

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1244

5 By: Representatives Achor, Pilkington, Hawk
6 By: Senator J. Boyd
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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF
10 AND APPLICATION FOR A DIGITIZED DRIVER'S LICENSE; AND
11 FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE ISSUANCE
16 OF AND APPLICATION FOR A DIGITIZED
17 DRIVER'S LICENSE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 27-16-601 is amended to read as follows:

23 27-16-601. Driver's license to be carried and exhibited on demand.

24 (a) A licensee shall have his or her driver's license or ~~a digital~~
25 ~~copy of the~~ digitized driver's license provided by the Office of Driver
26 Services under §§ 27-16-801 and 27-16-817 in his or her immediate possession
27 at all times when operating a motor vehicle and shall display the driver's
28 license or a ~~digital copy of the~~ digitized driver's license upon demand of a
29 justice of the peace, a peace officer, or an employee of the Office of Driver
30 Services.

31 (b) No person charged with violating this section shall be convicted
32 if he or she produces in court a driver's license issued to him or her and
33 valid at the time of his or her arrest.
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35 SECTION 2. Arkansas Code § 27-16-801(a)(6), concerning the issuance of
36 a driver's license, is repealed.



~~(6)(A) The Office of Driver Services may offer an applicant with a valid Arkansas driver's license an additional option to view a digital copy of his or her driver's license on a mobile device or personal computer upon payment of ten dollars (\$10.00).~~

~~(B) The digital copy of the driver's license shall be available for view at any time until the expiration of the driver's license issued under subdivision (a)(1) of this section.~~

SECTION 3. Arkansas Code § 27-16-801(d), concerning the issuance of a driver's license, is amended to read as follows:

~~(d)(1) Except as provided in subdivision (d)(2) of this section, all~~ All license fees collected under subsection (a) of this section shall be cash funds restricted in their use and shall be deposited into a bank selected by the Division of Arkansas State Police to the credit of the Division of Arkansas State Police Financing Fund.

~~(2) The fees collected under subdivision (a)(6)(A) of this section shall be deposited into the State Treasury to the credit of the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to defray the cost of administering a digital copy of a driver's license under subdivision (a)(6) of this section.~~

SECTION 4. Arkansas Code Title 27, Chapter 16, Subchapter 8, is amended to add an additional section to read as follows:

27-16-817. Digitized driver's license.

(a) As used in this section:

(1) "Current status" means the record maintained by the Office of Driver Services reflecting a driver's license holder's present status, including without limitation whether the driver's license is:

(A) Valid;

(B) Expired;

(C) Cancelled;

(D) Suspended;

(E) Disqualified;

(F) A special restricted license; or

(G) Held by a driver required to use an ignition interlock

1 device;

2 (2) "Digitized driver's license" means a data file:

3 (A) Available on a mobile device which has connectivity to
4 the internet through an application that allows the mobile device to download
5 the data file from the Office of Driver Services or its authorized
6 representative;

7 (B) Containing all of the same data elements visible on
8 the face and back of the driver's license; and

9 (C) Displays the current status of the driver's license;

10 (3) "Private entity" means a natural person, corporation,
11 general partnership, limited liability corporation, limited partnership,
12 joint venture, business trust, public benefit corporation, nonprofit entity,
13 and other business entity; and

14 (4) "Public entity" means an agency or instrumentality of the
15 state, including without limitation a department, an institution of higher
16 education, a board, or a commission.

17 (b)(1) The Office of Driver Services shall offer an applicant with a
18 valid Arkansas driver's license an additional option to view a digitized
19 driver's license upon payment of ten dollars (\$10.00).

20 (2) The digitized driver's license shall be available for view
21 at any time until the expiration of the applicant's Arkansas driver's license
22 issued under § 27-16-801(a)(1).

23 (c) A digital copy, photograph, or image of a driver's license which
24 is not downloaded through the application on a mobile device shall not be a
25 valid digitized driver's license as provided in this section.

26 (d)(1) The display of a digitized driver's license shall not serve as
27 consent or authorization for a law enforcement officer, or any other person,
28 to search, view, or access any other data or application on the mobile
29 device.

30 (2) If a person presents their mobile device to a law
31 enforcement officer for purposes of displaying the person's digitized
32 driver's license, the law enforcement officer shall promptly return the
33 mobile device to the person once the law enforcement officer has had an
34 opportunity to verify the identify and license status of the person.

35 (e)(1) A digitized driver's license:

36 (A) Shall be accepted by a public entity for all state

1 purposes authorized for a driver's license; and

2 (B) May be accepted by a private entity for all state
3 purposes for a driver's license.

4 (f) The fees collected under subdivision (b)(1) this section shall be
5 deposited into the State Treasury to the credit of the State Central Services
6 Fund as direct revenue to be used by the Revenue Division of the Department
7 of Finance and Administration to defray the cost of administering a digitized
8 driver's license.

9 (g)(1) The Department of Finance and Administration shall promulgate
10 rules for the implementation of this section.

11 (2) A digitized driver's license shall not be valid until the
12 department has promulgated the rules required by subdivision (d)(1) of this
13 section.

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