

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Smith

A Bill

SENATE BILL 821

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 16, TITLE 27
OF THE ARKANSAS CODE OF 1987 ANNOTATED TO CREATE A
GRADUATED DRIVER LICENSING SCHEME FOR DRIVERS UNDER
EIGHTEEN (18) YEARS OF AGE; TO PROVIDE FOR THE ISSUANCE OF
AN INTERMEDIATE DRIVER LICENSE FOR THOSE SIXTEEN (16) TO
EIGHTEEN (18) YEARS OLD AND TO PLACE RESTRICTIONS ON THOSE
DRIVING PRIVILEGES; AND FOR OTHER PURPOSES."

Subtitle

"TO CREATE A GRADUATED DRIVER LICENSING
SCHEME FOR DRIVERS UNDER EIGHTEEN (18)
YEARS OF AGE AND PROVIDE FOR AN
INTERMEDIATE DRIVER LICENSE FOR THOSE 16
TO 18 YEARS OLD."

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

SECTION 1. Arkansas Code § 27-16-604 is amended to read as follows:

"27-16-604. Persons not to be licensed.

(a) The office shall not issue any license under this act to any
person:

(1) As a noncommercial driver who is under the age of eighteen
(18) years, except that the office may issue a intermediate license as
provided to any person who is at least sixteen (16) years of age;

(2) As a commercial driver who is under the age of eighteen (18)
years;

(3)(A) As a commercial or noncommercial driver whose license to
operate a motor vehicle has been suspended, in whole or in part, by this

1 state or any other state during such suspension; nor

2 (B) To any person whose license has been revoked, in whole
3 or in part, by this state or any other state, until the expiration of one (1)
4 year after such license was revoked;

5 (4) As a commercial or noncommercial driver who is an habitual
6 drunkard or is an habitual user of narcotic drugs or is an habitual user of
7 any other drug to a degree which renders him incapable of safely driving a
8 motor vehicle;

9 (5) As a commercial or noncommercial driver who has previously
10 been adjudged to be afflicted with or suffering from any mental disability or
11 disease and who has not at the time of application been restored to
12 competency by the methods provided by law;

13 (6) As a commercial or noncommercial driver who is required by
14 this act to take an examination, unless the person shall have successfully
15 passed the examination;

16 (7) Who is required under the laws of this state to deposit
17 proof of financial responsibility and who has not deposited such proof;

18 (8) Who is receiving any type of welfare, tax, or other benefit
19 or exemption as a blind or nearly blind person, if the correctable vision of
20 the person is less than 20/50 in the better eye or if the total visual field
21 of the person is less than one hundred five degrees (105°); or

22 (9) When the commissioner has good cause to believe that the
23 operation of a motor vehicle on the highways by the person would be inimical
24 to public safety or welfare.

25 (b) The office is authorized to secure from all state agencies
26 involved the necessary information to comply with the provisions of this
27 section."

28

29 SECTION 2. Arkansas Code § 27-16-701 is amended to read as follows:

30 "27-16-701. Application for license or instruction permit - Restricted
31 permits.

32 (a)(1) Every application for an instruction permit or for a
33 commercial or noncommercial driver's license shall be made upon a form
34 furnished by the Office of Driver Services and every application shall be
35 accompanied by the required fee.

1 (2) The driver's license or noncommercial driver's license shall
2 include the intermediate driver's license issued to persons who are less than
3 eighteen (18) years of age.

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

11 (c)(1) Every application form for an instruction permit, a commercial
12 or noncommercial driver's license, or for any renewal of these licenses or
13 permits shall include space for the applicant's social security number if he
14 has been assigned such a number.

15 (2) Every applicant shall supply his social security number on
16 the application form when he has been assigned such a number, except that an
17 applicant for an instruction permit for a noncommercial driver's license
18 shall not be required to supply his or her social security number and may
19 choose whether to use his or her social security number on the application.

20 (d) Every application for an instruction permit or for a driver's
21 license by a person less than eighteen (18) years old on October 1 of any
22 year shall be accompanied by:

23 (1)(A) Proof of receipt of a high school diploma or its
24 equivalent or enrollment and regular attendance in an adult education program
25 or a public, private, or parochial school.

26 (i) A student enrolled in school shall present proof
27 of a C average for the previous semester or grading period in order to be
28 issued a license.

29 (ii) A student with disabilities receiving special
30 education or related services or a student enrolled in an adult education
31 program shall present proof that the student is successfully completing his
32 individual education plan in order to be issued a license.

