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2 91st General Assembly
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4

As Engrossed: S1/18/17 S1/26/17

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

Subtitle

15
16 TO REMOVE A DRIVER'S LICENSE SUSPENSION
17 OR REVOCATION AS AN AVAILABLE PENALTY FOR
18 OFFENSES NOT RELATED TO DRIVING A MOTOR
19 VEHICLE.
20
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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 § 5-73-128 is repealed.

32 ~~5-73-128. Offenses upon property of public schools.~~

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

1 ~~the offense.~~

2 ~~(A) Pleads guilty or nolo contendere to any criminal~~
3 ~~offense under § 5-73-101 et seq., or the Uniform Machine Gun Act, § 5-73-201~~
4 ~~et seq., and the plea is accepted by the court, or is found guilty of any~~
5 ~~criminal offense under § 5-73-101 et seq., or the Uniform Machine Gun Act, §~~
6 ~~5-73-201 et seq., if the state proves that the offense was committed upon the~~
7 ~~property of a public school or in or upon any school bus; or~~

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

10 ~~(2) In a case of extreme and unusual hardship, the order may~~
11 ~~provide for the issuance of a restricted driving permit to allow driving to~~
12 ~~and from a place of employment or driving to and from school.~~

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

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

19
20 SECTION 3. Arkansas Code § 6-18-222(b), concerning the revocation of a
21 person's driving privilege as a penalty for unexcused absences at school, is
22 repealed.

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

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

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

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

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

1 ~~(ii) The licensee is attending school or an adult~~
2 ~~education program; or~~

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

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

9 ~~(ii) If it can be demonstrated that the conditions~~
10 ~~for granting a hardship were fraudulent, the parent, guardian, or person in~~
11 ~~loco parentis shall be subject to all applicable perjury statutes.~~

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

16
17 SECTION 4. Arkansas Code § 9-27-330(a)(15), concerning the available
18 dispositions available to a juvenile court in a delinquency proceeding, is
19 repealed.

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

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

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

29
30 SECTION 5. *Arkansas Code § 16-10-305(a), concerning uniform court*
31 *costs assessed to each defendant upon each conviction, each plea of guilty or*
32 *nolo contendere, or each forfeiture of bond, is amended to add an additional*
33 *subdivision to read as follows:*

34 *(8) In circuit court or district court, an amount at the circuit*
35 *court's or district court's discretion of up to one hundred five dollars*
36 *(\$105), to be added to any other court-imposed fine, for:*

1 (A) Failure to appear, § 5-54-120; or
2 (B) Contempt, § 16-10-108, when the contempt is for
3 failure to pay.
4

5 *SECTION 6. Arkansas Code § 16-10-305, concerning uniform court costs*
6 *assessed to each defendant upon each conviction, each plea of guilty or nolo*
7 *contendere, or each forfeiture of bond, is amended to add an additional*
8 *subsection to read as follows:*

9 (h) Court costs collected under subdivision (a)(8) of this section
10 shall be remitted to the State Police Retirement Fund on the first day of
11 each month.
12

13 *SECTION 7. Arkansas Code § 16-13-708 is repealed.*

14 ~~16-13-708. Revocation of registration or license.~~

15 ~~(a) The court may certify in writing to the Department of Finance and~~
16 ~~Administration that a debtor has failed to make satisfactory arrangements for~~
17 ~~the payment of fines and request the department to revoke, suspend, or refuse~~
18 ~~to renew the debtor's motor vehicle registration or driver's license.~~

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

22 ~~(c) For motor vehicle registration revocation, the court must provide~~
23 ~~the department with the debtor's full name and the license plate number or~~
24 ~~vehicle identification number of the debtor's vehicle.~~
25

26 *SECTION 8. Arkansas Code Title 16, Chapter 17, Subchapter 1, is*
27 *amended to add a new section to read as follows:*

28 16-17-139. Prohibition against suspension of driver's license.

29 A district court shall not suspend a person's driver's license solely
30 because the person has not paid a fine or fee as ordered by the district
31 court.
32

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

34 ~~16-17-131. Suspension of license for failure~~ Failure to appear =
35 Required appearance.

36 ~~(a)~~ A person required to appear before a district court in this state,

1 having been served with any form of notice to appear for any criminal
2 offense, traffic violation, or misdemeanor charge, shall appear at the time
3 and place designated in the notice.

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

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

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

11
12 SECTION 10. Arkansas Code § 27-15-305(b)(3), concerning the suspension
13 of a person's driver's license for a second or subsequent conviction of
14 providing false information in order to acquire a special license plate to
15 park in a parking spot designated for an individual with a disability, is
16 repealed.

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

19 ~~(B) The driver may apply to the Office of Driver Services~~
20 ~~for a restricted license during the period of suspension. The office shall~~
21 ~~determine the conditions of the restricted license or may deny the request~~
22 ~~for a restricted license after reviewing the driving record and circumstances~~
23 ~~of the driver.~~

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25 */s/J. Hutchinson*
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