

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/16/15

A Bill

SENATE BILL 793

5 By: Senator D. Johnson
6

For An Act To Be Entitled

8 AN ACT TO REPEAL OBSOLETE STATUTES IN AND MAKE OTHER
9 TECHNICAL CORRECTIONS TO TITLE 27 OF THE ARKANSAS
10 CODE; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO REPEAL OBSOLETE STATUTES IN AND MAKE
15 OTHER TECHNICAL CORRECTIONS TO TITLE 27
16 OF THE ARKANSAS CODE.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 27-14-101, is amended to read as follows to
22 remove an obsolete reference:

23 This chapter may be cited as the “~~Uniform~~ Motor Vehicle Administration,
24 Certificate of Title, and Antitheft Act”.

25
26 SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 1, is amended
27 to add an additional section to contain the definitions that are being
28 transferred from Subchapter 2:

29 27-14-104. Definitions.

30 As used in this chapter:

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

35 (2) “Dealer” means a person engaged in the business of buying,
36 selling, or exchanging vehicles of a type required to be registered under



1 this chapter and who has an established place of business for that purpose in
2 this state;

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

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

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

16 (6) "Implements of husbandry" means a vehicle designed or
17 adapted exclusively for timber harvesting or hauling, agricultural,
18 horticultural, or livestock raising operations, or for lifting or carrying an
19 implement of husbandry, and, in either case, not subject to registration if
20 used upon the highways;

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

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

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

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

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

32 (10) "Mobile home" means a structure:

33 (A) Built in a factory before the enactment of the
34 National Manufactured Housing Construction and Safety Standards Act of 1974,
35 42 U.S.C. § 5401 et seq.; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (31) "Vehicle" means a device in, upon, or by which any person
15 or property is, or may be, transported or drawn upon a highway, excepting
16 devices moved by human power or used exclusively upon stationary rails or
17 tracks.

18
19 SECTION 3. Arkansas Code §§ 27-14-201 – 27-14-216, which include some
20 outdated statutes and others which have been transferred to an additional
21 section in Chapter 14, Subchapter 1, are repealed.

22 ~~27-14-201. Applicability.~~

23 ~~As used in this chapter, words and phrases shall have the meanings~~
24 ~~defined in this subchapter, unless the context otherwise requires.~~

25
26 ~~27-14-202. Commissioner and office.~~

27 ~~(a) "Commissioner" means the Director of the Department of Finance and~~
28 ~~Administration acting in his or her capacity as Commissioner of Motor~~
29 ~~Vehicles in this state.~~

30 ~~(b) "Office" means the Office of Motor Vehicle of this state acting~~
31 ~~directly or through its duly authorized officers and agents.~~

32
33 ~~27-14-203. Person and owner.~~

34 ~~(a) "Person" means every natural person, firm, copartnership,~~
35 ~~association, or corporation.~~

36 ~~(b) "Owner" means a person who holds the legal title of a vehicle. In~~

1 ~~the event a vehicle is the subject of an agreement for the conditional sale~~
2 ~~or lease thereof with the right of purchase upon performance of the~~
3 ~~conditions stated in the agreement and with an immediate right of possession~~
4 ~~vested in the conditional vendee or lessee, or in the event a mortgagor of a~~
5 ~~vehicle is entitled to possession, then the conditional vendee or lessee or~~
6 ~~mortgagor shall be deemed the owner for the purpose of this chapter.~~

7
8 ~~27-14-204. Nonresident and resident.~~

9 ~~(a) "Nonresident" means every person who is not a resident of this~~
10 ~~state.~~

11 ~~(b)(1) "Resident" shall mean any person who:~~

12 ~~(A) Remains in this state for a period of more than six~~
13 ~~(6) months;~~

14 ~~(B) Resides in this state due to a change of abode; or~~

15 ~~(C) Is domiciled in this state on a temporary or permanent~~
16 ~~basis.~~

17 ~~(2) The term "resident" shall not include any person who is in~~
18 ~~this state as a student.~~

19
20 ~~27-14-205. Dealer, transporter, and manufacturer.~~

21 ~~(a) "Dealer" means every person engaged in the business of buying,~~
22 ~~selling, or exchanging vehicles of a type required to be registered under~~
23 ~~this chapter and who has an established place of business for that purpose in~~
24 ~~this state.~~

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

29 ~~(c) "Manufacturer" means every person engaged in the business of~~
30 ~~constructing or assembling vehicles of a type required to be registered under~~
31 ~~this chapter at an established place of business in this state.~~

32
33 ~~27-14-206. Established place of business.~~

34 ~~"Established place of business" means the place actually occupied,~~
35 ~~either continuously or at regular periods, by a dealer or manufacturer, where~~
36 ~~his or her books and records are kept and a large share of his or her~~

1 ~~business is transacted.~~

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3 ~~27-14-207. Definitions.~~

4 ~~As used in this chapter:~~

5 ~~(1) "Bus" means every motor vehicle designed for carrying more~~
6 ~~than ten (10) passengers and used for the transportation of persons and every~~
7 ~~motor vehicle, other than a taxicab, designed and used for the transportation~~
8 ~~of persons for compensation;~~

9 ~~(2) "Manufactured home" means a factory built structure:~~

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

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

14 ~~(3) "Mobile home" means a structure:~~

15 ~~(A) Built in a factory before the enactment of the~~
16 ~~National Manufactured Housing Construction and Safety Standards Act of 1974,~~
17 ~~42 U.S.C. § 5401 et seq.; and~~

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

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

22 ~~(5) "Motor home" means a motor vehicle designed to provide~~
23 ~~temporary living quarters, built onto an integral part of, or permanently~~
24 ~~attached to, a self-propelled motor vehicle chassis. The vehicle must contain~~
25 ~~permanently installed independent life support systems;~~

26 ~~(6) "Motor vehicle" means every vehicle which is self-propelled~~
27 ~~and every vehicle which is propelled by electric power obtained from overhead~~
28 ~~trolley wires, but not operated upon rails;~~

29 ~~(7) "School bus" means every motor vehicle owned by a public or~~
30 ~~governmental agency and operated for the transportation of children to or~~
31 ~~from school or privately owned and operated for compensation for the~~
32 ~~transportation of children to or from school; and~~

33 ~~(8) "Vehicle" means every device in, upon, or by which any~~
34 ~~person or property is, or may be, transported or drawn upon a highway,~~
35 ~~excepting devices moved by human power or used exclusively upon stationary~~
36 ~~rails or tracks.~~

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~~27-14-208. Foreign vehicle.~~

~~“Foreign vehicle” means every 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.~~

~~27-14-209. Truck tractor and truck.~~

~~(a) “Truck tractor” means every 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.~~

~~(b) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.~~

~~27-14-210. Trailer, semitrailer, and pole trailer.~~

~~(a) “Trailer” means every 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.~~

~~(b) “Semitrailer” means every 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.~~

~~(c) “Pole trailer” means every 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.~~

~~27-14-211. Special mobile equipment.~~

~~“Special mobile equipment” means every 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. This enumeration shall be deemed partial and~~

1 ~~shall not operate to exclude other such vehicles which are within the general~~
2 ~~terms of this section.~~

3
4 ~~27-14-212. Implements of husbandry.~~

5 ~~“Implements of husbandry” means every vehicle designed or adapted~~
6 ~~exclusively for timber harvesting or hauling, agricultural, horticultural, or~~
7 ~~livestock raising operations, or for lifting or carrying an implement of~~
8 ~~husbandry, and, in either case, not subject to registration if used upon the~~
9 ~~highways.~~

10
11 ~~27-14-213. Specially constructed and reconstructed vehicles.~~

12 ~~(a) “Specially constructed vehicle” means every vehicle of a type~~
13 ~~required to be registered under this chapter not originally constructed under~~
14 ~~a distinctive name, make, model, or type by a generally recognized~~
15 ~~manufacturer of vehicles and not materially altered from its original~~
16 ~~construction.~~

17 ~~(b) “Reconstructed vehicle” means every vehicle of a type required to~~
18 ~~be registered under this chapter materially altered from its original~~
19 ~~construction by the removal, addition, or substitution of essential parts,~~
20 ~~new or used.~~

21
22 ~~27-14-214. Essential parts.~~

23 ~~“Essential parts” means all integral and body parts of a vehicle of a type~~
24 ~~required to be registered under this chapter, the removal, alteration, or~~
25 ~~substitution of which would tend to conceal the identity of the vehicle or~~
26 ~~substantially alter its appearance, model, type, or mode of operation.~~

27
28 ~~27-14-215. Pneumatic, solid and metal tires.~~

29 ~~(a) “Pneumatic tire” means every tire in which compressed air is~~
30 ~~designed to support the load.~~

31 ~~(b) “Solid tire” means every tire of rubber or other resilient~~
32 ~~material which does not depend upon compressed air for the support of the~~
33 ~~load.~~

34 ~~(c) “Metal tire” means every tire the surface of which in contact with~~
35 ~~the highway is, wholly or partly, of metal or other hard, nonresilient~~
36 ~~material.~~

1
2 ~~27-14-216. Street or highway.~~
3 ~~“Street or highway” means the entire width between boundary lines of~~
4 ~~every way publicly maintained when any part thereof is open to the use of the~~
5 ~~public for purposes of vehicular travel.~~

6
7 SECTION 4. Arkansas Code §§ 27-14-402 – 27-14-407 are amended to read
8 as follows to correct obsolete references:

9 27-14-402. ~~Commissioner to head~~ Office of Motor Vehicle head
10 The Office of Motor Vehicle shall be under the control of ~~a civil~~
11 ~~executive officer to be known as the “Commissioner of Motor Vehicles” who~~
12 ~~shall be~~ the Director of the Department of Finance and Administration.

13
14 27-14-403. Powers and duties of ~~commissioner~~.

15 (a) The ~~Commissioner of Motor Vehicles~~ Director of the Department of
16 Finance and Administration is vested with the power and is charged with the
17 duty of observing, administering, and enforcing the provisions of this
18 chapter and of all laws regulating the operation of vehicles or the use of
19 the highways, the enforcement or administration of which is vested in the
20 Office of Motor Vehicle.

21 (b) The ~~commissioner~~ director is authorized to adopt and enforce such
22 rules and regulations as may be necessary to carry out the provisions of this
23 chapter and any other laws, the enforcement and administration of which are
24 vested in the office.

25 (c) The ~~commissioner~~ director may adopt an official seal for the use
26 of the office.

27
28 27-14-404. Organization.

29 (a) The ~~Commissioner of Motor Vehicles~~ Director of the Department of
30 Finance and Administration shall organize the Office of Motor Vehicle in the
31 manner as he or she may deem necessary and proper to segregate and conduct
32 the work of the office.

33 (b) The ~~commissioner~~ director shall appoint such deputies, subordinate
34 officers, clerks, investigators, and other employees as may be necessary to
35 carry out the provisions of this chapter.

36 (c) The ~~commissioner~~ director shall maintain an office in the State

1 Capitol and in such other places in the state as he or she may deem necessary
2 and proper to carry out the powers and duties vested in the office.

3
4 27-14-405. Police authority generally.

5 The ~~Commissioner of Motor Vehicles~~ Director of the Department of
6 Finance and Administration and such officers and inspectors of the Office of
7 Motor Vehicle as he or she shall designate shall have the power:

8 (1) ~~Of peace officers for the purpose of enforcing the provisions~~
9 ~~of this chapter and of any other law regulating the operation of vehicles or~~
10 ~~the use of the highways;~~

11 ~~(2) To make arrests upon view and without warrant for any~~
12 ~~violation committed in their presence of any of the provisions of this~~
13 ~~chapter or other law regulating the operation of vehicles or the use of the~~
14 ~~highways;~~

15 ~~(3) When on duty, upon reasonable belief that any vehicle is~~
16 ~~being operated in violation of any provision of this chapter or of any other~~
17 ~~law regulating the operation of vehicles, to require the driver thereof to~~
18 ~~stop and exhibit his or her driver's or chauffeur's license and the~~
19 ~~registration certificate issued for the vehicle and submit to an inspection~~
20 ~~of the vehicle, the registration plates, and registration certificate thereon~~
21 ~~or to an inspection and test of the equipment of the vehicle;~~

22 ~~(4) To inspect any vehicle of a type required to be registered~~
23 ~~under this chapter in any public garage or repair shop or in any place where~~
24 ~~such vehicles are held for sale or wrecking, for the purpose of locating~~
25 ~~stolen vehicles and investigating the title and registration thereof;~~

26 ~~(5)~~ (2) To serve warrants relating to the enforcement of the
27 laws regulating the operation of vehicles or the use of the highways; and

28 ~~(6)~~ (3) To investigate reported thefts of motor vehicles,
29 trailers, and semitrailers.

30
31 27-14-406. Authority to take possession.

32 ~~(a)~~ The Office of Motor Vehicle is authorized to take possession of
33 any certificate of title, registration certificate, permit, license, or
34 registration plate issued by it upon expiration, revocation, cancellation, or
35 suspension thereof, or which is fictitious or which has been unlawfully or
36 erroneously issued.

1 ~~(b) The office is authorized to take possession of any vehicle which is~~
2 ~~being operated unlawfully.~~

3
4 27-14-407. Summons of witnesses.

5 (a)(1) The ~~Commissioner of Motor Vehicles~~ Director of the Department
6 of Finance and Administration and officers of the Office of Motor Vehicle
7 designated by him or her shall have authority to summon witnesses to give
8 testimony under oath or to give written deposition upon any matter under the
9 jurisdiction of the office.

10 (2) The summons may require the production of relevant books,
11 papers, or records.

12 (b)(1) Every summons shall be served at least five (5) days before the
13 return date, either by personal service made by any person over eighteen (18)
14 years of age or by registered mail, but return acknowledgment is required to
15 prove the latter service.

16 (2) Failure to obey a summons so served shall constitute a
17 misdemeanor.

18 (c) Any court of competent jurisdiction shall have jurisdiction, upon
19 application by the ~~commissioner~~ director, to enforce all lawful orders of the
20 ~~commissioner~~ director under this section.