33 (B) Regular attendance in a school shall be attendance
34 in compliance with the established written policy of the school district or
35 school concerning truancy.

1 (C) Regular attendance in an adult education program
2 shall be attendance in compliance with the policy for sixteen (16) and
3 seventeen (17) year olds established by the State Board of Vocational
4 Education as provided for in § 6-18-222;

5 (2)(A) Proof that such person is being provided schooling at
6 home as described in § 6-15-501 et seq.

7 (B) A student enrolled in a home school shall present
8 proof that he is successfully completing his course of study as required by
9 §§ 6-15-504 and 6-15-505 in order to be issued a license.

10 (C)(i) If the student becomes eligible for a license
11 before taking the annual achievement test for that school year, he may be
12 issued a temporary license either upon the presentation of satisfactory test
13 results from the previous school year or, if the student was not enrolled in
14 a home school during the previous school year, proof of satisfactory progress
15 in the public or private school in which he was last enrolled.

16 (ii) The temporary license shall expire upon the
17 next July 1 after it is issued; or

18 (3) Proof that such person is enrolled in a postsecondary
19 vocational-technical program, a community college, or a two-year or four-year
20 institution of higher education.

21 (4) A check of the applicant's driving record to verify that the
22 applicant for an intermediate driver license has been accident free and
23 conviction free for the last six (6) months and an applicant with an
24 intermediate driver's license applying for a regular license has been
25 accident free and conviction free for the last twelve (12) months; and

26 (5) An acknowledgement signed by the applicant that he is aware
27 that all passengers riding in his motor vehicle shall wear seat belts at all
28 times and that he is restricted from driving between the hours of 12:30 A.M.
29 and 5:30 A.M., unless accompanied by a licensed driver over the age of
30 twenty-one (21) years old.

31 (e) The Department of Education shall develop guidelines for use by
32 school districts to provide a certified exemption from the C average
33 requirement of subdivision (d)(1)(A)(i) of this section to a student found to
34 be performing at his or her fullest level of capability although such may be
35 below a C average.

1 (f)(1) Any person less than eighteen (18) years old who is unable to
2 meet the requirements of subdivisions (d)(1) through (d)(3) of this section
3 may petition the Office of Driver Services that he or she be issued a
4 restricted permit for employment-related purposes.

5 (2)(A) The Office of Driver Services shall advise the person of
6 the time and place for making such request and for the hearing thereon, which
7 shall be conducted within a reasonable time following the application date.

8 (B) Such notice shall be given by mailing the notice to
9 the last known address of the person seeking the restricted permit.

10 (3)(A) In cases where demonstrable financial hardship would
11 result from the failure to issue a learner's permit or driver's license, the
12 Department of Finance and Administration may grant exceptions only to the
13 extent necessary to ameliorate the hardship.

14 (B) If it can be demonstrated that the conditions for
15 granting a hardship were fraudulent, the parent, guardian, or person in loco
16 parentis shall be subject to all applicable perjury statutes.

17 (g) The Department of Finance and Administration shall have the power
18 to promulgate rules and regulations to carry out the intent of this section
19 and shall distribute to each public, private, and parochial school and each
20 adult education program a copy of all rules and regulations adopted under
21 this section."

22

23 SECTION 3. Arkansas Code § 27-16-702 is amended to read as follows:

24 "27-16-702. Application of minor for instruction permit or
25 intermediate driver's license, etc.

26 (a)(1)(A) The original application of any person under the age of
27 eighteen (18) years for an instruction permit, intermediate driver's license,
28 or motor-driven cycle or motorcycle license shall be signed and verified
29 before a person authorized to administer oaths by either the father or mother
30 of the applicant, if either is living or has custody.

31 (B) In the event neither parent is living, then the
32 application shall be signed by the person or guardian having custody or by an
33 employer of the minor.

34 (C) In the event there is no guardian or employer, then
35 the application shall be signed by any other responsible person who is

1 willing to assume the obligations imposed under this subchapter upon a person
2 signing the application of a minor.

3 (2) For purposes of this section, duly authorized agents of the
4 commissioner shall be authorized to administer oaths without charge.

5 (b) Any negligence or willful misconduct of a minor under the age of
6 eighteen (18) years when driving a motor vehicle upon a highway shall be
7 imputed to the person who has signed the application of the minor for a
8 permit or license, which person shall be jointly and severally liable with
9 the minor for any damages caused by negligence or willful misconduct.

