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SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

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CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.

John H. Theis
SIGNATURE
chief counsel
TITLE
December 16, 1993
DATE

DRIVER SERVICES REGULATION

FILED
AR. REGISTER DIV.

1-27-23-103 "COMMERCE" DEFINED

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Commerce shall mean both interstate and intrastate trade, traffic and transportation in or through the State of Arkansas, or any combination thereof. School buses, charter buses and local delivery trucks are examples of intrastate traffic which come within the definition of commerce.

1-27-23-109 NON-RESIDENT COMMERCIAL DRIVER LICENSE APPLICATION.

All non-resident Commercial Driver License applications must be made in person at the Office of Driver Services, Ledbetter Building, Seventh and Wolfe Streets, Little Rock.

1-27-23-111 CLASS "D" PASSENGER ENDORSEMENT.

A "P" endorsement is required on the Class D if the driver carries passengers for hire. The term for hire, refers to those drivers which receive a fare for the transportation of the passenger and does not include those drivers paid on a salary basis. Provided, any person who chooses to add the Passenger Endorsement at any time other than renewal or original application shall be charged a \$5.00 duplicate fee.

2-27-23-111 RENEWAL DATE ADJUSTMENT.

The Office of Driver Services shall periodically review the license population and make reasonable adjustments to approximate a 25 percent renewal rate each fiscal year. Effective January 1, 1990 the office of Driver Services shall make all renewal dates fall on the licensee's date of birth. The term of each license shall be adjusted so as to insure that approximately 25 percent of the licensee are renewable each year and the fee shall be prorated accordingly.

1-27-23-112 LIFETIME DISQUALIFICATION

(A) A person shall be disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(B) A person shall be disqualified from driving a commercial motor vehicle for life if convicted of two (2) or more violations of any of the following offenses, or any combination of those offenses, arising from two (2) or more separate incidents:

(1) Driving a commercial motor vehicle while

- intoxicated;
- (2) Driving a commercial motor vehicle while the person's blood alcohol concentration is 0.04 percent or more;
 - (3) Leaving the scene of an accident involving a commercial motor driven by the person;
 - (4) Using a commercial motor vehicle in the commission of any felony other than felony described in regulation 1-27-23-112 (1). Only offense committed after January 1, 1990 can be considered in connection with such disqualification for life.
 - (5) Refusal to submit to a test to determine the driver's blood alcohol concentration while driving a commercial motor vehicle.

(C) Should a driver who has been reinstated from a lifetime disqualification be subsequently convicted of another offense listed in subject (2) of this regulation, he/she shall be permanently disqualified for life, and shall be ineligible to again apply for a reduction of the lifetime disqualification.

2-27-23-112 CONDITIONS TO REQUALIFY

(A) Upon the expiration of ten (10) years following a lifetime disqualification, pursuant to regulation 1-27-23-112, the Office of Driver Services may requalify a person for a Commercial Driver License if all of the following conditions are met:

- (1) Verify a dire need for the commercial Driver License; or a loss of livelihood by innocent persons.
- (2) Has not been convicted of a traffic offense involving the operation of a commercial vehicle within the previous ten (10) years.
- (3) Has not been convicted of a "serious traffic violation" involving the operation of any vehicle within the previous three (3) years.
- (4) Pass all appropriate portions of the Commercial Driver License test and pay all fees required.
- (5) Has never before been disqualified for life and reinstated.

(B) When a person desires to be requalified for a commercial driver license, that person shall have the right to petition the Department for a hearing.

- (1) The purpose of the hearing shall be to determine if the requalification conditions have been met.
- (2) Upon completion of the hearing, the Department shall notify the applicant in writing whether the requalification conditions have been met. The

Department shall maintain a written statement of the finding in the licensee's record.

1-27-16-505 NOTIFICATIONS OF INCOMPETENCY TO BE REVIEWED

Upon receipt of any notice of incompetency from any court of competent jurisdiction in the disposition of such matters, the office shall review such person named in the notice in compliance with §27-16-907(a)(5) or §27-16-909.

1-27-16-604 RESTRICTED LICENSE FOR PERSONS UNDER 16 YEARS OLD

When the office issues a restricted license (age waiver) to a person who has attained the age of 14 years but not yet reached the 16th birthday, such restricted age waiver shall be issued only under the provisions of §27-16-804(b)(2). Upon receipt of conviction for violation of restriction or a moving traffic violation, the office shall revoke the restricted license (age waiver).

