

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

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State of Arkansas  
82nd General Assembly  
Regular Session, 1999

*As Engrossed: H1/13/99 H1/19/99 H3/22/99*

# A Bill

HOUSE BILL 1015

By: Representative Lendall

## For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE 27, CHAPTER 16 TO INCREASE THE AGE FOR AN INSTRUCTION PERMIT FOR MOTOR VEHICLES AND TO ESTABLISH AN INTERMEDIATE LICENSE; AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO INCREASE THE AGE FOR AN INSTRUCTION PERMIT FOR MOTOR VEHICLES AND TO ESTABLISH AN INTERMEDIATE LICENSE."

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 ~~sixteen~~ (16) eighteen (18) years, except that the office may issue ~~a restricted license as provided to any person who is at least fourteen (14) years of age;~~

(A) An intermediate driver's license under § 27-16-804 to an eligible person who is sixteen (16) or seventeen (17) years of age;

(B) A driver's license to a person seventeen (17) years of age who holds an intermediate driver's license, has maintained a conviction-free driving record, and has not violated any drug, alcohol, seat belt or other driver safety law of any state for at least the period of six (6) months

1 before the date of the application for the license;

2 (C) A Class M license for the operation of a motorcycle to  
3 an eligible person who is at least sixteen (16) years of age; or

4 (D) A Class MD license for the operation of a motor-driven  
5 cycle to an eligible person who is fourteen (14) or fifteen (15) years of age;

6  
7 (2) As a commercial driver who is under the age of eighteen (18)  
8 years;

9 (3)(A) As a commercial or noncommercial driver whose license to  
10 operate a motor vehicle has been suspended, in whole or in part, by this state  
11 or any other state during such suspension; nor

12 (B) To any person whose license has been revoked, in whole  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14 year after such license was revoked;

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

19 (5) As a commercial or noncommercial driver who has previously  
20 been adjudged to have any mental disability or disease and who has not at the  
21 time of application been restored to competency by the methods provided by  
22 law;

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

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

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

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

35 (10) Any person who is making an initial application for an  
36 Arkansas driver's license and who is not lawfully within the United States.

1 (b) The office is authorized to secure from all state agencies involved  
2 the necessary information to comply with the provisions of this section.”

3  
4 SECTION 2. Arkansas Code 27-16-801 is amended to read as follows:

5 “27-16-801. Licenses generally - Validity periods - Contents - Fees -  
6 Disposition of moneys.

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

9 (A) A Class D license or a Class M license to each  
10 applicant qualified therefor, for a period of four (4) years, upon payment of  
11 twelve dollars (\$12.00), except that an Class I license shall be issued for a  
12 period of one (1) year, upon payment of six dollars (\$6.00);

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

16 (C) Every applicant for a Class D, Class I, Class M, or  
17 Class MD license under §§ 27-16-704, 27-16-807, or 27-20-108 shall pay an  
18 examination fee of five dollars (\$5.00) for the first examination and a fee of  
19 five dollars (\$5.00) for each subsequent examination, except that for each  
20 examination after the third examination there shall be no charge if the  
21 applicant produces receipts for having paid the fees for the previous  
22 examinations. The examination fee shall be remitted in a manner prescribed by  
23 the commissioner. An applicant who holds a Class I license shall not be  
24 required to be reexamined as a condition for obtaining a Class D license.

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 brief  
28 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  
36 license shall be the same as the licensee's social security number when the

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

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

8 (b)(1)(A) All licenses, as described in subsection (a) of this section,  
9 shall include a color photograph of the licensee, and such photograph shall be  
10 made a part of the license at the time of application. If the licensee is  
11 under eighteen years of age at the time the license is issued, the license  
12 shall state that the licensee was under eighteen years of age at the time of  
13 issuance. If the licensee was at least eighteen years of age but under twenty-  
14 one years of age at the time the license is issued, the license shall state  
15 that the licensee was under twenty-one years of age at the time the license  
16 was issued.

17 (B) [Repealed.]

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

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

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

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

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

36 (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 examination  
4 as provided for in this act shall be charged the additional fee of one dollar  
5 (\$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) of  
15 this section and the fees provided in subsection (e) of this section shall be  
16 deposited in the State Treasury into the Constitutional Officers Fund and the  
17 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 of  
19 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 (i) Every driver's license issued to a person under twenty-one (21)  
26 years of age shall be in a distinctive form determined by the department so as  
27 to be readily identifiable as a license issued to a person who is less than  
28 twenty-one (21) years of age."

29  
30 SECTION 3. Arkansas Code 27-16-802 is amended to read as follows:  
31 "27-16-802. Instruction permits.