10 (c)(1) If any person who is required or authorized by subsection (a)
11 of this section to sign the application of a minor in the manner therein
12 provided shall cause, or knowingly cause, or permit his child or ward or
13 employee under the age of eighteen (18) years to drive a motor vehicle upon
14 any highway, then any negligence or willful misconduct of the minor shall be
15 imputed to this person, and this person shall be jointly and severally liable
16 with the minor for any damages caused by such negligence or willful
17 misconduct.

18 (2) The provisions of this subsection shall apply regardless of
19 the fact that an intermediate driver's license may or may not have been
20 issued to the minor.

21 (3) For purposes of this section, a minor is defined to be any
22 person who has not attained the age of eighteen (18) years.

23 (d) The provisions of this section shall apply in all civil actions,
24 including, but not limited to, both actions on behalf of and actions against
25 the persons required or authorized by subsection (a) of this section to sign
26 the application in the manner therein provided."

27

28 SECTION 4. Arkansas Code § 27-16-704 is amended to read as follows:

29 "27-16-704. Examinations of applicants.

30 (a) Every applicant for a driver's license, except as otherwise
31 provided in this act, shall be examined in accordance with the provisions of
32 this section.

33 (b)(1) The examination shall be held in the county where the applicant
34 resides within not more than thirty (30) days from the date application is
35 made.

1 (2) The examination shall include a test of the applicant's
2 eyesight, ability to read and understand the highway traffic laws of this
3 state, and shall include an actual demonstration of the applicant's ability
4 to exercise ordinary and reasonable control in the operation of a motor
5 vehicle, and such further physical and mental examination deemed necessary by
6 the office to operate a motor vehicle safely upon the highways.

7 (3) The test of the applicant's eyesight shall examine his
8 visual acuity to read road signs and identify objects at a distance.

9 (4) The applicant shall have a minimum uncorrected visual acuity
10 of 20/40 for an unrestricted license and a minimum corrected visual acuity of
11 20/50 for a restricted license. The applicant's field of vision shall be at
12 least one hundred forty degrees (140°) for a person with two (2) functional
13 eyes and at least one hundred five degrees (105°) for a person with one (1)
14 functional eye.

15 (5) Applicants who fail the eyesight test shall be instructed
16 that they should have their eyes examined by an eye care professional and
17 secure corrective lenses, if necessary.

18 (6) The test of the applicant's eyesight shall be made on an
19 optical testing instrument approved under standards established by the
20 Director of the Department of Finance and Administration and the Department
21 of Arkansas State Police.

22 (7) In addition, the applicant for an intermediate driver's
23 license shall have his driving record checked to verify that he has been
24 accident free and conviction free for the last six (6) months and that an
25 applicant with an intermediate driver's license applying for a regular
26 license has been accident free and conviction free for the last twelve (12)
27 months.

28 (c)(1) No applicant for an original license, that is, an applicant who
29 has never been licensed previously by any jurisdiction, shall be permitted to
30 demonstrate ability to operate a motor vehicle as required under the
31 provisions of this chapter unless and until the applicant has in his
32 possession a valid instruction permit properly issued not less than thirty
33 (30) days prior to the date of application, unless otherwise determined by
34 the office.

35 (2) The instruction permit required under this subchapter shall

1 be issued in accordance with the provisions of this act."

2

3 SECTION 5. Arkansas Code § 27-16-801 is amended to read as follows:

4 "27-16-801. Licenses generally - Validity periods - Contents - Fees -
5 Disposition of moneys.

6 (a)(1) In a manner prescribed by the commissioner, the office shall
7 issue:

8 (A) A Class D license or a Class M license to each
9 applicant eighteen (18) or more years old and qualified therefor, for a
10 period of four (4) years, upon payment of twelve dollars (\$12.00) and an
11 intermediate Class D or Class M license to each applicant between sixteen
12 (16) and eighteen (18) years of age, for a period of up to two (2) years,
13 upon payment of six dollars (\$6.00);

14 (B) A Class MD license to each applicant qualified
15 therefor, for a period of not more than two (2) years, upon payment of two
16 dollars (\$2.00);

17 (C) Every applicant for a Class D, Class M, or Class MD
18 license under §§ 27-16-704, 27-16-807, or 27-20-108 shall pay an examination
19 fee of five dollars (\$5.00) for the first examination and a fee of five
20 dollars (\$5.00) for each subsequent examination, except that for each
21 examination after the third examination there shall be no charge if the
22 applicant produces receipts for having paid the fees for the previous
23 examinations. The examination fee shall be remitted in a manner prescribed
24 by the commissioner.