1-27-16-704 WAIVER OF WAITING PERIOD

Any person, having good cause, may request a waiver of the 30-day waiting period. Such request shall be to the Office of Driver Services.

1-27-16-804 RESTRICTED WAIVERS FOR MINORS

Any person having good cause may request that a person under the age of sixteen (16) years of age be granted limited driving privileges not restricted to having a licensed adult present in the motor vehicle. Such a request must be directed to the Driver Control Section of the office.

The waiver letter which authorizes a minor to drive without a licensed adult present in the motor vehicle also must state the exact conditions when the minor will be driving under the authority of the waiver.

1-27-16-901 DURATION OF LICENSE AND EXPIRATION DATE

Every driver license shall expire on the licensee's date of birth and shall be issued for a period of 4 years.

1-27-16-902 DEFINITION OF FIRST TOUR OF DUTY

First tour of duty shall be considered to be no more than 6 years from the date of entry into active duty. Indefinite appointment as a commissioned member of the Armed Forces shall not be considered after six (6) years following the date of entry.

1-27-16-907 ASSESSMENT OF POINTS FOR SPECIFIC CONVICTIONS

The following point values shall be assessed and assigned to the record of any person convicted of moving traffic violations, whether occurring in or out of state, within a thirty-six (36) month period from the date a person is scheduled a hearing to discuss the accumulation of moving traffic convictions. These point values shall be assessed for each conviction entered and action may be taken in relation to the number of points accumulated.

- (A) DRIVING WHILE INTOXICATED
14 Points
- (B) RACING (§27-50-309)
8 points
- (C) FLEEING IN A MOTOR VEHICLE (§5-54-125)
8 points
- (D) FAILURE TO STOP FOR SCHOOL BUS (§27-51-1001)
8 points
- (E) RECKLESS DRIVING (§27-50-308)
8 points
- (F) LEAVING THE SCENE OF AN ACCIDENT (§27-53-101/102)
8 points
- (G) SPEEDING (§27-51-201)
 - (1) Speeding not more than 10 mph over the posted speed 3 points limit;
 - (2) Speeding 11-20 mph over the posted speed limit 4 points;
 - (3) Speeding 21-30 mph over the posted speed limit 5 points;
 - (4) Speeding 31 mph or more over the posted speed limit 8 points.
- (H) ALL OTHER MOVING TRAFFIC CONVICTIONS
3 points
- (I) AT FAULT ACCIDENTS
3 points
- (J) NON MOVING TRAFFIC VIOLATION
0 points

2-27-16-907 MEDICAL EXAMINATION MAY BE REQUIRED

Pursuant to the office suspending the driving privilege of a person believed to be medically incompetent to operate a motor vehicle, the office may require that such person submit to a medical examination by a physician qualified and licensed to practice medicine in this State. The medical report will then be evaluated to determine if such person should be allowed to operate a motor vehicle in this State.

3-27-16-907 POSTING POINTS TO RECORD

Points will be assessed for each and every conviction and the total value of such assessment shall be posted to the driver history record of the licensee.

4-27-16-907 DRIVER RE-EXAMINATION MAY BE REQUIRED

Pursuant to the office suspending the driving privilege of a person believed to be unqualified to safely operate a motor vehicle, the office may require that such person successfully pass all phases of the State Driver License Examination. This authorization will be on a special clearance form issued by a Hearing Officer. No individual will be given such a clearance until the Hearing Office is convinced that such person is qualified medically to operate a motor vehicle. Satisfactory test results must be returned to the Hearing Officer for evaluation to determine if such person should be allowed to operate a motor vehicle in this State.

5-27-16-907 DISCRETIONARY ACTION

The office may take action based on points accumulated and the total driving record:

(A) ACCUMULATION OF 10 THROUGH 13 POINTS

A "Warning Letter" will be sent to the person calling attention to the person's errant driving and total point accumulation.

(B) ACCUMULATION OF 14 OR MORE POINTS

A "Notice of Suspension/Hearing" will be sent to such person which indicates the effective date of the proposed suspension action and advises the person of the right of "due process," and that the failure to attend the scheduled hearing will be considered the choice to waive that right in favor of the suspension action.

