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 251 of the Regular Session

1	State of Arkansas	As Engrossed: S3/1/07	
2	86th General Assembly A Bill		
3	Regular Session, 2007		HOUSE BILL 1414
4			
5	By: Representative Allen		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT CONCERNING ALCOHOL EDUCATION PROGRAMS FOR		
10	PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;		
11	AMENDING ARKANSAS CODE § 20-64-601 CONCERNING THE		
12	NAME OF THE BUREAU OF ALCOHOL AND DRUG ABUSE		
13	PREVENTI	ION; AND FOR OTHER PURPOSES.	
14			
15		Subtitle	
16	AN AC	CT CONCERNING ALCOHOL EDUCATION	
17	PROGR	RAMS FOR PERSONS CONVICTED OF	
18	DRIVI	ING WHILE INTOXICATED AND CHANGING	
19	THE N	NAME OF THE BUREAU OF ALCOHOL AND	
20	DRUG	ABUSE PREVENTION.	
21			
22			
23	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
24			
25	SECTION 1. Arka	nnsas Code § 5-65-109(a), concernin	g presentence
26	screenings and assessment reports, is amended to read as follows:		
27	(a) The court s	shall immediately request and the $\#$	ighway Safety Program
28	Office of Alcohol and	Drug Abuse Prevention or its design	nee shall provide a
29	presentence screening	and assessment report of the defend	dant upon a plea of
30	guilty or nolo contendere to or a finding of guilt of violating § 5-65-103 or		
31	§ 5-65-303.		
32			
33	SECTION 2. Arka	nsas Code § 5-65-115(a), concerning	g alcohol treatment
34	or education programs,	is amended to read as follows:	
35	(a)(l) Any pers	on whose driving privileges are su	spended or revoked

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- 1 for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to 2 complete an alcohol education program or an alcoholism treatment program as approved by the Bureau of provided by a contractor with the Office of Alcohol 3 4 and Drug Abuse Prevention of the Department of Health and Human Services or & 5 program required under § 5-65-104(b)(1), in addition to any other penalty 6 provided by law an alcoholism treatment program licensed by the Office of 7 Alcohol and Drug Abuse Prevention. 8 (2)(A) The alcohol education program may collect a program fee 9 of up to one hundred twenty-five dollars (\$125) per enrollee to offset 10 program costs. 11 (B)(i) A person ordered to complete an alcohol education 12 program or alcoholism treatment program under this section may be required to pay, in addition to the costs collected for education or treatment, a fee of 13 14 up to twenty-five dollars (\$25.00) to offset the additional costs associated 15 with reporting requirements under this subchapter. 16 (ii) The alcohol education program shall report 17 semiannually monthly to the bureau office all revenue derived from this fee. 18 19 SECTION 3. Arkansas Code § 5-65-307 is amended to read as follows: 20 21 5-65-307. Alcohol and driving education program. 22 (a)(1)(A) Any underage person who has his or her driving privileges suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-23 24 303 is required to complete an alcohol and driving education program for 25 underage drivers as prescribed and approved by the Bureau Office of Alcohol 26 and Drug Abuse Prevention of the Division of Behavioral Health Services of 27 the Department of Health and Human Services or an alcoholism treatment 28 program licensed by the Office of Alcohol and Drug Abuse Prevention, or both, 29 in addition to any other penalty provided in this subchapter chapter. 30 (B) If during the period of suspension or revocation in subdivision (a)(1)(A) of this section the underage person commits an additional violation 31
- 35 (2) The bureau Office of Alcohol and Drug Abuse Prevention shall 36 approve only those programs in alcohol and driving education that are

an approved alcohol and driving education program or alcoholism treatment

program for each additional violation.

