

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of Senate Bill No. 341

TO AMEND THE COMMERCIAL DRIVER ALCOHOL AND DRUG TESTING ACT TO COMPLY WITH
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS.

Amendment No. 1 to Senate Bill 341

Amend Senate Bill No. 341 as originally introduced:

Delete SECTION 4 in its entirety and substitute the following

"SECTION 4. Arkansas Code § 27-23-206 is amended to read as follows:

27-23-206. Maintenance Application of Clearinghouse and maintenance of information – Confidentiality.

~~(a)(1) The Office of Driver Services shall maintain the information provided under this section in a database to be known as the "Commercial Driver Alcohol and Drug Testing Database" for at least three (3) years.~~

~~(b) Notwithstanding any other provision of law to the contrary, personally identifying information of employees in the database is confidential and shall be released by the Office of Driver Services only as provided under § 27-23-207.~~

~~(c) The use of one (1) report generated from the database to establish noncompliance for the imposition of a penalty under § 27-23-209 shall not subject the contents of the entire database to disclosure.~~

Upon receipt of an application to issue, renew, transfer, or upgrade a commercial driver license or commercial learner permit, the Office of Driver Services shall request the driver's record from the Commercial Driver's License Drug and Alcohol Clearinghouse.

(2) If the query indicates that the driver is prohibited from operating a commercial motor vehicle, the application for a commercial driver license or commercial learner permit will be denied.

(3) A driver may resubmit his or her application to the office after complying with the Federal Motor Carrier Safety Administration's return-to-duty process, as set forth in 49 C.F.R. Part 40, Subpart O, as in effect on January 1, 2023.

(4) The office shall not approve an application unless a negative return-to-duty test result has been reported to the Commercial Driver's License Drug and Alcohol Clearinghouse.

(b)(1)(A) If the office is notified by the Federal Motor Carrier Safety Administration that a driver is prohibited from operating a commercial motor vehicle under 49 C.F.R. 382.501(a), as in effect on January 1, 2023,



the office shall revoke the driver's commercial driver license or commercial learner permit.

(B) A revocation under subdivision (b)(1)(A) of this section shall be effective immediately upon receipt of the notification from the Federal Motor Carrier Safety Administration.

(2) The revocation of the commercial driver license or commercial learner permit will result in a downgrade to a standard driver's license.

(3) The office shall complete and record the downgrade on the driver's record within sixty (60) days of notification from the Federal Motor Carrier Safety Administration.

(c) The office:

(1) Shall only use the information received from the Commercial Driver's License Drug and Alcohol Clearinghouse to determine a driver's qualifications to operate a commercial motor vehicle; and

(2) May not divulge or permit any other person or entity to divulge any information from the Commercial Driver's License Drug and Alcohol Clearinghouse to any person or entity not directly involved in determining a driver's qualifications to operate a motor vehicle."

The Amendment was read _____
By: Representative McClure
DTP/DTP - 03-14-2023 11:24:30
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Chief Clerk