

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 456 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1612

5 By: Representative Barnett
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE TITLE 27, CHAPTERS
10 16 AND 23, TO COMPLY WITH FEDERAL LAW IN ORDER TO
11 QUALIFY FOR RECEIPT OF FEDERAL HIGHWAY FUNDS; TO
12 DELETE OBSOLETE LANGUAGE; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO COMPLY WITH FEDERAL LAW IN ORDER TO
15 QUALIFY FOR RECEIPT OF FEDERAL HIGHWAY
16 FUNDS.
17
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 16-10-205(d), concerning reporting of
23 traffic offenses, is amended to read as follows:

24 (d)(1) All uniform traffic ticket books must have at least an original
25 and three (3) copies used and distributed as follows:

26 (A) Hard copy: Violator's copy;

27 (B) White copy: Police department, marshal's office, or
28 sheriff's office copy;

29 (C)(i) Yellow copy: Court clerk's copy, to be forwarded to
30 the ~~Department of Finance and Administration, Revenue Division, Office of~~
31 ~~Driver Services, only upon conviction, bond forfeiture, or plea of nolo~~
32 ~~contendere and after all appeals have been exhausted or time for appeal has~~
33 ~~expired~~; Office of Driver Services of the Revenue Division of the Department
34 of Finance and Administration as provided in this subdivision (d)(1)(C) of
35 this section.



1 (ii) Within five (5) business days after a
 2 conviction or forfeiture of bail of a person charged with a violation of any
 3 law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-
 4 27-503(a)(3), the clerk shall forward the yellow copy covering the case in
 5 which the person was convicted or forfeited bail.

6 (iii) The yellow copy shall be certified by the
 7 person required to prepare it and shall include the name and address of the
 8 party charged, the registration number of the vehicle involved, the nature of
 9 the offense, the date of hearing, the plea, the judgment or whether bail was
 10 forfeited, and the amount of the fine or forfeiture.

11 (iv) Within five (5) business days after the
 12 disposition of any case, the clerk shall forward the yellow copy of the
 13 citation and the resulting disposition of the case.

14 (v) A court using the case management system provided
 15 by the Administrative Office of the Courts is not required to submit the
 16 yellow copy to the Office of Driver Services but must enter the disposition
 17 or judgment of conviction into the case management system within the time
 18 required in this section:

19 (D) Pink copy: Remains in uniform traffic ticket book.

20 (2) ~~Additional copies of the tickets are optional and may be~~
 21 ~~used for any purposes deemed necessary~~ Tickets issued but unprocessed shall
 22 be filed by the court date in the police department, marshal's office, or
 23 sheriff's office.

24
 25 SECTION 2. Arkansas Code § 16-10-207(2), concerning reporting of
 26 traffic offenses, is repealed.

27 ~~(2) Issuance of Uniform Traffic Tickets:~~

28 ~~(A) When the arresting officer issues a ticket, the~~
 29 ~~distribution of such tickets shall be as follows:~~

30 ~~(i) Hard copy: Violator's copy;~~

31 ~~(ii) White copy: Police department, marshal's~~
 32 ~~office, or sheriff's office copy;~~

33 ~~(iii) Yellow copy: Court clerk's copy, to be~~
 34 ~~forwarded to the Department of Finance and Administration, Revenue Division,~~
 35 ~~Office of Driver Services, only upon conviction, bond forfeiture, or plea of~~
 36 ~~nolo contendere and after all appeals have been exhausted or time for appeal~~

1 ~~has expired; and~~

2 ~~(iv) Pink copy: Remains in uniform traffic ticket~~
3 ~~book;~~

4 ~~(B) Issued, but unprocessed, tickets shall be filed by~~
5 ~~court date in the police department, marshal's office, or sheriff's office;~~

7 SECTION 3. Arkansas Code § 27-16-603(1), concerning exemptions from
8 the driver's licensing requirements, is amended to read as follows:

9 (1) ~~Any~~ A person while operating who operates a motor vehicle for a
10 military purpose:

11 (A) While in the service of the:

12 (i) Army, Air Force, Navy, Coast Guard, or Marine
13 Corps of the United States; or

14 (ii) National Guard or military reserve; or

15 (B) While serving as a National Guard military technician;

