

DRIVER'S LICENSE TESTING FRAUD RULES

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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 Division 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 Division'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.