

2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

HOUSE BILL 1625

5
6 By: Representatives Andrews, Womack, Crawford, Duffield, Gonzales, Richmond, Rye, Watson
7 By: Senator Gilmore

8 Filed with: House Committee on Public Transportation
9 pursuant to A.C.A. §10-3-217.

10 For An Act To Be Entitled

11 AN ACT TO CREATE AND ISSUE A DRIVER'S LICENSE WITH A
12 FIREARM DESIGNATION; TO AMEND THE LAW CONCERNING THE
13 FEES FOR THE ISSUANCE OF A DRIVER'S LICENSE; AND FOR
14 OTHER PURPOSES.

16 Subtitle

17
18 TO CREATE AND ISSUE A DRIVER'S LICENSE
19 WITH A FIREARM DESIGNATION; AND TO AMEND
20 THE LAW CONCERNING THE FEES FOR THE
21 ISSUANCE OF A DRIVER'S LICENSE.

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

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26 SECTION 1. DO NOT CODIFY. Legislative findings.

27 The General Assembly finds that the people of Arkansas have certain
28 inalienable rights that are protected and guaranteed by the United States
29 Constitution and the Arkansas Constitution, and among those rights is the
30 right to keep and bear arms for their defense of persons, property, and
31 against tyrannical encroachment.

32
33 SECTION 2. Arkansas Code § 27-16-701, concerning the application for a
34 driver's license, instruction permit, and restricted permit, is amended to
35 add an additional subsection to read as follows:

1 (g)(1) Every application for a driver's license or renewal by a person
 2 eighteen (18) or more years of age shall be accompanied by an instant federal
 3 criminal background check as provided in § 27-16-817.

4 (2) The instant federal criminal background check shall be
 5 conducted as established by § 27-16-817 at no additional cost to the
 6 applicant.

7 (3) The Office of Driver Services shall provide a form giving a
 8 person the option to opt out of the instant federal criminal background check
 9 requirement under subdivision (g)(1) of this section.

10
 11 SECTION 3. Arkansas Code § 27-16-801(a)(1), concerning the issuance of
 12 licenses generally, is amended to read as follows:

13 (a)(1)(A) In a manner prescribed by the Secretary of the Department of
 14 Finance and Administration, the Office of Driver Services shall issue:

15 (i) Except as provided in ~~subdivision~~ subdivisions
 16 (a)(1)(B) and (a)(1)(C) of this section, a Class D license or a Class M
 17 license to each qualified applicant eighteen (18) or more years of age, for a
 18 period of eight (8) years, upon payment of ~~twenty-four dollars (\$24.00)~~
 19 twenty-six dollars (\$26.00);

20 (ii) An intermediate Class D license or an
 21 intermediate Class M license to each applicant between sixteen (16) and
 22 eighteen (18) years of age, for a period of up to two (2) years, upon payment
 23 of ~~twelve dollars (\$12.00)~~ fourteen dollars (\$14.00);

24 (iii) A learner's Class D license to each applicant
 25 between fourteen (14) and sixteen (16) years of age, for a period of up to
 26 two (2) years, upon payment of ~~twelve dollars (\$12.00)~~ fourteen dollars
 27 (\$14.00); and

28 (iv) A Class MD license to each qualified applicant,
 29 for a period of not more than two (2) years, upon payment of ~~two dollars~~
 30 ~~(\$2.00)~~ four dollars (\$4.00).

31 (B) A Except as provided in subdivision (a)(1)(C) of this
 32 section, a Class D license or a Class M license shall be issued for a period
 33 to be elected by the applicant of either four (4) years upon payment of
 34 twelve dollars (\$12.00) fourteen dollars (\$14.00) or eight (8) years upon
 35 payment of twenty-four dollars (\$24.00) twenty-six dollars (\$26.00) to a
 36 qualified applicant who:

1 (i) Is seventy (70) or more years of age; and
2 (ii) Has an expired Class D license or Class M
3 license.

4 (C) A Class D license or a Class M license with a firearm
5 designation under § 27-16-817 shall be issued for a period of five (5) years
6 upon payment of twenty-six dollars (\$26.00).

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8 SECTION 4. Arkansas Code Title 27, Chapter 16, Subchapter 8, is
9 amended to add an additional section to read as follows:

10 27-16-817. Federal criminal background check and firearm designation.

11 (a)(1) The Department of Finance and Administration and the
12 Identification Bureau of the Division of Arkansas State Police shall
13 coordinate to establish a system to provide the Office of Driver Services
14 with an instant federal criminal background check from the Federal Bureau of
15 Investigation that satisfies the federal criminal background check
16 requirements for the purchase of a firearm.

17 (2) The Office of Driver Services shall require that:

18 (A) An applicant sign a release of information; and

19 (B) The information received from an instant federal
20 criminal background check:

21 (i) Shall be used only for the purpose of making
22 decisions regarding the issuance of a driver's license with a firearm
23 designation under this section; and

24 (ii) Is confidential and shall not be released to
25 any third party.

26 (b)(1) The Identification Bureau of the Division of Arkansas State
27 Police shall provide the Office of Driver Services with the instant federal
28 criminal background check required under this section within the time it
29 takes for an person to apply for and be issued a driver's license at a local
30 revenue office.

31 (2) A driver's license with a firearm designation under
32 subsection (c) of this section shall not be issued until the Office of Driver
33 Services receives the instant federal criminal background check and verifies
34 that the information available does not indicate that the possession of a
35 firearm by the applicant would be in violation of Arkansas law or federal
36 law.

1 (c)(1) If an instant federal criminal background check is approved,
2 the Office of Driver Services shall issue a driver's license with a firearm
3 designation.

4 (2) A driver's license with a firearm designation shall be valid
5 for five (5) years and an instant federal criminal background check shall be
6 required upon renewal.

7 (d) The Department of Finance and Administration and the Division of
8 the Arkansas State Police shall promulgate rules necessary for the
9 implementation of this section, including without limitation:

10 (1) A policy concerning the retention of the information
11 obtained from the instant federal criminal background check;

12 (2) The criteria for revoking and reissuing a driver's license
13 with a firearm designation issued under this section; and

14 (3) Any rules necessary for a driver's license with a firearm
15 designation under this section to qualify as an alternative to the background
16 check requirements of the Brady Handgun Violence Prevention Act, 18 U.S.C. §
17 922(t)(3), as it existed on January 1, 2023.

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20 Referred requested by the Arkansas House of Representatives

21 Prepared by: DTP/SJA
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