

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: S3/14/05*

# A Bill

SENATE BILL 942

5 By: Senator Wooldridge  
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7

## For An Act To Be Entitled

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 TO CLARIFY THE LAW REGARDING THE  
14 REINSTATEMENT OF A SUSPENDED OR REVOKED  
15 DRIVER'S LICENSE.  
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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  
17 resulting in an administrative suspension order under § 5-65-103 or § 5-65-  
18 205 since the initial suspension was ordered unless the order has been  
19 removed because:

20                     (A) The person has been found not guilty of the offense by  
21 a circuit or district court; or

22                     (B) A de novo review of the suspension order by the Office  
23 of Driver Services results in the removal.

24           (2) The fee under this section is supplemental to and in  
25 addition to any fee imposed under § 5-65-304, § 5-65-310, § 27-16-508, or §  
26 27-16-808.

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

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

35                     ~~(2)~~(B) Forty percent (40%) of the revenues derived from  
36 this fee shall be deposited in the State Treasury as special revenues and

1 credited to the Public Health Fund to be used exclusively for the Department  
2 of Health's Blood Alcohol Program.

3 (2)(A) The reinstatement fee under this section shall be  
4 calculated by multiplying twenty-five dollars (\$25.00) by the number of  
5 offenses resulting in an administrative suspension order under § 5-65-303  
6 since the initial suspension was ordered unless the order has been removed  
7 because:

8 (A) The person has been found not guilty of the offense by  
9 a circuit or district court; or

10 (B) A de novo review of the suspension order by the Office  
11 of Driver Services results in the removal.

12 (2) The fee under this section is supplemental to and in  
13 addition to any fee imposed under § 5-65-119, § 5-65-310, § 27-16-508, or §  
14 27-16-808.

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

17 27-16-808. Reinstatement charge.

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

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

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

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

28 (c)(1) The reinstatement fee under this section shall be calculated by  
29 multiplying one hundred dollars (\$100) by the number of offenses under any  
30 other provision of the law resulting in:

31 (A) A court order directing the Office of Driver Services  
32 to suspend the driving privileges of the person; or

33 (B) The Office of Driver Services entering a suspension  
34 order.

35 (2) The fee under this section is supplemental to and in  
36 addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §

1 27-16-508.

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

4 27-16-508. Fee for reinstatement.

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

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

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

15 (d)(1) The reinstatement fee under this section shall be calculated by  
16 multiplying one hundred dollars (\$100) by the number of administrative orders  
17 issued by the Office of Driver Services suspending the driving privileges of  
18 the person.

19 (2) The fee under this section is supplemental to and in  
20 addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §  
21 27-16-808.

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23 SECTION 5. Arkansas Code § 5-65-310(f), regarding the fees for  
24 reinstatement, is amended to read as follows:

25 (f)(1)(A) The Office of Driver Services shall charge a reinstatement  
26 fee of twenty-five dollars (\$25.00) to be calculated as provided under this  
27 subdivision (f)(1)(A) for reinstating a driver's license suspended or revoked  
28 for a violation of this section.

29 (B) The reinstatement fee shall be calculated by  
30 multiplying twenty-five dollars (\$25.00) by the number of offenses resulting  
31 in an administrative suspension order under § 5-65-310 since the initial  
32 suspension was ordered unless the order has been removed because:

33 (i) The person has been found not guilty of the  
34 offense by a circuit or district court; or

35 (ii) The Office of Driver Services entering a  
36 suspension order.

1                    (C) The fee under subdivision (f)(1)(A) of this section is  
2 supplemental to and in addition to any fee imposed by § 5-65-119, § 5-65-304,  
3 § 27-16-508, or § 27-16-808.

4                    (2) Forty percent (40%) of the revenues derived from ~~this~~ the  
5 reinstatement fee under this subsection (f) shall be deposited in the State  
6 Treasury as special revenues and credited to the Public Health Fund to be  
7 used exclusively for the Department of Health's Blood Alcohol Program.

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9                    SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that currently there exists some  
11 confusion as to whether the fees collected for the reinstatement of a  
12 suspended or revoked driver's license should be collected for each offense or  
13 for each reinstatement; that due to the confusion, state agencies have not  
14 been allowed to collect the revenue that they anticipated for reinstatement  
15 fees which is causing a negative fiscal impact; and that this act is  
16 immediately necessary to clarify the law to prevent the impairment of agency  
17 operations due to a loss of anticipated revenue. Therefore, an emergency is  
18 declared to exist and this act being immediately necessary for the  
19 preservation of the public peace, health, and safety shall become effective  
20 on:

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

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

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

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28                    /s/ Wooldridge  
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