

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 409

By: Senator Madison

For An Act To Be Entitled

AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 27 OF
THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO MAKE VARIOUS CORRECTIONS TO
TITLE 27 OF THE ARKANSAS CODE OF 1987
ANNOTATED.

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

SECTION 1. Arkansas Code § 27-14-2302(c)(2)(B)(iii) is amended to read as follows to conform to Code style:

(iii) ~~No~~ A court of this state shall not have jurisdiction to change or modify the designation or finding of another state issuing a certificate of title or the junking certificate.

SECTION 2. Arkansas Code § 27-16-801(a)(1) is amended to read as follows to reorganize in conformity with Code style:

~~{a}(1) In a manner prescribed by the Commissioner of Motor Vehicles, the Office of Motor Vehicle shall issue:~~

~~{A} A Class D license or a Class M license to each applicant qualified therefor, for a period of four (4) years, upon payment of twelve dollars (\$12.00);~~

~~{B} A Class MD license to each applicant qualified therefor, for a period of not more than two (2) years, upon payment of two dollars (\$2.00);~~



~~(C) Every applicant for a Class D, Class M, or Class MD license under §§ 27-16-704, 27-16-807, or 27-20-108 shall pay an examination fee of five dollars (\$5.00) for the first examination and a fee of five dollars (\$5.00) for each subsequent examination, except that for each examination after the third examination there shall be no charge if the applicant produces receipts for having paid the fees for the previous examinations. The examination fee shall be remitted in a manner prescribed by the commissioner.~~

(a)(1) In a manner prescribed by the Commissioner of Motor Vehicles:

(A) The Office of Motor Vehicle shall issue a Class D license or a Class M license to each qualified applicant for a period of four (4) years upon payment of twelve dollars (\$12.00);

(B) The office shall issue a Class MD license to each qualified applicant for a period of not more than two (2) years upon payment of two dollars (\$2.00); and

(C)(i) Every applicant for a Class D license, Class M license, or Class MD license under § 27-16-704, § 27-16-807, or § 27-20-108 shall pay an examination fee of five dollars (\$5.00) for the first examination and a fee of five dollars (\$5.00) for each subsequent examination, but there shall be no charge after the third examination if the applicant produces receipts for fees paid for previous examinations.

(ii) The examination fee shall be remitted in a manner prescribed by the commissioner.

SECTION 3. Arkansas Code § 27-24-206(c) is amended to read as follows in light of the prior repeal of subdivisions (c)(1)(A) - (E):

~~(c)(1) An eligible applicant, including a surviving spouse under § 27-24-208, for the issuance or renewal of any one (1) of the following special license plates that existed before April 13, 2005, may obtain one (1) additional special license plate under this subchapter upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601:~~

~~(A) —[Repealed]~~

~~(B) —[Repealed]~~

~~(C) —[Repealed]~~

~~(D) —[Repealed]~~

~~(E) —[Repealed]~~

~~(2) The Adjutant General of the State of Arkansas or the Director of the Department of Veterans Affairs may submit a written request to the Director of the Department of Finance and Administration to allow a qualified applicant for a special license plate not stated in subdivision (e)(1) of this section to obtain one (1) additional special license plate upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601.~~

~~(3)(c)~~ An eligible applicant for the issuance or renewal of any of the following special ~~licenses plate~~ license plates may obtain one (1) additional special license plate under this subchapter upon payment of a fee not to exceed one dollar (\$1.00):

- ~~(A)(1)~~ Ex-prisoner of War;
- ~~(B)(2)~~ Pearl Harbor Survivor;
- ~~(C)(3)~~ Medal of Honor Recipient;
- ~~(D)(4)~~ Disabled Veteran;
- ~~(E)(5)~~ Disabled Veteran – World War I; or
- ~~(F)(6)~~ Purple Heart Recipient.

SECTION 4. Arkansas Code § 27-24-1302(2) is amended to read as follows to properly set out the name of the Arkansas State Fire Fighters Association:

(2) “Professional firefighter” means a person who is in good standing with the Arkansas ~~Professional~~ State Fire Fighters Association;

SECTION 5. Arkansas Code § 27-24-1311(b)(1) is amended to read as follows to properly set out the name of the Arkansas State Fire Fighters Association:

(b)(1) The department shall seek the advice of the Arkansas ~~Professional~~ State Fire Fighters Association regarding the design of the special license plate under this section.

