

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-22-104 TO PROVIDE FOR
9 THE IMPOUNDMENT OF LICENSE PLATES UPON A FAILURE TO SHOW
10 PROOF OF MOTOR VEHICLE LIABILITY INSURANCE AND TO PROVIDE
11 FOR THE ISSUANCE OF TEMPORARY STICKERS IN LIEU OF THE
12 LICENSE PLATE; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO PROVIDE FOR THE IMPOUNDMENT OF LICENSE PLATES
16 UPON A FAILURE TO SHOW PROOF OF MOTOR VEHICLE LIABILITY
17 INSURANCE AND TO ISSUE TEMPORARY STICKERS."

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

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21 SECTION 1. Arkansas Code § 27-22-104 is hereby amended to read as
22 follows:

23 "27-22-104. Insurance required - Minimum coverage.

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

30 (b) The policy shall provide, as a minimum, the following coverage:

31 (1) Not less than twenty-five thousand dollars (\$25,000) for
32 bodily injury or death of one (1) person in any one (1) accident;

33 (2) Not less than fifty thousand dollars (\$50,000) for bodily
34 injury or death of two (2) or more persons in any one (1) accident;

35 (3) If the accident has resulted in injury to or destruction of

1 property, not less than fifteen thousand dollars (\$15,000) for the injury to
2 or destruction of property of others in any one (1) accident.

3 (c) If the operator of the motor vehicle is unable to present proof of
4 insurance coverage as required in subsection (a) of this section when
5 requested by a law enforcement officer, the operator shall be issued, in
6 addition to any traffic citation issued for a violation of this section, a
7 notice of noncompliance with the provisions of this section on a form to be
8 provided to the Department of Finance and Administration. The officer shall
9 forward a copy of the notice of noncompliance to the Department within ten
10 (10) days of issuance. In addition, the officer shall remove and impound the
11 license plate attached to the vehicle. The license plate shall be returned to
12 the Office of Driver Services of the Department or the local Revenue office.

13 (d) The law enforcement officer who removes and impounds the license
14 plate pursuant to subsection (c) shall issue for attachment to the rear of the
15 vehicle, a temporary sticker denoting its use in lieu of an official license
16 plate. The sticker shall bear a date upon which it was issued in written or
17 stamped numerals or alphabetic characters not less than three (3) inches in
18 height. This temporary sticker shall only be effective for a period of ten
19 (10) days beginning from the day on which the license plate was taken. The
20 temporary stickers shall be designed by the Department of Finance and
21 Administration and supplied, at no cost, to all law enforcement agencies
22 authorized to enforce traffic laws in Arkansas.

23 (e) Upon receipt of the notice of noncompliance by the Department of
24 Finance and Administration, the Department shall proceed to suspend the
25 registration of the uninsured vehicle effective ten (10) days after the
26 license plate was taken and the notice of noncompliance was issued. However,
27 if the vehicle was insured at the time of the offense, the owner of the
28 vehicle shall have ten (10) days to present proof of insurance coverage or
29 other financial security in effect at the time of the offense, whereupon the
30 license plate shall be returned at no cost to the owner of the vehicle.

31 (f) Any suspension by the Department under this section shall be
32 subject to the notice and hearing provisions of Arkansas Code § 27-14-404 and
33 shall remain in effect and no registration shall be renewed for or issued to
34 any person whose vehicle registration is so suspended until:

35 (1) The person shall deposit or there shall be deposited on his

1 behalf sufficient security as provided for under the Motor Vehicle Safety
2 Responsibility Act, Arkansas Code § 27-19-101 et seq.; or

3 (2) The person shall furnish the Department one of the following:

4 (A) A certificate of self-insurance under the provisions of
5 Arkansas Code § 27-19-107; or

6 (B) A sufficient insurance policy issued by an insurance
7 company or surety company authorized to do business in this state.

8 (g) In order to reinstate the suspended registration and be reissued a
9 license plate for any suspended motor vehicle, the owner shall present the
10 proof of renewed or new financial coverage required in subdivisions (f)(1) or
11 (f)(2) of this section to the Department and shall pay to the Department a
12 twenty dollar (\$20.00) fee for reinstatement of the registration and
13 reissuance of the license plate. The revenues derived from this reinstatement
14 fee shall be deposited as a special revenue to the State Central Services Fund
15 and credited as a direct revenue to be used by the Department of Finance and
16 Administration to offset the costs of administering this section. This fee
17 shall be in addition to any other fines, fees, or other penalties for other
18 violations of this section.

19 (h) The Department of Finance and Administration shall promulgate
20 necessary rules and regulations for the administration of this section."

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22 SECTION 2. All provisions of this act of general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provisions of this act or the application thereof to
27 any person or circumstance is held invalid, the invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provisions or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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