

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1201

4
5 By: Representative Lamoureux
6
7

For An Act To Be Entitled

8
9 AN ACT TO CHANGE THE DWI THRESHOLD FROM 0.08 TO
10 0.07; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CHANGE THE DWI THRESHOLD FROM
14 0.08 TO 0.07.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 5-10-105(a)(1) is amended to read as
20 follows:

21 (a)(1) A person commits negligent homicide if he or she negligently
22 causes the death of another person, not constituting murder or manslaughter,
23 as a result of operating a vehicle, an aircraft, or a watercraft:

24 (A) While intoxicated; or

25 (B) If at that time there is an alcohol concentration of
26 ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more in the person's
27 breath or blood based upon the definition of breath, blood, and urine
28 concentration in § 5-65-204, as determined by a chemical test of the person's
29 blood, urine, breath, or other bodily substance.
30

31 SECTION 2. Arkansas Code § 5-65-103(b) is amended to read as follows:

32 (b) It is unlawful and punishable as provided in this act for any
33 person to operate or be in actual physical control of a motor vehicle if at
34 that time the alcohol concentration in the person's breath or blood was
35 ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more based upon the
36 definition of breath, blood, and urine concentration in § 5-65-204.



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1
 2 SECTION 3. Arkansas Code § 5-65-104(a)(1) is amended to read as
 3 follows:

4 (a)(1)(A) At the time of arrest for operating or being in actual
 5 physical control of a motor vehicle while intoxicated or while there was an
 6 alcohol concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or
 7 more in the person's breath or blood, § 5-65-103, or refusing to submit to a
 8 chemical test of blood, breath, or urine for the purpose of determining the
 9 alcohol or controlled substance contents of the person's blood or breath, §
 10 5-65-202, the arrested person shall immediately surrender his or her license,
 11 permit, or other evidence of driving privilege to the arresting law
 12 enforcement officer.

13 (B) The officer shall seize the license, permit, or other
 14 evidence of driving privilege surrendered by the arrested person or found on
 15 the arrested person during a search.

16
 17 SECTION 4. Arkansas Code § 5-65-104(a)(4) is amended to read as
 18 follows:

19 (4) The Office of Driver Services of the Revenue Division of the
 20 Department of Finance and Administration or its designated official shall
 21 suspend or revoke the driving privilege of an arrested person or shall
 22 suspend any nonresident driving privilege of an arrested person when it
 23 receives a sworn report from the law enforcement officer that the officer had
 24 reasonable grounds to believe the arrested person had been operating or was
 25 in actual physical control of a motor vehicle while intoxicated or while
 26 there was an alcohol concentration of ~~eight-hundredths (0.08)~~ seven-
 27 hundredths (0.07) or more by weight of alcohol in the person's blood or
 28 breath, § 5-65-103, which is accompanied by a written chemical test report
 29 reflecting that the arrested person was intoxicated or had an alcohol
 30 concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more or
 31 is accompanied by a sworn report that the arrested person refused to submit
 32 to a chemical test of blood, breath, or urine for the purpose of determining
 33 the alcohol or controlled substance contents of the person's blood or breath,
 34 as provided in § 5-65-202. The suspension or revocation shall be based on
 35 the number of previous offenses as follows:

36 (A)(i) Suspension for one hundred twenty (120) days for

1 the first offense of operating or being in actual physical control of a motor
 2 vehicle while intoxicated or while there was an alcohol concentration of at
 3 least ~~eight hundredths (0.08)~~ seven-hundredths (0.07) but less than fifteen
 4 hundredths (0.15) by weight of alcohol in the person's blood or breath, § 5-
 5 65-103;

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

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

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

28 (B)(i) Suspension for twenty-four (24) months for a second
 29 offense of operating or being in actual physical control of a motor vehicle
 30 while intoxicated or while there was an alcohol concentration of ~~eight~~
 31 ~~hundredths (0.08)~~ seven-hundredths (0.07) or more by weight of alcohol in the
 32 person's blood or breath, § 5-65-103, within five (5) years of the first
 33 offense. Provided, however, that if the court orders issuance of an ignition
 34 interlock restricted license under § 5-65-118, the suspension period for
 35 which no restricted license shall be available shall be a minimum of one (1)
 36 year;

