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4

As Engrossed: S1/18/17

A Bill

SENATE BILL 113

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT CONCERNING CRIMINAL OFFENSES AND VIOLATIONS OF
9 THE LAW FOR WHICH AN AVAILABLE PENALTY IS A DRIVER'S
10 LICENSE SUSPENSION OR REVOCATION; TO REMOVE A
11 DRIVER'S LICENSE SUSPENSION OR REVOCATION AS AN
12 AVAILABLE PENALTY FOR OFFENSES NOT RELATED TO DRIVING
13 A MOTOR VEHICLE; AND FOR OTHER PURPOSES.
14
15

Subtitle

16
17 TO REMOVE A DRIVER'S LICENSE SUSPENSION
18 OR REVOCATION AS AN AVAILABLE PENALTY FOR
19 OFFENSES NOT RELATED TO DRIVING A MOTOR
20 VEHICLE.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 5-36-120 is amended to read as follows:

26 5-36-120. Theft of motor fuel.

27 (a) A person commits the offense of theft of motor fuel if the person
28 knowingly operates an automobile or other related vehicle after placing motor
29 fuel in the automobile or other related vehicle at a:

30 (1) Service station, filling station, garage, or other business
31 where motor fuel is offered for sale at retail, so as to cause the automobile
32 or other related vehicle to leave the premises of the service station,
33 filling station, gasoline station, garage, or any other business where motor
34 fuel is offered for sale at retail, with the ~~intent~~ purpose of depriving the
35 owner of the motor fuel and not making payment for the motor fuel; or

36 (2) Location owned by a political subdivision or nonprofit



1 entity whether or not the motor fuel is offered for sale at retail, so as to
2 cause the automobile or other related vehicle to leave the premises of the
3 political subdivision or nonprofit entity, with the ~~intent~~ purpose of
4 depriving the owner of the motor fuel and not making payment for the motor
5 fuel.

6 (b) Theft of motor fuel is a Class A misdemeanor.

7 ~~(c)(1)(A) In addition to a penalty in subsection (b) of this section,~~
8 ~~a person who pleads guilty or nolo contendere to or is found guilty of theft~~
9 ~~of motor fuel shall have his or her driver's license suspended by the court~~
10 ~~for a period of not more than six (6) months.~~

11 ~~(B) However, if the person's driver's license has~~
12 ~~previously been suspended for theft of motor fuel, the court shall suspend~~
13 ~~the person's driver's license for not less than one (1) year.~~

14 ~~(2)(A) The court shall immediately take possession of any~~
15 ~~suspended driver's license and forward it to the Office of Driver Services.~~

16 ~~(B) The office shall notify the licensee of the suspension~~
17 ~~and of an opportunity to request a hearing to determine if a restricted~~
18 ~~permit should be issued during the time of suspension.~~

19 ~~(d)(c)~~ Any service station, filling station, garage, or other location
20 where motor fuel is offered for sale at retail shall prominently display on
21 each face of a retail product dispenser a sign that contains the following:
22 "THEFT OF MOTOR FUEL IS A CLASS A MISDEMEANOR AND CARRIES A MAXIMUM PENALTY
23 OF ONE (1) YEAR IN JAIL, \$1000 FINE, AND A ONE (1) YEAR SUSPENSION OF YOUR
24 DRIVER'S LICENSE."

25 ~~(e)(d)~~ As used in this section:

26 (1) "Nonprofit entity" means an organization that is exempt from
27 income tax under 26 U.S.C. § 501(a); and

28 (2) "Political subdivision" means an agency, department, or
29 other governing body of the state.

30
31 SECTION 2. Arkansas Code § 5-64-710 is amended to read as follows:
32 5-64-710. Denial of driving privileges for minor – Restricted permit.

