

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senators Scott and Gibson**

A Bill ACT 69 OF 1992

Call Item 49

SENATE BILL 36

For An Act To Be Entitled

8 "AN ACT TO AMEND SUBDIVISION (a) (3) (H) OF ARKANSAS CODE
9 §27-14-601 TO PROVIDE FOR A SEPARATE REGISTRATION FEE FOR
10 VEHICLES TO BE OPERATED SEPARATELY, OR IN COMBINATION WITH
11 OTHER VEHICLES, WHICH VEHICLE OR COMBINATION HAS A TOTAL
12 OUTSIDE WIDTH IN EXCESS OF ONE HUNDRED TWO INCHES (102")
13 BUT NOT EXCEEDING ONE HUNDRED EIGHT INCHES (108") AND IS
14 UTILIZED OR INTENDED TO BE UTILIZED TO TRANSPORT COMPACTED
15 SEED COTTON FROM THE FARM TO THE FIRST POINT AT WHICH SUCH
16 SEED COTTON SHALL FIRST UNDERGO ANY PROCESSING,
17 PREPARATION FOR PROCESSING, OR TRANSFORMATION FROM ITS
18 COMPACTED STATE; TO AMEND SUBSECTION (d) OF ARKANSAS CODE
19 §27-14-601 FOR THE PURPOSES OF CLARIFYING THAT SUBSECTION
20 AS IT IS CURRENTLY CODIFIED AND TO DEDICATE A CERTAIN
21 AMOUNT OF EACH FEE COLLECTED FOR THE SEPARATE REGISTRATION
22 OF SUCH ABOVE-DESCRIBED VEHICLES TO THE STATE HIGHWAY AND
23 TRANSPORTATION DEPARTMENT FUND; TO AMEND ARKANSAS CODE
24 §27-35-206 TO PROVIDE AN EXCEPTION TO THE WIDTH PROVISIONS
25 SET OUT THEREIN IN ORDER TO ALLOW THE OPERATION OF
26 VEHICLES, AS DEFINED IN SUBSECTION (a) OF ARKANSAS CODE
27 §27-14-207, UTILIZED TO TRANSPORT COMPACTED SEED COTTON
28 FROM THE FARM TO THE FIRST POINT AT WHICH SUCH SEED COTTON
29 SHALL FIRST UNDERGO ANY PROCESSING, PREPARATION FOR
30 PROCESSING, OR TRANSFORMATION FROM ITS COMPACTED STATE,
31 WITH WIDTHS NOT EXCEEDING ONE HUNDRED EIGHT INCHES (108")
32 ON ALL HIGHWAYS OF THIS STATE, WITH THE EXCEPTION OF
33 FEDERAL INTERSTATE HIGHWAYS, PROVIDED SUCH VEHICLES ARE
34 EQUIPPED AND OPERATED IN COMPLIANCE WITH THE TRAFFIC LAWS
35 OF THIS STATE AS WELL AS ALL SAFETY RULES AND REGULATIONS
36 OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE

1 ARKANSAS STATE HIGHWAY COMMISSION; TO AMEND SUBSECTION (a)
2 OF ARKANSAS CODE §27-35-208 TO PROVIDE THAT ANY SINGLE
3 TRUCK, UNLADEN OR WITH LOAD, UTILIZED TO TRANSPORT
4 COMPACTED SEED COTTON FROM THE FARM TO THE FIRST POINT AT
5 WHICH SUCH SEED COTTON SHALL FIRST UNDERGO ANY PROCESSING,
6 PREPARATION FOR PROCESSING, OR TRANSFORMATION FROM ITS
7 COMPACTED STATE, MAY BE OPERATED ON THE HIGHWAYS OF THIS
8 STATE, WITH THE EXCEPTION OF FEDERAL INTERSTATE HIGHWAYS,
9 WITH AN OVERALL LENGTH IN EXCESS OF FORTY FEET (40') BUT
10 NO MORE THAN FIFTY-FIVE FEET (55'); TO AMEND SUBSECTION
11 (g) OF ARKANSAS CODE §27-35-203 TO ALLOW A VARIANCE FOR
12 SUCH ABOVE-DESCRIBED VEHICLES OF EIGHT THOUSAND POUNDS
13 (8,000 LBS.) PER AXLE ABOVE THE MAXIMUM ALLOWABLE GROSS
14 AXLE WEIGHT PROVIDED IN SUBSECTIONS (a) AND (b) OF
15 ARKANSAS CODE §27-35-203 AND SUBDIVISION (c) (1) OF
16 ARKANSAS CODE §27-35-203, PROVIDED NO SUCH VARIANCE SHALL
17 BE ALLOWED ON ANY FEDERAL INTERSTATE HIGHWAY IN THIS
18 STATE; TO AMEND ARKANSAS CODE §27-35-203(i), AS AMENDED BY
19 ACT 1139 OF 1991, TO PROVIDE THAT ALL VEHICLES WITH FIVE
20 (5) AXLES HAULING UNFINISHED AND UNPROCESSED FARM
21 PRODUCTS, FOREST PRODUCTS AND OTHER PRODUCTS OF THE SOIL
22 SHALL HAVE A MAXIMUM WEIGHT LIMIT OF 36,500 POUNDS (lbs.)
23 WHEN OPERATED ON NON-INTERSTATE HIGHWAYS IN THE STATE; TO
24 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

