

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/22/05

A Bill

HOUSE BILL 2711

5 By: Representative Bolin
6
7

For An Act To Be Entitled

9 AN ACT TO INCREASE THE FEES FOR REGISTRATION AND
10 LICENSING OF CERTAIN MOTOR VEHICLES; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 TO INCREASE THE FEES FOR REGISTRATION
15 AND LICENSING OF CERTAIN MOTOR VEHICLES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 27-14-601 is amended to read as follows:

21 27-14-601. Fees for registration and licensing of motor vehicles.

22 (a) Fees Generally. The fee for the registration and licensing of all
23 motor vehicles shall be as follows:

24 (1) Pleasure Vehicles. For all automobiles equipped with
25 pneumatic tires, used for the transportation of persons, there shall be
26 charged and collected the following fees based upon the unladen weight of
27 such automobiles:

28 (A) Class One – Automobiles of 3,000 lbs. or less . . .
29 ~~\$17.00~~ \$22.00;

30 (B) Class Two – Automobiles of 3,001 lbs. to
31 and including 4,500 lbs. . . ~~25.00~~ \$30.00; and

32 (C) Class Three – Automobiles of 4,501 lbs. and over . . .
33 ~~30.00~~ \$35.00;

34 (2) Automobiles for Hire. For all automobiles for hire which
35 are equipped with pneumatic tires and used for the transportation of persons,
36 there shall be charged and collected the fee applicable thereto as set for



1 pleasure vehicles in subdivision (a)(1) of this section;

2 (3) Trucks and Trailers. For all motor trucks, trailers, and
3 semi-trailers including pipe and pole dollies, equipped with pneumatic tires,
4 the license fee shall be charged on the basis of the gross loaded weight of
5 the vehicle as follows:

6 (A) Class One – All trucks and vans that are rated by the
7 manufacturer as having a nominal tonnage of one (1) ton that are used
8 exclusively for personal transportation and are not used for commercial or
9 business purposes and all trucks and vans that are rated by the manufacturer
10 as having a nominal tonnage of three-quarter (3/4) ton or less shall be
11 assessed a license fee of twenty-one dollars (\$21.00) without regard to
12 weight. All one-ton trucks and vans that are used for commercial or business
13 purposes shall be registered in the appropriate class according to gross
14 laden weight;

15 (B) Class Two – On all such vehicles with a gross loaded
16 weight between six thousand one pounds (6,001 lbs.) and twenty thousand
17 pounds (20,000 lbs.), the fee to be charged shall be at the rate of six
18 dollars and fifty cents (\$6.50) per thousand pounds of gross loaded weight of
19 the vehicles;

20 (C) Class Three – On all such vehicles with a gross loaded
21 weight between twenty thousand one pounds (20,001 lbs.) and forty thousand
22 pounds (40,000 lbs.), the fee to be charged shall be at the rate of eight
23 dollars and forty-five cents (\$8.45) per thousand pounds of the gross loaded
24 weight of the vehicles;

25 (D) Class Four – On all such vehicles with a gross weight
26 between forty thousand one pounds (40,001 lbs.) and fifty-six thousand pounds
27 (56,000 lbs.), the fee to be charged shall be at the rate of eleven dollars
28 and five cents (\$11.05) per thousand pounds of gross loaded weight of the
29 vehicles;

30 (E) Class Five – On all such vehicles with a gross loaded
31 weight between fifty-six thousand one pounds (56,001 lbs.) and sixty thousand
32 pounds (60,000 lbs.), the fee to be charged shall be at the rate of twelve
33 dollars and thirty-five cents (\$12.35) per thousand pounds of gross loaded
34 weight of the vehicles;

35 (F) Class Six – On all such vehicles with a gross loaded
36 weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight

1 thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of
2 thirteen dollars and sixty-five cents (\$13.65) per thousand pounds of gross
3 loaded weight of the vehicles;

4 (G)(i) Class Seven – On all such vehicles with a gross
5 loaded weight between sixty-eight thousand one pounds (68,001 lbs.) and
6 seventy-three thousand two hundred eighty pounds (73,280 lbs.), the fee to be
7 charged shall be at the rate of fourteen dollars and thirty cents (\$14.30)
8 per thousand pounds of gross loaded weight of the vehicles, ~~and.~~

9 (ii) On all such vehicles with a gross loaded weight
10 between seventy-three thousand, two hundred eighty-one pounds (73,281 lbs.)
11 and eighty thousand pounds (80,000 lbs.), the fee to be charged shall be one
12 ~~thousand three hundred fifty dollars (\$1,350.00)~~ thousand five hundred
13 dollars (\$1,500).