(1) ACCUMULATION OF 14 THROUGH 17 POINTS

The office may suspend the person's driving privilege for no more than three months.

(2) ACCUMULATION OF 18 THROUGH 23 POINTS

The office may suspend the person's driving privilege for no more than six months.

(3) ACCUMULATION OF 24 OR MORE POINTS

The office may suspend the person's driving privilege for no more than one year.

6-27-16-907 SUSPENSION RESULTING FROM DISABLING DISEASE OR HANDICAP

The office has the authority, upon receipt of sufficient documentation, to suspend the driving privileges of a person believed to be suffering from a disease or who has a handicap that hinders or prevents the safe operation of a motor vehicle; such as, epilepsy, diabetes or chronic alcohol/drug/narcotic addiction. A "Notice of Suspension/Hearing" will be mailed to such a person which will state the date the proposed suspension is to become effective and advises the person of the right of "due process," and that failure to attend the scheduled hearing will be considered a decision to waive that right in favor of the suspension.

7-27-16-907 POINT ASSESSMENT CUMULATIVE

The accumulated point values assigned to a record are cumulative with the total driving record of an individual being considered in disciplinary action that may result in the loss of driving privileges.

8-27-16-907 REQUIREMENTS FOR REINSTATEMENT

When the office has suspended the driving privilege of a person under §27-16-505, such person shall be required to furnish written proof in the form of a "Restoration to Competency" from the court that declared the person incompetent before the office will consider reinstating the driving privilege. However, when the office has suspended the driving privilege of a person under the provisions of this subsection, such person shall furnish a medical release or statement from a physician licensed to practice medicine in this State before the office will consider reinstating the driving privilege. If the suspension was the result of such person having epileptic seizures, diabetic blackouts, or chronic alcohol/drug/narcotic addiction, then the driving privilege can be restored only after the person has been seizure free and that such condition is under control, has suffered no diabetic blackouts, or is no longer addicted to alcohol/drugs/narcotic for no less than one (1) year and that this period of one (1) year is verified in the form of a physician's statement.

1-27-19-204 "DRIVER" DEFINED

One who has ultimate control of a vehicle, either by coercion, omission or commission.

1-27-19-404 DETERMINATION OF REASONABLE POSSIBILITY OF JUDGMENT

If, after all evidence is submitted, a final determination cannot be made, then the office shall take no

further action until civil action is completed. Upon rendering a determination, the office shall, by ordinary mail, send to the licensee, the determination and the action to be taken as a result of the determination. The office shall maintain a written statement of the findings in the licensee's record.

2-27-19-404 DEPARTMENT RECORDS TO BE USED TO SEND NOTICE

Notice shall have been served when the last known address as shown by the records of the office is used to send such notice to the licensee.

3-27-19-404 HEARINGS TO BE CONDUCTED DURING NORMAL BUSINESS HOURS

All hearings shall be conducted during regular business hours unless an alternate time is agreed upon by the licensee and the office.

4-27-19-404 DELAY IN RECEIPT OF NOTICE BY LICENSEE

Any delay in receipt of the notice by the licensee which is reasonably beyond the control of the licensee may be considered if the request for the hearing is not received from the licensee within the required twenty (20) days.

5-27-19-404 INFORMATION CONTAINED IN NOTICE

Notice of the licensee's right to a hearing shall contain the following information:

- (a) Date of accident
- (b) Location of accident
- (c) Last day in which the hearing may be requested in which the request will act as a stay on any further action
- (d) A statement of the Office's legal authority
- (e) A statement as to what will be considered at the hearing

6-27-19-404 EXTENSIONS OR RE-SCHEDULING OF HEARING

The office may reschedule or extend the hearing date if the licensee or his attorney at law request such delay under the following conditions:

- (a) Illness, hospitalization or recuperation of the licensee or his attorney. However, counsel may appear on behalf of the licensee;
- (b) Gathering evidence or witnesses, who or which otherwise would not or could not be available within the regular scheduling time frame.
- (c) Family emergencies or military obligations which, if not considered, would place undue hardships on

the licensee or his attorney:

- (d) The scheduling of the hearing shall not be delayed any longer than it would reasonably require the above mentioned emergencies to be resolved. The Office may require the filing of whatever information it deems necessary to verify the existence of the above mentioned emergencies.

