

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Pat Flanagin**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO REPEAL ARKANSAS CODE SECTION 27-13-102(a)  
9 REQUIRING PROOF OF INSURANCE AS A PREREQUISITE TO MOTOR  
10 VEHICLE REGISTRATION; TO AMEND ARKANSAS CODE SECTIONS  
11 27-22-103 AND 27-22-104(a) TO PROVIDE PENALTIES FOR SECOND  
12 AND THIRD OFFENSES OF THE MOTOR VEHICLE INSURANCE  
13 REQUIREMENT; AND FOR OTHER PURPOSES."

14  
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. It has come to the attention of the General Assembly that  
18 obtaining motor vehicle license plates in Arkansas is a time consuming and  
19 confusing task; that the public continually expresses frustration with the  
20 procedure; that the procedure to obtain motor vehicle license plates should be  
21 streamlined; that proof of insurance is a prerequisite to motor vehicle  
22 licensing; that penalties for failure to obtain motor vehicle insurance are  
23 prescribed by Arkansas law; that enhancing penalties for second and third  
24 offenses of the liability insurance requirement will increase compliance with  
25 the requirement; and that the use of law enforcement personnel to enforce  
26 these penalties is a preferable alternative to the use of motor vehicle  
27 registration as an enforcement mechanism. It is the intent of this act to  
28 repeal the Arkansas law which requires proof of liability insurance coverage  
29 as a prerequisite to motor vehicle registration and to enhance the penalties  
30 for repeat offenses of the liability insurance requirement.

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32 SECTION 2. Arkansas Code 27-13-102(a) pertaining to proof of insurance  
33 as a condition to motor vehicle registration or renewal is hereby repealed.

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35 SECTION 3. Arkansas code 27-22-103 is hereby amended to read as

1 follows:

2 "27-22-103. Penalty. (a) Except as provided in subsection (b)  
3 of this section, any person who operates a motor vehicle within this state in  
4 violation of this chapter shall be fined not less than fifty dollars (\$50.00)  
5 nor more than two hundred fifty dollars (\$250.00), and the minimum fine shall  
6 be mandatory.

7 (b)

8 (1) Any person who operates a motor vehicle in violation of  
9 this chapter shall be fined not less than two hundred fifty dollars (\$250.00)  
10 nor more than five hundred dollars (\$500.00) for the second offense, and the  
11 minimum fine shall be mandatory.

12 (2) Any person who operates a motor vehicle in violation of  
13 this chapter shall be fined not less than five hundred dollars (\$500.00) nor  
14 more than one thousand dollars (\$1,000.00) or sentenced to one year in jail,  
15 or both, for the third offense.

16 (3) Upon a showing that liability coverage required by  
17 Arkansas Code 27-22-101 to 27-22-104 was in effect at the time of arrest, the  
18 judge may dismiss the charge imposed under this act and the penalties  
19 therefore shall not be imposed."

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21 SECTION 4. Arkansas Code 27-22-104(a) is amended to read as follows:

22 "27-22-104. Insurance required - Minimum coverage.

23 (a) It shall be unlawful for any person to operate a motor vehicle  
24 within this state unless the person is covered by a certificate of self-  
25 insurance under the provisions of § 27-19-107, or an insurance policy issued  
26 by an insurance company or surety company authorized to do business in this  
27 state. Failure to present proof of insurance coverage at the time of arrest  
28 creates a rebuttable presumption that the motor vehicle operator is  
29 uninsured."

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31 SECTION 5. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 6. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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6 SECTION 7. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

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9 SECTION 8. EMERGENCY. It is hereby found and determined by the General  
10 Assembly that obtaining motor vehicle license plates in Arkansas is a time  
11 consuming and confusing task; that the public continually expresses  
12 frustration with the procedure; that the procedure to obtain motor vehicle  
13 license plates should be streamlined; that this act will relieve the burden by  
14 simplifying the process; that this act should go into effect on April 1, 1991  
15 to simplify the process as soon as possible; and that enhancing penalties for  
16 repeat offenses of the liability insurance requirement is necessary to increase  
17 compliance with the law. Therefore, an emergency is hereby declared to exist  
18 and this act being necessary for the preservation of the public peace, health,  
19 and safety shall be in full force from and after April 1, 1991.

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