

Stricken language would be deleted from and underlined language would be added to present law.
Act 841 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/2/25

A Bill

HOUSE BILL 1875

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

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE USE OF AN IGNITION INTERLOCK DEVICE; AND TO PROVIDE FOR THE EXTENSION OF THE MANDATORY PERIOD FOR THE USE OF AN IGNITION INTERLOCK DEVICE.

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

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

(3) The office shall establish:

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

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



restriction.

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

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

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

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

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

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

(B) Minimize the opportunities to be bypassed;

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

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

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

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

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

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

device is installed; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. EFFECTIVE DATE. This act is effective on July 1, 2026.

/s/Tosh

APPROVED: 4/17/25