ARKANSAS
Motor Vehicle and Traffic Laws
and
State Highway Commission
Regulations

2011 Edition

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the Arkansas State Highway and Transportation Department
and the Department of Finance and Administration

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Foreword

This digest of statutes and official regulations governing use of public highways, roads, and streets in Arkansas and control of motor vehicles and operators permitted on these facilities is published as a service in the public interest. A safer, more convenient, and more orderly utilization of Arkansas's highway, road, and street systems is the objective.

Sections relating to administration of motor vehicles — registration, licenses, titles, equipment, vehicle operator licensing, and collection of motor vehicle fees and taxes — outline responsibilities of the Department of Finance and Administration. Sections relative to administration of highways, roads, and streets and regulation of weights, size, and movements of traffic thereon set forth powers, duties, and functions of the State Highway and Transportation Department.

The Arkansas General Assembly requires these two state agencies to: (a) interpret and disseminate statutory requirements in these two areas, (b) develop and promulgate policies complementary to these codes, and (c) prepare, publish, and enforce through proper channels, the regulations required by these codes.

Questions regarding application or interpretation of laws and regulations should be addressed to the appropriate State agency.

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27-14-314	New	876	HB 1603	2
27-14-602	Amended	718	SB 183	1
27-14-606	Amended	718	SB 183	3
27-14-611	New	192	HB 1418	1
27-14-612	New	904	SB 92	2
27-14-705	Amended	335	SB 292	1
27-14-705	Amended	718	SB 183	2
27-14-713	Amended	335	SB 292	2
27-14-713	Amended	335	SB 292	3
27-14-727	New	335	SB 292	4
27-14-1012	Amended	67	HB 1161	1
27-14-1013	Amended	67	HB 1161	2
27-14-1014	Amended	67	HB 1161	3
27-14-1021	Amended	67	HB 1161	4
27-14-1704	Amended	606	HB 1448	1
27-14-1705	Amended	351	HB 1782	1
27-14-1706	Amended	351	HB 1782	2
27-14-1706	Amended	351	HB 1782	3
27-14-1709	New	351	HB 1782	4
27-14-2308	New	285	HB 1371	1
27-15-2204	Amended	826	HB 1845	1
27-15-2208	Amended	826	HB 1845	2

Section Affected	Effect	Act No.	Bill	Section
27-16-302	Amended	194	HB 1422	1
27-16-508	Amended	194	HB 1422	2
27-16-705	Amended	1022	HB 1410	1
27-16-805	Amended	193	HB 1420	1
27-16-812	New	12	HB 1014	2
27-16-813	New	601	HB 1426	1
27-16-814	New	729	SB 725	1
27-16-903	Amended	194	HB 1422	3
27-16-906	Repealed	194	HB 1422	4
27-16-907	Amended	194	HB 1422	5
27-16-909	Amended	194	HB 1422	6
27-16-912	Amended	194	HB 1422	7
27-16-913	Amended	194	HB 1422	8
27-16-1105	Amended	1212	HB 1497	1
27-16-1105	Amended	1212	HB 1497	2
27-16-1213	Amended	350	HB 1742	1
27-20-104	Amended	759	HB 1775	1
27-20-104	Amended	759	HB 1775	2
27-20-111	Amended	1221	HB 1925	1
27-21-102	Amended	583	SB 301	1
27-21-106	Amended	13	HB 1151	1
27-21-106	Amended	704	HB 1949	1
27-22-103	Amended	1046	HB 1953	1
27-22-104	Amended	1046	HB 1953	2
27-22-109	New	1046	HB 1953	3
27-22-110	New	1046	HB 1953	2
27-22-111	New	1046	HB 1953	3
27-23-103	Amended	352	HB 1820	1
27-23-103	Amended	352	HB 1820	2
27-23-110	Amended	352	HB 1820	3
27-23-111	Amended	352	HB 1820	4
27-23-112	Amended	352	HB 1820	5
27-23-112	Amended	352	HB 1820	6
27-23-112	Amended	570	SB 750	128
27-23-128	Amended	570	SB 750	129
27-23-129	New	352	HB 1820	7
27-23-130	New	352	HB 1820	7
27-24-210	Amended	632	HB 1777	1
27-24-1001	Amended	726	SB 336	1
27-24-1002	Amended	595	SB 769	1
27-24-1005	Amended	726	SB 336	2
27-24-1005	Amended	726	SB 336	3
27-24-1010	New	726	SB 336	4
27-24-1301	Amended	727	SB 513	1
27-24-1302	Amended	986	SB 338	1
27-24-1303	Amended	639	SB 404	1
27-24-1311	Amended	639	SB 404	2
27-24-1312	Amended	986	SB 338	2
27-24-1313	New	727	SB 513	2
27-24-1410	New	830	HB 1908	1
27-24-1601	New	292	HB 1558	1
27-24-1602	New	292	HB 1558	1
27-24-1603	New	292	HB 1558	1
27-24-1701	New	804	SB 848	1

Section Affected	Effect	Act No.	Bill	Section
27-24-1702	New	804	SB 848	1
27-24-1703	New	804	SB 848	1
27-24-1704	New	804	SB 848	1
27-36-216	Amended	759	HB 1775	3
27-36-223	New	781	SB 294	1
27-37-306	Amended	1141	SB 718	1
27-37-307	New	1141	SB 718	2
27-49-212	Amended	780	SB 255	1
27-49-214	Amended	780	SB 255	2
27-49-215	Amended	780	SB 255	3
27-49-219	Amended	780	SB 255	4
27-50-505	Amended	780	SB 255	5
27-50-602	Amended	908	HB 1532	4
27-50-603	Amended	908	HB 1532	5
27-50-910	Amended	780	SB 255	6
27-50-1201	Amended	1061	SB 25	4
27-50-1202	Amended	1025	HB 1561	1
27-50-1203	Amended	780	SB 255	8
27-50-1204	Amended	732	SB 767	1
27-50-1204	Amended	1025	HB 1561	2
27-50-1205	Amended	1025	HB 1561	3
27-50-1206	Amended	1025	HB 1561	4
27-50-1207	Amended	995	SB 592	1
27-50-1207	Amended	1025	HB 1561	5
27-50-1207	Amended	1025	HB 1561	6
27-50-1207	Amended	1025	HB 1561	7
27-50-1207	Amended	1025	HB 1561	8
27-50-1208	Amended	1025	HB 1561	9
27-50-1210	Amended	872	HB 1304	1
27-50-1216	New	1206	HB 1559	1
27-51-102	Amended	1218	HB 1859	14
27-51-215	Repealed	780	SB 255	9
27-51-1403	Repealed	780	SB 255	10
27-51-1602	Amended	37	SB 154	1
27-51-1605	Amended	37	SB 154	2
27-51-1606	Amended	37	SB 154	3
27-51-1608	Repealed	37	SB 154	4
27-51-1609	New	37	SB 154	5
27-51-1610	New	37	SB 154	5
27-64-501	New	773	HB 1902	3
27-64-502	New	773	HB 1902	3
27-64-503	New	773	HB 1902	3
27-64-504	New	773	HB 1902	3
27-64-505	New	773	HB 1902	3
27-64-506	New	773	HB 1902	3
27-64-507	New	773	HB 1902	3
27-64-508	New	773	HB 1902	3
27-64-509	New	773	HB 1902	3
27-64-510	New	773	HB 1902	3
27-64-511	New	773	HB 1902	3
27-64-512	New	773	HB 1902	3
27-64-513	New	773	HB 1902	3
27-64-514	New	773	HB 1902	3
27-67-224	New	1052	HB 2122	2

Section Affected	Effect	Act No.	Bill	Section
27-101-302	Amended	900	HB 2038	1
27-101-313	New	335	SB 292	5

Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations

TITLE 5

CRIMINAL OFFENSES

SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 4

DISPOSITION OF OFFENDERS

Subchapter 2 — Fines, Costs, and Restitution

5-4-203. [Repealed.]

Publisher's Notes. This section, concerning consequences of nonpayment, was repealed by Acts 2009, No. 633, § 1. The section was derived from Acts 1975, No. 280, § 1103; A.S.A. 1947, § 41-1103; Acts 1995, No. 1116, § 1; 2001, No. 1553, § 5; 2003, No. 110, § 1.

SUBTITLE 3. OFFENSES INVOLVING FAMILIES, DEPENDENTS, ETC.

CHAPTER 27

OFFENSES AGAINST CHILDREN OR INCOMPETENTS

Subchapter 5 — Fraudulent Identification Documents for Minors

SECTION.
5-27-504. Denial of driving privileges.

5-27-504. Denial of driving privileges.

(a)(1) If a minor pleads guilty, nolo contendere, or is found guilty of violation of § 5-27-503, or is found by a juvenile division of circuit court to have committed a violation of § 5-27-503, the court shall prepare and transmit to the Department of Finance and Administration within twenty-four (24) hours after the plea or finding an order of denial of driving privileges for the minor.

(2) In a case of extreme and unusual hardship, the order may provide for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(b) Upon receipt of an order of denial of driving privileges under this subchapter, the department shall suspend the motor vehicle operator's license of the minor for twelve (12) months or until the minor reaches eighteen (18) years of age, whichever period of time is shortest.

(c) A penalty prescribed in this section is in addition to a penalty prescribed by § 5-27-503.

History. Acts 1991, No. 567, § 4.

SUBTITLE 4. OFFENSES AGAINST PROPERTY

CHAPTER 36

THEFT

Subchapter 1 — General Provisions

SECTION.
5-36-108. Unauthorized use of a vehicle.

5-36-108. Unauthorized use of a vehicle.

(a) A person commits unauthorized use of a vehicle if the person knowingly takes, operates, or exercises control over another person's vehicle without consent of the owner.

(b) Unauthorized use of a vehicle is a Class A misdemeanor.

History. Acts 1975, No. 280, § 2208; A.S.A. 1947, § 41-2208.

CHAPTER 38

DAMAGE OR DESTRUCTION OF PROPERTY

Subchapter 2 — Offenses Generally

SECTION.
5-38-203. Criminal mischief in the first degree.

5-38-203. Criminal mischief in the first degree.

(a) A person commits the offense of criminal mischief in the first degree if he or she purposely and

without legal justification destroys or causes damage to any:

(1) Property of another; or

(2) Property, whether his or her own or property of another, for the purpose of collecting any insurance for the property.

(b) Criminal mischief in the first degree is a:

(1) Class Class A misdemeanor if the amount of actual damage is one thousand dollars ($1,000) or less;

(2) Class D felony if the amount of actual damage is more than one thousand dollars ($1,000) but five thousand dollars ($5,000) or less;

(3) Class C felony if the amount of actual damage is more than five thousand dollars ($5,000) but less than twenty-five thousand dollars ($25,000); or

(4) Class B felony if the amount of actual damage is twenty-five thousand dollars ($25,000) or more.

(c) In an action under this section involving cutting and removing timber from the property of another person:

(1) The following create a presumption of a purpose to commit the offense of criminal mischief in the first degree:

(A) The failure to obtain the survey as required by § 15-32-101; or

(B) The purposeful misrepresentation of the ownership or origin of the timber; and

(2)(A) There is imposed in addition to a penalty in subsection (b) of this section a fine of not more than two (2) times the value of the timber destroyed or damaged.

(B) However, in addition to subdivision (c)(2)(A) of this section, the court may require the defendant to make restitution to the owner of the timber.

History. Acts 1975, No. 280, § 1906; 1977, No. 360, § 7; 1981, No. 544, § 2; 1981, No. 671, § 1; A.S.A. 1947, § 41-1906; Acts 1988 (3rd Ex. Sess.), No. 13, § 1; 1995, No. 1296, § 5; 1997, No. 448, § 1; 2005, No. 1994, § 443; 2011, No. 570, § 29.

SUBTITLE 6. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

CHAPTER 64

CONTROLLED SUBSTANCES

Subchapter 7 — Provisions Relating to the Uniform Controlled Substances Act

SECTION.

5-64-710. Denial of driving privileges for minor — Restricted permit.

5-64-710. Denial of driving privileges for minor — Restricted permit.

(a)(1) As used in this section "drug offense" means the:

(A) Possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under this chapter; or

(B) Operation of a motor vehicle under the influence of any substance the possession of which is prohibited under this chapter.

(2) As used in subdivision (a)(1) of this section:

(A)(i) "Motor vehicle" means any vehicle that is self-propelled by which a person or thing may be transported upon a public highway and is registered in the State of Arkansas or of the type subject to registration in Arkansas.

(ii) "Motor vehicle" includes any:

(a) "Motorcycle", "motor-driven cycle", or "motorized bicycle", as defined in § 27-20-101; and

(b) "Commercial motor vehicle", as defined in § 27-23-103; and

(B) "Substance the possession of which is prohibited under this chapter" or "substance" means a "controlled substance" or "counterfeit substance", as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 802.

(b)(1)(A) When a person who is less than eighteen (18) years of age pleads guilty or nolo contendere to or is found guilty of driving while intoxicated under § 5-65-101 et seq., any criminal offense involving the illegal possession or use of a controlled substance, or any drug offense in this state or any other state, the court having jurisdiction of the matter including any federal court shall prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for the minor.

(B) A court within the State of Arkansas shall prepare and transmit any order under subdivision (b)(1)(A) of this section to the department within twenty-four (24) hours after the plea or finding.

(C) A court outside Arkansas having jurisdiction over any person holding driving privileges issued by the State of Arkansas shall prepare and transmit any order under subdivision (b)(1)(A) of this section pursuant to an agreement or arrangement entered into between that state and the Director of the Department of Finance and Administration.

(D) An arrangement or agreement under subdivision (b)(1)(C) of this section may also provide for the forwarding by the department of an order issued by a court within this state to the state where any person holds driving privileges issued by that state.

(2) For any person holding driving privileges issued by the State of Arkansas, a court within this state in a case of extreme and unusual hardship may provide in an order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(c)(1) Except as provided in subdivision (c)(2) of this section, a penalty prescribed in this section and § 27-16-914 is in addition to any other penalty prescribed by law for an offenses covered by this section and § 27-16-914.

(2) A juvenile adjudicated delinquent is subject to a juvenile disposition provided in § 9-27-330.

(d) In regard to any offense involving illegal possession under this section, it is a defense if the controlled substance is the property of an adult who owns the vehicle.

(e) If a juvenile is found delinquent for any offense described in subsections (a) or (b) of this section, the circuit court may order any juvenile disposition available under § 9-27-330.

History. Acts 1989 (3rd Ex. Sess.), No. 93, §§ 1, 3, 4; 1993, No. 1257, § 1; 2005, No. 1876, § 1; 2005, No. 1994, § 314.

CHAPTER 65

DRIVING WHILE INTOXICATED

SUBCHAPTER.

1. General Provisions.
2. Chemical Analysis of Body Substances.
3. Underage Driving Under the Influence Law.
4. Administrative Driver's License Suspension.

Subchapter 1 — General Provisions

SECTION.

5-65-101. Omnibus DWI Act — Application.
5-65-102. Definitions.
5-65-103. Unlawful acts.
5-65-104. Seizure, suspension, and revocation of license — Temporary permits — Ignition interlock restricted license.
5-65-105. Operation of motor vehicle during period of license suspension or revocation.
5-65-106. Impoundment of license plate.
5-65-107. Persons arrested to be tried on charges — No charges reduced — Filing citations.
5-65-108. No probation prior to adjudication of guilt.
5-65-109. Presentencing report.
5-65-110. Record of violations and court actions — Abstract.
5-65-111. Prison terms — Exception.
5-65-112. Fines.
5-65-113. [Repealed.]
5-65-114. Inability to pay — Alternative public service work.
5-65-115. Alcohol treatment or education program — Fee.
5-65-116. Denial of driving privileges for minor — Restricted permit.
5-65-117. Seizure and sale of motor vehicles.
5-65-118. Additional penalties — Ignition interlock devices.
5-65-119. Distribution of fee.
5-65-120. Restricted driving permit.
5-65-121. Victim impact panel attendance — Fee.

