

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

A Bill

HOUSE BILL 2905

5 By: Representatives Petrus, Bolin
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE MODIFICATIONS TO THE LAW REGARDING
10 THE REGISTRATION AND LICENSING OF MOTOR VEHICLES;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13 TO MAKE MODIFICATIONS TO THE LAW
14 REGARDING THE REGISTRATION AND LICENSING
15 OF MOTOR VEHICLES.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

22 27-14-601. Fees for registration and licensing of motor vehicles.

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

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

29 (A) Class One – Automobiles of 3,000 lbs. or less . . .
30 \$17.00;

31 (B) Class Two – Automobiles of 3,001 lbs. to
32 and including 4,500 lbs. . . 25.00; and

33 (C) Class Three – Automobiles of 4,501 lbs. and over . . .
34 30.00;

35 (2) Automobiles for Hire. For all automobiles for hire which
36 are equipped with pneumatic tires and used for the transportation of persons,



1 there shall be charged and collected the fee applicable thereto as set for
 2 pleasure vehicles in subdivision (a)(1) of this section;

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

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

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

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

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

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

36 (F) Class Six – On all such vehicles with a gross loaded

1 weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight
 2 thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of
 3 thirteen dollars and sixty-five cents (\$13.65) per thousand pounds of gross
 4 loaded weight of the vehicles;

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

10 (ii) On all such vehicles with a gross loaded weight
 11 between seventy-three thousand, two hundred eighty-one pounds (73,281 lbs.)
 12 and eighty thousand pounds (80,000 lbs.), the fee to be charged shall be one
 13 thousand three hundred fifty dollars ~~(\$1,350.00)~~, (\$1,350);

14 (H) Class Eight – (i) In order to aid in the development
 15 of the natural resources and to promote agriculture, timber harvesting, and
 16 forestry in Arkansas and in order to eliminate apparent inequities in license
 17 charges for vehicles using only improved roads and those used primarily on
 18 the farm, for timber harvesting or forestry, in the wooded areas, and off the
 19 main highway system of this state, a special classification is created to
 20 provide a different and more equitable rate for those vehicles used
 21 exclusively for the noncommercial hauling of farm or timber products produced
 22 in this state and for hauling feed, seed, fertilizer, poultry litter, and
 23 other products commonly produced or used in agricultural operations or for
 24 hauling animal feed by owners of livestock or poultry for consumption in this
 25 state by livestock or poultry owned by them and for those vehicles used in
 26 hauling unfinished and unprocessed forest products and clay minerals and ores
 27 originating in Arkansas from the point of severance to a point in the state
 28 at which they first undergo any processing, preparation for processing,
 29 conversion, or transformation from their natural or severed state.

30 Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary,
 31 farmers may transport cotton seed from the gin or warehouse to the first
 32 point of sale under this special classification. Rock or stone or crushed
 33 rock or crushed stone, except rock or stone which is to undergo further
 34 processing into a finished or semifinished product other than crushed rock or
 35 crushed stone, shall not be construed as "clay minerals" or "ores" under the
 36 provisions of this classification. Notwithstanding any provision of this

1 subdivision (a)(3)(H) or any other law to the contrary, persons in the timber
 2 harvesting or forestry industries who transport wood waste, wood chips, or
 3 wood dust from a mill or a temporary location may transport the wood waste,
 4 wood chips, or wood dust from the mill or the temporary location to a
 5 destination for further processing under this special classification.

6 (ii) The annual license fees for vehicles classified
 7 as natural resources vehicles shall be as follows:

8 (a) For a vehicle with two (2) axles, a fee of
 9 three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.)
 10 of gross loaded weight of the vehicle, with a minimum fee of thirty-two
 11 dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars
 12 (\$65.00) for each vehicle;

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

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

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

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

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

1 due to the unusual design and size of such vehicles or combinations of
 2 vehicles.

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

5 (b) Five-axle vehicles may haul maximum gross
 6 loaded weights of up to eighty thousand pounds (80,000 lbs.) without the
 7 purchase of any additional or different type license.

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

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

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

34 (b) The director shall issue special
 35 distinctive license plates or license plate validation decals for the
 36 vehicles, including the indication thereon of the expiration date, so as to

1 identify them from annual natural resources plates.

2 (vii) The owner of any motor vehicle who is entitled
 3 to obtain a natural resources license for such motor vehicle for use in
 4 hauling farm products as authorized in this subdivision (a)(3)(H) may use
 5 such motor vehicle for the hauling of baled cotton from the cotton gin to a
 6 cotton compress without the necessity of the payment of additional license
 7 fees or the obtaining of additional license plates for such motor vehicle.

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

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

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

29 (xi) All affidavits required under the provisions of
 30 this subdivision (a)(3)(H) shall be acknowledged by the director, his
 31 authorized agent, or some other person authorized by the laws of this state
 32 to administer oaths; and

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

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

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

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

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

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

30 (c) For the purpose of evidencing registration
 31 of a combination of truck-tractor and semitrailer classified by subdivision
 32 (a)(3)(I)(i)(a)(2), the license fee for the gross weight of the combination
 33 shall be computed at the appropriate rate provided by Class Two - Class Eight
 34 of subdivision (a)(3) of this section and shall be applied to the
 35 registration of the truck tractor.