21
22 SECTION 5. Arkansas Code §§ 27-14-410 – 27-14-412 are amended to read
23 as follows to correct obsolete references:

24
25 27-14-410. Forms.

26 The ~~Commissioner of Motor Vehicles~~ Director of the Department of
27 Finance and Administration shall prescribe and provide suitable forms of
28 applications, certificates of title, registration certificates, and all other
29 forms requisite or deemed necessary to carry out the provisions of this
30 chapter and any other laws, the enforcement and administration of which are
31 vested in the Office of Motor Vehicle.

32
33 27-14-411. Oaths and signatures.

34 (a) Officers and employees of the Office of Motor Vehicle designated
35 by the ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance
36 and Administration are, for the purpose of administering the motor vehicle

1 laws, authorized to administer oaths and acknowledge signatures.

2 (b) They shall do so without fee.

3

4 27-14-412. Records.

5 (a)(1) All records of the Office of Motor Vehicle, other than those
6 declared by law to be confidential for the use of the office, shall be open
7 to public inspection during office hours.

8 (2) The use of lists or other aggregations or compilations of
9 motor vehicle registration information is restricted to safety recall
10 notification programs involving motor vehicles and motor vehicle equipment,
11 other federal and state agency programs, and research and statistics
12 involving motor vehicles in which individual identities are not published or
13 disclosed. Motor vehicle registration information shall not be sold,
14 furnished, or used for solicitation purposes.

15 (b)(1) The ~~Commissioner of Motor Vehicles~~ Director of the Department
16 of Finance and Administration and such officers of the office as the
17 ~~commissioner~~ director may designate are authorized to prepare under the seal
18 of the office and deliver upon request a certified copy of any record of the
19 office.

20 (2) A fee of one dollar (\$1.00) shall be charged for each
21 document so authenticated.

22 (3) Every certified copy shall be admissible in any proceeding
23 in any court in like manner as the original.

24 (c) The ~~commissioner~~ director may destroy any records of the office
25 which have been maintained on file for five (5) years which he or she may
26 deem obsolete and of no further service in carrying out the powers and duties
27 of the office.

28

29 SECTION 6. Arkansas Code §§ 27-14-602 and 27-14-603 are amended to
30 read as follows to correct obsolete references:

31 27-14-602. Registration fees.

32 (a) Except as otherwise provided, all fees shall be paid to the Office
33 of Motor Vehicle for the registration of motor vehicles, trailers, and
34 semitrailers under this chapter.

35 (b) The following fees shall be charged under this chapter by the
36 ~~Commissioner~~ Office of Motor Vehicles Vehicle:

1	(1) For each certificate of title	\$2.00
2	(2) For each duplicate certificate of title	2.00
3	(3) For noting each lien50
4	(4) For transfer of registration	1.00
5	(5) For duplicate or substitute registration certificate	1.00
6	(6) For duplicate or substitute license plate	1.00.

7

8 27-14-603. Fee for special numbered license plates.

9 (a) There is levied a service fee of five dollars (\$5.00) to be added
10 to the regular fee imposed for motor vehicle license plates collected by the
11 ~~Commissioner Office~~ of Motor ~~Vehicles~~ Vehicle in all instances where a
12 special number is reserved for any motor vehicle license plate applicant.

13 (b) These fees shall be treated as regular license fees and deposited
14 accordingly as provided by law.

15

16 SECTION 7. Arkansas Code § 27-14-701(b), concerning exceptions to the
17 requirements of title, is amended to read as follows to correct an obsolete
18 reference:

19 (b) When an application accompanied by the proper fee has been made
20 for registration and certificate of title for a vehicle, it may be operated
21 temporarily pending complete registration upon displaying a duplicate
22 application, duly verified, or other evidence of the application or otherwise
23 under rules and regulations promulgated by the ~~Commissioner of Motor~~
24 ~~Vehicles~~ Director of the Department of Finance and Administration.

25

26 SECTION 8. Arkansas Code § 27-14-705(b)(2)(C), concerning the contents
27 of an application for registration and title, is amended to read as follows
28 to correct an obsolete reference:

29 (C) The certificate of origin shall be on a form to be
30 prescribed by the ~~Commissioner of Motor Vehicles~~ Director of the Department
31 of Finance and Administration.

32

33 SECTION 9. Arkansas Code § 27-14-713(b)(1), concerning delivery of
34 registration and title certificates, is amended to read as follows to correct
35 an obsolete reference:

36 (b)(1) The registration certificate shall be delivered to the owner

1 and shall contain, upon the face thereof, the date issued, the name and
2 address of the owner, the registration number assigned to the vehicle, and
3 the description of the vehicle as determined by the ~~Commissioner Office~~ of
4 Motor ~~Vehicles~~ Vehicle.

5
6 SECTION 10. Arkansas Code § 27-14-721(a), concerning the assignment of
7 new identifying numbers, is amended to read as follows to correct an obsolete
8 reference:

9 (a) The Office of Motor Vehicle is authorized to assign a
10 distinguishing number to a motor vehicle whenever the serial number thereon
11 is destroyed or obliterated and to issue to the owner a special plate bearing
12 the distinguishing number, which shall be affixed to the vehicle in a
13 position to be determined by the ~~Commissioner Office~~ of Motor ~~Vehicles~~
14 Vehicle.

15
16 SECTION 11. Arkansas Code § 27-14-722 is amended to read as follows to
17 correct an obsolete reference:

18 27-14-722. Change of engines

19 The ~~Commissioner Office~~ of Motor ~~Vehicles~~ Vehicle is authorized to
20 adopt and enforce such registration rules and regulations as may be deemed
21 necessary and compatible with the public interest, with respect to the change
22 or substitution of one engine in place of another in any motor vehicle.

23
24 SECTION 12. Arkansas Code § 27-14-806(a)(2), concerning options means
25 of recording, is amended to correct an obsolete reference:

26 (2) In the case of implements of husbandry, ~~as defined in § 27-~~
27 ~~14-212~~, all-terrain vehicles ~~as defined in § 27-21-102~~, mobile homes ~~as~~
28 ~~defined in § 27-14-207~~, or manufactured homes, ~~as defined in § 27-14-207~~, as
29 defined in § 27-14-104, at his or her option, a lienholder may:

30 (A) Record the lien on the manufacturer's statement of
31 origin;

32 (B) Record the lien on an existing certificate of title;
33 or

34 (C) File with the division a certified copy of the
35 instrument creating and evidencing the lien or encumbrance.

36

1 Section 13. Arkansas Code § 27-14-906 is amended to read as follows to
2 correct obsolete references:

3 27-14-906. Dealer and lienholder applications for registration and
4 title certificates.

5 (a) The ~~Commissioner of Motor Vehicles~~ Director of the Department of
6 Finance and Administration is authorized to permit lienholders and motor
7 vehicle dealers to make applications for registration and certificates of
8 title and to furnish them to the Office of Motor Vehicle on behalf of the
9 purchaser of a new or used motor vehicle.

10 (b) The ~~commissioner~~ director shall promulgate reasonable rules and
11 regulations to be complied with by motor vehicle dealers and lienholders in
12 making application for registration and certificates of title on behalf of
13 purchasers of new or used motor vehicles and may, if he or she deems it
14 necessary, require the dealer or lienholder to post bond to ensure faithful
15 compliance with the rules and regulations.

16 (c)(1) Any motor vehicle dealer or lienholder who has been authorized
17 by the ~~commissioner~~ director to prepare applications for registration and
18 certificates of title with respect to new or used motor vehicles shall
19 transmit them to the ~~commissioner~~ director and shall attach thereto a copy of
20 any conditional sales contract, conditional lease, chattel mortgage, or other
21 lien or encumbrance or title retention instrument upon the motor vehicle.

22 (2) Upon receipt thereof, the ~~commissioner~~ director shall file
23 a lien and encumbrance, as provided in § 27-14-801 et seq., which shall, from
24 the date of filing, be notice of the lien or encumbrance.

25 (d) On issuing the registration and certificate of title, the
26 ~~commissioner~~ director shall mail the registration to the owner and the title
27 to the lienholder, or to the owner if no lien exists.

28 (e) If the failure of a motor vehicle dealer or other lienholder to
29 comply with the provisions of § 27-14-802 or § 27-14-806 results in the motor
30 vehicle dealer or lienholder holding an unperfected security interest in the
31 motor vehicle, no action shall lie against the Department of Finance and
32 Administration for any damages resulting from the failure to perfect a
33 security interest.

34
35 SECTION 14. Arkansas Code § 27-14-907(c), concerning the power of the
36 Office of Motor Vehicle to adopt rules and regulations, is amended to read as

1 follows to correct an obsolete reference:

2 (c) The ~~Commissioner of Motor Vehicles~~ Director of the Department of
3 Finance and Administration shall have the power to adopt regulations or rules
4 to establish what documents or evidence are required to verify that a lien or
5 encumbrance holder or his or her assignee has complied with this section.

6
7 SECTION 15. Arkansas Code § 27-14-1002(a)(3), concerning the
8 definition of "Director," is repealed to remove an obsolete reference.

9 ~~(3) "Director" means the Director of the Department of Finance and~~
10 ~~Administration acting in his or her capacity as Commissioner of Motor~~
11 ~~Vehicles, or his or her authorized agent;~~

12

13 SECTION 16. Arkansas Code § 27-14-1202(a)(2), concerning the
14 definition of "Director," is repealed to remove an obsolete reference.

15 ~~(2) "Director" means the Director of the Department of Finance~~
16 ~~and Administration acting in his or her capacity as Commissioner of Motor~~
17 ~~Vehicles of this state, also known as the Assistant Director for Revenues of~~
18 ~~the Department of Finance and Administration, or his or her authorized~~
19 ~~agents;~~

20

21 SECTION 17. Arkansas Code § 27-14-1204(a), concerning the penalties
22 for failure to comply, is amended to read as follows to correct a citation
23 reference:

24 (a) Any owner of a trailer failing to comply with the provisions of
25 this subchapter shall be subject to the penalties provided for in ~~Acts 1945,~~
26 ~~No. 221, § 3~~ § 27-14-304.

27

28 SECTION 18. Arkansas Code § 27-14-1703 is amended to read as follows
29 to correct obsolete references:

30 27-14-1703. Expiration of special plates.

31 (a)(1) Every special plate, excluding temporary preprinted paper tags,
32 issued under this subchapter shall expire at 12:00 midnight on December 31 of
33 each year unless the ~~Commissioner of Motor Vehicles~~ Director of the
34 Department of Finance and Administration provides by rule a staggered method
35 of annual expiration.

36 (2) A new plate for the ensuing year may be obtained by the

1 person to whom any such expired plate was issued, upon application to the
2 Office of Motor Vehicle and payment of the fee provided by law.

3 (b) In lieu of providing a new special plate upon the expiration of
4 the special plate issued under this subchapter, the ~~commissioner~~ director may
5 by rule provide for the issuance of permanent special plates that are renewed
6 using an alternate method.

7
8 SECTION 19. Arkansas Code § 27-15-4905(a)(1), concerning renewal of a
9 special In God We Trust license plate, is amended to read as follows to
10 correct an obsolete reference:

11 (a)(1) The special In God We Trust license plate issued under this
12 subchapter may be renewed annually under the procedures ~~in § 27-15-4004~~
13 ~~{repealed}~~ and under §§ 27-14-1012 and 27-14-1013.

14
15 SECTION 20. Arkansas Code § 27-15-4907 is amended to read as follows
16 to correct obsolete references:

17 27-15-4907. Compliance with other laws.

18 The special In God We Trust license plate shall comply with+

19 ~~(1) The minimum number of license plate applications required under §~~
20 ~~27-15-4004 {repealed}; and~~

21 ~~(2) All~~ all other state motor vehicle laws relating to registration and
22 licensing of motor vehicles unless specifically provided otherwise in this
23 subchapter.

24
25 SECTION 21. Arkansas Code § 27-15-5106 is amended to read as follows
26 to correct obsolete references:

27 27-15-5106. Compliance with other laws.

28 The Arkansas State Golf Association special license plates shall comply
29 with all other state motor vehicle laws relating to registration and
30 licensing of motor vehicles, ~~including the minimum number of license plate~~
31 ~~applications required under § 27-15-4004 {repealed}~~, except as specifically
32 provided otherwise in this subchapter.

33
34 SECTION 22. Arkansas Code § 27-15-5206 is amended to read as follows
35 to correct obsolete references:

36 27-15-5206. Compliance with other laws.

1 Except as specifically provided otherwise in this subchapter, the
2 Arkansas Fallen Firefighters' Memorial special license plates shall comply
3 with all other state motor vehicle laws relating to registration and
4 licensing of motor vehicles, ~~including the minimum number of license plate~~
5 ~~applications required under § 27-15-4004 [repealed].~~

6
7 SECTION 23. Arkansas Code § 27-16-101 is amended to read as follows to
8 correct obsolete references:

9 27-16-101. Title.

10 This chapter may be cited as the "~~Uniform~~ Motor Vehicle Driver's
11 License Act".

12
13 SECTION 24. Arkansas Code Title 27, Chapter 16, Subchapter 1, is
14 amended to add AN ADDITIONAL section to contain the definitions that are
15 being transferred from Subchapter 2;

16 27-16-104. Definitions.

17 As used in this chapter:

18 (1) "Driver" means a person who is in actual physical control of
19 a motor vehicle upon a highway or who is exercising control over or steering
20 a vehicle being towed by a motor vehicle;

21 (2) "Farm tractor" means a motor vehicle designed and used
22 primarily as a farm implement for drawing plows, mowing machines, and other
23 implements of husbandry;

24 (3) "Motor vehicle" means a vehicle which is self-propelled and
25 every vehicle which is propelled by electric power obtained from overhead
26 trolley wires but not operated upon rails;

27 (4) "Nonresident" means a person who is not a resident of this
28 state;

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

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

1 purpose of this chapter;

2 (6) "Person" means a natural person, firm, copartnership,
3 association, or corporation;

4 (7)(A) "Resident" means a person who:

5 (i) Remains in this state for a period of more than
6 ninety (90) days.

