

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H1/14/05 H1/21/05

# A Bill

HOUSE BILL 1077

5 By: Representative Jackson  
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## For An Act To Be Entitled

9 AN ACT TO ALLOW A PRIVATE DRIVER TRAINING  
10 FACILITY OR OTHER FACILITY TO ADMINISTER THE  
11 SKILLS TEST REQUIRED TO OBTAIN A COMMERCIAL  
12 DRIVER LICENSE; AND FOR OTHER PURPOSES.  
13

## Subtitle

15 AN ACT TO ALLOW A PRIVATE DRIVER  
16 TRAINING FACILITY OR OTHER FACILITY TO  
17 ADMINISTER THE SKILLS TEST REQUIRED TO  
18 OBTAIN A COMMERCIAL DRIVER LICENSE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 27-23-108(a)(2), concerning commercial  
24 driver license qualification standards, is amended to read as follows:

25 (2) The Department of Arkansas State Police shall, by  
26 regulations, authorize a person, including an agency of this state, an  
27 employer, a private driver training facility, other private institution, or a  
28 department, agency, or instrumentality of local government, to administer the  
29 skills test specified by this section. These third party testing regulations  
30 shall provide as a minimum that:

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

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

35 (iii) The Department of Arkansas State Police shall  
36 designate and provide to any third party testers the evidence to be used to



1 indicate to the state licensing agency that an applicant had successfully  
2 passed the skills test;

3 (iv) The eligibility to become a third party tester  
4 shall be open to qualified persons under the regulations at least twice  
5 annually; and

6 (v) The third party tester shall pay a third party  
7 testing administration fee as may be determined by the Director of the  
8 Department of Arkansas State Police to recover the costs of administering the  
9 testing program and examination distribution expenses.

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11 *SECTION 2. Arkansas Code § 27-23-114(h)(2), concerning commercial motor*  
12 *vehicle driving offenses and penalties, is amended to read as follows:*

13 (2)(A) *A person who violates this subsection (h) is guilty of a*  
14 *~~Class A misdemeanor~~ an unclassified offense and may be fined an amount not to*  
15 *exceed five thousand dollars (\$5,000) or imprisoned up to a year in jail, or*  
16 *both.*

17 (B) *Any fine collected under this subsection shall be*  
18 *remitted to the Administration of Justice Funds Section in the Department of*  
19 *Finance and Administration for deposit into the Department of Arkansas State*  
20 *Police Fund.*

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22 /s/ Jackson  
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