5-65-101. Omnibus DWI Act — Application.

This act shall be known as the "Omnibus DWI Act".

History. Acts 1983, No. 549, § 1; A.S.A. 1947, § 75-2501; 2007, No. 214, § 1.

5-65-102. Definitions.

As used in this act:

(1)(A) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI.

(B) The fact that any person charged with a violation of this act is or has been entitled to use that drug or controlled substance under the laws of this state does not constitute a defense against any charge of violating this act;

(2) "Intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or an intoxicant, to such a degree that the driver's reactions, motor skills, andjudgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians;

(3) "Sworn report" means a signed and written statement of a certified law enforcement officer, under penalty of perjury, on a form provided by the Director of the Department of Finance and Administration; and

(4) "Victim impact statement" means a voluntary written or oral statement of a victim, or relative of a victim, who has sustained serious injury due to a violation of this act.

History. Acts 1983, No. 549, § 2; A.S.A. 1947, § 75-2502; Acts 1987, No. 765, § 1; 1997, No. 1325, § 1.

5-65-103. Unlawful acts.

(a) It is unlawful and punishable as provided in this act for any person who is intoxicated to operate or be in actual physical control of a motor vehicle.

(b) It is unlawful and punishable as provided in this act for any person to operate or be in actual physical control of a motor vehicle if at that time the alcohol concentration in the person's breath or blood was eight-hundredths (0.08) or more based upon the definition of breath, blood, and urine concentration in § 5-65-204.

History. Acts 1983, No. 549, § 3; A.S.A. 1947, § 75-2503; Acts 2001, No. 561, § 2.

5-65-104. Seizure, suspension, and revocation of license — Temporary permits — Ignition interlock restricted license.

(a)(1) At the time of arrest for operating or being in actual physical control of a motor vehicle while

intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood, as provided in § 5-65-103, the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer as provided in § 5-65-402.

(2) The Office of Driver Services or its designated official shall suspend or revoke the driving privilege of an arrested person or shall suspend any nonresident driving privilege of an arrested person, as provided in § 5-65-402. The suspension or revocation shall be based on the number of previous offenses as follows:

(A) Suspension for:

(i)*(a)* Six (6) months for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of at least eight hundredths (0.08) by weight of alcohol in the person's blood or breath, § 5-65-103.

(b) If the Office of Driver Services allows the issuance of an ignition interlock restricted license under § 5-65-118, the ignition interlock restricted license shall be available immediately.

(c) The restricted driving permit under § 5-65-120 is not allowed for a suspension under this subdivision (a)(2)(A)(i); and

(ii)*(a)* Suspension for six (6) months for the first offense of operating or being in actual physical control of a motor vehicle while intoxicated by the ingestion of or by the use of a controlled substance.

(b) The ignition interlock restricted license provision of § 5-65-118 does not apply to a suspension under subdivision (a)(2)(A)(ii)*(a)* of this section;

(B)(i) Suspension for twenty-four (24) months for a second offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense.

(ii) However, if the office allows the issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license is available is a minimum of forty-five (45) days, followed by restricted driving privileges to allow driving in any and all of the following situations:

(a) To and from his or her employment;

(b) To and from an educational institution for the purpose of attending class at the educational institution;

(c) To and from an alcohol safety education and treatment course for drunk drivers; or

(d) To and from an ignition interlock service.

(iii) The ignition interlock restricted license provision of § 5-65-118 does not apply to the suspension under subdivisions (a)(2)(B)(i) and (ii) of this section if the person is arrested for an offense of operating or being in actual physical control of a motor vehicle while intoxicated by the ingestion of or by the use of a controlled substance;

(C)(i) Suspension for thirty (30) months for the third offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense.

(ii) However, if the office allows the issuance of an ignition interlock restricted license under § 5-65-118, the suspension period for which no restricted license is available is a minimum of forty-five (45) days, followed by restricted driving privileges to allow driving in any and all of the following situations:

(a) To and from his or her employment;

(b) To and from an educational institution for the purpose of attending class at the education institution;

(c) To and from an alcohol safety education and treatment course for drunk drivers; or

(d) To and from an ignition interlock service.

(iii) The ignition interlock restricted license provision of § 5-65-118 does not apply to the suspension under subdivisions (a)(2)(C)(i) and (ii) if the person is arrested for an offense of operating or being in actual physical control of a motor vehicle while intoxicated by the ingestion of or by the use of a controlled substance; and

(D) Revocation for four (4) years, during which no restricted permits may be issued, for the fourth or subsequent offense of operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more by weight of alcohol in the person's blood or breath, § 5-65-103, within five (5) years of the first offense.

(3) If a person is a resident who is convicted of driving without a license or permit to operate a motor vehicle and the underlying basis for the suspension, revocation, or restriction of the license was for a violation of § 5-65-103, in addition to any other penalties provided for under law, the office may restrict the offender to only an ignition interlock restricted license for a period of one (1) year prior to the reinstatement or reissuance of a license or permit after the person would otherwise be eligible for reinstatement or reissuance of the person's license.

(4) In order to determine the number of previous offenses to consider when suspending or revoking the arrested person's driving privileges, the office shall consider as a previous offense any of the following that occurred within the five (5) years immediately before the current offense:

(A) Any conviction for an offense of operating or being in actual physical control of a motor vehicle

while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood, including a violation of § 5-10-105(a)(1)(A) or (B), that occurred:

(i) In Arkansas; or

(ii) In another state;

(B) Any suspension or revocation of driving privileges for an arrest for operating or being in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood under § 5-65-103 when the person was not subsequently acquitted of the criminal charges; or

(C) Any conviction under § 5-76-102 for an offense of operating a motorboat on the waters of this state while intoxicated or while there was an alcohol concentration in the person's breath or blood of eight hundredths (0.08) or more based upon the definition of breath, blood, and urine concentration in § 5-65-204 or refusing to submit to a chemical test under § 5-76-104 occurring on or after July 31, 2007, when the person was not subsequently acquitted of the criminal charges.

(b)(1)(A) Any person whose license is suspended or revoked pursuant to this section is required to complete an alcohol education program or an alcohol treatment program as approved by the Office of Alcohol and Drug Abuse Prevention unless the charges are dismissed or the person is acquitted of the charges upon which the suspension or revocation is based.

(B) If during the period of suspension or revocation under subdivision (b)(1)(A) of this section the person commits an additional violation of § 5-65-103, he or she is also required to complete an approved alcohol education program or alcohol treatment program for each additional violation, unless:

(i) The additional charges are dismissed; or

(ii) He or she is acquitted of the additional charges.

(2) A person whose license is suspended or revoked pursuant to this section shall furnish proof of attendance at and completion of the alcohol education program or the alcohol treatment program required under subdivision (b)(1) of this section before reinstatement of his or her suspended or revoked driver's license or shall furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

(3) Even if a person has filed a de novo petition for review pursuant to former subsection (c) of this section, the person is entitled to reinstatement of driving privileges upon complying with this subsection and is not required to postpone reinstatement until the disposition of the de novo review in circuit court has occurred.

History. Acts 1983, No. 549, § 13; 1985, No. 113, § 1; 1985, No. 1064, § 1; A.S.A. 1947, § 75-2511; Acts 1989, No. 368, § 1; 1989, No. 621, § 1; 1993, No. 736, § 1; 1995, No. 802, § 1; 1997, No. 830, § 1; 1997, No. 1325, § 2; 1999, No. 1077, § 9; 1999, No. 1468, § 1; 1999, No. 1508, § 7; 2001, No. 561, §§ 3-5; No. 1501, § 1; 2003, No. 541, § 1; 2003, No. 1036, § 1; 2003, No. 1462, § 1; 2003, No. 1779, § 1; 2005, No. 1234, § 3; 2005, No. 1768, § 1; 2007, No. 712, § 1; 2007, No. 827, § 75; 2007, No. 1196, § 1; 2009, No. 359, §§ 1—3; 2009, No. 650, § 2; 2009, No. 922, § 1; 2009, No. 1293, § 1.

5-65-105. Operation of motor vehicle during period of license suspension or revocation.

Any person whose privilege to operate a motor vehicle has been suspended or revoked under a provision of this act who operates a motor vehicle in this state during the period of the suspension or revocation shall be imprisoned for ten (10) days and may be assessed a fine of not more than one thousand dollars ($1,000).

History. Acts 1983, No. 549, § 14; A.S.A. 1947, § 75-2512; Acts 2001, No. 1715, § 1.

5-65-106. Impoundment of license plate.

(a) When any law enforcement officer arrests a person for operating a motor vehicle while that person's operator's license or permit has been suspended or revoked under the laws of any state due to the person having previously been found guilty or having pleaded guilty or nolo contendere to violating § 5-65-103, and if the motor vehicle operated by the person is owned in whole or part by the person, the motor vehicle license plate shall be impounded by the law enforcement officer for no less than ninety (90) days.

(b) If the court determines it is in the best interest of dependents of the offender, the court shall instruct the Director of the Department of Finance and Administration to issue a temporary substitute license plate to that vehicle, and the license plate shall indicate that the original plate has been impounded.

History. Acts 1983, No. 549, § 15; A.S.A. 1947, § 75-2513.

5-65-107. Persons arrested to be tried on charges — No charges reduced — Filing citations.

(a) A person arrested for violating § 5-65-103 shall be tried on those charges or plead to those charges, and no such charges shall be reduced.

(b) Furthermore, when a law enforcement officer issues a citation for violating § 5-65-103, the citation shall be filed with the court as soon as possible.

History. Acts 1983, No. 549, § 8; A.S.A. 1947, § 75-2508.

5-65-108. No probation prior to adjudication of guilt.

(a) Section 16-93-301 et seq., allows a circuit court judge, district court judge, or city court judge to place on probation a first offender who pleads

guilty or nolo contendere prior to an adjudication of guilt.

(b) Upon successful completion of the probation terms, the circuit court judge, district court judge, or city court judge is allowed to discharge the accused without a court adjudication of guilt and expunge the record.

(c)(1) No circuit court judge, district court judge, or city court judge may utilize the provisions of § 16-93-301 et seq. in an instance in which the defendant is charged with violating § 5-65-103.

(2) Notwithstanding the provisions of § 5-4-301, § 5-4-322, or subdivision (c)(1) of this section, in addition to the mandatory penalties required for a violation of § 5-65-103, a circuit court judge, district court judge, or city court judge may utilize probationary supervision solely for the purpose of monitoring compliance with his or her orders and require an offender to pay a reasonable fee in an amount to be established by the circuit court judge, district court judge, or city court judge.

History. Acts 1983, No. 549, § 9; A.S.A. 1947, § 75-2509; Acts 2005, No. 1768, § 2; 2007, No. 827, § 76.

5-65-109. Presentencing report.

(a) The court shall immediately request and the Office of Alcohol and Drug Abuse Prevention or its designee shall provide a presentence screening and assessment report of the defendant upon a plea of guilty or nolo contendere to or a finding of guilt of violating § 5-65-103 or § 5-65-303.

(b)(1) The presentence report shall be provided within thirty (30) days of the request, and the court shall not pronounce sentence until receipt of the presentence report.

(2)(A) After entry of a plea of guilty or nolo contendere or a finding of guilt and if the sentencing of the defendant is delayed by the defendant, the clerk of the court shall notify the defendant by first class mail sent to the defendant's last known address that the defendant has fifteen (15) days to appear and show cause for failing to appear for sentencing.

(B) After expiration of the fifteen (15) days, the court may proceed with sentencing even in the absence of the defendant.

(c) The report shall include, but not be limited to, the defendant's driving record, an alcohol problem assessment, and a victim impact statement when applicable.

History. Acts 1983, No. 549, § 6; A.S.A. 1947, § 75-2506; Acts 1991, No. 899, § 1; 1999, No. 1077, § 10; 2003, No. 129, § 1; 2007, No. 251, § 1; 2007, No. 827, § 77.

5-65-110. Record of violations and court actions — Abstract.

(a) Any magistrate or judge of a court shall keep or cause to be kept a record of any violation of this act presented to that court and shall keep a record of any official action by that court in reference to the violation including, but not limited to, a record of every finding of guilt, plea of guilty or nolo contendere, judgment of acquittal, and the amount of fine and jail sentence.

(b) Within thirty (30) days after sentencing a person who has been found guilty or pleaded guilty or nolo contendere on a charge of violating any provision of this act, the magistrate of the court or clerk of the court shall prepare and immediately forward to the Office of Driver Services an abstract of the record of the court covering the case in which the person was found guilty or pleaded guilty or nolo contendere, and the abstract shall be certified by the person so required to prepare it to be true and correct.

(c) The abstract shall be made upon a form furnished by the office and shall include:

(1) The name and address of the party charged;

(2) The number, if any, of the operator's or chauffeur's license of the party charged;

(3) The registration number of the vehicle involved;

(4) The date of hearing;

(5) The plea;

(6) The judgment; and

(7) The amount of the fine and jail sentence, as the case may be.

History. Acts 1983, No. 549, § 10; A.S.A. 1947, § 75-2510.

5-65-111. Prison terms — Exception.

(a)(1)(A) Any person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103, for a first offense, may be imprisoned for no less than twenty-four (24) hours and no more than one (1) year.

(B) However, the court may order public service in lieu of jail, and in that instance, the court shall include the reasons for the order of public service in lieu of jail in the court's written order or judgment.

(2)(A) However, if a passenger under sixteen (16) years of age was in the vehicle at the time of the offense, a person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103, for a first offense, may be imprisoned for no fewer than seven (7) days and no more than one (1) year.

(B) However, the court may order public service in lieu of jail, and in that instance, the court shall include the reasons for the order of public service in lieu of jail in the court's written order or judgment.

(b) Any person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 or any other equivalent penal law of another state or foreign jurisdiction shall be imprisoned or shall be ordered to perform public service in lieu of jail as follows:

(1)(A) For no fewer than seven (7) days but no more than one (1) year for the second offense occurring within five (5) years of the first offense or no fewer than thirty (30) days of community service.

(B)(i) However, if a person under sixteen (16) years of age was in the vehicle at the time of the offense, for no fewer than thirty (30) days but no more than one (1) year for the second offense occurring within five (5) years of the first offense or no fewer than sixty (60) days of community service.

(ii) If the court orders community service, the court shall clearly set forth in written findings the reasons for the order of community service;

(2)(A) For no fewer than ninety (90) days but no more than one (1) year for the third offense occurring within five (5) years of the first offense or no fewer than ninety (90) days of community service.

(B)(i) However, if a person under sixteen (16) years of age was in the vehicle at the time of the offense, for no fewer than one hundred twenty days (120) days but no more than one (1) year for the third offense occurring within five (5) years of the first offense or no fewer than one hundred twenty (120) days of community service.

(ii) If the court orders community service, the court shall clearly set forth in written findings the reasons for the order of community service;

(3)(A) For at least one (1) year but no more than six (6) years for the fourth offense occurring within five (5) years of the first offense or not less than one (1) year of community service and is guilty of a felony.

