

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 2009-046

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 29

By: Senator Hendren

Filed with: Senate Committee on Transportation, Technology and Legislative Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REQUIRE ALL PERSONS WHO OPERATE OR RIDE ON A MOTORCYCLE TO WEAR PROTECTIVE HEADGEAR OR TO CARRY ADEQUATE COVERAGE UNDER A HEALTH INSURANCE PLAN; TO AUTHORIZE THE OFFICE OF MOTOR VEHICLE TO ISSUE A DECAL TO MOTORCYCLE OPERATORS WHO PRESENT PROOF OF ADEQUATE COVERAGE UNDER A HEALTH INSURANCE PLAN; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE ALL PERSONS WHO OPERATE OR RIDE ON A MOTORCYCLE TO WEAR PROTECTIVE HEADGEAR OR TO CARRY ADEQUATE COVERAGE UNDER A HEALTH INSURANCE PLAN.

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

SECTION 1. Arkansas Code § 27-20-104(b), regarding the required standard equipment for motorcycles, is amended to read as follows:

(b)~~All~~ Except as provided under § 27-20-119, passengers a passenger and operators operator of motoreycles a motorcycle, motor-driven eyes cycle, and or motorized bicyeles bicycle used upon the a public streets and highways street or highway of this state shall is to be equipped with and is to wear the following equipment under standards set forth by the Office of Motor Vehicle of the Revenue Division of the Department of Finance and



1 Administration:

2 (1) Protective headgear ~~unless the person is twenty one (21)~~
3 ~~years of age or older~~; and

4 (2) Protective glasses, goggles, or transparent face shields.

5
6 SECTION 2. Arkansas Code Title 27, Chapter 20, Subchapter 1 is amended
7 to add an additional section to read as follows:

8 27-20-119. Exception for protective headgear requirement.

9 (a)(1) As used in this section, "health insurance plan" means any of
10 the following that provide benefits for health care services, medical
11 expenses, hospital expenses, or surgical expenses incurred as a result of an
12 accident:

13 (A) Individual insurance policy;

14 (B) Group insurance policy;

15 (C) Blanket insurance policy;

16 (D) Franchise insurance policy;

17 (E) Group hospital services contract;

18 (F) Health maintenance organization membership;

19 (G) Employee benefit plan; or

20 (H) Other insurance policy, agreement, or certificate.

21 (2) "Health insurance plan" does not include long-term care
22 insurance, short-term disability insurance, dental-only coverage, or vision-
23 only coverage.

24 (b)(1) An operator of a motorcycle who has proof of a minimum of ten
25 thousand dollars (\$10,000) coverage under a health insurance plan for
26 injuries incurred as a result of an accident while operating or riding on a
27 motorcycle without protective headgear is exempt from wearing protective
28 headgear under subsection (a) of this section.

29 (2) The operator of a motorcycle who is not wearing protective
30 headgear is to maintain proof of coverage under a health insurance plan as
31 provided under subdivision (b)(1) of this section.

32 (3) Failure to provide proof of coverage under a health
33 insurance plan while operating a motorcycle without protective headgear is a
34 violation.

35 (c)(1) The Office of Motor Vehicle of the Revenue Division of the
36 Department of Finance and Administration is to issue a decal for an exception

1 to the protective headgear requirement to a person who:

2 (A) Establishes health insurance plan coverage as required
3 under subsection (b) of this section;

4 (B) Has a valid motorcycle operator's license issued by
5 the Office of Motor Vehicle; and

6 (C) Owns a motorcycle that is currently licensed and
7 registered as required by § 27-20-105.

8 (2) The decal shall be displayed on the motorcycle or the
9 motorcycle license plate in the position prescribed by the Office of Motor
10 Vehicle under its rules.

11 (3) The decal is offered for the convenience of a motorcycle
12 user who meets the qualifications of this subsection.

13 (4) The cost of the decal is five dollars (\$5.00).

14 (5) The decal is valid for a period of three (3) years.

15 (d) The Office of Motor Vehicle may promulgate rules for the
16 administration of this section.

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36 Filed Date: 04/02/2009 By: JSE\VJF