33 ~~(a)(1) As used in this section "drug offense" means the:~~

34 ~~(A) Possession, distribution, manufacture, cultivation,~~
35 ~~sale, transfer, or the attempt or conspiracy to possess, distribute,~~
36 ~~manufacture, cultivate, sell, or transfer any substance the possession of~~

1 which is prohibited under this chapter; or

2 ~~(B) Operation of a motor vehicle under the influence of~~
3 ~~any substance the possession of which is prohibited under this chapter.~~

4 ~~(2) As used in subdivision (a)(1) of this section:~~

5 ~~(A)(i) "Motor vehicle" means any vehicle that is~~
6 ~~self-propelled by which a person or thing may be transported upon a public~~
7 ~~highway and is registered in the State of Arkansas or of the type subject to~~
8 ~~registration in Arkansas.~~

9 ~~(ii) "Motor vehicle" includes any:~~

10 ~~(a) "Motorcycle", "motor-driven cycle", or~~
11 ~~"motorized bicycle", as defined in § 27-20-101; and~~

12 ~~(b) "Commercial motor vehicle", as defined in~~
13 ~~§ 27-23-103; and~~

14 ~~(B) "Substance the possession of which is prohibited under~~
15 ~~this chapter" or "substance" means a "controlled substance" or "counterfeit~~
16 ~~substance", as defined in the Comprehensive Drug Abuse Prevention and Control~~
17 ~~Act of 1970, 21 U.S.C. § 802.~~

18 ~~(b)(1)(A)(a)(1)(A)~~ When a person who is under eighteen (18) years of
19 age pleads guilty or nolo contendere to or is found guilty of driving or
20 boating while intoxicated under the Omnibus DWI or BWI Act, § 5-65-101 et
21 seq., ~~a criminal offense involving the illegal possession or use of a~~
22 ~~controlled substance, or any drug offense in this state or any other state,~~
23 the court having jurisdiction of the matter, ~~including any federal court,~~
24 shall prepare and transmit to the Department of Finance and Administration an
25 order of denial of driving privileges for the person under eighteen (18)
26 years of age.

27 (B) A court within the State of Arkansas shall prepare and
28 transmit any order under subdivision ~~(b)(1)(A)(a)(1)(A)~~ of this section to
29 the department within twenty-four (24) hours after the plea or finding.

30 (C) A court outside Arkansas having jurisdiction over any
31 person holding driving privileges issued by the State of Arkansas shall
32 prepare and transmit any order under subdivision ~~(b)(1)(A)(a)(1)(A)~~ of this
33 section pursuant to an agreement or arrangement entered into between that
34 state and the Director of the Department of Finance and Administration.

35 (D) An arrangement or agreement under subdivision
36 ~~(b)(1)(C)(a)(1)(C)~~ of this section may also provide for the forwarding by the

1 department of an order issued by a court within this state to the state where
2 any person holds driving privileges issued by that state.

3 (2) For any person holding driving privileges issued by the
4 State of Arkansas, a court within this state in a case of extreme and unusual
5 hardship may provide in an order for the issuance of a restricted driving
6 permit to allow driving to and from a place of employment or driving to and
7 from school.

8 ~~(e)(1)(b)(1)~~ Except as provided in subdivision ~~(e)(2)(b)(2)~~ of this
9 section, a penalty prescribed in this section and § 27-16-914 is in addition
10 to any other penalty prescribed by law for an offense covered by this section
11 and § 27-16-914.

12 (2) A juvenile adjudicated delinquent is subject to a juvenile
13 disposition provided in § 9-27-330.

14 ~~(d) In regard to any offense involving illegal possession under this~~
15 ~~section, it is a defense if the controlled substance is the property of an~~
16 ~~adult who owns the motor vehicle.~~

17 ~~(e)(c)~~ If a juvenile is found delinquent for any offense described in
18 ~~subsection (a) or~~ subsection (b) of this section, the circuit court may order
19 any juvenile disposition available under § 9-27-330.

20
21 SECTION 3. Arkansas Code § 5-73-128 is repealed.

