

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
4

As Engrossed: H3/30/09

A Bill

HOUSE BILL 2125

5 By: Representatives J. Roebuck, Kerr
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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:
23

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 the motor vehicle may be impounded at the officer's discretion if one (1) or
19 more of the following occur:

20 (i) The officer issues a citation for a serious
21 traffic violation to include without limitation:

22 (a) Driving fifteen miles per hour (15 m.p.h.)
23 or more than the posted speed;

24 (b) Reckless, hazardous, careless, negligent,
25 or unsafe driving;

26 (c) Leaving the scene of an accident; or

27 (d) Racing on a highway.

28 (ii) The driver is known by the officer to be a
29 person who is a repeat violator of this section; or

30 (iii) The motor vehicle is being operated:

31 (a) Without a license plate in violation of §
32 27-14-304;

33 (b) With an unofficial license plate in
34 violation of § 27-14-305;

35 (c) With improper use of evidence of
36 registration in violation of § 27-14-306; or

1 (d) With false evidences of title or
 2 registration in violation of § 27-14-307.

3 (B) An inventory of the contents of the motor vehicle
 4 shall be taken if a motor vehicle is impounded under this subsection.

5 (C) If a motor vehicle is impounded under this subdivision
 6 (c)(2), the owner is responsible for the costs of the impoundment and § 27-
 7 50-1201 et seq. regarding the towing and storage of motor vehicles shall
 8 apply.

9 (D)(i) If the Department of Arkansas State Police is the
 10 law enforcement agency that impounds the motor vehicle under this section,
 11 the department shall use its towing rotation list and the rules related to
 12 the towing rotation list.

13 (ii) If a sheriff's office or other law enforcement
 14 agency impounds the motor vehicle under this section, the office or agency
 15 shall use its towing rotation list and any policies or rules related to the
 16 towing rotation list if applicable.

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

21 (ii) The court shall provide an order allowing the
 22 reinstatement of the registration and license of the motor vehicle to the
 23 Office of Motor Vehicle of the Division of Revenue of the Department of
 24 Finance and Administration.

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

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

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

36 ~~(2)(B)~~ Twenty percent (20%) of the fines collected under

1 ~~this~~ subdivision ~~(e)(1)(B)(i)~~ (d)(1) of this section shall be retained by the
2 court that tries the offense.

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

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

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

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

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

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

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

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

27 ~~(e)(1)(g)(1)~~ Upon receipt of the notice of noncompliance by the
28 department, the department shall proceed to suspend the registration of the
29 vehicle effective ten (10) days after the license plate was taken and the
30 notice of noncompliance was issued as provided under subdivision (e)(3)(A) of
31 this section.

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

