

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

A Bill

SENATE BILL 520

4 By: Senators Mahony, Hunter and Brown

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 5-64-710 and 5-
9 65-116 TO ALLOW THE DENIAL OF A MINOR'S DRIVING PRIVILEGES
10 FOR ANY ALCOHOL OFFENSE; AND FOR OTHER PURPOSES."

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Subtitle

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13 "TO ALLOW THE DENIAL OF A MINOR'S
14 DRIVING PRIVILEGES FOR ANY ALCOHOL
15 OFFENSE"

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

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19 SECTION 1. Arkansas Code Annotated 5-64-710 is amended to read as
20 follows:

21 "5-64-710. Denial of driving privileges for minor - Restricted permit.

22 (a) As used in this section:

23 (1) "Drug offense" means the possession, distribution,
24 manufacture, cultivation, sale, transfer, or the attempt or conspiracy to
25 possess, distribute, manufacture, cultivate, sell, or transfer any substance
26 the possession of which is prohibited under the Uniform Controlled Substances
27 Act, § 5-64-101 et seq., or the operation of a motor vehicle under the
28 influence of such a substance;

29 (2) "Substance, the possession of which is prohibited under the
30 Uniform Controlled Substances Act" or "substance", as such phrase and term
31 are utilized in subdivision (a)(1) of this section, means a controlled or
32 counterfeit chemical, as those terms are defined in subsections 102(6) and
33 (7) of the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

34 (3) "Motor vehicle", as such term is utilized in subdivision
35 (a)(1) of this section, means any vehicle which is self-propelled by which

1 persons or things may be transported upon a public highway and is registered
2 in the State of Arkansas or of the type subject to registration in Arkansas,
3 provided, such term shall also mean and include any "motorcycle",
4 "motor-driven cycle", or "motorized bicycle", as such terms are defined in
5 § 27-20-101 and any "commercial motor vehicle" as defined in § 27-23-103.

6 (b)(1)(A) Whenever a person who is less than eighteen (18) years of
7 age pleads guilty or nolo contendere to, or is found guilty of, driving while
8 intoxicated under § 5-65-101 et seq., or of any criminal offense involving
9 the illegal possession or use of controlled substances, or of any drug or
10 alcohol offense, in this state or any other state, the court, except for the
11 juvenile court, having jurisdiction of such matter, including any federal
12 court, shall prepare and transmit to the Department of Finance and
13 Administration an order of denial of driving privileges for the minor.

14 (B) Courts within the State of Arkansas shall prepare and
15 transmit all such orders within twenty-four (24) hours after the plea or
16 finding to the department.

17 (C) Courts outside Arkansas having jurisdiction over any
18 such person holding driving privileges issued by the State of Arkansas shall
19 prepare and transmit such orders pursuant to agreements or arrangements
20 entered into between that state and the Director of the Department of Finance
21 and Administration.

22 (D) Such arrangements or agreements may also provide for
23 the forwarding by the department of orders issued by courts within this state
24 to the state wherein any such person holds driving privileges issued by that
25 state.

26 (2) For any such person holding driving privileges issued by the
27 State of Arkansas, courts within this state in cases of extreme and unusual
28 hardship may provide in an order for the issuance of a restricted driving
29 permit to allow driving to and from a place of employment or driving to and
30 from school.

31 (c) Whenever a juvenile court finds that a juvenile committed any
32 criminal offense involving the illegal possession or use of controlled
33 substances or any drug or alcohol offense in this state or other state, the
34 court may order the Department of Finance and Administration to suspend the
35 driving privileges of the juvenile. The court may provide in the order for

1 the issuance of a restricted driving permit to allow driving to and from a
2 place of employment or driving to and from school or for other circumstances.

3 (d) Penalties prescribed in this section and § 27-16-914 shall be in
4 addition to all other penalties prescribed by law for the offenses covered by
5 this section and § 27-16-914.

6 (e) In regard to any offense involving illegal possession under this
7 section, it shall be a defense if the controlled substance is the property of
8 an adult who owns the vehicle."
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10 SECTION 2. Arkansas Code Annotated 5-65-116 is amended to read as
11 follows:

12 "5-65-116. Denial of driving privileges for minor - Restricted permit.

13 (a) As used in this section, the term "drug offense" shall have the
14 same meaning ascribed to that term as provided in § 5-64-710(a)(1).

15 (b)(1)(A) Whenever a person who is less than eighteen (18) years of
16 age pleads guilty or nolo contendere to, or is found guilty of, driving while
17 intoxicated under § 5-65-101 et seq., or of any criminal offense involving
18 the illegal possession or use of controlled substances, or of any drug or
19 alcohol offense, in this state or any other state, the court, except for the
20 juvenile court, having jurisdiction of such matter, including any federal
21 court, shall prepare and transmit to the Department of Finance and
22 Administration an order of denial of driving privileges for the minor.

23 (B) Courts within the State of Arkansas shall prepare and
24 transmit all such orders within twenty-four (24) hours after the plea or
25 finding to the department.

26 (C) Courts outside Arkansas having jurisdiction over any
27 such person holding driving privileges issued by the State of Arkansas shall
28 prepare and transmit such orders pursuant to agreements or arrangements
29 entered into between that state and the Director of the Department of Finance
30 and Administration.

31 (D) Such arrangements or agreements may also provide for
32 the forwarding by the department of orders issued by courts within this state
33 to the state wherein any such person holds driving privileges issued by that
34 state.

35 (2) For any such person holding driving privileges issued by the

1 State of Arkansas, courts within this state in cases of extreme and unusual
2 hardship may provide in an order for the issuance of a restricted driving
3 permit to allow driving to and from a place of employment or driving to and
4 from school.

5 (c) Whenever a juvenile court finds that a juvenile committed any
6 criminal offense involving the illegal possession or use of controlled
7 substances or any drug or alcohol offense in this state or other state, the
8 court may order the Department of Finance and Administration to suspend the
9 driving privileges of the juvenile. The court may provide in the order for
10 the issuance of a restricted driving permit to allow driving to and from a
11 place of employment or driving to and from school or for other circumstances.

12 (d) Penalties prescribed in this section and § 27-16-914 shall be in
13 addition to all other penalties prescribed by law for the offenses covered by
14 this section and § 27-16-914.

15 (e) In regard to any offense involving illegal possession under this
16 section, it shall be a defense if the controlled substance is the property of
17 an adult who owns the vehicle."

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

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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

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32 /s/Mahony

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