

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**ACT 445 OF 1993**  
**HOUSE BILL 1584**

4 **By: Representative Doug Wood**

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## For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 16, TITLE 27  
9 OF THE ARKANSAS CODE TO RENAME THE OPERATOR'S AND  
10 CHAUFFEUR'S LICENSE AS DRIVER'S LICENSE; TO AMEND ARKANSAS  
11 CODE §§ 27-20-107 AND 27-20-111 TO DELETE REFERENCES TO  
12 OPERATOR'S AND CHAUFFEUR'S LICENSES; TO REPEAL SUBCHAPTER  
13 10 OF CHAPTER 16 OF TITLE 27 OF THE ARKANSAS CODE  
14 REGARDING CHAUFFEURS; TO AMEND ARKANSAS CODE § 27-23-  
15 111(a) TO PROVIDE THE APPLICANT FOR A COMMERCIAL DRIVER\_S  
16 LICENSE WITH THE OPTION OF CHOOSING EITHER THE APPLICANT\_S  
17 SOCIAL SECURITY NUMBER OR A NUMBER ASSIGNED BY THE OFFICE  
18 OF DRIVER SERVICES TO BE THE COMMERCIAL DRIVER\_S LICENSE  
19 NUMBER; TO PROVIDE THAT NEW RESIDENTS MUST OBTAIN A  
20 DRIVER\_S LICENSE AND MOTOR VEHICLE REGISTRATION WITHIN  
21 THIRTY (30) DAYS OF BECOMING A RESIDENT; TO PROVIDE THAT  
22 NONRESIDENTS MUST OBTAIN A DRIVER\_S LICENSE AND MOTOR  
23 VEHICLE REGISTRATION IF PHYSICALLY PRESENT IN THE STATE  
24 FOR NINETY (90) DAYS; TO PROVIDE A DEFINITION OF  
25 \_RESIDENT\_; AND FOR OTHER PURPOSES."

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## Subtitle

28 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
29 PERTAINING TO DRIVERS\_ LICENSES AND MOTOR VEHICLE  
30 REGISTRATION."

31

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

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34 SECTION 1. Arkansas Code § 27-16-101 is hereby amended to read as  
35 follows:

36 "27-16-101. Title. This chapter may be cited as the \_Uniform Motor

1 Vehicle Driver's License Act.\_"

2

3 SECTION 2. Arkansas Code § 27-16-204 is hereby amended to read as  
4 follows:

5 "27-16-204. Persons.

6 (a) Person means every natural person, firm, copartnership,  
7 association, or corporation.

8 (b) Driver means every person who is in actual physical control of a  
9 motor vehicle upon a highway or who is exercising control over or steering a  
10 vehicle being towed by a motor vehicle.

11 (c) Owner means a person who holds the legal title of a vehicle or,  
12 in the event a vehicle is the subject of an agreement for the conditional sale  
13 or lease thereof with the right of purchase upon performance of the conditions  
14 stated in the agreement and with an immediate right of possession vested in  
15 the conditional vendee or lessee, or in the event a mortgagor of a vehicle is  
16 entitled to possession, then the conditional vendee or lessee or mortgagor  
17 shall be deemed the owner for the purpose of this chapter."

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19 SECTION 3. Arkansas Code § 27-16-302 is hereby amended to read as  
20 follows:

21 "27-16-302. Unlawful use of license. It is a misdemeanor for any  
22 person:

23 (1) To display, or cause or permit to be displayed, or have in his  
24 possession any canceled, revoked, suspended, fictitious, or fraudulently  
25 altered driver's license;

26 (2) To knowingly assist or permit any other person to apply for or  
27 obtain, through fraudulent application or other illegal means, any Arkansas  
28 driver's license;

29 (3) To lend his driver's license to any other person or knowingly  
30 permit its use by another;

31 (4) To display or represent as one's own any driver's license not  
32 issued to him;

33 (5) To fail or refuse to surrender to the office, upon its lawful  
34 demand, any driver's license which has been suspended, revoked, or canceled;

35 (6) To use a false or fictitious name in any application for a driver's

1 license, or to knowingly make a false statement, or to knowingly conceal a  
2 material fact or otherwise commit a fraud in any application;

3 (7) To permit any unlawful use of a driver's license issued to him; or

4 (8) To do any act forbidden or fail to perform any act required by this  
5 chapter."

