

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1415

5 By: Representative Hickerson  
6 By: Senator B. Sample  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS UNIFORM COMMERCIAL  
10 DRIVER LICENSE ACT TO COMPLY WITH THE FEDERAL  
11 COMMERCIAL DRIVER LICENSE REGULATIONS; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE ARKANSAS UNIFORM COMMERCIAL  
16 DRIVER LICENSE ACT TO COMPLY WITH THE  
17 FEDERAL COMMERCIAL DRIVER LICENSE  
18 REGULATIONS, AND TO DECLARE AN EMERGENCY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 27-23-103(7), concerning the definition of  
25 "commercial motor vehicle" under the Arkansas Uniform Commercial Driver  
26 License Act, is amended to read as follows:

27 (7)(A) "Commercial motor vehicle" means a motor vehicle or  
28 combination of motor vehicles used in commerce to transport passengers or  
29 property if the motor vehicle is a:

30 ~~(i) Has a gross combination weight rating or gross~~  
31 ~~combination weight of twenty six thousand one pounds (26,001 lbs.) or more,~~  
32 ~~whichever is greater, inclusive of a towed unit or units with a gross vehicle~~  
33 ~~weight rating or gross vehicle weight of more than ten thousand pounds~~  
34 ~~(10,000 lbs.), whichever is greater;~~

35 ~~(ii) Has a gross vehicle weight rating or gross~~  
36 ~~vehicle weight of twenty six thousand one pounds (26,001 lbs.) or more,~~



1 ~~whichever is greater;~~

2 ~~(iii) Is designed to transport sixteen (16) or more~~  
 3 ~~passengers, including the driver; or~~

4 ~~(iv) Is of any size and is used in the~~  
 5 ~~transportation of materials found to be hazardous, as a result of which the~~  
 6 ~~motor vehicle is required to be placarded under the Hazardous Materials~~  
 7 ~~Regulations, 49 C.F.R. part 172, subpart F, as in effect on January 1, 2013,~~  
 8 ~~or any quantity of a material listed as a select agent or toxin in 42 C.F.R.~~  
 9 ~~part 73, as in effect on January 1, 2013;~~

10 ~~(B) When out of service orders are involved, the term~~  
 11 ~~"commercial motor vehicle" shall also include any self-propelled or towed~~  
 12 ~~vehicle used on public highways in interstate commerce to transport~~  
 13 ~~passengers or property when:~~

14 ~~(i) The vehicle has a gross vehicle weight rating or~~  
 15 ~~gross combination weight rating of ten thousand one pounds (10,001 lbs.) or~~  
 16 ~~more; or~~

17 ~~(ii) The vehicle is used in the transportation of~~  
 18 ~~hazardous materials in a quantity requiring placarding under regulations~~  
 19 ~~issued by the Secretary of Transportation under the Hazardous Materials~~  
 20 ~~Transportation Act, 49 U.S.C. App. §§ 1801-1813;~~

21 (A) Combination Vehicle (Group A) – having a gross  
 22 combination weight rating or gross combination weight of 11,794 kilograms or  
 23 more (26,001 pounds or more), whichever is greater, inclusive of a towed unit  
 24 or units with a gross vehicle weight rating or gross vehicle weight of more  
 25 than 4,536 kilograms (10,000 pounds), whichever is greater;

26 (B) Heavy Straight Vehicle (Group B) – having a gross  
 27 vehicle weight rating or gross vehicle weight of 11,794 kilograms or more  
 28 (26,001 pounds or more), whichever is greater; or

29 (C) Small Vehicle (Group C) that:

30 (i) Does not meet Group A or B requirements;

31 (ii) Is designed to transport sixteen (16) or more  
 32 passengers, including the driver; or

33 (iii) Is of any size and is used in the  
 34 transportation of hazardous materials.

