

State of Arkansas

77th General Assembly

A Bill

SENATE BILL

Third Extraordinary Session, 1989

CALL ITEM 15

58

By: Senator Miles

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE SUSPENSION OF THE DRIVER'S LICENSE OF ANY MINOR WHO COMMITS A CRIMINAL OFFENSE INVOLVING THE ILLEGAL POSSESSION OR USE OF ALCOHOL OR CONTROLLED SUBSTANCES; AND FOR OTHER PURPOSES."

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

SECTION 1. Whenever a person who is less than eighteen (18) years of age pleads guilty, nolo contendere or is found guilty of any criminal offense involving the illegal possession or use of alcohol or controlled substances, or is found by a juvenile court to have committed such an offense, the court shall prepare and transmit to the Department of Finance and Administration within twenty-four (24) hours after the plea or finding an order of denial of driving privileges for the minor. In cases of extreme and unusual hardship, the order may provide for the issuance of a restricted driving permit to allow driving to and from a place of employment only.

SECTION 2. If a court has issued an order of denial of driving privileges under this act, the court upon petition of the aggrieved minor may review the order and may withdraw the order at any time the court deems appropriate, except that:

(a) a court may not withdraw an order until after the expiration of ninety (90) days following the issuance of the order if it is the first order issued with respect to the minor; and

(b) a court may not withdraw an order until after the expiration of one year following the issuance of the order if it is the second or subsequent order issued with respect to the minor.

SECTION 3. (a) Upon receipt of an order of denial of driving privileges

under this act, the Department of Finance and Administration shall suspend the motor vehicle operator's license of the minor as follows:

(1) Upon receipt of the first order denying driving privileges the Department shall impose a suspension for one (1) year or until the person reaches seventeen (17) years of age, whichever is longer; or

(2) Upon receipt of a second or subsequent order denying driving privileges the Department shall suspend the motor vehicle operator's license for one year or until the person reaches eighteen (18) years of age, whichever is longer.

(b) If the Department receives notice from a court that it has withdrawn an order denying driving privileges, the Department shall immediately reinstate the motor vehicle operator's license that had been suspended as a result of the order.

SECTION 4. In regard to any offense involving illegal possession under this act, it shall be a defense if the alcohol or controlled substance is the property of an adult who owns the vehicle.

SECTION 5. 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 6. This act shall be construed to be supplemental and cumulative to all other laws of this state relating to driving while intoxicated.