

As Engrossed: 3/8/95

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

A Bill

ACT 808 OF 1995
HOUSE BILL 1007

4 **By: Representative Cash, Dawson, Fletcher, Mullinex, McGee and Kidd**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-36-204 TO REQUIRE
9 MOTOR VEHICLE HEADLIGHTS TO BE LIGHTED WHENEVER IT IS
10 NECESSARY TO USE WINDSHIELD WIPERS BECAUSE OF INCLEMENT
11 WEATHER; AND FOR OTHER PURPOSES."

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Subtitle

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

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20 SECTION 1. Arkansas Code § 27-36-204 is amended to read as follows:

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"27-36-204. When lighted lamps required.

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(a) (1) Every vehicle, except motorcycles and motor-driven cycles, upon
23 a highway within this state at any time from one-half (1/2) hour after sunset
24 to one-half (1/2) hour before sunrise and at any other time when there is not
25 sufficient light to render clearly discernible persons and vehicles on the
26 highway at a distance of five hundred feet (500_) ahead shall display lighted
27 lamps and illuminating devices as respectively required for different classes
28 of vehicles, subject to exceptions with respect to parked vehicles as stated.

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(2) (A) Every vehicle, except motorcycles and motor-driven
30 cycles, upon a street or highway within this state shall display lighted lamps
31 and illuminating devices, as respectively required for different classes of
32 vehicles, during any period in which the vehicle_s windshield wipers are being
33 used for clearing or cleaning rain, snow, or other precipitation from the
34 windshield because of inclement weather.

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(B) No vehicle, nor the operator of the vehicle, shall be
36 stopped, inspected, or detained solely for violations of the requirements of

1 subdivision (a) (2) of this section. When any vehicle operator is stopped by a
2 law enforcement officer and the law enforcement officer notes that the
3 provisions of this subdivision have not been violated, any fine levied against
4 the vehicle operator as a result of being stopped shall be reduced by five
5 dollars (\$5.00) as an incentive to comply with the provisions of this
6 subdivision.

7 (C) Any person who violates the provisions of subdivision
8 (a) (2) of this section shall be subject to a fine not to exceed twenty-five
9 dollars (\$25.00) and if a person is convicted, pleads guilty, pleads nolo
10 contendere, or forfeits bond for violation hereof, no court costs or other
11 costs or fees shall be assessed.

12 (b) Every motorcycle and every motor-driven cycle upon a street or
13 highway within this state at any time shall display lighted lamps and
14 illuminating devices as respectively required for different classes of
15 vehicles, subject to exceptions with respect to parked vehicles as stated.

16 (c) Whenever a requirement is declared as to distance from which
17 certain lamps and devices shall render objects visible or within which the
18 lamps or devices shall be visible, the provisions shall apply during the times
19 stated in subsection (a) of this section in respect to a vehicle without load
20 when upon a straight, level, unlighted highway under normal atmospheric
21 conditions, unless a different time or condition is expressly stated.

22 (d) Whenever a requirement is declared as to the mounted height of
23 lamps or devices, it shall mean from the center of the lamp or device to the
24 level ground upon which the vehicle stands when the vehicle is without a
25 load."

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27 SECTION 2. All provisions of this act of general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provisions of this act or the application thereof to
32 any person or circumstance is held invalid, the invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provisions or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Cash, et al

APPROVED: 3-28-95

