

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1494

4  
5 By: Representative Flowers  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT MOTOR VEHICLES BE  
10 INSPECTED BEFORE REGISTRATION; TO ESTABLISH THE  
11 FEE FOR THE INSPECTION; TO PROVIDE THAT THE  
12 MONEYS FROM THE MOTOR VEHICLE INSPECTIONS BE USED  
13 TO FUND THE AUTISM SUPPORT FUND, THE COMMUNITY  
14 HEALTH CENTERS FUND, AND THE NON-MEDICARE PRIMARY  
15 RETIREE FUND; TO CREATE THE AUTISM SUPPORT FUND,  
16 THE COMMUNITY HEALTH CENTERS FUND, AND THE NON-  
17 MEDICARE PRIMARY RETIREE FUND; AND FOR OTHER  
18 PURPOSES.  
19

## Subtitle

20  
21 TO REQUIRE THAT MOTOR VEHICLES BE  
22 INSPECTED BEFORE REGISTRATION; TO  
23 ESTABLISH A FEE; AND TO ESTABLISH  
24 VARIOUS FUNDS.  
25  
26  
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 SECTION 1. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended  
31 to add new sections to read as follows:

32 19-6-811. Autism Support Fund.

33 (a)(1) There is created on the books of the Treasurer of State, the  
34 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
35 fund to be known as the "Autism Support Fund".

36 (2) The fund shall be managed by the Department of Health.



1           (3) The fund shall be used to provide research in the area of  
2 autism and to provide support services for persons with autism.

3           (b) The fund shall consist of one-third (1/3) of the revenues received  
4 under § 27-32-115.

5  
6           19-6-812. Community Health Centers Fund.

7           (a)(1) There is created on the books of the Treasurer of State, the  
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
9 fund to be known as the "Community Health Centers Fund".

10           (2) The fund shall be managed by the Department of Health.

11           (3) The fund shall be used to fund community health centers in  
12 Arkansas.

13           (b) The fund shall consist of one-third (1/3) of the revenues received  
14 under § 27-32-115.

15  
16           19-6-813. Non-Medicare Primary Retiree Fund.

17           (a)(1) There is created on the books of the Treasurer of State, the  
18 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
19 fund to be known as the "Non-Medicare Primary Retiree Fund".

20           (2) The fund shall be managed by the Employee Benefits Division  
21 of the Department of Finance and Administration.

22           (3) The fund shall be used to assist active public school  
23 retirees that are not eligible for Medicare with the costs of insurance  
24 payments.

25           (b) The fund shall consist of one-third (1/3) of the revenues received  
26 under § 27-32-115.

27  
28           SECTION 2. Arkansas Code Title 27, Chapter 32, Subchapter 1 is amended  
29 to read as follows:

30           ~~27-32-101. Vehicles to be in safe mechanical condition.~~ Chapter not  
31 applicable to certain vehicles.

32           ~~(a)(1) No person shall drive or move any vehicle subject to~~  
33 ~~registration on any highway in this state unless the equipment on the vehicle~~  
34 ~~is in good working order and adjustment as required for the vehicle's safe~~  
35 ~~operation and unless the vehicle is in safe mechanical condition as not to~~  
36 ~~endanger the driver, other occupants of the vehicle, or any other person.~~

1           ~~(2)(A) Any law enforcement officer having reason to believe that~~  
2 ~~a vehicle may have safety defects shall have cause to stop the vehicle and~~  
3 ~~inspect for safety defects.~~

4           ~~(B) Should the officer determine that the vehicle is~~  
5 ~~defective, he or she shall issue to the operator a safety compliance summons~~  
6 ~~directing the operator to have the defect corrected.~~

7           ~~(b) Any certified police officer upon reasonable cause to believe that~~  
8 ~~a motor vehicle is unsafe or not equipped as required by law or that its~~  
9 ~~equipment is not in proper adjustment or repair require the driver of the~~  
10 ~~motor vehicle to stop and submit the vehicle to an inspection and test as may~~  
11 ~~be appropriate.~~

12           ~~(c) In the event that the use of a vehicle in its present condition~~  
13 ~~would, in the reasonable judgment of the officer, endanger the life of any~~  
14 ~~member of the public, the officer may issue to the operator a citation for~~  
15 ~~operating an unsafe vehicle and may require the vehicle to be parked at the~~  
16 ~~owner's expense and not operated until it is made safe.~~

