

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.

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

As Engrossed: H2/21/07 S3/23/07

A Bill

HOUSE BILL 1474

5 By: Representatives Hall, Anderson, T. Baker, Breedlove, J. Brown, Cook, Cornwell, Davis, Dunn,
6 Edwards, L. Evans, Everett, Garner, George, Glidewell, Greenberg, Hardwick, Harrelson, Hawkins, Hoyt,
7 D. Hutchinson, J. Johnson, Kidd, Lovell, Lowery, Maloch, Medley, Moore, Overbey, Patterson, Pierce,
8 Powers, Ragland, Rainey, Reep, J. Roebuck, Rogers, Rosenbaum, Sample, Shelby, Sullivan, Thyer,
9 Wagner, Webb, Wells, Woods, Wyatt
10 By: Senator Madison
11
12

For An Act To Be Entitled

13 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
14 CODE CONCERNING THE SALE AND USE OF ROTATING,
15 FLASHING, OR OSCILLATING BLUE LIGHTS FOR LAW
16 ENFORCEMENT PURPOSES; AND FOR OTHER PURPOSES.
17
18

Subtitle

19 CONCERNING THE SALE AND USE OF ROTATING,
20 FLASHING, OR OSCILLATING BLUE LIGHTS FOR
21 LAW ENFORCEMENT PURPOSES.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 5-77-201 is amended to read as follows:

28 5-77-201. Blue light or blue lens cap sales.

29 (a)(1) It is unlawful to sell a blue light or blue lens cap to any
30 person, firm, or corporation other than a certified law enforcement officer
31 authorized by a federal, state, county, or city law enforcement agency or a
32 county coroner.

33 (2) It is unlawful for a person other than a certified law
34 enforcement officer authorized by a federal, state, county, or city law
35 enforcement agency or a county coroner to buy a blue light or blue lens cap.

36 (b) Before selling a blue light or blue lens cap, the seller shall



1 require the buyer to provide identification that legally demonstrates that
 2 *the buyer is a county coroner, a certified law enforcement officer, or a*
 3 *constable with one hundred twenty (120) hours of training authorized by a*
 4 *federal, state, county, or city law enforcement agency to buy a blue light or*
 5 *blue lens cap ~~or a county coroner.~~*

6 (c) Any sale of a blue light or blue lens cap shall be reported to the
 7 Department of Arkansas State Police on a form prescribed by the department.

8 (d) A violation of this section is a Class D felony.

9 (e) As used in this section, "blue light" means an operable blue light
 10 that:

11 (1) Is designed for use by an emergency vehicle, or is similar
 12 in appearance to a blue light designed for use by an emergency vehicle; ~~and~~

13 (2) Can be operated by use of the vehicle's battery, the
 14 vehicle's electrical system, ~~or a dry cell battery, or other source of~~
 15 electrical current; and

16 (3) Is designed to rotate, flash, or oscillate.

17
 18 SECTION 2. Arkansas Code § 5-77-301 is repealed.

19 ~~5-77-301. Blue light sales.~~

20 ~~(a)(1) It is unlawful to sell or transfer a blue light to any person~~
 21 ~~other than a certified law enforcement officer.~~

22 ~~(2) A sale or transfer of a blue light shall be reported to the~~
 23 ~~Department of Arkansas State Police on a form prescribed by the department.~~

24 ~~(b) A violation of this section is a Class A misdemeanor.~~

25 ~~(c) As used in this section, "blue light" means an operable blue light~~
 26 ~~that:~~

27 ~~(1) Is designed for use by an emergency vehicle, or is similar~~
 28 ~~in appearance to a blue light designed for use by an emergency vehicle; and~~

29 ~~(2) Can be operated by use of the vehicle's battery, the~~
 30 ~~vehicle's electrical system, or a dry cell battery.~~

31
 32 SECTION 3. Arkansas Code § 27-36-301 is amended to read as follows:

33 27-36-301. Violations.

34 (a)(1) It shall be unlawful for any person, firm, or corporation to:

35 (A) Install, exhibit, activate, or operate a red or amber
 36 rotating, ~~or flashing, or oscillating~~ light on any vehicle except as

1 otherwise provided by the statutes of the State of Arkansas; or

2 (B) ~~to~~ Install, exhibit, activate, or operate a flashing,

3 rotating, flashing, or oscillating purple light except during a funeral

4 procession.

5 (2) If any person affixes or has affixed any red or amber light

6 on any vehicle, this fact shall be prima facie proof that this person did

7 exhibit the light.

8 (3) A violation of this subsection (a) is a Class A misdemeanor.

9 (b)(1) ~~Except as otherwise provided by the statutes of the State of~~

10 ~~Arkansas,~~ Unless otherwise authorized in writing by the chief law enforcement

11 officer of the state, county, or city law enforcement agency with

12 jurisdiction over the area in which the blue light is to be installed,

13 exhibited, activated or rotated, it is unlawful for any person, firm, or

14 corporation to install, exhibit, ~~or~~ activate or operate a rotating, flashing,

15 or oscillating blue light:

16 (A) ~~in~~ In or on any vehicle in this state unless the

17 vehicle is owned or leased, and operated and maintained by a federal, state,

18 county, or city law enforcement agency; ~~or~~

19 (B) In or on a building, sign, or post unless the

20 building, sign or post is owned or leased, and operated and maintained by a

21 federal, state, county, or city law enforcement agency and is used to

22 identify the location of the law enforcement agency; or

23 (C) ~~to possess~~ To possess a blue light that that is not

24 sealed in the manufacturer's original package in or on any vehicle in this

25 state other than:

26 (i) In a vehicle owned or leased and operated and

27 maintained by a federal, state, county, or city law enforcement agency; or, ~~a~~

28 blue light that is not sealed in the manufacturer's package.

29 (ii)(a) By a constable in his or her properly marked

30 vehicle.

31 (b) The constable shall sell, donate, or

32 destroy the blue light upon leaving office.

33 (2) As used in this ~~section~~ subsection (b), "blue light" means

34 an operable blue light which:

35 (A) Is designed for use by an emergency vehicle, or is

36 similar in appearance to a blue light designed for use by an emergency

1 vehicle; and

2 (B) Can be operated by use of the vehicle's battery, the
3 vehicle's electrical system, ~~or a dry cell battery,~~ or any other source of
4 electrical current; or

5 (C) Is designed to rotate, flash, or oscillate.

6 ~~(e)(1)(3)~~ A violation of subsection (b) of this section shall be
7 a Class A ~~misdemeanor~~ D felony.

8 ~~(2) Violation of any other provision of this subchapter shall be~~
9 ~~considered a misdemeanor and shall be punishable by a fine of not less than~~
10 ~~ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each~~
11 ~~offense.~~

12
13 /s/ Hall
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36