

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Police

Department Highway Patrol Division

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Statutory Authority for Promulgating Rules Ark. Code Ann. 27-16-705(c) and 25-15-201, et seq.

Rule Title: Driver's License Testing Fraud Rules

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

10/20/2011

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

Final Date for Public Comment

11/30/2011

☒ Other 1/22/2012
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

1/11/2012

Adopted by State Agency

1/13/2012

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

Mary Claire McLaurin mary.claire.mclaurin@asp.arkansas.gov

11/17/2017

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

501-618-8350

greg.downs@asp.arkansas.gov

Phone Number

E-mail Address

General Counsel

Title

11/17/2017

Date

"DRIVER'S LICENSE TESTING FRAUD RULES"

- 1. Purpose**
- 2. Authority**
- 3. Definitions**
- 4. Procedures**
- 5. Effective Date**
- 6. Severability**

SECTION 1. PURPOSE

The purpose of these Rules is to define driver's license testing fraud and establish penalties for such fraud as provided by Ark. Code Ann. § 27-16-705(c).

SECTION 2. AUTHORITY

These Rules are promulgated pursuant to the Director's authority under Ark. Code Ann. §§ 27-16-705(c) and 25-15-201, *et seq.*

SECTION 3. DEFINITIONS

A person commits driver's license or instruction permit examination fraud if during any written or electronic examination process for a driver's license or instructions permit the person:

- A. Possesses or uses written or electronic answers to the examination during the examination process;
- B. Uses any electronic communication device to communicate with a person who is not employed by the Department of the Arkansas State Police (and in a position that is assisting in the administration of the examination);
- C. Writes down question contained on the examination during the examination process with the intent to leave the testing center with the questions or otherwise transmit the data; or
- D. Uses any electronic device to record, capture, access data, or transmit any portion of the examination during the examination process.

SECTION 4. PROCEDURES

- A. Any person violating any portion of Section 3 of these Rules on the first offense will receive a suspension that bars the person from the privilege of taking the driver's license or instruction permit examination for forty-five (45) days.
- B. Any person violating any portion of Section 3 of these Rules on the second offense will receive a suspension of ninety (90) days.
- C. Any person violating any portion of Section 3 of these Rules on the third offense and each successive offense will receive a suspension of one hundred eighty (180) days.

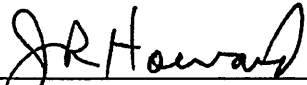
D. All suspensions will be recorded in the Department's Driver's License/.Commercial Driver's License testing system. The system will display a red flag when a suspended person attempts to retake a test at another location when their name is entered into the system.

SECTION 5. EFFECTIVE DATE

The effective date of these Rules is January 22, 2012.

SECTION 6. SEVERABILITY

Any section or provision of these Rules held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of these Rules.



COLONEL JR HOWARD
DIRECTOR, ARKANSAS STATE POLICE

1/13/12

DATE