

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 20

"AN ACT PROVIDING FOR REGISTRATION OF MINI-TRUCKS; FOR OPERATION OF
MINI- TRUCKS ON ROADWAYS OF THIS STATE; AND EXCLUDING MINI-TRUCKS
FROM THE DEFINITION OF ALL-TERRAIN VEHICLE."

Amendment No. 1 to Senate Bill No. 20.

Amend Senate Bill No. 20 as originally introduced:

Add the following Senators as cosponsors of the bill:

Senators Teague, D. Wyatt

AND

Add the following Representatives as cosponsors of the bill:

Representatives Cole, Moore

AND

Delete the title entirely and substitute:

"AN ACT TO PROVIDE OPTIONS FOR THE AGRICULTURE INDUSTRY TO USE MORE FUEL-
EFFICIENT VEHICLES TO REDUCE COSTS; TO ALLOW MINI-TRUCKS TO BE REGISTERED AND
LICENSED; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE OPTIONS FOR THE AGRICULTURE
INDUSTRY TO USE MORE FUEL-EFFICIENT
VEHICLES TO REDUCE COSTS."

AND

Delete everything after the enacting clause and substitute:



"SECTION 1. Arkansas Code § 27-14-601(a)(3)(H), regarding the fees for registration and licensing of Class Eight motor vehicles, is amended to read as follows:

(H) Class Eight.

(i) In order to aid in the development of the natural resources and to promote agriculture, timber harvesting, and forestry in Arkansas and in order to eliminate apparent inequities in license charges for vehicles using only improved roads and those used primarily on the farm, for timber harvesting or forestry, in the wooded areas, and off the main highway system of this state, a special classification is created to provide a different and more equitable rate for those vehicles used exclusively for the noncommercial hauling of farm or timber products produced in this state and for the noncommercial hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or the noncommercial hauling of animal feed by owners of livestock or poultry for consumption in this state by livestock or poultry owned by them and for those vehicles used in the noncommercial hauling of unfinished and unprocessed forest products and clay minerals and ores originating in Arkansas from the point of severance to a point in the state at which they first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state. Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary, farmers may transport cotton seed from the gin or warehouse to the first point of sale under this special classification. Rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semifinished product other than crushed rock or crushed stone, shall not be construed as "clay minerals" or "ores" under the provisions of this classification. Notwithstanding any provision of this subdivision (a)(3)(H) or any other law to the contrary, persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

(ii) The annual license fees for vehicles classified as either farm or natural resources vehicles shall be as follows:

(a) For a vehicle with two (2) axles, including mini-trucks, a fee of three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars (\$65.00) for each vehicle;

(b) For a vehicle with three (3) axles, a fee of ninety-seven dollars and fifty cents (\$97.50);

(c) For a vehicle with four (4) axles, a fee of one hundred thirty dollars (\$130);

(d) For a vehicle with five (5) axles, a fee of one hundred sixty-two dollars and fifty cents (\$162.50);

(e) For a vehicle with five (5) axles used exclusively by the owner of livestock or poultry in hauling animal feed for consumption in this state by the owner's livestock or poultry, a fee of six hundred fifty dollars (\$650); and

(f) Notwithstanding any of the provisions of this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated

separately or in combination with other vehicles, which vehicle or combination has a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight inches (108") and is utilized or intended to be utilized to transport compacted seed cotton, the annual license fee shall be six hundred fifty dollars (\$650). Provided, any full trailer or semitrailer used in combination with such registered vehicle shall also be registered in accordance with and pursuant to the applicable fees set out in subdivision (a)(3)(I) of this section. That portion of the annual license fee established by this subdivision (a)(3)(H)(ii)(f) which equals four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be a permit fee for the use of the public roads and streets of this state by such vehicles while operated separately or in combination with other vehicles due to the unusual design and size of such vehicles or combinations of vehicles.

(iii)(a) The foregoing vehicles shall not exceed the maximum axle load permitted by law.

(b) Five-axle vehicles may haul maximum gross loaded weights of up to eighty thousand pounds (80,000 lbs.) without the purchase of any additional or different type license.

(iv) The Director of the Department of Finance and Administration shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate farm license plates to be established for those vehicles used in the noncommercial hauling of farm products produced in this state, ~~and for hauling~~ feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or compacted seed cotton and separate natural resources license plates to be established for those vehicles hauling timber products, clay minerals, or ores.

(v)(a) Before any license may be issued for a vehicle designated ~~a~~ as either a farm vehicle or a natural resources vehicle, the applicant shall, by affidavit, state that he or she is familiar with the purposes for which such licenses may be used as authorized under this classification and that he or she will not use such vehicle for which application for license is made for any purpose not authorized under this classification. The applicant shall indicate on his or her affidavit whether the vehicle is to be used for the hauling of farm products, animal feed, compacted seed, or cotton, or for the hauling of forest products, clay minerals, or ores.

(b) If the applicant is the owner of a mini-truck, then the affidavit shall state that the vehicle is being used exclusively for farm purposes and that the mini-truck meets the other requirements of § 27-14-726.

(vi)(a) Upon submitting an affidavit, any person entitled to obtain a ~~natural resources~~ farm license for a motor vehicle used for hauling farm products as authorized under this classification, if the vehicle is required for only seasonal or occasional use, may be issued a ~~natural resources~~ farm license for the vehicle for the first six (6) months of the annual licensing period, at a rate equal to one-half ($\frac{1}{2}$) of the annual fee but in no event less than sixty-five dollars (\$65.00) or for the last month of the current annual licensing period and the first six (6) months of the subsequent annual licensing period at a rate equal to seven-twelfths ($\frac{7}{12}$) of the annual fee but in no event less than seventy-five dollars

(\$75.00).

