

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

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

A Bill

Act 217 of 2003
SENATE BILL 219

5 By: Senator Wooldridge
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS LAWS CONCERNING THE
10 EXAMINATION FOR DRIVER LICENSES AND COMMERCIAL
11 DRIVER LICENSES; TO PRESCRIBE PENALTIES FOR
12 OBTAINING A COMMERCIAL DRIVER LICENSE THROUGH A
13 FRAUDULENT APPLICATION; TO REPEAL THE REQUIREMENT
14 FOR AN ANNUAL INSPECTION FOR CERTAIN COMMERCIAL
15 MOTOR VEHICLES; AND FOR OTHER PURPOSES.
16

Subtitle

17 TO AMEND VARIOUS LAWS CONCERNING DRIVER
18 LICENSES AND COMMERCIAL DRIVER LICENSES
19 AND TO REPEAL THE REQUIREMENT FOR AN
20 ANNUAL INSPECTION FOR CERTAIN COMMERCIAL
21 MOTOR VEHICLES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 27-16-704(b)(1), concerning the examination
28 of applicants for a driver's license, is amended to read as follows:

29 (b)(1) The examination shall be held ~~in the county where the applicant~~
30 ~~resides~~ within not more than thirty (30) days from the date that application
31 is made.
32

33 SECTION 2. Arkansas Code § 27-23-108(a)(2), concerning commercial
34 driver license qualification standards, is amended to read as follows:

35 (2) The Department of Arkansas State Police shall, by
36 regulations ~~promulgated not later than January 1, 1996,~~ authorize a person,

1 including an agency of this ~~or another~~ state, an employer, a ~~private driver~~
2 ~~training facility, or other private institution,~~ or a department, agency, or
3 instrumentality of local government, to administer the skills test specified
4 by this section. These third party testing regulations shall provide as a
5 minimum that:

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

8 (ii) The third party shall enter into an agreement
9 with the state which complies with requirements of 49 C.F.R., part 383.75;

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

14 (iv) The eligibility to become a third party tester
15 shall be open to qualified persons under the regulations at least twice
16 annually; and

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

21
22 SECTION 3. Arkansas Code § 27-23-114, concerning the penalties for
23 commercial motor vehicle driving offenses, is amended to add an additional
24 subsection to read as follows:

25 (h)(1)(A) It is unlawful for a person to knowingly apply for or to
26 obtain a commercial driver license through a fraudulent application or other
27 illegal method.

28 (B) It is unlawful to knowingly assist or permit any other
29 person to apply for or to obtain a commercial driver license through a
30 fraudulent application or other illegal method.

31 (C) It is unlawful to knowingly enter false test scores or
32 false information of any application for a commercial driver license.

33 (2) A person who violates this subsection (h) is guilty of a
34 Class A misdemeanor.

35
36 SECTION 4. Arkansas Code § 27-32-201, concerning the annual inspection

1 of certain commercial motor vehicles, is repealed.

2 ~~27-32-201. Certain vehicles required to be inspected on an annual~~
3 ~~basis.~~

4 ~~(a) Notwithstanding any provisions of this act to the contrary,~~
5 ~~commercial motor vehicles and vehicles transporting passengers, which~~
6 ~~vehicles are required by federal law or regulation or state law or regulation~~
7 ~~to be inspected, shall be inspected in accordance with such laws or~~
8 ~~regulations.~~

9 ~~(b) The owner of a vehicle not required to be inspected under any~~
10 ~~provision set forth in subsection (a) of this section which requires a~~
11 ~~commercial driver license to operate, and which is used for the purposes of~~
12 ~~transporting passengers to and from school, church or church-related~~
13 ~~activities, child or adult day care facilities, senior citizen facilities,~~
14 ~~for transporting persons with disabilities or any other vehicle required by~~
15 ~~federal law to be inspected, shall cause such vehicle to be annually~~
16 ~~inspected for safety and approved for operation. The vehicle owner shall~~
17 ~~deliver the vehicle to a vehicle maintenance or repair facility regularly~~
18 ~~engaged in the business of repairing and maintaining vehicles of the type~~
19 ~~required to be inspected for safety, and request that the vehicle be~~
20 ~~inspected to determine if the vehicle is in safe operating condition. The~~
21 ~~cost of the safety inspection shall be an amount mutually agreed upon between~~
22 ~~the vehicle owner and the owner or operator of the repair facility prior to~~
23 ~~performing the inspection. Provided, however, the cost of such inspection~~
24 ~~shall not exceed seventeen dollars and fifty cents (\$17.50).~~

25 ~~(c) Upon completion of the inspection the person conducting the~~
26 ~~inspection shall complete and give to the vehicle owner an inspection report,~~
27 ~~on a form designated by the Director of the Arkansas State Police. Such~~
28 ~~report shall be maintained in the vehicle at all times, and shall be provided~~
29 ~~to any law enforcement officer for review or inspection upon request.~~

30 ~~(d) It shall be the responsibility of the vehicle owner to obtain the~~
31 ~~necessary form. The form may be obtained from the Arkansas State Police or~~
32 ~~state revenue offices. Forms will also be provided by the Arkansas State~~
33 ~~Police to any vehicle maintenance or repair facility as requested. Forms will~~
34 ~~also be mailed by the Arkansas State Police to individuals upon request.~~

35 ~~(e) Failure to comply with this section, or any rules or regulations~~
36 ~~promulgated by the Director of the Arkansas State Police for the purposes of~~

1 carrying out the provisions of this section shall be a misdemeanor, and upon
2 conviction shall be punishable by a fine of not less than one hundred dollars
3 (~~\$100~~) nor more than five hundred dollars (~~\$500~~).

4 (f) ~~The Director of the Arkansas State Police shall promulgate~~
5 ~~regulations and prepare the necessary forms to carry out the provisions of~~
6 ~~this section. Such regulations shall include:~~

7 (1) ~~The qualifications required of a motor vehicle maintenance~~
8 ~~or repair facility in order to perform vehicle inspections;~~

9 (2) ~~The scope of the vehicle inspection and the procedure for~~
10 ~~conducting such inspections;~~

11 (3) ~~The record keeping requirements for the vehicle inspection~~
12 ~~program;~~

13 (4) ~~The procedures for documenting the correction of any safety~~
14 ~~defects identified during an annual inspection; and~~

15 (5) ~~Any other provisions necessary for the effective~~
16 ~~administration of the vehicle inspection program.~~

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19 APPROVED: 02/26/2003
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