

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

As Engrossed: H3/23/07

A Bill

HOUSE BILL 2469

5 By: Representative Dunn
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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; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO ENHANCE HIGHWAY SAFETY AT
16 ACCIDENT SCENES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

23 27-51-310. Passing ~~law enforcement officer~~ emergency response vehicle
24 or law enforcement vehicle stopped on ~~shoulder of multilane~~ highway.

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



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

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

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

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

20
21 SECTION 2. Arkansas Code § 27-36-305 is amended as follows:

22 27-36-305. Other emergency vehicles.

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

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

33 (2) Red flashing or rotating emergency or warning lights on a
34 wrecker or tow vehicle shall be operated only at times the wrecker or tow
35 vehicle is stopped on or within ten feet (10') of a public way and engaged in
36 recovery or loading and hooking up an abandoned, an unattended, a disabled,

1 or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-
2 facing red flashing or rotating emergency or warning lights while underway,
3 except as may be expressly authorized by law otherwise.

4
5 SECTION 3. Arkansas Code § 27-49-219 is amended as follows:

6 27-49-219. Vehicles.

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

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

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

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

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

20 (i) Blue; or

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

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

36 (C) Motor vehicles owned by state, county, and municipal

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

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

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

36 (2) It shall be unlawful to install, operate, or use any

1 rotating or flashing light on any motor vehicle except as authorized in this
2 subsection.

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

7

8 SECTION 4. Arkansas Code § 27-35-107 is amended as follows:

9 27-35-107. Registration of gross weight.

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

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

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

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

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

30 (3) A wrecker or tow vehicle shall be required to register only
31 for the gross weight of that wrecker or tow vehicle without inclusion of the
32 weight of the vehicle being towed by the wrecker or tow vehicle. In the
33 registration card issued for a wrecker or tow vehicle, the commissioner shall
34 only insert the total permissible gross weight of the wrecker or tow vehicle.

35 (c)(1) It shall be unlawful for any person to operate any vehicle or
36 combination of vehicles of a gross weight in excess of that for which

1 registered by the commissioner or in excess of the limitations set forth in
2 this chapter.

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

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

9
10 SECTION 5. Arkansas Code § 27-14-601(a) is amended by adding an
11 additional subdivision to read as follows:

12 (J)(i) The director shall cause to be issued special and
13 distinctive license plates for vehicles licensed under Class Two through
14 Class Seven in this section, which are utilized as wreckers or tow vehicles
15 and that hold a permit issued by the Arkansas Towing and Recovery Board under
16 § 27-50-1203 and the rules and regulations promulgated thereunder.

17 (ii) Before any license may be issued for a vehicle
18 designated as a wrecker or tow vehicle, the applicant shall furnish to the
19 director a certification from the Arkansas Towing and Recovery Board that the
20 wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the
21 board.

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

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

30 (v) A wrecker or tow vehicle licensed pursuant to
31 the International Registration Plan may obtain the distinctive wrecker or tow
32 vehicle license plate to be displayed in addition to any license plate held
33 pursuant to the International Registration Plan.

34
35 /s/ Dunn
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