25

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

27

28 SECTION 1. Subdivision (a) (3) (H) of Arkansas Code §27-14-601 is hereby
29 amended to read as follows:

30 "(H) Class Eight - (i) In order to aid in the development of
31 the natural resources of Arkansas, and in order to eliminate apparent
32 inequities in license charges for vehicles using only improved roads and those
33 used on the farm, in the wooded areas, and off the main highway system of this
34 state, a special classification is created to provide a different and more
35 equitable rate for those vehicles used exclusively for hauling animal feed by

1 owners of livestock or poultry for consumption in this state by livestock or
2 poultry owned by them and in hauling unfinished and unprocessed farm products,
3 forest products, and clay minerals and ores, originating and produced in
4 Arkansas from the point of production, harvesting, or severance to the point
5 in this state at which they shall first undergo any processing, preparation
6 for processing, conversion, or transformation from their raw, natural, or
7 severed state. Rock or stone or crushed rock or crushed stone, except rock or
8 stone which is to undergo further processing into a finished or semifinished
9 product other than crushed rock or crushed stone, shall not be construed as
10 'clay minerals' or 'ores' under the provisions of this classification.

11 (ii) The annual license fees for vehicles classified
12 natural resources vehicles shall be as follows:

13 (a) For a vehicle with two (2) axles, a fee of
14 three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.)
15 of gross loaded weight of the vehicle, with a minimum fee of thirty-two
16 dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars
17 (\$65.00) for each vehicle.

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

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

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

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

28 (f) Notwithstanding any of the provisions of
29 this subdivision (H) to the contrary, for a vehicle to be operated separately,
30 or in combination with other vehicles, which vehicle or combination has a
31 total outside width in excess of one hundred two inches (102") but not
32 exceeding one hundred eight inches (108") and is utilized or intended to be
33 utilized to transport compacted seed cotton from the farm to the first point
34 at which such seed cotton shall first undergo any processing, preparation for
35 processing, or transformation from its compacted state, the annual license fee

1 shall be six hundred fifty dollars (\$650). Provided, any full trailer or
2 semitrailer used in combination with such registered vehicle shall also be
3 registered in accordance with and pursuant to the applicable fees set out in
4 subdivision (a) (3) (I) of this §27-14-601. That portion of the annual
5 license fee established by this paragraph (f) which equals four hundred
6 eighty-seven dollars and fifty cents (\$487.50) is declared to be a permit fee
7 for the use of the public roads and streets of this State by such vehicles
8 while operated separately, or in combination with other vehicles, due to the
9 unusual design and size of such vehicles, or combinations of vehicles.

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

12 (b) Five (5) axle vehicles may haul maximum
13 gross loaded weights of up to eighty thousand pounds (80,000 lbs.) without the
14 purchase of any additional or different type license.

15 (iv) The director shall cause to be issued special
16 and distinctive license plates for vehicles in this classification, with
17 separate license plates to be established for those vehicles hauling farm
18 products, animal feed or compacted seed cotton and separate license plates to
19 be established for those vehicles hauling timber products, clay minerals, or
20 ores.

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

29 (vi) Any person entitled to obtain a natural
30 resources license for a motor vehicle used for hauling farm products as
31 authorized under this classification, if such vehicle is required for only
32 seasonal or occasional use, upon submitting an affidavit, may be issued a
33 natural resources license for such vehicle for the first six (6) months of the
34 annual licensing period, at a rate equal to one-half (1/2) of the annual fee,
35 but in no event less than sixty-five dollars (\$65.00). The director shall

1 issue special distinctive license plates for such vehicles, including the
2 indication thereon of the expiration date, so as to identify them from annual
3 natural resources plates.

