

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
4
5 By: Senator Bradford

A Bill

SENATE BILL 438

For An Act To Be Entitled

9 "AN ACT TO REQUIRE DEPARTMENT OF TRANSPORTATION DRUG TESTS
10 TO BECOME A PART OF THE DRIVER S RECORD OF THE PERSON
11 TESTED; AND FOR OTHER PURPOSES."

Subtitle

14 "TO REQUIRE DEPARTMENT OF TRANSPORTATION DRUG
15 TESTS TO BECOME A PART OF THE DRIVER S RECORD
16 OF THE PERSON TESTED."

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

20 SECTION 1. Employers located in this state who receive the results of drug tests required by the Federal Department of
21 Transportation shall transmit a copy of the result of the drug test to the Office of Drivers Services of the Department of Finance and
22 Administration within two (2) business days after the employer receives the results of the drug test. If the person tested is licensed by the Office
23 of Drivers Services the result of the test shall become a part of the person s driving record.

25 SECTION 2. The Office of Drivers Services shall promulgate regulations to establish a due process procedure for challenging the
26 validity of the drug test and other regulations necessary to implement this act.

28 SECTION 3. When it is reported to the Office of Drivers Services that under this act that a licensee has failed a drug test the
29 Office of Drivers Services shall take the following actions:

30 (1) For the first failure of a drug test within a three (3) year period the person s driving privileges shall be suspended for six (6)
31 months and the person shall be required to successfully complete a drug rehabilitation program approved by the State Department of Health or the
32 Arkansas Highway Safety Program.

33 (2) For the second failure of a drug test within a three (3) year period the person s driving privileges shall be suspended for sixteen
34 (16) months and the person shall be required to successfully complete a drug rehabilitation program approved by the State Department of Health or
35 the Arkansas Highway Safety Program.

36 (3) For the third failure of a drug test within a three (3) year period the person s driving privileges shall be suspended for thirty

1 (30) months and the person shall be required to successfully complete a drug rehabilitation program approved by the State Department of Health
2 or the Arkansas Highway Safety Program.

3 (4) For the fourth or subsequent failure to pass a drug test within a three (3) year period the person's driving privileges shall be
4 suspended for four (4) years and the person shall be required to successfully complete a drug rehabilitation program approved by the State
5 Department of Health or the Arkansas Highway Safety Program.

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7 SECTION 4. This act is intended to supplement federal legislation and regulations and to the extent of any conflict, the federal
8 legislation and regulations shall apply.

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10 SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated
11 and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity
14 shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the
15 provisions of this act are declared to be severable.

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17 SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.
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