

INTERIM STUDY PROPOSAL 2019-098

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 684

By: Senator G. Leding

Filed with: Senate Committee on Transportation, Technology, and Legislative Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE ISSUANCE
OF A DRIVER'S LICENSE TO CERTAIN
APPLICANTS.

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

SECTION 1. Arkansas Code § 27-16-1110 is amended to read as follows:
27-16-1110. Findings – Purpose of ~~§§ 27-16-1111 and § 27-16-1112.~~

(a) The General Assembly finds that:

(1) Currently, ~~driver's licenses and~~ identification cards are
valid for a standard statutory period of time;

(2) An applicant for the issuance or renewal of ~~a driver's~~
~~license or an~~ identification card who is not a citizen of the United States
may obtain ~~a driver's license or an~~ identification card that is valid for a
period that exceeds his or her authorization to be lawfully present in the
United States;

(3) The federal government, specifically ~~the~~ United States
Immigration and Customs Enforcement, an agency of the Department of Homeland
Security, has authority over immigration matters and makes determinations on

1 the length of time that a person who is not a citizen of the United States
2 ~~can~~ is permitted to remain in the United States; and

3 (4) ~~A driver's license or~~ An identification card that is valid
4 for a period that exceeds the time prescribed by ~~the~~ United States
5 Immigration and Customs Enforcement, an agency of the Department of Homeland
6 Security, can be used to circumvent federal law and cause confusion on the
7 status of the individual to whom it is issued.

8 (b) The purpose of ~~§§ 27-16-1111 and § 27-16-1112~~ is to ensure that
9 ~~driver's licenses and~~ identification cards issued by the state are not used
10 to circumvent federal immigration laws or federal authority on immigration
11 matters by preventing an applicant for the issuance or renewal of ~~a driver's~~
12 ~~license or an~~ identification card from obtaining an identity document issued
13 by the state that is valid for a period that exceeds the applicant's
14 authorization to be lawfully present in the United States.

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16 SECTION 2. Arkansas Code § 27-16-1111, is amended to read as follows:

17 27-16-1111. ~~Expiration~~ Issuance of driver's license when ~~the~~ applicant
18 is not a United States citizen.

19 (a)(1) ~~If an applicant for a driver's license under this chapter is~~
20 ~~not a citizen of the United States as provided under § 27-16-~~
21 ~~1105(a)(1)(D)(ii) (xi), the expiration date of the driver's license shall be~~
22 ~~the shortest of:~~

23 (1) ~~The period provided for under § 27-16-901(a)(1)(A); or~~

24 (2) ~~The last date the applicant may be present in the United~~
25 ~~States under federal immigration laws, as verified by the Bureau of~~
26 ~~Citizenship and Immigration Services of the Department of Homeland Security~~
27 ~~according to:~~

28 (A)(i) ~~The status completion date on a United States~~
29 ~~Customs and Border Protection Form I-94, Arrival/Departure Record or~~
30 ~~admission stamp.~~

31 (ii) ~~If the applicant is the holder of a~~
32 ~~nonimmigrant visa as described in § 27-16-1105(a)(1)(D)(iv), an additional~~
33 ~~two hundred forty (240) days shall be allowed following the status completion~~
34 ~~date in subdivision (a)(2)(A)(i) of this section if the applicant presents a~~
35 ~~valid Form I-797C, Notice of Action; or~~

~~(B) If the applicant is a spouse or minor child as described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1, 2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect on January 1, 2013, who has been given authorization for optional practical training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013, the end date on the employment authorization document issued by the Bureau of Citizenship and Immigration Services of the Department of Homeland Security for the bona fide student.~~

~~(b) The Office of Driver Services may renew the driver's license only if it is demonstrated that the applicant's continued presence in the United States is authorized under federal law.~~

If an applicant for a driver's license under this chapter is unable to provide satisfactory evidence of legal residency status as provided under § 27-16-1105(a)(1)(D), the Office of Motor Vehicle shall issue a driver's license to an applicant who:

(A) Provides proof of his or her identity;

(B) Meets all other minimum driver's license issuance requirements under § 27-16-1105(a);

(C) Provides documentation of a Social Security number issued by the Social Security Administration or an individual taxpayer identification number issued by the Internal Revenue Service;

(D) Provides proof of residence in the state as required for the issuance of a driver's license under § 27-16-1101 et seq.; and

(E) Affirms in an affidavit signed by the applicant that he or she has:

(i) Applied to be lawfully present within the United States or will apply to be lawfully present as soon as the applicant is eligible; and

(ii) Been a resident of the state for at least twelve (12) months and provides evidence of residence in the state.

(2) Proof of identity under subdivision (a)(1)(A) of this section may be established with one (1) or more of the following:

(A) A valid foreign passport, with or without a United States Customs and Border Protection entry form or stamp;

(B) A valid consular identification document issued by the government of Mexico or Guatemala or by another foreign government with

1 comparable security standards and protocols as determined by the Director of
2 the Department of Finance and Administration;

3 (C) A Social Security card;

4 (D) A certified record of the applicant's birth, marriage,
5 adoption, or divorce, including a translation of the certified record if
6 necessary; or

7 (E) Other documentation authorized by the Department of
8 Finance and Administration.

9 (3) Proof of residence in the state may be established in the
10 same manner required for the issuance of a driver's license to an applicant
11 under § 27-16-1101 et seq.

12 (b) A driver's license issued under subsection (a) of this section:

13 (1) Is not valid for federal identification purposes; and

14 (2) Expires as authorized by § 27-16-801.

15 (c) The driver's license issued under subsection (a) of this section
16 shall clearly display on its face the phrase "Not valid for federal
17 identification purposes".

18 (d) This section does not authorize the issuance of a commercial
19 driver's license or commercial driver's learner's permit to a person who is
20 not lawfully present in the United States.

21 (e) The department may adopt rules necessary for the administration of
22 this section.

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25 Referred requested by the Arkansas Senate

26 Prepared by: DTP/VJF
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