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

9 (iii) Is domiciled in this state on a temporary or
10 permanent basis;

11 (B) The term "resident" shall not include a person who
12 normally lives outside the state who is in this state as a student;

13 (8)(A) "Revoke" means to terminate, by formal action, a driver's
14 license or privilege to operate a motor vehicle on the public highways, which
15 shall not be subject to renewal or restoration.

16 (B) However, an application for a new license may be
17 presented and acted upon by the Office of Driver Services after the
18 expiration of at least one (1) year after the date of revocation;

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

23 (10) "Street" or "highway" means the entire width between
24 property lines of every way or place of whatever nature when any part is open
25 to the use of the public, as a matter of right for purposes of vehicular
26 traffic;

27 (11) "Suspend" means to temporarily withdraw, by formal action,
28 a driver's license or privilege to operate a motor vehicle on public
29 highways, which shall be for a period specifically designated by the
30 suspending authority; and

31 (12) "Vehicle" means a device in, upon, or by which any person
32 or property is, or may be, transported or drawn upon a public highway,
33 excepting devices moved by human power or used exclusively upon stationary
34 rails or tracks.

35
36 SECTION 25. Arkansas Code §§ 27-16-201 – 27-16-207, which include some

1 outdated statutes and others which have been transferred to a new section in
2 Chapter 16, Subchapter 1, are repealed.

3 ~~27-16-201. Definitions generally.~~

4 ~~As used in this chapter, the words and phrases defined in this~~
5 ~~subchapter shall have the meanings respectively ascribed to them, unless the~~
6 ~~context otherwise requires.~~

7
8 ~~27-16-202. Administration.~~

9 ~~(a) "Commissioner" means the Director of the Department of Finance and~~
10 ~~Administration acting in his or her capacity as Commissioner of Motor~~
11 ~~Vehicles of this state.~~

12 ~~(b) "Office" means the Office of Driver Services of this state acting~~
13 ~~directly or through its duly authorized officers and agents.~~

14
15 ~~27-16-203. Nonresident — Resident.~~

16 ~~(a) "Nonresident" means every person who is not a resident of this~~
17 ~~state.~~

18 ~~(b)(1) "Resident" means any person who:~~

19 ~~(A) Remains in this state for a period of more than ninety~~
20 ~~(90) days;~~

21 ~~(B) Resides in this state due to a change of abode; or~~

22 ~~(C) Is domiciled in this state on a temporary or permanent~~
23 ~~basis.~~

24 ~~(2) The term "resident" shall not include any person who is in~~
25 ~~this state as a student.~~

26
27 ~~27-16-204. Driver — Owner — Person.~~

28 ~~(a) "Driver" means every person who is in actual physical control of a~~
29 ~~motor vehicle upon a highway or who is exercising control over or steering a~~
30 ~~vehicle being towed by a motor vehicle.~~

31 ~~(b) "Owner" means a person who holds the legal title of a vehicle or,~~
32 ~~in the event a vehicle is the subject of an agreement for the conditional~~
33 ~~sale or lease thereof with the right of purchase upon performance of the~~
34 ~~conditions stated in the agreement and with an immediate right of possession~~
35 ~~vested in the conditional vendee or lessee or in the event a mortgagor of a~~
36 ~~vehicle is entitled to possession, then the conditional vendee or lessee or~~

1 ~~mortgagor shall be deemed the owner for the purpose of this chapter.~~

2 ~~(c) "Person" means every natural person, firm, copartnership,~~
3 ~~association, or corporation.~~

4
5 ~~27-16-205. Street or highway.~~

6 ~~"Street" or "highway" means the entire width between property lines of~~
7 ~~every way or place of whatever nature when any part is open to the use of the~~
8 ~~public, as a matter of right for purposes of vehicular traffic.~~

9
10 ~~27-16-206. Suspension and revocation.~~

11 ~~(a) "Suspend" means to temporarily withdraw, by formal action, a~~
12 ~~driver's license or privilege to operate a motor vehicle on public highways,~~
13 ~~which shall be for a period specifically designated by the suspending~~
14 ~~authority.~~

15 ~~(b) "Revoke" means to terminate, by formal action, a driver's license~~
16 ~~or privilege to operate a motor vehicle on the public highways, which shall~~
17 ~~not be subject to renewal or restoration. However, an application for a new~~
18 ~~license may be presented and acted upon by the Office of Driver Services~~
19 ~~after the expiration of at least one (1) year after the date of revocation.~~

20
21 ~~27-16-207. Vehicles.~~

22 ~~(a) "Farm tractor" means every motor vehicle designed and used~~
23 ~~primarily as a farm implement for drawing plows, mowing machines, and other~~
24 ~~implements of husbandry.~~

25 ~~(b) "Motor vehicle" means every vehicle which is self-propelled and~~
26 ~~every vehicle which is propelled by electric power obtained from overhead~~
27 ~~trolley wires but not operated upon rails.~~

28 ~~(c) "School bus" means every motor vehicle owned by a public or~~
29 ~~governmental agency and operated for the transportation of children to or~~
30 ~~from school or privately owned and operated for compensation for the~~
31 ~~transportation of children to or from school.~~

32 ~~(d) "Vehicle" means every device in, upon, or by which any person or~~
33 ~~property is, or may be, transported or drawn upon a public highway, excepting~~
34 ~~devices moved by human power or used exclusively upon stationary rails or~~
35 ~~tracks.~~

36

1 SECTION 26. Arkansas Code § 27-16-509(c), concerning reciprocal
2 agreements for driver licensing, is amended to read as follows to correct
3 obsolete references:

4 (c)(1) The ~~Commissioner of Motor Vehicles~~ Director of the Department
5 of Finance and Administration may negotiate and consummate a reciprocal
6 agreement as provided under this section.

7 (2) If the ~~commissioner~~ Director of the Department of Finance
8 and Administration enters into a reciprocal agreement under this section,
9 then he or she shall exercise due regard for the advantage and convenience of
10 resident drivers and citizens of the State of Arkansas.

11 (3) The ~~commissioner~~ Director of the Department of Finance and
12 Administration shall only enter into a reciprocal agreement that extends
13 equal or greater privileges and exemptions to Arkansas motor vehicle drivers
14 as compared to the privileges and exemptions provided to the other entity's
15 motor vehicle drivers.

16
17 SECTION 27. Arkansas Code § 27-16-509(d), concerning reciprocal
18 agreements for driver licensing, is amended to read as follows to correct
19 obsolete references:

20 (d)(1) The ~~commissioner~~ Director of the Department of Finance and
21 Administration shall enter into a reciprocal agreement under this section by
22 promulgating rules in compliance with the Arkansas Administrative Procedure
23 Act, § 25-15-201 et seq.

24 (2) The reciprocal agreement shall become effective as outlined
25 in the reciprocal agreement.

26
27 SECTION 28. Arkansas Code §27-16-509(e)(1)(A), concerning reciprocal
28 agreements for driver licensing, is amended to read as follows to correct
29 obsolete references:

30 (e)(1)(A) If the ~~commissioner~~ Director of the Department of Finance
31 and Administration enters into a reciprocal agreement under this section,
32 then he or she shall submit a report to the following:

33 (i) The cochairs of the Legislative Council;
34 (ii) The Chair of the House Committee on Public
35 Transportation and the Chair of the Senate Committee on Transportation,
36 Technology, and Legislative Affairs; and

1 (iii) The Director of the Bureau of Legislative
2 Research.

3
4 SECTION 29. Arkansas Code § 27-16-604(a)(9), concerning persons who
5 are not to be awarded a driver's license, is amended to read as follows to
6 correct obsolete references:

7 (9) Whose operation of a motor vehicle on the highways the
8 ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and
9 Administration has good cause to believe would be inimical to public safety
10 or welfare;

11
12 SECTION 30. Arkansas Code § 27-16-702(a)(2), concerning who may
13 administer oaths for verification of information for a minor, is amended to
14 read as follows to correct obsolete references:

15 (2) For purposes of this section, duly authorized agents of the
16 ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and
17 Administration shall be authorized to administer oaths without charge.

18
19 SECTION 31. Arkansas Code § 27-16-801(a)(1), concerning driver's
20 licenses generally, is amended to read as follows to correct obsolete
21 references:

22 (a)(1) In a manner prescribed by the ~~Commissioner of Motor Vehicles~~
23 Director of the Department of Finance and Administration:

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

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

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

36 (ii) The examination fee shall be remitted in a

1 manner prescribed by the ~~commissioner~~ director.

2
3 SECTION 32. Arkansas Code § 27-16-801(a)(4), concerning driver's
4 licenses numbers, is amended to read as follows to correct obsolete
5 references:

6 (4) At the time of initial issuance or at the time of renewal of
7 a license, the distinguishing number assigned to the licensee for his or her
8 license shall be a nine-digit number assigned to the specific licensee by the
9 ~~commissioner~~ director.

10
11 SECTION 33. Arkansas Code § 27-16-801(b)(2), concerning the
12 photographing of a license applicant, is amended to read as follows to
13 correct obsolete references:

14 (2) A license may be valid without a photograph of the licensee
15 when the ~~commissioner~~ director is advised that the requirement of the
16 photograph is either objectionable on the grounds of religious belief or the
17 licensee is unavailable to have the photograph made.

18
19 SECTION 34. Arkansas Code § 27-16-901 is amended to read as follows to
20 correct obsolete references:

21 27-16-901. Expiration and renewal of licenses.

22 (a)(1)(A) Except for the intermediate driver's license and the
23 learner's license, every driver's license shall expire at the end of the
24 month in which it was issued four (4) years from its date of initial issuance
25 unless the ~~Commissioner of Motor Vehicles~~ Director of the Department of
26 Finance and Administration shall provide, by regulation, for some other
27 staggered basis of expiration.

28 (B) A learner's license shall be issued for no more than a
29 two-year period and shall expire upon the driver's reaching sixteen (16)
30 years. Any person sixteen (16) years of age may apply for an intermediate
31 driver's license, provided that his or her driving record is free of a
32 serious accident and conviction of a serious traffic violation for the most
33 recent six-month period.

34 (C) An intermediate driver's license shall be issued for
35 no more than a two-year period and shall expire upon the driver reaching
36 eighteen (18) years of age and may be renewed at that time as a regular

1 driver's license for four (4) years, so long as the intermediate driver has
2 been free of a serious accident and conviction of a serious traffic violation
3 for at least twelve (12) months before arriving at his or her eighteenth
4 birthday.

5 (2)(A) The ~~commissioner~~ director shall have the authority, by
6 regulation, to shorten or lengthen the term of any driver's license period,
7 as necessary, to ensure that approximately twenty-five percent (25%) of the
8 total valid licenses are renewable each fiscal year.

9 (B)(i) All drivers' licenses subject to change under this
10 subsection shall also be subject to a pro rata adjustment of the license fee
11 charged in § 27-16-801(a).

12 (ii) The adjustment of the fee shall be carried out
13 in the manner determined by the ~~commissioner~~ director by regulation.

14 (b) Every driver's license shall be renewable on or before its
15 expiration upon completion of an application, payment of the fees designated
16 in § 27-16-801, and passage of the eyesight test required in § 27-16-704 and
17 shall be renewed without other examination, unless the ~~commissioner~~ director
18 has reason to believe that the licensee is no longer qualified to receive a
19 license.

20

21 Section 35. Arkansas Code § 27-24-703(c)(3)(B), concerning special
22 license plates for members of the General Assembly, is amended to read as
23 follows to correct a duplicative assignment of plates:

24 ~~(B) The words "Lieutenant Governor" shall appear on special~~
25 ~~license plate number "1".~~

26

27 SECTION 36. Arkansas Code §§ 27-36-201 – 27-36-203, which are outdated
28 statutes, are repealed.

29 ~~27-36-201. Regulation of lighting devices.~~

30 ~~(a)(1) The State Highway Commission is authorized to approve or~~
31 ~~disapprove lighting devices and to issue and enforce regulations establishing~~
32 ~~standards and specifications for the approval of lighting devices, and their~~
33 ~~installation, adjustment, and aiming, and adjustment when in use on motor~~
34 ~~vehicles.~~

35 ~~(2) The regulations shall correlate with and, so far as~~
36 ~~practicable, conform to the then current standards and specifications of the~~

1 ~~Society of Automotive Engineers applicable to such equipment.~~

2 ~~(b) The commission is required to approve or disapprove any lighting~~
3 ~~device, of a type on which approval is specifically required in this~~
4 ~~subchapter, within a reasonable time after the device has been submitted.~~

5 ~~(c) The commission is authorized to set up the procedure which shall~~
6 ~~be followed when any device is submitted for approval.~~

7 ~~(d) The commission, upon approving any lamp or device, shall issue to~~
8 ~~the applicant a certificate of approval, together with any instructions~~
9 ~~determined by the commission.~~

10 ~~(e) The commission shall publish lists of all lamps and devices by~~
11 ~~name and type which have been approved by the commission.~~

12
13 ~~27-36-202. Revocation of certificate of approval on lighting devices.~~

14 ~~(a)(1) When the State Highway Commission has reason to believe that an~~
15 ~~approved device as being sold commercially does not comply with the~~
16 ~~requirements of this subchapter, it may, after giving thirty (30) days'~~
17 ~~previous notice to the person holding the certificate of approval for the~~
18 ~~device in this state, conduct a hearing upon the question of compliance of~~
19 ~~the approved device.~~

20 ~~(2)(A) After the hearing, the commission shall determine whether~~
21 ~~the approved device meets the requirements of this subchapter.~~

22 ~~(B) If the device does not meet the requirements of this~~
23 ~~subchapter, the commission shall give notice to the person holding the~~
24 ~~certificate of approval for the device in this state.~~

25 ~~(b)(1)(A) If, at the expiration of ninety (90) days after the notice,~~
26 ~~the person holding the certificate of approval for the device has failed to~~
27 ~~satisfy the commission that the approved device, as thereafter to be sold,~~
28 ~~meets the requirements of this subchapter, then the commission shall suspend~~
29 ~~or revoke the approval issued until or unless the device is resubmitted to~~
30 ~~and retested by an authorized testing agency and is found to meet the~~
31 ~~requirements of this subchapter.~~

32 ~~(B) The commission may require that all such devices sold~~
33 ~~since the notification following the hearing be replaced with devices that do~~
34 ~~comply with the requirements of this subchapter.~~

35 ~~(2)(A) At the time of the retest, the commission may purchase in~~
36 ~~the open market and submit to the testing agency one (1) or more sets of the~~

1 ~~approved devices.~~

2 ~~(B) If the device upon the retest fails to meet the~~
3 ~~requirements of this subchapter, then the commission may refuse to renew the~~
4 ~~certificate of approval of the device.~~

5
6 ~~27-36-203. Sale or use of lamps and other devices.~~

7 ~~(a)(1) On and after July 1, 1955, no person shall have for sale, sell,~~
8 ~~or offer for sale for use upon or as a part of the equipment of a motor~~
9 ~~vehicle, trailer, or semitrailer, or use upon any such vehicle, any headlamp,~~
10 ~~auxiliary, or fog lamp, rear lamp, signal lamp, or reflector, which reflector~~
11 ~~is required under this subchapter, or parts of any of these items which tend~~
12 ~~to change the original design or performance, unless of a type which has been~~
13 ~~submitted to the State Highway Commission and approved by the commission.~~

14 ~~(2) This subsection shall not apply to equipment in actual use~~
15 ~~when this section is adopted or replacement parts therefor.~~

16 ~~(b) No person shall have for sale, sell, or offer for sale for use~~
17 ~~upon or as a part of the equipment of a motor vehicle, trailer, or~~
18 ~~semitrailer any lamp or device mentioned in this section which has been~~
19 ~~approved by the commission unless the lamp or device bears thereon the~~
20 ~~trademark or name under which it is approved so as to be legible when~~
21 ~~installed.~~

22 ~~(c) No person shall use upon any motor vehicle, trailer, or~~
23 ~~semitrailer any lamps mentioned in this section unless the lamps are mounted,~~
24 ~~adjusted, and aimed in accordance with instructions of the commission.~~

25
26 SECTION 37. Arkansas Code § 27-36-212, which is an outdated statute,
27 is repealed.

