

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator K. Hammer
6

As Engrossed: S3/7/19

A Bill

SENATE BILL 493

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DRIVER'S LICENSE
9 REINSTATEMENT FEES; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING DRIVER'S
13 LICENSE REINSTATEMENT FEES.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 27-16-508 is amended to read as follows:
20 27-16-508. Fee for reinstatement - Definition.

21 ~~(a) The Office of Driver Services shall collect a reinstatement fee of~~
22 ~~one hundred dollars (\$100) to be multiplied by the number of administrative~~
23 ~~orders to suspend, revoke, or cancel a driver's license, other than orders~~
24 ~~eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-~~
25 ~~16-808 and other than orders entered under § 27-16-909.~~

26 ~~(b) The revenues derived from this fee shall be deposited into the~~
27 ~~State Treasury as special revenues to the credit of the Department of~~
28 ~~Arkansas State Police Fund.~~

29 ~~(c) The fee under this section is supplemental to and in addition to~~
30 ~~any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.~~

31 (a)(1) The Office of Driver Services shall collect a reinstatement fee
32 of one hundred dollars (\$100) to be multiplied by the number of
33 administrative orders to suspend, revoke, or cancel a driver's license, other
34 than:

35 (A) Orders eligible for reinstatement under § 5-65-119, §
36 5-65-304, § 5-65-310, or § 27-16-808; and



1 (B) Orders entered under § 27-16-909.

2 (2)(A) If a person's driving privileges are suspended or revoked
3 solely as a result of outstanding driver's license reinstatement fees imposed
4 under the laws of this state, the office shall permit the person to pay only
5 one (1) reinstatement fee of one hundred dollars (\$100) to cover all
6 administrative orders to suspend, revoke, or cancel a driver's license for a
7 person ordered to pay a reinstatement fee under § 27-16-808 or subdivision
8 (a)(1) of this section if a district court or circuit court verifies to the
9 office that the person has:

10 (i) Paid all other court costs, fines, and fees
11 associated with the criminal offense that led to his or her driver's license
12 suspension;

13 (ii) Graduated from a specialty court program; and

14 (iii) Provided the sentencing court with a
15 reinstatement letter from the Department of Finance and Administration
16 showing all outstanding suspension or revocation orders.

17 (B) Subdivision (a)(2)(A) of this section does not apply
18 to:

19 (i) A reinstatement fee ordered under this section,
20 § 5-65-119, § 5-65-304, or § 5-65-310; or

21 (ii) A fee ordered to reinstate commercial driving
22 privileges.

23 (3) A person may not avail himself or herself of the provisions
24 of this section more than one (1) time.

25 (4) Upon notice to the taxpayer of certification of the intent
26 to intercept the taxpayer's state income tax refund under § 26-36-301 et
27 seq., the outstanding fees assessed under this section shall be set off
28 against a taxpayer's state income tax refund.

29 (5) A court may only verify the completion of the requirements
30 under subdivision (a)(2)(A) to the office for a suspension or revocation that
31 occurred as a result of a conviction or other action taken in that particular
32 court or jurisdiction.

33 (b) The revenues derived from this fee shall be deposited into the
34 State Treasury as special revenues to the credit of the Department of
35 Arkansas State Police Fund.

36 (c) The fee under this section is supplemental to and in addition to

1 any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

2 (d) As used in this section, “specialty court program” means a
 3 specialty court program as authorized by the Supreme Court under § 16-10-139.

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 5 SECTION 2. Arkansas Code § 27-16-808 is amended to read as follows:

6 27-16-808. Reinstatement charge – Definitions.

7 (a) The Office of Driver Services shall charge a fee to be calculated
 8 as provided under subsection (c) of this section for reinstating a driver’s
 9 license suspended because of a conviction for any violation or offense.

10 (b) All proceeds remitted to the office ~~pursuant to the provisions of~~
 11 under this section shall be deposited as follows:

12 (1) Twenty-five percent (25%) to the State Police Retirement
 13 Fund; and

14 (2) Seventy-five percent (75%) to the State Treasury as special
 15 revenues to the credit of the Department of Arkansas State Police Fund.

16 (c)(1) The reinstatement fee under this section shall be calculated by
 17 multiplying one hundred dollars (\$100) by each separate occurrence of
 18 offenses under any other provision of the law resulting in:

19 (A) A court order directing the office to suspend the
 20 driving privileges of the person; or

21 (B) The office’s entering a suspension order.

22 ~~(2) The fee under this section is supplemental to and in~~
 23 ~~addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or §~~
 24 ~~27-16-508.~~

25 ~~(3) As used in this section, “occurrence” means each separate~~
 26 ~~calendar date when an offense or offenses take place.~~

27 (2)(A) If a person’s driving privileges are suspended or revoked
 28 solely as a result of outstanding driver’s license reinstatement fees imposed
 29 under the laws of this state, the office shall permit the person to pay only
 30 one (1) reinstatement fee of one hundred dollars (\$100) to cover all
 31 administrative orders to suspend, revoke, or cancel a driver’s license for a
 32 person ordered to pay a reinstatement fee under § 27-16-508(a)(1) or
 33 subdivision (c)(1) of this section if a district court or circuit court
 34 verifies to the office that the person has:

35 (i) Paid all other court costs, fines, and fees
 36 associated with the criminal offense that led to his or her driver’s license

1 suspension;

2 (ii) Graduated from a specialty court program; and

3 (iii) Provided the sentencing court with a

4 reinstatement letter from the Department of Finance and Administration

5 showing all outstanding suspension or revocation orders.

6 (B) Subdivision (c)(2)(A) of this section does not apply

7 to:

8 (i) A reinstatement fee ordered under this section,

9 § 5-65-119, § 5-65-304, or § 5-65-310; or

10 (ii) A fee ordered to reinstate commercial driving

11 privileges.

12 (3) A person may not avail himself or herself of the provisions

13 of this section more than one (1) time.

14 (4) Upon notice to the taxpayer of certification of the intent

15 to intercept the taxpayer's state income tax refund under § 26-36-301 et

16 seq., the outstanding fees assessed under this section shall be set off

17 against a taxpayer's state income tax refund.

18 (5) A court may only verify the completion of the requirements

19 under subdivision (c)(2)(A) to the office for a suspension or revocation that

20 occurred as a result of a conviction or other action taken in that particular

21 court or jurisdiction.

22 (d) As used in this section:

23 (1) "Occurrence" means each separate calendar date when an
24 offense or offenses take place; and

25 (2) "Specialty court program" means a specialty court program as
26 authorized by the Supreme Court under § 16-10-139.

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28 SECTION 3. DO NOT CODIFY. Report required.

29 (a) The Department of Finance and Administration shall prepare an
30 annual report concerning this act that includes the following information:

31 (1) The number of eligible participants;

32 (2) The number of participants who were reinstated under this

33 act; and

34 (3) The dollar amount paid and the dollar amount written off
35 during the time this act is effective.

36 (b) The Department of Finance and Administration shall submit the

1 report under subsection (a) of this section to the Legislative Council and
2 the Director of the Department of Arkansas State Police by October 1 of each
3 year.

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6 */s/K. Hammer*
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