1 (ii) Suspension for two (2) years, during which no
 2 restricted permits may be issued, for a second offense of refusing to submit
 3 to a chemical test of blood, breath, or urine for the purposes of determining
 4 the alcohol or controlled substance contents of the person's blood or breath,
 5 § 5-65-202, within five (5) years of the first offense;

6 (C)(i) Suspension for thirty (30) months for the third
 7 offense of operating or being in actual physical control of a motor vehicle
 8 while intoxicated or while there was an alcohol concentration of ~~eight~~
 9 ~~hundredths (0.08)~~ seven-hundredths (0.07) or more by weight of alcohol in
 10 the person's blood or breath, § 5-65-103, within five (5) years of the first
 11 offense. Provided, however, that if the court orders issuance of an ignition
 12 interlock restricted license under § 5-65-118, the suspension period for
 13 which no restricted license shall be available shall be a minimum of one (1)
 14 year;

15 (ii) Revocation for three (3) years, during which no
 16 restricted permits may be issued, for the third offense of refusing to submit
 17 to a chemical test of blood, breath, or urine for the purpose of determining
 18 the alcohol or controlled substance contents of the person's blood or breath,
 19 § 5-65-202, within five (5) years of the first offense; and

20 (D)(i) Revocation for four (4) years, during which no
 21 restricted permits may be issued, for the fourth or subsequent offense of
 22 operating or being in actual physical control of a motor vehicle while
 23 intoxicated or while there was an alcohol concentration of ~~eight hundredths~~
 24 ~~(0.08)~~ seven-hundredths (0.07) or more by weight of alcohol in the person's
 25 blood or breath, § 5-65-103, within five (5) years of the first offense;

26 (ii) Lifetime revocation, during which no restricted
 27 permit may be issued, for the fourth or subsequent offense of refusing to
 28 submit to a chemical test of blood, breath, or urine for the purpose of
 29 determining the alcohol or controlled substance contents of the person's
 30 blood or breath, § 5-65-202, within five (5) years of the first offense.

31
 32 SECTION 5. Arkansas Code § 5-65-104(a)(8) and (9) are amended to read
 33 as follows:

34 (8)(A)(i) The hearing shall be before the Office of Driver
 35 Services or its authorized agent in the office of the Revenue Division of the
 36 Department of Finance and Administration nearest the county wherein the

1 alleged events occurred for which the person was arrested, unless the Office
 2 of Driver Services or its authorized agent and the arrested person agree
 3 otherwise to the hearing's being held in some other county, or the Office of
 4 Driver Services or its authorized agent may schedule the hearing or any part
 5 thereof by telephone and conduct the hearing by telephone conference call.

6 (ii) The hearing shall not be recorded.

7 (iii) The scope of the hearing shall cover the
 8 issues of whether the officer had reasonable grounds to believe that the
 9 person had been operating or was in actual physical control of a vehicle
 10 while intoxicated or while there was an alcohol concentration of ~~eight-~~
 11 ~~hundredths (0.08)~~ seven-hundredths (0.07) or more in the person's breath or
 12 blood, or refused to submit to a chemical test of the blood, breath, or urine
 13 for the purpose of determining the alcohol or controlled substance contents
 14 of the person's breath or blood, and whether the person was placed under
 15 arrest.

16 (iv) At the hearing, the burden of proof shall be on
 17 the state, and the decision shall be based on a preponderance of the
 18 evidence.

