

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

As Engrossed: H3/14/11  
**A Bill**

HOUSE BILL 1953

5 By: Representative J. Roebuck  
6

7 **For An Act To Be Entitled**

8 AN ACT TO ALLOW LAW ENFORCEMENT TO IMPOUND A MOTOR  
9 VEHICLE THAT DOES NOT HAVE THE MINIMUM LIABILITY  
10 INSURANCE REQUIRED BY LAW OR A CERTIFICATE OF SELF-  
11 INSURANCE; AND FOR OTHER PURPOSES.  
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14 **Subtitle**

15 TO ALLOW LAW ENFORCEMENT TO IMPOUND A  
16 MOTOR VEHICLE THAT DOES NOT HAVE THE  
17 MINIMUM LIABILITY INSURANCE REQUIRED BY  
18 LAW OR A CERTIFICATE OF SELF-INSURANCE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 27-22-104 is amended to read as follows:  
24 27-22-104. Insurance required – Minimum coverage.

25 (a)(1) It shall be unlawful for ~~any~~ a person to operate a motor  
26 vehicle within this state unless both the vehicle and the person's operation  
27 of the motor vehicle are covered by a certificate of self-insurance under the  
28 provisions of § 27-19-107 or by an insurance policy issued by an insurance  
29 company authorized to do business in this state.

30 (2) Failure to present proof of insurance coverage at the time  
31 of arrest or a failure of the Vehicle Insurance Database or proof of  
32 insurance card issued under § 23-89-213 to show current insurance coverage at  
33 the time of the traffic stop creates a rebuttable presumption that the motor  
34 vehicle or the person's operation of the motor vehicle is uninsured.

35 (b) The policy shall provide ~~as~~ at a minimum the following coverage:

36 (1) Not less than twenty-five thousand dollars (\$25,000) for



1 bodily injury or death of one (1) person in any one (1) accident;

2 (2) Not less than fifty thousand dollars (\$50,000) for bodily  
3 injury or death of two (2) or more persons in any one (1) accident; and

4 (3) If the accident has resulted in injury to or destruction of  
5 property, not less than twenty-five thousand dollars (\$25,000) for the injury  
6 to or destruction of property of others in any one (1) accident.

7 (c)(1)~~(A)~~ If the operator of the motor vehicle is unable to present  
8 proof of insurance coverage as required in subsection (a) of this section  
9 when requested by a law enforcement officer or if a check of the Vehicle  
10 Insurance Database at the time of the traffic stop fails to show current  
11 insurance coverage, the operator shall be issued, in addition to any traffic  
12 citation issued for a violation of this section, a notice of noncompliance  
13 with the provisions of this section on a form to be provided to the  
14 Department of Finance and Administration.

15 (2)(A) If the operator of the motor vehicle is unable to present  
16 proof of insurance coverage as required in subsection (a) of this section,  
17 the motor vehicle may be impounded at the officer's discretion if it is the  
18 operator's third violation of subsection (a) of this section and one (1) or  
19 more of the following occur:

20 (i) The officer issues a citation for a serious  
21 traffic violation to include without limitation:

22 (a) Driving fifteen miles per hour (15 m.p.h.)  
23 or more than the posted speed;

24 (b) Reckless, hazardous, careless, negligent,  
25 or unsafe driving;

26 (c) Leaving the scene of an accident; or

27 (d) Racing on a highway; or

28 (ii) The motor vehicle is being operated:

29 (a) Without a license plate in violation of §  
30 27-14-304;

31 (b) With an unofficial license plate in  
32 violation of § 27-14-305;

33 (c) With improper use of evidence of  
34 registration in violation of § 27-14-306; or

35 (d) With false evidences of title or  
36 registration in violation of § 27-14-307.

1 (B) An inventory of the contents of the motor vehicle  
2 shall be taken if a motor vehicle is impounded under this subdivision (c)(2).

3 (C) If a motor vehicle is impounded under this subdivision  
4 (c)(2), the owner is responsible for the costs of the impoundment, and § 27-  
5 50-1201 et seq. regarding the towing and storage of motor vehicles shall  
6 apply.

7 (D)(i) If the Department of Arkansas State Police is the  
8 law enforcement agency that impounds the motor vehicle under this section,  
9 the department shall use its towing rotation list and the rules related to  
10 the towing rotation list.

11 (ii) If a sheriff's office or other law enforcement  
12 agency impounds the motor vehicle under this section, the office or agency  
13 shall use its towing rotation list and any policies or rules related to the  
14 towing rotation list if applicable.

15 (E)(i) The motor vehicle shall remain impounded until the  
16 owner establishes to a court of competent jurisdiction that he or she is in  
17 compliance with this subchapter and the Motor Vehicle Safety Responsibility  
18 Act, § 27-19-101 et seq.

19 (ii) The court shall provide an order allowing the  
20 reinstatement of the registration and license of the motor vehicle to the  
21 Office of Motor Vehicle of the Revenue Division of the Department of Finance  
22 and Administration.

23 ~~(B)(i)(a)(d)(1)(A)~~ If the operator of the motor vehicle proves that  
24 the liability coverage required by §§ ~~27-22-101~~— 27-22-104 was in effect at  
25 the time of the traffic stop, ~~then~~ the failure to present proof of insurance  
26 at the time of the traffic stop when requested by a law enforcement officer  
27 shall be punished by a fine of twenty-five dollars (\$25.00).

