

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1744

By: Representative D. Wood

"AN ACT TO AMEND VARIOUS SECTIONS OF ACT 280 of 1937, AS AMENDED, [ARK. STAT. 75-301 - 75-311, 75-315 - 75-320, AND 75-323 - 75-348]; SECTIONS 38, 40 AND 41 OF ACT 300 OF 1937 [ARK. STAT. 75-903, 75-905 AND 75-906]; SECTION 2 OF ACT 370 OF 1947 [ARK. STAT. 75-322]; SECTION 1 OF ACT 147 OF 1963 [ARK. STAT. 75-352]; SECTIONS 1, 2, AND 4 OF ACT 555 OF 1965, AS AMENDED [ARK. STAT. 75-353, 75-354 AND 75-356]; SECTIONS 1 AND 2 OF ACT 246 OF 1973 [ARK. STAT. 75-1008.1 AND 75-1008.2]; SECTIONS 1, 2, AND 3 OF ACT 176 OF 1975 [ARK. STAT. 75-1710 - 75-1712]; SECTION 1 OF ACT 465 OF 1977 [ARK. STAT. 75-1057]; SECTION 1 OF ACT 479 OF 1981, [ARK. STAT. 75-1008.4]; SECTION 2 OF ACT 411 OF 1983 [ARK. STAT. 75-1008.5]; AND SECTIONS 3 AND 4 OF ACT 972 OF 1985 [ARK. STAT. 75-1709.1 AND 75-1714.1]; TO PROVIDE FOR THE ARKANSAS CLASSIFIED DRIVER LICENSE SYSTEM, AND FOR OTHER PURPOSES."

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

SECTION 1. Section 3 of Act 280 of 1937, as amended, the same being Arkansas Statute 75-303, is hereby amended to read as follows:

"Section 3. (a) Person. Any natural person.

(b) Owner. Any person or other entity who holds the legal title of a vehicle or, in the event the vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.

(c) Suspend. Temporarily withdraw by formal action a driver's license or

privilege to operate a motor vehicle on public highways, which temporary withdrawal shall be for a period specifically designated by the suspending authority.

(d) Revoke. Terminate by formal action the driver's license privilege to operate a motor vehicle on public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Department after the expiration of at least one year after the date of revocation.

(e) Classified licenses.

1. Class C license. That license valid for the operation of any single vehicle not in excess of 26,000 pounds of gross vehicle weight, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight, except buses. Such license shall not be valid for the operation of a motorcycle unless the license is specifically endorsed to permit such operation. Such license shall be valid for the operation of a school bus only when the driver thereof has a school bus permit. No such license may be issued to any person under the age of fourteen (14) years. Provided, however, that no such licensee under the age of sixteen (16) years may operate a vehicle unless accompanied on the front passenger seat of the vehicle by a licensed driver who has had at least one (1) year of driving experience.

2. Class B license. That license valid for the operation of any vehicle which could be operated with a Class C license, and any single vehicle weighing over 26,000 pounds gross vehicle weight or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight, and any bus. No such license shall be valid for the operation of a motorcycle unless the license is specifically endorsed to authorize the same. Such license shall be valid for the operation of a school bus only when the driver thereof has a school bus permit. No such license shall be issued to any person under the age of eighteen (18) years.

3. Class A license. That license valid for the operation of any vehicle or combination of vehicles including all vehicles which could be operated with either a Class B or a Class C license. Such license shall not be valid for the operation of a motorcycle unless the license is specifically endorsed to permit the operation of a motorcycle. Such license shall be valid for the operation of a school bus only when the driver thereof has a school bus permit. No such license may be issued to any person under the age of

eighteen (18) years.

4. Class M license. That license valid for the operation of any motorcycle which displaces more than 250 cubic centimeters or less. No such license may be issued to any person under the age of sixteen (16) years.

5. Class MD license. That license valid for the operation of any motor driven cycle which displaces 250 cubic centimeters or less. No such license shall be issued to any person under the age of fourteen (14) years. A class MD license shall automatically expire upon the licensee's sixteenth (16th) birthday.

(f) School bus operator. A person who operates a school bus. In order to validly operate a school bus, such person must have a valid class A, class B or class C license and must have a school bus permit.

(g) Hazardous materials endorsement. A separate endorsement of the Class A, Class B, or Class C license required to make the license valid for any motor vehicle being used to transport hazardous materials, as defined by Act 421 of 1977, as amended, the Hazardous Materials Transportation Act, in such quantity and under such circumstances as to require the placarding or marking of the transporting motor vehicle under the hazardous materials regulation of the U. S. Department of Transportation."

