

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 2217

"TO CLARIFY THE PROCEDURE TO BE USED WHEN A LAW ENFORCEMENT OFFICER
STOPS A DRIVER WHO IS IN VIOLATION OF THE REQUIREMENT TO MAINTAIN A
VEHICLE IN SAFE MECHANICAL CONDITION."

Amendment No. 1 to House Bill No. 2217.

Amend House Bill No. 2217 as originally introduced:

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 27-32-101 is amended to read as follows:
27-32-101. Vehicles to be in safe mechanical condition.

(a)~~(1)~~ ~~No~~ A person shall not drive or move any vehicle subject to registration on any highway in this state unless:

(1) ~~the~~ The equipment on the vehicle is in good working order and adjustment as required for the vehicle's safe operation; and

(2) ~~unless the~~ The vehicle is in safe mechanical condition ~~as~~ and does not ~~to~~ endanger the driver, other occupants of the vehicle, or any other person.

~~(2)(A)~~(b) ~~Any~~ A law enforcement officer ~~having who has~~ reason to believe that a vehicle may have safety defects shall have cause to stop the vehicle and inspect for safety defects.

~~(B) Should the officer determine that the vehicle is defective, he or she shall issue to the operator a safety compliance summons directing the operator to have the defect corrected.~~

~~(b) Any certified police officer upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair require the driver of the motor vehicle to stop and submit the vehicle to an inspection and test as may be appropriate.~~

~~(c)~~(c) In the event that Based on the reasonable judgment of the law enforcement officer, if the use of a vehicle in its present condition would, ~~in the reasonable judgment of the officer,~~ endanger the life of any member of the public, the law enforcement officer may:

(1) ~~issue to~~ Issue the operator of the vehicle a citation for operating an unsafe vehicle; and

(2) ~~may require~~ Require the vehicle to be parked at the owner's expense and not operated until it is made safe.



~~(d) The intent of this section is to make the vehicle operator aware of any vehicle safety defects and to provide the operator a reasonable opportunity to make necessary repairs without requiring the issuance of a citation which may result in the levying of fines and court costs.~~

SECTION 2. Arkansas Code Title 27, Chapter 32, Subchapter 1 is amended to add an additional section to read as follows:

27-32-103. Subchapter inapplicable to commercial motor vehicles.

This subchapter does not apply to a commercial motor vehicle as defined under § 23-13-601 and the Motor Carrier Safety Regulations under 49 C.F.R. Part 390.5."

The Amendment was read _____
By: Representative Flowers
JSE/JSE - 03-16-2009 11:50
JSE274

Chief Clerk