

**Hall of the House of Representatives**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

\*\*\*\*\*

**Subtitle of House Bill No. 2912**

"AN ACT CONCERNING PROOF OF AUTOMOBILE LIABILITY INSURANCE  
COVERAGE."

\*\*\*\*\*

**Amendment No. 1 to House Bill No. 2912.**

Amend House Bill No. 2912 as originally introduced:

Page 1, delete line 5 and substitute the following:  
"By: Representatives Harris, Matayo"

AND

Delete everything after the Enacting Clause and substitute the following:

**"SECTION 1. Purpose.**

(a) The General Assembly declares that the presence of a current license plate on a motor vehicle has become one (1) indication that the motor vehicle is covered by liability security.

(b) The General Assembly further declares that the provisions of Arkansas Code § 27-22-104(3)(A), which requires owners of motor vehicles to surrender the license plates of motor vehicles when the operator of the motor vehicle is unable to present proof of the vehicle's insurance coverage as required when requested by a law enforcement officer or if a check of the vehicle insurance database at the time of a traffic stop fails to show current insurance coverage, should become an integral part of the enforcement of the laws requiring all motor vehicles to be covered by liability security.

SECTION 2. Arkansas Code § 27-22-104 is amended to read as follows:  
27-22-104. Insurance required – Minimum coverage.

(a)(1) It shall be unlawful for any person to operate a motor vehicle within this state unless the vehicle is covered by a certificate of self-insurance under the provisions of § 27-19-107, or by an insurance policy issued by an insurance company authorized to do business in this state.

(2) Failure to present proof of insurance coverage at the time of arrest and a failure of the vehicle insurance database to show current insurance coverage at the time of the traffic stop creates a rebuttable presumption that the motor vehicle is uninsured.

(b) The policy shall provide as a minimum the following coverage:

(1) Not less than twenty-five thousand dollars (\$25,000) for bodily injury or death of one (1) person in any one (1) accident;



(2) Not less than fifty thousand dollars (\$50,000) for bodily injury or death of two (2) or more persons in any one (1) accident; and

(3) If the accident has resulted in injury to or destruction of property, not less than twenty-five thousand dollars (\$25,000) for the injury to or destruction of property of others in any one (1) accident.

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

(2) The officer shall forward a copy of the notice of noncompliance to the department within ~~ten (10) days~~ five (5) calendar days of issuance, excluding Saturdays, Sundays, and legal holidays.

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

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

(d)(1) The law enforcement officer who removes and impounds the license plate pursuant to subdivision (c)(3)(A) of this section shall issue for attachment to the rear of the vehicle a temporary sticker denoting its use in lieu of an official license plate.

(2) The sticker shall bear the date upon which it shall expire in written or stamped numerals or alphabetic characters not less than three inches (3") in height.

(3) This temporary sticker shall only be effective for a period of ~~ten (10) days~~ five (5) calendar days, excluding Saturdays, Sundays, and legal holidays, beginning from the day on which the license plate was taken.

(4) The temporary stickers shall be designed by the department and supplied at no cost to all law enforcement agencies authorized to enforce traffic laws in Arkansas.

(5) If the vehicle is being driven after the expiration of the temporary sticker provided for in this section, the vehicle shall be immediately impounded.

(e)(1) Upon receipt of the notice of noncompliance by the department, the department shall proceed to suspend the registration of the uninsured vehicle effective ~~ten (10) days~~ five (5) calendar days, excluding Saturdays, Sundays, and legal holidays, after the license plate was taken and the notice of noncompliance was issued.

(2) However, if the vehicle was insured at the time of the offense, the owner of the vehicle shall have ~~ten (10) days~~ five (5) calendar days, excluding Saturdays, Sundays, and legal holidays, to present to the Office of Motor Vehicle proof of insurance coverage or other financial security in effect at the time of the offense, whereupon the license plate shall be returned at no cost to the owner of the vehicle.

(3) If the owner fails to provide proof that the vehicle was properly insured at the time of the offense, the chief administrative officer of the Office of Motor Vehicle shall destroy, or shall cause to be destroyed, the license plate removed from the owner's vehicle and shall suspend the registration of the vehicle.

(f) Any suspension by the department under this section shall be subject to the notice and hearing provisions of § 27-19-404 and shall remain in effect and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:

(1) The person shall deposit or there shall be deposited on his or her behalf sufficient security as provided for under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.; or

(2) The person shall furnish the department one of the following:

(A) A certificate of self-insurance under the provisions of § 27-19-107; or

(B) A sufficient insurance policy issued by an insurance company authorized to do business in this state.

(g)(1) In order to reinstate the suspended registration and be reissued a license plate for any suspended motor vehicle, the owner shall present the proof of renewed or new financial coverage required in subdivision (f)(1) or (2) of this section to the department ~~and shall pay to the department a twenty dollar (\$20.00) fee for reinstatement of the registration and reissuance of the license plate.~~ For the first offense there shall be a reinstatement fee of fifty dollars (\$50.00), for a second offense there shall be a reinstatement fee of one hundred fifty dollars (\$150), and for any subsequent offense there shall be a reinstatement fee of three hundred dollars (\$300). The reinstatement fee provided in this subdivision (g)(1) shall be in addition to other appropriate registration fees allowed by law and reinstatement shall depend on proof of compliance with the compulsory liability law.

(2) The revenues derived from this reinstatement fee shall be deposited as a special revenue to the State Central Services Fund and credited as a direct revenue to be used by the department to offset the costs of administering this section.

(3) ~~This fee~~ reinstatement fee in subdivision (g)(1) of this section shall be in addition to any other fines, fees, or other penalties for other violations of this section.

(h) The department shall promulgate necessary rules and regulations for the administration of this section."

The Amendment was read \_\_\_\_\_

By: Representative Matayo

JDF/JDF - 03-29-2005 12:23

JDF438

\_\_\_\_\_  
Chief Clerk