(B)(i) However, if a person under sixteen (16) years of age was in the vehicle at the time of the offense, for at least two (2) years but no more than six (6) years for the fourth offense occurring within five (5) years of the first offense or not less than two (2) years of community service and is guilty of a felony.

(ii) If the court orders community service, the court shall clearly set forth in written findings the reasons for the order of community service; and

(4)(A)(i) For at least two (2) years but no more than ten (10) years for the fifth or subsequent offense occurring within five (5) years of the first offense or not less than two (2) years of community service and is guilty of a felony.

(ii) If the court orders community service, the court shall clearly set forth in written findings the reasons for the order of community service.

(B)(i) However, if a person under sixteen (16) years of age was in the vehicle at the time of the offense, for at least three (3) years but no more than ten (10) years for the fifth offense occurring within five (5) years of the first offense or not less than three (3) years of community service and is guilty of a felony.

(ii) If the court orders community service, the court shall clearly set forth in written findings the reasons for the order of community service.

(c) For any arrest or offense occurring before July 30, 1999, but that has not reached a final disposition as to judgment in court, the offense shall be decided under the law in effect at the time the offense occurred, and any defendant is subject to the penalty provisions in effect at that time and not under the provisions of this section.

(d) It is an affirmative defense to prosecution under subdivisions (a)(2), (b)(1)(B), (b)(2)(B), (b)(3)(B), and (b)(4)(B) of this section that the person operating or in actual physical control of the motor vehicle was not more than two (2) years older than the passenger.

(e) A prior conviction for § 5-10-105(a)(1)(A) or (B) is considered a previous offense for purposes of subsection (b) of this section.

History. Acts 1983, No. 549, § 4; A.S.A. 1947, § 75-2504; Acts 1997, No. 1236, § 1; 1999, No. 1077, § 11; 2001, No. 1206, § 1; 2003, No. 1461, §§ 1, 2; 2009, No. 650, § 3.

5-65-112. Fines.

Any person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103 shall be fined:

(1) No less than one hundred fifty dollars ($150) and no more than one thousand dollars ($1,000) for the first offense;

(2) No less than four hundred dollars ($400) and no more than three thousand dollars ($3,000) for the second offense occurring within five (5) years of the first offense; and

(3) No less than nine hundred dollars ($900) and no more than five thousand dollars ($5,000) for the third or subsequent offense occurring within five (5) years of the first offense.

History. Acts 1983, No. 549, § 5; A.S.A. 1947, § 75-2505; Acts 1993, No. 106, § 1; 1999, No. 1077, § 12.

5-65-113. [Repealed.]

Publisher's Notes. This section, concerning additional court costs, was repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No. 13, § 4. The section was derived from Acts 1983, No. 918, §§ 1, 3; A.S.A. 1947, §§ 75-2531, 75-2532.

5-65-114. Inability to pay — Alternative public service work.

If it is determined that any individual against whom fines, fees, or court costs are levied for driving while intoxicated or driving while impaired is financially unable to pay the fines, fees, or costs, the court levying the fines, fees, or costs shall order the individual to perform public service work of such type and for such duration as deemed appropriate by the court.

History. Acts 1983, No. 918, § 4; A.S.A. 1947, § 75-2533.

5-65-115. Alcohol treatment or education program — Fee.

(a)(1) Any person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to complete an alcohol education program provided by a contractor with the Office of Alcohol and Drug Abuse Prevention or an alcoholism treatment program licensed by the Office of Alcohol and Drug Abuse Prevention.

(2)(A) The alcohol education program may collect a program fee of up to one hundred twenty-five dollars ($125) per enrollee to offset program costs.

(B)(i) A person ordered to complete an alcohol education program under this section may be required to pay, in addition to the costs collected for education or treatment, a fee of up to twenty-five dollars ($25.00) to offset the additional costs associated with reporting requirements under this subchapter.

(ii) The alcohol education program shall report monthly to the Office of Alcohol and Drug Abuse Prevention all revenue derived from this fee.

(b)(1) A person whose license is suspended or revoked for violating § 5-65-103 shall:

(A) Both:

(i) Furnish proof of attendance at and completion of the alcoholism treatment program or alcohol education program required under § 5-65-104(b)(1) before reinstatement of his or her suspended or revoked driver's license; and

(ii) Pay any fee for reinstatement required under § 5-65-119 or § 5-65-304; or

(B) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

(2) An application for reinstatement shall be made to the Office of Driver Services.

(c) Even if a person has filed a de novo petition for review pursuant to § 5-65-402, the person is entitled to reinstatement of driving privileges upon complying with this section and is not required to postpone reinstatement until the disposition of the de novo review in circuit court has occurred.

(d)(1) A person suspended under this act may enroll in an alcohol education program prior to disposition of the offense by the circuit court, district court, or city court.

(2) However, the person is not entitled to any refund of a fee paid if the charges are dismissed or if the person is acquitted of the charges.

(e) Each alcohol education program or alcoholism treatment program shall remit the fees imposed under this section to the Office of Alcohol and Drug Abuse Prevention.

History. Acts 1983, No. 549, § 7; 1985, No. 108, § 1; A.S.A. 1947, § 75-2507; Acts 1991, No. 486, § 1; 1995, No. 172, § 1; 1995, No. 263, § 1; 1995, No. 1032, § 1; 1995, No. 1256, § 20; 1995 (1st Ex. Sess.), No. 13, § 4; 1999, No. 1077, § 13; 2003, No. 1462, § 2; 2005, No. 1768, § 3; 2007, No. 251, § 2; 2007, No. 827, § 78; 2009, No. 748, § 28.

5-65-116. Denial of driving privileges for minor — Restricted permit.

(a) As used in this section, "drug offense" means the same as in § 5-64-710.

(b)(1)(A) If a person who is less than eighteen (18) years of age pleads guilty or nolo contendere to or is found guilty of driving while intoxicated under § 5-65-101 et seq., or of any criminal offense involving the illegal possession or use of controlled substances, or of any drug offense, in this state or any other state, or is found by a juvenile court to have committed such an offense, the court having jurisdiction of the matter, including any federal court, shall prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for the minor.

(B) A court within the State of Arkansas shall prepare and transmit any order under subdivision (b)(1)(A) of this section within twenty-four (24) hours after the plea or finding to the department.

(C) A court outside Arkansas having jurisdiction over any person holding driving privileges issued by the State of Arkansas shall prepare and transmit any order under subdivision (b)(1)(A) of this section pursuant to an agreement or arrangement entered into between that state and the Director of the Department of Finance and Administration.

(D) An arrangement or agreement under subdivision (b)(1)(C) of this section may also provide for the forwarding by the department of an order issued by a court within this state to the state where the person holds driving privileges issued by that state.

(2) For any person holding driving privileges issued by the State of Arkansas, a court within this state in a case of extreme and unusual hardship may provide in an order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(c) A penalty prescribed in this section or § 27-16-914 is in addition to any other penalty prescribed by law for an offense covered by this section and § 27-16-914.

(d) In regard to any offense involving illegal possession under this section, it is a defense if the controlled substance is the property of an adult who owns the vehicle.

History. Acts 1989 (3rd Ex. Sess.), No. 93, §§ 1, 3, 4; 1993, No. 1257, § 2.

5-65-117. Seizure and sale of motor vehicles.

(a)(1)(A) Any person who pleads guilty or nolo contendere or is found guilty of violating § 5-65-103 for a fourth offense occurring within three (3) years of the first offense, at the discretion of the court, may have his or her motor vehicle seized.

(B) If the motor vehicle is seized, the title to the motor vehicle is forfeited to the state.

(2)(A) If ordered by the court, it is the duty of the sheriff of the county where the offense occurred to seize the motor vehicle.

(B) The court may issue an order directing the sheriff to sell the motor vehicle seized at a public auction to the highest bidder within thirty (30) days from the date of judgment.

(b)(1) The sheriff shall advertise the motor vehicle for sale for a period of two (2) weeks prior to the date of sale by at least one (1) insertion per week in a newspaper having a bona fide circulation in the county.

(2) The notice shall include a brief description of the motor vehicle to be sold and the time, place, and terms of the sale.

(c) The proceeds of the sale of the seized motor vehicle shall be deposited into the county general fund.

(d)(1) After the sheriff has made the sale and has turned over the proceeds of the sale to the county treasurer, the sheriff shall report his or her actions to the court in which the defendant was tried.

(2) The report required by subdivision (d)(1) of this section shall be filed with the court within sixty (60) days from the date of judgment.

(e) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission.

History. Acts 1989 (3rd Ex. Sess.), No. 94, § 1.

5-65-118. Additional penalties — Ignition interlock devices.

(a)(1)(A)(i) In addition to any other penalty authorized for a violation of this chapter, upon an arrest of a person for violating § 5-65-103 for a first or second offense, the Office of Driver Services may restrict the person to operating only a motor vehicle that is equipped with a functioning ignition interlock device.

(ii) The restriction may continue for a period of up to one (1) year after the person's license is no longer suspended or restricted under the provisions of § 5-65-104.

(B) Upon a finding that a person is financially able to afford an ignition interlock device and upon an arrest for a violation of § 5-65-103 for a third or subsequent offense, the office may restrict the offender to operate only a motor vehicle that is equipped with a functioning ignition interlock device for up to one (1) year after the person's license is no longer suspended or restricted under § 5-65-104.

(2) In accordance with the requirements under the provisions of § 5-65-104, the office may issue an ignition interlock restricted license to the person only after the person has verified installation of a functioning ignition interlock device to the office in any motor vehicle the person intends to operate, except for an exemption allowed under subsection (g) of this section.

(3) The office shall establish:

(A) A specific calibration setting no lower than two hundredths of one percent (.02%) nor more than five hundredths of one percent (.05%) of alcohol in the person's blood at which the ignition interlock device will prevent the motor vehicle's being started; and

(B) The period of time that the person is subject to the restriction.

(4) As used in this section, "ignition interlock device" means a device that connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if a driver's blood alcohol level exceeds the calibration setting on the device.

(b) Upon restricting the offender to the use of an ignition interlock device, the office shall:

(1)(A) State on the record the requirement for and the period of use of the ignition interlock device.

(B) However, if the office restricts the offender to the use of an ignition interlock device in conjunction with the issuance of an ignition interlock restricted license under a provision of § 5-65-104, the period of requirement of use of the ignition interlock device shall be at least the remaining time period of the original suspension imposed under § 5-65-104;

(2) Ensure that the records of the office reflect that the person may not operate a motor vehicle that is not equipped with an ignition interlock device;

(3) Attach or imprint a notation on the driver's license of any person restricted under this section stating that the person may operate only a motor vehicle equipped with an ignition interlock device;

(4) Require the person restricted under this section to show proof of installation of a certified ignition interlock device prior to the issuance by the office of an ignition interlock restricted license under a provision of § 5-65-104;

(5) Require proof of the installation of the ignition interlock device and periodic reporting by the person for verification of the proper operation of the ignition interlock device;

(6) Require the person to have the ignition interlock device serviced and monitored at least every sixty-seven (67) days for proper use and accuracy by an entity approved by the Department of Health; and

(7)(A) Require the person to pay the reasonable cost of leasing or buying and monitoring and maintaining the ignition interlock device.

(B) The office may establish a payment schedule for the reasonable cost of leasing or buying and monitoring and maintaining the ignition interlock device.

(c)(1) A person restricted under this section to operate only a motor vehicle that is equipped with an ignition interlock device may not solicit or have another person start or attempt to start a motor vehicle equipped with an ignition interlock device.

(2) Except as provided in subsection (g) of this section, a violation of this subsection is a Class A misdemeanor.

(d)(1) A person may not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who is restricted under this section to operate only a motor vehicle that is equipped with an ignition interlock device.

(2) Except as provided in subsection (g) of this section, a violation of this subsection is a Class A misdemeanor.

(e)(1) A person may not tamper with or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle.

(2) Except as provided in subsection (g) of this section, a violation of this subsection is a Class A misdemeanor.

(f)(1) A person may not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person who the provider of the vehicle knows or should know was restricted to operate only a motor vehicle equipped with an ignition interlock device.

(2) Except as provided in subsection (g) of this section, a violation of this subsection is a Class A misdemeanor.

(g)(1) Any person found to have violated subsections (c)-(f) of this section is guilty of a Class A misdemeanor.

(2) However, the penalty provided in subdivision (g)(1) of this section does not apply if:

(A) The starting of a motor vehicle or the request to start a motor vehicle equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the ignition interlock device or the motor vehicle and the person subject to the restriction does not operate the motor vehicle; or

(B)(i) The court finds that a person is required to operate a motor vehicle in the course and scope of the person's employment and, if the motor vehicle is owned by the employer, that the person may operate that motor vehicle during regular working hours for the purposes of his or her employment without installation of an ignition interlock device if the employer has been notified of the driving privilege restriction and if proof of that notification is with the motor vehicle.

(ii) However, the employment exemption in subdivision (g)(2)(B)(i) does not apply if the business entity that owns the motor vehicle is owned or controlled by the person who is prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(h) If the person restricted under this section cannot provide proof of installation of a functioning ignition interlock device to the office under subsection (a) of this section, the office shall not issue an ignition interlock restricted license as authorized under this section.

(i) In addition to any other penalty authorized under this section, if the office finds that a person has violated a condition under this section related to the proper use, circumvention, or maintenance of an ignition interlock device, the office shall revoke the ignition interlock restricted license and reinstate a license suspension for the term of the original license suspension.

(j) Any person whose license was suspended under § 5-65-104 who would otherwise be eligible to obtain an ignition interlock restricted license may petition the office for a hearing and the office or its designated official may issue an ignition interlock restricted license as authorized under the applicable provisions of §§ 5-65-104 and 5-65-205.

(k)(1) The department shall:

(A) Certify the ignition interlock devices for use in this state,

(B) Approve the entities that install and monitor the ignition interlock devices; and

(C) Adopt rules and regulations for the certification of the ignition interlock devices and ignition interlock device installation.

(2) The rules and regulations shall require an ignition interlock device, at a minimum, to:

(A) Not impede the safe operation of the motor vehicle;

(B) Minimize the opportunities to be bypassed;

(C) Work accurately and reliably in an unsupervised environment;

(D) Properly and accurately measure the person's blood alcohol levels;

(E) Minimize the inconvenience to a sober user; and

(F) Be manufactured by an entity that is responsible for installation, user training, and servicing and maintenance of the ignition interlock device, and that is capable of providing monitoring reports to the office.

(3) The division shall develop a warning label to be affixed to any ignition interlock device used in the state to warn any person of the possible penalties for tampering with or attempting to circumvent the ignition interlock device.

(4) The division shall:

(A) Publish and update a list of certified ignition interlock device manufacturers and approved ignition interlock device installers; and

(B) Periodically provide the list required by subdivision (k)(4)(A) of this section to the office.

History. Acts 1993, No. 298, § 1; 1995, No. 1296, § 8; 1999, No. 1468, § 2; 2001, No. 1206, § 2; 2001, No. 1501, § 2; 2005, No. 1234, § 2; 2007, No. 827, § 79.

5-65-119. Distribution of fee.

