

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 786 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/19/09

A Bill

HOUSE BILL 1860

5 By: Representative Sample
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8 **For An Act To Be Entitled**

9 AN ACT TO LIMIT THE VALIDITY PERIOD FOR DRIVER'S
10 LICENSES AND IDENTIFICATION CARDS ISSUED TO
11 APPLICANTS WHO ARE NOT CITIZENS OF THE UNITED
12 STATES; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO LIMIT THE VALIDITY PERIOD FOR
16 DRIVER'S LICENSES AND IDENTIFICATION
17 CARDS ISSUED TO APPLICANTS WHO ARE NOT
18 CITIZENS OF THE UNITED STATES.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 27, Chapter 16, Subchapter 11 is
24 amended to add additional sections to read as follows:

25 27-16-1110. Findings – Purpose of §§ 27-16-1111 and 27-16-1112.

26 (a) The General Assembly finds that:

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

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

34 (3) The federal government, specifically the United States
35 Immigration and Customs Enforcement, an agency of the Department of Homeland



1 Security, has authority over immigration matters and makes determinations on
2 the length of time that a person who is not a citizen of the United States
3 can remain in the United States; and

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

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

16
17 27-16-1111. Expiration of driver's licenses when the applicant is not
18 a United States citizen.

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

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

23 (2) The date shown on the applicant's Division of Immigration
24 and Customs Enforcement of the Department of Homeland Security document I-94;
25 or

26 (3) The last date the applicant may be present in the United
27 States under federal immigration laws, as verified by the Division of
28 Immigration and Customs Enforcement of the Department of Homeland Security.

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

32
33 27-16-1112. Expiration of identification cards when the applicant is
34 not a United States citizen.

35 (a) If an applicant for an identification card under this chapter is
36 not a citizen of the United States as provided under § 27-16-

1 1105(a)(1)(D)(ii)-(ix), the expiration date of the identification card shall
2 be the shortest of:

3 (1) The period provided for under § 27-16-805(b);

4 (2) The date shown on the applicant's Division of Immigration
5 and Customs Enforcement of the Department of Homeland Security document I-94;
6 or

7 (3) The last date the applicant may be present in the United
8 States under federal immigration laws, as verified by the Division of
9 Immigration and Customs Enforcement of the Department of Homeland Security.

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

13 (c) This section shall not limit the Office of Driver Services from
14 issuing an identification card valid for the life of the applicant if he or
15 she is sixty (60) years of age or older as provided under § 27-16-805(b)(2).

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17 */s/ Sample*

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19 **APPROVED: 4/3/2009**