

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: SB513**

**Bill Subtitle: TO AMEND THE LAW CONCERNING THE SUSPENSION OR REVOCATION OF A PERSON'S DRIVER'S LICENSE FOR FAILURE TO PAY OR FAILURE TO APPEAR; TO AMEND THE LAW CONCERNING A RESTRICTED DRIVER'S PERMIT ISSUED UNDER CERTAIN CIRCUMSTANCES.**

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### Basic Change :

**Sponsors: Sen. A. Clark and Rep. McCollum**

SB513 amends § 16-13-708 concerning a court's ability to suspend or revoke a person's motor vehicle registration or driving privileges for failing to make satisfactory payment arrangements for a court-ordered fine. Currently, the court sends the Department of Finance (DFA) an order for suspension of driving privileges for Failure to Appear (FTA) or Failure to Pay Fines (FTP). 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.

SB513 would require the court to schedule a hearing to address the person's nonpayment of the court-ordered fine and if the person failed to appear at the hearing, the court may direct DFA to suspend, revoke, or refuse to renew the person's motor vehicle registration or driving privileges. For a driver's license revocation, suspension, or nonrenewal, the court would be required to provide DFA with the reason for the revocation, suspension, or nonrenewal, the amount the person owes the court, and the person's full name, social security number, and last known address. A court may issue an order for a restricted driving permit during the suspension, revocation, or nonrenewal in accordance with § 27-16-916.

SB513 also amends § 16-17-131 to require an order of suspension of a person's driving privileges for FTA in district court to begin 30 days after the date of the order. A suspension order must include the reason for the suspension and the person's full name, social security number, and last known address. DFA would be required to provide the individual with notification by first class mail that their driving privileges would be suspended in 30 days if the person does not make arrangements with the district court. The court shall send an order rescinding the suspension if sufficient arrangements are made within 30 days.

The Office of Driver Services (ODS) will reverse the suspension, revocation, or nonrenewal without charging a reinstatement fee and the charge will not be used to determine the number of previous offenses upon an acquittal or dismissal of a charge under §§ 16-13-708 or 16-17-131.

SB513 add a new Arkansas Code section, § 27-16-916, which provides for a court-ordered restricted driving permit during a suspension under §§ 16-13-708 and 16-17-131. A restricted permit would permit driving to and from:

- A mandatory court appearance;
- A program or place where a court has ordered the person's presence or attendance;
- A place of employment or as required in the scope of employment;
- A scheduled session or meeting of a support or counseling organization;
- An educational institution for the purpose of attending a class if the person is enrolled in a course of study or program of training at the educational institution;

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- The educational institution or childcare facility of the person's child or children;
- A treatment program for persons who have addiction or abuse problems related to a substance or controlled substances;
- A doctor, hospital, or clinic appointment or admission for medical treatment or care for an illness, disease, or other medical condition of the person or a family member;
- A location for the enrollment, compliance, and participation in a specialty court program if the person is accepted into a specialty court program; and
- Any other location the court finds reasonable and necessary.

### **Revenue Impact :**

None.

[ SB513 may reduce the amount collected in reinstatement fees. For calendar year 2020, there were 25,895 citizens who had driving privileges suspended for FTA and FTP. Each of these individuals paid a \$100.00 reinstatement fee. ]

### **Taxpayer Impact :**

SB513 provides that a suspension of driving privileges or motor vehicle registration for FTP shall not be ordered by the court until the court schedules a hearing to address non-payment with the debtor and the debtor fails to appear for the hearing. SB513 also provides a 30-day notification period prior to imposition of a suspension of driving privileges for FTA where the affected person may make proper arrangements with the court to avoid the suspension. SB513 also provides that the court may issue a restricted driving permit.

### **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 :**

None.

### **Other Comments :**

None.

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### Legal Analysis :

None.