

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1694

By: Representative Gillam  
By: Senator J. Woods

## For An Act To Be Entitled

AN ACT CONCERNING THE USE OF AN INTERLOCK DEVICE FOR  
PERSONS CHARGED WITH DRIVING WHILE INTOXICATED; AND  
FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE USE OF AN INTERLOCK DEVICE  
FOR PERSONS CHARGED WITH DRIVING WHILE  
INTOXICATED.

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

SECTION 1. Arkansas Code § 5-65-104(a)(2)(B) and (C), concerning the availability of an interlock device, is amended to read as follows:

(B)(i) Suspension for twenty-four (24) months for a second offense of operating or being in actual physical control of a motor vehicle 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) However, if the office allows the issuance of an ignition interlock restricted license under § 5-65-118, the ~~suspension period for which no~~ restricted license is available ~~is a minimum of forty-five (45) days, followed by restricted driving privileges to allow driving in any and all of the following situations:~~ immediately.

~~(a) To and from his or her employment;~~

~~(b) To and from an educational institution for the purpose of attending class at the educational institution;~~



~~(c) To and from an alcohol safety education and treatment course for drunk drivers; or~~

~~(d) To and from an ignition interlock service.~~

(iii) The ignition interlock restricted license provision of § 5-65-118 does not apply to the suspension under subdivisions (a)(2)(B)(i) and (ii) of this section if the person is arrested for an 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;

(C)(i) Suspension for thirty (30) months for the third offense of operating or being in actual physical control of a motor vehicle 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) However, if the office allows the issuance of an ignition interlock restricted license under § 5-65-118, the ~~suspension period for which no~~ restricted license is available ~~is a minimum of forty-five (45) days, followed by restricted driving privileges to allow driving in any and all of the following situations:~~ immediately.

~~(a) To and from his or her employment;~~

~~(b) To and from an educational institution for the purpose of attending class at the education institution;~~

~~(c) To and from an alcohol safety education and treatment course for drunk drivers; or~~

~~(d) To and from an ignition interlock service.~~

(iii) The ignition interlock restricted license provision of § 5-65-118 does not apply to the suspension under subdivisions (a)(2)(C)(i) and (ii) if the person is arrested for an 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

SECTION 2. Arkansas Code § 5-65-104(a)(3), concerning the availability of an interlock device, is amended to read as follows:

(3) If a person is a resident who is convicted of driving without a license or permit to operate a motor vehicle and the underlying basis for the suspension, revocation, or restriction of the license was for a

violation of § 5-65-103, in addition to any other penalties provided for under law, the ~~office~~ court may restrict the offender to ~~only~~ an ignition interlock restricted license for a period of one (1) year prior to the reinstatement or reissuance of a license or permit after the person would otherwise be eligible for reinstatement or reissuance of the person's license.