28 ~~27-36-212. Single beam road lighting equipment.~~

29 ~~Headlamps arranged to provide a single distribution of light not~~
30 ~~supplemented by auxiliary driving lamps shall be permitted on motor vehicles~~
31 ~~manufactured and sold prior to one (1) year after March 23, 1938, in lieu of~~
32 ~~multiple beam road lighting equipment specified in § 27-36-210 if the single~~
33 ~~distribution of light complies with the following requirements and~~
34 ~~limitations:~~

35 ~~(1) The headlamps shall be so aimed that when the vehicle is not~~
36 ~~loaded none of the high intensity portion of the light shall, at a distance~~

1 of twenty five feet (25') ahead, project higher than a level of five inches
2 (5") below the level of the center of the lamp from which it comes and in no
3 ease higher than forty two inches (42") above the level on which the vehicle
4 stands at a distance of seventy five feet (75') ahead; and

5 (2) ~~The intensity shall be sufficient to reveal persons and~~
6 ~~vehicles at a distance of at least two hundred feet (200').~~

7
8 SECTION 38. Arkansas Code § 27-37-201, which is an outdated statute,
9 is repealed as obsolete.

10 ~~27-37-201. Sale of substandard seat belts prohibited.~~

11 ~~(a) It shall be unlawful for any person, firm, or corporation to sell,~~
12 ~~or offer for sale, any automobile seat belts which do not conform to the~~
13 ~~minimum standards prescribed for automobile seat belts by the Society of~~
14 ~~Automotive Engineers.~~

15 ~~(b)(1) Any person, firm, or corporation violating the provisions of~~
16 ~~this section shall be guilty of a misdemeanor and upon conviction shall be~~
17 ~~fined not less than twenty five dollars (\$25.00) nor more than two hundred~~
18 ~~fifty dollars (\$250).~~

19 ~~(2) Each sale or offer for sale in violation of this section~~
20 ~~shall constitute a separate offense.~~

21
22 SECTION 39. Arkansas Code § 27-37-301, which is an outdated statute,
23 is repealed as obsolete.

24 ~~27-37-301. Safety glass mandatory.~~

25 ~~(a) No person shall sell any new motor vehicle nor shall any new motor~~
26 ~~vehicle be registered which is designed or used for the purpose of~~
27 ~~transporting passengers for compensation or as a school bus unless the~~
28 ~~vehicle is equipped with safety glass wherever glass is used in doors,~~
29 ~~windows, and windshields.~~

30 ~~(b)(1) No person shall sell any new motor vehicle unless the vehicle~~
31 ~~is equipped with safety glass wherever glass is used in the doors, windows,~~
32 ~~and windshields.~~

33 ~~(2) No person shall replace glass in any motor vehicle in the~~
34 ~~doors, windows, and windshields other than with safety glass.~~

35 ~~(c) The term "safety glass" shall mean any product composed of glass,~~
36 ~~so manufactured, fabricated, or treated as to substantially prevent~~

1 ~~shattering and flying glass when struck or broken, or other similar products~~
2 ~~as may be approved by the State Highway Commission.~~

3 ~~(d)(1) The commission shall compile and publish a list of types of~~
4 ~~glass by name approved by it as meeting the requirements of this section.~~

5 ~~(2) The commission shall not register any motor vehicle which is~~
6 ~~subject to the provisions of this section unless it is equipped with an~~
7 ~~approved type of safety glass.~~

8 ~~(3) The commission shall suspend the registration of any motor~~
9 ~~vehicle so subject to this section which it finds is not so equipped until it~~
10 ~~is made to conform to the requirements of this section.~~

11
12 SECTION 40. Arkansas Code Title 27, Chapter 38, Subchapter 2, which
13 contains outdated statutes, is repealed.

14 ~~Subchapter 2 — Brake Fluid~~

15
16 ~~27-38-201. — Violations.~~

17 ~~Any person who shall sell, offer for sale, or have in his or her~~
18 ~~possession for sale any hydraulic brake fluid which does not meet the~~
19 ~~specifications prescribed by the Director of the Department of Finance and~~
20 ~~Administration for hydraulic brake fluid shall be guilty of a misdemeanor.~~

21
22 ~~27-38-202. — Conformity to specifications required.~~

23 ~~No person shall sell, offer for sale, or have in his or her possession~~
24 ~~for sale for use in motor vehicle brake systems in this state any hydraulic~~
25 ~~brake fluid unless it meets the specifications prescribed by the Director of~~
26 ~~the Department of Finance and Administration for hydraulic brake fluid.~~

27 ~~27-38-203. — Establishment of specifications.~~

28 ~~(a)(1) The Director of the Department of Finance and Administration,~~
29 ~~after public hearing following due notice, shall promulgate such~~
30 ~~specifications for hydraulic brake fluid sold in this state as will promote~~
31 ~~the public safety in the operation of motor vehicles.~~

32 ~~(2) The director is authorized and directed to adopt the~~
33 ~~specifications of the Society of Automotive Engineers for heavy duty brake~~
34 ~~fluids and to amend such specifications, from time to time, as may be~~
35 ~~necessary, after public hearing.~~

36 ~~(b)(1) The director shall give notice of the minimum standards of~~

1 hydraulic brake fluid adopted by him or her by inserting the notice in some
2 newspaper of general circulation in this state.

3 (2) ~~The notice shall state that specifications for hydraulic~~
4 ~~brake fluid have been established, that a copy of the specifications may be~~
5 ~~obtained by any interested person at the office of the director upon request,~~
6 ~~and that the sale of any brake fluid in this state in violation of the~~
7 ~~standards shall be unlawful.~~

8 (c) ~~From time to time as the director may amend or change the minimum~~
9 ~~specifications for hydraulic brake fluid as those specifications may be~~
10 ~~changed by the Society of Automotive Engineers, the director shall give~~
11 ~~notice of the change in the manner provided in this section at least thirty~~
12 ~~(30) days in advance of the effective date for the revised specifications.~~

13
14 ~~27-38-204. Label requirements.~~

15 ~~For the enforcement of this subchapter, the Director of the Department~~
16 ~~of Finance and Administration shall require that the label of each retail~~
17 ~~container in which brake fluid is sold in this state bears the name and~~
18 ~~address of the manufacturer, packer, seller, or distributor; the words "BRAKE~~
19 ~~FLUID"; and the duty type classification to show that the brake fluid meets~~
20 ~~the specifications established by the director.~~

21
22 SECTION 41. Arkansas Code Title 27, Chapter 49, Subchapter 1, is
23 amended to add a new section to contain those definitions transferred from
24 Subchapter 2, at §§ 27-49-201 – 27-49-219, to read as follows:

25 27-49-113. Definitions.

26 As used in this subchapter:

27 (1) "Business district" means the territory contiguous to and
28 including a highway when fifty percent (50%) or more of the frontage thereon
29 for a distance of three hundred feet (300') or more is occupied by buildings
30 in use for business;

31 (2) "Crosswalk" means;

32 (A) The portion of a roadway ordinarily included within
33 the prolongation or connection of the lateral lines of sidewalks at
34 intersections; and

35 (B) Any portion of a roadway distinctly indicated for
36 pedestrian crossing by lines or other markings on the surface;

1 (3) "Driver" means a person who drives or is in actual physical
2 control of a vehicle;

3 (4) "Explosives" means any chemical compound or mechanical
4 mixture that is commonly used or intended for the purpose of producing an
5 explosion and which contains any oxidizing and combustive units or other
6 ingredients in proportions, quantities, or packing that an ignition by fire,
7 by friction, by concussion, by percussion, or by detonator of any part of the
8 compound or mixture may cause such a sudden generation of highly heated gases
9 that the resultant gaseous pressures are capable of producing destructive
10 effects on contiguous objects or of destroying life or limb;

11 (5) "Flammable liquid" means any liquid which has a flash point
12 of seventy degrees Fahrenheit (70° F), or less as determined by a Tagliabue
13 open-cup method or equivalent closed-cup test;

14 (6) "Intersection" means the area embraced within the
15 prolongation or connection of the lateral curb lines, or if none, then the
16 lateral boundary lines of the roadways of two (2) highways which join one
17 another at, or approximately at, right angles, or the area within which
18 vehicles traveling upon different highways joining at any other angle may
19 come in conflict;

20 (7) "Local authority" means a county, municipal, or other local
21 board or body having authority to adopt local police regulations under the
22 Arkansas Constitution and laws of this state;

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

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

29 (10) "Official traffic control device" means all sign, signal,
30 marking, or device not inconsistent with this act placed or erected by the
31 authority of a public body or official having jurisdiction for the purpose of
32 regulating, warning, or guiding traffic;

33 (11) "Official traffic control signal" means any device, by
34 which traffic is alternately directed to stop and to proceed;

35 (12) "Owner" means a person who holds the legal title of a
36 vehicle, or in the event a vehicle is the subject of an agreement for the

1 conditional sale or lease thereof with the right of purchase upon performance
2 of the conditions stated in the agreement and with an immediate right of
3 possession vested in the conditional vendee or lessee, or in the event a
4 mortgagor of a vehicle is entitled to possession, then the conditional vendee
5 or lessee or mortgagor shall be deemed the owner for the purpose of this act;

6 (13) "Pedestrian" means any person afoot;

7 (14) "Person" means a natural person, firm, copartnership,
8 association, or corporation;

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

11 (16) "Police officer" means every officer authorized to direct
12 or regulate traffic or to make arrests for violations of traffic regulations;

13 (17) "Private road or driveway" means a way or place in private
14 ownership and used for vehicular travel by the owner and those having express
15 or implied permission from the owner but not by other persons;

16 (18) "Railroad" means a carrier of persons or property upon
17 cars, other than streetcars, operated upon stationary rails;

18 (19) "Railroad sign or signal" means any sign, signal, or device
19 erected by the authority of a public body or official or by a railroad and
20 intended to give notice of the presence of railroad tracks or the approach of
21 a railroad train;

22 (20) "Residence district" means the territory contiguous to and
23 including a highway not comprising a business district when the property on
24 the highway for a distance of three hundred feet (300') or more is in the
25 main improved with residences or residences and buildings in use for
26 business;

27 (21) "Right-of-way" means the privilege of the immediate use of
28 the highway;

29 (22) "Roadway" means that portion of a highway improved,
30 designed, or ordinarily used for vehicular travel;

31 (23) "Safety zones" means the area or space officially set apart
32 within a roadway for the exclusive use of pedestrians and which is protected
33 or is so marked or indicated by adequate signs as to be plainly visible at
34 all times while set apart as a safety zone;

35 (24)(A) "School bus" means a motor vehicle designed to carry
36 more than ten (10) passengers that is;

1 (i) Owned by a public or a governmental agency or a
2 private school and operated for the transportation of students to or from
3 school or school-sponsored activities; or

4 (ii) Privately owned and operated for compensation
5 for the transportation of students to or from school or school-sponsored
6 activities.

7 (B) A motor vehicle designed to carry more than twenty-
8 five (25) passengers is exempt from this section if the motor vehicle is:

9 (i) Owned by a public or a governmental agency or a
10 private school and operated for the transportation of students to or from
11 school-sponsored activities but not used to transport students on any
12 scheduled school bus route; or

13 (ii) Privately owned and operated for compensation
14 under contract to a school district and used for the transportation of
15 students to or from school-sponsored activities;

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

20 (26) "Sidewalk" means the portion of a street between the curb
21 lines, or the lateral lines of a roadway, and the adjacent property lines
22 intended for the use of pedestrians;

23 (27) "Street" or "highway" means the entire width between
24 property lines of every way or place of whatever nature when any part thereof
25 is open to the use of the public, as a matter of right, for purposes of
26 vehicular traffic;

27 (28) "Streetcar" means a car other than a railroad train for
28 transporting persons or property and operated upon rails principally within a
29 municipality;

30 (29) "Through highway" means every highway or portion thereof at
31 the entrances to which vehicular traffic from intersecting highways is
32 required by law to stop before entering or crossing it and when stop signs
33 are erected as provided in this act;

34 (30) "Traffic" means pedestrians, ridden or herded animals,
35 vehicles, streetcars, and other conveyances, either singly or together, while
36 using any highway for purposes of travel;

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

5 (32) "Vehicle" means every device in, upon, or by which any
6 person or property is or may be transported or drawn upon a highway, except
7 devices moved by human power or used exclusively upon stationary rails or
8 tracks.