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7 SECTION 4. Arkansas Code § 27-16-303(a) is hereby amended to read as  
8 follows:

9 "(a) (1) Any person whose driver's license or driving privilege as a  
10 nonresident has been canceled, suspended, or revoked as provided in this  
11 chapter and who drives any motor vehicle upon the highways of this state while  
12 such license or privilege is canceled, suspended, or revoked is guilty of a  
13 misdemeanor; and

14 (2) Upon conviction, an offender shall be punished by  
15 imprisonment for not less than two (2) days or more than six (6) months, and  
16 there may be imposed in addition thereto a fine of not more than five hundred  
17 dollars (\$500)."

18

19 SECTION 5. Arkansas Code § 27-16-401(3) is hereby amended to read as  
20 follows:

21 "(3) Driver means the same as provided in § 27-16-204."

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23 SECTION 6. Arkansas Code § 27-16-402(a) is hereby amended to read as  
24 follows:

25 "(a) There is established within the Department of Finance and  
26 Administration a separate office to be known as the Office of Driver Services  
27 which shall, acting under the direction and supervision of the commissioner,  
28 administer the provisions of this chapter and the other laws of this state  
29 regarding the licensing of motor vehicle drivers and the laws relating to the  
30 suspension and revocation of their licenses."

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32 SECTION 7. Arkansas Code § 27-16-403(a) (1) is hereby amended to read as  
33 follows:

34 "(a) (1) The office shall activate and maintain a system of central  
35 record files of all motor vehicle drivers' licenses, including a record of all

1 convictions for moving traffic violations by motor vehicle drivers."

2

3 SECTION 8. Arkansas Code § 27-16-502 is hereby amended to read as  
4 follows:

5 "27-16-502. Reporting of convictions and forwarding of licenses by  
6 courts.

7 (a) Whenever any person is convicted of any offense for which this  
8 chapter makes mandatory the revocation of the driver's license of the person  
9 by the office, the court in which the conviction is obtained shall require the  
10 surrender to it of all driver's licenses then held by the person so convicted  
11 and the court shall forward the licenses together with a record of the  
12 conviction to the office.

13 (b) Every court having jurisdiction over offenses committed under this  
14 chapter, or any other law of this state regulating the operation of motor  
15 vehicles on highways shall forward to the office a record of the conviction of  
16 any person in the court for a violation of any laws and may recommend the  
17 suspension of the driver's license of the person so convicted.

18 (c)(1) For the purposes of this section, the term conviction shall  
19 mean a final conviction.

20 (2) For the purposes of this section, a forfeiture of bail or  
21 collateral deposited to secure a defendant's appearance in court, which has  
22 not been vacated, shall be equivalent to a conviction."

23

24 SECTION 9. Arkansas Code § 27-16-506 is hereby amended to read as  
25 follows:

26 "27-16-506. Notice of change of address or name. Whenever any person  
27 after applying for or receiving a driver's license shall move from the address  
28 named in such application or in the license issued to him or when the name of  
29 a licensee is changed by marriage or otherwise, such person shall, within ten  
30 (10) days thereafter, notify the office in writing of his old and new  
31 addresses or of his former and new names and of the number of any license then  
32 held by him."

33

34 SECTION 10. Arkansas Code § 27-16-601 is hereby amended to read as  
35 follows:

1 "27-16-601. License to be carried and exhibited on demand.

2 (a) Every licensee shall have his driver's license in his immediate  
3 possession at all times when operating a motor vehicle and shall display the  
4 license, upon demand of a justice of the peace, a peace officer, or an  
5 employee of the office.

6 (b) No person charged with violating this section shall be convicted if  
7 he produces in court a driver's license issued to him and valid at the time of  
8 his arrest."

9

10 SECTION 11. Arkansas Code § 27-16-602 is hereby amended to read as  
11 follows:

12 "27-16-602. Driver's license required.

13 (a) No person, except those expressly exempted, shall drive any motor  
14 vehicle upon a highway in this state unless the person has a valid driver's  
15 license under the provisions of this chapter.

16 (b)(1) No person shall receive a driver's license unless and until he  
17 surrenders to the office all valid drivers' licenses in his possession issued  
18 to him by any other jurisdiction.

19 (2) All surrendered licenses shall be returned by the office to  
20 the issuing department together with information that the licensee is now  
21 licensed in the new jurisdiction.

