

SENATE BILL 10

By Green

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 3, relative to tests for commercial driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-322(b), is amended by designating the present language as subdivision (1), and by adding the following language, to be designated as subdivision (2):

(2)

(A) As used in this subdivision (b)(2), "valid military commercial driver license" means any commercial driver license that is recognized by any active or reserve component of any branch of the United States armed forces as currently being valid or as having been valid at the time of an applicant's separation or discharge from the armed forces that occurred within the two-year period immediately preceding the date of application for a commercial driver license.

(B) The department shall waive the required skills test upon initial application for a commercial driver license by any applicant who, at the time of initial application, has been issued, or is in immediate possession of, a valid military commercial driver license and who certifies on the application that, during the two-year period immediately preceding the date of application, the applicant:

(i) Has not had more than one (1) driver license, except for a valid military commercial driver license;

(ii) Has not had any driver license suspended, revoked, or cancelled in this state or any other state;

(iii) Has not had any convictions while operating any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b), and has not lost the privilege to operate a commercial motor vehicle, or been disqualified from operating a commercial motor vehicle, in this state or any other state;

(iv) Has not had more than one (1) conviction while operating any type of motor vehicle for serious traffic violations as defined in § 55-50-102 or contained in 49 CFR 383.51(c);

(v) Has not had any conviction for a violation of any state law or local ordinance relating to motor vehicle traffic control, in this or any other state, other than a parking violation, arising in connection with any traffic accident; and

(vi) Has no record of an accident in which the applicant was at fault.

(C) The applicant shall also certify on the application, and submit supporting documentation as required in subdivision (b)(2)(D), that the applicant:

(i) Is regularly employed or was regularly employed within the ninety-day period immediately preceding application in a position in the United States armed forces requiring operation of a commercial motor vehicle that is representative of the license class and endorsement for which the applicant is applying;

(ii) Is exempted or was exempted from the commercial driver license requirements in 49 CFR 383.3(c); and

(iii) Is operating or was operating a commercial motor vehicle in the United States armed forces that is representative of the license class and endorsement for which the person is applying, for at least the two (2) years immediately preceding separation or discharge from the armed

forces, in the case of an honorably discharged member, or for at least the two (2) years immediately preceding application, in the case of a member in active duty.

(D) The application shall be accompanied by the following documentation establishing the applicant's military occupational specialty and driving experience as indicated in subdivision (b)(2)(C):

(i) A notarized affidavit signed by a commanding officer, if the applicant is on active duty; or

(ii) If the applicant is honorably discharged from military service:

(a) A copy of the applicant's certificate of release of discharge from active duty, department of defense form 214 (DD 214); or

(b) A statement from the appropriate branch of the United States armed forces, certified by the department of veterans affairs.

(E) An applicant who obtains the skills test waiver under this subdivision (b)(2) shall be required to successfully complete any applicable vision and knowledge tests, and pay the appropriate fees, other than the skills-testing fee.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.