

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 2200

4  
5 By: Representatives Copenhaver, Catlett

## For An Act To Be Entitled

8 AN ACT TO BRING COMMERCIAL DRIVERS' LICENSE  
9 REQUIREMENTS INTO COMPLIANCE WITH FEDERAL LAW; AND  
10 FOR OTHER PURPOSES.

## Subtitle

14 TO BRING COMMERCIAL DRIVERS' LICENSE  
15 REQUIREMENTS INTO COMPLIANCE WITH FEDERAL  
16 LAW.

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

21 SECTION 1. Arkansas Code § 27-23-108 is amended to read as follows:  
22 27-23-108. Commercial driver license qualification standards.

23 (a)(1)(A) Testing. To the extent permitted by federal law and  
24 regulation, a person may be issued a commercial driver license only if that  
25 person has:

26 (i) Passed a knowledge and skills test for driving a  
27 commercial motor vehicle that complies with minimum federal standards  
28 established by federal regulation enumerated in 49 C.F.R., part 383, sub-  
29 parts G. and H., ; 49 C.F.R. § 383.79, and uses a Federal Motor Carrier  
30 Safety Administration pre-approved state-to-state system that meets the  
31 minimum requirements compatible with the American Association of Motor  
32 Vehicle Administrators 2005 Commercial Driver's License Test System as in  
33 effect on January 1, 2013; and

34 (ii) Satisfied all other requirements imposed by  
35 state or federal law or regulation.

36 (B) The tests must be prescribed by the Department of



1 Arkansas State Police and shall be conducted by the Department of Arkansas  
 2 State Police or by a third party tester designated by the Department of  
 3 Arkansas State Police under regulations promulgated as provided in this  
 4 section.

5 (C) The Department of Finance and Administration shall  
 6 promulgate the rules to set the length of time the commercial driver license  
 7 is valid under this subdivision (a)(1).

8 (2) The Department of Arkansas State Police shall, by  
 9 regulations, authorize a person, including an agency of this state, an  
 10 employer, a private driver training facility, another private institution, or  
 11 a department, agency, or instrumentality of local government, to administer  
 12 the skills test specified by this section. These third party testing  
 13 regulations shall provide as a minimum that:

14 (i) The test is the same ~~which~~ test that would  
 15 otherwise be administered by the state;

16 (ii) The third party shall enter into an agreement  
 17 with the state which complies with requirements of 49 C.F.R., §§ 383.75,  
 18 384.228, and 384.229;

19 (iii) The Department of Arkansas State Police shall  
 20 designate and provide to any third party testers the evidence to be used to  
 21 indicate to the state licensing agency that an applicant ~~had~~ has successfully  
 22 passed the skills test;

23 (iv) The eligibility to become a third party tester  
 24 shall be open to qualified persons under the regulations at least twice  
 25 annually provided there are sufficient numbers of qualified persons to  
 26 conduct classes; and

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

31 (b)(1) Waiver of Skills Test. The Department of Arkansas State Police  
 32 may waive the skills test specified in this section for a commercial driver  
 33 license applicant who ~~meets the requirements of 49 C.F.R., § 383.77~~ is an  
 34 eligible driver with military commercial motor vehicle experience.

35 (2)(A) As used in this subdivision (b)(2), "valid military  
 36 commercial driver's license" means ~~any~~ a commercial driver license that is

1 recognized by ~~any~~ a active or reserve component of ~~any~~ a branch or unit of  
 2 the armed forces of the United States as currently being valid or as having  
 3 been valid at the time of the applicant's separation or discharge from the  
 4 military that occurred within the twelve-month period prior to the date of  
 5 application to the Office of Driver Services for a commercial driver license.

6 (B) The Department of Arkansas State Police shall waive  
 7 the skills test specified in this section for any commercial driver license  
 8 applicant who:

9 (i) Possesses a valid military commercial driver's  
 10 license; and

11 (ii) Signs the application for a commercial driver  
 12 license certifying that the applicant's driving privileges have not been  
 13 suspended, revoked, or canceled and that the applicant has not had a  
 14 conviction for any disqualifying offense as described in § 27-23-112.

15 (C) The Department of Arkansas State Police shall:

16 (i) Indicate on the application for a commercial  
 17 driver license the class of license and any endorsements for which the  
 18 applicant has successfully completed the knowledge requirements; and

19 (ii) Return the application for a commercial driver  
 20 license, along with the military commercial driver's license, to the ~~office~~  
 21 Office of Driver Services for the issuance of the commercial driver license.

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

32 (d) Commercial Driver Instruction Permit.

33 (1) A commercial driver instruction permit ~~may~~ shall be issued by  
 34 the Department of ~~Arkansas State Police~~ Finance and Administration to an  
 35 individual who holds a valid driver license.

36 (2) The commercial driver instruction permit may not be issued

1 for a period to exceed six (6) months. Only one (1) renewal may be granted  
2 within a one-year period. The holder of a commercial driver instruction  
3 permit may drive a commercial motor vehicle on a highway only when  
4 accompanied by the holder of a commercial driver license valid for the type  
5 of vehicle driven who occupies a seat beside the individual for the purpose  
6 of giving instruction in driving the commercial motor vehicle.

7 (3) Upon expiration of the commercial driver instruction permit,  
8 a person seeking to obtain a subsequent commercial driver instruction permit  
9 shall retake the commercial driver's license knowledge tests.

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