

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2716

4
5 By: Representative Rosenbaum
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For An Act To Be Entitled

9 AN ACT CONCERNING AN INTERLOCK RESTRICTED LICENSE
10 FOR PERSONS WHO PLEAD GUILTY, NOLO CONTENDERE TO,
11 OR ARE FOUND GUILTY OF DRIVING WHILE INTOXICATED;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT CONCERNING AN INTERLOCK
15 RESTRICTED LICENSE FOR PERSONS WHO PLEAD
16 GUILTY, NOLO CONTENDERE TO, OR ARE FOUND
17 GUILTY OF DRIVING WHILE INTOXICATED.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-65-104(a)(4)(A) through (C), concerning
24 penalties for driving while intoxicated, is amended to read as follows:

25 (A)(i) Suspension for one hundred twenty (120) days for
26 the first offense of operating or being in actual physical control of a motor
27 vehicle while intoxicated or while there was an alcohol concentration of at
28 least eight hundredths (0.08) but less than fifteen hundredths (0.15) by
29 weight of alcohol in the person's blood or breath, § 5-65-103;

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

34 (iii) Suspension for one hundred eighty (180) days
35 for the first offense of refusing to submit to a chemical test of blood,
36 breath, or urine for the purpose of determining the alcohol or controlled



1 substance contents of the person’s blood or breath, § 5-65-202. Provided,
 2 however, that if the court orders issuance of an ignition interlock
 3 restricted license under § 5-65-118, the suspension period for which no
 4 restricted license shall be available shall be a minimum of ninety (90) days.
 5 The restricted driving permit provision of § 5-65-120 does not apply to this
 6 suspension;

7 (iv) Suspension for one hundred eighty (180) days
 8 for the first offense of operating or being in actual physical control of a
 9 motor vehicle while intoxicated and while there was an alcohol concentration
 10 of fifteen hundredths (0.15) or more by weight of alcohol in the person’s
 11 blood or breath. Provided, however, that if the court orders issuance of an
 12 ignition interlock restricted license under § 5-65-118, ~~the suspension period~~
 13 ~~for which no restricted license shall be available shall be a minimum of~~
 14 ~~thirty (30) days~~ the interlock restricted license shall be available
 15 immediately. The restricted driving permit provision of § 5-65-120 does not
 16 apply to this suspension;

17 (B)(i)(a) Suspension for twenty-four (24) months for a
 18 second offense of operating or being in actual physical control of a motor
 19 vehicle while intoxicated or while there was an alcohol concentration of
 20 eight hundredths (0.08) or more by weight of alcohol in the person’s blood or
 21 breath, § 5-65-103, within five (5) years of the first offense. Provided,
 22 however, that if the court orders issuance of an ignition interlock
 23 restricted license under § 5-65-118, the suspension period for which no
 24 restricted license shall be available shall be a minimum of one (1) year+.

25 (b) The privilege to operate a motor vehicle
 26 with an interlock restricted license by the Office of Driver Services may be
 27 granted ninety (90) days after conviction upon receipt of an order from the
 28 court ordering issuance of an interlock restricted license under conditions
 29 of § 5-65-118, if the enactment of any amendments to 23 U.S.C. Section 164 or
 30 enactment of any other federal statute or adoption of federal regulation,
 31 allows a state, without penalty, the authority to modify the suspension and
 32 issue a restricted license pursuant to the conditions of § 5-65-118.

33 (ii) Suspension for two (2) years, during which no
 34 restricted permits may be issued, for a second offense of refusing to submit
 35 to a chemical test of blood, breath, or urine for the purposes of determining
 36 the alcohol or controlled substance contents of the person’s blood or breath,

1 § 5-65-202, within five (5) years of the first offense;

2 (C)(i)(a) Suspension for thirty (30) months for the third
3 offense of operating or being in actual physical control of a motor vehicle
4 while intoxicated or while there was an alcohol concentration of eight
5 hundredths (0.08) or more by weight of alcohol in the person's blood or
6 breath, § 5-65-103, within five (5) years of the first offense. Provided,
7 however, that if the court orders issuance of an ignition interlock
8 restricted license under § 5-65-118, the suspension period for which no
9 restricted license shall be available shall be a minimum of one (1) year.

10 (b) The privilege to operate a motor vehicle
11 with an interlock restricted license by the Office of Driver Services may be
12 granted ninety (90) days after conviction upon receipt of an order from the
13 court ordering issuance of an interlock restricted license pursuant to the
14 conditions of § 5-65-118, if the enactment of any amendments to 23 U.S.C.
15 Section 164 or enactment of any other federal statute or adoption of federal
16 regulation, allows a state, without penalty, the authority to modify the
17 suspension and issue a restricted license pursuant to the conditions of § 5-
18 65-118.

19 (ii) Revocation for three (3) years, during which no
20 restricted permits may be issued, for the third offense of refusing to submit
21 to a chemical test of blood, breath, or urine for the purpose of determining
22 the alcohol or controlled substance contents of the person's blood or breath,
23 § 5-65-202, within five (5) years of the first offense; and

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