

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  
4

# A Bill

SENATE BILL 78

5 By: Senator H. Wilkins  
6 By: Representative Allen  
7  
8

## For An Act To Be Entitled

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.  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. NOT TO BE CODIFIED. Legislative findings.

26 The General Assembly finds:

27 (1) In 2007, five hundred twenty-five (525) people died while  
28 riding in passenger vehicles in Arkansas and sixty-five percent (65%) of  
29 those who died were not wearing a seat belt;

30 (2) In 2007, sixty-one (61) people died after being ejected from  
31 their vehicles during a rollover crash because they were not wearing their  
32 seat belts; and

33 (3) By adopting a primary seat belt law, Arkansas can expect an  
34 increase in the use of seat belts by motorists of approximately twelve  
35 percent (12%); and

36 (4) Adopting a primary seat belt law could save as many as



1 forty-seven (47) lives each year, prevent approximately five hundred four  
 2 (504) serious injuries each year, and save an estimated one hundred four  
 3 million dollars (\$104,000,000) in economic costs each year; and

4 (5) 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.

8  
 9 SECTION 2. Arkansas Code § 27-37-704 is repealed.

10 ~~27-37-704. Inspection for compliance.~~

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

14  
 15 SECTION 3. Arkansas Code § 27-37-707 is amended to read as follows:

16 27-37-707. Traffic violation report and driver's license suspension.

17 The Office of Driver Services shall not:

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

20 (2) Use or accumulate a violation of this subchapter to suspend  
 21 or revoke the driver's license of any person as an habitual violator of  
 22 traffic laws; or

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

26  
 27 SECTION 4. Arkansas Code § 27-16-804(h), regarding restricted  
 28 licenses, learner's licenses, and intermediate licenses is repealed.

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

33  
 34 SECTION 5. Arkansas Code § 27-34-105 is amended to read as follows:

35 27-34-105. Exceptions to provisions.

36 The provisions of this chapter shall not apply when any one (1) of the

1 following conditions exist:

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

4 (2) When an emergency exists that threatens:

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

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

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

15  
16 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
17 General Assembly of the State of Arkansas that this act will improve the  
18 safety and health of Arkansans; that the changes to the law will qualify the  
19 state to receive approximately nine million five hundred thousand dollars  
20 (\$9,500,000) in federal grant funds to implement highway safety programs;  
21 that the deadline for the state to have a primary seatbelt law in place that  
22 is effective and enforceable to qualify for the federal grant program is June  
23 30, 2009; and that this act is immediately necessary to secure substantial  
24 federal funding and make the roads and highways safer in the state.  
25 Therefore, an emergency is declared to exist and this act being necessary for  
26 the preservation of the public peace, health, and safety shall become  
27 effective on June 30, 2009.

28  
29  
30  
31  
32  
33  
34  
35  
36