7-27-19-405 DEPARTMENTAL PROCEDURE

The following directions shall be considered office procedure in the matters of a hearing.

(a) Valid Request for Hearing. The date of the request for a hearing shall be the date of the postmark or the date the office receives the request, whichever is the earlier.

(b) Hearing To Be Set As Soon As Reasonably Possible. Upon receipt of a valid request for a hearing, the office shall as soon as reasonably possible set a hearing and notify the licensee of where and when the hearing shall be scheduled and held. However, the office shall not notify the other party involved in the accident of the scheduling of such hearing unless the other party request such notification in writing.

(c) Hearing For Non-Residents: If the person requesting the hearing is an out-of-state resident, then the office shall set the hearing in the county nearest the person's residence or in Pulaski County. However, all other procedures shall be the same as for an Arkansas resident in the nearest county of residence.

8-27-19-404 CONDITIONS FOR WHICH HEARINGS MAY BE RESET AND ALTERNATE PROCEDURES

(1) The licensee may cancel the hearing at any time. However, the licensee will have forfeited the right to a hearing before suspension unless written application is made for an alternate arrangement for the hearing.

(2) If the licensee appears at the hearing but his counsel fails to appear, then the hearing may be held or rescheduled pursuant to the provisions of this Act.

(3) If the attorney appears at the hearing, but the licensee fails to appear within a reasonable length of time, then the attorney may present evidence or request the hearing be rescheduled.

(4) If for any reason a Hearing Officer is unable to appear at a scheduled hearing, the hearing shall be rescheduled. The licensee shall be notified of the new date.

1-27-19-509 INCAPACITY OF DRIVER TO REPORT

Any person physically incapable of filing a report during the required time period may file a report within thirty (30) days after his or her recovery.

2-27-19-509 OWNER MAY FILE REPORT

The Department may require the filing of whatever information it deems necessary to verify such incapacity of the driver and such date the owner learned of the accident.

1-27-19-602 FORM OF EVIDENCE OF A COMPLIANCE

A written statement to the Office of Driver Services from a State Agency having jurisdiction over that state's driving privileges indicating compliance with that state's laws, shall be evidence of compliance.

1-27-19-603 AMOUNT OF SECURITY REQUIRED

The office may require proof of bodily injury or property damages where the estimated amount reported by all parties involved in the accident are not within comparable amounts (See Ark. Code Ann. §27-19- 601, also see §27-19-620). The office may hold all action in abeyance pending the filing of any requested information.

2-27-19-603 REEVALUATION OF SECURITY

The office may reduce the amount of security required at any time if information warranting such reduction is received by the office. The office may stay the issuance of any notice of security requirement for a period not to exceed six (6) months from the date of accident upon the written request of any person for whom the office is requiring security if such person is unable to ascertain the amount of any future medical expenses which may be incurred as a result of the accident.

3-27-19-603 INCORPORATION OF NOTICE OF SECURITY REQUIREMENT AND ORDER OF SUSPENSION

The office may incorporate in the notice of security required, an order of suspension. Said notice shall provide information to the person that upon the expiration of twenty (20) days the notice shall become the order of suspension.

1-27-19-604 VERIFICATION OF CONSENT

The owner of a vehicle involved in an accident as described in this Act, or the liability insurance carrier for such vehicle, shall be considered the authority as to whether a vehicle was being operated without the owner's permission, expressed or implied.

2-27-19-604 COVERAGE BY ANY OTHER FORM OF POLICY OR BOND

If a person claims coverage by any form of liability insurance or bond not covered in this Act and such carrier or surety company is authorized to do business in this State and

meets the requirements of Ark. Code Ann. §27-19-605, then such carrier or surety company may verify such coverage in the form as specified in Ark. Code Ann. §27-19-504.

See Ark. Code Ann. §27-19-107 and its corresponding regulations.

3-27-19-604 NO INJURY OR DAMAGE CAUSED TO OTHER PERSON OR PROPERTY

The other party involved in an accident as described in this Act shall be considered the authority as to whether injury or damage was caused to their person or property. However, the office may require such person to furnish additional relevant information if deemed necessary.