(a) The Office of Driver Services shall charge a fee to be calculated as provided under subsection (b) of this section for reinstating a driving privilege suspended or revoked because of an arrest for operating or being in actual physical control of a motor vehicle

while intoxicated or while there was an alcohol concentration of eight-hundredths (0.08) or more in the person's breath or blood, § 5-65-103, or refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath, § 5-65-205, and the fee shall be distributed as follows:

(1) Seven percent (7%) of the revenues derived from this fee shall be deposited into the State Treasury as special revenues and credited to the Public Health Fund to be used exclusively for the Office of Alcohol Testing of the Division of Health of the Department of Health and Human Services;

(2) Thirty-three percent (33%) of the revenues derived from this fee shall be deposited as special revenues into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund as a direct revenue to be used by the Office of Driver Services for use in supporting the administrative driver's licensing revocation and sanctions programs provided for in this subchapter;

(3) Ten percent (10%) of the revenues derived from this fee shall be deposited into the State Treasury, and the Treasurer of State shall credit them as general revenues to the various funds in the respective amounts to each and to be used for the purposes as provided in the Revenue Stabilization Law, § 19-5-101 et seq.; and

(4) Fifty percent (50%) of the revenues derived from this fee shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(b)(1)(A) The reinstatement fee shall be calculated by multiplying one hundred fifty dollars ($150) by each separate occurrence of an offense resulting in an administrative suspension order under § 5-65-103 or § 5-65-205 unless the administrative suspension order has been removed because:

(i) The person has been found not guilty of the offense by a circuit court or district court; or

(ii) A de novo review of the administrative suspension order by the Office of Driver Services results in the removal.

(B) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-304, § 5-65-310, § 27-16-508, or § 27-16-808.

(2) As used in this subsection, "occurrence" means each separate calendar date when an offense or offenses take place.

History. Acts 1995, No. 802, § 2; 2001, No. 561, § 6; 2003, No. 1001, § 1; 2005, No. 1992, § 1.

5-65-120. Restricted driving permit.

(a) Following an administrative hearing for suspension or revocation of a driver's license as provided for in § 5-65-402, or upon a request of a person whose privilege to drive has been denied or suspended, the Office of Driver Services or its designated agent may modify the denial or suspension in a case of extreme and unusual hardship by the issuance of a restricted driving permit when, upon a review of the person's driving record for a time period of five (5) years prior to the current denial, revocation, or suspension of driving privilege or a driver's license, at the discretion of the office or its designated agent it is determined that:

(1) The person:

(A) Is not a multiple traffic law offender; or

(B) Does not present a threat to the general public; and

(2) No other adequate means of transportation exists for the person except to allow driving in any of the following situations:

(A) To and from the person's place of employment;

(B) In the course of the person's employment;

(C) To and from an educational institution for the purpose of attending a class if the person is enrolled and regularly attending a class at the institution;

(D) To and from an alcohol education program or alcoholism treatment program for drunk drivers; or

(E) To and from a hospital or clinic for medical treatment or care for an illness, disease, or other medical condition of the person or a family member.

(b) The restricted driving permit shall state the specific times and circumstances under which driving is permitted.

(c) The restricted driving permit shall not be granted to any person suspended for a second or subsequent offense of violating § 5-65-103, § 5-65-205, § 5-65-303, or § 5-65-310.

History. Acts 1995, No. 802, §§ 3, 5; 1997, No. 1325, § 3; 1999, No. 1077, § 14; 2007, No. 827, § 80; 2009, No. 748, § 29; 2009, No. 1293, § 2.

5-65-121. Victim impact panel attendance — Fee.

(a)(1) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, or § 3-3-203 shall attend a victim impact panel sponsored by an organization approved by the Office of Alcohol and Drug Abuse Prevention of the Department of Human Services.

(2) The organization selected by the office shall be an organization that provides statewide services to victims of drunk driving.

(b)(1) The organization approved by the office may collect a program fee of ten dollars ($10.00) per enrollee to offset program costs to be remitted to the organization.

(2) The organization approved by the office shall provide proof of attendance and completion to the

person required to attend the victim impact panel upon completion of the victim impact panel.

History. Acts 2009, No. 946, § 1.

Subchapter 2 — Chemical Analysis of Body Substances

SECTION.
5-65-201. Rules and regulations.
5-65-202. Implied consent.
5-65-203. Administration.
5-65-204. Validity — Approved methods.
5-65-205. Refusal to submit.
5-65-206. Evidence in prosecution.
5-65-207. Alcohol testing devices.
5-65-208. Motor vehicle accidents — Testing required.

5-65-201. Rules and regulations.

The Division of Health of the Department of Health and Human Services may promulgate rules and regulations reasonably necessary to carry out the purposes of this subchapter.

History. Acts 1969, No. 106, § 2; A.S.A. 1947, § 75-1046.

5-65-202. Implied consent.

(a) Any person who operates a motor vehicle or is in actual physical control of a motor vehicle in this state is deemed to have given consent, subject to the provisions of § 5-65-203, to one (1) or more chemical tests of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her breath or blood if:

(1) The person is arrested for any offense arising out of an act alleged to have been committed while the person was driving while intoxicated or driving while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood;

(2) The person is involved in an accident while operating or in actual physical control of a motor vehicle; or

(3) At the time the person is arrested for driving while intoxicated, the law enforcement officer has reasonable cause to believe that the person, while operating or in actual physical control of a motor vehicle, is intoxicated or has an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood.

(b) Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn the consent provided by subsection (a) of this section, and one (1) or more chemical tests may be administered subject to the provisions of § 5-65-203.

History. Acts 1969, No. 106, § 1; 1971, No. 55, § 1; 1971, No. 306, § 1; 1973, No. 127, § 1; 1975, No. 660, § 1; 1983, No. 549, § 11; A.S.A. 1947, § 75-1045; Acts 1987, No. 75, § 1; 1993, No. 132, § 1; 2001, No. 561, § 7; 2009, No. 431, § 1.

5-65-203. Administration.

(a) One (1) or more chemical tests authorized in § 5-65-202 shall be administered at the direction of a law enforcement officer having reasonable cause to believe the person to have been operating or in actual physical control of a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood.

(b)(1) The law enforcement agency by which the law enforcement officer is employed shall designate which chemical test or chemical tests shall be administered, and the law enforcement agency is responsible for paying any expense incurred in conducting the chemical test or chemical tests.

(2) If the person tested requests that additional chemical test or chemical tests be made, as authorized in § 5-65-204(e), the cost of the additional chemical test or chemical tests shall be borne by the person tested, unless the person is found not guilty in which case the arresting law enforcement agency shall reimburse the person for the cost of the additional chemical test or chemical tests.

(3) If any person objects to the taking of his or her blood for a chemical test, as authorized in this chapter, the breath or urine of the person may be used to make the chemical analysis.

History. Acts 1969, No. 106, § 1; 1971, No. 55, § 1; 1971, No. 306, § 1; 1973, No. 127, § 1; 1975, No. 660, § 1; 1983, No. 549, § 11; A.S.A. 1947, § 75-1045; Acts 1987, No. 75, § 1; 2001, No. 561, § 8; 2009, No. 431, § 2.

5-65-204. Validity — Approved methods.

(a)(1) "Alcohol concentration" means either:

(A) Grams of alcohol per one hundred milliliters (100 ml) or one hundred cubic centimeters (100 cc) of blood; or

(B) Grams of alcohol per two hundred ten liters (210 l) of breath.

(2) The alcohol concentration of other bodily substances is based upon grams of alcohol per one hundred milliliters (100 ml) or one hundred cubic centimeters (100 cc) of blood, the same being percent weight per volume or percent alcohol concentration.

(b)(1)(A) A chemical analysis made to determine the presence and amount of alcohol in a person's blood, urine, or breath to be considered valid under this chapter shall be performed according to a method approved by the Department of Health or by an individual possessing a valid certificate issued by the department for this purpose.

(B) The department may:

(i) Approve satisfactory techniques or methods for the chemical analysis;

(ii) Ascertain the qualifications and competence of an individual to conduct the chemical analysis; and

(iii) Issue a certificate that is subject to termination or revocation at the discretion of the department.

(C)(i) An auxiliary law enforcement officer appointed as a reserve law enforcement officer and certified by the department in the operation of an instrument used to determine the alcohol content of the breath may operate an instrument used to determine the alcohol content of the breath under this chapter.

(ii) The department shall promulgate rules to implement subdivision (b)(1)(C)(i) of this section.

(2) However, a method of chemical analysis of a person's blood, urine, or other bodily substance made by the State Crime Laboratory for determining the presence of one (1) or more controlled substances or any intoxicant is exempt from approval by the division or the State Board of Health.

(c) To be considered valid under the provisions of this section, a chemical analysis of a person's blood, urine, breath, or other bodily substance for determining the alcohol content of the blood or breath shall be performed according to a method approved by the board.

(d)(1) When a person submits to a blood test at the request of a law enforcement officer under a provision of this section, blood may be drawn by a physician or a person acting under the direction and supervision of a physician.

(2) The limitation in subdivision (d)(1) of this section does not apply to the taking of a breath or urine specimen.

(3)(A) No person, institution, or office in this state that withdraws blood for the purpose of determining alcohol or controlled substance content of the blood at the request of a law enforcement officer under a provision of this chapter shall be held liable for violating any criminal law of this state in connection with the withdrawing of the blood.

(B) No physician, institution, or person acting under the direction or supervision of a physician shall be held liable in tort for the withdrawal of the blood unless the person is negligent in connection with the withdrawal of the blood or the blood is taken over the objections of the subject.

(e)(1) The person tested may have a physician or a qualified technician, registered nurse, or other qualified person of his or her own choice administer a complete chemical test in addition to any chemical test administered at the direction of a law enforcement officer.

(2) The law enforcement officer shall advise the person in writing of the right provided in subdivision (e)(1) of this section and that if the person chooses to have an additional chemical test and the person is found not guilty, the arresting law enforcement agency shall reimburse the person for the cost of the additional chemical test.

(3) The refusal or failure of a law enforcement officer to advise a person of the right provided in subdivision (e)(1) of this section and to permit and assist the person to obtain a chemical test under subdivision (e)(1) of this section precludes the admission of evidence relating to a chemical test taken at the direction of a law enforcement officer.

(f) Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the chemical test shall be made available to the person or to his or her attorney.

History. Acts 1969, No. 106, §§ 1, 2; 1971, No. 55, § 1; 1971, No. 306, § 1; 1973, No. 127, § 1; 1975, No. 660, § 1; 1983, No. 549, § 11; 1985, No. 169, § 1; A.S.A. 1947, §§ 75-1045, 75-1046; Acts 1989, No. 361, § 1; 2001, No. 561, §§ 9, 10; 2005, No. 886, § 1; 2011, No. 1240, § 1.

5-65-205. Refusal to submit.

(a)(1) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency, as provided in § 5-65-202, no chemical test shall be given, and the person's motor vehicle operator's license shall be seized by the law enforcement officer, and the law enforcement officer shall immediately deliver to the person from whom the motor vehicle operator's license was seized a temporary driving permit, as provided by § 5-65-402.

(2) Refusal to submit to a chemical test under this subsection is a strict liability offense and is a violation pursuant to § 5-1-108.

(b) The Office of Driver Services shall then proceed to suspend or revoke the driving privilege of the arrested person, as provided in § 5-65-402. The suspension shall be as follows:

(1)(A)(i) Suspension for one hundred eighty (180) days for the first offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of the person's blood or breath.

(ii)*(a)* However, if the office allows the issuance of an ignition interlock restricted license under § 5-65-118, the ignition interlock restricted license shall be available immediately.

(b) The ignition interlock restricted license provision of § 5-65-118 does not apply to the suspension under subdivision (b)(1)(A)(i) of this section if the person is arrested for an offense of operating or being in actual physical control of a motor vehicle while intoxicated by the ingestion of or by the use of a controlled substance.

(iii) The restricted driving permit provision of § 5-65-120 does not apply to this suspension.

(B) The office, in addition to any other penalty, shall deny to that person the issuance of an operator's license until that person has been issued an ignition interlock restricted license for a period of six (6) months;

(2) Suspension for two (2) years, during which no restricted permit may be issued, for a second offense of refusing to submit to a chemical test of blood, breath, or urine for the purposes of determining the alcohol or controlled substance content of the person's blood or breath within five (5) years of the first offense;

(3) Revocation for three (3) years, during which no restricted permit may be issued, for the third

offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of the person's blood within five (5) years of the first offense; and

(4) Lifetime revocation, during which no restricted permit may be issued, for the fourth or subsequent offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of the person's blood or breath within five (5) years of the first offense.

(c) [Repealed.]

(d) In order to determine the number of previous offenses to consider when suspending or revoking the arrested person's driving privileges, the office shall consider as a previous offense any of the following that occurred within the five (5) years immediately before the current offense:

(1) Any conviction for an offense of refusing to submit to a chemical test; and

(2) Any suspension or revocation of driving privileges for an arrest for refusing to submit to a chemical test when the person was not subsequently acquitted of the criminal charge.

(e) In addition to any other penalty provided for in this section:

(1) If the person is a resident without a license or permit to operate a motor vehicle in this state, the office shall deny to that person the issuance of a license or permit for a period of six (6) months for a first offense; and

(2) For a second or subsequent offense by a resident without a license or permit to operate a motor vehicle, the office shall deny to that person the issuance of a license or permit for a period of one (1) year.

History. Acts 1969, No. 106, § 1; 1971, No. 55, § 1; 1971, No. 306, § 1; 1973, No. 127, § 1; 1975, No. 660, § 1; 1983, No. 549, § 11; A.S.A. 1947, § 75-1045; Acts 1987, No. 277, § 1; 1995, No. 802, §§ 4, 5; 1999, No. 1077, § 15; 2001, No. 1501, § 3; 2003, No. 1779, § 2; 2005, No. 1234, § 1; 2007, No. 712, § 2; 2009, No. 359, § 4; 2009, No. 633, § 4, 2009, No. 748, § 30.

5-65-206. Evidence in prosecution.

(a) In any criminal prosecution of a person charged with the offense of driving while intoxicated, the amount of alcohol in the defendant's breath or blood at the time or within four (4) hours of the alleged offense, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance gives rise to the following:

(1) If there was at that time an alcohol concentration of four hundredths (0.04) or less in the defendant's blood, urine, breath, or other bodily substance, it is presumed that the defendant was not under the influence of intoxicating liquor; and

(2) If there was at the time an alcohol concentration in excess of four hundredths (0.04) but less than eight hundredths (0.08) by weight of alcohol in the defendant's blood, urine, breath, or other bodily substance, this fact does not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(b) The provisions in subsection (a) of this section shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question of whether or not the defendant was intoxicated.

(c) The chemical analysis referred to in this section shall be made by a method approved by the State Board of Health.

(d)(1)(A) Except as provided in subsection (e) of this section, a record or report of a certification, rule, evidence analysis, or other document pertaining to work performed by the Office of Alcohol Testing of the Department of Health under the authority of this chapter shall be received as competent evidence as to the matters contained in the record or report in a court of this state, subject to the applicable rules of criminal procedure when duly attested to by the Director of the Office of Alcohol Testing of the Department of Health or his or her assistant, in the form of an original signature or by certification of a copy.

(B) A document described in subdivision (d)(1)(A) of this section is self-authenticating.

(2) However, the instrument performing the chemical analysis shall have been duly certified at least one (1) time in the last three (3) months preceding arrest, and the operator of the instrument shall have been properly trained and certified.

(3) Nothing in this section is deemed to abrogate a defendant's right to confront the person who performs the calibration test or check on the instrument, the operator of the instrument, or a representative of the office.

(4) The testimony of the appropriate analyst or official may be compelled by the issuance of a proper subpoena by the party who wishes to call the appropriate analyst or official given ten (10) days prior to the date of hearing or trial, in which case the record or report is admissible through the analyst or official, who is subject to cross-examination by the defendant or his or her counsel.

