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

State of Arkansas *As Engrossed: S3/7/19 H3/20/19*
92nd General Assembly **A Bill**
Regular Session, 2019 SENATE BILL 493

By: Senator K. Hammer
By: Representative 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 § 27-16-508 is amended to read as follows:

27-16-508. Fee for reinstatement — Definition.

~~(a) 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.~~

~~(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.~~

(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:

(A) Orders eligible for reinstatement under § 5-65-119, §

5-65-304, § 5-65-310, or § 27-16-808; and

(B) 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 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 this section, § 5-65-119, § 5-65-304, or § 5-65-310; 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 more than one (1) time.

(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 set off *against a taxpayer's state income tax refund.*

(5) A court may only verify the completion of the requirements under subdivision (a)(2)(A) to the office for a suspension or revocation that occurred as a result of a conviction or other action taken in that particular court or jurisdiction.

(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 specialty court program as authorized by the Supreme Court under § 16-10-139.

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

27-16-808. Reinstatement charge — Definitions.

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

(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 (c)(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 (c)(2)(A) of this section does not apply to:

(i) A reinstatement fee ordered under this section, § 5-65-119, § 5-65-304, or § 5-65-310; 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 more than one (1) time.

(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 set off *against a taxpayer's state income tax refund.*

(5) A court may only verify the completion of the requirements under subdivision (c)(2)(A) to the office for a suspension or revocation that occurred as a result of a conviction or other action taken in that particular court or jurisdiction.

(d) As used in this section:

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

(2) "Specialty court program" means a specialty court program as authorized by the Supreme Court under § 16-10-139.

SECTION 3. 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.

/s/K. Hammer