4-27-19-604 VEHICLE OPERATED WITHOUT PERMISSION OF OWNER

Any owner whose vehicle was being used without his permission shall be relieved of the security requirement by filing information sufficient for the office to determine that said vehicle was being operated or was parked by a person who had been operating such vehicle without permission.

5-27-19-604 EXEMPT OWNERSHIP OR LEASE STATEMENTS

Verification that a vehicle was owned or leased to the United States, this State or any political subdivision of this State or Municipality may come in the form of a written statement executed by an authorized agent of such governmental division. Verification that the driver was operating such vehicle with permission shall come in the form of a written statement executed by an authorized agent of such governmental division.

6-27-19-604 VEHICLE DRIVEN OR DIRECTED BY A POLICE OFFICER

Any vehicle being driven or used under emergency police duties shall be exempt if such police officer files a written statement of such use with the office.

1-27-19-606 SECURITY DEPOSIT DESIGNATION

The driver and owner of a motor vehicle involved in an accident as described in this Act shall be the only persons required to deposit security. However, any person or persons may deposit the security on behalf of either the driver or owner, or both. If security is deposited for one and not the other, then the depositor shall indicate such designation in writing or the office shall apply such deposit for both the owner and driver. If at any time the depositor wishes to retract the deposit from either the driver or owner, then he may do so, but such designation must be in writing. However, the depositor may not retract the deposit for both the driver and owner except as through such methods as described in this

Act (Ark. Code Ann. §27-19-614, 617, and 618). Exclusion of either driver or owner from the security deposit may be determined by the office after a hearing.

1-27-19-607 FORM OF SECURITY

Security deposits shall be made in cash, money order, and cashier's check. Personal checks may be accepted, but shall be endorsed immediately. Assignments of certificates of deposits, or passbook type savings may also be accepted.

2-27-19-607 FINANCIAL RESPONSIBILITY CORPORATE SURETY BOND

A Financial Responsibility Corporate Surety Bond may be filed in lieu of the specified forms of security as described in Reg. 1-27-19- 607. Such Bond shall be on a form approved by the Director and shall be executed only by those corporations authorized to do business in this State. Such bond shall be accompanied by a Power of Attorney authorizing the agent of the Corporation to execute said Bond.

3-27-19-607 NO INSTALLMENT PAYMENTS ON SECURITY

The security must be deposited in the total amount as determined by the Office. No security shall be accepted under any type of installment payment.

1-27-19-610 NOTICE TO BE SENT TO NONRESIDENTS HOME STATE

Upon suspending the operating privilege of any nonresident, the office shall issue notice of such suspension to the State in which such nonresident resides.

2-27-19-610 PROCEDURE OF SUSPENSION SAME FOR NONRESIDENTS

A nonresident shall have driving and registration privileges suspended in the same manner as for a resident.

3-27-19-610 RELIEF MAY BE GRANTED TO OWNER AND/OR DRIVER

(1) If any person other than the licensee is deprived of the necessities of life, food, clothing and/or shelter, then the licensee may request a hearing before the office for relief from order of suspension. The office may restrict the driving and/or operation of a vehicle of a licensee so as to fulfill the intent of this statute and this Act.

(2) The office may require whatever documentation it deems necessary in evaluating the condition of a licensee or those persons dependent upon the licensee.

1-27-19-611 FORM OF THE AFFIDAVIT

Any affidavit filed pursuant to this sub-section must include, but shall not be limited to the following items:

1. Date and location of accident
2. Effective date of suspension
3. Statement that one (1) year has elapsed since the effective date of suspension and that during such period no action at law has been instituted and is pending as a result of the accident, nor has any judgment been rendered which remains unsatisfied.

1-27-19-612 DEFINITION OF AN AFFECTED PERSON

For the purpose of this Section, any person with a pecuniary interest in an accident as described in this Act may be considered an affected person.

2-27-19-612 FORM OF AGREEMENT

Any written agreement filed with the office as an exception to the security requirement should include, but shall not be limited to the following items:

- a. Conditions of the agreement
- b. Date and location of accident
- c. Date agreement was executed
- d. Signature of all parties included in the agreement
- e. Statement that such agreement is for all claims of the creditor.