35  
 36 SECTION 2. Arkansas Code § 27-23-103(24), concerning the definition of

1 "gross combination weight rating" under the Arkansas Uniform Commercial  
 2 Driver License Act, is amended to read as follows:

3 (24)(A) "Gross combination weight rating" means ~~the value~~  
 4 ~~specified by the manufacturer as the loaded weight of a combination or~~  
 5 ~~articulated vehicle. In the absence of a value specified by the~~  
 6 ~~manufacturer, the gross combination weight rating will be determined by~~  
 7 ~~adding the gross vehicle weight rating of the power unit and the total weight~~  
 8 ~~of the towed unit and any load thereon; the greater of:~~

9 (i) The value specified by the manufacturer of the  
 10 power unit, if such value is displayed on the federal motor vehicle safety  
 11 standards certification label required by the National Highway Traffic Safety  
 12 Administration; or

13 (ii) The sum of the gross vehicle weight rating or  
 14 the gross vehicle weight of the power unit and towed unit or units, or any  
 15 combination thereof, that produces the highest value.

16 (B) The gross combination weight rating of the power unit  
 17 will not be used to define a commercial motor vehicle when the power unit is  
 18 not towing another vehicle.

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 20 SECTION 3. Arkansas Code § 27-23-108(a)(1)(C), concerning the  
 21 commercial driver license qualification standards under the Arkansas Uniform  
 22 Commercial Driver License Act, is amended to read as follows:

23 (C) The Department of Finance and Administration shall  
 24 ~~promulgate the rules to~~ set the length of time consistent with federal law  
 25 that the commercial driver license is valid under this subdivision (a)(1).  
 26

27 SECTION 4. Arkansas Code § 27-23-108(a), concerning commercial driver  
 28 license testing under the Arkansas Uniform Commercial Driver License Act, is  
 29 amended to add an additional subdivision to read as follows:

30 (3)(A) A third-party tester shall obtain and maintain a bond to  
 31 pay for the retesting of drivers in the following amounts:

32 (i) Two hundred thousand dollars (\$200,000) for a  
 33 third-party tester that conducted more than one thousand five hundred (1500)  
 34 tests in the preceding calendar year;

35 (ii) One hundred thousand dollars (\$100,000) for a  
 36 third-party tester that conducted between one thousand (1000) and one

1 thousand five hundred (1500) tests in the preceding calendar year;

2 (iii) Fifty thousand dollars (\$50,000) for a third-  
 3 party tester that conducted between five hundred (500) and nine hundred  
 4 ninety-nine (999) tests in the preceding calendar year; and

5 (iv) Twenty-five thousand dollars (\$25,000.00) for a  
 6 third-party tester that conducted between one (1) and four hundred ninety-  
 7 nine (499) tests in the preceding calendar year.

8 (B)(i) A new third-party tester applicant shall certify to  
 9 the Department of Arkansas State Police the number of tests it anticipates  
 10 conducting in its first year of testing and shall obtain and maintain a bond  
 11 based upon the number of tests it anticipates conducting that corresponds to  
 12 the amount provided in subdivision (a)(3)(A) of this section for tests in the  
 13 preceding calendar year.

14 (ii) Following the new applicant's first year of  
 15 testing, the third-party tester shall initiate and maintain a bond in an  
 16 amount provided in subsection (a)(3)(A) of this section based upon the actual  
 17 number of tests conducted in the preceding year.

18 (C) A governmental entity including without limitation a  
 19 school district, public university, or college that is authorized to perform  
 20 third-party testing is not required to initiate and maintain a bond as  
 21 required by this section.

22 (D) In the event that a third-party tester or one of its  
 23 examiners is involved in fraudulent activities related to conducting skills  
 24 testing that require a driver to be retested, the third party tester's bond  
 25 is liable to the Department of Arkansas State Police for payment of its  
 26 actual costs to retest the driver.

