

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1094 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/20/17 S3/30/17

# A Bill

HOUSE BILL 1268

By: Representative Murdock

## For An Act To Be Entitled

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

### Subtitle

CONCERNING THE USE OF AN IGNITION  
INTERLOCK DEVICE.

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

*SECTION 1. Arkansas Code § 5-65-104(a)(2)(D), concerning the revocation of a person's driver's license for a fourth or subsequent conviction for driving or boating while intoxicated, is amended to read as follows:*

*(D)(i) Revocation for four (4) years, during which no restricted permits may be issued, for the fourth or subsequent offense of operating or being in actual physical control of a motor vehicle or motorboat while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense.*

*(ii) A person whose driver's license is revoked under this subdivision (a)(2)(D) is required to install a functioning ignition interlock device on his or her motor vehicle under § 5-65-118(a)(1)(B) if the person regains his or her driver's license.*

*SECTION 2. Arkansas Code § 5-65-118(a)(1)(A)(i), concerning the use of an ignition interlock device, is amended to read as follows:*

*(a)(1)(A)(i) ~~The~~ Except as provided under subsection (g) of this*



section, the Office of Driver Services shall place a restriction on a person who has violated § 5-65-103 for a first or second offense that requires the person's motor vehicle to be equipped with a functioning ignition interlock device in addition to any other penalty authorized by this chapter.

SECTION 3. Arkansas Code § 5-65-118, concerning the use of an ignition interlock device, is amended to add an additional subsection to read as follows:

(g)(1) A person who has violated § 5-65-103 for a first offense that requires the person's motor vehicle to be equipped with a functioning ignition interlock device under this section may petition the court with jurisdiction for a waiver of the requirement to install a functioning interlock device under this section.

(2) The court with jurisdiction may waive the requirement to install a functioning interlock device under this section under the following conditions:

(A) The person is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the person;

(B) The person is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device; or

(C) A state-certified ignition interlock provider is not available within one hundred (100) miles of the person's residence.

(3) Upon finding that a condition under subdivision (g)(2) of this section is present, the court with jurisdiction shall enter an order to that effect and transmit the order to the office for compliance.

/s/Murdock

**APPROVED: 04/07/2017**