SECTION 6. Arkansas Code § 27-50-1208(e) is amended to read as follows to conform to Code style and structure:

(e)(1) The notice shall contain the following information:

~~(1)(A)~~ The year, make, model, and vehicle identification number of the vehicle towed;

~~(2)(B)~~ The name, address, and telephone number of the storage

1 facility;

2 ~~(3)~~(C) That the vehicle is in the possession of that towing and
3 storage firm under police order, describing the general circumstances of any
4 law enforcement or other official hold on the vehicle;

5 ~~(4)~~(D) That towing, storage, and administrative costs are
6 accruing as a legal liability of the owner;

7 ~~(5)~~(E) That the towing and storage firm claims a first priority
8 possessory lien on the vehicle and its contents for all such charges;

9 ~~(6)~~(F) That unless claimed within forty-five (45) days, the
10 vehicle and its contents will be dismantled, destroyed, or sold at public
11 sale to the highest bidder;

12 ~~(7)~~(G) That the failure to exercise ~~their~~ the right to reclaim
13 the vehicle and its contents within the time prescribed by this section
14 constitutes a waiver by the ~~owners and lienholders~~ owner and lienholder of
15 all right, title, and interest in the vehicle and its contents and
16 constitutes ~~their~~ consent to the sale, dismantling, or destruction of the
17 vehicle and its contents;

18 ~~(8)~~(H) That the owner or lienholder may retake possession at any
19 time during business hours by appearing, proving ownership, and releasing the
20 law enforcement or other official hold, if any, and by paying all charges or
21 by other written arrangement between the owner or lienholder and the towing
22 and storage firm;

23 ~~(9)~~(I) That should the owner consider that the original taking
24 was not legally justified, he or she has a right for thirty (30) days to
25 contest the original taking as ~~defined~~ described by § 27-50-1207; and

26 ~~(10)~~(J) That the owner of the vehicle or operator or his or her
27 authorized representative may recover without charge ~~possession of~~ any item
28 described in subdivision (a)(2)(B) of this section by providing within forty-
29 five (45) days to the towing and storage firm proof that the claimant is the
30 registered owner of the vehicle or has been authorized by the registered
31 owner of the vehicle to take possession of the items; ~~and.~~

32 ~~(11)~~(2) ~~Notices to owners of vehicles deemed abandoned on the~~
33 ~~premises of automobile repair facilities~~ A notice to an owner of a vehicle
34 deemed abandoned on the premises of an automobile repair facility pursuant to
35 under § 27-50-1101 shall also advise that the automobile repair person holds
36 an absolute lien on the vehicle ~~pursuant to~~ under § 18-45-201 et seq.

1
2 SECTION 7. Arkansas Code § 27-51-310(a)(1) is amended to read as
3 follows to clarify a reference:

4 (a)(1) If an authorized emergency response vehicle or a law
5 enforcement vehicle is parked or stopped at the scene of an emergency or
6 other traffic stop and is displaying a flashing, revolving, or rotating blue,
7 red, or amber and red light, an approaching motor vehicle operator shall move
8 when possible into the farthest lane from the emergency response vehicle or
9 law enforcement vehicle and remain in that lane until past the emergency
10 response vehicle or law enforcement vehicle and any other vehicle involved in
11 the emergency or other traffic stop.
12

13 SECTION 8. Arkansas Code § 27-64-405(b) is amended to read as follows
14 to conform to Code style and structure and cite statutory references in the
15 notice form:

16 (b) The notice of election shall state that the election is to be held
17 ~~for the purpose of submitting~~ to submit to the people the following
18 proposition, in substantially the form set forth ~~herein~~ in this subsection:

19 "Authorizing the State Highway Commission to issue State of Arkansas
20 Federal Highway Grant Anticipation and Tax Revenue Bonds (the "Bonds") from
21 time to time provided that the total principal amount outstanding from the
22 issuance of such bonds, ~~together~~ with the total principal amount outstanding
23 from the issuance of bonds ~~pursuant to~~ under the Arkansas Highway Financing
24 Act of 1999, § 27-64-201 et seq., shall ~~not, at any time, exceed~~ not at any
25 time exceed five hundred seventy-five million dollars (\$575,000,000). If
26 approved, the bonds will be issued in one (1) or more series of various
27 principal amounts, with the last series being issued no later than December
28 31, 2013. The bonds shall be issued ~~for the purpose of paying~~ to pay the
29 cost of constructing and renovating improvements to interstate highways and
30 related facilities in the State of Arkansas.

