

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1415

By: Representative Hickerson

By: Senator B. Sample

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT TO COMPLY WITH THE FEDERAL COMMERCIAL DRIVER LICENSE REGULATIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT TO COMPLY WITH THE FEDERAL COMMERCIAL DRIVER LICENSE REGULATIONS, AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 27-23-103(7), concerning the definition of "commercial motor vehicle" under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

(7)~~(A)~~ "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:

~~(i) Has a gross combination weight rating or gross combination weight of twenty six thousand one pounds (26,001 lbs.) or more, whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than ten thousand pounds (10,000 lbs.), whichever is greater;~~

~~(ii) Has a gross vehicle weight rating or gross vehicle weight of twenty six thousand one pounds (26,001 lbs.) or more,~~



~~whichever is greater;~~

~~(iii) Is designed to transport sixteen (16) or more passengers, including the driver; or~~

~~(iv) Is of any size and is used in the transportation of materials found to be hazardous, as a result of which the motor vehicle is required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013, or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as in effect on January 1, 2013;~~

~~(B) When out of service orders are involved, the term "commercial motor vehicle" shall also include any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:~~

~~(i) The vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds (10,001 lbs.) or more; or~~

~~(ii) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act, 49 U.S.C. App. §§ 1801-1813;~~

(A) Combination Vehicle (Group A) – having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater;

(B) Heavy Straight Vehicle (Group B) – having a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(C) Small Vehicle (Group C) that:

(i) Does not meet Group A or B requirements;

(ii) Is designed to transport sixteen (16) or more passengers, including the driver; or

(iii) Is of any size and is used in the transportation of hazardous materials.

SECTION 2. Arkansas Code § 27-23-103(24), concerning the definition of

"gross combination weight rating" under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

~~(24)(A) "Gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating will be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon; the greater of:~~

(i) The value specified by the manufacturer of the power unit, if such value is displayed on the federal motor vehicle safety standards certification label required by the National Highway Traffic Safety Administration; or

(ii) The sum of the gross vehicle weight rating or the gross vehicle weight of the power unit and towed unit or units, or any combination thereof, that produces the highest value.

(B) The gross combination weight rating of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

SECTION 3. Arkansas Code § 27-23-108(a)(1)(C), concerning the commercial driver license qualification standards under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

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

SECTION 4. Arkansas Code § 27-23-108(a), concerning commercial driver license testing under the Arkansas Uniform Commercial Driver License Act, is amended to add an additional subdivision to read as follows:

(3)(A) A third-party tester shall obtain and maintain a bond to pay for the retesting of drivers in the following amounts:

(i) Two hundred thousand dollars (\$200,000) for a third-party tester that conducted more than one thousand five hundred (1500) tests in the preceding calendar year;

(ii) One hundred thousand dollars (\$100,000) for a third-party tester that conducted between one thousand (1000) and one

thousand five hundred (1500) tests in the preceding calendar year;

(iii) Fifty thousand dollars (\$50,000) for a third-party tester that conducted between five hundred (500) and nine hundred ninety-nine (999) tests in the preceding calendar year; and

(iv) Twenty-five thousand dollars (\$25,000.00) for a third-party tester that conducted between one (1) and four hundred ninety-nine (499) tests in the preceding calendar year.

(B)(i) A new third-party tester applicant shall certify to the Department of Arkansas State Police the number of tests it anticipates conducting in its first year of testing and shall obtain and maintain a bond based upon the number of tests it anticipates conducting that corresponds to the amount provided in subdivision (a)(3)(A) of this section for tests in the preceding calendar year.

(ii) Following the new applicant's first year of testing, the third-party tester shall initiate and maintain a bond in an amount provided in subsection (a)(3)(A) of this section based upon the actual number of tests conducted in the preceding year.

(C) A governmental entity including without limitation a school district, public university, or college that is authorized to perform third-party testing is not required to initiate and maintain a bond as required by this section.

(D) In the event that a third-party tester or one of its examiners is involved in fraudulent activities related to conducting skills testing that require a driver to be retested, the third party tester's bond is liable to the Department of Arkansas State Police for payment of its actual costs to retest the driver.

SECTION 5. Arkansas Code § 27-23-108(b)(2)(B)(iii)(a), concerning the waiver of skills testing for a person who has operated a commercial motor vehicle for the military under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

(a) Is regularly employed or was regularly employed within the last ~~ninety (90) days~~ twelve (12) months in a military position requiring operation of a commercial motor vehicle.

SECTION 6. Arkansas Code § 27-23-108(c), concerning limitations upon

issuing a commercial driver license under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

(c)(1) A commercial driver license or commercial learner's permit may not be issued to a person:

(A) ~~while~~ While the person is subject to a disqualification from driving a commercial motor vehicle;

(B) ~~while~~ While the person's driver license is suspended, revoked, or canceled in any state; or

(C) For one (1) year after the end of:

(i) The disqualification under subdivision (c)(1)(A) of this section; or

(ii) The suspension, revocation, or cancellation of the person's license under subdivision (c)(1)(B) of this section.

SECTION 7. Arkansas Code § 27-23-111(b)(3), concerning the endorsements and restrictions of a commercial driver license under the Arkansas Uniform Commercial Driver License Act, is amended to read as follows:

(3)(A) Endorsements are:

(i) "H" – authorizes the driver to drive a vehicle transporting hazardous material;

(ii) "T" – authorizes driving double and triple trailers;

(iii) "P" – authorizes driving vehicles carrying passengers or carrying passengers for hire;

(iv) "N" – authorizes driving tank vehicles;

(v) "X" – represents a combination of hazardous material and tank vehicle endorsements;

(vi) "M" – authorizes the driver to drive a motorcycle; ~~and~~

(vii) "S" – authorizes the driver to operate a school bus; and

(viii) "MD" – authorizes the driver to operate a motor driven cycle.

(B) Restrictions are:

(i) "L" – no air brake-equipped commercial motor

vehicle;

(ii) "Z" - no full air brake-equipped commercial

motor vehicle;

(iii) "E" - no manual transmission-equipped

commercial motor vehicle;

(iv) "O" - no tractor-trailer commercial motor

vehicle;

(v) "M" - no Class A passenger vehicle;

(vi) "N" - no Class A or Class B passenger vehicle;

(vii) "K" - for intrastate only; ~~and~~

(viii) "V" - indicates there is information about a medical variance on the commercial driver license record for commercial driver licenses issued on or after January 30, 2012, if the Office of Driver Services is notified according to 49 C.F.R. § 383.73(o), as in effect on January 1, 2013, that the driver has been issued a medical variance-;

(ix) "P" - no passengers in a commercial motor

vehicle bus;

(x) "W" - only seasonal farm service vehicles;

(xi) "X" - no cargo in commercial tank vehicle; and

(xii) "7" - only diesel fuel and fertilizer

vehicles.

(C) The restrictions contained in subdivisions

(b)(3)(B)(ix) and (xi) of this section apply only to commercial learner's permits.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the receipt of federal highway funds by this state in the future is dependent upon the adoption of provisions of the Federal Motor Carrier Safety Regulations as provided in this act. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety is effective on and after May 18, 2015.