

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

State of Arkansas
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As Engrossed: H2/22/23 H3/7/23 H3/8/23

A Bill

HOUSE BILL 1429

By: Representatives J. Richardson, F. Allen, Clowney, K. Ferguson, L. Johnson, Magie, Scott, Vaught,
Wardlaw, Nicks

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF A
DRIVER'S LICENSE TO CERTAIN APPLICANTS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ISSUANCE
OF A DRIVER'S LICENSE TO CERTAIN
APPLICANTS.

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

SECTION 1. Arkansas Code 27-16-604(10), is repealed.

~~*(10) Who is making an initial application for an Arkansas driver's license and who is not lawfully within the United States;*~~

SECTION 2. Arkansas Code 27-16-604(13), concerning people who are prohibited from being issued an Arkansas driver's license, is amended to read as follows:

(13) Except as provided under § 27-16-1111, who who is seeking an initial application or renewal of an Arkansas driver's license or photo identification and cannot show either an Arkansas driver's license or identification, two (2) primary documents, or one (1) primary and one (1) secondary document prescribed by the Department of Finance and Administration and updated as needed.



SECTION 3. Arkansas Code § 27-16-907(c), concerning the suspension or revocation of a driver's license, is amended to read as follows:

(c) The Office of Driver Services may revoke the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been convicted of an offense in another state that if committed in this state would be grounds for revocation; or

(2)(A) ~~Is~~ Except as provided under § 27-16-1111, is a person who is not lawfully present within the United States.

(B) The Office of Driver Services shall not grant a new application for a license under § 27-16-801 to a driver revoked under subdivision (c)(2)(A) of this section unless the driver demonstrates to the Office of Driver Services that the driver is lawfully present within the United States.

(C) Notwithstanding the provisions of § 27-16-912, a driver whose license is revoked for failure to demonstrate legal presence may apply for a new license under § 27-16-801 at any time during the year following revocation if the driver is able to demonstrate lawful presence at the time of the application for a new license.

SECTION 4. Arkansas Code § 27-16-1111, is amended to read as follows:

27-16-1111. ~~Expiration~~ Issuance – Costs – Validity period – Renewal of driver's license when the applicant is not a United States citizen.

~~(a)(1) If an applicant for a driver's license under this chapter is not a citizen of the United States as provided under § 27-16-1105(a)(1)(D)(ii)–(xi), the expiration date of the driver's license shall be the shortest of:~~

~~(1) The period provided for under § 27-16-901(a)(1)(A); or~~

~~(2) The last date the applicant may be present in the United States under federal immigration laws, as verified by the United States Citizenship and Immigration Services according to:~~

~~(A)(i) The status completion date on a United States Customs and Border Protection Form I-94, Arrival/Departure Record or admission stamp.~~

~~(ii) If the applicant is the holder of a nonimmigrant visa as described in § 27-16-1105(a)(1)(D)(iv), an additional~~

~~two hundred forty (240) days shall be allowed following the status completion date in subdivision (a)(2)(A)(i) of this section if the applicant presents a valid Form I-797C, Notice of Action; or~~

~~(B) If the applicant is a spouse or minor child as described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1, 2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect on January 1, 2013, who has been given authorization for optional practical training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013, the end date on the employment authorization document issued by the United States Citizenship and Immigration Services for the bona fide student.~~

~~(b) The Office of Driver Services may renew the driver's license only if it is demonstrated that the applicant's continued presence in the United States is authorized under federal law.~~

If an applicant for a driver's license under this chapter is unable to provide satisfactory evidence of legal residency status as provided under § 27-16-1105(a)(1)(D), the Office of Driver Services shall issue a driver's license to an applicant who:

(A) Provides proof of his or her identity with a passport issued by the applicant's country of citizenship;

(B) Except for evidence of legal status under § 27-16-1105(a)(1)(D), meets all other minimum driver's license issuance requirements under § 27-16-1105(a);

