

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: H3/13/09

A Bill

HOUSE BILL 1978

5 By: Representatives J. Edwards, Kerr
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE VOLUNTARY ALTERNATIVE DRIVER'S
10 LICENSES AND IDENTIFICATION CARDS FOR ENHANCED
11 IDENTIFICATION AND SECURITY PURPOSES; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 TO PROVIDE VOLUNTARY ALTERNATIVE
15 DRIVER'S LICENSES AND IDENTIFICATION
16 CARDS FOR ENHANCED IDENTIFICATION AND
17 SECURITY PURPOSES.
18
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 27, Chapter 16 is amended to add an
24 additional subchapter to read as follows:

25 27-16-1201. Title.

26 This subchapter shall be known and may be cited as the "Arkansas
27 Voluntary Enhanced Security Driver's License and Identification Card Act".
28

29 27-16-1202. Purpose.

30 The purpose of this subchapter is:

31 (a) To ensure that as an alternative to a driver's license or
32 identification card otherwise issued under Title 27 of the Arkansas Code,
33 Arkansas citizens may have the option of obtaining a driver's license or
34 identification card with additional security features for enhanced
35 identification purposes; and

36 (b) To ensure that holders of standard driver's licenses and



1 identification cards otherwise issued under this chapter continue to enjoy
2 all rights and privileges to which they are currently entitled under Arkansas
3 law.

4
5 27-16-1203. Definitions.

6 As used in this subchapter:

7 (1) "Department" means the Department of Finance and
8 Administration;

9 (2) "Director" means the Director of the Department of Finance
10 and Administration;

11 (3) "Voluntary enhanced security commercial driver's license"
12 means a commercial motor vehicle operator's license issued under this
13 chapter;

14 (4) "Voluntary enhanced security driver's license" means a motor
15 vehicle operator's license issued under this subchapter; and

16 (5) "Voluntary enhanced security identification card" means a
17 personal identification card described in this subchapter.

18
19 27-16-1204. System development.

20 (a) Notwithstanding any other provision of law, the Director of the
21 Department of Finance and Administration may perform any system development
22 necessary to implement the requirements of this subchapter.

23 (b) As used in this section, "system development" includes without
24 limitation to the following:

25 (1) Acquisition of equipment and information technology systems
26 and services;

27 (2) Modification, conversion, or upgrade of the department's
28 existing databases, equipment, and information technology systems;

29 (3) Establishment of electronic connectivity with any other
30 state's motor vehicle department, federal agency, association, or business;

31 (4) Creation of a new design for driver's licenses, driver
32 permits, and identification cards that will meet the minimum content, design,
33 and security standards required by this subchapter;

34 (5) Collection, management, and retention of personal
35 information and identity documents; and

36 (6) Development and implementation of a comprehensive security

1 plan to ensure the security and integrity of the department's:

2 (A) Employees;

3 (B) Facilities;

4 (C) Storage systems;

5 (D) Production of:

6 (i) Driver's licenses;

7 (ii) Driver permits; and

8 (iii) Identification cards; and

9 (E) Collection and retention of personal information and
10 identity documents.

11
12 27-16-1205. Application of statutory provisions governing driver's
13 licenses and identification cards.

14 (a)(1) In addition to the requirements of this subchapter, the
15 issuance, renewal, and use of a voluntary enhanced security driver's license
16 shall be subject to the requirements and fees for obtaining, renewing, and
17 using a driver's license otherwise issued under this Title 27 of the Arkansas
18 Code.

19 (2) A voluntary enhanced security driver's license issued under
20 this subchapter may be used for all state purposes authorized for driver's
21 licenses otherwise issued under this Title 27 of the Arkansas Code.

22 (b)(1) In addition to the requirements of this subchapter, the
23 issuance, renewal, and use of a voluntary enhanced security identification
24 card shall be subject to the requirements and fees for obtaining, renewing,
25 and using a identification card otherwise issued under this Title 27 of the
26 Arkansas Code.

27 (2) A voluntary enhanced security identification card issued
28 under this subchapter may be used for all state purposes authorized for
29 identification cards otherwise issued under this Title 27 of the Arkansas
30 Code.

31 (c)(1) In addition to the requirements of this subchapter, the
32 issuance, renewal, and use of a voluntary enhanced security commercial
33 driver's license shall be subject to the requirements and fees for obtaining,
34 renewing, and using a driver's license and identification card otherwise
35 issued under this Title 27 of the Arkansas Code.

36 (2) A voluntary enhanced security commercial driver's license

1 issued under this subchapter may be used for all state purposes authorized
2 for commercial driver's licenses otherwise issued under this Title 27 of the
3 Arkansas Code.

4 (d) A voluntary enhanced security driver's license, voluntary enhanced
5 security commercial driver's license, or voluntary enhanced security
6 identification card issued under this subchapter is subject to this Title 27
7 or Title 5 of the Arkansas Code concerning the suspension, revocation, and
8 reinstatement of other driver's licenses, commercial driver's licenses, or
9 identification cards.