(e) When a chemical analysis of a defendant's blood, urine, or other bodily substance is made by the State Crime Laboratory for the purpose of ascertaining the presence of one (1) or more controlled substances or any intoxicant, other than alcohol, in any criminal prosecution under § 5-65-103, § 5-65-303, or § 5-10-105, the provisions of § 12-12-313 govern the admissibility of the chemical analysis into evidence rather than the provisions of this section.

History. Acts 1957, No. 346, § 1; 1961, No. 215, § 1; 1969, No. 17, § 1; 1971, No. 578, § 1; 1983, No. 549, § 12; A.S.A. 1947, § 75-1031.1; Acts 1989, No. 928, § 1; 1999, No. 462, § 1; 2001, No.

561, §§ 11, 12; 2005, No. 886, § 2; 2007, No. 650, § 1; 2009, No. 748, § 31.

5-65-207. Alcohol testing devices.

(a)(1) Any instrument used to determine the alcohol content of the breath for the purpose of determining if the person was operating a motor vehicle while intoxicated or with an alcohol concentration of eight hundredths (0.08) or more shall be so constructed that the analysis is made automatically when a sample of the person's breath is placed in the instrument, and without any adjustment or other action of the person administering the analysis.

(2) The instrument shall be so constructed that the alcohol content is shown by visible digital display on the instrument and on an automatic readout.

(b) Any breath analysis made by or through the use of an instrument that does not conform to the requirements prescribed in this section is inadmissible in any criminal or civil proceeding.

(c)(1) The State Board of Health may adopt appropriate rules and regulations to carry out the intent and purposes of this section, and only instruments approved by the board as meeting the requirements of this section and regulations of the board shall be used for making the breath analysis for determining alcohol concentration.

(2)(A) The Department of Health specifically may limit by its rules the types or models of testing devices that may be approved for use in Arkansas for the purposes set forth in this section.

(B) The approved types or models shall be specified by manufacturer's name and model.

(d) Any law enforcement agency that conducts alcohol testing shall maintain full compliance with this section.

History. Acts 1985, No. 533, §§ 1-3; A.S.A. 1947, §§ 75-1046.1 — 75-1046.3; Acts 1989, No. 419, § 1; 2001, No. 561, § 13; 2007, No. 827, § 81.

5-65-208. Motor vehicle accidents — Testing required.

(a)(1) When the driver of a motor vehicle is involved in an accident resulting in loss of human life or when there is reason to believe death may result, in addition to a penalty established elsewhere under state law, a chemical test of the driver's blood, breath, or urine shall be administered to the driver, even if fatally injured, to determine the presence of and percentage of concentration of alcohol or the presence of drugs, or both, in the driver's body.

(b)(1) The law enforcement agency that investigates an accident described in subsection (a) of this section, the physician in attendance, or any other person designated by state law shall order the chemical test as soon as practicable.

(2)(A) The medical personnel who conducted the chemical test under subsection (a) of this section of the driver's blood, breath, or urine shall forward the results of the chemical test to the Department of Arkansas State Police, and the department shall establish and maintain the results of the analyses required by subsection (a) of this section in a database.

(B) The information in the database shall reflect the number of fatal motor vehicle accidents in which:

(i) Alcohol was found to be a factor, with the percentage of alcohol concentration involved;

(ii) Drugs were found to be a factor, listing the class of drugs so found and their amounts; and

(iii) Both alcohol and drugs were found to be factors, with the percentage of alcohol concentration involved, and listing the class of drugs so found and their amounts.

(c) The results of the analyses required by this section shall be reported to the department and may be used by state and local officials for statistical purposes that do not reveal the identity of the deceased person or for any law enforcement purpose, including prosecution for the violation of any law.

History. Acts 1995, No. 711, § 2; 1995, No. 1105, § 2; 2003, No. 950, § 1; 2009, No. 423, § 1; 2011, No. 1120, § 13.

Subchapter 3 — Underage Driving Under the Influence Law

SECTION.

5-65-301. Title.
5-65-302. Definitions.
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5-65-311. Relationship to other laws.

5-65-301. Title.

This subchapter may be known and cited as the "Underage Driving Under the Influence Law" or the "Underage DUI Law".

History. Acts 1993, No. 863, § 1.

5-65-302. Definitions.

As used in this subchapter:

(1) "Influence" means being controlled or affected by the ingestion of an alcoholic beverage or similar intoxicant, or any combination of an alcoholic beverage or similar intoxicant, to such a degree that the driver's reactions, motor skills, and judgment are altered or diminished, even to the slightest scale, and the underage driver, therefore, due to inexperience and lack of skill, constitutes a danger of physi-

cal injury or death to himself or herself and other motorists or pedestrians; and

(2) "Underage" means any person who is under twenty-one (21) years of age and therefore may not legally consume alcoholic beverages in Arkansas.

History. Acts 1993, No. 863, § 2.

5-65-303. Conduct proscribed.

(a) It is unlawful and punishable as provided in this subchapter for any underage person to operate or be in actual physical control of a motor vehicle while under the influence of an alcoholic beverage or similar intoxicant.

(b) It is unlawful and punishable as provided in this subchapter for any underage person to operate or be in actual physical control of a motor vehicle if at that time there was an alcohol concentration of two-hundredths (0.02) but less than eight-hundredths (0.08) in the underage person's breath or blood as determined by a chemical test of the underage person's blood or breath or other bodily substance.

History. Acts 1993, No. 863, § 3; 2001, No. 561, § 14.

5-65-304. Seizure, suspension, and revocation of license — Temporary permits.

(a) At the time of arrest for violating § 5-65-303, the arresting law enforcement officer shall seize the motor vehicle operator's license of the underage person arrested and issue to the underage person a temporary driving permit as provided by § 5-65-402.

(b)(1) The Office of Driver Services shall suspend or revoke the driving privileges of the arrested underage person under the provisions of § 5-65-402 and the arrested underage person shall have the same right to hearing and judicial review as provided under § 5-65-402.

(2) The suspension or revocation shall be as follows:

(A) Suspension for ninety (90) days for the first offense of violating § 5-65-303;

(B) Suspension for one (1) year for the second offense of violating § 5-65-303; and

(C)(i) Revocation for the third or subsequent offense of violating § 5-65-303 occurring while the person is underage.

(ii) Revocation is until the underage person reaches twenty-one (21) years of age or for a period of three (3) years, whichever is longer.

(c) In order to determine the number of previous offenses to consider when suspending or revoking the arrested underage person's driving privileges, the office shall consider as a previous offense:

(1) Any conviction for violating § 5-65-103 or § 5-65-303; and

(2) Any suspension or revocation of driving privileges for an arrest for a violation of § 5-65-103 or § 5-65-303 when the person was not subsequently acquitted of the criminal charge.

(d)(1)(A)(i) The office shall charge a fee to be calculated as provided under subdivision (d)(2)(B) of this section for reinstating a driver's license suspended because of a violation of § 5-65-303 or § 5-65-310.

(ii) Forty percent (40%) of the revenues derived from this fee shall be deposited into the State Treasury as special revenues and credited to the Public Health Fund to be used exclusively for the Blood Alcohol Program of the Department of Health.

(B) The reinstatement fee is calculated by multiplying twenty-five dollars ($25.00) by each separate occurrence of an offenses resulting in an administrative suspension order under § 5-65-303 unless the administrative suspension order has been removed because:

(i) The person has been found not guilty of the offense by a circuit court or district court; or

(ii) A de novo review of the administrative suspension order by the office results in the removal.

(C) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-310, § 27-16-508, or § 27-16-808.

(2) As used in this subsection, "occurrence" means each separate calendar date when an offense or offenses take place.

History. Acts 1993, No. 863, § 4; 1999, No. 1077, § 16; 2005, No. 1992, § 2; 2007, No. 712, § 3.

5-65-305. Fines.

(a) Any person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-303 or § 5-65-310 shall be fined:

(1) No less than one hundred dollars ($100) and not more than five hundred dollars ($500) for the first offense;

(2) No less than two hundred dollars ($200) and not more than one thousand dollars ($1,000) for the second offense occurring underage; and

(3) No less than five hundred dollars ($500) and not more than two thousand dollars ($2,000) for the third or subsequent offense occurring underage.

(b) For the purpose of determining an underage person's fine under this subchapter, an underage person who has one (1) or more previous convictions or suspensions for a violation of § 5-65-103 or § 5-65-205 is deemed to have a conviction for a violation of this subchapter for each conviction for driving while intoxicated.

History. Acts 1993, No. 863, § 5; 1999, No. 1077, § 17.

5-65-306. Public service work.

(a) Any underage person who pleads guilty or nolo contendere to or is found guilty of violating

§ 5-65-303 or § 5-65-310 shall be ordered by the court to perform public service work of the type and for the duration as deemed appropriate by the court.

(b) The period of community service shall be for:

(1) No less than thirty (30) days for a second offense of violating § 5-65-303; and

(2) No less than sixty (60) days for a third or subsequent offense of violating § 5-65-303.

History. Acts 1993, No. 863, § 6; 1999, No. 1077, § 18.

5-65-307. Alcohol and driving education program.

(a)(1)(A) Any person who has his or her driving privileges suspended, revoked, or denied for violating § 3-3-203, § 5-65-310, or § 5-65-303 is required to complete an alcohol and driving education program for underage drivers as prescribed and approved by the Office of Alcohol and Drug Abuse Prevention or an alcoholism treatment program licensed by the Office of Alcohol and Drug Abuse Prevention, or both, in addition to any other penalty provided in this chapter.

(B) If during the period of suspension or revocation in subdivision (a)(1)(A) of this section the underage person commits an additional violation of § 3-3-203 or § 5-65-303, the underage person is also required to complete an approved alcohol and driving education program or alcoholism treatment program for each additional violation.

(2) The Office of Alcohol and Drug Abuse Prevention shall approve only those programs in alcohol and driving education that are targeted at the underage driving group and are intended to intervene and prevent repeat occurrences of driving under the influence or driving while intoxicated.

(3)(A)(i) The alcohol and driving education program may collect a program fee of up to one hundred twenty-five dollars ($125) per enrollee to offset program costs.

(ii) An underage person ordered to complete an alcohol and driving education program or an alcoholism treatment program under this section may be required to pay, in addition to the costs collected for the program, a fee of up to twenty-five dollars ($25.00) to offset the additional costs associated with reporting requirements under this subchapter.

(B) An approved alcohol and driving education program shall report monthly to the Office of Alcohol and Drug Abuse Prevention all revenue derived from these fees.

(b) Prior to reinstatement of a driver's license suspended or revoked under this subchapter, the driver shall furnish proof of attendance at and completion of the alcohol and driving education program or alcoholism treatment program required under subdivision (a)(1) of this section.

(c) The Office of Alcohol and Drug Abuse Prevention may promulgate rules reasonably necessary to carry out the purposes of this section regarding the approval and monitoring of the alcohol and driving education programs.

(d)(1)(A) A person whose license is suspended or revoked for violating § 5-65-303 or § 5-65-310 shall:

(i) Both:

(a) Furnish proof of attendance at and completion of the alcohol and driving education program or alcoholism treatment program required under subdivision (a)(1) of this section and at a victim impact panel as provided in § 5-65-121 before reinstatement of his or her suspended or revoked driver's license; and

(b) Pay any fee for reinstatement required under § 5-65-119, § 5-65-304, or § 5-65-121; or

(ii) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

(B) An application for reinstatement shall be made to the Office of Driver Services.

(2) Even if a person has filed a de novo petition for review pursuant to § 5-65-402, the person is entitled to reinstatement of driving privileges upon complying with this subsection and is not required to postpone reinstatement until the disposition of the de novo review in circuit court has occurred.

(3)(A) A person suspended under this subchapter may enroll in an alcohol education program prior to disposition of the offense by the circuit court, district court, or city court, but is not entitled to any refund of fees paid if the charges are dismissed or if the person is acquitted of the charges.

(B) A person who enrolls in an alcohol education program is not entitled to any refund of fees paid if the person is subsequently acquitted.

(e) Any alcohol and driving education program shall remit the fees imposed under this section to the Office of Alcohol and Drug Abuse Prevention.

History. Acts 1993, No. 863, § 7; 1995, No. 1256, § 20; 1995 (1st Ex. Sess.), No. 13, § 4; 1999, No. 1077, § 19; 2003, No. 1462, § 3; 2005, No. 1768, § 4; 2007, No. 251, § 3; 2009, No. 946, § 2.

5-65-308. No probation prior to adjudication of guilt.

(a)(1) Section 16-93-301 et seq. allows a circuit court judge, district court judge, or city court judge to place on probation a first offender who plead guilty or nolo contendere prior to an adjudication of guilt, and upon successful completion of probation, the circuit court judge, district court judge, or city court judge may discharge the accused without a court adjudication of guilt and expunge the record.

(2)(A) No circuit court judge, district court judge, or city court judge may utilize the provisions of § 16-93-301 et seq. in an instance in which an underage person is charged with violating § 5-65-303.

(B) Notwithstanding the provisions of § 5-4-301, § 5-4-322, or subdivision (a)(2)(A) of this

section, in addition to the mandatory penalties required for a violation of § 5-65-303 a circuit court judge, district court judge, or city court judge may utilize probationary supervision solely for the purpose of monitoring compliance with his or her orders and require an offender to pay a reasonable fee in an amount to be established by the circuit court judge, district court judge, or city court judge.

(b) Any magistrate or judge of a court shall keep or cause to be kept a record of any violation of this subchapter presented to that court and shall keep a record of any official action by that court in reference to the violation of this subchapter, including, but not limited to, a record of any finding of guilt, plea of guilty or nolo contendere, or judgment of acquittal, and the amount of fine and other sentence.

(c) Within thirty (30) days after sentencing a person who has been found guilty or pleaded guilty or nolo contendere on a charge of violating any provision of this subchapter, any magistrate of the court or clerk of the court shall prepare and immediately forward to the Office of Driver Services an abstract of the record of the court covering the case in which the person was found guilty or pleaded guilty or nolo contendere, and the abstract shall be certified by the person so required to prepare it to be true and correct.

(d) The abstract shall be made upon a form furnished by the office and shall include:

(1) The name and address of the party charged;

(2) The number, if any, of the driver's license of the party charged;

(3) The registration number of the vehicle involved;

(4) The date of hearing;

(5) The plea;

(6) The judgment; and

(7) The amount of the fine and other sentence, as the case may be.

History. Acts 1993, No. 863, § 8; 2005, No. 1768, § 5.

5-65-309. Implied consent.

(a) Any underage person who operates a motor vehicle or is in actual physical control of a motor vehicle in this state is deemed to have given consent, subject to the provisions of § 5-65-203, to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her breath or blood if:

(1) The underage person is arrested for any offense arising out of an act alleged to have been committed while the underage person was driving while under the influence or driving while there was an alcohol concentration of two-hundredths (0.02) but less than eight-hundredths (0.08) in his or her breath or blood;

(2) The underage person is involved in an accident while operating or in actual physical control of a motor vehicle; or

(3) The underage person is stopped by a law enforcement officer who has reasonable cause to believe that the underage person, while operating or in actual physical control of a motor vehicle, is under the influence or has an alcohol concentration of two-hundredths (0.02) but less than eight-hundredths (0.08) in his or her breath or blood.

(b) Any underage person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn the consent provided by subsection (a) of this section, and a chemical test may be administered subject to the provisions of § 5-65-203.

History. Acts 1993, No. 863, § 9; 2001, No. 561, § 15.

5-65-310. Refusal to submit.

