

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.

Act 1412 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/23/07

A Bill

HOUSE BILL 2469

5 By: Representative Dunn  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO REQUIRE MOTORISTS TO MOVE OVER AT  
10 EMERGENCY SCENES; TO AUTHORIZE EMERGENCY WARNING  
11 LIGHTS AT THE SCENE OF AN ACCIDENT; TO PROVIDE  
12 FOR A SPECIAL TOW VEHICLE LICENSE; AND FOR OTHER  
13 PURPOSES.  
14

15 **Subtitle**

16 AN ACT TO ENHANCE HIGHWAY SAFETY AT  
17 ACCIDENT SCENES.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 27-51-310 is amended to read as follows:

23 27-51-310. Passing ~~law enforcement officer~~ emergency response vehicle  
24 or law enforcement vehicle stopped on ~~shoulder of multilane~~ highway.

25 (a) ~~(1) When passing a law enforcement officer stopped on the shoulder~~  
26 ~~of a multilane highway with the law enforcement officer's vehicle lights~~  
27 ~~flashing, the motor vehicle operator shall move when possible into the~~  
28 ~~farthest lane from the law enforcement vehicle and remain in that lane until~~  
29 ~~past the law enforcement officer's vehicle and any other vehicles involved in~~  
30 ~~the stop.~~ If an authorized emergency response vehicle or a law enforcement  
31 vehicle is parked or stopped at the scene of an emergency or other traffic  
32 stop and is displaying a flashing, revolving, or rotating blue, red, or amber  
33 and red light, an approaching motor vehicle operator shall move when possible  
34 into the farthest lane from the emergency response vehicle or law enforcement  
35 vehicle and remain in that lane until past the emergency response vehicle or



1 law enforcement vehicle and any other vehicle involved in the stop.

2 (2) If changing lanes is not possible or is determined to be  
3 unsafe, an approaching motor vehicle operator shall reduce the motor  
4 vehicle's speed, proceed with caution, and maintain a reduced speed,  
5 appropriate to the road and the conditions, through the area where the  
6 authorized emergency response vehicle or law enforcement vehicle is stopped.

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

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

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

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22 SECTION 2. Arkansas Code § 27-36-305 is amended as follows:

23 27-36-305. Other emergency vehicles.

24 (a) All state, county, and municipal agencies and private persons and  
25 businesses that operate any other type of vehicle in this state that is  
26 required or permitted to be equipped with flashing or rotating emergency or  
27 warning lights shall equip the vehicles with white or amber flashing or  
28 rotating emergency or warning lights only.

29 (b)(1) In addition to amber flashing or rotating emergency or warning  
30 lights, wreckers or tow vehicles permitted or licensed under § 27-50-1203  
31 that respond to traffic incidents may, but are not required to, be equipped  
32 with red flashing or rotating emergency or warning lights in addition to  
33 amber warning lights.

34 (2) Red flashing or rotating emergency or warning lights on a  
35 wrecker or tow vehicle shall be operated only at times the wrecker or tow  
36 vehicle is stopped on or within ten feet (10') of a public way and engaged in

1 recovery or loading and hooking up an abandoned, an unattended, a disabled,  
2 or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-  
3 facing red flashing or rotating emergency or warning lights while underway,  
4 except as may be expressly authorized by law otherwise.

5  
6 SECTION 3. Arkansas Code § 27-49-219 is amended as follows:

7 27-49-219. Vehicles.

8 (a) "Vehicle" means every device in, upon, or by which any person or  
9 property is or may be transported or drawn upon a highway, except devices  
10 moved by human power or used exclusively upon stationary rails or tracks.

11 (b) "Motor vehicles" means every vehicle which is self-propelled and  
12 every vehicle which is propelled by electric power obtained from overhead  
13 trolley wires but not operated upon rails.

14 (c) "Motorcycle" means every motor vehicle having a saddle for the use  
15 of the rider and designed to travel on not more than three (3) wheels in  
16 contact with the ground but excluding a tractor.

17 (d)(1) "Authorized emergency vehicle" means authorized emergency  
18 vehicles which shall include:

19 (A) Motor vehicles used by state, county, or city and  
20 municipal police agencies, all of which shall be equipped with:

21 (i) Blue; or

22 (ii) Blue, red, or white rotating or flashing  
23 emergency lights;

24 (B) Motor vehicles used by state, county, city, or  
25 municipal fire departments, motor vehicles owned and used by volunteer fire  
26 fighters while engaged in official duties, motor vehicles used by emergency  
27 medical technicians certified by the Division of Health of the Department of  
28 Health and Human Services or privately owned fire departments, and ambulances  
29 used solely for ambulance purposes which are approved as ambulances in  
30 accordance with state and federal highway safety standards, all of which  
31 shall be equipped with red rotating or flashing emergency lights. Flashing  
32 emergency lights shall be used by volunteer fire fighters solely while  
33 engaged in the performance of duties as volunteer fire fighters and by  
34 emergency medical technicians solely while engaged in the performance of  
35 duties with an ambulance service licensed by the division or an organized  
36 rescue squad or team; ~~and~~

1 (C) Motor vehicles owned by state, county, and municipal  
2 agencies whose use is determined by the state agency to be required for  
3 dangerous or hazardous services and motor vehicles owned by public service  
4 corporations or private individuals whose use is determined by the  
5 Commissioner of Motor Vehicles, in accordance with regulations established by  
6 the commissioner to prevent abuses thereof, to be for extra hazardous  
7 service, may be equipped with amber flashing or rotating emergency or warning  
8 lights which shall not qualify them as emergency vehicles, but which shall,  
9 during hazardous uses thereof, display their amber flashing or rotating  
10 emergency or warning lights in order that other motorists and the public may  
11 be aware of the special or hazardous use of the vehicles and shall exercise  
12 caution in approaching the vehicles at all times while the amber flashing or  
13 rotating emergency or warning lights are in operation. All hazardous service  
14 vehicles shall conform to regular traffic signals and speed limits during  
15 their operation; and