31 The bonds shall be general obligations of the State of Arkansas,
32 payable from certain designated revenues and also secured by the full faith
33 and credit of the State of Arkansas, including its general revenues.
34 ~~Pursuant to~~ Under the Arkansas Interstate Highway Financing Act of 2007 (the
35 "Bond Act"), the bonds will be repaid first from: ~~(1)~~ revenues derived from
36 federal highway assistance funding allocated to the State of Arkansas

1 designated as federal highway interstate maintenance funds, ~~and (2) and,~~
 2 secondly, revenue derived from the increase in the excise tax levied on
 3 distillate special fuels (diesel) ~~pursuant to~~ under section 2 of the
 4 "Arkansas Distillate Special Fuel Excise Tax Act of 1999" and the "Motor Fuel
 5 Excise Tax Act of 1999" and transferred to the State Highway and
 6 Transportation Department Fund ~~pursuant to~~ under § 27-70-207(c) in accordance
 7 with section 4(a) of the "Arkansas Distillate Special Fuel Excise Tax Act of
 8 1999" and the "Motor Fuel Excise Tax Act of 1999". To the extent that
 9 designated revenues are insufficient to make timely payment of debt service
 10 on the bonds, ~~such~~ the payment shall be made from the general revenues of the
 11 State of Arkansas. The bonds shall be issued ~~pursuant to~~ under the authority
 12 of and the terms set forth in the Bond Act.

13 ~~Pursuant to~~ Under the Bond Act, the highway improvements to be financed
 14 are limited to the restoration and improvements to all of the interstate
 15 highway system within the state, including roadways, bridges, or rights-of-
 16 way under jurisdiction of the State Highway Commission, which shall also
 17 include the acquisition, construction, reconstruction, and renovation of such
 18 interstate highway system and facilities appurtenant or pertaining thereto.

19 ~~Pursuant to~~ Under the Bond Act, "designated revenues" ~~are defined as:~~
 20 ~~(1) that portion designated by the commission of all funds received or to be~~
 21 ~~received from the federal government as federal highway interstate~~
 22 ~~maintenance funds, and (2) revenues derived from the increase in taxes levied~~
 23 ~~on distillate special fuels pursuant to section 2 of the "Arkansas Distillate~~
 24 ~~Special Fuel Excise Tax Act of 1999" and the "Motor Fuel Excise Tax Act of~~
 25 ~~1999" and transferred to the State Highway and Transportation Department Fund~~
 26 ~~pursuant to Arkansas Code § 27-70-207(c) in accordance with section 4(a) of~~
 27 ~~the "Arkansas Distillate Special Fuel Excise Tax Act of 1999" and the "Motor~~
 28 ~~Fuel Excise Tax Act of 1999."~~ Designated revenues shall not include the
 29 revenues derived from the increase in tax on motor fuel (gasoline) resulting
 30 from the "Arkansas Distillate Special Fuel Excise Tax Act of 1999" and the
 31 "Motor Fuel Excise Tax Act of 1999". The bonds are further secured by the
 32 full faith and credit of the State of Arkansas, and to the extent "designated
 33 revenues" are insufficient to make timely payment of debt service on the
 34 bonds, the general revenues of the state shall be used to pay debt service on
 35 the bonds. are defined as:

36 That portion designated by the commission of all funds received or to

1 be received from the federal government as federal highway interstate
 2 maintenance funds; and

3 Revenues derived from the increase in taxes levied on distillate
 4 special fuels under section 2 of the Arkansas Distillate Special Fuel Excise
 5 Tax Act of 1999, § 26-56-201(e), and the Motor Fuel Excise Tax Act of 1999, §
 6 26-55-1005, § 26-55-1006, § 26-56-201(e), and § 27-72-305(a), and transferred
 7 to the State Highway and Transportation Department Fund under § 27-70-207(c)
 8 in accordance with section 4(a) of the Arkansas Distillate Special Fuel
 9 Excise Tax Act of 1999, § 26-55-1006(d), and the Motor Fuel Excise Tax Act of
 10 1999, § 26-55-1006(d).

11 Designated revenues do not include the revenues derived from the
 12 increase in tax on gasoline resulting from the Arkansas Distillate Special
 13 Fuel Excise Tax Act of 1999, § 26-55-1005, § 26-55-1006, § 26-56-201(e), and
 14 § 27-72-305(a), and the Motor Fuel Excise Tax Act of 1999, § 26-55-1005, §
 15 26-55-1006, § 26-56-201(e), and § 27-72-305(a).

