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2 89th General Assembly
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4

As Engrossed: H3/1/13

A Bill

HOUSE BILL 1520

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE USE OF FORMER MILITARY
9 VEHICLES AS SPECIAL INTEREST VEHICLES; TO MODERNIZE
10 THE LAW RELATED TO SPECIAL INTEREST VEHICLES; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AUTHORIZE THE USE OF FORMER MILITARY
15 VEHICLES AS SPECIAL INTEREST VEHICLES AND
16 MODERNIZE THE LAW RELATED TO SPECIAL
17 INTEREST VEHICLES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 27, Chapter 15, Subchapter 22 is
24 amended to read as follows:

25 27-15-2201. Definitions.

26 As used in this subchapter:

27 (1)(A) "Antique vehicle" means a motor vehicle that:

28 (i) Has been in existence for twenty-five (25) years
29 or more at the time of making application for registration;

30 (ii) Is unaltered from the original manufacturer's
31 specifications; and

32 (iii) Is collected, preserved, restored, or
33 maintained because of its historic significance by a hobbyist as a leisure
34 pursuit.

35 (B) "Antique vehicle" does not include an antique
36 motorcycle under § 27-15-2301 et seq.;



1 ~~(1)~~(2) "Collector" means the owner of one (1) or more motor
2 vehicles of historic or special interest who collects, purchases, acquires,
3 trades, or disposes of those vehicles, or parts thereof, for his or her own
4 use in order to preserve, restore, and maintain a vehicle or vehicles for
5 hobby purposes;

6 (3)(A) "Former military vehicle" means a motor vehicle that was
7 manufactured for use in any country's military forces that:

8 (i) Is maintained to depict or represent military
9 design or markings regardless of the vehicle's:

10 (a) Size;

11 (b) Year of manufacture; or

12 (c) Weight; and

13 (iii) Is operated for nonbusiness purposes.

14 (B) Subject to any specific requirements or limitations
15 under § 27-15-2210, former military vehicles shall be registered as provided
16 under this subchapter;

17 (4) "Operated for nonbusiness purposes" means that a motor
18 vehicle is not:

19 (A) Used in commerce; and

20 (B) Subject to the International Fuel Tax Agreement as
21 administered by the Department of Finance and Administration under § 26-55-
22 1101 et seq.

23 ~~(2)(A)~~(6)(A) "~~Historic or special~~ Special interest vehicle"
24 means:

25 ~~(i) a vehicle of age which is essentially unaltered~~
26 ~~from the original manufacturer's specifications and which, because of its~~
27 ~~significance, is being collected, preserved, restored, or maintained by a~~
28 ~~hobbyist as a leisure pursuit.~~ An antique vehicle; or

29 (ii) A former military vehicle.

30 ~~(B) "Historic or special interest vehicle" shall~~
31 ~~include a vehicle sometimes referred to by the classifications of antique,~~
32 ~~horseless carriage, classic, or action era.~~

33 ~~(C)(i)~~(B)(i) ~~Vehicles~~ A vehicle with modifications or
34 deviations from the original specifications may be permitted under this
35 classification if the modifications or deviations are of historic nature and
36 characteristic of the approximate era to which the ~~vehicles belong~~ vehicle

1 belongs or if they could be considered to be in the category of safety
2 features.

3 (ii) Safety-related modifications or deviations
4 include hydraulic brakes, sealbeam headlights, and seat belts.

5 (iii) Accessories acceptable under ~~such the~~ the
6 classifications are those available in the era to which the ~~vehicles belong~~
7 vehicle belongs. ~~and~~

8 ~~(3)(5)~~ “Parts car” means a motor vehicle that is generally ~~in~~
9 ~~nonoperable condition which~~ inoperable and is owned by a collector and used
10 to furnish parts that are usually not obtainable from normal sources, thus
11 enabling a collector to preserve, restore, and maintain a ~~vehicle of historic~~
12 ~~or special interest.~~ vehicle; and

13
14 27-15-2202. Registration — Fee of antique vehicles.

15 (a)(1) ~~Any~~ A person who is the owner of an ~~historic or special~~
16 ~~interest~~ antique vehicle ~~that is twenty five (25) years of age or older at~~
17 ~~the time of making application for registration or transfer of title may,~~
18 ~~upon application,~~ may register it as an ~~historic or~~ a special interest
19 vehicle.