19 (B) If the revocation, suspension, or denial is based upon
 20 a chemical test result indicating that the person was intoxicated or there
 21 was an alcohol concentration of ~~eight hundredths (0.08)~~ seven-hundredths
 22 (0.07) or more in the person's breath or blood, as provided in § 5-65-103,
 23 and a sworn report from a law enforcement officer, the scope of the hearing
 24 shall also cover the issues as to whether:

25 (i) The person was advised that his or her privilege
 26 to drive would be revoked, suspended, or denied if the test result reflected
 27 an alcohol concentration of ~~eight hundredths (0.08)~~ seven-hundredths (0.07)
 28 or more or the presence of other intoxicating substances or a combination of
 29 intoxicating substances;

30 (ii) The breath, blood, or urine specimen was
 31 obtained from the person within the established and certified criteria of the
 32 Department of Health;

33 (iii) The testing procedures used were in accordance
 34 with existing rules; and

35 (iv) The test result in fact reflects an alcohol
 36 concentration or the presence of other intoxicating substances, or a

1 combination thereof.

2 (C) If the revocation, suspension, or denial is based upon
 3 the refusal of the person to submit to a chemical test as provided in § 5-65-
 4 202, reflected in a sworn report by a law enforcement officer, the scope of
 5 the hearing shall also include whether:

6 (i) The person refused to submit to the test or
 7 tests; and

8 (ii) The person was informed that his or her
 9 privilege to drive would be revoked, suspended, or denied if the person
 10 refused to submit to the test or tests.

11 (9) In order to determine the number of previous offenses to
 12 consider when suspending or revoking the arrested person's driving
 13 privileges, the Office of Driver Services shall consider as a previous
 14 offense:

15 (A) Any convictions for offenses of operating or being in
 16 actual physical control of a motor vehicle while intoxicated or while there
 17 was an alcohol concentration of ~~eight-hundredths (0.08)~~ seven-hundredths
 18 (0.07) or more in the person's breath or blood under § 5-65-103 or refusing
 19 to submit to a chemical test under § 5-65-202 which occurred prior to July 1,
 20 1996; and

21 (B) Any suspension or revocation of driving privileges for
 22 arrests for operating or being in actual physical control of a motor vehicle
 23 while intoxicated or while there is an alcohol concentration of ~~eight-~~
 24 ~~hundredths (0.08)~~ seven-hundredths (0.07) or more in the person's breath or
 25 blood under § 5-65-103 or refusing to submit to a chemical test under § 5-65-
 26 202 occurring on or after July 1, 1996, where the person was not subsequently
 27 acquitted of the criminal charges.

28
 29 SECTION 6. Arkansas Code § 5-65-119 is amended to read as follows:

30 5-65-119. Distribution of fee.

31 The Office of Driver Services of the Revenue Division of the Department
 32 of Finance and Administration shall charge a fee of seventy-five dollars
 33 (\$75.00) for reinstating a driving privilege suspended or revoked because of
 34 an arrest for operating or being in actual physical control of a motor
 35 vehicle while intoxicated or while there was an alcohol concentration of
 36 ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more in the person's

1 breath or blood, § 5-65-103, or refusing to submit to a chemical test of
 2 blood, breath, or urine for the purpose of determining the alcohol or
 3 controlled substance contents of the person's blood or breath, § 5-65-202,
 4 which shall be distributed as follows:

5 (1) Fourteen percent (14%) of the revenues derived from this fee
 6 shall be deposited in the State Treasury as special revenues and credited to
 7 the Public Health Fund to be used exclusively for the Office of Alcohol
 8 Testing of the Department of Health;

9 (2) Sixty-six percent (66%) of the revenues derived from this
 10 fee shall be deposited as special revenues in the State Treasury into the
 11 Constitutional Officers Fund and the State Central Services Fund as a direct
 12 revenue to be used by the Office of Driver Services for use in supporting the
 13 administrative driver's licensing revocation and sanctions programs provided
 14 for in this subchapter; and

15 (3) Twenty percent (20%) of the revenues derived from this fee
 16 shall be deposited in the State Treasury, and the Treasurer of State shall
 17 credit them as general revenues to the various funds in the respective
 18 amounts to each and to be used for the purposes as provided in the Revenue
 19 Stabilization Law, § 19-5-101 et seq.

