

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1613

5 By: Representative Hickerson  
6 By: Senator Hickey  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A DRIVER MONITORING PROGRAM TO BE  
10 ADMINISTERED BY THE OFFICE OF DRIVER SERVICES; TO  
11 AUTHORIZE THE OFFICE OF DRIVER SERVICES TO MONITOR  
12 CERTAIN DRIVER RECORDS AND FURNISH DRIVER MONITORING  
13 REPORTS; TO ESTABLISH APPROPRIATE FEES; AND FOR OTHER  
14 PURPOSES.  
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## Subtitle

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18 TO CREATE A DRIVER MONITORING PROGRAM  
19 ADMINISTERED BY THE OFFICE OF DRIVER  
20 SERVICES; AND TO AUTHORIZE THE OFFICE OF  
21 DRIVER SERVICES TO FURNISH DRIVER  
22 MONITORING REPORTS.  
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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 27-23-118(b) and (c), concerning  
28 distribution of fees collected under the Arkansas Uniform Commercial Driver  
29 License Act, are amended to read as follows:

30 (b) The fee set out in § ~~27-23-117(b)~~ 27-23-117(2) shall be deposited  
31 as special revenues into the State Treasury and distributed as follows:

32 (1) Four dollars (\$4.00) of the fee shall be deposited to the  
33 credit of the ~~division in the fund~~ Revenue Division of the Department of  
34 Finance and Administration in the Commercial Driver License Fund; and

35 (2) The remaining six dollars (\$6.00) of the fee shall be  
36 ~~distributed in the manner set forth in § 27-50-910~~ deposited to the credit of



1 the State Highway and Transportation Department Fund for distribution as  
 2 provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et  
 3 seq.

4 (c) The fee set out in § ~~27-23-117(e)~~ § 27-23-117(3) shall be deposited  
 5 as special revenues into the State Treasury and distributed as follows:

6 (1) One dollar (\$1.00) of the fee shall be deposited to the  
 7 credit of the ~~division in the fund~~ Revenue Division of the Department of  
 8 Finance and Administration in the Commercial Driver License Fund; and

9 (2) The remaining six dollars (\$6.00) of the fee shall be  
 10 ~~distributed in the manner set forth in § 27-50-910~~ deposited to the credit of  
 11 the State Highway and Transportation Department Fund for distribution as  
 12 provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et  
 13 seq.

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 15 SECTION 2. Arkansas Code § 27-50-906(a)(7)(B), concerning notice and  
 16 information provided to a driver that the driver's record has been reported,  
 17 is amended to read as follows:

18 (B)(i) ~~No~~ A driver's record shall not be reported to any  
 19 individual except duly authorized officials of the office unless a copy of  
 20 the report and the name of the individual or organization that received the  
 21 report are sent to the driver named in the report.

22 (ii) The notice and information required by  
 23 subdivision (a)(7)(B)(i) need not be sent when a driver monitoring report is  
 24 furnished under § 27-50-912; and

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 26 SECTION 3. Arkansas Code § 27-50-906(a)(8)(B), concerning the  
 27 additional fee for the electronic transmission of a driver's license status  
 28 report, is amended to read as follows:

29 (B) The Information Network of Arkansas may charge an  
 30 additional fee under the Information Network of Arkansas Act, § 25-27-101 et  
 31 seq., for the service of transmitting this information electronically.

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 33 SECTION 4. Arkansas Code § 27-50-906(c)(2), concerning the fee charged  
 34 by the Information Network of Arkansas for electronically transmitting a  
 35 driver confirmation record, is amended to read as follows:

36 (2) The network may charge an additional fee under the

1 Information Network of Arkansas Act, § 25-27-101 et seq., for the service of  
2 transmitting this information electronically.

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4 SECTION 5. Arkansas Code § 27-50-910 is repealed.

5 ~~27-50-910. Disposition of funds.~~

6 ~~Moneys collected under the provisions of this subchapter shall be~~  
7 ~~special revenues and deposited into the State Treasury to the credit of the~~  
8 ~~State Highway and Transportation Department Fund for distribution as provided~~  
9 ~~in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.~~

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11 SECTION 6. Arkansas Code Title 27, Chapter 50, Subchapter 9, is  
12 amended to add an additional section to read as follows:

13 27-50-912. Driver monitoring program – Reports.

14 (a) As used in this section:

15 (1) "Driver monitoring report" means a report issued by the  
16 Office of Driver Services to an insurer, under a written agreement between  
17 the office and the insurer, that indicates whether a driver has had a traffic  
18 violation or accident during the previous month; and

19 (2) "Insurer" means:

20 (A) An insurance company licensed to do business in this  
21 state; or

22 (B) The authorized agent of an insurance company licensed  
23 to do business in this state.

24 (b) The office shall establish a driver monitoring program to monitor  
25 and report the driving records of individuals at the request of an insurer.

26 (c) The office may enter into a written agreement with an insurer to  
27 monitor the driver record of persons holding an Arkansas driver's license and  
28 provide a monthly driver monitoring report for each insured or driver  
29 monitored. The office may cancel this agreement at any time.

30 (d) The driver monitoring report shall:

31 (1) Indicate whether a violation is posted to the official  
32 driver record during the previous month.

33 (2) Not identify the specific violation or violations posted on  
34 the driver record; and

35 (3) Be used by an insurer solely to evaluate the driving record  
36 of current policy holders for re-underwriting purposes.

1       (e) The office is not required to provide the notice and information  
2 required by § 27-50-906(a)(7)(B) when issuing a driver monitoring report.

3       (f)(1) The office may charge a monthly fee of not less than twelve  
4 cents (12¢) and not more than nineteen cents (19¢) for each insured  
5 monitored.

6       (1) The office authorizes that one cent (1¢) of the revenues  
7 from subdivision (f)(1) of this section shall be special revenues and  
8 deposited into the State Treasury to the credit of the State Highway and  
9 Transportation Department Fund for distribution as provided in the Arkansas  
10 Highway Revenue Distribution Law, § 27-70-201 et seq.

11       (2) The remaining revenues derived from subdivision (f)(1) of  
12 this section shall be deposited into the State Central Services Fund as  
13 direct revenue to be used by the Revenue Division of the Department of  
14 Finance and Administration.

15       (3) The Information Network of Arkansas may charge insurers or  
16 their agents an additional fee under the Information Network of Arkansas Act,  
17 § 25-27-101 et seq., for transmitting a driver monitoring report  
18 electronically.

19       (4) The insurer is required to purchase a driving record  
20 pursuant to § 27-23-117(c) for any monitored insured or driver when the  
21 driver monitoring report indicates a violation has been posted to the  
22 driver's record during the previous month.

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24       SECTION 7. EFFECTIVE DATE. This act is effective on and after January  
25 1, 2016.  
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