

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.

Act 308 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/4/09

A Bill

SENATE BILL 78

5 By: Senators H. Wilkins, Elliott, Crumbly, Steele
6 By: Representatives Allen, T. Baker, Word, Rainey, Davis, W. Lewellen, Carroll, Williams, Blount
7
8

9 **For An Act To Be Entitled**

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

15 **Subtitle**

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



1 (4) Adopting a primary seat belt law could save as many as
 2 forty-seven (47) lives each year, prevent approximately five hundred four
 3 (504) serious injuries each year, and save an estimated one hundred four
 4 million dollars (\$104,000,000) in economic costs each year; and

5 (5) The adoption of the primary seat belt law will entitle the
 6 State of Arkansas to receive approximately nine million five hundred thousand
 7 dollars (\$9,500,000) in federal grant funds to implement highway safety
 8 programs.

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 Arkansas Code § 27-37-704 is repealed.

11 ~~27-37-704. Inspection for compliance.~~

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

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

17 27-37-707. Traffic violation report and driver's license suspension.

18 The Office of Driver Services shall not:

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

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

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

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 29 licenses, learner's licenses, and intermediate licenses is repealed.

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

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

36 27-34-105. Exceptions to provisions.

1 The provisions of this chapter shall not apply when any one (1) of the
2 following conditions exist:

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

5 (2) When an emergency exists that threatens:

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

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

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

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

29
30 /s/ H. Wilkins

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32 **APPROVED: 3/04/2009**