1	State of Arkansas As Engrossed: H3/13/19 H3/14/19
2	92nd General Assembly A Bill
3	Regular Session, 2019 SENATE BILL 315
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5	By: Senator K. Hammer
6	By: Representatives Kelly, Nicks
7	
8	For An Act To Be Entitled
9	AN ACT TO AMEND THE LAW CONCERNING DRIVER'S LICENSE
10	REINSTATEMENT FEES; AND FOR OTHER PURPOSES.
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13	Subtitle
14	TO AMEND THE LAW CONCERNING DRIVER'S
15	LICENSE REINSTATEMENT FEES.
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18	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20	SECTION 1. Arkansas Code § 5-65-119(a), concerning the distribution of
21	driver's license reinstating fees for driving or boating while intoxicated,
22	is amended to add an additional subdivision to read as follows:
23	(3) Upon notice to the taxpayer of certification of the intent
24	to intercept the taxpayer's state income tax refund under § 26-36-301 et
25	seq., the outstanding fees assessed under this section that are owned by a
26 27	taxpayer shall be setoff against the taxpayer's state income tax refund.
27 20	CECTION 2 Antennae Code & 26 26 202(1)(A) concerning the definition
28 29	SECTION 2. Arkansas Code § 26-36-303(1)(A), concerning the definition of "claimant agency" for state tax refund setoffs, is amended to add an
30	additional subdivision to read as follows:
31	(xviii) The Office of Driver Services.
32	(XVIII) The Office of Briver Bervices.
33	SECTION 3. Arkansas Code § 26-36-303(2), concerning the definition of
34	"debt" for state tax refund setoffs, is amended to read as follows:
35	(2) "Debt" means:
36	(A) Any liquidated sum due and owing any claimant agency,

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- which has accrued through contract, subrogation, tort, operation of law, legal proceeding, or any other legal theory, regardless of whether there is
- 3 an outstanding judgment for that sum;
- 4 (B) Accrued obligations due to an assignment of child
- 5 support rights made to the state as a condition of eligibility for welfare
- 6 assistance and those which have accrued from contract with the claimant
- 7 agency by an individual who is not the recipient of welfare assistance;
- 8 (C) Money owed to a claimant agency as a result of a
- 9 debtor's cashing both the original and the duplicate state warrants;
- 10 (D) All of the following that are not under appeal:
- 11 (i) Traffic fines;
- 12 (ii) Any court-imposed fine or cost, including fines
- 13 related to the prosecution of hot checks under the Arkansas Hot Check Law, §
- 14 5-37-301 et seq.; and
- 15 (iii) <u>Fees for reinstatement of a driver's license</u>
- 16 payable to the Office of Driver Services under § 5-65-119, § 27-16-508, and §
- 17 <u>27-16-808</u>; and
- 18 <u>(iv)</u> Restitution ordered by a circuit, county,
- 19 district, or city court related to the violation of any state law;
- 20 (E) Money owed to a claimant agency for all costs as a
- 21 result of the debtor's use of state medical and pharmacy benefits for which
- 22 he or she is not entitled;
- 23 (F) Money owed to a claimant agency for all costs
- 24 resulting from an overpayment of wages or salaries, including a lump sum
- 25 payment; and

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- 26 (G) Money owed to a claimant agency for all delinquent
- 27 taxes, all costs resulting from delinquent taxes, and any penalties assessed
- 28 against a delinquent taxpayer under § 26-36-201;
- 30 SECTION 4. Arkansas Code § 27-16-508(a), concerning the fee for 31 reinstatement of a driver's license, is amended to read as follows:
- 32 (a)(1) The Office of Driver Services shall collect a reinstatement fee
- 33 of one hundred dollars (\$100) to be multiplied by the number of
- 34 administrative orders to suspend, revoke, or cancel a driver's license, other
- 35 than orders eligible for reinstatement under § 5-65-119, § 5-65-304, § 5-65-
- 36 310, or § 27-16-808 and other than orders entered under § 27-16-909.

1	(2) Upon notice to the taxpayer of certification of the intent
2	to intercept the taxpayer's state income tax refund under § 26-36-301 et
3	$\underline{\text{seq.}}$ , the outstanding fees assessed under this section that are owed by a
4	taxpayer shall be setoff against the taxpayer's state income tax refund.
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6	SECTION 5. Arkansas Code § 27-16-808 is amended to read as follows:
7	27-16-808. Reinstatement charge.
8	(a) The Office of Driver Services shall charge a fee to be calculated
9	as provided under subsection (c) of this section for reinstating a driver's
10	license suspended because of a conviction for any violation or offense.
11	(b) All proceeds remitted to the office pursuant to the provisions of
12	this section shall be deposited as follows:
13	(1) Twenty-five percent (25%) to the State Police Retirement
14	Fund; and
15	(2) Seventy-five percent (75%) to the State Treasury as special
16	revenues to the credit of the Department of Arkansas State Police Fund.
17	(c)(1) The reinstatement fee under this section shall be calculated by
18	multiplying one hundred dollars (\$100) by each separate occurrence of
19	offenses under any other provision of the law resulting in:
20	(A) A court order directing the office to suspend the
21	driving privileges of the person; or
22	(B) The office's entering a suspension order.
23	(2) The fee under this section is supplemental to and in
24	addition to any fee imposed under $\S$ 5-65-119, $\S$ 5-65-304, $\S$ 5-65-310, or $\S$
25	27-16-508.
26	(3) Upon notice to the taxpayer of certification of the intent
27	to intercept the taxpayer's state income tax refund under § 26-36-301 et
28	seq., the outstanding fees assessed under this section that are owed by a
29	taxpayer shall be setoff against the taxpayer's state income tax refund.
30	(d) As used in this section, "occurrence" means each separate calendar
31	date when an offense or offenses take place.
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33	/s/K. Hammer
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