

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 1233 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2529

5 By: Representatives D. Creekmore, Pace, Mack, S. Prater
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For An Act To Be Entitled

9 AN ACT TO CREATE THE ADDRESS CONFIDENTIALITY
10 PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE OR THEIR
11 DEPENDENTS; TO ALLOW THEM TO USE A POST OFFICE
12 BOX IN LIEU OF A RESIDENCE ADDRESS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO CREATE THE ADDRESS CONFIDENTIALITY
16 PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE
17 OR THEIR DEPENDENTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 27, Chapter 16, Subchapter 8 is amended
24 to add an additional section to read as follows:

25 27-16-810. Exception to disclosing residence address – Address
26 confidentiality program.

27 (a) For the purposes of this section, “licensee” means a person who is
28 applying for, renewing, or requesting a change to his or her driver’s license
29 issued or to be issued under this chapter and who is:

30 (1) The victim of domestic violence; or

31 (2) The dependent of a victim of domestic violence.

32 (b) A licensee shall qualify for the exception for disclosing a
33 residence address under this section if he or she:

34 (1) Presents a valid order of protection issued under The
35 Domestic Abuse Act of 1991, § 9-15-101 et seq.;



1 (2) Presents an affidavit in which the licensee states that he
2 or she:

3 (A)(i) Is a victim of domestic violence; or
4 (ii) Is the dependent of a victim of domestic
5 violence; and

6 (B) (i) Fears further acts of domestic violence; or
7 (ii) Resides with the victim of domestic violence
8 and fears further acts of domestic violence against his or her parent,
9 custodian, or guardian; and

10 (3) Agrees to the terms of participation in the address
11 confidentiality program.

12 (c)(1) A licensee who participates in the address confidentiality
13 program under this section shall be issued a driver's license that discloses
14 a post office box address in lieu of his or her residence address.

15 (2)(A) The licensee shall provide to the Department of Finance
16 and Administration his or her residence address which shall be kept on file
17 with the Department of Finance and Administration for as long as the licensee
18 holds a license that displays a post office box in lieu of a residence
19 address.

20 (B) The licensee shall update his or her residence address
21 and post office box address with the Department of Finance and Administration
22 if a change occurs.

23 (3)(A) The Department of Finance and Administration shall only
24 disclose the residence address to a person who:

25 (i) Presents a compelling reason for access to the
26 residence address in an affidavit;

27 (ii) Presents valid identification to the Department
28 of Finance and Administration; and

29 (iii) Is not a person against whom the order of
30 protection has been entered or who is related by blood or marriage to the
31 person against whom the order of protection has been entered.

32 (B) The Department of Finance and Administration shall
33 maintain a record of each and every person to whom the department discloses
34 the residence address.

35 (C) The Department of Finance and Administration shall
36 provide written notice to the licensee that advises him or her of a

1 disclosure to a third party.

2 (D)(i) The Department of Finance and Administration shall
3 accept complaints from the licensee if the licensee objects to the disclosure
4 to a third party.

5 (ii) The Department of Finance and Administration
6 shall refer a complaint to the prosecuting attorney for prosecution for
7 perjury or another offense relating to judicial or other official proceedings
8 under § 5-53-101 through 5-53-134 related to a false compelling reason stated
9 in an affidavit under subdivision (c)(3)(A)(i).

10 (d) The Director of the Department of Finance and Administration shall
11 promulgate rules and forms to administer the address confidentiality program
12 under this section.

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14 SECTION 2. Arkansas Code § 27-16-801(a)(2), regarding driver's
15 licenses generally, is amended to read as follows:

16 (2) Each license shall include:

17 (A) A distinguishing number assigned to the licensee;

18 (B)(i) The Except as provided under subdivision
19 (a)(2)(B)(ii) of this section, the name, residence address ~~(if the licensee~~
20 ~~is a law enforcement officer, at the officer's option the license shall~~
21 ~~disclose a post office box in lieu of the residence address),~~ date of birth,
22 and a brief description of the licensee.

23 (ii) The following exceptions to providing a
24 residence address and instead providing a post office box address shall be
25 allowed at the option of the licensee:

26 (a) If the licensee is a law enforcement
27 officer; or

28 (b) If the licensee is a victim of domestic
29 violence or the dependent of a victim of domestic violence as provided under
30 § 27-16-810; and

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

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36 APPROVED: 3/24/2005

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