

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.

1 State of Arkansas

As Engrossed: H2/16/01 H3/1/01 S3/22/01

2 83rd General Assembly

A Bill

3 Regular Session, 2001

HOUSE BILL 1717

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5 By: Representatives Rodgers, Glover, Hutchinson, Magnus, Bright, Rackley, Carson

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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-65-104 TO LOWER
10 THE BLOOD ALCOHOL CONTENT FOR SUSPENSION OR
11 REVOCATION OF DRIVING PRIVILEGES ON FIRST
12 OFFENSE; INCREASE THE PERIOD OF SUSPENSION OR
13 REVOCATION FOR SECOND OFFENSE; TO LIMIT THE
14 ISSUANCE OF RESTRICTED LICENSES IN CERTAIN CASES;
15 AND TO AMEND ARKANSAS CODE 5-65-118 TO ELIMINATE
16 THE SUSPENSION DATE PROVISION; AND FOR OTHER
17 PURPOSES.

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Subtitle

20 TO AMEND SUSPENSION AND REVOCATION OF
21 DRIVING PRIVILEGES.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25

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

27 *(4) The Office of Driver Services of the Revenue Division of the*
28 *Department of Finance and Administration or its designated official shall*
29 *suspend or revoke the driving privilege of an arrested person or shall suspend*
30 *any nonresident driving privilege of an arrested person when it receives a*
31 *sworn report from the law enforcement officer that he had reasonable grounds*
32 *to believe the arrested person had been operating or was in actual physical*
33 *control of a motor vehicle while intoxicated or while there was ~~one-tenth of~~*
34 *~~one percent (0.1%)~~ an alcohol concentration of eight hundredths (0.08) or more*
35 *by weight of alcohol in the person's blood or breath, § 5-65-103, which is*
36 *accompanied by a written chemical test report reflecting that the arrested*

1 person was intoxicated or had an alcohol concentration of ~~one tenth of one~~
 2 ~~percent (0.1%)~~ eight hundredths (0.08) or more or is accompanied by a sworn
 3 report that the arrested person refused to submit to a chemical test of blood,
 4 breath, or urine for the purpose of determining the alcohol or controlled
 5 substance contents of the person's blood or breath, as provided in § 5-65-202.
 6 The suspension or revocation shall be based on the number of previous offenses
 7 as follows:

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

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

17 (iii) Suspension for one hundred eighty (180) days for the
 18 first offense of refusing to submit to a chemical test of blood, breath, or
 19 urine for the purpose of determining the alcohol or controlled substance
 20 contents of the person's blood or breath, § 5-65-202. Provided, however, that
 21 if the court orders issuance of an ignition interlock restricted license under
 22 § 5-65-118, the suspension period for which no restricted license shall be
 23 available shall be a minimum of ninety (90) days. The restricted driving
 24 permit provision of § 5-65-120 does not apply to this suspension;

25 (iv) Suspension for one hundred eighty (180) days for the
 26 first offense of operating or being in actual physical control of a motor
 27 vehicle while intoxicated and while there was ~~eighteen one hundredths of one~~
 28 ~~percent (0.18%)~~ an alcohol concentration of fifteen hundredths (0.15) or more
 29 by weight of alcohol in the person's blood or breath. Provided, however, that
 30 if the court orders issuance of an ignition interlock restricted license under
 31 § 5-65-118, the suspension period for which no restricted license shall be
 32 available shall be a minimum of thirty (30) days. The restricted driving
 33 permit provision of § 5-65-120 does not apply to this suspension;

34 (B)(i) Suspension for ~~sixteen (16)~~ twenty-four (24) months for a
 35 second offense of operating or being in actual physical control of a motor
 36 vehicle while intoxicated or while there was ~~one tenth of one percent (0.1%)~~

1 an alcohol concentration of eight hundredths (0.08) or more by weight of
2 alcohol in the person's blood or breath, § 5-65-103, within five (5) years of
3 the first offense. Provided, however, that if the court orders issuance of an
4 ignition interlock restricted license under § 5-65-118, the suspension period
5 for which no restricted license shall be available shall be a minimum of one
6 (1) year;

7 (ii) Suspension for two (2) years, during which no
8 restricted permits may be issued, for a second offense of refusing to submit
9 to a chemical test of blood, breath, or urine for the purposes of determining
10 the alcohol or controlled substance contents of the person's blood or breath,
11 § 5-65-202, within five (5) years of the first offense;

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

20 (ii) Revocation for three (3) years, during which no
21 restricted permits may be issued, for the third offense of refusing to submit
22 to a chemical test of blood, breath, or urine for the purpose of determining
23 the alcohol or controlled substance contents of the person's blood or breath,
24 § 5-65-202, within five (5) years of the first offense; and

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

31 (ii) Lifetime revocation, during which no restricted permit
32 may be issued, for the fourth or subsequent offense of refusing to submit to a
33 chemical test of blood, breath, or urine for the purpose of determining the
34 alcohol or controlled substance contents of the person's blood or breath, § 5-
35 65-202, within five (5) years of the first offense.

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1 SECTION 2. Arkansas Code 5-65-118(i) is amended as follows:

2 (i) Any person whose license was suspended under § 5-65-104 ~~prior to~~
3 ~~July 30, 1999~~, who would otherwise be eligible to obtain an ignition interlock
4 restricted license may petition the court for a hearing and the court may
5 order the Office of Driver Services of the Revenue Division of the Department
6 of Finance and Administration or its designated official to issue an ignition
7 interlock restricted license as authorized under the applicable section of §
8 5-65-104 and § 5-65-205.

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10 SECTION 3. Arkansas Code 5-65-205(b) is amended to read as follows:

11 (b) *The Office of Driver Services of the Department of Finance and*
12 *Administration shall then proceed to suspend or revoke the driving privilege*
13 *of the arrested person, as provided in § 5-65-402. The suspension shall be as*
14 *follows:*

15 (1) *Suspension for one hundred eighty (180) days for the first*
16 *offense of refusing to submit to a chemical test of blood, breath, or urine*
17 *for the purpose of determining the alcohol or controlled substance contents of*
18 *the person's blood or breath. However, if the court orders issuance of an*
19 *ignition interlock restricted license under § 5-65-118, the suspension time*
20 *for which no restricted license shall be available shall be a minimum of*
21 *ninety (90) days. The restricted driving permit provision of § 5-65-120 does*
22 *not apply to this suspension.*

23 (2) *Suspension for two (2) years, during which no restricted*
24 *permits may be issued, for a second offense of refusing to submit to a*
25 *chemical test of blood, breath, or urine for the purposes of determining the*
26 *alcohol or controlled substance contents of the person's blood or breath*
27 *within five (5) years of the first offense.*

28 (3) *Revocation for three (3) years, during which no restricted*
29 *permits may be issued, for the third offense of refusing to submit to a*
30 *chemical test of blood, breath, or urine for the purpose of determining the*
31 *alcohol or controlled substance contents of the person's blood within five (5)*
32 *years of the first offense.*

33 (4) *Lifetime revocation, during which no restricted permit may be*
34 *issued, for the fourth or subsequent offense of refusing to submit to a*
35 *chemical test of blood, breath, or urine for the purpose of determining the*
36 *alcohol or controlled substance contents of the person's blood or breath*

1 *within five (5) years of the first offense.*

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/s/ Rodgers

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