17           ~~(d) The intent of this section is to make the vehicle operator aware~~  
18 ~~of any vehicle safety defects and to provide the operator a reasonable~~  
19 ~~opportunity to make necessary repairs without requiring the issuance of a~~  
20 ~~citation which may result in the levying of fines and court costs.~~

21           (a) This chapter does not apply to:

22                 (1) Motor vehicles that are:

23                         (A) Operating under the safety regulations and meeting the  
24 safety standards of the United States Department of Transportation;

25                         (B) Part of a municipally owned and operated system; or

26                         (C) Forty (40) years old and used primarily for exhibition  
27 in shows, parades, tours, and other special uses and not for general  
28 transportation;

29                         (2) Trailers and semitrailers having a gross loaded weight of  
30 three thousand pounds (3,000 lbs) or less;

31                         (3) Trailers and semitrailers, not for hire, used primarily for  
32 hauling farm products; and

33                         (4) House trailers not operated upon the public highways.

34  
35           27-32-102. ~~Penalty for operating an unsafe vehicle.~~ Penalties.

36           ~~Any person found guilty of operating an unsafe vehicle shall be subject~~

1 ~~to a fine of not less than twenty five dollars (\$25.00) nor more than two~~  
2 ~~hundred fifty dollars (\$250).~~

3 (a)(1) A person shall not:

4 (A) Make, issue, or knowingly use an imitation or  
5 counterfeit of an official certificate of inspection;

6 (B) Display or cause or permit to be displayed upon a  
7 motor vehicle a certificate of inspection and approval knowing it to be  
8 fictitious or issued without the vehicle's having first been properly  
9 inspected as required by this chapter;

10 (C) Mutilate a valid certificate of inspection and  
11 approval or rejection; or

12 (D) Remove the certificate of inspection and approval from  
13 a motor vehicle.

14 (2) A violation of subdivision (a)(1) of this section is a  
15 violation pursuant to § 5-1-108 and upon conviction a person shall be fined  
16 not less than twenty dollars (\$20.00) nor more than two hundred dollars  
17 (\$200).

18 (b)(1) A person shall not:

19 (A) Display or cause or permit to be displayed a sign,  
20 mark, or advertisement as an official inspection station or official  
21 individual inspector unless a license has been issued by the Director of the  
22 Department of Arkansas State Police and is in effect;

23 (B) Transfer or attempt to transfer a license for an  
24 official inspection station or official individual inspector; or

25 (C) Make a false statement on an application for a license  
26 for an official inspection station, official individual inspector, or for  
27 renewal of such a license.

28 (2) A violation of subdivision (b)(1) of this section is a  
29 violation pursuant to § 5-1-108 and upon conviction a person shall be fined  
30 not less than fifty dollars (\$50.00) nor more than five hundred dollars  
31 (\$500).

32  
33 27-32-103. Motor vehicles to be in safe mechanical condition.

34 A person shall not drive or move on any highway any motor vehicle,  
35 trailer, semitrailer, or pole trailer unless the:

36 (1) Equipment upon the motor vehicle, trailer, semitrailer, or

1 pole trailer is in good working order; and

2 (2) Motor vehicle, trailer, semitrailer, or pole trailer is in a  
3 safe mechanical condition so as not to endanger the driver or other occupant  
4 or any person upon the highway.

5  
6 27-32-104. Inspections to be made on staggered basis.

7 The Director of the Arkansas State Police shall provide, by rule, for  
8 the official inspection and issuance of a certificate of inspection and  
9 approval:

10 (1) Based upon:

11 (A) The last digit on license plates;

12 (B) Rotation by alphabetical listing of owner's last name;

13 or

14 (C) Another staggered basis; and

15 (2) Upon payment of the required fee and compliance with the  
16 other provisions of this chapter.

17  
18 27-32-105. Extensions of time for inspections.

19 With the approval of the Governor, the Director of the Department of  
20 the Arkansas State Police may extend the time for not more than sixty (60)  
21 days for any of the inspections required by this chapter if weather  
22 conditions of the highways or any other cause renders compliance with this  
23 chapter within the prescribed time difficult or impossible for a large number  
24 of persons.

