

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 S3/17/05 H4/1/05

A Bill

SENATE BILL 942

5 By: Senator Wooldridge
6 *By: Representative Roebuck*
7
8

For An Act To Be Entitled

10 AN ACT TO CLARIFY THE LAW REGARDING THE
11 REINSTATEMENT OF A SUSPENDED OR REVOKED DRIVER'S
12 LICENSE; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO CLARIFY THE LAW REGARDING THE
15 REINSTATEMENT OF A SUSPENDED OR REVOKED
16 DRIVER'S LICENSE.
17
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-65-119 is amended to read as follows:
23 5-65-119. Distribution of fee.

24 (a) The Office of Driver Services of the Department of Finance and
25 Administration shall charge a fee ~~of one hundred fifty dollars (\$150) to be~~
26 calculated as provided under subsection (b) of this section for reinstating a
27 driving privilege suspended or revoked because of an arrest for operating or
28 being in actual physical control of a motor vehicle while intoxicated or
29 while there was an alcohol concentration of eight-hundredths (0.08) or more
30 in the person's breath or blood, § 5-65-103, or refusing to submit to a
31 chemical test of blood, breath, or urine for the purpose of determining the
32 alcohol or controlled substance contents of the person's blood or breath, §
33 5-65-205, which shall be distributed as follows:

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



1 Testing of the Department of Health;

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

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

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

16 (b)(1) The reinstatement fee under this section shall be calculated by
17 multiplying one hundred fifty dollars (\$150) for each separate occurrence of
18 offenses resulting in an administrative suspension order under § 5-65-103 or
19 § 5-65-205 unless the order has been 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.

27 (3) As used in this section, "occurrence" means each separate
28 calendar date when an offense or offenses take place.

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

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

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

5 (2)(A) The reinstatement fee under this section shall be
6 calculated by multiplying twenty-five dollars (\$25.00) for each separate
7 occurrence of offenses resulting in an administrative suspension order under
8 § 5-65-303 unless the order has been removed because:

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

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

13 (2) The fee under this section is supplemental to and in
14 addition to any fee imposed under § 5-65-119, § 5-65-310, § 27-16-508, or §
15 27-16-808.

16 (3) As used in this section, "occurrence" means each separate
17 calendar date when an offense or offenses take place.

18
19 SECTION 3. Arkansas Code § 27-16-808 is amended to read as follows:
20 27-16-808. Reinstatement charge.

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

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

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

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

31 (c)(1) The reinstatement fee under this section shall be calculated by
32 multiplying one hundred dollars (\$100) for each separate occurrence of
33 offenses under any other provision of the law resulting in:

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

36 (B) The Office of Driver Services entering a suspension

1 order.

2 (2) The fee under this section is supplemental to and in
3 addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §
4 27-16-508.

5 (3) As used in this section, "occurrence" means each separate
6 calendar date when an offense or offenses take place.

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8 SECTION 4. Arkansas Code § 27-16-508 is amended to read as follows:
9 27-16-508. Fee for reinstatement.

10 (a) The Office of Driver Services shall collect a reinstatement fee of
11 one hundred dollars (\$100) to ~~reinstate any suspended, revoked, or cancelled~~
12 driver's license ~~be multiplied by the number of administrative orders to~~
13 suspend, revoke, or cancel a driver's license, other than orders eligible for
14 reinstatement under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 and
15 other than orders entered under § 27-16-907(a)(5).

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

19 ~~(e)(b)~~ (b) The revenues derived from this fee shall be deposited in the
20 State Treasury as special revenues to the credit of the Department of
21 Arkansas State Police Fund.

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

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

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

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

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

1 (ii) The Office of Driver Services entering a
2 suspension order.

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

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

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

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

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

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

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30 /s/ Wooldridge
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