

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 809 OF 1997
HOUSE BILL 1919

4
5 By: Representatives Wooldridge, Angel, Davis, Magnus, Jeffress, and French
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE § 27-14-601(a)(3)(A) TO
10 CLARIFY THAT ALL COMMERCIAL TRUCKS AND VANS RATED BY THE
11 MANUFACTURER AS HAVING A NOMINAL TONNAGE OF ONE (1) TON
12 SHALL BE REGISTERED IN THE APPROPRIATE CLASS ACCORDING TO
13 GROSS LADEN WEIGHT; TO AMEND ARKANSAS CODE § 27-20-201 TO
14 CHANGE THE TIME FRAME FOR REGISTRATION OF ALL-TERRAIN
15 CYCLES TO WITHIN TWENTY (20) DAYS OF SALE; TO AMEND
16 ARKANSAS CODE § 27-14-913 EXTENDING THE AGE LIMIT AFFECTING
17 VEHICLES TO BE SOLD FOR DISMANTLING; TO AMEND ARKANSAS
18 CODE § 27-14-712 TO UPDATE LANGUAGE ON THE METHODS FOR
19 MAINTAINING MOTOR VEHICLE RECORDS; TO AMEND ARKANSAS CODE
20 § 4-90-206 REGARDING ODOMETER DISCLOSURES; TO REPEAL
21 ARKANSAS CODE § 27-14-503 CONCERNING THE LICENSING OF
22 SEMITRAILERS UNDER RECIPROCAL AGREEMENTS; AND FOR OTHER
23 PURPOSES."

Subtitle

24
25 "TO AMEND SEVERAL MOTOR VEHICLE STATUTES
26 TO CLARIFY THE REGISTRATION AND TITLING
27 PROVISIONS AND TO CONFORM WITH FEDERAL
28 ODOMETER LAW REQUIREMENTS."
29

30
31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
32

33 SECTION 1. Subdivision(a)(3)(A) of Arkansas Code § 27-14-601, regarding
34 vehicle registration fees, is amended to read as follows:

35 "(A) Class One - All trucks and vans which are rated by the manufacturer
36 as having a nominal tonnage of one (1) ton ~~or less~~ which are used exclusively

1 for personal transportation and are not used for commercial or business
 2 purposes, and all trucks and vans which are rated by the manufacturer as
 3 having a nominal tonnage of three quarter (3/4) ton or less shall be assessed
 4 a license fee of twenty-one dollars (\$21.00) without regard to weight. The
 5 owner of a truck or van registered as a class one (1) truck prior to the
 6 effective date of this act, and which truck or van is required to be
 7 registered in a class other than Class One (1) as a result of this
 8 subdivision, may operate the truck or van with the Class One (1) registration
 9 for the remainder of its existing registration period. The Class One (1)
 10 registration shall not be renewed, and upon its expiration the owner shall
 11 register the vehicle in the appropriate class according to gross laden weight
 12 and shall be charged a prorated registration fee based on the number of months
 13 remaining in the registration period expiring on June 30, 1998;"

14

15 SECTION 2. Arkansas Code § 27-20-201 is amended to read as follows:

16 "27-20-201. Penalty.

17 Any owner of a three (3) or four (4) wheeled all-terrain cycle failing
 18 to register it within ~~ten (10)~~ twenty (20) calendar days after the transfer
 19 date, or the release of lien by a prior lienholder, whichever is greater,
 20 shall be assessed an additional penalty of three dollars (\$3.00) for each ten
 21 (10) ~~days~~ calendar day period, or fraction thereof, for which he fails to
 22 properly ~~to~~ register the cycle until the penalty reaches the same amount as
 23 the registration fee of the cycle to be registered."

24

25 SECTION 3. Arkansas Code § 27-14-913 is amended to read as follows:

26 "27-14-913. Sale of motor vehicles to be dismantled, etc.

27 (a) Any owner who sells a motor vehicle as scrap or to be dismantled or
 28 destroyed shall assign a certificate of title thereto to the purchaser and
 29 shall deliver the certificate, as assigned, to the office with an application
 30 for a permit to dismantle the vehicle.

31 (b)(1) If the motor vehicle is at least ~~six (6)~~ ten (10) years old and
 32 no certificate of title is available, the purchaser shall deliver a bill of
 33 sale in lieu of the certificate of title to the office.

34 (2)(A) The bill of sale shall identify the make, model, and
 35 serial number of the motor vehicle, and this information shall be verified by
 36 a municipal police officer's, sheriff's, or deputy sheriff's signature on the

1 bill of sale.

2 (B)(i) The verifying law enforcement officer shall cause the bill
 3 of sale to be forwarded to the office, and for such service the city or
 4 county, as the case may be, shall receive a five dollar (\$5.00) fee, which
 5 shall be placed in the city or county general fund.

6 (ii) The office shall thereupon cancel the certificate of
 7 title to the motor vehicle and issue to the purchaser a permit to dismantle
 8 the motor vehicle which shall authorize the person to possess or transport the
 9 motor vehicle, or to transfer ownership thereto, by endorsement on the permit.

10 (c) A certificate of title shall not again be issued for a vehicle for
 11 which a permit to dismantle has been issued except upon application containing
 12 such information as the office shall require and a certificate of inspection
 13 in the form and content prescribed by the office.

