

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/28/01 S4/3/01 S4/5/01

A Bill

SENATE BILL 916

5 By: Senator K. Smith
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 16,
10 TITLE 27 OF THE ARKANSAS CODE TO CREATE AN
11 INTERMEDIATE DRIVER LICENSE FOR DRIVERS UNDER
12 EIGHTEEN (18) YEARS OF AGE TO ALLOW FOR THE
13 GRADUAL DEVELOPMENT OF DRIVING SKILLS; TO PROVIDE
14 FOR THE ISSUANCE OF AN INTERMEDIATE DRIVER
15 LICENSE FOR THOSE PERSONS WHO ARE SIXTEEN (16) TO
16 EIGHTEEN (18) YEARS OLD AND TO PLACE GRADUATED
17 RESTRICTIONS ON THOSE DRIVING PRIVILEGES; AND FOR
18 OTHER PURPOSES.

Subtitle

20 TO CREATE A DRIVER LICENSE FOR DRIVERS
21 UNDER 18 YEARS OF AGE FOR GRADUATED
22 SKILL LEVELS AND PROVIDE FOR
23 RESTRICTIONS ON DRIVER LICENSES FOR
24 PERSONS 16 TO 18 YEARS OLD.
25
26
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. Arkansas Code 27-16-604 is amended to read as follows:
31 27-16-604. Persons not to be licensed.

32 (a) The Office of Driver Services shall not issue any license under
33 this act to any person:

34 (1) As a noncommercial driver who is under the age of ~~sixteen~~
35 ~~(16)~~ eighteen (18) years, except that the office may issue a ~~restricted an~~
36 intermediate license as provided to any person who is at least ~~fourteen (14)~~

1 sixteen (16) years of age and a learner's permit license to any person who is
2 at least fourteen (14) years of age. This age restriction does not apply to
3 a person who is at least sixteen (16) years of age and:

4 (A) Married;

5 (B) Possesses a high school diploma;

6 (C) Has successfully completed a General Education Development
7 test; or

8 (C) Is in enlisted in the United States military.

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

11 (3) As a commercial or noncommercial driver whose:

12 (A) License to operate a motor vehicle has been suspended,
13 in whole or in part, by this state or by any other state, during the
14 suspension; ~~or~~

15 (B) License has been revoked, in whole or in part, by this
16 state or by any other state, until the expiration of one (1) year after the
17 license was revoked;

18 (4) As a commercial or noncommercial driver who is a habitual
19 drunkard, a habitual user of narcotic drugs, or a habitual user of any other
20 drug to a degree which renders him incapable of safely driving a motor
21 vehicle;

22 (5) As a commercial or noncommercial driver who has previously
23 been adjudged to ~~have~~ be afflicted with or suffering from any mental
24 disability or disease and who has not at the time of application been
25 restored to competency by the methods provided by law;

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

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

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

35 (9) Whose operation of a motor vehicle on the highways the
36 Commissioner of Motor Vehicles has good cause to believe would be inimical to

1 public safety or welfare;

2 (10) Who is making an initial application for an Arkansas
3 driver's license and who is not lawfully within the United States; or

4 (11) Who is a noncommercial driver between the ages of sixteen
5 (16) and eighteen (18) years who has not possessed a restricted license for
6 at least six (6) months.

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

10

11 SECTION 2. Arkansas Code 27-16-701 is amended to read as follows:

12 27-16-701. Application for license or instruction permit - Restricted
13 permits.

14 (a)(1) Every application for an instruction permit or for a commercial
15 or noncommercial driver's license shall be made upon a form furnished by the
16 Office of Driver Services and every application shall be accompanied by the
17 required fee.

18 (2) The driver's license or noncommercial driver's license shall
19 include the intermediate driver's license issued to persons who are less than
20 eighteen (18) years of age and the learner's license issued to persons who
21 are less than sixteen (16) years of age.

22 (b) Every application shall state the full name, date of birth, sex,
23 residence address of the applicant, and briefly describe the applicant and
24 shall state whether the applicant has theretofore been licensed as a driver,
25 and, if so, when and by what state or country, and whether any such license
26 has ever been suspended or revoked or whether an application has ever been
27 refused, and, if so, the date of and reason for suspension, revocation, or
28 refusal.

