Department of Finance and Administration

Legislative Impact Statement

Bill: SB49 Amendment Number: S3 (3/19/15 Engrossment)
Bill Subtitle: TO REGULATE DRIVER LICENSING; AND TO IMPROVE DRIVER'S LICENSING PRACTICES AND PROCEDURES.

Basic Change : Sponsor: Sen. Irvin

Amendment 3 changes the title and subtitle of the bill to enact the Arkansas Driver and Parental Education Act of 2015. The bill as engrossed with Amendment 3 makes the Arkansas State Police (ASP) the lead governmental agency for testing for drivers licenses and providing information about obtaining drivers licenses and sets out other duties for the ASP to improve its official website, provide information including a checklist for obtaining graduated drivers licenses, update the drivers manual and file a report with the cochairs of the Legislative Council and the Director of the Bureau of Legislative Research within 180 days of the effective date of this act.

Currently, an applicant for an Arkansas driver's license that has not previously been licensed in another jurisdiction must pass a written examination regarding traffic laws, be issued an instruction permit at least 30 days prior to the date of application for the license, and pass the skills portion of the examination. An instruction permit is issued to an individual at least 14 years of age after passage of the written portion of the driving exam and entitles the individual to operate a motor vehicle only if accompanied by a licensed driver of at least 21 years of age. This permit is valid for 6 months and may be renewed for another 6 months. This bill changes the term of the instruction permit to 12 months. In addition, it provides that the holder of an instruction permit who has held the permit for 6 months and is at least 16 years of age and passed both the written test and the driving test is no longer subject to the restriction of being accompanied by a driver of at least 21 years of age.

Current law states no license may be issued to an applicant between 16 and 18 years of age without the applicant having been issued a restricted license for at least six months prior to the application for license. This bill as amended does not change this section of the law. Therefore, a person who is 16 years of age and holding an instruction permit could drive without a licensed driver for the last 6 months of his permit, but would then be issued an intermediate license that would require him to again drive for another 6 months with a licensed driver over 21 years of age. The 3rd amendment does not include the deletion of this provision as did the earlier versions of this bill.

Revenue Impact :

None

Taxpayer Impact :

The holder of an instruction permit who has held the permit for 6 months and is at least 16 years of age and passed both the written test and the driving test is no longer subject to the restriction of being accompanied by a driver of at least 21 years of age. However, when an applicant receives the intermediate license between the ages of 16 and 18 years of age, they would continue to be restricted to driving with an adult driver for six (6) months.

Resources Required :

This engrossed bill with amendment 3 does not change the law concerning restrictions currently on the intermediate license; therefore no programming or other resources will be required by DFA.

Time Required :

No additional time is required to implement this bill.

Procedural Changes :

No procedural changes are required.

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Other Comments :

This bill will need to be amended to delete §27-16-604 (a)(11) in order to be consistent with the sponsor's intent.

Legal Analysis :

Amendment No. 3 clarifies that instruction permits are issued by the Arkansas State Police (ASP), extend the duration of an instruction permit from six months to one year, and provide that an instruction permit allows a permittee of at least 16 years of age to drive unaccompanied six months after the permit's issuance if the permitee has completed the written and skills portion of the driving exam by that time. The instruction permit could no longer be renewed for an additional six months.

Under the amendment, a 16 year old driver's path to a driver's license would be as follows:

(1) Receive an instruction permit after passing the written exam and be required to drive with a licensed passenger of 21 years of age or older;

(2) Pass the skills portion of the driving exam after at least 30 days of possessing the instruction permits;

(3) After 6 months of possessing an instruction permit, be authorized to drive without a licensed passenger;

(4) After an additional six months (when the instruction permit expires), obtain a restricted license and be again required to drive with a licensed passenger of 21 years of age or older for six months; and

(5) Obtain an intermediate driver's license after expiration of the additional six months of restricted driving.

It does not appear that Amendment No. 3 intended a driver to endure two periods of restricted driving to obtain an intermediate license. Further, it is uncertain what should happen if a permitee obtains the required restricted license before expiration of one year from obtaining the instruction permit. At that point, the driving abilities granted under the permit and the restricted driver's license would be contradictory. § 27-16-604 should be amended to resolve these issues. A technical error is also present in that Section 3 fails to amend the references to the Office of Drivers Services in § 27-16-802(b)(1).