

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Hendrix**

A Bill

ACT 1027 OF 1993
HOUSE BILL 1862

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE SECTIONS 23-13-228 AND
9 23-13-235 IN ORDER TO CHARGE ANNUAL FEES FOR THE
10 REGISTRATION OF INSURANCE BY MOTOR CARRIERS RATHER THAN
11 THE ANNUAL FEES CURRENTLY CHARGED WHICH CURRENT FEES WILL
12 LARGELY BE PRE-EMPTED BY INTERSTATE COMMERCE COMMISSION
13 REGULATIONS AFTER DECEMBER 31, 1993; AND FOR OTHER
14 PURPOSES."

Subtitle

17 "TO CHARGE ANNUAL FEES FOR THE REGISTRATION OF INSURANCE
18 BY MOTOR CARRIERS."

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

22 SECTION 1. Arkansas Code Section 23-13-228 is hereby
23 amended to read as follows:

24 "23-13-228. Certificate or permit for interstate or foreign commerce -
25 Disposition of funds.

26 (a) It is declared unlawful for any motor carrier to use any of the
27 public highways of this state for the transportation of persons or property in
28 interstate commerce unless there is in force with respect to the carrier
29 adequate surety for the protection of the public on file with the Arkansas
30 State Highway Commission or the base state of the motor carrier.

31 (b) Each carrier engaged in interstate commerce for which the State of
32 Arkansas serves as the base registration state shall file an application,
33 verified under oath, accompanied by the following:

34 (1) A check made payable to the Arkansas State Highway and
35 Transportation Department in an amount sufficient to qualify the total number
36 of motor vehicles, as the term 'motor vehicle' is defined by rules and

1 regulations of the Interstate Commerce Commission, operating in interstate
2 commerce in all participating states. Such fee shall conform to the fee
3 requirements of each state in which the carrier wishes to travel;

4 (2) A copy of the applicant's authority granted by the Interstate
5 Commerce Commission;

6 (3) Evidence of security for the protection of the public in an amount
7 required by the rules and regulations of the Interstate Commerce Commission;
8 and

9 (4) The name of an agent for service of process for each of the
10 jurisdictions in which travel is to be authorized.

11 (c) Upon the filing of the application and the appropriate documentation
12 fees, the Commission shall issue a receipt
13 evidencing that adequate surety for the protection of the public is on file.
14 Such receipt shall authorize travel in the states for which fees have been
15 paid for only the number of motor vehicles for which fees have been paid. The
16 motor carrier may not operate more motor vehicles in a particular state than
17 the number with respect to which it has paid fees.

18 (d) The receipt evidencing adequate surety for the protection of the
19 public shall be carried at all times in the motor vehicle and must be
20 presented by the driver of the motor vehicle for inspection by any authorized
21 government personnel. Failure to carry the receipt authorizing travel in the
22 State of Arkansas shall subject the motor carrier to such civil and criminal
23 penalties and fines as are herein authorized by this Act.

24 (e) In addition to the terms and provisions of this section, all other
25 terms and provisions of this subchapter shall be applicable to interstate
26 motor carriers insofar as the terms and provisions of this subchapter are not
27 prohibited under the provisions of the Constitution of the United States and
28 acts of Congress.

29 (f) The funds paid as provided in subsection (b)(1) of this section or
30 as provided in §23-13-235 which remain, after payments are made to the other
31 states participating in the base state registration program, with the Arkansas
32 State Highway and Transportation Department, or which are collected and
33 forwarded to that Department by other states participating in that program,
34 shall be deposited with the State Treasurer and classified as 'general
35 revenues' for distribution and usage as provided by the laws of this State,

1 provided, one and one-half percent (1 1/2%) of all such funds so deposited
2 with the State Treasurer shall be classified as 'special revenues' and
3 transferred, by the State Treasurer on the last business day of the month such
4 funds are deposited, to the State Highway and Transportation Department Fund,
5 there, notwithstanding the provisions of any law to the contrary, to be
6 utilized by the Arkansas State Highway and Transportation Department for the
7 purposes of administering this subchapter."

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9 SECTION 2. Arkansas Code Section 23-13-235 is hereby amended to read as
10 follows:

11 "23-13-235. Annual fees charged carriers - Remittance - Disposition of
12 funds.

13 (a) From each common or contract carrier of passengers or property ,
14 there shall be collected an annual fee for the registration of insurance.
15 That annual registration fee to be collected from each common or contract
16 carrier of passengers or property holding only a certificate or permit issued
17 pursuant to this subchapter shall be five dollars (\$5.00) for each bus, truck,
18 or truck-tractor of the carrier to be operated in this State. The annual
19 registration fee for the registration of insurance to be collected from any
20 other carrier, including a carrier holding a certificate or permit issued by
21 the Interstate Commerce Commission, on behalf of the State of Arkansas shall
22 be collected under the base state registration program and shall be five
23 dollars (\$5.00) per motor vehicle. The Department shall also collect fees
24 under the base state registration program on behalf of and for all other
25 participating states of travel from all carriers based in the State of
26 Arkansas. All fees collected on behalf of other participating states shall be
27 collected in the amount required by that state and remitted to that state
28 under the rules and regulations adopted by the Interstate Commerce Commission.

29 (b) All fees as set out in this section shall be due and payable on or
30 before January 1 of each year to cover the ensuing calendar year. However,
31 the fees to be collected from the holders of temporary authority shall be due
32 and payable before the authority is first exercised.

33 (c) Nothing in this section shall be construed as requiring the payment
34 of more than the fees for each bus, truck, or truck-tractor so used as set out
35 in subsection (a) of this section, but the fee shall be paid annually for each

1 motor vehicle, as the term 'motor vehicle' is defined in rules and regulations
2 of the Interstate Commerce Commission.

3 (d) Failure on the part of any person or carrier to pay the annual
4 registration fees as provided above shall be a violation of this subchapter,
5 and upon conviction, the person or carrier shall be punished as provided in §
6 23-13-257."

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8 SECTION 3. In accordance with and pursuant to the provisions of this
9 Act and the provisions of 49 U.S.C. §11506 and the regulations issued by the
10 Interstate Commerce Commission pursuant thereto, the Chairman of the Arkansas
11 State Highway Commission and the Director of the Department of Finance and
12 Administration, or their designees, are authorized and empowered to enter into
13 any agreements or arrangements with other states and to take all action they
14 deem necessary or proper to ensure that the amendments made by this Act are
15 effectuated by October 1, 1993. If any provision of this Act or any
16 regulation issued thereunder is inconsistent with federal laws or regulations,
17 such federal laws or regulations shall prevail solely to the extent of the
18 conflict.

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20 SECTION 4. The amendments to the Arkansas Code made in Sections 1 and 2
21 of this Act shall be effective on and after October 1, 1993.

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23 SECTION 5. All laws and parts of laws in conflict with this Act are
24 hereby repealed.

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26 SECTION 6. The provisions of this Act are hereby declared to be
27 severable. If any provision of the act shall be declared to be invalid or to
28 be inapplicable to any person or circumstance, such determination shall not
29 affect the validity or applicability of the other provisions of this Act.

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

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APPROVED: 4/12/93

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