

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 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H4/14/03

# A Bill

Act 1776 of 2003  
HOUSE BILL 2594

5 By: Representatives Fite, *Walters, Pate*  
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## For An Act To Be Entitled

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

### Subtitle

16 AN ACT TO REQUIRE PERSONS SEATED IN A  
17 WHEELCHAIR IN A MOTOR VEHICLE TO WEAR A  
18 SEAT BELT AND TO REQUIRE THE WHEELCHAIR  
19 TO BE PROPERLY SECURED IN THE MOTOR  
20 *VEHICLE; AND FOR OTHER PURPOSES.*  
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22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 27-37-702 is amended to read as follows:

27 27-37-702. Seat belt use required - Applicability of subchapter.

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

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

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

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



1 use of a seat belt is inappropriate;

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

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

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

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

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

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

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

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

20 "27-34-104. Requirements.

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

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

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

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36 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the

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

- 8 (1) The date of its approval by the Governor;  
 9 (2) If the bill is neither approved nor vetoed by the Governor,  
 10 the expiration of the period of time during which the Governor may veto the  
 11 bill; or  
 12 (3) If the bill is vetoed by the Governor and the veto is  
 13 overridden, the date the last house overrides the veto.

/s/ Fite, et al

APPROVED: 4/22/2003

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