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 308 of the Regular Session

1	State of Arkansas	As Engrossed: S2/4/09	
2	87th General Assembly	A Bill	
3	Regular Session, 2009	SENATE BILL	78
4			
5	By: Senators H. Wilkins, Elliott	, Crumbly, Steele	
6	By: Representatives Allen, T. Bo	aker, Word, Rainey, Davis, W. Lewellen, Carroll, Williams, Blount	
7			
8			
9		For An Act To Be Entitled	
10	AN ACT TO	IMPROVE THE SAFETY OF MOTORISTS ON	
11	HIGHWAYS A	AND ROADS IN THE STATE OF ARKANSAS BY	
12	MAKING THE	E MANDATORY SEAT BELT LAW A PRIMARY LAW	
13	FOR ENFOR	CEMENT PURPOSES; AND FOR OTHER PURPOSES.	
14			
15		Subtitle	
16	TO IMPI	ROVE THE SAFETY OF MOTORISTS ON	
17	HIGHWAY	YS AND ROADS IN THE STATE OF	
18	ARKANSA	AS BY MAKING THE MANDATORY SEAT	
19	BELT LA	AW A PRIMARY LAW FOR ENFORCEMENT	
20	PURPOSI	ES.	
21			
22			
23	BE IT ENACTED BY THE GEN	ERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
24			
25	SECTION 1. NOT TO	BE CODIFIED. <u>Legislative findings.</u>	
26	The General Assemb	ly finds:	
27	(1) In 2007	, five hundred twenty-five (525) people died while	
28	riding in passenger vehi	cles in Arkansas and sixty-five percent (65%) of	
29	those who died were not	wearing a seat belt;	
30	(2) In 2007	, sixty-one (61) people died after being ejected fr	<u>om</u>
31	their vehicles during a	rollover crash because they were not wearing their	
32	seat belts; and		
33	<u>(3)</u> By adop	ting a primary seat belt law, Arkansas can expect a	<u>n</u>
34	increase in the use of s	eat belts by motorists of approximately twelve	
35	percent (12%); and		

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1	(4) Adopting a primary seat belt law could save as many as		
2	forty-seven (47) lives each year, prevent approximately five hundred four		
3	(504) serious injuries each year, and save an estimated one hundred four		
4	million dollars (\$104,000,000) in economic costs each year; and		
5	(5) The adoption of the primary seat belt law will entitle the		
6	State of Arkansas to receive approximately nine million five hundred thousand		
7	dollars (\$9,500,000) in federal grant funds to implement highway safety		
8	programs.		
9			
10	SECTION 2. Arkansas Code § 27-37-704 is repealed.		
11	27-37-704. Inspection for compliance.		
12	No motor vehicle, nor the operator of such vehicle, nor the passengers		
13	of such vehicle shall be stopped, inspected, or detained solely to determine		
14	compliance with this subchapter.		
15			
16	SECTION 3. Arkansas Code § 27-37-707 is amended to read as follows:		
17	27-37-707. Traffic violation report and driver's license suspension.		
18	The Office of Driver Services shall not:		
19	(1) include Include in the traffic violation report of any		
20	person any conviction arising out of a violation of this subchapter;		
21	(2) Use or accumulate a violation of this subchapter to suspend		
22	or revoke the driver's license of any person as an habitual violator of		
23	traffic laws; or		
24	(3) Use a violation of this subchapter in any other way under		
25	the administrative authority of the office to suspend or revoke a driver's		
26	<u>license</u> .		
27			
28	SECTION 4. Arkansas Code § 27-16-804(h), regarding restricted		
29	licenses, learner's licenses, and intermediate licenses is repealed.		
30	(h) No motor vehicle, nor the operator of a vehicle, nor the		
31	passengers of the vehicle shall be stopped, inspected, or detained solely to		
32	determine compliance with the requirement set out in this subchapter for		
33	wearing a seat belt.		
34			
35	SECTION 5. Arkansas Code § 27-34-105 is amended to read as follows:		
36	27-34-105. Exceptions to provisions.		

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1	The provisions of this chapter shall not apply when any one (1) of the		
2	following conditions exist:		
3	(1) The motor vehicle is being used as an ambulance or other emergency		
4	vehicle;		
5	(2) When an emergency exists that threatens:		
6	(A) The life of any person operating a motor vehicle to whom		
7	this section otherwise would apply; or		
8	(B) The life of any child who otherwise would be required to be		
9	restrained under this chapter; or		
10	(3) If any child who would otherwise be required to be restrained		
11	under this chapter is physically unable because of medical reasons to use a		
12	child passenger safety seat system or seat safety belt, and the medical		
13	reasons are certified by a physician who states the nature of such medical		
14	conditions as well as the reason the use of a child passenger safety seat		
15	system or seat safety belt is inappropriate.		
16			
17	SECTION 6. EMERGENCY CLAUSE. It is found and determined by the		
18	General Assembly of the State of Arkansas that this act will improve the		
19	safety and health of Arkansans; that the changes to the law will qualify the		
20	state to receive approximately nine million five hundred thousand dollars		
21	(\$9,500,000) in federal grant funds to implement highway safety programs;		
22	that the deadline for the state to have a primary seatbelt law in place that		
23	is effective and enforceable to qualify for the federal grant program is June		
24	30, 2009; and that this act is immediately necessary to secure substantial		
25	federal funding and make the roads and highways safer in the state.		
26	Therefore, an emergency is declared to exist and this act being necessary for		
27	the preservation of the public peace, health, and safety shall become		
28	effective on June 30, 2009.		
29			
30	/s/ H. Wilkins		
31			
32	APPROVED: 3/04/2009		
33			
34			
35			
36			