

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2888

"AN ACT CONCERNING RESTRICTED DRIVING PERMIT FOR PERSONS CONVICTED
OF DRIVING WHILE INTOXICATED."

Amendment No. 1 to House Bill No. 2888.

Amend House Bill No. 2888 as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 5-65-104(a)(4)(A), pertaining to suspension of driver’s licenses for alcohol related offenses, is amended to read as follows:

(A)(i) Suspension for one hundred twenty (120) days for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of at least eight hundredths (0.08) ~~but less than fifteen hundredths (0.15)~~ by weight of alcohol in the person’s blood or breath, § 5-65-103;

(ii) Suspension for six (6) months for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated by the ingestion of or by the use of a controlled substance;

~~(iii) Suspension for one hundred eighty (180) days for the first offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person’s blood or breath, § 5-65-202. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of ninety (90) days. The restricted driving permit provision of § 5-65-120 does not apply to this suspension;~~

~~(iv) Suspension for one hundred eighty (180) days for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated and while there was an alcohol concentration of fifteen hundredths (0.15) or more by weight of alcohol in the person’s blood or breath. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of thirty (30) days. The restricted driving permit provision of § 5-65-120 does not apply to this suspension;~~



SECTION 2. Arkansas Code § 5-65-120, pertaining to hardship driving permits, is amended by adding an additional subsection to read as follows:

(d)(1) If a person refused to submit to the chemical test or if the chemical test of a first offender's blood, breath, or urine indicated that the person had at least fifteen hundredth's of one percent (0.15%) by weight of alcohol in the person's blood at the time of arrest, as a condition precedent to obtaining a restricted driving permit under this section the person shall pay a fee of one hundred fifty dollars (\$150).

(2) The first two hundred and fifty thousand dollars (\$250,000) generated each year by the fee levied under this subsection (d) shall be deposited as special revenues into the State Treasury to the credit of the Public Health Fund to be used by the Department of Health to help fund drug courts which were funded in whole or in part by the department on January 1, 2003, and the remainder shall be deposited as special revenues into the Department of Community Correction Fund Account to be used to help fund drug courts in this state whether or not in existence as of the date of this subsection.

SECTION 3. Arkansas Code § 5-65-205(b)(1), pertaining to suspension of driver's licenses for a first offense of refusal to submit to test, is amended to read as follows:

(1) Suspension for one hundred eighty (180) days for the first offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath. ~~However, if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension time for which no restricted license shall be available shall be a minimum of ninety (90) days.~~ The restricted driving permit provision of § 5-65-120 does ~~not~~ apply to this suspension;"

The Amendment was read _____
By: Representative Hathorn
LDH/LDH - 040120031804
LDH011

Chief Clerk