25  
26 27-32-106. Inspection required before registration and licensing.

27 A motor vehicle, trailer, semitrailer, or pole trailer shall not be  
28 registered or licensed under the laws of this state by the Director of the  
29 Department of Finance and Administration unless the motor vehicle, trailer,  
30 semi-trailer, or pole trailer for which the license is sought is inspected  
31 under this chapter:

32 (1) At the time of receipt of the notice for renewal of  
33 registration; or

34 (2) Within thirty (30) days immediately before making  
35 application for licensing or relicensing of the motor vehicle, trailer, semi-  
36 trailer, or pole trailer.

27-32-107. Inspection required on sale or transfer.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer registered in this state and subsequently sold or transferred shall have a new or current official certificate of inspection and approval if the annual inspection for safety on the motor vehicle, trailer, semi-trailer, or pole trailer was conducted more than thirty (30) days before the transfer or sale.

(b) A motor vehicle, trailer, semitrailer, or pole trailer shall not be operated upon a public street or highway for more than twenty (20) days after the transfer date unless a valid certificate of inspection and approval is properly attached.

27-32-108. Annual inspection required.

(a)(1) Every motor vehicle, trailer, semitrailer, and pole trailer registered in this state shall be annually inspected for safety.

(2) An official certificate of inspection and approval shall be obtained for each motor vehicle, trailer, semitrailer, and pole trailer.

(b)(1)(A) Inspection shall be made and certificates of inspection and approval obtained with respect to the brakes, lights, turn signals, if any, steering, sound devices, glass, mirror, exhaust system, windshield wipers, tires, and other items of equipment as the Director of the Department of Arkansas State Police determines.

(B) The inspection of tires and wheel alignment required in this chapter shall be a visual inspection only.

(2)(A) If the person making the inspection finds that there is more than one (1) crack or other visual impairment in an eight inches (8") wide area running horizontally through the center of the windshield that falls under the windshield wiper area on the driver's side, that motor vehicle, trailer, semitrailer, and pole trailer shall not be issued a certificate of inspection until the crack or other visual impairment has been corrected.

(B) Any decision resulting in failure to issue a certificate of inspection due to faulty glass may be appealed to the Department of Arkansas State Police.

(c)(1) If the repair or adjustment of a motor vehicle, trailer, semitrailer, and pole trailer or its equipment is found necessary upon

1 inspection, the owner of the motor vehicle, trailer, semitrailer, and pole  
 2 trailer may obtain the repair or adjustment at any place he or she chooses  
 3 within ten (10) days after the inspection.

4 (2) An official certificate of inspection and approval shall be  
 5 obtained from an official permit holder within ten (10) days before the motor  
 6 vehicle, trailer, semitrailer, and pole trailer is operated upon the highways  
 7 of this state.

8 (3) The fee shall be collected at the time of the original  
 9 inspection.

10 (4) An additional fee shall not be charged if the motor vehicle,  
 11 trailer, semitrailer, and pole trailer is repaired and returned to the same  
 12 inspection station within ten (10) days.

13 (d) On proper notice by the department, the Office of Motor Vehicle  
 14 shall suspend the registration of any vehicle:

15 (1) That is determined to be in such unsafe condition as to  
 16 constitute a menace to safety;

17 (2) That, after notice and demand, is not equipped as required  
 18 by this chapter; or

19 (3) For which a required certificate of inspection and approval  
 20 has not been obtained.

21 (e) The director may:

22 (1) Authorize by rule the acceptance in this state of a  
 23 certificate of inspection and approval issued in another state having an  
 24 inspection law similar to this state; and

25 (2) Extend the time within which a certificate of inspection and  
 26 approval shall be obtained by the resident owner of a vehicle which was not  
 27 in this state during the time an inspection was required.

28  
 29 27-32-109. Permits for official inspection stations.

30 (a)(1) The Department of Arkansas State Police shall administer the  
 31 program for the inspection of motor vehicle, trailer, semitrailer, and pole  
 32 trailer established under this chapter.

33 (2) The department shall issue permits for and furnish  
 34 instructions and all necessary forms to official inspection stations for the  
 35 inspection of motor vehicle, trailer, semitrailer, and pole trailer as  
 36 required by this chapter.

