

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 18

A Bill

SENATE BILL 11

5 By: Senators J. Bookout, Critcher
6 By: Representatives Bolin, Dickinson, Jackson
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8

For An Act To Be Entitled

10 AN ACT RELATING TO COMMERCIAL DRIVER LICENSE
11 QUALIFICATION STANDARDS REQUIRED FOR TESTING; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 COMMERCIAL DRIVER LICENSE QUALIFICATION
16 STANDARDS REQUIRED FOR TESTING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-23-108(a)(1), regarding the commercial
22 driver license qualifications standards for testing, as in effect until
23 January 1, 2005, is amended to read as follows:

24 (a)(1)(A) Testing. ~~No~~ To the extent permitted by federal law and
25 regulation, a person may be issued a commercial driver's license ~~unless only~~
26 if that person ~~is a resident of this state and~~ has:

27 (i) ~~passed~~ Passed a knowledge and skills test for
28 driving a commercial motor vehicle ~~which~~ that complies with minimum federal
29 standards established by federal regulation enumerated in 49 C.F.R., part
30 383, sub-parts G. and H.; and

31 (ii) ~~has satisfied~~ Satisfied all other requirements
32 imposed by state or federal law or regulation.

33 (B) The tests must be prescribed by the Department of
34 Arkansas State Police and shall be conducted by the Department of Arkansas
35 State Police or by a third party tester designated by the Department of
36 Arkansas State Police under regulations promulgated as provided in this



1 section.

2

3 SECTION 2. Arkansas Code § 27-23-108(a)(1), regarding the commercial
 4 driver license qualifications standards for testing, as in effect January 1,
 5 2005, is amended to read as follows:

6 (a)(1)(A) Testing. ~~No~~ To the extent permitted by federal law and
 7 regulation, a person may be issued a commercial driver's license unless only
 8 if that person is a resident of this state and has:

9 (i) ~~passed~~ Passed a knowledge and skills test for
 10 driving a commercial motor vehicle ~~which that~~ that complies with minimum federal
 11 standards established by federal regulation enumerated in 49 C.F.R., part
 12 383, sub-parts G. and H.; and

13 (ii) ~~has satisfied~~ Satisfied all other requirements
 14 imposed by state or federal law or regulation.

15 (B) The tests must be prescribed by the Department of
 16 Arkansas State Police and shall be conducted by the Department of Arkansas
 17 State Police or by a third party tester designated by the Department of
 18 Arkansas State Police under regulations promulgated as provided in this
 19 section.

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21 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 22 General Assembly of the State of Arkansas that the current residency
 23 requirement for administering a commercial driver's license was adopted to
 24 conform to federal regulatory requirements; that the Federal Motor Carrier
 25 Safety Administration (FMCSA) has since deemed this requirement to have
 26 placed an undue hardship on states and students who attend certified and
 27 licensed driver training schools in states other than where they reside; that
 28 the FMCSA does not regard this requirement as a safety issue that would
 29 jeopardize federal funding; that the FMCSA has indicated that future
 30 rulemaking will be promulgated to further clarify the education and testing
 31 of students who attend training schools in states other than where they live;
 32 that adoption is necessary to avoid placing an undue financial hardship on
 33 several Arkansas institutions of higher learning that currently provide
 34 educational training to students who enroll in Arkansas schools but reside in
 35 other states, as well as an economic hardship on Arkansas trucking companies
 36 that hire students subject to their completion of training at Arkansas

1 schools. Therefore, an emergency is declared to exist and this act being
2 immediately necessary for the preservation of the public peace, health, and
3 safety shall become effective on:

4 (1) The date of its approval by the Governor;

5 (2) If the bill is neither approved nor vetoed by the Governor,
6 the expiration of the period of time during which the Governor may veto the
7 bill; or

8 (3) If the bill is vetoed by the Governor and the veto is
9 overridden, the date the last house overrides the veto.

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