

Act 193 of the 1989 Regular Session.

Act 193

HB1160

By: Representatives Hinshaw and Jones

"AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 16 AND CHAPTER 20 OF TITLE 27 OF THE ARKANSAS CODE ANNOTATED (1987) TO ESTABLISH STANDARDS FOR THE TESTING OF THE EYESIGHT OF DRIVER LICENSE APPLICANTS, TO REQUIRE THE TESTING OF A DRIVER LICENSEE'S EYESIGHT ON LICENSE RENEWAL, TO CHARGE A ONE DOLLAR (\$1.00) FEE FOR THE EYESIGHT TEST, TO MAKE ALL DRIVER LICENSES VALID FOR FOUR (4) YEARS INSTEAD OF THE OPTION OF TWO (2) OR FOUR (4) YEARS, TO REQUIRE THE EYESIGHT TEST FOR MOTORCYCLE OPERATOR LICENSES AND TO MAKE MOTORCYCLE OPERATOR LICENSES VALID FOR FOUR (4) YEARS; TO REPEAL ARKANSAS CODE 27-16-404; AND FOR OTHER PURPOSES."

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

SECTION 1. Subdivision (a)(8) of Arkansas Code 27-16-604 is hereby amended to read as follows:

"(8) Who is receiving any type of welfare, tax, or other benefit or exemptions as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred and five degrees (105`); or".

SECTION 2. Arkansas Code 27-16-704 is hereby amended to read as follows:
"27-16-704. Examinations of applicants.

(a) Every applicant for an operator's or chauffeur's license, except as otherwise provided in this chapter, shall be examined in accordance with the provisions of this section.

(b) (1) The examination shall be held in the county where the applicant resides within not more than thirty (30) days from the date application is made.

(2) The examination shall include a test of the applicant's eyesight, ability to read and understand highway traffic laws of this state, and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and such further physical and mental examination, deemed necessary by the office, to operate a motor vehicle safely upon the highways.

(3) The test of the applicant's eyesight shall examine their visual acuity to read road signs and identify objects at a distance.

(4) The applicant shall have a minimum uncorrected visual acuity of 20/40 for an unrestricted license and a minimum corrected visual acuity of 20/50 for a restricted license. The applicant's field of vision shall be at least 140 degrees for a person with two functional eyes and at least 105 degrees for a person with one functional eye.

(5) Applicants who fail the eyesight test shall be instructed that they should have their eyes examined by an eye care professional and secure corrective lenses, if necessary.

(6) The test of the applicant's eyesight shall be made on an optical testing instrument approved under standards established by the Director of the Department of Finance and Administration and the Arkansas

State Police.

(c) (1) No applicant for an original license, that is an applicant who has never been licensed previously by any jurisdiction, shall be permitted to demonstrate ability to operate a motor vehicle as required under the provisions of this chapter unless and until the applicant has in his possession a valid instruction permit, properly issued not less than thirty (30) days prior to the date of application unless otherwise determined by the office.

(2) The instruction permit required under this subchapter shall be issued in accordance with the provisions of this chapter."

SECTION 3. Arkansas Code 27-16-801 is hereby amended to read as follows:

"27-16-801. Licenses generally - Validity periods - Contents - Fees - Disposition of moneys.

(a)(1) In a manner prescribed by the commissioner, the office shall issue:

(A) An operator's license or a motorcycle license to each applicant qualified therefor, for a period of four (4) years, upon payment of twelve dollars (\$12.00);

(B) A chauffeur's license to each applicant qualified therefor, for a period of four (4) years, upon payment of twenty dollars (\$20.00);

(C) A motor-driven cycle license to each applicant qualified therefor, for a period of not more than two (2) years, upon payment of two dollars (\$2.00).

(2) Each license shall include:

(A) A distinguishing number assigned to the licensee;

(B) The name, residence address, date of birth, and a brief description of the licensee; and

(C) A space upon which the licensee may affix his signature.

(3) The licensee shall affix his signature in ink in a space provided, and no license shall be valid until it shall have been so signed by the licensee.

(4) On and after January 1, 1989, at the time of initial issuance or at the time of renewal of a license, the distinguishing number assigned to the licensee for his license shall be the same as the licensee's social security number when the licensee has been assigned a social security number, or shall be a nine-digit number assigned to the specific licensee by the commissioner when the licensee has not been assigned a social security number.

(b)(1)(A) All licenses, as described in subsection (a), shall include a color photograph of the licensee, and such photograph shall be made a part of the license at the time of application.

(B) For the protection of the licensee, no duplicate or negative of the photograph shall be retained by the office.

(2) A license may be valid without a photograph of the licensee when the commissioner is advised that the requirement of the photograph is either objectionable on the grounds of religious belief or the licensee is unavailable to have the photograph made.

(c)(1) In addition to the license fee prescribed by subsection (a), the office shall collect a penalty equal to fifty percent (50%) of the amount thereof from each operator or chauffeur, otherwise qualified, who shall operate a motor vehicle over the highways of this state without a valid license.

(2) Such penalty shall be in addition to any other penalty which may be prescribed by law.

(d) All license fees collected under subsection (a) shall be deposited in the State Treasury as special revenues, and the net amount thereof shall be

credited to the State Police Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(e) (1) The office shall not charge an additional fee for the color photograph provided for in subsection (b) for those applicants making a renewal application for the first time.

(2) In addition to the regular license fee, a fee of one dollar (\$1.00) shall be charged for all subsequent renewals.

(3) All persons applying for an Arkansas license for the first time and all persons who are required to take the driver's written examination as provided for in this chapter shall be charged the additional fee of one dollar (\$1.00).