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

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

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

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

31 (xi) All affidavits required under the provisions of
32 this subdivision shall be acknowledged by the director, his authorized agent,
33 or some other person authorized by the laws of this state to administer
34 oaths."

35

1 SECTION 2. Subsection (d) of Arkansas Code §27-14-601 is hereby amended
2 to read as follows:

3 "(d) (1) All taxes, fees, penalties, interest, and other amounts
4 collected under the provisions of this section, with the exception of that
5 portion of the fee declared to be a permit fee and collected pursuant to
6 subdivision (a) (3) (H) (ii) (f), above, shall be classified as special
7 revenues and shall be deposited in the State Treasury. After deducting the
8 amount to be credited to the Constitutional Officers Fund and the State
9 Central Services Fund as provided under the Revenue Stabilization Law,
10 §19-5-101 et seq., the State Treasurer shall transfer on the last business day
11 of each month:

12 (A) Fifteen percent (15%) of the amount thereof to the
13 County Aid Fund;

14 (B) Fifteen percent (15%) of the amount thereof to the
15 Municipal Aid Fund; and

16 (C) Seventy percent (70%) of the amount thereof to the
17 State Highway and Transportation Department Fund.

18 (2) The funds shall be further disbursed in the same manner and
19 used for the same purposes as set out in the Arkansas Highway Revenue
20 Distribution Law, §27-70-201 et seq.

21 (3) That portion of the annual license fee collected pursuant to
22 subdivision (a) (3) (H) (ii) (f) of this section declared to be a permit fee
23 shall be classified as special revenues and shall be deposited in the State
24 Treasury. The State Treasurer shall transfer on the last business day of each
25 month all of such portions of such annual license fees to the State Highway
26 and Transportation Department Fund to be utilized for the construction,
27 reconstruction, and maintenance of highways and bridges in the State Highway
28 System."

29

30 SECTION 3. Arkansas Code §27-35-206 is hereby amended to read as
31 follows:

32 "§27-35-206. Width of vehicles. No vehicle operated upon the highways
33 of this state shall have a total outside width, unladen or with load, in
34 excess of one hundred two inches (102") excluding certain safety devices as
35 designated by the state, unless a greater width is authorized by special

1 permit issued by competent authority as provided in §27-35-210. Provided,
2 vehicles, as defined in subsection (a) of §27-14-207, utilized to transport
3 compacted seed cotton from the farm to the first point at which such seed
4 cotton shall first undergo any processing, preparation for processing, or
5 transformation from its compacted state may operate upon all highways of this
6 state, with the exception of Federal Interstate Highways, with widths not
7 exceeding one hundred eight inches (108") without such special permit,
8 however, such vehicles must be equipped and operated in compliance with the
9 traffic laws of this state as well as all safety rules and regulations of the
10 United States Department of Transportation and the Arkansas State Highway
11 Commission. Additionally, such vehicles utilized to transport compacted seed
12 cotton with widths exceeding 102 inches, but not exceeding 108 inches, must be
13 equipped and operated with both front and rear bumpers if operated
14 individually, or, if operated in combination with other vehicles, must be
15 equipped with a front bumper on the vehicle furnishing the motive power and
16 with a rear bumper on the rear vehicle operated in that combination. Further,
17 such vehicles when operated individually, or in combination with other
18 vehicles, on the roads, highways or streets of this State must be equipped
19 with a sign or placard on the front and on the rear of such vehicle when
20 operated individually, or, on the front of the vehicle furnishing the motive
21 power and on the rear of any vehicle operated in combination with the vehicle
22 furnishing the motive power, when operated in combination, indicating that
23 vehicle or combination of vehicles is slow moving. Such signs or placards
24 shall be of such a size, dimension and color that it is readily apparent to
25 the traveling public that such vehicle or combination is slow moving and shall
26 be in accordance with rules and regulations to be made and promulgated by the
27 Arkansas State Highway Commission and any person owning such a vehicle or
28 combination of vehicles found operating such a vehicle or combination on the
29 highways, roads or streets of this state without the required bumpers or
30 without the required signs or placards shall be deemed guilty of a misdemeanor
31 and, upon conviction, shall be fined in a sum of not less than three hundred
32 dollars (\$300) and not more than three thousand dollars (\$3,000)."

