

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1571

4 By: Representatives J. Smith and Kidd

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For An Act To Be Entitled

8 "AN ACT TO PROHIBIT ANY PERSON OPERATING A PICKUP TRUCK OR
9 FLATBED TRUCK OR TOWING A FLATBED TRAILER ON A PUBLIC
10 STREET OR HIGHWAY WHEN A CHILD *NINE (9)* YEARS OF AGE OR
11 YOUNGER IS OCCUPYING THE OPEN BED OF THE TRUCK OR TRAILER;
12 TO AMEND ARKANSAS CODE ANNOTATED § 27-35-104 BY STRIKING
13 ONE EXCEPTION TO THE PROHIBITION AGAINST PERSONS RIDING ON
14 ANY PORTION OF A VEHICLE NOT INTENDED FOR PASSENGER USE;
15 TO AMEND ARKANSAS CODE ANNOTATED §§ 27-34-103 AND -104
16 RELATING TO CHILD PASSENGER PROTECTION; AND FOR OTHER
17 PURPOSES."

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Subtitle

20 "TO PROHIBIT PERSONS OPERATING PICKUP
21 TRUCKS OR FLATBED TRUCKS OR TRAILERS
22 WHEN CHILDREN AGE 9 OR YOUNGER ARE
23 OCCUPYING THE OPEN TRUCK OR TRAILER BED"

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

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27 SECTION 1. (a) No person shall operate an open bed pickup truck or an
28 open flatbed truck or shall tow an open flatbed trailer on a public street or
29 highway when a child *nine (9)* years of age or younger is occupying the bed or
30 cargo area of the truck or trailer.

31 (b) A violation of this section is punishable by a fine of not less
32 than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200).

33 (c) The provisions of this section shall not apply when the person is
34 operating or towing the vehicle in an emergency *or participating in a parade*
35 *authorized by a city or county.*

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2 SECTION 2. Arkansas Code Annotated § 27-34-104(a) is amended to read
3 as follows:

4 "(a) Every driver who transports a child under the age of five (5)
5 years in a passenger automobile, van, or pickup truck shall provide, while
6 the motor vehicle is in motion and operated on a public road, street, or
7 highway of this state, for the protection of the child by properly placing,
8 maintaining, and securing the child in a child passenger safety seat system
9 meeting applicable federal motor vehicle safety standards in effect on
10 August 1, 1983."

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12 SECTION 3. Arkansas Code Annotated § 27-34-103(a) is amended to read
13 as follows:

14 "(a) Any person who violates this chapter shall, upon conviction, be
15 fined not less than twenty-five dollars (\$25.00) nor more than two hundred
16 dollars (\$200)."

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18 SECTION 4. Arkansas Code Annotated § 27-35-104 is amended to read as
19 follows:

20 "27-35-104. Riding in spaces not for passengers.

21 (a) No person shall ride on any vehicle or upon any portion of the
22 vehicle, including the cargo area, that is not designed or intended for the
23 use of passengers.

24 (b) This section shall not apply to any individual employee engaged in
25 the necessary discharge of a duty, either for an employer or for private
26 purposes."

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28 SECTION 5. All provisions of this act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

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32 SECTION 6. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 7. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/Rep. J. Smith, et al

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