

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1073

Bill Subtitle: CONCERNING FORMER MILITARY VEHICLES; TO AUTHORIZE THE ISSUANCE OF A CERTIFICATE OF TITLE FOR A FORMER MILITARY VEHICLE.

Basic Change :

Sponsor: Rep. Brandt Smith

HB1073 amends Arkansas Code Title 27, Chapter 14, Subchapter 7 and adds a new section, § 27-14-728, to authorize DFA to issue of a certificate of title for a "former military vehicle". Under the bill, a "former military vehicle" is a motor vehicle manufactured for use by the United States Armed Forces which is sold or transferred with a federal proof of ownership certificate that establishes the motor vehicle for off-road use only.

Revenue Impact :

Unknown revenue increase to the Highway and Transportation Department if former military vehicles are titled and registered.

Taxpayer Impact :

Owners of former military vehicles as defined in the bill could title such vehicles if the vehicle meets safety and equipment standards and if all application requirements are met.

Resources Required :

None.

Time Required :

Adequate time is provided.

Procedural Changes :

System Programming and revisions to the Motor Vehicle Procedures Manual would be required.

Other Comments :

May be subject to enforcement by the Federal Motor Vehicle Safety Administration and the Arkansas Highway Police if they do not meet the federal safety requirements. Another issue presented by the bill is that some former military vehicles do not have rubber or pneumatic tires as is currently required by Arkansas law for highway use. There are some former military vehicles that are tracked vehicles that are not equipped with tires.

Legal Analysis :

Under current Department of Finance and Administration (DFA) procedures, an owner of a High Mobility Multipurpose Wheeled Vehicle (Humvee) that is older than 25 years may obtain a certificate of title from the Office of Motor Vehicle (OMV). HB1073 would amend § 27-14-701 concerning registration

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1073

Bill Subtitle: CONCERNING FORMER MILITARY VEHICLES; TO AUTHORIZE THE ISSUANCE OF A CERTIFICATE OF TITLE FOR A FORMER MILITARY VEHICLE.

and certificates of title to add an additional section authorizing the OMV to issue certificates of title to owners of "former military vehicles" provided certain application requirements are met, and provided the vehicle meets the motor vehicle safety standards as required by law. The bill defines "former military vehicle" as a "motor vehicle manufactured for use by the United States Armed Forces which is sold or transferred with a federal proof of ownership certificate that establishes the motor vehicle for off-road use only."

Administratively, there are concerns regarding the potential implementation of HB1073. Humvees are restricted to "off-road use only" because these vehicles were not designed or manufactured to comply with the Federal Motor Vehicle Safety Standards (FMVSS). The express preemption of State standards by the FMVSS is established by 49 U.S.C. § 30103(b). The provision in proposed § 27-14-728(b)(1) that requires former military vehicles to "meet the motor vehicle safety and equipment standards required by law" is vague. It is unclear what "law" the bill intends for DFA to apply, and no information is provided as to how the DFA would determine whether such standards have or have not been met. It is not within DFA's purview to perform vehicle inspections and the bill does not direct a state agency or department to determine the road-worthiness of a former military vehicle.

The bill is also unclear as to whether a "former military vehicle," as defined, would include a vehicle without a federal proof of ownership certificate establishing that the vehicle was sold or transferred for "off-road use only." Additionally, other vehicles have also faced similar administrative hurdles to titling. The bill is unclear whether the definition would also include following vehicles: (1) the "Pinzgauer," a high-mobility, all-terrain, four-wheel or six-wheel drive vehicle originally manufactured for military use; (2) the "Kaiser Jeep M715;" or the (3) the "DUKW," a six-wheel drive utility vehicle originally manufactured for use by the U.S. military forces during World War II, and commonly referred to by the name of "Duck."