

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1992 of the Regular Session

As Engrossed: S3/14/05 S3/17/05 H4/1/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

SENATE BILL 942

4  
5 By: Senator Wooldridge  
6 By: Representative Roebuck

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8  
9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THE LAW REGARDING THE  
11 REINSTATEMENT OF A SUSPENDED OR REVOKED DRIVER'S  
12 LICENSE; AND FOR OTHER PURPOSES.

13  
14 **Subtitle**

15 TO CLARIFY THE LAW REGARDING THE  
16 REINSTATEMENT OF A SUSPENDED OR REVOKED  
17 DRIVER'S LICENSE.

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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22 SECTION 1. Arkansas Code § 5-65-119 is amended to read as follows:  
23 5-65-119. Distribution of fee.

24 (a) The Office of Driver Services of the Department of Finance and  
25 Administration shall charge a fee ~~of one hundred fifty dollars (\$150) to be~~  
26 calculated as provided under subsection (b) of this section for reinstating a  
27 driving privilege suspended or revoked because of an arrest for operating or  
28 being in actual physical control of a motor vehicle while intoxicated or  
29 while there was an alcohol concentration of eight-hundredths (0.08) or more  
30 in the person's breath or blood, § 5-65-103, or refusing to submit to a  
31 chemical test of blood, breath, or urine for the purpose of determining the  
32 alcohol or controlled substance contents of the person's blood or breath, §  
33 5-65-205, which shall be distributed as follows:

34 (1) Seven percent (7%) of the revenues derived from this fee  
35 shall be deposited in the State Treasury as special revenues and credited to



1 the Public Health Fund to be used exclusively for the Office of Alcohol  
2 Testing of the Department of Health;

3 (2) Thirty-three percent (33%) of the revenues derived from this  
4 fee shall be deposited as special revenues in the State Treasury into the  
5 Constitutional Officers Fund and the State Central Services Fund as a direct  
6 revenue to be used by the Office of Driver Services for use in supporting the  
7 administrative driver's licensing revocation and sanctions programs provided  
8 for in this subchapter;

9 (3) Ten percent (10%) of the revenues derived from this fee  
10 shall be deposited in the State Treasury, and the Treasurer of State shall  
11 credit them as general revenues to the various funds in the respective  
12 amounts to each and to be used for the purposes as provided in the Revenue  
13 Stabilization Law, § 19-5-101 et seq.; and

14 (4) Fifty percent (50%) of the revenues derived from this fee  
15 shall be deposited in the State Treasury as special revenues to the credit of  
16 the Department of Arkansas State Police Fund.

17 (b)(1) The reinstatement fee under this section shall be calculated by  
18 multiplying one hundred fifty dollars (\$150) for each separate occurrence of  
19 offenses resulting in an administrative suspension order under § 5-65-103 or  
20 § 5-65-205 unless the order has been removed because:

21 (A) The person has been found not guilty of the offense by  
22 a circuit or district court; or

23 (B) A de novo review of the suspension order by the Office  
24 of Driver Services results in the removal.

25 (2) The fee under this section is supplemental to and in  
26 addition to any fee imposed under § 5-65-304, § 5-65-310, § 27-16-508, or §  
27 27-16-808.

28 (3) As used in this section, "occurrence" means each separate  
29 calendar date when an offense or offenses take place.

30  
31 SECTION 2. Arkansas Code § 5-65-304(d), regarding the seizure,  
32 suspension, and revocation of a driver's license, is amended to read as  
33 follows:

34 (d)(1)(A) The Office of Driver Services shall charge a fee ~~of twenty-~~  
35 ~~five dollars (\$25.00)~~ to be calculated as provided under subdivision (d)(2)  
36 of this section for reinstating a driver's license suspended because of a

1 violation of § 5-65-303 or § 5-65-310.

2 ~~(2)(B)~~ Forty percent (40%) of the revenues derived from  
3 this fee shall be deposited in the State Treasury as special revenues and  
4 credited to the Public Health Fund to be used exclusively for the Department  
5 of Health's Blood Alcohol Program.

6 (2)(A) The reinstatement fee under this section shall be  
7 calculated by multiplying twenty-five dollars (\$25.00) for each separate  
8 occurrence of offenses resulting in an administrative suspension order under  
9 § 5-65-303 unless the order has been removed because:

10 (A) The person has been found not guilty of the offense by  
11 a circuit or district court; or

12 (B) A de novo review of the suspension order by the Office  
13 of Driver Services results in the removal.

14 (2) The fee under this section is supplemental to and in  
15 addition to any fee imposed under § 5-65-119, § 5-65-310, § 27-16-508, or §  
16 27-16-808.

