

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1867

By: Representatives Dotson, Womack

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE REQUIREMENTS
FOR A DRIVER'S LICENSE OR INSTRUCTION PERMIT; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
REQUIREMENTS FOR A DRIVER'S LICENSE OR
INSTRUCTION PERMIT.

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

SECTION 1. Arkansas Code § 27-16-701 is amended to read as follows:

27-16-701. Application for license or instruction permit – Restricted permits – Definitions.

(a)(1) Every application for an instruction permit or for a commercial or noncommercial driver's license shall be made upon a form furnished by the Office of Driver Services, and every application shall be accompanied by the required fee.

(2) The commercial driver's license or noncommercial driver's license shall include the intermediate driver's license issued to persons who are less than eighteen (18) years of age and the learner's license issued to persons who are less than sixteen (16) years of age.

(b) Every application shall:

(1) State the full name, date of birth, sex, and residence address of the applicant;

(2) Briefly describe the applicant; and

(3) State whether the applicant has theretofore been licensed as



a driver and, if so, when and by what state or country, whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(c)(1) Every application form for an instruction permit, a commercial or noncommercial driver's license, or any renewal of these licenses or permits shall include space for the applicant's Social Security number if he or she has been assigned such a number.

(2) Every applicant shall supply his or her Social Security number on the application form when he or she has been assigned such a number.

(d) Every application for an instruction permit or for a driver's license by a person less than eighteen (18) years of age on October 1 of any year shall be accompanied by:

~~(1)(A)(i)(a) Proof of receipt of a high school diploma or its equivalent or enrollment and regular attendance in an adult education program or a public, private, or parochial school.~~

~~(b) In order to be issued a license, a student enrolled in school shall present proof of a "C" average for the previous semester or similar equivalent grading period for which grades are recorded as part of the student's permanent record.~~

~~(c) However, when the student does not have the required "C" average, a restricted license may be issued to the student for the purpose of driving to and from work.~~

~~(ii) A student with disabilities receiving special education or related services or a student enrolled in an adult education program shall present proof that the student is successfully completing his or her individual education plan in order to be issued a license.~~

~~(B) As used in this section:~~

~~(i) "Regular attendance" means attendance in compliance with the:~~

~~(a) Established written policy of the school district or public, private, or parochial school concerning truancy; or~~

~~(b) Policy for sixteen year olds and seventeen year olds enrolled in an adult education program established by the Career Education and Workforce Development Board as provided for in § 6-18-~~

~~222; and~~

~~(ii) “Special education or related services” means an instruction plan specially designed to meet the unique needs of a student with a disability that adversely affects his or her educational performance and requires an:~~

~~(a) Individualized education program under the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446; or~~

~~(b) Accommodation commonly known as a “504 Plan” under the Rehabilitation Act of 1973, Pub. L. No. 93-112.~~

~~(2) Proof that the person is being provided schooling at home as described in § 6-15-501 et seq. in the form of a notarized copy of the written notice of intent to home school the student provided by the parent or guardian to the superintendent of the local school district as required by § 6-15-503;~~

~~(3) Proof that the person is enrolled in a postsecondary vocational-technical program, a community college, or a two-year or four-year institution of higher education;~~

~~(4)(1) A check of the applicant’s driving record to verify that the applicant for a learner’s license or an intermediate driver’s license has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver’s license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months;~~

~~(5)(2) An acknowledgment signed by the applicant of a learner’s license that the student is aware that all passengers riding in the motor vehicle shall wear seat belts at all times and that the student is restricted to driving only when accompanied by a driver over twenty-one (21) years of age;~~

~~(6)(3) An acknowledgment signed by the applicant for an intermediate driver’s license that all passengers riding in the motor vehicle shall wear seat belts at all times;~~

~~(7)(4) An acknowledgment signed by the applicant for a learner’s license or an intermediate driver’s license that the applicant is prohibited from using a cellular telephone or other interactive wireless communication~~

device while operating a motor vehicle;

~~(8)(A)~~(5)(A) An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways with more than one (1) unrelated minor passenger in the motor vehicle unless the applicant is accompanied by a licensed driver who is twenty-one (21) years of age or older.

(B) As used in this section, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

- (i) A sibling of the driver;
- (ii) A step-sibling of the driver; or
- (iii) A child who resides in the same household as

the driver; and

~~(9)(6)~~ An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the applicant is:

- (A) Accompanied by a licensed driver who is twenty-one (21) years of age or older;
- (B) Driving to or from a school activity, church-related activity, or job; or
- (C) Driving because of an emergency.

~~(e) The Department of Education shall develop guidelines for use by school districts to provide a certified exemption from the "C" average requirement of subdivisions (d)(1)-(3) of this section to a student found to be performing at his or her fullest level of capability although that may be below a "C" average.~~

~~(f)(1) Any person less than eighteen (18) years of age who is unable to meet the requirements of subdivisions (d)(1)-(3) of this section may petition the office that he or she be issued a restricted permit for employment-related purposes.~~

~~(2)(A) The office shall advise the person of the time and place for making the request and for the hearing thereon, which shall be conducted within a reasonable time following the application date.~~

~~(B) Notice shall be given by mailing the notice to the last known address of the person seeking the restricted permit.~~

~~(3)(A)~~(e)(1) In cases in which demonstrable financial hardship

would result from the failure to issue a learner's permit or driver's license, the Department of Finance and Administration may grant exceptions only to the extent necessary to ameliorate the hardship.

~~(B)(2)~~ If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

~~(g)(f)~~ The Department of Finance and Administration shall have the power to promulgate rules and regulations to carry out the intent of this section ~~and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section.~~

SECTION 2. Arkansas Code § 27-16-802(a)(2), concerning the issuance of an instruction permit, is amended to read as follows:

(2)(A) After the applicant has successfully passed ~~all parts of the examination other than the driving test~~ the written examination, the department may, in its discretion, issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his or her immediate possession to drive a motor vehicle upon the public highways for a period of twelve (12) months when accompanied by a licensed driver who is at least twenty-one (21) years of age and who is occupying a seat beside the driver, except in the event that the permittee is operating a motorcycle.

(B) Six (6) months after an instruction permit is issued under subdivision (a)(2)(A) of this section, a driver who is at least sixteen (16) years of age and has passed ~~all parts of the written examination and the driving test~~ is no longer subject to the driving restrictions under subdivision (a)(2)(A) of this section.

(C) A passing score on the written examination required under subdivision (a)(2)(A) of this section shall be valid for a period of twenty-four (24) months.