

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/25/09

# A Bill

HOUSE BILL 2217

5 By: Representative Flowers  
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## For An Act To Be Entitled

9 AN ACT TO IMPROVE SAFETY ON PUBLIC ROADS AND  
10 HIGHWAYS BY CLARIFYING THE PROCEDURE TO BE USED  
11 WHEN A LAW ENFORCEMENT OFFICER STOPS A DRIVER WHO  
12 IS IN VIOLATION OF THE REQUIREMENT TO MAINTAIN A  
13 VEHICLE IN SAFE MECHANICAL CONDITION; AND FOR  
14 OTHER PURPOSES.

## Subtitle

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17 TO CLARIFY THE PROCEDURE TO BE USED WHEN  
18 A LAW ENFORCEMENT OFFICER STOPS A DRIVER  
19 WHO IS IN VIOLATION OF THE REQUIREMENT  
20 TO MAINTAIN A VEHICLE IN SAFE MECHANICAL  
21 CONDITION.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 27-32-101 is amended to read as follows:*

27 *27-32-101. Vehicles to be in safe mechanical condition.*

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

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

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

35 *~~(2)(A)(b)~~ Any A law enforcement officer ~~having~~ who has reason to*  
36 *believe that a vehicle may have safety defects shall have cause to stop the*



1 vehicle and inspect for safety defects.

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

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

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

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

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

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

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

25 27-32-103. Subchapter inapplicable to commercial motor vehicles.

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

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30 /s/ Flowers  
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