

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 794

By: Senator J. Woods
By: Representative House

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE IMPLEMENTATION OF A PROCESS FOR ADMINISTRATIVE ADJUDICATION FOR A VIOLATION OF A MOTOR VEHICLE REGULATION BY A DRIVER ON A MILITARY RESERVATION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE IMPLEMENTATION OF A PROCESS FOR ADMINISTRATIVE ADJUDICATION FOR A VIOLATION OF A MOTOR VEHICLE REGULATION BY A DRIVER ON A MILITARY RESERVATION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-63-207(a), concerning the promulgation of rules and regulations regarding parking and operation of a motor vehicle on a military reservation, is amended to add an additional subdivision to read as follows:

(a) The Adjutant General is authorized and empowered to promulgate rules and regulations, and to amend or change them from time to time as he or she shall deem necessary, providing for the operation and parking of motor vehicles upon the grounds, streets, drives, and alleys on ~~the~~ a military reservation, including, but not limited to, the following:

- (1) Limiting the rate of speed;



(2) Assigning parking spaces and designating parking areas and their use or uses;

(3) Prohibiting parking as he or she deems necessary;

(4) Removing motor vehicles parked in violation of the rules and regulations at the expense of the violator who shall pay the expense before the motor vehicle is released; ~~and~~

(5) Instituting a system of motor vehicle registration for the identification and regulation of motor vehicles regularly using the military reservation premises-; and

(6) Instituting a process for administrative adjudication for the violation of a military reservation rule or regulation promulgated under this section on a military reservation which shall include the determination of:

(A) A reasonable civil penalty;

(B) The enforcement process for the collection of the civil penalty; and

(C) A reasonable sanction for noncompliance.

SECTION 2. Arkansas Code § 12-63-208 is amended to read as follows:
12-63-208. Violations of motor vehicle regulations.

(a)(1) Persons violating rules and regulations promulgated under § 12-63-207 ~~while using a motor vehicle registered as provided under § 12-63-207(a)(5)~~ shall, at the option of the police officer, be charged under the military reservation's system of charges or summoned to appear before any court of competent jurisdiction to be dealt with according to law.

(2) A person adversely affected by any administrative determination ~~as described~~ shall have a right to appeal ~~therefrom~~ to the appropriate district court where the matter shall be heard de novo.

~~(b) Persons violating military reservation rules and regulations under this section while using a motor vehicle not registered with the military reservation authorities shall be summoned to appear before the appropriate district court.~~

~~(e)~~(b) Notice placed on the motor vehicle shall be sufficient as a summons for the purpose of this subchapter.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that the security of military reservations and enforcement of regulations thereupon are of paramount importance to the continued safety and security of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 03/24/2015