

Title 27. Transportation

Chapter I. Department of Finance and Administration

Subchapter C. Driver's License

Part 32. Restricted Commercial Driver License

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Pursuant to his authority under Ark. Code Ann. §25-15-201 et seq. (1987) and Act 241 of 1989 and Act 707 of 1989 the Commissioner of Revenue for the State of Arkansas does hereby promulgate the following rule. This rule is to be read in conjunction with previous regulations and laws of the Department and this State.

(A) Effective Date: The effective date of the Rule is July 1, 1992."

"In witness whereof, we have hereunto set our hands this 12th day of June, 1992."

Subpart 1. Generally

27 CAR § 32-101. Definitions.

As used in this part:

(1) "Restricted commercial driver license" means a license issued in accordance with 49 C.F.R. pt. 383 as amended, to seasonal drivers of:

- (A) Farm retail outlets and suppliers;
- (B) Agrichemical businesses;
- (C) Custom harvesters; and
- (D) Livestock feeders;

(2)(A) "Season" means any one hundred eighty (180) days within a twelve-month period but shall not be broken down in increments other than calendar months.

(B) An example of a season is March through May and October through

December; and

(3) "Twelve-month period" means the twelve (12) months beginning with the month of validation for a restricted CDL.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-102. Valid restricted CDL classes.

(a) Restricted CDL holders shall be limited to operating Class B or Class C vehicles as described in 49 C.F.R. pt. 383.

(b) Provided, that a holder of a Class B or Class C restricted CDL is also authorized to operate any Class D noncommercial vehicle.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-103. 150-mile limit.

Any person who holds a restricted CDL shall not operate a commercial motor vehicle beyond one hundred fifty (150) miles from the place of business or farm currently being served.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-104. Restricted CDL fee.

The fee for a restricted CDL shall be the same as for an unrestricted CDL.

Authority. Arkansas Code §§ 27-23-110, 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-105. Applicant certifications.

(a) Every applicant for restricted CDL must certify to a good driving record as found in 49 C.F.R. pt. 383, as amended.

(b) False certifications will result in cancellation of the license.

(c) The good driving record criteria are:

(1) No multiple licenses;

(2) No driver's license suspensions, revocations, or cancellations of any kind;

(3) No convictions in any type of motor vehicle for:

(A) Driving under the influence of alcohol or drugs;

(B) Leaving the scene of an accident; or

(C) Committing any felony involving a motor vehicle;

(4)(A) No convictions whatsoever in any type of motor vehicle for serious traffic violations, i.e.:

(i) Speeding at fifteen miles per hour (15 m.p.h.) greater than the posted limit;

(ii) Reckless driving;

(iii) Improper or erratic lane changes; or

(iv) Following too closely.

(B) This represents a higher standard than that required in 49 C.F.R. § 383.77(a); and

(5) No convictions for accident-connected traffic law violations, and no record of at-fault accidents.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-106. Endorsements.

(a) Any restricted CDL applicant may apply for and receive without test, any CDL endorsement (H, T, N, X) except P (passenger).

(b) Applicants who need the passenger endorsement for a commercial motor vehicle must:

- (1) Apply for a regular unrestricted CDL; and
- (2) Pass appropriate exams.

(c) Provided that the H endorsement on a restricted CDL shall restrict the driver to transport:

- (1) Not more than one thousand gallons (1,000 gals.) of diesel fuel;
- (2) Not more than three thousand gallons (3,000 gals.) of liquid fertilizer; or
- (3) Solid fertilizer that is not mixed with any organic substance.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-107. Revalidation.

(a)(1) Each restricted CDL shall be issued for the same time period as a regular CDL, four (4) years.

(2) However, each restricted CDL must be revalidated by the Department of Finance and Administration prior to each commercial motor vehicle (CMV) season by means of confirmation of the driver's good driving record as set out by the amended portions of 49 C.F.R. pt. 383.

(b) Such revalidation shall require a new restricted CDL to be issued showing the new CMV season and a duplicate fee shall be charged.

(c) No revalidation for a new season shall be allowed until twelve (12) months from the month of the last validation have passed.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-108. Changing seasons.

(a) Once a restricted CDL holder has his or her license, he or she may change his or her entire season or any unused part of his or her season anytime within the twelve (12) months following the last validation of his or her restricted CDL, provided that his or her total season shall not be in excess of one hundred eighty (180) days within the twelve-month period.

(b) Any such change of season will require a new license to be issued and duplicate fee shall be charged.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-109. Revocation for unauthorized use.

Use of the restricted CDL in activities not related to employment of the designated industries enumerated in 27 CAR § 32-101(1) shall be grounds for the revocation of the restricted CDL.

Authority. Arkansas Code § 27-23-120.

Codification Notes. "CDL" means commercial driver license.

27 CAR § 32-110. Requirements, sanctions same as unrestricted CDL.

With the exception of knowledge and skills tests, the issuance of a restricted CDL shall impose the same requirements and sanctions on the license and employer as would be on an unrestricted CDL.

Authority. Arkansas Code § 27-23-120.

Codification Notes. “CDL” means commercial driver license.