25 (2) Each license shall include:

26 (A) A distinguishing number assigned to the licensee;

27 (B) The name, residence address, date of birth, and a
28 brief description of the licensee; and

29 (C) A space upon which the licensee may affix his
30 signature.

31 (3) The licensee shall affix his signature in ink in a space
32 provided, and no license shall be valid until it shall have been so signed by
33 the licensee.

34 (4)(A) At the time of initial issuance or at the time of renewal
35 of a license, the distinguishing number assigned to the licensee for his

1 license shall be the same as the licensee's social security number when the
2 licensee has been assigned a social security number, or shall be a nine-digit
3 number assigned to the specific licensee by the commissioner when the
4 licensee has not been assigned a social security number.

5 (B) However, an applicant for the issuance or renewal of a
6 Class D, Class M, or Class MD license may choose whether to use his or her
7 social security number or a nine-digit number assigned by the commissioner as
8 his or her license number.

9 (5) Each intermediate driver license issued shall be distinctive
10 from the regular driver's license issued to a person eighteen (18) or more
11 years old.

12 (b)(1)(A) All licenses, as described in subsection (a) of this
13 section, shall include a color photograph of the licensee, and such
14 photograph shall be made a part of the license at the time of application.

15 (B) [Repealed.]

16 (2) A license may be valid without a photograph of the licensee
17 when the commissioner is advised that the requirement of the photograph is
18 either objectionable on the grounds of religious belief or the licensee is
19 unavailable to have the photograph made.

20 (c)(1) In addition to the license fee prescribed by subsection (a) of
21 this section, the office shall collect a penalty equal to fifty percent (50%)
22 of the amount thereof from each driver, otherwise qualified, who shall
23 operate a motor vehicle over the highways of this state without a valid
24 license.

25 (2) Such penalty shall be in addition to any other penalty which
26 may be prescribed by law.

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

32 (e)(1) The office shall not charge an additional fee for the color
33 photograph provided for in subsection (b) of this section for those
34 applicants making a renewal application for the first time.

35 (2) In addition to the regular license fee, a fee of one dollar

1 (\$1.00) shall be charged for all subsequent renewals.

2 (3) All persons applying for an Arkansas license for the first
3 time and all persons who are required to take the driver's written
4 examination as provided for in this act shall be charged the additional fee
5 of one dollar (\$1.00).

6 (4) All persons who are required to have their eyesight tested
7 prior to initial licensing or upon subsequent license renewal as provided for
8 in this act shall be charged an additional fee of one dollar (\$1.00) upon
9 issuance of the license.

10 (f) The office shall provide on the reverse side of the driver's
11 license issued a statement and space whereby the licensee may certify
12 willingness to make an anatomical gift under the provisions of § 20-17-601 et
13 seq.

14 (g) Moneys collected from the penalty fee provided in subsection (c)
15 of this section and the fees provided in subsection (e) of this section shall
16 be deposited in the State Treasury into the Constitutional Officers Fund and
17 the State Central Services Fund, and the net amount shall be credited to the
18 Department of Finance and Administration to be used to help defray the cost
19 of the driver license program which shall be payable therefrom.

20 (h) Such fees as are collected under subsection (a) of this section
21 shall be remitted to the State Treasury, there to be deposited as special
22 revenues to the credit of the Department of Arkansas State Police Fund, to be
23 used for the operation, maintenance, and improvement of the Department of
24 Arkansas State Police."

25

26 SECTION 6. Arkansas Code § 27-16-802 is amended to read as follows:

27 "27-16-802. Instruction permits.

28 (a)(1) Any person who is within six (6) months of becoming sixteen
29 (16) years of age may apply to the office for an instruction permit.

30 (2) The office may, in its discretion, after the applicant has
31 successfully passed all parts of the examination other than the driving test,
32 issue to the applicant an instruction permit which shall entitle the
33 applicant while having the permit in his immediate possession to drive a
34 motor vehicle upon the public highways for a period of sixty (60) days when
35 accompanied by a licensed driver who is at least twenty-one (21) years of age

1 and who is occupying a seat beside the driver, except in the event the
2 permittee is operating a motorcycle.

3 (3) Any such instruction permit may be renewed or a new permit
4 issued for an additional period of ninety (90) days as long as the permittee
5 has remained accident free and conviction free for at least the last six (6)
6 months.

7 (4) Any passengers riding in the motor vehicle while a permittee
8 is driving shall wear seat belts at all times.

