

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2469

5 By: Representative Dunn
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE MOTORISTS TO MOVE OVER AT
10 EMERGENCY SCENES; TO AUTHORIZE EMERGENCY WARNING
11 LIGHTS AT THE SCENE OF AN ACCIDENT; TO PROVIDE
12 FOR A SPECIAL TOW VEHICLE LICENSE; TO ALLOW THE
13 EMERGENCY TOWING OF OVER-SIZE AND OVER-WEIGHT
14 VEHICLES; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO ENHANCE HIGHWAY SAFETY AT
17 ACCIDENT SCENES.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 27-51-310 is amended to read as follows:

24 27-51-310. Passing law enforcement officer emergency response vehicle
25 or law enforcement vehicle stopped on ~~shoulder of multilane~~ highway.

26 (a)(1) ~~When passing a law enforcement officer stopped on the shoulder~~
27 ~~of a multilane highway with the law enforcement officer's vehicle lights~~
28 ~~flashing, the motor vehicle operator shall move when possible into the~~
29 ~~farthest lane from the law enforcement vehicle and remain in that lane until~~
30 ~~past the law enforcement officer's vehicle and any other vehicles involved in~~
31 ~~the stop.~~ If an authorized emergency response vehicle or a law enforcement
32 vehicle is parked or stopped at the scene of an emergency or other traffic
33 stop and is displaying a flashing, revolving, or rotating blue, red, or amber
34 and red light, an approaching motor vehicle operator shall move when possible
35 into the farthest lane from the emergency response vehicle or law enforcement
36 vehicle and remain in that lane until past the emergency response vehicle or



1 law enforcement vehicle and any other vehicle involved in the stop.

2 (2) If changing lanes is not possible or is determined to be
 3 unsafe, an approaching motor vehicle operator shall reduce the motor
 4 vehicle's speed, proceed with caution, and maintain a reduced speed,
 5 appropriate to the road and the conditions, through the area where the
 6 authorized emergency response vehicle or law enforcement vehicle is stopped.

7 (b)(1)(A) Any party who pleads guilty or nolo contendere to or is
 8 found guilty of violating this section shall be guilty of a misdemeanor and
 9 shall be fined not less than thirty-five dollars (\$35.00) nor more than five
 10 hundred dollars (\$500), confined in the county jail not to exceed ninety (90)
 11 days, or both fined and imprisoned.

12 (B) In addition to the penalties prescribed in subdivision
 13 (b)(1)(A) of this section, the court may order community service for not more
 14 than seven (7) days and may suspend the person's driver's license for a
 15 period of not less than ninety (90) days nor more than six (6) months.

16 (2) There is created a rebuttable presumption that shall arise
 17 in any criminal action under this section to the effect that if it can be
 18 proven that a person is the registered owner of a vehicle that is driven in a
 19 manner which violates this section, the person is presumed to have been the
 20 driver of the vehicle at the time of the violation.

21
 22 SECTION 2. Arkansas Code § 27-36-305 is amended as follows:

23 27-36-305. Other emergency vehicles.

24 (a) All state, county, and municipal agencies and private persons and
 25 businesses that operate any other type of vehicle in this state that is
 26 required or permitted to be equipped with flashing or rotating emergency or
 27 warning lights shall equip the vehicles with white or amber flashing or
 28 rotating emergency or warning lights only.

29 (b)(1) In addition to amber flashing or rotating emergency or warning
 30 lights, wreckers or tow vehicles permitted or licensed under § 27-50-1203
 31 that respond to traffic incidents may, but are not required to, be equipped
 32 with red flashing or rotating emergency or warning lights in addition to
 33 amber warning lights.

34 (2) Red flashing or rotating emergency or warning lights on a
 35 wrecker or tow vehicle shall be operated only at times the wrecker or tow
 36 vehicle is stopped on or within ten feet (10') of a public way and engaged in

1 recovery or loading and hooking up an abandoned, an unattended, a disabled,
2 or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-
3 facing red flashing or rotating emergency or warning lights while underway,
4 except as may be expressly authorized by law otherwise.

5

6 SECTION 3. Arkansas Code § 27-49-219 is amended as follows:

7 27-49-219. Vehicles.

8 (a) "Vehicle" means every device in, upon, or by which any person or
9 property is or may be transported or drawn upon a highway, except devices
10 moved by human power or used exclusively upon stationary rails or tracks.

11 (b) "Motor vehicles" means every vehicle which is self-propelled and
12 every vehicle which is propelled by electric power obtained from overhead
13 trolley wires but not operated upon rails.

