

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
4

As Engrossed: H4/3/03
A Bill

HOUSE BILL 2888

5 By: Representative Hathorn
6
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING RESTRICTED DRIVING PERMIT FOR
10 PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;
11 AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT CONCERNING RESTRICTED DRIVING
15 PERMIT FOR PERSONS CONVICTED OF DRIVING
16 WHILE INTOXICATED.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

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

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

33 ~~*(iii) Suspension for one hundred eighty (180) days*~~
34 ~~*for the first offense of refusing to submit to a chemical test of blood,*~~
35 ~~*breath, or urine for the purpose of determining the alcohol or controlled*~~
36 ~~*substance contents of the person's blood or breath, § 5-65-202. Provided,*~~



1 ~~however, that if the court orders issuance of an ignition interlock~~
 2 ~~restricted license under § 5-65-118, the suspension period for which no~~
 3 ~~restricted license shall be available shall be a minimum of ninety (90) days.~~
 4 ~~The restricted driving permit provision of § 5-65-120 does not apply to this~~
 5 ~~suspension;~~

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

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

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

24 (2) The first two hundred and fifty thousand dollars (\$250,000)
 25 generated each year by the fee levied under this subsection (d) shall be
 26 deposited as special revenues into the State Treasury to the credit of the
 27 Public Health Fund to be used by the Department of Health to help fund drug
 28 courts which were funded in whole or in part by the department on January 1,
 29 2003, and the remainder shall be deposited as special revenues into the
 30 Department of Community Correction Fund Account to be used to help fund drug
 31 courts in this state whether or not in existence as of the date of this
 32 subsection.

33
 34 SECTION 3. Arkansas Code § 5-65-205(b)(1), pertaining to suspension of
 35 driver's licenses for a first offense of refusal to submit to test, is
 36 amended to read as follows:

