

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

State of Arkansas *As Engrossed: H3/13/19 H3/14/19 H3/25/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 315

By: Senator K. Hammer
By: Representatives Kelly, Nicks

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 § 5-65-119(a), concerning the distribution of *driver's license reinstating fees for driving or boating while intoxicated*, is amended to add an additional subdivision to read as follows:

(3) 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 that are owed by a taxpayer shall be setoff against the taxpayer's state income tax refund.

SECTION 2. Arkansas Code § 26-36-303(1)(A), concerning the definition of "claimant agency" for state tax refund setoffs, is amended to add an additional subdivision to read as follows:

(xviii) The Office of Driver Services.

SECTION 3. Arkansas Code § 26-36-303(2), concerning the definition of "debt" for state tax refund setoffs, is amended to read as follows:

(2) "Debt" means:

(A) Any liquidated sum due and owing any claimant agency,



which has accrued through contract, subrogation, tort, operation of law, legal proceeding, or any other legal theory, regardless of whether there is an outstanding judgment for that sum;

(B) Accrued obligations due to an assignment of child support rights made to the state as a condition of eligibility for welfare assistance and those which have accrued from contract with the claimant agency by an individual who is not the recipient of welfare assistance;

(C) Money owed to a claimant agency as a result of a debtor's cashing both the original and the duplicate state warrants;

(D) All of the following that are not under appeal:

(i) Traffic fines;

(ii) Any court-imposed fine or cost, including fines related to the prosecution of hot checks under the Arkansas Hot Check Law, § 5-37-301 et seq.; ~~and~~

(iii) Fees for reinstatement of a driver's license payable to the Office of Driver Services under § 5-65-119, § 27-16-508, and § 27-16-808; and

(iv) Restitution ordered by a circuit, county, district, or city court related to the violation of any state law;

(E) Money owed to a claimant agency for all costs as a result of the debtor's use of state medical and pharmacy benefits for which he or she is not entitled;

(F) Money owed to a claimant agency for all costs resulting from an overpayment of wages or salaries, including a lump sum payment; and

(G) Money owed to a claimant agency for all delinquent taxes, all costs resulting from delinquent taxes, and any penalties assessed against a delinquent taxpayer under § 26-36-201;

SECTION 4. Arkansas Code § 27-16-508(a), concerning the fee for reinstatement of a driver's license, is amended to read as follows:

(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) 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 that are owed by a taxpayer shall be setoff against the taxpayer's state income tax refund.

SECTION 5. 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) 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) A court order directing the office to suspend the driving privileges of the person; or

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

(2) 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.

(3) 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 that are owed by a taxpayer shall be setoff against the taxpayer's state income tax refund.

(d) As used in this section, "occurrence" means each separate calendar date when an offense or offenses take place.

/s/K. Hammer