

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 485 of the Regular Session

As Engrossed: S1/31/07 S2/19/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 88

4
5 By: Senators J. Jeffress, Broadway, Baker, Glover, G. Jeffress

6 By: Representative Maxwell
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9 **For An Act To Be Entitled**

10 AN ACT TO REQUIRE ALL MOTORISTS TO CARRY MINIMUM
11 MOTOR VEHICLE LIABILITY INSURANCE COVERAGE; TO
12 REQUIRE NAMED DRIVER EXCLUSIONS TO BE LISTED ON
13 PROOF OF INSURANCE CARDS; AND TO REQUIRE THAT A
14 NOTICE CONCERNING A NAMED DRIVER EXCLUSION BE
15 GIVEN TO THE INSURED; AND FOR OTHER PURPOSES.
16

17 **Subtitle**

18 TO REQUIRE ALL MOTORISTS TO CARRY
19 MINIMUM MOTOR VEHICLE LIABILITY
20 INSURANCE COVERAGE; NAMED DRIVER
21 EXCLUSIONS TO BE LISTED ON PROOF OF
22 INSURANCE CARDS; AND A NOTICE CONCERNING
23 A NAMED DRIVER EXCLUSION TO THE INSURED.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 23-89-213(b), concerning requirements for
29 proof of automobile insurance cards, is amended to read as follows:

30 (b) ~~This~~ The proof-of-insurance card or any temporary proof of
31 insurance issued by the insurance company shall contain the following
32 information:

33 (1) The name, address, telephone number, and National
34 Association of Insurance Commissioners' code number of the insurer;

35 (2) The name and telephone number of the local agent through



1 whom the policy was issued, if any, or a blank space where a local agent's
2 name may be stamped or filled in;

3 (3) The policy number;

4 (4) The effective date of the insurance policy coverage and the
5 expiration date of the insurance policy coverage;

6 (5) The vehicle identification number and a brief description of
7 the insured vehicle, except that an insurance card for fleet vehicles is not
8 required to list a separate vehicle identification number for each vehicle in
9 the fleet; ~~and~~

10 (6) The name and address of the insured person; and

11 (7) The designation "Excluded Driver(s)" if a person or persons
12 are excluded from coverage under the insurance policy.

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14 SECTION 2. Arkansas Code § 27-22-103(a), concerning penalties for
15 operating a motor vehicle without the minimum automobile insurance coverage,
16 is amended to read as follows:

17 (a) Except as provided in subsection (b) of this section, any person
18 who operates a motor vehicle within this state shall be subject to a
19 mandatory fine of not less than fifty dollars (\$50.00) nor more than two
20 hundred fifty dollars (\$250) unless both the vehicle ~~is~~ and the person's
21 operation of the vehicle are covered by a certificate of self-insurance or an
22 insurance policy as required under § 27-22-104(a)(1).

23
24 SECTION 3. Arkansas Code § 27-22-104(a), concerning the offense of
25 operating a motor vehicle without the minimum automobile insurance coverage,
26 is amended to read as follows:

27 (a)(1) It shall be unlawful for any person to operate a motor vehicle
28 within this state unless both the vehicle ~~is~~ and the person's operation of
29 the motor vehicle are covered by a certificate of self-insurance under the
30 provisions of § 27-19-107, or by an insurance policy issued by an insurance
31 company authorized to do business in this state.

32 (2) Failure to present proof of insurance coverage at the time
33 of arrest ~~and~~ or a failure of the Vehicle Insurance Database or proof of
34 insurance card issued under § 23-89-213 to show current insurance coverage at
35 the time of the traffic stop creates a rebuttable presumption that the motor
36 vehicle or the person's operation of the motor vehicle is uninsured.

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SECTION 4. Arkansas Code § 27-22-104(c)(1)(A), concerning the failure to furnish proof of the minimum automobile insurance coverage, is amended to read as follows:

(c)(1)(A) If the operator of the motor vehicle is unable to present proof of ~~the vehicle's~~ insurance coverage as required in subsection (a) of this section when requested by a law enforcement officer or if a check of the database at the time of the traffic stop fails to show current insurance coverage, the operator shall be issued, in addition to any traffic citation issued for a violation of this section, a notice of noncompliance with the provisions of this section on a form to be provided to the Department of Finance and Administration.

SECTION 5. Arkansas Code § 27-22-104(e), concerning the offense of operating a motor vehicle without the minimum automobile insurance coverage, is amended to read as follows:

(e)(1) Upon receipt of the notice of noncompliance by the department, the department shall proceed to suspend the registration of the ~~uninsured~~ vehicle effective ten (10) days after the license plate was taken and the notice of noncompliance was issued.

(2) However, if both the vehicle was and the driver's operation of the vehicle were insured at the time of the offense, the owner of the vehicle shall have ten (10) days to present proof of insurance coverage or other financial security in effect at the time of the offense, whereupon the license plate shall be returned at no cost to the owner of the vehicle.

SECTION 6. Arkansas Code § 27-22-105 is amended to read as follows:

27-22-105. Inadequate insurance during an accident - Penalty.

(a) When the operator of any motor vehicle is involved in a motor vehicle accident in this state and the vehicle or the operator while driving the vehicle is found not to be adequately insured, as required by § 27-22-104(a)(1), the operator shall be deemed guilty of a Class A misdemeanor.

(b) In addition, if a person is convicted of driving an inadequately insured vehicle which has been involved in an accident under subsection (a) of this section, the court may order that the vehicle be impounded until proof of vehicle insurance coverage is made to the court. The owner of the

1 vehicle impounded shall be responsible for all costs of impoundment.

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3 SECTION 7. Arkansas Code § 27-19-604(1), concerning exceptions to the
4 security deposit and license suspension requirements following an automobile
5 accident, is amended to read as follows:

6 (1) The driver or owner if the owner had in effect at the time
7 of the accident an automobile liability policy or bond with respect to the
8 vehicle and the driver's operation of the vehicle involved in the accident
9 providing the minimum coverage required under § 27-22-104, except that a
10 driver shall not be exempt under this subdivision if at the time of the
11 accident, the vehicle was being operated without the owner's permission,
12 express or implied;

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14 SECTION 8. Arkansas Code § 27-22-107(b), concerning reports given to
15 the Revenue Division of the Department of Finance and Administration to
16 compile the vehicle insurance database, is amended to read as follows:

17 (b)(1) The reports ~~may~~ shall include:

18 ~~(1)(A) The name, date of birth, driver's license number of~~
19 ~~each insured owner or operator, and the address of the named insured;~~

20 ~~(2)(B) The make, year, and vehicle identification number~~
21 ~~of each insured vehicle; and~~

22 (3)(C) The policy number, effective date, and expiration
23 date of each policy, National Association of Insurance Carriers code number,
24 and the name of each driver excluded from coverage.

25 (2) The reports may include:

26 (A) The date of birth of each insured owner or operator;
27 and

28 (B) The driver's license number of each insured owner or
29 operator.

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31 SECTION 9. EFFECTIVE DATE. This act takes effect January 1, 2008.

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33 /s/ J. Jeffress

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35 APPROVED: 3/26/2007