

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Smith**

A Bill

HOUSE BILL 1013

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT ANY PERSON OPERATING A PICKUP TRUCK OR
9 FLATBED TRUCK OR TOWING A FLATBED TRAILER ON A PUBLIC
10 STREET OR HIGHWAY WHEN A CHILD *NINE (9)* YEARS OF AGE OR
11 YOUNGER IS OCCUPYING THE OPEN BED OF THE TRUCK OR TRAILER;
12 TO AMEND ARK. CODE § 27-35-104 BY STRIKING ONE EXCEPTION
13 TO THE PROHIBITION AGAINST PERSONS RIDING ON ANY PORTION
14 OF A VEHICLE NOT INTENDED FOR PASSENGER USE; TO AMEND ARK.
15 CODE §§ 27-34-103 AND -104 RELATING TO CHILD PASSENGER
16 PROTECTION; AND FOR OTHER PURPOSES."

Subtitle

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19 "AN ACT TO PROHIBIT PERSONS OPERATING PICKUP TRUCKS OR
20 FLATBED TRUCKS OR TRAILERS WHEN CHILDREN AGE 9 OR YOUNGER
21 ARE OCCUPYING THE OPEN TRUCK OR TRAILER BED."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. (a) No person shall operate an open bed pickup truck or an
26 open flatbed truck or shall tow an open flatbed trailer on a public street or
27 highway when a child *nine (9)* years of age or younger is occupying the bed or
28 cargo area of the truck or trailer.

29 (b) A violation of this section is punishable by a fine of not less
30 than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200).

31 (c) The provisions of this section shall not apply when the person is
32 operating or towing the vehicle in an emergency or *participating in a parade*
33 *as authorized by a city or county.*

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35 SECTION 2. Arkansas Code § 27-34-104(a) is hereby amended to read as

1 follows:

2 "(a) Every driver who transports a child under the age of five (5)
3 years in a passenger automobile, van, or pickup truck shall provide, while the
4 motor vehicle is in motion and operated on a public street or highway of this
5 state, for the protection of the child by properly placing, maintaining, and
6 securing the child in a child passenger safety seat system meeting applicable
7 federal motor vehicle safety standards in effect on August 1, 1983."

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9 SECTION 3. Arkansas Code 27-34-103(a) is hereby amended to read as
10 follows:

11 "(a) Any person who violates this chapter shall, upon conviction, be
12 fined not less than twenty-five dollars (\$25.00) nor more than two hundred
13 dollars (\$200.00)."

14

15 SECTION 4. Arkansas Code § 27-35-104 is hereby amended to read as
16 follows:

17 "27-35-104. Riding in spaces not for passengers.

18 (a) No person shall ride on any vehicle or upon any portion of the
19 vehicle, including the cargo area, that is not designed or intended for the
20 use of passengers.

21 (b) *This section shall not apply to any individual engaged in the*
22 *necessary discharge of a duty, either for an employer, or for private*
23 *purposes."*

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

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29 SECTION 6. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 7. All laws and parts of laws in conflict with this act are

As Engrossed: 1/26/93 1/28/93 3/2/93 3/22/93

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1 hereby repealed.

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/s/Judy Smith

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