

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2539

4
5 By: Representative Matayo
6
7

For An Act To Be Entitled

8
9 AN ACT TO MODERNIZE AND SECURE THE DRIVER'S
10 LICENSES ISSUED BY THE OFFICE OF DRIVER SERVICES
11 OF THE REVENUE DIVISION OF THE DEPARTMENT OF
12 FINANCE AND ADMINISTRATION; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 THE DRIVER'S LICENSE SECURITY AND
17 MODERNIZATION ACT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

SECTION 1. Title.

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23 This act shall be known and may be cited as the "Driver's License
24 Security and Modernization Act".
25

SECTION 2. Definitions.

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27 As used in this act:

28 (1) "Driver's license" means a motor vehicle operator's license,
29 as defined in 49 U.S.C. § 30301, as in effect on February 1, 2005;

30 (2) "Identification card" means a personal identification card,
31 as defined in 18 U.S.C. § 1028(d), as in effect on February 1, 2005, as
32 issued by the State of Arkansas; and

33 (3) "State" means the State of Arkansas.
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SECTION 3. Time limit for requirements to be met.

35 (a) The Office of Driver Services of the Revenue Division of the
36



1 Department of Finance and Administration shall implement the changes required
2 by this act for all new driver's licenses issued or renewed on or before
3 October 1, 2005.

4 (b) Beginning four (4) years after the effective date of this act, a
5 state agency may not accept, for any purpose, a driver's license or
6 identification card that was not issued under the requirements of this act.

7 (c) On or before January 1, 2006, the Office of Driver Services of the
8 Revenue Division of the Department of Finance and Administration shall obtain
9 certification that it is in compliance with any and all federal laws
10 regarding driver's license security and modernization.

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12 SECTION 4. Minimum document requirements.

13 To meet the requirements of this act, the Office of Driver Services of
14 the Revenue Division of the Department of Finance and Administration shall
15 include, at a minimum, the following information and features on each
16 driver's license and identification card that it issues to a person:

- 17 (1) The person's full legal name;
- 18 (2) The person's date of birth;
- 19 (3) The person's gender;
- 20 (4) The person's driver's license or identification card number;
- 21 (5) A digital photograph of the person;
- 22 (6) The person's address of principal residence;
- 23 (7) The person's signature;
- 24 (8) Physical security features designed to prevent tampering,
25 counterfeiting, or duplication of the document for fraudulent purposes; and
- 26 (9) A common machine-readable technology, with defined minimum
27 data elements.

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29 SECTION 5. Minimum issuance standards for driver's licenses.

30 (a) Except as provided under subdivision (c)(1) of this section
31 regarding the renewal, duplication, or reissuance of a driver's license or
32 identification card, to meet the requirements of this section, the Office of
33 Driver Services of the Revenue Division of the Department of Finance and
34 Administration shall require, at a minimum, presentation and verification of
35 the following information before issuing a driver's license or identification
36 card to a person:

1 (1) A photo identity document, except that a non-photo identity
2 document is acceptable if it includes both the person's full legal name and
3 date of birth;

4 (2) Documentation showing the person's date of birth;

5 (3) Proof of the person's social security account number or
6 verification that the person is not eligible for a social security account
7 number;

8 (4) Documentation showing the person's name and address of
9 principal residence; and

10 (5) Evidence of legal status that includes valid documentary
11 evidence that the person:

12 (A) Is a citizen of the United States;

13 (B) Is an alien lawfully admitted for permanent or
14 temporary residence in the United States;

15 (C) Has conditional permanent resident status in the
16 United States;

17 (D) Has a valid, unexpired nonimmigrant visa or
18 nonimmigrant visa status for entry into the United States;

19 (E) Has a pending or approved application for asylum in
20 the United States;

21 (F) Has entered into the United States in refugee status;

22 (G) Has a pending or approved application for temporary
23 protected status in the United States;

24 (H) Has approved deferred action status; or

25 (I) Has a pending application for adjustment of status to
26 that of an alien lawfully admitted for permanent residence in the United
27 States or conditional permanent resident status in the United States.

28 (b)(1) The Office of Driver Services of the Revenue Division of the
29 Department of Finance and Administration shall issue only a temporary
30 driver's license or temporary identification card to a person who establishes
31 evidence of legal status under subdivisions (a)(5)(D) through (I) of this
32 section.

33 (2) A temporary driver's license or temporary identification
34 card issued under this subsection shall be valid only:

35 (A) During the period of time of the applicant's
36 authorized stay in the United States if there is a definite end to the period

1 of authorized stay; or

2 (B) For a period of one (1) year if there is no definite
3 end to the period of authorized stay.

4 (3) A temporary driver's license or temporary identification
5 card issued under this subsection shall clearly indicate that it is temporary
6 and shall state the date on which it expires.

