

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

SENATE BILL 29

4
5 By: Senator Hendren
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For An Act To Be Entitled

9 AN ACT TO REQUIRE ALL PERSONS WHO OPERATE OR RIDE
10 ON A MOTORCYCLE TO WEAR PROTECTIVE HEADGEAR OR TO
11 CARRY ADEQUATE COVERAGE UNDER A HEALTH INSURANCE
12 PLAN; TO AUTHORIZE THE OFFICE OF MOTOR VEHICLE TO
13 ISSUE A DECAL TO MOTORCYCLE OPERATORS WHO PRESENT
14 PROOF OF ADEQUATE COVERAGE UNDER A HEALTH
15 INSURANCE PLAN; AND FOR OTHER PURPOSES.
16

Subtitle

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18 TO REQUIRE ALL PERSONS WHO OPERATE OR
19 RIDE ON A MOTORCYCLE TO WEAR PROTECTIVE
20 HEADGEAR OR TO CARRY ADEQUATE COVERAGE
21 UNDER A HEALTH INSURANCE PLAN.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 27-20-104(b), regarding the required
27 standard equipment for motorcycles, is amended to read as follows:

28 (b) All Except as provided under § 27-20-119, passengers a passenger and
29 operators operator of motoreycles a motorcycle, motor-driven eyeles cycle,
30 and or motorized bieceles bicycle used upon the a public streets and highways
31 street or highway of this state shall is to be equipped with and is to wear
32 the following equipment under standards set forth by the Office of Motor
33 Vehicle of the Revenue Division of the Department of Finance and
34 Administration:

35 (1) Protective headgear ~~unless the person is twenty one (21)~~
36 ~~years of age or older; and~~



1 (2) Protective glasses, goggles, or transparent face shields.

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3 SECTION 2. Arkansas Code Title 27, Chapter 20, Subchapter 1 is amended
4 to add an additional section to read as follows:

5 27-20-119. Exception for protective headgear requirement.

6 (a)(1) As used in this section, "health insurance plan" means any of
7 the following that provide benefits for health care services, medical
8 expenses, hospital expenses, or surgical expenses incurred as a result of an
9 accident:

10 (A) Individual insurance policy;

11 (B) Group insurance policy;

12 (C) Blanket insurance policy;

13 (D) Franchise insurance policy;

14 (E) Group hospital services contract;

15 (F) Health maintenance organization membership;

16 (G) Employee benefit plan; or

17 (H) Other insurance policy, agreement, or certificate.

18 (2) "Health insurance plan" does not include long-term care
19 insurance, short-term disability insurance, dental-only coverage, or vision-
20 only coverage.

21 (b)(1) An operator of a motorcycle who has proof of a minimum of ten
22 thousand dollars (\$10,000) coverage under a health insurance plan for
23 injuries incurred as a result of an accident while operating or riding on a
24 motorcycle without protective headgear is exempt from wearing protective
25 headgear under subsection (a) of this section.

26 (2) The operator of a motorcycle who is not wearing protective
27 headgear is to maintain proof of coverage under a health insurance plan as
28 provided under subdivision (b)(1) of this section.

29 (3) Failure to provide proof of coverage under a health
30 insurance plan while operating a motorcycle without protective headgear is a
31 violation.

32 (c)(1) The Office of Motor Vehicle of the Revenue Division of the
33 Department of Finance and Administration is to issue a decal for an exception
34 to the protective headgear requirement to a person who:

35 (A) Establishes health insurance plan coverage as required
36 under subsection (b) of this section;

1 (B) Has a valid motorcycle operator's license issued by
2 the Office of Motor Vehicle; and

3 (C) Owns a motorcycle that is currently licensed and
4 registered as required by § 27-20-105.

5 (2) The decal shall be displayed on the motorcycle or the
6 motorcycle license plate in the position prescribed by the Office of Motor
7 Vehicle under its rules.

8 (3) The decal is offered for the convenience of a motorcycle
9 user who meets the qualifications of this subsection.

10 (4) The cost of the decal is five dollars (\$5.00).

11 (5) The decal is valid for a period of three (3) years.

12 (d) The Office of Motor Vehicle may promulgate rules for the
13 administration of this section.

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