1 State of Arkansas A Bill **ACT 357 OF 1993** 2 **79th General Assembly** HOUSE BILL 1590 3 Regular Session, 1993 **By: Representative Calhoun** 5 6 For An Act To Be Entitled 7 "AN ACT TO AMEND ARKANSAS CODE § 27-22-104 TO PROVIDE FOR g THE IMPOUNDMENT OF LICENSE PLATES UPON A FAILURE TO SHOW 9 PROOF OF MOTOR VEHICLE LIABILITY INSURANCE AND TO PROVIDE 10 FOR THE ISSUANCE OF TEMPORARY STICKERS IN LIEU OF THE 11 LICENSE PLATE; AND FOR OTHER PURPOSES." 12 13 Subtitle 14 "AN ACT TO PROVIDE FOR THE IMPOUNDMENT OF 15 LICENSE PLATES UPON A FAILURE TO SHOW PROOF OF MOTOR VEHICLE LIABILITY INSURANCE AND TO ISSUE 17 TEMPORARY STICKERS." 18 19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 2.0 21 SECTION 1. Arkansas Code § 27-22-104 is hereby amended to read as follows: 22 "27-22-104. Insurance required - Minimum coverage. 23 (a) It shall be unlawful for any person to operate a motor vehicle within this state 24 25 unless the person is covered by a certificate of self-insurance under the provisions of § 27-19-107, or an insurance policy issued by an insurance company or surety company 2.6 authorized to do business in this state. Failure to present proof of insurance coverage at the time of arrest creates a rebuttable presumption that the motor vehicle operator is uninsured. (b) The policy shall provide, as a minimum, the following coverage: 29 3 0 (1) Not less than twenty-five thousand dollars (\$25,000) for bodily injury or 31 death of one (1) person in any one (1) accident; (2) Not less than fifty thousand dollars (\$50,000) for bodily injury or death of 32 two (2) or more persons in any one (1) accident; 33 (3) If the accident has resulted in injury to or destruction of property, not less 34 than fifteen thousand dollars (\$15,000) for the injury to or destruction of property of others 36 in any one (1) accident.

(c) If the operator of the motor vehicle is unable to present proof of insurance coverage as required in subsection (a) of this section when requested by a law enforcement officer, the operator shall be issued, in addition to any traffic citation issued for a violation of this section, a notice of noncompliance with the provisions of this section on a form to be provided to the Department of Finance and Administration. The officer shall forward a copy of the notice of noncompliance to the Department within ten (10) days of issuance. In addition, the officer shall remove and impound the license plate attached to the vehicle. The license plate shall be returned to the Office of Driver Services of the Department or the local Revenue office.

1

9

10

12

13

14

15

17

18

19

20 21

2.3

2.4

2.5

2.6

2.7

28

29

30

- (d) The law enforcement officer who removes and impounds the license plate pursuant to subsection (c) shall issue for attachment to the rear of the vehicle, a temporary sticker denoting its use in lieu of an official license plate. The sticker shall bear a date upon which it was issued in written or stamped numerals or alphabetic characters not less than three (3) inches in height. This temporary sticker shall only be effective for a period of ten (10) days beginning from the day on which the license plate was taken. The temporary stickers shall be designed by the Department of Finance and Administration and supplied, at no cost, to all law enforcement agencies authorized to enforce traffic laws in Arkansas.
- (e) Upon receipt of the notice of noncompliance by the Department of Finance and Administration, the Department shall proceed to suspend the registration of the uninsured vehicle effective ten (10) days after the license plate was taken and the notice of noncompliance was issued. However, if the vehicle was insured at the time of the offense, the owner of the vehicle shall have ten (10) days to present proof of insurance coverage or other financial security in effect at the time of the offense, whereupon the license plate shall be returned at no cost to the owner of the vehicle.
- (f) Any suspension by the Department under this section shall be subject to the notice and hearing provisions of Arkansas Code § 27-14-404 and shall remain in effect and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:
- (1) The person shall deposit or there shall be deposited on his behalf sufficient security as provided for under the Motor Vehicle Safety Responsibility Act, Arkansas Code § 27-19-101 et seq.; or
- 31 **(2)** The person shall furnish the Department one of the following:
- (A) A certificate of self-insurance under the provisions of Arkansas Code \$27-19-107; or
- (B) A sufficient insurance policy issued by an insurance company or
 surety company authorized to do business in this state.

1	(g) In order to reinstate the suspended registration and be reissued a license plate for
2	any suspended motor vehicle, the owner shall present the proof of renewed or new financial
3	coverage required in subdivisions $(f)(1)$ or $(f)(2)$ of this section to the Department and shall
4	pay to the Department a twenty dollar (\$20.00) fee for reinstatement of the registration and
5	reissuance of the license plate. The revenues derived from this reinstatement fee shall be
6	deposited as a special revenue to the State Central Services Fund and credited as a direct
7	revenue to be used by the Department of Finance and Administration to offset the costs of
8	administering this section. This fee shall be in addition to any other fines, fees, or other
9	penalties for other violations of this section.
10	(h) The Department of Finance and Administration shall promulgate necessary rules
11	and regulations for the administration of this section."
12	
13	SECTION 2. All provisions of this act of general and permanent nature are
14	amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
15	Commission shall incorporate the same in the Code.
16	
17	SECTION 3. If any provisions of this act or the application thereof to any person or
18	circumstance is held invalid, the invalidity shall not affect other provisions or applications of
19	the act which can be given effect without the invalid provisions or application, and to this end
20	the provisions of this act are declared to be severable.
21	
22	SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.
23	
24	APPROVED: 03/03/93
25	

26