skills test.

BILL ANALYSIS: Senate Bill 43 would amend the existing skills test waiver for qualified military CDL applicants in the following ways:

- For retired or discharged members of the armed forces, it would expand the time period allowed between being regularly employed in a relevant position and the date of application for the CDL from 90 days to one year. The Federal Motor Carrier Safety Administration has granted a time-limited exemption allowing states to extend the 90-day period to one year. The exemption will expire July 8, 2016. The bill specifies that the new one-year period would apply unless a different period is provided by federal law.



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- It would provide an additional method for the applicant to certify that he or she is a retired, discharged, or current member of the military and has been employed in a qualifying position, by allowing the applicant to provide a Form DD 214, "Certificate of Release or Discharge from Active Duty", and a military-issued drivers license. The existing statute does not provide a method of certification, but commanding officers are currently providing certification for applicants. The bill would provide an alternative method.

EFFECTIVE DATE: The act would be effective when it becomes law.