SECTION 2. Section 7 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-307, is hereby amended to read as follows:

"Section 7. (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid driver's license under the provisions of this Act. No person shall receive a driver's license unless and until he surrenders to the Department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the Department to the issuing Department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one (1) valid driver's license at any one time.

(b) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon the streets and highways of this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

(c) Notwithstanding the provisions of this section, any person who on the effective date of this Act has a valid operator's or chauffeur's license pursuant to Act 280 of 1937, as amended, shall be entitled to drive the vehicles authorized thereby until the date of expiration of such operator's or chauffeur's license, but not thereafter.

(d) On and after January 1, 1988, no person, except as otherwise provided herein, shall drive a motor vehicle transporting hazardous materials, as defined by Act 421 of 1977, as amended, upon the highways of this State unless the person has a driver's license valid for the classification of motor vehicle he is driving and such driver's license has a current hazardous materials endorsement to show the driver's qualification to operate a motor vehicle transporting hazardous materials upon the highways of this State."

SECTION 3. Section 8 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-308, is hereby amended to read as follows:

"Section 8. The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the Army, Navy, Air Force or Marine Corp of the United States.

2. Any person while operating or driving any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

3. Any nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid driver's license equivalent to a Class C license under this Act, issued to him in his home state or country, may only operate a vehicle for which a Class C license issued by this state would be valid.

4. Any nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid driver's license equivalent to a Class B license under this Act, issued to him in his home state or country, may only operate a vehicle in this state for which a Class B or Class C license issued by this state would be valid.

5. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid driver's license equivalent to a Class A license under this Act, issued to him in his home state or country, may only operate a vehicle in this state for which a Class A, Class B or Class C license issued by this state would be valid.

6. Any nonresident who is at least eighteen (18) years of age,

whose home state or country does not require the licensing of driver's, may only operate a vehicle in this state for which a Class C license would be valid. No such operation shall be permitted unless the vehicle to be operated is duly registered in the home state or country of such nonresident, and no such operation shall be permitted for a period of more than ninety (90) days in any calendar year.

7. A nonresident who has in his immediate possession a valid driver's license equivalent to the Class A, Class B, or Class C license with a hazardous materials endorsement under this Act, issued to him in his home state or country and that allows him to operate a motor vehicle transporting hazardous materials in his home state or country, may operate a motor vehicle in this State for which the hazardous materials endorsement would otherwise be required."

SECTION 4. Section 9 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-309, is hereby amended to read as follows:

"Section 9. (a) No license shall be issued hereunder:

1. To any person, as a Class C license driver, who is under the age of sixteen (16) years, except that the Department may issue a restricted license as hereinafter provided to any person who is at least fourteen (14) years of age.

2. To any person, as a Class B or Class A license driver, who is under the age of eighteen (18) years.

3. To any person, whose license to operate a motor vehicle has been suspended, in whole or in part, by this state or any other state, during such suspension; nor to any person whose license has been revoked, in whole or in part, by this state or any other state, until the expiration of one (1) year after such license was revoked.

4. To any person who is an habitual drunkard or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle.

5. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law.

6. To any person who is required by this Act to take an examina-

tion, unless such person shall have successfully passed such an examination.

7. To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof.

8. To any person who is receiving any type of welfare, tax or other benefit or exemptions as a blind or nearly blind person if the correctable vision of such person is less than 20/50 in the better eye or if the total visual field of such person is less than 110 degrees.

9. To any person when the Commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

(b) The Department is hereby authorized to secure from all state agencies involved the necessary information to comply with the provisions of this Act."

SECTION 5. Section 11 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-310, is hereby amended to read as follows:

"Section 11. (a) Any person who is at least fourteen (14) years of age may apply to the Department for an instruction permit. The Department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways of this state for a period of sixty (60) days when accompanied by a licensed driver who has had at least one (1) year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of ninety (90) days.

(b) The Department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver education program which includes practice driving and which is approved by the Department even though the applicant has not reached the legal age to be entitled to be eligible for a valid driver's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle only on a designated highway or in designated area and only when an approved instructor is occupying a seat

beside the permittee.

(c) The Department may in its discretion issue a temporary driver's permit to an applicant for a Class C license, permitting him to operate a motor vehicle while the Department is completing its investigation and determination of all facts relevant to such applicant's right to receive a license.

(d) The Department may in its discretion issue a temporary driver's permit to an applicant for a Class C license, whose license has expired and who must be retested by the Department as provided for in Section 16 of Act 280 of 1937, as amended, permitting him to operate a motor vehicle for a period not to exceed thirty (30) days. Such permit must be maintained in the driver's immediate possession while operating a motor vehicle, and such permit shall be invalid once a driver's license has been issued to the driver."

