

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: H4/7/03*  
**A Bill**

**Act 1779 of 2003**  
**HOUSE BILL 2716**

5 By: Representative Rosenbaum  
6  
7

**For An Act To Be Entitled**

9 AN ACT CONCERNING AN INTERLOCK RESTRICTED LICENSE  
10 FOR PERSONS WHO PLEAD GUILTY, NOLO CONTENDERE TO,  
11 OR ARE FOUND GUILTY OF DRIVING WHILE INTOXICATED;  
12 AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 AN ACT CONCERNING AN INTERLOCK  
15 RESTRICTED LICENSE FOR PERSONS WHO PLEAD  
16 GUILTY, NOLO CONTENDERE TO, OR ARE FOUND  
17 GUILTY OF DRIVING WHILE INTOXICATED.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 5-65-104(a)(4)(A) through (C), concerning  
24 penalties for driving while intoxicated, is amended to read as follows:

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

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

34 (iii) Suspension for one hundred eighty (180) days  
35 for the first offense of refusing to submit to a chemical test of blood,  
36 breath, or urine for the purpose of determining the alcohol or controlled



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

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

17 (B)(i) Suspension for twenty-four (24) months for a second  
18 offense of operating or being in actual physical control of a motor vehicle  
19 while intoxicated or while there was an alcohol concentration of eight  
20 hundredths (0.08) or more by weight of alcohol in the person's blood or  
21 breath, § 5-65-103, within five (5) years of the first offense. Provided,  
22 however, that if the court orders issuance of an ignition interlock  
23 restricted license under § 5-65-118, the suspension period for which no  
24 restricted license shall be available shall be a minimum of one (1) year<sub>+</sub>.

25 (ii) Suspension for two (2) years, during which no  
26 restricted permits may be issued, for a second offense of refusing to submit  
27 to a chemical test of blood, breath, or urine for the purposes of determining  
28 the alcohol or controlled substance contents of the person's blood or breath,  
29 § 5-65-202, within five (5) years of the first offense;

30 (C)(i) Suspension for thirty (30) months for the third  
31 offense of operating or being in actual physical control of a motor vehicle  
32 while intoxicated or while there was an alcohol concentration of eight  
33 hundredths (0.08) or more by weight of alcohol in the person's blood or  
34 breath, § 5-65-103, within five (5) years of the first offense. Provided,  
35 however, that if the court orders issuance of an ignition interlock  
36 restricted license under § 5-65-118, the suspension period for which no

1 restricted license shall be available shall be a minimum of one (1) year+.

2 (ii) Revocation for three (3) years, during which no  
3 restricted permits may be issued, for the third offense of refusing to submit  
4 to a chemical test of blood, breath, or urine for the purpose of determining  
5 the alcohol or controlled substance contents of the person's blood or breath,  
6 § 5-65-202, within five (5) years of the first offense; and

7  
8 SECTION 2. Arkansas Code § 5-65-205(b)(1), concerning penalties for  
9 refusal to submit to a chemical test, is amended to read as follows:

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

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

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23 /s/ Rosenbaum

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26 APPROVED: 4/22/2003