17 (3) As used in this section, "occurrence" means each separate  
18 calendar date when an offense or offenses take place.

19  
20 SECTION 3. Arkansas Code § 27-16-808 is amended to read as follows:

21 27-16-808. Reinstatement charge.

22 (a) The Office of Driver Services shall charge a fee ~~of one hundred~~  
23 ~~dollars (\$100)~~ to be calculated as provided under subsection (c) of this  
24 section for reinstating a driver's license suspended because of a conviction  
25 for any violation or offense.

26 (b) All proceeds remitted to the office pursuant to the provisions of  
27 this section shall be deposited as follows:

28 (1) Twenty-five percent (25%) to the State Police Retirement  
29 Fund; and

30 (2) Seventy-five percent (75%) to the State Treasury as special  
31 revenues to the credit of the Department of Arkansas State Police Fund.

32 (c)(1) The reinstatement fee under this section shall be calculated by  
33 multiplying one hundred dollars (\$100) for each separate occurrence of  
34 offenses under any other provision of the law resulting in:

35 (A) A court order directing the Office of Driver Services  
36 to suspend the driving privileges of the person; or

1 (B) The Office of Driver Services entering a suspension  
2 order.

3 (2) The fee under this section is supplemental to and in  
4 addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §  
5 27-16-508.

6 (3) As used in this section, "occurrence" means each separate  
7 calendar date when an offense or offenses take place.

8  
9 SECTION 4. Arkansas Code § 27-16-508 is amended to read as follows:  
10 27-16-508. Fee for reinstatement.

11 (a) The Office of Driver Services shall collect a reinstatement fee of  
12 one hundred dollars (\$100) to ~~reinstate any suspended, revoked, or cancelled~~  
13 ~~driver's license~~ be multiplied by the number of administrative orders to  
14 suspend, revoke, or cancel a driver's license, other than orders eligible for  
15 reinstatement under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 and  
16 other than orders entered under § 27-16-907(a)(5).

17 ~~(b) The fee in subsection (a) shall not apply if the license is~~  
18 ~~reinstated under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 or if the~~  
19 ~~suspension, revocation, or cancellation is ordered under § 27-16-907(a)(5).~~

20 ~~(e)(b)~~ The revenues derived from this fee shall be deposited in the  
21 State Treasury as special revenues to the credit of the Department of  
22 Arkansas State Police Fund.

23 (c) The fee under this section is supplemental to and in addition to  
24 any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

25  
26 SECTION 5. Arkansas Code § 5-65-310(f), regarding the fees for  
27 reinstatement, is amended to read as follows:

28 (f)(1)(A) The Office of Driver Services shall charge a reinstatement  
29 ~~fee of twenty five dollars (\$25.00) to be calculated as provided under this~~  
30 subdivision (f)(1)(A) for reinstating a driver's license suspended or revoked  
31 for a violation of this section.

32 (B) The reinstatement fee shall be calculated by  
33 multiplying twenty-five dollars (\$25.00) by the number of offenses resulting  
34 in an administrative suspension order under § 5-65-310 unless the order has  
35 been removed because:

36 (i) The person has been found not guilty of the

1 offense by a circuit or district court; or

2 (ii) The Office of Driver Services entering a  
3 suspension order.

4 (C) The fee under subdivision (f)(1)(A) of this section is  
5 supplemental to and in addition to any fee imposed by § 5-65-119, § 5-65-304,  
6 § 27-16-508, or § 27-16-808.

7 (2) Forty percent (40%) of the revenues derived from ~~this~~ the  
8 reinstatement fee under this subsection (f) shall be deposited in the State  
9 Treasury as special revenues and credited to the Public Health Fund to be  
10 used exclusively for the Department of Health's Blood Alcohol Program.

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12 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly of the State of Arkansas that currently there exists some  
14 confusion as to whether the fees collected for the reinstatement of a  
15 suspended or revoked driver's license should be collected for each offense or  
16 for each reinstatement; that due to the confusion, state agencies have not  
17 been allowed to collect the revenue that they anticipated for reinstatement  
18 fees which is causing a negative fiscal impact; and that this act is  
19 immediately necessary to clarify the law to prevent the impairment of agency  
20 operations due to a loss of anticipated revenue. Therefore, an emergency is  
21 declared to exist and this act being immediately necessary for the  
22 preservation of the public peace, health, and safety shall become effective  
23 on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,  
26 the expiration of the period of time during which the Governor may veto the  
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is  
29 overridden, the date the last house overrides the veto.

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31 /s/ Wooldridge

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34 APPROVED: 04/11/2005

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