



**ARIZONA STATE SENATE**  
*Fifty-First Legislature, First Regular Session*

FACT SHEET FOR H.B. 2076

~~Separating service members; licensure~~  
(NOW: military applicants; license requirements)

Purpose

Establishes guidelines for military applicants when applying for a Class A, B or C Commercial Driver License (CDL), as well as requirements to perform as a practical nurse.

Background

According to the Arizona Department of Transportation (ADOT), the CDL originated from the Commercial Motor Vehicle Safety Act of 1986. It is a nationwide effort to ensure that only qualified drivers receive and maintain a CDL and to remove unsafe and unqualified drivers from Arizona's highways. To determine if a CDL is required, the manufacturer's gross vehicle weight rating (GVWR) of the vehicles must be determined.

Any person applying for a Class A, B or C CDL is required by statute to take a driving test in a vehicle or vehicle combination that at least meets the minimum size requirements for the driver license sought. The driving test shall include a demonstration of familiarity with pretrip inspection procedures (A.R.S. § 28-3223).

The Arizona State Board of Nursing (Board) was established in 1921 to regulate the practice of nursing in Arizona. It is comprised of eleven Governor-appointed members who serve five-year terms (A.R.S. § 32-1602). The mission of the Board is to protect the public health, safety, and welfare through the safe practice of nursing. As of January, 2013, the Board had more than 117,000 active licensed or certified nursing professionals.

H.B. 2076 would require practical nurse applicants to pay all fees required by the Board. Monies are collected by the Board from the examination and licensing of nurses. The Board retains 90 percent of these monies and deposits 10 percent in the state General Fund.

Provisions

***Commercial Driver License***

1. Allows ADOT to waive the requirement that an applicant for a Class A, B or C CDL take a specific required driving test if the applicant is on active duty in the Armed Forces of the United States (Armed Forces) or has separated under honorable conditions in the last 90 days and certifies during the two-year period prior to application that all of the following apply:
  - a) the applicant has only had one license, other than a military license;
  - b) the applicant has not had any driver license suspended, revoked or canceled;

- c) the applicant has not been convicted of an offense committed while operating any motor vehicle that would statutorily disqualify them; and
  - d) the applicant has not been found responsible for or guilty of a moving traffic violation that culminates in a motor vehicle accident.
2. Permits ADOT to waive the driving test for a Class A, B or C license to a candidate who is on active duty, has separated from the Armed Forces, and meets the statutory requirements if the applicant provides evidence, as prescribed by ADOT, that the following apply:
- a) the applicant is employed or was regularly employed within the last 90 days in a military position requiring the operation of a commercial motor vehicle;
  - b) the applicant is exempt from certain CDL requirements or a comparable law of another state implementing federal law; and
  - c) for a minimum of two years before separating from the Armed Forces, under honorable conditions, the applicant operated a motor vehicle that is representative of the vehicle the applicant expects to operate.
3. Requires an applicant who obtains a driving test waiver take and pass any knowledge exam required.

***Licensed Practical Nurse***

4. Instructs the Board to issue a license to practice as a practical nurse to an applicant who does not meet the statutory requirements relating to graduating from a Board-approved program, if the applicant meets the following:
- a) submits an application and a verified statement that indicates if the applicant has been convicted of a felony. If convicted, requires the statement to indicate the date of absolute discharge from the sentences;
  - b) passes the examination of practical nurses;
  - c) answers questions relating to whether the person is currently under investigation by a health care related board or if any disciplinary action has been taken against them in the past related to health professions;
  - d) has completed a military program of basic medical training and was awarded occupational specialty and performed at an equivalent level to the academic requirements for a license or completed any clinical education equivalency courses determined by the Board;
  - e) practiced nursing for at least two of the five years before the date of filing the application. The applicant's relevant military experience must be credited in the calculation of the number of years the candidate has practiced as a practical nurse;
  - f) has not committed an act that constitutes grounds for refusal, suspension or revocation of a license to practice as a practical nurse; and
  - g) has paid any fees required by the Board.
5. Allows the Board to consider the recommendations in the Guide to the Evaluation of Education in the Armed Services published by the American Council on Education when determining if the candidate substantially meets the academic requirements for a license.

6. Permits the Board to issue a temporary license to an applicant who meets the qualifications until any of the following occurs:
  - a) the applicant's license is granted or denied by the Board;
  - b) the temporary license expires; and
  - c) the applicant fails to comply with the terms of the temporary license.
7. Clarifies that the new provisions do not prohibit a military service applicant from applying for a license to practice as a practical nurse.
8. Defines *Military Service* as an active member of any of the following:
  - a) the Armed Forces;
  - b) a reserve component of the Armed Forces; and
  - c) the National Guard.
9. Becomes effective on January 1, 2014.

**Miscellaneous**

10. Makes technical and conforming changes.
11. Becomes effective on the general effective date, except as otherwise noted.

House Action:

PSMRA	2/13/2013	DPA/SE	8-0-0-0
3 <sup>rd</sup> Read	2/28/2013		54-0-6-0

Prepared by Senate Research  
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JT/AS/tf