9
10 SECTION 42. Arkansas Code Title 27, Chapter 49, Subchapter 2, which
11 includes §§ 27-49-201 – 27-49-219, which contain some outdated statutes, and
12 others which have been transferred to a new section in Chapter 49, Subchapter
13 1, are repealed.

14 ~~27-49-201. Definitions generally.~~
15 ~~As used in this act, the following words and phrases shall have the meanings~~
16 ~~respectively ascribed to them in this subchapter, unless the context~~
17 ~~otherwise requires.~~

18
19 ~~27-49-202. Administration.~~

20 ~~(a) "Commissioner" means the Director of the Department of Finance and~~
21 ~~Administration in his or her capacity as the Commissioner of Motor Vehicles~~
22 ~~of this state.~~

23 ~~(b) "Office" means the Office of Motor Vehicle within the Revenue~~
24 ~~Division of the Department of Finance and Administration, acting directly or~~
25 ~~through its duly authorized officers and agents.~~

26 ~~(c) "State Police Department" means the Department of Arkansas State~~
27 ~~Police.~~

28 ~~(d) "Commission" means the State Highway Commission.~~

29
30 ~~27-49-203. Business and residence districts.~~

31 ~~(a) "Business district" means the territory contiguous to and~~
32 ~~including a highway when fifty percent (50%) or more of the frontage thereon~~
33 ~~for a distance of three hundred feet (300') or more is occupied by buildings~~
34 ~~in use for business.~~

35 ~~(b) "Residence district" means the territory contiguous to and~~
36 ~~including a highway not comprising a business district when the property on~~

1 the highway for a distance of three hundred feet (300') or more is in the
2 main improved with residences or residences and buildings in use for
3 business.

4
5 ~~27-49-204. Crosswalk.~~

6 ~~“Crosswalk” means:~~

7 ~~(1) That portion of a roadway ordinarily included within the~~
8 ~~prolongation or connection of the lateral lines of sidewalks at~~
9 ~~intersections; and~~

10 ~~(2) Any portion of a roadway distinctly indicated for pedestrian~~
11 ~~crossing by lines or other markings on the surface.~~

12
13 ~~27-49-205. Explosives and flammable liquid.~~

14 ~~(a) “Explosives” means any chemical compound or mechanical mixture~~
15 ~~that is commonly used or intended for the purpose of producing an explosion~~
16 ~~and which contains any oxidizing and combustive units or other ingredients in~~
17 ~~proportions, quantities, or packing that an ignition by fire, by friction, by~~
18 ~~concussion, by percussion, or by detonator of any part of the compound or~~
19 ~~mixture may cause such a sudden generation of highly heated gases that the~~
20 ~~resultant gaseous pressures are capable of producing destructive effects on~~
21 ~~contiguous objects or of destroying life or limb.~~

22 ~~(b) “Flammable liquid” means any liquid which has a flash point of~~
23 ~~seventy degrees Fahrenheit (70° F.), or less as determined by a Tabliabue or~~
24 ~~equivalent closed cup test device.~~

25
26 ~~27-49-206. Intersection.~~

27 ~~“Intersection” means the area embraced within the prolongation or connection~~
28 ~~of the lateral curb lines, or if none, then the lateral boundary lines of the~~
29 ~~roadways of two (2) highways which join one another at, or approximately at,~~
30 ~~right angles, or the area within which vehicles traveling upon different~~
31 ~~highways joining at any other angle may come in conflict.~~

32
33 ~~27-49-207. Local authorities.~~

34 ~~“Local authorities” means every county, municipal, or other local board~~
35 ~~or body having authority to adopt local police regulations under the~~
36 ~~Constitution and laws of this state.~~

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~~27-49-208. Persons.~~

~~(a) "Person" means every natural person, firm, copartnership, association, or corporation.~~

~~(b) "Pedestrian" means any person afoot.~~

~~(c) "Driver" means every person who drives or is in actual physical control of a vehicle.~~

~~(d) "Owner" means a person who holds the legal title of a vehicle, or 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 act.~~

~~27-49-209. Police officer.~~

~~"Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.~~

~~27-49-210. Rail carriers.~~

~~(a) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.~~

~~(b) "Railroad train" means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.~~

~~(c) "Streetcar" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.~~

~~27-49-211. Right-of-way.~~

~~"Right-of-way" means the privilege of the immediate use of the highway.~~

~~27-49-212. Roadways.~~

~~(a) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.~~

~~(b) "Roadway" means that portion of a highway improved, designed, or~~

1 ~~ordinarily used for vehicular travel.~~

2 ~~(c) "Sidewalk" means that portion of a street between the curb lines,~~
3 ~~or the lateral lines of a roadway, and the adjacent property lines intended~~
4 ~~for the use of pedestrians.~~

5 ~~(d) "Street or highway" means the entire width between property lines~~
6 ~~of every way or place of whatever nature when any part thereof is open to the~~
7 ~~use of the public, as a matter of right, for purposes of vehicular traffic.~~

8 ~~(e) "Through highway" means every highway or portion thereof at the~~
9 ~~entrances to which vehicular traffic from intersecting highways is required~~
10 ~~by law to stop before entering or crossing it and when stop signs are erected~~
11 ~~as provided in this act.~~

12
13 ~~27-49-213. Safety zones.~~

14 ~~"Safety zones" means the area or space officially set apart within a~~
15 ~~roadway for the exclusive use of pedestrians and which is protected or is so~~
16 ~~marked or indicated by adequate signs as to be plainly visible at all times~~
17 ~~while set apart as a safety zone.~~

18
19 ~~27-49-214. Tires.~~

20 ~~(a) "Pneumatic tire" means every tire in which compressed air is~~
21 ~~designed to support the load.~~

22 ~~(b) "Metal tire" means every tire the surface of which in contact with~~
23 ~~the highway that is wholly or partly of metal or other hard nonresilient~~
24 ~~material.~~

25 ~~27-49-215. Tractors.~~

26 ~~(a) "Truck tractor" means every motor vehicle designed and used~~
27 ~~primarily for drawing other vehicles and not constructed to carry a load~~
28 ~~other than a part of the weight of the vehicle and load so drawn.~~

29 ~~(b) "Farm tractor" means every motor vehicle designed and used~~
30 ~~primarily as a farm implement for drawing plows, mowing machines, and other~~
31 ~~implements of husbandry.~~

32
33 ~~27-49-216. Traffic.~~

34 ~~"Traffic" means pedestrians, ridden or herded animals, vehicles,~~
35 ~~streetcars, and other conveyances, either singly or together, while using any~~
36 ~~highway for purposes of travel.~~

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~~27-49-217. Traffic signals and devices.~~

~~(a) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.~~

~~(b) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.~~

~~(c) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.~~

~~27-49-218. Trailers.~~

~~(a) "Trailer" means every 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.~~

~~(b) "Semitrailer" means every 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.~~

~~27-49-219. Vehicles.~~

~~(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(b) "Motor vehicles" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.~~

~~(c) "Motorcycle" means every 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 but excluding a tractor.~~

~~(d)(1) "Authorized emergency vehicle" means authorized emergency vehicles, which shall include:~~

1 ~~(A) Motor vehicles used by state, county, or city and~~
2 ~~municipal police agencies, all of which shall be equipped with:~~

3 ~~(i) Blue lights; or~~

4 ~~(ii) Blue, red, or white rotating or flashing~~
5 ~~emergency lights;~~

6 ~~(B)(i) Motor vehicles used by state, county, city, or~~
7 ~~municipal fire departments, motor vehicles owned and used by volunteer fire~~
8 ~~fighters while engaged in official duties, motor vehicles used by emergency~~
9 ~~medical services personnel licensed by the Department of Health or privately~~
10 ~~owned fire departments, and ambulances used solely for ambulance purposes~~
11 ~~that are approved as ambulances in accordance with state and federal highway~~
12 ~~safety standards, all of which shall be equipped with red rotating or~~
13 ~~flashing emergency lights.~~

14 ~~(ii) Flashing emergency lights shall be used by~~
15 ~~volunteer fire fighters solely while engaged in the performance of duties as~~
16 ~~volunteer fire fighters and by emergency medical services personnel solely~~
17 ~~while engaged in the performance of duties with an ambulance service licensed~~
18 ~~by the department or an organized rescue squad or team;~~

19 ~~(C)(i) Motor vehicles owned by state, county, and~~
20 ~~municipal agencies whose use is determined by the state agency to be required~~
21 ~~for dangerous or hazardous services and motor vehicles owned by public~~
22 ~~service corporations or private individuals whose use is determined by the~~
23 ~~Commissioner of Motor Vehicles, in accordance with regulations established by~~
24 ~~the commissioner to prevent abuses thereof, to be for extra hazardous~~
25 ~~service, may be equipped with amber flashing or rotating emergency or warning~~
26 ~~lights that shall not qualify them as emergency vehicles, but which shall~~
27 ~~during hazardous uses display their amber flashing or rotating emergency or~~
28 ~~warning lights in order that other motorists and the public may be aware of~~
29 ~~the special or hazardous use of the vehicles and shall exercise caution in~~
30 ~~approaching the vehicles at all times while the amber flashing or rotating~~
31 ~~emergency or warning lights are in operation.~~

32 ~~(ii) All hazardous service vehicles shall conform to~~
33 ~~regular traffic signals and speed limits during their operation; and~~

34 ~~(D)(i) Motor vehicles utilized as wreckers or tow vehicles~~
35 ~~permitted or licensed under § 27-50-1203 may be equipped with amber flashing~~
36 ~~or rotating emergency or warning lights that shall not qualify them as~~

1 ~~emergency vehicles, but which shall only during hazardous uses display their~~
2 ~~amber flashing or rotating emergency or warning lights in order that other~~
3 ~~motorists and the public may be aware of the special or hazardous use of the~~
4 ~~wreckers or tow vehicles and exercise caution in approaching the wreckers or~~
5 ~~tow vehicles at all times while the amber flashing or rotating emergency or~~
6 ~~warning lights are in operation. Unless otherwise directed by a law~~
7 ~~enforcement officer, a wrecker or tow vehicle shall conform to regular~~
8 ~~signals and speed limits during its operation. In addition to amber flashing~~
9 ~~or rotating emergency or warning lights, wreckers or tow vehicles that~~
10 ~~respond to highway emergencies may be equipped with red flashing or rotating~~
11 ~~emergency or warning lights.~~

12 ~~(ii) Red flashing or rotating emergency or warning~~
13 ~~lights on a wrecker or tow vehicle shall be operated only while the wrecker~~
14 ~~or tow vehicle is stopped on or within ten feet (10') of a public way and~~
15 ~~engaged in recovery or loading and hooking up an abandoned, an unattended, a~~
16 ~~disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate~~
17 ~~forward-facing red flashing or rotating emergency or warning lights while~~
18 ~~underway, except as may be expressly authorized or required by law otherwise.~~

19 ~~(2) It shall be unlawful to install, operate, or use any~~
20 ~~rotating or flashing light on any motor vehicle except as authorized in this~~
21 ~~subsection.~~

22 ~~(e)(1) "School bus" means a motor vehicle designed to carry more than~~
23 ~~ten (10) passengers:~~

24 ~~(A) Owned by a public or a governmental agency or a~~
25 ~~private school and operated for the transportation of students to or from~~
26 ~~school or school-sponsored activities; or~~

27 ~~(B) Privately owned and operated for compensation for the~~
28 ~~transportation of students to or from school or school-sponsored activities.~~

29 ~~(2) A motor vehicle designed to carry more than twenty five (25)~~
30 ~~passengers is exempt from this section if the motor vehicle is:~~

31 ~~(A) Owned by a public or a governmental agency or a~~
32 ~~private school and operated for the transportation of students to or from~~
33 ~~school-sponsored activities but not used to transport students on any~~
34 ~~scheduled school bus route; or~~

35 ~~(B) Privately owned and operated for compensation under~~
36 ~~contract to a school district and used for the transportation of students to~~

1 ~~or from school sponsored activities.~~

2
3 SECTION 43. Arkansas Code Title 27, Chapter 51, Subchapter 9, is
4 amended to add an additional section as follows, to contain substantive
5 provisions previously contained in the definitions at § 27-49-219.

6 27-51-905. Use of flashing emergency lights.

7 (a)(1) Motor vehicles used by state, county, city, or municipal fire
8 departments, motor vehicles owned and used by volunteer fire fighters while
9 engaged in official duties, motor vehicles used by emergency medical services
10 personnel licensed by the Department of Health or privately owned fire
11 departments, and ambulances used solely for ambulance purposes that are
12 approved as ambulances in accordance with state and federal highway safety
13 standards, all of which shall be equipped with red rotating or flashing
14 emergency lights.

15 (2) Flashing emergency lights shall be used by volunteer fire
16 fighters solely while engaged in the performance of duties as volunteer fire
17 fighters and by emergency medical services personnel solely while engaged in
18 the performance of duties with an ambulance service licensed by the
19 department or an organized rescue squad or team.

20 (b)(1) Motor vehicles owned by state, county, and municipal agencies
21 whose use is determined by the state agency to be required for dangerous or
22 hazardous services and motor vehicles owned by public service corporations or
23 private individuals whose use is determined by the Office of Motor Vehicle,
24 in accordance with regulations established by the office to prevent abuses
25 thereof, to be for extra hazardous service, may be equipped with amber
26 flashing or rotating emergency or warning lights that shall not qualify them
27 as emergency vehicles, but which shall during hazardous uses display their
28 amber flashing or rotating emergency or warning lights in order that other
29 motorists and the public may be aware of the special or hazardous use of the
30 vehicles and shall exercise caution in approaching the vehicles at all times
31 while the amber flashing or rotating emergency or warning lights are in
32 operation.

33 (2) All hazardous service vehicles shall conform to regular
34 traffic signals and speed limits during their operation.