36 (ii)(a) "Gross loaded weight" as used in this

1 section means the weight of the vehicle or vehicles plus the load to be
 2 hauled.

3 (b)(1) If any truck, trailer, or semitrailer,
 4 as provided in this section, is at any time found to be operating on the
 5 highways of Arkansas with a gross loaded weight in excess of the weight
 6 permitted by the license registration thereon, the owner or his or her agent
 7 must then and there, before proceeding, pay an additional license fee on the
 8 truck, trailer, or semitrailer, or combination, on the basis of one dollar
 9 and thirty cents (\$1.30) per one hundred pounds (100 lbs.), or fraction
 10 thereof, for the excess weight. For the purpose of ascertaining excess
 11 loaded weight on any truck, trailer, semitrailer, or combination thereof, a
 12 tolerance of one thousand pounds (1,000 lbs.) over and above the permitted
 13 weight, as indicated by the license registration certificate thereof, shall
 14 be allowed before the additional license fee required in this subdivision
 15 (a)(3)(I)(ii)(b)(1) shall be charged.

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

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

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

27 (4) Motorcycles.

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

30 (B) For the registration of motor-driven cycles, there
 31 shall be charged and collected a fee of three dollars and twenty-five cents
 32 (\$3.25) per annum.

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

36 (5) Hearses and Ambulances.

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

4 (6) Dealers.

5 (A) A "dealer", for the purposes of this subdivision
 6 (a)(6), means a person, firm, or corporation engaged in the business of
 7 buying and selling vehicles subject to registration in this state.

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

20 (ii) Upon furnishing the certification to the
 21 director, or a copy of the dealer's license from either the Department of
 22 Arkansas State Police or the Arkansas Motor Vehicle Commission and the
 23 payment of a fee of one hundred dollars (\$100), the dealer shall be issued a
 24 master license plate and upon the payment of a fee of twenty-five dollars
 25 (\$25.00) shall be issued a dealer's extra license plate. There is no limit
 26 to the number of dealer's extra license plates that may be purchased by a
 27 dealer. However, the dealer must secure a master license plate for each
 28 separate place of business.

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

34 (b) Each location shall be treated as a
 35 separate entity, and certification by the department shall be required for
 36 each location.

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

6 (D) Any dealer who pleads guilty or nolo contendere to or
 7 who is found guilty of the misuse of a dealer's license plate or of allowing
 8 anyone else to misuse a dealer's license plate shall be fined not more than
 9 two hundred fifty dollars (\$250) for the first offense, not more than five
 10 hundred dollars (\$500) for the second offense, and not more than one thousand
 11 dollars (\$1000) for the third and subsequent offenses.

12 (b) Period Covered and Expiration of Registration.

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

19 (2)(A) On all trucks except Class One trucks as defined in § 27-
 20 14-1002, truck-tractors, trailers, and semitrailers, and combinations
 21 thereof, except trailers drawn by automobiles and Class One trucks, the
 22 registration shall be valid for twelve (12) months from the month of issuance
 23 of registration, and all fees provided in this section for those vehicles
 24 shall be due and payable annually during the twelfth month of the
 25 registration period.

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

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

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

35 (ii) The director shall, upon request, assign a
 36 different month of registration other than the vehicle's current month of

1 registration to any owner of a truck, truck-tractor, trailer, and
 2 semitrailer, and combinations thereof, except Class One trucks as defined in
 3 § 27-14-1002, and all fees shall be prorated accordingly on a monthly basis.

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

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

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

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

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

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

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

33 (e) Penalty. (1) Any person owning a vehicle on which a fee is
 34 required to be paid under the terms of this section who shall operate it or
 35 permit it to be operated on a public road in this state without having paid
 36 the fee required by this section shall be guilty of a misdemeanor and upon

1 conviction shall be fined in a sum not less than double the fee provided for
2 and not more than three thousand dollars (\$3,000).

3 (2) If the arresting officer is:

4 (A) An officer of the Department of Arkansas State Police,
5 the fine shall be deposited in the State Treasury and credited to the
6 Department of Arkansas State Police Fund, to be used for the purchase and
7 maintenance of state police vehicles;

8 (B) An officer of the Arkansas Highway Police Division of
9 the Arkansas State Highway and Transportation Department, the fine shall be
10 deposited in the State Highway and Transportation Department Fund, to be used
11 for the purchase and maintenance of highway police vehicles;

12 (C) A county law enforcement officer, the fine shall be
13 deposited in the county fund used for the purchase and maintenance of rescue,
14 emergency medical, and law enforcement vehicles, communications equipment,
15 animals owned or used by law enforcement agencies, lifesaving medical
16 apparatus, and law enforcement apparatus, to be used for those purposes; and

17 (D) A municipal law enforcement officer, the fine shall be
18 deposited in that municipality's fund used for the purchase and maintenance
19 of rescue, emergency medical, and law enforcement vehicles, communications
20 equipment, animals owned or used by law enforcement agencies, lifesaving
21 medical apparatus, and law enforcement apparatus, to be used for those
22 purposes.

23
24
25
26
27
28
29
30
31
32
33
34
35
36