

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1135

By: Representative Achor

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO ALLOW THE ISSUANCE OF A DIGITIZED IDENTIFICATION CARD; TO AMEND THE LAW CONCERNING THE FEE FOR ISSUANCE OF A DIGITIZED DRIVER'S LICENSE OR DIGITIZED IDENTIFICATION CARD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW THE ISSUANCE OF A DIGITIZED IDENTIFICATION CARD; TO AMEND THE LAW CONCERNING THE FEE FOR ISSUANCE OF A DIGITIZED DRIVER'S LICENSE OR DIGITIZED IDENTIFICATION CARD; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Purpose and legislative intent.

(a) Acts 2023, No. 261:

(1) Amended Arkansas Code Title 27, Chapter 16, Subchapter 8, by adding an additional section that provided for the issuance of an application for a digitized driver's license;

(2) Was signed into law by the Governor on March 13, 2023; and

(3) Is effective on and after February 1, 2025.

(b) It is the intent of the General Assembly by enactment of this act to amend Arkansas Code § 27-16-817, as enacted by Acts 2023, No. 261, § 4, to:

(1) Include the issuance of an application for a digitized state



identification card;

(2) Authorize the Office of Driver Services to collect a fee, the exact amount of which may be determined at the discretion of the Office of Driver Services but shall not exceed ten dollars (\$10.00) per digitized driver's license or digitized identification card issued; and

(3) Set forth the revisions to the language enacted by Act 2023, No. 261, § 4, as provided in Section 2 of this act.

SECTION 2. Arkansas Code § 27-16-817, as enacted by Acts 2023, No. 261, § 4, and effective on and after February 1, 2025, is amended to read as follows:

(a) As used in this section:

(1) "Current status" means the record maintained by the Office of Driver Services reflecting a driver's license or identification card holder's present status, including without limitation whether the driver's license or identification card 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~~ Displaying the current status of the driver's license;

(3) "Digitized identification card" means a data file:

(A) Available on a mobile device that 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 identification card issued by the Office of Driver Services pursuant to § 27-16-805; and

(C) Displaying the current status of the identification card;

(4) “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)~~(5) “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) or~~ digitized identification card to an applicant:

(A) With a valid Arkansas driver’s license or Arkansas identification card; or

(B) Renewing his or her Arkansas driver’s license or Arkansas identification card.

(2) The digitized driver’s license or digitized identification card 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) or Arkansas identification card issued under § 27-16-805.

(3) The Office of Driver Services may charge the holder of a driver’s license or an identification card a fee of no more than ten dollars (\$10.00) before providing the option to view a digitized driver’s license or digitized identification card.

~~(3)~~(4) The fee for the option to view a digitized driver’s license or digitized identification card ~~required~~ authorized under subdivision (b)~~(1)~~(3) 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 or Arkansas identification card.

(c) A digital copy, photograph, or image of a driver’s license or identification card which is not downloaded through the application on a

mobile device shall not be a valid digitized driver's license or digitized identification card as provided in this section.

(d)(1) The display of a digitized driver's license or digitized identification card 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~~ his or her mobile device to a law enforcement officer for purposes of displaying the person's digitized driver's license or digitized identification card, 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 or Arkansas identification card to a law enforcement officer shall not apply to the mobile device used to display his or her digitized driver's license or digitized identification card.

(e) A digitized driver's license or digitized identification card, except as provided in § 27-16-805(e)(2)(A):

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

(2) May be accepted by a private entity for all state purposes for a driver's license or identification card.

(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 or digitized identification card 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 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Acts 2023, No. 261, § 4, amended Arkansas Code Title 27, Chapter 16, Subchapter 8, by adding an

additional section that provided for the issuance of an application for a digitized driver's license; that Acts 2023, No. 261 is effective on February 1, 2025; that Acts 2023, No. 261 did not provide for the issuance of an application for a digitized identification card; that not all Arkansans have a driver's license; that Acts 2023, No. 261, § 4, created a mandatory ten-dollar fee for the issuance of a digitized driver's license; and that this act is immediately necessary because it is within the interest of the General Assembly to provide Arkansas citizens access to a digitized driver's license or digitized identification card at the least possible cost, as determined by the Office of Driver Services. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 2/6/25