3-27-19-612 REDUCED SECURITY

Any agreement which does not provide for settlement of all claims shall not terminate the security requirement, however, whatever monetary amount is listed on such agreement shall be subtracted from the security required.

4-27-19-612 EXISTENCE OF A DEFAULT

The agreement creditor shall notify the office in writing within one (1) year of any default. The office shall not enter into any mediation with the agreement debtor as to whether the terms of the agreement have been violated.

5-27-19-612 ERRONEOUS NOTICE OF DEFAULT

If the office is notified of a default, then action shall be taken pursuant to this sub-section unless the agreement creditor files a written statement that such default notice was erroneous.

6-27-19-612 BALANCE OF SECURITY TO BE DEPOSITED

If notice of a default is received by the office, then the office shall issue notice of the balance of security required. Such security requirement shall be the difference between the amount of the agreement and the amount that has

been paid on the agreement.

7-27-19-612 VERIFICATION THAT BALANCE HAS BEEN PAID

Upon notice by the agreement creditor that all conditions of the agreement have been met and the creditor is releasing the agreement debtor from the conditions of the agreement, then the office shall restore the driving and registration privilege of the agreement debtor.

8-27-19-612 FORM OF THE AFFIDAVIT

Any affidavit filed for reinstatement of driving and/or registration privilege shall include, but shall not be limited to the following items:

1. Date and location of accident
2. Effective date of suspension
3. Statement that one (1) year has elapsed following the date of suspension and that during such period no action at law upon such agreement has been instituted and is pending.

1-27-19-613 RELEASE SIGNED BY ALL PERSONS

A release from liability executed in favor of a person subject to the security requirement shall be signed by all persons for whom the office has required security.

2-27-19-613 FORM OF RELEASE

The release should indicate the person being released from liability, the date and location of the accident, any conditions under which the release is being executed, the date the release is executed, the signature of the releasor, witnesses of the releasor's signature; or, a notarized release.

3-27-19-613 CONFLICT WITH OTHER CONTRACTUAL AGREEMENTS

Any release of liability executed and filed shall be accepted regardless of whether the releasor's signing of the release is in conflict with any other contractual agreement known or unknown to either the releasor or the office.

4-27-19-613 COVENANT NOT TO SUE SIGNED BY ALL PERSONS

Any covenant not to sue executed in favor of a person subject to the security requirement shall be signed by all persons for whom the office has required security.

5-27-19-613 FORM OF COVENANT NOT TO SUE

The covenant not to sue should be notarized indicating the parties of the covenant, the date and location of the accident,

any conditions under which the covenant is being executed, the date the covenant is being executed, the signatures of the parties of the covenant and such signature to be made in the presence of a notary.

6-27-19-613 CONFLICT WITH OTHER CONTRACTUAL AGREEMENTS

Any covenant not to sue executed and filed shall be accepted regardless of whether any party of the covenant is in conflict with any other contractual agreement known or unknown to either the parties or the office.

1-27-19-614 VERIFICATION OF ADJUDICATION

Verification of final adjudication of non-liability shall be reported to the office by certified copy of final judgment.

1-27-19-615 VERIFICATION OF PAYMENT OF A JUDGMENT

Verification of satisfaction of a judgment shall be reported to the office by the Court rendering such judgment or a written statement by the judgment creditor or his representative that said judgment has been satisfied.

1-27-19-616 VERIFICATION OF REIMBURSEMENT

Verification of reimbursement may be a statement of reimbursement signed by the reimbursor or his liability insurance carrier, or receipt, or copies of receipts, signed by the reimbursor. Such verifications must also list the date and location of the accident.

1-27-19-617 DEPARTMENT MAY DISBURSE SECURITY FOR SETTLEMENT

The office shall, upon receipt of proper verification, disburse any or all of a security deposit if such disbursement is for the settlement of any claim arising from some person for whom the office is requiring security. If such disbursement is for full settlement of an accident then the residue of such deposit, if any, shall be refunded to the depositor. If such disbursement is not for full settlement of the accident, then the residue shall be retained by the office.

2-27-19-617 SECURITY DISBURSEMENT UPON RECEIPT OF JUDGMENT

Upon receipt of a certified copy of a judgment, the office shall disburse the security to any person obtaining the judgement for whom the office is requiring security. Such security shall be disbursed without authorization of the depositor.