29 (c)(1) Every application form for an instruction permit, a commercial
30 or noncommercial driver's license, or for any renewal of these licenses or
31 permits shall include space for the applicant's social security number if he
32 has been assigned such a number.

33 (2) Every applicant shall supply his social security number on
34 the application form when he has been assigned such a number, except that an
35 applicant for an instruction permit for a noncommercial driver's license
36 shall not be required to supply his or her social security number and may

1 choose whether to use his or her social security number on the application.

2 (d) Every application for an instruction permit or for a driver's
3 license by a person less than eighteen (18) years old on October 1 of any
4 year shall be accompanied by:

5 (1)(A) Proof of receipt of a high school diploma or its
6 equivalent or enrollment and regular attendance in an adult education program
7 or a public, private, or parochial school.

8 (i) In order to be issued a license, a student
9 enrolled in school shall present proof of a "C" average for the previous
10 semester or similar equivalent grading period for which grades are recorded
11 as part of the student's permanent record.

12 (ii) A student with disabilities receiving special
13 education or related services or a student enrolled in an adult education
14 program shall present proof that the student is successfully completing his
15 individual education plan in order to be issued a license.

16 (B) "Regular attendance" in a school shall be attendance
17 in compliance with the established written policy of the school district or
18 school concerning truancy.

19 (C) "Regular attendance" in an adult education program
20 shall be attendance in compliance with the policy for sixteen (16) and
21 seventeen (17) year olds established by the State Board of Workforce
22 Education and Career Opportunities as provided for in §6-18-222;

23 (2) *Proof that such person is being provided schooling at home*
24 *as described in § 6-15-501 et seq. in the form of a notarized copy of the*
25 *written notice of intent to home school the student provided by the parent or*
26 *guardian to the superintendent of the local school district as required by §*
27 *6-15-503.*

28 (3) Proof that the person is enrolled in a postsecondary
29 vocational -technical program, a community college, or a two-year or four-year
30 institution of higher education; or

31 (4) A check of the applicant's driving record to verify that the
32 applicant for a learner's license or an intermediate driver license has been
33 free of a serious accident and conviction of a serious traffic violation for
34 the last six (6) months and an applicant with an intermediate driver's
35 license applying for a regular license has been free of a serious accident
36 and conviction of a serious traffic violation for the last twelve (12)

1 months;

2 (5) An acknowledgement signed by the applicant of a learner's
3 license that the student is aware that all passengers riding in the motor
4 vehicle shall wear seat belts at all times and that the student is restricted
5 to driving only when accompanied by a driver over the age of twenty-one (21)
6 years old; and

7 (6) An acknowledgement signed by the applicant for an
8 intermediate license that all passengers riding in the motor vehicle shall
9 wear seat belts at all times.

10 (e) The Department of Education shall develop guidelines for use by
11 school districts to provide a certified exemption from the "C" average
12 requirement of subdivision (d)(1)(A)(i) of this section to a student found to
13 be performing at his or her fullest level of capability although such may be
14 below a "C" average.

15 (f)(1) Any person less than eighteen (18) years old who is unable to
16 meet the requirements of ~~subsection (d)~~ subdivisions (d)(1) through (d)(3) of
17 this section may petition the Office of Driver Services that he or she be
18 issued a restricted permit for employment-related purposes.

19 (2)(A) The Office shall advise the person of the time and place
20 for making such request and for the hearing thereon, which shall be conducted
21 within a reasonable time following the application date.

22 (B) Such notice shall be given by mailing the notice to
23 the last known address of the person seeking the restricted permit.

24 (3)(A) In cases where demonstrable financial hardship would
25 result from the failure to issue a learner's permit or driver's license, the
26 Department of Finance and Administration may grant exceptions only to the
27 extent necessary to ameliorate the hardship.

28 (B) If it can be demonstrated that the conditions for
29 granting a hardship were fraudulent, the parent, guardian, or person in loco
30 parentis shall be subject to all applicable perjury statutes.

31 (g) The department shall have the power to promulgate rules and
32 regulations to carry out the intent of this section and shall distribute to
33 each public, private, and parochial school and each adult education program a
34 copy of all rules and regulations adopted under this section.

35

36 SECTION 3. Arkansas Code 27-16-702 is amended to read as follows:

1 27-16-702. Application of minor for instruction permit or Learner's
2 license or intermediate driver's license, etc.