32 (a)(1) Any person who is at least ~~fourteen (14)~~ sixteen (16) years of  
33 age may apply to the office for an instruction permit.

34 (2) The office may, in its discretion, after the applicant  
35 has successfully passed all parts of the examination other than the driving  
36 test, issue to the applicant an instruction permit which shall entitle the

1 applicant while having the permit in his immediate possession to drive a motor  
2 vehicle upon the public highways for a period of ~~sixty (60) days~~ one (1) year  
3 when ~~accompanied~~ supervised by a licensed driver, ~~eighteen (18)~~ twenty-one  
4 (21) years of age or older, who has had at least one (1) year of driving  
5 ~~experience~~ and who is occupying a seat beside the driver, except in the event  
6 the permittee is operating a motorcycle. The supervisor shall be the only  
7 other occupant of the front passenger section of the motor vehicle.

8 (3) Any such instruction permit may be renewed or a new permit  
9 issued for an additional period of ninety (90) days.

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

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

20 (c) (1) The instruction permit holder shall not place the vehicle in  
21 motion until every occupant of the vehicle has a seat belt properly fastened  
22 about his or her body.

23 (2) Every holder of a instruction permit shall maintain a  
24 conviction-free driving record and shall not have violated any state drug,  
25 zero blood alcohol tolerance, seat belt or other driver-related safety laws.

26 (3) In the event a person who holds a instruction permit drives a  
27 motor vehicle in violation of law, the permit shall be suspended by the Office  
28 of Driver Services for thirty (30) days or the time provided by any other law,  
29 or revoked by Office of Driver Services."

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31 SECTION 4. Arkansas Code 27-16-804 is amended to read as follows:

32 "27-16-804. Restricted licenses.

33 (a) The office, upon issuing any driver's license, shall have  
34 authority, whenever good cause appears, to impose restrictions suitable to the  
35 licensee's driving ability with respect to the type of or special mechanical  
36 control devices required on a motor vehicle which the licensee may operate or

1 such other restrictions applicable to the licensee as the office may determine  
2 to be appropriate to assure the safe operation of a motor vehicle by the  
3 licensee.

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

6 ~~(2) All licensees under the age of sixteen (16) years shall be~~  
7 ~~restricted to operation of a motor vehicle, motorcycles and motor-driven~~  
8 ~~cycles excepted, only while accompanied by a licensed driver, eighteen (18)~~  
9 ~~years of age or older, who has had at least one (1) year of driving~~  
10 ~~experience, unless otherwise determined by the office.~~

11 (c) All licensees who have a tested uncorrected visual acuity of less  
12 than 20/40 shall be restricted to the operation of a motor vehicle,  
13 motorcycle, or motor-driven cycle only while they are wearing corrective  
14 lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or  
15 a motor-driven cycle if he has a tested corrected visual acuity of less than  
16 20/50 or if he has a field of vision less than one hundred forty degrees  
17 (140°) with two (2) functioning eyes or less than one hundred five degrees  
18 (105°) with one (1) functioning eye.

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

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

26 (f)(1) There is established a restricted license to be known as the  
27 'intermediate license'. The intermediate license shall not apply to the  
28 operation of a motorcycle or motor-driven cycle.

29 (2) An applicant for an intermediate license shall be sixteen  
30 (16) or seventeen (17) years of age and shall have:

31 (A) Possessed a valid instruction permit for a period of  
32 not less than six (6) months without violation of any drug, alcohol, seat belt  
33 or other driver-related safety laws;

34 (B) Passed all tests required for a driver's license; and

35 (C) Paid a fee for an intermediate license of six dollars  
36 (\$6.00).

1           (3) An intermediate license allows unsupervised driving from 5  
2 a.m. to 10 p.m. At all other times the intermediate licensee must be  
3 supervised. While being supervised, the intermediate licensee must be  
4 accompanied by a person who is twenty-one (21) years of age or older. The  
5 supervisor shall possess a valid driver's license. The supervisor shall be the  
6 only other occupant of the front passenger section of the motor vehicle.

7           (4) The intermediate licensee shall not place the vehicle in  
8 motion until every occupant of the motor vehicle has a seat belt properly  
9 fastened about his or her body.

10           (5) The intermediate license shall be valid for a period of at  
11 least one (1) year from the date of its issuance.

12           (6) The intermediate license shall be identified as an  
13 'intermediate license' and shall be issued in a distinctive form as determined  
14 by the department."

