

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H1/30/09 H2/4/09

# A Bill

HOUSE BILL 1239

5 By: Representatives Cole, Moore  
6 By: Senators Altes, Teague, D. Wyatt  
7

## For An Act To Be Entitled

10 AN ACT TO PROVIDE OPTIONS FOR THE AGRICULTURE  
11 INDUSTRY TO USE MORE FUEL-EFFICIENT VEHICLES TO  
12 REDUCE COSTS; TO ALLOW MINI-TRUCKS TO BE  
13 REGISTERED AND LICENSED; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 TO PROVIDE OPTIONS FOR THE AGRICULTURE  
16 INDUSTRY TO USE MORE FUEL-EFFICIENT  
17 VEHICLES TO REDUCE COSTS.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 27-14-601(a)(3)(H), regarding the fees for  
24 registration and licensing of Class Eight motor vehicles, is amended to read  
25 as follows:

26 (H) Class Eight.

27 (i) In order to aid in the development of the  
28 natural resources and to promote agriculture, timber harvesting, and forestry  
29 in Arkansas and in order to eliminate apparent inequities in license charges  
30 for vehicles using only improved roads and those used primarily on the farm,  
31 for timber harvesting or forestry, in the wooded areas, and off the main  
32 highway system of this state, a special classification is created to provide  
33 a different and more equitable rate for those vehicles used exclusively for  
34 the noncommercial hauling of farm or timber products produced in this state  
35 *and for hauling of feed, seed, fertilizer, poultry litter, and other products*  
36 *commonly produced or used in agricultural operations or hauling of animal*



1 *feed by owners of livestock or poultry for consumption in this state by*  
2 *livestock or poultry owned by them and for those vehicles used in hauling of*  
3 *unfinished and unprocessed forest products and clay minerals and ores*  
4 *originating in Arkansas from the point of severance to a point in the state*  
5 *at which they first undergo any processing, preparation for processing,*  
6 *conversion, or transformation from their natural or severed state.*  
7 Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary,  
8 farmers may transport cotton seed from the gin or warehouse to the first  
9 point of sale under this special classification. Rock or stone or crushed  
10 rock or crushed stone, except rock or stone which is to undergo further  
11 processing into a finished or semifinished product other than crushed rock or  
12 crushed stone, shall not be construed as "clay minerals" or "ores" under the  
13 provisions of this classification. Notwithstanding any provision of this  
14 subdivision (a)(3)(H) or any other law to the contrary, persons in the timber  
15 harvesting or forestry industries who transport wood waste, wood chips, or  
16 wood dust from a mill or a temporary location may transport the wood waste,  
17 wood chips, or wood dust from the mill or the temporary location to a  
18 destination for further processing under this special classification.

19 (ii) The annual license fees for vehicles classified  
20 as either farm or natural resources vehicles shall be as follows:

21 (a) For a vehicle with two (2) axles,  
22 including mini-trucks, a fee of three dollars and ninety cents (\$3.90) per  
23 one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with  
24 a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum  
25 fee of sixty-five dollars (\$65.00) for each vehicle;

26 (b) For a vehicle with three (3) axles, a fee  
27 of ninety-seven dollars and fifty cents (\$97.50);

28 (c) For a vehicle with four (4) axles, a fee  
29 of one hundred thirty dollars (\$130);

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

32 (e) For a vehicle with five (5) axles used  
33 exclusively by the owner of livestock or poultry in hauling animal feed for  
34 consumption in this state by the owner's livestock or poultry, a fee of six  
35 hundred fifty dollars (\$650); and

36 (f) Notwithstanding any of the provisions of

1 this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated  
2 separately or in combination with other vehicles, which vehicle or  
3 combination has a total outside width in excess of one hundred two inches  
4 (102") but not exceeding one hundred eight inches (108") and is utilized or  
5 intended to be utilized to transport compacted seed cotton, the annual  
6 license fee shall be six hundred fifty dollars (\$650). Provided, any full  
7 trailer or semitrailer used in combination with such registered vehicle shall  
8 also be registered in accordance with and pursuant to the applicable fees set  
9 out in subdivision (a)(3)(I) of this section. That portion of the annual  
10 license fee established by this subdivision (a)(3)(H)(ii)(f) which equals  
11 four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be  
12 a permit fee for the use of the public roads and streets of this state by  
13 such vehicles while operated separately or in combination with other vehicles  
14 due to the unusual design and size of such vehicles or combinations of  
15 vehicles.