17 SECTION 4. Arkansas Code § 27-16-803 is repealed to delete obsolete
18 language.

19 ~~27-16-803 Temporary permits.~~

20 ~~(a) The office may, in its discretion, issue a temporary driver's~~
21 ~~permit to an applicant for a driver's license permitting him to operate a~~
22 ~~motor vehicle while the office is completing its investigation and~~
23 ~~determination of all facts relative to the applicant's right to receive a~~
24 ~~driver's license.~~

25 ~~(b)(1) The office may also, in its discretion, issue a temporary~~
26 ~~driver's permit to an applicant for a driver's license, permitting him or her~~
27 ~~to operate a motor vehicle, whose license has expired and who must be~~
28 ~~retested by the office as provided for in § 27-16-704.~~

29 ~~(2) The temporary permit shall be valid for not more than thirty~~
30 ~~(30) days.~~

31 ~~(3) The permit must be in his or her immediate possession while~~
32 ~~operating a motor vehicle, and the permit shall be invalid when the~~
33 ~~applicant's license has been issued or for good cause has been refused.~~

34 ~~(c) (1) The office may issue a temporary driver's permit to an applicant~~
35 ~~for a commercial driver's license whose license has expired and who must be~~
36 ~~retested as provided for in the Arkansas Uniform Commercial Driver License~~

1 Act, ~~§ 27-23-101 et seq.,~~ permitting him or her to operate a commercial motor
2 vehicle.

3 ~~(2) The temporary permit shall be valid for not more than sixty~~
4 ~~(60) days.~~

5 ~~(3) The permit must be in his or her immediate possession while~~
6 ~~operating a commercial motor vehicle, and it shall be invalid when the~~
7 ~~applicant's license has been issued or for good cause has been refused.~~

8 ~~(4) The office shall charge a ten dollar (\$10.00) fee for the~~
9 ~~issuance of a temporary permit under this subsection. All license fees~~
10 ~~collected herein shall be deposited in accordance with § 27-16-801 into the~~
11 ~~State Treasury as special revenues, and the net amount thereof shall be~~
12 ~~credited to the Department of Arkansas State Police Fund to be used for the~~
13 ~~operation, maintenance, and improvement of the Department of Arkansas State~~
14 ~~Police.~~

15 ~~(d) All temporary permits issued under this section will expire on~~
16 ~~March 31, 1992.~~

17
18 SECTION 5. Arkansas Code § 27-23-103(9), concerning the definition of
19 "conviction" under the Arkansas Uniform Commercial Driver License Act, is
20 amended to read as follows:

21 (9) "Conviction" or "convicted" means an unvacated adjudication
22 of guilt, a determination that a person has violated or failed to comply with
23 the law in a court of original jurisdiction or by an authorized
24 administrative tribunal, an unvacated forfeiture of bail or collateral
25 deposited to secure the person's appearance in court, a plea of guilty or
26 nolo contendere accepted by the court, the payment of a fine, court cost, or
27 court order, or violation of a condition of release without bail, regardless
28 of whether or not the penalty was rebated, suspended, or prorated;

29
30 SECTION 6. Arkansas Code § 27-23-103(22), concerning the definition of
31 "hazardous materials" under the Arkansas Uniform Commercial Driver License
32 Act, is amended to read as follows:

33 (22) "Hazardous materials" ~~has the same meaning as that found in~~
34 ~~Section 103 of the Hazardous Materials Transportation Act, 49 U.S.C. App. §~~
35 ~~1802~~ means:

36 (A) Any material that:

- 1 (i) Has been designated as hazardous under 49 U.S.C.
- 2 § 5103, as in effect on January 1, 2009, and
- 3 (ii) Is required to be placarded under subpart F of
- 4 49 C.F.R. part 172, as in effect on January 1, 2009; or
- 5 (B) Any quantity of a material listed as a select agent or
- 6 toxin in 42 C.F.R. part 73, as in effect on January 1, 2009;

7

8 SECTION 7. Arkansas Code § 27-23-106(c)(2) and (3), concerning the

9 penalties for employing a driver who does not have a valid commercial driver

10 license, is amended to read as follows:

11 (2) ~~Any An~~ employer convicted of a violation of ~~the provisions~~

12 ~~of~~ subdivision (b)(3) of this section ~~shall be~~ is subject to a civil penalty

13 of not less than two thousand seven hundred fifty dollars (\$2,750) ~~nor more~~

14 ~~than eleven thousand dollars (\$11,000)~~ but not more than twenty-five thousand

15 dollars (\$25,000).