14 (d) The term "motor vehicle", as used in this section, shall not be
 15 applicable to any vehicle which meets each and every one of the following
 16 conditions:

- 17 (1) Is so badly damaged or deteriorated as to be inoperable;
- 18 (2) Is not equipped with parts and accessories which are
 19 essential to the operation of a motor vehicle;
- 20 (3) Does not have current license plate or plates;
- 21 (4) Is over ~~eight (8)~~ ten (10) years of age;
- 22 (5) Is not equipped with a gas tank;
- 23 (6) Is not equipped with tires; and
- 24 (7) Has no value except as junk."

25

26 SECTION 4. Arkansas Code § 27-14-712 is amended to read as follows:
 27 "27-14-712. Registration indexes.

28 The office shall file each application received and, when satisfied as
 29 to the genuineness and regularity thereof and that the applicant is entitled
 30 to register such vehicle and to the issuance of a certificate of title, shall
 31 register the vehicle therein described and keep a record thereof in suitable
 32 ~~books or on index cards~~ methods which insure that the records will be
 33 available as follows:

- 34 (1) Under a distinctive registration number assigned to the vehicle;
- 35 (2) Alphabetically, under the name of the owner;
- 36 (3) Under the ~~serial~~ vehicle identification number, if available,

1 otherwise any other identifying number of the vehicle; and

2 (4) In the discretion of the office, in any other manner it may deem
3 desirable."

4

5 SECTION 5. Subsection (a) of Arkansas Code § 4-90-206, regarding the
6 odometer disclosure statements on transfer of ownership, is hereby amended to
7 read as follows:

8 "4-90-206. Disclosure requirements on transfer of a motor vehicle.

9 (a)(1) A person transferring his ownership of a motor vehicle shall
10 give the transferee a written disclosure:

11 (A) Of the cumulative mileage registered by the odometer;

12 or

13 (B) That the mileage is ~~unknown~~ not actual, if the
14 transferor knows that the mileage registered by the odometer is incorrect.

15 (2) A person making a written disclosure required by a regulation
16 prescribed under subdivision (a)(1) of this section may not make a false
17 statement in the disclosure.

18 (3) A person acquiring a motor vehicle for resale may accept a
19 disclosure under this section only if it is complete.

20 (4) The Director of the Department of Finance and Administration
21 shall adopt, pursuant to the Arkansas Administrative Procedure Act,
22 § 25-15-201 et seq., rules not inconsistent with this subchapter or Title 49,
23 Chapter 327 of the United States Code, or any rules promulgated thereunder
24 prescribing the manner in which the written disclosure shall be made."

25

26 SECTION 6. All provisions of this act of general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 7. If any provisions of this act or the application thereof to
31 any person or circumstance is held invalid, the invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provisions or application, and to this end the provisions of this
34 act are declared to be severable.

35

36 SECTION 8. (a) Arkansas Code § 27-14-503, regarding the registration

1 of semitrailers under reciprocal agreements, is repealed.

2 ~~———— 27-14-503. Registration and licensing of semitrailers under reciprocal~~
3 ~~agreements.~~

4 ~~———— (a)(1) For semitrailers owned and operated under the provisions of~~
5 ~~agreements consummated under the provisions of § 27-14-502, the owner thereof~~
6 ~~may, in lieu of the provisions of § 27-14-601, apply for and be issued special~~
7 ~~plates evidencing registration of the semitrailers.~~

8 ~~———— (2) The plates shall be valid for a period of three (3) years and shall~~
9 ~~have a registration fee as shall be provided by law.~~

10 ~~———— (b)(1) Beginning with the 1979-80 registration year, the plates shall~~
11 ~~be issued with an expiration date of June 30, 1982.~~

12 ~~———— (2) Any plates issued between July 1, 1979, and June 30, 1982, shall~~
13 ~~bear this expiration date and shall expire on such date; thereafter the~~
14 ~~registration and plates shall be issued for and expire on succeeding~~
15 ~~three-year periods.~~

16 ~~———— (3) The fee for any plates issued for less than the full three-year~~
17 ~~period shall be prorated to the nearest full year from the date of purchase to~~
18 ~~the date of expiration.~~

19 ~~———— (c)(1) For all semitrailers initially registered under the provisions~~
20 ~~of this section, subsequent to July 1, 1982, the registration and plate issued~~
21 ~~under the provisions of this section shall be valid until the next succeeding~~
22 ~~three-year expiration date.~~

23 ~~———— (2) The fee charged for registration shall be prorated to the nearest~~
24 ~~full year from the date of purchase to the date of expiration.~~

25 ~~———— (d)(1)(A) Whenever the owner of a registered trailer transfers or~~
26 ~~assigns his title, or interest thereto, the registration of the trailer shall~~
27 ~~expire.~~

28 ~~———— (B)(i) The owner shall remove the license plates and any plate sticker,~~
29 ~~metal tab, or decal therefrom and forward it to the department.~~

30 ~~———— (ii) He may have plates and plate sticker, metal tab, or decal, and the~~
31 ~~registration number thereon, assigned to another trailer, upon payment of the~~
32 ~~fees required by law and subject to the rules and regulations of the~~
33 ~~department.~~

34 ~~———— (iii) For a transfer, the owner shall pay a fee of one dollar (\$1.00).~~

35 ~~———— (2)(A)(i) The owner shall endorse an assignment and warranty of title~~
36 ~~upon the certificate of title for the trailer, with a statement of all liens~~

1 ~~or encumbrances thereon.~~

2 ~~—— (ii) The statement shall be verified under oath by the owner.~~

3 ~~—— (B) The owner shall deliver the certificate of title to the purchaser~~
4 ~~or transferee at the time of delivering the trailer.~~

5 (b) All laws and parts of laws in conflict with this act are hereby
6 repealed.

7

8

9 APPROVED: 3-25-97

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35