

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1724

By: Representatives Wells, Overbey, Bolin, Dunn

For An Act To Be Entitled

AN ACT TO REQUIRE THE COMMISSIONER OF MOTOR
VEHICLES TO ADOPT BY REGULATION A LIST OF
APPROVED DOCUMENTS TO PROVE THAT AN APPLICANT FOR
A DRIVER'S LICENSE OR IDENTIFICATION CARD IS
LAWFULLY WITHIN THE UNITED STATES AND PROVE THE
IDENTITY OF THE APPLICANT; AND FOR OTHER
PURPOSES.

Subtitle

TO REQUIRE THE COMMISSIONER OF MOTOR
VEHICLES TO ADOPT A LIST OF APPROVED
DOCUMENTS TO PROVE ELIGIBILITY TO
RECEIVE A DRIVER'S LICENSE OR
IDENTIFICATION CARD.

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

SECTION 1. Arkansas Code § 27-16-604(a), regarding persons not to be licensed, is amended to read as follows:

(a) The Office of Driver Services shall not issue any license under this act to any person:

(1) As a noncommercial driver who is under eighteen (18) years of age, except that the office may issue an intermediate license as provided to any person who is at least sixteen (16) years of age and a learner's permit license to any person who is at least fourteen (14) years of age. This age restriction does not apply to a person who is at least sixteen (16) years of age and:



- 1 (A) Married;
- 2 (B) Possesses a high school diploma;
- 3 (C) Has successfully completed a General Educational
- 4 Development test; or
- 5 (C) Is enlisted in the United States military;
- 6 (2) As a commercial driver who is under eighteen (18) years of
- 7 age;
- 8 (3) As a commercial or noncommercial driver whose:
- 9 (A) License to operate a motor vehicle has been suspended,
- 10 in whole or in part, by this state or by any other state, during the
- 11 suspension;
- 12 (B) License has been revoked, in whole or in part, by this
- 13 state or by any other state, until the expiration of one (1) year after the
- 14 license was revoked;
- 15 (4) As a commercial or noncommercial driver who is a habitual
- 16 drunkard, a habitual user of narcotic drugs, or a habitual user of any other
- 17 drug to a degree which renders him or her incapable of safely driving a motor
- 18 vehicle;
- 19 (5) As a commercial or noncommercial driver who has previously
- 20 been adjudged to be afflicted with or suffering from any mental disability or
- 21 disease and who has not at the time of application been restored to
- 22 competency by the methods provided by 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
- 27 proof of financial responsibility and who has not deposited the 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°);
- 32 (9) Whose operation of a motor vehicle on the highways the
- 33 Commissioner of Motor Vehicles has good cause to believe would be inimical to
- 34 public safety or welfare;
- 35 (10) Who is making an initial application for an Arkansas
- 36 driver's license and who is not lawfully within the United States;

(11) Who is a noncommercial driver between sixteen (16) and eighteen (18) years of age who has not possessed a restricted license for at least six (6) months;

(12)(A) Who is making an initial application for an Arkansas driver's license or photo identification card issued under § 27-16-805 and cannot ~~provide one (1) of the following documents;~~ establish his or her identity and legal presence in the United States by providing identification documents approved by the Commissioner of Motor Vehicles.

~~(A) United States birth certificate;~~

~~(B) United States visa;~~

~~(C) Social Security card;~~

~~(D) Photo document from the Bureau of Citizenship and Immigration of the Department of Homeland Security;~~

~~(E) Military or military dependent photograph identification;~~

~~(F) United States passport;~~

~~(G) Naturalization certificate; or~~

~~(H) Any other document prescribed by the Department of Finance and Administration; or~~

(B) The Commissioner of Motor Vehicles shall promulgate by rule in compliance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., a list of approved documents to establish legal presence in the United States and to establish identity; or

(13) Who is seeking ~~an initial application or~~ renewal of an Arkansas driver's license or photo identification card ~~and cannot show either~~ an unless the person surrenders his or her current Arkansas driver's license or photo identification card, ~~two (2) primary documents, or one (1) primary and one (1) secondary document prescribed by the department and updated as needed or provides other proof of identity as provided in § 27-16-604(a)(12).~~

SECTION 2. Arkansas Code § 27-16-805(d)(1), regarding the issuance of photo identification cards, is amended to read as follows:

(d)(1) Any person who applies for a card shall be required to show proof of identity as provided by § 27-16-604(a)(12).