

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 359 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 346

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5 By: Senator D. Wyatt
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For An Act To Be Entitled

9 AN ACT TO AMEND THE OMNIBUS DWI ACT TO PROVIDE
10 THAT A PERSON ARRESTED FOR OPERATING OR BEING IN
11 ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE
12 INTOXICATED BY A CONTROLLED SUBSTANCE OR A PERSON
13 WHO REFUSES TO SUBMIT TO A CHEMICAL TEST IS
14 INELIGIBLE FOR AN IGNITION INTERLOCK RESTRICTED
15 DRIVING PERMIT; AND FOR OTHER PURPOSES.
16

Subtitle

17 TO PROVIDE THAT PERSONS ARRESTED FOR
18 OPERATING A MOTOR VEHICLE WHILE
19 INTOXICATED BY THE USE OF A CONTROLLED
20 SUBSTANCE OR REFUSAL TO SUBMIT TO
21 TESTING ARE INELIGIBLE FOR AN IGNITION
22 INTERLOCK RESTRICTED DRIVING PERMIT.
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 5-65-104(a)(2)(A)(ii), concerning the
29 seizure, suspension, and revocation of a license, is amended to read as
30 follows:

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

35 (b) The ignition interlock restricted license provision of § 5-65-118



1 does not apply to a suspension under subdivision (a)(2)(A)(ii)(a) of this
 2 section; and

3
 4 SECTION 2. Arkansas Code § 5-65-104(a)(2)(B), concerning the seizure,
 5 suspension, and revocation of a license, is amended to add a subdivision to
 6 read as follows:

7 (iii) The ignition interlock restricted license
 8 provision of § 5-65-118 does not apply to the suspension under subdivisions
 9 (a)(2)(B)(i) and (ii) of this section if the person is arrested for an
 10 offense of operating or being in actual physical control of a motor vehicle
 11 while intoxicated by the ingestion of or by the use of a controlled
 12 substance;

13
 14 SECTION 3. Arkansas Code § 5-65-104(a)(2)(C), concerning the seizure,
 15 suspension, and revocation of a license, is amended to add a subdivision to
 16 read as follows:

17 (iii) The ignition interlock restricted license
 18 provision of § 5-65-118 does not apply to the suspension under subdivisions
 19 (a)(2)(C)(i) and (ii) if the person is arrested for an offense of operating
 20 or being in actual physical control of a motor vehicle while intoxicated by
 21 the ingestion of or by the use of a controlled substance; and

22
 23 SECTION 4. Arkansas Code § 5-65-205(b)(1)(A)(ii), concerning the
 24 refusal to submit to a chemical test upon the request of a law enforcement
 25 officer is amended to read as follows:

26 (ii)(a) However, if the office allows the issuance
 27 of an ignition interlock restricted license under § 5-65-118, the ignition
 28 interlock restricted license shall be available immediately.

29 (b) The ignition interlock restricted license provision of § 5-65-118
 30 does not apply to the suspension under subdivision (b)(1)(A)(i) of this
 31 section if the person is arrested for an offense of operating or being in
 32 actual physical control of a motor vehicle while intoxicated by the ingestion
 33 of or by the use of a controlled substance.

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 35 **APPROVED: 3/10/2009**