22 ~~5-73-128. Offenses upon property of public schools.~~

23 ~~(a)(1) The court shall prepare and transmit to the Department of~~
24 ~~Finance and Administration an order of denial of driving privileges for a~~
25 ~~person within twenty four (24) hours after the plea or finding, if a person~~
26 ~~who is less than nineteen (19) years of age at the time of the commission of~~
27 ~~the offense.~~

28 ~~(A) Pleads guilty or nolo contendere to any criminal~~
29 ~~offense under § 5-73-101 et seq. or the Uniform Machine Gun Act, § 5-73-201~~
30 ~~et seq., and the plea is accepted by the court, or is found guilty of any~~
31 ~~criminal offense under § 5-73-101 et seq. or the Uniform Machine Gun Act, §~~
32 ~~5-73-201 et seq., if the state proves that the offense was committed upon the~~
33 ~~property of a public school or in or upon any school bus; or~~

34 ~~(B) Is found by a juvenile division of circuit court to~~
35 ~~have committed an offense described in subdivision (a)(1)(A) of this section.~~

36 ~~(2) In a case of extreme and unusual hardship, the order may~~

1 ~~provide for the issuance of a restricted driving permit to allow driving to~~
2 ~~and from a place of employment or driving to and from school.~~

3 ~~(b) Upon receipt of an order of denial of driving privileges under~~
4 ~~this section, the department shall suspend the motor vehicle operator's~~
5 ~~license of the person for not less than twelve (12) months nor more than~~
6 ~~thirty six (36) months.~~

7 ~~(c) A penalty prescribed in this section is in addition to any other~~
8 ~~penalty prescribed by law for an offense covered by this section.~~

9
10 SECTION 4. Arkansas Code § 6-18-222(b), concerning the revocation of a
11 person's driving privilege as a penalty for unexcused absences at school, is
12 repealed.

13 ~~(b)(1)(A) Each public, private, or parochial school shall notify the~~
14 ~~Department of Finance and Administration whenever a student fourteen (14)~~
15 ~~years of age or older is no longer in school.~~

16 ~~(B) Each adult education program shall notify the~~
17 ~~department whenever a student sixteen (16) or seventeen (17) years of age has~~
18 ~~left the adult education program without receiving a high school equivalency~~
19 ~~certificate.~~

20 ~~(2)(A) Upon receipt of notification, the department shall notify~~
21 ~~the licensee by certified mail, return receipt requested, that his or her~~
22 ~~motor vehicle operator's license will be suspended unless a hearing is~~
23 ~~requested in writing within thirty (30) days from the date of notice.~~

24 ~~(B) The licensee shall be entitled to retain or regain his~~
25 ~~or her license by providing the department with adequate evidence that:~~

26 ~~(i) The licensee is eighteen (18) years of age;~~

27 ~~(ii) The licensee is attending school or an adult~~
28 ~~education program; or~~

29 ~~(iii) The licensee has obtained a high school~~
30 ~~diploma or its equivalent.~~

31 ~~(C)(i) In cases in which demonstrable financial hardship~~
32 ~~would result from the suspension of the learner's permit or driver's license,~~
33 ~~the department may grant exceptions only to the extent necessary to~~
34 ~~ameliorate the hardship.~~

35 ~~(ii) If it can be demonstrated that the conditions~~
36 ~~for granting a hardship were fraudulent, the parent, guardian, or person in~~

1 ~~loco parentis shall be subject to all applicable perjury statutes.~~

2 ~~(3) The department shall have the power to promulgate rules and~~
3 ~~regulations to carry out the intent of this section and shall distribute to~~
4 ~~each public, private, and parochial school and each adult education program a~~
5 ~~copy of all rules and regulations adopted under this section.~~

6
7 SECTION 5. Arkansas Code § 9-14-239 is repealed.

