

1 State of Arkansas As Engrossed: H3/20/17 S3/30/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1268

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5 By: Representative Murdock

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For An Act To Be Entitled

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AN ACT CONCERNING THE USE OF AN IGNITION INTERLOCK
9 DEVICE; AND FOR OTHER PURPOSES.

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Subtitle

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CONCERNING THE USE OF AN IGNITION
14 INTERLOCK DEVICE.

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

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*SECTION 1. Arkansas Code § 5-65-104(a)(2)(D), concerning the
20 revocation of a person's driver's license for a fourth or subsequent
21 conviction for driving or boating while intoxicated, is amended to read as
22 follows:*

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*(D)(i) Revocation for four (4) years, during which no
24 restricted permits may be issued, for the fourth or subsequent offense of
25 operating or being in actual physical control of a motor vehicle or motorboat
26 while intoxicated or while there was an alcohol concentration of eight
27 hundredths (0.08) or more by weight of alcohol in the person's blood or
28 breath, § 5-65-103, within five (5) years of the first offense.*

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*(ii) A person whose driver's license is revoked
30 under this subdivision (a)(2)(D) is required to install a functioning
31 ignition interlock device on his or her motor vehicle under § 5-65-
32 118(a)(1)(B) if the person regains his or her driver's license.*

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*SECTION 2. Arkansas Code § 5-65-118(a)(1)(A)(i), concerning the use of
35 an ignition interlock device, is amended to read as follows:*

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(a)(1)(A)(i) ~~The~~ Except as provided under subsection (g) of this



1 section, the Office of Driver Services shall place a restriction on a person
2 who has violated § 5-65-103 for a first or second offense that requires the
3 person’s motor vehicle to be equipped with a functioning ignition interlock
4 device in addition to any other penalty authorized by this chapter.

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6 SECTION 3. Arkansas Code § 5-65-118, concerning the use of an ignition
7 interlock device, is amended to add an additional subsection to read as
8 follows:

9 (g)(1) A person who has violated § 5-65-103 for a first offense that
10 requires the person’s motor vehicle to be equipped with a functioning
11 ignition interlock device under this section may petition the court with
12 jurisdiction for a waiver of the requirement to install a functioning
13 interlock device under this section.

14 (2) The court with jurisdiction may waive the requirement to
15 install a functioning interlock device under this section under the following
16 conditions:

17 (A) The person is required to operate an employer’s motor
18 vehicle in the course and scope of employment and the business entity that
19 owns the vehicle is not owned or controlled by the person;

20 (B) The person is certified by a medical doctor as being
21 unable to provide a deep lung breath sample for analysis by an ignition
22 interlock device; or

23 (C) A state-certified ignition interlock provider is not
24 available within one hundred (100) miles of the person’s residence.

25 (3) Upon finding that a condition under subdivision (g)(2) of
26 this section is present, the court with jurisdiction shall enter an order to
27 that effect and transmit the order to the office for compliance.

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29 /s/Murdock

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32 APPROVED: 04/07/2017