

1 State of Arkansas  
2 93rd General Assembly  
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4

As Engrossed: S4/12/21

# A Bill

SENATE BILL 658

5 By: Senators G. Leding, Elliott, C. Tucker  
6 By: Representatives Godfrey, Richardson  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF A  
10 DRIVER'S LICENSE TO CERTAIN APPLICANTS; AND FOR OTHER  
11 PURPOSES.  
12  
13

### Subtitle

15 TO AMEND THE LAW CONCERNING THE ISSUANCE  
16 OF A DRIVER'S LICENSE TO CERTAIN  
17 APPLICANTS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 27-16-1110 is amended to read as follows:  
23 27-16-1110. Findings – Purpose of ~~§§ 27-16-1111 and § 27-16-1112.~~

24 (a) The General Assembly finds that:

25 (1) Currently, ~~driver's licenses and~~ identification cards are  
26 valid for a standard statutory period of time;

27 (2) An applicant for the issuance or renewal of ~~a driver's~~  
28 ~~license or~~ an identification card who is not a citizen of the United States  
29 may obtain ~~a driver's license or~~ an identification card that is valid for a  
30 period that exceeds his or her authorization to be lawfully present in the  
31 United States;

32 (3) The federal government, specifically ~~the~~ United States  
33 Immigration and Customs Enforcement, an agency of the Department of Homeland  
34 Security, has authority over immigration matters and makes determinations on  
35 the length of time that a person who is not a citizen of the United States  
36 ~~can~~ is permitted to remain in the United States; and



1           (4) ~~A driver's license or~~ An identification card that is valid  
2 for a period that exceeds the time prescribed by ~~the~~ United States  
3 Immigration and Customs Enforcement, an agency of the Department of Homeland  
4 Security, can be used to circumvent federal law and cause confusion on the  
5 status of the individual to whom it is issued.

6           (b) The purpose of ~~§§ 27-16-1111 and~~ § 27-16-1112 is to ensure that  
7 ~~driver's licenses and~~ identification cards issued by the state are not used  
8 to circumvent federal immigration laws or federal authority on immigration  
9 matters by preventing an applicant for the issuance or renewal of ~~a driver's~~  
10 ~~license or~~ an identification card from obtaining an identity document issued  
11 by the state that is valid for a period that exceeds the applicant's  
12 authorization to be lawfully present in the United States.

13  
14           SECTION 2. Arkansas Code § 27-16-1111, is amended to read as follows:

15           27-16-1111. ~~Expiration~~ Issuance of driver's license when ~~the~~ applicant  
16 is not a United States citizen.

17           (a)(1) ~~If an applicant for a driver's license under this chapter is~~  
18 ~~not a citizen of the United States as provided under § 27-16-~~  
19 ~~1105(a)(1)(D)(ii)-(xi), the expiration date of the driver's license shall be~~  
20 ~~the shortest of:~~

21                   (1) ~~The period provided for under § 27-16-901(a)(1)(A); or~~

22                   (2) ~~The last date the applicant may be present in the United~~  
23 ~~States under federal immigration laws, as verified by the Bureau of~~  
24 ~~Citizenship and Immigration Services of the Department of Homeland Security~~  
25 ~~according to:~~

26                           (A)(i) ~~The status completion date on a United States~~  
27 ~~Customs and Border Protection Form I-94, Arrival/Departure Record or~~  
28 ~~admission stamp.~~

29                           (ii) ~~If the applicant is the holder of a~~  
30 ~~nonimmigrant visa as described in § 27-16-1105(a)(1)(D)(iv), an additional~~  
31 ~~two hundred forty (240) days shall be allowed following the status completion~~  
32 ~~date in subdivision (a)(2)(A)(i) of this section if the applicant presents a~~  
33 ~~valid Form I-797C, Notice of Action; or~~

34                           (B) ~~If the applicant is a spouse or minor child as~~  
35 ~~described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1,~~  
36 ~~2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect~~

1 on January 1, 2013, who has been given authorization for optional practical  
2 training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013,  
3 the end date on the employment authorization document issued by the Bureau of  
4 Citizenship and Immigration Services of the Department of Homeland Security  
5 for the bona fide student.

6 ~~(b) The Office of Driver Services may renew the driver's license only~~  
7 ~~if it is demonstrated that the applicant's continued presence in the United~~  
8 ~~States is authorized under federal law.~~

9 If an applicant for a driver's license under this chapter is unable to  
10 provide satisfactory evidence of legal residency status as provided under §  
11 27-16-1105(a)(1)(D), the Office of Motor Vehicle shall issue a driver's  
12 license to an applicant who:

13 (A) Provides proof of his or her identity;

14 (B) Meets all other minimum driver's license issuance  
15 requirements under § 27-16-1105(a);

16 (C) Provides documentation of a Social Security number  
17 issued by the Social Security Administration or an individual taxpayer  
18 identification number issued by the Internal Revenue Service;

19 (D) Provides proof of residence in the state as required  
20 for the issuance of a driver's license under § 27-16-1105; and

21 (E) Affirms in an affidavit signed by the applicant that  
22 he or she has:

23 (i) Applied to be lawfully present within the United  
24 States or will apply to be lawfully present as soon as the applicant is  
25 eligible; and

26 (ii) Been a resident of the state for at least  
27 twelve (12) months and provides evidence of residence in the state.

28 (2) Proof of identity under subdivision (a)(1)(A) of this  
29 section may be established with one (1) or more of the following:

30 (A) A valid foreign passport, with or without a United  
31 States Customs and Border Protection entry form or stamp;

32 (B) A valid consular identification document issued by the  
33 government of Mexico or Guatemala or by another foreign government with  
34 comparable security standards and protocols as determined by the Secretary of  
35 the Department of Finance and Administration;

36 (C) A Social Security card;

