

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1625

Bill Subtitle: TO CREATE AND ISSUE A DRIVER'S LICENSE WITH A FIREARM DESIGNATION; AND TO AMEND THE LAW CONCERNING THE FEES FOR THE ISSUANCE OF A DRIVER'S LICENSE.

Basic Change :

Sponsors: Reps. Andrews, Womack, Crawford, Duffield, Gonzales, Richmond, Rye, and Watson; Sen. Gilmore

HB1625 creates a driver's license with a firearm designation. The Brady Handgun Violence Prevention Act, 18 U.S.C. § 922(t)(3), requires licensed importers, manufacturers, and dealers of firearms to conduct a background check on the purchaser of a firearm using the National Instant Background Check System. Individuals are excepted from the background check requirement if the individual holds a permit issued by the state that allows the person to possess or acquire a firearm and the permit was issued in the last five years.

Under HB1625, the Department of Finance and Administration (DFA) would be required to conduct an instant background check on every driver's license applicant unless the applicant executes a form opting out of the background check. If the applicant does not opt out of the background check, then he or she must sign a release consenting to the background check. If DFA verifies, based on the information available, that the applicant's potential possession of a firearm will not violate gun laws, DFA will issue to the applicant a driver's license with a firearm designation.

The Identification Bureau of the Division of Arkansas State Police (ASP) will be responsible for processing the instant background check and providing that information to DFA within the time it takes for a person to apply for and receive a driver's license. A firearm designated license would expire after five years.

HB1625 also establishes the fees for issuance of a learner's permit and certain driver's licenses provided under § 27-16-801 as follows:

- A Class D or Class M license for an eight-year period would increase from \$24.00 to \$26.00 to a qualified applicant 18 years or older;
- An intermediate Class D license issued for a period up to two years would be increased from \$12.00 to \$14.00;
- A learner's Class D license issued for a period up to two years would be increased from \$12.00 to \$14.00;
- A Class MD license issued for a period of not more than two years would be increased from \$2.00 to \$4.00;
- An applicant that is 70 or more years of age can choose to have a Class D or Class M license issued for a four-year period upon payment of \$12.00, which is increased to \$14.00; and
- A Class D or Class M license with a firearm designation under § 27-16-817 issued for a period of five years would cost \$26.00 and an instant federal criminal background check shall be required upon renewal.

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DFA and ASP would be required to promulgate rules to implement HB1625 that include the following:

- A policy concerning the retention of information obtained from the instant federal criminal background check;
- The criteria for revoking and reissuing a driver's license with a firearm designation; and
- Any rules necessary for a driver's license with a firearm designation would qualify as an alternative to the background requirements of the Brady Handgun Violence Prevention Act, 18 U.S.C. § 922(t)(3), as it existed on January 1, 2023.

Revenue Impact :

\$331,502 increase of driver's license and learner's permit issuance fees.

The Office of Driver Services processed the following original issuance, class change, and renewal driver's license transactions in calendar year 2022:

- Class D 139,458
- Class D Intermediate 22,135
- Class D Learner's 4,126
- Class M 28
- Class MD 4

Taxpayer Impact :

An applicant for a driver's license would have the option to apply for a driver's license with a firearm designation.

Resources Required :

The Arkansas Integrated Revenue System (AIRS) will need to be modified at a project cost of \$2,000,000 with ongoing yearly maintenance of \$100,000.

Time Required :

An implementation date of January 1, 2025 is requested to complete programming changes and promulgate rules.

Procedural Changes :

The Office of Driver Services would update its issuance process for applicants wishing to obtain a driver's license with a firearm designation. Training materials would need to be created for the Office of Driver Services and State Revenue Offices.

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LICENSE.**

Other Comments :

None.

Legal Analysis :

HB1625 may benefit from an amendment to clarify the procedure by which DFA will receive notice that the holder of a driver's license with a firearm designation has committed a crime and that his or her license should be revoked.

HB1625 may benefit from an amendment to strike the word "an" on page 3, line 26, and replace it with "a."

HB1625 may benefit from the inclusion of an effective date of January 1, 2025 to allow time for the development of necessary system upgrades as well as the promulgation of rules.