

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.

INTERIM STUDY PROPOSAL 2009-163

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 2047

By: Representative King

Filed with: House Interim Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE FORFEITURE OF A
PERSON'S VEHICLE AFTER A SECOND OR SUBSEQUENT
CONVICTION FOR DRIVING WHILE INTOXICATED OR FOR
DRIVING A MOTOR VEHICLE ON A SUSPENDED LICENSE
DUE TO DRIVING WHILE INTOXICATED; AND FOR OTHER
PURPOSES.

Subtitle

TO PROVIDE FOR THE FORFEITURE OF A
PERSON'S VEHICLE AFTER A SECOND OR
SUBSEQUENT CONVICTION FOR DRIVING WHILE
INTOXICATED OR FOR DRIVING A MOTOR
VEHICLE ON A SUSPENDED LICENSE DUE TO
DRIVING WHILE INTOXICATED.

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

SECTION 1. Arkansas Code § 5-65-105 is amended to read as follows:

5-65-105. Operation of motor vehicle during period of license
suspension or revocation.

~~Any~~ A person whose privilege to operate a motor vehicle has been
suspended or revoked under a provision of this act who operates a motor
vehicle in this state during the period of the suspension or revocation upon
conviction is guilty of an unclassified misdemeanor and:



- 1 (1) ~~shall~~ Shall be imprisoned for ten (10) days; ~~and~~
2 (2) ~~may~~ May be assessed a fine of not more than one thousand
3 dollars (\$1,000)-; and
4 (3) May have the person's motor vehicle that he or she was
5 operating during the period of the suspension or revocation of his or her
6 license seized and sold under § 5-65-117.

7
8 SECTION 2. Arkansas Code § 5-65-117(a), concerning the seizure and
9 sale of motor vehicles driven by persons convicted of driving while
10 intoxicated, is amended to read as follows:

11 (a)(1)(A) Any person who pleads guilty or nolo contendere or is found
12 guilty of violating § 5-65-103 for a ~~fourth~~ second or subsequent offense
13 occurring within three (3) years of ~~the first~~ a prior offense or of violating
14 § 5-65-105, at the discretion of the court, may have his or her motor vehicle
15 seized.

16 (B) If the motor vehicle is seized, the title to the motor
17 vehicle is forfeited to the state.

18 (2)(A) If ordered by the court, it is the duty of the sheriff of
19 the county where the offense occurred to seize the motor vehicle.

20 (B) The court may issue an order directing the sheriff to
21 sell the motor vehicle seized at a public auction to the highest bidder
22 within thirty (30) days from the date of judgment.