

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 1717**

"TO AMEND SUSPENSION AND REVOCATION OF DRIVING PRIVILEGES."

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**Amendment No. 4 to House Bill No. 1717.**

Amend House Bill No. 1717 as engrossed, H2/16/01:

Delete Section 1 and substitute the following:

"SECTION 1. Arkansas Code 5-65-104(a)(4) is amended to read as follows:

(4) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration or its designated official shall suspend or revoke the driving privilege of an arrested person or shall suspend any nonresident driving privilege of an arrested person when it receives a sworn report from the law enforcement officer that he had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while intoxicated or while there was ~~one-tenth of one percent (0.1%)~~ an alcohol concentration of eight hundredths of one percent (0.08%) or more by weight of alcohol in the person's blood or breath, § 5-65-103, which is accompanied by a written chemical test report reflecting that the arrested person was intoxicated or had an alcohol concentration of ~~one-tenth of one percent (0.1%)~~ eight hundredths of one percent (0.08%) or more or is accompanied by a sworn report that the arrested person refused to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath, as provided in § 5-65-202. The suspension or revocation shall be based on the number of previous offenses as follows:

(A)(i) Suspension for one hundred twenty (120) days for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of at least one-tenth of one percent (0.1%) ~~eight hundredths of one percent (0.08%)~~ but less than ~~eighteen hundredths of one percent (0.18%)~~ fifteen hundredths of one percent (0.15%) by weight of alcohol in the person's blood or breath, § 5-65-103;

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

(iii) Suspension for one hundred eighty (180) days for the

first offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath, § 5-65-202. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of ninety (90) days. The restricted driving permit provision of § 5-65-120 does not apply to this suspension;

(iv) Suspension for one hundred eighty (180) days for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated and while there was ~~eighteen one hundredths of one percent (0.18%)~~ an alcohol concentration of fifteen hundredths of one percent (0.15%) or more by weight of alcohol in the person's blood or breath. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of thirty (30) days. The restricted driving permit provision of § 5-65-120 does not apply to this suspension;

(B)(i) Suspension for ~~sixteen (16)~~ twenty-four (24) months for a second offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was ~~one tenth of one percent (0.1%)~~ an alcohol concentration of eight hundredths of one percent (0.08%) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of one (1) year;

(ii) Suspension for two (2) years, during which no restricted permits may be issued, for a second offense of refusing to submit to a chemical test of blood, breath, or urine for the purposes of determining the alcohol or controlled substance contents of the person's blood or breath, § 5-65-202, within five (5) years of the first offense;

(C)(i) Suspension for thirty (30) months for the third offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was ~~one tenth of one percent (0.1%)~~ an alcohol concentration of eight hundredths of one percent (0.08%) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense. Provided, however, that if the court orders issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license shall be available shall be a minimum of one (1) year.

(ii) Revocation for three (3) years, during which no restricted permits may be issued, for the third offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath, § 5-65-202, within five (5) years of the first offense; and

(D)(i) Revocation for four (4) years, during which no restricted permits may be issued, for the fourth or subsequent offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was ~~one tenth of one percent (0.1%)~~ an alcohol concentration of eight hundredths of one percent (0.08%) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense.

(ii) Lifetime revocation, during which no restricted permit may be issued, for the fourth or subsequent offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath, § 5-65-202, within five (5) years of the first offense."

The Amendment was read \_\_\_\_\_  
By: Representative Rodgers  
LH/RRS  
RRS412 \_\_\_\_\_ Chief Clerk