1       (3) The official certificates of inspection and approval shall be  
 2 obtained from the department at a cost of one dollar and fifty cents (\$1.50)  
 3 per certificate.

4       (b)(1) An annual fee set by rule of the department shall not exceed  
 5 one hundred dollars (\$100) and shall accompany the application for a permit.

6       (2) If a permit is not issued, one-half (1/2) of the fee shall  
 7 be returned to the applicant.

8       (c) Application for a permit for an official inspection station shall  
 9 be made upon an official form and shall be granted if the department is  
 10 satisfied that the garage, service station, or shop of the applicant is  
 11 properly equipped and has competent personnel to make safety inspections and  
 12 that the inspections will be properly conducted.

13       (d) Before issuing a permit for an official inspection station, the  
 14 director may require the applicant to file a bond conditioned that the  
 15 applicant will make compensation for any damage to a motor vehicle, trailer,  
 16 semitrailer, and pole trailer during an inspection or adjustment due to  
 17 negligence on the part of the applicant or its employees.

18       (e)(1) The director shall supervise and cause inspections to be made  
 19 of the official inspection stations and shall revoke the permit issued to an  
 20 official inspection station that he or she finds is not properly conducted.

21       (2) The department shall maintain lists of an official  
 22 inspection station holding permits and of those whose permits have been  
 23 revoked.

24       (f) The director shall revoke the permit issued to an official  
 25 inspection station upon the written request of the official inspection  
 26 station and only after all signs or posters pertaining to the safety  
 27 inspection program used by an official inspection station are removed from a  
 28 conspicuous place on the premises.

29       (g) A permit for an official inspection station:

30       (1) Shall not be assigned or transferred or used at any location  
 31 other than designated; and

32       (2) Shall be posted in a conspicuous place at the location  
 33 designated.

34       (h) The department shall issue a permit under this chapter to:

35       (1) Any operator of five (5) or more commercial vehicles who  
 36 carried out a safety program meeting the approval of the department; and



1           (2) Any franchised dealer in new motor vehicles.

2  
3           27-32-110. Operation of official inspection stations.

4           (a) A person shall not represent any place as an official inspection  
5 station unless the inspection station is operating under a valid permit  
6 issued by the department.

7           (b) All signs or posters pertaining to the safety inspection program  
8 to be used by an official inspection station shall be approved by the  
9 Department of Arkansas State Police before being distributed or posted.

10          (c) A certificate of inspection and approval shall be issued only by:

11           (1) A person other than an authorized permit holder; or

12           (2) An appointed employee of the permit holder.

13  
14          27-32-111. Issuance of certificates of inspection and approval.

15          (a)(1) The person operating an official inspection station shall issue  
16 a certificate of inspection and approval upon an official form furnished by  
17 the Department of Arkansas State Police to the owner of a vehicle only upon  
18 inspecting the vehicle and determining that its equipment required by this  
19 chapter is in good condition and proper adjustment.

20          (2) A record and report shall be made of every inspection and  
21 every certificate of inspection and approval issued.

22          (3) The records required by this subsection shall be forwarded  
23 to the department as required by rule.

24          (b)(1) Except as provided in subdivision (b)(2) of this section, the  
25 fee for the inspection, including the issuance of the certificate of  
26 approval, shall be ten dollars (\$10.00).

27          (2)(A) The fee for inspection, including the issuance of the  
28 certificate of inspection approval, for all motor trucks, trailers,  
29 semitrailers, and pole trailers with a gross loaded weight in excess of eight  
30 thousand pounds (8,000 lbs) shall be established by rule by the department.

31          (B) The fee under subdivision (b)(2) of this section shall  
32 not less than ten dollars (\$10.00) nor more than thirty dollars (\$30.00) per  
33 inspection.

34          (c) A certificate of inspection and approval shall not be issued until  
35 the inspection is completed and the permit holder has complied with this  
36 chapter.

1           (d)(1) At the conclusion of each inspection of a motor vehicle by the  
 2 person performing the inspection, the appropriate certificate of inspection  
 3 and approval shall be placed in the lower left-hand portion of the front  
 4 windshield on the driver's side in a place that shall not obstruct the vision  
 5 of the driver.

6           (2) Upon the inspection of a motorcycle, the certificate of  
 7 inspection and approval shall be placed in the appropriate space on the  
 8 license plate.