SECTION 6. Section 12 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-311, is hereby amended to read as follows:

"Section 12. (a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the Department, and every said application shall be accompanied by the required fee.

(b) Every said application shall state the full name, date of birth, sex and residence address of the applicant and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and if so, when, and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and if so, the date of and reason for any such suspension, revocation or refusal.

(c) Any person who is at least twenty-one (21) years of age and who has a valid driver's license, Class A, Class B, or Class C license, issued by this State, may apply to the Department, on a form provided by the Department, for a hazardous materials endorsement. The application for a hazardous materials endorsement shall require the same information as the application for a driver's license and shall be accompanied by the required fee under the provisions of this Act."

SECTION 7. Subsection (a) of Section 13 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-315(a), is hereby amended to read as follows:

"(a) The original application of any person under the age of eighteen (18) years for an instruction permit, Class C license, Class M license or Class MD license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if either is living and has custody, or in the event neither is living or has custody, then by the legal guardian having such custody, or in the event there is no legal guardian, then by any responsible person eighteen (18) years of age or older who is willing to assume the obligations imposed under Act 280 of 1937, as amended, upon a person signing the application of a minor. For the purposes of this Act, duly authorized agents of the Commissioner of Revenues shall be authorized to administer the oaths without charge."

SECTION 8. Section 16 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-318, is hereby amended to read as follows;

"Section 16. (a) The Department shall examine every applicant for a driver's license, except as otherwise provided in this Act. The examination shall include a test of the applicant's eye sight, his or ability to read and understand highway traffic laws of this state, and shall include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of the type and class of motor vehicle for which a license is being sought. The Department may require such further physical and mental examination as it deems necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways of this state. No applicant for an original license shall be permitted to demonstrate his or her ability to operate a motor vehicle as required under the provisions of Act 280 of 1937, as amended, unless and until said applicant has in his possession a valid instruction permit, properly issued not less than thirty (30) days prior to the date of the application, unless otherwise determined by the Department. The instruction permit required hereunder shall be issued in accordance with the provisions of Act 280 of 1937, as amended. Such examination shall be held in the county where the applicant resides within thirty (30) days from the date application is made.

(b) No person, except as otherwise provided for herein, shall operate any motor vehicle without first being examined and duly licensed by the Department as a qualified driver of the type of vehicle for which a license is being sought. Provided, however, any person who on the effective date of this Act

possesses a valid operator or chauffeur license issued by this state shall, without examination, be allowed upon renewal or conversion to obtain a classified driver's license as follows:

Persons having an operators license may obtain a Class C license only; persons having a for-hire chauffeur license may obtain a Class B or Class C license only; persons having a chauffeur license may obtain a Class A, Class B or Class C license. Any person described herein possessing an operator's license issued by this state and wishing to obtain a Class B or Class A license must pass the proper examination for the class of license desired. Also, any person described herein possessing a for-hire chauffeur license and wishing to obtain a Class A license must pass the proper examination for a Class A license. Provided, however, that any person who on the effective date of this Act is in possession of a valid operator, for-hire chauffeur or chauffeur license issued by this state shall be permitted to operate the vehicles for which said licenses are valid under the provisions of Act 280 of 1937, as amended, until the expiration date of any said license or until obtaining a Class A, Class B or Class C license, whichever event occurs first.

(c) The Department or the State Police shall examine every applicant for a hazardous materials endorsement who meets the requirements for application. The examination shall be held in the county where the applicant resides within not more than thirty (30) days from the date of application. The examination shall ensure the qualifications of the driver to transport hazardous materials under standards established by the State Police by regulation and shall test as a minimum the applicant's working knowledge of:

- (1) the regulations pertaining to the motor vehicle transportation of hazardous materials;
- (2) the handling of hazardous materials in transportation;
- (3) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous materials; and
- (4) the appropriate response procedures to be used in those emergencies, based on the regulations of the U. S. Secretary of Transportation pertaining to hazardous materials under authority of the Hazardous Materials Transportation Act of 1975, P.L. 93-633, (49 U.S.C. §1801 et seq.). Provided, however, that any person who, on the effective date of this Act, possesses a valid Arkansas driver's license and who has operated a motor vehicle transporting hazardous materials for at least six (6) months at the date of

application, shall, without examination, be allowed, upon renewal or conversion of their driver's license, to obtain a hazardous materials endorsement, as provided hereafter. Persons renewing or converting their driver's licenses shall present their current driver's license to the Department, fill out the application for a hazardous materials endorsement, and submit an affidavit with the application, on a form provided by the Department, stating the applicant has operated motor vehicles transporting hazardous materials for at least six (6) months before the date of application. Upon payment of the proper fee, the applicant's driver's license may be endorsed with the hazardous materials endorsement. If, subsequent to the endorsement of the driver's license, the Department determines that the applicant did not meet the requirements as prescribed herein for the hazardous materials endorsement, the Department shall cancel the non-qualifying applicant's endorsement through the procedures prescribed by this Act for revoking a driver's license."

