

State of Arkansas

77th General Assembly

Regular Session, 1989

SENATE BILL 579

By: Senators Walters, Miles, and Cassady

"AN ACT TO REPLACE THE WEIGHT DISTANCE TRUCK TAX BY INCREASING THE EXCISE TAX ON DISTILLATE SPECIAL FUELS; TO AMEND ARKANSAS CODE §27-14-601, TO ESTABLISH A REGISTRATION FEE ON CERTAIN VEHICLES WHICH WILL OPERATE ON THE HIGHWAYS, ROADS AND STREETS OF THIS STATE HAVING A DECLARED GROSS WEIGHT IN EXCESS OF 73,280 POUNDS; TO REPEAL ARKANSAS CODE SECTION 27-35-205; AND FOR OTHER PURPOSES."

WHEREAS, litigation is presently pending before the United States Supreme Court which could result in the State of Arkansas and each county and city of this State being ordered to refund weight distance taxes collected between 1983 and 1987 from commercial heavy trucks; and

WHEREAS, it has been estimated that this amount could be in excess of one hundred and twenty-eight million dollars (\$128,000,000); and

WHEREAS, the repeal of the weight distance tax by this act will substantially better the position of the State in settling the issue of the refund of those taxes,

NOW THEREFORE,

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

SECTION 1. To replace the weight distance tax repealed by this act, there is hereby levied an additional excise tax of seven cents (7_) per gallon on the sale of distillate special fuels, which sales are subject to the tax levied in Arkansas Code 26-56-201. The tax levied by this section is in addition to all other taxes levied on distillate special fuels in this state.

SECTION 2. Subsection (i) of subsection (G) of subsection (3) of

subsection (a) of Arkansas Code §27-14-601, as amended, is hereby amended to read as follows:

"(G) Class Seven - (i)(1) On all such vehicles with a gross loaded weight between sixty-eight thousand one pounds (68,001 lbs.) and seventy-three thousand pounds (73,000 lbs.), the fee to be charged shall be at the rate of fourteen dollars and thirty cents (\$14.30) per thousand pounds of gross loaded weight of the vehicles;

(2) On all such vehicles with a gross loaded weight in excess of seventy-three thousand two hundred eighty pounds (73,280 lbs.), the fee to be charged shall be one thousand, two hundred forty-eight dollars (\$1,248.00);"

SECTION 3. Arkansas Code §27-35-205 is hereby repealed and all laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. This Act and the additional taxes and fees levied herein on distillate special fuels, and vehicle registrations, shall be effective and shall be applicable to distillate special motor fuels sold and to vehicles which are registered or for which registration is renewed on and after July 1, 1989.