14 (H) Class Eight – (i) In order to aid in the development
15 of the natural resources and to promote agriculture in Arkansas and in order
16 to eliminate apparent inequities in license charges for vehicles using only
17 improved roads and those used primarily on the farm, in the wooded areas, and
18 off the main highway system of this state, a special classification is
19 created to provide a different and more equitable rate for those vehicles
20 used exclusively for the noncommercial hauling of farm products produced in
21 this state and for hauling feed, seed, fertilizer, poultry litter, and other
22 products commonly produced or used in agricultural operations or for hauling
23 animal feed by owners of livestock or poultry for consumption in this state
24 by livestock or poultry owned by them and for those vehicles used in hauling
25 unfinished and unprocessed forest products and clay minerals and ores
26 originating in Arkansas from the point of severance to a point in the state
27 at which they first undergo any processing, preparation for processing,
28 conversion, or transformation from their natural or severed state.
29 Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary,
30 farmers may transport cotton seed from the gin or warehouse to the first
31 point of sale under this special classification. Rock or stone or crushed
32 rock or crushed stone, except rock or stone which is to undergo further
33 processing into a finished or semifinished product other than crushed rock or
34 crushed stone, shall not be construed as "clay minerals" or "ores" under the
35 provisions of this classification.

36 (ii) The annual license fees for vehicles classified

1 as natural resources vehicles shall be as follows:

2 (a) For a vehicle with two (2) axles, a fee of
3 three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.)
4 of gross loaded weight of the vehicle, with a minimum fee of thirty-two
5 dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars
6 (\$65.00) for each vehicle;

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

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

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

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

17 (f) Notwithstanding any of the provisions of
18 this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated
19 separately or in combination with other vehicles, which vehicle or
20 combination has a total outside width in excess of one hundred two inches
21 (102") but not exceeding one hundred eight inches (108") and is utilized or
22 intended to be utilized to transport compacted seed cotton, the annual
23 license fee shall be six hundred fifty dollars (\$650). Provided, any full
24 trailer or semitrailer used in combination with such registered vehicle shall
25 also be registered in accordance with and pursuant to the applicable fees set
26 out in subdivision (a)(3)(I) of this section. That portion of the annual
27 license fee established by this subdivision (a)(3)(H)(ii)(f) which equals
28 four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be
29 a permit fee for the use of the public roads and streets of this state by
30 such vehicles while operated separately or in combination with other vehicles
31 due to the unusual design and size of such vehicles or combinations of
32 vehicles.

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

35 (b) Five-axle vehicles may haul maximum gross
36 loaded weights of up to eighty thousand pounds (80,000 lbs.) without the

1 purchase of any additional or different type license.

2 (iv) The director shall cause to be issued special
3 and distinctive license plates for vehicles in this classification, with
4 separate license plates to be established for those vehicles used in the
5 noncommercial hauling of farm products produced in this state and for hauling
6 feed, seed, fertilizer, poultry litter, and other products commonly produced
7 or used in agricultural operations or compacted seed cotton and separate
8 license plates to be established for those vehicles hauling timber products,
9 clay minerals, or ores.

10 (v) Before any license may be issued for a vehicle
11 designated a natural resources vehicle, the applicant shall, by affidavit,
12 state that he is familiar with the purposes for which such licenses may be
13 used as authorized under this classification and that he will not use such
14 vehicle for which application for license is made for any purpose not
15 authorized under this classification. The applicant shall indicate on his
16 affidavit whether the vehicle is to be used for the hauling of farm products,
17 animal feed, compacted seed cotton, forest products, clay minerals, or ores.

18 (vi)(a) Upon submitting an affidavit, any person
19 entitled to obtain a natural resources license for a motor vehicle used for
20 hauling farm products as authorized under this classification if the vehicle
21 is required for only seasonal or occasional use may be issued a natural
22 resources license for the vehicle for the first six (6) months of the annual
23 licensing period, at a rate equal to one-half (1/2) of the annual fee but in
24 no event less than sixty-five dollars (\$65.00) or for the last month of the
25 current annual licensing period and the first six (6) months of the
26 subsequent annual licensing period at a rate equal to seven-twelfths (7/12)
27 of the annual fee but in no event less than seventy-five dollars (\$75.00).

