

Department of Finance and Administration

Legislative Impact Statement

Bill: SB578

Bill Subtitle: TO REMOVE A DRIVER'S LICENSE SUSPENSION OR REVOCATION AS AN AVAILABLE PENALTY FOR OFFENSES NOT RELATED TO DRIVING A MOTOR VEHICLE.

Basic Change :

Sponsor: Senator Clark

SB578 amends Arkansas law concerning a circuit or district court's ability to suspend a driver's license as a penalty for offenses not related to driving a motor vehicle. Currently, the court sends the Department of Finance (DFA) an order for suspension of driving privileges for Failure to Appear or Failure to Pay Fines. This suspension is currently effective the day the court order is signed. DFA enters the suspension of privileges upon receipt and a letter is generated to notify the individual of the suspension of their driving privileges and a one hundred-dollar (\$100.00) reinstatement fee is assessed. SB578 would require DFA to provide the individual with notification by first class mail that their driving privileges would be suspended in fifteen (15) days unless the court withdraws its order of suspension.

Revenue Impact :

No impact to State General Revenue.

[This bill would possibly reduce the amount collected in reinstatement fees. For calendar year 2018, there were 32,222 citizens who had driving privileges suspended for Failure to Appear and Failure to Pay Fines. Each of these individuals paid a \$100.00 reinstatement fee.]

Taxpayer Impact :

SB578 provides a fifteen (15) day notification period to an individual prior to his or her driving privileges being suspended for Failure to Appear or Failure to Pay Fines.

Resources Required :

DFA estimates modification cost to Arkansas Integrated Revenue System (AIRS) at \$17,400.00 with a yearly maintenance cost of \$6,000.00.

Time Required :

Adequate time has been provided.

Procedural Changes :

Update Motor Vehicle and Driver Services manuals and policies.

Other Comments :

None.

Legal Analysis :

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Under current law, a circuit court or district court may enforce unpaid court fines by directing the Arkansas Department of Finance and Administration (DFA) to revoke, suspend, or refuse to renew the person's motor vehicle registration or driver's license. The court must certify in writing to the DFA that the person has failed to make satisfactory payment arrangements. Further, if a person is required to appear before a district court for any criminal charge and has been served with a notice to appear, but fails to appear as required, the court may order the DFA to suspend that person's driving privileges.

SB578 would require that the court order give the person 15 days to arrange to pay the fine or fee or appear in court, whichever is applicable, and would require the court to transmit the order to the DFA. Once the DFA receives the order, the DFA would be required to notify the person by first class mail that he or she risks having his or her driving privileges suspended if within 15 days of the order the person does not make arrangements to appear or to make arrangements to pay the fine or fee, whichever is applicable. If the person makes sufficient arrangements with the court to pay the fine or fee or to appear, whichever is applicable, SB578 would require the court to issue a new order stating that the person's license should not be suspended.