

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Representative King

# A Bill

HOUSE BILL 1798

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE FORFEITURE OF A PERSON'S  
9 VEHICLE AFTER A SECOND OR SUBSEQUENT CONVICTION FOR  
10 DRIVING WHILE INTOXICATED OR FOR DRIVING A MOTOR  
11 VEHICLE ON A SUSPENDED LICENSE DUE TO DRIVING WHILE  
12 INTOXICATED; AND FOR OTHER PURPOSES.

## Subtitle

16 TO PROVIDE FOR THE FORFEITURE OF A  
17 PERSON'S VEHICLE AFTER A SECOND OR  
18 SUBSEQUENT CONVICTION FOR DRIVING WHILE  
19 INTOXICATED OR FOR DRIVING A MOTOR  
20 VEHICLE ON A SUSPENDED LICENSE DUE TO  
21 DRIVING WHILE INTOXICATED.

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

26 SECTION 1. Arkansas Code § 5-65-105 is amended to read as follows:

27 5-65-105. Operation of motor vehicle during period of license  
28 suspension or revocation.

29 ~~Any~~ A person whose privilege to operate a motor vehicle has been  
30 suspended or revoked under a ~~provision of this act~~ this subchapter and § 5-  
31 65-201 et seq. who operates a motor vehicle in this state during the period  
32 of the suspension or revocation upon conviction is guilty of an unclassified  
33 misdemeanor and:

34 (1) ~~shall~~ Shall be imprisoned for ten (10) days; ~~and~~

35 (2) ~~may~~ May be assessed a fine of not more than one thousand  
36 dollars (\$1,000); ~~and~~



1           (3) May have the person's motor vehicle that he or she was  
 2 operating during the period of the suspension or revocation of his or her  
 3 license seized and sold under § 5-65-117.

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 5           SECTION 2. Arkansas Code § 5-65-117(a), concerning the seizure and  
 6 sale of motor vehicles driven by persons convicted of driving while  
 7 intoxicated, is amended to read as follows:

8           (a)(1)(A) Any person who pleads guilty or nolo contendere or is found  
 9 guilty of violating § 5-65-103 for a ~~fourth~~ second or subsequent offense  
 10 occurring within three (3) years of ~~the first~~ a prior offense, or of  
 11 violating § 5-65-105, at the discretion of the court, may have his or her  
 12 motor vehicle seized.

13                   (B) If the motor vehicle is seized, the title to the motor  
 14 vehicle is forfeited to the state.

15           (2)(A) If ordered by the court, ~~it is the duty of~~ the county  
 16 sheriff of the county where the offense described in subdivision (a)(1) of  
 17 this section occurred ~~to~~ shall seize the motor vehicle.

18                   (B) The court may issue an order directing the sheriff to  
 19 sell the motor vehicle seized at a public auction to the highest bidder  
 20 within thirty (30) days from the date of the judgment seizing the motor  
 21 vehicle.