

1 State of Arkansas As Engrossed: H2/15/23 H2/20/23 S2/28/23

2 94th General Assembly

# A Bill

3 Regular Session, 2023

HOUSE BILL 1244

4

5 By: Representatives Achor, Pilkington, Hawk

6 By: Senator J. Boyd

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF

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AND APPLICATION FOR A DIGITIZED DRIVER'S LICENSE; AND

11

FOR OTHER PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING THE ISSUANCE

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OF AND APPLICATION FOR A DIGITIZED

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DRIVER'S LICENSE.

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

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22 SECTION 1. Arkansas Code § 27-16-601 is amended to read as follows:

23 27-16-601. Driver's license to be carried and exhibited on demand.

24 (a) A licensee shall have his or her driver's license ~~or a digital~~

25 ~~copy of the driver's license provided by the Office of Driver Services under~~

26 ~~§ 27-16-801 in his or her immediate possession at all times when operating a~~

27 ~~motor vehicle and shall display the driver's license or a digital copy of the~~

28 ~~driver's license upon demand of a justice of the peace, a peace officer, or~~

29 ~~an employee of the Office of Driver Services.~~

30 (b) No person charged with violating this section shall be convicted

31 if he or she produces in court a driver's license issued to him or her and

32 valid at the time of his or her arrest.

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34 SECTION 2. Arkansas Code § 27-16-801(a)(6), concerning the issuance of

35 a driver's license, is repealed.

36 ~~(6)(A) The Office of Driver Services may offer an applicant with~~



1 ~~a valid Arkansas driver's license an additional option to view a digital copy~~  
2 ~~of his or her driver's license on a mobile device or personal computer upon~~  
3 ~~payment of ten dollars (\$10.00).~~

4 ~~(B) The digital copy of the driver's license shall be~~  
5 ~~available for view at any time until the expiration of the driver's license~~  
6 ~~issued under subdivision (a)(1) of this section.~~

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8 SECTION 3. Arkansas Code § 27-16-801(d), concerning the issuance of a  
9 driver's license, is amended to read as follows:

10 ~~(d)(1) Except as provided in subdivision (d)(2) of this section, all~~  
11 All license fees collected under subsection (a) of this section shall be cash  
12 funds restricted in their use and shall be deposited into a bank selected by  
13 the Division of Arkansas State Police to the credit of the Division of  
14 Arkansas State Police Financing Fund.

15 ~~(2) The fees collected under subdivision (a)(6)(A) of this~~  
16 ~~section shall be deposited into the State Treasury to the credit of the State~~  
17 ~~Central Services Fund as direct revenue to be used by the Revenue Division of~~  
18 ~~the Department of Finance and Administration to defray the cost of~~  
19 ~~administering a digital copy of a driver's license under subdivision (a)(6)~~  
20 ~~of this section.~~

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

24 27-16-817. Digitized driver's license.

25 (a) As used in this section:

26 (1) "Current status" means the record maintained by the Office  
27 of Driver Services reflecting a driver's license holder's present status,  
28 including without limitation whether the driver's license is:

29 (A) Valid;

30 (B) Expired;

31 (C) Cancelled;

32 (D) Suspended;

33 (E) Disqualified;

34 (F) A special restricted license; or

35 (G) Held by a driver required to use an ignition interlock  
36 device;

1 (2) "Digitized driver's license" means a data file:

2 (A) Available on a mobile device which has connectivity to  
3 the internet through an application that allows the mobile device to download  
4 the data file from the Office of Driver Services or its authorized  
5 representative;

6 (B) Containing all of the same data elements visible on  
7 the face and back of the driver's license; and

8 (C) Displays the current status of the driver's license;

9 (3) "Private entity" means a natural person, corporation,  
10 general partnership, limited liability corporation, limited partnership,  
11 joint venture, business trust, public benefit corporation, nonprofit entity,  
12 and other business entity; and

13 (4) "Public entity" means an agency or instrumentality of the  
14 state, including without limitation a department, an institution of higher  
15 education, a board, or a commission.

16 (b)(1) The Office of Driver Services shall offer an additional option  
17 to view a digitized driver's license upon payment of ten dollars (\$10.00) to  
18 an applicant:

19 (A) With a valid Arkansas driver's license; or

20 (B) Renewing his or her Arkansas driver's license.

21 (2) The digitized driver's license shall be available for view  
22 at any time until the expiration of the applicant's Arkansas driver's license  
23 issued under § 27-16-801(a)(1).

24 (3) The fee for the option to view a digitized driver's license  
25 required under subdivision (b)(1) of this section is in addition to any other  
26 fees charged by the Office of Driver Services for the issuance of an Arkansas  
27 driver's license.

28 (c) A digital copy, photograph, or image of a driver's license which  
29 is not downloaded through the application on a mobile device shall not be a  
30 valid digitized driver's license as provided in this section.

31 (d)(1) The display of a digitized driver's license shall not serve as  
32 consent or authorization for a law enforcement officer, or any other person,  
33 to search, view, or access any other data or application on the mobile  
34 device.

35 (2) If a person presents their mobile device to a law  
36 enforcement officer for purposes of displaying the person's digitized

1 driver's license, the law enforcement officer shall promptly return the  
2 mobile device to the person once the law enforcement officer has had an  
3 opportunity to verify the identity and license status of the person.

4 (3) A law that requires a person to surrender his or her  
5 Arkansas driver's license to a law enforcement officer shall not apply to the  
6 mobile device used to display his or her digitized driver's license.

7 (e)(1) A digitized driver's license:

8 (A) May be accepted by a public entity for all state  
9 purposes authorized for a driver's license; and

10 (B) May be accepted by a private entity for all state  
11 purposes for a driver's license.

12 (f) The fees collected under subsection (b) this section shall be  
13 deposited into the State Treasury to the credit of the State Central Services  
14 Fund as direct revenue to be used by the Revenue Division of the Department  
15 of Finance and Administration to defray the cost of administering a digitized  
16 driver's license and for other related purposes as required by the Secretary  
17 of the Department of Finance and Administration in carrying out the  
18 functions, powers, and duties of the division.

19 (g) The Department of Finance and Administration may promulgate rules  
20 for the implementation of this section.

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22 SECTION 5. EFFECTIVE DATE. Sections 2, 3, and 4 of this act are  
23 effective on and after February 1, 2025.

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25 /s/Achor

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28 **APPROVED: 3/13/23**  
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