

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 892 OF 1997  
HOUSE BILL 1913

4  
5 By: Representatives Wooldridge, Angel, Davis, Jeffress, Magnus, and French

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 27-23-103 TO ADOPT CERTAIN  
10 DEFINITIONS RELATING TO COMMERCIAL DRIVER LICENSE ACT TO  
11 COMPLY WITH FEDERAL LAWS; TO AMEND ARKANSAS CODE § 27-50-  
12 907 TO PROVIDE THAT THE DIGITAL DRIVERS LICENSE PHOTOGRAPH  
13 IS NON-DISCLOSABLE PERSONAL INFORMATION, EXCEPT WHEN  
14 DISCLOSED AT THE REQUEST OF THE DRIVER; TO DECLARE AN  
15 EMERGENCY; AND FOR OTHER PURPOSES."

## Subtitle

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18 "TO ADOPT DEFINITIONS RELATING TO  
19 COMMERCIAL DRIVER LICENSE ACT AND TO  
20 PROVIDE THAT DRIVERS LICENSE PHOTOGRAPHS  
21 ARE PRIVATE, EXCEPT AT THE REQUEST OF  
22 THE DRIVER."

23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Subdivision (7) of Arkansas Code § 27-23-103, pertaining to  
27 the definitions in the Commercial Driver License Act, is amended to read as  
28 follows:

29 "(7)(a) Commercial motor vehicle means a motor vehicle or combination  
30 of motor vehicles used in commerce ~~designed or used~~ to transport passengers or  
31 property if the motor vehicle:

32 ~~\_\_\_\_\_ (1) If the vehicle has a gross vehicle weight rating of~~  
33 ~~twenty-six thousand one pounds (26,001 lbs.) or more;~~

34 ~~\_\_\_\_\_ (2) If the vehicle is designed to transport sixteen (16) or~~  
35 ~~more passengers, including the driver; or~~

36 ~~\_\_\_\_\_ (3) If the vehicle is transporting hazardous materials and~~

1 ~~is required to be placarded in accordance with 49 C.F.R., part 172, subpart F.~~

2 (a) Has a gross combination weight rating of twenty-six thousand  
 3 one pounds (26,001 lbs.) or more inclusive of a towed unit with a gross  
 4 vehicle weight rating of more than ten thousand pounds (10,000 lbs.); or

5 (b) Has a gross vehicle weight rating of twenty-six thousand one  
 6 pounds (26,001 lbs.) or more; or

7 (c) Is designed to transport sixteen (16) or more passengers,  
 8 including the driver; or

9 (d) Is of any size and is used in the transportation of materials  
 10 found to be hazardous for the purposes of which require the motor vehicle to  
 11 be placarded under the Hazardous Materials Regulations (49 CFR part 172,  
 12 subpart F).

13 (b) When out-of-service orders are involved, the term commercial  
 14 motor vehicle shall also include any self-propelled or towed vehicle used on  
 15 public highways in interstate commerce to transport passengers or property  
 16 when:

17 (1) The vehicle has a gross vehicle weight rating or gross  
 18 combination weight rating of ten thousand one (10,001) or more pounds; or

19 (2) The vehicle is used in the transportation of hazardous  
 20 materials in a quantity requiring placarding under regulations issued by the  
 21 Secretary of Transportation under the Hazardous Materials Transportation Act  
 22 (49 U.S.C. App. §§ 1801-1813)."

23

24 SECTION 2. Subdivision (17) of Arkansas Code § 27-23-103, pertaining to  
 25 the definitions in the Commercial Driver License Act, is amended to read as  
 26 follows:

27 "(17) Gross vehicle weight rating (GVWR) means the value specified by  
 28 the manufacturer ~~or manufacturers as the maximum loaded weight of a single or~~  
 29 ~~a combination (articulated) vehicle or registered gross weight, whichever is~~  
 30 ~~greater. The GVWR of a combination weight (articulated) vehicle (commonly~~  
 31 ~~referred to as the 'gross combination weight rating' or GCWR of the power unit~~  
 32 ~~plus the GVWR of the towed unit or units~~ as the loaded weight of a single  
 33 vehicle."

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35 SECTION 3. Arkansas Code § 27-23-103, pertaining to the definitions in  
 36 the Commercial Driver License Act, is amended to add a new subdivision (25) to

1 read as follows:

2 "(25) Gross combination weight rating (GCWR) means the value specified  
 3 by the manufacturer as the loaded weight of a combination (articulated)  
 4 vehicle. In the absence of a value specified by the manufacturer, GCWR will  
 5 be determined by adding the GVWR of the power unit and the total weight of the  
 6 towed unit and any load thereon."

7

8 SECTION 4. Arkansas Code § 27-50-907 is amended to read as follows:

9 "27-50-907. Availability of recorded information.

10 (a) All information concerning a driver's record shall be made  
 11 available to the driver or his legal representative.

12 (b) Information such as medical reports or other personal information  
 13 shall not be a part of any written report the Office of Driver Services may  
 14 provide, nor shall the office allow any person to copy or reproduce such  
 15 records.

16 (c) No digital drivers license photograph shall be disclosed to any  
 17 individual, or organization, except upon the written request for disclosure to  
 18 a named individual or to a party by the person whose photograph is on the  
 19 drivers license. A fee of five dollars (\$5.00) shall be charged for each  
 20 digital drivers license photograph provided by the Office of Driver Services."

21

22 SECTION 5. All provisions of this act of general and permanent nature  
 23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 6. If any provisions of this act or the application thereof to  
 27 any person or circumstance is held invalid, the invalidity shall not affect  
 28 other provisions or applications of the act which can be given effect without  
 29 the invalid provisions or application, and to this end the provisions of this  
 30 act are declared to be severable.

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32 SECTION 7. All laws and parts of laws in conflict with this act are  
 33 hereby repealed.

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35 SECTION 8. Emergency. It is hereby found and determined by the Eighty-  
 36 First General Assembly of the State of Arkansas that the Arkansas Uniform

1 Commercial Driver License Act is out of compliance with federal laws  
 2 concerning the commercial driver licenses thereby threatening a certain amount  
 3 of federal highway funds; that federal highway funding is critical to most of  
 4 the highway construction projects and threatens the fiscal health and safety  
 5 of Arkansas' highway programs; and that these clarifications in Arkansas' law  
 6 should take effect immediately to prevent any possible loss of the critical  
 7 federal highway funds. Therefore, in order to remove the conflicts in those  
 8 laws, an emergency is hereby declared to exist, and this act being necessary  
 9 for the immediate preservation of the public peace, health, and safety shall  
 10 become effective on the date of its approval by the Governor. If the bill is  
 11 neither approved or vetoed by the Governor, it shall become effective on the  
 12 expiration of the period of time during which the Governor may veto the bill.  
 13 If the bill is vetoed by the Governor and the veto is overridden, it shall  
 14 become effective on the date the last house overrides the veto.

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