

State of Arkansas

77th General Assembly                      A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 15                      1114

By: Representative Givens

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR IMPOSITION OF A MANDATORY NIGHT DRIVING CURFEW ON PERSONS UNDER NINETEEN YEARS OF AGE CONVICTED OF VIOLATING ARKANSAS CODE ANNOTATED §5-65-103 OF THE OMNIBUS D.W.I. ACT; TO PROVIDE FOR A RESTRICTED PERMIT FOR EMPLOYMENT PURPOSES OR TRANSPORTATION TO AND FROM SCHOOL; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) Any person who is under nineteen (19) years of age and pleads guilty or nolo contendere, or is found guilty of violating Arkansas Code 5-65-103 under the Omnibus D.W.I. Act, shall, in addition to all other penalties presently provided by law, be sentenced to a night driving curfew for a period of three (3) years, during which time they shall be prohibited from driving a motor vehicle on the public streets and highways of this state from one-half hour after sunset to one-half hour before sunrise or at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the streets and highways at a distance of five hundred (500) feet.

(b) A person sentenced to a night driving curfew may apply to the Office of Driver Services for a restricted operator's permit for employment-related purposes or for transportation to and from school. If it is determined that the person has no reasonable alternative mode of transportation to or from his or her school or place of employment or that driving a motor vehicle is an essential part of the person's work and the person has not been previously sentenced under this section, the restricted permit may be issued. Any person to whom such restricted permit has been issued and who shall operate a motor vehicle other than for the purposes under the conditions prescribed in the permit shall, upon conviction therefore, be imprisoned for ten (10) days.

SECTION 2. All motor vehicle operator's or chauffeur's licenses issued to persons under nineteen (19) years of age by the Office of Driver Services of the Department of Finance and Administration shall carry a printed warning that will inform the recipient that violation of Arkansas Code 5-65-103 will subject them to a night driving curfew for a period of three (3) years.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.