

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
4

As Engrossed: H4/3/03 S4/15/03 S4/16/03

A Bill

HOUSE BILL 2888

5 By: Representative Hathorn
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7

For An Act To Be Entitled

9 AN ACT CONCERNING RESTRICTED DRIVING PERMIT FOR
10 PERSONS CONVICTED OF DRIVING WHILE INTOXICATED;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT CONCERNING RESTRICTED DRIVING
14 PERMIT FOR PERSONS CONVICTED OF DRIVING
15 WHILE INTOXICATED.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 5-65-104(a)(4)(A), pertaining to suspension*
22 *of driver's licenses for alcohol related offenses, is amended to read as*
23 *follows:*

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

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

33 ~~*(iii) Suspension for one hundred eighty (180) days*~~
34 ~~*for the first offense of refusing to submit to a chemical test of blood,*~~
35 ~~*breath, or urine for the purpose of determining the alcohol or controlled*~~
36 ~~*substance contents of the person's blood or breath, § 5-65-202. Provided,*~~



1 ~~however, that if the court orders issuance of an ignition interlock~~
 2 ~~restricted license under § 5-65-118, the suspension period for which no~~
 3 ~~restricted license shall be available shall be a minimum of ninety (90) days.~~
 4 ~~The restricted driving permit provision of § 5-65-120 does not apply to this~~
 5 ~~suspension.~~

6 ~~(iv)~~(iii) Suspension for one hundred eighty (180)
 7 days for the first offense of operating or being in actual physical control
 8 of a motor vehicle while intoxicated and while there was an alcohol
 9 concentration of fifteen hundredths (0.15) or more by weight of alcohol in
 10 the person's blood or breath. Provided, however, that if the court orders
 11 issuance of an ignition interlock restricted license under § 5-65-118, ~~the~~
 12 ~~suspension period for which no restricted license shall be available shall be~~
 13 ~~a minimum of thirty (30) days. The restricted driving permit provision of §~~
 14 ~~5-65-120 does not apply to this suspension~~ the interlock restricted license
 15 shall be available immediately upon payment of a fee of one hundred fifty
 16 dollars (\$150) to be distributed as provided under § 5-65-120(d)(2);

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 18 SECTION 2. Arkansas Code § 5-65-120, pertaining to hardship driving
 19 permits, is amended by adding an additional subsection to read as follows:

20 (d)(1) Whenever any person who has plead guilty or nolo contendere to,
 21 or been found guilty of a first offense of driving while intoxicated §5-65-
 22 104, or a first offense of refusal to submit to a chemical test, §5-65-205,
 23 and that person is entitled to an interlock restricted license under the law,
 24 but is unable to afford the costs and fees associated with the license, and
 25 it would create a substantial economic hardship on the person to be denied a
 26 license, the presiding judge may issue an order allowing the person to obtain
 27 a restricted driving permit upon payment of a fee of one hundred fifty
 28 dollars (\$150) to be distributed as provided under § 5-65-120(d)(2).

29 (2) The first two hundred and fifty thousand dollars (\$250,000)
 30 generated each year by the fee levied under this subsection (d) shall be
 31 deposited as special revenues into the State Treasury to the credit of the
 32 Public Health Fund to be used by the Department of Health to help fund drug
 33 courts which were funded in whole or in part by the department on January 1,
 34 2003, and the remainder shall be deposited as special revenues into the
 35 Department of Community Correction Fund Account to be used to help fund drug
 36 courts in this state whether or not in existence as of the date of this

1 subsection.

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3 SECTION 3. Arkansas Code § 5-65-205(b)(1), pertaining to suspension of
4 driver's licenses for a first offense of refusal to submit to test, is
5 amended to read as follows:

6 (1)(A) Suspension for one hundred eighty (180) days for the
7 first offense of refusing to submit to a chemical test of blood, breath, or
8 urine for the purpose of determining the alcohol or controlled substance
9 contents of the person's blood or breath. However, if the court orders
10 issuance of an ignition interlock restricted license under § 5-65-118, ~~the~~
11 ~~suspension time for which no restricted license shall be available shall be a~~
12 ~~minimum of ninety (90) days~~ the interlock restricted license shall be
13 available immediately upon payment of a fee of one hundred fifty dollars
14 (\$150) to be distributed as provided under § 5-65-120(d)(2). The restricted
15 driving permit provision of § 5-65-120 does not apply to this suspension,
16 except as provided in §5-65-120(d);

17 (B) The office of Driver Services shall, in addition to
18 any other penalties, deny to that person the issuance of an operator's
19 license until that person has been issued an ignition interlock restricted
20 license for a period of six (6) months.

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22 /s/ Hathorn
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