

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

A Bill

HOUSE BILL 2777

4
5 By: Representative Thyer
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For An Act To Be Entitled

9 AN ACT TO AMEND THE PERIODS OF DISQUALIFICATION
10 FROM OPERATING A COMMERCIAL MOTOR VEHICLE; TO
11 REPEAL ARKANSAS CODE § 27-23-128; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO AMEND THE PERIODS OF
15 DISQUALIFICATION FROM OPERATING A
16 COMMERCIAL MOTOR VEHICLE AND TO REPEAL
17 ARKANSAS CODE § 27-23-128.
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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 § 27-23-112(b), pertaining to the
24 disqualification and cancellation of a commercial driver license, is amended
25 to read as follows:

26 (b) Disqualification for major offenses. Depending upon the type of
27 vehicle a driver is operating at the time of the violation, a driver shall be
28 disqualified as follows:

29 (1) If a driver operates a motor vehicle and is convicted of
30 being intoxicated by drugs or alcohol as provided by § 5-65-103 or refusing
31 to submit to chemical testing as provided by § 5-65-202, the driver shall be
32 disqualified as follows:

33 (A) For a first conviction or refusal to be tested while
34 operating a commercial motor vehicle, a person required to have a commercial
35 driver license or a commercial driver license holder shall be disqualified
36 from operating a commercial motor vehicle for one (1) year;



1 (B) For a first conviction or refusal to be tested while
2 operating a noncommercial motor vehicle, a commercial driver license holder
3 shall be disqualified from operating a commercial motor vehicle for ~~one (1)~~
4 year one hundred eighty (180) days;

5 (C) For a first conviction or refusal to be tested while
6 operating a commercial motor vehicle transporting hazardous materials
7 required to be placarded under the Hazardous Materials Regulations, 49 C.F.R.
8 part 172, subpart F, a person required to have a commercial driver license
9 and a commercial driver license holder shall be disqualified from operating a
10 commercial motor vehicle for three (3) years;

11 (D) For a second conviction or refusal to be tested in a
12 separate incident of any combination of offenses in this section while
13 operating a commercial motor vehicle, a person required to have a commercial
14 driver license and a commercial driver license holder shall be disqualified
15 from operating a commercial motor vehicle for life; ~~and~~

16 (E) For a second conviction or refusal to be tested in a
17 separate incident of any combination of offenses in this section while
18 operating a noncommercial motor vehicle, a commercial driver license holder
19 shall be disqualified from operating a commercial motor vehicle for ~~life~~ two
20 (2) years;

21 (F) For a third conviction or refusal to be tested in a
22 separate incident of any combination of offenses in this section while
23 operating a noncommercial motor vehicle, a commercial driver license holder
24 shall be disqualified from operating a commercial motor vehicle for three (3)
25 years; and

26 (G) For a fourth conviction or refusal to be tested in a
27 separate incident of any combination of offenses in this section while
28 operating a noncommercial motor vehicle, a commercial driver license holder
29 shall be disqualified from operating a commercial motor vehicle for life;

30 (2) If a driver operates a motor vehicle and is convicted of
31 having a blood alcohol concentration in violation of § 27-23-114(a), the
32 driver shall be disqualified as follows:

33 (A) For a first conviction or refusal to be tested while
34 operating a commercial motor vehicle a person required to have a commercial
35 driver license and a commercial driver license holder shall be disqualified
36 from operating a commercial motor vehicle for one (1) year;

1 (B) For a first conviction or refusal to be tested while
2 operating a commercial motor vehicle transporting hazardous materials
3 required to be placarded under the Hazardous Materials Regulations, 49 C.F.R.
4 part 172, subpart F, a person required to have a commercial driver license
5 and a commercial driver license holder shall be disqualified from operating a
6 commercial motor vehicle for three (3) years; and

7 (C) For a second conviction or refusal to be tested in a
8 separate incident of any combination of offenses in this section while
9 operating a commercial motor vehicle, a person required to have a commercial
10 driver license and a commercial driver license holder shall be disqualified
11 from operating a commercial motor vehicle for life; and

12 (3) If a driver operates a motor vehicle and is convicted of
13 leaving the scene of an accident, the driver shall be disqualified as
14 follows:

15 (A) For a first conviction while operating a commercial
16 motor vehicle a person required to have a commercial driver license and a
17 commercial driver license holder shall be disqualified from operating a
18 commercial motor vehicle for one (1) year;

19 (B) For a first conviction while operating a noncommercial
20 motor vehicle, a commercial driver license holder shall be disqualified from
21 operating a commercial motor vehicle for one (1) year;

22 (C) For a first conviction while operating a commercial
23 motor vehicle transporting hazardous materials required to be placarded under
24 the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person
25 required to have a commercial driver license and a commercial driver license
26 holder shall be disqualified from operating a commercial motor vehicle for
27 three (3) years;

28 (D) For a second conviction in a separate incident of any
29 combination of offenses in this section while operating a commercial motor
30 vehicle, a person required to have a commercial driver license and a
31 commercial driver license holder shall be disqualified from operating a
32 commercial motor vehicle for life; and