33

34 SECTION 4. Subsection (a) of Arkansas Code §27-35-208 is hereby
35 amended to read as follows:

1 "(a) No single truck operated on the highways of this state, unladen or
2 with load, shall have an overall length in excess of forty feet (40').
3 Provided, any single truck, unladen or with load, utilized to transport
4 compacted seed cotton from the farm to the first point at which such seed
5 cotton shall first undergo any processing, preparation for processing, or
6 transformation from its compacted state may be operated on the highways of
7 this state, with the exception of Federal Interstate Highways, with an overall
8 length in excess of forty feet (40') but no more than fifty-five feet (55_)."
9

10 SECTION 5. Subsection (g) of Arkansas Code §27-35-203 is hereby amended
11 to read as follows:

12 "(g) (1) (A) Vehicles, or combinations of vehicles, which vehicles
13 or combinations of vehicles have a total outside width in excess of one
14 hundred two inches (102") but not exceeding one hundred eight inches (108")
15 used for hauling compacted seed cotton from the farm to the first point at
16 which such seed cotton shall first undergo any processing, preparation for
17 processing, or transformation from its compacted state shall be permitted an
18 eight thousand pounds (8,000 lbs.) per axle variance above the maximum
19 allowable gross axle weight for single and tandem axles set forth in
20 subsections (a) and (b) and subdivision (c)(1) of this section, provided, no
21 such variance for such vehicles from the formula prescribed in subsection (e)
22 of this section, nor from the axle weight nor overall maximum gross weight
23 shall be allowable on Federal Interstate Highways. Provided, further, no
24 vehicle or combination of vehicles permitted the above axle variance, which
25 vehicle or combination of vehicles has only three (3) axles, shall exceed a
26 maximum overall gross weight of seventy thousand pounds (70,000 lbs.) and no
27 such vehicle or combination of vehicles permitted the above axle variance,
28 which vehicle or combination of vehicles has four (4) or more axles, shall
29 exceed a maximum overall gross weight of eighty thousand pounds (80,000 lbs).

30 (B) Vehicles, or combinations of vehicles, with five (5)
31 axles and used exclusively by the owner of livestock or poultry for hauling
32 animal feed to the owner's livestock or poultry for consumption in this state
33 shall be permitted an eight percent (8%) variance above the allowable gross
34 weight whenever the formula in subsection (e) of this section is applied to
35 the vehicle or combination of vehicles. A maximum gross weight, including any

1 allowable variance or tolerance, shall not exceed eighty thousand pounds
2 (80,000 lbs.).

3 (C) Vehicles, or combinations of vehicles, used exclusively
4 for hauling solid waste, as defined by regulations promulgated by the Arkansas
5 State Highway Commission, shall be permitted an eight percent (8%) variance
6 above the allowable gross weight whenever the formula in subsection (e) of
7 this section is applied to the vehicle or combination of vehicles. However,
8 the maximum gross weight, including any allowable variance or tolerance, shall
9 not exceed eighty thousand pounds (80,000 lbs.).

10 (2) (A) Vehicles, or a combination of vehicles, meeting all of
11 the requirements of subdivision (g) (1) (B) or subdivision (g) (1) (C) of this
12 section shall not be required to meet the tandem axle load limits of
13 subsection (b) of this section if the vehicles, or combinations thereof, do
14 not exceed the allowable gross weight permitted by the formula in subsection
15 (e) of this section, plus any variance, and do not exceed a gross weight of
16 eighty thousand pounds (80,000 lbs.).

17 (B) (i) No tandem axle on any vehicle, or a combination
18 of vehicles, meeting all of the requirements of subdivision (g) (1) (B) or
19 subdivision (g) (1) (C) of this Section shall exceed thirty-six thousand five
20 hundred pounds (36,500 lbs.) under this subsection.

21 (ii) No variance on gross weight or axle shall be
22 permitted on federal interstate highways.

23 (iii) When a violation of this subsection occurs,
24 fines and penalties to be assessed for vehicles otherwise meeting the
25 requirements of subdivision (g) (1) (B) or subdivision (g) (1) (C) of this section
26 shall be computed only on the basis of the excess weight over and above the
27 maximum weight for which the vehicle qualifies under the formula prescribed in
28 subsection (e) of this section plus an eight percent (8%) variance.

