

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1135

5 By: Representative Achor
6 By: Senator J. Boyd
7

For An Act To Be Entitled

8
9 AN ACT TO ALLOW THE ISSUANCE OF A DIGITIZED
10 IDENTIFICATION CARD; TO AMEND THE LAW CONCERNING THE
11 FEE FOR ISSUANCE OF A DIGITIZED DRIVER'S LICENSE OR
12 DIGITIZED IDENTIFICATION CARD; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO ALLOW THE ISSUANCE OF A DIGITIZED
18 IDENTIFICATION CARD; TO AMEND THE LAW
19 CONCERNING THE FEE FOR ISSUANCE OF A
20 DIGITIZED DRIVER'S LICENSE OR DIGITIZED
21 IDENTIFICATION CARD; AND TO DECLARE AN
22 EMERGENCY.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Purpose and legislative intent.

27 (a) Acts 2023, No. 261:

28 (1) Amended Arkansas Code Title 27, Chapter 16, Subchapter 8, by
29 adding an additional section that provided for the issuance of an application
30 for a digitized driver's license;

31 (2) Was signed into law by the Governor on March 13, 2023; and

32 (3) Is effective on and after February 1, 2025.

33 (b) It is the intent of the General Assembly by enactment of this act
34 to amend Arkansas Code § 27-16-817, as enacted by Acts 2023, No. 261, § 4,
35 to:

36 (1) Include the issuance of an application for a digitized state



1 identification card;

2 (2) Authorize the Office of Driver Services to collect a fee,
 3 the exact amount of which may be determined at the discretion of the Office
 4 of Driver Services but shall not exceed ten dollars (\$10.00) per digitized
 5 driver's license or digitized identification card issued; and

6 (3) Set forth the revisions to the language enacted by Act 2023,
 7 No. 261, § 4, as provided in Section 2 of this act.

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9 SECTION 2. Arkansas Code § 27-16-817, as enacted by Acts 2023, No.
 10 261, § 4, and effective on and after February 1, 2025, is amended to read as
 11 follows:

12 (a) As used in this section:

13 (1) "Current status" means the record maintained by the Office
 14 of Driver Services reflecting a driver's license or identification card
 15 holder's present status, including without limitation whether the driver's
 16 license or identification card is:

- 17 (A) Valid;
- 18 (B) Expired;
- 19 (C) Cancelled;
- 20 (D) Suspended;
- 21 (E) Disqualified;
- 22 (F) A special restricted license; or
- 23 (G) Held by a driver required to use an ignition interlock
 24 device;

25 (2) "Digitized driver's license" means a data file:

26 (A) Available on a mobile device which has connectivity to
 27 the internet through an application that allows the mobile device to download
 28 the data file from the Office of Driver Services or its authorized
 29 representative;

30 (B) Containing all of the same data elements visible on
 31 the face and back of the driver's license; and

32 (C) ~~Displays~~ Displaying the current status of the driver's
 33 license;

34 (3) "Digitized identification card" means a data file:

35 (A) Available on a mobile device that has connectivity to
 36 the internet through an application that allows the mobile device to download

1 the data file from the Office of Driver Services or its authorized
2 representative;

3 (B) Containing all of the same data elements visible on
4 the face and back of the identification card issued by the Office of Driver
5 Services pursuant to § 27-16-805; and

6 (C) Displaying the current status of the identification
7 card;

8 (4) "Private entity" means a natural person, corporation,
9 general partnership, limited liability corporation, limited partnership,
10 joint venture, business trust, public benefit corporation, nonprofit entity,
11 and other business entity; and

12 ~~(4)~~(5) "Public entity" means an agency or instrumentality of the
13 state, including without limitation a department, an institution of higher
14 education, a board, or a commission.

15 (b)(1) The Office of Driver Services shall offer an additional option
16 to view a digitized driver's license ~~upon payment of ten dollars (\$10.00) or~~ or
17 digitized identification card to an applicant:

18 (A) With a valid Arkansas driver's license or Arkansas
19 identification card; or

20 (B) Renewing his or her Arkansas driver's license or
21 Arkansas identification card.

22 (2) The digitized driver's license or digitized identification
23 card shall be available for view at any time until the expiration of the
24 applicant's Arkansas driver's license issued under § 27-16-801(a)(1) or
25 Arkansas identification card issued under § 27-16-805.

26 (3) The Office of Driver Services may charge the holder of a
27 driver's license or an identification card a fee of no more than ten dollars
28 (\$10.00) before providing the option to view a digitized driver's license or
29 digitized identification card.

30 ~~(3)~~(4) The fee for the option to view a digitized driver's
31 license or digitized identification card ~~required~~ authorized under
32 subdivision (b)~~(1)~~(3) of this section is in addition to any other fees
33 charged by the Office of Driver Services for the issuance of an Arkansas
34 driver's license or Arkansas identification card.

35 (c) A digital copy, photograph, or image of a driver's license or
36 identification card which is not downloaded through the application on a

1 mobile device shall not be a valid digitized driver's license or digitized
2 identification card as provided in this section.

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

7 (2) If a person presents ~~their~~ his or her mobile device to a law
8 enforcement officer for purposes of displaying the person's digitized
9 driver's license or digitized identification card, the law enforcement
10 officer shall promptly return the mobile device to the person once the law
11 enforcement officer has had an opportunity to verify the identity and license
12 status of the person.

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

17 (e) A digitized driver's license or digitized identification card,
18 except as provided in § 27-16-805(e)(2)(A):

19 (1) May be accepted by a public entity for all state purposes
20 authorized for a driver's license or identification card; and

21 (2) May be accepted by a private entity for all state purposes
22 for a driver's license or identification card.

23 (f) The fees collected under subsection (b) this section shall be
24 deposited into the State Treasury to the credit of the State Central Services
25 Fund as direct revenue to be used by the Revenue Division of the Department
26 of Finance and Administration to defray the cost of administering a digitized
27 driver's license or digitized identification card and for other related
28 purposes as required by the Secretary of the Department of Finance and
29 Administration in carrying out the functions, powers, and duties of the
30 division.

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

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34 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that Acts 2023, No. 261, § 4,
36 amended Arkansas Code Title 27, Chapter 16, Subchapter 8, by adding an

1 additional section that provided for the issuance of an application for a
2 digitized driver's license; that Acts 2023, No. 261 is effective on February
3 1, 2025; that Acts 2023, No. 261 did not provide for the issuance of an
4 application for a digitized identification card; that not all Arkansans have
5 a driver's license; that Acts 2023, No. 261, § 4, created a mandatory ten-
6 dollar fee for the issuance of a digitized driver's license; and that this
7 act is immediately necessary because it is within the interest of the General
8 Assembly to provide Arkansas citizens access to a digitized driver's license
9 or digitized identification card at the least possible cost, as determined by
10 the Office of Driver Services. Therefore, an emergency is declared to exist,
11 and this act being immediately necessary for the preservation of the public
12 peace, health, and safety shall become effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

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