10 (e) In addition to the requirements of this subchapter, a voluntary
11 enhanced security driver's license, voluntary enhanced security commercial
12 driver's license, or voluntary enhanced security identification card issued
13 under this subchapter shall be subject to all provisions of the Driver's
14 License Security and Modernization Act, § 27-16-1101 et seq.

15 (f) If another provision of Arkansas law conflicts with the provisions
16 of this subchapter, the provisions of this subchapter shall control.

17
18 27-16-1206. Application for voluntary enhanced security driver's
19 license or identification card.

20 (a) As an alternative to applying for the standard driver's license,
21 commercial driver's license, or identification card under other subchapters
22 of this chapter, a person may apply for a voluntary enhanced security
23 driver's license, voluntary enhanced security commercial driver's license, or
24 voluntary enhanced security identification card under this subchapter.

25 (b) The Office of Driver Services of the Department of Finance and
26 Administration shall not include an electronic chip or any type of radio
27 frequency identification (RFID) tag or chip in any driver's license or
28 identification card or enhanced security driver's license or identification
29 cards issued by the department.

30
31 27-16-1207. Issuance standards – Proof of physical address.

32 (a) In addition to the information required under § 27-16-1105, an
33 applicant for a voluntary enhanced security driver's license, voluntary
34 enhanced security commercial driver's license, or voluntary enhanced security
35 identification card under this subchapter must present two (2) of the
36 following documents upon application or renewal that show the name and

1 physical residential address of the applicant:

2 (1)(A) Utility bill;

3 (B) Current lease or rental agreement;

4 (C) Bank statement;

5 (D) Mortgage statement;

6 (E) Telephone bill;

7 (F) Current insurance policy;

8 (G) State or federal tax return that is less than one (1)

9 year old;

10 (H) On a formal letterhead, a letter from a bank manager,
11 medical practitioner, accountant, or attorney that states that he or she has
12 known the applicant for three (3) years and that confirms the applicant's
13 physical residential address; or

14 (I) Payslip or salary advice;

15 (2) Any of the above documents described in subdivisions
16 (a)(1)(A)-(I) of this section that contains the name of the spouse of the
17 applicant, together with a certified copy of the applicant's marriage license
18 or marriage certificate; or

19 (3)(a) Any other documentation the Director of the Department of
20 Finance and Administration determines to be adequate proof of physical
21 address.

22 (b) The documentation furnished under subdivisions (a)(1)(A)-(I) of
23 this section must be less than six (6) months old unless otherwise specified
24 under subsection (a) of this section.

25 (c) An Arkansas post office box address is not sufficient proof of
26 physical address for purposes of this section.

27 (d) The director may require additional proof of physical address if
28 the director questions the validity or authenticity of the proof of physical
29 address submitted by the applicant.

30
31 27-16-1208. Evidence of lawful status.

32 The Director of the Department of Finance and Administration shall
33 require before issuing a voluntary enhanced security driver's license,
34 voluntary enhanced security commercial driver's license, or voluntary
35 enhanced security identification card valid documentary evidence that the
36 applicant:

- 1 (1) Is a citizen or national of the United States;
2 (2) Is an alien lawfully admitted for permanent or temporary
3 residence in the United States;
4 (3) Has conditional permanent resident status in the United
5 States;
6 (4) Has an approved application for asylum in the United States
7 or has entered into the United States in refugee status;
8 (5) Has a valid, unexpired nonimmigrant visa or nonimmigrant
9 visa status for entry into the United States;
10 (6) Has a pending application for asylum in the United States;
11 (7) Has a pending or approved application for temporary
12 protected status in the United States;
13 (8) Has approved deferred action status; or
14 (9) Has a pending application for adjustment of status to that
15 of an alien lawfully admitted for permanent residence in the United States or
16 conditional permanent resident status in the United States.

17
18 27-16-1209. Expiration and renewal of voluntary enhanced security
19 driver's licenses and identification cards.

20 (a) A voluntary enhanced security driver's license, voluntary enhanced
21 security commercial driver's license, and voluntary enhanced security
22 identification card issued to a United States citizen or United States
23 national under this subchapter shall expire at the time provided for other
24 driver's licenses, commercial driver's licenses, and identification cards
25 issued under this Title 27 of the Arkansas Code.

