

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1143

By: Representatives Ward, Teague, and

D. Wood

"AN ACT TO REQUIRE OPERATORS OF MOTOR VEHICLES AND PASSENGERS
IN MOTOR VEHICLES TO WEAR SAFETY BELTS; AND FOR OTHER
PURPOSES."

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

SECTION 1. This Act shall be known and may be cited as the "Passenger Automobile Seat Belt Usage Act".

SECTION 2. Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt as provided under Federal Motor Vehicle Safety Standard 208.

SECTION 3. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system, as required by Federal Motor Vehicle Safety Standard Number 208, any front seat passenger who is at least five (5) years of age but less than sixteen (16) years of age.

SECTION 4. For purposes of this Act, the term "motor vehicle" shall include automobiles as defined by Subsection (A) of Section 24 of Act 65 of 1929, as amended. The term "motor vehicle" shall not include vehicles which are used as school buses, church buses or other public conveyance vehicles.

SECTION 5. Section 2 of this Act shall not apply to the following:

- (a) A passenger automobile manufactured before July 1, 1966.
- (b) A passenger or operator of a motor vehicle with a physically handicapping condition when the disability would prevent appropriate restraint

in such safety belt, provided, however, that such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.

(c) Children under five (5) years of age who require protection under Act 749 of 1983 "Child Passenger Protection Act".

(d) An operator of a motor vehicle who is a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier.

(e) A passenger automobile which is not required to be equipped with safety seat belt system under federal law.

SECTION 6. A violation of this Act shall be punishable by a fine of not more than twenty-five dollars (\$25.00).

SECTION 7. The Division of Highway Safety shall establish a program for disseminating information to the public concerning the use of safety belts in motor vehicles and concerning the requirements of this Act.

SECTION 8. The failure to provide or use a passenger safety seat shall not be considered under any circumstances as evidence of comparative or contributory negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence. Neither shall the failure to provide or use passenger safety seat be considered under any circumstances as evidence in any prosecution for negligent homicide.

SECTION 9. This Act shall take effect August 1, 1987.

