

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 2047

4  
5 By: Representative King  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE FORFEITURE OF A  
10 PERSON'S VEHICLE AFTER A SECOND OR SUBSEQUENT  
11 CONVICTION FOR DRIVING WHILE INTOXICATED OR FOR  
12 DRIVING A MOTOR VEHICLE ON A SUSPENDED LICENSE  
13 DUE TO DRIVING WHILE INTOXICATED; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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16 TO PROVIDE FOR THE FORFEITURE OF A  
17 PERSON'S VEHICLE AFTER A SECOND OR  
18 SUBSEQUENT CONVICTION FOR DRIVING WHILE  
19 INTOXICATED OR FOR DRIVING A MOTOR  
20 VEHICLE ON A SUSPENDED LICENSE DUE TO  
21 DRIVING WHILE INTOXICATED.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code § 5-65-105 is amended to read as follows:  
28 5-65-105. Operation of motor vehicle during period of license  
29 suspension or revocation.

30 ~~Any~~ A person whose privilege to operate a motor vehicle has been  
31 suspended or revoked under a provision of this act who operates a motor  
32 vehicle in this state during the period of the suspension or revocation upon  
33 conviction is guilty of an unclassified misdemeanor and:

34 (1) ~~shall~~ Shall be imprisoned for ten (10) days; ~~and~~  
35 (2) ~~may~~ May be assessed a fine of not more than one thousand  
36 dollars (\$1,000); ~~and~~



1 (3) May have the person's motor vehicle that he or she was  
 2 operating during the period of the suspension or revocation of his or her  
 3 license seized and sold under § 5-65-117.

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 5 SECTION 2. Arkansas Code § 5-65-117(a), concerning the seizure and  
 6 sale of motor vehicles driven by persons convicted of driving while  
 7 intoxicated, is amended to read as follows:

8 (a)(1)(A) Any person who pleads guilty or nolo contendere or is found  
 9 guilty of violating § 5-65-103 for a ~~fourth~~ second or subsequent offense  
 10 occurring within three (3) years of ~~the first~~ a prior offense or of violating  
 11 § 5-65-105, at the discretion of the court, may have his or her motor vehicle  
 12 seized.

13 (B) If the motor vehicle is seized, the title to the motor  
 14 vehicle is forfeited to the state.

15 (2)(A) If ordered by the court, it is the duty of the sheriff of  
 16 the county where the offense occurred to seize the motor vehicle.

17 (B) The court may issue an order directing the sheriff to  
 18 sell the motor vehicle seized at a public auction to the highest bidder  
 19 within thirty (30) days from the date of judgment.

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