

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

SENATE BILL 346

By: Senator D. Wyatt

## For An Act To Be Entitled

AN ACT TO AMEND THE OMNIBUS DWI ACT TO PROVIDE THAT A PERSON ARRESTED FOR OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE INTOXICATED BY A CONTROLLED SUBSTANCE OR A PERSON WHO REFUSES TO SUBMIT TO A CHEMICAL TEST IS INELIGIBLE FOR AN IGNITION INTERLOCK RESTRICTED DRIVING PERMIT; AND FOR OTHER PURPOSES.

## Subtitle

TO PROVIDE THAT PERSONS ARRESTED FOR OPERATING A MOTOR VEHICLE WHILE INTOXICATED BY THE USE OF A CONTROLLED SUBSTANCE OR REFUSAL TO SUBMIT TO TESTING ARE INELIGIBLE FOR AN IGNITION INTERLOCK RESTRICTED DRIVING PERMIT.

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

SECTION 1. Arkansas Code § 5-65-104(a)(2)(A)(ii), concerning the seizure, suspension, and revocation of a license, is amended to read as follows:

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

(b) The ignition interlock restricted license provision of § 5-65-118 does not apply to a suspension under subdivision (a)(2)(A)(ii)(a) of this



1 section; and

2  
3 SECTION 2. Arkansas Code § 5-65-104(a)(2)(B), concerning the seizure,  
4 suspension, and revocation of a license, is amended to add a subdivision to  
5 read as follows:

6 (iii) The ignition interlock restricted license  
7 provision of § 5-65-118 does not apply to the suspension under subdivisions  
8 (a)(2)(B)(i) and (ii) of this section if the person is arrested for an  
9 offense of operating or being in actual physical control of a motor vehicle  
10 while intoxicated by the ingestion of or by the use of a controlled  
11 substance;

12  
13 SECTION 3. Arkansas Code § 5-65-104(a)(2)(C), concerning the seizure,  
14 suspension, and revocation of a license, is amended to add a subdivision to  
15 read as follows:

16 (iii) The ignition interlock restricted license  
17 provision of § 5-65-118 does not apply to the suspension under subdivisions  
18 (a)(2)(C)(i) and (ii) if the person is arrested for an offense of operating  
19 or being in actual physical control of a motor vehicle while intoxicated by  
20 the ingestion of or by the use of a controlled substance; and

21  
22 SECTION 4. Arkansas Code § 5-65-205(b)(1)(A)(ii), concerning the  
23 refusal to submit to a chemical test upon the request of a law enforcement  
24 officer is amended to read as follows:

25 (ii)(a) However, if the office allows the issuance  
26 of an ignition interlock restricted license under § 5-65-118, the ignition  
27 interlock restricted license shall be available immediately.

28 (b) The ignition interlock restricted license provision of § 5-65-118  
29 does not apply to the suspension under subdivision (b)(1)(A)(i) of this  
30 section if the person is arrested for an offense of operating or being in  
31 actual physical control of a motor vehicle while intoxicated by the ingestion  
32 of or by the use of a controlled substance.