

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.

Act 942 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/3/05

A Bill

HOUSE BILL 1868

5 By: Representative Jackson
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7

For An Act To Be Entitled

9 AN ACT TO ALLOW A PRIVATE DRIVER TRAINING
10 FACILITY OR OTHER FACILITY TO ADMINISTER THE
11 SKILLS TEST REQUIRED TO OBTAIN A COMMERCIAL
12 DRIVER LICENSE; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO ALLOW A PRIVATE DRIVER
15 TRAINING FACILITY OR OTHER FACILITY TO
16 ADMINISTER THE SKILLS TEST REQUIRED TO
17 OBTAIN A COMMERCIAL DRIVER LICENSE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-23-108(a)(2), concerning commercial
24 driver license qualification standards, is amended to read as follows:

25 (2) The Department of Arkansas State Police shall, by
26 regulations, authorize a person, including an agency of this state, an
27 employer, a private driver training facility, other private institution, or a
28 department, agency, or instrumentality of local government, to administer the
29 skills test specified by this section. These third party testing regulations
30 shall provide as a minimum that:

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

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

35 (iii) The Department of Arkansas State Police shall



1 designate and provide to any third party testers the evidence to be used to
 2 indicate to the state licensing agency that an applicant had successfully
 3 passed the skills test;

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

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

11
 12 SECTION 2. Arkansas Code § 27-23-114(h)(2), concerning commercial motor
 13 vehicle driving offenses and penalties, is amended to read as follows:

14 (2)(A) A person who violates this subsection (h) is guilty of a
 15 ~~Class A misdemeanor~~ an unclassified offense and may be fined an amount not to
 16 exceed five thousand dollars (\$5,000) or imprisoned up to a year in jail, or
 17 both.

18 (B) Any fine collected under this subsection shall be
 19 remitted by the tenth day of each month to the Administration of Justice
 20 Funds Section of the Office of Administrative Services of the Department of
 21 Finance and Administration on a form provided by that office for deposit into
 22 the Department of Arkansas State Police Fund.

23
 24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 25 General Assembly of the State of Arkansas that third party administration of
 26 certain driving tests is necessary to ensure a adequate opportunity for
 27 qualified applicants to take the test; that there are qualified and trained
 28 students currently waiting to take the test; and that this act is immediately
 29 necessary to correct deficiencies in the current testing procedures.
 30 Therefore, an emergency is declared to exist and this act being immediately
 31 necessary for the preservation of the public peace, health, and safety shall
 32 become effective on:

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

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

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

3 /s/ Jackson

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APPROVED: 3/18/2005

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