(C) Provides documentation of a Social Security number issued by the Social Security Administration or an individual taxpayer identification number issued by the Internal Revenue Service;

(D) Provides proof of residence in the state as required for the issuance of a driver's license under this subchapter; and

(E) Provides proof of:

(i) Authorization for presence in the United States issued under the laws of the United States and the authorization for presence in the United States does not indicate the applicant is a current visitor;

(ii) Having filed an Arkansas state tax return for the three (3) years prior to the applicant's date of application for the issuance of a driver's license under this section; or

(iii) Having filed at least one (1) Arkansas state tax return each year until the applicant has reached the three (3) year Arkansas

state tax return requirement of subdivision (a)(1)(E)(ii) of this section.

(2) The driver's license issued under subsection (a)(1) of this section shall clearly display on its face and shall be highlighted "Not valid for voter identification".

(3) The Office of Driver Services shall coordinate with the Secretary of the Office of the Department of Finance to ensure the Arkansas state tax returns provided under subdivision (a)(1)(E)(ii) and subdivision (a)(1)(E)(iii) of this section are valid and have been filed as required by § 26-51-801 et seq.

(b)(1) In addition to the cost of issuance or renewal of a driver's license under § 27-16-801, an applicant or licensee providing an individual tax identification number as provided under this section shall pay an additional fee in the amount of one hundred dollars (\$100).

(2) The fees collected under subdivision (b)(1) of this section shall be deposited into the State Treasury to the credit of the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to defray the cost of administering a driver's license issued under this section.

(c) If the applicant or licensee provides an individual taxpayer identification number under subdivision (a)(1)(C) of this section, the driver's license shall be issued for a period not to exceed four (4) years.

(d) A licensee who was previously issued a driver's license after having provided proof of filing an Arkansas state tax return and an individual taxpayer identification number under subsection (a) of this section may be eligible to have his or her driver's license renewed at the discretion of the Secretary of the Department of Finance and Administration, upon providing proof of filing an Arkansas state tax return for each year between the date of issuance of the driver's license and the year prior to the expiration of the driver's license.

(e) The Office of Driver Services is not required to verify the legal presence of an applicant or licensee of a driver's license issued under this section through the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208.

(f) An applicant for a driver's license who is not lawfully present

within the United States shall not be eligible to be issued a commercial driver license or a commercial learner's permit.

(g) The Department of Finance and Administration may adopt rules necessary for the administration of this section.

SECTION 5. Arkansas Code § 27-16-1110 is amended to read as follows:

27-16-1110. Findings and purpose of ~~§§ 27-16-1111 and § 27-16-1112.~~

(a) The General Assembly finds that:

(1) Currently, ~~driver's licenses and~~ identification cards are valid for a standard statutory period of time;

(2) An applicant for the issuance or renewal of ~~a driver's license or~~ an identification card who is not a citizen of the United States may obtain ~~a driver's license or~~ an identification card that is valid for a period that exceeds his or her authorization to be lawfully present in the United States;

(3) The United States Government, specifically United States Immigration and Customs Enforcement, an agency of the United States Department of Homeland Security, has authority over immigration matters and makes determinations on the length of time that a person who is not a citizen of the United States ~~can~~ is permitted to remain in the United States; and

(4) A driver's license or identification card that is valid for a period that exceeds the time prescribed by United States Immigration and Customs Enforcement, an agency of the United States Department of Homeland Security, can be used to circumvent federal law and cause confusion on the status of the individual to whom it is issued.

(b) The purpose of ~~§§ 27-16-1111 and § 27-16-1112~~ is to ensure that ~~driver's licenses and~~ identification cards issued by the state are not used to circumvent federal immigration laws or federal authority on immigration matters by preventing an applicant for the issuance or renewal of ~~a driver's license or~~ an identification card from obtaining an identity document issued by the state that is valid for a period that exceeds the applicant's authorization to be lawfully present in the United States.

/s/J. Richardson