3 (a)(1)(A) The original application of any person under the age of
4 eighteen (18) years for an instruction permit, a learner's license, an
5 intermediate driver's license, or motor-driven cycle or motorcycle license
6 shall be signed and verified before a person authorized to administer oaths
7 by either the father or mother of the applicant, if either is living and has
8 custody.

9 (B) In the event neither parent is living or has custody,
10 then the application shall be signed by the person or guardian having custody
11 or by an employer of the minor.

12 (C) In the event there is no guardian or employer, then
13 the application shall be signed by any other responsible person who is
14 willing to assume the obligations imposed under this subchapter upon a person
15 signing the application of a minor.

16 (2) For purposes of this section, duly authorized agents of the
17 commissioner shall be authorized to administer oaths without charge.

18 (b) Any negligence or willful misconduct of a minor under the age of
19 eighteen (18) years when driving a motor vehicle upon a highway shall be
20 imputed to the person who signed the application of the minor for a permit or
21 license, regardless of whether the person who signed was authorized to sign
22 under subsection (a) of this section, which person shall be jointly and
23 severally liable with the minor for any damages caused by the negligence or
24 willful misconduct.

25 (c)(1) If any person who is required or authorized by subsection (a)
26 of this section to sign the application of a minor in the manner therein
27 provided shall cause, or knowingly cause, or permit his child or ward or
28 employee under the age of eighteen (18) years to drive a motor vehicle upon
29 any highway, then any negligence or willful misconduct of the minor shall be
30 imputed to this person, and this person shall be jointly and severally liable
31 with the minor for any damages caused by such negligence or willful
32 misconduct.

33 (2) The provisions of this subsection shall apply regardless of
34 the fact that a learner's license or an intermediate driver's license may or
35 may not have been issued to the minor.

36 (3) For purposes of this section, a "minor" is defined to be any

1 person who has not attained the age of eighteen (18) years.

2 (d) The provisions of this section shall apply in all civil actions,
3 including, but not limited to, both actions on behalf of and actions against
4 the persons required or authorized by subsection (a) of this section to sign
5 the application in the manner therein provided.

6
7 SECTION 4. Arkansas Code 27-16-704(b), concerning the examination for
8 applicants, is amended to read as follows:

9 (b)(1) The examination shall be held in the county where the applicant
10 resides within not more than thirty (30) days from the date application is
11 made.

12 (2) The examination shall include a test of the applicant's
13 eyesight, ability to read and understand the highway traffic laws of this
14 state, and shall include an actual demonstration of the applicant's ability
15 to exercise ordinary and reasonable control in the operation of a motor
16 vehicle, and such further physical and mental examination deemed necessary by
17 the office to operate a motor vehicle safely upon the highways.

18 (3) The test of the applicant's eyesight shall examine his
19 visual acuity to read road signs and identify objects at a distance.

20 (4) The applicant shall have a minimum uncorrected visual acuity
21 of 20/40 for an unrestricted license and a minimum corrected visual acuity of
22 20/50 for a restricted license. The applicant's field of vision shall be at
23 least one hundred forty degrees (140°) for a person with two (2) functional
24 eyes and at least one hundred five degrees (105°) for a person with one (1)
25 functional eye.

26 (5) Applicants who fail the eyesight test shall be instructed
27 that they should have their eyes examined by an eye care professional and
28 secure corrective lenses, if necessary.

29 (6) The test of the applicant's eyesight shall be made on an
30 optical testing instrument approved under standards established by the
31 Director of the Department of Finance and Administration and the Department
32 of Arkansas State Police.

33 (7) In addition, the applicant for a learner's license and an
34 intermediate driver's license shall have the student's driving record checked
35 to verify that the student has been free of a serious accident and conviction
36 of a serious traffic violation for the last six (6) months, and that an

1 applicant with an intermediate driver's license applying for a regular
2 license has been free of a serious accident and conviction of a serious
3 traffic violation for the last twelve (12) months.

4
5 SECTION 5. Arkansas Code 27-16-801 is amended to read as follows:
6 27-16-801. Licenses generally - Validity periods - Contents - Fees -
7 Disposition of moneys.

