

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2200

By: Representatives Copenhaver, Catlett

For An Act To Be Entitled

AN ACT TO BRING COMMERCIAL DRIVERS' LICENSE
REQUIREMENTS INTO COMPLIANCE WITH FEDERAL LAW; AND
FOR OTHER PURPOSES.

Subtitle

TO BRING COMMERCIAL DRIVERS' LICENSE
REQUIREMENTS INTO COMPLIANCE WITH FEDERAL
LAW.

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

SECTION 1. Arkansas Code § 27-23-108 is amended to read as follows:
27-23-108. Commercial driver license qualification standards.

(a)(1)(A) Testing. To the extent permitted by federal law and regulation, a person may be issued a commercial driver license only if that person has:

(i) Passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R., part 383, subparts G. and H., ; 49 C.F.R. § 383.79, and uses a Federal Motor Carrier Safety Administration pre-approved state-to-state system that meets the minimum requirements compatible with the American Association of Motor Vehicle Administrators 2005 Commercial Driver's License Test System as in effect on January 1, 2013; and

(ii) Satisfied all other requirements imposed by state or federal law or regulation.

(B) The tests must be prescribed by the Department of



Arkansas State Police and shall be conducted by the Department of Arkansas State Police or by a third party tester designated by the Department of Arkansas State Police under regulations promulgated as provided in this section.

(C) The Department of Finance and Administration shall promulgate the rules to set the length of time the commercial driver license is valid under this subdivision (a)(1).

(2) The Department of Arkansas State Police shall, by regulations, authorize a person, including an agency of this state, an employer, a private driver training facility, another private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section. These third party testing regulations shall provide as a minimum that:

(i) The test is the same ~~which~~ test that would otherwise be administered by the state;

(ii) The third party shall enter into an agreement with the state which complies with requirements of 49 C.F.R., §§ 383.75, 384.228, and 384.229;

(iii) The Department of Arkansas State Police shall designate and provide to any third party testers the evidence to be used to indicate to the state licensing agency that an applicant ~~had~~ has successfully passed the skills test;

(iv) The eligibility to become a third party tester shall be open to qualified persons under the regulations at least twice annually provided there are sufficient numbers of qualified persons to conduct classes; and

(v) The third party tester shall pay a third party testing administration fee as may be determined by the Director of the Department of Arkansas State Police to recover the costs of administering the testing program and examination distribution expenses.

(b)(1) Waiver of Skills Test. The Department of Arkansas State Police may waive the skills test specified in this section for a commercial driver license applicant who ~~meets the requirements of 49 C.F.R., § 383.77~~ is an eligible driver with military commercial motor vehicle experience.

(2)(A) As used in this subdivision (b)(2), "valid military commercial driver's license" means ~~any~~ a commercial driver license that is

recognized by ~~any~~ a active or reserve component of ~~any~~ a branch or unit of the armed forces of the United States as currently being valid or as having been valid at the time of the applicant's separation or discharge from the military that occurred within the twelve-month period prior to the date of application to the Office of Driver Services for a commercial driver license.

(B) The Department of Arkansas State Police shall waive the skills test specified in this section for any commercial driver license applicant who:

(i) Possesses a valid military commercial driver's license; and

(ii) Signs the application for a commercial driver license certifying that the applicant's driving privileges have not been suspended, revoked, or canceled and that the applicant has not had a conviction for any disqualifying offense as described in § 27-23-112.

(C) The Department of Arkansas State Police shall:

(i) Indicate on the application for a commercial driver license the class of license and any endorsements for which the applicant has successfully completed the knowledge requirements; and

(ii) Return the application for a commercial driver license, along with the military commercial driver's license, to the ~~office~~ Office of Driver Services for the issuance of the commercial driver license.

(c) Limitations on Issuance of License. A commercial driver license, special commercial license, restricted commercial license, temporary commercial license, provisional commercial license, or commercial driver instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver license is suspended, revoked, or cancelled in any state; nor may a commercial driver license be issued to a person who has a commercial driver license or any other driver license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing ~~state(s)~~ state for cancellation.

(d) Commercial Driver Instruction Permit.

(1) A commercial driver instruction permit ~~may~~ shall be issued by the Department of ~~Arkansas State Police~~ Finance and Administration to an individual who holds a valid driver license.

(2) The commercial driver instruction permit may not be issued

for a period to exceed six (6) months. Only one (1) renewal may be granted within a one-year period. The holder of a commercial driver instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(3) Upon expiration of the commercial driver instruction permit, a person seeking to obtain a subsequent commercial driver instruction permit shall retake the commercial driver's license knowledge tests.