16 (3) ~~Any An~~ employer who knowingly allows, requires, permits, or

17 authorizes a driver to operate a commercial motor vehicle in violation of

18 federal, state, or local law or regulation pertaining to one (1) or more of

19 the offenses listed in § 27-23-112(d) at a railroad-highway grade crossing

20 ~~shall be~~ is subject to ~~the civil penalties of subdivision (e)(2) of this~~

21 ~~section~~ a civil penalty of not less than two thousand seven hundred fifty

22 dollars (\$2,750) but not more than ten thousand dollars (\$10,000) in addition

23 ~~to the disqualification provisions of § 27-23-112(e).~~

24

25 SECTION 8. Arkansas Code § 27-23-112(e), concerning the periods of

26 disqualification of commercial driving privileges for violation of certain

27 railroad crossing traffic offenses, is amended to read as follows:

28 (e) A driver convicted of an offense listed in subsection (d) of this

29 section ~~shall be~~ is disqualified ~~as follows:~~

30 (1) ~~A driver shall be~~ is disqualified ~~for~~ For at least sixty

31 (60) calendar days ~~if the driver pleads guilty or nolo contendere to, or is~~

32 ~~found guilty of, a first violation~~ for a first conviction;

33 (2) ~~A driver shall be~~ is disqualified ~~for~~ For at least one

34 hundred twenty (120) calendar days ~~if the driver pleads guilty or nolo~~

35 ~~contendere to, or is found guilty of, a second violation~~ for a second

36 conviction within a three-year period; and

1 (3) ~~A driver shall be is disqualified for~~ For at least one (1)
2 year ~~if the driver pleads guilty or nolo contendere to, or is found guilty~~
3 ~~of, a third or subsequent violation~~ for a third or subsequent conviction
4 within a three-year period.

5
6 SECTION 9. Arkansas Code § 27-23-112(f), concerning the penalties for
7 a commercial motor vehicle driver who violates an out-of-service order, is
8 amended to read as follows:

9 (f) A driver who violates an out-of-service order ~~shall be~~ is
10 disqualified as follows:

11 (1) If the driver operates a commercial motor vehicle and is
12 convicted of violating a driver or vehicle out-of-service order while
13 transporting nonhazardous materials, the driver ~~shall be~~ is disqualified as
14 follows:

15 (A) For a first conviction while operating a commercial
16 motor vehicle, a person required to have a commercial driver license and a
17 commercial driver license holder ~~shall be~~ is disqualified from operating a
18 commercial motor vehicle for at least ~~ninety (90)~~ one hundred eighty (180)
19 days but not more than one (1) year;

20 (B) For a second conviction in a separate incident within
21 a ten-year period while operating a commercial motor vehicle, a person
22 required to have a commercial driver license and a commercial driver license
23 holder ~~shall be~~ is disqualified from operating a commercial motor vehicle for
24 at least ~~one (1) year~~ two (2) years but not more than five (5) years; and

25 (C) For a third or subsequent conviction in a separate
26 incident within a ten-year period while operating a commercial motor vehicle,
27 a person required to have a commercial driver license and a commercial driver
28 license holder ~~shall be~~ is disqualified from operating a commercial motor
29 vehicle for at least three (3) years but not more than five (5) years; and

30 (2) If the driver operates a commercial motor vehicle and is
31 convicted of violating a driver or vehicle out-of-service order while
32 transporting hazardous materials required to be placarded under the Hazardous
33 Materials Regulations, 49 C.F.R. part 172, subpart F, or while operating a
34 vehicle designed to transport sixteen (16) or more passengers, including the
35 driver, the driver ~~shall be~~ is disqualified as follows:

36 (A) For a first conviction while operating a commercial

1 motor vehicle, a person required to have a commercial driver license and a
 2 commercial driver license holder ~~shall be~~ is disqualified from operating a
 3 commercial motor vehicle for at least one hundred eighty (180) days but not
 4 more than two (2) years;

5 (B) For a second conviction in a separate incident within
 6 a ten-year period while operating a commercial motor vehicle, a person
 7 required to have a commercial driver license and a commercial driver license
 8 holder ~~shall be~~ is disqualified from operating a commercial motor vehicle for
 9 at least three (3) years but not more than five (5) years; and

10 (C) For a third or subsequent conviction in a separate
 11 incident within a ten-year period while operating a commercial motor vehicle,
 12 a person required to have a commercial driver license and a commercial driver
 13 license holder ~~shall be~~ is disqualified from operating a commercial motor
 14 vehicle for at least three (3) years but not more than five (5) years.