28 (B) No court costs under § 16-10-305 or other costs or  
29 fees shall be assessed under this subdivision ~~(e)(1)(B)(i)(a)(d)(1).~~

30 ~~(b)(1)(2)(A)~~ Eighty percent (80%) of the fines collected under  
31 ~~this subdivision (e)(1)(B)(i)~~ (d)(1) of this section shall be paid to the  
32 Treasurer of State for the benefit of the Arkansas Citizens First Responder  
33 Safety Enhancement Fund.

34 ~~(2)(B)~~ Twenty percent (20%) of the fines collected under  
35 ~~this subdivision (e)(1)(B)(i)~~ (d)(1) of this section shall be retained by the  
36 court that tries the offense.

1       ~~(ii)~~(e)(1) If the operator of the motor vehicle is unable to prove  
2 that the liability coverage required by ~~§§ 27-22-101—~~ 27-22-104 was in  
3 effect at the time of the traffic stop, ~~then~~ the failure to present proof of  
4 insurance at the time of the traffic stop when requested by a law enforcement  
5 officer shall be punished as provided under § 27-22-103.

6               (2) The officer shall forward a copy of the notice of  
7 noncompliance to the department within ten (10) days of issuance.

8               (3)(A) In addition, if the officer does not impound the motor  
9 vehicle as provided under subdivision (c)(2) of this section, the officer  
10 shall remove and impound the license plate attached to the vehicle.

11               (B) The license plate shall be returned to the Office of  
12 Driver Services or to the local revenue office.

13       ~~(d)~~(f)(1) The law enforcement officer who removes and impounds the  
14 license plate pursuant to subdivision ~~(e)(3)(A)~~(e)(3)(A) of this section  
15 shall issue for attachment to the rear of the vehicle a temporary sticker  
16 denoting its use in lieu of an official license plate.

17               (2) The sticker shall bear the date upon which it shall expire  
18 in written or stamped numerals or alphabetic characters not less than three  
19 inches (3") in height.

20               (3) This temporary sticker shall only be effective for a period  
21 of ten (10) days beginning from the day on which the license plate was taken.

22               (4) The temporary stickers shall be designed by the department  
23 and supplied at no cost to all law enforcement agencies authorized to enforce  
24 traffic laws in Arkansas.

25       ~~(e)~~(g)(1) Upon receipt of the notice of noncompliance by the  
26 department, the department shall proceed to suspend the registration of the  
27 vehicle effective ten (10) days after the license plate was taken and the  
28 notice of noncompliance was issued.

29               (2) However, if both the vehicle and the driver's operation of  
30 the vehicle were insured at the time of the offense, the owner of the vehicle  
31 shall have ten (10) days to present proof of insurance coverage or other  
32 financial security in effect at the time of the offense, whereupon the  
33 license plate shall be returned at no cost to the owner of the vehicle.

34       ~~(f)~~(h) Any suspension by the department under this section shall be  
35 subject to the notice and hearing provisions of § 27-19-404 and shall remain  
36 in effect, and no registration shall be renewed for or issued to any person

1 whose vehicle registration is so suspended until:

2 (1) The person shall deposit or there shall be deposited on his  
3 or her behalf sufficient security as provided for under the Motor Vehicle  
4 Safety Responsibility Act, § 27-19-101 et seq.; or

5 (2) The person shall furnish the department one of the  
6 following:

7 (A) A certificate of self-insurance under the provisions  
8 of § 27-19-107; or

9 (B) A sufficient insurance policy issued by an insurance  
10 company authorized to do business in this state.

11 ~~(g)(1)(i)(1)~~ In order to reinstate the suspended registration and be  
12 reissued a license plate for any suspended motor vehicle, the owner shall  
13 present the proof of renewed or new financial coverage required in  
14 subdivision ~~(f)(1)(h)(1)~~ or (2) of this section to the department and shall  
15 pay to the department a ~~twenty-dollar (\$20.00)~~ fee of twenty dollars (\$20.00)  
16 for reinstatement of the registration and reissuance of the license plate.

17 (2) The revenues derived from this reinstatement fee shall be  
18 deposited as a special revenue into the State Central Services Fund and  
19 credited as a direct revenue to be used by the department to offset the costs  
20 of administering this section.

21 (3) This fee shall be in addition to any other fines, fees, or  
22 other penalties for other violations of this section.

23 ~~(h)(j)~~ The ~~department~~ Office of Motor Vehicle shall promulgate  
24 necessary rules and regulations for the administration of this section.

25 ~~(i)(1)(k)(1)~~ ~~For purposes of~~ As used in this subsection, "operating  
26 motor vehicle" means a motor vehicle that is actually driven out of the  
27 government-owned and government-operated storage facility under its own  
28 power.

29 (2) A government-owned and government-operated storage facility  
30 for motor vehicles may refuse to release an operating motor vehicle from the  
31 storage facility if the owner of the motor vehicle cannot establish that the  
32 motor vehicle is covered by insurance as required under this section.

33 (3) The following are exempt from the requirements of this  
34 subsection:

35 (A) A motor vehicle that is considered salvage;

36 (B) A motor vehicle when an insurer holds the title to the

1 motor vehicle; and

2 (C) A motor vehicle that is not driven out of the  
3 government-owned and government-operated storage facility under its own  
4 power.

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*/s/J. Roebuck*

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