

ARKANSAS REGISTER



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

BY _____
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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 A.C.A. 25-15-201 et. seq

Intended
Effective Date

Date

Legal Notice Published 5/23 & 6/7/92

☐ Emergency

Final Date for Public Comment 6/12/92 -

☒ 20 Days
After Filing

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Reviewed by Legislative Council ---

☐ Other

Adopted by State Agency 7/1/92

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

Attorney
TITLE

June 12, 1992
DATE

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AR. REGISTER DIV.REGULATION 1992-2
DRIVER SERVICES
RESTRICTED COMMERCIAL DRIVERS LICENSE

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 July 1, 1992.
- (B) "Restricted Commercial Driver License" Defined - Restricted Commercial Driver's License shall mean a license issued in accordance with §CFR 383 as amended, to seasonal drivers of: (a) farm retail outlets and suppliers; (b) agri-chemical businesses; (c) custom harvesters and (d) livestock feeders.
- (C) "Season" Defined - A Season shall mean any 180 days within a 12-month period, but shall not be broken down in increments other than calendar months. An example of a season is: March through May and October through December.

"12 Month Period" Defined - 12 month period shall mean the 12 months beginning with the month of validation for a Restricted CDL.

(D) Valid Restricted CDL Classes

Restricted CDL holders shall be limited to operating class B or C vehicles as described in 49 CFR 383. Provided, that a holder of a class B or C Restricted CDL is also authorized to operate any class D non-commercial vehicle.

(E) 150 Mile Limit

Any person who holds a Restricted CDL shall not operate a commercial motor vehicle beyond 150 miles from the place of business or farm currently being served.

(F) Restricted CDL Fee

The fee for a Restricted CDL shall be the same as for an unrestricted CDL.

(G) Applicant Certifications

Every applicant for Restricted CDL must certify to "a good driving record" as found in 49 CFR 383 as amended. False certifications will result in cancellation of the license.

The "good driving record" criteria are:

- (1) No multiple licenses;
- (2) No driver's license suspensions, revocations, or cancellations of any kind;
- (3) No convictions in any type of motor vehicle for driving under the influence of alcohol or drugs, leaving the scene of an accident, or committing any felony involving a motor vehicle;
- (4) No convictions whatsoever in any type of motor vehicle for "serious traffic violations" (i.e., speeding at 15 miles per hour greater than the posted limit; reckless driving; improper or erratic lane changes; following too closely); this represents a higher standard than that required in 49 CFR 383.77(a); and
- (5) No convictions for accident-connected traffic law violations, and no record of at-fault accidents.

(H) Endorsements

Any Restricted CDL applicant may apply for and receive, without test, any CDL endorsement (H,T,N,X), except P (passenger). Applicants who need the passenger endorsement for a commercial motor vehicle must apply for a regular unrestricted CDL and pass the appropriate exams.

Provided that the H endorsement on a Restricted CDL shall restrict the driver to transport not more than 1000 gallons of diesel fuel; not more than 3,000 gallons of liquid fertilizer; or solid fertilizer that are not mixed with any organic substance.

(I) Revalidation

Each Restricted CDL shall be issued for the same time period as a regular CDL (4 years). However, each Restricted CDL must be revalidated by the Department prior to each Commercial Motor Vehicle (CMV) season by means of

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confirmation of the driver's good driving record as set out by the amended portions of 49 CFR 383.2. Such revalidation shall require a new Restricted CDL to be issued showing the new CMV season and a duplicate fee shall be charged. No revalidation for a new season shall be allowed until 12 months from the month of the last validation have passed.

(J) Changing Seasons

Once a Restricted CDL holder has his license he may change his entire season or any unused part of his season anytime within the 12 months following the last validation of his Restricted CDL, provided that his total season shall not be in excess of 180 days within the 12-month period. Any such change of season will require a new license to be issued and duplicate fee shall be charged.

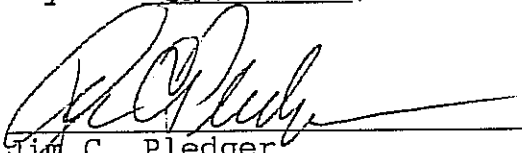
(K) Revocation For Unauthorized Use


Use of the Restricted CDL in activities not related to employment of the designated industries enumerated in part (B) of these regulations shall be grounds for the revocation of the Restricted CDL.

(L) Requirements, Sanctions Same as Unrestricted CDL

With the exception of knowledge and skills tests, the issuance of a Restricted CDL shall impose the same requirements and sanctions on the licensee and employer as would be on an unrestricted CDL.

In witness whereof, we have hereunto set our hands this 12th
day of June, 1992.


Jim C. Pledger
Director
Department of Finance
and Administration


Tim Leathers
Commissioner
Revenue Division
Department of Finance
and Administration