8 (a)(1) In a manner prescribed by the commissioner, the office shall
9 issue:

10 (A) A Class D license or a Class M license to each
11 applicant eighteen (18) or more years old and qualified therefor, for a
12 period of four (4) years, upon payment of twelve dollars (\$12.00), and an
13 intermediate Class D or Class M license to each applicant between sixteen
14 (16) and eighteen (18) years of age, for a period of up to two (2) years,
15 upon payment of twelve dollars (\$12.00), and a learner's Class D license to
16 each applicant between fourteen (14) and sixteen (16) years of age, for a
17 period of up to two (2) years, upon payment of twelve dollars (\$12.00);

18 (B) A Class MD license to each applicant qualified
19 therefor, for a period of not more than two (2) years, upon payment of two
20 dollars (\$2.00);

21 (C) Every applicant for a Class D, Class M, or Class MD
22 license under §§ 27-16-704, 27-16-807, or 27-20-108 shall pay an examination
23 fee of five dollars (\$5.00) for the first examination and a fee of five
24 dollars (\$5.00) for each subsequent examination, except that for each
25 examination after the third examination there shall be no charge if the
26 applicant produces receipts for having paid the fees for the previous
27 examinations. The examination fee shall be remitted in a manner prescribed by
28 the commissioner.

29 (2) Each license shall include:

30 (A) A distinguishing number assigned to the licensee;

31 (B) The name, residence address, date of birth, and a
32 brief description of the licensee; and

33 (C) A space upon which the licensee may affix his
34 signature.

35 (3) The licensee shall affix his signature in ink in a space
36 provided, and no license shall be valid until it shall have been so signed by

1 the licensee.

2 (4)(A) At the time of initial issuance or at the time of renewal
3 of a license, the distinguishing number assigned to the licensee for his
4 license shall be the same as the licensee's social security number when the
5 licensee has been assigned a social security number, or shall be a nine-digit
6 number assigned to the specific licensee by the commissioner when the
7 licensee has not been assigned a social security number.

8 (B) However, an applicant for the issuance or renewal of a
9 Class D, Class M, or Class MD license may choose whether to use his or her
10 social security number or a nine-digit number assigned by the commissioner as
11 his or her license number.

12 (b)(1)~~(A)~~ All licenses, as described in subsection (a) of this
13 section, shall include a color photograph of the licensee, and such
14 photograph shall be made a part of the license at the time of application.

15 ~~(B) [Repealed.]~~

16 (2) A license may be valid without a photograph of the licensee
17 when the commissioner is advised that the requirement of the photograph is
18 either objectionable on the grounds of religious belief or the licensee is
19 unavailable to have the photograph made.

20 (c)(1) In addition to the license fee prescribed by subsection (a) of
21 this section, the office shall collect a penalty equal to fifty percent (50%)
22 of the amount thereof from each driver, otherwise qualified, who shall
23 operate a motor vehicle over the highways of this state without a valid
24 license.

25 (2) Such penalty shall be in addition to any other penalty which
26 may be prescribed by law.

27 (d) All license fees collected under subsection (a) of this section
28 shall be deposited in the State Treasury as special revenues, and the net
29 amount thereof shall be credited to the Department of Arkansas State Police
30 Fund, to be used for the operation, maintenance, and improvement of the
31 Department of Arkansas State Police.

32 (e)(1) The office shall not charge an additional fee for the color
33 photograph provided for in subsection (b) of this section for those
34 applicants making a renewal application for the first time.

35 (2) In addition to the regular license fee, a fee of one dollar
36 (\$1.00) shall be charged for all subsequent renewals.

1 (3) All persons applying for an Arkansas license for the first
2 time and all persons who are required to take the driver's written
3 examination as provided for in this act shall be charged the additional fee
4 of one dollar (\$1.00).

5 (4) All persons who are required to have their eyesight tested
6 prior to initial licensing or upon subsequent license renewal as provided for
7 in this act shall be charged an additional fee of one dollar (\$1.00) upon
8 issuance of the license.

9 (5) Each learner's license and intermediate driver's license
10 issued shall be distinctive from the regular driver's license issued to a
11 person eighteen (18) or more years old.

12 (f) The office shall provide on the reverse side of the driver's
13 license issued a statement and space whereby the licensee may certify
14 willingness to make an anatomical gift under the provisions of § 20-17-601 et
15 seq.

16 (g) Moneys collected from the penalty fee provided in subsection (c)
17 of this section and the fees provided in subsection (e) of this section shall
18 be deposited in the State Treasury into the Constitutional Officers Fund and
19 the State Central Services Fund, and the net amount shall be credited to the
20 Department of Finance and Administration to be used to help defray the cost
21 of the driver license program which shall be payable therefrom.

