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Right to Use Driver's License in Lieu of Cash Bail for Violation or Misdemeanor

LAW UPDATE

by Mike Rainwater on 05/17/07

Every person who is arrested for a violation of a traffic law, rule, or regulation punishable as a misdemeanor, who is not permitted to appear for trial on his own recognizance may [and should be offered the opportunity to], in lieu of posting bond, be admitted to bail upon depositing his current motor vehicle operator's or chauffeur's license. Ark. Code Ann. 27-50-606(a).

Receipt Required: If the person is admitted to bail by depositing his current motor vehicle operator's or chauffeur's license with the arresting officer or clerk of the court, an official receipt shall be issued for the license, which shall be upon a form approved by the Director of the Office of Driver Services of the Revenue Division of the Department of Finance and Administration. Ark. Code Ann. 27-50-606 (b)(1).

Receipt to be Used in Lieu of Driver's License: The receipt shall serve in lieu of the operator's or chauffeur's license for the period of time and under the conditions provided in § 27-50-607. Ark. Code Ann. 27-50-606 (b)(2).

Receipt in Lieu of License Good for Only Twenty Days: The official receipt received from the arresting officer shall serve in lieu of a driver's or operator's license for a time not in excess of twenty (20) days. Ark. Code Ann. 27-50-607 (a).

License to Be Returned at First Appearance Hearing: If a defendant posts bail under the provisions of §§ 27-50-606 -- 27- 50-608 and upon an appearance to answer the charge or upon electing to plead guilty, the defendant's operator's or chauffeur's license shall be returned to him by the court clerk, unless revoked or suspended by a court of competent jurisdiction. Ark. Code Ann. 27-50-607 (b).

License Forfeited if No Timely Court Appearance: If the defendant does not appear to answer the charge within twenty (20) days, or such later date as may be fixed by the court, then his motor vehicle operator's or chauffeur's license shall be determined to have been forfeited. The license shall be revoked by the court, or, in the event of a revocation or suspension of the motor vehicle operator's or chauffeur's license as a result of the trial of the case by the court, it shall be transmitted by the clerk of the court with a statement of the reason for the forfeiture, revocation, or suspension to the Director of the Office of Driver Services, within one (1) day after the order or decision of the court revoking or suspending it. Ark. Code Ann. 27-50-607 (c)

Driver's License to be Delivered to the Court Clerk: The motor vehicle operator's or chauffeur's license deposited as bail shall be retained by the clerk of the court before which the person is cited to appear for trial upon the charge. Ark. Code Ann. 27-50-606 (c).