28 (b) The director shall issue special
29 distinctive license plates or license plate validation decals for the
30 vehicles, including the indication thereon of the expiration date, so as to
31 identify them from annual natural resources plates.

32 (vii) The owner of any motor vehicle who is entitled
33 to obtain a natural resources license for such motor vehicle for use in
34 hauling farm products as authorized in this subdivision (a)(3)(H) may use
35 such motor vehicle for the hauling of baled cotton from the cotton gin to a
36 cotton compress without the necessity of the payment of additional license

1 fees or the obtaining of additional license plates for such motor vehicle.

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

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

15 (x) If a violation of the natural resources
16 classification, as authorized in this subdivision (a)(3)(H) is discovered, a
17 license must immediately be purchased for such vehicle in accordance with the
18 rate of license that should lawfully be required for such vehicle for so
19 moving on the roads and highways of this state. No credit shall be given on
20 the purchase price of such license for any amount or amounts paid for license
21 hitherto purchased for use on such vehicle. This requirement of license
22 purchase shall not be in lieu of any criminal prosecution.

23 (xi) All affidavits required under the provisions of
24 this subdivision (a)(3)(H) shall be acknowledged by the director, his
25 authorized agent, or some other person authorized by the laws of this state
26 to administer oaths;

27 (I) Class Nine – (i)(a) For the purpose of evidencing
28 registration of trailers, semitrailers, and full trailers, there shall be
29 issued special license plates and annual registration fees charged and
30 collected according to the following schedule:

31 (1) All trailers drawn by automobiles
32 and Class One trucks, and all boat trailers and travel trailers drawn by any
33 truck, which truck has a load capacity of one (1) ton or less, a fee of seven
34 dollars (\$7.00);

35 (2) All semitrailers used in combination
36 with Class Two - Class Eight trucks, with the exception of those for which a

1 fee is set out in subdivision (a)(3)(I)(i)(a)(1) of this section, a fee of
2 twenty dollars (\$20.00). Provided, however, the owner of any semitrailer
3 used in combination with Class Two - Class Eight trucks may, at his or her
4 option, pay a fee of sixty-five dollars (\$65.00) for issuance of a permanent
5 registration that shall remain valid, without annual renewal, until he or she
6 sells or otherwise disposes of the semitrailer for which the registration is
7 issued. Permanent registrations issued under this subdivision
8 (a)(3)(I)(i)(a)(2) shall not be transferred to other owners or other vehicles
9 and shall not be replaced under § 27-14-602(b)(6);

10 (3) Full trailers operated in the
11 transportation of farm products and other natural resources described as
12 Class Eight, a fee of eight dollars (\$8.00); and

13 (4) For all other full trailers there
14 shall be charged an annual license fee computed on the gross loaded weight of
15 the vehicle at the appropriate rate provided by Class Two - Class Seven of
16 subdivision (a)(3) of this section.

17 (b) For the purpose of evidencing registration
18 of trailers registered under subdivision (a)(3)(I)(i)(a)(1), there shall be
19 collected a triennial fee based upon the annual fee set forth therein.
20 Unless a trailer license issued under this provision is renewed on or before
21 the fifteenth day following its expiration, it shall lapse and shall no
22 longer be of any force or effect unless renewed in the manner prescribed by
23 law.

24 (c) For the purpose of evidencing registration
25 of a combination of truck-tractor and semitrailer classified by subdivision
26 (a)(3)(I)(i)(a)(2), the license fee for the gross weight of the combination
27 shall be computed at the appropriate rate provided by Class Two - Class Eight
28 of subdivision (a)(3) of this section and shall be applied to the
29 registration of the truck tractor.

30 (ii)(a) "Gross loaded weight" as used in this
31 section means the weight of the vehicle or vehicles plus the load to be
32 hauled.

33 (b)(1) If any truck, trailer, or semitrailer,
34 as provided in this section, is at any time found to be operating on the
35 highways of Arkansas with a gross loaded weight in excess of the weight
36 permitted by the license registration thereon, the owner or his or her agent

1 must then and there, before proceeding, pay an additional license fee on the
2 truck, trailer, or semitrailer, or combination, on the basis of one dollar
3 and thirty cents (\$1.30) per one hundred pounds (100 lbs.), or fraction
4 thereof, for the excess weight. For the purpose of ascertaining excess
5 loaded weight on any truck, trailer, semitrailer, or combination thereof, a
6 tolerance of one thousand pounds (1,000 lbs.) over and above the permitted
7 weight, as indicated by the license registration certificate thereof, shall
8 be allowed before the additional license fee required in this subdivision
9 (a)(3)(I)(ii)(b)(1) shall be charged.

