

Act 368 of the 1989 Regular Session.

Act 368

SB211

By: Senator Canada

"AN ACT TO AMEND ARKANSAS CODE 5-65-104(b) TO ALLOW THE
ISSUANCE OF A RESTRICTED OPERATOR'S PERMIT TO A DWI OFFENDER
FOR THE PURPOSE OF ATTENDING A STATE REQUIRED ALCOHOL TREATMENT
OR EDUCATION PROGRAM; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 5-65-104(b) is hereby amended to read as follows:

"(b) (1) Any person who is found guilty or enters a plea of guilty to a first offense under this act may petition the Office of Driver Services that he or she be issued a restricted operator permit for employment-related purposes or to attend a state required alcohol treatment or education program.

(2) The Office of Driver Services shall notify each such person that he or she may request a restricted permit and shall advise the person of the time and place for making such request and for the hearing thereon, which shall be conducted within ten (10) days from the guilty plea or conviction.

(3) Such notice shall be given by mailing the notice to the last known address of the person whose operator license is suspended.

(4) Any previously issued temporary permit shall remain in effect until the hearing date.

(5) Furthermore, the sentencing court may postpone acceptance of a guilty plea or sentencing following a conviction until a determination of the request for a restricted operator's permit has been made.

(6) If at such hearing it is determined that the offender has no reasonable alternative mode of transportation to and from his or her place of employment, or to a state required alcohol treatment or education program, or that driving of a motor vehicle is an essential part of the offender's work, and the offender has no previous convictions for a violation of this act, the restricted operator permit may be issued. If the court has required an alcohol treatment or education program that exceeds the length of the suspension under this section, a restricted operator's permit may be issued for the purpose of completing the required program. Any person to whom such restricted permit has been issued who shall operate a motor vehicle other than for the purposes and under the conditions prescribed in the permit shall, upon conviction therefor, be imprisoned for ten (10) days."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 7, 1989
