

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

# **A Bill**

**ACT 1274 OF 1995**  
**HOUSE BILL 1932**

4 **By: Representatives Flanagin, Madison and Kidd**

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

8 "AN ACT TO AMEND THE CHILD PASSENGER PROTECTION LAW; AND  
9 FOR OTHER PURPOSES."

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### **Subtitle**

12 "AN ACT TO AMEND THE CHILD PASSENGER  
13 PROTECTION LAW."

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

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17 SECTION 1. Arkansas Code Annotated § 27-34-103 is hereby amended to  
18 read as follows:

19 "27-34-103. Penalty.

20 (a) Any person who violates this chapter shall, upon conviction, be  
21 fined not less than twenty-five dollars (\$25.00) nor more than one hundred  
22 dollars (\$100.00).

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

27 (c) Upon satisfactory proof being presented to the court that the  
28 defendant has acquired, purchased, or rented an approved child passenger  
29 safety seat as described in 27-34-104, the court shall assess no more than the  
30 minimum fine allowed."

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32 SECTION 2. Arkansas Code Annotated § 27-34-104 is hereby amended to  
33 read as follows:

34 "(a) Every driver who transports a child under the age of *five (5)*  
35 years in a passenger automobile, van, or pickup truck, other than one operated  
36 for hire, which is registered in this or any other state shall provide, while

1 the motor vehicle is in motion and operated on a public road, street, or  
2 highway of this state, for the protection of the child by properly placing,  
3 maintaining, and securing the child in a child passenger restraint system  
4 meeting applicable federal motor vehicle safety standards in effect on January  
5 1, 1995.

6 (b) A child who is less than four (4) years of age and who weighs less  
7 than forty (40) pounds shall be restrained in a child passenger safety seat.

8 (c) If a child is at least four (4) years of age or at least forty (40)  
9 pounds in weight, a safety belt shall be sufficient to meet the requirements  
10 of this section."

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12 SECTION 3. Arkansas Code Annotated § 27-34-105 is hereby amended to  
13 read as follows:

14 "27-34-105. Exceptions.

15 The provisions of this chapter shall not apply when any one (1) of the  
16 following conditions exist:

17 (1) The motor vehicle is being used as an ambulance or other  
18 emergency vehicle;

19 (2) When an emergency exists that threatens the life of any  
20 person operating a motor vehicle to whom this section otherwise would apply or  
21 the life of any child who otherwise would be required to be restrained under  
22 this chapter; or

23 (3) If any child who would otherwise be required to be restrained  
24 under this chapter is physically unable because of medical reasons to use a  
25 child passenger safety seat system or seat safety belt."

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27 SECTION 4. Arkansas Code Annotated § 27-34-107 is hereby amended to  
28 read as follows:

29 "27-34-107. Child Passenger Protection Fund.

30 (a) A special fund is created which shall be known as the Arkansas  
31 Child Passenger Protection Fund.

32 (b) The fund shall consist of seventy-five percent (75%) of all fines  
33 which are collected for violations of this chapter and other moneys that may  
34 be appropriated, allocated, or donated for the purpose of being placed in the  
35 fund.

1 (c) The Arkansas Highway Safety Program shall purchase child passenger  
2 safety seats from the fund established in this section.

3 (d) The seats purchased by the Arkansas Highway Safety Program shall be  
4 loaned or rented to hospitals or other groups or individuals who may lend or  
5 rent such seats to others for the purpose of transporting children.

6 (e) Twenty-five percent of the fines collected shall be retained by the  
7 municipalities wherein they are collected, to be used for promotion of public  
8 safety."

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10 SECTION 5. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 6. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

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20 SECTION 7. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

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23 */s/Rep. Flanagan, et al*

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25 APPROVED: 4-13-95

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***As Engrossed: 3/24/95***

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