

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/19/09

# A Bill

HOUSE BILL 1860

5 By: Representative Sample  
6  
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## For An Act To Be Entitled

9 AN ACT TO LIMIT THE VALIDITY PERIOD FOR DRIVER'S  
10 LICENSES AND IDENTIFICATION CARDS ISSUED TO  
11 APPLICANTS WHO ARE NOT CITIZENS OF THE UNITED  
12 STATES; AND FOR OTHER PURPOSES.  
13

### Subtitle

15 TO LIMIT THE VALIDITY PERIOD FOR  
16 DRIVER'S LICENSES AND IDENTIFICATION  
17 CARDS ISSUED TO APPLICANTS WHO ARE NOT  
18 CITIZENS OF THE UNITED STATES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 27, Chapter 16, Subchapter 11 is  
24 amended to add additional sections to read as follows:

25 27-16-1110. Findings – Purpose of §§ 27-16-1111 and 27-16-1112.

26 (a) The General Assembly finds that:

27 (1) Currently, driver's licenses and identification cards are  
28 valid for a standard statutory period of time;

29 (2) An applicant for the issuance or renewal of a driver's  
30 license or identification card who is not a citizen of the United States may  
31 obtain a driver's license or identification card that is valid for a period  
32 that exceeds his or her authorization to be lawfully present in the United  
33 States;

34 (3) The federal government, specifically the United States  
35 Immigration and Customs Enforcement, an agency of the Department of Homeland  
36 Security, has authority over immigration matters and makes determinations on



1 the length of time that a person who is not a citizen of the United States  
2 can remain in the United States; and

3 (4) A driver's license or identification card that is valid for  
4 a period that exceeds the time prescribed by the United States Immigration  
5 and Customs Enforcement, an agency of the Department of Homeland Security,  
6 can be used to circumvent federal law and cause confusion on the status of  
7 the individual to whom it is issued.

8 (b) The purpose of §§ 27-16-1111 and 27-16-1112 is to ensure that  
9 driver's licenses and identification cards issued by the state are not used  
10 to circumvent federal immigration laws or federal authority on immigration  
11 matters by preventing an applicant for the issuance or renewal of a driver's  
12 license or identification card from obtaining an identity document issued by  
13 the state that is valid for a period that exceeds the applicant's  
14 authorization to be lawfully present in the United States.

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16 27-16-1111. Expiration of driver's licenses when the applicant is not  
17 a United States citizen.

18 (a) If an applicant for a driver's license under this chapter is not a  
19 citizen of the United States as provided under § 27-16-1105(a)(1)(D)(ii)-  
20 (ix), the expiration date of the driver's license shall be the shortest of:

21 (1) The period provided for under § 27-16-901(a)(1)(A);

22 (2) The date shown on the applicant's Division of Immigration  
23 and Customs Enforcement of the Department of Homeland Security document I-94;  
24 or

25 (3) The last date the applicant may be present in the United  
26 States under federal immigration laws, as verified by the Division of  
27 Immigration and Customs Enforcement of the Department of Homeland Security.

28 (b) The Office of Driver Services may renew the driver's license only  
29 if it is demonstrated that the applicant's continued presence in the United  
30 States is authorized under federal law.

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32 27-16-1112. Expiration of identification cards when the applicant is  
33 not a United States citizen.

34 (a) If an applicant for an identification card under this chapter is  
35 not a citizen of the United States as provided under § 27-16-  
36 1105(a)(1)(D)(ii)-(ix), the expiration date of the identification card shall

1 be the shortest of:

2 (1) The period provided for under § 27-16-805(b);

3 (2) The date shown on the applicant's Division of Immigration  
4 and Customs Enforcement of the Department of Homeland Security document I-94;

5 or

6 (3) The last date the applicant may be present in the United  
7 States under federal immigration laws, as verified by the Division of  
8 Immigration and Customs Enforcement of the Department of Homeland Security.

9 (b) The Office of Driver Services may renew the card only if it is  
10 demonstrated that the applicant's continued presence in the United States is  
11 authorized under federal law.

12 (c) This section shall not limit the Office of Driver Services from  
13 issuing an identification card valid for the life of the applicant if he or  
14 she is sixty (60) years of age or older as provided under § 27-16-805(b)(2).

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