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2 92nd General Assembly
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4

A Bill

HOUSE BILL 1867

5 By: Representatives Dotson, Womack
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE REQUIREMENTS
9 FOR A DRIVER'S LICENSE OR INSTRUCTION PERMIT; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 TO AMEND THE LAW CONCERNING THE
13 REQUIREMENTS FOR A DRIVER'S LICENSE OR
14 INSTRUCTION PERMIT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-16-701 is amended to read as follows:

22 27-16-701. Application for license or instruction permit – Restricted
23 permits – Definitions.

24 (a)(1) Every application for an instruction permit or for a commercial
25 or noncommercial driver's license shall be made upon a form furnished by the
26 Office of Driver Services, and every application shall be accompanied by the
27 required fee.

28 (2) The commercial driver's license or noncommercial driver's
29 license shall include the intermediate driver's license issued to persons who
30 are less than eighteen (18) years of age and the learner's license issued to
31 persons who are less than sixteen (16) years of age.

32 (b) Every application shall:

33 (1) State the full name, date of birth, sex, and residence
34 address of the applicant;

35 (2) Briefly describe the applicant; and

36 (3) State whether the applicant has theretofore been licensed as



1 a driver and, if so, when and by what state or country, whether any license
 2 has ever been suspended or revoked, or whether an application has ever been
 3 refused, and, if so, the date of and reason for suspension, revocation, or
 4 refusal.

5 (c)(1) Every application form for an instruction permit, a commercial
 6 or noncommercial driver's license, or any renewal of these licenses or
 7 permits shall include space for the applicant's Social Security number if he
 8 or she has been assigned such a number.

9 (2) Every applicant shall supply his or her Social Security
 10 number on the application form when he or she has been assigned such a
 11 number.

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

15 ~~(1)(A)(i)(a) Proof of receipt of a high school diploma or its~~
 16 ~~equivalent or enrollment and regular attendance in an adult education program~~
 17 ~~or a public, private, or parochial school.~~

18 ~~(b) In order to be issued a license, a student~~
 19 ~~enrolled in school shall present proof of a "C" average for the previous~~
 20 ~~semester or similar equivalent grading period for which grades are recorded~~
 21 ~~as part of the student's permanent record.~~

22 ~~(c) However, when the student does not have~~
 23 ~~the required "C" average, a restricted license may be issued to the student~~
 24 ~~for the purpose of driving to and from work.~~

25 ~~(ii) A student with disabilities receiving special~~
 26 ~~education or related services or a student enrolled in an adult education~~
 27 ~~program shall present proof that the student is successfully completing his~~
 28 ~~or her individual education plan in order to be issued a license.~~

29 ~~(B) As used in this section:~~

30 ~~(i) "Regular attendance" means attendance in~~
 31 ~~compliance with the:~~

32 ~~(a) Established written policy of the school~~
 33 ~~district or public, private, or parochial school concerning truancy; or~~

34 ~~(b) Policy for sixteen year olds and~~
 35 ~~seventeen year olds enrolled in an adult education program established by the~~
 36 ~~Career Education and Workforce Development Board as provided for in § 6-18-~~

1 ~~222; and~~

2 ~~(ii) "Special education or related services" means~~
 3 ~~an instruction plan specially designed to meet the unique needs of a student~~
 4 ~~with a disability that adversely affects his or her educational performance~~
 5 ~~and requires an:~~

6 ~~(a) Individualized education program under the~~
 7 ~~Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No.~~
 8 ~~108-446; or~~

9 ~~(b) Accommodation commonly known as a "504~~
 10 ~~Plan" under the Rehabilitation Act of 1973, Pub. L. No. 93-112.~~

11 ~~(2) Proof that the person is being provided schooling at home as~~
 12 ~~described in § 6-15-501 et seq. in the form of a notarized copy of the~~
 13 ~~written notice of intent to home school the student provided by the parent or~~
 14 ~~guardian to the superintendent of the local school district as required by §~~
 15 ~~6-15-503;~~

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

19 ~~(4)(1)~~ A check of the applicant's driving record to verify that
 20 the applicant for a learner's license or an intermediate driver's license has
 21 been free of a serious accident and conviction of a serious traffic violation
 22 for the last six (6) months and that an applicant with an intermediate
 23 driver's license applying for a regular license has been free of a serious
 24 accident and conviction of a serious traffic violation for the last twelve
 25 (12) months;

26 ~~(5)(2)~~ An acknowledgment signed by the applicant of a learner's
 27 license that the student is aware that all passengers riding in the motor
 28 vehicle shall wear seat belts at all times and that the student is restricted
 29 to driving only when accompanied by a driver over twenty-one (21) years of
 30 age;

