

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: *Senators Miles, Bradford, Gordon***

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## **For An Act To Be Entitled**

8 "AN ACT TO REQUIRE OPERATORS OF AND PASSENGERS IN CERTAIN  
9 MOTOR VEHICLES TO WEAR SEAT BELTS; AND FOR OTHER  
10 PURPOSES."

11

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

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14 SECTION 1. As used in this act:

15 (a) "Motor vehicle" means any motor vehicle, except school buses,  
16 church buses and other public conveyances, which is required by federal law or  
17 regulation to be equipped with a passenger restraint system.

18 (b) "Seat belt" means any passenger restraint system as defined by the  
19 Arkansas State Police except that until such time as the Arkansas State Police  
20 has promulgated regulations defining "seat belt", the term means any passenger  
21 restraint system which meets the federal requirements contained in Section  
22 571.208 of Title 49 of the Code of Federal Regulations.

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24 SECTION 2. *Each driver and front seat passenger in any motor vehicle*  
25 *operated on a street or highway in this state shall wear a properly adjusted*  
26 *and fastened seat belt.*

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28 SECTION 3. *This act shall not apply to the following:*

29 (a) *Passenger automobiles manufactured before July 1, 1968 and all*  
30 *other motor vehicles manufactured before January 1, 1972;*

31 (b) *Passengers and drivers with a physically handicapping condition*  
32 *which contraindicates the use of a seat belt, and which condition is certified*  
33 *by a physician who states the nature of the handicap, as well as the reason*  
34 *the use of a seat belt is inappropriate;*

35 (c) *Children under five (5) years of age who require protection under*

1 the "Child Passenger Protection Act"; and

2 (d) Drivers who are rural letter carriers of the United States Postal  
3 Service while performing their duties as rural letter carriers.

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5 SECTION 4. No motor vehicle, nor the operator of such vehicle, nor the  
6 passengers of such vehicle shall be stopped, inspected, or detained solely to  
7 determine compliance with this Act.

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9 SECTION 5. The failure to provide or use a seat belt shall not be  
10 considered under any circumstances as evidence of comparative or contributory  
11 negligence, nor shall such failure be admissible as evidence in the trial of  
12 any civil action with regard to negligence. Neither shall the failure to  
13 provide or use seat belts be considered under any circumstances as evidence in  
14 any prosecution for negligent homicide.

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16 SECTION 6. The Director of the Arkansas State Police shall promulgate  
17 regulations defining "seat belt" as soon as possible after the effective date  
18 of this act.

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20 SECTION 7. Any person who violates this act shall be subject to a fine  
21 not to exceed twenty-five dollars (\$25.00). When a person is convicted,  
22 pleads guilty, pleads nolo contendere or forfeits bond for violation of this  
23 act, no court costs or other costs or fees shall be assessed.

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25 SECTION 8. When any motor vehicle operator is stopped by a law  
26 enforcement officer and the law enforcement officer notes that the provisions  
27 of this Act have not been violated, any fine levied against the motor vehicle  
28 operator as a result of being stopped shall be reduced by five dollars (\$5.00)  
29 as an incentive to complying with this Act.

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31 SECTION 9. This act is supplemental and cumulative to the Child  
32 Passenger Protection Act.

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34 SECTION 10. All provisions of this act of a general and permanent  
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
36 Code Revision Commission shall incorporate the same in the Code.

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SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 12. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Miles, et al*

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