

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.

INTERIM STUDY PROPOSAL 2009-007

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1423

By: Representative Carroll

Filed with: House Interim Committee on Public Transportation
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ENSURE THAT HEADLIGHTS OR HEADLAMPS FOR
USE ON MOTOR VEHICLES ARE NOT USED OR SOLD IN
ARKANSAS IF THEIR BRIGHTNESS OR INTENSITY ARE A
SAFETY HAZARD OR IF THEY OTHERWISE DO NOT COMPLY
WITH FEDERAL SPECIFICATIONS; TO ENSURE THAT FOG
LAMPS ARE ONLY USED IN INCLEMENT WEATHER; AND FOR
OTHER PURPOSES.

Subtitle

TO ENSURE THAT HEADLIGHTS OR HEADLAMPS
FOR USE ON MOTOR VEHICLES ARE NOT USED
OR SOLD IN ARKANSAS IF THEIR BRIGHTNESS
OR INTENSITY ARE A SAFETY HAZARD OR
OTHERWISE DO NOT COMPLY WITH FEDERAL
SPECIFICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 27, Chapter 36, Subchapter 2 is amended to add an additional section to read as follows:

27-36-223. Prohibition of nonconforming headlights or headlamps.

(a) The intent of this section is to ensure that headlights or headlamps for use on motor vehicles are not used or sold in Arkansas if their brightness or intensity are a safety hazard to other motorists.



1 (b) Notwithstanding any provision of law to the contrary, the
2 headlight or headlamp specifications related to brightness, intensity,
3 luminous intensity, luminous efficacy, or other specifications under 49 C.F.R
4 571.108 as in effect on February 1, 2009, shall apply to all motor vehicles
5 operating in the state.

6 (c) It is unlawful and a violation of this chapter as provided under §
7 27-36-101 to sell a headlight, headlamp, or replacement part for a headlight
8 or headlamp for use on a motor vehicle that does not conform with the
9 requirements under 49 C.F.R. 571.108 as in effect on February 1, 2009,
10 related to brightness, intensity, luminous intensity, luminous efficacy, or
11 other specifications.

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13 SECTION 2. Arkansas Code § 27-36-214(b), regarding fog lamps, is
14 amended to read as follows:

15 (b) Fog Lamps.

16 (1) Any motor vehicle may be equipped with not more than two (2)
17 fog lamps mounted on the front at a height not less than twelve inches (12")
18 nor more than thirty inches (30") above the level surface upon which the
19 motor vehicle stands.

20 (2) The fog lamps shall be so aimed that when the motor vehicle
21 is not loaded, none of the high-intensity portion of the light to the left of
22 the center of the motor vehicle shall project, at a distance of twenty-five
23 feet (25') ahead, ~~project~~ higher than a level of four inches (4") below the
24 level of the center of the fog lamp from which it comes.

25 (3) Lighted fog lamps meeting these requirements may be used
26 with lower headlamp beams as specified in § 27-36-210(b)(2).

27 (4) Fog lamps shall be used only during inclement weather.

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36 Filed Date: 04/01/2009 By: JSE\VJF