10 (2) It shall be unlawful for any truck
11 to operate on the highways of Arkansas without the license registration card
12 being, at all times, in the possession of the operator thereof. This card
13 shall, at all times, be subject to inspection.

14 (3) Any truck, trailer, or semitrailer,
15 or combination thereof, on which an additional license fee is paid because of
16 excess weight, as provided in this subdivision (a)(3)(I)(ii)(b), shall be
17 permitted for the remaining portion of the regular license year to operate at
18 the newly established weight limit.

19 (4) In no event shall any license be
20 issued for a greater weight than that permitted by law governing axle loads;

21 (4) Motorcycles.

22 (A) For the registration of motorcycles, there shall be
23 charged and collected a fee of six dollars and fifty cents (\$6.50) per annum.

24 (B) For the registration of motor-driven cycles, there
25 shall be charged and collected a fee of three dollars and twenty-five cents
26 (\$3.25) per annum.

27 (C) For the registration of motorcycle sidecars, there
28 shall be charged and collected an additional registration fee of one dollar
29 and ninety-five cents (\$1.95) per annum;

30 (5) Hearses and Ambulances.

31 For the registration of hearses and other funeral cars or
32 ambulances, there shall be charged and collected a fee of forty-five dollars
33 and fifty cents (\$45.50) per annum; and

34 (6) Dealers.

35 (A) A "dealer", for the purposes of this subdivision
36 (a)(6), means a person, firm, or corporation engaged in the business of

1 buying and selling vehicles subject to registration in this state.

2 (B)(i) As a condition precedent to obtaining dealer's
3 license plates, the dealer shall furnish the director a certification that
4 the applicant is a vehicle dealer and has a bona fide, established place of
5 business used for the sale of vehicles, an office used for that business, a
6 telephone listed in the name of the business, and a sign identifying the
7 establishment. Certification shall be required for all renewals of dealer
8 license plates. This dealer certification shall not apply to dealers
9 licensed by the Department of Arkansas State Police, the Arkansas Motor
10 Vehicle Commission, or the Arkansas Manufactured Home Commission and who are
11 regulated by those authorities. The dealer certification shall consist of
12 completion of a self-certification form prepared by the Office of Motor
13 Vehicle.

14 (ii) Upon furnishing the certification to the
15 director, or a copy of the dealer's license from either the Department of
16 Arkansas State Police or the Arkansas Motor Vehicle Commission and the
17 payment of a fee of one hundred dollars (\$100), the dealer shall be issued a
18 master license plate and upon the payment of a fee of twenty-five dollars
19 (\$25.00) shall be issued a dealer's extra license plate. There is no limit
20 to the number of dealer's extra license plates that may be purchased by a
21 dealer. However, the dealer must secure a master license plate for each
22 separate place of business.

23 (iii)(a) Upon furnishing certification to the
24 director or a copy of the dealer's license from the Arkansas Manufactured
25 Home Commission and upon the payment of fifty dollars (\$50.00), the
26 manufactured home dealer shall be issued certification from the director for
27 the purpose of assigning manufactured home titles.

28 (b) Each location shall be treated as a
29 separate entity, and certification by the department shall be required for
30 each location.

31 (C) When a dealer's master license plate or extra license
32 plate is attached to any dealer-owned motor vehicle, the motor vehicle may be
33 used by the dealer, a manager, a sales manager, or a salesperson employed by
34 the dealership to drive to or from work and for personal or business trips
35 inside or outside the dealer's county of residence.

36 (D) Any dealer who pleads guilty or nolo contendere to or

1 who is found guilty of the misuse of a dealer's license plate or of allowing
2 anyone else to misuse a dealer's license plate shall be fined not more than
3 two hundred fifty dollars (\$250) for the first offense, not more than five
4 hundred dollars (\$500) for the second offense, and not more than one thousand
5 dollars (\$1000) for the third and subsequent offenses.

6 (b) Period Covered and Expiration of Registration.

7 (1) On all motor vehicles, except trucks other than Class One
8 trucks as defined in § 27-14-1002, truck-tractors, trailers, and
9 semitrailers, and combinations thereof, the duration and expiration of
10 registration shall be in accord with the provisions of § 27-14-1011, and all
11 fees provided in this section for those motor vehicles shall be due and
12 payable annually as provided therein; and

13 (2)(A) On all trucks except Class One trucks as defined in § 27-
14 14-1002, truck-tractors, trailers, and semitrailers, and combinations
15 thereof, except trailers drawn by automobiles and Class One trucks, the
16 registration shall be valid for twelve (12) months from the month of issuance
17 of registration, and all fees provided in this section for those vehicles
18 shall be due and payable annually during the twelfth month of the
19 registration period.

