

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

As Engrossed: S1/31/07 S2/6/07

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:
24

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.

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

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

24 (C) Driving for an emergency.

25 (6) A driver with an intermediate driver's license shall not
26 operate a motor vehicle on public streets or highways with more than one (1)
27 passenger in the motor vehicle unless:

28 (A) The driver is accompanied by a parent, guardian, or
29 other person who:

30 (i) Is twenty-one (21) years of age or older;

31 (ii) Holds a valid driver's license issued under
32 this chapter; and

33 (iii) Is actually occupying the vehicle; or

34 (B)(i) The minor passenger or passengers are any of the
35 following:

36 (a) Siblings of the driver;

- 1 (b) Step-siblings of the driver;
- 2 (c) Adopted or foster children who reside in
- 3 the same household as the driver; and
- 4 (ii) The driver possesses a letter from the driver's
- 5 parent or guardian that authorizes the passengers to be in the motor vehicle
- 6 for the sole purpose of going to or from school.

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8 SECTION 4. Arkansas Code § 27-16-804(h), regarding restricted

9 licenses, learner's licenses, and intermediate licenses is repealed.

10 ~~(h) No motor vehicle, nor the operator of a vehicle, nor the~~

11 ~~passengers of the vehicle shall be stopped, inspected, or detained solely to~~

12 ~~determine compliance with the requirement set out in this subchapter for~~

13 ~~wearing a seat belt.~~

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15 SECTION 5. Arkansas Code § 27-16-701(d), regarding the application for

16 license or instruction permit, is amended to read as follows:

17 (d) Every application for an instruction permit or for a driver's

18 license by a person less than eighteen (18) years of age on October 1 of any

19 year shall be accompanied by:

20 (1)(A) Proof of receipt of a high school diploma or its

21 equivalent or enrollment and regular attendance in an adult education program

22 or a public, private, or parochial school.

23 (i)(a) In order to be issued a license, a student

24 enrolled in school shall present proof of a "C" average for the previous

25 semester or similar equivalent grading period for which grades are recorded

26 as part of the student's permanent record.

27 (b) However, when the student does not have

28 the required "C" average, a restricted license may be issued to the student

29 for the purpose of driving to and from work.

30 (ii) A student with disabilities receiving special

31 education or related services or a student enrolled in an adult education

32 program shall present proof that the student is successfully completing his

33 or her individual education plan in order to be issued a license.

34 (B) "Regular attendance" in a school shall be attendance

35 in compliance with the established written policy of the school district or

36 school concerning truancy.

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

5 (2) Proof that the person is being provided schooling at home as
6 described in § 6-15-501 et seq. in the form of a notarized copy of the
7 written notice of intent to home school the student provided by the parent or
8 guardian to the superintendent of the local school district as required by §
9 6-15-503; or

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

13 (4) A check of the applicant's driving record to verify that the
14 applicant for a learner's license or an intermediate driver's license has
15 been free of a serious accident and conviction of a serious traffic violation
16 for the last six (6) months and that an applicant with an intermediate
17 driver's license applying for a regular license has been free of a serious
18 accident and conviction of a serious traffic violation for the last twelve
19 (12) months;

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

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

28 (7)(A) An acknowledgment signed by the applicant for an
29 intermediate driver's license that the applicant shall not operate a motor
30 vehicle on public streets or highways between the hours of 11:00 p.m. and
31 5:00 a.m. unless the applicant is:

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

34 (ii) Driving to or from a school activity or a job;
35 or

36 (iii) Driving for an emergency;

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

5 (9) An acknowledgement signed by the applicant for an
6 intermediate driver's license that the applicant shall not operate a motor
7 vehicle on public streets or highways with more than one (1) passenger in the
8 motor vehicle unless:

9 (A) The applicant is accompanied by a parent, guardian, or
10 other person who:

11 (i) Is twenty-one (21) years of age or older;

12 (ii) Holds a valid driver's license issued under
13 this chapter; and

14 (iii) Is actually occupying the vehicle; or

15 (B)(i) The minor passenger or passengers are any of the
16 following:

17 (a) Siblings of the applicant;

18 (b) Step-siblings of the applicant;

19 (c) Adopted or foster children who reside in
20 the same household as the applicant; and

21 (ii) The applicant possesses a letter from the
22 applicant's parent or guardian that authorizes the passengers to be in the
23 motor vehicle for the sole purpose of going to or from school.

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25 /s/ J. Jeffress
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