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4

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

7 By: Senator C. Tucker

8

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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.

13

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15

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Subtitle

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

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21

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

23

24 SECTION 1. Arkansas Code 27-16-604(10), is repealed.

25 ~~(10) Who is making an initial application for an Arkansas~~
26 ~~driver's license and who is not lawfully within the United States;~~

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28 SECTION 2. Arkansas Code 27-16-604(13), concerning people who are
29 prohibited from being issued an Arkansas driver's license, is amended to read
30 as follows:

31 (13) Except as provided under § 27-16-1111, who who is seeking
32 an initial application or renewal of an Arkansas driver's license or photo
33 identification and cannot show either an Arkansas driver's license or
34 identification, two (2) primary documents, or one (1) primary and one (1)
35 secondary document prescribed by the Department of Finance and Administration
36 and updated as needed.



1
2 SECTION 3. Arkansas Code § 27-16-907(c), concerning the suspension or
3 revocation of a driver's license, is amended to read as follows:

4 (c) The Office of Driver Services may revoke the license of a driver
5 upon a showing by its records or other sufficient evidence that the licensee:

6 (1) Has been convicted of an offense in another state that if
7 committed in this state would be grounds for revocation; or

8 (2)(A) ~~Is~~ Except as provided under § 27-16-1111, is a person who
9 is not lawfully present within the United States.

10 (B) The Office of Driver Services shall not grant a new
11 application for a license under § 27-16-801 to a driver revoked under
12 subdivision (c)(2)(A) of this section unless the driver demonstrates to the
13 Office of Driver Services that the driver is lawfully present within the
14 United States.

15 (C) Notwithstanding the provisions of § 27-16-912, a
16 driver whose license is revoked for failure to demonstrate legal presence may
17 apply for a new license under § 27-16-801 at any time during the year
18 following revocation if the driver is able to demonstrate lawful presence at
19 the time of the application for a new license.

20
21 SECTION 4. Arkansas Code § 27-16-1111, is amended to read as follows:

22 27-16-1111. Expiration Issuance – Costs – Validity period – Renewal of
23 driver's license when the applicant is not a United States citizen.

24 ~~(a)(1) If an applicant for a driver's license under this chapter is~~
25 ~~not a citizen of the United States as provided under § 27-16-~~
26 ~~1105(a)(1)(D)(ii)–(xi), the expiration date of the driver's license shall be~~
27 ~~the shortest of:~~

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

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

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

35 ~~(ii) If the applicant is the holder of a~~
36 ~~nonimmigrant visa as described in § 27-16-1105(a)(1)(D)(iv), an additional~~

1 ~~two hundred forty (240) days shall be allowed following the status completion~~
2 ~~date in subdivision (a)(2)(A)(i) of this section if the applicant presents a~~
3 ~~valid Form I-797C, Notice of Action; or~~

4 ~~(B) If the applicant is a spouse or minor child as~~
5 ~~described under 8 U.S.C. § 1101(a)(15)(F)(ii) as in effect on January 1,~~
6 ~~2013, of a bona fide student under 8 U.S.C. § 1101(a)(15)(F)(i) as in effect~~
7 ~~on January 1, 2013, who has been given authorization for optional practical~~
8 ~~training under 8 C.F.R. § 214.2(f)(10)(ii) as in effect on January 1, 2013,~~
9 ~~the end date on the employment authorization document issued by the United~~
10 ~~States Citizenship and Immigration Services for the bona fide student.~~

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

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

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

20 (B) Except for evidence of legal status under § 27-16-
21 1105(a)(1)(D), meets all other minimum driver's license issuance requirements
22 under § 27-16-1105(a);

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

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

28 (E) Provides proof of:

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

32 (ii) Having filed an Arkansas state tax return for the
33 three (3) years prior to the applicant's date of application for the issuance
34 of a driver's license under this section; or

35 (iii) Having filed at least one (1) Arkansas state tax
36 return each year until the applicant has reached the three (3) year Arkansas

1 state tax return requirement of subdivision (a)(1)(E)(ii) of this section.

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

5 (3) The Office of Driver Services shall coordinate with the
6 Secretary of the Office of the Department of Finance to ensure the Arkansas
7 state tax returns provided under subdivision (a)(1)(E)(ii) and subdivision
8 (a)(1)(E)(iii) of this section are valid and have been filed as required by §
9 26-51-801 et seq.

10 (b)(1) In addition to the cost of issuance or renewal of a driver's
11 license under § 27-16-801, an applicant or licensee providing an individual
12 tax identification number as provided under this section shall pay an
13 additional fee in the amount of one hundred dollars (\$100).

14 (2) The fees collected under subdivision (b)(1) of this section
15 shall be deposited into the State Treasury to the credit of the State Central
16 Services Fund as direct revenue to be used by the Revenue Division of the
17 Department of Finance and Administration to defray the cost of administering
18 a driver's license issued under this section.

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

22 (d) A licensee who was previously issued a driver's license after
23 having provided proof of filing an Arkansas state tax return and an
24 individual taxpayer identification number under subsection (a) of this
25 section may be eligible to have his or her driver's license renewed at the
26 discretion of the Secretary of the Department of Finance and Administration,
27 upon providing proof of filing an Arkansas state tax return for each year
28 between the date of issuance of the driver's license and the year prior to
29 the expiration of the driver's license.

30 (e) The Office of Driver Services is not required to verify the legal
31 presence of an applicant or licensee of a driver's license issued under this
32 section through the Verification Information System database of the
33 Systematic Alien Verification for Entitlements Program, as provided by
34 section 404 of the Illegal Immigration Reform and Immigrant Responsibility
35 Act of 1996, Pub. L. No. 104-208.

36 (f) An applicant for a driver's license who is not lawfully present

1 within the United States shall not be eligible to be issued a commercial
2 driver license or a commercial learner's permit.

3 (g) The Department of Finance and Administration may adopt rules
4 necessary for the administration of this section.

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6 SECTION 5. Arkansas Code § 27-16-1110 is amended to read as follows:

7 27-16-1110. Findings and purpose of ~~§§ 27-16-1111 and § 27-16-1112.~~

8 (a) The General Assembly finds that:

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

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

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

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

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

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34 /s/J. Richardson