(a)(1) If an underage person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency, as provided in § 5-65-309, no chemical test shall be given, and the underage person's driver's license shall be seized by the law enforcement officer, and the law enforcement officer shall immediately deliver to the underage person from whom the driver's license was seized a temporary driving permit, as provided by § 5-65-402.

(2) Refusal to submit to a chemical test under this subsection is a strict liability offense and is a violation pursuant to § 5-1-108.

(b)(1) The Office of Driver Services shall suspend or revoke the driving privileges of the arrested underage person under § 5-65-402.

(2) The office shall suspend the underage person's driving privileges as follows:

(A) Suspension for ninety (90) days for a first offense under this section;

(B) Suspension for one (1) year for a second offense under this section; and

(C)(i) Revocation for the third or subsequent offense occurring while the person is underage.

(ii) Revocation is until the underage person reaches twenty-one (21) years of age or for a period of three (3) years, whichever is longer.

(c) In order to determine the number of previous offenses to consider when suspending or revoking the arrested underage person's driving privileges, the office shall consider as a previous offense:

(1) Any conviction for violating § 5-65-310; and

(2) Any suspension or revocation of driving privileges for an arrest for a violation of § 5-65-310 when the person was not subsequently acquitted of the criminal charge.

(d) In addition to any other penalty provided for in this section, if the underage person is a resident without a license or permit to operate a motor vehicle in this state:

(1) The office shall deny to that underage person the issuance of a license or permit for a period of six (6) months for a first offense; and

(2) For a second or subsequent offense by an underage resident without a license or permit to operate a motor vehicle, the office shall deny to that underage person the issuance of a license or permit for a period of one (1) year.

(e) When an underage nonresident's privilege to operate a motor vehicle in this state has been suspended, the office shall notify the office of issuance of that underage person's nonresident motor vehicle license of action taken by the office.

(f)(1)(A) The office shall charge a reinstatement fee to be calculated as provided under subdivision (f)(1)(B) of this section for reinstating a driver's license suspended or revoked for a violation of this section.

(B) The reinstatement fee is calculated by multiplying twenty-five dollars ($25.00) by the number of offenses resulting in an administrative suspension order under § 5-65-310 unless the administrative suspension order has been removed because:

(i) The person has been found not guilty of the offense by a circuit court or district court; or

(ii) The office has entered an administrative suspension order.

(C) The fee under subdivision (f)(1)(A) of this section is supplemental to and in addition to any fee imposed by § 5-65-119, § 5-65-304, § 27-16-508, or § 27-16-808.

(2) Forty percent (40%) of the revenues derived from the reinstatement fee under this subsection shall be deposited into the State Treasury as special revenues and credited to the Public Health Fund to be used exclusively for the Blood Alcohol Program of the Department of Health.

History. Acts 1993, No. 863, § 10; 1999, No. 1077, § 20; 2005, No. 1992, § 5; 2007, No. 712, § 4; 2009, No. 633, § 5.

5-65-311. Relationship to other laws.

(a) A penalty prescribed in this subchapter for underage driving under the influence is in addition to any other penalty prescribed by law for the offense under another law of the State of Arkansas.

(b) For the purposes of this subchapter, there is no presumption, as there is found in § 5-65-206, that an underage person is not under the influence of an intoxicating substance, such as alcohol or a similar intoxicant, if the underage person's alcohol concentration is four hundredths (0.04) or less.

(c) The following are the same for a chemical test or instrument used for testing breath or blood alcohol concentration under the Omnibus DWI Act, § 5-65-101 et seq:

(1) The administration of a chemical test for breath or blood alcohol;

(2) The instrument used to administer the chemical test;

(3) The procedure used to calibrate and maintain the instrument; and

(4) The use of the chemical test results as evidence.

(d) If there is evidence of an alcohol concentration of more than four-hundredths (0.04) but less than eight-hundredths (0.08) in an underage person's blood, breath, or other bodily substance, this fact does not preclude the underage person from being prosecuted for driving while intoxicated under the Omnibus DWI Act, § 5-65-101 et seq.

History. Acts 1993, No. 863, § 11; 2001, No. 561, § 16.

Subchapter 4 — Administrative Driver's License Suspension

SECTION.

5-65-401. Definitions.
5-65-402. Surrender of license or permit to arresting officer.
5-65-403. Notice and receipt from arresting officer.

5-65-401. Definitions.

As used in this subchapter:

(1) "Disqualification" means a prohibition against driving a commercial motor vehicle;

(2) "Immobilization" means revocation or suspension of the registration or license plate of a motor vehicle; and

(3) "Sworn report" means a signed and written statement of a certified law enforcement officer, under penalty of perjury, on a form provided by the Director of the Department of Finance and Administration.

History. Acts 1999, No. 1077, § 21.

5-65-402. Surrender of license or permit to arresting officer.

(a)(1)(A) At the time of arrest for violating § 3-3-203(a), § 5-27-503(a)(3), § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, § 27-23-114(a)(1), § 27-23-114(a)(2), or § 27-23-114(a)(5), the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer.

(B) The arresting law enforcement officer shall seize the license, permit, or other evidence of driving privilege surrendered by the arrested person or found on the arrested person during a search.

(C)(i) If a juvenile, as defined in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is arrested for violating § 3-3-203(a) or § 5-27-503(a)(3), the arresting officer shall issue the juvenile a citation to appear for a juvenile intake with a juvenile intake officer.

(ii) The arresting officer shall forward a copy of the citation and the license, permit, or other evidence of the driving privilege to the juvenile office before the scheduled juvenile intake.

(iii) Juveniles subject to the jurisdiction of the circuit court under § 9-27-301 et seq. shall not be subject to this section, except as provided in this subdivision (a)(1).

(2)(A)(i) If the license, permit, or other evidence of driving privilege seized by the arresting law enforcement officer has not expired and otherwise appears valid to the arresting law enforcement officer, the arresting law enforcement officer shall issue to the arrested person a dated receipt for that license, permit, or other evidence of driving privilege on a form prescribed by the Office of Driver Services.

(ii) This receipt shall be recognized as a license and authorizes the arrested person to operate a motor vehicle for a period not to exceed thirty (30) days.

(B)(i) The receipt form shall contain and shall constitute a notice of suspension, disqualification, or revocation of driving privileges by the office, effective in thirty (30) days, notice of the right to a hearing within twenty (20) days, and if a hearing is to be requested, as notice that the hearing request is required to be made within seven (7) calendar days of the notice being given.

(ii) The receipt shall also contain phone numbers and the address of the office and inform the driver of the procedure for requesting a hearing.

(C) If the office is unable to conduct a hearing within the twenty-day period, a temporary permit shall be issued and is valid until the date of the hearing.

(D)(i) The seized license, permit, or other evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the arresting law enforcement officer and shall be submitted by mail or in person to the office or its designated representative within seven (7) days of the issuance of the receipt.

(ii) The failure of the arresting law enforcement officer to timely file the sworn report does not affect the authority of the office to suspend, disqualify, or revoke the driving privilege of the arrested person.

(3)(A) Any notice from the office required under this subchapter that is not personally delivered shall be sent by certified mail and is deemed to have been delivered on the date when postmarked and shall be sent to the last known address on file with the office.

(B) Refusal of the addressee to accept delivery or attempted delivery of the notice at the address obtained by the arresting law enforcement officer or on file with the office does not constitute nonreceipt of notice.

(C) For any notice that is personally delivered, the person shall be asked to sign a receipt acknowledging he or she received the required notice.

(4)(A) The office or its designated official shall suspend, revoke, or disqualify the driving privilege of an arrested person or any nonresident driving privilege of an arrested person when it receives a sworn report from the arresting law enforcement officer that he or she had reasonable grounds to believe the arrested person:

(i) Was under twenty-one (21) years of age and purchased or was in possession of intoxicating liquor, wine, or beer in violation of § 3-3-203(a);

(ii) Was under twenty-one (21) years of age and attempted to purchase an alcoholic beverage or use a fraudulent or altered personal identification document for the purpose of purchasing an alcoholic beverage illegally or other material or substance restricted to adult purchase or possession under existing law in violation of § 5-27-503(a)(3); or

(iii) Had been operating or was in actual physical control of a motor vehicle in violation of § 5-65-103, § 5-65-303, § 27-23-114(a)(1), or § 27-23-114(a)(2) and the sworn report is accompanied by:

(a) A written chemical test report or a sworn report that the arrested person was operating or in actual physical control of a motor vehicle in violation of § 5-65-103, § 5-65-303, or § 27-23-114; or

(b) A sworn report that the arrested person refused to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of the arrested person's blood in violation of § 5-65-205, § 5-65-310, or § 27-23-114(a)(5).

(B) The suspension, disqualification, or revocation shall be based as follows:

(i) The driving privileges of any person violating § 5-65-103 shall be suspended or revoked as provided by § 5-65-104;

(ii) The driving privileges of any person violating § 5-65-205(a) shall be suspended or revoked as provided by § 5-65-205(b);

(iii) The driving privileges of any person violating § 5-65-303 shall be suspended or revoked as provided by § 5-65-304(b);

(iv) The driving privileges of any person violating § 5-65-310(a) shall be suspended or revoked as provided by § 5-65-310(b);

(v) The driving privileges of any person violating § 27-23-114(a)(1) or § 27-23-114(a)(2) shall be disqualified as provided by § 27-23-112;

(vi) The driving privileges of any person violating § 27-23-114(a)(5) shall be disqualified as provided by § 27-23-112;

(vii) The driving privileges of any person violating § 3-3-203(a) shall be suspended, revoked, or disqualified as provided by § 3-3-203(c); and

(viii) The driving privileges of any person violating § 5-27-503(a)(3) shall be suspended, revoked, or disqualified as provided by § 5-27-503(d).

(5) In addition to any other penalty provided for in this section, if the arrested person is a resident without a license or permit to operate a motor vehicle in this state:

(A) The office shall deny to that arrested person the issuance of a license or permit for a period of six (6) months for a first offense; and

(B) For a second or subsequent offense by a resident without a license or permit to operate a motor vehicle, the office shall deny to that arrested person the issuance of a license or permit for a period of one (1) year.

(6)(A)(i) If the arrested person is a nonresident, the arrested person's privilege to operate a motor vehicle in Arkansas shall be suspended in the same manner as that of a resident.

(ii) The office shall notify the office that issued the nonresident's motor vehicle license of the action taken by the office.

(B) When the arrested person is a nonresident without a license or permit to operate a motor vehicle, the office shall notify the office of issuance for that arrested person's state of residence of action taken by the office.

(7)(A) Upon the written request of a person whose privilege to drive has been revoked, denied, disqualified, or suspended, or who has received a notice of revocation, suspension, disqualification, or denial by the arresting law enforcement officer, the office shall grant the person an opportunity to be heard if the request is received by the office within seven (7) calendar days after the notice of the revocation, suspension, disqualification, or denial is given in accordance with this section or as otherwise provided in this chapter.

(B) A request described in subdivision (a)(7)(A) of this section does not operate to stay the revocation, suspension, disqualification, or denial by the office until the disposition of the hearing.

(8)(A) The hearing shall be before the office or its authorized agent, in the office of the Revenue Division of the Department of Finance and Administration nearest the county where the alleged event occurred for which the person was arrested, unless the office or its authorized agent and the arrested person agree otherwise to the hearing's being held in some other county or that the office or its authorized agent may schedule the hearing or any part of the hearing by telephone and conduct the hearing by telephone conference call.

(B) The hearing shall not be recorded.

(C) At the hearing, the burden of proof is on the state and the decision shall be based on a preponderance of the evidence.

(D) The scope of the hearing shall cover the issues of whether the arresting law enforcement officer had reasonable grounds to believe that the person:

(i) Had been operating or was in actual physical control of a motor vehicle or commercial motor vehicle while:

(a) Intoxicated or impaired;

(b) The person's blood alcohol concentration measured by weight of alcohol in the person's blood was equal to or greater than the blood alcohol concentration prohibited by § 5-65-103(b);

(c) The blood alcohol concentration of a person under twenty-one (21) years of age was equal to or greater than the blood alcohol concentration prohibited by § 5-65-303; or

(d) The person's blood alcohol concentration measured by weight of alcohol in the person's blood was equal to or greater than the blood alcohol concentration prohibited by § 27-23-114;

(ii) Refused to submit to a chemical test of the blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood and whether the person was placed under arrest;

(iii) Was under twenty-one (21) years of age and purchased or was in possession of any intoxicating liquor, wine, or beer; or

(iv) Was under twenty-one (21) years of age and attempted to purchase an alcoholic beverage or use a fraudulent or altered personal identification document for the purpose of purchasing an alcoholic beverage illegally or other material or substance restricted to adult purchase or possession under existing law.

(E)(i) The office or its agent at the hearing shall consider any document submitted to the office by the arresting law enforcement agency, document submitted by the arrested person, and the statement of the arrested person.

(ii) The office shall not have the power to compel the production of documents or the attendance of witnesses.

(F)(i) If the revocation, suspension, disqualification, or denial is based upon a chemical test result indicating that the arrested person was intoxicated or impaired and a sworn report from the arresting law enforcement officer, the scope of the hearing shall also cover the issues as to whether:

(a) The arrested person was advised that his or her privilege to drive would be revoked, disqualified, suspended, or denied if the chemical test result reflected an alcohol concentration equal to or in excess of the amount by weight of blood provided by law or the presence of other intoxicating substances;

(b) The breath, blood, or urine specimen was obtained from the arrested person within the established and certified criteria of the Department of Health;

(c) The chemical testing procedure used was in accordance with existing rules; and

(d) The chemical test result in fact reflects an alcohol concentration, the presence of other intoxicating substances, or a combination of alcohol concentration or other intoxicating substance.

(ii) If the revocation, suspension, disqualification, or denial is based upon the refusal of the arrested person to submit to a chemical test as provided in § 5-65-205, § 5-65-310, or § 27-23-114(a)(5), reflected in a sworn report by the arresting law enforcement officer, the scope of the hearing shall also include whether:

(a) The arrested person refused to submit to the chemical test; and

(b) The arrested person was informed that his or her privilege to drive would be revoked, disqualified, suspended, or denied if the arrested person refused to submit to the chemical test.

(b) After the hearing, the office or its authorized agent shall order the revocation, suspension, disqualification, or denial to be rescinded or sustained and shall then advise any person whose license is revoked, suspended, or denied that he or she may request a restricted permit as otherwise provided for by this chapter.

(c)(1)(A) A person adversely affected by the hearing disposition order of the office or its authorized agent may file a de novo petition for review within thirty (30) days in the circuit court in the county in which the offense took place.

(B) A copy of the decision of the office shall be attached to the petition.

(C) The petition shall be served on the Director of the Department of Finance and Administration under Rule 4 of the Arkansas Rules of Civil Procedure.

(2)(A) The filing of a petition for review does not stay or place in abeyance the decision of the office or its authorized agent.

(B) If the circuit court issues an order staying the decision or placing the decision in abeyance, the circuit court shall transmit a copy of the order to the office in the same manner that convictions and orders relating to driving records are sent to that office.

(C)(i) The circuit court shall hold a final hearing on the de novo review within one hundred twenty (120) days after the date that the order staying the decision or placing the decision in abeyance is entered.

(ii) The circuit court may conduct the final hearing by telephone conference with the consent of the parties.

(3) An administrative hearing held pursuant to this section is exempt from the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(4)(A) On review, the circuit court shall hear the case de novo in order to determine based on a preponderance of the evidence whether a ground exists for revocation, suspension, disqualification, or denial of the person's privilege to drive.

