

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB623**

**Bill Subtitle: TO REMOVE A DRIVER'S LICENSE SUSPENSION OR REVOCATION AS AN AVAILABLE PENALTY FOR AN OFFENSE NOT RELATED TO DRIVING A MOTOR VEHICLE.**

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### **Basic Change :**

**Sponsor: Sen. A. Clark**

SB623 would repeal § 16-13-708 and amend § 16-17-131 to prevent Arkansas circuit and district courts from suspending an Arkansas driver's license for Failure to Appear or Failure to Pay Fines. Currently DFA suspends a citizen's driver's license upon receipt of a court order.

### **Revenue Impact :**

Approximately 32,222 individuals had their driving privileges suspended for Failure to Appear and Failure to Pay Fines during the 2018 calendar year. Each suspension would require the individual to pay a one hundred-dollar (\$100.00) reinstatement fee.

### **Taxpayer Impact :**

SB623 would reduce the number of citizens who would have their driving privileges suspended as a result of discontinuing failure to appear as a suspension.

### **Resources Required :**

DFA would discontinue to use the code associated with failure to appear, and no cost estimate would be required.

### **Time Required :**

Adequate time is provided for implementation.

### **Procedural Changes :**

Court personnel and Office of Driver Services employees would require training and all procedure manuals would be updated.

### **Other Comments :**

None.

### **Legal Analysis :**

SB623 would restrict the ability of a court to suspend or revoke a driver's license. Under § 16-13-708, a court may certify in writing to the DFA that a debtor has not paid fines and request that the DFA revoke, suspend, or refuse to renew the debtor's motor vehicle registration or driver's license. SB623 repeals § 16-13-708 that section in its entirety. A judge would no longer be able to suspend a person's license for failure to pay.

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Under § 16-17-131, a presiding judge may suspend a person's driver's license for Failure to Appear. The person's license may remain suspended until the person appears and completes any sentence ordered by the court. SB623 repeals § 16-17-131 and a court would no longer be able to suspend a person's license for Failure to Appear.

The effective date for SB623 is ninety days after funding is secured through an appropriation from the General Assembly that specifically states that the appropriation is intended to replace in full the estimated annual loss under this act in driver's license reinstatement fee revenue as calculated by the DFA. The effective date as provided in this bill is unclear because this bill would require DFA to determine an appropriation before the Act would be effective and then requires DFA to provide some form of report within 30 days of the appropriation being made. Additionally, the imprecision in referring to an appropriation and then to funding only creates additional ambiguity as securing funding is not the same as securing an appropriation under Arkansas law.