14 (c) "Motorcycle" means every motor vehicle having a saddle for the use
15 of the rider and designed to travel on not more than three (3) wheels in
16 contact with the ground but excluding a tractor.

17 (d)(1) "Authorized emergency vehicle" means authorized emergency
18 vehicles which shall include:

19 (A) Motor vehicles used by state, county, or city and
20 municipal police agencies, all of which shall be equipped with:

- 21 (i) Blue; or
- 22 (ii) Blue, red, or white rotating or flashing
23 emergency lights;

24 (B) Motor vehicles used by state, county, city, or
25 municipal fire departments, motor vehicles owned and used by volunteer fire
26 fighters while engaged in official duties, motor vehicles used by emergency
27 medical technicians certified by the Division of Health of the Department of
28 Health and Human Services or privately owned fire departments, and ambulances
29 used solely for ambulance purposes which are approved as ambulances in
30 accordance with state and federal highway safety standards, all of which
31 shall be equipped with red rotating or flashing emergency lights. Flashing
32 emergency lights shall be used by volunteer fire fighters solely while
33 engaged in the performance of duties as volunteer fire fighters and by
34 emergency medical technicians solely while engaged in the performance of
35 duties with an ambulance service licensed by the division or an organized
36 rescue squad or team; ~~and~~

1 (C) Motor vehicles owned by state, county, and municipal
 2 agencies whose use is determined by the state agency to be required for
 3 dangerous or hazardous services and motor vehicles owned by public service
 4 corporations or private individuals whose use is determined by the
 5 Commissioner of Motor Vehicles, in accordance with regulations established by
 6 the commissioner to prevent abuses thereof, to be for extra hazardous
 7 service, may be equipped with amber flashing or rotating emergency or warning
 8 lights which shall not qualify them as emergency vehicles, but which shall,
 9 during hazardous uses thereof, display their amber flashing or rotating
 10 emergency or warning lights in order that other motorists and the public may
 11 be aware of the special or hazardous use of the vehicles and shall exercise
 12 caution in approaching the vehicles at all times while the amber flashing or
 13 rotating emergency or warning lights are in operation. All hazardous service
 14 vehicles shall conform to regular traffic signals and speed limits during
 15 their operation; and

16 (D)(i) Motor vehicles utilized as wreckers or tow vehicles
 17 permitted or licensed under § 27-50-1203 and may be equipped with amber
 18 flashing or rotating emergency or warning lights that shall not qualify them
 19 as emergency vehicles, but which shall, only during hazardous uses thereof,
 20 display their amber flashing or rotating emergency or warning lights in order
 21 that other motorists and the public may be aware of the special or hazardous
 22 use of the wreckers or tow vehicles and exercise caution in approaching the
 23 wreckers or tow vehicles at all times while the amber flashing or rotating
 24 emergency or warning lights are in operation. Unless otherwise directed by a
 25 law enforcement officer, a wrecker or tow vehicle shall conform to regular
 26 signals and speed limits during its operation. In addition to amber flashing
 27 or rotating emergency or warning lights, wreckers or tow vehicles that
 28 respond to highway emergencies may be equipped with red flashing or rotating
 29 emergency or warning lights; and

30 (ii) Red flashing or rotating emergency or warning
 31 lights on a wrecker or tow vehicle shall be operated only while the wrecker
 32 or tow vehicle is stopped on or within ten feet (10') of a public way and
 33 engaged in recovery or loading and hooking up an abandoned, an unattended, a
 34 disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate
 35 forward-facing red flashing or rotating emergency or warning lights while
 36 underway, except as may be expressly authorized or required by law otherwise.

1 (2) It shall be unlawful to install, operate, or use any
 2 rotating or flashing light on any motor vehicle except as authorized in this
 3 subsection.

4 (e) "School bus" means every motor vehicle owned by a public or
 5 governmental agency and operated for the transportation of children to or
 6 from school or privately owned and operated for compensation for the
 7 transportation of children to or from school.

8
 9 SECTION 4. Arkansas Code 27-35-102 is amended as follows:

10 27-35-102. Certain vehicles exempted.

11 (a) The provisions of this ~~subchapter~~ chapter governing size, weight,
 12 and load shall not apply to fire apparatus, road machinery, or to implements
 13 of husbandry, including farm tractors, temporarily moved upon a highway, or
 14 to a vehicle operated under the terms of a special permit issued as provided
 15 in this subchapter.

16 (b) The provisions of this chapter relating to height, width, weight,
 17 length, and load restrictions for motor vehicles shall not apply to any
 18 wrecker or tow vehicle performing a wrecker or towing service, as defined in
 19 this section. If a disabled or wrecked vehicle cannot be moved by a wrecker
 20 or tow vehicle, a rollback or car carrier may be used without regard to such
 21 height, width, length, and load restrictions if it holds a valid permit
 22 issued by the Arkansas Towing and Recovery Board under § 27-50-1203.

