

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
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2231

5 By: Representative Maloch
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For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT A CONVICTION FOR OPERATING
10 A MOTORBOAT WHILE INTOXICATED WILL COUNT AS A
11 PREVIOUS OFFENSE IN ORDER TO DETERMINE THE NUMBER
12 OF PREVIOUS OFFENSES FOR THE PURPOSE OF
13 SUSPENDING OR REVOKING A PERSON'S DRIVING
14 PRIVILEGES UNDER THE OMNIBUS DWI ACT; AND FOR
15 OTHER PURPOSES.
16

Subtitle

17 TO PROVIDE THAT A CONVICTION FOR
18 OPERATING A MOTORBOAT WHILE INTOXICATED
19 WILL COUNT AS A PREVIOUS OFFENSE IN
20 ORDER TO DETERMINE THE NUMBER OF
21 PREVIOUS OFFENSES UNDER THE OMNIBUS DWI
22 ACT.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 5-65-104(a)(4), concerning offenses that
29 the Office of Driver Services shall consider as a previous offense in order
30 to determine the number of previous offenses for the purpose of suspending or
31 revoking an arrested person's driving privileges, is amended to add an
32 additional subdivision to read as follows:

33 (C) Any conviction under § 5-76-102 for an offense of
34 operating a motorboat on the waters of this state while intoxicated or while
35 there is an alcohol concentration in the person's breath or blood of eight-
36 hundredths (0.08) or more based upon the definition of breath, blood, and



1 urine concentration in § 5-65-204 or refusing to submit to a chemical test
2 under § 5-76-104 occurring on or after the effective date of this act when
3 the person was not subsequently acquitted of the criminal charges.

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5 SECTION 2. Arkansas Code § 5-76-103, concerning the penalties for
6 operating a motorboat while intoxicated, is amended to add an additional
7 subsection to read as follows:

8 (d)(1) Within ten (10) days after the conviction or forfeiture of bail
9 of a person upon a charge of violating any provision of this subchapter,
10 every magistrate or judge of a court not of record or clerk of the court of
11 record in which the conviction was had or bail was forfeited shall prepare
12 and forward to the Office of Driver Services an abstract of the record of the
13 court covering the case in which the person was convicted or forfeited bail
14 for the purpose of determining the number of previous offenses under § 5-65-
15 104(a)(4).

16 (2) The abstract described in subdivision (d)(1) of this section
17 shall be certified to be true and correct by the magistrate, judge, or clerk
18 of the court required to prepare it.

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