

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

State of Arkansas

As Engrossed: H3/25/99

82nd General Assembly

A Bill

Regular Session, 1999

HOUSE BILL 2096

By: Representative Magnus

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 27-50-906; TO PROVIDE LIMITED ACCESS TO DRIVER INFORMATION BY INSURANCE COMPANIES AND CAR RENTAL COMPANIES; AND FOR OTHER PURPOSES. "

Subtitle

"AN ACT TO AMEND ARKANSAS CODE 27-50-906; TO PROVIDE LIMITED ACCESS TO DRIVER INFORMATION BY INSURANCE COMPANIES AND CAR RENTAL COMPANIES; AND FOR OTHER PURPOSES. "

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

SECTION 1. Arkansas Code 27-50-906 is amended to read as follows:

"27-50-906. Furnishing of abstracts.

The Office of Driver Services may furnish an abstract of any driver's record to:

- (1) The driver on whom the record has been compiled;
- (2) Any person who has been authorized in writing by the driver to obtain the driver's record;
- (3) Any court having jurisdiction over traffic offenses;
- (4) Any law enforcement officer, who shall use the report only in the line of duty in enforcing the traffic laws of this state;
- (5) Employers of drivers, provided the driver has given his written consent for the employer to obtain the driver record;
- (6) Any insurer licensed to do business in Arkansas, or its agents,

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1 employees, or contractors, in connection with the driving record of an insured
2 or applicant;

3 ~~(6)~~(7) (A) Any governmental department or agency upon a showing of
4 reasonable cause as to why the driver record should be issued to such
5 governmental department or agency in order for the governmental department or
6 agency to effectively carry out its statutory duties.

7 (B) No driver record shall be reported to any individual, except
8 duly authorized officials of the office, unless a copy of the report and the
9 name of the individual or organization which received the report is sent to
10 the driver named in the report-;

11 (8) A driver license status report shall be available to rental car
12 companies who otherwise meet the requirements of this section for receiving an
13 abstract of a driver's record upon the payment of one dollar (\$1.00) for each
14 license number checked. This fee shall be deposited to the State Treasury
15 into the State Central Services Fund as a direct revenue to be used by the
16 Department of Finance and Administration, Revenue Division. The Information
17 Network of Arkansas may charge an additional fee for the service of
18 transmitting this information electronically."
19

20 SECTION 2. Arkansas Code 27-50-908(a) is amended to read as follows:

21 "(a)~~(1)~~ The authorization to obtain a driver record by anyone other
22 than the driver, as provided in this subchapter, may be in the form of a
23 signed release by the driver, power of attorney, and, in the case of a minor,
24 the parent or guardian or a legally appointed representative of the driver.

25 ~~(2)(A) When motor vehicle insurance is applied for by a person or~~
26 ~~on his behalf and the application contains a statement that a traffic~~
27 ~~violation report may be obtained by the insurer, then the person shall be~~
28 ~~deemed to have given his consent for the insurer to obtain a traffic violation~~
29 ~~report on the applicant or any person named in the application as a driver of~~
30 ~~the insured motor vehicle.~~

31 ~~(B) The Office of Driver Services shall provide a method to~~
32 ~~determine that all licensees have given their consent for traffic violation~~
33 ~~reports to be obtained by insurers as provided."~~
34

35 SECTION 3. All provisions of this Act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

Revision Commission shall incorporate the same in the Code.

SECTION 4. 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 5. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Magnus