(4) All persons who are required to have their eyesight tested prior to initial licensing or upon subsequent license renewal as provided for in this chapter shall be charged an additional fee of one dollar (\$1.00) upon issuance of the license.

(f) The office shall provide on the reverse side of the operator's or chauffeur's license issued a statement and space whereby the licensee may certify willingness to make an anatomical gift under the provisions of 20-17-601 - 20-17-609 and 20-17-611.

(g) Moneys collected from the penalty fee provided in subsection (c) and the fees provided in subsection (e) shall be deposited in the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the driver license program which shall be payable therefrom."

SECTION 4. Arkansas Code 27-16-804 is hereby amended to read as follows:
"27-16-804. Restricted licenses.

(a) The office, upon issuing an operator's or chauffeur's license, shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the office may determine to be appropriate, to assure the safe operation of a motor vehicle by the licensee.

(b) (1) The office may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(2) All licensees under the age of sixteen (16) years shall be restricted to operation of a motor vehicle, motorcycles and motor-driven cycles excepted, only while accompanied by a licensed driver who is twenty-one (21) years of age or older, unless otherwise determined by the office.

(c) All licensees who have a tested uncorrected visual acuity of less than 20/40 shall be restricted to the operation of a motor vehicle, motorcycle, or motor-driven cycle only while they are wearing corrective lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or a motor-driven cycle if they have a tested corrected visual acuity of less than 20/50 or if they have a field of vision less than 140 degrees with two functioning eyes or less than 105 degrees with one functioning eye.

(d) The office may, upon receiving satisfactory evidence of any violation of the restrictions of a license, suspend or revoke it, but the licensees shall be entitled to a hearing as upon a suspension or revocation under this chapter.

(e) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him."

SECTION 5. Arkansas Code 27-16-807 is hereby amended to read as follows:

"27-16-807. Issuance to nonresident and military licensees.

Any person sixteen (16) years of age or older who shall present to the office, or an authorized agent thereof, a valid driver's license issued to the person by another state or by a branch of the armed services of the United States, which is currently valid or which expired not more than thirty-one (31) days prior to the date presented, shall be issued an Arkansas driver's license if they pay the prescribed license fee and are tested and pass the minimum requirements of the eyesight test and the highway traffic law test portions of the licensing examination prescribed in this chapter."

SECTION 6. Arkansas Code 27-16-901 is hereby amended to read as follows:

"27-16-901. Expiration of licenses.

(a) (1) Every operator's and chauffeur's license shall expire at the end of the month in which it was issued four (4) years from its date of initial issuance, unless the commissioner shall provide, by regulation, for some other staggered basis of expiration.

(2) The commissioner shall have the authority, by regulation, to shorten or lengthen the term of any operator's or chauffeur's license period, as necessary, to insure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year. All operator's and chauffeur's licenses subject to change under this subsection shall also be subject to a pro rata adjustment of the license fee charged in 27-16-801(a). The adjustment of the fee shall be carried out in the manner determined by the commissioner, by regulation.

(b) Every operator's and chauffeur's license shall be renewable on or before its expiration upon completion of an application, payment of the fees designated in 27-16-801, and passage of the eyesight test required in 27-16-704 and shall be renewed without other examination, unless the commissioner has reason to believe that the licensee is no longer qualified to receive a license."

SECTION 7. Subdivision (a) (8) of Arkansas Code 27-16-907 is hereby amended to read as follows:

"(8) Is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred and five degrees (105`);".

SECTION 8. Arkansas Code 27-20-107 is hereby amended to read as follows:

"27-20-107. Application for and issuance of operator's license.

(a) Any person desiring to obtain a motorcycle operator's license shall make an application to the Office of Driver Services for the issuance of the license.

(b) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator's license as required in this section shall be a certificate issued by the Arkansas State Police that the applicant for a motorcycle operator's license has satisfactorily passed all phases of the motorcycle operator's examination as required in 27-20-108, if the applicant is sixteen (16) years of age or older.

(c) The license issued by the office may be a license limiting the named licensee to motorcycles, motor-driven cycles, or similarly classified motor vehicles; or, in the case where an applicant is sixteen (16) years of age or older and holds a current valid operator's or chauffeur's license, the office may endorse that license as evidence of proper qualification for the license as provided for by this subchapter.

(d) (1) A motorcycle operator's license shall be issued for a period of four (4) years, and the fee for the license shall be the same as provided in

27-16-801. The office shall have the authority, by regulation, to shorten or lengthen the terms of any motorcycle operator's license period, as necessary, and to make a pro rata adjustment of the fee charged.

(2) No fee will be required if such application is submitted at the time the applicant's operator's or a chauffeur's license is renewed and the applicant has complied with all other provisions of this subchapter."

SECTION 9. Arkansas Code 27-20-108 is hereby amended to read as follows:
"27-20-108. Operator's examination.

(a) The Department of Arkansas State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a motorcycle operator's license as required by this subchapter.

(b) The examination shall include:

(1) A written examination designed to determine the applicant's knowledge of traffic laws, ordinances, and regulations and other matters necessary to determine the applicant's knowledge of the operation of these motor vehicles;

(2) A vision test under standards established in 27-16-704 to determine whether the applicant's eyesight is adequate to safely operate the vehicle;

(3) An actual road test designed to determine the applicant's familiarity with the controls of the motor vehicle and the applicant's ability to safely operate the motor vehicle both in and out of traffic; and

(4) Such other tests as the Arkansas State Police may deem necessary to assure safe operations on the streets and highways of this state."

SECTION 10. (a) Arkansas Code 27-16-404 is hereby repealed.

(b) All other laws or parts of laws in conflict with this act are hereby repealed.

SECTION 11. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 12. It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989.

APPROVED: February 23, 1989
