§ 383.77 Substitute for driving skills tests for drivers with military CMV experience.

At the discretion of a State, the driving skills test as specified in §383.113 may be waived for a CMV driver with military CMV experience who is currently licensed at the time of his/her application for a CDL, and substituted with an applicant’s driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from whom a State may accept alternative requirements for the skills test described in §383.113. Such conditions must require at least the following:

(a) An applicant must certify that, during the two-year period immediately prior to applying for a CDL, he/she:

1. Has not had more than one license (except for a military license);
2. Has not had any license suspended, revoked, or cancelled;
3. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in §383.51(b);
4. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in §383.51(c); and
5. 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 accident, and has no record of an accident in which he/she was at fault; and
(b) An applicant must provide evidence and certify that he/she:
1. Is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a CMV;
2. Was exempted from the CDL requirements in §383.3(c); and
3. Was operating a vehicle representative of the CMV the driver applicant operates or expects to operate, for at least the 2 years immediately preceding discharge from the military.

[76 FR 26886, May 9, 2011, as amended at 78 FR 17881, Mar. 25, 2013]

§ 383.79 Skills testing of out-of-State students.

(a) A State may administer its skills test, in accordance with subparts F, G, and H of this part, to a person who has taken training in that State and is to be licensed in another United States jurisdiction (i.e., his/her State of domicile). Such test results must be transmitted electronically directly from the testing State to the licensing State in an efficient and secure manner.

(b) The State of domicile of a CDL applicant must accept the results of a skills test administered to the applicant by any other State, in accordance with subparts F, G, and H of this part, in fulfillment of the applicant’s testing requirements under §383.71, and the State’s test administration requirements under §383.73.

[76 FR 26887, May 9, 2011]