20
 21 SECTION 7. Arkansas Code § 5-65-202(a) is amended to read as follows:

22 (a) Any person who operates a motor vehicle or is in actual physical
 23 control of a motor vehicle in this state shall be deemed to have given
 24 consent, subject to the provisions of § 5-65-203, to a chemical test or tests
 25 of his or her blood, breath, or urine for the purpose of determining the
 26 alcohol or controlled substance content of his or her breath or blood if:

27 (1) The driver is arrested for any offense arising out of acts
 28 alleged to have been committed while the person was driving while intoxicated
 29 or driving while there was an alcohol concentration of ~~eight-hundredths~~
 30 ~~(0.08)~~ seven-hundredths (0.07) or more in the person's breath or blood; or

31 (2) The person is involved in an accident while operating or in
 32 actual physical control of a motor vehicle; or

33 (3) At the time the person is arrested for driving while
 34 intoxicated, the law enforcement officer has reasonable cause to believe that
 35 the person, while operating or in actual physical control of a motor vehicle,
 36 is intoxicated or has an alcohol concentration of ~~eight-hundredths (0.08)~~

1 seven-hundredths (0.07) or more in the person's breath or blood.

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3 SECTION 8. Arkansas Code § 5-65-203(a) is amended to read as follows:

4 (a) The chemical test or tests shall be administered at the direction
5 of a law enforcement officer having reasonable cause to believe the person to
6 have been operating or in actual physical control of a motor vehicle while
7 intoxicated or while there was an alcohol concentration of ~~eight-hundredths~~
8 ~~(0.08)~~ seven-hundredths (0.07) or more in the person's breath or blood.

9

10 SECTION 9. Arkansas Code § 5-65-206(a) is amended to read as follows:

11 (a) In any criminal prosecution of a person charged with the offense
12 of driving while intoxicated, the amount of alcohol in the defendant's breath
13 or blood at the time or within four (4) hours of the alleged offense, as
14 shown by chemical analysis of the defendant's blood, urine, breath, or other
15 bodily substance shall give rise to the following:

16 (1) If there was at that time an alcohol concentration of four-
17 hundredths (0.04) or less in the defendant's blood, urine, breath, or other
18 bodily substance, it shall be presumed that the defendant was not under the
19 influence of intoxicating liquor;

20 (2) If there was at the time an alcohol concentration in excess
21 of four-hundredths (0.04) but less than ~~eight-hundredths (0.08)~~ seven-
22 hundredths (0.07) by weight of alcohol in the defendant's blood, urine,
23 breath, or other bodily substance, this fact shall not give rise to any
24 presumption that the defendant was or was not under the influence of
25 intoxicating liquor, but this fact may be considered with other competent
26 evidence in determining the guilt or innocence of the defendant.

27

28 SECTION 10. Arkansas Code § 5-65-207(a) is amended to read as follows:

29 (a)(1) Every instrument used to determine the alcohol content of
30 the breath for the purpose of determining if the person was operating a motor
31 vehicle while intoxicated or with an alcohol concentration of ~~eight-~~
32 ~~hundredths (0.08)~~ seven-hundredths (0.07) or more shall be so constructed
33 that the analysis is made automatically when a sample of the person's breath
34 is placed in the instrument, and without any adjustment or other action of
35 the person administering the analysis.

36 (2) The instrument shall be so constructed that the alcohol

1 content is shown by visible digital display on the instrument and on an
 2 automatic readout.

3
 4 SECTION 11. Arkansas Code § 5-65-303(b) is amended to read as follows:

5 (b) It is unlawful and punishable as provided in this subchapter for
 6 any underage person to operate or be in actual physical control of a motor
 7 vehicle if at that time there was an alcohol concentration of two-hundredths
 8 (0.02) but less than ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) in the
 9 person's breath or blood as determined by a chemical test of the person's
 10 blood or breath or other bodily substance.

