

Department of Finance and Administration

Legislative Impact Statement

Bill: SB113

As Engrossed: 1/26/2017

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

Basic Change :

Sponsor: Sen. Hutchinson

SB113 as engrossed with Amendments 1 and 2 changes Arkansas law by prohibiting revocation or suspension of driver's licenses or vehicle registrations as a result of a conviction for the following offenses:

1. § 5-36-120 - Theft of Motor Fuel;
2. § 5-73-128 - Offenses Upon Property of Public School;
3. § 6-18-222(b) - Unexcused Absences from School;
4. § 9-27-330(a)(15) - Juvenile adjudicated delinquent;
5. § 5-54-120 - Failure to Appear;
6. § 16-13-708 - Failure to Pay Fines; or
7. § 27-15-305(b)(3) - second or subsequent conviction of providing false information in order to acquire a special license plate to park in a parking spot designated for an individual with a disability.

The bill allows a court the discretion to impose up to an additional \$105 in court costs to be added to any other court-imposed fine for Failure to Appear, § 5-54-120; or Contempt, § 16-10-108, when the contempt is for failure to pay fines. Court costs collected under these sections are payable to the Arkansas State Police (ASP) Retirement Fund on the first day of each month. Amendment 2 of the bill also adds a new section § 16-17-139 which prohibits suspension of driver's license solely because the person has not paid a fine or fee as ordered by the court.

Revenue Impact :

In calendar year 2016 DFA assessed \$4.1 million in failure to pay or failure to appear reinstatement fees and collected approximately \$2.8 million of the assessed amount. Under current law 75% of the reinstatement fees are distributed to the ASP Fund. The remaining 25% are distributed to the ASP Retirement Fund.

Taxpayer Impact :

Taxpayers may no longer have their driver's license suspended or be required to pay reinstatement fees for convictions of non-moving violations in a motor vehicle. During the calendar year of 2016 there were 45,817 suspensions for non-moving violations of which 41,000 were for failure to pay a fine or failure to appear.

Resources Required :

No additional resources are required if this bill is passed.

Time Required :

None.

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Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

SB113 as engrossed 1/26/17 no longer references the following offenses: Failure to pay child support; Illegal possession or use of a controlled substance by a minor; and Conviction of possession or use of controlled substances. This amendment reduces the applicable offenses subject to a discretionary court costs in proposed § 16-10-305(a)(8) for the failure to appear in court as required and contempt for failure to pay court-ordered fines. Amendment 2 adds § 16-17-139 which would prohibit a district court from suspending a driver's license solely based on the failure to pay a fine or fee ordered by the district court. This bill still contains provisions for the offenses of Theft of Motor Fuel and Improper Use of Designated Disabled Parking, both of which involve the use or operation of a motor vehicle and thus, do not appear consistent with the title of the bill.