

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/12/97 S3/21/97

## A Bill

ACT 1099 OF 1997  
HOUSE BILL 2049

5 *By: Representatives Rodgers and Faris*  
6  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 27-16-604 AND  
10 27-16-907 TO PROVIDE THAT THE OFFICE OF DRIVER SERVICES  
11 SHALL NOT ISSUE A DRIVER'S LICENSE TO PERSONS WHO ARE NOT  
12 LAWFULLY WITHIN THE UNITED STATES; AND FOR OTHER  
13 PURPOSES."  
14

### Subtitle

15 "TO PROVIDE THAT THE OFFICE OF DRIVER  
16 SERVICES SHALL NOT ISSUE A DRIVER'S  
17 LICENSE TO PERSONS WHO ARE NOT LAWFULLY  
18 WITHIN THE UNITED STATES"  
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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 Annotated § 27-16-604 is amended to read as  
24 follows:

25 "27-16-604. Persons not to be licensed.

26 (a) The office shall not issue any license under this act to any  
27 person:

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

31 (2) As a commercial driver who is under the age of eighteen (18)  
32 years;

33 (3)(A) As a commercial or noncommercial driver whose license to  
34 operate a motor vehicle has been suspended, in whole or in part, by this state  
35 or any other state during such suspension; nor

36 (B) To any person whose license has been revoked, in whole

1 or in part, by this state or any other state, until the expiration of one (1)  
2 year after such license was revoked;

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

7 (5) As a commercial or noncommercial driver who has previously  
8 been adjudged to be afflicted with or suffering from any mental disability or  
9 disease and who has not at the time of application been restored to competency  
10 by the methods provided by law;

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

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

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

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

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

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

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28 SECTION 2. Arkansas Code Annotated § 27-16-907 is amended to read as  
29 follows:

30 "27-16-907. Suspension or revocation of licenses.

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

34 (1) Has been convicted of an offense for which mandatory  
35 revocation of license is required;

36 (2) Has been involved as a driver in any accident resulting in

1 the death or personal injury of another or serious property damage;

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

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

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

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

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

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

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

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

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

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

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

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

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

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33 SECTION 3. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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

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7 SECTION 5. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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10 /s/Rep. Rodgers, et al

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12 APPROVED:4-03-97

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