

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

A Bill

SENATE BILL 248

4
5 By: Senator D. Johnson
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For An Act To Be Entitled

8
9 AN ACT CONCERNING FAILURE TO PRESENT PROOF OF
10 INSURANCE COVERAGE ON A MOTOR VEHICLE; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13
14 CONCERNING FAILURE TO PRESENT PROOF OF
15 INSURANCE COVERAGE ON A MOTOR VEHICLE.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 27-22-104(c), concerning failure to provide
21 proof of insurance, is amended to read as follows:

22 (c)(1)(A) If the operator of the motor vehicle is unable to present
23 proof of insurance coverage as required in subsection (a) of this section
24 when requested by a law enforcement officer or if a check of the Vehicle
25 Insurance Database at the time of the traffic stop fails to show current
26 insurance coverage, the operator shall be issued, in addition to any traffic
27 citation issued for a violation of this section, a notice of noncompliance
28 with the provisions of this section on a form to be provided to the
29 Department of Finance and Administration.

30 (B)(i)(a) If the operator of the motor vehicle proves that
31 the liability coverage required by §§ 27-22-101 – 27-22-104 was in effect at
32 the time of the traffic stop, then the failure to present proof of insurance
33 at the time of the traffic stop when requested by a law enforcement officer
34 shall be punished by a fine of twenty-five dollars (\$25.00). No court costs
35 under § 16-10-305 or other costs or fees shall be assessed under this
36 subdivision (c)(1)(B)(i)(a).



1 (b)(1) Eighty percent (80%) of the fines
2 collected under this subdivision (c)(1)(B)(i) shall be paid to the Treasurer
3 of State for the benefit of the Arkansas Citizens First Responder Safety
4 Enhancement Fund.

5 (2) Twenty percent (20%) of the fines
6 collected under this subdivision (c)(1)(B)(i) shall be retained by the court
7 that tries the offense.

8 (ii) If the operator of the motor vehicle is unable
9 to prove that the liability coverage required by §§ 27-22-101 – 27-22-104 was
10 in effect at the time of the traffic stop, then the failure to present proof
11 of insurance at the time of the traffic stop when requested by a law
12 enforcement officer shall be punished as provided under § 27-22-103.

13 (2) The officer shall forward a copy of the notice of
14 noncompliance to the department within ten (10) days of issuance.

15 (3)(A)(i) In addition, the officer shall remove and impound the
16 license plate attached to the vehicle.

17 ~~(B)(ii)~~ The license plate shall be returned to the
18 Office of Driver Services or to the local revenue office.

19 (B) If approved by ordinance by the governing body of the
20 municipality or county, the officer may also impound the vehicle for a period
21 of up to ten (10) days.

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