

Department of Finance and Administration

Legislative Impact Statement

Bill: SB245

Bill Subtitle: ACT TO AMEND THE ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT; AND TO DISQUALIFY A DRIVER CONVICTED OF A FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS.

Basic Change :

Sponsors: Sen. B. Johnson and Rep. Holcomb

SB245 adds an additional subdivision to § 27-23-112(b) concerning the disqualification of a commercial driver convicted of major offenses. If a driver operates and is convicted of using the commercial vehicle in committing a felony that involves a severe form of human trafficking as defined in 22 U.S.C. §7102(11), as in effect on January 1, 2021, the driver shall be disqualified from operating a commercial vehicle for life without the possibility of reinstatement.

Revenue Impact :

None.

Taxpayer Impact :

The Office of Driver Services (ODS) can reinstate a lifetime disqualification after ten (10) years if the licensee has met certain criteria. For a conviction of using a commercial vehicle in committing a felony that involves human trafficking, there is no possibility of reinstatement of commercial driving privileges.

Resources Required :

Implementation of SB245 would be estimated at \$27,200 and a yearly maintenance cost of \$4,000.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

ODS would update procedures and provide training to employees.

Other Comments :

None.

Legal Analysis :

SB245 would bring the state into compliance with current federal law. The Federal Motor Carrier Safety Administration revised the list of offenses that permanently disqualify individuals required to have a commercial driver's license (CDL) or a commercial learner's permit (CLP). This final rule reflects a change made by Congress in the "No Human Trafficking on Our Roads Act" (Pub. L. 115-106, 131 Stat. 2265, Jan. 8, 2018) (the "Act"). The Act prohibits an individual from operating a commercial motor vehicle (CMV), as defined in 49 U.S.C. 31301(4) for life if that individual uses a CMV in committing a

Department of Finance and Administration

Legislative Impact Statement

Bill: SB245

Bill Subtitle: ACT TO AMEND THE ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT; AND TO DISQUALIFY A DRIVER CONVICTED OF A FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS.

felony involving a severe form of human trafficking. A disqualified individual is not eligible for reinstatement. 49 CFR 384.301 requires states to come into substantial compliance within three years.

SB245 adopts the changes made by the Federal Motor Carrier Safety Administration and disqualifies individuals from operating a CMV for life if the individual uses a CMV in committing a felony involving a severe form of human trafficking as defined under 22 U.S.C. § 7102(11). This federal statute defines "severe forms of trafficking in persons" as:

- (A) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.