

Department of Finance and Administration

Legislative Impact Statement

Bill: SB493

Bill Subtitle: TO AMEND THE LAW CONCERNING DRIVER'S LICENSE REINSTATEMENT FEES.

Basic Change :

Sponsor: Sen. K. Hammer

SB493 amends §§ 27-16-508 and -808, which requires the Office of Driver Services to collect a reinstatement fee of (\$100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license or for conviction of an offense. Under SB493, if a person's driving privileges are suspended or revoked solely because of outstanding driver's license reinstatement fees, the Office of Driver Services shall permit the person to pay only one reinstatement fee of \$100 to cover all administrative orders to suspend, revoke, or cancel a driver's license provided that the following requirements are met:

- (1) The driver must pay all other court costs, fines, and fees associated with the criminal offense that led to his or her driver's license suspension;
- (2) Graduate from a specialty court program; and
- (3) Provide the sentencing court with a reinstatement letter from the Department of Finance and Administration showing all outstanding suspension or revocation orders.

Under the bill, the licensee may avail himself or herself of the waiver on one occasion.

Revenue Impact :

None.

Taxpayer Impact :

This bill will allow taxpayers to have all but \$100 of reinstatement fees waived if they meet the requirements as provided in the bill.

Resources Required :

None.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

In-house training and additional State Revenue Office personnel training.

Other Comments :

None.

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Legal Analysis :

SB493 would renew and extend the waiver program from Act 915 of 2017. Under current law, a driver whose license is suspended because of an administrative order or conviction for any violation or offense shall pay to the Office of Driver Services a reinstatement fee of \$100 multiplied by the number of administrative orders to suspend or each court order of suspension. Act 915 of 2017 provide a waiver of multiple reinstatement fees to suspended drivers who owe multiple reinstatement fees provided the driver pays all other court costs, fines and fees prior to applying for the waiver; graduates from a drug court, HOPE court, or veterans court; provide the sentencing court with a reinstatement letter from DFA showing all outstanding suspension or revocation orders; and pays one reinstatement fee in the amount of \$100. The waiver of reinstatement fees did not apply to drivers holding a suspended commercial driver's license; a suspension for DWI or BWI, Underage DUI, or Refusal to Submit. A driver could receive the waiver only one time.

Act 915 expired with a sunset provision on January 15, 2019, and SB493 would reinstate the authority of the Office of Driver Services to waive reinstatement fees as was provided under Act 915. The bill requires DFA to prepare an annual report concerning this act and submit the report to the Legislative Council and the Director of the Arkansas State Police by October of each year.

Language on Page 2, Line 19 and Page 4, Line 4, in the bill is unclear. More specifically, as provided in proposed §§ 27-16-508(a)(2)(A) and 27-16-808(c)(2)(A), these two subdivisions provided that a driver may have reinstatement fees waived that were assessed under both §§ 27-16-508 and -808 provided that the person pays one \$100 reinstatement fee and meets the additional obligations under SB493. However, in proposed §§ 27-16-508(a)(2)(B), the bill states, "Subdivision (a)(2)(A) of this section does *not apply to ... [a] reinstatement fee ordered under *this section*.[.]*" This same drafting conflict also appears in proposed § 27-16-808(a)(2)(B). It is unclear if this conflict is deliberate or inadvertent. It may be recommended that the bill be amended further to address this conflict.