

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

A Bill

HOUSE BILL 1722

4
5 By: Representative Critcher
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7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE § 27-22-103 TO INCREASE
10 PENALTIES FOR FAILURE TO MAINTAIN MANDATORY MOTOR VEHICLE
11 LIABILITY INSURANCE, TO CREATE A LONG-TERM UNINSURED
12 STATUS OF BEING UNINSURED FOR MORE THAN SIXTY (60) DAYS
13 AND TO PRESCRIBE PENALTIES, INCLUDING SEIZURE OF THE MOTOR
14 VEHICLE FOR SECOND OFFENSE; TO DECLARE AN EMERGENCY; AND
15 FOR OTHER PURPOSES."
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Subtitle

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18 "TO INCREASE PENALTIES FOR FAILURE TO
19 MAINTAIN MOTOR VEHICLE LIABILITY
20 INSURANCE AND TO CREATE A LONG-TERM
21 UNINSURED STATUS OF BEING UNINSURED FOR
22 MORE THAN SIXTY (60) DAYS."
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 27-22-103 is amended to read as follows:

27 "27-22-103. Penalty.

28 (a) Except as provided in subsection (b) of this section, any person
29 who operates a motor vehicle within this state which was insured within the
30 preceding sixty (60) days in violation of this chapter shall be subject to a
31 mandatory fine of not less than ~~fifty dollars (\$50.00)~~ one hundred fifty
32 (\$150) nor more than ~~two hundred fifty dollars (\$250)~~ three hundred dollars
33 (\$300).

34 (b)(1) Any person who operates a motor vehicle which was last insured
35 more than sixty (60) days before in violation of this chapter shall be fined
36 not less than two hundred fifty dollars (\$250) nor more than five hundred

1 dollars (\$500) ~~for the second offense~~, and the minimum fine shall be
2 mandatory.

3 (2)(A) Any person who operates a motor vehicle which was last
4 insured more than sixty (60) days before in violation of this chapter shall be
5 fined not less than five hundred dollars (\$500) nor more than one thousand
6 dollars (\$1,000) or sentenced to one (1) year in jail, or both, for the ~~third~~
7 second and subsequent offense, and the minimum fine shall be mandatory.

8 (B) Any person who pleads guilty, nolo contendere, or is
9 found guilty of the second or subsequent offense may, at the discretion of the
10 court, have his motor vehicle seized, and title to such motor vehicle, if
11 seized, shall be forfeited to the state. If ordered by the court, it shall be
12 the duty of the sheriff of the county in which the offense occurred to seize
13 the motor vehicle and direct the sheriff to sell the motor vehicle seized,
14 within thirty (30) days, at public auction to the highest bidder. The sheriff
15 shall advertise the motor vehicle for sale for a period of two (2) weeks prior
16 to the date of sale by at least one (1) insertion per week in a newspaper
17 having a bona fide circulation in the county. The notice shall include a
18 brief description of the motor vehicle to be sold, and the time, place, and
19 terms of sale. The proceeds of the sale of the seized motor vehicle shall be
20 deposited in the funds as prescribed in subsection (c) of this section. A
21 forfeiture of a conveyance encumbered by a bona fide security interest is
22 subject to the interest of the secured party if he neither had knowledge of
23 nor consented to the act or the omission proscribed.

24 (3) Upon a showing that liability coverage required by §§ 27-22-
25 101 - 27-22-104 was in effect at the time of arrest, the judge may dismiss the
26 charge imposed under this act, and the penalties therefore shall not be
27 imposed. Upon a showing that liability coverage was in effect within the last
28 preceding sixty (60) days at the time of arrest, the judge may find the person
29 guilty of the charges imposed under subsection (a) of this section. In the
30 event the person can show no evidence of proof of required liability coverage,
31 a rebuttable presumption is created that the person was last insured more than
32 sixty (60) days before and the appropriate penalties therefore shall be
33 imposed.

34 (c)(1) If the arresting officer was a state police officer, the fine
35 shall be deposited in the State Treasury and credited to the Department of
36 Arkansas State Police Fund to be used for the purchase and maintenance of

1 state police vehicles.

2 (2) If the arresting officer was a county law enforcement
3 officer, the fine shall be deposited in that county fund used for the purchase
4 and maintenance of rescue, emergency medical, and law enforcement vehicles to
5 be used for those purposes.

6 (3) If the arresting officer was a municipal law enforcement
7 officer, the fine shall be deposited in that municipal fund used for the
8 purchase and maintenance of rescue, emergency medical, and law enforcement
9 vehicles to be used for those purposes."

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11 SECTION 2. All provisions of this act of general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 3. If any provisions of this act or the application thereof to
16 any person or circumstance is held invalid, the invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provisions or application, and to this end the provisions of this
19 act are declared to be severable.

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

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24 SECTION 5. Emergency. It is hereby found and determined by the Eighty-
25 First General Assembly of the State of Arkansas that Arkansas law has required
26 motor vehicle owners to purchase motor vehicle liability insurance for nearly
27 ten (10) years; that motor vehicle licensing authorities estimate that over
28 thirty percent (30%) of the motor vehicles in Arkansas still remain uninsured;
29 and that it is of immediate interest to the driving public that penalties be
30 increased for this traffic offense to deter future violations Therefore, in
31 order to affect the quickest impact possible on this problem, an emergency is
32 hereby declared to exist, and this act being necessary for the immediate
33 preservation of the public peace, health, and safety, shall become effective
34 on the date of its approval by the Governor. If the bill is neither approved
35 or vetoed by the Governor, it shall become effective on the expiration of the
36 period of time during which the Governor may veto the bill. If the bill is

1 vetoed by the Governor and the veto is overridden, it shall become effective
2 on the date the last house overrides the veto.

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