of § §§ 3-3-203 or 5-65-303, the underage person is also required to complete

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- 1 targeted at the underage driving group and are intended to intervene and
- 2 prevent repeat occurrences of driving under the influence or driving while
- 3 intoxicated.
- 4 (3)(A)(i) The alcohol and driving education program may collect
- 5 a program fee of up to one hundred twenty-five dollars (\$125) per enrollee to
- 6 offset program costs.
- 7 (ii) An underage person ordered to complete an
- 8 alcohol and driving education program or an alcoholism treatment program
- 9 under this section may be required to pay, in addition to the costs collected
- 10 for the program, a fee of up to twenty-five dollars (\$25.00) to offset the
- 11 additional costs associated with reporting requirements under this
- 12 subchapter.
- 13 (B) An approved alcohol and driving education program
- 14 shall report semiannually <u>monthly</u> to the bureau <u>Office of Alcohol and Drug</u>
- 15 Abuse Prevention all revenue derived from these fees.
- 16 (b) Prior to reinstatement of a driver's license suspended or revoked
- 17 under this subchapter, the driver shall furnish proof of attendance at and
- 18 completion of the alcohol and driving education program or alcoholism
- 19 treatment program required under subdivision (a)(1) of this section.
- 20 (c) The bureau <u>Office of Alcohol and Drug Abuse Prevention</u> may
- 21 promulgate rules and regulations reasonably necessary to carry out the
- 22 purposes of this section regarding the approval and monitoring of the alcohol
- 23 and driving education programs.
- 24 (d)(l)(A) A person whose license is suspended or revoked for violating
- 25 § 5-65-303 or § 5-65-310 shall:
- 26 (i) Both:
- 27 (a) Furnish proof of attendance at and completion of the alcohol and
- 28 driving education program or alcoholism treatment program required under
- 29 subdivision (a)(1) of this section before reinstatement of his or her
- 30 suspended or revoked driver's license; and
- 31 (b) Pay any fee for reinstatement required under § 5-65-119 or § 5-65-
- 32 304; or
- 33 (ii) Furnish proof of dismissal or acquittal of the
- 34 charge on which the suspension or revocation is based.
- 35 (B) An application for reinstatement shall be made to the
- 36 Office of Driver Services.

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1	(2) Even if a person has filed a de novo petition for review		
2	pursuant to § 5-65-402, the person is entitled to reinstatement of driving		
3	privileges upon complying with this subsection and is not required to		
4	postpone reinstatement until the disposition of the de novo review in circuit		
5	court has occurred.		
6	(3)(A) A person suspended under this subchapter may enroll in a		
7	alcohol education program prior to disposition of the offense by the circuit		
8	court, district court, or city court, but is not entitled to any refund of		
9	fees paid if the charges are dismissed or if the person is acquitted of the		
10	charges.		
11	(B) A person who enrolls in an alcohol education program		
12	is not entitled to any refund of fees paid if the person is subsequently		
13	acquitted.		
14	(e) Any alcohol and driving education program or alcoholism treatment		
15	program shall remit the fees imposed under this section to the bureau Office		
16	of Alcohol and Drug Abuse Prevention.		
17			
18	SECTION 4. Arkansas Code § 20-64-601 is amended to read as follows:		
19	20-64-601. Bureau Office of Alcohol and Drug Abuse Prevention -		
20	Creation.		
21	(a) There is established within the Department of Health <u>Division of</u>		
22	Behavioral Health Services of the Department of Health and Human Services a		
23	Bureau an Office of Alcohol and Drug Abuse Prevention to be located under the		
24	Office of the Director of the Department of <u>Health and</u> Human Services.		
25	(b) The head of the office shall be appointed by the Director of the		
26	Department of <u>Health and</u> Human Services.		
27	(c) Such personnel as are necessary shall be appointed by the office		
28	head to carry out the powers, duties, functions, and responsibilities of the		
29	bureau, in accordance with the requirements of law within the limits of		
30	available appropriations.		
31			
32	SECTION 5. NOT TO BE CODIFIED. The Arkansas Code Revision Commission		
33	shall make appropriate name changes in the Arkansas Code to implement the		
34	name change under Section 4 of this act.		
35			

/s/ Allen

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APPROVED: 3/9/2007