

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2090

By: Representative Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING DRIVER'S LICENSE
REINSTATEMENT FEES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING DRIVER'S
LICENSE REINSTATEMENT FEES.

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

SECTION 1. Arkansas Code § 27-16-508 is amended to read as follows:
27-16-508. Fee for reinstatement.

(a)(1) The Office of Driver Services shall collect a reinstatement fee of one hundred dollars (\$100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license, other than orders eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808 and other than orders entered under § 27-16-909.

(2)(A) If a person's driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state, the office shall permit the person to pay only one (1) reinstatement fee of one hundred dollars (\$100) to cover all administrative orders to suspend, revoke, or cancel a driver's license for a person ordered to pay a reinstatement fee under § 27-16-808(c)(1)(A) or subdivision (a)(1) of this section if a district court or circuit court verifies to the office that the person has:

(i) Paid all other court costs, fines, and fees associated with the criminal offense that led to his or her driver's license suspension;



(ii) Graduated from a specialty court program; and
(iii) Provided the sentencing court with a reinstatement letter from the Department of Finance and Administration showing all outstanding suspension or revocation orders.

(B) Subdivision (a)(2)(A) of this section does not apply to:

(i) A reinstatement fee ordered under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808; or

(ii) A fee ordered to reinstate commercial driving privileges.

(3) A person may not avail himself or herself of the provisions of this section on more than one (1) occasion.

(4) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section shall be setoff against a taxpayer's state income tax refund.

(b) The revenues derived from this fee shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

(d) As used in this section, "specialty court program" means a drug court, HOPE court, or veterans court operated by a circuit court or district court as authorized by the Arkansas Supreme Court.

SECTION 2. Arkansas Code § 27-16-808 is amended to read as follows:

27-16-808. Reinstatement charge.

(a) The Office of Driver Services shall charge a fee to be calculated as provided under subsection (c) of this section for reinstating a driver's license suspended because of a conviction for any violation or offense.

(b) All proceeds remitted to the office pursuant to the provisions of this section shall be deposited as follows:

(1) Twenty-five percent (25%) to the State Police Retirement Fund; and

(2) Seventy-five percent (75%) to the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c)(1)(A) The reinstatement fee under this section shall be calculated by multiplying one hundred dollars (\$100) by each separate occurrence of offenses under any other provision of the law resulting in:

~~(A)(i)~~ A court order directing the office to suspend the driving privileges of the person; or

~~(B)(ii)~~ The office's entering a suspension order.

~~(2)(B)~~ The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-508.

(2)(A) If a person's driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state, the office shall permit the person to pay only one (1) reinstatement fee of one hundred dollars (\$100) to cover all administrative orders to suspend, revoke, or cancel a driver's license for a person ordered to pay a reinstatement fee under § 27-16-508(a)(1) or subdivision (a)(1) of this section if a district court or circuit court verifies to the office that the person has:

(i) Paid all other court costs, fines, and fees associated with the criminal offense that led to his or her driver's license suspension;

(ii) Graduated from a specialty court program; and

(iii) Provided the sentencing court with a reinstatement letter from the Department of Finance and Administration showing all outstanding suspension or revocation orders.

(B) Subdivision (a)(2)(A) of this section does not apply to:

(i) A reinstatement fee ordered under § 5-65-119, § 5-65-304, § 5-65-310, § 27-16-808; or

(ii) A fee ordered to reinstate commercial driving privileges.

(3) A person may not avail himself or herself of the provisions of this section on more than one (1) occasion.

(4) Upon notice to the taxpayer of certification of the intent to intercept the taxpayer's state income tax refund under § 26-36-301 et seq., the outstanding fees assessed under this section shall be setoff against a taxpayer's state income tax refund.

~~(3)~~(d) As used in this section:

(1) ~~"occurrence"~~ "Occurrence" means each separate calendar date when an offense or offenses take place; and

(2) "Specialty court program" means a drug court, HOPE court, or veterans court operated by a circuit court or district court as authorized by the Arkansas Supreme Court.

SECTION 3. DO NOT CODIFY. EFFECTIVE DATES.

This act is effective on and after September 1, 2017, and until January 15, 2019.

SECTION 4. DO NOT CODIFY. Report required.

(a) The Department of Finance and Administration shall prepare an annual report concerning this act that includes the following information:

(1) The number of eligible participants;

(2) The number of participants who were reinstated under this act; and

(3) The dollar amount paid and the dollar amount written off during the time this act is effective.

(b) The Department of Finance and Administration shall submit the report under subsection (a) of this section to the Legislative Council and the Director of the Department of Arkansas State Police by October 1 of each year while the act is in effect.