

Stricken language would be deleted from and underlined language would be added to present law.
Act 261 of the Regular Session

State of Arkansas *As Engrossed: H2/15/23 H2/20/23 S2/28/23*
94th General Assembly **A Bill**
Regular Session, 2023

HOUSE BILL 1244

By: Representatives Achor, Pilkington, Hawk

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF
AND APPLICATION FOR A DIGITIZED DRIVER'S LICENSE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ISSUANCE
OF AND APPLICATION FOR A DIGITIZED
DRIVER'S LICENSE.

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

SECTION 1. Arkansas Code § 27-16-601 is amended to read as follows:

27-16-601. Driver's license to be carried and exhibited on demand.

(a) A licensee shall have his or her driver's license ~~or a digital copy of the driver's license provided by the Office of Driver Services under § 27-16-801~~ in his or her immediate possession at all times when operating a motor vehicle and shall display the driver's license ~~or a digital copy of the driver's license~~ upon demand of a justice of the peace, a peace officer, or an employee of the Office of Driver Services.

(b) No person charged with violating this section shall be convicted if he or she produces in court a driver's license issued to him or her and valid at the time of his or her arrest.

SECTION 2. Arkansas Code § 27-16-801(a)(6), concerning the issuance of a driver's license, is repealed.

~~*(6)(A) The Office of Driver Services may offer an applicant with*~~



~~a valid Arkansas driver's license an additional option to view a digital copy of his or her driver's license on a mobile device or personal computer upon payment of ten dollars (\$10.00).~~

~~(B) The digital copy of the driver's license shall be available for view at any time until the expiration of the driver's license issued under subdivision (a)(1) of this section.~~

SECTION 3. Arkansas Code § 27-16-801(d), concerning the issuance of a driver's license, is amended to read as follows:

~~(d)(1) Except as provided in subdivision (d)(2) of this section, all~~ All license fees collected under subsection (a) of this section shall be cash funds restricted in their use and shall be deposited into a bank selected by the Division of Arkansas State Police to the credit of the Division of Arkansas State Police Financing Fund.

~~(2) The fees collected under subdivision (a)(6)(A) of this section shall be deposited into the State Treasury to the credit of the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to defray the cost of administering a digital copy of a driver's license under subdivision (a)(6) of this section.~~

SECTION 4. Arkansas Code Title 27, Chapter 16, Subchapter 8, is amended to add an additional section to read as follows:

27-16-817. Digitized driver's license.

(a) As used in this section:

(1) "Current status" means the record maintained by the Office of Driver Services reflecting a driver's license holder's present status, including without limitation whether the driver's license is:

(A) Valid;

(B) Expired;

(C) Cancelled;

(D) Suspended;

(E) Disqualified;

(F) A special restricted license; or

(G) Held by a driver required to use an ignition interlock device;

(2) "Digitized driver's license" means a data file:

(A) Available on a mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the Office of Driver Services or its authorized representative;

(B) Containing all of the same data elements visible on the face and back of the driver's license; and

(C) Displays the current status of the driver's license;

(3) "Private entity" means a natural person, corporation, general partnership, limited liability corporation, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, and other business entity; and

(4) "Public entity" means an agency or instrumentality of the state, including without limitation a department, an institution of higher education, a board, or a commission.

(b)(1) The Office of Driver Services shall offer an additional option to view a digitized driver's license upon payment of ten dollars (\$10.00) to an applicant:

(A) With a valid Arkansas driver's license; or

(B) Renewing his or her Arkansas driver's license.

(2) The digitized driver's license shall be available for view at any time until the expiration of the applicant's Arkansas driver's license issued under § 27-16-801(a)(1).

(3) The fee for the option to view a digitized driver's license required under subdivision (b)(1) of this section is in addition to any other fees charged by the Office of Driver Services for the issuance of an Arkansas driver's license.

(c) A digital copy, photograph, or image of a driver's license which is not downloaded through the application on a mobile device shall not be a valid digitized driver's license as provided in this section.

(d)(1) The display of a digitized driver's license shall not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any other data or application on the mobile device.

(2) If a person presents their mobile device to a law enforcement officer for purposes of displaying the person's digitized

driver's license, the law enforcement officer shall promptly return the mobile device to the person once the law enforcement officer has had an opportunity to verify the identity and license status of the person.

(3) A law that requires a person to surrender his or her Arkansas driver's license to a law enforcement officer shall not apply to the mobile device used to display his or her digitized driver's license.

(e)(1) A digitized driver's license:

(A) May be accepted by a public entity for all state purposes authorized for a driver's license; and

(B) May be accepted by a private entity for all state purposes for a driver's license.

(f) The fees collected under subsection (b) this section shall be deposited into the State Treasury to the credit of the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to defray the cost of administering a digitized driver's license and for other related purposes as required by the Secretary of the Department of Finance and Administration in carrying out the functions, powers, and duties of the division.

(g) The Department of Finance and Administration may promulgate rules for the implementation of this section.

SECTION 5. EFFECTIVE DATE. Sections 2, 3, and 4 of this act are effective on and after February 1, 2025.

/s/Achor

APPROVED: 3/13/23