20 ~~(2) upon the payment of a~~ A fee of seven dollars (\$7.00) shall
21 be charged for the initial registration of ~~for~~ each antique vehicle, ~~and be.~~

22 ~~(3) The special license plate for antique vehicles furnished~~
23 under this subchapter shall be furnished a license plate of a distinctive
24 design that identifies the vehicle as an antique vehicle ~~to~~ and be displayed
25 on each antique vehicle in lieu of the usual license plate.

26 ~~(2)(4) This~~ The antique vehicle license plate shall have has the
27 same legal significance as an ordinary license plate.

28 ~~(3) In addition to the identification number, this plate shall~~
29 ~~identify the vehicle as an historic or antique vehicle owned by an Arkansas~~
30 ~~collector.~~

31 ~~(4)(5)~~ The registration shall be valid while the antique vehicle
32 is owned by the applicant without the payment of any additional fee, tax, or
33 license.

34 (b)(1) ~~The numbering~~ Numbering of ~~these plates~~ antique vehicle special
35 interest license plates authorized under this subchapter shall continue
36 chronologically from the existing antique automobile registration lists,

1 using the current design and emblem.

2 (2) Application for ~~these~~ antique vehicle special interest
3 license plates shall be made to the Office of Motor Vehicle on special
4 application forms prescribed by the Commissioner of Motor Vehicles.

5 (c) Upon selling or otherwise relinquishing ownership of ~~an historic~~
6 ~~or a~~ special interest vehicle, a collector may retain possession of the
7 vehicle plate and transfer its registration to another vehicle of the same
8 category in his or her possession, upon payment of one-half ($\frac{1}{2}$) the fee
9 prescribed in subsection (a) of this section.

10 (d)(1) A vehicle manufactured as a reproduction or facsimile of ~~an~~
11 ~~historic or special interest~~ an antique vehicle authorized under this
12 subchapter shall not be is not eligible for registration under this section
13 unless ~~it~~ the vehicle has been in existence for twenty-five (25) years or
14 more.

15 (2) The age of the vehicle shall be calculated from the date the
16 vehicle was originally assembled as a facsimile.

17 (e) ~~Collectors~~ A collector who, on July 8, 1975, ~~have~~ had an antique
18 ~~vehicles~~ vehicle licensed ~~as antiques~~ under ~~current~~ statutes in effect before
19 July 8, 1975, shall not be required to register ~~these vehicles~~ the vehicle or
20 obtain a new license ~~plates~~ plate for ~~these vehicles~~ the vehicle.

21 (f) ~~Beginning on January 1, 2006, each~~ Each collector applying for a
22 license plate for an antique vehicle under this subchapter shall own and have
23 registered one (1) or more motor vehicles that he or she uses for regular
24 transportation.

25
26 27-15-2203. Affidavit – Vehicle restored to original specifications
27 required.

28 (a) ~~Any person making application for~~ To register an antique ~~motor~~
29 vehicle ~~license plate~~ under § 27-15-2202, the owner shall ~~transmit to~~ provide
30 the Office of Motor Vehicle an affidavit signed by the owner-applicant
31 stating that:

32 (1) ~~the motor~~ The vehicle described in the application is
33 restored to its original specifications as closely as is reasonably possible;
34 and

35 (2) ~~that the~~ The applicant will relinquish the antique motor
36 vehicle license plate in the event that the motor vehicle is altered from its

1 original specifications, except to the extent authorized or required by law.

2 ~~(b)(1) Beginning on January 1, 2006, the~~ The office shall require the
3 owner of any antique ~~motor~~ vehicle licensed under this subchapter to provide
4 the office proof of conformity with this subchapter.

5 ~~(2) If the office determines that the owner of such an antique~~
6 ~~motor vehicle is in violation of this section, the antique motor vehicle~~
7 ~~license plate shall be seized by the office and the owner fined one hundred~~
8 ~~dollars (\$100).~~

9
10 27-15-2204. Assemblage of antique vehicle.

11 (a)(1)(A) A collector who has assembled ~~a~~ an antique vehicle meeting
12 the specifications of this subchapter from parts obtained from a variety of
13 different sources and at various different times shall be issued a title upon
14 furnishing a bill or bills of sale for the components.

15 (B) ~~In cases when~~ If that evidence by itself is deemed
16 inadequate by the Office of Motor Vehicle, the collector shall execute an
17 affidavit in verification.

18 (2) To be considered adequate, bills of sale shall:

19 (A) be Be notarized; ~~and shall~~

20 (B) indicate Indicate the source of the engine and body;

21 and

22 (C) shall list Provide the identification or serial number
23 of the engine and body for the chassis, if applicable.

