

## **Title 27. Transportation**

### **Chapter III. Division of Arkansas State Police, Department of Public Safety**

#### **Subchapter A. Generally**

#### **Part 53. Driver's License Testing Fraud**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "These Rules are promulgated pursuant to the Director's authority under Ark. Code Ann. §§ 27-16-705(c) and 25-15-201, et seq."

"The effective date of these Rules is January 22, 2012."

#### **Subpart 1. Generally**

##### **27 CAR § 53-101. Purpose.**

The purpose of this part is to:

- (1) Define driver's license testing fraud; and
- (2) Establish penalties for such fraud as provided by Arkansas Code § 27-16-705(c).

**Authority.** Arkansas Code § 27-16-705.

##### **27 CAR § 53-102. Definitions.**

A person commits driver's license or instruction permit examination fraud if during any written or electronic examination process for a driver's license or instruction permit the person:

- (1) Possesses or uses written or electronic answers to the examination during the examination process;

- (2) Uses any electronic communication device to communicate with a person who is not:

- (A) Employed by the Division of Arkansas State Police; and

- (B) In a position that is assisting in the administration of the examination;
- (3) Writes down any question contained on the examination during the examination process with the intent to leave the testing center with the question or otherwise transmit the data; or
- (4) Uses any electronic device to record, capture, access data, or transmit any portion of the examination during the examination process.

**Authority.** Arkansas Code § 27-16-705.

**27 CAR § 53-103. Procedures.**

(a) Any person violating any portion of 27 CAR § 53-102:

(1) On the first offense will receive a suspension that bars the person from the privilege of taking the driver's license or instruction permit examination for forty-five (45) days;

(2) On the second offense will receive a suspension of ninety (90) days; and

(3) On the third offense and each successive offense will receive a suspension of one hundred eighty (180) days.

(b)(1) All suspensions will be recorded in the Division of Arkansas State Police's driver's license/commercial driver's license testing system.

(2) The system will display a red flag when a suspended person attempts to retake a test at another location when their name is entered into the system.

**Authority.** Arkansas Code § 27-16-705.

**27 CAR § 53-104. Severability.**

Any section or provision of this part held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of this part.

**Authority.** Arkansas Code § 27-16-705.