20 (B) No person shall have the authority to extend the time
21 for payment of such fees past the period specified in this subdivision
22 (b)(2).

23 (C) The provisions of this subdivision (b)(2) shall not
24 apply to trailers drawn by automobiles or by Class One trucks.

25 (D)(i) The director shall, upon request, assign the same
26 registration period to any owner of two (2) or more trucks, truck-tractors,
27 trailers, and semitrailers, and combinations thereof, except Class One trucks
28 as defined in § 27-14-1002.

29 (ii) The director shall, upon request, assign a
30 different month of registration other than the vehicle's current month of
31 registration to any owner of a truck, truck-tractor, trailer, and
32 semitrailer, and combinations thereof, except Class One trucks as defined in
33 § 27-14-1002, and all fees shall be prorated accordingly on a monthly basis.

34 (c) Nature of Fees. Each of the fees authorized in this section is
35 declared to be a tax for the privilege of using and operating a vehicle on
36 the public roads and highways of the State of Arkansas.

1 (d)(1) All taxes, fees, penalties, interest, and other amounts
2 collected under the provisions of this section, with the exception of that
3 portion of the fee declared to be a permit fee and collected pursuant to
4 subdivision (a)(3)(H)(ii)(f) above, shall be classified as special revenues
5 and shall be deposited in the State Treasury. After deducting the amount to
6 be credited to the Constitutional Officers Fund and the State Central
7 Services Fund as provided under the Revenue Stabilization Law, § 19-5-101 et
8 seq., the Treasurer of State shall transfer on the last business day of each
9 month:

10 (A) Fifteen percent (15%) of the amount thereof to the
11 County Aid Fund;

12 (B) Fifteen percent (15%) of the amount thereof to the
13 Municipal Aid Fund; and

14 (C) Seventy percent (70%) of the amount thereof to the
15 State Highway and Transportation Department Fund.

16 (2) The funds shall be further disbursed in the same manner and
17 used for the same purposes as set out in the Arkansas Highway Revenue
18 Distribution Law, § 27-70-201 et seq.

19 (3) That portion of the annual license fee collected pursuant to
20 subdivision (a)(3)(H)(ii)(f) of this section declared to be a permit fee
21 shall be classified as special revenues and shall be deposited in the State
22 Treasury. The Treasurer of State shall transfer on the last business day of
23 each month all of such portions of such annual license fees to the State
24 Highway and Transportation Department Fund to be utilized for the
25 construction, reconstruction, and maintenance of highways and bridges in the
26 state highway system.

27 (e) Penalty. (1) Any person owning a vehicle on which a fee is
28 required to be paid under the terms of this section who shall operate it or
29 permit it to be operated on a public road in this state without having paid
30 the fee required by this section shall be guilty of a misdemeanor and upon
31 conviction shall be fined in a sum not less than double the fee provided for
32 and not more than three thousand dollars (\$3,000).

33 (2) If the arresting officer is:

34 (A) An officer of the Department of Arkansas State Police,
35 the fine shall be deposited in the State Treasury and credited to the
36 Department of Arkansas State Police Fund, to be used for the purchase and

1 maintenance of state police vehicles;

2 (B) An officer of the Arkansas Highway Police Division of
3 the Arkansas State Highway and Transportation Department, the fine shall be
4 deposited in the State Highway and Transportation Department Fund, to be used
5 for the purchase and maintenance of highway police vehicles;

6 (C) A county law enforcement officer, the fine shall be
7 deposited in the county fund used for the purchase and maintenance of rescue,
8 emergency medical, and law enforcement vehicles, communications equipment,
9 animals owned or used by law enforcement agencies, lifesaving medical
10 apparatus, and law enforcement apparatus, to be used for those purposes; and

11 (D) A municipal law enforcement officer, the fine shall be
12 deposited in that municipality's fund used for the purchase and maintenance
13 of rescue, emergency medical, and law enforcement vehicles, communications
14 equipment, animals owned or used by law enforcement agencies, lifesaving
15 medical apparatus, and law enforcement apparatus, to be used for those
16 purposes.

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18 /s/ *Bolin*
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