(b) The director shall issue special distinctive license plates or license plate validation decals for the vehicles, including the indication thereon of the expiration date, so as to identify them from annual ~~natural resources~~ plates.

(vii) The owner of any motor vehicle who is entitled to obtain a ~~natural resources~~ farm license for such motor vehicle for use in hauling farm products as authorized in this subdivision (a)(3)(H) may use such motor vehicle for the hauling of baled cotton from the cotton gin to a cotton compress without the necessity of the payment of additional license fees or the obtaining of additional license plates for such motor vehicle.

(viii) The director shall promulgate such rules and regulations as may be necessary to carry out the intent of this classification and prevent abuse thereof. However, before any such rules or regulations shall be effective, they shall be approved by majority action of the members of the State Highway Commission acting for and in behalf of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, which is the agency charged with the principal responsibility of enforcing the motor vehicle license laws of this state.

(ix) Vehicles licensed under this classification for the hauling of farm products only shall be permitted, without payment of additional fees, to transport return loads to the farm or domicile of the owner of such vehicles where such return load contents are the property of, and to be used or consumed by, the owner of the vehicle or his family.

(x) If a violation of the natural resources classification, as authorized in this subdivision (a)(3)(H) is discovered, a license must immediately be purchased for such vehicle in accordance with the rate of license that should lawfully be required for such vehicle for so moving on the roads and highways of this state. No credit shall be given on the purchase price of such license for any amount or amounts paid for license hitherto purchased for use on such vehicle. This requirement of license purchase shall not be in lieu of any criminal prosecution.

(xi) All affidavits required under the provisions of this subdivision (a)(3)(H) shall be acknowledged by the director, his or her authorized agent, or some other person authorized by the laws of this state to administer oaths;

(xii) The owner of a mini-truck under § 27-14-726 may license and register the mini-truck as a Class Eight farm vehicle if the vehicle is used for farm purposes.

SECTION 2. Arkansas Code § 27-14-705(b)(2)(B), regarding the application for registration and certificate of title, is amended to read as follows:

(B)(i) ~~The~~ Except as provided under § 27-14-726, the certificate of origin shall be furnished to the dealer by the manufacturer and shall accompany the application for license and title.

(ii) ~~No~~ Except as provided under § 27-14-726, no license for the operation of the vehicle shall be granted and no certificate of title shall be issued unless the certificate of origin is made a part of the application.

SECTION 3. Arkansas Code Title 27, Chapter 14, Subchapter 7 is amended

to add an additional section to read as follows:

27-14-726. Mini-trucks.

(a) As used in this section:

(1) "Low pressure tire" means a pneumatic tire six inches (6") or more in width designed for use on a wheel with a rim diameter of twelve inches (12") or less and utilizing an operating pressure of ten pounds per square inch (10 p.s.i.) or less as recommended by the vehicle manufacturer;

(2)(A) "Mini-truck" means a motor vehicle that is:

(i) At least forty-eight inches (48") in width;

(ii) Not more than one hundred thirty-five inches (135") in length including the bumper;

(iii) At least one thousand five hundred pounds (1,500 lbs.) in unladen weight including fuel and fluids;

(iv) Equipped with:

(a) Four (4) or more low pressure tires or pneumatic rubber tires that are used on motor vehicles;

(b) A steering wheel;

(c) Seating for at least two (2) people to sit side-by-side in the front seating area;

(d) A fully-enclosed metal or metal-reinforced cab with glass and mirrors and complies with § 27-37-301 – 27-37-305 regarding safety glass and mirrors;

(e) Metal doors with functioning handle locks that are similar to the handle locks on motor vehicles;

(f) Head lamps as required under § 27-36-209;

(g) Tail lamps as required under § 27-36-215;

(h) Signal lamps as provided under § 27-36-216;

(i) A working horn as required under § 27-37-202(a);

(j) Seat belts as provided under §§ 27-37-701 et seq.; and

(k) Front and rear bumpers.

(B) A mini-truck may be equipped with a bed or cargo box for hauling materials.

(C) A mini-truck is not an all-terrain vehicle under § 27-20-201 – 27-20-208 and §§ 27-21-101 – 27-21-109.

(b)(1) The owner of a mini-truck may register and license it as a Class Eight farm vehicle under § 27-14-601(a)(3)(H).

(2) In the application to register the mini-truck, the owner of the mini-truck shall provide:

(A) The same affidavit as required under §§ 27-14-601(a)(3)(H)(v) and §§ 27-14-601(a)(3)(H)(xi);

(B) Proof of insurance as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 – 27-22-107; and

(C) Proof of ownership that is in the English language to include a bill of sale and an export certificate or a title.

(3) The fees for registering and licensing a mini-truck shall be the same as for registering a Class Eight farm vehicle under 27-14-601(a)(3)(H)(ii)(a).

(4) The driver of a mini-truck shall have a valid driver's

license.

(5) The driver of a mini-truck that is registered and licensed under this section shall comply with and is subject to the same penalties for violating the rules of the road as provided under § 27-51-101 et seq.

(6) A mini-truck is a motor vehicle for the purposes of minimum insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 – 27-22-107.

(c) A mini-truck shall not be operated on an interstate highway.

(d) A mini-truck shall not be operated on a road or highway if:

(1) The operation of mini-trucks is prohibited;

(2) The road is a controlled-access highway;

(3) The posted speed limit is more than fifty-five (55) miles per hour; or

(4) The mini-truck cannot maintain a speed equal to the posted speed limit."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Altes

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Secretary