

Department of Finance and Administration

Legislative Impact Statement

Bill: SB113

Amendment Number: S3

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: Senator Hutchinson

SB113, as amended by S3, adds a new Arkansas Code section, § 16-10-140, which states a circuit or district court shall not suspend a person's driver's license solely because the person has failed to pay a fine or fee or failed to appear as ordered by the court. The circuit or district court may suspend a person's driver's license for failure to pay a fine or fee or failure to appear if the court orders the suspension to begin 15 days from the date of the order. If the person fails to make arrangements to pay the fine or fee or appear in court, then the court must transmit a copy of the order electronically, telephonically, or by letter to the Department of Finance and Administration (DFA). DFA shall notify the person by first class mail sent to the person's last known address that the driver's license will be suspended 15 days from the date of the court order unless the driver makes arrangement to pay the fine or appears in court. If the driver complies with the letter sent by DFA, then the court shall transmit to DFA a copy of the order rescinding the suspension of the person's driver's license. Section 2 of SB113, as amended by S3, also provides for the revocation of revocation of the motor vehicle registration provided that the court complies with the 15-day notice period.

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. It is undetermined if SB113 would increase or decrease the number of license reinstatement fees collected by DFA.

Taxpayer Impact :

Taxpayers facing a court-ordered driver's license suspension for the offenses of failure to pay and failure to appear will be provided a 15-day period to cure the problem with the court.

Resources Required :

Programming required if this bill is passed is estimated to be \$15,900.

Time Required :

No additional time is required if this bill is passed.

Procedural Changes :

DFA and the courts will be required to develop new procedures if this bill is passed.

Other Comments :

None.

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Legal Analysis :

Amendment S3 to SB113 adds a new Arkansas Code section that prohibits the suspension of a driver's license solely based on the failure to pay a fine or fee or the failure to appear in court unless certain requirements are first met. Under SB113, the court would be required to delay the imposition of the suspension for 15 days. The amendment also requires an order of suspension to be transmitted to DFA, whom is required to send a notification by first class mail to the person.