

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

# A Bill

HOUSE BILL 1596

4  
5 By: Representative Critcher

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 27-36-301 TO MAKE IT  
10 UNLAWFUL FOR ANY PERSON TO EXHIBIT A BLUE, RED, OR WHITE  
11 ROTATING OR FLASHING LIGHT ON A VEHICLE IN COMMITTING A  
12 FELONY; TO AMEND THE ARKANSAS CODE OF 1987, ANNOTATED, TO  
13 ADD A NEW SECTION § 27-36-306 MAKING IT UNLAWFUL FOR ANY  
14 PERSON OR BUSINESS TO KNOWINGLY SELL OR DISTRIBUTE A BLUE,  
15 RED, OR WHITE ROTATING OR FLASHING LIGHT TO AN  
16 UNAUTHORIZED PERSON OR AGENCY; TO DECLARE AN EMERGENCY;  
17 AND FOR OTHER PURPOSES."

## Subtitle

19 "TO MAKE IT UNLAWFUL FOR ANY PERSON TO  
20 USE A BLUE OR RED FLASHING LIGHT IN  
21 COMMITTING A FELONY AND TO SELL OR  
22 DISTRIBUTE BLUE FLASHING LIGHTS TO  
23 UNAUTHORIZED PERSONS."

24  
25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27  
28 SECTION 1. Arkansas Code § 27-36-301 is amended to read as follows:  
29 "27-36-301. Violations.

30 (a) It shall be unlawful for any person, firm, or corporation to  
31 exhibit a blue, red, or amber rotating or flashing light on any vehicle except  
32 as otherwise provided by the statutes of the State of Arkansas.

33 (b) If any person affixes or has affixed any blue, red, or amber light  
34 on any vehicle, this fact shall be prima facie proof that this person did  
35 exhibit the light.

36 (c) Violation of the provisions of this subchapter shall be considered

1 a misdemeanor and shall be punishable by a fine of not less than ten dollars  
 2 (\$10.00) nor more than one hundred dollars (\$100) for each offense.

3 (d)(1) It shall be unlawful for any person to exhibit a blue, red, or  
 4 white rotating or flashing light on any vehicle in the commission of a felony,  
 5 except if the use is otherwise authorized by the provisions of this subchapter  
 6 or authorized by Arkansas Code § 27-49-219 or by other statutes of the State  
 7 of Arkansas.

8 (2) Any person who pleads guilty, nolo contendere, or is found  
 9 guilty of violating the provisions of this subsection shall be guilty of a  
 10 Class B felony."

11

12 SECTION 2. Subchapter 3 of Title 27, Chapter 36, of the Arkansas Code  
 13 of 1987, Annotated is amended to add a new § 27-36-306 to read as follows:

14 "27-36-306. Sale of police and emergency lights to unauthorized persons  
 15 prohibited.

16 (a) It shall be unlawful for any person, firm, or corporation knowingly  
 17 to sell, offer to sell, give away, distribute, or attempt to distribute, any  
 18 blue, red, or white rotating or flashing lights to any person, firm,  
 19 corporation, agency, or other entity who is not authorized to install,  
 20 maintain, or exhibit those kinds of emergency lights on a vehicle.

21 (b) As used in this section, the term authorized refers to those  
 22 persons, agencies or other entities operating emergency vehicles and  
 23 exhibiting emergency lights as permitted under the provisions of this  
 24 subchapter or under Arkansas Code § 27-49-219 and who can present proper  
 25 identification to prove their identities and their authority to purchase.

26 (c) Any person who pleads guilty, nolo contendere, or is found guilty  
 27 of knowingly selling, offering to sell, giving away, distributing, or  
 28 attempting to distribute, any blue, red, or white rotating or flashing lights  
 29 to unauthorized persons in violation of this section shall be guilty of a  
 30 Class D felony."

31

32 SECTION 3. All provisions of this act of general and permanent nature  
 33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 34 Revision Commission shall incorporate the same in the Code.

35

36 SECTION 4. If any provisions of this act or the application thereof to

1 any person or circumstance is held invalid, the invalidity shall not affect  
 2 other provisions or applications of the act which can be given effect without  
 3 the invalid provisions or application, and to this end the provisions of this  
 4 act are declared to be severable.

5

6 SECTION 5. All laws and parts of laws in conflict with this act are  
 7 hereby repealed.

8

9 SECTION 6. Emergency. It is hereby found and determined by the Eighty-  
 10 First General Assembly of the State of Arkansas that certain persons are  
 11 currently committing criminal acts in Arkansas and are using flashing lights  
 12 that are authorized only for use by police vehicles and emergency vehicles to  
 13 further the commission of these crimes; that these criminal acts can not be  
 14 tolerated and must be stopped and deterred by prescribing new criminal  
 15 penalties for these actions; and that the unauthorized use of these emergency  
 16 flashing lights is rapidly undermining the respect and confidence of the  
 17 public in the law enforcement authorities in Arkansas. Therefore, in order to  
 18 effect immediate action, an emergency is hereby declared to exist, and this  
 19 act being necessary for the immediate preservation of the public peace,  
 20 health, and safety, shall become effective on the date of its approval by the  
 21 Governor. If the bill is neither approved or vetoed by the Governor, it shall  
 22 become effective on the expiration of the period of time during which the  
 23 Governor may veto the bill. If the bill is vetoed by the Governor and the  
 24 veto is overridden, it shall become effective on the date the last house  
 25 overrides the veto.

26

27

28

29

30

31

32

33

34

35