15
 16 SECTION 10. Arkansas Code § 27-23-113(c), concerning the civil penalty
 17 for a commercial motor vehicle driver who is convicted of violating an out-
 18 of-service order, is amended to read as follows:

19 (c) ~~Any A~~ driver convicted of violating an out-of-service order ~~shall~~
 20 ~~be~~ is subject to disqualification under § 27-23-112, in addition to a civil
 21 penalty of: ~~not less than one thousand one hundred dollars (\$1,100) nor more~~
 22 ~~than two thousand seven hundred fifty dollars (\$2,750) in addition to~~
 23 ~~disqualification under § 27-23-112.~~

24 (1) Not less than two thousand five hundred dollars (\$2,500) for
 25 a first conviction; and

26 (2) Not less than five thousand dollars (\$5,000) for a second or
 27 subsequent conviction.

28
 29 SECTION 11. Arkansas Code § 27-23-128 is amended to read as follows:
 30 27-23-128. Deferment of sentence – Restrictions.

31 No circuit or district court judge may utilize ~~the provisions of §§ 5-~~
 32 ~~4-311, § 5-4-321, § 16-90-115, §§ 16-93-301 – 16-93-303, or § 27-50-701~~ or
 33 any other program to defer imposition of sentence in instances in which the
 34 defendant holds a commercial driver license and is charged with violating any
 35 state or local traffic law other than a parking violation.

SECTION 12. Arkansas Code § 27-23-202 is amended to read as follows:
 27-23-202. Definitions.

(a) As used in this subchapter:

~~The definition under 49 C.F.R. § 40.3, as in effect on January 1, 2007, applies to a term that is used in this subchapter if that term is defined under 49 C.F.R. § 40.3, as in effect on January 1, 2007.~~

(1)(A)(i) “Consortium/third-party administrator” means a service agent that provides or coordinates the provision of drug and alcohol testing services to employers that are required to comply with the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(ii) A consortium/third-party administrator performs tasks concerning the operation of an employer’s drug and alcohol testing programs.

(B) “A Consortium/ third-party administrator” includes without limitation, groups of employers who join together to administer, as a single entity, the drug and alcohol testing programs of its members that are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(C) A consortium/third-party Administrator is not an “employer” for purposes of this subchapter;

(2)(A) “Employee” means a person who is a holder of an Arkansas commercial driver license and is subject to drug and alcohol tests under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(B) “Employee” includes individuals currently performing safety-sensitive transportation jobs and applicants for employment in safety-sensitive transportation jobs subject to preemployment testing; and

(3)(A) “Employer” means an Arkansas person or entity employing one (1) or more employees subject to the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(B) “Employer” includes:

(i) Individuals who hold Arkansas commercial driver licenses who are self-employed in a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier

1 Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009;
2 and

3 (ii) An Arkansas employer's officers,
4 representatives, and management personnel.

5 (b) Except as provided in this subchapter, the definition under 49
6 C.F.R. § 40.3, as in effect on January 1, 2009, applies to a term that is
7 used in this subchapter if that term is defined under 49 C.F.R. § 40.3, as in
8 effect on January 1, 2009.

9
10 SECTION 13. Arkansas Code § 27-23-203 is amended to read as follows:
11 27-23-203. Applicability – Exemptions.

12 (a) This subchapter applies to:

13 (1) An Arkansas employer who is required to comply with the drug
14 and alcohol testing provisions under the Federal Motor Carrier Safety
15 Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, ~~2007~~ 2009;

16 (2) An employee who holds a an Arkansas commercial driver
17 license and who either:

18 (A) Is employed by an Arkansas employer in a safety-
19 sensitive transportation job for which drug and alcohol tests are required
20 under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399,
21 as in effect on January 1, ~~2007~~ 2009; or

22 (B) Has submitted an application for employment with an
23 Arkansas employer for a safety-sensitive transportation job for which drug
24 and alcohol tests are required under the Federal Motor Carrier Safety
25 Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, ~~2007~~ 2009;
26 and

27 ~~(3) A medical review officer who reviews laboratory test results~~
28 ~~generated by a drug test that an Arkansas employer is required to conduct~~
29 ~~under the Federal Motor Carrier Safety Regulations, as in effect on January~~
30 ~~1, 2007. A consortium/third-party administrator that provides or coordinates~~
31 ~~the provision of drug and alcohol testing services to Arkansas employers that~~
32 ~~are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R.~~
33 ~~pts. 350-399, as in effect on January 1, 2009.~~

34 (b) This subchapter does not apply to an individual who is exempt from
35 holding a commercial driver license notwithstanding whether the individual
36 holds a commercial driver's license.

