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2 95th General Assembly
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4

A Bill

HOUSE BILL 1875

5 By: Representatives Tosh, Barnes, Beaty Jr., Beck, Bentley, Breaux, R. Burkes, Joey Carr, Crawford,
6 Duffield, Eaves, Gazaway, Henley, Holcomb, Hollowell, Jean, Ladyman, Lundstrum, Maddox,
7 McAlindon, M. McElroy, McGruder, Milligan, J. Moore, Pearce, Perry, Puryear, Rye, Schulz, Walker,
8 Wooten
9 By: Senator Crowell

For An Act To Be Entitled

12 AN ACT TO AMEND THE LAW CONCERNING THE USE OF AN
13 IGNITION INTERLOCK DEVICE; TO PROVIDE FOR THE
14 EXTENSION OF THE MANDATORY PERIOD FOR THE USE OF AN
15 IGNITION INTERLOCK DEVICE; AND FOR OTHER PURPOSES.

Subtitle

19 TO AMEND THE LAW CONCERNING THE USE OF
20 AN IGNITION INTERLOCK DEVICE; AND TO
21 PROVIDE FOR THE EXTENSION OF THE
22 MANDATORY PERIOD FOR THE USE OF AN
23 IGNITION INTERLOCK DEVICE.

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

27 SECTION 1. Arkansas Code § 5-65-118(a)(3), concerning the Office of
28 Driver Services requiring the use of an ignition interlock device, is amended
29 to read as follows:

30 (3) The office shall establish:

31 (A) A ~~specific~~ calibration setting ~~no lower than two~~
32 ~~hundredths of one percent (0.02%) nor more than five hundredths of one~~
33 ~~percent (0.05%)~~ of twenty-five thousandths of one percent (0.025%) of alcohol
34 in the person's blood at which the ignition interlock device will prevent the
35 motor vehicle's being started; and

36 (B) The period of time that the person is subject to the



1 restriction.

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3 SECTION 2. Arkansas Code § 5-65-118(b)(1), concerning the
4 responsibilities of the Office of Driver Services after requiring the use of
5 an ignition interlock device, is amended to read as follows:

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

8 (B) However, if the office restricts the person to using
9 an ignition interlock device in conjunction with the issuance of an ignition
10 interlock restricted license under § 5-65-104, the time the person is
11 required to use the ignition interlock device shall be until the original
12 suspension imposed under § 5-65-104 has been completed except as otherwise
13 provided under subsection (h) of this section;

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15 SECTION 3. Arkansas Code § 5-65-118(f)(2), concerning the rules of the
16 Department of Health for the certification of ignition interlock devices, is
17 amended to read as follows:

18 (2) The rules shall require an ignition interlock device, at a
19 minimum, to:

20 (A) Not impede the safe operation of the motor vehicle;

21 (B) Minimize the opportunities to be bypassed;

22 (C) Work accurately and reliably in an unsupervised
23 environment;

24 (D) Properly and accurately measure the person's blood
25 alcohol levels;

26 (E) Minimize the inconvenience to a sober user; ~~and~~

27 (F) Be manufactured by an entity that is responsible for
28 installation, user training, and servicing and maintenance of the ignition
29 interlock device, and that is capable of providing monitoring reports to the
30 office;

31 (G) Be capable of randomly retesting the person's blood
32 alcohol level while the motor vehicle's engine or motor is on, after
33 providing adequate notice of the test to ensure the safe operation of the
34 motor vehicle;

35 (H) Be capable of capturing and storing the results of
36 each test of the person's blood alcohol level while the ignition interlock

1 device is installed; and

2 (I) Be capable of capturing and storing a digital image of
3 the person at the time of each test of the person's blood alcohol level.

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5 SECTION 4. Arkansas Code § 5-65-118, concerning ignition interlock
6 devices, is amended to add an additional subsection to read as follows:

7 (h)(1) The mandatory period for using an ignition interlock device may
8 be extended if, during the final sixty (60) days of the original period or
9 during an extension of the original period, the person:

10 (A)(i) Attempts to start his or her motor vehicle with a
11 blood alcohol level of more than twenty-five thousandths of one percent
12 (0.025%) as determined by the ignition interlock device.

13 (ii) The original period for using an ignition
14 interlock device shall not be extended for an attempt to start the motor
15 vehicle with a blood alcohol level of more than twenty-five thousandths of
16 one percent (0.025%) if a subsequent test performed by the person within ten
17 (10) minutes registers a blood alcohol level of less than twenty-five
18 thousandths of one percent (0.025%) and a digital image captured by the
19 ignition interlock device shows that the same person took the subsequent
20 test;

21 (B)(i) Fails to take a random retest of his or her blood
22 alcohol level while the motor vehicle's engine or motor is on.

23 (ii) The original period for using an ignition
24 interlock device shall not be extended for a failure to take a random retest
25 if a digital image captured by the ignition interlock device at the time of
26 the random retest shows that the person was not in the motor vehicle at the
27 time of the random retest;

28 (C)(i) Takes a random retest of his or her blood alcohol
29 level while the motor vehicle's engine or motor is on and has a blood alcohol
30 level of more than twenty-five thousandths of one percent (0.025%) as
31 determined by the ignition interlock device.

32 (ii) The original period for using an ignition
33 interlock device shall not be extended for having an alcohol concentration of
34 more than twenty-five thousandths of one percent (0.025%) during a random
35 retest of his or her blood alcohol level if a subsequent test performed by
36 the person within ten (10) minutes registers a blood alcohol level of less

1 than twenty-five thousandths of one percent (0.025%) and a digital image
2 captured by the ignition interlock device shows that the same person took the
3 subsequent test; or

4 (D) Fails to have the ignition interlock device serviced
5 and monitored as required by subdivision (b)(6) of this section.

6 (2)(A) Upon completion of the period for which a person is
7 required to use an ignition interlock device, the person shall request that
8 the ignition interlock device provider certify that the person has not had a
9 violation under subdivision (h)(1) of this section.

10 (B) If the ignition interlock device provider issues a
11 certificate of compliance, the person may present the certificate to the
12 office to remove the ignition interlock restriction from the person's
13 driver's license.

14 (C)(i) If the ignition interlock device provider notifies
15 the person that the provider's records indicate that the person has had a
16 violation under subdivision (h)(1) of this section, the person may either:

17 (a) Accept the extension of the ignition
18 interlock requirement; or

19 (b) Request that the ignition interlock device
20 provider reconsider the finding of a violation, which may be based on
21 evidence of compliance provided by the person.

22 (ii) If the ignition interlock device provider
23 confirms the finding of a violation, the ignition interlock period will be
24 extended for sixty (60) days and the requirements of this section will be in
25 place for the additional period.

26 (D) If the ignition interlock device provider confirms a
27 finding of a violation under subdivision (h)(2)(C)(ii) of this section, the
28 person may demand removal of the ignition interlock device, and the provider
29 shall notify the office of the removal.

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