

1 State of Arkansas As Engrossed: S3/15/21 H4/21/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 513

4
5 By: Senators A. Clark, C. Tucker, T. Garner, Gilmore
6 By: Representatives McCollum, A. Collins
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING THE SUSPENSION OR
10 REVOCATION OF A PERSON'S DRIVER'S LICENSE FOR FAILURE
11 TO PAY OR FAILURE TO APPEAR; TO AMEND THE LAW
12 CONCERNING A RESTRICTED DRIVER'S PERMIT ISSUED UNDER
13 CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.
14

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16 **Subtitle**

17 TO AMEND THE LAW CONCERNING THE
18 SUSPENSION OR REVOCATION OF A PERSON'S
19 DRIVER'S LICENSE FOR FAILURE TO PAY OR
20 FAILURE TO APPEAR; AND TO AMEND THE LAW
21 CONCERNING A RESTRICTED DRIVER'S PERMIT
22 ISSUED UNDER CERTAIN CIRCUMSTANCES.
23

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 16-13-708 is amended to read as follows:
28 16-13-708. Revocation of registration or license.

29 (a) ~~(1) The A court may certify in writing to the Department of Finance~~
30 ~~and Administration that a debtor has failed to make satisfactory arrangements~~
31 ~~for the payment of fines and request in writing and under certification that~~
32 ~~the department to Department of Finance and Administration revoke, suspend,~~
33 or refuse to renew the ~~debtor's~~ motor vehicle registration or driver's
34 license of a person who has failed to make satisfactory arrangements for the
35 payment of a court-ordered fine.

36 (2) However, the court shall not make a request to the



1 department as described under subdivision (a)(1) of this section before the
2 court has scheduled a hearing to address the person's nonpayment of the
3 court-ordered fine and the person has failed to appear at the hearing.

4 (3) The court may issue an order for a restricted driving permit
5 in accordance with § 27-16-916.

6 (b) For driver's license revocation, suspension, or nonrenewal, the
7 court must provide the department with the ~~debtor's~~ reason for the
8 revocation, suspension, or nonrenewal, the amount the person owes the court,
9 and the person's full name, ~~social security number~~ date of birth, and last
10 known address.

11 (c) For motor vehicle registration revocation, suspension, or
12 nonrenewal, the court must provide the department with the ~~debtor's~~ reason
13 for the revocation, suspension, or nonrenewal, the amount the person owes the
14 court, and the person's full name and the license plate number or vehicle
15 identification number of the ~~debtor's~~ person's vehicle.

16 (d)(1) An acquittal or a dismissal of a charge of failure to pay a
17 fine or failure to appear at a hearing to address nonpayment of a fine that
18 is used as the basis to revoke, suspend, or refuse to renew the person's
19 driver's license or motor vehicle registration shall reverse the revocation
20 of, suspension of, or refusal to renew the person's driver's license or motor
21 vehicle registration under this section.

22 (2) Upon an acquittal or dismissal of a charge as described in
23 subdivision (d)(1) of this section, the Office of Driver Services shall
24 reinstate the person's driver's license or motor vehicle registration without
25 charging a reinstatement fee, and the charge shall not be used to determine
26 the number of previous offenses when administratively revoking, suspending,
27 or refusing to renew the person's driver's license in the future.

28
29 SECTION 2. Arkansas Code § 16-17-131 is amended to read as follows:

30 16-17-131. ~~Suspension of license for failure~~ Failure to appear =
31 Required appearance – Suspension of driver's license.

32 (a) A person required to appear before a district court in this state,
33 having been served with any form of notice to appear for any criminal
34 offense, traffic violation, or misdemeanor charge, shall appear at the time
35 and place designated in the notice.

36 ~~(b)(1) If a person fails to appear as required in subsection (a) of~~

1 ~~this section, the presiding judge may suspend the person's driver's license.~~
2 ~~(2) The license shall be suspended until the person appears and~~
3 ~~completes the sentence ordered by the court.~~

4 (b)(1) If a person has failed to appear in district court, the
5 district court may suspend the person's driver's license if the district
6 court:

7 (A) Orders the suspension to begin thirty (30) days after
8 the date of the order if the person fails to make arrangements to appear; and

9 (B) Transmits a copy of the order electronically, by fax,
10 or by letter to the Office of Driver Services.

