

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: H3/26/03

A Bill

Act 1102 of 2003
SENATE BILL 926

5 By: Senator Malone
6 By: Representative Roebuck
7

For An Act To Be Entitled

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9
10 AN ACT TO REQUIRE DRIVERS TO MOVE INTO THE
11 FURTHEST LANE FROM A LAW ENFORCEMENT VEHICLE
12 STOPPED ON THE SHOULDER OF THE MULTI-LANE HIGHWAY
13 WHEN THE VEHICLE'S LIGHTS ARE FLASHING; AND FOR
14 OTHER PURPOSES.
15

Subtitle

16
17 AN ACT TO REQUIRE DRIVERS TO MOVE INTO
18 THE FURTHEST LANE FROM A LAW ENFORCEMENT
19 VEHICLE STOPPED ON THE SHOULDER OF THE
20 MULTI-LANE HIGHWAY WHEN THE VEHICLE'S
21 LIGHTS ARE FLASHING.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. (a) When passing a law enforcement officer stopped on the
27 shoulder of a multi-lane highway, with the law enforcement vehicle's lights
28 flashing, the motor vehicle operator shall move, when possible, into the
29 furthest lane from the law enforcement vehicle and remain in that lane until
30 past the law enforcement officer's vehicle and any other vehicles involved in
31 the stop.

32 (b)(1)(A) Any party who pleads guilty or nolo contendere to, or is
33 found guilty of, violating this section shall be guilty of a misdemeanor and
34 shall be fined not less than thirty-five dollars (\$35.00) nor more than five
35 hundred dollars (\$500) or confined in the county jail not to exceed ninety
36 (90) days or both fined and imprisoned.



1 (B) In addition to the penalties prescribed in subdivision
2 (b)(1)(A), the court may order community service for not more than seven (7)
3 days and may suspend the person's driver's license for a period of not less
4 than ninety (90) days nor more than six (6) months.

5 (2) There is created a rebuttable presumption that shall arise
6 in any criminal action under this section to the effect that, if it can be
7 proven that a person is the registered owner of a vehicle that is driven in a
8 manner which violates this section, the person is presumed to have been the
9 driver of the vehicle at the time of the violation.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that deaths have often occurred
13 when police vehicles are parked on the road shoulders during law enforcement
14 activities; that on multi-lane highways this could be avoided by requiring
15 drivers to pass the scene in the furthest lane from the stopped police
16 vehicle; that this act so provides; and that until this act becomes effective
17 the danger will remain. Therefore, an emergency is declared to exist and this
18 act being immediately necessary for the preservation of the public peace,
19 health, and safety shall become effective on:

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

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

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

26 /s/ Malone

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29 APPROVED: 4/4/2003
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