

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

# A Bill

SENATE BILL 446

4  
5 By: Senator Todd

## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-65-104(4) TO  
10 INCREASE THE SUSPENSION OR REVOCATION OF A PERSON'S  
11 DRIVING PRIVILEGES BY ONE YEAR UNDER THE OMNIBUS DWI LAW  
12 WHEN PERSONS UNDER THE AGE OF EIGHTEEN YEARS WERE  
13 PASSENGERS IN THE MOTOR VEHICLE AT THE TIME OF THE  
14 OFFENSE; AND FOR OTHER PURPOSES."

## Subtitle

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17 "TO INCREASE THE SUSPENSION OR  
18 REVOCATION OF A PERSON'S DRIVING  
19 PRIVILEGES BY ONE YEAR UNDER THE OMNIBUS  
20 DWI LAW WHEN PERSONS UNDER AGE EIGHTEEN  
21 WERE PASSENGERS IN THE MOTOR VEHICLE AT  
22 THE TIME OF THE OFFENSE"

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

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26 SECTION 1. Arkansas Code Annotated § 5-65-104(4) is amended to read as  
27 follows:

28 "(4) The Office of Driver Services of the Revenue Division of the  
29 Department of Finance and Administration or its designated official shall  
30 suspend or revoke the driving privilege of an arrested person or shall suspend  
31 any nonresident driving privilege of an arrested person when it receives a  
32 sworn report from the law enforcement officer that he had reasonable grounds  
33 to believe the arrested person had been operating or was in actual physical  
34 control of a motor vehicle while intoxicated or while there was one-tenth of  
35 one percent (0.1%) or more by weight of alcohol in the person's blood,  
36 § 5-65-103, which is accompanied by a written chemical test report reflecting

1 that the arrested person was intoxicated or had an alcohol concentration of  
2 one-tenth of one percent (0.1%) or more, or is accompanied by a sworn report  
3 that the arrested person refused to submit to a chemical test of blood,  
4 breath, or urine for the purpose of determining the alcohol or controlled  
5 substance contents of the person's blood, as provided in § 5-65-202. The  
6 suspension or revocation shall be based on the number of previous offenses as  
7 follows:

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

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

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

19           (B)(i) Suspension for sixteen (16) months, during which no  
20 restricted permits may be issued, for a second offense of operating or being  
21 in actual physical control of a motor vehicle while intoxicated or while there  
22 was one-tenth of one percent (0.1%) or more by weight of alcohol in the  
23 person's blood, § 5-65-103, within three (3) years of the first offense;

24           (ii) Suspension for two (2) years, during which no  
25 restricted permits may be issued, for a second offense of refusing to submit  
26 to a chemical test of blood, breath, or urine for the purposes of determining  
27 the alcohol or controlled substance contents of the person's blood,  
28 § 5-65-202, within three (3) years of the first offense;

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

34           (ii) Revocation for three (3) years, during which no  
35 restricted permits may be issued, for the third offense of refusing to submit  
36 to a chemical test of blood, breath, or urine for the purpose of determining

1 the alcohol or controlled substance contents of the person's blood,  
2 § 5-65-202, within three (3) years of the first offense;

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

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

13 (E)(i) Any revocation or suspension of driving privileges  
14 provided for under the provisions of this section shall be enhanced by one  
15 year for any person operating or being in actual physical control of a motor  
16 vehicle while intoxicated by the ingestion of or by the use of a controlled  
17 substance or while there was one-tenth of one percent (0.1%) or more by weight  
18 of alcohol in the person's blood, § 5-65-103, while persons under the age of  
19 eighteen years were passengers in the motor vehicle;

20 (ii) Any revocation or suspension of driving privileges  
21 provided for under the provisions of this section shall be enhanced by one  
22 year for any person refusing to submit to a chemical test of blood, breath, or  
23 urine for the purpose of determining the alcohol or controlled substance  
24 contents of the person's blood, § 5-65-202, if persons under the age of  
25 eighteen years were passengers in the motor vehicle being operated by the  
26 arrested person; and"

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

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32 SECTION 3. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this  
36 act are declared to be severable.

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