

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1798

4 By: Representative King

5
6 Filed with: Interim House Committee on Judiciary
7 pursuant to A.C.A. §10-3-217.
8

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE FORFEITURE OF A PERSON'S
10 VEHICLE AFTER A SECOND OR SUBSEQUENT CONVICTION FOR
11 DRIVING WHILE INTOXICATED OR FOR DRIVING A MOTOR
12 VEHICLE ON A SUSPENDED LICENSE DUE TO DRIVING WHILE
13 INTOXICATED; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO PROVIDE FOR THE FORFEITURE OF A
17 PERSON'S VEHICLE AFTER A SECOND OR
18 SUBSEQUENT CONVICTION FOR DRIVING WHILE
19 INTOXICATED OR FOR DRIVING A MOTOR
20 VEHICLE ON A SUSPENDED LICENSE DUE TO
21 DRIVING WHILE INTOXICATED.
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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 § 5-65-105 is amended to read as follows:

29 5-65-105. Operation of motor vehicle during period of license
30 suspension or revocation.

31 ~~Any~~ A person whose privilege to operate a motor vehicle has been
32 suspended or revoked under a ~~provision of this act~~ this subchapter and § 5-
33 65-201 et seq. who operates a motor vehicle in this state during the period
34 of the suspension or revocation upon conviction is guilty of an unclassified
35 misdemeanor and:

36 (1) shall ~~shall~~ be imprisoned for ten (10) days; and

1 (2) ~~may~~ May be assessed a fine of not more than one thousand
2 dollars (\$1,000)-; and

3 (3) May have the person's motor vehicle that he or she was
4 operating during the period of the suspension or revocation of his or her
5 license seized and sold under § 5-65-117.

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

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

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

17 (2)(A) If ordered by the court, ~~it is the duty of the~~ county
18 sheriff of the county where the offense described in subdivision (a)(1) of
19 this section occurred ~~to~~ shall 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 the judgment seizing the motor
23 vehicle.

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25 Referred by the Arkansas House of Representatives

26 Prepared by: BPG/VJF
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