22 (3) No person shall be permitted to have more than one (1) valid  
23 driver's license at any time.

24 (c)(1) No person shall drive a commercial motor vehicle as a commercial  
25 driver unless he holds a valid commercial driver's license.

26 (2) No person shall receive a commercial driver's license unless  
27 and until he surrenders to the office any non-commercial license issued to him  
28 or an affidavit that he does not possess a non-commercial driver's license.

29 (3) Any person holding a valid commercial driver's license under  
30 this chapter need not procure a non-commercial driver's license.

31 (d) Any person licensed under this chapter may exercise the privilege  
32 granted upon all streets and highways in this state and shall not be required  
33 to obtain any other license to exercise the privilege by any county,  
34 municipal, or local board, or body having authority to adopt local police  
35 regulations."

1

2 SECTION 12. Arkansas Code § 27-16-603 is hereby amended to read as  
3 follows:

4 "27-16-603. Persons exempted from licensing. The following persons are  
5 exempt from licensing under this chapter:

6 (1) Any person while operating a motor vehicle in the service of the  
7 Army, Air Force, Navy, or Marine Corps of the United States;

8 (2) Any person while operating or driving any road machine, farm  
9 tractor, or implement of husbandry temporarily operated or moved on a highway;

10 (3) A nonresident who is at least sixteen (16) years of age and who has  
11 in his immediate possession a valid non-commercial driver's license issued to  
12 him in his home state or country may operate a motor vehicle in this state  
13 only as a non-commercial driver;

14 (4) A nonresident who is at least eighteen (18) years of age and who  
15 has in his immediate possession a valid commercial driver's license issued to  
16 him by his home state or country may operate a motor vehicle in this state  
17 either as a commercial or non-commercial driver.

18 (5) Any nonresident who is at least eighteen (18) years of age whose  
19 home state or country does not require the licensing of non-commercial drivers  
20 may operate a motor vehicle as a non-commercial driver only, for a period of  
21 not more than ninety (90) days in any calendar year, if the motor vehicle so  
22 operated is duly registered in the home state or country of the nonresident."

23

24 SECTION 13. Arkansas Code § 27-16-604(a) is hereby amended to read as  
25 follows:

26 "(a) The office shall not issue any license under this chapter to any  
27 person:

28 (1) As a non-commercial driver who is under the age of sixteen  
29 (16) years, except that the office may issue a restricted license as provided  
30 to any person who is at least fourteen (14) years of age;

31 (2) As a commercial driver who is under the age of eighteen  
32 (18)years;

33 (3) As a commercial or non-commercial driver whose license to  
34 operate a motor vehicle has been suspended, in whole or in part, by this state  
35 or any other state during such suspension; nor to any person whose license has

1 been revoked, in whole or in part, by this state or any other state, until the  
2 expiration of one (1) year after such license was revoked;

3           (4) As a commercial or non-commercial driver who is an habitual  
4 drunkard or is an habitual user of narcotic drugs or is an habitual user of  
5 any other drug to a degree which renders him incapable of safely driving a  
6 motor vehicle;

7           (5) As a commercial or non-commercial driver who has previously  
8 been adjudged to be afflicted with or suffering from any mental disability or  
9 disease and who has not at the time of application been restored to competency  
10 by the methods provided by law;

11           (6) As a commercial or non-commercial driver who is required by  
12 this chapter to take an examination, unless the person shall have successfully  
13 passed the examination;

14           (7) Who is required under the laws of this state to deposit proof  
15 of financial responsibility and who has not deposited such proof;

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

20           (9) When the commissioner has good cause to believe that the  
21 operation of a motor vehicle on the highways by the person would be inimical  
22 to public safety or welfare."

23

24           SECTION 14. Arkansas Code § 27-16-605(a) and (b) are hereby amended to  
25 read as follows:

26           "(a) No person shall rent a motor vehicle to any other person unless  
27 the latter person is then duly licensed under this chapter or, in the case of  
28 a nonresident, then duly licensed under the laws of the state or country of  
29 his residence, except a nonresident whose home state or country does not  
30 require that a driver be licensed.

31           (b) No person shall rent a motor vehicle to another until he has  
32 inspected the commercial or non-commercial driver's license of the person to  
33 whom the vehicle is to be rented and compared and verified the signature  
34 thereon with the signature of the person written in his presence."

