

Department of Finance and Administration

Legislative Impact Statement

Bill: SB190

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 :

Sponsors: Sens. A. Clark, Hester and Rep. Pilkington

SB190 amends Arkansas law concerning a circuit or district court's ability to suspend a driver's license as a penalty for offenses not related to driving a motor vehicle. Currently, the court sends the Department of Finance (DFA) an order for suspension of driving privileges for Failure to Appear or Failure to Pay Fines. This suspension is currently effective the day the court order is signed. DFA enters the suspension of privileges upon receipt and a letter is generated to notify the individual of the suspension of their driving privileges and a \$100.00 reinstatement fee is assessed. SB190 would require DFA to provide the individual with notification by first class mail that their driving privileges would be suspended in fifteen (15) days unless the court withdraws its order of suspension.

Revenue Impact :

None.

[This bill would possibly reduce the amount collected in reinstatement fees. For calendar year 2020, there were 25,895 citizens who had driving privileges suspended for Failure to Appear and Failure to Pay Fines. Each of these individuals paid a \$100.00 reinstatement fee.]

Taxpayer Impact :

SB190 provides a 15-day notification period to an individual prior to his or her driving privileges being suspended for Failure to Appear or Failure to Pay Fines. An individual at risk of suspension of driving privileges for these reasons would receive notice and an opportunity to avoid the suspension by making arrangements to comply with the court's order.

Resources Required :

DFA estimates modification cost to Arkansas Integrated Revenue System (AIRS) at \$32,000 with a yearly maintenance cost of \$8,000.

Time Required :

Adequate time has been provided for implementation.

Procedural Changes :

Update Motor Vehicle and Driver Services manuals and policies.

Other Comments :

None.

Legal Analysis :

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SB190 continues to allow for the suspension or revocation of a driver's license for Failure to Pay a Fine or Fee or Failure to Appear but provides for notice and an opportunity for the person to make arrangements to pay the fine or fee or to appear before the suspension or revocation begins. SB190 requires the circuit or district court to transmit the order to suspend or revoke a driver's license to DFA. DFA is then obligated to notify the person that he or she risks having his or her driving privileges suspended or revoked if they do not make arrangements to pay the fine or fee or to appear within 15 days of the date of the order. If the person makes appropriate arrangements, the circuit or district court is required to rescind the suspension and revoking order and to transmit the order rescinding the suspension or revocation to DFA.

Pursuant to § 9-14-239, the Office of Child Support Enforcement (OCSE) is authorized to promulgate regulations for the suspension of driver's and other licenses if a child support obligor has a child support delinquency or adjudicated arrearage equal to or more than three months' child support obligation or is subject to an outstanding failure to appear warrant or a body attachment or bench warrant related to a child support proceeding. Under this section, prior to suspension, OCSE must provide notice to the child support obligor of the intent to suspend the license, the opportunity to contest the suspension by requesting an administrative hearing within 30 days of the notice, and the suspension would be effective no sooner than 60 days from the date of the notice.

SB190 does not appear to affect OCSE's authority under § 9-14-239 to administratively suspend driver's licenses due to failure to pay a child support obligation. However, it should be noted that, as a condition of federal funding of the child support program, states are required to have in effect laws authorizing the suspension of the driver's and other licenses of individuals with overdue support or who fail to comply with warrants relating to child support proceedings. See 42 U.S.C §666(a)(16). Such state laws are required as a provision of a state plan for child support. See 42 U.S.C. §654(20). Additionally, in order to be eligible for the Temporary Assistance to Needy Families (TANF) block grant, states must operate a child support program under an approved state plan. 42 U.S.C. § 602(a)(2).