

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.  
Act 1196 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2231

4  
5 By: Representative Maloch  
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## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE THAT A CONVICTION FOR OPERATING  
10 A MOTORBOAT WHILE INTOXICATED WILL COUNT AS A  
11 PREVIOUS OFFENSE IN ORDER TO DETERMINE THE NUMBER  
12 OF PREVIOUS OFFENSES FOR THE PURPOSE OF  
13 SUSPENDING OR REVOKING A PERSON'S DRIVING  
14 PRIVILEGES UNDER THE OMNIBUS DWI ACT; AND FOR  
15 OTHER PURPOSES.  
16

## Subtitle

17  
18 TO PROVIDE THAT A CONVICTION FOR  
19 OPERATING A MOTORBOAT WHILE INTOXICATED  
20 WILL COUNT AS A PREVIOUS OFFENSE IN  
21 ORDER TO DETERMINE THE NUMBER OF  
22 PREVIOUS OFFENSES UNDER THE OMNIBUS DWI  
23 ACT.  
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 5-65-104(a)(4), concerning offenses that  
29 the Office of Driver Services shall consider as a previous offense in order  
30 to determine the number of previous offenses for the purpose of suspending or  
31 revoking an arrested person's driving privileges, is amended to add an  
32 additional subdivision to read as follows:

33 (C) Any conviction under § 5-76-102 for an offense of  
34 operating a motorboat on the waters of this state while intoxicated or while  
35 there is an alcohol concentration in the person's breath or blood of eight-



1 hundredths (0.08) or more based upon the definition of breath, blood, and  
2 urine concentration in § 5-65-204 or refusing to submit to a chemical test  
3 under § 5-76-104 occurring on or after the effective date of this act when  
4 the person was not subsequently acquitted of the criminal charges.

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6 SECTION 2. Arkansas Code § 5-76-103, concerning the penalties for  
7 operating a motorboat while intoxicated, is amended to add an additional  
8 subsection to read as follows:

9 (d)(1) Within ten (10) days after the conviction or forfeiture of bail  
10 of a person upon a charge of violating any provision of this subchapter,  
11 every magistrate or judge of a court not of record or clerk of the court of  
12 record in which the conviction was had or bail was forfeited shall prepare  
13 and forward to the Office of Driver Services an abstract of the record of the  
14 court covering the case in which the person was convicted or forfeited bail  
15 for the purpose of determining the number of previous offenses under § 5-65-  
16 104(a)(4).

17 (2) The abstract described in subdivision (d)(1) of this section  
18 shall be certified to be true and correct by the magistrate, judge, or clerk  
19 of the court required to prepare it.

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21 APPROVED: 4/4/2007  
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