

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1991 of the Regular Session

As Engrossed: S3/16/05 S3/29/05 S3/30/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 935

4
5 By: Senator Faris
6
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE MOTOR VEHICLE LAWS CONCERNING
10 REGISTRATION, CERTIFICATES OF TITLE, AND
11 LICENSING; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND THE MOTOR VEHICLE LAWS
15 CONCERNING REGISTRATION, CERTIFICATES OF
16 TITLE, AND LICENSING.
17
18

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

21 SECTION 1. Arkansas Code § 27-14-212 is amended to read as follows:

22 27-14-212. Implements of husbandry.

23 "Implements of husbandry" means every vehicle designed ~~and~~ or adapted
24 exclusively for timber harvesting or hauling, agricultural, horticultural, or
25 livestock raising operations, or for lifting or carrying an implement of
26 husbandry, and, in either case, not subject to registration if used upon the
27 highways.
28

29 SECTION 2. Arkansas Code § 27-14-703 is amended to read as follows:

30 27-14-703. Vehicles subject to registration - Exceptions.

31 Every motor vehicle, trailer, semitrailer, and pole trailer when driven
32 or moved upon a highway and every mobile home shall be subject to the
33 provisions of this chapter except:

34 (1) Any vehicle driven or moved upon a highway in conformance
35 with the provisions of this chapter relating to manufacturers, transporters,



1 dealers, lienholders, or nonresidents or under a temporary registration
2 permit issued by the office as authorized in § 27-14-708;

3 (2) Any vehicle which is driven or moved upon a highway only for
4 the purpose of crossing such highway from one (1) property to another;

5 (3)(A) Any implement of husbandry that is only incidentally
6 operated or moved upon a highway whether or not it is of a type otherwise
7 subject to registration under this chapter or not which is only incidentally
8 operated or moved upon a highway.

9 (B) Incidental use may be established by an affidavit of
10 the owner of the implement of husbandry submitted to the Department of
11 Finance and Administration along with payment of the gross receipts or use
12 tax imposed on the implement of husbandry when the owner applies for and
13 receives a certificate of title to the implement of husbandry.

14 (C) The transportation of logs or timber upon a highway
15 from the point of severance to a point in this state at which the logs or
16 timber first undergo any processing, preparation for processing, conversion,
17 or transformation from their natural or severed state shall not be incidental
18 operation of the implement of husbandry upon a highway.

19 (D) An affidavit to establish incidental use is not
20 required if the implement of husbandry was originally manufactured as an
21 implement of husbandry;

22 (4) Any special mobile equipment as defined in § 27-14-211;

23 (5) Any vehicle which is propelled exclusively by electric power
24 obtained from overhead trolley wires, though not operated upon rails;

25 (6) Manufactured homes or mobile homes for which the certificate
26 of title has been cancelled under § 27-14-1603; and

27 ~~(6)~~(7) No certificates of title need be obtained for any vehicle
28 of a type subject to registration owned by the federal government.

29
30 SECTION 3. Arkansas Code § 27-14-1603 is amended to read as follows:
31 27-14-1603. Cancellation of title.

32 (a) If a manufactured home or a mobile home is to be affixed to real
33 estate, the manufacturer's certificate or the original document of title may
34 be surrendered to the Department of Finance and Administration for
35 cancellation.

36 (b)(1) The Director of the Department of Finance and Administration

1 may require the filing of pertinent information for the cancellation of
2 manufactured home titles or mobile home titles.

3 (2) The director shall have the authority to promulgate rules
4 and regulations to establish a procedure for the cancellation of manufactured
5 home titles or mobile home titles.

6
7 SECTION 4. Arkansas Code § 27-14-207 is amended to read as follows:
8 27-14-207. Definitions.

9 As used in this subchapter:

10 (1) "Bus" means every motor vehicle designed for carrying more
11 than ten (10) passengers and used for the transportation of persons and every
12 motor vehicle, other than a taxicab, designed and used for the transportation
13 of persons for compensation;

14 (2) "Manufactured home" means a dwelling unit constructed in a
15 factory in accordance with the federal Manufactured Home Construction and
16 Safety Standards Act;

17 ~~(2)(3) "Mobile home" means every house trailer or other vehicle,~~
18 ~~with or without wheels, designed for use as living quarters, either permanent~~
19 ~~or temporary, and, at the time of manufacture, capable of being towed or~~
20 ~~otherwise transported or drawn upon a highway~~ a dwelling unit constructed in
21 a factory prior to the enactment of the federal Manufactured Home
22 Construction and Safety Standards Act;

23 ~~(3)(4) "Motorcycle" means every motor vehicle having a saddle~~
24 ~~for the use of the rider and designed to travel on not more than three (3)~~
25 ~~wheels in contact with the ground, excluding a tractor;~~

26 ~~(4)(5) "Motor home" means a motor vehicle designed to provide~~
27 ~~temporary living quarters, built onto an integral part of, or permanently~~
28 ~~attached to, a self-propelled motor vehicle chassis. The vehicle must~~
29 ~~contain permanently installed independent life-support systems;~~

30 ~~(5)(6) "Motor vehicle" means every vehicle which is self-~~
31 ~~propelled and every vehicle which is propelled by electric power obtained~~
32 ~~from overhead trolley wires, but not operated upon rails;~~

33 ~~(6)(7) "School bus" means every motor vehicle owned by a public~~
34 ~~or governmental agency and operated for the transportation of children to or~~
35 ~~from school or privately owned and operated for compensation for the~~
36 ~~transportation of children to or from school; and~~

1 ~~(7)~~(8) "Vehicle" means every device in, upon, or by which any
2 person or property is, or may be, transported or drawn upon a highway,
3 excepting devices moved by human power or used exclusively upon stationary
4 rails or tracks.

5
6 SECTION 5. Arkansas Code § 27-14-807 is amended to read as follows:
7 27-14-807. Methods exclusive - Exception.

8 (a) The methods provided in this subchapter of giving constructive
9 notice of a lien or encumbrance upon a registered vehicle shall be exclusive
10 except as to liens dependent upon possession and manufactured homes or mobile
11 homes for which the certificate of title has been cancelled under § 27-14-
12 1603.

13 **(b) A security interest, lien, or encumbrance on a manufactured home**
14 **or mobile home for which the certificate of title has been cancelled under §**
15 **27-14-1603 shall be obtained in the same manner used to perfect a security**
16 **interest, lien, or encumbrance against other real property.**

17 ~~(b)~~(c) Any lien, or encumbrance, or title retention instrument filed
18 as provided in this subchapter, and any documents evidencing them, are
19 exempted from the provisions of law which otherwise require or relate to the
20 recording or filing of instruments creating or evidencing title retention or
21 other liens or encumbrances upon vehicles of the types subject to
22 registration under this chapter.

23
24 SECTION 6. Arkansas Code § 27-14-1601 is amended to read as follows:
25 27-14-1601. Definitions.

26 For the purposes of this subchapter:

27 (1) "Manufactured home" means a dwelling unit constructed in a
28 factory in accordance with the federal Manufactured Home Construction and
29 Safety Standards Act ~~and capable of being delivered to a site for use as~~
30 ~~living quarters; and~~

31 (2) "Mobile home" means a ~~unit other than a manufactured home~~
32 ~~constructed in a factory for use as a dwelling, office, or classroom~~ dwelling
33 unit built in a factory prior to the enactment of the federal Manufactured
34 Home Construction and Safety Standards Act.

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36 SECTION 7. Arkansas Code § 27-14-1602 is amended to read as follows:

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