SECTION 9. Section 18 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-320, is hereby amended to read as follows:

"Section 18. (a) The Department shall, upon payment of \$6.00, for a period of two years, issue, in a manner prescribed by the Commissioner, a Class C license or a Class M license to each applicant qualified therefor; and upon payment of \$10.00 shall, for a period of two years, issue, in a manner prescribed by the Commissioner, a Class A or a Class B license to each applicant qualified therefor; and upon payment of \$2.00, shall, for a period of not more than two years issue, in a manner prescribed by the Commissioner, a Class MD license to each applicant qualified therefor. Any driver's license, other than a Class MD license, may be issued at renewal time for an additional two years upon payment of an additional \$6.00 for a Class C or Class M license and an additional \$10.00 for a Class A or Class B license. However, no license shall be valid for more than four years. Each such license shall include thereon a distinguishing number assigned to the licensee, the name, residence address, date of birth, and a brief description of the licensee, and a space upon which the licensee may affix his or her signature. The licensee shall affix his or her signature in ink in a space provided, and no license shall be valid until it shall have been so signed by the licensee.

(b) All such licenses as described in Subsection (a) shall include thereon a color photograph of the licensee, and such photograph shall be made

a part of the license at the time of application. However, for the protection of the licensee, no duplicate or negative of said photograph shall be retained by the Department. Provided, further, that a license may be valid without a photograph of the licensee when the Commissioner is advised that the requirement of the photograph is either objectionable on the grounds of religious beliefs or such licensee is unavailable to have the photograph made.

(c) In addition to the license fee prescribed by subsection (a) hereof, the Department shall collect a penalty equal to fifty percent (50%) of the amount thereof from each person who operates a motor vehicle over the highways of this state without a valid license; and, such penalty shall be in addition to any other penalty which is now or which hereafter may be prescribed by law.

(d) All license fees collected under subsection (a) hereof shall be deposited in the State Treasury, as special revenues, and the net amount thereof shall be credited to the State Police Fund, to be used for the operation, maintenance and improvement of the Department of Arkansas State Police.

(e) In addition to the regular license fee required hereunder, a fee of \$1.00 shall be charged for all renewal applications. Provided, further, that all persons applying for an Arkansas driver's license for the first time, and all persons who are required to take a driver's examination as provided for in Act 280 of 1937, as amended, shall be charged the said additional fee of \$1.00.

(f) The Driver's License Bureau of the Department of Finance and Administration shall provide on the reverse side of driver's licenses a statement and space whereby the licensee may certify his or her willingness to make an anatomical gift under the provisions of Act 4 of 1969.

(g) The Department shall, upon payment of a two dollar (\$2.00) fee, endorse the Class A, Class B, and Class C driver's license, under procedures prescribed by the Commissioner, of every applicant who has qualified for the hazardous materials endorsement by examination by the State Police or the Department or who has qualified for the hazardous materials endorsement under other provisions of this Act. Thereafter, the hazardous materials endorsement shall be valid for as long as the driver's license is current and valid and may be renewed, upon payment of a one dollar (\$1.00) fee, at the time of driver's license renewal, if the license is current and valid. All endorsement and endorsement renewal fees collected under this subsection shall be deposited in the State Treasury with fifty percent (50%) being credited to the Constitutional and Fiscal Agencies Fund to be used for the

operation and maintenance of the Revenue Division of the Department of Finance and Administration and fifty percent (50%) being credited, as special revenues, to the Department of Arkansas State Police Fund, to be used for the operation and maintenance of the State Police."

SECTION 10. Section 2 of Act 370 of 1947, the same being Arkansas Statutes 75-322, is hereby amended to read as follows:

"Section 2. The background color in the portrait area of all Class B and Class A licenses shall be of a different color than the background color for Class C, Class M and Class MD licenses."

