

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 1118 OF 1995**  
**HOUSE BILL 1876**

4 **By: Representative Dietz, D. Wood, Ferguson, Courtway, Murphy, McKissack, Thomas, M.**  
5 **Wilson, Kidd, von Grep, Hunton, Newman and Jordan**

## **For An Act To Be Entitled**

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE  
10 27, CHAPTER 37, SUBCHAPTER 7 CONCERNING SEAT BELTS; AND  
11 FOR OTHER PURPOSES."

### **Subtitle**

15 "AN ACT CONCERNING SEAT BELTS."

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

19 SECTION 1. Arkansas Code 27-37-703 is amended to read as follows:

20 "27-37-703. Effect of noncompliance.

21 (a) The failure of an occupant to wear a properly adjusted and fastened  
22 seat belt shall not be admissible into evidence in a civil action; provided,  
23 that evidence of such failure may be admitted in a civil action as to the  
24 causal relationship between non-compliance and the injuries alleged, if the  
25 following conditions have been satisfied:

26 (1) *The plaintiff has filed a products liability claim other than*  
27 *a claim related to an alleged failure of a seat belt.*

28 (2) The defendant alleging non-compliance with this subchapter  
29 shall raise this defense in its answer or timely amendment thereto in  
30 accordance with the rules of civil procedure; and

31 (3) Each defendant seeking to offer evidence alleging non-  
32 compliance, has the burden of proving non-compliance, that compliance would  
33 have reduced injuries and the extent of the reduction of such injuries.

34 (b) Upon request of any party, the trial judge shall hold a hearing out  
35 of the presence of the jury as to the admissibility of such evidence in  
36 accordance with the provisions of this section and the rules of evidence. *The*

1 *finding of the trial judge shall not constitute a finding of fact, and the*  
2 *finding shall be limited to the issue of admissibility of such evidence."*

3

4 SECTION 2. Arkansas Code 27-37-705 is amended to read as follows:

5 "27-37-705. Reduction of fine.

6 When any motor vehicle operator is stopped by a law enforcement officer  
7 and the law enforcement officer notes that the provisions of this subchapter  
8 have not been violated, any fine levied against the motor vehicle operator as  
9 a result of being stopped shall be reduced by ten dollars (\$10.00) as an  
10 incentive to complying with this subchapter."

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12 SECTION 3. Title 27, Chapter 37, Subchapter 7 of the Arkansas Code is  
13 amended by adding a new section to read as follows:

14 "27-37-707. The Office of Driver Services shall not include in the traffic  
15 violation report of any person any conviction arising out of a violation of  
16 this subchapter."

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18 SECTION 4. All provisions of this act of a general and permanent  
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
20 Code Revision Commission shall incorporate the same in the Code.

21

22 SECTION 5. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 6. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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31 /s/Rep. Dietz, et al

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33 APPROVED: 4-10-95

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