

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM

1039

By: Representatives D. Wood, Lipton and Kerr

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE SUSPENSION OF THE DRIVERS'
LICENSES OF PERSONS UNDER 21 YEARS OF AGE FOUND GUILTY
OF DRIVING WHILE INTOXICATED OR OPERATING A MOTOR
VEHICLE WHILE POSSESSING ALCOHOL OR CONTROLLED
SUBSTANCES; AND FOR OTHER PURPOSES."

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

SECTION 1. When any person under 21 years of age is found guilty or pleads guilty or nolo contendere to driving while intoxicated under Chapter 65 of Title 5 of the Arkansas Code or the possession of alcoholic beverages or controlled substances and the court finds that the person was operating a motor vehicle while in possession of alcoholic beverages or controlled substances, the court shall order the suspension of offender's motor vehicle operator's license. The court shall forward a copy of the order to the Department of Finance and Administration, and upon receipt of the order the Department shall suspend the motor vehicle operator's license until the offender reaches 21 years of age, except that the Department may issue the offender a temporary restricted driver's permit for travel to and from school or to and from work if the Department determines at a public hearing attended by the offender that the offender is a full-time student or a full-time employee. The temporary permits shall be valid for no longer than ninety (90) days and may be renewable for no more than ninety (90) days, provided that the Department repeats the public hearing at each renewal. There is no limit upon the number of renewals. The Department shall promulgate regulations for the implementation of this Act.

SECTION 2. Penalties prescribed herein shall be in addition to all other penalties prescribed by law for the offenses covered by this Act.

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 All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. 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 5. Emergency. It is hereby found and determined by the General Assembly that additional enforcement mechanisms are urgently needed to deter persons under 21 years of age from illegally using or dealing in drugs; that this Act provides an additional enforcement mechanism; and that this Act should go into effect immediately in order to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.