

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2539

"THE DRIVER S LICENSE SECURITY AND MODERNIZATION ACT."

Amendment No. 1 to House Bill No. 2539.

Amend House Bill No. 2539 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code Title 27, Chapter 16 is amended to add an additional subchapter to read as follows:

27-16-1101. Title.

This subchapter shall be known and may be cited as the “Driver’s License Security and Modernization Act”.

27-16-1102. Definitions.

As used in this subchapter:

(1) “Driver’s license” means a motor vehicle operator’s license, as defined in 49 U.S.C. § 30301, as in effect on February 1, 2005;

(2) “Identification card” means a personal identification card, as defined in 18 U.S.C. § 1028(d), as in effect on February 1, 2005, as issued by the State of Arkansas; and

(3) “State” means the State of Arkansas.

27-16-1103. Time limit for requirements to be met.

(a) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall implement the changes required by this subchapter for all new driver’s licenses issued or renewed on or before October 1, 2005.

(b)(1) Except as provided under subdivision (b)(2) and subsection (d) of this section, beginning four (4) years after the effective date of this subchapter, a state agency may not accept for any purpose a driver’s license or identification card that was not issued under the requirements of this subchapter.

(2) The limitation under subdivision (b)(1) of this section and other limitations under this subchapter shall not apply to members of the armed services of the United States or their dependents under § 27-16-807, § 27-16-902, or other law.

(c) On or before January 31, 2006, the Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall obtain certification that it is in compliance with any and all federal laws



regarding driver's license security and modernization.

(d) The Department of Human Services may accept a driver's license or identification card that was not issued under the requirements of this subchapter for the sole purpose of establishing the identity of an individual applying for or receiving food stamps when no other documentary evidence is readily available for that purpose.

27-16-1104. Minimum document requirements.

To meet the requirements of this subchapter, the Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall include at a minimum the following information and features on each driver's license and identification card that it issues to a person:

- (1) The person's full legal name;
- (2) The person's date of birth;
- (3) The person's gender;
- (4) The person's driver's license or identification card number;
- (5) A digital photograph of the person;
- (6) The person's address of residence;
- (7) The person's signature;
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; and
- (9) A common machine-readable technology with defined minimum data elements.

27-16-1105. Minimum issuance standards for driver's licenses.

(a)(1) Except as provided under subdivisions (a)(2) and (b)(1) of this section regarding the renewal, duplication, or reissuance of a driver's license or identification card, to meet the requirements of this section the Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall require at a minimum presentation of the following information before issuing a driver's license or identification card to a person:

- (A) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;
- (B) Documentation showing the person's date of birth;
- (C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number; and
- (D) Evidence of legal status that includes valid documentary evidence that the person:
 - (i) Is a citizen of the United States;
 - (ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;
 - (iii) Has conditional permanent resident status in the United States;
 - (iv) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
 - (v) Has a pending or approved application for asylum in the United States;
 - (vi) Has entered into the United States in refugee

status;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status; or

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(2)(A) If ten (10) or more driver's licenses are issued with the same address of residence, the applicant shall present documentation that establishes the person's address of residence.

(B) The documentation requirements under subdivision (a)(2) of this section shall include, but not be limited to:

(i) A lease;

(ii) A mortgage statement; or

(iii) A utility bill.

(b)(1) For purposes of subsection (a) of this section and except as provided in subdivision (b)(2) of this section, the Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall presume that any driver's license or identification card for which an application has been made for renewal, duplication, or reissuance has been issued in accordance with the provisions of subsection (a) of this section if at the time the application was made the driver's license or identification card had not expired or been cancelled, suspended, or revoked.

(2) Subdivision (b)(1) of this section shall not apply to a renewal, duplication, or reissuance of a driver's license or identification card if the Office of Driver Services of the Revenue Division of the Department of Finance and Administration is notified by a local, state, or federal government agency that the person seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

(c) To meet the requirements of this section, the Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall implement the following procedures:

(1) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall not accept any foreign document other than an official passport to satisfy a requirement of subsection (a) or (b) of this section; and

(2) No later than January 31, 2006, the Director of the Department of Finance and Administration shall enter into a memorandum of understanding with the Secretary of the United States Department of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person other than a United States citizen applying for a driver's license or identification card.

27-16-1106. Additional requirements.

To meet the requirements of this section regarding the issuance of driver's licenses and identification cards, the Director of the Department of Finance and Administration shall:

(1) Retain paper copies of source documents for a minimum of seven (7) years or images of source documents presented for a minimum of ten

(10) years;

(2) Subject each person applying for a driver's license or identification card to mandatory digital facial image capture;

(3)(A) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number.

(B) In the event that a social security account number is already registered to or associated with another person to which the Office of Driver Services of the Revenue Division of the Department of Finance and Administration has issued a driver's license or identification card, the office shall resolve the discrepancy and take appropriate action;

(4) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another state without confirmation that the person is terminating or has terminated the driver's license;

(5) Ensure the physical security of locations where driver's licenses and identification cards are produced and the security of document materials and papers from which driver's licenses and identification cards are produced;

(6) Subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements to include, but not be limited to, criminal background checks; and

(7) Establish fraudulent document recognition training programs for the employees of the Office of Driver Services of the Revenue Division of the Department of Finance and Administration who are engaged in the issuance of driver's licenses and identification cards.

27-16-1107. Linking of databases.

(a) The Director of the Department of Finance and Administration shall ensure that the State of Arkansas is eligible to receive any grant or other type of financial assistance made available under federal law regarding driver's license security and modernization.

(b) The director shall implement and oversee a motor vehicle database that contains at a minimum the following information:

(1) All data fields printed on driver's licenses and identification cards issued by the Office of Driver Services of the Revenue Division of the Department of Finance and Administration of the State of Arkansas; and

(2) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on licenses.

27-16-1108. Rules.

The Director of the Department of Finance and Administration shall promulgate rules to implement and administer this subchapter.

27-16-1109. Applicability to Medicaid identification cards.

No provision of this subchapter shall apply to the issuance or production of Medicaid identification cards by either the Department of Human Services or the Office of Driver Services of the Revenue Division of the Department of Finance and Administration."

The Amendment was read _____
By: Representative Matayo
JSE/JSE - 03-24-2005 10:53
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Chief Clerk