

JURISDICTION:
General Reference:

ARKANSAS
Arkansas Code Annotated

Required Use of Safety Belts¹:

Requirements:

When a motor vehicle² is in operation, every driver and front seat passenger shall wear a seat belt. §27-37-702(a)
Secondary Enforcement. A motor vehicle cannot be stopped solely to determine if its occupants are in compliance with this requirement. §27-37-704

Sanctions for Failure to Use or
Require the Use of Safety Belts:

A fine of not more than **\$25**³. §27-37-706(a)
Note: No points are assigned to a person's driving record for a violation of this requirement. Regulation 2-27-16-907(a)(4) The State shall not include a violation of this requirement in a traffic report. §27-37-707

Effect on Civil Liability:

The failure to wear a safety belt cannot be admitted into evidence at a civil action except in limited products liability cases. §27-37-703

Required Use of Child Safety Restraint Systems⁴:

Requirements:

A driver, who transports a child <5 years old in a passenger automobile, van, or pickup truck (but not vehicles operated for hire), shall secure such child in a child passenger restraint system that complies with Federal standards.⁵ §27-34-104(a)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

A fine of not less than **\$25** nor more than **\$100**. §27-34-103(a) Note: No points are assigned to a person's driving record for a violation of

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require
the Use of Child Restraint Systems: (continued)

this requirement. Regulation 2-27-16-907(a)(4)

¹**Exemptions.** The requirement to use a safety belt does not apply in the following situations: (1) To passenger automobiles manufactured prior to January 1, 1968 and to all other vehicles manufacture prior to January 1, 1972; (2) to passengers and drivers who have a physical condition that would make the use of a safety belt inappropriate; (3) to children who are required to be restrained in a child safety seat; and, (4) to drivers who are rural letter carriers for the United States. §27-37-702(b)

²For purposes of safety belt usage, a "motor vehicle" means any motor vehicle except a school bus, church bus, or other public conveyance which is required by Federal law or regulation to be equipped with a passenger restraint system. §27-37-701(1) However, "[t]he driver or operator of a school bus shall wear a seat belt at all times while operating the school bus whenever the bus is so equipped." §6-19-109

³No court or other costs can be assessed. §27-37-706(b)

⁴**Exemptions.** A driver does not have to comply with the child safety seat requirement under the following circumstances: (1) The motor vehicle is being used as an ambulance or other emergency vehicle; (2) an emergency exists that threatens the life of either the driver or child; and, (3) because of medical reasons, the child is unable to be restrained. §27-34-105

⁵The law provides that a driver can comply with this general requirement in two ways. (1) A driver, who transports a child who is either <4 years or who weighs <40 lbs., must secure such child in a Federally approved child passenger restraint system. §27-34-104(b) (2) However, a driver, who transports a child who is either ≥4 but <5 years old or who weighs ≥40 lbs., satisfies the general requirement if they secure such a child in a safety belt. §27-34-104(c)

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Effect on Civil Liability: The failure to provide or use a child passenger safety seat shall not be considered, under any circumstances, as evidence of comparative or contributory negligence.⁶ §27-34-106(a) A Federal court has interpreted this provision as also precluding the admission of evidence concerning the mitigation of damages. *Potts v. Benjamin*, 882 F.2d 1320 (8th Cir. 1989)

Required Use of Motorcycle Protective Headgear:

Requirements: All motorcycle passengers and riders <21 years old "shall be equipped" with protective headgear. §27-20-104(b)(1)

Sanctions for Failure to Use⁷: Misdemeanor: Imprisonment for not more than **30 days** and/or a fine of not less than **\$10** nor more than **\$50**. §27-20-102

Required Use of Motorcycle Eye Protection Device:

Requirements: All motorcycle passengers and riders (regardless of age) "shall be equipped" with protective glasses, goggles or transparent face shields. §27-20-104(b)(2)

Sanctions for Failure to Use⁷: Misdemeanor: Imprisonment for not more than **30 days** and/or a fine of not less than **\$10** nor more than **\$50**. §27-20-102

Required Use of Bicycle Protective Headgear:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured

⁶In addition, the failure to provide or use a child passenger safety seat is not to be considered as evidence of negligent homicide. §27-34-106(b)

⁷The point system regulations, Regulation 2-27-16-907(a)(4), do not specifically assign points for this violation. It is doubtful that this offense would be considered a "moving violation" under these regulations for which 3 points are assigned for violations of the traffic laws where no point value has been specifically established. See discretionary licensing action for habitual traffic law offenders under §27-16-907.

Portion of Vehicle⁸:

Requirements:	No person shall ride upon any portion of a vehicle that is not designed or intended for the use of passengers. §27-35-104(a)
Sanctions for a Violation ⁷ :	Misdemeanor: <u>1st offense</u> -Imprisonment for not more than 10 days and/or a fine of not more than \$100 . <u>2nd offense</u> (within 1 year)-Imprisonment for not more than 20 days and/or a fine of not more than \$200 . <u>3rd or subsequent offense</u> (within 1 year)-Imprisonment for not more than 6 months and/or a fine of not more than \$500 . §§27-35-101 & 27-50-305(b)
Exemptions:	This requirement does not apply either (1) to employees engaged in the discharge of official duties or (2) to persons riding within bodies of trucks in a space intended for merchandise. §27-35-104(b)

⁸In addition, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.

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