35

1 SECTION 15. Arkansas Code § 27-16-701 is hereby amended to read as  
2 follows:

3 "27-16-701. Application for license or instruction permit - Restricted  
4 permits.

5 (a) Every application for an instruction permit or for a commercial or  
6 non-commercial driver's license shall be made upon a form furnished by the  
7 office, and every application shall be accompanied by the required fee.

8 (b) Every application shall state the full name, date of birth, sex,  
9 residence address of the applicant, and briefly describe the applicant and  
10 shall state whether the applicant has theretofore been licensed as a driver,  
11 and, if so, when, and by what state or country, and whether any such license  
12 has ever been suspended or revoked, or whether an application has ever been  
13 refused, and if so, the date of and reason for suspension, revocation, or  
14 refusal.

15 (c) Every application form for an instruction permit, commercial or  
16 non-commercial driver's license, or for any renewal of these licenses or  
17 permits shall include space for the applicant's social security number if he  
18 has been assigned such a number. Every applicant shall supply his social  
19 security number on the application form when he has been assigned such a  
20 number, except that an applicant for an instruction permit for a non-  
21 commercial driver's license shall not be required to supply his or her social  
22 security number and may choose whether to use his or her social security  
23 number on the application.

24 (d) (1) (A) Every application for an instruction permit or for a driver's  
25 license by a person less than eighteen (18) years old on October 1 of any  
26 year, shall be accompanied by proof of receipt of a high school diploma or its  
27 equivalent or enrollment and regular attendance in a public, private, or  
28 parochial school; proof that such person is being provided schooling at home  
29 as described in §6-15-501 et seq.; or proof that such person is enrolled in a  
30 postsecondary vocational-technical program, a community college, or a two-year  
31 or four-year institution of higher education.

32 (B) Regular attendance shall be attendance in compliance  
33 with the established written policy of the school district or school  
34 concerning truancy.

35 (2) After July 1, 1993, such person shall present proof of a C

1 average for the previous semester or grading period in order to be issued a  
2 license.

3 (3) After July 1, 1993, a handicapped student receiving special  
4 education or related services shall present proof that the student is  
5 successfully completing his individual education plan in order to be issued a  
6 license.

7 (4) After July 1, 1993, a student enrolled in a home school shall  
8 present proof that he is successfully completing his course of study as  
9 required by §§ 6-15-504 and 6-15-505 in order to be issued a license.

10 (e) The State Department of Education shall develop guidelines for use  
11 by school districts to provide a certified exemption from the C average  
12 requirement of subsection (d) to a student found to be performing at his or  
13 her fullest level of capability although such may be below a C average.

14 (f)(1) Any person less than eighteen (18) years old who is unable to  
15 meet the requirements of subsection (d) above may petition the Office of  
16 Driver Services that he or she be issued a restricted permit for  
17 employment-related purposes.

18 (2) The Office of Driver Services shall advise the person of the  
19 time and place for making such request and for the hearing thereon, which  
20 shall be conducted within a reasonable time following the application date.

21 (3) Such notice shall be given by mailing the notice to the last  
22 known address of the person seeking the restricted permit.

23 (4)(A) In cases where demonstrable financial hardship would  
24 result from the failure to issue a learner's permit or driver's license, the  
25 Department of Finance and Administration may grant exceptions only to the  
26 extent necessary to ameliorate the hardship.

27 (B) If it can be demonstrated that the conditions for  
28 granting a hardship were fraudulent, the parent, guardian, or person in loco  
29 parentis shall be subject to all applicable perjury statutes.

30 (5) The Department of Finance and Administration shall have the  
31 power to promulgate rules and regulations to carry out the intent of this  
32 section and shall distribute to each public, private, and parochial school a  
33 copy of all rules and regulations adopted under this section."

34

35 SECTION 16. Arkansas Code § 27-16-702 is hereby amended to read as

1 follows:

2 "27-16-702. Application of minor for instruction permit or driver's  
3 license, etc.

4 (a)(1) The original application of any person under the age of eighteen  
5 (18) years for an instruction permit, driver's license, or motor-driven cycle  
6 or motorcycle license shall be signed and verified before a person authorized  
7 to administer oaths by either the father or mother of the applicant, if either  
8 is living or has custody. In the event neither parent is living, then the  
9 application shall be signed by the person or guardian having custody or by an  
10 employer of the minor. In the event there is no guardian or employer, then the  
11 application shall be signed by any other responsible person who is willing to  
12 assume the obligations imposed under this subchapter upon a person signing the  
13 application of a minor.