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

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

21 (iv) The Director of the Department of Finance and  
22 Administration shall cause to be issued special and distinctive license  
23 plates for vehicles in this classification, with separate farm license plates  
24 to be established for those vehicles used in the noncommercial hauling of  
25 *farm products produced in this state, and for hauling feed, seed, fertilizer,*  
26 *poultry litter, and other products commonly produced or used in agricultural*  
27 *operations or compacted seed cotton and separate natural resources license*  
28 *plates to be established for those vehicles hauling timber products, clay*  
29 *minerals, or ores.*

30 (v)(a) Before any license may be issued for a  
31 vehicle designated ~~a~~ as either a farm vehicle or a natural resources vehicle,  
32 the applicant shall, by affidavit, state that he or she is familiar with the  
33 purposes for which such licenses may be used as authorized under this  
34 classification and that he or she will not use such vehicle for which  
35 application for license is made for any purpose not authorized under this  
36 classification. The applicant shall indicate on his or her affidavit whether

1 the vehicle is to be used for the hauling of farm products, animal feed,  
2 compacted seed, or cotton, or for the hauling of forest products, clay  
3 minerals, or ores.

4 (b) If the applicant is the owner of a mini-  
5 truck, then the affidavit shall state that the vehicle is being used  
6 exclusively for farm purposes and that the mini-truck meets the other  
7 requirements of § 27-14-726.

8 (vi)(a) Upon submitting an affidavit, any person  
9 entitled to obtain a ~~natural resources~~ farm license for a motor vehicle used  
10 for hauling farm products as authorized under this classification, if the  
11 vehicle is required for only seasonal or occasional use, may be issued a  
12 ~~natural resources~~ farm license for the vehicle for the first six (6) months  
13 of the annual licensing period, at a rate equal to one-half ( $\frac{1}{2}$ ) of the annual  
14 fee but in no event less than sixty-five dollars (\$65.00) or for the last  
15 month of the current annual licensing period and the first six (6) months of  
16 the subsequent annual licensing period at a rate equal to seven-twelfths  
17 ( $\frac{7}{12}$ ) of the annual fee but in no event less than seventy-five dollars  
18 (\$75.00).

19 (b) The director shall issue special  
20 distinctive license plates or license plate validation decals for the  
21 vehicles, including the indication thereon of the expiration date, so as to  
22 identify them from annual ~~natural resources~~ plates.

23 (vii) The owner of any motor vehicle who is entitled  
24 to obtain a ~~natural resources~~ farm license for such motor vehicle for use in  
25 hauling farm products as authorized in this subdivision (a)(3)(H) may use  
26 such motor vehicle for the hauling of baled cotton from the cotton gin to a  
27 cotton compress without the necessity of the payment of additional license  
28 fees or the obtaining of additional license plates for such motor vehicle.

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

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

6 (x) If a violation of the natural resources  
7 classification, as authorized in this subdivision (a)(3)(H) is discovered, a  
8 license must immediately be purchased for such vehicle in accordance with the  
9 rate of license that should lawfully be required for such vehicle for so  
10 moving on the roads and highways of this state. No credit shall be given on  
11 the purchase price of such license for any amount or amounts paid for license  
12 hitherto purchased for use on such vehicle. This requirement of license  
13 purchase shall not be in lieu of any criminal prosecution.

14 (xi) All affidavits required under the provisions of  
15 this subdivision (a)(3)(H) shall be acknowledged by the director, his or her  
16 authorized agent, or some other person authorized by the laws of this state  
17 to administer oaths;

18 (xii) The owner of a mini-truck under § 27-14-726  
19 may license and register the mini-truck as a Class Eight farm vehicle if the  
20 vehicle is used for farm purposes.

21  
22 SECTION 2. Arkansas Code § 27-14-705(b)(2)(B), regarding the  
23 application for registration and certificate of title, is amended to read as  
24 follows:

25 (B)(i) ~~The~~ Except as provided under § 27-14-726, the  
26 certificate of origin shall be furnished to the dealer by the manufacturer  
27 and shall accompany the application for license and title.

