

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1429

By: Representatives J. Richardson, F. Allen, Clowney, K. Ferguson, L. Johnson, Magie, Scott, Vaught,
Wardlaw

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE ISSUANCE
OF A DRIVER'S LICENSE TO CERTAIN
APPLICANTS.

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

SECTION 1. Arkansas Code § 27-16-1111, is amended to read as follows:

27-16-1111. Expiration Issuance - Costs - Validity period - Renewal of
driver's license when the applicant is not a United States citizen.

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

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

~~(2) The last date the applicant may be present in the United
States under federal immigration laws, as verified by the United States
Citizenship and Immigration Services according to:~~

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



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

~~(B) If the applicant is a spouse or minor child as described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1, 2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect on January 1, 2013, who has been given authorization for optional practical training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013, the end date on the employment authorization document issued by the United States Citizenship and Immigration Services for the bona fide student.~~

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

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

(A) Provides proof of his or her identity with a passport issued by the applicant's county of citizenship;

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

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

(D) Provides proof of residence in the state as required for the issuance of a driver's license under this subchapter; and

(E) Provides proof of:

(i) Authorization for presence in the United States issued under the laws of the United States and the authorization for presence in the United States does not indicate the applicant is a current visitor; or

(ii) Having filed a state tax return for the three (3) years prior to the applicant's date of application for the issuance of a driver's license under this section.

(2) The driver's license issued under subsection (a)(1) of this

1 section shall clearly display on its face "Not valid for voter identification
 2 purposes".

3 (b) In addition to the cost of the issuance or renewal of a driver's
 4 license under § 27-16-801, an applicant or licensee providing an individual
 5 tax identification number as provided under this section shall pay an
 6 additional fee in the amount of fifty dollars (\$50.00).

7 (c) If the applicant or licensee provides an individual taxpayer
 8 identification number under subdivision (a)(1)(C) of this section, the
 9 driver's license shall be issued for a period not to exceed four (4) years.

10 (d) A licensee who was previously issued a driver's license after
 11 having provided proof of filing a state tax return and an individual taxpayer
 12 identification number under subsection (a) of this section may be eligible to
 13 have his or her driver's license renewed at the discretion of the Secretary
 14 of the Department of Finance and Administration, upon providing proof of
 15 filing a state tax return for each year between the date of issuance of the
 16 driver's license and the year prior to the expiration of the driver's
 17 license.

18 (e) At least quarterly, the Office of Motor Vehicle shall transmit to
 19 the Secretary of State identifying information, including without limitation
 20 the name, date of birth, residential address, and mailing address of an
 21 applicant issued a driver's license under this section to be used to verify
 22 the accuracy of the voter registration roll.

23 (f) The Department of Finance and Administration shall adopt rules
 24 necessary for the administration of this section.

25
 26 SECTION 2. Arkansas Code § 27-16-1110 is amended to read as follows:

27 27-16-1110. Findings and purpose of ~~§§ 27-16-1111 and~~ § 27-16-1112.

28 (a) The General Assembly finds that:

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

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

36 (3) The United States Government, specifically United States

1 Immigration and Customs Enforcement, an agency of the United States
2 Department of Homeland Security, has authority over immigration matters and
3 makes determinations on the length of time that a person who is not a citizen
4 of the United States ~~can~~ is permitted to remain in the United States; and

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

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