14 (2) For purposes of this section, duly authorized agents of the  
15 commissioner shall be authorized to administer oaths without charge.

16 (b) Any negligence or willful misconduct of a minor under the age of  
17 eighteen (18) years when driving a motor vehicle upon a highway shall be  
18 imputed to the person who has signed the application of the minor for a permit  
19 or license, which person shall be jointly and severally liable with the minor  
20 for any damages caused by negligence or willful misconduct.

21 (c)(1) If any person who is required or authorized by subsection (a) of  
22 this section to sign the application of a minor in the manner therein provided  
23 shall cause, or knowingly cause, or permit his child or ward or employee under  
24 the age of eighteen (18) years to drive a motor vehicle upon any highway, then  
25 any negligence or willful misconduct of the minor shall be imputed to this  
26 person, and this person shall be jointly and severally liable with the minor  
27 for any damages caused by such negligence or willful misconduct.

28 (2) The provisions of this subsection shall apply regardless of  
29 the fact that a driver's license may or may not have been issued to the minor.

30 (3) For purposes of this section, a minor is defined to be any  
31 person who has not attained the age of eighteen (18) years.

32 (d) The provisions of this section shall apply in all civil actions,  
33 including, but not limited to, both actions on behalf of and actions against  
34 the persons required or authorized by subsection (a) of this section to sign  
35 the application in the manner therein provided."

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SECTION 17. Arkansas Code § 27-16-704(a) is hereby amended to read as follows:

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

SECTION 18. Arkansas Code § 27-16-801(c) is hereby amended to read as follows:

"(c) (1) In addition to the license fee prescribed by subsection (a) of this section, the office shall collect a penalty equal to fifty percent (50%) of the amount thereof from each driver, 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."

SECTION 19. Arkansas Code § 27-16-801(f) is hereby amended to read as follows:

"(f) The office shall provide on the reverse side of the driver'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."

SECTION 20. Arkansas Code § 27-16-802 is hereby amended to read as follows:

"27-16-802. Instruction permits.

(a) (1) Any person who is at least fourteen (14) years of age may apply to the office for an instruction permit.

(2) The office may, in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty (60) days when accompanied by a licensed driver who has had at least one (1) year of driving experience and who is occupying a seat beside the driver, except in the event the permittee

1 is operating a motorcycle.

2 (3) Any such instruction permit may be renewed or a new permit  
3 issued for an additional period of ninety (90) days.

4 (b)(1) The office upon receiving proper application may, in its  
5 discretion, issue a restricted instruction permit effective for a school year  
6 or more restricted permit to an applicant who is enrolled in a driver  
7 education program which includes practice driving and which is approved by the  
8 office even though the applicant has not reached the legal age to be eligible  
9 for a non-commercial license.

10 (2) The instruction permit shall entitle the permittee when he  
11 has the permit in his immediate possession to operate a motor vehicle only on  
12 a designated highway or within a designated area, but only when an approved  
13 instructor is occupying a seat beside the permittee."

14

15 SECTION 21. Arkansas Code § 27-16-803(a) and (b) are hereby amended to  
16 read as follows:

17 "(a) The office may, in its discretion, issue a temporary driver's  
18 permit to an applicant for a driver's license permitting him to operate a  
19 motor vehicle while the office is completing its investigation and  
20 determination of all facts relative to the applicant's right to receive a  
21 driver's license.

22 (b)(1) The office may also, in its discretion, issue a temporary  
23 driver's permit to an applicant for a driver's license permitting him to  
24 operate a motor vehicle whose license has expired and who must be retested by  
25 the office as provided for in § 27-16-704.

26 (2) The temporary permit shall be valid for not more than thirty  
27 (30) days.

28 (3) The permit must be in his immediate possession while  
29 operating a motor vehicle, and it shall be invalid when the applicant's  
30 license has been issued or for good cause has been refused."