22 (h) Such fees as are collected under subsection (a) of this section
23 shall be remitted to the State Treasury, there to be deposited as special
24 revenues to the credit of the Department of Arkansas State Police Fund, to be
25 used for the operation, maintenance, and improvement of the Department of
26 Arkansas State Police.

27
28 SECTION 6. Arkansas Code 27-16-802(a), concerning instruction permits,
29 is amended to read as follows:

30 (a)(1) Any person who is at least fourteen (14) years of age may apply
31 to the office for an instruction permit.

32 (2) The office may, in its discretion, after the applicant has
33 successfully passed all parts of the examination other than the driving test,
34 issue to the applicant an instruction permit which shall entitle the
35 applicant while having the permit in his immediate possession to drive a
36 motor vehicle upon the public highways for a period of six (6) months when

1 accompanied by a licensed driver who ~~has had at least one (1) year of driving~~
2 ~~experience~~ is at least twenty-one (21) years of age and who is occupying a
3 seat beside the driver, except in the event the permittee is operating a
4 motorcycle.

5 (3) Any instruction permit may be renewed or a new permit issued
6 for an additional period of six (6) months as long as the permittee has
7 remained free of a serious accident and conviction of a serious traffic
8 violation for at least the last six (6) months.

9 (4) Any passengers riding in the motor vehicle while a permittee
10 is driving shall wear seat belts at all times.

11
12 SECTION 7. Arkansas Code 27-16-804 is amended to read as follows:

13 27-16-804. Restricted licenses, learner's licenses, and intermediate
14 licenses.

15 (a) The office, upon issuing any driver's license, shall have
16 authority, whenever good cause appears, to impose restrictions suitable to
17 the licensee's driving ability with respect to the type of or special
18 mechanical control devices required on a motor vehicle which the licensee may
19 operate or such other restrictions applicable to the licensee as the office
20 may determine to be appropriate to assure the safe operation of a motor
21 vehicle by the licensee.

22 (b)(1) The office may either issue a special restricted license or may
23 set forth such restrictions upon the usual license form.

24 (2) ~~All licensees under the age of sixteen (16) years shall be~~
25 ~~restricted to operation of a motor vehicle, motorcycles and motor-driven~~
26 ~~cycles excepted, only while accompanied by a licensed driver who is twenty-~~
27 ~~one (21) years of age or older, unless otherwise determined by the office.~~
28 The office may, upon showing of need, waive any age restriction set forth in
29 this chapter.

30 (c) All licensees who have a tested uncorrected visual acuity of less
31 than 20/40 shall be restricted to the operation of a motor vehicle,
32 motorcycle, or motor-driven cycle only while they are wearing corrective
33 lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or
34 a motor-driven cycle if he has a tested corrected visual acuity of less than
35 20/50 or if he has a field of vision less than one hundred forty degrees
36 (140°) with two (2) functioning eyes or less than one hundred five degrees

1 (105°) with one (1) functioning eye.

2 (d) The office may, upon receiving satisfactory evidence of any
3 violation of the restrictions of a license, suspend or revoke it, but the
4 licensees shall be entitled to a hearing as upon a suspension or revocation
5 under this chapter.

6 (e) It is a misdemeanor for any person to operate a motor vehicle in
7 any manner in violation of the restrictions imposed in a restricted license
8 issued to him.

9 (f) The office shall have authority to issue a restricted driver
10 license, to be known as a "learner's license," to those persons under sixteen
11 (16) years of age. The learner's license shall be issued only to an
12 applicant with a valid instruction permit who is at least fourteen (14) years
13 of age, who has remained free of a serious accident and conviction of a
14 serious traffic violation in the last six (6) months, and who meets all other
15 licensing examinations requirements of this chapter. The driver with a
16 learner's license shall operate the motor vehicle on the public streets and
17 highways only when:

18 (1) All passengers in the vehicle are wearing their seat belts
19 at all times; and

20 (2) The driver with a learner's permit is being accompanied by a
21 driver over the age of twenty-one (21) years old.

