

# ARKANSAS REGISTER



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90 APR 16 PM 1:35

## Transmittal Sheet

W.J. "BILL" McCuen  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

BY \_\_\_\_\_

W.J. "Bill" McCuen  
Secretary of State  
State Capitol  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date 5-6-90 Code Number 006.05.90--003

Name of Agency Department of Finance and Administration

Department Division of Revenue

Contact Person Cora L. Gentry Telephone 682-7030

Statutory Authority for Promulgating Rules \_\_\_\_\_

Ark. Code Ann. 25-15-201 et seq.

Intended  
Effective Date

Legal Notice Published

Date  
2/22/90, 3/1/90  
& 3/8/90

☐ Emergency

Final Date for Public Comment 3-15-90

☒ 20 Days  
After Filing

Filed With Legislative Council 3-5-90

Reviewed by Legislative Council 4-16-90

☐ Other

Adopted by State Agency 5-7-90

## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance With Act 434 of 1967 As Amended.

Cora L. Gentry  
SIGNATURE

Revenue Legal Counsel

TITLE

April 16, 1990  
DATE

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DRIVER SERVICES REGULATION 1990-90 APR 16 PM 1:35

Classified Driver LicenseW.J. "BILL" MCCOY  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

Pursuant to his authority under Ark. Code Ann. §25-15-201 et. seq (1987) and Act 241 of 1989 and Act 707 of 1989 the Commissioner of Revenue for the State of Arkansas does hereby promulgate the following regulation. This regulation is to be read in conjunction with previous regulations and laws of the Department and this State.

- (a) EFFECTIVE DATE. The effective date of the Regulation is May 7, 1990.
- (b) "COMMERCE" DEFINED. - Commerce shall mean both interstate and intrastate trade, traffic and transportation in or through the State of Arkansas, or any combination thereof. School buses, church buses and local delivery trucks are examples of intrastate traffic which come within the definition of commerce.
- (c) "SERIOUS TRAFFIC VIOLATION" DEFINED. - Serious Traffic Violation shall mean:
- (1) Improper or erratic traffic lane changes.
  - (2) Following the vehicle ahead too closely.
  - (3) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit.
  - (4) Driving any vehicle in such a manner as to indicate a wanton disregard for the safety of persons or property. (Reckless Driving)
  - (5) Failing to immediately stop at the scene of an accident resulting in injury to, or death of, any person, or failing the duty to give information and render aid in an accident resulting in injury to, or death of, any person, as required by Ark. Code Ann. §27-53-101(1989 Supp.) and Ark. Code Ann. §27-53-103(1987) respectively.
  - (6) Operating or physically controlling a motor vehicle while intoxicated as defined under the requirements of Ark. Code Ann. §5-65-103(1987).

- (7) A violation of any state law or local ordinance relating to motor vehicle traffic, other than a parking violation, arising in connection with an accident or collision resulting in the death of any person.
- (d) NON-RESIDENT COMMERCIAL DRIVER LICENSE APPLICATION.
- All non-resident Commerical Driver License applications must be made in person at the Office of Driver Services, Ledbetter Building, Seventh and Wolfe Streets, Little Rock, Arkansas.
- (e) CLASS "D" PASSENGER ENDORSEMENT.
- On or after May 1, 1990, any person obtaining a Class "D" license, who is employed for the express purpose of carrying passengers in a Class "D" vehicle shall be required to obtain a Passenger Endorsement. No test or additional fees shall be required to obtain a Passenger Endorsement on a Class "D" license. Provided, any person who chooses to add the Passenger Endorsement at any time other than renewal or original application shall be charged a \$5.00 duplicate fee.
- (f) RENEWAL DATE ADJUSTMENT.
- (1) The Office of Driver Services shall periodically review the license population and make reasonable adjustments to approximate a 25% renewal rate each fiscal year. Effective January 1, 1990 the Office of Driver Services shall make all renewal dates fall on the licensee's date of birth. The term of each license shall be adjusted so as to insure that approximately 25% of the licenses are renewable each year and the fee shall be prorated accordingly.
- (2) Between January 1, 1990, and March 31, 1992, no person operating a commercial motor vehicle under a Chauffeur or For-Hire Chauffeur license will be allowed to apply for a Commercial Driver License more than sixty (60) days prior to the expiration of that license, unless the person is aplying for the Commercial Driver License as a member of an organization, which employs ten (10) or more drivers, and the organization has scheduled to have all of the drivers apply for a Commercial Driver License at the same time.

