

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 161

An Act to amend and reenact § 46.2-341.14:01 of the Code of Virginia, relating to commercial driver's licenses; military service members.

[H 2551]

Approved February 27, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-341.14:01 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-341.14:01. Military third party testers and military third party examiners; substitute for knowledge and driving skills tests for drivers with military commercial motor vehicle experience.

A. Pursuant to § 46.2-341.14, the Commissioner shall permit military bases that have entered into an agreement with the Department to serve as third party testers in administering state knowledge and skills tests for issuing commercial driver's licenses. Military third party testers and military third party examiners shall comply with the requirements set forth in §§ 46.2-341.14:1 through 46.2-341.14:9 with respect to knowledge and skills tests.

B. Pursuant to 49 C.F.R. § 383.77, the Commissioner ~~may~~ *shall* waive the driving skills test *required by 49 C.F.R. § 383.23 and* as specified in 49 C.F.R. § 383.113 for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his application for a commercial driver's license and substitute an applicant's driving record in combination with certain driving experience for the skills test.

C. To obtain a skills test waiver, the following conditions and limitations must be met:

1. An applicant must certify that, during the two-year period immediately prior to applying for a commercial driver's license, he:

- a. Has not ~~had~~ *simultaneously held* more than one license except for a military license;
- b. Has not had any license suspended, revoked, canceled, or disqualified;
- c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this article;
- d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in this article; and

e. Has not had any conviction for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic crash and has no record of a crash in which he was at fault; and

2. An applicant must provide evidence and certify that he:

- a. Is regularly employed or was regularly employed within the last ~~90 days~~ *year* or any other period authorized by the FMCSA in a military position requiring operation of a commercial motor vehicle;
- b. Was exempted from the commercial driver's license requirements in 49 C.F.R. § 383.3(c); and
- c. Was operating a vehicle representative of the commercial motor vehicle the driver applicant operates, or expects to operate, for at least the two years immediately preceding discharge from the military.

D. *The Commissioner shall waive the knowledge test for certain current or former military service members applying for a commercial learner's permit or commercial driver's license as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.*

E. *The Commissioner shall waive the knowledge test and driving skills test for certain current or former military service members applying for certain endorsements as permitted by 49 C.F.R. § 383.77, provided that such current or former military service member meets the conditions and limitations provided by 49 C.F.R. § 383.77.*