

**DIVISION OF THE ARKANSAS STATE POLICE**  
**NON-COMMERCIAL DRIVER'S LICENSE TESTING RULES**

**Non-Commercial Driver's License Testing Rule 1.**

In the event that a person does not successfully complete the knowledge portion of the test for an Arkansas Learner's Permit, Learner's License or Intermediate Driver's License, there shall be a five (5) calendar day waiting period before they will be allowed to re-test.

**Non-Commercial Driver's License Failing Skill Testing Rule 2.**

SECTION 1: PURPOSE The purpose of these Rules is to define driver's license skill testing offenses and penalties for a failed exam as provided by Ark. Code Ann. §27-16-705(c).

SECTION 2: AUTHORITY These rules are promulgated pursuant to the authority of the Director of the Division of the Arkansas State Police (Division) under Ark. Code Ann. § 27-16-705(c) and §§ 25-15-201, et seq.

SECTION 3: DEFINITIONS A person fails the driver's license skill test for a non-serious or serious offense; the person committed an offense of:

A. Non-Serious Offense(s): First Occurrence with Warning

- i. Improper Backing (1st Offense) ACA § 27-50-408(e)(16)
- ii. Improperly Entering the Roadway (1st Offense) ACA § 27-51-401
- iii. Failure to Obey Stop Sign (Incomplete Stop, 1st Offense) ACA § 27-50-408(e)(9)
- iv. Other Signs (School Zone and Speed Limit) ACA § 27-50-408(e)(9)
- v. Inattentive Driving (1st Offense) ACA §27-51-104(b)(8)
- vi. Improper Turns (Wide or Fast, 1st Offense) ACA § 27-50-408(e)(20)
- vii. Following Too Closely (1st Offense) ACA § 27-51-305
- viii. Improper Lane Usage/Lane Change (1st Offense) ACA § 27-50-408(e)(17) & § 27-51-104(b)(1)

B. Serious Offense(s): Second Occurrence or Automatic Failure

- i. Failure to Obey Stop Signs (Ran Stop) ACA § 27-50-408(e)(9)
- ii. General Control ACA § 27-51-104(b)(6)
- iii. Improper Lane Usage/Lane Change (2nd Offense) ACA § 27-50-408(e)(17) & § 27-51-104(b)(1)
- iv. Going the Wrong Way ACA § 27-50-408(e)(13)
- v. Failure to Yield to Oncoming Traffic ACA § 27-51-601
- vi. Inattentive Driving (2nd Offense) ACA § 27-51-104(b)(8)
- vii. Improper Use of Signals ACA § 27-51-403(b)
- viii. Improper Turns ACA § 27-50-408(e)(20)
- ix. Following Too Closely (2nd Offense) ACA § 27-51-305
- x. Failure to Obey Speed Control ACA §27-50-408(e)(24)
- xi. Failure to Obey Traffic Lights (Ran Red Light) ACA § 27-50-408(e)(9)
- xii. Failure to Obey Other Signs (Yield, Railroad Crossing, Pedestrian Crossing) ACA § 27-50-408(e)(9)
- xiii. Improper Backing (2nd Offense) ACA § 27-50-408(e)(16)
- xiv. Entering Roadway (2nd Offense) ACA § 27-51-401
- xv. Failure to Obey Stop Signs (Rolled Stop 2nd) ACA § 27-50-408(e)(9)

C. Serious Offense: Automatic Failure

- i. Passing Stopped School Bus with its Lights Flashing ACA § 27-51-1004
- ii. Failed to Yield for an Emergency Vehicles using its flashing lights ACA § 27-51-901
- iii. Improperly passing of Stopped Law Enforcement Vehicle on the highway with lights flashing ACA § 27-51-310
- iv. Improper Parking in Handicapped Parking Space ACA § 27-15-305

- v. Applicant Drove the Vehicle to the Testing Site without a Licensed Driver ACA § 27-16-602
- vi. Violation of the Arkansas Cell Phone Law ACA § 27-51-1607
- vii. Accident (At Fault)

#### SECTION 4: PROCEDURES

A. Any person violating any portion of Section 3(A) of these Rules on the first offense will receive a verbal warning

B. Any person violating any portion of Section 3(B) of these Rules on the second offense will receive a two (2) week penalty unless the violation warrants an automatic failure.

C. Any person violating any portion of Section 3(C) of these Rules will receive a mandatory thirty (30) day penalty.

D. The Department will electronically record all offenses and penalties.

SECTION 5: EFFECTIVE DATE The effective date of this Rule is January 1, 2015.

SECTION 6: SEVERABILITY Any section or provision of these Rules held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of these Rules.