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SECTION 14. Arkansas Code § 27-23-204 is amended to read as follows:
27-23-204. Testing.

An Arkansas employer shall test an employee for alcohol and drugs if ~~the provisions of this subchapter apply~~ applies to both the Arkansas employer and employee under § 27-23-203(a)(1) and (2).

SECTION 15. Arkansas Code § 27-23-205 is amended to read as follows:
27-23-205. Reporting test results.

(a) An Arkansas employer shall report to the Office of Driver Services within three (3) business days the results of an alcohol screening test that is performed on an employee who holds a an Arkansas commercial driver license if:

(1) The alcohol screening test is performed pursuant to 49 C.F.R. § 382.303 or § 382.305, as in effect on January 1, ~~2007-2009~~;

(2) One (1) of the following occurs regarding the alcohol screening test:

(A) A valid positive result; or

(B) The refusal to provide a specimen for an alcohol screening test.

~~A medical review officer~~ An Arkansas employer shall report within three (3) business days to the office any of the following occurrences regarding a drug test result of an employee who holds a an Arkansas commercial driver license:

(1) A valid positive result on a drug test for any of the following drugs:

(A) Marijuana metabolites;

(B) Cocaine metabolites;

(C) Amphetamines;

(D) Opiate metabolites; or

(E) Phencyclidine (PCP);

(2) The refusal to provide a specimen for a drug test; or

(3) The submission of an adulterated specimen, a dilute positive specimen, or a substituted specimen on a drug test performed.

(c) A consortium/third-party administrator shall report to the office within three (3) business days the results of an alcohol screening test that

1 is performed on an Arkansas employer or employee who holds an Arkansas
2 commercial driver license if:

3 (1) The alcohol screening test is performed pursuant to 49
4 C.F.R. § 382.303 or § 382.305, as in effect on January 1, 2009; and

5 (2) One (1) of the following occurs regarding the alcohol
6 screening test:

7 (A) A valid positive result; or

8 (B) The refusal to provide a specimen for an alcohol
9 screening test.

10 (d) A consortium/third-party administrator shall report within three
11 (3) business days to the office any of the following occurrences regarding a
12 drug test result of an Arkansas employer or employee who holds an Arkansas
13 commercial driver license:

14 (1) A valid positive result on a drug test for any of the
15 following drugs:

16 (A) Marijuana metabolites;

17 (B) Cocaine metabolites;

18 (C) Amphetamines;

19 (D) Opiate metabolites; or

20 (E) Phencyclidine (PCP);

21 (2) The refusal to provide a specimen for a drug test; or

22 (3) The submission of an adulterated specimen, a dilute positive
23 specimen, or a substituted specimen on a drug test performed.

24
25 SECTION 16. Arkansas Code § 27-23-207 is amended to read as follows:
26 27-23-207. Use of database by employers.

27 (a) An Arkansas employer shall submit a request for information from
28 the Commercial Driver Alcohol and Drug Testing Database for each employee who
29 is subject to drug and alcohol testing under this subchapter.

30 (b) The request for information shall be submitted to the Office of
31 Driver Services by the Arkansas employer with an authorization that is signed
32 by the employee.

33 (c)(1)(A) The fee for the request for information is a nominal fee not
34 to exceed one dollar (\$1.00) per employee per request.

35 (B) The office shall determine the amount of the fee.

36 (C) The office shall set the fee ~~prior to~~ before

1 implementation by rule.

2 (2) The fee shall be assessed to and paid by the Arkansas
 3 employer requesting the information.

4 (d) The Arkansas employer shall maintain a record of the report from
 5 the Commercial Driver Alcohol and Drug Testing Database that results from the
 6 request for information submitted under this section for at least three (3)
 7 years.

8

9 SECTION 17. Arkansas Code § 27-23-209 is amended to read as follows:
 10 27-23-209. Penalties.

11 (a)(1) The penalty for an Arkansas employer who knowingly fails to
 12 check the Commercial Driver Alcohol and Drug Testing Database as required
 13 under this subchapter is one thousand dollars (\$1,000).