(B) If the results of a chemical test of blood, breath, or urine are used as evidence in the suspension, revocation, or disqualification of the person's privilege to drive, then the provisions of § 5-65-206 shall apply in the circuit court proceeding.

(d)(1) Any decision rendered at an administrative hearing held under this section shall have no effect on any criminal case arising from any violation of § 3-3-203(a), § 5-27-503(a)(3), § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, § 27-23-114(a)(1), § 27-23-114(a)(2), or § 27-23-114(a)(5).

(2) Any decision rendered by a court of law for a criminal case arising from any violation of § 3-3-203(a), § 5-27-503(a)(3), § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, § 27-23-114(a)(1), § 27-23-114(a)(2), or § 27-23-114(a)(5) shall affect the administrative suspension, disqualification, or revocation of the driver's license as follows:

(A) A plea of guilty or nolo contendere or a finding of guilt by the court has no effect on any administrative hearing held under this section;

(B)(i) An acquittal on the charges or a dismissal of charges serves to reverse the suspension, disqualification, or revocation of the driver's license suspended or revoked under this section.

(ii) The office shall reinstate the person's driver's license at no cost to the person, and the charges shall not be used to determine the number of previous offenses when administratively suspending, disqualifying, or revoking the driving privilege of any arrested person in the future; and

(C) The office shall convert any initial administrative suspension or revocation of a driver's license for violating § 5-65-103 to a suspension or revocation for violating § 5-65-303, if the person is convicted of violating § 5-65-303 instead of § 5-65-103.

(e) Any person whose privilege to drive has been denied, suspended, disqualified, or revoked shall remain under the denial, suspension, disqualification, or revocation and remain subject to penalties as provided in § 5-65-105 until such time as that person applies for, and is granted by the office, reinstatement of the privilege to drive.

(f) The administrative suspension, disqualification, or revocation of a driver's license as provided for by this section is supplementary to and in addition to a suspension, disqualification, or revocation of a driver's license that is ordered by a court of competent jurisdiction for an offense under §§ 5-64-710, 5-65-116, and 27-16-914, or any other traffic or criminal offense in which a suspension, disqualification, or revocation of the driver's license is a penalty for the violation.

(g) [Repealed.]

(h)(1)(A) A person whose license is suspended or revoked pursuant to this section shall:

(i) Both:

(a) Furnish proof of attendance at and completion of the alcoholism treatment program, alcohol education program, or alcohol and driving education program required by § 5-65-104(b)(1) or § 5-65-307(a)(1) and, if applicable, at a victim impact panel as provided in § 5-65-121 before reinstatement of his or her suspended or revoked driver's license; and

(b) Pay any fee for reinstatement required under § 5-65-119, § 5-65-304, or, if applicable, § 5-65-121; or

(ii) Furnish proof of dismissal or acquittal of the charge on which the suspension or revocation is based.

(B) An application for reinstatement shall be made to the office.

(2) Even if a person has filed a de novo petition for review pursuant to subsection (c) of this section, the person is entitled to reinstatement of driving privileges upon complying with this subsection and is not required to postpone reinstatement until the disposition of the de novo review in circuit court has occurred.

(3) A person suspended under this section may enroll in an alcohol education program prior to disposition of the offense by the circuit court, district court, or city court, but is not entitled to any refund of a fee paid if the charge is dismissed or if the person is acquitted of the charge.

(i) Except as provided in subsection (a) of this section, this section shall not apply to juveniles subject to § 9-27-301 et seq.

History. Acts 1999, No. 1077, § 21; 2003, No. 541, §§ 2-5; 2005, No. 1535, § 2; 2005, No. 1768, § 6; 2007, No. 922, § 2; 2009, No. 748, § 32; 2009, No. 946, § 3; 2009, No. 956, §§ 2, 3; 2011, No. 610, § 1.

5-65-403. Notice and receipt from arresting officer.

(a) At the time of arrest for violating § 5-65-103, § 5-65-303, § 27-23-114(a)(1), or § 27-23-114(a)(2), the arresting law enforcement officer shall provide written notice to the arrested person:

(1) That if the arrested person's driving privileges have been suspended, disqualified, or revoked for violating § 5-65-103, § 5-65-303, § 27-23-114(a)(1), or § 27-23-114(a)(2) in the previous five (5) years, the registration of any motor vehicle owned by the arrested person is suspended effective in thirty (30) days;

(2) Of the right to a hearing within twenty (20) days; and

(3) That if a hearing is to be requested the hearing request is required to be made within seven (7) calendar days of the notice being given.

(b) The receipt shall also contain phone numbers and the address of the Office of Driver Services and inform the arrested person of the procedure for requesting a hearing.

(c) If the office is unable to conduct a hearing within the twenty-day period, a temporary permit shall be issued and is valid until the date of the hearing.

(d)(1) The seized license, permit, or other evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the arresting law enforcement officer and shall be submitted by mail or in person to the Director of the Department of Finance and Administration or his or her designated representative within seven (7) days of the issuance of the receipt.

(2) The failure of the arresting law enforcement officer to timely file the sworn report does not affect the authority of the office to suspend the registration of any motor vehicle owned by the arrested person.

(e) Any notice from the office required under this section that is not personally delivered shall be sent as provided by § 5-65-402.

(f)(1) If the arrested person is a nonresident, the arrested person's motor vehicle registration in Arkansas shall be suspended in the same manner as that of a resident.

(2) The office shall notify the office that issued the nonresident's motor vehicle registration of the action taken by the office.

(g) The hearing shall be held by the office at the conclusion of any hearing under § 5-65-402 and the scope of the hearing is limited to:

(1) Determining if the arrested person's driving privileges had been suspended, revoked, or disqualified for violation of § 5-65-103, § 5-65-303, § 27-23-114(a)(1), or § 27-23-114(a)(2) in the five (5) years prior to the current offense; and

(2) Determining if any motor vehicle is licensed or registered in the arrested person's name as either owner or co-owner of the motor vehicle.

(h)(1)(A) A person adversely affected by the hearing disposition order of the office or its authorized agent may file a de novo petition for review within thirty (30) days in the circuit court in the county where the offense took place.

(B) The filing of a petition for review does not stay or place in abeyance the decision of the office or its authorized agent.

(2) An administrative hearing held pursuant to this section is exempt from the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) On review, the circuit court shall hear the case de novo in order to determine whether, based on a preponderance of the evidence, a ground exist for suspension of the person's motor vehicle registration.

(i) The suspension ordered shall be equal to the suspension of driving privileges ordered under § 5-65-402 or one (1) year, whichever is longer, but shall not exceed five (5) years.

(j)(1)(A) Upon determination that a person is completely dependent on the motor vehicle for the necessities of life, the Director of the Department of Finance and Administration may grant a restricted registration to a family member or co-owner of any immobilized motor vehicle.

(B) A restricted registration is not valid for use by the person whose driving privileges have been suspended or revoked.

(2) Operation of a motor vehicle in a manner inconsistent with the restricted registration or license plate has the same effect as operating an unlicensed motor vehicle.

(k) If the director orders immobilization of a motor vehicle, notice of immobilization shall be sent by first class mail to any persons, other than the arrested person, listed as an owner or co-owner of the immobilized motor vehicle in the records of the Office of Motor Vehicle.

History. Acts 1999, No. 1077, § 21.

CHAPTER 67

HIGHWAYS AND BRIDGES

SECTION.

5-67-101. Advertising signs generally.
5-67-102. False or misleading signs.
5-67-103. Attaching signs to utility poles or living plants.
5-67-104. Violation of posted bridge prohibitions.
5-67-105. Wreckage near memorial highway.
5-67-106. Use of spotlight.
5-67-107. Solicitation on or near a highway.

5-67-101. Advertising signs generally.

(a) It is unlawful for any person, firm, or corporation to place any advertising sign on the highway right-of-way in this state, except for a sign placed under direction of the State Highway Commission.

(b) Any person violating a provision of this section or § 5-39-213 is guilty of a violation and upon conviction shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

History. Acts 1941, No. 359, §§ 2, 3; A.S.A. 1947, §§ 41-3355, 41-3356; Acts 2005, No. 1994, § 54.

5-67-102. False or misleading signs.

(a) It is unlawful for any person, firm, or corporation to erect or cause to be erected or maintained on or within one hundred yards (100 yds.) of the right-of-way of any state highway any sign or billboard that has printed, painted, or otherwise placed on the sign or billboard words or figures:

(1) Calculated to cause the traveling public of this state or tourists from other states to abandon the state highway and travel any public road to any town, city, or destination in this state unless the sign or billboard is erected and maintained by and with the consent and approval of the State Highway Commission; or

(2) That give to the traveling public any false or misleading information pertaining to the highways of this state.

(b) Any person, firm, or corporation violating a provision of this section is guilty of a violation and upon conviction shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

(c) The commission shall remove and destroy any signboard within one hundred yards (100 yds.) of the right-of-way of any state highway that gives to the traveling public any false or misleading information pertaining to the highways of this state.

History. Acts 1925, No. 135, §§ 1-4; Pope's Dig., §§ 3660-3663; A.S.A. 1947, §§ 41-3351 — 41-3354; Acts 2005, No. 1994, § 54; Acts 2007, No. 827, § 88.

5-67-103. Attaching signs to utility poles or living plants.

(a)(1) It is unlawful for any person, firm, corporation, or association to nail, staple, or otherwise attach or cause to be nailed, stapled, or otherwise attached any sign, poster, or billboard to any public utility pole or to any living tree, shrub, or other plant located upon the rights-of-way of any public road, highway, or street in this state.

(2) However, this prohibition does not apply to a warning, safety, or identification sign attached to a public utility pole by a utility company or cooperative.

(b)(1) Any person, firm, corporation, or association violating a provision of this section is guilty of a violation and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500).

(2) Each day that any violation under subdivision (b)(1) of this section continues constitutes a separate offense.

History. Acts 1967, No. 420, §§ 1, 2; A.S.A. 1947, §§ 41-3362, 41-3363; Acts 2005, No. 1994, § 54.

5-67-104. Violation of posted bridge prohibitions.

(a) It is unlawful for any person owning or operating a motor vehicle that in any way exceeds or violates any properly posted limitation, regulation, or restriction governing the use of a bridge structure to use the bridge structure so long as the use violates any posted prohibition.

(b)(1) Any unlawful action resulting in a violation of a provision of subsection (a) of this section is a violation and upon conviction the person shall be punished by a fine of not more than two hundred dollars ($200).

(2) The person is liable for the costs to restore the damage and injury to the bridge structure occasioned by the violation.

History. Acts 1971, No. 249, §§ 2, 3; A.S.A. 1947, §§ 41-3365, 41-3366; Acts 2005, No. 1994, § 54.

5-67-105. Wreckage near memorial highway.

(a) If any person or corporation store's wrecked, worn out, or discarded automobiles or other scrap iron or steel within two hundred yards (200 yds.) of any public highway in the State of Arkansas, a part of which has been or may be designated by law as a memorial highway, it is the person's or corporation's duty to:

(1) Construct a solid fence or wall high enough to hide the wrecked, worn out, or discarded automobiles or other scrap iron or steel from a person passing along the memorial highway; or

(2) Hide the wrecked, worn out, or discarded automobiles or other scrap iron or steel behind a

house or other structure or elevation of the land that conceals the wrecked, worn out, or discarded automobiles or other scrap iron or steel from public view of a person passing along the memorial highway.

(b) Any person failing to comply with a provision of this section is guilty of a violation and shall be fined five dollars ($5.00) for each day that he or she fails to comply, with the fine to go to the local school district where the site of the violation is located.

History. Acts 1933, No. 165, §§ 1, 2; Pope's Dig., §§ 3657, 3658; A.S.A. 1947, §§ 41-3357, 41-3358; Acts 1997, No. 379, § 1; 2005, No. 1994, § 54.

5-67-106. Use of spotlight.

(a) It is unlawful to use a spotlight from any public road, street, or highway except for use by:

(1) A law enforcement officer, game and fish officer, emergency service worker, or utility company employee in the performance of his or her duties;

(2) A person or his or her employee to examine real or personal property or livestock owned or rented by the person; or

(3) A person to assist in the repair or removal of a motor vehicle or other property.

(b) This section does not apply within the boundaries of a city of the first class or a city of the second class.

(c) A violation of this section is a Class C misdemeanor.

History. Acts 1987, No. 625, § 1.

5-67-107. Solicitation on or near a highway.

(a) It is unlawful for any person to solicit a donation or offer to sell any item or service:

(1) On a state highway;

(2) Within ten feet (10') of a state highway, if there is not a sidewalk along the highway; or

(3) Between the highway and a sidewalk, if there is a sidewalk within ten feet (10') of the highway.

(b) A violation of this section is a Class C misdemeanor.

History. Acts 1993, No. 980, § 1.

CHAPTER 71

RIOTS, DISORDERLY CONDUCT, ETC.

SUBCHAPTER 2 — OFFENSES GENERALLY

SECTION.
5-71-214. Obstructing a highway or other public passage.

5-71-214. Obstructing a highway or other public passage.

(a) A person commits the offense of obstructing a highway or other public passage if, having no legal privilege to do so and acting alone or with another person, he or she renders any highway or other public passage impassable to pedestrian or vehicular traffic.

(b) It is a defense to a prosecution under this section that:

(1) The highway or other public passage was rendered impassable solely because of a gathering of persons to hear the defendant speak or otherwise communicate;

(2) The defendant was a member of a gathering contemplated by subdivision (b)(1) of this section; or

(3) The highway or public passage obstructed has not been established as a city street, county road, or state or federal highway under the laws of this state and no civil court has established a right of passage by prescription for the highway or public passage.

(c) Obstructing a highway or other public passage is a Class C misdemeanor.

History. Acts 1975, No. 280, § 2915; A.S.A. 1947, § 41-2915; Acts 1999, No. 1105, § 1.

CHAPTER 73

WEAPONS

SUBCHAPTER 1 — POSSESSION AND USE GENERALLY

SECTION.
5-73-128. Offenses upon property of public schools.
5-73-130. Seizure and forfeiture of firearm — Seizure and forfeiture of motor vehicle — Disposition of property seized.

5-73-128. Offenses upon property of public schools.

(a)(1) The court shall prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for a person within twenty-four (24) hours after the plea or finding, if a person who is less than nineteen (19) years of age at the time of the commission of the offense:

(A) Pleads guilty or nolo contendere to any criminal offense under §§ 5-73-101 et seq. or 5-73-201 et seq., and the plea is accepted by the court, or is found guilty of any criminal offense under §§ 5-73-101 et seq. or 5-73-201 et seq., if the state proves that the offense was committed upon the property of a public school or in or upon any school bus; or

(B) Is found by a juvenile division of circuit court to have committed an offense described in subdivision (a)(1)(A) of this section.

(2) In a case of extreme and unusual hardship, the order may provide for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school.

(b) Upon receipt of an order of denial of driving privileges under this section, the department shall suspend the motor vehicle operator's license of the person for not less than twelve (12) months nor more than thirty-six (36) months.

(c) A penalty prescribed in this section is in addition to any other penalty prescribed by law for an offense covered by this section.

History. Acts 1993, No. 264 §§ 1-3; 1993, No. 781, §§ 1-3.

5-73-130. Seizure and forfeiture of firearm — Seizure and forfeiture of motor vehicle — Disposition of property seized.

(a) If a person under eighteen (18) years of age is unlawfully in possession of a firearm, the firearm shall be seized and, after an adjudication of delinquency or a conviction, is subject to forfeiture.

(b) If a felon or a person under eighteen (18) years of age is unlawfully in possession of a firearm in a motor vehicle, the motor vehicle is subject to seizure and, after an adjudication of delinquency or a conviction, subject to forfeiture.