9  
 10           27-32-112. Restrictions on certificates of inspection and approval.

11           (a) A person shall not make, issue, or knowingly use any imitation or  
 12 counterfeit of an official certificate of inspection.

13           (b) A person shall not display or cause or permit to be displayed upon  
 14 any vehicle any certificate of inspection and approval knowing the  
 15 certificate of inspection and approval to be:

- 16                   (1) Fictitious;
- 17                   (2) Issued for another vehicle; or
- 18                   (3) Issued without an inspection having been made.

19           (c) An unauthorized person shall not knowingly possess vehicle  
 20 inspection stickers.

21  
 22           27-32-113. Authority to stop vehicles for inspection and test.

23           (a) The Director of the Department of Arkansas State Police, uniformed  
 24 officers and troopers of the department, other officers and employees of the  
 25 department, and any other peace officer as the director may designate may  
 26 require the driver of the motor vehicle to stop and submit the vehicle to an  
 27 inspection and test if there is reasonable cause to believe that:

- 28                   (1) The motor vehicle is unsafe;
- 29                   (2) the motor vehicle is not equipped as required by law; or
- 30                   (3) The motor vehicle's equipment is not in proper adjustment or  
 31 repair.

32           (b)(1) If a motor vehicle with a valid inspection sticker is found to  
 33 be in unsafe condition or any required part or equipment is not present or is  
 34 not in proper repair and adjustment, the officer shall give a written notice  
 35 to the driver and shall send one (1) copy to the Department of Arkansas State  
 36 Police.

1           (2)(A) The notice under subdivision (b)(1) of this section shall  
 2 require that the motor vehicle be placed in safe condition and its equipment  
 3 in proper repair and adjustment within a period of five (5) days.

4           (B) Upon the expiration of the five-day period under  
 5 subdivision (b)(2)(A) of this section, the motor vehicle shall not operate on  
 6 the highways until the motor vehicle is repaired and placed in a safe  
 7 condition.

8           (c) A person driving a motor vehicle shall not refuse to submit his or  
 9 her vehicle to an inspection and test when required to do so by the director,  
 10 an authorized employee of the department, or an authorized peace officer.

11           (d) A person shall not operate any motor vehicle after receiving a  
 12 notice as provided in subsection (b) of this section except as may be  
 13 necessary to return the motor vehicle to the residence or place of business  
 14 of the owner or driver or to a garage until the motor vehicle and its  
 15 equipment have been placed in proper repair and adjustment and otherwise made  
 16 to conform to this chapter.

17           (e) If the repair or adjustment of a motor vehicle or its equipment is  
 18 found necessary upon inspection, the owner of the motor vehicle may obtain  
 19 repair or adjustment at any place he or she chooses.

20           (f) If the use of a motor vehicle in its present condition would  
 21 endanger the life of any member of the public, the officer shall require the  
 22 motor vehicle to be parked at the owner's expense and not be operated until  
 23 it is placed in a safe condition.

24  
 25           27-32-114. Rules.

26           The Director of the Department Arkansas State Police may make all  
 27 necessary rules for the administration and enforcement of this chapter.

28  
 29           27-32-115. Disposition of fees.

30           (a) Other than amounts collected for the purchase of certificates of  
 31 inspection and approval and penalties, all fees that are collected by the  
 32 Department of Arkansas State Police under this chapter shall be special  
 33 revenues and shall be deposited into the State Treasury to the credit of the  
 34 Non-Medicare Primary Retiree Fund, the Autism Support Fund, and the Community  
 35 Health Centers Fund.

36           (b) As provided in § 27-32-102(a)(2) and (b)(2) and § 27-32-109(a)(3),

1 the amounts collected by the department for the purchase of certificates of  
2 inspection and approval shall be deposited into the State Treasury to the  
3 credit of the Department of Arkansas State Police Fund to be used to defray  
4 the cost of administering this chapter and for the support of the department.

5  
6 27-32-116. Motorcycle safety inspection decals.

7 (a) The motor vehicle safety inspection decals for motorcycles shall  
8 be designed to fit within a space on the license plate designated for that  
9 purpose.

10 (b) The Director of the Department of Arkansas State Police, by rule,  
11 may make any necessary changes in the design of the motor vehicle safety  
12 inspection decals for motorcycles.