22 (g) The office shall have authority to issue a restricted driver
23 license to those persons under eighteen (18) years of age called an
24 intermediate driver's license. The intermediate driver license shall be
25 issued only to an applicant with a valid instruction permit or a learner's
26 license who is at least sixteen (16) years of age, who has remained free of a
27 serious accident and conviction of a serious traffic violation for at least
28 the last six (6) months, and who meets all other licensing examination
29 requirements of this chapter. The driver with an intermediate driver license
30 shall operate the motor vehicle on the public streets and highways only when
31 all passengers in the vehicle are wearing their seat belts.

32 (h) No motor vehicle, nor the operator of a vehicle, nor the
33 passengers of the vehicle shall be stopped, inspected, or detained solely to
34 determine compliance with the requirement set out in this subchapter for
35 wearing a seat belt.

36

1 SECTION 8. Arkansas Code 27-16-901 is amended to read as follows:
2 27-16-901. Expiration and renewal of licenses.

3 (a)(1)(A) ~~Every~~ Except for the intermediate driver license and the
4 learner's license, every driver's license shall expire at the end of the
5 month in which it was issued four (4) years from its date of initial issuance
6 unless the commissioner shall provide, by regulation, for some other
7 staggered basis of expiration.

8 (B) A learner's license shall be issued for no more than a
9 two (2) year period and shall expire upon the driver reaching sixteen (16)
10 years of age. Any person sixteen (16) years of age may apply for an
11 intermediate driver license provided their driving record is free of a
12 serious accident and conviction of a serious traffic violation for the most
13 recent six (6) month period.

14 (C) Intermediate driver's licenses shall be issued for no
15 more than a two (2) year period and shall expire upon the driver reaching age
16 eighteen (18) years of age and may be renewed at that time as a regular
17 driver license for four (4) years, so long as the intermediate driver has
18 been free of a serious accident and conviction of a serious traffic violation
19 for at least twelve (12) months prior to arriving at his or her eighteenth
20 (18th) birthday.

21 (2)(A) The commissioner shall have the authority, by regulation,
22 to shorten or lengthen the term of any driver's license period, as necessary,
23 to ensure that approximately twenty-five percent (25%) of the total valid
24 licenses are renewable each fiscal year.

25 (B)(i) All driver's licenses subject to change under this
26 subsection shall also be subject to a pro rata adjustment of the license fee
27 charged in §27-16-801(a).

28 (ii) The adjustment of the fee shall be carried out
29 in the manner determined by the commissioner by regulation.

30 (b) Every driver's license shall be renewable on or before its
31 expiration upon completion of an application, payment of the fees designated
32 in §27-16-801, and passage of the eyesight test required in §27-16-704 and
33 shall be renewed without other examination, unless the commissioner has
34 reason to believe that the licensee is no longer qualified to receive a
35 license.

36

SECTION 9. This act shall be effective July 1, 2002.

SECTION 10. *Arkansas Code 27-16-401 is amended to include the following:*

27-16-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Commissioner" means the Director of the Department of Finance and Administration of the State of Arkansas acting in his capacity as Commissioner of Motor Vehicles of this state;

(2) "Director" means the Director of the Office of Driver Services;

(3) "Driver" means the same as provided in § 27-16-204(b)-;

(4) "Serious traffic violation" means any violation where the driver's privilege to operate a motor vehicle has, by court order or by administrative action, been withdrawn or any violation in which a driver has been found guilty of:

(A) Any alcohol related moving traffic violation;

(B) Any seat belt violation;

(C) Any commercial motor vehicle violation;

(D) Driving fifteen (15) or more miles per hour over the speed limit;

(E) Reckless driving;

(F) Negligent homicide;

(G) Using a vehicle to commit a felony;

(H) Failure to carry liability insurance;

(I) Leaving the scene of an accident;

(J) Evading arrest;

(K) Fleeing by use of an automobile;

(L) Unsafe driving;

(M) Hazardous driving;

(N) Prohibited passing;

(O) Passing stopped school bus;

(P) Careless or negligent driving;

(Q) Failure to obey a traffic signal or device;

(R) Failure to obey a railroad crossing barrier;

(S) Racing on a highway;

(T) Driving with a suspended, revoked or cancelled

1 license; or

2 (U) Driving the wrong way down a one way street.

3 (5)(A) "Serious accident" means a reportable accident in which
4 the driver is found at fault; and

5 (B) The accident is placed on the driver's record by
6 the Office of Driver's Services.

7

8 /s/ K. Smith

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