

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1822

5 By: Representative Steel
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For An Act To Be Entitled

8 AN ACT TO AMEND THE PENALTIES FOR NO PROOF OF
9 LIABILITY INSURANCE ON A PERSON'S MOTOR VEHICLE; AND
10 FOR OTHER PURPOSES.
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Subtitle

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14 TO AMEND THE PENALTIES FOR NO PROOF OF
15 LIABILITY INSURANCE ON A PERSON'S MOTOR
16 VEHICLE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-65-117(a)(1)(A), regarding the seizure
22 and sale of motor vehicles, is amended to read as follows:

23 (a)(1)(A) Any person who pleads guilty or nolo contendere, ~~or~~ is found
24 guilty of violating § 5-65-103 for a fourth offense occurring within three
25 (3) years of the first offense, or has his or her vehicle impounded under §
26 27-22-103, at the discretion of the court, may have his or her motor vehicle
27 seized.
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29 SECTION 2. Arkansas Code § 27-22-103 is amended to read as follows:
30 27-22-103. Penalty.

31 (a) Except as provided in subsection (b) of this section, any person
32 who operates a motor vehicle within this state upon conviction shall be
33 subject to a mandatory fine of not less than fifty dollars (\$50.00) nor more
34 than two hundred fifty dollars (\$250) unless both the vehicle and the
35 person's operation of the vehicle are covered by a certificate of self-
36 insurance or an insurance policy as required under § 27-22-104(a)(1).



1 (b)(1) Any person who operates a motor vehicle in violation of § 27-
2 22-104(a)(1) shall be fined not less than two hundred fifty dollars (\$250)
3 nor more than five hundred dollars (\$500) for the second offense, and upon
4 conviction the minimum fine shall be mandatory.

5 (2)(A) Any person who operates a motor vehicle in violation of §
6 27-22-104(a)(1) ~~shall be fined not less than five hundred dollars (\$500) nor~~
7 ~~more than one thousand dollars (\$1,000) or sentenced to one (1) year in jail,~~
8 ~~or both,~~ for the third offense or for any subsequent offenses upon conviction
9 is guilty of a Class A misdemeanor.

10 (B) A person who has been convicted under subdivision
11 (b)(2) of this section shall:

12 (i) Be punished by imprisonment of not less than two
13 (2) days in jail; and

14 (ii) Have his or her motor vehicle impounded by a
15 law enforcement agency and shall be punished by imprisonment for not less
16 than two (2) days nor more than six (6) months if he or she is found during a
17 traffic stop to have no valid policy of liability insurance as required by §
18 27-22-104.

19 (a) The person shall be able to retrieve the
20 impounded motor vehicle:

21 (1) Upon the showing of a valid policy
22 of liability insurance as required by § 27-22-104; and

23 (2) After paying any tow expense
24 incurred as a result of the impounding of the motor vehicle under this
25 section.

26 (b) If the motor vehicle has not been
27 retrieved by the owner within one hundred twenty (120) days of the motor
28 vehicle being impounded, the motor vehicle may be seized and sold under the
29 provisions of § 5-65-117.

30 (3) Upon a showing that liability coverage required by §§ ~~27-22-~~
31 ~~101—~~ 27-22-104 was in effect at the time of arrest, the judge may dismiss
32 the charge imposed under this act, and the penalties therefore shall not be
33 imposed.

34 (c) If the arresting officer is:

35 (1) An officer of the Department of Arkansas State Police, the
36 fine collected shall be remitted by the tenth day of each month to the

1 Administration of Justice Fund Section of the Office of Administrative
 2 Services of the Department of Finance and Administration, on a form provided
 3 by that office, for deposit in the Department of Arkansas State Police Fund
 4 to be used for the purchase and maintenance of state police vehicles;

5 (2) A county law enforcement officer, the fine collected shall
 6 be deposited in that county fund used for the purchase and maintenance of
 7 rescue, emergency medical, and law enforcement vehicles, communications
 8 equipment, animals owned or used by law enforcement agencies, life-saving
 9 medical apparatus, and law enforcement apparatus to be used for those
 10 purposes; or

11 (3) A municipal law enforcement officer, the fine collected
 12 shall be deposited in that municipal fund used for the purchase and
 13 maintenance of rescue, emergency medical, and law enforcement vehicles,
 14 communications equipment, animals owned or used by law enforcement agencies,
 15 life-saving medical apparatus, and law enforcement apparatus to be used for
 16 those purposes.

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