9 (b)(1) The office, upon receiving proper application may, in its
10 discretion, issue a restricted instruction permit effective for a school year
11 or a more restricted permit to an applicant who is enrolled in a driver
12 education program which includes practice driving and which is approved by
13 the office even though the applicant has not reached the legal age to be
14 eligible for a noncommercial license.

15 (2) The instruction permit shall entitle the permittee when he
16 has the permit in his immediate possession to operate a motor vehicle only on
17 a designated highway or within a designated area, but only when an approved
18 instructor is occupying a seat beside the permittee."

19

20 SECTION 7. Arkansas Code § 27-16-804 is amended to read as follows:

21 "27-16-804. Restricted licenses and intermediate licenses.

22 (a) The office, upon issuing any driver's license, shall have
23 authority, whenever good cause appears, to impose restrictions suitable to
24 the licensee's driving ability with respect to the type of or special
25 mechanical control devices required on a motor vehicle which the licensee may
26 operate or such other restrictions applicable to the licensee as the office
27 may determine to be appropriate to assure the safe operation of a motor
28 vehicle by the licensee.

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

31 (c) All licensees who have a tested uncorrected visual acuity of less
32 than 20/40 shall be restricted to the operation of a motor vehicle,
33 motorcycle, or motor-driven cycle only while they are wearing corrective
34 lenses. No person shall be allowed to operate a motor vehicle, motorcycle,
35 or a motor-driven cycle if he has a tested corrected visual acuity of less

1 than 20/50 of if he has a field of vision less than one hundred forty degrees
2 (140°) with two (2) functioning eyes or less than one hundred five degrees
3 (105°) with one (1) functioning eye.

4 (d) The office may, upon receiving satisfactory evidence of any
5 violation of the restrictions of a license, suspend or revoke it, but the
6 licensees shall be entitled to a hearing as upon a suspension or revocation
7 under this chapter.

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

11 (f) The office shall have authority to issue a restricted driver
12 license to those persons under eighteen (18) years of age called an
13 intermediate driver's license. The intermediate driver license shall be
14 issued only to an applicant with a valid instruction permit who is at least
15 sixteen (16) years of age, who has remained free of any accidents and
16 convictions for any traffic law violations in the last six (6) months, and
17 who meets all other licensing examinations requirements of this chapter. The
18 driver with an intermediate driver license shall operate the motor vehicle on
19 the public streets and highways only when:

20 (1) all passengers in the vehicle are wearing their seat belts
21 at all times; and

22 (2) the time of day is between the hours of 5:30 A. M. and 12:30
23 A.M. unless he is being accompanied by a licensed driver over the age of
24 twenty-one (21) years old."

25

26 SECTION 8. Arkansas Code § 27-16-901 is amended to read as follows:

27 "27-16-901. Expiration and renewal of licenses.

28 (a)(1) Except for the intermediate driver license, every driver's
29 license shall expire at the end of the month in which it was issued four (4)
30 years from its date of initial issuance unless the commissioner shall
31 provide, by regulation, for some other staggered basis of expiration.
32 Intermediate drivers' licenses shall be issued for no more than two (2) year
33 period and shall expire upon the driver reaching age eighteen (18) years of
34 age and may be renewed at that time as a regular driver license for four (4)
35 years, so long as the intermediate driver has been accident free and

1 conviction free for at least twelve (12) months prior to arriving at their
2 eighteenth birthday.

3 (2)(A) The commissioner shall have the authority, by regulation,
4 to shorten or lengthen the term of any driver's license period, as necessary,
5 to ensure that approximately twenty-five percent (25%) of the total valid
6 licenses are renewable each fiscal year.

7 (B)(i) All driver's licenses subject to change under this
8 subsection shall also be subject to a pro rata adjustment of the license fee
9 charged in § 27-16-801(a).

10 (ii) The adjustment of the fee shall be carried out
11 in the manner determined by the commissioner by regulation.

12 (b) Every driver's license shall be renewable on or before its
13 expiration upon completion of an application, payment of the fees designated
14 in § 27-16-801, and passage of the eyesight test required in § 27-16-704 and
15 shall be renewed without other examination, unless the commissioner has
16 reason to believe that the licensee is no longer qualified to receive a
17 license."

18

19 SECTION 9. All provisions of this act of general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

22

23 SECTION 10. If any provisions of this act or the application thereof
24 to any person or circumstance is held invalid, the invalidity shall not
25 affect other provisions or applications of the act which can be given effect
26 without the invalid provisions or application, and to this end the provisions
27 of this act are declared to be severable.

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29 SECTION 11. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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