8 ~~9-14-239. Suspension of license for failure to pay child support—~~
9 ~~Definitions.~~

10 ~~(a) As used in this section:~~

11 ~~(1) “Department” means the Department of Finance and~~
12 ~~Administration or its duly authorized agents;~~

13 ~~(2) “License” means an Arkansas driver’s license issued pursuant~~
14 ~~to § 27-16-101 et seq. and § 27-20-101 et seq., or an occupational,~~
15 ~~professional, or business license regulated under Title 17 of this Code and~~
16 ~~all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and~~
17 ~~27 of this Code;~~

18 ~~(3) “Office” means the Office of Child Support Enforcement of~~
19 ~~the Revenue Division of the Department of Finance and Administration;~~

20 ~~(4) “Other licensing entity” means any other state agency,~~
21 ~~department, board, commission, municipality, or any entity within the State~~
22 ~~of Arkansas or the United States that issues or renews an occupational,~~
23 ~~professional, or business license regulated under Title 17 of this Code and~~
24 ~~all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and~~
25 ~~27 of this Code; and~~

26 ~~(5) “Permanent license plate” means the license plate, issued by~~
27 ~~the department, that by law must be affixed to every vehicle as defined by §~~
28 ~~27-14-1002 and every motorized cycle as defined by § 27-20-101.~~

29 ~~(b)(1)(A) Unless an obligor executes an installment agreement or makes~~
30 ~~other necessary and proper arrangements with the office, the office shall~~
31 ~~notify the department or other licensing entity to suspend the license or~~
32 ~~permanent license plate of the obligor whenever the office determines that~~
33 ~~one (1) of the following conditions exists:~~

34 ~~(i) The obligor is delinquent on a court-ordered~~
35 ~~child support payment or an adjudicated arrearage in an amount equal to three~~
36 ~~(3) months’ obligation or more; or~~

1 ~~(ii) The obligor is the subject of an outstanding~~
2 ~~failure to appear warrant, a body attachment, or a bench warrant related to a~~
3 ~~child support proceeding.~~

4 ~~(B) Prior to the notification to suspend the license of~~
5 ~~the obligor, the office shall determine whether the obligor holds a license~~
6 ~~or permanent license plate with the department or other licensing entity.~~

7 ~~(2)(A) The office shall notify the obligor that a request will~~
8 ~~be made to the department to suspend the license or permanent license plate~~
9 ~~sixty (60) days after the notification unless a hearing with the office is~~
10 ~~requested in writing within thirty (30) days to determine whether one (1) of~~
11 ~~the conditions of suspension does not exist.~~

12 ~~(B) Notification shall be sufficient under this~~
13 ~~subdivision (b)(2) if mailed to the obligor at either the last known address~~
14 ~~provided to the court by the obligor pursuant to § 9-14-205 or to the address~~
15 ~~used by the obligor on the license or the application for a permanent license~~
16 ~~plate.~~

17 ~~(c) Following a determination by the office under subdivision (b)(1)~~
18 ~~of this section, the office shall notify the department or other licensing~~
19 ~~entity to suspend the license or permanent license plate of the obligor.~~

20 ~~(d)(1) The department or other licensing entity, upon receipt of the~~
21 ~~notification, shall immediately suspend the license or permanent license~~
22 ~~plate of the obligor.~~

23 ~~(2) This suspension shall remain in effect until the department~~
24 ~~or other licensing entity is notified by the office to release the~~
25 ~~suspension.~~

26 ~~(e)(1) If the obligor enters into an installment agreement or makes~~
27 ~~other necessary and proper arrangements with the office to pay child support,~~
28 ~~the office shall immediately notify the department or other licensing entity~~
29 ~~to restore the license or permanent license plate of the obligor.~~

30 ~~(2) In the case of fraud or mistake, the office shall~~
31 ~~immediately notify the department or other licensing entity to restore the~~
32 ~~license or permanent license plate of the obligor, as appropriate.~~

