

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

*As Engrossed: S12/11/03*  
**A Bill**

Call Item 18

SENATE BILL 11

5 By: Senators J. Bookout, Critcher  
6 By: Representatives Bolin, Dickinson, Jackson  
7  
8

9 **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

14 **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 (C) The Department of Finance and Administration shall  
3 promulgate the rules to set the length of time the commercial driver's  
4 license is valid under this subdivision (a)(1).

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6 SECTION 2. Arkansas Code § 27-23-108(a)(1), regarding the commercial  
7 driver license qualifications standards for testing, as in effect January 1,  
8 2005, is amended to read as follows:

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

12 (i) ~~passed~~ Passed a knowledge and skills test for  
13 driving a commercial motor vehicle ~~which~~ that complies with minimum federal  
14 standards established by federal regulation enumerated in 49 C.F.R., part  
15 383, sub-parts G. and H.; and

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

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

23 (C) The Department of Finance and Administration shall  
24 promulgate the rules to set the length of time the commercial driver's  
25 license is valid under this subdivision (a)(1).

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27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the current residency  
29 requirement for administering a commercial driver's license was adopted to  
30 conform to federal regulatory requirements; that the FMCSA does not regard  
31 this requirement as a safety issue that would jeopardize federal funding;  
32 that the FMCSA has indicated that future rulemaking may be promulgated to  
33 further clarify the education and testing of students who attend training  
34 schools in states other than where they live; that adoption is necessary to  
35 avoid placing an undue financial hardship on several Arkansas institutions of  
36 higher learning that currently provide educational training to students who

1 enroll in Arkansas schools but reside in other states, as well as an economic  
2 hardship on Arkansas trucking companies that hire students subject to their  
3 completion of training at Arkansas schools. Therefore, an emergency is  
4 declared to exist and this act being immediately necessary for the  
5 preservation of the public peace, health, and safety shall become effective  
6 on:

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

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

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

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14 */s/ J. Bookout*  
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