SECTION 11. Section 19 of Act 280 of 1937, as amended, the same being Arkansas Statutes 74-323, is hereby amended to read as follows:

"Section 19. Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of a justice of the peace, peace officer or field deputy or inspector of the Department. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest for for the type of vehicle operated."

SECTION 12. Section 20 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-324, is hereby amended to read as follows:

"Section 20. (a) The Department, upon issuing a driver's license, shall have authority whenever good cause appears, to impose restriction suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate, or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) (1) The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(2) All licensees under the age of sixteen (16) years shall be restricted to operation of a motor vehicle, except motorcycles and motor driven cycles, only while accompanied by a licensed driver who is eighteen (18) years of age or older, unless otherwise determined by the Department.

(c) The Department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under the provisions of Act 280 of 1937, as amended.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him."

SECTION 13. Subsection (a) of Section 21 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-325(a), is hereby amended to read as follows:

"(a) In the event that an instruction permit or driver's license issued under the provisions of ACT 280 of 1937, as amended, is lost or destroyed, the person to whom the same was issued may, upon payment of \$2.00, obtain a duplicate or substitute thereof, upon furnishing proof satisfactory to the Department that such permit or license has been destroyed."

SECTION 14. Section 23 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-327, is hereby amended to read as follows:

"Section 23. Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him, or when the name of a licensee is changed by marriage or otherwise, such person shall within ten (10) days thereafter notify the Department in writing of his old and new addresses or such former and new names and of the number of any license then held by him."

SECTION 15. Section 25 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-329, is hereby amended to read as follows:

"Section 25. (a) The Department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder, or that said licensee failed to give the required or correct information in his application, or committed any fraud in making such application.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the Department.

(c) The Department having good cause to believe that a licensed driver is

incompetent or otherwise not qualified to be licensed may upon written notice of at least five (5) days to the licensee require him to submit to an examination. Upon the conclusion of such examination the Department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under Section 20 of Act 280 of 1937, as amended. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license."

SECTION 16. Subsection (a) of Section 26 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-330, is hereby amended to read as follows:

"(a) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked."

SECTION 17. Section 27 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-331, is hereby amended to read as follows:

"Section 27. The Department is authorized to suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which if committed in this state would be grounds for suspension or revocation of a driver's license."

SECTION 18. Section 28 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-332, is hereby amended to read as follows:

"Section 28. (a) Whenever any person is convicted of any offense for which Act 280 of 1937, as amended, makes mandatory revocation of the driver's license of such person by the Department, the Court in which such conviction is had shall require the surrender to it of all driver's licenses then held by the person so convicted and the Court shall thereupon forward the same together with a record of such conviction to the Department.

(b) Every Court having jurisdiction over offenses committed under Act 280 of 1937, as amended, or any other act of this state regulating the operation of motor vehicles on highways, shall forward to the Department a record of the

conviction of any person in said Court for a violation of any said laws, and may recommend the suspension of the driver's license of the person so convicted.

(c) For the purpose of this Act the term "conviction" shall mean a final conviction. Also, for the purposes of this Act, a forfeiture of bail or collateral deposited to secure a defendant's appearance in Court, which forfeiture has not been vacated, shall be equivalent to a conviction."

SECTION 19. Section 29 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-333, is hereby amended to read as follows:

"Section 29. The Department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used;
3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
4. Perjury or the making of a false affidavit or statement under oath to the Department under Act 280 of 1937, as amended, or under any other law relating to the ownership or operation of motor vehicles;
5. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months."

SECTION 20. Subsection (a) of Section 30 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-334(a), is hereby amended to read as follows:

"(a) The Department is hereby authorized to suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee;

1. Has been convicted of an offense for which mandatory revocation of license is required;
2. Has been involved as a driver in an accident resulting in the death or personal injury of another or serious property damage;
3. Is an habitually reckless or negligent driver of a motor

vehicle;

4. Is an habitual violator of the traffic laws;
5. Is incompetent to drive a motor vehicle;
6. Has permitted an unlawful or fraudulent use of such license;
7. Has committed an offense in another state which, if committed in this state, would be grounds for suspension or revocation; or
8. Is receiving any type of welfare, tax or other benefit or exemption as a blind or nearly blind person, if the correctable vision of such person is less than 20/50 in the better eye or if the total visual field of such person is less than 110 degrees."

SECTION 21. Section 32 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-336, is hereby amended to read as follows:

"Section 32. The Department upon suspending or revoking a license shall require that such license be surrendered to and be retained by the Department except that at the end of the period of suspension such license shall be returned to the licensee."

SECTION 22. Section 33 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-337, is hereby amended to read as follows:

"Section 33. Any resident or nonresident whose license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in Act 280 of 1937, as amended, shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Act 280 of 1937, as amended."