33 ~~(f) The office and the department are authorized to promulgate rules~~
34 ~~and regulations necessary to carry out this section in the interests of~~
35 ~~justice and equity.~~

36 ~~(g) The office is authorized to seek an injunction in the circuit~~

1 ~~court of the county in which the child support order was entered, restraining~~
2 ~~the obligor from driving or from any licensed or permitted activity during~~
3 ~~the time the obligor's license or permanent license plate is suspended.~~

4 ~~(h)(1)(A) Any obligor whose license or permanent license plate has~~
5 ~~been suspended may appeal to the circuit court of the county in which the~~
6 ~~child support order was entered or transferred, within thirty (30) days after~~
7 ~~the effective date of the suspension, by filing a petition with a copy of the~~
8 ~~notice of the suspension attached, or with a copy of the final administrative~~
9 ~~hearing decision of the office, with the clerk of the circuit court and~~
10 ~~causing a summons to be served on the Administrator of the Office of Child~~
11 ~~Support Enforcement of the Revenue Division of the Department of Finance and~~
12 ~~Administration.~~

13 ~~(B) For persons paying child support pursuant to § 9-17-~~
14 ~~501 or § 9-17-507, the foreign order shall be registered by the office~~
15 ~~pursuant to § 9-17-601 et seq.~~

16 ~~(2) The case shall be tried de novo.~~

17 ~~(3) The circuit judges are vested with jurisdiction to determine~~
18 ~~whether the petitioner is entitled to a license or permanent license plate or~~
19 ~~whether the decision of the hearing officer should be affirmed, modified, or~~
20 ~~reversed.~~

21 ~~(i) Nothing provided in this section shall be interpreted to prohibit~~
22 ~~the circuit court from suspending a permanent license plate or a license~~
23 ~~through contempt proceedings resulting from the nonpayment of child support.~~
24

25 SECTION 6. Arkansas Code § 9-27-330(a)(15), concerning the available
26 dispositions available to a juvenile court in a delinquency proceeding, is
27 repealed.

28 ~~(15)(A) Order the Department of Finance and Administration to~~
29 ~~suspend the driving privileges of any juvenile adjudicated delinquent.~~

30 ~~(B) The order shall be prepared and transmitted to the~~
31 ~~Department of Finance and Administration within twenty four (24) hours after~~
32 ~~the juvenile has been found delinquent and is sentenced to have his or her~~
33 ~~driving privileges suspended.~~

34 ~~(C) The court may provide in the order for the issuance of~~
35 ~~a restricted driving permit to allow driving to and from a place of~~
36 ~~employment or driving to and from school or for other circumstances.~~

1
2 SECTION 7. Arkansas Code § 16-10-305(a), concerning uniform court
3 costs assessed to each defendant upon each conviction, each plea of guilty or
4 nolo contendere, or each forfeiture of bond, is amended to add an additional
5 subdivision to read as follows:

6 (8) In circuit court or district court, an amount at the circuit
7 court's or district court's discretion of up to one hundred five dollars
8 (\$105), for a violation of:

9 (A) Nonsupport, § 5-26-401;

10 (B) Theft of motor fuel, § 5-36-120;

11 (C) Failure to appear, § 5-54-120;

12 (D) An offense of possession, distribution, manufacture,
13 cultivation, sale, transfer, or the attempt or conspiracy to possess,
14 distribute, manufacture, cultivate, sell, or transfer any substance the
15 possession of which is prohibited under § 5-64-101 et seq., if the person is
16 under eighteen (18) years of age;

17 (E) One (1) of the following offenses if the person is
18 eighteen (18) years old or younger at the time of the offense and the offense
19 was committed upon the property of a public school or in any school bus:

20 (i) An offense under § 5-73-101 et seq.; or

21 (ii) An offense under § 5-73-201 et seq.; or

22 (F) An offense under § 27-15-305.