16 (D)(i) Motor vehicles utilized as wreckers or tow vehicles  
17 permitted or licensed under § 27-50-1203 and may be equipped with amber  
18 flashing or rotating emergency or warning lights that shall not qualify them  
19 as emergency vehicles, but which shall, only during hazardous uses thereof,  
20 display their amber flashing or rotating emergency or warning lights in order  
21 that other motorists and the public may be aware of the special or hazardous  
22 use of the wreckers or tow vehicles and exercise caution in approaching the  
23 wreckers or tow vehicles at all times while the amber flashing or rotating  
24 emergency or warning lights are in operation. Unless otherwise directed by a  
25 law enforcement officer, a wrecker or tow vehicle shall conform to regular  
26 signals and speed limits during its operation. In addition to amber flashing  
27 or rotating emergency or warning lights, wreckers or tow vehicles that  
28 respond to highway emergencies may be equipped with red flashing or rotating  
29 emergency or warning lights; and

30 (ii) Red flashing or rotating emergency or warning  
31 lights on a wrecker or tow vehicle shall be operated only while the wrecker  
32 or tow vehicle is stopped on or within ten feet (10') of a public way and  
33 engaged in recovery or loading and hooking up an abandoned, an unattended, a  
34 disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate  
35 forward-facing red flashing or rotating emergency or warning lights while  
36 underway, except as may be expressly authorized or required by law otherwise.

1           (2) It shall be unlawful to install, operate, or use any  
2 rotating or flashing light on any motor vehicle except as authorized in this  
3 subsection.

4           (e) "School bus" means every motor vehicle owned by a public or  
5 governmental agency and operated for the transportation of children to or  
6 from school or privately owned and operated for compensation for the  
7 transportation of children to or from school.

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9           SECTION 4. Arkansas Code § 27-35-107 is amended as follows:

10          27-35-107. Registration of gross weight.

11          (a)(1) Upon registering any vehicle under the laws of this state,  
12 which vehicle is designed and used primarily for the transportation of  
13 property or for the transportation of ten (10) or more persons, the  
14 Commissioner of Motor Vehicles may require such information and may make such  
15 investigation or test as necessary to enable him or her to determine whether  
16 the vehicle may safely be operated upon the highways in compliance with all  
17 the provisions of this chapter.

18           (2) He or she shall register every such vehicle for a  
19 permissible gross weight not exceeding the limitation set forth in this  
20 chapter.

21           (3) Every such vehicle shall be equipped with brakes as required  
22 in §§ 27-37-501 and 27-37-502.

23          (b)(1) The commissioner shall insert in the registration card issued  
24 for every such vehicle the gross weight for which it is registered. If it is  
25 a motor vehicle to be used for propelling other vehicles, he or she shall  
26 separately insert the total permissible gross weight of that motor vehicle  
27 and other vehicles to be propelled by it.

28           (2) He or she may also issue a special plate with the gross  
29 weight or weights stated thereon which shall be attached to the vehicle and  
30 displayed at all times.

31           (3) A wrecker or tow vehicle shall be required to register only  
32 for the gross weight of that wrecker or tow vehicle without inclusion of the  
33 weight of the vehicle being towed by the wrecker or tow vehicle. In the  
34 registration card issued for a wrecker or tow vehicle, the commissioner shall  
35 only insert the total permissible gross weight of the wrecker or tow vehicle.

36          (c)(1) It shall be unlawful for any person to operate any vehicle or

1 combination of vehicles of a gross weight in excess of that for which  
2 registered by the commissioner or in excess of the limitations set forth in  
3 this chapter.

4 (2) In determining the gross weight of a wrecker or tow vehicle,  
5 only the gross weight of the wrecker or tow vehicle shall be considered,  
6 without inclusion of the weight of the vehicle being towed.

7 (d) The commissioner shall implement rules and regulations issued by  
8 the United States Secretary of Transportation pertaining to federal use tax  
9 payments.

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11 SECTION 5. Arkansas Code § 27-14-601(a) is amended by adding an  
12 additional subdivision to read as follows:

13 (J)(i) The director shall cause to be issued special and  
14 distinctive license plates for vehicles licensed under Class Two through  
15 Class Seven in this section, which are utilized as wreckers or tow vehicles  
16 and that hold a permit issued by the Arkansas Towing and Recovery Board under  
17 § 27-50-1203 and the rules and regulations promulgated thereunder.

18 (ii) Before any license may be issued for a vehicle  
19 designated as a wrecker or tow vehicle, the applicant shall furnish to the  
20 director a certification from the Arkansas Towing and Recovery Board that the  
21 wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the  
22 board.

23 (iii) Beginning January 1, 2008, every wrecker or  
24 tow vehicle permitted by the Arkansas Towing and Recovery Board shall obtain  
25 upon initial registration, or at the time of next renewal, a distinctive  
26 wrecker or tow vehicle license plate.

27 (iv) In addition to the fee for the respective Class  
28 Two through Class Seven license, the director may assess a handling and  
29 administrative fee in the amount of ten dollars (\$10.00) for each distinctive  
30 wrecker or tow vehicle license plate.

31 (v) A wrecker or tow vehicle licensed pursuant to  
32 the International Registration Plan may obtain the distinctive wrecker or tow  
33 vehicle license plate to be displayed in addition to any license plate held  
34 pursuant to the International Registration Plan.

35  
36 /s/ Dunn

APPROVED: 4/5/2007