

Act 577 of the 1989 Regular Session.

Act 577

SB408

By: Senator Scott

"AN ACT TO AMEND TITLE 20, CHAPTER 7, SUBCHAPTER 1 OF THE ARKANSAS CODE OF 1987 TO PERMIT THE ARKANSAS DEPARTMENT OF HEALTH TO CHARGE A MAINTENANCE FEE FOR BREATH TESTING INSTRUMENTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Title 20, Chapter 7, Subchapter 1 is hereby amended by adding a new section to read as follows:

"20-7-128. (a) The State Board of Health may assess a fee for the maintenance of breath testing instruments by law-enforcement agencies for purposes contained in Ark. Code 5-65-101 et seq. and 5-65-201 et seq. (D.W.I. Law). This provision shall not be construed to exclude manufacturer approved repair services. The fees collected shall be used for the support of the maintenance program as appropriated by law.

(b) The fee imposed shall not exceed the cost of such maintenance by the Arkansas Department of Health and for the fiscal years 1990 and 1991 shall be paid at the rate of not more than thirty dollars (\$30) per hour plus actual cost of parts, shipping and supplies.

(c) Funds derived from the fees levied pursuant to the authority granted in this section are hereby declared to be 'special revenues' and shall be collected by the Arkansas Department of Health and deposited in the State Treasury where they shall be credited to the Public Health Fund. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officers for the Department of Health are authorized to transfer all unexpended funds relative to the Blood Alcohol Instrument Maintenance Program funds outlined in this act as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for the expenditures for the same purpose for any following year."

SECTION 2. 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 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 15, 1989
