

As Engrossed: 2/5/91 2/14/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL 1268

4 **By: Representatives Flanagin, O. Miller,**
5 **and Purdom**

For An Act To Be Entitled

8 "AN ACT TO PROMOTE PUBLIC HIGHWAY SAFETY BY GENERATING
9 ADDITIONAL REVENUE FOR EMERGENCY VEHICLES BY INCREASING
10 THE FINE FOR FAILURE TO LICENSE MOTOR VEHICLES; TO PROVIDE
11 FOR THE DISBURSEMENT OF THE FINE FOR FAILING TO LICENSE
12 MOTOR VEHICLES; TO AMEND ARKANSAS CODE SECTIONS 27-22-103
13 AND 27-22-104 (a) TO PROVIDE PENALTIES FOR SECOND AND THIRD
14 OFFENSES OF THE MOTOR VEHICLE INSURANCE REQUIREMENT; TO
15 AMEND ARKANSAS CODE TITLE 27, CHAPTER 14, SUBCHAPTER 3 TO
16 PROVIDE ADDITIONAL PENALTIES FOR FAILURE TO REGISTER A
17 MOTOR VEHICLE; AND FOR OTHER PURPOSES."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. (a) It is hereby found and determined by the General Assembly
22 that there is a large number of motor vehicles within this state which are not
23 licensed; that this situation results in lost revenues to the state in the
24 form of license fees not paid; that the owners of unlicensed motor vehicles
25 most likely do not pay property taxes on such vehicles, thereby depriving
26 local governments and school districts of vitally needed revenues; that it is
27 probable that the owners of unlicensed new motor vehicles have not paid the
28 sales tax on such new vehicles thereby depriving the state of a significant
29 amount of tax revenues; that it is also probable that these owners have not
30 complied with mandatory insurance requirements, thereby increasing the
31 potential financial catastrophe to others involved in accidents with them; and
32 that this act is designed to promote the enforcement of Arkansas' motor
33 vehicle licensing laws.

34 (b) It is further found and determined by the General Assembly that
35 penalties for failure to obtain motor vehicle insurance are prescribed by

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1 Arkansas law; that enhancing penalties for second and third offenses of the
2 liability insurance requirement will increase compliance with the requirement;
3 therefore it is also the purpose of this act to enhance the penalties for
4 repeat offenses of the liability insurance requirement.

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6 SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 3 is amended
7 by adding the following new section:

8 "27-14-314. Additional Penalties. Any person who, while driving a
9 motor vehicle more than sixty (60) days after the period for registering the
10 motor vehicle, is arrested for failure to register the motor vehicle shall
11 upon conviction be subject to a penalty in addition to any other penalty
12 provided for by law. The additional penalty shall be:

13 (A) Not less than fifty dollars (\$50.00) nor more than one hundred
14 dollars (\$100) for the first offense, and the minimum fine shall be mandatory.

15 (B) Not less than one hundred dollars (\$100) nor more than two hundred
16 fifty dollars (\$250) for the second and subsequent offenses, and the minimum
17 fine shall be mandatory.

18 (2) If a person is convicted of two (2) offenses under subsection (d)
19 within one (1) year, the court may order that the unregistered vehicle be
20 impounded until proof of motor vehicle registration is made to the court. The
21 owner of the vehicle impounded shall be responsible for all costs of
22 impoundment."

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24 SECTION 3. Arkansas Code 27-22-103 is hereby amended to read as
25 follows:

26 "27-22-103. Penalty. (a) Except as provided in subsection (b) of this
27 section, any person who operates a motor vehicle within this state in
28 violation of this chapter shall be subject to a mandatory fine of not less
29 than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250).

30 (b) (1) Any person who operates a motor vehicle in violation of this
31 chapter shall be fined not less than two hundred fifty dollars (\$250) nor more
32 than five hundred dollars (\$500) for the second offense, and the minimum fine
33 shall be mandatory.

34 (2) Any person who operates a motor vehicle in violation of this
35 chapter shall be fined not less than five hundred dollars (\$500) nor more than
36 one thousand dollars (\$1,000) or sentenced to one (1) year in jail, or both,

1 for the third offense.

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

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

8 "27-22-104. Insurance required - Minimum coverage.

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

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17 SECTION 5. The fines prescribed in Arkansas Code 27-14-1004(d) and 27-
18 22-103 shall be disposed of as follows:

19 (a) If the arresting officer was a state police officer, the fine shall
20 be deposited in the state treasury and credited to the State Police Fund to be
21 used for the purchase and maintenance of state police vehicles;

22 (b) If the arresting officer was a county law enforcement officer, the
23 fine shall be deposited in that county fund used for the purchase and
24 maintenance of rescue, emergency medical, and law enforcement vehicles to be
25 used for those purposes; and

26 (c) If the arresting officer is a municipal law enforcement officer,
27 the fine shall be deposited in that municipal fund used for the purchase and
28 maintenance of rescue, emergency medical, and law enforcement vehicles to be
29 used for those purposes.

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31 SECTION 6. 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 7. 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 8. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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9 SECTION 9. EMERGENCY. It is hereby found and determined by the General
10 Assembly that violation of the motor vehicle licensing law is epidemic in this
11 state resulting in lost revenues to schools and the state and local
12 governments; that the present enforcement mechanism is not a deterrent to the
13 violation; that this act is an attempt to enhance the enforcement of the motor
14 vehicle licensing law; that until this act goes into effect, the motor vehicle
15 licensing law will continue to be violated resulting in lost revenue to
16 schools and state and local governments; *that enhancing penalties for repeat*
17 *offenses of the liability insurance requirement is necessary to increase*
18 *compliance with the law;* and that this act is immediately necessary to provide
19 efficient enforcement of the motor vehicle licensing law *and motor vehicle*
20 *liability insurance law.* Therefore, an emergency is hereby declared to exist
21 and this act being immediately necessary for the preservation of the public
22 peace, health, and safety shall be in full force and effect from and after its
23 passage and approval.

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/s/P. Flanagan, et al

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