

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  
4

As Engrossed: H3/25/05

# A Bill

HOUSE BILL 2539

5 By: Representative Matayo  
6  
7

## For An Act To Be Entitled

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

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

22 *SECTION 1. Arkansas Code Title 27, Chapter 16 is amended to add an*  
23 *additional subchapter to read as follows:*

24 *27-16-1101. Title.*

25 *This subchapter shall be known and may be cited as the "Driver's*  
26 *License Security and Modernization Act".*  
27

28 *27-16-1102. Definitions.*

29 *As used in this subchapter:*

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

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

35 *(3) "State" means the State of Arkansas.*  
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1 27-16-1103. Time limit for requirements to be met.

2 (a) The Office of Driver Services of the Revenue Division of the  
3 Department of Finance and Administration shall implement the changes required  
4 by this subchapter for all new driver's licenses issued or renewed on or  
5 before October 1, 2005.

6 (b)(1) Except as provided under subdivision (b)(2) and subsection (d)  
7 of this section, beginning four (4) years after the effective date of this  
8 subchapter, a state agency may not accept for any purpose a driver's license  
9 or identification card that was not issued under the requirements of this  
10 subchapter.

11 (2) The limitation under subdivision (b)(1) of this section and  
12 other limitations under this subchapter shall not apply to members of the  
13 armed services of the United States or their dependents under § 27-16-807, §  
14 27-16-902, or other law.

15 (c) On or before January 31, 2006, the Office of Driver Services of  
16 the Revenue Division of the Department of Finance and Administration shall  
17 obtain certification that it is in compliance with any and all federal laws  
18 regarding driver's license security and modernization.

19 (d) The Department of Human Services may accept a driver's license or  
20 identification card that was not issued under the requirements of this  
21 subchapter for the sole purpose of establishing the identity of an individual  
22 applying for or receiving food stamps when no other documentary evidence is  
23 readily available for that purpose.

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25 27-16-1104. Minimum document requirements.

26 To meet the requirements of this subchapter, the Office of Driver  
27 Services of the Revenue Division of the Department of Finance and  
28 Administration shall include at a minimum the following information and  
29 features on each driver's license and identification card that it issues to a  
30 person:

31 (1) The person's full legal name;

32 (2) The person's date of birth;

33 (3) The person's gender;

34 (4) The person's driver's license or identification card number;

35 (5) A digital photograph of the person;

36 (6) The person's address of residence;

1           (7) The person's signature;

2           (8) Physical security features designed to prevent tampering,  
3 counterfeiting, or duplication of the document for fraudulent purposes; and

4           (9) A common machine-readable technology with defined minimum  
5 data elements.

6  
7           27-16-1105. Minimum issuance standards for driver's licenses.

8           (a)(1) Except as provided under subdivisions (a)(2) and (b)(1) of this  
9 section regarding the renewal, duplication, or reissuance of a driver's  
10 license or identification card, to meet the requirements of this section the  
11 Office of Driver Services of the Revenue Division of the Department of  
12 Finance and Administration shall require at a minimum presentation of the  
13 following information before issuing a driver's license or identification  
14 card to a person:

15           (A) A photo identity document, except that a nonphoto  
16 identity document is acceptable if it includes both the person's full legal  
17 name and date of birth;

18           (B) Documentation showing the person's date of birth;

19           (C) Proof of the person's social security account number  
20 or verification that the person is not eligible for a social security account  
21 number; and

22           (D) Evidence of legal status that includes valid  
23 documentary evidence that the person:

24           (i) Is a citizen of the United States;

25           (ii) Is an alien lawfully admitted for permanent or  
26 temporary residence in the United States;

27           (iii) Has conditional permanent resident status in  
28 the United States;

29           (iv) Has a valid, unexpired nonimmigrant visa or  
30 nonimmigrant visa status for entry into the United States;

31           (v) Has a pending or approved application for asylum  
32 in the United States;

33           (vi) Has entered into the United States in refugee  
34 status;

35           (vii) Has a pending or approved application for  
36 temporary protected status in the United States;

1 (viii) Has approved deferred action status; or  
2 (ix) Has a pending application for adjustment of  
3 status to that of an alien lawfully admitted for permanent residence in the  
4 United States or conditional permanent resident status in the United States.

5 (2)(A) If ten (10) or more driver's licenses are issued with the  
6 same address of residence, the applicant shall present documentation that  
7 establishes the person's address of residence.

8 (B) The documentation requirements under subdivision  
9 (a)(2) of this section shall include, but not be limited to:

10 (i) A lease;

11 (ii) A mortgage statement; or

12 (iii) A utility bill.

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

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

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

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

35 (2) No later than January 31, 2006, the Director of the  
36 Department of Finance and Administration shall enter into a memorandum of

1 understanding with the Secretary of the United States Department of Homeland  
2 Security to routinely utilize the automated system known as Systematic Alien  
3 Verification for Entitlements, as provided for by section 404 of the Illegal  
4 Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-  
5 664), to verify the legal presence status of a person other than a United  
6 States citizen applying for a driver's license or identification card.

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8 27-16-1106. Additional requirements.

9 To meet the requirements of this section regarding the issuance of  
10 driver's licenses and identification cards, the Director of the Department of  
11 Finance and Administration shall:

12 (1) Retain paper copies of source documents for a minimum of  
13 seven (7) years or images of source documents presented for a minimum of ten  
14 (10) years;

15 (2) Subject each person applying for a driver's license or  
16 identification card to mandatory digital facial image capture;

17 (3)(A) Confirm with the Social Security Administration a social  
18 security account number presented by a person using the full social security  
19 account number.

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

25 (4) Refuse to issue a driver's license or identification card to  
26 a person holding a driver's license issued by another state without  
27 confirmation that the person is terminating or has terminated the driver's  
28 license;

29 (5) Ensure the physical security of locations where driver's  
30 licenses and identification cards are produced and the security of document  
31 materials and papers from which driver's licenses and identification cards  
32 are produced;

33 (6) Subject all persons authorized to manufacture or produce  
34 driver's licenses and identification cards to appropriate security clearance  
35 requirements to include, but not be limited to, criminal background checks;  
36 and

1           (7) Establish fraudulent document recognition training programs  
2 for the employees of the Office of Driver Services of the Revenue Division of  
3 the Department of Finance and Administration who are engaged in the issuance  
4 of driver's licenses and identification cards.

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6           27-16-1107. Linking of databases.

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

11           (b) The director shall implement and oversee a motor vehicle database  
12 that contains at a minimum the following information:

13           (1) All data fields printed on driver's licenses and  
14 identification cards issued by the Office of Driver Services of the Revenue  
15 Division of the Department of Finance and Administration of the State of  
16 Arkansas; and

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

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20           27-16-1108. Rules.

21           The Director of the Department of Finance and Administration shall  
22 promulgate rules to implement and administer this subchapter.

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24           27-16-1109. Applicability to Medicaid identification cards.

25           No provision of this subchapter shall apply to the issuance or  
26 production of Medicaid identification cards by either the Department of Human  
27 Services or the Office of Driver Services of the Revenue Division of the  
28 Department of Finance and Administration.

29   /s/ Matayo