

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: S2/20/07

A Bill

SENATE BILL 227

5 By: Senator Wilkins
6 *By: Representatives Rosenbaum, Shelby*
7

For An Act To Be Entitled

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9
10 AN ACT TO IMPROVE THE SAFETY OF MOTORISTS ON
11 HIGHWAYS AND ROADS IN THE STATE OF ARKANSAS BY
12 MAKING THE MANDATORY SEAT BELT LAW A PRIMARY LAW
13 FOR ENFORCEMENT PURPOSES; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO IMPROVE THE SAFETY OF MOTORISTS ON
17 HIGHWAYS AND ROADS IN THE STATE OF
18 ARKANSAS BY MAKING THE MANDATORY SEAT
19 BELT LAW A PRIMARY LAW FOR ENFORCEMENT
20 PURPOSES.
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22
23 WHEREAS, in 2005, five hundred forty-three (543) people died while
24 riding in passenger vehicles in Arkansas and sixty-eight percent (68%) of
25 those who died were not wearing a seat belt; and
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27 WHEREAS, in 2005, sixty-six (66) people died after being ejected from
28 their vehicle during a rollover crash because they were not wearing their
29 seat belts; and
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31 WHEREAS, by adopting a primary seat belt law, Arkansas can expect an
32 increase in the use of seat belts by motorists by approximately twelve (12)
33 percentage points; and
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35 WHEREAS, adopting a primary seat belt law could save as many as fifty
36 (50) lives each year, prevent five-hundred thirty (530) serious injuries each



1 year, and save an estimated one hundred four million dollars (\$104,000,000)
2 in economic costs each year; and

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4 WHEREAS, the adoption of the primary seat belt law will entitle the
5 State of Arkansas to receive approximately nine million five hundred thousand
6 dollars (\$9,500,000) in federal grant funds to implement highway safety
7 programs,

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9 NOW THEREFORE,

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

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12 SECTION 1. Arkansas Code § 27-37-704 is repealed.

13 ~~27-37-704. Inspection for compliance.~~

14 ~~No motor vehicle, nor the operator of such vehicle, nor the passengers~~
15 ~~of such vehicle shall be stopped, inspected, or detained solely to determine~~
16 ~~compliance with this subchapter.~~

17
18 SECTION 2. Arkansas Code § 27-37-707 is amended to read as follows:

19 27-37-707. Traffic violation report and driver's license suspension.

20 The Office of Driver Services of the Revenue Division of the Department
21 of Finance and Administration shall not:

22 (1) ~~include~~ Include in the traffic violation report of any
23 person any conviction arising out of a violation of this subchapter;

24 (2) Use or accumulate a violation of this subchapter to suspend
25 or revoke the driver's license of any person as a habitual violator of
26 traffic laws; or

27 (3) Use a violation of this subchapter in any other way under
28 the administrative authority of the office to suspend or revoke a driver's
29 license.

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31 SECTION 3. Arkansas Code § 27-16-804(h), regarding restricted
32 licenses, learner's licenses, and intermediate licenses is repealed.

33 (h) ~~No motor vehicle, nor the operator of a vehicle, nor the~~
34 ~~passengers of the vehicle shall be stopped, inspected, or detained solely to~~
35 ~~determine compliance with the requirement set out in this subchapter for~~
36 ~~wearing a seat belt.~~

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*SECTION 4. Arkansas Code § 27-34-105 is amended to read as follows:
27-34-105. Exceptions to provisions.*

The provisions of this chapter shall not apply when any one (1) of the following conditions exist:

(1) The motor vehicle is being used as an ambulance or other emergency vehicle;

(2) When an emergency exists that threatens:

(A) The life of any person operating a motor vehicle to whom this section otherwise would apply; or

(B) The life of any child who otherwise would be required to be restrained under this chapter; or

(3) If any child who would otherwise be required to be restrained under this chapter is physically unable because of medical reasons to use a child passenger safety seat system or seat safety belt, and the medical reasons are certified by a physician who states the nature of such medical conditions as well as the reason the use of a child passenger safety seat system or seat safety belt is inappropriate.

SECTION 5. This act is effective on January 1, 2008.

/s/ Wilkins