

State of Arkansas

77th General Assembly

Second Extraordinary Session, 1987

HOUSE BILL 1004

By: Representative Mahony

"AN ACT TO AMEND PARAGRAPH (8) OF SUBSECTION (C) OF SECTION 24 OF ACT 65 OF 1929, AS AMENDED, [ARK. STATS. 75-201(C)(8)] TO CLARIFY AND MAKE MORE EQUITABLE THE LAW RELATING TO THE REGISTRATION AND LICENSURE OF TRUCKS USED EXCLUSIVELY FOR HAULING NATURAL RESOURCES AND ANIMAL FEED; AND FOR OTHER PURPOSES."

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

SECTION 1. Paragraph (8) of Subsection (C) of Section 24 of Act 65 of 1929 as amended, the same being Arkansas Statutes 75-201(C)(8), is hereby amended to read as follows:

"(8) Class Eight - Special natural resources classification. In order to aid in the development of the natural resources and in order to eliminate apparent inequities in license charges for vehicles using only improved roads, and those used on the farm, in the wooded areas and off the main highway system of this State, a special classification is hereby created to provide a different and more equitable rate for those vehicles used exclusively for hauling animal feed by owners of livestock or poultry for consumption in this State by livestock or poultry owned by them; and, in hauling unfinished and unprocessed farm products, forest products, and clay minerals and ores from the point of production, harvesting or severance to the point at which the same shall first undergo any processing, preparation for processing, conversion or transformation from their raw, natural or severed state. Provided, that rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semi-finished product other than crushed rock or crushed stone, shall not be construed as 'clay minerals' or 'ores' under the provisions of this classification.

The annual license fees for vehicles classified natural resources

vehicles shall be as follows:

(a) For a vehicle with two axles, a fee of three dollars and ninety cents (\$3.90) per thousand pounds of gross loaded weight of the vehicle, with a minimum fee of \$32.50 and a maximum fee of \$65.00 for each vehicle.

(b) For a vehicle with three axles, a fee of \$97.50.

(c) For a vehicle with four axles, a fee of \$130.00.

(d) For a vehicle with five axles, a fee of \$162.50.

(e) For a vehicle with five axles used exclusively by the owner of livestock or poultry in hauling animal feed for consumption in this State by the owner's livestock or poultry, a fee of \$650.00.

Provided, that the foregoing vehicles shall not exceed the maximum axle load permitted by law. Provided, further, that such five (5) axle vehicles may haul maximum gross loaded weights of up to 80,000 pounds without the purchase of any additional or different type license and without the payment of any weight distance tax or other similar highway use tax. The Commissioner of Revenues shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate license plates to be established for those vehicles hauling 'farm products' or 'animal feed' and separate license plates to be established for those vehicles hauling 'timber products', 'clay minerals', or 'ores'. Provided that before any license may be issued for a vehicle designated a natural resources vehicle, the applicant therefor shall, by affidavit, state that he is familiar with the purposes for which such licenses may be used as authorized under this classification, and that he will not use such vehicle for which application for license is made for any purpose not authorized under this classification, and shall indicate on such affidavit whether the same is to be used for the hauling of 'farm products', 'animal feed', 'forest products', 'clay minerals', or 'ores'.

Any person entitled to obtain a natural resources license for a motor vehicle used for hauling 'farm products' as authorized under this classification may, if such vehicle is required for only seasonal or occasional use, upon submitting an affidavit thereof, be issued a natural resources license for such vehicle for the first six (6) months of the annual licensing period at a rate equal to one-half (|) of the annual fee therefor, but in no event less than sixty-five dollars (\$65.00). The Commissioner of Revenues shall issue special distinctive license tags for such vehicles, including the indication thereon of the expiration date thereof, so as to identify them from

annual natural resources tags.

The Commissioner of Revenues shall promulgate such rules and regulations as may be necessary to carry out the intent of this classification and prevent abuse thereof, provided that before any such rules or regulations shall be effective, the same shall be approved by majority action of the members of the State Highway Commission acting for and in behalf of the Arkansas Highway Police Division of the State Highway Department which is the agency charged with the principal responsibility of enforcing the motor vehicle license laws of this State. Vehicles licensed under this classification for the hauling of 'farm products' only shall be permitted, without payment of additional fees, to transport return loads to the farm or domicile of the owner of such vehicles where such return load contents are the property of, and to be used or consumed by, the owner of the vehicle or his family.

If a violation of the natural resources classification, as authorized herein is discovered, a license forthwith must be purchased for such vehicle in accordance with the rate of license that should lawfully be required for such vehicle for so moving on the roads and highways of this State. No credit shall be given on the purchase price of such license for any amount or amounts paid for license hitherto purchased for use on such vehicle. This requirement of license purchase shall not be in lieu of any criminal prosecution.

All affidavits required under the provisions of this Act shall be acknowledged by the Commissioner of Revenues, his authorized agent or some other person authorized by the laws of this State to administer oaths."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that the present law relating to the registration and licensure of trucks used exclusively for hauling natural resources and animal feed is in need of revision to render the same clearer and more specific in its application and to assure that it is equitably applied; that this Act is designed to accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

