

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1273

4
5 By: Representative Broadway

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 27-22-104 TO PROVIDE FOR
10 THE IMPOUNDING OF A MOTOR VEHICLE IF THE OPERATOR IS
11 UNABLE TO PRESENT PROOF OF INSURANCE; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "AN ACT TO PROVIDE FOR THE IMPOUNDING OF
16 A MOTOR VEHICLE IF THE OPERATOR IS
17 UNABLE TO PRESENT PROOF OF INSURANCE."

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

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22 SECTION 1. Arkansas Code 27-22-104 is amended to read as follows:

23 "27-22-104. Insurance required - Minimum coverage.

24 (a)(1) It shall be unlawful for any person to operate a motor vehicle
25 within this state unless the person is covered by a certificate of self-
26 insurance under the provisions of § 27-19-107, or an insurance policy issued
27 by an insurance company or surety company authorized to do business in this
28 state.

29 (2) Failure to present proof of insurance coverage at the time of
30 arrest creates a rebuttable presumption that the motor vehicle operator is
31 uninsured.

32 (b) The policy shall provide, as a minimum, the following coverage:

33 (1) Not less than twenty-five thousand dollars (\$25,000) for
34 bodily injury or death of one (1) person in any one (1) accident;

35 (2) Not less than fifty thousand dollars (\$50,000) for bodily
36 injury or death of two (2) or more persons in any one (1) accident; and

1 (3) If the accident has resulted in injury to or destruction of
 2 property, not less than fifteen thousand dollars (\$15,000) for the injury to
 3 or destruction of property of others in any one (1) accident.

4 (c)~~(1)~~ If the operator of the motor vehicle is unable to present proof
 5 of insurance coverage as required in subsection (a) of this section when
 6 requested by a law enforcement officer, ~~the operator shall be issued, then in~~
 7 addition to any traffic citation issued for a violation of this section, ~~a~~
 8 ~~notice of noncompliance with the provisions of this section on a form to be~~
 9 ~~provided to the Department of Finance and Administration~~ the law enforcement
 10 officer shall seize and impound the motor vehicle operated in violation of
 11 this section and the owner thereof shall regain possession of the motor
 12 vehicle only by furnishing the law enforcement agency responsible for the
 13 impoundment proof of insurance coverage as required in subsection (a) of this
 14 section. The owner of the motor vehicle shall be liable for all costs and
 15 charges involved in the impoundment and storage of the motor vehicle.

16 ~~_____ (2) The officer shall forward a copy of the notice of~~
 17 ~~noncompliance to the department within ten (10) days of issuance.~~

18 ~~_____ (3)(A) In addition, the officer shall remove and impound the~~
 19 ~~license plate attached to the vehicle.~~

20 ~~_____ (B) The license plate shall be returned to the Office of~~
 21 ~~Driver Services of the Department of Finance and Administration or the local~~
 22 ~~revenue office.~~

23 ~~_____ (d)(1) The law enforcement officer who removes and impounds the license~~
 24 ~~plate pursuant to subdivision (c)(3)(A) of this section shall issue for~~
 25 ~~attachment to the rear of the vehicle a temporary sticker denoting its use in~~
 26 ~~lieu of an official license plate.~~

27 ~~_____ (2) The sticker shall bear the date upon which it was issued in~~
 28 ~~written or stamped numerals or alphabetic characters not less than three~~
 29 ~~inches (3") in height.~~

30 ~~_____ (3) This temporary sticker shall only be effective for a period~~
 31 ~~of ten (10) days beginning from the day on which the license plate was taken.~~

32 ~~_____ (4) The temporary stickers shall be designed by the Department of~~
 33 ~~Finance and Administration and supplied, at no cost, to all law enforcement~~
 34 ~~agencies authorized to enforce traffic laws in Arkansas.~~

35 ~~_____ (e)(1) Upon receipt of the notice of noncompliance by the Department of~~
 36 ~~Finance and Administration, the department shall proceed to suspend the~~

1 ~~registration of the uninsured vehicle effective ten (10) days after the~~
 2 ~~license plate was taken and the notice of noncompliance was issued.~~

3 ~~_____ (2) However, if the vehicle was insured at the time of the~~
 4 ~~offense, the owner of the vehicle shall have ten (10) days to present proof of~~
 5 ~~insurance coverage or other financial security in effect at the time of the~~
 6 ~~offense, whereupon the license plate shall be returned at no cost to the owner~~
 7 ~~of the vehicle.~~

8 ~~_____ (f) Any suspension by the department under this section shall be~~
 9 ~~subject to the notice and hearing provisions of § 27-19-404 and shall remain~~
 10 ~~in effect and no registration shall be renewed for or issued to any person~~
 11 ~~whose vehicle registration is so suspended until:~~

12 ~~_____ (1) The person shall deposit or there shall be deposited on his~~
 13 ~~behalf sufficient security as provided for under the Motor Vehicle Safety~~
 14 ~~Responsibility Act, § 27-19-101 et seq.; or~~

15 ~~_____ (2) The person shall furnish the department one of the following:~~

16 ~~_____ (A) A certificate of self-insurance under the provisions of~~
 17 ~~§ 27-19-107; or~~

18 ~~_____ (B) A sufficient insurance policy issued by an insurance~~
 19 ~~company or surety company authorized to do business in this state.~~

20 ~~_____ (g)(1) In order to reinstate the suspended registration and be reissued~~
 21 ~~a license plate for any suspended motor vehicle, the owner shall present the~~
 22 ~~proof of renewed or new financial coverage required in subdivision (f)(1) or~~
 23 ~~(2) of this section to the department and shall pay to the department a twenty~~
 24 ~~dollar (\$20.00) fee for reinstatement of the registration and reissuance of~~
 25 ~~the license plate.~~

26 ~~_____ (2) The revenues derived from this reinstatement fee shall be~~
 27 ~~deposited as a special revenue to the State Central Services Fund and credited~~
 28 ~~as a direct revenue to be used by the Department of Finance and Administration~~
 29 ~~to offset the costs of administering this section.~~

30 ~~_____ (3) This fee shall be in addition to any other fines, fees, or~~
 31 ~~other penalties for other violations of this section.~~

32 ~~_____ (h) The Department of Finance and Administration shall promulgate~~
 33 ~~necessary rules and regulations for the administration of this section."~~

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35 SECTION 2. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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

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