

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1268

5 By: Representative Murdock
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE USE OF AN IGNITION INTERLOCK
9 DEVICE; AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING THE USE OF AN IGNITION
13 INTERLOCK DEVICE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-65-118(a) and (b), concerning the use of
20 an ignition interlock device, are amended to read as follows:

21 (a)(1)(A)(i) The Office of Driver Services ~~shall~~ may place a
22 restriction on a person who has violated § 5-65-103 for a first or second
23 offense that requires the person's motor vehicle to be equipped with a
24 functioning ignition interlock device in addition to any other penalty
25 authorized by this chapter.

26 (ii) The restriction ~~shall continue until the person~~
27 ~~has completed his or her mandatory period for using an ignition interlock~~
28 ~~device~~ may continue for a period of up to one (1) year after the person's
29 driving privilege is no longer suspended or restricted under § 5-65-104.

30 (iii) ~~The restriction under subdivision (a)(1)(A)(i)~~
31 ~~of this section does not apply to a person who is arrested for violating § 5-~~
32 ~~65-103 for a first or second offense if the person was intoxicated by the~~
33 ~~ingestion of or by the use of a controlled substance.~~

34 (B)(i) The office ~~shall~~ may place a restriction on a
35 person who has violated § 5-65-103 for a third or subsequent offense that
36 requires the person's motor vehicle to be equipped with a functioning



1 ignition interlock device in addition to any other penalty authorized by this
2 chapter and after finding that the person is financially able to afford the
3 ignition interlock device.

4 (ii) The restriction ~~shall continue until the person~~
5 ~~has completed his or her mandatory period for using an ignition interlock~~
6 ~~device~~ may continue for a period of up to one (1) year after the person's
7 driving privilege is no longer suspended or restricted under § 5-65-104.

8 ~~(iii) The restriction under subdivision (a)(1)(B)(i)~~
9 ~~of this section does not apply to a person who is arrested for violating § 5-~~
10 ~~65-103 for a third or subsequent offense if the person was intoxicated by the~~
11 ~~ingestion of or by the use of a controlled substance.~~

12 (2) The office may issue an ignition interlock restricted
13 license to the person only after the person has verified installation of a
14 functioning ignition interlock device to the office in any motor vehicle the
15 person intends to operate, except for an exemption allowed under § 5-65-
16 123(f).

17 (3) The office shall establish:

18 (A) A specific calibration setting no lower than two
19 hundredths of one percent (0.02%) nor more than five hundredths of one
20 percent (0.05%) of alcohol in the person's blood at which the ignition
21 interlock device will prevent the motor vehicle's being started; and

22 (B) The period of time that the person is subject to the
23 restriction.

24 (b) The office shall do the following after restricting a person's
25 driving by requiring the use of an ignition interlock device:

26 (1)(A) State on the record the requirement for and the period of
27 use of the ignition interlock device.

28 (B) However, if the office restricts the person to using
29 an ignition interlock device in conjunction with the issuance of an ignition
30 interlock restricted license under § 5-65-104, the time the person is
31 required to use the ignition interlock device shall be until the original
32 suspension imposed under § 5-65-104 has been completed;

33 (2) Ensure that the records of the office reflect that the
34 person may not operate a motor vehicle that is not equipped with an ignition
35 interlock device;

36 (3) Attach or imprint a notation on the driver's license of a

1 person restricted under this section stating that the person may operate a
 2 motor vehicle only if it is equipped with an ignition interlock device;

3 (4) Require that the person restricted under this section show
 4 proof of installation of a certified ignition interlock device prior to the
 5 issuance of an ignition interlock restricted license by the office under § 5-
 6 65-104;

7 (5)~~(A)~~ Require both proof of the installation of an ignition
 8 interlock device and periodic reporting by the person for verification of the
 9 proper operation of the ignition interlock device-

10 ~~(B) Proof of the installation of the ignition interlock~~
 11 ~~device for the entire period required by law shall be provided before the~~
 12 ~~person's driving privileges are reinstated;~~

13 (6) Require the person to have the ignition interlock device
 14 serviced and monitored at least every sixty-seven (67) days for proper use
 15 and accuracy by an entity approved by the Department of Health; and

16 (7)(A) Require the person to pay the reasonable cost of leasing
 17 or buying and monitoring and maintaining the ignition interlock device.

18 (B) The office may establish a payment schedule for the
 19 reasonable cost of leasing or buying and monitoring and maintaining the
 20 ignition interlock device.

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