7 (4) A temporary driver's license or temporary identification
8 card issued under this subsection shall be renewed only upon presentation of
9 valid documentary evidence that the status by which the applicant qualified
10 for the temporary driver's license or temporary identification card has been
11 extended by the Secretary of the United States Department of Homeland
12 Security.

13 (c)(1) For purposes of subsections (a) and (b) of this section and
14 except as provided in subdivision (c)(2) of this section, the Office of
15 Driver Services of the Revenue Division of the Department of Finance and
16 Administration shall presume that any driver's license or identification card
17 for which an application has been made for renewal, duplication, or
18 reissuance has been issued in accordance with the provisions of subsections
19 (a) and (b) of this section if, at the time the application was made, the
20 driver's license or identification card had not expired or been cancelled,
21 suspended, or revoked.

22 (2) Subsection (c)(1) of this section shall not apply to a
23 renewal, duplication, or reissuance of a driver's license or identification
24 card if the Office of Driver Services of the Revenue Division of the
25 Department of Finance and Administration is notified by a local, state, or
26 federal government agency that the person seeking such renewal, duplication,
27 or reissuance is neither a citizen of the United States nor legally in the
28 United States.

29 (d) To meet the requirements of this section, the Office of Driver
30 Services of the Revenue Division of the Department of Finance and
31 Administration shall implement the following procedures:

32 (1) Before issuing a driver's license or identification card to
33 a person, the Office of Driver Services of the Revenue Division of the
34 Department of Finance and Administration shall verify with the issuing
35 agency, the issuance, validity, and completeness of each document required to
36 be presented by the person under subsection (a) or (b) of this section;

1 (2) The Office of Driver Services of the Revenue Division of the
2 Department of Finance and Administration shall not accept any foreign
3 document other than an official passport to satisfy a requirement of
4 subsection (a) or (b) of this section; and

5 (3) Not later than September 11, 2005, the Director of the
6 Department of Finance and Administration shall enter into a memorandum of
7 understanding with the Secretary of the United States Department of Homeland
8 Security to routinely utilize the automated system known as Systematic Alien
9 Verification for Entitlements, as provided for by section 404 of the Illegal
10 Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-
11 664), to verify the legal presence status of a person other than a United
12 States citizen applying for a driver's license or identification card.

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14 SECTION 6. Additional requirements.

15 To meet the requirements of this section regarding the issuance of
16 driver's licenses and identification cards, the Director of the Department of
17 Finance and Administration shall:

18 (1) Employ technology to capture digital images of identity
19 source documents so that the images can be retained in electronic storage in
20 a transferable format;

21 (2) Retain paper copies of source documents for a minimum of
22 seven (7) years or images of source documents presented for a minimum of ten
23 (10) years;

24 (3) Subject each person applying for a driver's license or
25 identification card to mandatory digital facial image capture;

26 (4) Establish an effective procedure to confirm or verify a
27 renewing applicant's information;

28 (5)(A) Confirm with the Social Security Administration a social
29 security account number presented by a person using the full social security
30 account number.

31 (B) In the event that a social security account number is
32 already registered to or associated with another person to which the Office
33 of Driver Services of the Revenue Division of the Department of Finance and
34 Administration has issued a driver's license or identification card, the
35 office shall resolve the discrepancy and take appropriate action;

36 (6) Refuse to issue a driver's license or identification card to

1 a person holding a driver's license issued by another state without
 2 confirmation that the person is terminating or has terminated the driver's
 3 license;

4 (7) Ensure the physical security of locations where driver's
 5 licenses and identification cards are produced and the security of document
 6 materials and papers from which driver's licenses and identification cards
 7 are produced;

8 (8) Subject all persons authorized to manufacture or produce
 9 driver's licenses and identification cards to appropriate security clearance
 10 requirements; and

11 (9) Establish fraudulent document recognition training programs
 12 for the employees of the Office of Driver Services of the Revenue Division of
 13 the Department of Finance and Administration who are engaged in the issuance
 14 of driver's licenses and identification cards.

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 16 SECTION 7. Linking of databases.

17 (a) The Director of the Department of Finance and Administration shall
 18 ensure that the State of Arkansas is eligible to receive any grant or other
 19 type of financial assistance made available under federal law regarding
 20 driver's license security and modernization.

21 (b) The director shall participate in the interstate compact regarding
 22 the sharing of driver's license data in order to provide the State of
 23 Arkansas with electronic access to information contained in the motor vehicle
 24 databases of all other states.

25 (c) The director shall implement and oversee a motor vehicle database
 26 that contains, at a minimum, the following information:

27 (1) All data fields printed on driver's licenses and
 28 identification cards issued by the Office of Driver Services of the Revenue
 29 Division of the Department of Finance and Administration of the State of
 30 Arkansas; and

31 (2) Motor vehicle driver's histories, including motor vehicle
 32 violations, suspensions, and points on licenses.

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 34 SECTION 8. Rules.

35 The Director of the Department of Finance and Administration shall
 36 promulgate rules to implement and administer this act.