

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 196

5 By: Senator J. Jeffress
6
7

For An Act To Be Entitled

9 AN ACT TO IMPROVE THE SAFETY OF ROADS AND
10 HIGHWAYS IN THE STATE BY ADDRESSING ISSUES
11 RELATED TO THE LICENSING OF BEGINNING OR YOUTHFUL
12 DRIVERS; TO AMEND THE LAW REGARDING RESTRICTED
13 DRIVER'S LICENSES, LEARNER'S LICENSES, AND
14 INTERMEDIATE LICENSES; AND FOR OTHER PURPOSES.
15

Subtitle

16 TO IMPROVE THE SAFETY OF ROADS AND
17 HIGHWAYS IN THE STATE BY ADDRESSING
18 ISSUES RELATED TO THE LICENSING OF
19 BEGINNING OR YOUTHFUL DRIVERS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 27-16-804(a), regarding restricted
26 licenses, learner's licenses, and intermediate licenses, is amended to read
27 as follows:

28 (a)(1) The Office of Motor Vehicle, upon issuing any driver's license,
29 shall have authority, whenever good cause appears, to impose restrictions
30 suitable to the licensee's driving ability with respect to the type of or
31 special mechanical control devices required on a motor vehicle which the
32 licensee may operate or other restrictions applicable to the licensee as the
33 office may determine to be appropriate to assure the safe operation of a
34 motor vehicle by the licensee.

35 (2)(A) If a person applying for a driver's license is eighteen
36 (18) years of age or older and has not previously been licensed in the United



1 States, then the office shall issue a restricted driver's license to the
 2 person applying for a driver's license for a period not to exceed twelve (12)
 3 months.

4 (B) A person who is issued a restricted driver's license
 5 under this subdivision (a)(2) is eligible to obtain a driver's license
 6 without restriction if the person:

7 (i) Remains free of a serious accident for at least
 8 twelve (12) consecutive months;

9 (ii) Remains free of a conviction of a serious
 10 traffic violation for twelve (12) consecutive months;

11 (iii) Establishes continued compliance with the Motor
 12 Vehicle Safety Responsibility Act, § 27-19-101 et seq., for twelve (12)
 13 consecutive months; and

14 (iv) Meets all other licensing examination
 15 requirements of this chapter.

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 17 SECTION 2. Arkansas Code § 27-16-804(f), regarding licenses, learner's
 18 licenses, and intermediate licenses, is amended to read as follows:

19 (f)(1) The office shall have authority to issue a restricted driver's
 20 license, to be known as a "learner's license", to those persons under sixteen
 21 (16) years of age.

22 (2) The learner's license shall be issued only to an applicant
 23 with a valid instruction permit who is at least ~~fourteen (14)~~ fifteen (15)
 24 years of age, who has remained free of a serious accident and conviction of a
 25 serious traffic violation in the last six (6) months, and who meets all other
 26 licensing examinations requirements of this chapter.

27 (3) The driver with a learner's license shall operate the motor
 28 vehicle on the public streets and highways only when:

29 (A) All passengers in the vehicle are wearing their seat
 30 belts at all times; and

31 (B) The driver with a learner's permit is being
 32 accompanied by a driver over twenty-one (21) years of age.

33 (4) A driver with a learner's license shall not use a cellular
 34 telephone device or other interactive wireless communication device while
 35 operating a motor vehicle.

36

1 SECTION 3. Arkansas Code § 27-16-804(g), regarding intermediate
 2 licenses, is amended to read as follows:

3 (g)(1) The office shall have authority to issue a restricted driver's
 4 license to those persons under eighteen (18) years of age called an
 5 intermediate driver's license.

6 (2) The intermediate driver's license shall be issued only to an
 7 applicant with a valid instruction permit or a learner's license who is at
 8 least sixteen (16) years of age, who has remained free of a serious accident
 9 and conviction of a serious traffic violation for at least the last six (6)
 10 months, and who meets all other licensing examination requirements of this
 11 chapter.

12 (3) The driver with an intermediate driver's license shall
 13 operate the motor vehicle on the public streets and highways only when all
 14 passengers in the vehicle are wearing their seat belts.

15 (4) A driver with an intermediate driver's license shall not use
 16 a cellular telephone device or other interactive wireless communication
 17 device while operating a motor vehicle.

18 (5)(A) A driver with an intermediate driver's license shall not
 19 operate a motor vehicle on public streets or highways between the hours of
 20 11:00 p.m. and 5:00 a.m. unless the driver is:

21 (i) Accompanied by a licensed driver who is twenty-
 22 one (21) years of age or older;

23 (ii) Driving to or from a school activity or a job;
 24 or

25 (iii) Driving for an emergency.

26 (B) A driver under this subdivision (5) shall not
 27 transport any passengers who are under twenty-one (21) years of age.