16 The bonds are further secured by the full faith and credit of the State
 17 of Arkansas, and to the extent designated revenues are insufficient to make
 18 timely payment of debt service on the bonds, the general revenues of the
 19 state shall be used to pay debt service on the bonds".

20
 21 SECTION 9. Arkansas Code § 27-66-501(c) is amended to read as follows
 22 to conform to Code style and to add language found elsewhere in the section
 23 which is intended to be covered by the section:

24 (c)(1) It ~~shall be~~ is unlawful for a person to drive, operate, or move
 25 a motor vehicle, an object, or a contrivance or for an owner of a motor
 26 vehicle, object, or contrivance to cause or permit the motor vehicle, object,
 27 or contrivance of a size or weight exceeding the posted weight limit to be
 28 driven, operated, or moved, ~~of a size or weight exceeding the posted weight~~
 29 ~~limit.~~

30 (2) A person or an owner operating a motor vehicle, object, or
 31 contrivance under an overweight permit issued by the Arkansas State Highway
 32 and Transportation Department is exempt from penalty under subdivision (c)(1)
 33 of this section.

34
 35 SECTION 10. Arkansas Code § 27-67-222 is amended to read as follows to
 36 clarify references and to conform to Code style:

(a)(1) "State police officer" means any employee of the Department of Arkansas State Police who holds the rank of state trooper or higher rank, ~~and it shall include the director~~ including the Director of the Department of Arkansas State Police.

(2) The term "state police officer" ~~shall not include any civilian employee of the department, nor shall it include any person who is temporarily employed as a state trooper for an emergency.~~ does not include any:

(A) Civilian employee of the department; or

(B) Person who is temporarily employed as a state trooper during an emergency.

(b) A state police officer who has been killed on active duty within the State of Arkansas shall have a one-mile portion of a highway dedicated to him or her at or near the location of his or her death.

(c) The Arkansas State Highway and Transportation Department shall designate a one-mile portion of a highway as the Trooper _____ Memorial Highway by placing and maintaining appropriate identifying signs with a blue background and reflective silver lettering on the highway.

SECTION 11. Arkansas Code § 27-67-322(f) is amended to read as follows for clarification and to conform to Code style:

(f)(1) The ~~disposition~~ transfer of surplus rail and other railroad track material purchased in part with federal Transportation Enhancement funds and granted to the State Parks, Recreation, and Travel Commission or the Department of Parks and Tourism, or both, by the State Highway Commission shall not be subject to the procedures set forth ~~above~~ in subsections (a)-(e) of this section.

(2) Surplus rail and other track material described under this subsection may be ~~disposed of~~ transferred by gift or contract to a regional intermodal facilities authority, a metropolitan port authority, or a planning and development district.

(3) The purposes of this section shall be ~~deemed to be~~ satisfied upon:

(A) The adoption of a resolution by the State Highway Commission that ~~such~~ the transfer will promote the continuation of rail service, economic development, or industrial growth; and

1 (B) A transfer document executed by the State Parks,
2 Recreation, and Travel Commission or the Department of Parks and Tourism, or
3 both.
4

5 SECTION 12. Arkansas Code § 27-76-103(11)(B) is amended to read as
6 follows to clarify a reference:

7 (B) ~~Any Toll facility project costs also shall include any~~
8 obligation, expense, or expenditure incurred or made by the regional mobility
9 authority for matters pertaining to a toll facility project, including
10 without limitation:

- 11 (i) Feasibility studies;
- 12 (ii) Traffic surveys;
- 13 (iii) Borings;
- 14 (iv) Preparation of plans and specifications;
- 15 (v) Engineering services; and
- 16 (vi) Cost, expenditure, or any other expense that is
17 regarded as part of the costs of a toll facility project and that may be
18 reimbursed to the State Highway Commission or other agency or department of
19 the state out of the proceeds of revenue bonds or out of any other available
20 funds of the commission;

21
22 SECTION 13. The enactment and adoption of this act shall not repeal,
23 expressly or impliedly, the acts passed at the regular session of the 87th
24 General Assembly. All such acts shall have full effect and, so far as those
25 acts intentionally vary from or conflict with any provision contained in this
26 act, those acts shall have the effect of subsequent acts and as amending or
27 repealing the appropriate parts of the Arkansas Code of 1987.
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