23
24 SECTION 8. Arkansas Code § 16-10-305, concerning uniform court costs
25 assessed to each defendant upon each conviction, each plea of guilty or nolo
26 contendere, or each forfeiture of bond, is amended to add an additional
27 subsection to read as follows:

28 (h) Court costs collected under subdivision (a)(8) of this section
29 shall be remitted to the State Police Retirement Fund on the first day of
30 each month.

31
32 SECTION 9. Arkansas Code § 16-13-708 is repealed.

33 ~~16-13-708. Revocation of registration or license.~~

34 ~~(a) The court may certify in writing to the Department of Finance and~~
35 ~~Administration that a debtor has failed to make satisfactory arrangements for~~
36 ~~the payment of fines and request the department to revoke, suspend, or refuse~~

1 ~~to renew the debtor's motor vehicle registration or driver's license.~~

2 ~~(b) For driver's license revocation, the court must provide the~~
3 ~~department with the debtor's full name, social security number, and last~~
4 ~~known address.~~

5 ~~(c) For motor vehicle registration revocation, the court must provide~~
6 ~~the department with the debtor's full name and the license plate number or~~
7 ~~vehicle identification number of the debtor's vehicle.~~

8
9 SECTION 10. Arkansas Code § 16-17-131 is amended to read as follows:

10 16-17-131. ~~Suspension of license for failure~~ Failure to appear =
11 Required appearance.

12 ~~(a)~~ A person required to appear before a district court in this state,
13 having been served with any form of notice to appear for any criminal
14 offense, traffic violation, or misdemeanor charge, shall appear at the time
15 and place designated in the notice.

16 ~~(b)(1) If a person fails to appear as required in subsection (a) of~~
17 ~~this section, the presiding judge may suspend the person's driver's license.~~

18 ~~(2) The license shall be suspended until the person appears and~~
19 ~~completes the sentence ordered by the court.~~

20 ~~(3) After the person satisfies all requirements of the sentence,~~
21 ~~the Department of Finance and Administration shall assess the current fees~~
22 ~~for reinstatement of a driver's license.~~

23
24 SECTION 11. Arkansas Code § 27-15-305(b)(3), concerning the suspension
25 of a person's driver's license for a second or subsequent conviction of
26 providing false information in order to acquire a special license plate to
27 park in a parking spot designated for an individual with a disability, is
28 repealed.

29 ~~(3)(A) Upon the second or subsequent conviction, the court shall~~
30 ~~suspend the driver's license for up to six (6) months.~~

31 ~~(B) The driver may apply to the Office of Driver Services~~
32 ~~for a restricted license during the period of suspension. The office shall~~
33 ~~determine the conditions of the restricted license or may deny the request~~
34 ~~for a restricted license after reviewing the driving record and circumstances~~
35 ~~of the driver.~~

36

1 SECTION 12. Arkansas Code § 27-16-915 is repealed.

2 ~~27-16-915.—Suspension for conviction of controlled substances offense~~
3 ~~—Definitions.~~

4 ~~(a) As used in this section:~~

5 ~~(1) “Drug offense” has the meaning as provided in § 5-64-710;~~

6 ~~(2) “Specialty court” means one (1) of the following:~~

7 ~~(A) A pre-adjudication program under § 5-4-901 et seq.;~~

8 ~~(B) An approved drug court program under the Arkansas Drug~~
9 ~~Court Act, § 16-98-301 et seq.;~~

10 ~~(C) A probation program under the Swift and Certain~~
11 ~~Accountability on Probation Pilot Program under § 16-93-1701 et seq.; or~~

12 ~~(D) A specialty court program that has been approved by~~
13 ~~the Supreme Court, including without limitation a specialty court program~~
14 ~~known as:~~

