

Stricken language would be deleted from and underlined language would be added to present law.
Act 702 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/9/15
A Bill

HOUSE BILL 1613

By: Representative Hickerson

By: Senator Hickey

For An Act To Be Entitled

AN ACT TO CREATE A DRIVER MONITORING PROGRAM TO BE ADMINISTERED BY THE OFFICE OF DRIVER SERVICES; TO AUTHORIZE THE OFFICE OF DRIVER SERVICES TO MONITOR CERTAIN DRIVER RECORDS AND FURNISH DRIVER MONITORING REPORTS; TO ESTABLISH APPROPRIATE FEES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A DRIVER MONITORING PROGRAM ADMINISTERED BY THE OFFICE OF DRIVER SERVICES; AND TO AUTHORIZE THE OFFICE OF DRIVER SERVICES TO FURNISH DRIVER MONITORING REPORTS.

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

SECTION 1. Arkansas Code § 27-23-118(b) and (c), concerning distribution of fees collected under the Arkansas Uniform Commercial Driver License Act, are amended to read as follows:

(b) The fee set out in § ~~27-23-117(b)~~ 27-23-117(2) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Four dollars (\$4.00) of the fee shall be deposited to the credit of the ~~division in the fund~~ Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be ~~distributed in the manner set forth in § 27-50-910~~ deposited to the credit of



the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(c) The fee set out in ~~§ 27-23-117(e)~~ § 27-23-117(3) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) One dollar (\$1.00) of the fee shall be deposited to the credit of the ~~division in the fund~~ Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be ~~distributed in the manner set forth in § 27-50-910~~ deposited to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

SECTION 2. Arkansas Code § 27-50-906(a)(7)(B), concerning notice and information provided to a driver that the driver's record has been reported, is amended to read as follows:

(B)(i) ~~No~~ A driver's record shall not be reported to any individual except duly authorized officials of the office unless a copy of the report and the name of the individual or organization that received the report are sent to the driver named in the report.

(ii) The notice and information required by subdivision (a)(7)(B)(i) need not be sent when a driver monitoring report is furnished under § 27-50-912; and

SECTION 3. Arkansas Code § 27-50-906(a)(8)(B), concerning the additional fee for the electronic transmission of a driver's license status report, is amended to read as follows:

(B) The Information Network of Arkansas may charge an additional fee under the Information Network of Arkansas Act, § 25-27-101 et seq., for the service of transmitting this information electronically.

SECTION 4. Arkansas Code § 27-50-906(c)(2), concerning the fee charged by the Information Network of Arkansas for electronically transmitting a driver confirmation record, is amended to read as follows:

(2) The network may charge an additional fee under the

Information Network of Arkansas Act, § 25-27-101 et seq., for the service of transmitting this information electronically.

SECTION 5. Arkansas Code § 27-50-910 is repealed.

~~27-50-910. Disposition of funds.~~

~~Moneys collected under the provisions of this subchapter shall be special revenues and deposited into the State Treasury to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.~~

SECTION 6. Arkansas Code Title 27, Chapter 50, Subchapter 9, is amended to add an additional section to read as follows:

27-50-912. Driver monitoring program – Reports.

(a) As used in this section:

(1) "Driver monitoring report" means a report issued by the Office of Driver Services to an insurer, under a written agreement between the office and the insurer, that indicates whether a driver has had a traffic violation or accident during the previous month; and

(2) "Insurer" means:

(A) An insurance company licensed to do business in this state; or

(B) The authorized agent of an insurance company licensed to do business in this state.

(b) The office shall establish a driver monitoring program to monitor and report the driving records of individuals at the request of an insurer.

(c) The office may enter into a written agreement with an insurer to monitor the driver record of persons holding an Arkansas driver's license and provide a monthly driver monitoring report for each insured or driver monitored. The office may cancel this agreement at any time.

(d) The driver monitoring report shall:

(1) Indicate whether a violation is posted to the official driver record during the previous month.

(2) Not identify the specific violation or violations posted on the driver record; and

(3) Be used by an insurer solely to evaluate the driving record of current policy holders for re-underwriting purposes.

(e) The office is not required to provide the notice and information required by § 27-50-906(a)(7)(B) when issuing a driver monitoring report.

(f)(1) The office may charge a monthly fee of not less than twelve cents (12¢) and not more than nineteen cents (19¢) for each insured monitored.

(2) The office authorizes that one cent (1¢) of the revenues from subdivision (f)(1) of this section shall be special revenues and deposited into the State Treasury to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(3) The remaining revenues derived from subdivision (f)(1) of this section shall be deposited into the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration.

(4) The Information Network of Arkansas may charge insurers or their agents an additional fee under the Information Network of Arkansas Act, § 25-27-101 et seq., for transmitting a driver monitoring report electronically.

(g) The insurer is required to purchase a driving record pursuant to 27-23-117(3) for any monitored insured or driver when the driver monitoring report indicates a violation has been posted to the driver's record during the previous month.

SECTION 7. EFFECTIVE DATE. This act is effective on and after January 1, 2016.

/s/Hickerson

APPROVED: 03/25/2015