SECTION 23. Section 35 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-339, is hereby amended to read as follows:

"Section 35. It is a misdemeanor for any person:

1. (a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered driver's license;

(b) To knowingly assist or permit any other person to apply for or obtain through fraudulent application or other illegal means any Arkansas driver's license.

2. To lend his driver's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any driver's license not issued to him;

4. To fail or refuse to surrender to the Department upon its lawful demand any driver's license which has been suspended, revoked or cancelled;

5. To use a false or fictitious name on any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud on any such application;

6. To permit any unlawful use of a driver's license issued to him; or

7. To do any act forbidden or fail to perform any act required by Act 280 of 1937, as amended."

SECTION 24. Subsection (a) of Section 37 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-341(a), is hereby amended to read as follows:

"Any person whose driver's license or driving privilege as a nonresident has been cancelled, suspended or revoked as provided in Act 280 of 1937, as amended, and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days, or more than six (6) months and there may be imposed in addition thereto a fine of not more than \$500.00."

SECTION 25. Section 40 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-344, is hereby amended to read as follows:

"Section 40. No employer shall employ, as a driver, any person, unless such person is properly licensed under this Act to operate the vehicles which he or she is employed to drive."

SECTION 26. Subsection (b) of Section 41 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-345(b), is hereby amended to read as follows:

"(b) No person shall rent a motor vehicle to another until he has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of

such person written in his presence."

SECTION 27. Section 1 of Act 147 of 1963, as amended, the same being Arkansas Statutes 75-352, is hereby amended to read as follows:

"Section 1. Any person eighteen (18) years of age or older who shall present to the Department or an authorized agent thereof a valid driver's license issued to such person by another state or by a branch of the armed services of the United States, which license is currently valid or which expired not more than thirty-one (31) days prior to the date it was presented, and who shall pay the fee prescribed by law, shall be issued a Class C Arkansas driver's license without examination. Application for any other class of driver's license shall be accepted only upon the successful completion of the appropriate examination."

SECTION 28. Subsection (a) of Section 3 of Act 555 of 1965, as amended, the same being Arkansas Statutes 75-355(a), is hereby amended to read as follows:

"(a) The office of Driver Services, Department of Finance and Administration, shall activate and maintain a system of central record files of all motor vehicle driver's licenses, including a record of all convictions for moving traffic violations by motor vehicle drivers. All Courts in this state shall furnish the Office of Driver Services a record, on forms prescribed by the Commissioner, of all motor vehicle violations under the laws of this State which may provide for the reporting of convictions arising out of the operation of a motor vehicle. An abstract of a driver's record may be furnished to another only in accordance with the provisions and restrictions of Act 465 of 1977, as amended (Arkansas Statutes Ann. §75-1057 to 75-1057.8)."

SECTION 29. Section 4 of Act 555 of 1965, as amended, the same being Arkansas Statutes 75-356, is hereby amended to read as follows:

"Section 4. (a) The Administrator of the Office of Driver Services shall, upon approval of the Commissioner of Revenues, provide by regulation for the issuance of driver's licenses on the basis of the birth month or on some other staggered basis.

(b) The Commissioner of Revenues shall require the Administrator of the Office of Driver Services to provide by regulation for the issuance of

driver's licenses on the basis of a birth month, or some other staggered basis, to include the issuance of driver's licenses for the proper number of years upon payment of the required yearly fee for the issuance of such license."

SECTION 30. Section 38 of Act 300 of 1937, the same being Arkansas Statutes 75-903, is hereby amended to read as follows:

"Section 38. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, or such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person."

SECTION 31. Section 40 of Act 300 of 1937, the same being Arkansas Statutes 75-905, is hereby amended to read as follows:

"Section 40. The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his driver's license, and shall make report of such accident when and as required in Section 41 of Act 300 of 1937, as amended, (Arkansas Statutes Ann. §75-906)."

SECTION 32. Subsection (d) of Section 41 of Act 300 of 1937, as amended, the same being Arkansas Statutes 75-906(d), is hereby amended to read as follows:

"(d) Any person who fails or refuses to render reports required by the provisions of this section to the Arkansas State Police within ten (10) days after said accident shall be punished upon a conviction in the county where the

accident occurred by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and for willful refusal to file said reports after said conviction, the Commissioner shall revoke the driver's license of the person so convicted."

