

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

SENATE BILL 1018

4
5 By: Senator Madison
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For An Act To Be Entitled

8
9 AN ACT TO EXTEND TO FOSTER CHILDREN THE SAME
10 PRIVILEGES TO DRIVE THAT OTHER MINORS HAVE; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 TO EXTEND TO FOSTER CHILDREN THE SAME
15 PRIVILEGES TO DRIVE THAT OTHER MINORS
16 HAVE.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. The purpose of this act is to extend to foster children who
22 are in the custody of the Department of Human Services the same privileges to
23 drive that other minors have.
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25 SECTION 2. Arkansas Code Annotated § 27-16-702 is amended to read as
26 follows:

27 (a)(1)(A) The original application of any person under eighteen (18)
28 years of age for an instruction permit, a learner's license, an intermediate
29 driver's license, or a motor-driven cycle or motorcycle license shall be
30 signed and verified before a person authorized to administer oaths by either
31 the father or mother of the applicant, if either is living and has custody.

32 (B) In the event that neither parent is living or has
33 custody, then the application shall be signed by the person or guardian
34 having custody or by an employer of the minor.

35 (C) In the event that there is no guardian or employer,
36 then the application shall be signed by any other responsible person who is



1 willing to assume the obligations imposed under this subchapter upon a person
2 signing the application of a minor.

3 (D) For a person under the age of eighteen (18) years of
4 age in the custody of the Department of Human Services, the application may
5 be signed by any employee of the department or any foster parent designated
6 by the Director of the Department of Human Services.

7 (2) For purposes of this section, duly authorized agents of the
8 Commissioner of Motor Vehicles shall be authorized to administer oaths
9 without charge.

10 (b)(1) ~~Any~~ Except as provided under subdivision (b)(2) of this
11 section, any negligence or willful misconduct of a minor under eighteen (18)
12 years of age when driving a motor vehicle upon a highway shall be imputed to
13 the person who signed the application of the minor for a permit or license,
14 regardless of whether the person who signed was authorized to sign under
15 subsection (a) of this section, which person shall be jointly and severally
16 liable with the minor for any damages caused by the negligence or willful
17 misconduct.

18 (2)(A) Except as provided in subdivision (b)(2)(B) of this
19 section, for a person under the age of eighteen (18) years of age in the
20 custody of the Department of Human Services, any negligence or willful
21 misconduct of the person when driving a motor vehicle upon a highway shall
22 not be imputed to the designated employee or designated foster parent who
23 signed the application of the minor for a permit or license. The designated
24 employee, designated foster parent, or the department shall not be liable,
25 including jointly and severally, with the minor, for any damages caused by
26 the negligence or willful misconduct of the minor and the minor shall be
27 wholly responsible for the damages.

28 (B)(i) Nothing in this subsection (b) shall limit the
29 liability of a person if:

30 (a) The person is the owner of the motor
31 vehicle that the minor is driving;

32 (b) The minor has the express or implied
33 permission of the named insured of the motor vehicle to operate the motor
34 vehicle; and

35 (c) The owner of the motor vehicle has a motor
36 vehicle liability policy in effect that provides insurance coverage as

1 required under § 27-19-713(b)(2).

2 (ii) Nothing in this subsection (b) shall limit §
3 27-19-722.

4 (c)(1) If any person who is required or authorized by subsection (a)
5 of this section to sign the application of a minor in the manner therein
6 provided shall cause, or knowingly cause, or permit his or her child or ward
7 or employee under eighteen (18) years of age to drive a motor vehicle upon
8 any highway, then any negligence or willful misconduct of the minor shall be
9 imputed to this person, and this person shall be jointly and severally liable
10 with the minor for any damages caused by such negligence or willful
11 misconduct.

12 (2) The provisions of this subsection shall apply regardless of
13 the fact that a learner's license or an intermediate driver's license may or
14 may not have been issued to the minor.

15 (3) For purposes of this section, a "minor" is defined to be any
16 person who has not attained eighteen (18) years of age.

17 (d) The provisions of this section shall apply in all civil actions,
18 including, but not limited to, both actions on behalf of and actions against
19 the persons required or authorized by subsection (a) of this section to sign
20 the application in the manner therein provided.

21
22 SECTION 3. Arkansas Code Title 27, Chapter 19 is amended to add an
23 additional section to read as follows:

24 27-19-722. Foster children.

25 (a) If a child under the age of eighteen (18) years of age is in the
26 custody of the Department of Human Services and is operating a motor vehicle
27 that he or she owns, then the liability for any negligence or willful
28 misconduct of the child shall be limited to the limits of a motor vehicle
29 liability insurance policy that has been obtained for the benefit of the
30 child.

31 (b) If a child under the age of eighteen (18) years of age is in the
32 custody of the Department of Human Services and is operating a motor vehicle
33 that he or she does not own but has the express or implied permission of the
34 named insured of the motor vehicle to operate, then the liability for any
35 negligence or willful misconduct of the child shall be limited to the
36 following:

1 (1) The limits of a motor vehicle liability insurance policy
2 that has been obtained for the benefit of the child; and

3 (2) The limits of a motor vehicle liability insurance policy
4 that is in effect for that motor vehicle.

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