

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 S4/1/09

# A Bill

HOUSE BILL 1978

5 By: Representatives J. Edwards, Kerr, *Sample*  
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  
19  
20

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 (c) The office shall not collect the following biometric data from  
31 applicants for any driver's license, identification card, enhanced security  
32 driver's license, or enhanced security identification card issued by the  
33 department:

34 (1) Voice data used to compare live speech;

35 (2) Iris recognition data such as iris scans, texture patterns,  
36 or retinal scans;

1                   (3) Keystroke dynamics that measure pressure applied to key  
2 pads;

3                   (4) Hand geometry that measures hand characteristics, including  
4 the shape and length of fingers in three (3) dimensions; and

5                   (5) Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

6  
7           27-16-1207. Issuance standards – Proof of physical address.

8           (a) In addition to the information required under § 27-16-1105, an  
9 applicant for a voluntary enhanced security driver's license, voluntary  
10 enhanced security commercial driver's license, or voluntary enhanced security  
11 identification card under this subchapter must present two (2) of the  
12 following documents upon application or renewal that show the name and  
13 physical residential address of the applicant:

14                   (1)(A) Utility bill;

15                           (B) Current lease or rental agreement;

16                           (C) Bank statement;

17                           (D) Mortgage statement;

18                           (E) Telephone bill;

19                           (F) Current insurance policy;

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

21 year old;

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

26                           (I) Payslip or salary advice;

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

31                   (3)(a) Any other documentation the Director of the Department of  
32 Finance and Administration determines to be adequate proof of physical  
33 address.

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

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

3           (d) The director may require additional proof of physical address if  
4 the director questions the validity or authenticity of the proof of physical  
5 address submitted by the applicant.

6  
7           27-16-1208. Evidence of lawful status.

8           The Director of the Department of Finance and Administration shall  
9 require before issuing a voluntary enhanced security driver's license,  
10 voluntary enhanced security commercial driver's license, or voluntary  
11 enhanced security identification card valid documentary evidence that the  
12 applicant:

13           (1) Is a citizen or national of the United States;

14           (2) Is an alien lawfully admitted for permanent or temporary  
15 residence in the United States;

16           (3) Has conditional permanent resident status in the United  
17 States;

18           (4) Has an approved application for asylum in the United States  
19 or has entered into the United States in refugee status;

20           (5) Has a valid, unexpired nonimmigrant visa or nonimmigrant  
21 visa status for entry into the United States;

22           (6) Has a pending application for asylum in the United States;

23           (7) Has a pending or approved application for temporary  
24 protected status in the United States;

25           (8) Has approved deferred action status; or

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

29  
30           27-16-1209. Expiration and renewal of voluntary enhanced security  
31 driver's licenses and identification cards.

32           (a) A voluntary enhanced security driver's license, voluntary enhanced  
33 security commercial driver's license, and voluntary enhanced security  
34 identification card issued to a United States citizen or United States  
35 national under this subchapter shall expire at the time provided for other  
36 driver's licenses, commercial driver's licenses, and identification cards

1 issued under this Title 27 of the Arkansas Code.

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

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

10 (B) Has conditional permanent resident status in the  
11 United States;

12 (C) Has a valid, unexpired nonimmigrant visa or  
13 nonimmigrant visa status for entry into the United States;

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

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

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

19 (G) Has approved deferred action status; or

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

23 (2)(A) If the applicant for issuance or renewal of a voluntary  
24 enhanced security driver's license, voluntary enhanced security commercial  
25 driver's license, or voluntary enhanced security identification card provides  
26 valid documentary evidence of legal status with no expiration date, the  
27 driver's license or identification card issued shall expire on the end of the  
28 month in which the driver's license or identification card was issued one (1)  
29 year from its date of initial issuance.

30 (B) If the applicant for issuance or renewal of a  
31 voluntary enhanced security driver's license, voluntary enhanced security  
32 commercial driver's license, or voluntary enhanced security identification  
33 card provides valid documentary evidence of legal status containing an  
34 expiration date, the driver's license or identification card issued shall  
35 expire on the earlier to occur of the following:

36 (i) The date of expiration indicated on the person's

1 valid documentary evidence of legal status; or

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

4 (3) The Office of Driver Services of the Department of Finance  
5 and Administration shall verify the legal presence of an applicant for  
6 renewal of a voluntary enhanced security driver's license, voluntary enhanced  
7 security commercial driver's license, or voluntary enhanced security  
8 identification card of a person included in subdivisions (b)(1) or (b)(2)(A)  
9 of this section by utilizing the automated system known as the Verification  
10 Information System database of the Systematic Alien Verification for  
11 Entitlements Program, as provided by section 404 of the Illegal Immigration  
12 Reform and Immigration Responsibility Act of 1996.

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

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

23  
24 27-16-1210. Enhanced security card issuance and renewal fees.

25 (a) The fee for the initial issuance of a voluntary enhanced security  
26 driver's license, voluntary enhanced security commercial driver's license, or  
27 voluntary enhanced security identification card under this subchapter is the  
28 same as the fee for initial issuance of other driver's licenses, commercial  
29 driver's licenses, and identification cards listed in Title 27 of the  
30 Arkansas Code.

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

36 (c) The fee for the renewal of a voluntary enhanced security driver's



1 license, voluntary enhanced security commercial driver's license, or  
2 voluntary enhanced security identification card under § 27-16-1209(b) is the  
3 same as the fee for renewal of other driver's licenses, commercial driver's  
4 licenses, and identification cards listed in this chapter, subject to a pro  
5 rata reduction in the renewal fee for any shortened renewal period under §  
6 27-16-1209(b).

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

13  
14 27-16-1211. Authority to promulgate rules.

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

18  
19 27-16-1212. Implementation date.

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

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

26 (2) Determines that Congress has not repealed the federal REAL  
27 ID Act of 2005, 49 U.S.C. § 30301 note (Pub. L. 109-13 of 2005); and

28 (3) Promulgates a rule specifying the date of implementation of  
29 this subchapter.

30  
31 27-16-1213. Expiration.

32 (a) The provisions of this subchapter shall expire on June 30, 2011,  
33 or on the date Congress repeals the federal REAL ID Act of 2005, 49 U.S.C. §  
34 30301 note (Pub. L. 109-13 of 2005), whichever date is earlier.

35 (b) The Office of Motor Vehicle shall not issue or renew an enhanced  
36 security driver's license, enhanced security commercial driver's license, or

1 enhanced security identification card after the expiration of this  
2 subchapter.

3 (c) An enhanced security driver's license, enhanced security  
4 commercial driver's license or enhanced security identification card issued  
5 before the expiration date of this subchapter and that the normal expiration  
6 date falls after the expiration date of this subchapter shall remain valid  
7 for the full duration of the license period.

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/s/ J. Edwards

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