SECTION 33. Section 1 of Act 246 of 1973, the same being Arkansas Statutes 75-1008.1, is hereby amended to read as follows:

"Section 1. Every person who is arrested for a violation of a traffic law, rules or regulation punishable as a misdemeanor, who is not permitted to appear for trial thereon on his own recognizance, may, in lieu of posting bond, be admitted to bail upon depositing his or her current driver's license. Provided, if such person is admitted to bail by depositing his or her current driver's license with the arresting officer or clerk of the Court, and an official receipt shall be issued therefor, which receipt shall be upon a form approved by the Administrator of the Office of Driver Services of the Department of Finance and Administration, and said receipt shall serve in lieu of the driver's license for the period of time, and under the conditions, provided in Section 2 of Act 246 of 1973, as amended (Arkansas Statutes Ann. §75-1008.2). The driver's license deposited as bail shall be retained by the clerk of the Court before which said person is cited to appear for trial upon such charge."

SECTION 34. Section 2 of Act 246 of 1973, the same being Arkansas Statutes 75-1008.2, is hereby amended to read as follows:

"Section 2. The official receipt received from the arresting officer shall serve in lieu of a driver's license for a time not in excess of twenty (20) days. If a defendant posts bail under the provisions of Act 246 of 1973, as amended, and upon an appearance to answer the charge or upon electing to plead guilty, the driver's license shall be returned to him by the Court clerk, unless revoked or suspended by a Court of competent jurisdiction. If the defendant does not appear to answer the charge within twenty (20) days, or such later date as may be fixed by the Court, his driver's license shall be determined to have been forfeited, and the same shall be revoked by the Court, or, in the event of a revocation or suspension of the driver's license as a result of the trial of said case by the Court, the same shall be transmitted by the clerk if the Court, with a statement of the reason for such forfeiture,

revocation or suspension, to the Administrator of the Office of Driver Services of the Department of Finance and Administration, within one (1) day after the order or decision of the Court revoking or suspending the same."

SECTION 35. Section 1 of Act 499 of 1981, as amended, the same being Arkansas Statutes 75-1008.4, is hereby amended to read as follows:

"Section 1. When any law enforcement officer in this state arrest or issues a citation to any person for any traffic law violation or motor vehicle accident and the officer is authorized by law to take possession of and retain the driver's license of the person so charged or cited, the person arrested or to whom the citation is issued shall have the option to surrender his or her driver's license or post a bond or post a bond card to assure his or her appearance in Court on the offense charged. Provided, the option to post a bond card shall not be available to a person charged with driving while intoxicated. As used in this section, the term "law enforcement officer" shall mean any member of the Arkansas State Police, a sheriff or a deputy sheriff, a member of a municipal police force or a constable."

SECTION 36. Section 2 of Act 411 of 1983, the same being Arkansas Statutes 75-1008.5, is hereby amended to read as follows:

"Section 2. A professional bail bond company, as defined in Act 400 of 1971, as amended (Arkansas Statutes Ann. § 43-734 to 43-747), a qualified surety, pursuant to Act 54 of 1955 (Arkansas Statutes Ann. § 75-1035, 75-1036), and an automobile club or association defined in Act 377 of 1955 (Arkansas Statutes Ann. §75-1601 to 75-1608), as amended, may issue a bond card to a person licensed as a driver under this Act, which shall constitute evidence of the undertaking of bond by the company to assure the appearance in court for the offense charged of a person arrested or issued a traffic citation for a motor vehicle accident or traffic law violation up to an including the amount in dollars stated upon the face of the bond card."

SECTION 37. Section 3 of Act 972 of 1985, the same being Arkansas Statutes 75-1709.1, is hereby amended to read as follows:

"Section 3. It shall be unlawful for any person to operate a motorcycle or motor driven cycle in this state unless such person has a current valid Class M driver's license; provided, any person fourteen (14) years of age or older who is under the lawful age to obtain a Class M license may operate a

motor driven cycle provided that person has obtained a special license provided for herein.

Any person fourteen (14) years of age but under sixteen (16) years of age may obtain a Class MD license to operate a motor driven cycle provided that the motor of such motor driven cycle displaces 250 cubic centimeters or less, and such license shall expire upon the licensee's sixteenth (16th) birthday. All such licenses shall be issued by the Office of Driver Services of the Revenue Division of the Department of Finance and Administration. Before any such license may be issued, the applicant therefor shall furnish the Office of Driver Services a copy of a certificate issued by the Department of State Police showing that the applicant has taken and passed an examination given by the Department of State Police to determine the applicant's eligibility for a Class MD license. The Department of State Police shall prescribe a written examination and a road test examination which shall be satisfactorily completed by each applicant for a special license before any such license may be issued to the applicant by the Office of Driver Services. The Office of Driver Services shall charge a fee of \$2.00 for each such special license issued. Proceeds from the fees charged for such special licenses shall be deposited in the State Treasury as special revenues and shall be credited to the State Police Fund."

