

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1705

4 By: Representatives Wallis, Schexnayder, Von Gremp, Wooldridge, K. Wood,  
5 Bryant, Hudson, Mullenix, Simmons, Wren, Kidd and Young

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## For An Act To Be Entitled

9 "AN ACT TO INCLUDE MATERIAL CONCERNING ALCOHOL AND DRUGS  
10 IN THE DRIVER\_S INSTRUCTION MANUAL AND IN THE DRIVER\_S  
11 LICENSE EXAMINATION; TO PROVIDE FOR ALCOHOL AND DRUG  
12 TESTING OF DRIVERS INVOLVED IN FATAL MOTOR VEHICLE  
13 ACCIDENTS; AND FOR OTHER PURPOSES."

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## Subtitle

15 "AN ACT CONCERNING THE DRIVER\_S  
16 INSTRUCTION MANUAL, THE DRIVER\_S  
17 EXAMINATION; AND FOR ALCOHOL AND DRUG  
18 TESTING OF DRIVERS INVOLVED IN FATAL  
19 MOTOR VEHICLE ACCIDENTS."  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. (a) The Driver\_s Instruction Manual issued to persons who  
25 are preparing to take a driver\_s license examination shall include  
26 information on driver and safety matters, including the effects of  
27 consumption of beverage alcohol products and the use of illegal drugs,  
28 prescription drugs, and non-prescription drugs on the ability of a person to  
29 operate a motor vehicle; the hazards of driving while under the influence;  
30 and the penalties for driving while under the influence.

31 (b) The driver\_s license test shall include written questions  
32 concerning the effects of consumption of beverage alcohol products and the  
33 use of illegal drugs, prescription drugs, and non-prescription drugs on the  
34 ability of a person to operate a motor vehicle and the legal and financial  
35 consequences resulting from violations of the state\_s laws prohibiting the

1 operation of a motor vehicle while under the influence of alcohol or drugs.

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3       SECTION 2. (a) When the driver of a motor vehicle is involved in an  
4 accident resulting in loss of human life, or where there is reason to believe  
5 death may result, and there exists probable cause to believe that the driver  
6 is guilty of a violation of the state\_s law prohibiting driving while under  
7 the influence, in addition to penalties established elsewhere under state  
8 law, a test or tests of the driver\_s blood, breath or urine must be  
9 administered to the driver, including those fatally injured, to determine the  
10 presence and percentage concentration of alcohol or drugs in such person\_s  
11 body. The police officer who responds to such collision, the physician in  
12 attendance, or any other person designated by state law who was present when  
13 the death occurred, shall order the test or tests as soon as practicable.

14       (b)The medical personnel who conducted the foregoing test or tests of  
15 the driver\_s blood, breath or urine shall forward the results of such test or  
16 tests to the Arkansas State Police, which shall establish and maintain the  
17 results of the analyses required by subsection (a) in a database. The  
18 information in the database shall reflect the number of fatal motor vehicle  
19 accidents (1) in which alcohol was found to be a factor, with the percentage  
20 alcohol concentration involved; (2) in which drugs were found to be a factor,  
21 listing the class of drugs so found and their amounts; and (3) in which both  
22 alcohol and drugs were found to be factors, with the percentage alcohol  
23 concentration involved and listing the class of drugs so found and their  
24 amounts.

25       (c) The results of the analyses required by this section shall be  
26 reported to the Arkansas State Police and may be used by state and local  
27 officials only for statistical purposes that do not reveal the identity of  
28 the deceased person.

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

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34       SECTION 4. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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5       SECTION 5. All laws and parts of laws in conflict with this act are  
6 hereby repealed.

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