

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

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A Bill

SENATE BILL 513

By: Senators A. Clark, C. Tucker, T. Garner, Gilmore

By: Representatives McCollum, A. Collins

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE SUSPENSION OR REVOCATION OF A PERSON'S DRIVER'S LICENSE FOR FAILURE TO PAY OR FAILURE TO APPEAR; TO AMEND THE LAW CONCERNING A RESTRICTED DRIVER'S PERMIT ISSUED UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE SUSPENSION OR REVOCATION OF A PERSON'S DRIVER'S LICENSE FOR FAILURE TO PAY OR FAILURE TO APPEAR; AND TO AMEND THE LAW CONCERNING A RESTRICTED DRIVER'S PERMIT ISSUED UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Arkansas Code § 16-13-708 is amended to read as follows:

16-13-708. Revocation of registration or license.

(a)(1) ~~The A court may certify in writing to the Department of Finance and Administration that a debtor has failed to make satisfactory arrangements for the payment of fines and request in writing and under certification that the department to~~ Department of Finance and Administration revoke, suspend, or refuse to renew the ~~debtor's~~ motor vehicle registration or driver's license of a person who has failed to make satisfactory arrangements for the payment of a court-ordered fine.

(2) However, the court shall not make a request to the



department as described under subdivision (a)(1) of this section before the court has scheduled a hearing to address the person's nonpayment of the court-ordered fine and the person has failed to appear at the hearing.

(3) The court may issue an order for a restricted driving permit in accordance with § 27-16-916.

(b) For driver's license revocation, suspension, or nonrenewal, the court must provide the department with the ~~debtor's~~ reason for the revocation, suspension, or nonrenewal, the amount the person owes the court, and the person's full name, ~~social security number~~ date of birth, and last known address.

(c) For motor vehicle registration revocation, suspension, or nonrenewal, the court must provide the department with the ~~debtor's~~ reason for the revocation, suspension, or nonrenewal, the amount the person owes the court, and the person's full name and the license plate number or vehicle identification number of the ~~debtor's~~ person's vehicle.

(d)(1) An acquittal or a dismissal of a charge of failure to pay a fine or failure to appear at a hearing to address nonpayment of a fine that is used as the basis to revoke, suspend, or refuse to renew the person's driver's license or motor vehicle registration shall reverse the revocation of, suspension of, or refusal to renew the person's driver's license or motor vehicle registration under this section.

(2) Upon an acquittal or dismissal of a charge as described in subdivision (d)(1) of this section, the Office of Driver Services shall reinstate the person's driver's license or motor vehicle registration without charging a reinstatement fee, and the charge shall not be used to determine the number of previous offenses when administratively revoking, suspending, or refusing to renew the person's driver's license in the future.

SECTION 2. Arkansas Code § 16-17-131 is amended to read as follows:

16-17-131. ~~Suspension of license for failure~~ Failure to appear – Required appearance – Suspension of driver's license.

(a) A person required to appear before a district court in this state, having been served with any form of notice to appear for any criminal offense, traffic violation, or misdemeanor charge, shall appear at the time and place designated in the notice.

~~(b)(1) If a person fails to appear as required in subsection (a) of~~

~~this section, the presiding judge may suspend the person's driver's license.~~

~~(2) The license shall be suspended until the person appears and completes the sentence ordered by the court.~~

(b)(1) If a person has failed to appear in district court, the district court may suspend the person's driver's license if the district court:

(A) Orders the suspension to begin thirty (30) days after the date of the order if the person fails to make arrangements to appear; and

(B) Transmits a copy of the order electronically, by fax, or by letter to the Office of Driver Services.

(2) The Department of Finance and Administration shall notify the person by first class mail sent to the person's last known address that he or she risks having his or her driver's license suspended if the person does not make arrangements with the district court to appear within thirty (30) days of the date of the order suspending the driver's license.

(3)(A) If the person makes sufficient arrangements within thirty (30) days to appear, the district court shall issue a new order stating that the person's driver's license is not suspended as directed under subdivision (b)(1) of this section.

(B) The district court shall transmit a copy of the order rescinding the suspension of the person's driver's license to the department electronically, by fax, or by letter.

(C) Upon receipt of the order, the department shall immediately reinstate the person's driver's license and shall not require a reinstatement fee.

(c)(1)(A) If the person makes arrangements with the district court within thirty (30) days of the date of the notice and appears at the arranged time and location, the district court shall not suspend the person's driver's license.

(B) However, if the person fails to make arrangements to appear within thirty (30) days, the driver's license may be suspended until the person appears and completes the sentence ordered by the district court.

(2) To suspend a driver's license, the district court must provide the department with the reason for the suspension and the person's full name, date of birth, and last known address.

(3) The district court may issue an order for a restricted

driving permit in accordance with § 27-16-916.

~~(3)~~(d) After the person satisfies all requirements of the sentence, the ~~Department of Finance and Administration~~ department shall assess the current fees for reinstatement of a driver's license.

(e)(1) An acquittal or a dismissal of a charge of failure to appear that is used as the basis to suspend the person's driver's license shall reverse the suspension of the person's driver's license under this section.

(2) Upon an acquittal or dismissal of a charge as described in subdivision (e)(1) of this section, the office shall reinstate the person's driver's license without charging a reinstatement fee, and the charge shall not be used to determine the number of previous offenses when administratively suspending the person's driver's license in the future.

SECTION 3. Arkansas Code Title 27, Chapter 16, Subchapter 9, is amended to add an additional section to read as follows:

27-16-916. Other driver's license suspensions – Restricted driving permits.

(a) Unless the person is eligible for a restricted driver's license as provided under this title, a district court may authorize a restricted driving permit upon the suspension of a person's driver's license under § 16-13-708 or § 16-17-131 and may permit a person whose driving privileges are suspended to drive to and from the following:

- (1) A mandatory court appearance;
- (2) A program or place where a court has ordered the person's presence or attendance;
- (3) A place of employment or as required in the scope of employment;
- (4) A scheduled session or meeting of a support or counseling organization;
- (5) An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution;
- (6) The educational institution or childcare facility of the person's child or children;
- (7) A treatment program for persons who have addiction or abuse problems related to a substance or controlled substances;

(8) A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member;

(9) A location for the enrollment, compliance, and participation in a specialty court program if the person is accepted into a specialty court program; and

(10) Any other location the court finds reasonable and necessary.

(b)(1) A district court issuing a restricted driving permit under this section shall prepare and transmit to the Department of Finance and Administration an order for a restricted driving permit within three (3) business days after the entry of the order.

(2) The department shall transmit to the Arkansas Crime Information Center an order for a restricted driving permit within three (3) business days after receipt of the order from the district court.

/s/A. Clark