

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1691

5 By: Representative Davis  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE LICENSING AND  
9 REGISTRATION OF COMMERCIAL MOTOR VEHICLES; TO IMPROVE  
10 SERVICES AND MODERNIZE THE ARKANSAS MOTOR CARRIER  
11 SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 TO AMEND THE LAW CONCERNING THE LICENSING  
16 AND REGISTRATION OF COMMERCIAL MOTOR  
17 VEHICLES; TO IMPROVE SERVICES AND  
18 MODERNIZE THE ARKANSAS MOTOR CARRIER  
19 SYSTEM; AND TO DECLARE AN EMERGENCY.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. DO NOT CODIFY. Legislative findings.

26 The General Assembly finds that:

27 (1) The Department of Finance and Administration currently lacks  
28 clear authority and specific funding sources to adequately upgrade and  
29 modernize the registration process for commercial motor vehicles;

30 (2) Due to current inefficiencies or technological limitations,  
31 commercial motor carriers that would otherwise register their commercial  
32 vehicles in the State of Arkansas are deterred from doing so;

33 (3) The department should develop and implement rules,  
34 regulations, and procedures to facilitate an online system for administrative  
35 transactions and the registration of commercial motor vehicles that are  
36 registered with the International Registration Plan;



1           (4) The law needs to be clarified to verify that license plates  
 2 for commercial motor vehicles registered with the International Registration  
 3 Plan should not be required to display an annual decal or tab;

4           (5) An enhancement creating an online system for administrative  
 5 transactions and registration of commercial motor vehicles will facilitate  
 6 and improve the services available to the commercial motor carrier industry;

7           (6) Enhancements to the Arkansas Motor Carrier System will make  
 8 available to the state additional revenues through a user-fee based system to  
 9 finance the enhancements without requiring a general tax increase; and

10           (7) Directing the department to develop rules, regulations, and  
 11 procedures to implement the necessary enhancements and providing a funding  
 12 mechanism to help offset the costs associated with the system enhancements  
 13 will accomplish the state's goal of improving services and modernizing the  
 14 Arkansas Motor Carrier System.

15  
 16           SECTION 2. Arkansas Code § 19-6-301, concerning the enumeration of  
 17 special revenues, is amended to add an additional subdivision to read as  
 18 follows:

19           (255) Fees collected under § 27-14-602(c).

20  
 21           SECTION 3. Arkansas Code § 19-6-459 is amended to read as follows:  
 22           19-6-459. Commercial Driver License Fund.

23           The Commercial Driver License Fund shall consist of those special  
 24 revenues as specified in:

25           (1) § Section 19-6-301(148), there to be used to establish and  
 26 maintain the Arkansas Commercial Driver License ~~program~~ Program and for other  
 27 related purposes as required by the ~~Commissioner of Motor Vehicles~~ Director  
 28 of the Department of Finance and Administration in carrying out the  
 29 functions, powers, and duties of the Revenue Division of the Department of  
 30 Finance and Administration, as set out in the Arkansas Uniform Commercial  
 31 Driver License Act, § 27-23-101 et seq.; and

32           (2) Section 19-6-301(255), to be used for enhancements to the  
 33 Arkansas Motor Carrier System under § 27-14-613.

34  
 35           SECTION 4. Arkansas Code § 27-14-305(b), concerning the penalty for  
 36 using or making unofficial license plates, is amended to read as follows:

1 (b)(1) It ~~shall be~~ is unlawful for ~~any a~~ a person, firm, or corporation  
 2 to reproduce, paint, or alter ~~any a~~ a license plate or registration card in  
 3 this state.

4 (2) For ~~purposes~~ the purpose of this section, "license plate"  
 5 means ~~any a~~ a plate designed to be affixed to the rear of a motor vehicle,  
 6 including without limitation:

7 (A) ~~Plates~~ A plate advertising a new or used car  
 8 dealership or other type of business;

9 (B) A Rental rental car company identification ~~plates~~  
 10 plate; or

11 (C) A Temporary temporary cardboard buyer's ~~tags tag~~ tag under  
 12 § 27-14-1705.

13 (3) For the purpose of this section, "reproduce, paint, or alter  
 14 a license plate or registration card" does not include the:

15 (A) Printing of a commercial motor vehicle registration  
 16 card as authorized under § 27-14-613; or

17 (B) Affixing of a decal bearing the commercial motor  
 18 carrier's logo to a commercial motor vehicle's license plate if the decal has  
 19 been authorized and approved by the director or the director's designee as  
 20 authorized under § 27-14-613.

21  
 22 SECTION 5. Arkansas Code § 27-14-602, concerning registration fees, is  
 23 amended to add an additional subsection to read as follows:

24 (c) Beginning January 1, 2018, in addition to any other fees  
 25 authorized under this chapter, the Director of the Department of Finance and  
 26 Administration shall charge a fee for commercial motor vehicles registered  
 27 with the International Registration Plan in the amount of:

28 (1) Two dollars (\$2.00) to access the director's portal to  
 29 register one (1) or more commercial motor vehicles or to conduct one (1) or  
 30 more online administrative transactions;

31 (2) Two dollars (\$2.00) upon issuance or renewal of the  
 32 registration of a commercial motor vehicle of a commercial motor carrier that  
 33 has been authorized under § 27-14-613(b)(1)(C) to display an approved license  
 34 plate decal bearing the commercial motor vehicle carrier's logo; and

35 (3) Five dollars (\$5.00) for each commercial motor vehicle  
 36 registered in this state as an annual commercial motor vehicle fee.

