

1 State of Arkansas *As Engrossed: H3/14/17 H3/22/17 S3/29/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2203

4

5 By: Representative Tucker

6 By: Senator J. Hutchinson

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For An Act To Be Entitled

9 AN ACT CONCERNING DRIVER'S LICENSES; CONCERNING THE
10 ABILITY OF A PERSON WITH A SUSPENDED DRIVER'S LICENSE
11 TO DRIVE TO AND FROM WORK; CONCERNING A HARDSHIP
12 LICENSE; AND FOR OTHER PURPOSES.

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Subtitle

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 *SECTION 1. Arkansas Code § 27-16-801(h)(1), concerning the definition*
25 *of an inmate of the Department of Correction or Department of Community*
26 *Correction who is eligible for an identification card or a driver's license,*
27 *is amended to read as follows:*

28 *(h)(1) As used in this subsection:*

29 *(A) "Custody" means:*

30 *(i) Being an inmate of the Department of Correction*
31 *and housed in a facility operated by the Department of Correction; or*

32 *(ii) Being an inmate of the Department of Community*
33 *Correction and housed in a detention facility; and*

34 *(B) "~~eligible~~ "Eligible inmate" means a person who is*
35 *within ~~one hundred twenty (120)~~ one hundred eighty (180) days of release from*
36 *custody by the Department of Correction or the Department of Community*



1 Correction.

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3 SECTION 2. Arkansas Code Title 27, Chapter 16, Subchapter 8, is
4 amended to add an additional section to read as follows:

5 27-16-815. Probationer and parolee restricted permits.

6 (a)(1) If a person on probation or parole for an offense that did not
7 involve the operation of a motor vehicle has his or her license suspended for
8 a reason not listed under § 27-16-915(b)(2)(C), the person may be eligible
9 for a restricted driving permit under this section that permits the holder to
10 drive a motor vehicle directly to and directly home from:

11 (A) A place where he or she is employed;

12 (B) A place where he or she, or his or her minor child,
13 attends school;

14 (C) A scheduled meeting with his or her probation or
15 parole officer; or

16 (D) Any place, location, or meeting that the person's
17 probation or parole officer has directed the person on probation or parole to
18 travel to or attend.

19 (2) This section does not apply to a person with an expired
20 driver's license.

21 (b)(1)(A) The application for a restricted driving permit under this
22 section by a person on probation or parole may be submitted electronically to
23 the Department of Finance and Administration by a probation or parole officer
24 employed by the Department of Community Correction.

25 (B) The Department of Finance and Administration shall
26 determine whether the restricted driving permit that allows a person on
27 probation or parole to drive a motor vehicle to and from a place listed under
28 subsection (a) of this section shall be issued.

29 (2)(A) A restricted driving permit issued under this section
30 shall be a standardized permit, and the person possessing a restricted
31 driving permit under this section shall have the restricted driving permit in
32 his or her possession at all times when the person is operating a motor
33 vehicle until the person's driver's license is no longer suspended.

34 (B)(i) A restricted driving permit shall include the
35 address of the person's residence and the address of each location to and
36 from where the person is permitted to drive under this section.

1 (ii) The person's name and address on a restricted
2 driving permit under this section shall match the person's name and address
3 as listed on a valid state-issued identification in the person's possession.

4 (3) The Department of Finance and Administration may revoke a
5 restricted driving permit under this section at any time and for any reason.

6 (c) A person who knowingly creates a fraudulent restricted driving
7 permit, the purpose of which is to be used as a restricted driving permit
8 under this section upon conviction is guilty of a Class A misdemeanor.

9 (d) A motor vehicle liability insurance carrier may provide liability
10 insurance for a person issued a restricted driving permit under this section
11 but is not required to issue an insurance policy for a person who has been
12 issued a restricted driving permit under this section.

13 (e)(1) A person on probation or parole who has been issued a
14 restricted driving permit under this section shall continue to have his or
15 her driver's license suspended until the person has satisfied all the
16 requirements necessary to remove his or her driver's license from suspension.

17 (2) Once the person on probation or parole has his or her
18 driver's license removed from suspension, he or she shall be free from the
19 restrictions placed on him or her under this section.

20 (f) A restricted driving permit issued under this section expires on
21 the date on which the person is released from probation or parole
22 supervision.

23 (g) The Department of Community Correction and the Department of
24 Finance and Administration may promulgate rules to implement this section.

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26 *SECTION 3. Arkansas Code § 27-16-1105(a)(3)(A), concerning minimum*
27 *issuance standards for a driver's license, is amended to read as follows:*

28 *(3)(A)(i) The office may establish by rule a written and defined*
29 *exceptions process for a person who is unable to present all the necessary*
30 *documents for a driver's license or identification card and who must rely*
31 *upon alternate documents.*

32 *(ii) The office shall accept alternate documents only to*
33 *establish identity or date of birth of the person.*

34 *(iii)(a) An eligible inmate as defined under § 27-27-16-*
35 *801(h)(1) or § 27-16-801(i)(1) may satisfy the identity document requirement*
36 *under this section by submitting a sentencing order to the Office of Driver*

1 *Services before his or her release from incarceration.*
2 *(b) The exception to the identity document*
3 *requirement under subdivision (a)(3)(A)(iii)(a) of this section shall not be*
4 *applicable to a first-time issuance of a driver's license or identification*
5 *card nor may it be used to waive any documentation requirements for non-*
6 *United States citizens.*

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/s/Tucker

APPROVED: 04/06/2017