11 (2) The Department of Finance and Administration shall notify
12 the person by first class mail sent to the person's last known address that
13 he or she risks having his or her driver's license suspended if the person
14 does not make arrangements with the district court to appear within thirty
15 (30) days of the date of the order suspending the driver's license.

16 (3)(A) If the person makes sufficient arrangements within thirty
17 (30) days to appear, the district court shall issue a new order stating that
18 the person's driver's license is not suspended as directed under subdivision
19 (b)(1) of this section.

20 (B) The district court shall transmit a copy of the order
21 rescinding the suspension of the person's driver's license to the department
22 electronically, by fax, or by letter.

23 (C) Upon receipt of the order, the department shall
24 immediately reinstate the person's driver's license and shall not require a
25 reinstatement fee.

26 (c)(1)(A) If the person makes arrangements with the district court
27 within thirty (30) days of the date of the notice and appears at the arranged
28 time and location, the district court shall not suspend the person's driver's
29 license.

30 (B) However, if the person fails to make arrangements to
31 appear within thirty (30) days, the driver's license may be suspended until
32 the person appears and completes the sentence ordered by the district court.

33 (2) To suspend a driver's license, the district court must
34 provide the department with the reason for the suspension and the person's
35 full name, date of birth, and last known address.

36 (3) The district court may issue an order for a restricted

1 driving permit in accordance with § 27-16-916.

2 ~~(3)(d)~~ (d) After the person satisfies all requirements of the sentence,
3 the ~~Department of Finance and Administration~~ department shall assess the
4 current fees for reinstatement of a driver's license.

5 (e)(1) An acquittal or a dismissal of a charge of failure to appear
6 that is used as the basis to suspend the person's driver's license shall
7 reverse the suspension of the person's driver's license under this section.

8 (2) Upon an acquittal or dismissal of a charge as described in
9 subdivision (e)(1) of this section, the office shall reinstate the person's
10 driver's license without charging a reinstatement fee, and the charge shall
11 not be used to determine the number of previous offenses when
12 administratively suspending the person's driver's license in the future.

13
14 SECTION 3. Arkansas Code Title 27, Chapter 16, Subchapter 9, is
15 amended to add an additional section to read as follows:

16 27-16-916. Other driver's license suspensions – Restricted driving
17 permits.

18 (a) Unless the person is eligible for a restricted driver's license as
19 provided under this title, a district court may authorize a restricted
20 driving permit upon the suspension of a person's driver's license under § 16-
21 13-708 or § 16-17-131 and may permit a person whose driving privileges are
22 suspended to drive to and from the following:

23 (1) A mandatory court appearance;

24 (2) A program or place where a court has ordered the person's
25 presence or attendance;

26 (3) A place of employment or as required in the scope of
27 employment;

28 (4) A scheduled session or meeting of a support or counseling
29 organization;

30 (5) An educational institution for the purpose of attending a
31 class if the person is enrolled in a course of study or program of training
32 at the educational institution;

33 (6) The educational institution or childcare facility of the
34 person's child or children;

35 (7) A treatment program for persons who have addiction or abuse
36 problems related to a substance or controlled substances;

1 (8) A doctor, hospital, or clinic appointment or admission for
2 medical treatment or care for an illness, disease, or other medical condition
3 of the person or a family member;

4 (9) A location for the enrollment, compliance, and participation
5 in a specialty court program if the person is accepted into a specialty court
6 program; and

7 (10) Any other location the court finds reasonable and
8 necessary.

9 (b)(1) A district court issuing a restricted driving permit under this
10 section shall prepare and transmit to the Department of Finance and
11 Administration an order for a restricted driving permit within three (3)
12 business days after the entry of the order.

13 (2) The department shall transmit to the Arkansas Crime
14 Information Center an order for a restricted driving permit within three (3)
15 business days after receipt of the order from the district court.

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18 /s/A. Clark

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21 **APPROVED: 4/29/21**
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