35 (c)(1) Motor vehicles utilized as wreckers or tow vehicles permitted
36 or licensed under § 27-50-1203 may be equipped with amber flashing or

1 rotating emergency or warning lights that shall not qualify them as emergency
2 vehicles, but which shall only during hazardous uses display their amber
3 flashing or rotating emergency or warning lights in order that other
4 motorists and the public may be aware of the special or hazardous use of the
5 wreckers or tow vehicles and exercise caution in approaching the wreckers or
6 tow vehicles at all times while the amber flashing or rotating emergency or
7 warning lights are in operation. Unless otherwise directed by a law
8 enforcement officer, a wrecker or tow vehicle shall conform to regular
9 signals and speed limits during its operation. In addition to amber flashing
10 or rotating emergency or warning lights, wreckers or tow vehicles that
11 respond to highway emergencies may be equipped with red flashing or rotating
12 emergency or warning lights.

13 (2) Red flashing or rotating emergency or warning lights on a
14 wrecker or tow vehicle shall be operated only while the wrecker or tow
15 vehicle is stopped on or within ten feet (10') of a public way and engaged in
16 recovery or loading and hooking up an abandoned, an unattended, a disabled,
17 or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-
18 facing red flashing or rotating emergency or warning lights while underway,
19 except as may be expressly authorized or required by law otherwise.

20 (d) It is unlawful to install, operate, or use any rotating or
21 flashing light on any motor vehicle except as authorized in this section.

22
23 Section 44. Arkansas Code § 27-50-204(a)(2), which is an outdated
24 provision, is repealed.

25 ~~(2) Employees of the Weights and Standards Division of the~~
26 ~~Arkansas State Police shall be eligible for employment under this subchapter~~
27 ~~without meeting the qualifications that may be established by the commission.~~
28

29 SECTION 45. Arkansas Code § 27-50-205(b), concerning the power and
30 authority of the Arkansas Highway Police Division of the Arkansas State
31 Highway and Transportation Department, is amended to read as follows to
32 correct an obsolete reference:

33 (b) This responsibility shall include, but not be limited to, a full
34 responsibility along with the Department of Arkansas State Police and the
35 ~~Arkansas Transportation Commission [abolished]~~ Arkansas State Highway and
36 Transportation Department for enforcement of the Hazardous Materials

1 Transportation Act of 1977, § 27-2-101 et seq., and the rules and regulations
2 promulgated thereunder.

3
4 SECTION 46. Arkansas Code § 27-50-307(b), concerning revocation of a
5 license, is amended to read as follows to correct an obsolete reference:

6 (b) The ~~commissioner~~ Director of the Department of Finance and
7 Administration shall revoke the operator's or chauffeur's license of any
8 person convicted of negligent homicide under the provisions of this section.

9
10 SECTION 47. Arkansas Code §§ 27-50-402 – 27-50-407, which are outdated
11 statutes that were rendered ineffective by the repeal of § 27-50-401, are
12 repealed.

13 ~~27-50-402. Penalty mandatory.~~

14 ~~The penalty provided in § 27-50-401 [repealed] is mandatory and shall~~
15 ~~be levied in connection with each conviction as provided in that section, and~~
16 ~~no court shall have the power or authority to suspend, postpone, or forgive~~
17 ~~the collection of any penalty as provided in this subchapter.~~

18
19 ~~27-50-403. Applicable only to certain cities.~~

20 ~~The penalties as provided in § 27-50-401 [repealed], and the collection~~
21 ~~thereof, shall only apply to those cities of the first and second class that~~
22 ~~provide retirement coverage to certified police personnel under provisions of~~
23 ~~Arkansas law establishing the policemen's pension and relief fund, and those~~
24 ~~cities which have adopted coverage for certified police personnel under the~~
25 ~~Arkansas Local Police and Fire Retirement System, since July 1, 1981.~~

26
27 ~~27-50-404. Disposition of funds.~~

28 ~~All penalties collected under the provisions of this subchapter shall~~
29 ~~be deemed to be collected for the benefit of employees of the policemen's~~
30 ~~pension and relief fund or for payments to fund the employer's share of~~
31 ~~retirement cost for certified police personnel, covered under the Arkansas~~
32 ~~Local Police and Fire Retirement System.~~

33
34 ~~27-50-405. Penalties to be remitted monthly.~~

35 ~~All penalties collected under the provisions of this subchapter shall~~
36 ~~be remitted by the collecting officials to the city treasurer, city clerk, or~~

1 ~~city recorder for deposit into the policemen's pension and relief fund or for~~
2 ~~deposit into the Arkansas Local Police and Fire Retirement System subsidy~~
3 ~~account or city general fund, on or before the fifth day of the month~~
4 ~~following the month of collection thereof in each city of the first or second~~
5 ~~class providing retirement coverage to certified police personnel.~~

6
7 ~~27-50-406. Failure to collect and remit.~~

8 ~~(a) Any official charged with the duty of collecting any of the~~
9 ~~penalties as prescribed in this subchapter shall be guilty of misfeasance in~~
10 ~~office and shall be subject to removal from office upon failure to collect~~
11 ~~the penalties and remit them to the city treasurer, city clerk, or city~~
12 ~~recorder in each respective city of the first and second class of this state~~
13 ~~that provides retirement coverage to certified police personnel under the~~
14 ~~policemen's pension and relief fund or the Arkansas Local Police and Fire~~
15 ~~Retirement System since July 1, 1981.~~

16 ~~(b) In addition, he or she shall be liable on his or her official bond~~
17 ~~for any penalties which are not collected or remitted as required in this~~
18 ~~subchapter.~~

19
20 ~~27-50-407. Annual audit.~~

21 ~~The records of all officials charged with the duty of collecting~~
22 ~~penalties as prescribed in this subchapter shall be audited annually by the~~
23 ~~Director of the Department of Finance and Administration or his or her~~
24 ~~designated agents.~~

25
26 SECTION 48. Arkansas Code §§ 27-50-611 and 27-50-612, which are
27 outdated statutes, are repealed.

28 ~~27-50-611. Right of qualified surety company to become surety with~~
29 ~~respect to guaranteed arrest bond certificates.~~

30 ~~(a) Any domestic or foreign surety company which has qualified to~~
31 ~~transact surety business in this state may, in any year, become surety in an~~
32 ~~amount not to exceed two hundred dollars (\$200) with respect to any~~
33 ~~guaranteed arrest bond certificates issued in that year by an automobile club~~
34 ~~or association by filing with the Insurance Commissioner of this state an~~
35 ~~undertaking thus to become surety.~~

36 ~~(b) Such undertaking shall be in form to be prescribed by the~~

1 ~~commissioner and shall state the following:~~

2 ~~(1) The name and address of the automobile club or automobile~~
3 ~~association with respect to the guaranteed arrest bond certificates of which~~
4 ~~the surety company undertakes to be surety;~~

5 ~~(2) The unqualified obligation of the surety company to pay the~~
6 ~~fine or forfeiture in an amount not to exceed two hundred dollars (\$200) of~~
7 ~~any person who, after posting a guaranteed arrest bond certificate with~~
8 ~~respect to which the surety company has undertaken to be surety, fails to~~
9 ~~make the appearance to guarantee which the guaranteed arrest bond certificate~~
10 ~~was posted.~~

11 ~~(c) The term "guaranteed arrest bond certificate", as used in this~~
12 ~~section, means any printed card or other certificate issued by an automobile~~
13 ~~club or association to any of its members, which is signed by the member and~~
14 ~~contains a printed statement that the automobile club or association and a~~
15 ~~surety company guarantee the appearance of the person whose signature appears~~
16 ~~on the card or certificate and that they will, in the event of failure of the~~
17 ~~person to appear in court at the time of trial, pay any fine or forfeiture~~
18 ~~imposed on the person in an amount not to exceed two hundred dollars (\$200).~~

19
20 ~~27-50-612. Guaranteed arrest bond certificates as cash bail.~~

21 ~~(a) Any guaranteed arrest bond certificate with respect to which a~~
22 ~~surety company has become surety, as provided in § 27-50-611, when posted by~~
23 ~~the person whose signature appears thereon, shall be accepted in lieu of cash~~
24 ~~bail in an amount not to exceed two hundred dollars (\$200) as a bail bond to~~
25 ~~guarantee the appearance of the person in any court, including district~~
26 ~~courts, in this state at such time as may be required by the court, when the~~
27 ~~person is arrested for violation of any motor vehicle law of this state or~~
28 ~~ordinance of any municipality in this state except for the offense of driving~~
29 ~~while intoxicated or for any felony when the violation is committed prior to~~
30 ~~the date of expiration shown on such guaranteed arrest bond certificates.~~

31 ~~(b) Any guaranteed arrest bond certificate so posted as a bail bond in~~
32 ~~any court in this state shall be subject to the forfeiture and enforcement~~
33 ~~provisions with respect to bail bonds posted in criminal cases, and that any~~
34 ~~guaranteed arrest bond certificate posted as a bail bond in any municipal~~
35 ~~court in this state shall be subject to the forfeiture and enforcement~~
36 ~~provisions of the charter or ordinance of the particular municipality~~

1 ~~pertaining to bail bonds posted.~~

2
3 SECTION 49. Arkansas Code § 27-50-802, is amended to read as follows:

4 (a) All courts in this state required by law to furnish records of
5 convictions of all motor vehicle violations to the Office of Driver Services
6 of the Department of Finance and Administration shall continue to furnish the
7 records, but in compiling reports of convictions of traffic violations, the
8 Office of Driver Services shall not include in the traffic violation report
9 of any individual any conviction for the offense of speeding if the
10 conviction is based on speeding upon a public highway in excess of fifty-five
11 miles per hour (55 m.p.h.) speed limit ~~as established pursuant to Public Law~~
12 ~~93-239 of January 2, 1974~~, but less than seventy-five miles per hour (75
13 m.p.h.).

14 (b) The Office of Driver Services shall include in the traffic
15 violation report of any person holding a chauffeur's license any conviction
16 for the offense of speeding in excess of the fifty-five miles per hour (55
17 m.p.h.) speed limit ~~as established pursuant to Public Law 93-239 of January~~
18 ~~2, 1974~~, to the employer of the person and shall furnish the complete driver
19 history record of the person pursuant to a written authorization as provided
20 in § 27-50-908 to the employer of the person holding a chauffeur's license.

21
22 SECTION 50. Arkansas Code § 27-50-1211(b), concerning a bond to be
23 executed pursuant to the now-defunct blanket bond program, is repealed.

24 ~~(b) The secretary treasurer shall execute a bond in the amount~~
25 ~~determined by the State Risk Manager pursuant to the blanket bond program as~~
26 ~~authorized in § 21-2-601 et seq. [repealed].~~

27
28 SECTION 51. Arkansas Code § 27-51-103, is amended to remove obsolete
29 references to read as follows:

30 27-51-103. Right to recover damages unaffected.

31 ~~(a)~~ Nothing in this act shall be construed to curtail or abridge the
32 right of any person to prosecute a civil action for damages by reason of
33 injuries to persons or property resulting from the negligent use of the
34 highways by the driver or operator of a motor vehicle or its owner or his or
35 her employee or agent.

36 ~~(b) In any action brought to recover any damages for injury either to~~

1 ~~person or property caused by running any motor vehicle at a greater rate of~~
2 ~~speed than designated in Acts 1911, No. 134, § 10 [repealed], the plaintiff~~
3 ~~shall be deemed to have made a prima facie case by showing the fact of the~~
4 ~~injury and that the person driving the motor vehicle was at the time of the~~
5 ~~injury running it at a rate of speed in excess of that mentioned in Acts~~
6 ~~1911, No. 134, § 10 [repealed].~~

7
8 SECTION 52. Arkansas Code § 27-51-201(c), concerning certain speed
9 limits, which is an outdated statute, is repealed.

10 ~~(c) On all facilities other than controlled access highways, except~~
11 ~~when a special hazard exists that requires lower speed for compliance with~~
12 ~~subsection (a) of this section, the limits specified in this section or~~
13 ~~established as authorized shall be maximum lawful speeds, and no person shall~~
14 ~~drive a vehicle on a highway at a speed in excess of the following limits:~~

15 ~~(1) Thirty miles per hour (30 m.p.h.) in any urban district;~~

16 ~~(2) Fifty miles per hour (50 m.p.h.) for trucks of one and one-~~
17 ~~half-ton capacity or more in other locations;~~

18 ~~(3) Sixty miles per hour (60 m.p.h.) for other vehicles in other~~
19 ~~locations; and~~

20 ~~(4) No vehicle which is over width, over length, or over height~~
21 ~~or the gross load of which is in excess of sixty four thousand pounds (64,000~~
22 ~~lbs), excluding the front axle, even if operated under a special permit,~~
23 ~~shall be operated in excess of thirty miles per hour (30 m.p.h.).~~

24
25 SECTION 53. Arkansas Code § 27-51-201(f), concerning speed limits for
26 motorcycles which are not equipped with headlamps, which is an outdated
27 statute, is repealed.

28 ~~(f) No person shall operate any motor driven cycle at any time~~
29 ~~mentioned in § 27-36-204(a) at a speed greater than thirty five miles per~~
30 ~~hour (35 m.p.h.) unless such motor driven cycle is equipped with a headlamp~~
31 ~~or headlamps which are adequate to reveal a person or vehicle at a distance~~
32 ~~of three hundred feet (300') ahead.~~

33
34 SECTION 54. Arkansas Code § 27-51-211, which is an outdated statute,
35 is repealed.

36 ~~27-51-211. Use of nonpneumatic tires.~~

1 ~~No person shall drive any vehicle equipped with solid rubber or cushion~~
2 ~~tires at a speed greater than a maximum of ten miles per hour (10 m.p.h.).~~

3
4 SECTION 55. Arkansas Code § 27-51-303, which is an outdated statute,
5 is repealed.