3-27-19-617 FORM OF DISBURSEMENT REQUEST

The form of the disbursement request must include, but

shall not be limited to, the following items:

1. Amount of deposit
2. Amount to be disbursed
3. Name and address of person(s) to receive disbursement and amount each is to receive
4. Signature of depositor
5. Depositor's signature to be notarized

4-27-19-617 SUIT FILED MORE THAN ONE YEAR FROM DEPOSIT DATE

If action at law is begun more than one year from the date of deposit, then such security shall not be disbursed to the judgment creditor unless the depositor of such security request such disbursement pursuant to sub-section 1. (Ark. Stats. §27-19-620 of this section).

5-27-19-617 ONLY DEPOSITOR MAY REQUEST DISBURSEMENT FOR SETTLEMENT

Request of disbursement must be made by the person depositing the security; request by the person required to provide the security shall not be honored unless such person is also the depositor.

1-27-19-618 FORM OF AFFIDAVIT FOR RETURN OF DEPOSIT

Any affidavit filed for the return of a deposit shall include, but shall not be limited to the following items:

1. Date and location of accident
2. Statement that one (1) year has elapsed since such deposit was made and that during such period no action at law has been instituted and is pending as a result of the accident against any person on whose behalf the deposit was made, nor has any judgment been rendered which remains unsatisfied.
3. Signature of the depositor

2-27-19-618 OTHER SATISFACTORY EVIDENCE

The office may, in its discretion accept evidence other than an affidavit if such evidence is deemed satisfactory. Such evidence may include, but shall not be limited to the following items:

1. Statement from the clerk of the court having jurisdiction over any action at law which may be instituted that such action has not been instituted, nor has any judgment been rendered which remains unsatisfied.
2. Statement from the adverse party that no action at law has been instituted against the person required to deposit said security nor has any judgment been

rendered which remains unsatisfied.

3-27-19-618 RETURN OF SECURITY

The security shall be returned to the person making the deposit or his personal representative; however, the draft issued by the office shall be made payable to the depositor. If the depositor has deceased since the deposit was made, then the estate of such depositor may request return of the deposit.

1-27-19-620 DEPARTMENT MAY RAISE OR REDUCE SECURITY

Upon receiving correcting information, the office may, upon good cause and in its discretion, raise or reduce any security requirement. If security has already been deposited, then if such security is reduced, the office shall return the excess; if such security requirement is raised, then the office shall void all previous security requirements and shall issue a new notice of security requirement.

1-27-19-706 FORM OF COURT CLERK CERTIFICATE

When a court reports nonpayment of a judgement to the Office of Driver Services. The judgment certification shall contain, but shall not be limited to, the following information:

- a. Date and location of accident
- b. Date of judgment
- c. Amount of judgment
- d. Name of plaintiff and defendant
- e. Amount of damage to personal property of plaintiff
- f. Monetary amount of damage resulting from personal Injury or death of plaintiff
- g. Monetary amount for care and loss of services of plaintiff
- h. Statement that judgment has remained unsatisfied more than thirty (30) days.

1-27-19-707 GOVERNMENTAL OWNERSHIP OR OPERATION

Verification that a judgment arose out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state, or any political subdivision of this state or a municipality thereof, must come in the form of a written statement filed by an authorized agent of such governmental division.

2-27-19-707 VERIFICATION OF JUDGMENTS AND FUTURE PROOF

Verification that a judgment has been satisfied, stayed or that payments are sufficient to satisfy the requirements of Ark. Stats. §27-19-708 may be accepted only in the form of a final court decree or written verification from the judgment

creditor or his representative. Verification of future proof of financial responsibility shall be accepted only in the form prescribed in Ark. Stats. §27-19-711.

3-27-19-707 REINSTATEMENT FROM JUDGMENT AFTER TEN (10) YEARS

It shall be the responsibility of the judgment creditor or his representative to file proof that a judgment has been renewed. If such proof of renewal is not received by the office prior to the expiration of ten (10) years from the date judgment is rendered, then the office shall assume that such renewal has not been perfected, and the person(s) affected by such judgment will have their motor vehicle registration and driving privilege reinstated. This section shall apply to any and all judgments on file with the office that are or will be unrenewed for a period of ten (10) years following the date such judgment was received.

