

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 As Engrossed: S1/31/07 S2/6/07 S2/15/07 S3/1/07

2 86th General Assembly

# A Bill

3 Regular Session, 2007

SENATE BILL 196

4

5 By: Senator J. Jeffress

6

7

8

## 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

16

## Subtitle

17 TO IMPROVE THE SAFETY OF ROADS AND  
18 HIGHWAYS IN THE STATE BY ADDRESSING  
19 ISSUES RELATED TO THE LICENSING OF  
20 BEGINNING OR YOUTHFUL DRIVERS.

21

22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24

25 *SECTION 1. Arkansas Code § 27-16-604(a)(1), concerning issuance of a*  
26 *driver's license, is amended to read as follows:*

27 *(1) As a noncommercial driver who is under eighteen (18) years*  
28 *of age, except that the office may issue an intermediate license as provided*  
29 *to any person who is at least sixteen (16) years of age and a learner's*  
30 *permit license to any person who is at least ~~fourteen (14)~~ fifteen (15) years*  
31 *of age. This age restriction does not apply to a person who is at least*  
32 *sixteen (16) years of age and:*

33

34 *SECTION 2. Arkansas Code § 27-16-802(a)(1), concerning instruction*  
35 *permits, is amended to read as follows:*

36 *(a)(1) Any person who is at least ~~fourteen (14)~~ fifteen (15) years of*



1 age may apply to the Office of Motor Vehicle for an instruction permit.

2 SECTION 3. Arkansas Code § 27-16-804(f), regarding licenses, learner's  
3 licenses, and intermediate licenses, is amended to read as follows:

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

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

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

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

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

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

21  
22 SECTION 4. Arkansas Code § 27-16-804(g), regarding intermediate  
23 licenses, is amended to read as follows:

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

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

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

36 (4) A driver with an intermediate driver's license shall not use

1 a cellular telephone device or other interactive wireless communication  
2 device while operating a motor vehicle.

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

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

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

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

11 (iii) Is actually occupying the vehicle; or

12 (B) The minor passenger or passengers are any of the  
13 following:

14 (i) Siblings of the driver;

15 (ii) Step-siblings of the driver; or

16 (iii) Adopted or foster children who reside in the  
17 same household as the driver.

18 (6) 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  
26 SECTION 5. Arkansas Code § 27-16-804(h), regarding restricted  
27 licenses, learner's licenses, and intermediate licenses is repealed.

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

32  
33 SECTION 6. Arkansas Code § 27-16-701(d), regarding the application for  
34 license or instruction permit, is amended to read as follows:

35 (d) Every application for an instruction permit or for a driver's  
36 license by a person less than eighteen (18) years of age on October 1 of any

1 year shall be accompanied by:

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

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

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

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

16 (B) "Regular attendance" in a school shall be attendance  
17 in compliance with the established written policy of the school district or  
18 school concerning truancy.

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

23 (2) Proof that the person is being provided schooling at home as  
24 described in § 6-15-501 et seq. in the form of a notarized copy of the  
25 written notice of intent to home school the student provided by the parent or  
26 guardian to the superintendent of the local school district as required by §  
27 6-15-503; or

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

31 (4) A check of the applicant's driving record to verify that the  
32 applicant for a learner's license or an intermediate driver's license has  
33 been free of a serious accident and conviction of a serious traffic violation  
34 for the last six (6) months and that an applicant with an intermediate  
35 driver's license applying for a regular license has been free of a serious  
36 accident and conviction of a serious traffic violation for the last twelve

1 (12) months;

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

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

10 (7) An acknowledgment signed by the applicant for a learner's  
11 license or an intermediate driver's license that the applicant is prohibited  
12 from using a cellular telephone or other interactive wireless communication  
13 device while operating a motor vehicle;

14 (8) An acknowledgment signed by the applicant for an  
15 intermediate driver's license that the applicant shall not operate a motor  
16 vehicle on public streets or highways with more than one (1) passenger in the  
17 motor vehicle unless:

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

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

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

23 (iii) Is actually occupying the vehicle; or

24 (B) The minor passenger or passengers are any of the  
25 following:

26 (i) Siblings of the applicant;

27 (ii) Step-siblings of the applicant; or

28 (iii) Adopted or foster children who reside in the  
29 same household as the applicant; and

30 (9)(A) An acknowledgment signed by the applicant for an  
31 intermediate driver's license that the applicant shall not operate a motor  
32 vehicle on public streets or highways between the hours of 11:00 p.m. and  
33 5:00 a.m. unless the applicant is:

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

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

1 or

2 (iii) Driving for an emergency.

3  
4 SECTION 7. Arkansas Code § 27-23-111(b)(2), concerning commercial  
5 driver licenses, is amended to read as follows:

6 (2) Other Classifications.

7 Class D. Any vehicle which is not a commercial vehicle, as  
8 defined by this chapter. No Class D license shall be issued to persons under  
9 the age of ~~fourteen (14)~~ fifteen (15) years; provided, however, that no such  
10 licensee under the age of sixteen (16) years shall operate a vehicle unless  
11 accompanied in the front passenger seat of the vehicle by a licensed driver  
12 with at least one (1) year of driving experience.

13 No Class D license shall be valid to carry passengers  
14 for hire without a "P" endorsement. No "P" endorsement shall be issued to any  
15 person under the age of eighteen (18) years.

16 Notwithstanding the provisions of this or any other  
17 section of this chapter, any person who on the effective date of this  
18 chapter, has a valid operator's, chauffeur's, or for-hire chauffeur's license  
19 shall be entitled to drive the vehicles authorized thereby until the date of  
20 expiration of such license, but not thereafter; provided, however, that any  
21 person driving a commercial motor vehicle as defined by this chapter on or  
22 after April 1, 1992, must first obtain a commercial driver license as  
23 required by this section.

24 Class M. That license valid for the operation of any  
25 motorcycle which displaces more than two hundred fifty cubic centimeters (250  
26 cc). No such license shall be issued to any person under the age of sixteen  
27 (16) years.

28 Class MD. That license valid for the operation of any motor  
29 driven cycle which displaces two hundred fifty cubic centimeters (250 cc) or  
30 less. No such license shall be issued to any person under the age of fourteen  
31 (14) years. A Class MD license shall automatically expire upon the licensee's  
32 sixteenth (16th) birthday.

33  
34 /s/ J. Jeffress  
35  
36