

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1694

5 By: Representative Gillam  
6 By: Senator J. Woods  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE USE OF AN INTERLOCK DEVICE FOR  
10 PERSONS CHARGED WITH DRIVING WHILE INTOXICATED; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE USE OF AN INTERLOCK DEVICE  
16 FOR PERSONS CHARGED WITH DRIVING WHILE  
17 INTOXICATED.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-65-104(a)(2)(B) and (C), concerning the  
23 availability of an interlock device, is amended to read as follows:

24 (B)(i) Suspension for twenty-four (24) months for a second  
25 offense of operating or being in actual physical control of a motor vehicle  
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.

29 (ii) However, if the office allows the issuance of  
30 an ignition interlock restricted license under § 5-65-118, the ~~suspension~~  
31 ~~period for which no~~ restricted license is available ~~is a minimum of forty-~~  
32 ~~five (45) days, followed by restricted driving privileges to allow driving in~~  
33 ~~any and all of the following situations: immediately.~~

34 (a) ~~To and from his or her employment;~~

35 (b) ~~To and from an educational institution for~~  
36 ~~the purpose of attending class at the educational institution;~~



1 ~~(c) To and from an alcohol safety education~~  
 2 ~~and treatment course for drunk drivers; or~~

3 ~~(d) To and from an ignition interlock service.~~

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

10 (C)(i) Suspension for thirty (30) months for the third  
 11 offense of operating or being in actual physical control of a motor vehicle  
 12 while intoxicated or while there was an alcohol concentration of eight  
 13 hundredths (0.08) or more by weight of alcohol in the person's blood or  
 14 breath, § 5-65-103, within five (5) years of the first offense.

15 (ii) However, if the office allows the issuance of  
 16 an ignition interlock restricted license under § 5-65-118, the ~~suspension~~  
 17 ~~period for which no restricted license is available is a minimum of forty-~~  
 18 ~~five (45) days, followed by restricted driving privileges to allow driving in~~  
 19 ~~any and all of the following situations: immediately.~~

20 ~~(a) To and from his or her employment;~~

21 ~~(b) To and from an educational institution for~~  
 22 ~~the purpose of attending class at the education institution;~~

23 ~~(c) To and from an alcohol safety education~~  
 24 ~~and treatment course for drunk drivers; or~~

25 ~~(d) To and from an ignition interlock service.~~

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

31  
 32 SECTION 2. Arkansas Code § 5-65-104(a)(3), concerning the availability  
 33 of an interlock device, is amended to read as follows:

34 (3) If a person is a resident who is convicted of driving  
 35 without a license or permit to operate a motor vehicle and the underlying  
 36 basis for the suspension, revocation, or restriction of the license was for a

1 violation of § 5-65-103, in addition to any other penalties provided for  
2 under law, the ~~office~~ court may restrict the offender to ~~only~~ an ignition  
3 interlock restricted license for a period of one (1) year prior to the  
4 reinstatement or reissuance of a license or permit after the person would  
5 otherwise be eligible for reinstatement or reissuance of the person's  
6 license.

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9 **APPROVED: 03/21/2013**  
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