23 (c) For purposes of this section, "wrecker or towing service" shall
 24 mean the act by a towing business permitted under § 27-50-1203 of
 25 transporting, towing, or recovering with a wrecker, tow vehicle, rollback, or
 26 car carrier any vehicle not owned by the operator of the wrecker, tow
 27 vehicle, rollback, or car carrier for which the operator directly or
 28 indirectly receives compensation or other personal gain.

29 (d) "Wrecker" or "tow vehicle" means any emergency commercial vehicle
 30 equipped, designed, and used to assist or render aid and transport or tow
 31 disabled or wrecked vehicles from a highway, road, street, or highway rights-
 32 of-way to a point of storage or repair, including towing a replacement
 33 vehicle to replace a disabled or wrecked vehicle.

34
 35 SECTION 5. Arkansas Code § 27-35-107 is amended as follows:

36 27-35-107. Registration of gross weight.

1 (a)(1) Upon registering any vehicle under the laws of this state,
 2 which vehicle is designed and used primarily for the transportation of
 3 property or for the transportation of ten (10) or more persons, the
 4 Commissioner of Motor Vehicles may require such information and may make such
 5 investigation or test as necessary to enable him or her to determine whether
 6 the vehicle may safely be operated upon the highways in compliance with all
 7 the provisions of this chapter.

8 (2) He or she shall register every such vehicle for a
 9 permissible gross weight not exceeding the limitation set forth in this
 10 chapter.

11 (3) Every such vehicle shall be equipped with brakes as required
 12 in §§ 27-37-501 and 27-37-502.

13 (b)(1) The commissioner shall insert in the registration card issued
 14 for every such vehicle the gross weight for which it is registered. If it is
 15 a motor vehicle to be used for propelling other vehicles, he or she shall
 16 separately insert the total permissible gross weight of that motor vehicle
 17 and other vehicles to be propelled by it.

18 (2) He or she may also issue a special plate with the gross
 19 weight or weights stated thereon which shall be attached to the vehicle and
 20 displayed at all times.

21 (3) A wrecker or tow vehicle shall be required to register only
 22 for the gross weight of that wrecker or tow vehicle without inclusion of the
 23 weight of the vehicle being towed by the wrecker or tow vehicle. In the
 24 registration card issued for a wrecker or tow vehicle, the commissioner shall
 25 only insert the total permissible gross weight of the wrecker or tow vehicle.

26 (c)(1) It shall be unlawful for any person to operate any vehicle or
 27 combination of vehicles of a gross weight in excess of that for which
 28 registered by the commissioner or in excess of the limitations set forth in
 29 this chapter.

30 (2) In determining the gross weight of a wrecker or tow vehicle,
 31 only the gross weight of the wrecker or tow vehicle shall be considered,
 32 without inclusion of the weight of the vehicle being towed.

33 (d) The commissioner shall implement rules and regulations issued by
 34 the United States Secretary of Transportation pertaining to federal use tax
 35 payments.

36

1 SECTION 6. Arkansas Code § 27-14-601(a) is amended by adding an
2 additional subdivision to read as follows:

3 (J)(i) The director shall cause to be issued special and
4 distinctive license plates for vehicles licensed under Class Two through
5 Class Seven in this section, which are utilized as wreckers or tow vehicles
6 and that hold a permit issued by the Arkansas Towing and Recovery Board under
7 § 27-50-1203 and the rules and regulations promulgated thereunder.

8 (ii) Before any license may be issued for a vehicle
9 designated as a wrecker or tow vehicle, the applicant shall furnish to the
10 director a certification from the Arkansas Towing and Recovery Board that the
11 wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the
12 board.

13 (iii) Beginning January 1, 2008, every wrecker or
14 tow vehicle permitted by the Arkansas Towing and Recovery Board shall obtain
15 upon initial registration, or at the time of next renewal, a distinctive
16 wrecker or tow vehicle license plate.

17 (iv) In addition to the fee for the respective Class
18 Two through Class Seven license, the director may assess a handling and
19 administrative fee in the amount of ten dollars (\$10.00) for each distinctive
20 wrecker or tow vehicle license plate.

21 (v) A wrecker or tow vehicle licensed pursuant to
22 the International Registration Plan may obtain the distinctive wrecker or tow
23 vehicle license plate to be displayed in addition to any license plate held
24 pursuant to the International Registration Plan.

25
26
27
28
29
30
31
32
33
34
35
36