15 ~~(i) A DWI court;~~

16 ~~(ii) A mental health court;~~

17 ~~(iii) A veteran’s court;~~

18 ~~(iv) A juvenile drug court;~~

19 ~~(v) A “HOPE” court; or~~

20 ~~(vi) A “smarter sentencing” court.~~

21 ~~(b)(1)(A) When a person is accepted and enrolled in a court-approved~~
22 ~~pre-adjudication specialty court program for an offense involving the illegal~~
23 ~~possession or use of a controlled substance, pleads guilty or nolo~~
24 ~~contendere, or is found guilty of any criminal offense involving the illegal~~
25 ~~possession or use of controlled substances under the Uniform Controlled~~
26 ~~Substances Act, § 5-64-101 et seq., or of any drug offense, in this state or~~
27 ~~any other state, the court having jurisdiction of the matter, including any~~
28 ~~federal court, shall prepare and transmit to the Department of Finance and~~
29 ~~Administration an order to suspend the driving privileges of the person for~~
30 ~~six (6) months, provided the order regarding a person who is a holder of a~~
31 ~~commercial driver’s license issued under the Arkansas Uniform Commercial~~
32 ~~Driver License Act, § 27-23-101 et seq., or under the laws of another state~~
33 ~~shall include the suspension of the driving privileges of that person to~~
34 ~~drive a commercial motor vehicle, as the term “commercial motor vehicle” is~~
35 ~~defined in § 27-23-103, or as similarly defined by the laws of any other~~
36 ~~state, for a period of one (1) year.~~

1 ~~(B) Courts within the State of Arkansas shall prepare and~~
2 ~~transmit to the department an order within twenty four (24) hours after the~~

3 ~~(i) Plea of guilty or nolo contendere;~~
4 ~~(ii) Finding of guilt; or~~
5 ~~(iii) Acceptance and enrollment in a specialty~~
6 ~~court.~~

7 ~~(C) Courts outside Arkansas having jurisdiction over a~~
8 ~~person holding driving privileges issued by the State of Arkansas shall~~
9 ~~prepare and transmit an order pursuant to an agreement or arrangement entered~~
10 ~~into between that state and the Director of the Department of Finance and~~
11 ~~Administration.~~

12 ~~(D) The agreement or arrangement may also provide for the~~
13 ~~forwarding by the department of an order issued by a court within this state~~
14 ~~to the state where the person holds driving privileges issued by that state.~~

15 ~~(2)(A) For a person holding driving privileges issued by the~~
16 ~~State of Arkansas, a court within the State of Arkansas may provide in an~~
17 ~~order for the issuance of a restricted driving permit to allow driving to and~~
18 ~~from:~~

19 ~~(i) A mandatory court appearance;~~
20 ~~(ii) A mandatory random drug testing appearance;~~
21 ~~(iii) A place of employment or as required in the~~
22 ~~scope of employment;~~

23 ~~(iv) A scheduled session or meeting of a support or~~
24 ~~counseling organization;~~

25 ~~(v) An educational institution for the purpose of~~
26 ~~attending a class if the person is enrolled in a course of study or program~~
27 ~~of training at the educational institution;~~

28 ~~(vi) A treatment program for persons who have~~
29 ~~addiction or abuse problems related to a substance or controlled substances;~~

30 ~~(vii) A doctor, hospital, or clinic appointment or~~
31 ~~admission for medical treatment or care for an illness, disease, or other~~
32 ~~medical condition of the person or a family member; or~~

33 ~~(viii) Enrollment, compliance, and participation in~~
34 ~~a specialty court program if the person is accepted into a specialty court~~
35 ~~program.~~

36 ~~(B)(i) Courts within the State of Arkansas shall prepare~~

1 ~~and transmit to the department an order for a restricted driving permit~~
 2 ~~issued under this section within three (3) business days after the entry of~~
 3 ~~the order.~~

4 ~~(ii) The department shall transmit to the Arkansas~~
 5 ~~Crime Information Center an order for a restricted driving permit within~~
 6 ~~three (3) business days after receipt of the order from the court.~~

