

## **Title 27. Transportation**

### **Chapter III. Division of Arkansas State Police, Department of Public Safety**

#### **Subchapter A. Generally**

#### **Part 52. Noncommercial Driver's License Testing**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "These rules are promulgated pursuant to the authority of the Director of the Division of the Arkansas State Police (Division) under Ark. Code Ann. § 27-16-705(c) and §§ 25-15-201, et seq."

"The effective date of this Rule is January 1, 2015."

#### **Subpart 1. Generally**

##### **27 CAR § 52-101. Noncommercial driver's license testing — Waiting period.**

In the event that a person does not successfully complete the knowledge portion of the test for an Arkansas learner's permit, learner's license, or intermediate driver's license, there shall be a five-calendar-day waiting period before they will be allowed to retest.

**Authority.** Arkansas Code § 27-16-705.

##### **27 CAR § 52-102. Noncommercial driver's license — Failing skill testing.**

(a) **Purpose.** The purpose of this section is to define driver's license skill testing offenses and penalties for a failed exam as provided by Arkansas Code § 27-16-705(c).

(b)(1) **Definitions.** A person fails the driver's license skill test for a nonserious or serious offense.

(2) The person commits an offense of:

(A) Nonserious offenses (first occurrence with warning):

(i) Improper backing (first offense), Arkansas Code § 27-50-408(e)(16);

(ii) Improperly entering the roadway (first offense), Arkansas Code § 27-51-401;

(iii) Failure to obey stop sign (incomplete stop, first offense), Arkansas Code § 27-50-408(e)(9);

(iv) Failure to obey other signs (school zone and speed limit), Arkansas Code § 27-50-408(e)(9);

(v) Inattentive driving (first offense), Arkansas Code § 27-51-104(b)(8);

(vi) Improper turns (wide or fast, first offense), Arkansas Code § 27-50-408(e)(20);

(vii) Following too closely (first offense), Arkansas Code § 27-51-305;

and

(viii) Improper lane usage/lane change (first offense), Arkansas Code § 27-50-408(e)(17) and § 27-51-104(b)(1);

(B) Serious offenses (second occurrence or automatic failure):

(i) Failure to obey stop signs (ran stop), Arkansas Code § 27-50-408(e)(9);

(ii) General control, Arkansas Code § 27-51-104(b)(6);

(iii) Improper lane usage/lane change (second offense), Arkansas Code § 27-50-408(e)(17) and § 27-51-104(b)(1);

(iv) Going the wrong way, Arkansas Code § 27-50-408(e)(13);

(v) Failure to yield to oncoming traffic, Arkansas Code § 27-51-601;

(vi) Inattentive driving (second offense), Arkansas Code § 27-51-104(b)(8);

(vii) Improper use of signals, Arkansas Code § 27-51-403(b);

(viii) Improper turns, Arkansas Code § 27-50-408(e)(20);

(ix) Following too closely (second offense), Arkansas Code § 27-51-305;

- (x) Failure to obey speed control, Arkansas Code § 27-50-408(e)(24);
  - (xi) Failure to obey traffic lights (ran red light), Arkansas Code § 27-50-408(e)(9);
  - (xii) Failure to obey other signs (yield, railroad crossing, pedestrian crossing), Arkansas Code § 27-50-408(e)(9);
  - (xiii) Improper backing (second offense), Arkansas Code § 27-50-408(e)(16);
  - (xiv) Improperly entering the roadway (second offense), Arkansas Code § 27-51-401;
  - (xv) Failure to obey stop signs (rolled stop, second offense), Arkansas Code § 27-50-408(e)(9); and
- (C) Serious offenses (automatic failure):
- (i) Passing stopped school bus with lights flashing, Arkansas Code § 27-51-1004;
  - (ii) Failed to yield for an emergency vehicle using its flashing lights, Arkansas Code § 27-51-901;
  - (iii) Improper passing of stopped law enforcement vehicle on the highway with lights flashing, Arkansas Code § 27-51-310;
  - (iv) Improper parking in handicapped parking space, Arkansas Code § 27-15-305;
  - (v) Applicant drove the vehicle to the testing site without a licensed driver, Arkansas Code § 27-16-602;
  - (vi) Violation of the Arkansas cell phone law, Arkansas Code § 27-51-1607; and
  - (vii) Accident (at fault).

**Authority.** Arkansas Code § 27-16-705.

**27 CAR § 52-103. Procedures.**

(a) Any person violating any portion of 27 CAR § 52-102(b)(2)(A) of this part on the first offense will receive a verbal warning.

(b) Any person violating any portion of 27 CAR § 52-102(b)(2)(B) of this part on the second offense will receive a two-week penalty unless the violation warrants an automatic failure.

(c) Any person violating any portion of 27 CAR § 52-102(b)(2)(C) of this part will receive a mandatory thirty-day penalty.

(d) The Division of Arkansas State Police will electronically record all offenses and penalties.

**Authority.** Arkansas Code § 27-16-705.

**27 CAR § 52-104. Severability.**

Any section or provision of this part held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of this part.

**Authority.** Arkansas Code § 27-16-705.