

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-494
SENATE BILL 423**

AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-37.13 is amended by adding a new subsection to read:

"(c1) The Division may waive the skills test for applicants at the time they apply for a commercial drivers license if the applicant meets all of the following:

- (1) The applicant has passed all required written knowledge exams.
- (2) The applicant has not, and certifies that the applicant has not, at any time during the two years immediately preceding the date of application done any of the following:
 - a. Had any drivers license or driving privilege suspended, revoked, or cancelled;
 - b. Had any convictions involving any kind of motor vehicle for the offenses listed in G.S. 20-17 or had any convictions for the offenses listed in G.S. 20-17.4;
 - c. Been convicted of a violation of State or local laws relating to motor vehicle traffic control, other than a parking violation, which violation arose in connection with any reportable traffic accident; or
 - d. Refused to take a chemical test when charged with an implied consent offense, as defined in G.S. 20-16.2.
- (3) The applicant certifies, and provides satisfactory evidence on the date of application, that the applicant is a member of an active or reserve component of a branch of the United States armed forces and is regularly employed in a job requiring the operation of a commercial motor vehicle, and the applicant either:
 - a. Has previously taken and successfully completed a skills test that was administered by a state with a classified licensing and testing system and the test was behind the wheel in a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks to be licensed; or
 - b. Has operated for the two-year period immediately preceding the date of application a vehicle representative of the class and, if applicable, the type of commercial motor vehicle for which the applicant seeks



to be licensed, and has taken and successfully completed a skills test administered by the military."

SECTION 2. This act becomes effective January 1, 2010, and applies to any commercial drivers license issued on or after that date.

In the General Assembly read three times and ratified this the 7th day of August, 2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:05 p.m. this 26th day of August, 2009