

CDL Law

27-16-207. Vehicles.

(a) Farm tractor means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(b) Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(c) School bus means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(d) Vehicle means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

27-23-107. Commercial driver license required.

(a) Except when driving under a commercial driver instruction permit and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds a commercial driver license with the applicable endorsements valid for the vehicle being driven and is in immediate possession of their commercial driver license when driving a commercial motor vehicle.

(b) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or cancelled, while subject to a disqualification, or in violation of an out-of-service order.

(c) Any person who violates any provisions of this section shall be cited for such violations and if found guilty shall be deemed to have committed a Class C misdemeanor.

27-23-119. Exemption regulations.

In the event that it shall be determined by federal regulation that certain classes of drivers shall be exempt from the application of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Pub. L. 99-570, Title XII, the State Highway Commission shall have the authority to and shall promulgate rules and regulations to exempt those certain classes of drivers from the application of this subchapter.

MINUTE ORDER

District: Statewide

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County: Statewide

Category: Commission Policy

WHEREAS, Arkansas Code Annotated § 27-23-119 provides that regulations authorizing any waivers of commercial drivers licenses shall be formally adopted; and

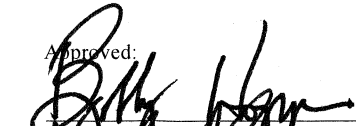
WHEREAS, the Arkansas State Highway Commission is the agency responsible for making and promulgating such regulations; and

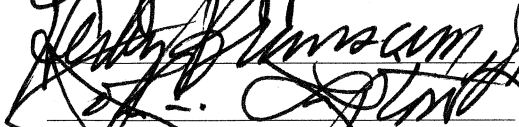
WHEREAS, the Commission by Minute Order 90-063, adopted March 14, 1990, established "Commercial Drivers License Regulations" which waived such licensing requirements for certain classes of drivers; and


WHEREAS, the Federal Highway Administration recently adopted regulations which permit the enlargement of those classes of drivers to include drivers employed by eligible units of local government operating commercial motor vehicles for the purposes of removing snow or ice from a roadway; and


NOW THEREFORE, the Arkansas State Highway Commission hereby revises the "Commercial Drivers License Regulations" adopted by Minute Order 90-063 and establishes and adopts the attached "Commercial Driver License Regulations."


Approved:


 _____ Chairman


 _____ Vice-Chairman


 _____ Member

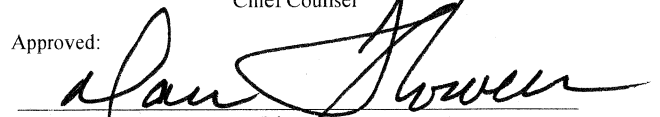

 _____ Member


 _____ Member

Submitted By:


 _____ Chief Counsel

Approved:


 _____ Director

Minute Order No. 97 130

Date Passed AUG 6 1997

Leg.

COMMERCIAL DRIVER LICENSE REGULATIONS

The following regulations pertaining to the waiver of the commercial driver license requirement for certain classes of drivers are made, adopted and promulgated by the Arkansas State Highway Commission.

Commercial Driver Licenses will not be required for:

(A) Operators of a farm vehicle:

- (i) used to transport agricultural products, farm machinery, or farm supplies to or from a farm;
- (ii) not used in the operation of a common or contract motor vehicle;
- (iii) used within 150 miles of the person's farm; and
- (iv) controlled and operated by a farmer.

"Farm vehicle" shall include a vehicle operated by a person in the employ of a farmer to the extent that the operator is not under contract or providing for-hire services to the farmer.

(B) Operators of emergency or fire equipment which is:

- (i) (a) necessary for the preservation of life or property, or
 - (b) necessary for the execution of emergency governmental functions performed under emergency conditions;
- (ii) are not subject to normal traffic regulations;
- (iii) equipped with audible or visual signals; and
- (iv) operated by a person in the employ of a volunteer or paid fire organization

(C) Operators of equipment owned or operated by the Department of Defense.

The waiver applies to:

- (i) any active duty military personnel;
- (ii) members of the various armed forces, reserves, and national guard on active duty, including personnel on part-time training; and

- (iii) National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice).

(D) A driver, employed by an eligible unit of local government, operating a vehicle for the purposes of removing snow or ice from a roadway by plowing, sanding or salting if:

- (i) the unit of local government (city, town, county, district, or other public body created by or pursuant to Arkansas law) has a total population of 3,000 individuals or less; and
- (ii) the vehicle is operated within the boundaries of that local government; and
- (iii) (a) the properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle; or
(b) the employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.