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16           SECTION 5. *Arkansas code 27-23-111(b) is amended to read as follows:*

17           "*(b) Classifications, Endorsements, and Restrictions. Commercial*  
18 *driver licenses may be issued with the following Class A, Class B, or Class C*  
19 *classifications, as well as the following endorsements and restrictions; the*  
20 *holder of a valid commercial driver license may drive all vehicles in the*  
21 *class for which that license is issued, and all lesser classes of vehicles*  
22 *except motorcycles and vehicles which require an endorsement, unless the*  
23 *proper endorsement appears on the license; all other driver licenses may be*  
24 *issued with the following Class D, Class M, or Class MD classifications;*  
25 *(1) Commercial Classification.*

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27           *Class A. Any combination of vehicles with a gross vehicle weight rating*  
28 *(GVWR) of twenty-six thousand one pounds (26,001 lbs) or more, provided that*  
29 *the GVWR of the vehicle(s) being towed is in excess of ten thousand pounds*  
30 *(10,000 lbs). No Class A license shall be issued to any person under the age*  
31 *of eighteen (18) years.*

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33           *Class B. Any single vehicle with a GVWR of twenty-six thousand one*  
34 *pounds (26,001 lbs) or more, and any such vehicle towing a vehicle not in*  
35 *excess of ten thousand pounds (10,000 lbs). No Class B license shall be issued*  
36 *to any person under the age of eighteen (18) years.*



1           Class C. Any single vehicle with a GVWR of less than twenty-six thousand  
2 one pounds (26,001 lbs) or any such vehicle towing a vehicle with a GVWR not  
3 in excess of ten thousand pounds (10,000 lbs) comprising:

4           (i) Vehicles designed to transport sixteen (16) or more passengers, including  
5 the driver; and

6           (ii) Vehicles used in the transportation of hazardous materials which  
7 requires the vehicle to be placarded under 49 C.F.R., part 172, sub-part F. No  
8 Class C license shall be issued to any person under the age of eighteen (18)  
9 years.

10          (2) Other Classifications.

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12           Class D. Any vehicle which is not a commercial vehicle, as defined by  
13 this chapter. No Class D license shall be issued to persons under the age of  
14 ~~fourteen (14) years; provided, however, that no such licensee under the age of~~  
15 ~~sixteen (16) years shall operate a vehicle unless accompanied in the front~~  
16 ~~passenger seat of the vehicle by a licensed driver with at least one (1) year~~  
17 ~~of driving experience.~~ eighteen (18) years; except as provided under Arkansas  
18 Code 27-16-604(a)(1).

19  
20           No Class D license shall be valid to carry passengers for hire without a  
21 'P' endorsement. No 'P' endorsement shall be issued to any person under the  
22 age of eighteen (18) years.

23  
24           Notwithstanding the provisions of this or any other section of this  
25 chapter, any person who on the effective date of this chapter, has a valid  
26 operator's, chauffeur's, or for-hire chauffeur's license shall be entitled to  
27 drive the vehicles authorized thereby until the date of expiration of such  
28 license, but not thereafter; provided, however, that any person driving a  
29 commercial motor vehicle as defined by this chapter on or after April 1, 1992,  
30 must first obtain a commercial driver license as required by this section.

31  
32           Class I. Any vehicle that is not a commercial vehicle, as defined by  
33 this chapter. The Class I license is the intermediate license as provided by  
34 § 27-16-804(f).

35  
36           Class M. That license valid for the operation of any motorcycle which

1 displaces more than two hundred fifty cubic centimeters (250 cc). No such  
2 license shall be issued to any person under the age of sixteen (16) years.

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4 Class MD. That license valid for the operation of any motor driven cycle  
5 which displaces two hundred fifty cubic centimeters (250 cc) or less. No such  
6 license shall be issued to any person under the age of fourteen (14) years. A  
7 Class MD license shall automatically expire upon the licensee's sixteenth  
8 (16th) birthday.

9 (3) Endorsements and restrictions are:

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11 'H' - authorizes the driver to drive a vehicle transporting hazardous  
12 materials;

13  
14 'K' - restricts the driver to vehicles not equipped with airbrakes;

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16 'T' - authorizes driving double and triple trailers;

17  
18 'P' - authorizes driving vehicles carrying passengers or carrying  
19 passengers for hire;

20  
21 'N' - authorizes driving tank vehicles;

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23 'X' - represents a combination of hazardous materials and tank vehicle  
24 endorsements;

25  
26 'M' - authorizes the driver to drive a motorcycle; and

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28 'S' - restricts the driver to school buses, church buses, nonprofit day  
29 care center buses, buses operated by public transit systems eligible to  
30 receive federal and state assistance under programs administered through the  
31 Arkansas State Highway and Transportation Department or the United States  
32 Department of Transportation, and Class 'D' vehicles."

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34 SECTION 6. All provisions of this Act of a general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
36 Revision Commission shall incorporate the same in the Code.

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SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

*/s/ Lendall*