

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

A Bill

HOUSE BILL 1876

4 By: Representative Dietz, *D. Wood, Ferguson, Courtway, Murphy, McKissack,*
5 *Thomas, M. Wilson, Kidd, von Grempp, Hunton, Newman and Jordan*

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For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
10 27, CHAPTER 37, SUBCHAPTER 7 CONCERNING SEAT BELTS; AND
11 FOR OTHER PURPOSES."

12
13

Subtitle

14 "AN ACT CONCERNING SEAT BELTS."
15

16

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

18

19 SECTION 1. Arkansas Code 27-37-703 is amended to read as follows:

20 "27-37-703. Effect of noncompliance.

21 (a) The failure of an occupant to wear a properly adjusted and
22 fastened seat belt shall not be admissible into evidence in a civil action;
23 provided, that evidence of such failure may be admitted in a civil action as
24 to the *causal* relationship between non-compliance and the injuries alleged,
25 if the following conditions have been satisfied:

26 (1) *The plaintiff has filed a products liability claim other*
27 *than a claim related to an alleged failure of a seat belt.*

28 (2) The defendant alleging non-compliance with this subchapter
29 shall raise this defense in its answer or timely amendment thereto in
30 accordance with the rules of civil procedure; and

31 (3) Each defendant seeking to offer evidence alleging non-
32 compliance, has the burden of proving non-compliance, that compliance would
33 have reduced injuries and the extent of the reduction of such injuries.

34 (b) Upon request of any party, the trial judge shall hold a hearing
35 out of the presence of the jury as to the admissibility of such evidence in

1 accordance with the provisions of this section and the rules of evidence.
2 *The finding of the trial judge shall not constitute a finding of fact, and*
3 *the finding shall be limited to the issue of admissibility of such evidence."*
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5 SECTION 2. Arkansas Code 27-37-705 is amended to read as follows:

6 "27-37-705. Reduction of fine.

7 When any motor vehicle operator is stopped by a law enforcement officer
8 and the law enforcement officer notes that the provisions of this subchapter
9 have not been violated, any fine levied against the motor vehicle operator as
10 a result of being stopped shall be reduced by ten dollars (\$10.00) as an
11 incentive to complying with this subchapter."
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13 SECTION 3. *Title 27, Chapter 37, Subchapter 7 of the Arkansas Code is*
14 *amended by adding a new section to read as follows:*

15 "27-37-707. *The Office of Driver Services shall not include in the traffic*
16 *violation report of any person any conviction arising out of a violation of*
17 *this subchapter."*
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19 SECTION 4. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.
22

23 SECTION 5. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.
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29 SECTION 6. All laws and parts of laws in conflict with this act are
30 hereby repealed.
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32 /s/Rep. Dietz, et al
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As Engrossed: 3/8/95 3/15/95 3/22/95 4/5/95

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