11
 12 SECTION 12. Arkansas Code § 5-65-309(a) is amended to read as follows:

13 (a) Any underage person who operates a motor vehicle or is in actual
 14 physical control of a motor vehicle in this state shall be deemed to have
 15 given consent, subject to the provisions of § 5-65-203, to a chemical test or
 16 tests of his or her blood, breath, or urine for the purpose of determining
 17 the alcohol or controlled substance content of his or her breath or blood if:

18 (1) The driver is arrested for any offense arising out of acts
 19 alleged to have been committed while the underage person was driving while
 20 under the influence or driving while there was an alcohol concentration of
 21 two-hundredths (0.02) but less than ~~eight-hundredths (0.08)~~ seven-hundredths
 22 (0.07) in his or her breath or blood; or

23 (2) The underage person is involved in an accident while
 24 operating or in actual physical control of a motor vehicle; or

25 (3) The underage person is stopped by a law enforcement officer
 26 who has reasonable cause to believe that the person, while operating or in
 27 actual physical control of a motor vehicle, is under the influence or has an
 28 alcohol concentration of two-hundredths (0.02) but less than ~~eight-hundredths~~
 29 ~~(0.08)~~ seven-hundredths (0.07) in his or her breath or blood.

30
 31 SECTION 13. Arkansas Code § 5-65-311(d) is amended to read as follows:

32 (d) If there is evidence of an alcohol concentration of more than
 33 four-hundredths (0.04) but less than ~~eight-hundredths (0.08)~~ seven-hundredths
 34 (0.07) in a person's blood, breath, or other bodily substances, this fact
 35 shall not preclude a person under twenty-one (21) years of age from being
 36 prosecuted for driving while intoxicated under the Omnibus DWI Act, § 5-65-

1 101 et seq.

2

3 SECTION 14. Arkansas Code § 5-76-102(a) is amended to read as follows:

4 (a) No person shall operate any motorboat on the waters of this state
5 while:

6 (1) Intoxicated; or

7 (2) There is an alcohol concentration in the person's breath or
8 blood of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more based upon
9 the definition of breath, blood, and urine concentration in § 5-65-204.

10

11 SECTION 15. Arkansas Code § 5-76-102(b)(1) is amended to read as
12 follows:

13 (b)(1) In the case of a motorboat or device, only where the certified
14 law enforcement officer has probable cause to believe that the operator of
15 the motorboat is operating while intoxicated or operating while there is an
16 alcohol concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) in
17 the person's breath or blood, the law enforcement officer is authorized to
18 administer and may test the operator at the scene by using a portable breath-
19 testing instrument or other approved method to determine if the operator may
20 be operating a motorboat or device in violation of this section.

21

22 SECTION 16. Arkansas Code § 5-76-102(d) and (e) are amended to read as
23 follows:

24 (d) A person who has been arrested for violating this section shall
25 not be released from jail, under bond or otherwise, until the alcohol
26 concentration is less than ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) in
27 the person's breath or blood and the person is no longer intoxicated.

28 (e)(1) In any criminal prosecution of a person charged with violating
29 subsection (a) of this section, the amount of alcohol in the defendant's
30 blood at the time of or within two (2) hours of the alleged offense, as shown
31 by chemical analysis of the defendant's blood, urine, breath, or other bodily
32 substance, shall give rise to the following:

33 (A) If there was at that time an alcohol concentration of
34 four-hundredths (0.04) or less in the defendant's blood, urine, breath, or
35 other bodily substance, it shall be presumed that the defendant was not under
36 the influence of intoxicating liquor;

1 (B) If there was at that time an alcohol concentration in
 2 excess of four-hundredths (0.04) but less than ~~eight-hundredths (0.08)~~ seven-
 3 hundredths (0.07) in the defendant's blood, urine, breath, or other bodily
 4 substance, this fact shall not give rise to any presumption that the
 5 defendant was or was not under the influence of intoxicating liquor, but this
 6 fact may be considered with other competent evidence in determining the guilt
 7 or innocence of the defendant.

8 (2) The foregoing provisions shall not be construed as limiting
 9 the introduction of any other relevant evidence bearing upon the question of
 10 whether or not the defendant was intoxicated.