29 (iv) When a violation of this subsection occurs,
30 fines and penalties to be assessed for vehicles otherwise meeting the
31 requirements of subdivision (g) (1) (A) of this section shall be computed only
32 on the basis of the excess weight over and above seventy thousand pounds
33 (70,000 lbs.), including the variance, for a three axle vehicle, or
34 combination of vehicles, and only on the basis of the excess weight over and
35 above eighty thousand pounds (80,000 lbs.), including the variance, for a

1 vehicle, or combination of vehicles, with four or more axles."

2

3 SECTION 6. Subsection (i) of Arkansas Code §27-35-203, as amended by
4 Act 1139 of 1991, is hereby amended to read as follows:

5 "(i) (1) Vehicles, or combinations of vehicles, with five (5) axles
6 hauling sand, gravel, rock, or crushed stone and vehicles or combinations of
7 vehicles with five (5) axles hauling unfinished and unprocessed farm products,
8 forest products or other products of the soil shall be exempt from the federal
9 bridge formula found in subsection (e) of this section on non-interstate
10 highways in this state.

11 (2) Vehicles, or combinations of vehicles, with five (5) axles hauling
12 sand, gravel, rock, or crushed stone shall comply with a tandem axle limit of
13 thirty-four thousand pounds (34,000 lbs.) and a single axle limit of twenty
14 thousand pounds (20,000 lbs.). Vehicles, or combinations of vehicles, with
15 five (5) axles hauling unfinished and unprocessed farm products, forest
16 products, or other products of the soil shall comply with a tandem axle limit
17 of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle
18 *limit of twenty thousand (20,000) pounds, provided, no tandem axle shall*
19 *exceed thirty four thousand (34,000) pounds while operated on the federal*
20 *interstate highways of this state."*

21

22 SECTION 7. All provisions of this Act of a general and permanent
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
24 Code Revision Commission shall incorporate the same in the Code.

25

26 SECTION 8. If any provision of this Act or the application thereof to
27 any person or circumstance is held invalid or unconstitutional, such
28 invalidity or unconstitutionality shall not affect other provisions or
29 applications of the Act which can be given effect without the invalid
30 provision or application, and to this end the provisions of this Act are
31 declared to be severable.

32

33 SECTION 9. All laws and parts of laws in conflict with this Act are
34 hereby repealed, however, it is declared to be the intent of the General
35 Assembly in amending subsection (d) of Arkansas Code §27-41-601 by this Act to

1 not only dedicate a portion of the fees to the State Highway and
2 Transportation Department Fund collected for the separate registration of
3 certain vehicles utilized or intended to be utilized to transport compacted
4 seed cotton, under certain restrictions set out in this Act, but also to
5 clarify the intent of the General Assembly that all other taxes, fees,
6 penalties, interest and other amounts collected under Arkansas Code §27-14-601
7 be distributed in the same manner and utilized for the same purposes as set
8 out in the Arkansas Highway Revenue Distribution Law, Arkansas Code
9 §27-70-201, et seq., including an initial distribution of such taxes, fees,
10 penalties, interest and other amounts to the County Aid Fund, the Municipal
11 Aid Fund, and the State Highway and Transportation Department Fund. It is
12 further declared by the General Assembly that the amendment contained in this
13 Act to subsection (d) of Arkansas Code §27-14-601 is in no way intended to
14 repeal, amend, or abrogate the provisions of Arkansas Code §26-56-222.

15

16 SECTION 10. It is hereby found and determined by the General Assembly
17 that a number of farmers in this state have recently purchased vehicles for
18 the purposes of transporting compressed seed cotton from the farm to the
19 market; that unfortunately many such vehicles exceed the current width and
20 length laws of this state and when loaded with such compressed seed cotton at
21 times exceed the current maximum weight laws; that unless the width, length
22 and weight laws of this state are amended, such farmers will suffer a severe
23 economic hardship; that the application for and securance of a special permit
24 from the Arkansas State Highway Commission would result in an unduly
25 cumbersome and burdensome process not only for the farmer but also for the
26 state and that only by the immediate effectiveness of this Act may these
27 problems be solved. Therefore an emergency is hereby declared to exist and
28 this Act being necessary for the immediate preservation of the public peace,
29 health and safety shall be in full force and effect from and after its passage
30 and approval.

31

/s/Sen. Scott

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APPROVED: 3-20-92

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