31

32 SECTION 22. Arkansas Code § 27-16-804(a) is hereby amended to read as  
33 follows:

34 "(a) The office, upon issuing any driver's license, shall have  
35 authority, whenever good cause appears, to impose restrictions suitable to the

1 licensee's driving ability with respect to the type of or special mechanical  
2 control devices required on a motor vehicle which the licensee may operate or  
3 such other restrictions applicable to the licensee as the office may determine  
4 to be appropriate, to assure the safe operation of a motor vehicle by the  
5 licensee."

6

7 SECTION 23. Arkansas Code § 27-16-806 is hereby amended to read as  
8 follows:

9 "(a) In the event that an instruction permit or driver's license issued  
10 under the provisions of this chapter is lost or destroyed, the person to whom  
11 it was issued may, upon payment of five dollars (\$5.00), obtain a duplicate or  
12 substitute, upon furnishing proof satisfactory to the office that the permit  
13 or license has been lost or destroyed."

14

15 SECTION 24. Arkansas Code § 27-16-901 is hereby amended to read as  
16 follows:

17 "27-16-901. Expiration and renewal of licenses.

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

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

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

34

35 SECTION 25. Arkansas Code § 27-16-903 is hereby amended to read as

1 follows:

2 "27-16-903. Authority to cancel licenses.

3 (a) The office is authorized to cancel any driver's license upon  
4 determining that the licensee was not entitled to the issuance of it under  
5 this chapter or that the licensee failed to give the required or correct  
6 information in his application or committed any fraud in making the  
7 application.

8 (b) Upon cancellation, the licensee must surrender the license so  
9 canceled."

10

11 SECTION 26. Arkansas Code § 27-16-905 is hereby amended to read as  
12 follows:

13 "27-16-905. Mandatory revocation for conviction of certain offenses.

14 The office shall forthwith revoke the license of any driver upon  
15 receiving a record of the driver's conviction of any of the following  
16 offenses, when the conviction has become final:

17 (1) Manslaughter, or negligent homicide, resulting from the operation  
18 of a motor vehicle;

19 (2) Any felony in the commission of which a motor vehicle is used;

20 (3) Failure to stop and render aid as required under the laws of this  
21 state in the event of a motor vehicle accident resulting in the death or  
22 personal injury of another;

23 (4) Perjury or the making of a false affidavit or statement under oath  
24 to the office under this chapter or under any other law relating to the  
25 ownership or operation of motor vehicles;

26 (5) Conviction, or forfeiture of bail not vacated, upon three (3)  
27 charges of reckless driving committed within a period of twelve (12) months."

28

29 SECTION 27. Arkansas Code § 27-16-906 is hereby amended to read as  
30 follows:

31 "27-16-906. Conviction in another state. The office is authorized to  
32 suspend or revoke the license of any resident of this state or the privilege  
33 of a nonresident to drive a motor vehicle in this state upon receiving notice  
34 of the conviction of the person in another state of an offense therein which,  
35 if committed in this state, would be grounds for the suspension or revocation

1 of the license of any driver."

2

3 SECTION 28. Arkansas Code § 27-16-907(a) is hereby amended to read as  
4 follows:

5 "(a) The office is authorized to suspend the license of any driver  
6 without preliminary hearing upon a showing by its records or other sufficient  
7 evidence that the licensee:

8 (1) Has been convicted of an offense for which mandatory  
9 revocation of license is required;

10 (2) Has been involved as a driver in any accident resulting in  
11 the death or personal injury of another or serious property damage;

12 (3) Is an habitually reckless or negligent driver of a motor  
13 vehicle;

14 (4) Is an habitual violator of the traffic laws;

15 (5) Is incompetent to drive a motor vehicle;

16 (6) Has permitted an unlawful or fraudulent use of his license;

17 (7) Has committed an offense in another state which, if committed  
18 in this state, would be grounds for suspension or revocation; or

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

23

24 SECTION 29. Arkansas Code § 27-16-908 is hereby amended to read as  
25 follows:

26 "27-16-908. Nonresidents also subject. The privilege of driving a  
27 motor vehicle on the highways of this state given to a nonresident under this  
28 chapter shall be subject to suspension or revocation by the office in like  
29 manner and for like cause as a driver's license issued under this chapter may  
30 be suspended or revoked."

31

32 SECTION 30. Arkansas Code § 27-16-909(a) is hereby amended to read as  
33 follows:

34 "(a) The office, having good cause to believe that a licensed driver is  
35 incompetent or otherwise not qualified to be licensed, may, upon written

1 notice of at least five (5) days to the licensee, require him to submit to an  
2 examination."

