

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/21/97

A Bill

HOUSE BILL 2234

4
5 By: Representative Stalnaker

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-65-104 (a)(4) CONCERNING
10 RESTRICTED DRIVING PERMITS IN DWI CASES; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "AN ACT CONCERNING RESTRICTED DRIVING
15 PERMITS IN DWI CASES."

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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 5-65-104 (a)(4), concerning seizure,
20 suspension, and revocation of a drivers license for a DWI and the issuance of
21 temporary permits, is amended to read as follows:

22 (4) The Office of Driver Services of the Revenue Division of the
23 Department of Finance and Administration or its designated official shall
24 suspend or revoke the driving privilege of an arrested person or shall suspend
25 any nonresident driving privilege of an arrested person when it receives a
26 sworn report from the law enforcement officer that he had reasonable grounds
27 to believe the arrested person had been operating or was in actual physical
28 control of a motor vehicle while intoxicated or while there was one-tenth of
29 one percent (0.1%) or more by weight of alcohol in the person's blood, § 5-65-
30 103, which is accompanied by a written chemical test report reflecting that
31 the arrested person was intoxicated or had an alcohol concentration of one-
32 tenth of one percent (0.1%) or more, or is accompanied by a sworn report that
33 the arrested person refused to submit to a chemical test of blood, breath, or
34 urine for the purpose of determining the alcohol or controlled substance
35 contents of the person's blood, as provided in § 5-65-202. The suspension or
36 revocation shall be based on the number of previous offenses as follows:

1 (A)(i) Suspension for one hundred twenty (120) days for the first
2 offense of operating or being in actual physical control of a motor vehicle
3 while intoxicated or while there was one-tenth of one percent (0.1%) or more
4 by weight of alcohol in the person's blood, § 5-65-103;

5 (ii) Suspension for six (6) months for the first offense of
6 operating or being in actual physical control of a motor vehicle while
7 intoxicated by the ingestion of or by the use of a controlled substance;

8 (iii) Suspension for one hundred eighty (180) days for the first
9 offense of refusing to submit to a chemical test of blood, breath, or urine
10 for the purpose of determining the alcohol or controlled substance contents of
11 the person's blood, § 5-65-202;

12 (B)(i) Suspension for sixteen (16) months, during which no
13 restricted permits may be issued unless the person is participating in an
14 alcohol treatment program approved by the Bureau of Alcohol and Drug Abuse
15 Prevention of the Department of Health, for a second offense of operating or
16 being in actual physical control of a motor vehicle while intoxicated or while
17 there was one-tenth of one percent (0.1%) or more by weight of alcohol in the
18 *person's blood, § 5-65-103, within three (3) years of the first offense; a*
19 *permit may be issued for attending the alcohol program only. To receive this*
20 *limited permit the licensee must have an ignition interlock device installed*
21 *on their vehicle;*

22 (ii) Suspension for two (2) years, during which no restricted
23 permits may be issued unless the person is participating in an alcohol
24 treatment program approved by the Bureau of Alcohol and Drug Abuse Prevention
25 of the Department of Health, for a second offense of refusing to submit to a
26 chemical test of blood, breath, or urine for the purposes of determining the
27 alcohol or controlled substance contents of the person's blood, § 5-65-202,
28 *within three (3) years of the first offense; a permit may be issued for*
29 *attending the alcohol program only. To receive this limited permit the*
30 *licensee must have an ignition interlock device installed on their vehicle;*

31 (C)(i) Suspension for thirty (30) months, during which no
32 restricted permits may be issued, for the third offense of operating or being
33 in actual physical control of a motor vehicle while intoxicated or while there
34 was one-tenth of one percent (0.1%) or more by weight of alcohol in the
35 person's blood, § 5-65-103, within three (3) years of the first offense;

36 (ii) Revocation for three (3) years, during which no restricted

1 permits may be issued, for the third offense of refusing to submit to a
2 chemical test of blood, breath, or urine for the purpose of determining the
3 alcohol or controlled substance contents of the person's blood, § 5-65-202,
4 within three (3) years of the first offense;

5 (D)(i) Revocation for four (4) years, during which no restricted
6 permits may be issued, for the fourth or subsequent offense of operating or
7 being in actual physical control of a motor vehicle while intoxicated or while
8 there was one-tenth of one percent (0.1%) or more by weight of alcohol in the
9 person's blood, § 5-65-103, within a three-year period of the first offense.

10 (ii) Lifetime revocation, during which no restricted permit may
11 be issued, for the fourth or subsequent offense of refusing to submit to a
12 chemical test of blood, breath, or urine for the purpose of determining the
13 alcohol or controlled substance contents of the person's blood, § 5-65-202,
14 within three (3) years of the first offense; and

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16 SECTION 2. All provisions of this act of a general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 3. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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

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29 /s/Rep. Stalnaker

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