- (3) After March 31, 1992, no driver license of any type will be renewed more than one (1) year prior to the expiration date of the current license.

(g) DISQUALIFICATION OFFENSES.

- (1) Any person shall be disqualified from driving a commercial motor vehicle for a period of not less than one (1) year if convicted of a first violation of:
- (A) Driving a commercial motor vehicle while intoxicated;
  - (B) Driving a commercial motor vehicle while the person's blood alcohol concentration is 0.04% or more.
  - (C) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;
  - (D) Using a commercial motor vehicle in the commission of any felony as defined in this act;
  - (E) Refusal to submit to a test to determine the driver's blood alcohol concentration while driving a commercial motor vehicle.
- (2) If any of the violations listed in (g)(1) above occurred while transporting a hazardous material required to be placarded under 49 C.F.R., part 172, sub-part F, the person shall be disqualified from driving a commercial motor vehicle for a period of not less than three (3) years.
- (3) Any person convicted of two (2) "serious traffic violations", committed in a commercial motor vehicle, arising from separate incidents occurring within a three (3) year period, shall be disqualified from driving a commercial motor vehicle for a period of not less than sixty (60) days.
- (4) A person convicted of three (3) "serious traffic violations", committed in a commercial motor vehicle, arising from separate incidents occurring within a three (3) year period, shall be disqualified from driving a commercial motor vehicle for a period of not less than one hundred twenty (120) days.

- (5) Any person convicted of two (2) or more violations of any of the offenses specified in (g)(1) above shall be disqualified from driving a commercial motor vehicle for life. The offenses must arise from separate incidents which were committed after January 1, 1990.

(h) REQUALIFICATION CONDITIONS.

- (1) Upon the expiration of ten (10) years following a lifetime disqualification, the Office of Driver Services may requalify a person for a Commercial Driver License if all of the following conditions are met:
- (A) Verify a dire need for the Commercial Driver License; or a loss of livelihood by innocent persons.
  - (B) Has not been convicted of a traffic offense involving the operation of a commercial vehicle within the previous ten (10) years.
  - (C) Has not been convicted of a "serious traffic violation" involving the operation of any vehicle within the previous three (3) years.
  - (D) Pass all appropriate portions of the Commercial Driver License test and pay all fees required.
- (2) When a person desires to be requalified for a commercial driver license, that person shall have the right to petition the Department for a hearing.
- (A) The purpose of the hearing shall be to determine if the requalification conditions have been met.
  - (B) Upon completion of the hearing, the Department shall notify the applicant in writing whether the requalification conditions have been met. The Department shall maintain a written statement of the finding in the licensee's record.

(i) TEMPORARY LICENSE.

A temporary commercial driver permit, not to exceed 60 days, may be issued to a commercial driver license applicant whose license has expired, or is about to expire, and who must be retested as provided for in the Arkansas Uniform Commercial Driver License Act, Ark. Code Ann. §27-23-101 et. seq.(1989 Supp.).

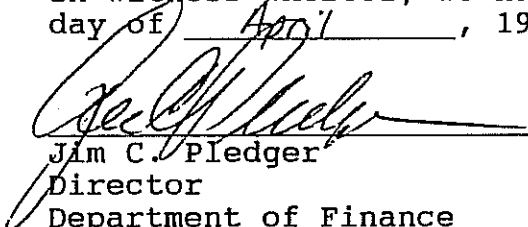
(1) Any person applying for the temporary commercial driver permit under this section shall:

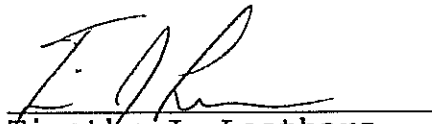
(A) Have made application for a Commercial Driver License, and

(B) Be within 30 days of the expiration of their current driver license.

(2) The applicant must pay a fee of \$10.00 upon application for such temporary permit. Such permit shall become invalid when the applicants Commercial Driver License is issued, or if the Commercial Driver License is refused for good cause, or if the applicant's driving privilege is suspended, revoked or canceled.

In witness whereof, we have hereunto set our hands this 16<sup>th</sup> day of April, 1990.

  
Jim C. Pledger  
Director  
Department of Finance  
and Administration

  
Timothy J. Leathers  
Commissioner  
Revenue Division  
Department of Finance  
and Administration