27  
 28 SECTION 5. Arkansas Code § 27-23-108(b)(2)(B)(iii)(a), concerning the  
 29 waiver of skills testing for a person who has operated a commercial motor  
 30 vehicle for the military under the Arkansas Uniform Commercial Driver License  
 31 Act, is amended to read as follows:

32 (a) Is regularly employed or was regularly employed within the last  
 33 ~~ninety (90) days~~ twelve (12) months in a military position requiring  
 34 operation of a commercial motor vehicle.  
 35

36 SECTION 6. Arkansas Code § 27-23-108(c), concerning limitations upon

1 issuing a commercial driver license under the Arkansas Uniform Commercial  
 2 Driver License Act, is amended to read as follows:

3 (c)(1) A commercial driver license or commercial learner's permit may  
 4 not be issued to a person:

5 (A) ~~while~~ While the person is subject to a  
 6 disqualification from driving a commercial motor vehicle;

7 (B) ~~while~~ While the person's driver license is suspended,  
 8 revoked, or canceled in any state; or

9 (C) For one (1) year after the end of:

10 (i) The disqualification under subdivision (c)(1)(A)  
 11 of this section; or

12 (ii) The suspension, revocation, or cancellation of  
 13 the person's license under subdivision (c)(1)(B) of this section.

14  
 15 SECTION 7. Arkansas Code § 27-23-111(b)(3), concerning the  
 16 endorsements and restrictions of a commercial driver license under the  
 17 Arkansas Uniform Commercial Driver License Act, is amended to read as  
 18 follows:

19 (3)(A) Endorsements are:

20 (i) "H" - authorizes the driver to drive a vehicle  
 21 transporting hazardous material;

22 (ii) "T" - authorizes driving double and triple  
 23 trailers;

24 (iii) "P" - authorizes driving vehicles carrying  
 25 passengers or carrying passengers for hire;

26 (iv) "N" - authorizes driving tank vehicles;

27 (v) "X" - represents a combination of hazardous  
 28 material and tank vehicle endorsements;

29 (vi) "M" - authorizes the driver to drive a  
 30 motorcycle; ~~and~~

31 (vii) "S" - authorizes the driver to operate a  
 32 school bus; and

33 (viii) "MD" - authorizes the driver to operate a  
 34 motor driven cycle.

35 (B) Restrictions are:

36 (i) "L" - no air brake-equipped commercial motor

1 vehicle;

2 (ii) "Z" - no full air brake-equipped commercial  
3 motor vehicle;

4 (iii) "E" - no manual transmission-equipped  
5 commercial motor vehicle;

6 (iv) "O" - no tractor-trailer commercial motor  
7 vehicle;

8 (v) "M" - no Class A passenger vehicle;

9 (vi) "N" - no Class A or Class B passenger vehicle;

10 (vii) "K" - for intrastate only; ~~and~~

11 (viii) "V" - indicates there is information about a  
12 medical variance on the commercial driver license record for commercial  
13 driver licenses issued on or after January 30, 2012, if the Office of Driver  
14 Services is notified according to 49 C.F.R. § 383.73(o), as in effect on  
15 January 1, 2013, that the driver has been issued a medical variance;

16 (ix) "P" - no passengers in a commercial motor  
17 vehicle bus;

18 (x) "W" - only seasonal farm service vehicles;

19 (xi) "X" - no cargo in commercial tank vehicle; and

20 (xii) "7" - only diesel fuel and fertilizer  
21 vehicles.

22 (C) The restrictions contained in subdivisions  
23 (b)(3)(B)(ix) and (xi) of this section apply only to commercial learner's  
24 permits.

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26 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that the receipt of federal highway  
28 funds by this state in the future is dependent upon the adoption of  
29 provisions of the Federal Motor Carrier Safety Regulations as provided in  
30 this act. Therefore, an emergency is declared to exist and this act being  
31 necessary for the preservation of the public peace, health, and safety is  
32 effective on and after May 18, 2015.

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