31 ~~(6)(3)~~ An acknowledgment signed by the applicant for an
 32 intermediate driver's license that all passengers riding in the motor vehicle
 33 shall wear seat belts at all times;

34 ~~(7)(4)~~ An acknowledgment signed by the applicant for a learner's
 35 license or an intermediate driver's license that the applicant is prohibited
 36 from using a cellular telephone or other interactive wireless communication

1 device while operating a motor vehicle;

2 ~~(8)(A)~~(5)(A) An acknowledgment signed by the applicant for an
 3 intermediate driver's license that the applicant shall not operate a motor
 4 vehicle on public streets or highways with more than one (1) unrelated minor
 5 passenger in the motor vehicle unless the applicant is accompanied by a
 6 licensed driver who is twenty-one (21) years of age or older.

7 (B) As used in this section, "unrelated minor passenger"
 8 means a passenger who is under twenty-one (21) years of age and who is not:

9 (i) A sibling of the driver;

10 (ii) A step-sibling of the driver; or

11 (iii) A child who resides in the same household as
 12 the driver; and

13 ~~(9)(6)~~ An acknowledgment signed by the applicant for an
 14 intermediate driver's license that the applicant shall not operate a motor
 15 vehicle on public streets or highways between the hours of 11:00 p.m. and
 16 4:00 a.m. unless the applicant is:

17 (A) Accompanied by a licensed driver who is twenty-one
 18 (21) years of age or older;

19 (B) Driving to or from a school activity, church-related
 20 activity, or job; or

21 (C) Driving because of an emergency.

22 ~~(e) The Department of Education shall develop guidelines for use by~~
 23 ~~school districts to provide a certified exemption from the "C" average~~
 24 ~~requirement of subdivisions (d)(1)-(3) of this section to a student found to~~
 25 ~~be performing at his or her fullest level of capability although that may be~~
 26 ~~below a "C" average.~~

27 ~~(f)(1) Any person less than eighteen (18) years of age who is unable~~
 28 ~~to meet the requirements of subdivisions (d)(1)-(3) of this section may~~
 29 ~~petition the office that he or she be issued a restricted permit for~~
 30 ~~employment-related purposes.~~

31 ~~(2)(A) The office shall advise the person of the time and place~~
 32 ~~for making the request and for the hearing thereon, which shall be conducted~~
 33 ~~within a reasonable time following the application date.~~

34 ~~(B) Notice shall be given by mailing the notice to the~~
 35 ~~last known address of the person seeking the restricted permit.~~

36 ~~(3)(A)~~(e)(1) In cases in which demonstrable financial hardship

1 would result from the failure to issue a learner's permit or driver's
 2 license, the Department of Finance and Administration may grant exceptions
 3 only to the extent necessary to ameliorate the hardship.

4 ~~(B)(2)~~ If it can be demonstrated that the conditions for
 5 granting a hardship were fraudulent, the parent, guardian, or person in loco
 6 parentis shall be subject to all applicable perjury statutes.

7 ~~(g)(f)~~ The Department of Finance and Administration shall have the
 8 power to promulgate rules and regulations to carry out the intent of this
 9 section ~~and shall distribute to each public, private, and parochial school~~
 10 ~~and each adult education program a copy of all rules and regulations adopted~~
 11 ~~under this section.~~

12
 13 SECTION 2. Arkansas Code § 27-16-802(a)(2), concerning the issuance of
 14 an instruction permit, is amended to read as follows:

15 (2)(A) After the applicant has successfully passed ~~all parts of~~
 16 ~~the examination other than the driving test~~ the written examination, the
 17 department may, in its discretion, issue to the applicant an instruction
 18 permit which shall entitle the applicant while having the permit in his or
 19 her immediate possession to drive a motor vehicle upon the public highways
 20 for a period of twelve (12) months when accompanied by a licensed driver who
 21 is at least twenty-one (21) years of age and who is occupying a seat beside
 22 the driver, except in the event that the permittee is operating a motorcycle.

23 (B) Six (6) months after an instruction permit is issued
 24 under subdivision (a)(2)(A) of this section, a driver who is at least sixteen
 25 (16) years of age and has passed ~~all parts of the written examination and~~ the
 26 driving test is no longer subject to the driving restrictions under
 27 subdivision (a)(2)(A) of this section.

28 (C) A passing score on the written examination required
 29 under subdivision (a)(2)(A) of this section shall be valid for a period of
 30 twenty-four (24) months.