For An Act To Be Entitled

AN ACT TO REQUIRE PERSONS SEATED IN A WHEELCHAIR IN A MOTOR VEHICLE TO WEAR A SEAT BELT AND TO REQUIRE THE WHEELCHAIR TO BE PROPERLY SECURED IN THE MOTOR VEHICLE; TO MAKE TECHNICAL CORRECTIONS TO THE CHILD PASSENGER PROTECTION ACT; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO REQUIRE PERSONS SEATED IN A WHEELCHAIR IN A MOTOR VEHICLE TO WEAR A SEAT BELT AND TO REQUIRE THE WHEELCHAIR TO BE PROPERLY SECURED IN THE MOTOR VEHICLE; AND FOR OTHER PURPOSES.

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

SECTION 1. Arkansas Code § 27-37-702 is amended to read as follows:


(a) Each driver and front seat passenger in any motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat belt properly secured to the vehicle.

(b) This subchapter shall not apply to the following:

(1) Passenger automobiles manufactured before July 1, 1968, and all other motor vehicles manufactured before January 1, 1972;

(2) Passengers and drivers with a physical disability which contraindicates the use of a seat belt, and which condition is certified by a physician who states the nature of the disability, as well as the reason the
use of a seat belt is inappropriate;

(3) Children under five (5) years of age who require protection under the Child Passenger Protection Act, § 27-34-101 et seq.; and

(4) Drivers who are rural letter carriers of the United States Postal Service while performing their duties as rural letter carriers.

(c) Except as provided in subdivision (b)(4), each driver or passenger who is seated in a wheelchair in a motor vehicle shall:

(1) Wear a properly adjusted and fastened seat belt properly secured to the wheelchair; and

(2) Have the wheelchair properly secured in the motor vehicle.

SECTION 2. Arkansas Code § 27-34-103(b) is amended to read as follows:

"(b) In determining the amount of fine to be assessed under this section, any court hearing the matter shall consider whether, if the offense is for failure to secure the child in a child passenger safety seat properly secured to the vehicle, the child was restrained by some alternative means such as seat safety belts properly secured to the vehicle."

SECTION 3. Arkansas Code § 27-34-104 is amended to read as follows:

"27-34-104. Requirements.

(a) Every driver who transports a child under the age of fifteen (15) years in a passenger automobile, van, or pickup truck, other than one operated for hire, which is registered in this or any other state, shall provide, while the motor vehicle is in motion and operated on a public road, street, or highway of this state, for the protection of the child by properly placing, maintaining, and securing the child in a child passenger restraint system properly secured to the vehicle and meeting applicable federal motor vehicle safety standards in effect on January 1, 1995.

(b) A child who is less than six (6) years of age and who weighs less than sixty pounds (60 lbs.) shall be restrained in a child passenger safety seat properly secured to the vehicle.

(c) If a child is at least six (6) years of age or at least sixty pounds (60 lbs.) in weight, a safety belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
General Assembly of the State of Arkansas that present law is unclear as to whether seatbelts and safety restraint systems must be properly secured to vehicles; that this law cures that ambiguity; and until this act goes into effect, the safety of children and disabled people riding in motor vehicles may be compromised. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ Fite, et al

APPROVED: 4/22/2003