

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1628

By: Representatives J. Miller, Teague, D. Wood, Fuller,
Hinshaw, Jones, Jordan, Lendall, McCuiston, O. Miller,
Murphy, Northcutt, Schexnayder, Wilkins, Fairchild,
Givens, Dietz, and S. Miller

For An Act To Be Entitled

"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. 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 4. Section 3 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 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 5. No person shall be stopped, inspected, or detained solely to determine compliance with this act.

SECTION 6. 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 7. The failure to provide and/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 and/or use passenger safety seats be considered under any circumstances as evidence in any prosecution for negligent homicide.

SECTION 8. This act is supplemental and cumulative to the Child Passenger Protection Act.

SECTION 9. This act shall take effect August 1, 1989.

SECTION 10. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

