

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 793

TO REPEAL OBSOLETE STATUTES IN AND MAKE OTHER TECHNICAL CORRECTIONS TO TITLE 27
OF THE ARKANSAS CODE.

Amendment No. 1 to Senate Bill No. 793

Amend Senate Bill No. 793 as originally introduced:

Delete SECTION 2 in its entirety, and replace with the following:

“SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 1, is amended to add an additional section to contain the definitions that are being transferred from Subchapter 2:

27-14-104. Definitions.

As used in this chapter:

(1) “Bus” means a motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(2) “Dealer” means a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter and who has an established place of business for that purpose in this state;

(3) “Essential parts” means all integral body parts of a vehicle of a type required to be registered under this chapter, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

(4) “Established place of business” means the place actually occupied, either continuously or at regular periods, by a dealer or manufacturer, where his or her books and records are kept and a large share of his or her business is transacted;

(5) “Foreign vehicle” means a vehicle of a type required to be registered under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state;

(6) “Implements of husbandry” means a vehicle designed or adapted exclusively for timber harvesting or hauling, agricultural, horticultural, or livestock raising operations, or for lifting or carrying an implement of husbandry, and, in either case, not subject to registration if



used upon the highways;

(7) "Manufactured home" means a factory-built structure:

(A) Produced in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

(B) Designed to be used as a dwelling unit;

(8) "Manufacturer" means a person engaged in the business of constructing or assembling vehicles of a type required to be registered under this chapter at an established place of business in this state;

(9) "Metal Tire" means every tire the surface of which in contact with the highway is, wholly or partially, of metal or other hard, nonresilient material.

(10) "Mobile home" means a structure:

(A) Built in a factory before the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

(B) Designed to be used as a dwelling unit;

(11)(A) "Motor home" means a motor vehicle designed to provide temporary living quarters, built onto an integral part of, or permanently attached to, a self-propelled motor vehicle chassis.

(B) The vehicle must contain permanently installed independent life-support systems;

(12) "Motor vehicle" means a vehicle which is self-propelled or vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

(13) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding a tractor;

(14) "Nonresident" means a person who is not a resident of this state;

(15)(A) "Owner" means a person who holds the legal title of a vehicle.

(B) In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter;

(16) "Person" means a natural person, firm, copartnership, association, or corporation;

(17) "Pneumatic tire" means a tire in which compressed air is designed to support the load;

(18) "Pole trailer" means a vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections;

(19) "Reconstructed vehicle" means a vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts,

new or used;

(20)(A) "Resident" means a person who:

(i) Remains in this state for a period of more than six (6) months;

(ii) Resides in this state due to a change of abode;
or

(iii) Is domiciled in this state on a temporary or permanent basis.

(B) "Resident" does not include a person who normally resides in another state or county who is in this state as a student;

(21) "School bus" means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;

(22) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(23)(A) "Special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers.

(B) This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(24) "Specially constructed vehicle" means a vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(25) "Solid tire" means a tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.

(26) "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(27) "Trailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(28) "Transporter" means a person engaged in the business of delivering vehicles of a type required to be registered under this chapter from a manufacturing, assembly, or distributing plant to dealers or sales agents of a manufacturer;

(29) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property;

(30) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; and

(31) "Vehicle" means a device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting

devices moved by human power or used exclusively upon stationary rails or tracks.”

AND

Page 14, Line 5, delete “Vehicles” and substitute “Vehicle”

AND

Page 15, Line 8, delete “Vehicles” and substitute “Vehicle”

AND

Page 15, Line 13, delete “Vehicles” and substitute “Vehicle”

AND

Page 16, Line 11, delete “directorto” and substitute “director to”

AND

Page 16, Line 16, delete “director” and substitute “director”

AND

Page 16, Line 20, delete “director” and substitute “director”

AND

Delete SECTION 35 in its entirety and appropriately renumber the sections of the bill.

AND

Delete SECTION 50 in its entirety and substitute the following:

"SECTION 50. Arkansas Code § 27-50-802, is amended to read as follows:

(a) All courts in this state required by law to furnish records of convictions of all motor vehicle violations to the Office of Driver Services of the Department of Finance and Administration shall continue to furnish the records, but in compiling reports of convictions of traffic violations, the Office of Driver Services shall not include in the traffic violation report of any individual any conviction for the offense of speeding if the conviction is based on speeding upon a public highway in excess of fifty-five miles per hour (55 m.p.h.) speed limit ~~as established pursuant to Public Law 93-239 of January 2, 1974,~~ but less than seventy-five miles per hour (75 m.p.h.).

(b) The Office of Driver Services shall include in the traffic violation report of any person holding a chauffeur’s license any conviction for the offense of speeding in excess of the fifty-five miles per hour (55 m.p.h.) speed limit ~~as established pursuant to Public Law 93-239 of January 2, 1974,~~ to the employer of the person and shall furnish the complete driver history record of the person pursuant to a written authorization as provided

in § 27-50-908 to the employer of the person holding a chauffeur's license."

AND

Delete SECTION 51 in its entirety and appropriately renumber the sections of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Johnson

DRF/CLW - 03-11-2015 13:32:54

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Secretary