

Stricken language would be deleted from and underlined language would be added to present law.
Act 5 of the 2nd Extraordinary Session

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: S12/11/03
A Bill

Call Item 18

SENATE BILL 11

5 By: Senators J. Bookout, Critcher
6 By: Representatives Bolin, Dickinson, Jackson
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9 **For An Act To Be Entitled**

10 AN ACT RELATING TO COMMERCIAL DRIVER LICENSE
11 QUALIFICATION STANDARDS REQUIRED FOR TESTING; AND
12 FOR OTHER PURPOSES.
13

14 **Subtitle**

15 COMMERCIAL DRIVER LICENSE QUALIFICATION
16 STANDARDS REQUIRED FOR TESTING.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 27-23-108(a)(1), regarding the commercial
22 driver license qualifications standards for testing, as in effect until
23 January 1, 2005, is amended to read as follows:

24 (a)(1)(A) Testing. ~~No~~ To the extent permitted by federal law and
25 regulation, a person may be issued a commercial driver's license ~~unless only~~
26 if that person ~~is a resident of this state and~~ has:

27 (i) ~~passed~~ Passed a knowledge and skills test for
28 driving a commercial motor vehicle ~~which~~ that complies with minimum federal
29 standards established by federal regulation enumerated in 49 C.F.R., part
30 383, sub-parts G. and H.; and

31 (ii) ~~has satisfied~~ Satisfied all other requirements
32 imposed by state or federal law or regulation.

33 (B) The tests must be prescribed by the Department of
34 Arkansas State Police and shall be conducted by the Department of Arkansas
35 State Police or by a third party tester designated by the Department of
36 Arkansas State Police under regulations promulgated as provided in this



1 section.

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

5
 6 SECTION 2. Arkansas Code § 27-23-108(a)(1), regarding the commercial
 7 driver license qualifications standards for testing, as in effect January 1,
 8 2005, is amended to read as follows:

9 (a)(1)(A) Testing. ~~No~~ To the extent permitted by federal law and
 10 regulation, a person may be issued a commercial driver's license unless only
 11 if that person is a resident of this state and has:

12 (i) ~~passed~~ Passed a knowledge and skills test for
 13 driving a commercial motor vehicle ~~which~~ that complies with minimum federal
 14 standards established by federal regulation enumerated in 49 C.F.R., part
 15 383, sub-parts G. and H.; and

16 (ii) ~~has satisfied~~ Satisfied all other requirements
 17 imposed by state or federal law or regulation.

18 (B) The tests must be prescribed by the Department of
 19 Arkansas State Police and shall be conducted by the Department of Arkansas
 20 State Police or by a third party tester designated by the Department of
 21 Arkansas State Police under regulations promulgated as provided in this
 22 section.

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

26
 27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 28 General Assembly of the State of Arkansas that the current residency
 29 requirement for administering a commercial driver's license was adopted to
 30 conform to federal regulatory requirements; that the FMCSA does not regard
 31 this requirement as a safety issue that would jeopardize federal funding;
 32 that the FMCSA has indicated that future rulemaking may be promulgated to
 33 further clarify the education and testing of students who attend training
 34 schools in states other than where they live; that adoption is necessary to
 35 avoid placing an undue financial hardship on several Arkansas institutions of
 36 higher learning that currently provide educational training to students who

1 enroll in Arkansas schools but reside in other states, as well as an economic
2 hardship on Arkansas trucking companies that hire students subject to their
3 completion of training at Arkansas schools. Therefore, an emergency is
4 declared to exist and this act being immediately necessary for the
5 preservation of the public peace, health, and safety shall become effective
6 on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor,
9 the expiration of the period of time during which the Governor may veto the
10 bill; or

11 (3) If the bill is vetoed by the Governor and the veto is
12 overridden, the date the last house overrides the veto.

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14 /s/ J. Bookout

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17 APPROVED: 12/22/2003
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