

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Finance and Administration

Department Revenue Division

Contact Walter Anger E-mail walter.anger@dfa.arkansas.gov Phone (501) 682-7000

Statutory Authority for Promulgating Rules A.C.A. 27-16-1212

Rule Title: Implementation Date of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment 07/20/16

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council 09/20/16

Adopted by State Agency 09/20/16

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

David Rector, CPA david.rector@dfa.arkansas.gov

09/30/16

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
in Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

(501) 682-7751

david.rector@dfa.arkansas.gov

Phone Number

E-mail Address

Problem Resolution Officer/Taxpayer Advocate

Title

09/30/16

Date

Rule 2016-2

Implementation Date of Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act

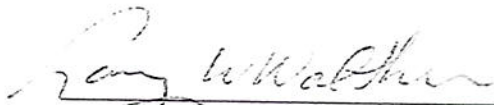
The Director of the Arkansas Department of Finance and Administration ("Director"), pursuant to his authority under Ark. Code Ann. § 27-16-1212 does hereby issue the following rule:

The Director has determined that the voluntary enhanced identification and security features under Ark. Code Ann. § 27-16-1201 et seq. are necessary to ensure secure commerce and travel by Arkansas citizens within and throughout the State of Arkansas, the United States, and abroad;

The Director has determined that Congress has not repealed the REAL ID Act of 2005, Pub. L. No. 109-13; and

The date of implementation of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act shall be October 1, 2016.

Issued this 14th day of July, 2016, in the City of Little Rock, Pulaski County, Arkansas.



Larry W. Walther, Director
Arkansas Department of Finance and
Administration



Tim Leathers, Deputy Director/Commissioner
of Revenue,
Arkansas Department of Finance and
Administration

RECEIVED

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Department of Finance and Administration
DIVISION Office of Driver Services Administration
DIVISION DIRECTOR Tonie Shields - Administrator
CONTACT PERSON Walter Anger - Assistant Commissioner
ADDRESS P.O. Box 1272, Rm 2380, 1816 W. 7th St., Little Rock, AR 72203
PHONE NO. 501-682-7025 FAX NO. 501-682-1683 E-MAIL walter.anger@dfa.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Walter Anger
PRESENTER E-MAIL walter.anger@dfa.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Implementation Date of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act
2. What is the subject of the proposed rule? Establishes the implementation date of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act as October 1, 2016.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☒ No ☐
If yes, please provide the federal rule, regulation, and/or statute citation. Ark. Code Ann. § 27-16-1212
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? n/a
- When does the emergency rule expire? n/a

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☒ No ☐

If yes, please provide a brief summary explaining the regulation. This proposed rule establishes the date of implementation of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act as October 1, 2016.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
n/a

Is this an amendment to an existing rule?

Yes ☐

No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. § 27-16-1212

7. What is the purpose of this proposed rule? Why is it necessary? The Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act found at Ark. Code Ann. § 27-16-1201 et seq. was enacted in 2009 to bring Arkansas into compliance with the Federal REAL ID Act of 2005, which established minimum security standards for state-issued driver's licenses and identification cards and prohibits Federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.dfa.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
July 20, 2016

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
October 1, 2016

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please
explain.

n/a

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.

n/a

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Finance and Administration
DIVISION Office of Driver Services Administration
PERSON COMPLETING THIS STATEMENT David Parker - Revenue Legal Counsel
TELEPHONE NO. 501-682-7030 FAX NO. 501-682-7599 EMAIL: david.parker@dfa.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Implementation Date of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
n/a
- (b) The reason for adoption of the more costly rule;
n/a
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
n/a
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
n/a
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>\$0</u>
Federal Funds	<u>\$0</u>
Cash Funds	<u>\$0</u>
Special Revenue	<u>\$0</u>
Other (Identify)	<u>\$0</u>

Next Fiscal Year

General Revenue	<u>\$0</u>
Federal Funds	<u>\$0</u>
Cash Funds	<u>\$0</u>
Special Revenue	<u>\$0</u>
Other (Identify)	<u>\$0</u>

Total \$0 _____

Total \$0 _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	\$0
Federal Funds	\$0
Cash Funds	\$0
Special Revenue	\$0
Other (Identify)	\$0
Total	\$0

Next Fiscal Year

General Revenue	\$0
Federal Funds	\$0
Cash Funds	\$0
Special Revenue	\$0
Other (Identify)	\$0
Total	\$0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ \$0 _____

n/a

Next Fiscal Year

\$ \$0 _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ \$0 _____

n/a

Next Fiscal Year

\$ \$0 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
 - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.