3

4 SECTION 31. Arkansas Code § 27-16-910 is hereby amended to read as  
5 follows:

6 "27-16-910. Effect of suspension or revocation. Any resident or  
7 nonresident whose driver's license or right or privilege to operate a motor  
8 vehicle in this state has been suspended or revoked as provided in this  
9 subchapter shall not operate a motor vehicle in this state under a license,  
10 permit, or registration certificate issued by any other jurisdiction or  
11 otherwise during the suspension or after the revocation until a new license is  
12 obtained when and as permitted under this chapter."

13

14 SECTION 32. Arkansas Code § 27-16-911 is hereby amended to read as  
15 follows:

16 "27-16-911. Surrender and return of license.

17 (a) The office, upon suspending or revoking a license, shall require  
18 that the license shall be surrendered to and be retained by the office.

19 (b) At the end of the period of suspension, the license shall be  
20 returned to the licensee."

21

22 SECTION 33. Arkansas Code §27-16-914 is hereby amended to read as  
23 follows:

24 "27-16-914. Suspension of driver's license of minor. Upon receipt of  
25 an order of denial of driving privileges under § 5-65-116 or § 5-64-710, the  
26 Department of Finance and Administration shall suspend the motor vehicle  
27 driver's license of the minor for twelve (12) months or until the minor  
28 reaches eighteen (18) years of age, whichever is longer."

29

30 SECTION 34. Arkansas Code § 27-20-107(c) and (d) are hereby amended to  
31 read as follows:

32 "(c) The license issued by the office may be a license limiting the  
33 named licensee to motorcycles, motor-driven cycles, or similarly classified  
34 motor vehicles; or, in the case where an applicant is sixteen (16) years of  
35 age or older and holds a current valid Class A, B, C, or D license, the office

1 may endorse that license as evidence of proper qualification for the license  
2 as provided for by this subchapter.

3 (d) (1) A motorcycle operator's license shall be issued for a period of  
4 four (4) years, and the fee for the license shall be the same as provided in §  
5 27-16-801. The office shall have the authority, by regulation, to shorten or  
6 lengthen the terms of any motorcycle operator's license period, as necessary,  
7 and to make a pro rata adjustment of the fee charged.

8 (2) No fee will be required if such application is submitted at  
9 the time the applicant's Class A, B, C, or D license is renewed and the  
10 applicant has complied with all other provisions of this subchapter."  
11

12 SECTION 35. Arkansas Code § 27-20-111(c) is hereby amended to read as  
13 follows:

14 "(c) (1) (A) It shall be unlawful for any person to operate a motorized  
15 bicycle upon a public street or highway within this state unless the person  
16 has a certificate to operate such a vehicle.

17 (B) Any person who has a motor-driven cycle license or  
18 motorcycle license or a Class A, B, C, or D license shall qualify to operate a  
19 motorized bicycle and is not required to obtain a certificate from the  
20 Arkansas State Police for the operation of a motorized bicycle.

21 (2) (A) (i) All motorized bicycle certificates shall be issued by  
22 the Arkansas State Police.

23 (ii) No certificate shall be issued to a person under  
24 ten (10) years of age.

25 (B) Prior to being issued a certificate to operate a  
26 motorized bicycle, the applicant shall take and pass an examination pertaining  
27 to the rules of the road, a vision test, and a road test.

28 (C) (i) The Arkansas State Police shall charge a fee of two  
29 dollars (\$2.00) for each certificate issued.

30 (ii) The proceeds from these fees shall be deposited  
31 in the State Treasury as special revenues and credited to the State Police  
32 Fund."  
33

34 SECTION 36. (a) Subchapter 10 of Chapter 16 of Title 27 of the  
35 Arkansas Code of 1987 Annotated is hereby repealed in its entirety.

1 (b) Arkansas Code § 27-16-503 is hereby repealed in its entirety.

2

3 SECTION 37. Sections 1 through 36 of this act shall be effective on and  
4 after January 1, 1994.

5

6 SECTION 38. Arkansas Code § 27-23-111(a) (5) is hereby amended to read  
7 as follows:

8 "(5) A license number which may be the person's social security number  
9 or a nine digit number assigned to the person by the Commissioner if the  
10 person elects not to use the social security number as the license number."

