

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Everett

# A Bill

SENATE BILL 664

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-65-205 TO PROVIDE THAT  
9 A PERSON CONVICTED OF REFUSAL TO SUBMIT TO A CHEMICAL TEST  
10 SHALL NOT HAVE HIS AUTOMOBILE INSURANCE PREMIUMS INCREASED  
11 BASED SOLELY ON THAT CONVICTION; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO PROVIDE THAT A PERSON CONVICTED OF  
15 REFUSAL TO SUBMIT TO A TEST SHALL NOT  
16 HAVE HIS CAR INSURANCE PREMIUMS  
17 INCREASED BASED ONLY ON THE CONVICTION."

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

21 SECTION 1. Arkansas Code § 5-65-205 is amended to read as follows:

22 "5-65-205. Refusal to submit.

23 (a) If a person under arrest refuses upon the request of a law  
24 enforcement officer to submit to a chemical test designated by the law  
25 enforcement agency, as provided in § 5-65-202, none shall be given, and the  
26 person's motor vehicle operator's license shall be seized by the law  
27 enforcement officer, and the officer shall immediately deliver to the person  
28 from whom the license was seized a temporary driving permit which shall  
29 expire on the date of arraignment.

30 (b) The arresting officer shall remit the seized operator's license to  
31 the court, and, upon an arraignment, the judge shall issue that person a  
32 temporary permit to expire on the date of trial.

33 (c) If the judge determines that the law enforcement officer had  
34 reasonable cause to believe the arrested person had been driving while  
35 intoxicated or while there was one-tenth of one percent (0.10%) or more of

1 alcohol in the person's blood, and the person refused to submit to the test  
2 upon the request of the law enforcement officer, the judge shall order the  
3 Office of Driver Services to:

4 (1) Suspend the motor vehicle operator's license for:

5 (A) A period of not less than six (6) months nor more than  
6 one (1) year if the person had not previously refused the test within three  
7 (3) years of the refusal in question and if the person had not been convicted  
8 of driving while intoxicated or driving while there was one-tenth of one  
9 percent (0.10%) or more of alcohol in the person's blood within three (3)  
10 years of the refusal;

11 (B) A period of not less than one (1) year nor more than  
12 sixteen (16) months if the person had previously refused the test within  
13 three (3) years of the refusal in question or if the person had been  
14 convicted of driving while intoxicated or driving while there was one-tenth  
15 of one percent (0.10%) or more of alcohol in the person's blood within three  
16 (3) years of the refusal;

17 (C) A period of not less than two (2) years nor more than  
18 thirty (30) months if the person had previously refused the test two (2)  
19 times within three (3) years of the refusal in question or if the person had  
20 been convicted of the second offense of driving while intoxicated or driving  
21 while there was one-tenth of one percent (0.10%) or more of alcohol in the  
22 person's blood within three (3) years of the refusal; or

23 (2) Revoke the motor vehicle operator's license if the person  
24 had previously refused the test three (3) times within three (3) years of the  
25 refusal in question or if the person had been convicted of the third offense  
26 of driving while intoxicated or driving while there was one-tenth of one  
27 percent (0.10%) or more of alcohol in the person's blood within three (3)  
28 years of the refusal. The revocation shall continue for a period of three (3)  
29 years.

30 (3) If the person pleads guilty, nolo contendere, or is found  
31 guilty under this section of refusing to submit to the test, the person's  
32 insurer shall not increase any automobile property and casualty insurance  
33 premiums *or liability insurance premiums* on any of the person's automobiles  
34 based solely on the conviction of refusing to submit to the test.

35 (d) If the person is a resident without a license or permit to operate

1 a motor vehicle in this state, the Office of Driver Services shall deny to  
2 the person the issuance of a license or permit for a period of six (6) months  
3 after the date of the arrest.

4 (e)(1) If the person is a nonresident, that person's privilege of  
5 operating a motor vehicle in Arkansas shall be suspended for not less than  
6 six (6) months.

7 (2) When a nonresident's privilege to operate a motor vehicle in  
8 this state has been suspended, the Office of Driver Services shall notify the  
9 office of issuance of that person's nonresident motor vehicle license of  
10 action taken by the Office of Driver Services."

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12 SECTION 2. All provisions of this act of general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provisions of this act or the application thereof to  
17 any person or circumstance is held invalid, the invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provisions or application, and to this end the provisions of this  
20 act are declared to be severable.

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

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*/s/Everett*

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