

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/24/99

A Bill

HOUSE BILL 2277

5 By: Representative Booker
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 27-16-604 AND 27-16-907
10 TO REPEAL CERTAIN PROVISIONS OF ACT 1099 OF 1997 WHICH
11 HAS HAD AN ADVERSE AFFECT ON CERTAIN MINORITY
12 POPULATIONS; AND FOR OTHER PURPOSES. "
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Subtitle

15 "AN ACT TO REPEAL CERTAIN PROVISIONS OF
16 ACT 1099 OF 1997 WHICH HAS HAD AN
17 ADVERSE AFFECT ON CERTAIN MINORITY
18 POPULATIONS. "
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. The purpose of this act is to repeal Act 1099 of 1997 in
24 order to cure certain unintended consequences of the act which have had an
25 adverse impact on Hispanic citizens residing in the State of Arkansas.
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27 SECTION 2. *Arkansas Code 27-16-604 is amended to read as follows:*
28 *"27-16-604. Persons not to be licensed.*

29 (a) *The office shall not issue any license under this act to any*
30 *person:*

31 (1) *As a noncommercial driver who is under the age of sixteen*
32 *(16) years, except that the office may issue a restricted license as provided*
33 *to any person who is at least fourteen (14) years of age;*

34 (2) *As a commercial driver who is under the age of eighteen (18)*
35 *years;*

36 (3)(A) *As a commercial or noncommercial driver whose license to*

1 operate a motor vehicle has been suspended, in whole or in part, by this state
2 or any other state during such suspension; nor

3 (B) To any person whose license has been revoked, in whole
4 or in part, by this state or any other state, until the expiration of one (1)
5 year after such license was revoked;

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

10 (5) As a commercial or noncommercial driver who has previously
11 been adjudged to have any mental disability or disease and who has not at the
12 time of application been restored to competency by the methods provided by
13 law;

14 (6) As a commercial or noncommercial driver who is required by
15 this act to take an examination, unless the person shall have successfully
16 passed the examination;

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

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

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

26 ~~(10) Any person who is making an initial application for an~~
27 ~~Arkansas driver's license and who is not lawfully within the United States.~~

28 (b) The office is authorized to secure from all state agencies involved
29 the necessary information to comply with the provisions of this section."
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31 SECTION 3. Arkansas Code 27-16-907 is amended to read as follows:

32 "27-16-907. Suspension or revocation of licenses.

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

36 (1) Has been convicted of an offense for which mandatory

1 revocation of license is required;

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

4 (3) Is an habitually reckless or negligent driver of a motor
5 vehicle;

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

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

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

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

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

15 ~~(9) Any person who is not lawfully within the United States.~~

16 (b) The office is authorized to secure from all state agencies involved
17 the necessary information to comply with the provisions of this section.

18 (c)(1) Upon denial, suspension, or revocation of the license of any
19 person authorized under this section, the Office of Driver Services shall
20 notify the licensee in writing.

21 (2) Any licensee desiring a hearing shall notify the Office of
22 Driver Services in writing within twenty (20) days after receipt of the
23 denial, suspension, or revocation.

24 (3) A hearing officer appointed by the commissioner shall
25 schedule a hearing in the county where the licensee resides unless the
26 commissioner and the licensee agree that the hearing may be held in some other
27 county.

28 (4) Based upon the evidence presented at the hearing, the hearing
29 officer shall modify, rescind, or affirm the denial, suspension, or revocation
30 of the license.

31 (d) Hearings conducted by the Office of Driver Services under this
32 section shall not be subject to the Arkansas Administrative Procedure Act, §
33 25-15-201 et seq."

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35 SECTION 3. All provisions of this act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 *Revision Commission shall incorporate the same in the Code.*

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3 *SECTION 4. If any provision of this act or the application thereof to*
4 *any person or circumstance is held invalid, such invalidity shall not affect*
5 *other provisions or applications of the act which can be given effect without*
6 *the invalid provision or application, and to this end the provisions of this*
7 *act are declared to be severable.*

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9 *SECTION 5. All laws and parts of laws in conflict with this act are*
10 *hereby repealed.*

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/s/ Booker

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