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

1	State of Arkansas	As Engrossed:	H3/20/17 S3/30/1.	7
2	91st General Assembly		A Bill	
3	Regular Session, 2017			HOUSE BILL 1268
4				
5	By: Representative Murdock			
6				
7		For An Act	To Be Entitled	
8	AN ACT CO	NCERNING THE USE	OF AN IGNITION IN	ITERLOCK
9	DEVICE; A	ND FOR OTHER PUR	POSES.	
10				
11				
12		Sı	ıbtitle	
13	CONC	ERNING THE USE C	F AN IGNITION	
14	INTE	RLOCK DEVICE.		
15				
16				
17	BE IT ENACTED BY THE	GENERAL ASSEMBLY	OF THE STATE OF A	RKANSAS:
. 18				
19	SECTION 1. Ark	ansas Code § 5-6	5-104(a)(2)(D), co	ncerning the
20	revocation of a perso	n's driver's lic	ense for a fourth	or subsequent
21	conviction for driving	g or boating whi	le intoxicated, is	amended to read as
22	follows:			
23	(D)_	<u>(i)</u> Revocation .	for four (4) years	, during which no
24	restricted permits ma	y be issued, for	the fourth or sub	sequent offense of
25	operating or being in	actual physical	control of a moto	r vehicle or motorboat
26	while intoxicated or	while there was	an alcohol concent	ration of eight
27	hundredths (0.08) or i	more by weight o	f alcohol in the p	erson's blood or
28	breath, § 5-65-103, w.	ithin five (5) ye	ears of the first	offense.
29		(ii) A person	n whose driver's 1	icense is revoked
30	under this subdivision	n (a)(2)(D) is re	equired to install	a functioning
31	ignition interlock de	vice on his or he	er motor vehicle u	nder § 5-65-
32	118(a)(l)(B) if the pe	erson regains his	s or her driver's	<u>license.</u>
33				
34	SECTION 2. Arka	ansas Code § 5-65	5-118(a)(1)(A)(1),	concerning the use of
35	an ignition interlock	device, is amend	ded to read as fol	lows;
36	$(a)(1)(A)(i)$ $\mp i$	e Except as prov	vided under subsec	tion (g) of this



1	section, the Office of Driver Services shall place a restriction on a person
2	who has violated § 5-65-103 for a first or second offense that requires the
3	person's motor vehicle to be equipped with a functioning ignition interlock
4	device in addition to any other penalty authorized by this chapter.
5	
6	SECTION 3. Arkansas Code § 5-65-118, concerning the use of an ignition
7	interlock device, is amended to add an additional subsection to read as
8	follows:
9	(g)(1) A person who has violated § 5-65-103 for a first offense that
10	requires the person's motor vehicle to be equipped with a functioning
11	ignition interlock device under this section may petition the court with
12	jurisdiction for a waiver of the requirement to install a functioning
13	interlock device under this section.
14	(2) The court with jurisdiction may waive the requirement to
15	install a functioning interlock device under this section under the following
16	conditions:
17	(A) The person is required to operate an employer's motor
18	vehicle in the course and scope of employment and the business entity that
19	owns the vehicle is not owned or controlled by the person;
20	(B) The person is certified by a medical doctor as being
21	unable to provide a deep lung breath sample for analysis by an ignition
22	interlock device; or
23	(C) A state-certified ignition interlock provider is not
24	available within one hundred (100) miles of the person's residence.
25	(3) Upon finding that a condition under subdivision (g)(2) of
26	this section is present, the court with jurisdiction shall enter an order to
27	that effect and transmit the order to the office for compliance.
28	
29	/s/Murdock
30	
31	
32	APPROVED: 04/07/2017
33	
34	
35	
36	

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1268
CONCERNING THE USE OF AN IGNITION INTERLOCK DEVICE.

Amendment No. 1 to House Bill No. 1268

Amend House Bill No. 1268 as originally introduced:

Delete everything after the enacting clause and substitute the following: "SECTION 1. 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 \S 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 2. 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 if the court finds that the installation of a functioning interlock device would constitute a hardship on the person.
- (3) Upon finding that the installation of a functioning interlock device would constitute a hardship on a person under subdivision (g)(2) of this section, the court with jurisdiction shall enter an order to that effect and transmit the order to the office for compliance."



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BPG534

Chief Clerk

ACT 1094 of 2017 INTERLOCK DEVICE - WAIVER

Interlock Waiver

Effective Date: August 1, 2017

5-65-118 (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.



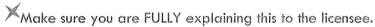
To be eligible to drive on a 1st offense DWI/BWI,

a licensee must have a functioning ignition interlock device installed in their vehicle.



THE WAIVER DOES NOT CHANGE THIS.

The only benefit a licensee receives from an interlock waiver, is it will no longer be mandatory and for a specific length of time. However, if the licensee wants to drive during their suspension, they must have an interlock device.

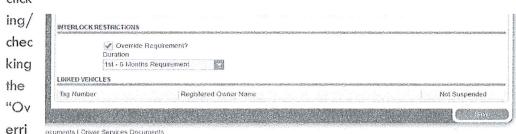


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We do not want a licensee to remove an interlock device because they are under the impression they will be issued a restricted permit or can drive without any restrictions.

Receive Order Waiving Interlock:

- ✓ Make sure the court granting the waiver has jurisdiction over the DWI/BWI offense.
- ✓ Make sure it is a 1st offense.
- ✓ Make sure the licensee understands, they will not be able to drive, if the device is removed from their vehicle.
 - Override the interlock requirement This is done by editing the DUI Case and click



de Requirement?" box.

