

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1932

4 By: Representatives Flanagin, Madison and Kidd
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For An Act To Be Entitled

8 "AN ACT TO AMEND THE CHILD PASSENGER PROTECTION LAW; AND
9 FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO AMEND THE CHILD PASSENGER
13 PROTECTION LAW."
14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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17 SECTION 1. Arkansas Code Annotated § 27-34-103 is hereby amended to
18 read as follows:

19 "27-34-103. Penalty.

20 (a) Any person who violates this chapter shall, upon conviction, be
21 fined not less than twenty-five dollars (\$25.00) nor more than one hundred
22 dollars (\$100.00).

23 (b) In determining the amount of fine to be assessed under this
24 section, any court hearing the matter shall consider whether, if the offense
25 is for failure to secure the child in a child passenger safety seat, the
26 child was restrained by some alternative means such as seat safety belts.

27 (c) Upon satisfactory proof being presented to the court that the
28 defendant has acquired, purchased, or rented an approved child passenger
29 safety seat as described in 27-34-104, the court shall assess no more than
30 the minimum fine allowed."
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32 SECTION 2. Arkansas Code Annotated § 27-34-104 is hereby amended to
33 read as follows:

34 "(a) Every driver who transports a child under the age of *five* (5)
35 years in a passenger automobile, van, or pickup truck, other than one

1 operated for hire, which is registered in this or any other state shall
2 provide, while the motor vehicle is in motion and operated on a public road,
3 street, or highway of this state, for the protection of the child by properly
4 placing, maintaining, and securing the child in a child passenger restraint
5 system meeting applicable federal motor vehicle safety standards in effect on
6 January 1, 1995.

7 (b) A child who is less than four (4) years of age and who weighs less
8 than forty (40) pounds shall be restrained in a child passenger safety seat.

9 (c) If a child is at least four (4) years of age or at least forty
10 (40) pounds in weight, a safety belt shall be sufficient to meet the
11 requirements of this section."
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13 SECTION 3. Arkansas Code Annotated § 27-34-105 is hereby amended to
14 read as follows:

15 "27-34-105. Exceptions.

16 The provisions of this chapter shall not apply when any one (1) of the
17 following conditions exist:

18 (1) The motor vehicle is being used as an ambulance or other
19 emergency vehicle;

20 (2) When an emergency exists that threatens the life of any
21 person operating a motor vehicle to whom this section otherwise would apply
22 or the life of any child who otherwise would be required to be restrained
23 under this chapter; or

24 (3) If any child who would otherwise be required to be
25 restrained under this chapter is physically unable because of medical reasons
26 to use a child passenger safety seat system or seat safety belt."
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28 SECTION 4. Arkansas Code Annotated § 27-34-107 is hereby amended to
29 read as follows:

30 "27-34-107. Child Passenger Protection Fund.

31 (a) A special fund is created which shall be known as the Arkansas
32 Child Passenger Protection Fund.

33 (b) The fund shall consist of seventy-five percent (75%) of all fines
34 which are collected for violations of this chapter and other moneys that may
35 be appropriated, allocated, or donated for the purpose of being placed in the

1 fund.

2 (c) The Arkansas Highway Safety Program shall purchase child passenger
3 safety seats from the fund established in this section.

4 (d) The seats purchased by the Arkansas Highway Safety Program shall
5 be loaned or rented to hospitals or other groups or individuals who may lend
6 or rent such seats to others for the purpose of transporting children.

7 (e) Twenty-five percent of the fines collected shall be retained by
8 the municipalities wherein they are collected, to be used for promotion of
9 public safety."

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11 SECTION 5. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

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15 SECTION 6. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 7. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 */s/Rep. Flanagan, et al*

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As Engrossed: 3/24/95

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