11 (3)(A) The records and reports of certifications, rules,
 12 evidence analysis, or other documents pertaining to work performed by the
 13 Office of Alcohol Testing of the Department of Health under the authority of
 14 this chapter shall be received as competent evidence as to the matters
 15 contained therein in the courts of this state, subject to the applicable
 16 rules of criminal procedure, when duly attested to by the director or his
 17 assistant, in the form of an original signature or by certification of a
 18 copy.

19 (B) These documents shall be self-authenticating.
 20

21 SECTION 17. Arkansas Code § 5-76-104(a) is amended to read as follows:

22 (a)(1) Any person who operates a motorboat or is in actual physical
 23 control of a motorboat in this state shall be deemed to have given consent,
 24 subject to the provisions of subsection (c) of this section, to a chemical
 25 test or tests of his or her blood, breath, or urine for the purpose of
 26 determining the alcohol or controlled substance content of his or her breath
 27 or blood if:

28 (A) The operator is arrested for any offense arising out
 29 of acts alleged to have been committed while the person was operating while
 30 intoxicated or operating while there was an alcohol concentration of at least
 31 ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) in the person's breath or
 32 blood; or

33 (B) The person is involved in an accident while operating
 34 a motorboat; or

35 (C) At the time the person is arrested for operating while
 36 intoxicated, the law enforcement officer has reasonable cause to believe that

1 the person, while operating a motorboat, is intoxicated or has an alcohol
 2 concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more in
 3 his or her breath or blood.

4 (2) Any person who is dead, unconscious, or otherwise in a
 5 condition rendering the person incapable of refusal, shall be deemed not to
 6 have withdrawn the consent provided by subdivision (a)(1) of this section,
 7 and the test may be administered subject to the provisions of subsection (c)
 8 of this section.

9 (3)(A) When a person operating a motorboat is involved in an
 10 accident resulting in loss of human life or where there is reason to believe
 11 that death may result, a law enforcement officer shall request and the person
 12 shall submit to a chemical test or tests of the person's blood, breath, or
 13 urine for the purpose of determining the alcohol or controlled substance
 14 content of his or her breath or blood.

15 (B) The law enforcement officer shall cause the test or
 16 tests to be administered to the person, including a person fatally injured.

17
 18 SECTION 18. Arkansas Code § 5-76-104(c)(1) is amended to read as
 19 follows:

20 (c)(1) The chemical tests shall be administered at the direction of a
 21 law enforcement officer having reasonable cause to believe the person to have
 22 been operating a motorboat while intoxicated or while there is an alcohol
 23 concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more in
 24 the person's breath or blood.

25
 26 SECTION 19. Arkansas Code § 5-76-105(a)(1) is amended to read as
 27 follows:

28 (a)(1) Every instrument used to determine the alcohol content of the
 29 breath for the purpose of determining if the person was operating a vessel,
 30 etc., while intoxicated or with an alcohol concentration of ~~eight-hundredths~~
 31 ~~(0.08)~~ seven-hundredths (0.07) or more shall be so constructed that the
 32 analysis is made automatically when a sample of the person's breath is placed
 33 in the instrument and without any adjustment or other action of the person
 34 administering the analysis, and the instrument shall be so constructed that
 35 the alcohol content is shown by visible digital display on the instrument and
 36 on an automatic readout.

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SECTION 20. Arkansas Code § 12-41-701(6), regarding the definitions for revenue funds for county and city jails, is amended to read as follows:

(6) "Fines" or "fines and penalties" means the fines or penalties imposed by law collected by a county or a municipality for convictions arising from each of the offenses listed below:

(A) Operating or being in actual physical control of a motor vehicle while intoxicated; "intoxicated" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself or other motorists or pedestrians;

(B) Operating or being in actual physical control of a motor vehicle while impaired by alcohol or drugs; the word "impaired" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reaction, motor skills, and judgment are reduced or lessened and the driver constitutes a threat of physical injury or death to himself or other motorists or pedestrians;

(C) Operating or being in actual physical control of a motor vehicle if, at that time, there was an alcohol concentration of ~~eight-hundredths (0.08)~~ seven-hundredths (0.07) or more in the person's breath or blood, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance;