

Act 94 of the Third Special Session of 1989.

Act 94

SB64

By: Senator S. Bell

CALL ITEM

For An Act To Be Entitled
"AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 65 OF TITLE 5 BY
ADDING A NEW SECTION TO PROVIDE FOR THE SEIZURE OF A MOTOR
VEHICLE FOR A FOURTH DWI WITHIN THREE YEARS OF THE FIRST
OFFENSE; AND FOR OTHER PURPOSES."

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

SECTION 1. Subchapter 1 of Chapter 65 of Title 5 of the Arkansas Code is hereby amended by adding a new section which shall read as follows:

"5-65-116. (a) Any person who pleads guilty, nolo contendere, or is found guilty of violating 5-65-103 for a fourth offense occurring within three (3) years of the first offense, may, at the discretion of the court, have his motor vehicle seized and title to such motor vehicle, if seized, shall be forfeited to the state. If ordered by the court, it shall be the duty of the sheriff of the county in which the offense occurred to seize the motor vehicle. The court shall have the discretion to issue an order directing the sheriff to sell the motor vehicle seized, within thirty (30) days from the date of judgment, at public auction to the highest bidder.

(b) The sheriff shall advertise the motor vehicle for sale for a period of two (2) weeks prior to the date of sale by at least one (1) insertion per week in a newspaper having a bona fide circulation in the county. The notice shall include a brief description of the motor vehicle to be sold, and the time, place and terms of sale.

(c) The proceeds of the sale of the seized motor vehicle shall be deposited in the County General Fund.

(d) After the sheriff has made the sale and has turned over the proceeds of the sale to the county treasurer, he shall report his actions to the court in which the defendant was tried. Such report shall be filed with the court within sixty (60) days from the date of judgment."

(e) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

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 All laws and parts of laws in conflict with this Act are hereby repealed.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: November 6, 1989
