

Department of Finance and Administration

Legislative Impact Statement

Bill: SB793

Bill Subtitle: TO REPEAL OBSOLETE STATUTES IN AND MAKE OTHER TECHNICAL CORRECTIONS TO TITLE 27 OF THE ARKANSAS CODE.

Basic Change : Sponsor: Senator D. Johnson

The bill makes technical corrections and repeals obsolete references to Title 27 of the Arkansas Code. The bill repeals several sections of the code and reestablishes them under new sections. With regard to the Office of Motor Vehicle, the bill repeals definitions related to vehicles and the Commissioner of Motor Vehicles throughout Title 27, Chapter 14 and re-establishes them under one (1) a new section, 27-14-104. The term "Commissioner of Motor Vehicle" is replaced throughout Title 27, with "Director of the Department of Finance and Administration" (DFA) and the bill specifies that the Office of Motor Vehicle shall be under the DFA.

Under current law, officers and inspectors of the Office of Motor Vehicle have the powers of enforcing laws regulating the operation of vehicles, making arrests, and to require drivers to stop and exhibit their driver's or chauffeur's license, and registration certificate, and submit to an inspection of the vehicle. The bill repeals these powers. The bill repeals, and does not re-establish statutes regarding lighting, seat belts, safety glass, and brake fluid, stating they are outdated. The bill deletes the definitions of pneumatic tires and solid tires and re-establishes the definition of pneumatic tire, but not a solid tire or metal tire.

Three sections of current law related to the Office of Driver Services are inappropriately repealed. An amendment to the bill to remove these deleted sections is needed.

The three sections are:

1. Section 35 repeals the Driver License Compact. Repeal of this section would impact reciprocity between Arkansas and other states reporting of convictions, suspensions or revocations. Without an amendment, this would have a detrimental impact on the state, courts, law enforcement and taxpayers. Taxpayers may be subjected to unsafe drivers if Arkansas is no longer authorized to record out of state convictions, suspensions, or revocations. There would be a detrimental impact to courts and law enforcement if the Arkansas convictions, suspensions or revocations on out of state drivers are no longer recorded by the other states. Arkansas courts and law enforcement may not be able to collect fines from out of state drivers if there is no longer a reciprocity agreement through the Driver License Compact.
2. Section 50 repeals the statute that orders DFA to delete from the motor vehicle reports provided to the insurance companies, any speeding conviction based on speeding on a public highway in excess of 55 miles per hour but less than 75 miles per hour. While these speeding convictions are now posted to the motor vehicle record and included in the history which courts and law enforcement may see, these convictions are not provided to the insurance companies. Taxpayers' insurance rates may increase if this section is repealed and these convictions are reported to the insurance companies.
3. Section 51 repeals the statute that orders DFA to not include in the motor vehicle reports of a railroad engineer, conductor, fireman, or brakeman any conviction for an offense arising out of a railroad accident occurring while the engineer, conductor, fireman or brakeman was performing duties as an engineer, conductor, fireman or brakeman of a railroad. If this exemption is repealed, a railroad employee may be detrimentally impacted.

Revenue Impact :

None.

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Taxpayer Impact :

Taxpayers may see motor vehicle insurance rates increase if this bill is passed without an amendment. Currently certain railroad employees have an exemption to keep railroad accidents from being placed on their motor vehicle record. This bill will delete that exemption. Without an amendment deleting Section 35, taxpayers may also be subjected to unsafe drivers if Arkansas is no longer authorized to record out of state convictions, suspensions, or revocations. There would be a detrimental impact to courts and law enforcement if the Arkansas convictions, suspensions or revocations on out of state drivers are no longer recorded by the other states.

Resources Required :

Without an amendment programming changes will be required to implement this bill.

Time Required :

None.

Procedural Changes :

Without an amendment procedure changes will be required to implement this bill.

Legal Analysis :

SB793 is a technical corrections bill to Title 27 - Transportation. This bill consolidates definitions under certain subchapters and repeals outdated or repetitive statutes. All references in the bill to "Commissioner of Motor Vehicles" are replaced by the "Director of the Department of Finance and Administration".

SB793 also creates a new code section, § 27-51-905 regarding the use of flashing emergency lights on a motor vehicle. Under the bill, flashing emergency lights would be prohibited unless specifically authorized under by law.

The bill contains the following technical errors which should be corrected by amendment:

(1) References to "Office of Motor Vehicle" and "Office of Motor Vehicles" are interchanged throughout this bill. Pursuant to § 27-14-401, the correct statutory reference is "Office of Motor Vehicle". This error occurs at the following locations in the bill: Page 14, Line 5; Page 15, Lines 7-8 and Line 13.

(2) Page 16, Line 11: a space should be added following "director".

(3) Page 16, Lines 16 and 20: an unnecessary space should be deleted between "director" and "shall".

There is no effective date or emergency clause provided in the bill.