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2 88th General Assembly
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4

A Bill

HOUSE BILL 1953

5 By: Representative J. Roebuck
6

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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Subtitle

14 TO ALLOW LAW ENFORCEMENT TO IMPOUND A
15 MOTOR VEHICLE THAT DOES NOT HAVE THE
16 MINIMUM LIABILITY INSURANCE REQUIRED BY
17 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 one (1) or
18 more of the following occur:

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

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

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

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

26 (d) Racing on a highway;

27 (ii) The driver is known by the officer to be a
28 person who is a repeat violator of this section; or

29 (iii) The motor vehicle is being operated:

30 (a) Without a license plate in violation of §
31 27-14-304;

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

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

36 (d) With false evidences of title or

1 registration in violation of § 27-14-307.

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

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

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

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

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

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

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

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

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

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

1 court that tries the offense.

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

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

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

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

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

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

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

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

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

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

35 ~~(f)~~(h) Any suspension by the department under this section shall be
36 subject to the notice and hearing provisions of § 27-19-404 and shall remain

1 in effect, and no registration shall be renewed for or issued to any person
2 whose vehicle registration is so suspended until:

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) A motor vehicle when an insurer holds the title to the
2 motor vehicle; and

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

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