24 (b)(1) A person who purchases an assembled antique vehicle from a
25 collector who has not obtained a title to the assembled vehicle as provided
26 in subsection (a) of this section shall be issued a title to the vehicle only
27 if the purchaser of the antique vehicle follows the process under § 27-14-
28 409(c)(1).

29 (2) For the purposes of this subsection, the amount of the bond
30 shall be an amount equal to the value of the vehicle, as determined by the
31 Office of Motor Vehicle.

32
33 27-15-2205. Equipment.

34 (a) Unless the presence of equipment specifically named by Arkansas
35 law was a prior condition for legal sale within Arkansas at the time the
36 ~~historic~~ ~~or~~ special interest vehicle was manufactured for first use, the

1 presence of ~~such~~ the equipment shall not be required as a condition for
2 current legal use.

3 (b) ~~Any motor vehicle of historic or special interest~~ A special
4 interest vehicle manufactured ~~prior to~~ before the date that emission controls
5 were standard equipment on that particular make or model of vehicle is
6 ~~exempted~~ exempt from ~~statutes requiring~~ Arkansas law that requires the
7 inspection and use of emission controls.

8 (c) ~~Any safety~~ Safety equipment that was manufactured as part of the
9 special interest vehicle's original equipment ~~must~~ shall be in proper
10 operating condition.

11

12 27-15-2206. Limitations on use.

13 (a)(1) ~~Historic or special interest~~ Special interest vehicles may be
14 used for the same purposes and under the same conditions as other motor
15 vehicles of the same type ~~except that, under ordinary circumstances, such~~
16 ~~vehicles may not be used to transport passengers for hire.~~

17 (2) Except as provided under subdivision (a)(3)(B) of this
18 section, a special interest vehicle shall not be used to transport passengers
19 for hire.

20 ~~(2)(3)~~ (3) At special events that are sponsored or in which
21 participation is by organized clubs, ~~the vehicles~~ a special interest vehicle
22 may transport passengers for hire only if money received is to be used for
23 club activities or to be donated to a charitable nonprofit organization.

24 (b) ~~Trucks of such classification may not haul material more than one~~
25 ~~thousand pounds (1,000 lbs.) nor be used regularly in a business in lieu of~~
26 ~~other vehicles with regular license plates.~~ The following uses of a truck
27 that is registered as a special interest vehicle under this section are
28 prohibited:

29 (1) Hauling material that weighs more than one thousand
30 pounds (1,000 lbs.); and

31 (2) Regularly using the truck in lieu of other vehicles
32 with regular license plates.

33

34 27-15-2207. Storage regulation.

35 Subject to land use regulations of a county or municipality, a
36 collector may store ~~any vehicles~~ a special interest vehicle or parts car,

1 licensed or unlicensed, operable or inoperable, on his or her property if:

2 (1) The ~~vehicles~~ vehicle, parts ~~cars~~ car, and any outdoor
3 storage ~~areas~~ area are maintained in such a manner that they do not
4 constitute a health hazard; and

5 (2) The ~~vehicles are~~ vehicle is located away from ordinary
6 public view or ~~are~~ is screened from ordinary public view by means of natural
7 objects, fences, plantings, opaque covering, or other appropriate means.

8
9 27-15-2208. Sale or transfer.

10 Legal transfer of ownership of a ~~motor vehicle, assembled motor~~
11 ~~vehicle, special interest vehicle, an antique vehicle assembled under § 27-~~
12 15-2204, or a parts car ~~of historic or special interest~~ shall not be
13 contingent upon any condition that would require the vehicle or parts car to
14 be in operating condition at the time of the sale or transfer of ownership.

15
16 27-15-2209. Alternative license plates for antique motor vehicles.

17 (a) As used in this section, "antique license plate" means a license
18 plate that:

19 (1) Is approved for issuance under subsection (e) of this
20 section for ~~an historic or special interest~~ an antique vehicle ~~as defined~~
21 ~~under § 27-15-2201(2) that is more than twenty five (25) years of age instead~~
22 ~~of the special license plate issued under § 27-15-2202~~; and

23 (2) Was issued by and approved for use in the State of Arkansas
24 in the same year as the model year of the vehicle that is being licensed.

25 (b) If a person is eligible for a special interest license plate for
26 ~~an historic or special interest~~ an antique vehicle under this subchapter, the
27 person may choose to use an antique license plate under this section instead
28 of a license plate that identifies the vehicle as an antique vehicle and that
29 is currently issued under § 27-15-2202 by the Office of Motor Vehicle.