11

12 SECTION 39. Arkansas Code § 27-14-204 is hereby amended to read as  
13 follows:

14 "27-14-204. Nonresident and Resident.

15 (a) Nonresident means every person who is not a resident of this  
16 state.

17 (b) Resident shall mean any person who:

18 (1) remains in this state for a period of more than ninety (90)  
19 days;

20 (2) resides in this state due to a change of abode; or

21 (3) is domiciled in this state on a temporary or permanent basis.

22 (c) The term resident shall not include any person who is in this  
23 state as a student."

24

25 SECTION 40. Arkansas Code § 27-16-203 is hereby amended to read as  
26 follows:

27 "27-16-203. Nonresident and Resident.

28 (a) Nonresident means every person who is not a resident of this  
29 state.

30 (b) Resident shall mean any person who:

31 (1) remains in this state for a period of more than ninety (90)  
32 days;

33 (2) resides in this state due to a change of abode; or

34 (3) is domiciled in this state on a temporary or permanent basis.

35 (c) The term resident shall not include any person who is in this

1 state as a student."

2

3 SECTION 41. Arkansas Code § 27-14-704(a)(1)(A) is hereby amended to  
4 read as follows:

5 "27-14-704. Motor vehicles registered in foreign states.

6 (a) Any motor vehicle or motorcycle belonging to any person who is a  
7 nonresident of this state, who has registered the motor vehicle or motorcycle  
8 in and who has complied with all the laws of the state, territory, District of  
9 Columbia, or any province or territory of Canada in which the owner resided  
10 with respect to the registration of motor vehicles and the display of  
11 registration numbers and who shall conspicuously display the registration  
12 number as required may be operated in this state as follows:

13 (1)(A) If the motor vehicle or motorcycle is a privately owned  
14 passenger vehicle and has complied with all of the laws relative to the  
15 operation of motor vehicles in any state, and its owner is a visitor or  
16 tourist, he may operate it in this state for ninety (90) days without the  
17 payment of license fee;"

18

19 SECTION 42. Subchapter 7 of Chapter 14 of Title 27 of the Arkansas Code  
20 of 1987 Annotated is hereby amended by adding a new section to read as  
21 follows:

22 "27-14-723. (a) Any person who is a resident of this state shall  
23 obtain an Arkansas motor vehicle registration and license in order to operate  
24 the motor vehicle upon the streets and highways of this state within thirty  
25 (30) calendar days of becoming a resident.

26 (b) Any non-resident who has been physically present in this state for  
27 a period of ninety (90) days shall obtain an Arkansas motor vehicle  
28 registration and license in order to operate the motor vehicle upon the  
29 streets and highways of this state."

30

31 SECTION 43. Subchapter 6 of Chapter 16 of Title 27 of the Arkansas Code  
32 of 1987 Annotated is hereby amended by adding a new section to read as  
33 follows:

34 "27-16-606. (a) Any person who is a resident of this state shall  
35 obtain an Arkansas driver's license in order to drive upon the streets and

1 highways of this state within thirty (30) calendar days of becoming a  
2 resident.

3 (b) Any non-resident who has been physically present in this state for  
4 a period of ninety (90) days shall obtain an Arkansas driver's license in  
5 order to drive upon the streets and highways of this state."

6

7 SECTION 44. If any provisions of this act or the application thereof to  
8 any person or circumstance is held invalid, the invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provisions or application, and to this end the provisions of this  
11 act are declared to be severable.

12

13 SECTION 45. All provisions of this act of general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

16

17 SECTION 46. Emergency. It is hereby found and determined by the  
18 Seventy-Ninth General Assembly of the State of Arkansas that the terms  
19 "operator's license" and "chauffeur's license" are obsolete and should be  
20 replaced with the term "driver's license"; that the chauffeur's license is no  
21 longer issued and has been replaced with the commercial driver's license; that  
22 federal law governing commercial driver's license authorizes the use of an  
23 assigned number on a commercial driver's license instead of the applicant's  
24 social security number; and that this act is necessary to eliminate obsolete  
25 references in the Arkansas Code and to be in compliance with federal law  
26 governing commercial driver's license. Therefore, an emergency is hereby  
27 declared to exist and this act being necessary for the preservation of public  
28 peace, health and safety shall be in full force and effect from and after its  
29 passage and approval.

30

31 APPROVED: 03/10/93

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