6 ~~27-51-303. Passing a vehicle proceeding in opposite direction.~~
7 ~~Drivers of vehicles proceeding in opposite directions shall pass each other~~
8 ~~to the right. Upon roadways having width for not more than one (1) line of~~
9 ~~traffic in each direction, each driver shall give to the other at least one-~~
10 ~~half (1/2) of the main traveled portion of the roadway as nearly as possible.~~

11
12 SECTION 56. Arkansas Code § 27-51-403(a), concerning signals for
13 turning, stopping, changing lanes, or decreasing speed, is amended to read as
14 follows to remove an obsolete provision.

15 (a) ~~No person shall~~ A person shall not turn a vehicle from a direct
16 course upon a highway unless and until the movement can be made with
17 reasonable safety and then only after ~~giving a clearly audible signal by~~
18 ~~sounding the horn if any pedestrian may be affected by the movement or after~~
19 giving an appropriate signal in the manner provided in subsection (b) of this
20 section in the event any other vehicle may be affected by the movement.

21
22 SECTION 57. Arkansas Code § 27-51-404(b), concerning signal lamp
23 placement, is amended to read as follows to remove an obsolete provision:

24 (b) Any motor vehicle in use on a highway shall be equipped with, and
25 the required signal shall be given by, signal lamps ~~when the distance from~~
26 ~~the center of the top of the steering post to the left outside limit of the~~
27 ~~body, cab, or load of the motor vehicle exceeds twenty four inches (24") or~~
28 ~~when the distance from the center of the top of the steering post to the rear~~
29 ~~limit of the body or load exceeds fourteen feet (14'). The latter measurement~~
30 ~~shall apply to any single vehicle and also to any combination of vehicles.~~

31
32 SECTION 58. Arkansas Code § 27-51-704(a), concerning due care when
33 carrying explosives or flammable liquids, is amended to read as follows to
34 remove an obsolete provision.

35 (a) The operator of any truck carrying any explosive substances or
36 flammable liquids or gases as a cargo or part of a cargo shall, before

1 crossing any railroad tracks, stop the vehicle within fifty feet (50') but
2 not less than fifteen feet (15') from the nearest railroad and while stopped
3 shall ~~open the door of the truck on the driver's side or roll down the window~~
4 ~~at least twelve inches (12") in order to remove any obstruction of the sound~~
5 ~~of a train whistle. He or she shall also~~ listen and look in both directions
6 along the track for any approaching train or signals indicating the approach
7 of a train and shall proceed to cross the tracks only after he or she has
8 determined that it is safe to do so.

9
10 SECTION 59. Arkansas Code § 27-51-705, which is an outdated statute,
11 is repealed.

12 ~~27-51-705. Moving heavy equipment at crossings.~~

13 ~~(a) No person shall operate or move any crawler-type tractor, steam~~
14 ~~shovel, derrick, roller, or any equipment or structure having a normal~~
15 ~~operating speed of up to ten miles per hour (10 m.p.h.) or a vertical body or~~
16 ~~load clearance of less than one-half inch (1/2") per foot of the distance~~
17 ~~between any two (2) adjacent axles or, in any event, of less than nine inches~~
18 ~~(9"), measured above the level surface of a roadway, upon or across any~~
19 ~~tracks at a railroad grade crossing without first complying with this~~
20 ~~section.~~

21 ~~(b) Notice of any intended crossing shall be given to a station agent~~
22 ~~of the railroad, and a reasonable time shall be given to the railroad to~~
23 ~~provide proper protection at the crossing.~~

24 ~~(c) Before making any crossing, the person operating or moving any~~
25 ~~such vehicle or equipment shall first stop it not less than fifteen feet~~
26 ~~(15') nor more than fifty feet (50') from the nearest rail of the railroad.~~
27 ~~While stopped that person shall listen and look in both directions along the~~
28 ~~tracks for any approaching train and for signals indicating the approach of a~~
29 ~~train and shall not proceed until the crossing can be made safely.~~

30 ~~(d)(1) No crossing shall be made when warning is given by automatic~~
31 ~~signal or crossing gates or a flagger or otherwise of the immediate approach~~
32 ~~of a railroad train or car.~~

33 ~~(2) If a flagger is provided by the railroad, movement over the~~
34 ~~crossing shall be under his or her direction.~~

35
36 SECTION 60. Arkansas Code §§ 27-51-801 and 27-51-802, which are

1 outdated statutes, are repealed.

2 ~~27-51-801. Passing streetcar on left.~~

3 ~~(a) The driver of a vehicle shall not overtake and pass upon the left~~
4 ~~nor drive upon the left side of any streetcar proceeding in the same~~
5 ~~direction, whether the streetcar is actually in motion or temporarily at~~
6 ~~rest, except:~~

7 ~~(1) When so directed by a police officer;~~

8 ~~(2) When upon a one-way street; or~~

9 ~~(3) When upon a street where the tracks are so located as to~~
10 ~~prevent compliance with this section.~~

11 ~~(b) The driver of any vehicle, when permitted to overtake and pass~~
12 ~~upon the left of a streetcar which has stopped for the purpose of receiving~~
13 ~~or discharging any passenger, shall reduce speed and may proceed only upon~~
14 ~~exercising due caution for pedestrians and shall accord pedestrians the~~
15 ~~right-of-way when required by other sections of this chapter.~~

16

17 ~~27-51-802. Passing streetcar on right.~~

18 ~~The driver of a vehicle overtaking upon the right any streetcar stopped~~
19 ~~or about to stop for the purpose of receiving or discharging any passenger~~
20 ~~shall stop the vehicle at least five feet (5') to the rear of the nearest~~
21 ~~running board or door of the streetcar and thereupon remain standing until~~
22 ~~all passengers have boarded the car or, upon alighting, have reached a place~~
23 ~~of safety. However, where a safety zone has been established, a vehicle need~~
24 ~~not be brought to a stop before passing any streetcar but may proceed past~~
25 ~~such car at a speed not greater than is reasonable and proper and with due~~
26 ~~caution for the safety of pedestrians.~~

27

28 SECTION 61. Arkansas Code §§ 27-51-1406 - 27-51-1407, which are
29 outdated statutes, are repealed.

30 ~~27-51-1406. Warning by motorists to persons and animals on highway.~~

31 ~~Upon approaching a person walking upon or along a public highway or a horse~~
32 ~~or other draft animal being ridden, led, or driven thereon, the operator of a~~
33 ~~motor vehicle or motor bicycle shall give reasonable warning of his or her~~
34 ~~approach and use every reasonable precaution to avoid injuring the persons or~~
35 ~~frightening the horses or other draft animals.~~

36

1 ~~27-51-1407. Stopping for frightened horses.~~

2 ~~(a) Whenever it shall appear that any horse ridden or driven by any~~
3 ~~person upon any streets, roads, and highways is about to become frightened by~~
4 ~~the approach of any motor vehicle, it shall be the duty of the person driving~~
5 ~~or conducting the motor vehicle to cause it to come to a full stop until the~~
6 ~~horse shall have passed and, if necessary, assist in preventing an accident.~~

7 ~~(b) Any person convicted of violating this section shall be fined in~~
8 ~~any sum not to exceed two hundred dollars (\$200).~~

9
10 SECTION 62. Arkansas Code § 27-66-201, which is an outdated statute,
11 is repealed.

12 ~~27-66-201. Worked roads.~~

13 ~~All public roads in the several counties in this state on which the~~
14 ~~several county courts have, from time to time, appointed overseers to work,~~
15 ~~and directed that hands should be apportioned therefor, shall be declared and~~
16 ~~deemed to be public roads, without regard to any informality of the several~~
17 ~~county courts, or either of them, by which they were ordered to be declared~~
18 ~~public roads in their several counties.~~

19
20 SECTION 63. Arkansas Code § 27-66-204, which is an outdated statute,
21 is repealed.

22 ~~27-66-204. Certain direct routes to county courthouse.~~

23 ~~The county judge in his or her discretion may designate as a county road any~~
24 ~~road that is the most direct route to the county courthouse for ten (10) or~~
25 ~~more families if that road is graded and has been used by the general public~~
26 ~~as a road for at least two (2) years.~~

27
28 SECTION 64. Arkansas Code §§ 27-66-502 – 27-66-505, which are outdated
29 statutes, are repealed.

30 ~~27-66-502. License required for use of rough metal tires.~~

31 ~~The using, driving, or operating upon any improved hard surfaced public~~
32 ~~highway of this state of any tractor, truck, automobile, or other vehicle~~
33 ~~having corrugated, spiked, jointed, or other rough surfaced metal tires is~~
34 ~~prohibited without first procuring from the county judge of the county in~~
35 ~~which the road is situated a license permitting such use or operation.~~

36

1 ~~27-66-503. Penalty.~~

2 ~~Any person violating § 27-66-502 or, after publication of the notices~~
3 ~~required above, using, driving, or operating on any road or highway any~~
4 ~~vehicle, loaded or empty of greater weight than that described or provided~~
5 ~~for in such order or classification as the commission shall have made with~~
6 ~~reference to a road or highway, shall be deemed guilty of a misdemeanor. Upon~~
7 ~~conviction, that person shall be fined in any sum not less than twenty-five~~
8 ~~dollars (\$25.00) nor more than one hundred dollars (\$100). Each day's use of~~
9 ~~any such vehicle shall constitute a separate offense.~~

10
11 ~~27-66-504. Civil liability.~~

12 ~~In addition to the penalty prescribed in § 27-66-503, the person~~
13 ~~convicted of violation of §§ 27-66-501—27-66-504, or of the orders of~~
14 ~~classifications of the commission shall be liable in a civil action for all~~
15 ~~damage occasioned or caused by such violation. However, as to a special trip~~
16 ~~for the movement of some particular thing or vehicle from one (1) location to~~
17 ~~another, the fine or penalty provided in § 27-66-503 shall not apply, but~~
18 ~~that person shall be civilly liable to the proper county or road improvement~~
19 ~~district for all damages which he may occasion to the public highway over~~
20 ~~which such movement is made.~~

21 ~~27-66-505. Prohibition on use of heavily loaded vehicles during~~
22 ~~emergencies.~~

23 ~~(a) The county court of each county acting through the county judge is~~
24 ~~given the authority in times of emergency caused by unusually heavy or long-~~
25 ~~continued rainfalls or by freezes, thaws, snows, and other unusual conditions~~
26 ~~caused by the elements to prohibit vehicles having a net load of more than~~
27 ~~three thousand five hundred pounds (3,500 lbs) from operating on or over the~~
28 ~~county highways whereon such conditions exist until the time that the county~~
29 ~~judge shall determine that the emergency has passed.~~

30 ~~(b) Whenever, in the judgment of the county judge, an emergency arises~~
31 ~~in his or her county, as described in subsection (a) of this section, he or~~
32 ~~she shall cause notice to be posted in the county courthouse to the effect~~
33 ~~that until further notice the operation of vehicles having a net load of more~~
34 ~~than three thousand five hundred pounds (3,500 lbs) over the highways~~
35 ~~described in the notice is prohibited. Notice shall also be posted in at~~
36 ~~least ten (10) of the most prominent and public places in the county and be~~

1 ~~published in a newspaper in the county if practicable. Notice may also be~~
2 ~~given by mail, telephone, or personal contact to persons operating vehicles,~~
3 ~~and notice by mail, telephone, or personal contact shall be sufficient notice~~
4 ~~for the purposes of this section.~~

5 ~~(c) If any person, after having knowledge that the operation of~~
6 ~~vehicles over the county highways or any designated part thereof having a net~~
7 ~~load of more than three thousand five hundred pounds (3,500 lbs) has been~~
8 ~~prohibited by the county judge during an emergency as described in this~~
9 ~~section, violates this section by using the roads contrary to the order of~~
10 ~~the county judge, the person shall be guilty of a misdemeanor. Upon~~
11 ~~conviction, he or she shall be fined in any sum not less than twenty-five~~
12 ~~dollars (\$25.00) nor more than two hundred dollars (\$200).~~

13
14 SECTION 65. Arkansas Code § 27-88-121 is amended to remove obsolete
15 references as follows:

16 27-88-121. Right of eminent domain.

17 For the purpose of acquiring any land, rights, easements, franchises, or
18 other real or personal property deemed to be necessary or convenient for the
19 construction and reconstruction of any bridge or ferry, or for the
20 acquisition of the approaches thereto, the State Highway Commission shall
21 have the right of eminent domain, as is provided ~~in Acts 1927, No. 116, § 5~~
22 ~~{repealed} and Acts 1933, No. 115, § 1 {repealed} and in §§ 27-64-104 and 27-~~
23 ~~67-316.~~

24
25 SECTION 66. Arkansas Code §§ 27-87-102 – 27-87-107, which are outdated
26 statutes, are repealed.

27 ~~27-87-102. Ferrykeeper's neglect of duty—Penalties.~~

28 ~~(a) Any person detained at any public ferry by reason of the~~
29 ~~ferrykeeper not having sufficient boats or other proper craft and hands to~~
30 ~~work it, or by neglecting his or her duty in any way, may make application to~~
31 ~~a justice of the peace in the township where the ferry is located for a~~
32 ~~warrant of arrest.~~

33 ~~(b) The justice of the peace is required to issue the warrant of arrest~~
34 ~~and impose a fine on the ferrykeeper, not exceeding twenty-five dollars~~
35 ~~(\$25.00), as the justice of the peace may find just and equitable.~~

36 ~~(c) The fine shall not extend to, or be deemed a bar to, any action for~~

1 ~~personal damages sustained by any person or persons by reason of the~~
2 ~~insufficiency of the ferry or boats.~~

3
4 ~~27-87-103. Public ferry on private stream.~~

5 ~~(a) Where a public road crosses any private stream which has not been~~
6 ~~meandered as a navigable stream, the bed of which may belong to any~~
7 ~~individual, if in the opinion of the county court, the public convenience~~
8 ~~will be promoted thereby, the court may make an order upon its record to that~~
9 ~~effect, declaring the crossing to be a public ferry.~~

10 ~~(b) And when so declared by the county court, the ferry shall be and~~
11 ~~remain a public ferry during the pleasure of the court and be subject to all~~
12 ~~the regulations and restrictions that are made by law applicable to public~~
13 ~~ferries on navigable streams.~~

14
15 ~~27-87-104. Eligibility to keep ferry.~~

16 ~~(a) Every person owning the land fronting on any public navigable~~
17 ~~stream shall be entitled to the privilege of keeping a public ferry over or~~
18 ~~across the navigable stream if that person:~~

19 ~~(1) Owns the land on both sides or banks; or~~

20 ~~(2) Shall have possession of both sides or banks by preemption~~
21 ~~or settlement right and shall be entitled to the sole and exclusive right of~~
22 ~~ferriage at that place.~~

23 ~~(b) If the person owns the lands on one (1) side only, or has~~
24 ~~possession thereof by preemption or settlement right, he or she shall have~~
25 ~~the privilege of:~~

26 ~~(1) A public ferry from his or her own shore;~~

27 ~~(2) Making the landing and road up the opposite bank;~~

28 ~~(3) Keeping them at all times in good repair and condition for~~
29 ~~ascending and descending; and~~

30 ~~(4) An exclusive right to all ferry privileges in any such case~~
31 ~~shall follow any leasehold interest during the life of the lease and the~~
32 ~~faithful performance of all municipal, county, and state obligations.~~

33 ~~(c) The right shall not be impaired by any packet trade or company, or~~
34 ~~otherwise, under penalty of one hundred dollars (\$100) fine of any owner or~~
35 ~~manager of the packet enterprise or the party in any way violating the spirit~~
36 ~~or letter hereof, to be recovered by appropriate action in any court having~~

1 jurisdiction, at the instance of the injured party.