SECTION 38. Section 1 of Act 176 of 1975, as amended, the same being Arkansas Statutes 75-1710, is hereby amended to read as follows:

"Section 1. Effective July 1, 1976, and thereafter, no person who is sixteen (16) years of age or older shall operate a motor cycle or motor driven cycle which is subject to registration in this state, upon the public streets and highways of this state, unless such person holds a current valid motor cycle or Class M driver's license."

SECTION 39. Section 2 of Act 176 of 1975, as amended, the same being Arkansas Statutes 75-1711, is hereby amended to read as follows:

"Section 2. (a) Any person desiring to obtain a Class M driver's license shall make an application to the Office of Driver Services for the issuance of such license.

(b) Evidence that a person has applied for and satisfactorily qualified for a Class M license as required herein shall be a certificate issued by the

Department of State Police that such applicant for a Class M license has satisfactorily passed all phases of the motor cycle operator's examination as required herein, provided such applicant is sixteen (16) years of age or older.

(c) The license issued by the Office of Driver Services may be a license limiting the named licensee to motorcycles, motor driven cycles or similarly classified motor vehicles; or, in the case where an applicant is sixteen (16) years of age or older who holds a current valid Class A, Class B or Class C driver's license, the Office of Driver Services may endorse said license as evidence of proper qualification for such license as provided for by this act.

(d) A Class M driver's license shall be issued for a period of two (2) years or four (4) years and the fee for said license shall be the same as provided in Sections 18 and 25 of Act 280 of 1937, as amended, (Arkansas Statutes Ann. § 75-320 and 75-325). Provided, however, that no fee will be required if such application is submitted at the time the applicant's Class A, Class B or Class C license is renewed and such applicant has complied with all other provisions of this act.

(e) Other provisions of this act notwithstanding, any person who, at the time this act becomes effective, is in possession of a motorcycle or motor driven cycle license or a motorcycle endorsement of their valid Arkansas driver's license, shall not be required to have a classified license (Class M or Class MD license) or endorsement until such time as said license expires or otherwise becomes ineffective or invalid, whichever occurs first. Any person who, at the time this Act becomes effective, is in possession of a valid motorcycle or a motorcycle endorsement of their valid Arkansas driver's license shall, without examination, be allowed upon renewal or conversion to obtain a Class M license or endorsement of their classified license, whichever is appropriate."

SECTION 40. Section 3 of Act 176 of 1975, as amended, the same being Arkansas Statutes 75-1712, is hereby amended to read as follows:

"Section 3. The Department of State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a Class M driver's license as required by this act. The examination shall include (i) a written examination designed to determine the applicant's knowledge of traffic laws, ordinances and regulations, and such other matters necessary to

determine the applicant's knowledge of the operation of such motor vehicles; (ii) a vision test to determine whether the applicant's eye sight is adequate to safely operate such vehicle; (iii) an actual road test designed to determine the applicant's familiarity with the controls of said motor vehicle both in and out of traffic, and such other tests as the Department may deem necessary to assure safe operations on the streets and highways of this State."

SECTION 41. Section 4 of Act 972 of 1985, the same being Arkansas Statutes 75-1714.1, is hereby amended to read as follows:

"Section 4. It shall be unlawful for any person to operate a motorized bicycle upon a public street or highway within this state unless such person has a certificate to operate such vehicle. Any person who has a Class MD license or a Class M license or a Class A, B or C license, shall qualify to operate a motorized bicycle and is not required to obtain a certificate from the State Police for the operation of a motorized bicycle. All motorized bicycle certificates shall be issued by the State Police and no certificate shall be issued to a person under ten (10) years of age. Prior to being issued a certificate to operate a motorized bicycle, the applicant shall take and pass an examination pertaining to the rules of the road, a vision test and a road test. The State Police shall charge a fee of \$2.00 for each certificate issued and the proceeds from such fees shall be deposited in the State Treasury as special revenues and credited to the State Police Fund."

SECTION 42. Sections 1, 4, and 5 of Act 370 of 1947, as amended, the same being Arkansas Statutes 75-312, 75-313, and 75-314; Section 22 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-326; and Subsection (3) of Section 1 of Act 555 of 1965, the same being Arkansas Statutes 75-353(3) are hereby repealed. All other laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 43. The provisions of this Act shall be effective on and after January 1, 1988.

