

ARKANSAS SENATE
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. 2 to House Bill No. 2888.

Amend House Bill No. 2888 as engrossed, 4/3/03:

Delete everything after the enacting clause and substitute:

"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 and a restricted driving permit shall be available immediately upon payment of a fee of one hundred fifty dollars (\$150) to be distributed as provided under § 5-65-120(d)(2);

~~(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)~~(iii) 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 the interlock restricted license shall be available immediately upon payment of a fee of one hundred fifty dollars (\$150) to be distributed as provided under § 5-65-120(d)(2);~~

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) Whenever any person who has plead guilty or nolo contendere to, or been found guilty of a first offense of driving while intoxicated §5-65-104, or a first offense of refusal to submit to a chemical test, §5-65-205, and that person is entitled to an interlock restricted license under the law, but is unable to afford the costs and fees associated with the license, and it would create a substantial economic hardship on the person to be denied a license, the presiding judge may issue an order allowing the person to obtain a restricted driving permit upon payment of a fee of one hundred fifty dollars (\$150) to be distributed as provided under § 5-65-120(d)(2).

(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)(A) 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 interlock restricted license shall be available immediately upon payment of a fee of one hundred fifty dollars (\$150) to be distributed as provided under § 5-65-120(d)(2). The restricted driving permit provision of § 5-65-120 does not apply to this suspension, except as provided in §5-65-120(d);

(B) The office of Driver Services shall, in addition to any other penalties, deny to that person the issuance of an operator's license until that person has been issued an ignition interlock restricted license for a period of six (6) months."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Madison
PBB/RCK - 041520031643
RCK933 _____ Secretary