

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Hendrix**

A Bill

ACT 1022 OF 1993
HOUSE BILL 1832

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE SECTION 23-13-258 TO
9 PROVIDE THAT OPERATORS OF MOTOR VEHICLES SUSCEPTIBLE TO
10 SAFETY OF OPERATION AND EQUIPMENT REGULATIONS OF THE STATE
11 HIGHWAY COMMISSION WHILE OPERATING SUCH VEHICLES SHALL BE
12 SUBJECT TO FINE IF CONVICTED OF POSSESSION OR USE OF ANY
13 CONTROLLED SUBSTANCE OR POSSESSION OR USE OF ANY
14 INTOXICATING LIQUOR ALL FOR THE PURPOSES OF COMPLYING
15 WITH FEDERAL LAWS AND REGULATIONS CONCERNING MOTOR CARRIER
16 SAFETY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

18
19 "TO PROVIDE FINES FOR CERTAIN MOTOR VEHICLE OPERATORS
20 CONVICTED OF POSSESSION OR USE OF ANY CONTROLLED
21 SUBSTANCE OR INTOXICATING LIQUOR."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Section 23-13-258 is hereby amended to read as
26 follows:

27 "23-13-258. Operation of motor vehicle while in possession of,
28 consuming, or under influence of any controlled substance or intoxicating
29 liquor prohibited.

30 (a) Any person operating or being in physical control of a motor
31 vehicle, which motor vehicle is susceptible at the time of such operation or
32 physical control to any regulations of the Arkansas State Highway Commission
33 regarding the safety of operation and equipment of that motor vehicle, who
34 commits any of the following acts shall be guilty of a misdemeanor and, upon
35 conviction for the first offense, shall be subject to a fine of not less than
36 two hundred dollars (\$200) nor more than one thousand dollars (\$1,000). Upon

1 second and subsequent convictions, that person shall be subject to a fine of
2 not less than five hundred dollars (\$500) nor more than one thousand dollars
3 (\$1,000);

4 (1) Operating, or being in physical control of, such a motor vehicle if
5 he possesses, is under the influence of, or is using any 'Controlled
6 Substance';

7 (2) Operating, or being in physical control of, such a motor vehicle if
8 he possesses, is under the influence of, or is using any other substance which
9 renders him incapable of safely operating a motor vehicle;

10 (3) Consumption of, or possession of, an intoxicating liquor,
11 regardless of its alcoholic content, or being under the influence of an
12 intoxicating liquor while in physical control of such a motor vehicle,
13 provided, no person shall be considered in possession of an intoxicating
14 liquor solely on the basis that an intoxicating liquor or beverage is
15 manifested and being transported as part of a shipment.

16 (b) For the purposes of this Section, the term 'Controlled Substance'
17 shall have the same meaning ascribed to that term in the 'Uniform Controlled
18 Substances Act,' §5-64-101, et seq., and the regulations issued pursuant to
19 that Act.

20 (c) Nothing in this Section is intended to abrogate any of the
21 provisions of the 'Omnibus DWI Act', § 5-65-101, et seq., and any person
22 violating any of the provisions of subsection (a), above, who may be charged
23 with a violation of the 'Omnibus DWI Act' shall be so charged with a violation
24 of that Act rather than with a violation of this Section."

25

26 SECTION 2. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

35

1 SECTION 4. All laws or parts of laws in conflict with this act are
2 hereby repealed.

3

4 SECTION 5. EMERGENCY. It is hereby found and determined by the
5 Seventy-Ninth General Assembly of the State of Arkansas that the amendments
6 contained in this Act providing fines for operators of certain motor vehicles
7 convicted of possession or use of any "Controlled Substance" or any
8 intoxicating liquor while operating such vehicles are necessary for the
9 purposes of ensuring that this State law is compatible with federal laws and
10 regulations concerning motor carrier safety and only by the immediate
11 effectiveness of this Act may such compatibility be expeditiously
12 accomplished. Therefore, an emergency is hereby declared to exist and this
13 act being necessary for the immediate preservation of the public peace, health
14 and safety shall be in full force and effect on and after the date of its
15 passage and approval.

16

APPROVED: 4/12/93

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

