

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 712 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/8/07

A Bill

SENATE BILL 781

5 By: Senator Wilkins
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For An Act To Be Entitled

9 AN ACT TO PROVIDE CONSISTENCY IN THE STATUTORY
10 LANGUAGE REGARDING PRIOR ALCOHOL-RELATED OFFENSES
11 TO CONSIDER WHEN SUSPENDING OR REVOKING DRIVING
12 PRIVILEGES; TO TREAT CONVICTIONS FOR ALCOHOL-
13 RELATED OFFENSES IN OTHER STATES THAT ARE
14 REPORTED UNDER THE RECIPROCAL SYSTEM AS IF THE
15 OFFENSE HAD HAPPENED IN ARKANSAS; AND FOR OTHER
16 PURPOSES.

Subtitle

18 AN ACT TO CLARIFY THE LAW REGARDING
19 PRIOR ALCOHOL-RELATED DRIVING OFFENSES
20 AND TO TREAT CONVICTIONS IN OTHER STATES
21 AS IF THEY WERE ARKANSAS CONVICTIONS.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-65-104(a)(4), concerning the number of
28 prior driving while intoxicated offenses, is amended to read as follows:

29 (4) In order to determine the number of previous offenses to
30 consider when suspending or revoking the arrested person's driving
31 privileges, the office shall consider as a previous offense any of the
32 following that occurred within the five (5) years immediately before the
33 current offense:

34 (A) Any conviction for an offense of operating or being in
35 actual physical control of a motor vehicle while intoxicated or while there



1 was an alcohol concentration of eight-hundredths (0.08) or more in the
 2 person's breath or blood ~~under § 5-65-103 or refusing to submit to a chemical~~
 3 ~~test under § 5-65-202 that occurred prior to July 1, 1996~~ that occurred:

4 (i) In Arkansas; and or

5 (ii) In another state; or

6 (B) Any suspension or revocation of driving privileges for
 7 an arrest for operating or being in actual physical control of a motor
 8 vehicle while intoxicated or while there ~~is~~ was an alcohol concentration of
 9 eight-hundredths (0.08) or more in the person's breath or blood under § 5-65-
 10 103 ~~or refusing to submit to a chemical test under § 5-65-202 occurring on or~~
 11 ~~after July 1, 1996~~, when the person was not subsequently acquitted of the
 12 criminal charges.

13
 14 SECTION 2. Arkansas Code § 5-65-205(d), concerning the number of prior
 15 refusals to submit to alcohol testing offenses, is amended to read as
 16 follows:

17 (d) In order to determine the number of previous offenses to consider
 18 when suspending or revoking the arrested person's driving privileges, the
 19 office shall consider as a previous offense any of the following that
 20 occurred within the five (5) years immediately before the current offense:

21 (1) Any conviction for an offense of ~~operating or being in~~
 22 ~~actual physical control of a motor vehicle while intoxicated or in violation~~
 23 ~~of § 5-65-103 or refusing to submit to a chemical test which occurred prior~~
 24 ~~to July 1, 1996; and~~

25 (2) Any suspension or revocation of driving privileges for an
 26 arrest for a ~~violation of § 5-65-103 or violation of § 5-65-205(a) occurring~~
 27 ~~on or after July 1, 1996~~, refusing to submit to a chemical test, when the
 28 person was not subsequently ~~convicted~~ acquitted of the criminal charge.

29
 30 SECTION 3. Arkansas Code § 5-65-304(c), concerning the number of prior
 31 offenses of an underage person, is amended to read as follows:

32 (c) In order to determine the number of previous offenses to consider
 33 when suspending or revoking the arrested underage person's driving
 34 privileges, the office shall consider as a previous offense:

35 ~~(1) Any conviction that occurred prior to July 1, 1996, for the~~
 36 ~~offenses of:~~

1 ~~(A) Operating or being in actual physical control of a~~
2 ~~motor vehicle while intoxicated or in violation of § 5-65-103; or~~

3 ~~(B) Refusing to submit to a chemical test;~~

4 ~~(2) Any suspension or revocation of driving privileges for an~~
5 ~~arrest for a violation of § 5-65-103 or violation of § 5-65-205(a) occurring~~
6 ~~on or after July 1, 1996, when the person was subsequently convicted of the~~
7 ~~criminal charges;~~

8 ~~(3)(1) Any conviction for violating § 5-65-303 or § 5-65-310~~
9 ~~prior to July 30, 1999 or § 5-65-103; and~~

10 ~~(4)(2) Any suspension or revocation of driving privileges for an~~
11 ~~arrest for a violation of § 5-65-303 or § 5-65-310 occurring on or after July~~
12 ~~30, 1999, or § 5-65-103, when the person was not subsequently ~~convicted~~~~
13 ~~acquitted of the criminal charge.~~

14
15 SECTION 4. Arkansas Code § 5-65-310(c), concerning the number of prior
16 offenses of an underage person, is amended to read as follows:

17 (c) In order to determine the number of previous offenses to consider
18 when suspending or revoking the arrested underage person's driving
19 privileges, the office shall consider as a previous offense:

20 ~~(1) Any conviction for an offense that occurred prior to July 1,~~
21 ~~1996, of:~~

22 ~~(A) Operating or being in actual physical control of a~~
23 ~~motor vehicle while intoxicated or in violation of § 5-65-103; or~~

24 ~~(B) Refusing to submit to a chemical test;~~

25 ~~(2) Any suspension or revocation of driving privileges for an~~
26 ~~arrest for a violation of § 5-65-103 or violation of § 5-65-205 occurring on~~
27 ~~or after July 1, 1996, when the person was subsequently convicted of the~~
28 ~~criminal charge;~~

29 ~~(3)(1) Any conviction for violating § 5-65-303 or § 5-65-310~~
30 ~~prior to July 30, 1999; and~~

31 ~~(4)(2) Any suspension or revocation of driving privileges for an~~
32 ~~arrest for a violation of § 5-65-303 or § 5-65-310 occurring on or after July~~
33 ~~30, 1999, when the person was not subsequently ~~convicted~~ acquitted of the~~
34 ~~criminal charge.~~

35
36 /s/ Wilkins

 APPROVED: 3/30/2007