

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 942

4
5 By: Senator Wooldridge
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7

For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE LAW REGARDING THE
10 REINSTATEMENT OF A SUSPENDED OR REVOKED DRIVER'S
11 LICENSE; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO CLARIFY THE LAW REGARDING THE
15 REINSTATEMENT OF A SUSPENDED OR REVOKED
16 DRIVER'S LICENSE.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-65-119 is amended to read as follows:
22 5-65-119. Distribution of fee.

23 (a) The Office of Driver Services of the Department of Finance and
24 Administration shall charge a fee ~~of one hundred fifty dollars (\$150) to be~~
25 calculated as provided under subsection (b) of this section for reinstating a
26 driving privilege suspended or revoked because of an arrest for operating or
27 being in actual physical control of a motor vehicle while intoxicated or
28 while there was an alcohol concentration of eight-hundredths (0.08) or more
29 in the person's breath or blood, § 5-65-103, or refusing to submit to a
30 chemical test of blood, breath, or urine for the purpose of determining the
31 alcohol or controlled substance contents of the person's blood or breath, §
32 5-65-205, which shall be distributed as follows:

33 (1) Seven percent (7%) of the revenues derived from this fee
34 shall be deposited in the State Treasury as special revenues and credited to
35 the Public Health Fund to be used exclusively for the Office of Alcohol
36 Testing of the Department of Health;



1 (2) Thirty-three percent (33%) of the revenues derived from this
 2 fee shall be deposited as special revenues in the State Treasury into the
 3 Constitutional Officers Fund and the State Central Services Fund as a direct
 4 revenue to be used by the Office of Driver Services for use in supporting the
 5 administrative driver's licensing revocation and sanctions programs provided
 6 for in this subchapter;

7 (3) Ten percent (10%) of the revenues derived from this fee
 8 shall be deposited in the State Treasury, and the Treasurer of State shall
 9 credit them as general revenues to the various funds in the respective
 10 amounts to each and to be used for the purposes as provided in the Revenue
 11 Stabilization Law, § 19-5-101 et seq.; and

12 (4) Fifty percent (50%) of the revenues derived from this fee
 13 shall be deposited in the State Treasury as special revenues to the credit of
 14 the Department of Arkansas State Police Fund.

15 (b)(1) The reinstatement fee under this section shall be calculated by
 16 multiplying one hundred fifty dollars (\$150) by the number of offenses under
 17 § 5-65-103, § 5-65-205, § 5-65-303, or § 5-65-310 to which the person has:

- 18 (A) Been found in violation;
- 19 (B) Been found guilty;
- 20 (C) Pleaded nolo contendere; or
- 21 (D) Pleaded guilty.

22 (2) The number of offenses used in the calculation under this
 23 subsection shall be from the date that the driver's license was suspended or
 24 revoked until the date of reinstatement and shall include the offense that
 25 formed the basis for the suspension or revocation.

26
 27 SECTION 2. Arkansas Code § 5-65-304(d), regarding the seizure,
 28 suspension, and revocation of a driver's license, is amended to read as
 29 follows:

30 (d)(1)~~(A)~~ The Office of Driver Services shall charge a fee ~~of twenty-~~
 31 ~~five dollars (\$25.00)~~ to be calculated as provided under subdivision (d)(2)
 32 of this section for reinstating a driver's license suspended because of a
 33 violation of § 5-65-303 or § 5-65-310.

34 ~~(2)(B)~~ Forty percent (40%) of the revenues derived from
 35 this fee shall be deposited in the State Treasury as special revenues and
 36 credited to the Public Health Fund to be used exclusively for the Department

1 of Health's Blood Alcohol Program.

2 (2)(A) The reinstatement fee under this section shall be
3 calculated by multiplying twenty-five dollars (\$25.00) by the number of
4 offenses under § 5-65-103, § 5-65-205, § 5-65-303, or § 5-65-310 to which the
5 person has:

- 6 (i) Been found in violation;
- 7 (ii) Been found guilty;
- 8 (iii) Pleaded nolo contendere; or
- 9 (iv) Pleaded guilty; and

10 (B) The number of offenses used in the calculation under
11 this subsection shall be from the date that the driver's license was
12 suspended or revoked until the date of reinstatement and shall include the
13 offense that formed the basis for the suspension or revocation.

14

15 SECTION 3. Arkansas Code § 27-16-808 is amended to read as follows:
16 27-16-808. Reinstatement charge.

17 (a) The Office of Driver Services shall charge a fee ~~of one hundred~~
18 ~~dollars (\$100)~~ to be calculated as provided under subsection (c) of this
19 section for reinstating a driver's license suspended because of a conviction
20 for any violation or offense.

21 (b) All proceeds remitted to the office pursuant to the provisions of
22 this section shall be deposited as follows:

23 (1) Twenty-five percent (25%) to the State Police Retirement
24 Fund; and

25 (2) Seventy-five percent (75%) to the State Treasury as special
26 revenues to the credit of the Department of Arkansas State Police Fund.

27 (c)(1) The reinstatement fee under this section shall be calculated by
28 multiplying one hundred dollars (\$100) by the number of offenses under any
29 other provision of the law that imposes the penalty of a driver's license
30 suspension or revocation for a violation or offense to which the person has:

- 31 (A) Been found in violation;
- 32 (B) Been found guilty;
- 33 (C) Pleaded nolo contendere; or
- 34 (D) Pleaded guilty.

35 (2) The number of offenses used in the calculation under this
36 subsection shall be from the date that the driver's license was suspended or

1 revoked until the date of reinstatement and shall include the offense that
2 formed the basis for the suspension or revocation.

3
4 SECTION 4. Arkansas Code § 27-16-508 is amended to read as follows:
5 27-16-508. Fee for reinstatement.

6 (a) The Office of Driver Services shall collect a reinstatement fee ~~of~~
7 ~~one hundred dollars (\$100)~~ to be calculated as provided under subsection (c)
8 of this section to reinstate any suspended, revoked, or cancelled driver's
9 license.

10 (b) The fee in subsection (a) shall not apply if the license is
11 reinstated under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 or if the
12 suspension, revocation, or cancellation is ordered under § 27-16-907(a)(5).

13 (c) The revenues derived from this fee shall be deposited in the State
14 Treasury as special revenues to the credit of the Department of Arkansas
15 State Police Fund.

16 (d)(1) The reinstatement fee under this section shall be calculated by
17 multiplying one hundred dollars (\$100) by the number of offenses under any
18 other provision of the law that imposes the penalty of a driver's license
19 suspension or revocation for a violation or offense to which the person has:

- 20 (A) Been found in violation;
- 21 (B) Been found guilty;
- 22 (C) Pleaded nolo contendere; or
- 23 (D) Pleaded guilty; and

24 (2) The number of offenses used in the calculation under this
25 subsection shall be from the date that the driver's license was suspended or
26 revoked until the date of reinstatement and shall include the offense that
27 formed the basis for the suspension or revocation.

28
29 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly of the State of Arkansas that currently there exists some
31 confusion as to whether the fees collected for the reinstatement of a
32 suspended or revoked driver's license should be collected for each offense or
33 for each reinstatement; that due to the confusion, state agencies have not
34 been allowed to collect the revenue that they anticipated for reinstatement
35 fees which is causing a negative fiscal impact; and that this act is
36 immediately necessary to clarify the law to prevent the impairment of agency

1 operations due to a loss of anticipated revenue. Therefore, an emergency is
2 declared to exist and this act being immediately necessary for the
3 preservation of the public peace, health, and safety shall become effective
4 on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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