26 (b)(1) Every voluntary enhanced security driver's license, voluntary
27 enhanced security commercial driver's license, or voluntary enhanced security
28 identification card issued to an applicant other than a United States citizen
29 or United States national shall expire on the date indicated in subsection
30 (b)(2) of this section if the applicant provides valid documentary evidence
31 of legal status that the person:

32 (A) Is an alien lawfully admitted for permanent or
33 temporary residence in the United States;

34 (B) Has conditional permanent resident status in the
35 United States;

36 (C) Has a valid, unexpired nonimmigrant visa or

1 nonimmigrant visa status for entry into the United States;

2 (D) Has a pending or approved application for asylum in
3 the United States;

4 (E) Has entered into the United States in refugee status;

5 (F) Has a pending or approved application for temporary
6 protected status in the United States;

7 (G) Has approved deferred action status; or

8 (H) Has a pending application for adjustment of status to
9 that of an alien lawfully admitted for permanent residence in the United
10 States or conditional permanent resident status in the United States.

11 (2)(A) If the applicant for issuance or renewal of a voluntary
12 enhanced security driver's license, voluntary enhanced security commercial
13 driver's license, or voluntary enhanced security identification card provides
14 valid documentary evidence of legal status with no expiration date, the
15 driver's license or identification card issued shall expire on the end of the
16 month in which the driver's license or identification card was issued one (1)
17 year from its date of initial issuance.

18 (B) If the applicant for issuance or renewal of a
19 voluntary enhanced security driver's license, voluntary enhanced security
20 commercial driver's license, or voluntary enhanced security identification
21 card provides valid documentary evidence of legal status containing an
22 expiration date, the driver's license or identification card issued shall
23 expire on the earlier to occur of the following:

24 (i) The date of expiration indicated on the person's
25 valid documentary evidence of legal status; or

26 (ii) The expiration date listed in subdivisions
27 (b)(1) or (b)(2)(A) of this section.

28 (3) The Office of Driver Services of the Department of Finance
29 and Administration shall verify the legal presence of an applicant for
30 renewal of a voluntary enhanced security driver's license, voluntary enhanced
31 security commercial driver's license, or voluntary enhanced security
32 identification card of a person included in subdivisions (b)(1) or (b)(2)(A)
33 of this section by utilizing the automated system known as the Verification
34 Information System database of the Systematic Alien Verification for
35 Entitlements Program, as provided by section 404 of the Illegal Immigration
36 Reform and Immigration Responsibility Act of 1996.

1 (c) A voluntary enhanced security driver's license, voluntary enhanced
2 security commercial driver's license, or voluntary enhanced security
3 identification card issued under this section must be renewed at the end of
4 the period specified in subsections (a) and (b) of this section and, to the
5 extent applicable, other renewal provisions in this chapter.

6 (d) The Director of the Department of Finance and Administration may
7 by rule shorten or lengthen the term of any driver's license or
8 identification card period under this section, as necessary, to ensure that
9 approximately twenty-five percent (25%) of the total valid licenses are
10 renewable each fiscal year.

11
12 27-16-1210. Enhanced security card issuance and renewal fees.

13 (a) The fee for the initial issuance of a voluntary enhanced security
14 driver's license, voluntary enhanced security commercial driver's license, or
15 voluntary enhanced security identification card under this subchapter is the
16 same as the fee for initial issuance of other driver's licenses, commercial
17 driver's licenses, and identification cards listed in Title 27 of the
18 Arkansas Code.

19 (b) The fee for the renewal of a voluntary enhanced security driver's
20 license, voluntary enhanced security commercial driver's license, or
21 voluntary enhanced security identification card under § 27-16-1209(a) is the
22 same as the fee for renewal of other driver's licenses, commercial driver's
23 licenses, and identification cards listed in Title 27 of the Arkansas Code.

24 (c) The fee for the renewal of a voluntary enhanced security driver's
25 license, voluntary enhanced security commercial driver's license, or
26 voluntary enhanced security identification card under § 27-16-1209(b) is the
27 same as the fee for renewal of other driver's licenses, commercial driver's
28 licenses, and identification cards listed in this chapter, subject to a pro
29 rata reduction in the renewal fee for any shortened renewal period under §
30 27-16-1209(b).

31 (d) The renewal fee for a license or identification card that expires
32 as provided in § 27-16-1209(b)(2) is an amount calculated by multiplying the
33 amount of a renewal fee whose term is not shortened by a fraction whose
34 numerator is the number of months for which the renewal license or
35 identification card is issued and whose denominator is the number of months
36 that would have applied had the renewal time not been shortened.

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27-16-1211. Authority to promulgate rules.

The Director of the Department of Finance and Administration may promulgate any necessary rules to carry out this subchapter, subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

27-16-1212. Implementation date.

(a) This subchapter shall be effective and shall be implemented only if the Director of the Department of Finance and Administration:

(1) Determines that the voluntary enhanced identification and security features under this subchapter are necessary to ensure secure commerce and travel by Arkansas citizens within and throughout the State of Arkansas, the United States, and abroad; and

(2) Promulgates a rule specifying the date of implementation of this subchapter.

SECTION 2. The provisions of this act shall expire on June 30, 2013.

/s/ J. Edwards