14 (2) The penalty described in subdivision (a)(1) of this section
 15 shall be assessed beginning July 1, 2008.

16 (b)(1) Except as provided under subdivision (b)(2) of this section,
 17 the penalty for an Arkansas employer who knowingly hires an employee with a
 18 record of a positive alcohol or drug test in the Commercial Driver Alcohol
 19 and Drug Testing Database is five thousand dollars (\$5,000).

20 (2) This subsection (b) does not apply to an employee who has
 21 completed a treatment program or an education program prescribed by a
 22 substance abuse professional and who has been found eligible to return to
 23 duty by the employer as provided under 49 C.F.R. §§ 40.281 – 40.313, as in
 24 effect on January 1, ~~2007~~ 2009.

25 (c) The penalty for an Arkansas employer who knowingly fails to report
 26 an occurrence regarding an alcohol or drug screening test as required under §
 27 27-23-205(a) or § 27-23-205(b) is five hundred dollars (\$500)

28 (d)(1) The penalty for a ~~medical review officer~~ consortium/third-party
 29 administrator who knowingly fails to report an occurrence regarding a drug or
 30 alcohol test result as required under § 27-23-205(~~b~~)(c) or § 27-23-205(d) is
 31 five hundred dollars (\$500).

32 (2) If the ~~medical review officer~~ consortium/third-party
 33 administrator is out of state, the penalty under subdivision (d)(1) of this
 34 section shall be extended to the Arkansas employer that contracted with the
 35 ~~medical review officer~~ consortium/third-party administrator.

36 (e) The penalties under this section ~~shall~~ do not apply to the State

1 of Arkansas, an agency of the state, or a political subdivision of the state.

2 (f) Moneys collected under this section shall be are special revenues
 3 and shall be deposited into the State Treasury to the credit of the State
 4 Highway and Transportation Department Fund.

5
 6 SECTION 18. Arkansas Code § 27-50-504 is repealed.

7 ~~27-50-504. Copy of citation to be recorded.~~

8 ~~Upon disposition of any case, every court authorized by the laws of~~
 9 ~~this state to hear traffic violations shall remit one (1) copy of each~~
 10 ~~citation and the resulting disposition of it to the Office of Driver Services~~
 11 ~~of the Revenue Division of the Department of Finance and Administration.~~

12
 13 SECTION 19. Arkansas Code § 27-50-801 is repealed.

14 ~~27-50-801. Convictions and forfeitures to be reported.~~

15 (a) ~~Every magistrate or judge of a court not of record shall keep a~~
 16 ~~full record of every case in which a person is charged with any violation of~~
 17 ~~this act, any other law regulating the operation of vehicles on highways, §~~
 18 ~~3-3-203(a), or § 5-27-503(a)(3).~~

19 (b) ~~Within ten (10) days after the conviction or forfeiture of bail of~~
 20 ~~a person upon a charge of violating any provision of this act, other law~~
 21 ~~regulating the operation of vehicles on highways, § 3-3-203(a), or § 5-27-~~
 22 ~~503(a)(3), every magistrate of the court or clerk of the court of record in~~
 23 ~~which the conviction was had or bail was forfeited shall prepare and~~
 24 ~~immediately forward to the Office of Driver Services an abstract of the~~
 25 ~~record of the court covering the case in which the person was so convicted or~~
 26 ~~forfeited bail. The abstract must be certified by the person so required to~~
 27 ~~prepare it to be true and correct.~~

28 (c) ~~The abstract must be made upon a form furnished by the office and~~
 29 ~~shall include the name and address of the party charged, the registration~~
 30 ~~number of the vehicle involved, the nature of the offense, the date of~~
 31 ~~hearing, the plea, the judgment, or whether bail was forfeited, and the~~
 32 ~~amount of the fine or forfeiture, as the case may be.~~

33 (d) ~~Every court of record shall also forward a like report to the~~
 34 ~~office upon the conviction of any person of manslaughter or other felony in~~
 35 ~~the commission of which a vehicle was used.~~

36 (e) ~~The failure, refusal, or neglect of any such judicial officer to~~

1 ~~comply with any of the requirements of this section shall constitute~~
2 ~~misconduct in office and shall be grounds for removal therefrom.~~

3 ~~(f) The Department of Arkansas State Police shall keep all abstracts~~
4 ~~received under this section at its main office, and the abstracts shall be~~
5 ~~open to public inspection during reasonable business hours.~~

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7 APPROVED: 3/18/2009
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