2 ~~(d) Each day's interference shall constitute a separate offense.~~

3 ~~27-87-105. Exclusiveness of privilege.~~

4 ~~The county court shall not permit any ferry to be established within~~
5 ~~one (1) mile above or below any ferry previously established, except at or~~
6 ~~near cities and towns where the public convenience may require it and~~
7 ~~satisfactory proof of the need shall be first adduced.~~

8
9 SECTION 67. Arkansas Code Title 27, Chapter 87, Subchapter 2, which
10 are outdated statutes, are repealed.

11 ~~27-87-201. Taking toll without license — Penalty.~~

12 ~~If any person shall keep any ferry over any navigable stream, for which he or~~
13 ~~she shall charge any person any money or any other valuable thing, without~~
14 ~~complying with the provisions of this chapter in relation to obtaining~~
15 ~~license, he or she shall forfeit and pay to every other person having a~~
16 ~~licensed ferry on the same stream or lake in the same county five dollars~~
17 ~~(\$5.00) for every person so ferried, and the same sum for every vehicle or~~
18 ~~other article so transported which may be the subject of a separate charge is~~
19 ~~to be sued for and recovered before any justice of the peace in the county by~~
20 ~~civil action founded on this statute, with the costs of prosecution.~~

21
22 ~~27-87-202. License — Navigable waterways generally.~~

23 ~~(a) No person shall keep any ferry over or across any public navigable~~
24 ~~stream or lake so as to charge any compensation for crossing the stream or~~
25 ~~lake without first procuring a license from the county court of the county in~~
26 ~~which the ferry is situated.~~

27 ~~(b) Any person wishing to establish a ferry across any navigable~~
28 ~~stream in this state shall apply to the county court of the county in which~~
29 ~~the ferry site may be.~~

30 ~~(c) The county court shall grant a license to the applicant for the~~
31 ~~term of one (1) year from the date of the license upon the applicant's:~~

32 ~~(1) Showing lawful possession of the land on which the ferry is~~
33 ~~sought to be established;~~

34 ~~(2) Satisfying the court that the public convenience will be~~
35 ~~promoted thereby;~~

36 ~~(3) Paying the tax levied by the county court for the privilege~~

1 ~~of the ferry; and~~

2 ~~(4) Executing the bond required by this chapter.~~

3
4 ~~27-87-203. License—Stream on county boundary.~~

5 ~~If any navigable stream or lake shall form a portion of the boundary of any~~
6 ~~county, so that one bank is in one county and the other is in a different~~
7 ~~county at the place where it is proposed to erect a ferry, a license shall be~~
8 ~~had from the county court for the ferry on the counties' respective banks or~~
9 ~~shores.~~

10
11 ~~27-87-204. Operation by advertisement.~~

12 ~~(a) Any person wishing to put into operation any public ferry when the~~
13 ~~county court is not in session may do so by putting up an advertisement at~~
14 ~~the ferry, stating that he or she intends to apply at the next county court~~
15 ~~for a license for the ferry, and he or she may charge and receive the usual~~
16 ~~rates of ferriage until the county court shall meet.~~

17 ~~(b) The county court, in cases where ferries have been put in~~
18 ~~operation in vacation of the court, by advertisement shall grant to the~~
19 ~~person a license at the next term of such court on his or her applying for it~~
20 ~~and complying with the provisions of this chapter as in cases of other~~
21 ~~ferries, which shall relate back for one (1) year from the time of putting~~
22 ~~the ferry in operation by advertisement.~~

23 ~~(c) Any person putting a ferry across any navigable stream in~~
24 ~~operation by advertisement who shall fail or neglect at the next term of the~~
25 ~~county court to apply for a license and in all respects to comply with the~~
26 ~~orders of the county court in respect thereto shall by notice served on him~~
27 ~~or her by order of the county court be required to appear at its next term~~
28 ~~and show cause, if any, why he or she should not be fined. If no sufficient~~
29 ~~legal reason is shown, he or she shall be fined by the court in any sum not~~
30 ~~exceeding thirty dollars (\$30.00). These proceedings shall be had without the~~
31 ~~necessity of formal pleadings.~~

32
33 ~~27-87-205. Tax—Assessment.~~

34 ~~(a) Before any ferry shall be established, the court shall determine~~
35 ~~what tax shall be paid by the applicant for the privilege of the ferry, which~~
36 ~~shall not be less than one dollar (\$1.00) nor more than one hundred dollars~~

1 ~~(\$100).~~

2 ~~(b) It shall be the duty of the county courts to levy a tax on all~~
3 ~~ferry privileges in their respective counties whether application be made by~~
4 ~~any person for the same or not. However, no ferry at which the public county~~
5 ~~road does not cross shall be subject to the tax herein provided.~~

6

7 ~~27-87-206. License—Issuance.~~

8 ~~It shall be the duty of the clerk of the county court, immediately~~
9 ~~after the assessment of any tax for ferry privileges by the court, to issue a~~
10 ~~license for the ferrykeeper to whom the privileges were granted and to~~
11 ~~deliver it to the sheriff and charge him or her with the amount thereof, in~~
12 ~~the same manner that he or she is required to be charged with other county~~
13 ~~revenue.~~

14

15 ~~27-87-207. Tax—Failure to pay.~~

16 ~~(a) It shall be the duty of the sheriff to present the licenses named~~
17 ~~in § 27-87-206 to the proper ferryman within twenty (20) days after they are~~
18 ~~issued.~~

19 ~~(b) If the amount is not paid, the sheriff shall retain the license.~~

20 ~~(c) Twenty (20) days thereafter, if the amount is still unpaid, it~~
21 ~~shall be the duty of the sheriff to levy on and sell the property of the~~
22 ~~ferrykeeper to satisfy the amount of the ferry tax, in the same manner and~~
23 ~~under the same restrictions as lands and tenements, goods, and chattels are~~
24 ~~required to be levied on and sold under executions on judgments at law.~~

25 ~~(d) If sufficient property of the ferrykeeper cannot be found to make~~
26 ~~the amount of his or her ferry tax, it shall be the duty of the sheriff to~~
27 ~~return a statement of the facts to the next term of the county court, whose~~
28 ~~duty it shall be to order a seire facias issued against the securities of the~~
29 ~~ferrykeeper, returnable to the next term of the court.~~

30 ~~(e) If sufficient cause shall not be shown to the contrary, the court~~
31 ~~shall order judgment against his securities for the amount found due with all~~
32 ~~costs.~~

33 ~~27-87-208. Tax—Sheriff's settlement.~~

34 ~~The sheriff shall settle for the amount collected by him or her for~~
35 ~~ferry tax in the manner and at the time that he or she is required to settle~~
36 ~~for other revenue of the county.~~

1 ~~27-87-209. Tax or charge—Stream on state boundary.~~

2 ~~When a navigable stream makes a part of the boundary line of this~~
3 ~~state, if any tax or charge shall be assessed or collected by any adjoining~~
4 ~~state for the privilege of a ferry landing on the shore or bank of another~~
5 ~~state from this state, then the same tax or duty shall be assessed and~~
6 ~~collected for like privilege of landing on the banks or shores of this state.~~

7
8 SECTION 68. Arkansas Code Title 27, Chapter 87, Subchapter 3, which
9 are outdated statutes, are repealed.

10 ~~27-87-301. Requirement and terms.~~

11 ~~The county court shall have authority and is required to compel all~~
12 ~~persons who are authorized to keep a public ferry to give bond and good~~
13 ~~security in such sum as the court may deem sufficient to the judge of the~~
14 ~~county court and his or her successors in office. This bond shall be~~
15 ~~conditioned that the ferrykeeper will constantly find, provide, and keep good~~
16 ~~and sufficient boats or other proper craft in constant good repair and the~~
17 ~~banks on either side of the creek or watercourse that may be ferried in good~~
18 ~~condition and that the ferry shall always be so attended as to pass all~~
19 ~~persons and their horses and other stock, vehicles, and effects in safety and~~
20 ~~without detention and that he or she will comply with all the requisitions of~~
21 ~~the law relating to or governing public ferries.~~

22
23 ~~27-87-302. Damages.~~

24 ~~If any persons sustaining damage by reason of a ferrykeeper not having~~
25 ~~complied with the conditions of bond, the persons sustaining the damage may~~
26 ~~bring suit against the ferrykeeper on the bond in the name of the judge of~~
27 ~~the county court and recover for such nonperformance of the conditions so~~
28 ~~much damage as they shall appear to have sustained and take out execution for~~
29 ~~whatever shall be recovered.~~

30 ~~27-87-303. Liability of sureties.~~

31 ~~In all cases of recoveries against ferrykeepers for violations of this~~
32 ~~chapter, if after judgment execution shall be returned that there are no~~
33 ~~goods and chattels of the ferrykeeper whereupon to levy and make the money~~
34 ~~demand in the execution, the justice shall issue a scire facias against the~~
35 ~~sureties of the ferrykeeper. If the securities do not show sufficient reason~~
36 ~~to the contrary, the justices shall enter judgment against the securities for~~

1 ~~the amount of debt as may be unsatisfied and issue execution therefor as in~~
2 ~~other cases.~~

3
4 SECTION 69. Arkansas Code Title 27, Chapter 87, Subchapter 4, which
5 are outdated statutes, are repealed.

6 ~~27-87-401. Regulation—Fines.~~

7 ~~(a) The toll of ferries that are established shall at all times be~~
8 ~~subject to regulation by the county court in which the ferry may be kept.~~

9 ~~(b) Every keeper of a ferry shall keep constantly posted in some~~
10 ~~conspicuous place at the ferry the rates of toll allowed to be charged. If~~
11 ~~any ferrykeeper fails or neglects to do so, he or she shall forfeit and pay~~
12 ~~the sum of four dollars (\$4.00) for every neglect. Each day that the ferry~~
13 ~~rates are not posted shall constitute a separate offense. The sum shall be~~
14 ~~recovered in a civil action before any justice of the county, one-half (1/2)~~
15 ~~for the use of the prosecutor and one-half (1/2) to the county.~~

16 ~~(c) Should any keeper presume to charge or demand more than what the~~
17 ~~county court may have allowed, the keeper shall forfeit and pay for every~~
18 ~~offense the sum of ten dollars (\$10.00), to be recovered before any justice~~
19 ~~of the peace of the township in which such ferry is located by any person of~~
20 ~~whom the demand may be made.~~

21
22 ~~27-87-402. Record—Distribution.~~

23 ~~(a) The court shall state on its record the rates of toll or ferriage~~
24 ~~which may be demanded for ferrying passengers, vehicles, beasts, and other~~
25 ~~property usually transported by ferries.~~

26 ~~(b) The clerk shall make out a copy of ferriage rates under his or her~~
27 ~~official signature and give it to the person procuring a license.~~

28
29 ~~27-87-403. Ferries in competition with state-owned toll bridges.~~

30 ~~(a) All ferries operating in competition with state-owned toll bridges~~
31 ~~shall be subject to regulation as to ferry rates by the State Highway~~
32 ~~Commission and the rates to be charged shall be the same as the traffic rates~~
33 ~~prevailing upon the state-owned toll bridge with which the ferry is operated~~
34 ~~in competition.~~

35 ~~(b) Any ferrykeeper operating and a competing ferrykeeper charging~~
36 ~~less than the rate fixed on state-owned toll bridges shall be deemed guilty~~

1 ~~of a misdemeanor and punished by a fine not to exceed fifty dollars (\$50.00)~~
2 ~~for each separate offense. However, the commission, in its discretion, may~~
3 ~~fix a lower rate on those ferries for all vehicles other than motor-propelled~~
4 ~~vehicles and riparian landowners or tenants on the lands for passing from one~~
5 ~~part of a farm to another owned or leased by the landowner or tenant.~~

6 ~~(c) No ferry shall be declared to be in competition with the state-~~
7 ~~owned toll bridge unless it is within three (3) miles of a state-owned toll~~
8 ~~bridge.~~

9
10 SECTION 70. Arkansas Code § 27-14-806(a)(2), concerning optional means
11 of recording, is amended to correct an obsolete reference:

12 (2) In the case of implements of husbandry, ~~as defined in § 27-~~
13 ~~14-212~~, all-terrain vehicles ~~as defined in § 27-21-102~~, mobile homes ~~as~~
14 ~~defined in § 27-14-207~~, or manufactured homes, ~~as defined in § 27-14-207~~, as
15 defined in § 27-14-104, at his or her option, a lienholder may:

16 (A) Record the lien on the manufacturer's statement of
17 origin;

18 (B) Record the lien on an existing certificate of title; or

19 (C) File with the division a certified copy of the
20 instrument creating and evidencing the lien or
21 encumbrance.

22
23 /s/D. Johnson
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