

2 State of Arkansas
3 91st General Assembly
4 Regular Session, 2017

A Bill

HOUSE BILL 1976

5
6 By: Representative Dotson

7 Filed with: House Committee on Public Transportation
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING THE SUSPENSION OR
11 REVOCATION OF A DRIVER'S LICENSE FOR INABILITY TO
12 DRIVE; AND FOR OTHER PURPOSES.

13 14 15 Subtitle

16 TO AMEND THE LAW CONCERNING THE
17 SUSPENSION OR REVOCATION OF A DRIVER'S
18 LICENSE FOR INABILITY TO DRIVE.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 27-16-909(a), concerning the suspension or
24 revocation of a driver's license for a person's inability to drive, is
25 amended to read as follows:

26 (a)(1) The Office of Driver Services, having good cause to believe
27 that a licensed driver is incompetent or otherwise not qualified to be
28 licensed, may, upon written notice of at least five (5) days to the licensee,
29 require the licensee to submit to an initial evaluation by a hearing officer
30 appointed by the Director of the Department of Finance and Administration in
31 an office of the Revenue Division of the Department of Finance and
32 Administration designated by the director.

33 (2) As used in this section, "good cause" means a justifiable
34 reason to believe that a licensed driver is incompetent or not qualified to
35 be licensed on the basis of a report submitted to the office, including
36 without limitation by:

- 1 (A) A law enforcement officer;
- 2 (B) A medical care provider, including without limitation
- 3 a licensed:
- 4 (i) Physician;
- 5 (ii) Physical therapist;
- 6 (iii) Occupational therapist;
- 7 (iv) Chiropractor;
- 8 (v) Optometrist;
- 9 (vi) Psychologist; or
- 10 (vii) Social worker;
- 11 (C) An immediate family member who is eighteen (18) years
- 12 of age or older; or
- 13 (D) A court order.

14 ~~(2)(A)~~(3)(A) Upon the conclusion of the initial evaluation, the
 15 hearing officer shall determine:

- 16 (i) That the initial evaluation does not support the
- 17 suspension or revocation of the license and that the license shall remain in
- 18 effect; or
- 19 (ii) That the driver must submit to a medical
- 20 evaluation, a driving skills evaluation, or both a medical evaluation and a
- 21 driving skills evaluation.
- 22 (B) If the hearing officer determines that the driver must
- 23 submit to a medical evaluation, driving skills evaluation, or both a medical
- 24 evaluation and a driving skills evaluation, the driver shall provide proof of
- 25 completion of the evaluation or evaluations to the hearing officer within
- 26 thirty (30) days of the initial evaluation.
- 27 (C) Refusal or neglect of the licensee to submit to, and
- 28 provide proof of completion of, an evaluation required under this section is
- 29 grounds for suspension or revocation of the licensee's license.

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31 SECTION 2. Arkansas Code § 27-16-909, concerning the suspension or
 32 revocation of a driver's license for a person's inability to drive, is
 33 amended to add an additional subsection to read as follows:

34 (f) A person who in good faith files a report under subsection (a) of
 35 this section is immune from civil and criminal liability for reporting the
 36 licensed driver to the office.

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Referred by the Arkansas House of Representatives
Prepared by: VJF