

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2125

4
5 By: Representatives J. Roebuck, Kerr
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW LAW ENFORCEMENT TO IMPOUND A
10 MOTOR VEHICLE THAT DOES NOT HAVE THE MINIMUM
11 LIABILITY INSURANCE REQUIRED BY LAW OR A
12 CERTIFICATE OF SELF-INSURANCE; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO ALLOW LAW ENFORCEMENT TO IMPOUND A
16 MOTOR VEHICLE THAT DOES NOT HAVE THE
17 MINIMUM LIABILITY INSURANCE REQUIRED BY
18 LAW OR A CERTIFICATE OF SELF-INSURANCE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 27-22-104 is amended to read as follows:
25 27-22-104. Insurance required – Minimum coverage.

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

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

36 (b) The policy shall provide ~~as~~ at a minimum the following coverage:



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

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

5 (3) If the accident has resulted in injury to or destruction of
 6 property, not less than twenty-five thousand dollars (\$25,000) for the injury
 7 to or destruction of property of others in any one (1) accident.

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

16 (2)(A) If the operator of the motor vehicle is unable to present
 17 proof of insurance coverage as required in subsection (a) of this section
 18 when requested by a law enforcement officer or if a check of the Vehicle
 19 Insurance Database at the time of the traffic stop fails to show current
 20 insurance coverage, the motor vehicle may be impounded at the officer's
 21 discretion.

22 (B) If a motor vehicle is impounded under this subdivision
 23 (c)(2), the owner is responsible for the costs of the impoundment.

24 (C)(i) The motor vehicle shall remain impounded until the
 25 owner establishes to a court of competent jurisdiction that he or she is in
 26 compliance with this subchapter and the Motor Vehicle Safety Responsibility
 27 Act, § 27-19-101 et seq.

28 (ii) The court shall provide an order allowing the
 29 reinstatement of the registration and license of the motor vehicle to the
 30 Office of Motor Vehicle of the Division of Revenue of the Department of
 31 Finance and Administration.

32 ~~(B)(i)(a)(d)(1)(A)~~ If the operator of the motor vehicle proves that
 33 the liability coverage required by ~~§§ 27-22-101—~~ 27-22-104 was in effect at
 34 the time of the traffic stop, ~~then~~ the failure to present proof of insurance
 35 at the time of the traffic stop when requested by a law enforcement officer
 36 shall be punished by a fine of twenty-five dollars (\$25.00).

1 (B) No court costs under § 16-10-305 or other costs or
 2 fees shall be assessed under this subdivision ~~(e)(1)(B)(i)(a)~~ (d)(1).

3 ~~(b)(1)(2)(A)~~ (d)(1) Eighty percent (80%) of the fines collected under
 4 ~~this~~ subdivision ~~(e)(1)(B)(i)~~ (d)(1) of this section shall be paid to the
 5 Treasurer of State for the benefit of the Arkansas Citizens First Responder
 6 Safety Enhancement Fund.

7 ~~(2)(B)~~ Twenty percent (20%) of the fines collected under
 8 ~~this~~ subdivision ~~(e)(1)(B)(i)~~ (d)(1) of this section shall be retained by the
 9 court that tries the offense.

10 ~~(ii)(e)(1)~~ If the operator of the motor vehicle is unable to prove
 11 that the liability coverage required by ~~§§ 27-22-101—~~ 27-22-104 was in
 12 effect at the time of the traffic stop, ~~then~~ the failure to present proof of
 13 insurance at the time of the traffic stop when requested by a law enforcement
 14 officer shall be punished as provided under § 27-22-103.

15 (2) The officer shall forward a copy of the notice of
 16 noncompliance to the department within ten (10) days of issuance.

17 (3)(A) In addition, if the officer does not impound the motor
 18 vehicle as provided under subdivision (c)(2) of this section, the officer
 19 shall remove and impound the license plate attached to the vehicle.

20 (B) The license plate shall be returned to the Office of
 21 Driver Services or to the local revenue office.

22 ~~(d)(1)(f)(1)~~ The law enforcement officer who removes and impounds the
 23 license plate pursuant to subdivision ~~(e)(3)(A)~~ (e)(3)(A) of this section
 24 shall issue for attachment to the rear of the vehicle a temporary sticker
 25 denoting its use in lieu of an official license plate.

26 (2) The sticker shall bear the date upon which it shall expire
 27 in written or stamped numerals or alphabetic characters not less than three
 28 inches (3") in height.

29 (3) This temporary sticker shall only be effective for a period
 30 of ten (10) days beginning from the day on which the license plate was taken.

31 (4) The temporary stickers shall be designed by the department
 32 and supplied at no cost to all law enforcement agencies authorized to enforce
 33 traffic laws in Arkansas.

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

1 notice of noncompliance was issued as provided under subdivision (e)(3)(A) of
2 this section.

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

8 ~~(f)~~(h) Any suspension by the department under this section shall be
9 subject to the notice and hearing provisions of § 27-19-404 and shall remain
10 in effect and no registration shall be renewed for or issued to any person
11 whose vehicle registration is so suspended until:

12 (1) The person shall deposit or there shall be deposited on his
13 or her behalf sufficient security as provided for under the Motor Vehicle
14 Safety Responsibility Act, § 27-19-101 et seq.; or

15 (2) The person shall furnish the department one of the
16 following:

17 (A) A certificate of self-insurance under the provisions
18 of § 27-19-107; or

19 (B) A sufficient insurance policy issued by an insurance
20 company authorized to do business in this state.

21 ~~(g)(1)(i)(1)~~ In order to reinstate the suspended registration and be
22 reissued a license plate for any suspended motor vehicle, the owner shall
23 present the proof of renewed or new financial coverage required in
24 subdivision ~~(f)(1)~~ (h)(1) or (2) of this section to the department and shall
25 pay to the department a twenty dollar (\$20.00) fee for reinstatement of the
26 registration and reissuance of the license plate.

27 (2) The revenues derived from this reinstatement fee shall be
28 deposited as a special revenue into the State Central Services Fund and
29 credited as a direct revenue to be used by the department to offset the costs
30 of administering this section.

31 (3) This fee shall be in addition to any other fines, fees, or
32 other penalties for other violations of this section.

33 ~~(h)~~(j) The ~~department~~ Office of Motor Vehicle shall promulgate
34 necessary rules and regulations for the administration of this section.

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