1-27-19-709 VERIFICATION OF PAYMENTS ON JUDGMENT

Verification of payments made on a judgment or judgments shall be a written statement filed by either the court in which such judgment was rendered or by the judgment creditor or his representative.

2-27-19-709 VERIFICATION OF PAYMENTS TOWARD SETTLEMENTS

Payments made toward settlements of any claims arising from an accident shall be credited in reduction of amounts of the judgments provided such payments shall be verified in writing by the person(s) receiving such payments.

1-27-19-712 FORM OR CERTIFICATE

The form of the certificate of insurance, which will be referred to as an SR-22 form, shall include but shall not be limited to the following items:

- (1) Name and current address of insured
- (2) Policy number
- (3) Effective date of policy
- (4) Specify whether an owner's or operator's policy
- (5) If owner's policy:
 - (a) Model year
 - (b) Name of manufacturer
 - (c) Model
 - (d) Body type
 - (e) Vehicle Identification Number (VIN)
- (6) Date of issuance
- (7) Name of insurance company
- (8) Signature of authorize representative.

2-17-19-712 ASSUMPTION OF COVERAGE

A complete certificate of insurance filed with the office will be considered to be effective unless, or until, notification of cancellation is filed with the office.

1-27-19-714 FORM OR NOTICE OF CANCELLATION

The form of the notice of termination of cancellation of a certified policy, which shall be referred to as an SR-26, shall include, but shall not be limited to the following items:

1. Name and current address of insured
2. Description of applicable vehicle:
 - a. Model year
 - b. Name of manufacturer
 - c. Model
 - d. Body type
3. Effective date of termination or cancellation
4. Name of insurance company
5. Date of execution
6. Signature of authorized representative

2-27-19-714 LATEST CERTIFICATE SUPERSEDES ALL OTHERS

The filing of a certificate prior to the termination or cancellation of another certificate shall automatically terminate the certificate previously filed.

1-27-19-716 AMOUNT OF BOND

Any bond filed with the office for the purpose of providing future proof shall be for an amount of no less than \$65,000 and shall be subject to the approval of the office.

2-27-19-716 VALUE OF REAL ESTATE

If two (2) or more individual sureties schedule real estate in a bond, then such real estate together shall amount to \$130,000 and shall be subject to the approval of the office.

1-27-19-717 DEMANDS SUBJECT TO RULES AND REGULATIONS OF THE ARKANSAS INSURANCE COMMISSION:

Any demand of execution on a judgment shall be made to the Arkansas Insurance Commission and shall be subject to the rules and regulations established by the Insurance Commission for the purpose of administering this section.

1-27-19-718 FORM OF RESTRICTED LICENSE

Any license issued in accordance with this section shall include, but shall not be limited to the following items:

1. Name and address of licensee
2. Driver's license number
3. Identifying characteristics of such person
4. Description of vehicle(s), time and days said person shall operate said vehicle(s) and areas in which said vehicle(s) may be driven.

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AR. REGISTER DIV.

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W.J. "BILL" MCCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS
BY _____

1-27-19-306 SURRENDER OF LICENSE AND REGISTRATION

The police authority upon confiscating the suspended items, shall forthwith forward them to the Office of Driver Services. If the suspended items cannot be confiscated within thirty (30) days of the request, the police authority shall notify the office.

1-27-19-307 SUSPENSION OF REGISTRATION FOR INVALID TRANSFER

Upon determination by the office that a registration has been transferred for the purpose or with the effect of defeating the purpose of the Motor Vehicle Safety Responsibility Act, Ark. Code Ann. §27-19-101 et. seq, the office shall suspend such registration until such time as the original suspension would be terminated.

1-27-19-107 LIQUID ASSETS REQUIREMENTS

Any person applying for self-insurance shall possess and continue to possess liquid assets amounting to no less than \$65,000 if such self-insurance is to cover both property damage and bodily injury; \$50,000 if such self-insurance is for bodily injury only; or \$15,000 if such self-insurance is to cover property damage only.

2-27-19-107 REASONABLE GROUNDS FOR CANCELLATION

Failure of such person to continue to possess the amount of liquid assets as provided for in regulation 1-27-19-107 or failure to have at least twenty-six (26) vehicles registered in this state, shall constitute a reasonable ground for cancellation of a certificate of self-insurance.