

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H2/21/11

A Bill

HOUSE BILL 1365

5 By: Representatives H. Wilkins, Allen
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE BACKSEAT PASSENGERS OF MOTOR
9 VEHICLES TO COMPLY WITH THE CURRENT MANDATORY
10 SEATBELT *LAW AND CLARIFY APPLICABLE PENALTIES*; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 *TO REQUIRE BACKSEAT PASSENGERS OF MOTOR*
15 *VEHICLES TO COMPLY WITH THE CURRENT*
16 *MANDATORY SEATBELT LAW AND CLARIFY*
17 *APPLICABLE PENALTIES.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. DO NOT CODIFY. Legislative findings. The General Assembly*
24 *finds that:*

25 *(1) In 2009, four hundred forty-seven (447) people died while*
26 *riding in passenger vehicles in Arkansas and sixty-one percent (61%) of those*
27 *who died, where use was known, were not wearing a seat belt;*

28 *(2) Of those who died, forty-four (44) individuals were*
29 *passengers in the back seat and sixty-four percent (64%) were not wearing a*
30 *seat belt;*

31 *(3) According to the National Highway Traffic Safety*
32 *Administration, in 2009 approximately eleven (11) lives were saved because of*
33 *seat belt use by rear seat passengers;*

34 *(4) According to a 2007 study by the National Highway Traffic*
35 *Safety Administration, seat belt use is much higher among back seat*
36 *passengers in states that require seat belt use in all seating positions,*



1 averaging eighty-eight percent (88%) in states that cover all seats and
 2 sixty-nine percent (69%) in states requiring only front seat use;

3 (5) Thirty-one (31) states, the District of Columbia, and five
 4 (5) territories have primary seat belt laws, and of those, twenty-four (24)
 5 cover all seating positions;

6 (6) Arkansas's seat belt use rate has increased from seventy and
 7 four-tenths percent (70.4%) before the primary seat belt law went into effect
 8 in 2009 to seventy-eight and three-tenths percent (78.3%) in 2010; however,
 9 we are still below the national average of eighty-five percent (85%);

10 (7) The Governors Highway Safety Association, the National
 11 Highway Traffic Safety Administration, and the National Transportation Safety
 12 Board all support the policy that states should adopt seat belt laws that
 13 cover all seats; and

14 (8) By amending the mandatory seat belt law to cover back seat
 15 passengers, Arkansas can expect to increase overall seat belt use in the
 16 state and save additional lives, prevent serious injuries, and save
 17 additional economic costs each year.

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 19 SECTION 2. Arkansas Code § 27-37-702 is amended to read as follows:

20 27-37-702. Seat belt use required – Applicability of subchapter.

21 (a) ~~Each driver and front seat passenger~~ Except as provided under
 22 subsection (b) of this section, the driver and all passengers in any a motor
 23 vehicle operated on a street or highway in this state shall wear a properly
 24 adjusted and fastened seat belt properly secured to the vehicle.

25 (b) This subchapter ~~shall~~ does not apply to the following:

26 (1) Passenger automobiles manufactured before July 1, 1968, and
 27 all other motor vehicles manufactured before January 1, 1972;

28 (2) ~~Passengers and drivers~~ A passenger or driver with a physical
 29 disability that contraindicates the use of a seat belt, and which condition
 30 is certified by a physician who states the nature of the disability as well
 31 as the reason the use of a seat belt is inappropriate;

32 (3) ~~Children~~ A child who ~~require~~ requires protection and ~~are~~ is
 33 properly restrained under ~~The~~ the Child Passenger Protection Act, § 27-34-101
 34 et seq.; and

35 (4) ~~Drivers~~ A driver who ~~are~~ is a rural letter ~~carriers~~ carrier
 36 of the United States Postal Service while performing ~~their~~ his or her duties

1 as a rural letter carriers carrier.

2 (c) Except as provided in subdivision (b)(4) of this section, each
3 driver or passenger who is seated in a wheelchair in a motor vehicle shall:

4 (1) Wear a properly adjusted and fastened seat belt properly
5 secured to the wheelchair; and

6 (2) *Have the wheelchair properly secured in the motor vehicle.*

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8 *SECTION 3. Arkansas Code § 27-37-706 is amended to read as follows:*

9 *27-37-706. Penalties – Court costs.*

10 (a) *Any person who violates this subchapter shall be subject to a fine*
11 *not to exceed twenty-five dollars (\$25.00).*

12 (b)(1) A driver who fails to comply with § 27-37-702 is subject to the
13 penalties of this section.

14 (2) An adult passenger who fails to comply with § 27-37-702 is
15 subject to the penalties of this section.

16 (3) A driver who has any passenger at least fifteen (15) years
17 of age but under eighteen (18) years of age that fails to comply with § 27-
18 37-702 is subject to the penalties of this section.

19 ~~(b)(c)~~ *When a person is convicted, pleads guilty, pleads nolo*
20 *contendere, or forfeits bond for violation of this subchapter, no court costs*
21 *pursuant to § 16-10-305 or other costs or fees shall be assessed.*

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23 /s/H. Wilkins

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