

1 State of Arkansas As Engrossed: S1/18/17 S1/26/17 S2/21/17

2 91st General Assembly

# A Bill

3 Regular Session, 2017

SENATE BILL 113

5 By: Senator J. Hutchinson

## For An Act To Be Entitled

8 AN ACT CONCERNING CRIMINAL OFFENSES AND VIOLATIONS OF  
9 THE LAW FOR WHICH AN AVAILABLE PENALTY IS A DRIVER'S  
10 LICENSE SUSPENSION OR REVOCATION; TO REMOVE A  
11 DRIVER'S LICENSE SUSPENSION OR REVOCATION AS AN  
12 AVAILABLE PENALTY FOR OFFENSES NOT RELATED TO DRIVING  
13 A MOTOR VEHICLE; AND FOR OTHER PURPOSES.

### Subtitle

17 TO REMOVE A DRIVER'S LICENSE SUSPENSION  
18 OR REVOCATION AS AN AVAILABLE PENALTY FOR  
19 OFFENSES NOT RELATED TO DRIVING A MOTOR  
20 VEHICLE.

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

25 *SECTION 1. Arkansas Code Title 16, Chapter 10, Subchapter 1, is*  
26 *amended to add an additional section to read as follows:*

27 *16-10-140. Prohibition against suspension of driver's license.*

28 *(a) Unless the requirements of subsection (b) of this section are met:*

29 *(1) A circuit court or a district court shall not suspend a*  
30 *person's driver's license solely because the person has failed to pay a fine*  
31 *or fee as ordered by the circuit court or district court; and*

32 *(2) A district court shall not suspend a person's driver's*  
33 *license solely because the person has failed to appear as required by the*  
34 *district court.*

35 *(b) If a person has failed to pay a fine or fee assessed by a circuit*  
36 *court or district court or has failed to appear in district court, the*



1 circuit court or district court, as applicable, may suspend the person's  
2 driver's license if the circuit court or district court:

3 (1) Orders the suspension to begin within fifteen (15) days of  
4 the date of the order if the person fails to make arrangements to pay the  
5 fine or fee or appear in circuit court or district court, whichever is  
6 applicable; and

7 (2) Transmits a copy of the order electronically,  
8 telephonically, or by letter to the appropriate division of the Department of  
9 Finance and Administration.

10 (c) The department shall notify the person by first class mail sent to  
11 the person's last known address that he or she risks having his or her  
12 driver's license suspended if the person does not make arrangements with the  
13 circuit court or district court to appear in circuit court or district court  
14 or make arrangements to pay the fine or fee, whichever is applicable, within  
15 fifteen (15) days of the date of the order suspending the driver's license.

16 (d)(1) If the person makes sufficient arrangements with the circuit  
17 court or district court to pay the fine or fee or appear in circuit court or  
18 district court, whichever is applicable, the circuit court or district court  
19 shall issue a new order stating that the person's license is no longer  
20 suspended as directed under subsection (b) of this section.

21 (2) The circuit court or district court shall transmit a copy of  
22 the order rescinding the suspension of the person's driver's license to the  
23 department by letter or electronically.

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25 SECTION 2. Arkansas Code § 16-13-708 is amended to read as follows:  
26 16-13-708. Revocation of registration or license.

27 (a) ~~The~~ If the court has complied with the requirements of § 16-10-  
28 140(b), the court may certify in writing to the Department of Finance and  
29 Administration that a debtor has failed to make satisfactory arrangements for  
30 the payment of fines and request the department to revoke, suspend, or refuse  
31 to renew the debtor's motor vehicle registration or driver's license.

32 (b) For driver's license revocation, the court ~~must~~ shall provide the  
33 department with the debtor's full name, ~~social security~~ Social Security  
34 number, and last known address.

35 (c) For motor vehicle registration revocation, the court ~~must~~ shall  
36 provide the department with the debtor's full name and the license plate

1 number or vehicle identification number of the debtor's vehicle.

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3 SECTION 3. Arkansas Code § 16-17-131 is amended to read as follows:

4 16-17-131. ~~Suspension of license for failure~~ Failure to appear =  
5 Required appearance – Suspension of driver's license.

6 (a) A person required to appear before a district court in this state,  
7 having been served with any form of notice to appear for any criminal  
8 offense, traffic violation, or misdemeanor charge, shall appear at the time  
9 and place designated in the notice.

10 (b)(1) If a person fails to appear as required in subsection (a) of  
11 this section and if the court has complied with the requirements of § 16-10-  
12 140(b), the ~~presiding judge~~ court may suspend the person's driver's license.

13 (2) The license shall be suspended until the person appears and  
14 completes the sentence ordered by the court.

15 (3) After the person satisfies all requirements of the sentence,  
16 the Department of Finance and Administration shall assess the current fees  
17 for reinstatement of a driver's license.

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19 /s/J. Hutchinson  
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