1  
2 SECTION 6. Arkansas Code § 27-14-606(a), concerning disposition of  
3 registration and license fees, is amended to add an additional subdivision to  
4 read as follows:

5 (4) The fees collected under § 27-14-602(c) shall be deposited  
6 into the Commercial Driver License Fund to be used for enhancements to the  
7 Arkansas Motor Carrier System.

8  
9 SECTION 7. Arkansas Code Title 27, Chapter 14, Subchapter 6, is  
10 amended to add an additional section to read as follows:

11 27-14-613. Arkansas Motor Carrier System.

12 (a) As used in this section:

13 (1) "Commercial motor carrier" means a person or entity engaged  
14 directly or indirectly through an agent, employee, or subcontractor in the  
15 interstate transportation of property by a commercial motor vehicle; and

16 (2) "Commercial motor vehicle" means a truck, truck trailer,  
17 trailer, semitrailer, or pole trailer registered with the International  
18 Registration Plan.

19 (b)(1) The Director of the Department of Finance and Administration  
20 shall promulgate rules, regulations, and procedures to enhance the Arkansas  
21 Motor Carrier System developed by the Department of Finance and  
22 Administration by allowing:

23 (A) A commercial motor carrier or its designee to conduct  
24 routine administrative transactions electronically, including without  
25 limitation the online:

26 (i) Registration of a commercial motor vehicle;

27 (ii) Renewal, transfer, replacement, and amendment  
28 of the registration of a commercial motor vehicle; and

29 (iii) Issuance and replacement of a commercial motor  
30 vehicle's license plates and decals;

31 (B) A commercial motor carrier or its designee to  
32 instantaneously print the registration card for a commercial motor vehicle;

33 (C) A commercial motor carrier or its designee to obtain  
34 and affix to a commercial motor vehicle license plate a decal bearing the  
35 logo of the commercial motor carrier approved by the director or the  
36 director's designee; and

1                   (D) A commercial motor carrier or its designee to maintain  
2 license plate inventories and issue license plates; and

3                   (2)(A) A commercial motor carrier shall have thirty (30) days  
4 from the date of online commercial motor vehicle registration to submit to  
5 the department all required source documents associated with the  
6 registration.

7                   (B) If the department has not received the source  
8 documents required under subdivision (b)(2)(A) of this section within thirty  
9 (30) days of the online registration of a commercial motor vehicle, the  
10 director or the director's designee may suspend the registration.

11                   (c) The director shall study, develop, and implement improvements to  
12 the Arkansas Motor Carrier System in order to modernize and enhance the  
13 Arkansas Motor Carrier System and accommodate the latest available technology  
14 for commercial motor carriers seeking to register commercial motor vehicles  
15 in the State of Arkansas.

16  
17           SECTION 8. Arkansas Code § 27-14-1005, concerning the failure to affix  
18 or display license plates, is amended to read as follows:

19           27-14-1005. Failure to affix or display license plates, etc.

20           (a)(1) The failure of the motor vehicle owner to affix and display the  
21 permanent license plates, the tab or decal, or the registration card, in the  
22 places designated by the Director of the Department of Finance and  
23 Administration, shall be a misdemeanor subject to the penalties provided by §  
24 27-14-301.

25           (2) The owner of a commercial motor vehicle registered with the  
26 International Registration Plan is not required to affix or display a tab or  
27 decal on a commercial motor vehicle's license plate.

28  
29           SECTION 9. Arkansas Code § 27-14-1018(a), concerning issuance of  
30 annual tab or decal, is amended to read as follows:

31           (a) In conjunction with the permanent license plate for a motor  
32 vehicle other than a commercial motor vehicle registered with the  
33 International Registration Plan, the Director of the Department of Finance  
34 and Administration shall issue a tab or decal annually or, when appropriate,  
35 to each qualified applicant as evidence of the annual payment of license  
36 fees.

1  
2  
3  
4  
5  
6  
7  
8  
9  
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  
36

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the present system for registering commercial motor vehicles is inconvenient, expensive, unduly time-consuming, and lacks the software capabilities offered by comparable systems in other states to facilitate the registration process electronically. In order to make the Arkansas Motor Carrier System operational on or before January 1, 2018 as required by this act, the Department of Finance and Administration must be authorized to immediately commence planning, programming, and promulgating the necessary rules, regulations, and procedures pertaining to the necessary system enhancements. These enhancements are estimated to take more than six (6) months to complete. Moreover, due to the lack of clarity in current law, commercial motor carriers currently face potential unwarranted liability for acts or omissions involving license plates and registrations. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.