

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1625

By: Representatives Andrews, Womack, Crawford, Duffield, Gonzales, Richmond, Rye, Watson  
By: Senator Gilmore

## For An Act To Be Entitled

AN ACT TO CREATE AND ISSUE A DRIVER'S LICENSE WITH A FIREARM DESIGNATION; TO AMEND THE LAW CONCERNING THE FEES FOR THE ISSUANCE OF A DRIVER'S LICENSE; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE AND ISSUE A DRIVER'S LICENSE WITH A FIREARM DESIGNATION; AND TO AMEND THE LAW CONCERNING THE FEES FOR THE ISSUANCE OF A DRIVER'S LICENSE.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that the people of Arkansas have certain inalienable rights that are protected and guaranteed by the United States Constitution and the Arkansas Constitution, and among those rights is the right to keep and bear arms for their defense of persons, property, and against tyrannical encroachment.

SECTION 2. Arkansas Code § 27-16-701, concerning the application for a driver's license, instruction permit, and restricted permit, is amended to add an additional subsection to read as follows:

(g)(1) Every application for a driver's license or renewal by a person eighteen (18) or more years of age shall be accompanied by an instant federal criminal background check as provided in § 27-16-817.



(2) The instant federal criminal background check shall be conducted as established by § 27-16-817 at no additional cost to the applicant.

(3) The Office of Driver Services shall provide a form giving a person the option to opt out of the instant federal criminal background check requirement under subdivision (g)(1) of this section.

SECTION 3. Arkansas Code § 27-16-801(a)(1), concerning the issuance of licenses generally, is amended to read as follows:

(a)(1)(A) In a manner prescribed by the Secretary of the Department of Finance and Administration, the Office of Driver Services shall issue:

(i) Except as provided in ~~subdivision~~ subdivisions (a)(1)(B) and (a)(1)(C) of this section, a Class D license or a Class M license to each qualified applicant eighteen (18) or more years of age, for a period of eight (8) years, upon payment of ~~twenty-four dollars (\$24.00)~~ twenty-six dollars (\$26.00);

(ii) An intermediate Class D license or an intermediate Class M license to each applicant between sixteen (16) and eighteen (18) years of age, for a period of up to two (2) years, upon payment of ~~twelve dollars (\$12.00)~~ fourteen dollars (\$14.00);

(iii) A learner's Class D license to each applicant between fourteen (14) and sixteen (16) years of age, for a period of up to two (2) years, upon payment of ~~twelve dollars (\$12.00)~~ fourteen dollars (\$14.00); and

(iv) A Class MD license to each qualified applicant, for a period of not more than two (2) years, upon payment of ~~two dollars (\$2.00)~~ four dollars (\$4.00).

(B) A Except as provided in subdivision (a)(1)(C) of this section, a Class D license or a Class M license shall be issued for a period to be elected by the applicant of either four (4) years upon payment of ~~twelve dollars (\$12.00)~~ fourteen dollars (\$14.00) or eight (8) years upon payment of ~~twenty-four dollars (\$24.00)~~ twenty-six dollars (\$26.00) to a qualified applicant who:

(i) Is seventy (70) or more years of age; and

(ii) Has an expired Class D license or Class M

license.

(C) A Class D license or a Class M license with a firearm designation under § 27-16-817 shall be issued for a period of five (5) years upon payment of twenty-six dollars (\$26.00).

SECTION 4. Arkansas Code Title 27, Chapter 16, Subchapter 8, is amended to add an additional section to read as follows:

27-16-817. Federal criminal background check and firearm designation.

(a)(1) The Department of Finance and Administration and the Identification Bureau of the Division of Arkansas State Police shall coordinate to establish a system to provide the Office of Driver Services with an instant federal criminal background check from the Federal Bureau of Investigation that satisfies the federal criminal background check requirements for the purchase of a firearm.

(2) The Office of Driver Services shall require that:

(A) An applicant sign a release of information; and

(B) The information received from an instant federal criminal background check:

(i) Shall be used only for the purpose of making decisions regarding the issuance of a driver's license with a firearm designation under this section; and

(ii) Is confidential and shall not be released to any third party.

(b)(1) The Identification Bureau of the Division of Arkansas State Police shall provide the Office of Driver Services with the instant federal criminal background check required under this section within the time it takes for an person to apply for and be issued a driver's license at a local revenue office.

(2) A driver's license with a firearm designation under subsection (c) of this section shall not be issued until the Office of Driver Services receives the instant federal criminal background check and verifies that the information available does not indicate that the possession of a firearm by the applicant would be in violation of Arkansas law or federal law.

(c)(1) If an instant federal criminal background check is approved, the Office of Driver Services shall issue a driver's license with a firearm designation.

(2) A driver's license with a firearm designation shall be valid for five (5) years and an instant federal criminal background check shall be required upon renewal.

(d) The Department of Finance and Administration and the Division of the Arkansas State Police shall promulgate rules necessary for the implementation of this section, including without limitation:

(1) A policy concerning the retention of the information obtained from the instant federal criminal background check;

(2) The criteria for revoking and reissuing a driver's license with a firearm designation issued under this section; and

(3) Any rules necessary for a driver's license with a firearm designation under this section to qualify as an alternative to the background check requirements of the Brady Handgun Violence Prevention Act, 18 U.S.C. § 922(t)(3), as it existed on January 1, 2023.