

1 State of Arkansas *As Engrossed: S3/7/19 H3/20/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 493

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5 By: Senator K. Hammer

6 *By: Representative Nicks*

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For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING DRIVER'S LICENSE

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REINSTATEMENT FEES; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW CONCERNING DRIVER'S

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LICENSE REINSTATEMENT FEES.

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

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SECTION 1. Arkansas Code § 27-16-508 is amended to read as follows:

21

27-16-508. Fee for reinstatement - Definition.

22

~~(a) The Office of Driver Services shall collect a reinstatement fee of~~
23 ~~one hundred dollars (\$100) to be multiplied by the number of administrative~~
24 ~~orders to suspend, revoke, or cancel a driver's license, other than orders~~
25 ~~eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-~~
26 ~~16-808 and other than orders entered under § 27-16-909.~~

27

~~(b) The revenues derived from this fee shall be deposited into the~~
28 ~~State Treasury as special revenues to the credit of the Department of~~
29 ~~Arkansas State Police Fund.~~

30

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

32

(a)(1) The Office of Driver Services shall collect a reinstatement fee
33 of one hundred dollars (\$100) to be multiplied by the number of
34 administrative orders to suspend, revoke, or cancel a driver's license, other
35 than:

36

(A) Orders eligible for reinstatement under § 5-65-119, §



1 5-65-304, § 5-65-310, or § 27-16-808; and

2 (B) Orders entered under § 27-16-909.

3 (2)(A) If a person's driving privileges are suspended or revoked
4 solely as a result of outstanding driver's license reinstatement fees imposed
5 under the laws of this state, the office shall permit the person to pay only
6 one (1) reinstatement fee of one hundred dollars (\$100) to cover all
7 administrative orders to suspend, revoke, or cancel a driver's license for a
8 person ordered to pay a reinstatement fee under § 27-16-808 or subdivision
9 (a)(1) of this section if a district court or circuit court verifies to the
10 office that the person has:

11 (i) Paid all other court costs, fines, and fees
12 associated with the criminal offense that led to his or her driver's license
13 suspension;

14 (ii) Graduated from a specialty court program; and

15 (iii) Provided the sentencing court with a
16 reinstatement letter from the Department of Finance and Administration
17 showing all outstanding suspension or revocation orders.

18 (B) Subdivision (a)(2)(A) of this section does not apply
19 to:

20 (i) A reinstatement fee ordered under this section,
21 § 5-65-119, § 5-65-304, or § 5-65-310; or

22 (ii) A fee ordered to reinstate commercial driving
23 privileges.

24 (3) A person may not avail himself or herself of the provisions
25 of this section more than one (1) time.

26 (4) Upon notice to the taxpayer of certification of the intent
27 to intercept the taxpayer's state income tax refund under § 26-36-301 et
28 seq., the outstanding fees assessed under this section shall be set off
29 against a taxpayer's state income tax refund.

30 (5) A court may only verify the completion of the requirements
31 under subdivision (a)(2)(A) to the office for a suspension or revocation that
32 occurred as a result of a conviction or other action taken in that particular
33 court or jurisdiction.

34 (b) The revenues derived from this fee shall be deposited into the
35 State Treasury as special revenues to the credit of the Department of
36 Arkansas State Police Fund.

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

3 (d) As used in this section, “specialty court program” means a
 4 specialty court program as authorized by the Supreme Court under § 16-10-139.

5
 6 SECTION 2. Arkansas Code § 27-16-808 is amended to read as follows:

7 27-16-808. Reinstatement charge – Definitions.

8 (a) The Office of Driver Services shall charge a fee to be calculated
 9 as provided under subsection (c) of this section for reinstating a driver’s
 10 license suspended because of a conviction for any violation or offense.

11 (b) All proceeds remitted to the office ~~pursuant to the provisions of~~
 12 under this section shall be deposited as follows:

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

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

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

20 (A) A court order directing the office to suspend the
 21 driving privileges of the person; or

22 (B) The office’s entering a suspension order.

23 ~~(2) The fee under this section is supplemental to and in~~
 24 ~~addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §~~
 25 ~~27-16-508.~~

26 ~~(3) As used in this section, “occurrence” means each separate~~
 27 ~~calendar date when an offense or offenses take place.~~

28 (2)(A) If a person’s driving privileges are suspended or revoked
 29 solely as a result of outstanding driver’s license reinstatement fees imposed
 30 under the laws of this state, the office shall permit the person to pay only
 31 one (1) reinstatement fee of one hundred dollars (\$100) to cover all
 32 administrative orders to suspend, revoke, or cancel a driver’s license for a
 33 person ordered to pay a reinstatement fee under § 27-16-508(a)(1) or
 34 subdivision (c)(1) of this section if a district court or circuit court
 35 verifies to the office that the person has:

36 (i) Paid all other court costs, fines, and fees

1 associated with the criminal offense that led to his or her driver's license
2 suspension;

3 (ii) Graduated from a specialty court program; and

4 (iii) Provided the sentencing court with a
5 reinstatement letter from the Department of Finance and Administration
6 showing all outstanding suspension or revocation orders.

7 (B) Subdivision (c)(2)(A) of this section does not apply
8 to:

9 (i) A reinstatement fee ordered under this section,
10 § 5-65-119, § 5-65-304, or § 5-65-310; or

11 (ii) A fee ordered to reinstate commercial driving
12 privileges.

13 (3) A person may not avail himself or herself of the provisions
14 of this section more than one (1) time.

15 (4) Upon notice to the taxpayer of certification of the intent
16 to intercept the taxpayer's state income tax refund under § 26-36-301 et
17 seq., the outstanding fees assessed under this section shall be set off
18 against a taxpayer's state income tax refund.

19 (5) A court may only verify the completion of the requirements
20 under subdivision (c)(2)(A) to the office for a suspension or revocation that
21 occurred as a result of a conviction or other action taken in that particular
22 court or jurisdiction.

23 (d) As used in this section:

24 (1) "Occurrence" means each separate calendar date when an
25 offense or offenses take place; and

26 (2) "Specialty court program" means a specialty court program as
27 authorized by the Supreme Court under § 16-10-139.

28
29 SECTION 3. DO NOT CODIFY. Report required.

30 (a) The Department of Finance and Administration shall prepare an
31 annual report concerning this act that includes the following information:

32 (1) The number of eligible participants;

33 (2) The number of participants who were reinstated under this
34 act; and

35 (3) The dollar amount paid and the dollar amount written off
36 during the time this act is effective.