30 (c) An applicant who seeks to use an antique license plate under this
31 section shall remit the following fees:

32 (1) The fee required by law for the registration and licensing
33 of the motor vehicle; and

34 (2) A handling and administrative fee in the amount of ten
35 dollars (\$10.00).

36 (d) To renew an antique license plate under this section, the owner of

1 the motor vehicle shall remit the fee required by law for the registration
2 and licensing of the motor vehicle.

3 (e)(1) An applicant who seeks to use an antique license plate other
4 than the special interest license plate issued by the office under § 27-15-
5 2202 shall be required to submit the license plate to the office for
6 inspection to determine whether the antique license plate may be used.

7 (2) If the office determines that the antique license plate is
8 unacceptable, the applicant shall not ~~be allowed to~~ use the antique license
9 plate.

10 (3) The reasons for which the office may prohibit the use of an
11 antique license plate include, but ~~shall not be~~ are not limited to:

12 (A) The antique license plate does not meet reasonable
13 reflective and safety standards;

14 (B) The number of the antique license plate is the same as
15 the number issued to a license plate that is currently in circulation; and

16 (C) The administrative costs associated with recording and
17 maintaining the antique license plate are prohibitive.

18 (4) The office may promulgate rules to administer the provisions
19 of this section.

20

21 27-15-2210. Registration and use of former military vehicles.

22 (a)(1) A resident of the state may apply for registration and obtain
23 registration of a former military vehicle by providing the following to the
24 Office of Motor Vehicle:

25 (A) One of the following from a government liquidator or a
26 Government Services Administrator:

27 (i) An invoice; or

28 (ii) A bill of sale; and

29 (B) Form SF97 from the United States government that
30 documents the transfer of the ownership of the vehicle to a government
31 liquidator or the General Services Administration; or

32 (C) For an imported vehicle, documents sufficient to
33 establish that the vehicle was manufactured for use in military forces.

34 (2) If an applicant under this section fails to provide
35 satisfactory evidence to the office that the motor vehicle is a qualified
36 former military vehicle under this subchapter, the office shall deny the

1 applicant registration.

2 (b)(1) The Department of Finance and Administration shall design for
3 issuance the special license plate under this subsection in consultation with
4 former military vehicle owners in the State of Arkansas.

5 (2) The redesigned special license plate shall:

6 (A) In lieu of the legend "The Natural State" or any
7 succeeding legend, display across the bottom of the license plate a permanent
8 decals bearing the words "FORMER MILITARY VEHICLE"; and

9 (B) Be numbered consecutively.

10 (3)(A) An applicant for a license plate under this section may
11 apply for a special personalized prestige license plate under §§ 27-14-1101
12 and 27-14-1102.

13 (B) However, the use of letters and numbers on a
14 personalized prestige license plate shall be limited to the rules of the
15 Director of the Department of Finance and Administration.

16 (c) The registration or renewal fee for the former military motor
17 vehicle shall not exceed twenty dollars (\$20.00).

18 (d) To replace a former military vehicle license plate issued under
19 this subchapter, the owner of the motor vehicle shall:

20 (1) If the registration has not expired, remit the fee under
21 subsection (c) of this section; or

22 (2) If the registration has expired, remit the fee under
23 subsection (c) of this section plus a penalty of five dollars (\$5.00).

24 (e) The registration of a former military vehicle under this
25 subchapter may:

26 (1) Continue from year to year so long as it is renewed each
27 year within the time and manner required by law; and

28 (2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

29 (f) A former military vehicle shall not be registered under this
30 section unless a title for the vehicle has been issued by the Office of Motor
31 Vehicle and the vehicle is eligible for registration without regard to its
32 status as a former military vehicle.

33 (g) The owner or operator of a former military vehicle operated for
34 nonbusiness purposes and registered under this subchapter is exempt from the
35 requirement to hold a commercial driver license under § 27-23-107 when
36 operating the former military vehicle.

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SECTION 2. Arkansas Code Title 27, Chapter 15, Subchapter 22 is amended to add an additional section to read as follows:

27-51-2211. Penalty.

(a) Except as otherwise provided in this subchapter, it is unlawful for a person to:

(1) Evade or violate a provision of this subchapter;

(2) Attempt to secure benefits under this subchapter to which he or she is not entitled; or

(3) Obtain or use a special license plate issued under this subchapter to which he or she is not entitled.

(b) A person who pleads guilty to, nolo contendere to, or is found guilty of a violation under subsection (a) of this section is guilty of a violation and shall be fined two hundred dollars (\$200.00).

SECTION 3. *EFFECTIVE DATE.* This act is effective on and after January 1, 2014.

/s/Hammer