28 (ii) ~~No~~ Except as provided under § 27-14-726, no  
29 license for the operation of the vehicle shall be granted and no certificate  
30 of title shall be issued unless the certificate of origin is made a part of  
31 the application.

32  
33 SECTION 3. Arkansas Code Title 27, Chapter 14, Subchapter 7 is amended  
34 to add an additional section to read as follows:

35 27-14-726. Mini-trucks.

36 (a) As used in this section:

1           (1) "Low pressure tire" means a pneumatic tire six inches (6")  
2 or more in width designed for use on a wheel with a rim diameter of twelve  
3 inches (12") or less and utilizing an operating pressure of ten pounds per  
4 square inch (10 p.s.i.) or less as recommended by the vehicle manufacturer;

5           (2)(A) "Mini-truck" means a motor vehicle that is:

6                   (i) At least forty-eight inches (48") in width;

7                   (ii) Not more than one hundred thirty-five inches  
8 (135") in length including the bumper;

9                   (iii) At least one thousand five hundred pounds  
10 (1,500 lbs.) in unladen weight including fuel and fluids;

11                   (iv) Equipped with:

12                           (a) Four (4) or more low pressure tires or  
13 pneumatic rubber tires that are used on motor vehicles;

14                           (b) A steering wheel;

15                           (c) Seating for at least two (2) people to sit  
16 side-by-side in the front seating area;

17                           (d) A fully-enclosed metal or metal-reinforced  
18 cab with glass and mirrors and complies with § 27-37-301 – 27-37-305  
19 regarding safety glass and mirrors;

20                           (e) Metal doors with functioning handle locks  
21 that are similar to the handle locks on motor vehicles;

22                           (f) Head lamps as required under § 27-36-209;

23                           (g) Tail lamps as required under § 27-36-215;

24                           (h) Signal lamps as provided under § 27-36-  
25 216;

26                           (i) A working horn as required under § 27-37-  
27 202(a);

28                           (j) Seat belts as provided under §§ 27-37-701  
29 et seq.; and

30                           (k) Front and rear bumpers.

31           (B) A mini-truck may be equipped with a bed or cargo box  
32 for hauling materials.

33           (C) A mini-truck is not an all-terrain vehicle under § 27-  
34 20-201 – 27-20-208 and §§ 27-21-101 – 27-21-109.

35           (b)(1) The owner of a mini-truck may register and license it as a  
36 Class Eight farm vehicle under § 27-14-601(a)(3)(H).

1           (2) In the application to register the mini-truck, the owner of  
2 the mini-truck shall provide:

3                   (A) The same affidavit as required under §§ 27-14-  
4 601(a)(3)(H)(v) and §§ 27-14-601(a)(3)(H)(xi);

5                   (B) Proof of insurance as required under the Motor Vehicle  
6 Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 – 27-22-107;  
7 and

8                   (C) Proof of ownership that is in the English language to  
9 include a bill of sale and an export certificate or a title.

10           (3) The fees for registering and licensing a mini-truck shall be  
11 the same as for registering a Class Eight farm vehicle under 27-14-  
12 601(a)(3)(H)(ii)(a).

13           (4) The driver of a mini-truck shall have a valid driver's  
14 license.

15           (5) The driver of a mini-truck that is registered and licensed  
16 under this section shall comply with and is subject to the same penalties for  
17 violating the rules of the road as provided under § 27-51-101 et seq.

18           (6) A mini-truck is a motor vehicle for the purposes of minimum  
19 insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-  
20 19-101 et seq., and § 27-22-101 – 27-22-107.

21           (c) A mini-truck shall not be operated on an interstate highway.

22           (d) A mini-truck shall not be operated on a road or highway if:

23                   (1) The operation of mini-trucks is prohibited;

24                   (2) The road is a controlled-access highway;

25                   (3) The posted speed limit is more than fifty-five (55) miles  
26 per hour; or

27                   (4) The mini-truck cannot maintain a speed equal to the posted  
28 speed limit.

29  
30    */s/ Cole*