

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 S4/15/03

A Bill

HOUSE BILL 2888

5 By: Representative Hathorn
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7

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

Subtitle

13 AN ACT CONCERNING RESTRICTED DRIVING
14 PERMIT FOR PERSONS CONVICTED OF DRIVING
15 WHILE INTOXICATED.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 substance*
32 *and a restricted driving permit shall be available immediately upon payment*
33 *of a fee of one hundred fifty dollars (\$150) to be distributed as provided*
34 *under § 5-65-120(d)(2);*

35 ~~*(iii) Suspension for one hundred eighty (180) days*~~
36 ~~*for the first offense of refusing to submit to a chemical test of blood,*~~



1 ~~breath, or urine for the purpose of determining the alcohol or controlled~~
 2 ~~substance contents of the person's blood or breath, § 5-65-202. Provided,~~
 3 ~~however, that if the court orders issuance of an ignition interlock~~
 4 ~~restricted license under § 5-65-118, the suspension period for which no~~
 5 ~~restricted license shall be available shall be a minimum of ninety (90) days.~~
 6 ~~The restricted driving permit provision of § 5-65-120 does not apply to this~~
 7 ~~suspension;~~

8 ~~(iv)(iii)~~ Suspension for one hundred eighty (180)
 9 days for the first offense of operating or being in actual physical control
 10 of a motor vehicle while intoxicated and while there was an alcohol
 11 concentration of fifteen hundredths (0.15) or more by weight of alcohol in
 12 the person's blood or breath. Provided, however, that if the court orders
 13 issuance of an ignition interlock restricted license under § 5-65-118, ~~the~~
 14 ~~suspension period for which no restricted license shall be available shall be~~
 15 ~~a minimum of thirty (30) days. The restricted driving permit provision of §~~
 16 ~~5-65-120 does not apply to this suspension~~ the interlock restricted license
 17 shall be available immediately upon payment of a fee of one hundred fifty
 18 dollars (\$150) to be distributed as provided under § 5-65-120(d)(2);

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

22 (d)(1) Whenever any person who has plead guilty or nolo contendere to,
 23 or been found guilty of a first offense of driving while intoxicated §5-65-
 24 104, or a first offense of refusal to submit to a chemical test, §5-65-205,
 25 and that person is entitled to an interlock restricted license under the law,
 26 but is unable to afford the costs and fees associated with the license, and
 27 it would create a substantial economic hardship on the person to be denied a
 28 license, the presiding judge may issue an order allowing the person to obtain
 29 a restricted driving permit upon payment of a fee of one hundred fifty
 30 dollars (\$150) to be distributed as provided under § 5-65-120(d)(2).

31 (2) The first two hundred and fifty thousand dollars (\$250,000)
 32 generated each year by the fee levied under this subsection (d) shall be
 33 deposited as special revenues into the State Treasury to the credit of the
 34 Public Health Fund to be used by the Department of Health to help fund drug
 35 courts which were funded in whole or in part by the department on January 1,
 36 2003, and the remainder shall be deposited as special revenues into the

1 Department of Community Correction Fund Account to be used to help fund drug
2 courts in this state whether or not in existence as of the date of this
3 subsection.

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

8 (1)(A) Suspension for one hundred eighty (180) days for the
9 first offense of refusing to submit to a chemical test of blood, breath, or
10 urine for the purpose of determining the alcohol or controlled substance
11 contents of the person's blood or breath. However, if the court orders
12 issuance of an ignition interlock restricted license under § 5-65-118, ~~the~~
13 ~~suspension time for which no restricted license shall be available shall be a~~
14 ~~minimum of ninety (90) days~~ the interlock restricted license shall be
15 available immediately upon payment of a fee of one hundred fifty dollars
16 (\$150) to be distributed as provided under § 5-65-120(d)(2). The restricted
17 driving permit provision of § 5-65-120 does not apply to this suspension,
18 except as provided in §5-65-120(d);

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

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24 /s/ Hathorn
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