

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Wooldridge**

A Bill

ACT 654 OF 1995
HOUSE BILL 1309

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-23-108 TO PROVIDE THAT
9 THE DEPARTMENT OF ARKANSAS STATE POLICE SHALL PROMULGATE
10 RULES AND REGULATIONS TO PROVIDE FOR THE DESIGNATION OF
11 THIRD PARTY TESTERS FOR COMMERCIAL DRIVER LICENSES BY
12 JANUARY 1, 1996; AND FOR OTHER PURPOSES."

Subtitle

15 "TO PROVIDE THAT THE STATE POLICE SHALL
16 PROMULGATE REGULATIONS TO PROVIDE FOR
17 THE DESIGNATION OF THIRD PARTY TESTERS
18 FOR COMMERCIAL DRIVER LICENSES."

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

22 SECTION 1. Arkansas Code § 27-23-108 is amended to read as follows:

23 "27-23-108. Commercial driver license qualification standards.

24 (a) Testing. (1) No person may be issued a commercial driver license
25 unless that person is a resident of this state and has passed a knowledge and
26 skills test for driving a commercial motor vehicle which complies with minimum
27 federal standards established by federal regulation enumerated in 49 C.F.R.,
28 part 383, sub-parts G. and H., and has satisfied all other requirements
29 imposed by state or federal law or regulation. The tests must be prescribed by
30 the Arkansas State Police and shall be conducted by the Arkansas State Police
31 or by a third party tester designated by the Arkansas State Police under
32 regulations promulgated as provided in this section.

33 (2) The Department of Arkansas State Police shall, by regulations
34 promulgated not later than January 1, 1996, authorize a person, including an
35 agency of this or another state, an employer, a private driver training
36 facility, or other private institution, or a department, agency, or

1 instrumentality of local government, to administer the skills test specified
2 by this section. These third party testing regulations shall provide as a
3 minimum that:

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

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

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

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

14 (v) *The third party tester shall pay a third party testing*
15 *administration fee as may be determined by the Director of the State Police to*
16 *recover the costs of administering the testing program and examination*
17 *distribution expenses.*

18 (b) Waiver of Skills Test. The Department of Arkansas State Police may
19 waive the skills test specified in this section for a commercial driver
20 license applicant who meets the requirements of 49 C.F.R., part 383.77.

21 (c) Limitations on Issuance of License. A commercial driver license or
22 commercial driver instruction permit may not be issued to a person while the
23 person is subject to a disqualification from driving a commercial motor
24 vehicle, or while the person's driver license is suspended, revoked, or
25 cancelled in any state; nor may a commercial driver license be issued to a
26 person who has a commercial driver license or any other driver license issued
27 by any other state unless the person first surrenders all such licenses, which
28 must be returned to the issuing state(s) for cancellation.

29 (d) Commercial Driver Instruction Permit. (1) A commercial driver
30 instruction permit may be issued by the Department of Arkansas State Police to
31 an individual who holds a valid driver license.

32 (2) The commercial driver instruction permit may not be issued
33 for a period to exceed six (6) months. Only one (1) renewal may be granted
34 within a one-year period. The holder of a commercial driver instruction permit
35 may drive a commercial motor vehicle on a highway only when accompanied by the

1 holder of a commercial driver license valid for the type of vehicle driven who
2 occupies a seat beside the individual for the purpose of giving instruction in
3 driving the commercial motor vehicle."
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5 SECTION 2. All provisions of this act of general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.
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9 SECTION 3. If any provisions of this act or the application thereof to
10 any person or circumstance is held invalid, the invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provisions or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

17 */s/Rep. Wooldridge*
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19 APPROVED: 3-17-95
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