33 (E) For a second conviction in a separate incident of any
34 combination of offenses in this section while operating a noncommercial motor
35 vehicle, a commercial driver license holder shall be disqualified from
36 operating a commercial motor vehicle for life;

1 (4) If a driver operates a motor vehicle and is convicted of
 2 using the vehicle to commit a felony other than one described in subdivision
 3 (b)(7) of this section, the driver shall be disqualified as follows:

4 (A) For a first conviction while operating a commercial
 5 motor vehicle a person required to have a commercial driver license and a
 6 commercial driver license holder shall be disqualified from operating a
 7 commercial motor vehicle for one (1) year;

8 (B) For a first conviction while operating a noncommercial
 9 motor vehicle, a commercial driver license holder shall be disqualified from
 10 operating a commercial motor vehicle for one (1) year;

11 (C) For a first conviction while operating a commercial
 12 motor vehicle transporting hazardous materials required to be placarded under
 13 the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person
 14 required to have a commercial driver license and a commercial driver license
 15 holder shall be disqualified from operating a commercial motor vehicle for
 16 three (3) years;

17 (D) For a second conviction in a separate incident of any
 18 combination of offenses in this section while operating a commercial motor
 19 vehicle, a person required to have a commercial driver license and a
 20 commercial driver license holder shall be disqualified from operating a
 21 commercial motor vehicle for life; and

22 (E) For a second conviction in a separate incident of any
 23 combination of offenses in this section while operating a noncommercial motor
 24 vehicle, a commercial driver license holder must be disqualified from
 25 operating a commercial motor vehicle for life;

26 (5) If a driver operates a motor vehicle and is convicted of
 27 driving a commercial motor vehicle when the driver's commercial driver
 28 license is revoked, suspended, or canceled or if the driver is disqualified
 29 from operating a commercial motor vehicle as a result of prior violations
 30 committed while operating a commercial motor vehicle, the driver shall be
 31 disqualified as follows:

32 (A) For a first conviction while operating a commercial
 33 motor vehicle, a person required to have a commercial driver license and a
 34 commercial driver license holder shall be disqualified from operating a
 35 commercial motor vehicle for one (1) year;

36 (B) For a first conviction while operating a commercial

1 motor vehicle transporting hazardous materials required to be placarded under
2 the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person
3 required to have a commercial driver license and a commercial driver license
4 holder shall be disqualified from operating a commercial motor vehicle for
5 three (3) years; and

6 (C) For a second conviction in a separate incident of any
7 combination of offenses in this section while operating a commercial motor
8 vehicle, a person required to have a commercial driver license and a
9 commercial driver license holder shall be disqualified from operating a
10 commercial motor vehicle for life;

11 (6) If a driver operates a motor vehicle and is convicted of
12 causing a fatality through the negligent operation of a commercial motor
13 vehicle, including, but not limited to, the crimes of murder, manslaughter,
14 and negligent homicide, the driver shall be disqualified as follows:

15 (A) For a first conviction while operating a commercial
16 motor vehicle, a person required to have a commercial driver license and a
17 commercial driver license holder shall be disqualified from operating a
18 commercial motor vehicle for one (1) year;

19 (B) For a first conviction while operating a commercial
20 motor vehicle transporting hazardous materials required to be placarded under
21 the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person
22 required to have a commercial driver license and a commercial driver license
23 holder shall be disqualified from operating a commercial motor vehicle for
24 three (3) years; and

25 (C) For a second conviction in a separate incident of any
26 combination of offenses in this section while operating a commercial motor
27 vehicle, a person required to have a commercial driver license and a
28 commercial driver license holder shall be disqualified from operating a
29 commercial motor vehicle for life; and

30 (7) If a driver operates a motor vehicle and is convicted of
31 using the vehicle in the commission of a felony involving manufacturing,
32 distributing, or dispensing a controlled substance in violation of § 5-64-
33 401, the driver shall be disqualified as follows:

34 (A) For a conviction while operating a commercial motor
35 vehicle a person required to have a commercial driver license and a
36 commercial driver license holder shall be disqualified from operating a

1 commercial motor vehicle for life and shall not be eligible for reinstatement
2 after ten (10) years; and

3 (B) For a conviction while operating a noncommercial motor
4 vehicle, a commercial driver license holder shall be disqualified from
5 operating a commercial motor vehicle for life and shall not be eligible for
6 reinstatement after ten (10) years.

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8 SECTION 2. Arkansas Code § 27-23-128 is repealed.

9 ~~27-23-128. Deferment of sentence—Restrictions. [Effective January 1,~~
10 ~~2005.]~~

11 ~~No circuit or district court judge may utilize the provisions of §§ 5-~~
12 ~~4-311, 5-4-321, or 16-93-301—16-93-303 or any other program to defer~~
13 ~~imposition of sentence in instances where the defendant holds a commercial~~
14 ~~driver license and is charged with violating any state or local traffic law~~
15 ~~other than a parking violation.~~

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