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

State of Arkansas        As Engrossed: H2/15/23 H2/20/23 S2/28/23
94th General Assembly
Regular Session, 2023

By: Representatives Achor, Pilkington, Hawk
By: Senator J. Boyd

For An Act To Be Entitled
AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF
AND APPLICATION FOR A DIGITIZED DRIVER’S LICENSE; AND
FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAW CONCERNING THE ISSUANCE
OF AND APPLICATION FOR A DIGITIZED
DRIVER’S LICENSE.

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

SECTION 1. Arkansas Code § 27-16-601 is amended to read as follows:
27-16-601. Driver’s license to be carried and exhibited on demand.
(a) A licensee shall have his or her driver's license or a digital
copy of the driver's license provided by the Office of Driver Services under
§ 27-16-801 in his or her immediate possession at all times when operating a
motor vehicle and shall display the driver’s license or a digital copy of the
driver’s license upon demand of a justice of the peace, a peace officer, or
an employee of the Office of Driver Services.
(b) No person charged with violating this section shall be convicted
if he or she produces in court a driver’s license issued to him or her and
valid at the time of his or her arrest.

SECTION 2. Arkansas Code § 27-16-801(a)(6), concerning the issuance of
a driver’s license, is repealed.
(6)(A) The Office of Driver Services may offer an applicant with
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1 a valid Arkansas driver's license an additional option to view a digital copy
2 of his or her driver's license on a mobile device or personal computer upon
3 payment of ten dollars ($10.00).
4 (B) The digital copy of the driver's license shall be
5 available for view at any time until the expiration of the driver's license
6 issued under subdivision (a)(1) of this section.

SECTION 3. Arkansas Code § 27-16-801(d), concerning the issuance of a
1 driver's license, is amended to read as follows:
2 (d)(1) Except as provided in subdivision (d)(2) of this section, all
3 All license fees collected under subsection (a) of this section shall be cash
4 funds restricted in their use and shall be deposited into a bank selected by
5 the Division of Arkansas State Police to the credit of the Division of
6 Arkansas State Police Financing Fund.
7 (2) The fees collected under subdivision (a)(6)(A) of this
8 section shall be deposited into the State Treasury to the credit of the State
9 Central Services Fund as direct revenue to be used by the Revenue Division of
10 the Department of Finance and Administration to defray the cost of
11 administering a digital copy of a driver's license under subdivision (a)(6)
12 of this section.

SECTION 4. Arkansas Code Title 27, Chapter 16, Subchapter 8, is
1 amended to add an additional section to read as follows:
2 27-16-817. Digitized driver's license.
3 (a) As used in this section:
4 (1) "Current status" means the record maintained by the Office
5 of Driver Services reflecting a driver's license holder's present status,
6 including without limitation whether the driver's license is:
7 (A) Valid;
8 (B) Expired;
9 (C) Cancelled;
10 (D) Suspended;
11 (E) Disqualified;
12 (F) A special restricted license; or
13 (G) Held by a driver required to use an ignition interlock
14 device;
(2) "Digitized driver's license" means a data file:
   (A) Available on a mobile device which has connectivity to
   the internet through an application that allows the mobile device to download
   the data file from the Office of Driver Services or its authorized
   representative;
   (B) Containing all of the same data elements visible on
   the face and back of the driver's license; and
   (C) Displays the current status of the driver's license;
(3) "Private entity" means a natural person, corporation,
   general partnership, limited liability corporation, limited partnership,
   joint venture, business trust, public benefit corporation, nonprofit entity,
   and other business entity; and
(4) "Public entity" means an agency or instrumentality of the
   state, including without limitation a department, an institution of higher
   education, a board, or a commission.

(b)(1) The Office of Driver Services shall offer an additional option
   to view a digitized driver's license upon payment of ten dollars ($10.00) to
   an applicant:
   (A) With a valid Arkansas driver's license; or
   (B) Renewing his or her Arkansas driver's license.

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

(3) The fee for the option to view a digitized driver's license
   required under subdivision (b)(1) of this section is in addition to any other
   fees charged by the Office of Driver Services for the issuance of an Arkansas
   driver's license.

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

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

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

(3) A law that requires a person to surrender his or her Arkansas driver's license to a law enforcement officer shall not apply to the mobile device used to display his or her digitized driver's license.

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

(A) May be accepted by a public entity for all state purposes authorized for a driver's license; and

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

(f) The fees collected under subsection (b) 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 digitized driver's license and for other related purposes as required by the Secretary of the Department of Finance and Administration in carrying out the functions, powers, and duties of the division.

(g) The Department of Finance and Administration may promulgate rules for the implementation of this section.

SECTION 5. EFFECTIVE DATE. Sections 2, 3, and 4 of this act are effective on and after February 1, 2025.

/s/Achor