28 (6) A driver with an intermediate driver's license is prohibited
 29 from operating a motor vehicle on public streets or highways with more than
 30 one (1) passenger who is under twenty (20) years of age unless:

31 (A) The driver is accompanied by a licensed driver who is
 32 twenty-one (21) years of age or older; or

33 (B) The first occurrence of either of the following:

34 (i) The driver receives an unrestricted license; or

35 (ii) The driver has held the intermediate driver's
 36 license for at least six (6) months.

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 2 SECTION 4. Arkansas Code § 27-16-804(h), regarding restricted
 3 licenses, learner's licenses, and intermediate licenses is repealed.

4 ~~(h) No motor vehicle, nor the operator of a vehicle, nor the~~
 5 ~~passengers of the vehicle shall be stopped, inspected, or detained solely to~~
 6 ~~determine compliance with the requirement set out in this subchapter for~~
 7 ~~wearing a seat belt.~~

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 9 SECTION 5. Arkansas Code § 27-16-701(d), regarding the application for
 10 license or instruction permit, is amended to read as follows:

11 (d) Every application for an instruction permit or for a driver's
 12 license by a person less than eighteen (18) years of age on October 1 of any
 13 year shall be accompanied by:

14 (1)(A) Proof of receipt of a high school diploma or its
 15 equivalent or enrollment and regular attendance in an adult education program
 16 or a public, private, or parochial school.

17 (i)(a) In order to be issued a license, a student
 18 enrolled in school shall present proof of a "C" average for the previous
 19 semester or similar equivalent grading period for which grades are recorded
 20 as part of the student's permanent record.

21 (b) However, when the student does not have
 22 the required "C" average, a restricted license may be issued to the student
 23 for the purpose of driving to and from work.

24 (ii) A student with disabilities receiving special
 25 education or related services or a student enrolled in an adult education
 26 program shall present proof that the student is successfully completing his
 27 or her individual education plan in order to be issued a license.

28 (B) "Regular attendance" in a school shall be attendance
 29 in compliance with the established written policy of the school district or
 30 school concerning truancy.

31 (C) "Regular attendance" in an adult education program
 32 shall be attendance in compliance with the policy for sixteen-year-olds and
 33 seventeen-year-olds established by the State Board of Workforce Education and
 34 Career Opportunities as provided for in § 6-18-222;

35 (2) Proof that the person is being provided schooling at home as
 36 described in § 6-15-501 et seq. in the form of a notarized copy of the

1 written notice of intent to home school the student provided by the parent or
 2 guardian to the superintendent of the local school district as required by §
 3 6-15-503; or

4 (3) Proof that the person is enrolled in a postsecondary
 5 vocational-technical program, a community college, or a two-year or four-year
 6 institution of higher education; or

7 (4) A check of the applicant's driving record to verify that the
 8 applicant for a learner's license or an intermediate driver's license has
 9 been free of a serious accident and conviction of a serious traffic violation
 10 for the last six (6) months and that an applicant with an intermediate
 11 driver's license applying for a regular license has been free of a serious
 12 accident and conviction of a serious traffic violation for the last twelve
 13 (12) months;

14 (5) An acknowledgment signed by the applicant of a learner's
 15 license that the student is aware that all passengers riding in the motor
 16 vehicle shall wear seat belts at all times and that the student is restricted
 17 to driving only when accompanied by a driver over twenty-one (21) years of
 18 age; ~~and~~

19 (6) An acknowledgment signed by the applicant for an
 20 intermediate driver's license that all passengers riding in the motor vehicle
 21 shall wear seat belts at all times;

22 (7)(A) An acknowledgment signed by the applicant for an
 23 intermediate driver's license that the applicant shall not operate a motor
 24 vehicle on public streets or highways between the hours of 11:00 p.m. and
 25 5:00 a.m. unless the applicant is:

26 (i) Accompanied by a licensed driver who is twenty-
 27 one (21) years of age or older;

28 (ii) Driving to or from a school activity or a job;
 29 or

30 (iii) Driving for an emergency;

31 (8) An acknowledgment signed by the applicant for a learner's
 32 license or an intermediate driver's license that the applicant is prohibited
 33 from using a cellular telephone or other interactive wireless communication
 34 device while operating a motor vehicle;

35 (9) An acknowledgment signed by the applicant for an
 36 intermediate driver's license that the applicant is prohibited from operating

1 a motor vehicle on public streets or highways with more than one (1)
2 passenger who is under twenty (20) years of age unless:

3 (A) The applicant is accompanied by a licensed driver who
4 is twenty-one (21) years of age or older; or

5 (B) The first occurrence of either of the following:

6 (i) The applicant receives an unrestricted license;
7 or

8 (ii) The applicant has held the intermediate
9 driver's license for at least six (6) months.

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