

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

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

As Engrossed: H2/22/23

# A Bill

HOUSE BILL 1429

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

7 By: Senator C. Tucker  
8

## For An Act To Be Entitled

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

16 TO AMEND THE LAW CONCERNING THE ISSUANCE  
17 OF A DRIVER'S LICENSE TO CERTAIN  
18 APPLICANTS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 27-16-1111, is amended to read as follows:

25 27-16-1111. ~~Expiration~~ Issuance - Costs - Validity period - Renewal of  
26 driver's license when the applicant is not a United States citizen.

27 (a) ~~(1) If an applicant for a driver's license under this chapter is~~  
28 ~~not a citizen of the United States as provided under § 27-16-~~

29 ~~1105(a)(1)(D)(ii)-(xi), the expiration date of the driver's license shall be~~  
30 ~~the shortest of:~~

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

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

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



1 ~~admission stamp.~~

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

7 ~~(B) If the applicant is a spouse or minor child as~~  
8 ~~described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1,~~  
9 ~~2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect~~  
10 ~~on January 1, 2013, who has been given authorization for optional practical~~  
11 ~~training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013,~~  
12 ~~the end date on the employment authorization document issued by the United~~  
13 ~~States Citizenship and Immigration Services for the bona fide student.~~

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

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

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

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

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

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

30 (E) Provides proof of:

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

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

1           (2) The driver's license issued under subsection (a)(1) of this  
2 section shall clearly display on its face and shall be highlighted "Not valid  
3 for voter identification".

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

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

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

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

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

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27           SECTION 2. Arkansas Code § 27-16-1110 is amended to read as follows:  
28           27-16-1110. Findings and purpose of ~~§§ 27-16-1111 and~~ § 27-16-1112.

29           (a) The General Assembly finds that:

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

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

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

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

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

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19 /s/J. Richardson  
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