7 ~~(C) The court shall not issue a restricted driving permit~~
 8 ~~under subdivision (b)(2)(A) of this section if the person's driving~~
 9 ~~privileges are subject to:~~

10 ~~(i) A revocation in the State of Arkansas or another~~
 11 ~~state;~~

12 ~~(ii) A suspension wherein a court has prohibited the~~
 13 ~~issuance of a restricted driving permit;~~

14 ~~(iii) A suspension for an offense committed outside~~
 15 ~~of the State of Arkansas where the person is restricted to the use of an~~
 16 ~~ignition interlock device; or~~

17 ~~(iv) A suspension under:~~

18 ~~(a) Section 5-65-104;~~

19 ~~(b) Section 5-65-205;~~

20 ~~(c) Section 5-65-304;~~

21 ~~(d) Section 5-65-310;~~

22 ~~(e) Section 9-14-239;~~

23 ~~(f) Section 27-16-905;~~

24 ~~(g) Section 27-16-907(b)(4)-(6);~~

25 ~~(h) Section 27-16-908;~~

26 ~~(i) Section 27-16-909;~~

27 ~~(j) Section 27-19-610;~~

28 ~~(k) Section 27-19-707, unless the judgment~~
 29 ~~creditor has furnished written consent to allow a restricted driving permit;~~
 30 ~~or~~

31 ~~(l) The Arkansas Uniform Commercial Driver~~
 32 ~~License Act, § 27-23-101 et seq.~~

33 ~~(D) The court shall not issue a restricted permit to~~
 34 ~~operate a commercial motor vehicle.~~

35 ~~(e) Upon receipt of an order of denial of driving privileges under~~
 36 ~~this section, the department shall:~~

1 ~~(1) Suspend the driver's license of the person for six (6)~~
2 ~~months;~~

3 ~~(2) In the event the person's driver's license is under~~
4 ~~suspension by the department for another offense or other violations, the~~
5 ~~person's driver's license shall be suspended an additional six (6) months; or~~

6 ~~(3) If the person has not been issued a driver's license, the~~
7 ~~issuance of a license by the department shall be delayed for an additional~~
8 ~~six (6) months after the person applies for a license.~~

9 ~~(d) Upon receipt of an order of denial of driving privileges under~~
10 ~~this section, which order concerns a person who is a holder of a commercial~~
11 ~~driver's license issued under the Arkansas Uniform Commercial Driver License~~
12 ~~Act, § 27-23-101 et seq., the department, in addition to any actions taken~~
13 ~~pursuant to subsection (c) of this section, shall:~~

14 ~~(1) Suspend the commercial driver's license of the person for~~
15 ~~one (1) year;~~

16 ~~(2) In the event the person's commercial driver's license is~~
17 ~~under suspension by the department for another offense or other violations,~~
18 ~~the person's commercial driver's license shall, in addition to any penalties~~
19 ~~provided by the laws of this state, be suspended an additional one (1) year;~~
20 ~~or~~

21 ~~(3) If the person has not been issued a commercial driver's~~
22 ~~license, the issuance of such a license by the department shall be delayed~~
23 ~~for an additional one-year period after the person applies for a license.~~

24 ~~(e) Nothing contained in subsection (d) of this section shall require~~
25 ~~the issuance or reissuance of any commercial driver's license to any person~~
26 ~~following any suspension who is otherwise ineligible pursuant to other laws~~
27 ~~of this state to obtain such issuance or reissuance.~~

28 ~~(f) Penalties prescribed in this section shall be in addition to all~~
29 ~~other penalties prescribed by law for the offenses covered by this section.~~

30
31 SECTION 13. Arkansas Code § 27-23-125 is repealed.

32 ~~27-23-125. Suspension of commercial driver license for delinquent~~
33 ~~child support.~~

34 ~~All types of commercial driver licenses shall be subject to suspension~~
35 ~~for nonpayment of child support under § 9-14-239.~~

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/s/J. Hutchinson