

Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of House Bill No. 1365

TO REQUIRE BACKSEAT PASSENGERS OF MOTOR VEHICLES TO COMPLY WITH THE
CURRENT MANDATORY SEATBELT LAW.

Amendment No. 1 to House Bill No. 1365

Amend House Bill No. 1365 as originally introduced:

Page 1, line 10, delete "LAW;" and substitute "LAW AND CLARIFY APPLICABLE PENALTIES;"

AND

Delete the subtitle in its entirety and substitute:

"TO REQUIRE BACKSEAT PASSENGERS OF MOTOR
VEHICLES TO COMPLY WITH THE CURRENT
MANDATORY SEATBELT LAW AND CLARIFY
APPLICABLE PENALTIES."

AND

Page 1, delete line 21 and substitute:

"SECTION 1. DO NOT CODIFY. Legislative findings. The General Assembly finds that:



(1) In 2009, four hundred forty-seven (447) people died while riding in passenger vehicles in Arkansas and sixty-one percent (61%) of those who died, where use was known, were not wearing a seat belt;

(2) Of those who died, forty-four (44) individuals were passengers in the back seat and sixty-four percent (64%) were not wearing a seat belt;

(3) According to the National Highway Traffic Safety Administration, in 2009 approximately eleven (11) lives were saved because of seat belt use by rear seat passengers;

(4) According to a 2007 study by the National Highway Traffic Safety Administration, seat belt use is much higher among back seat passengers in states that require seat belt use in all seating positions, averaging eighty-eight percent (88%) in states that cover all seats and sixty-nine percent (69%) in states requiring only front seat use;

(5) Thirty-one (31) states, the District of Columbia, and five (5) territories have primary seat belt laws, and of those, twenty-four (24) cover all seating positions;

(6) Arkansas's seat belt use rate has increased from seventy and four-tenths percent (70.4%) before the primary seat belt law went into effect in 2009 to seventy-eight and three-tenths percent (78.3%) in 2010; however, we are still below the national average of eighty-five percent (85%);

(7) The Governors Highway Safety Association, the National Highway Traffic Safety Administration, and the National Transportation Safety Board all support the policy that states should adopt seat belt laws that cover all seats; and

(8) By amending the mandatory seat belt law to cover back seat passengers, Arkansas can expect to increase overall seat belt use in the state and save additional lives, prevent serious injuries, and save additional economic costs each year.

SECTION 2. Arkansas Code § 27-37-702 is amended to read as follows:"

AND

Page 2, delete line 8 and substitute:

"(2) Have the wheelchair properly secured in the motor vehicle.

SECTION 3. Arkansas Code § 27-37-706 is amended to read as follows:

27-37-706. Penalties — Court costs.

(a) Any person who violates this subchapter shall be subject to a fine not to exceed twenty-five dollars (\$25.00).

(b)(1) A driver who fails to comply with § 27-37-702 is subject to the penalties of this section.

(2) An adult passenger who fails to comply with § 27-37-702 is subject to the penalties of this section.

(3) A driver who has any passenger at least fifteen (15) years of age but under eighteen (18) years of age that fails to comply with § 27-37-702 is subject to the penalties of this section.

~~(b)(c)~~ When a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, no court costs pursuant to § 16-10-305 or other costs or fees shall be assessed."

The Amendment was read _____

By: Representative H. Wilkins

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Chief Clerk