

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 2217

4
5 By: Representative Flowers
6
7

For An Act To Be Entitled

9 AN ACT TO IMPROVE SAFETY ON PUBLIC ROADS AND
10 HIGHWAYS BY CLARIFYING THE PROCEDURE TO BE USED
11 WHEN A LAW ENFORCEMENT OFFICER STOPS A DRIVER WHO
12 IS IN VIOLATION OF THE REQUIREMENT TO MAINTAIN A
13 VEHICLE IN SAFE MECHANICAL CONDITION; AND FOR
14 OTHER PURPOSES.

Subtitle

15
16 TO CLARIFY THE PROCEDURE TO BE USED WHEN
17 A LAW ENFORCEMENT OFFICER STOPS A DRIVER
18 WHO IS IN VIOLATION OF THE REQUIREMENT
19 TO MAINTAIN A VEHICLE IN SAFE MECHANICAL
20 CONDITION.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 27-32-101 is amended to read as follows:

27 27-32-101. Vehicles to be in safe mechanical condition.

28 (a)~~(1)~~ ~~No~~ A person shall not drive or move any vehicle subject to
29 registration on any highway in this state unless:

30 (1) ~~the~~ The equipment on the vehicle is in good working order
31 and adjustment as required for the vehicle's safe operation; and

32 (2) ~~unless the~~ The vehicle is in safe mechanical condition ~~as~~
33 and does not ~~to~~ endanger the driver, other occupants of the vehicle, or any
34 other person.

35 ~~(2)(A)(b)(1)~~ Any A law enforcement officer ~~having~~ who has reason to
36 believe that a vehicle may have safety defects shall have cause to stop the



1 vehicle and inspect for safety defects.

2 ~~(B)(2)(A)~~ Should the officer determine that the vehicle is
 3 defective, he or she shall issue to the operator a written safety compliance
 4 summons ~~directing that directs~~ the operator to have the defect corrected.

5 (B) The officer shall send a copy of the safety compliance
 6 summons issued to the operator of the vehicle to the Office of Motor Vehicle
 7 of the Revenue Division of the Department of Finance and Administration and
 8 the procedures under § 27-32-103 shall apply.

9 ~~(b)(c)(1) Any certified police officer~~ A law enforcement officer ~~upon~~
 10 ~~reasonable cause to believe that a motor vehicle is unsafe or not equipped as~~
 11 ~~required by law or that its equipment is not in proper adjustment or repair~~
 12 may require the driver of the motor vehicle to stop and submit the vehicle to
 13 an inspection and test ~~as may be appropriate~~ if the officer has reasonable
 14 cause to believe that:

15 (A) The motor vehicle is unsafe;

16 (B) The motor vehicle is not equipped as required by law;

17 or

18 (C) The equipment on the motor vehicle is not in proper
 19 adjustment or repair.

20 ~~(e)(2) In the event that~~ Based on the reasonable judgment of the
 21 law enforcement officer, if the use of a vehicle in its present condition
 22 would, ~~in the reasonable judgment of the officer,~~ endanger the life of any
 23 member of the public, the officer may:

24 ~~(A) -issue to~~ Issue the operator a citation for operating
 25 an unsafe vehicle; and

26 ~~(B) may require~~ Require the vehicle to be parked at the
 27 owner's expense and not operated until it is made safe.

28 (3) If the law enforcement officer issues a citation under
 29 subdivision (c)(2), the officer shall send a copy of the citation issued to
 30 the operator of the vehicle to the Office of Motor Vehicle and the procedures
 31 under § 27-32-104 shall apply.

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

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1 SECTION 2. Arkansas Code Title 27, Chapter 32, Subchapter 1 is amended
 2 to add additional sections to read as follows:

3 27-32-103. Safety compliance summons procedure.

4 (a)(1) A safety compliance summons issued under § 27-32-101(b) shall
 5 include a notice that requires the owner of the motor vehicle to have the
 6 motor vehicle deficiencies corrected within thirty (30) days of issuance of
 7 the safety compliance summons.

8 (2) If the person who is issued the safety compliance summons is
 9 not the owner of the motor vehicle, the Office of Motor Vehicle shall mail
 10 the owner of the motor vehicle a copy of the safety compliance summons by
 11 regular mail and the thirty-day limitation period shall begin to run on the
 12 date that the safety compliance summons is mailed.

13 (b) To establish that the deficiencies have been corrected, the owner
 14 shall provide evidence of repairs to the motor vehicle including:

15 (1) Invoices for parts, service repairs, or both; or

16 (2) An inspection certificate from an authorized safety
 17 inspector.

18 (c)(1) If the owner of a motor vehicle fails to provide evidence to
 19 establish that the deficiencies are corrected within the required time, the
 20 office shall suspend the registration of the motor vehicle indefinitely under
 21 § 27-14-308 and shall not allow the motor vehicle registration to be
 22 reinstated or renewed until the owner establishes that the deficiencies are
 23 corrected.

24 (2) A suspension by the Office of Motor Vehicle under this
 25 subsection shall be subject to the notice and hearing provisions of § 27-19-
 26 404.

27 (3)(A) If a law enforcement officer stops the motor vehicle
 28 after the registration is suspended under this subsection, the law
 29 enforcement officer may impound the motor vehicle.

30 (B) The owner of the motor vehicle is liable for all costs
 31 associated with the towing and storage of the motor vehicle.

32 (d)(1) The Office of Motor Vehicle may:

33 (A) Promulgate rules for the implementation,
 34 administration, and enforcement of this section;

35 (B) Establish the requirements for permitting authorized
 36 safety inspectors; and

1 (C) Contract with safety inspectors around the state to
 2 perform the inspections required under this section.

3 (2) The maximum fee for an inspection performed by an authorized
 4 safety inspector is twenty-five dollars (\$25.00).

5
 6 27-32-104. Procedure if a citation is issued for an unsafe motor
 7 vehicle.

8 (a)(1) A citation issued under § 27-32-101(c) shall include a notice
 9 that states the motor vehicle shall not be operated until the deficiencies
 10 are corrected.

11 (2) If the person who is issued the citation is not the owner of
 12 the motor vehicle, the Office of Motor Vehicle shall mail the owner of the
 13 motor vehicle a copy of the citation and notice by regular mail and the
 14 thirty-day limitation period shall begin to run on the date that the citation
 15 is mailed.

16 (b) To establish that the deficiencies have been corrected, the owner
 17 shall provide evidence of repairs to the motor vehicle including:

18 (1) Invoices for parts, service repairs, or both; or

19 (2) An inspection certificate from an authorized safety
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 22 establish that the deficiencies are corrected within the required time, the
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 26 corrected.

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 28 subsection shall be subject to the notice and hearing provisions of § 27-19-
 29 404.

30 (3)(A) If a law enforcement officer stops the motor vehicle
 31 after the registration has been suspended under this subsection, the law
 32 enforcement officer shall impound the motor vehicle.

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 34 associated with the towing and storage of the motor vehicle.

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