

Department of Finance and Administration

Legislative Impact Statement

Bill: SB513

As Engrossed: 3/18/2019

Bill Subtitle: CONCERNING A SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR POSSESSING A CONTROLLED SUBSTANCE.

Basic Change :

Sponsors: Senators B. Johnson and B. Ballinger; Representative Capp

SB513, as engrossed on 3/18/2019 by Amendment S1, is a bill concerning a suspension of a person's driver's license for possessing a controlled substance. Currently for an offense involving the illegal possession or use of a controlled substance under the Uniform Controlled Substance Act, § 5-64-101 et seq, a court would have the ability "where there were compelling circumstances warranting an exception" to not prepare and send to the Department of Finance and Administration (DFA) an order to suspend the driving privileges of the person.

Revenue Impact :

None.

Taxpayer Impact :

In the event of compelling circumstances, a court would have the option not to transmit to DFA a suspension of driving privileges resulting from a controlled substances offense.

Resources Required :

None.

Time Required :

Adequate time is provided.

Procedural Changes :

Training material for the courts and the Office of Driver Services would be updated.

Other Comments :

None.

Legal Analysis :

Current law requires a court of jurisdiction, within 24 hours of a holder of a commercial driver's license issued by the Arkansas Department of Finance and Administration (DFA) being convicted in any state of any drug offense, to order that the DFA suspend the person's driving privileges for 6 months. The suspension order is also required when the CDL holder enrolls in a DWI court, a mental health court, a veteran's court, a juvenile drug court, a "HOPE" court, or a "smarter sentencing" court. SB513 would require the court to order that the DFA suspend the person's driving privileges for 6 months unless the court finds that there are compelling circumstances warranting an exception.