

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Wooldridge

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A Bill

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."

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Subtitle

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

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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
27 minimum federal standards established by federal regulation enumerated in 49
28 C.F.R., part 383, sub-parts G. and H., and has satisfied all other
29 requirements imposed by state or federal law or regulation. The tests must be
30 prescribed by the Arkansas State Police and shall be conducted by the
31 Arkansas State Police or by a third party tester designated by the Arkansas
32 State Police under regulations promulgated as provided in this section.

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

1 training facility, or other private institution, or a department, agency, or
2 instrumentality of local government, to administer the skills test specified
3 by this section. These third party testing regulations shall provide as a
4 minimum that:

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

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

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

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

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

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

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

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

33 (2) The commercial driver instruction permit may not be issued
34 for a period to exceed six (6) months. Only one (1) renewal may be granted
35 within a one-year period. The holder of a commercial driver instruction

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

18 */s/Rep. Wooldridge*
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