(c) As used in this section, "unlawfully in possession of a firearm" does not include any act of possession of a firearm that is prohibited only by:

(1) Section 5-73-127, unlawful to possess loaded center-fire weapons in certain areas; or

(2) A regulation of the Arkansas State Game and Fish Commission.

(d) The procedures for forfeiture and disposition of the seized property is as follows:

(1) The prosecuting attorney of the judicial district within whose jurisdiction the property is seized that is sought to be forfeited shall promptly proceed against the property by filing in the circuit court a petition for an order to show cause why the circuit court should not order forfeiture of the property; and

(2) The petition shall be verified and shall set forth:

(A) A statement that the action is brought pursuant to this section;

(B) The law enforcement agency bringing the action;

(C) A description of the property sought to be forfeited;

(D) A statement that on or about a date certain there was an adjudication of delinquency or a conviction and a finding that the property seized is subject to forfeiture;

(E) A statement detailing the facts in support of subdivision (d)(1) of this section; and

(F) A list of all persons known to the law enforcement agency, after diligent search and inquiry, who may claim an ownership interest in the property by title or registration or by virtue of a lien allegedly perfected in the manner prescribed by law.

(e)(1) Upon receipt of a petition complying with the requirements of subdivision (d)(1) of this section, the circuit court judge having jurisdiction shall issue an order to show cause setting forth a statement that this subchapter is the controlling law.

(2) In addition, the order shall set a date at least forty-one (41) days from the date of first publication of the order pursuant to subsection (f) of this section for all persons claiming an interest in the property to file such pleadings as they desire as to why the circuit court should not order the forfeiture of the property for use, sale, or other disposition by the law enforcement agency seeking forfeiture of the property.

(3) The circuit court shall further order that any person who does not appear on that date is deemed to have defaulted and waived any claim to the subject property.

(f)(1) The prosecuting attorney shall give notice of the forfeiture proceedings by:

(A) Causing a copy of the order to show cause to be published two (2) times each week for two (2) consecutive weeks in a newspaper having general circulation in the county where the property is located with the last publication being not less than five (5) days before the show cause hearing; and

(B) Sending a copy of the petition and order to show cause by certified mail, return receipt requested, to each person having ownership of or a security interest in the property or in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure if:

(i) The property is of a type for which title or registration is required by law;

(ii) The owner of the property is known in fact to the law enforcement agency at the time of seizure; or

(iii) The property is subject to a security interest perfected in accordance with the Uniform Commercial Code, § 4-1-101 et seq.

(2) The law enforcement agency is only obligated to make diligent search and inquiry as to the owner of the property, and if, after diligent search and inquiry, the law enforcement agency is unable to ascertain the owner, the requirement of actual notice by mail with respect to a person having a perfected security interest in the property is not applicable.

(g) At the hearing on the matter, the petitioner has the burden to establish that the property is subject to forfeiture by a preponderance of the evidence.

(h) In determining whether or not a motor vehicle should be ordered forfeited, the circuit court may take into consideration the following factors:

(1) Any prior criminal conviction or delinquency adjudication of the felon or juvenile;

(2) Whether or not the firearm was used in connection with any other criminal act;

(3) Whether or not the vehicle was used in connection with any other criminal act;

(4) Whether or not the juvenile or felon was the lawful owner of the vehicle in question;

(5) If the juvenile or felon is not the lawful owner of the vehicle in question, whether or not the lawful owner knew of the unlawful act being committed that gives rise to the forfeiture penalty; and

(6) Any other factor the circuit court deems relevant.

(i) The final order of forfeiture by the circuit court shall perfect in the law enforcement agency right, title, and interest in and to the property and shall relate back to the date of the seizure.

(j) Physical seizure of property is not necessary in order to allege in a petition under this section that the property is forfeitable.

(k) Upon filing the petition, the prosecuting attorney for the judicial district may also seek such protective orders as are necessary to prevent the transfer, encumbrance, or other disposal of any property named in the petition.

(l) The law enforcement agency to which the property is forfeited shall:

(1) Destroy any forfeited firearm; and

(2) Either:

(A) Sell the motor vehicle in accordance with subsection (m) of this section; or

(B) If the motor vehicle is not subject to a lien that has been preserved by the circuit court, retain the motor vehicle for official use.

(m)(1) If a law enforcement agency desires to sell a forfeited motor vehicle, the law enforcement agency shall first cause notice of the sale to be made by publication at least two (2) times a week for two (2) consecutive weeks in a newspaper having general circulation in the county and by sending a copy of the notice of the sale by certified mail, return receipt requested, to each person having ownership of or a security interest in the property or in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure if:

(A) The property is of a type for which title or registration is required by law;

(B) The owner of the property is known in fact to the law enforcement agency at the time of seizure; or

(C) The property is subject to a security interest perfected in accordance with the Uniform Commercial Code, § 4-1-101 et seq.

(2) The notice of the sale shall include the time, place, and conditions of the sale and a description of the property to be sold.

(3) The property shall then be disposed of at public auction to the highest bidder for cash without appraisal.

(n) The proceeds of any sale and any moneys forfeited shall be applied to the payment of:

(1) The balance due on any lien preserved by the circuit court in the forfeiture proceedings;

(2) The cost incurred by the seizing law enforcement agency in connection with the storage, maintenance, security, and forfeiture of the property;

(3) The costs incurred by the prosecuting attorney or attorney for the law enforcement agency, approved by the prosecuting attorney, to which the property is forfeited; and

(4) Costs incurred by the circuit court.

(o) The remaining proceeds or moneys shall be deposited into a special county fund to be titled the "Juvenile Crime Prevention Fund", and the moneys in the fund shall be used solely for making grants to community-based nonprofit organizations that work with juvenile crime prevention and rehabilitation.

History. Acts 1994 (2nd Ex. Sess.), No. 55, § 1; 1994 (2nd Ex. Sess.), No. 56, § 1; 2005, No. 1994, § 260; 2007, No. 827, § 96.

CHAPTER 77
OFFICIAL INSIGNIA

SUBCHAPTER 2 — EMERGENCY LIGHTS AND LAW ENFORCEMENT INSIGNIA SALES

SECTION.

5-77-201. Blue light or blue lens cap sales.
5-77-202. Law enforcement insignia sales.
5-77-203. Regulations.
5-77-204. Emergency lights and sirens — Prohibited persons.
5-77-205. Resale of law enforcement vehicles.

5-77-201. Blue light or blue lens cap sales.

(a)(1) It is unlawful to sell or transfer a blue light or blue lens cap to any person other than a law enforcement officer or a county coroner.

(2) It is unlawful for a person other than a law enforcement officer or a county coroner to buy a blue light or blue lens cap.

(b) Before selling a blue light or blue lens cap, the seller shall require the buyer to provide identification that legally demonstrates that the buyer is a law enforcement officer or a county coroner.

(c) Any sale of a blue light or blue lens cap shall be reported to the Department of Arkansas State Police on a form prescribed by the department.

(d) Upon conviction, a person who violates this section is guilty of a Class D felony.

(e) As used in this section:

(1) "Blue lens cap" means a lens cap designed to produce a blue color of light when light from a device designed for an emergency vehicle passes through the lens cap; and

(2) "Blue light" means any operable device that:

(A) Emits a blue color of light;

(B) Is designed for use by an emergency vehicle or is similar in appearance to a device designed for use by an emergency vehicle; and

(C) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery.

History. Acts 1997, No. 1281, § 1; 2007, No. 827, § 110.

5-77-202. Law enforcement insignia sales.

(a)(1) It is unlawful to sell official law enforce-

ment insignia to any person other than a law enforcement officer.

(2) It is unlawful for a person other than a law enforcement officer to buy official law enforcement insignia.

(b) Before selling official law enforcement insignia, the seller shall require the buyer to provide identification that legally demonstrates that the buyer is a law enforcement officer.

(c) A violation of this section is a Class A misdemeanor.

(d) As used in this section, "official law enforcement insignia" means those items relating to the performance of a person's duty as a law enforcement officer when the items are formally sanctioned by the law enforcement agency employing the person.

History. Acts 1997, No. 1281, § 2.

5-77-203. Regulations.

The Department of the Arkansas State Police shall promulgate regulations to implement this subchapter, including regulations that define the type of identification necessary to legally demonstrate that a person is a law enforcement officer or a county coroner.

History. Acts 1997, No. 1281, § 3.

5-77-204. Emergency lights and sirens — Prohibited persons.

(a) It is unlawful for a person who has pleaded guilty or nolo contendere to or has been found guilty of a felony or domestic battering in the third degree, § 5-26-305, or a person required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., to knowingly:

(1) Purchase or possess an emergency vehicle light or siren with a purpose to install or use the emergency vehicle light or siren on a motor vehicle that reasonably appears to be or that mimics a law enforcement vehicle;

(2) Install or use an emergency vehicle light or siren on a motor vehicle that reasonably appears to be or that mimics a law enforcement vehicle; or

(3) Operate a motor vehicle that reasonably appears to be or that mimics a law enforcement vehicle and the motor vehicle has an emergency vehicle light or siren installed on the motor vehicle or in use on the motor vehicle.

(b) It is a defense to prosecution under this section that the person was a certified law enforcement officer acting within the scope of his or her duty.

(c) As used in this section:

(1) "Emergency vehicle light" means a device that emits a light of any color and that is:

(A) Designed for use by an emergency vehicle; or

(B) Similar in appearance to a device designed for use by an emergency vehicle;

(2) "Law enforcement vehicle" means any vehicle owned or operated by a law enforcement agency; and

(3) "Siren" means an acoustic or electronic device producing a loud or wailing sound as a signal or warning.

(d) A violation of this section is a Class A misdemeanor.

History. Acts 2009, No. 561, § 1.

5-77-205. Resale of law enforcement vehicles.

(a) Except as provided in subsection (b) of this section, before a law enforcement vehicle is offered for sale to the public, the seller of the law enforcement vehicle shall remove from the law enforcement vehicle the:

(1) Lightbar;

(2) Spotlight;

(3) Siren;

(4) Law enforcement decals and signage;

(5) Radios; and

(6) Other items associated solely with law enforcement vehicles.

(b) The items required to be removed under subdivisions (a)(1) – (6) of this section are not required to be removed if the law enforcement vehicle is sold to a law enforcement agency.

(c) A violation of subsection (a) of this section is a violation and punishable by a fine of not more than one thousand dollars ($1,000).

History. Acts 2009, No. 792, § 1.

Subchapter 3 — Blue Light Sales

SECTION.

5-77-301. [Repealed.]

5-77-301. [Repealed.]

Publisher's Notes. This subchapter, concerning blue light sales, was repealed by Acts 2007, No. 827, § 111. The subchapter was derived from the following source:

5-77-301. Acts 1997, No. 497, § 2.

For current law, see § 5-77-201.

TITLE 6

EDUCATION

SUBTITLE 2. ELEMENTARY AND SECONDARY EDUCATION GENERALLY

CHAPTER 18

STUDENTS

Subchapter 2 — Attendance

SECTION.

6-18-222. Penalty for excessive absences — Revocation of driving privilege.

6-18-222. Penalty for excessive absences — Revocation of driving privilege.

(a)(1)(A)(i) The board of directors of each school district in this state shall adopt a student attendance policy, as provided for in § 6-18-209, which shall include a certain number of excessive absences that may be used as a basis for denial of course credit, promotion, or graduation.

(ii) However, excessive absences shall not be a basis for expulsion or dismissal of a student.

(B) The legislative intent is that a student having excessive absences because of illness, accident, or other unavoidable reasons should be given assistance in obtaining credit for the courses.

(2) The State Board of Career Education shall adopt a student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an adult education program. The policy shall require a minimum attendance of ten (10) hours per week to remain in the program.

(3) A copy of the school district's student attendance policy or the State Board of Career Education's student attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in adult education shall be provided to the parent, guardian, or person in loco parentis of each student enrolled in an adult education program at the beginning of the school year or upon enrollment, whichever event first occurs.

(4)(A)(i) A student's parent, guardian, or person in loco parentis and the community truancy board, if the community truancy board has been created, shall be notified when the student has accumulated excessive absences equal to one-half (½) the total number of absences permitted per semester under the school district's or the State Board of Career Education's student attendance policy.

(ii) Notice shall be by telephonic contact with the student's parent, guardian, or person in loco parentis by the end of the school day in which the absence occurred or by regular mail with a return address on the envelope sent no later than the following school day.

(iii) Notice to the community truancy board, if the community truancy board has been created, shall be by letter to the chair of the community truancy board.

(B) If a community truancy board has been created, the community truancy board shall schedule a conference with the parent, guardian, or person in loco parentis to establish a plan to take steps to eliminate or reduce the student's absences.

(C) If the community truancy board has scheduled a conference and the student's parent, guardian, or person in loco parentis does not attend the conference, the conference may be conducted with the student and a school official. However, the parent, guardian, or person in loco parentis shall be notified of the steps to be taken to eliminate or reduce the student's absences.

(D)(i) Before a student accumulates the maximum number of absences allowed in a school district's student attendance policy, the student or the student's parent, guardian, or person in loco parentis may petition the school administration or school district administration for special arrangements to address the student's absences.

(ii) If special arrangements are granted by the school administration or the school district administration, the arrangements will be formalized into a written agreement to include the conditions of the agreement and the consequences for failing to fulfill the requirements of the agreement.

(iii) The agreement shall be signed by the:

(a) Designee of the school administration or of the school district administration;

(b) Student's parent, guardian, or person in loco parentis; and

(c) Student.

(5)(A) When a student exceeds the number of excessive absences provided for in the district's or the State Board of Career Education's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars ($500) plus costs of court and any reasonable fees assessed by the court.

(B) The penalty shall be forwarded by the court to the school or the adult education program attended by the student.

(6)(A)(i) Upon notification by the school district or the adult education program to the prosecuting authority, the prosecuting authority shall file in circuit court a family in need of services petition pursuant to § 9-27-310 or enter into a diversion agreement with the student pursuant to § 9-27-323.

(ii) For any action filed in circuit court to impose the civil penalty set forth in subdivision (a)(5) of this section, the prosecuting authority shall be exempt from all filing fees and shall take whatever action is necessary to collect the penalty provided for in subdivision (a)(5) of this section.

(B) Municipal attorneys may practice in circuit court for the limited purpose of filing petitions or entering into diversion agreements as authorized by this subdivision (a)(6)(B) if agreed upon by all of the parties pursuant to subdivision (a)(6)(A) of this section.

(7)(A) The purpose of the penalty set forth in this subsection is to impress upon the parents, guard-

ians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.

(B)(i) When assessing penalties, the court shall be aware of any available programs designed to improve the parent-child relationship or parenting skills.

(ii) When practicable and appropriate, the court may utilize mandatory attendance at the programs as well as community service requirements in lieu of monetary penalties.

(8) As used in this section, "prosecuting authority" means:

(A) The elected district prosecuting attorney or his or her appointed deputy for schools located in unincorporated areas of the county or within cities not having a police or district court; and

(B) The prosecuting attorney of the city for schools located within the city limits of cities having either a police court or a district court in which a city prosecutor represents the city for violations of city ordinances or traffic violations.

(9) In any instance in which it is found that the school district, the adult education program, or the prosecuting authority is not complying with the provisions of this section, the State Board of Education may petition the circuit court to issue a writ of mandamus.

(b)(1)(A) Each public, private, or parochial school shall notify the Department of Finance and Administration whenever a student fourteen (14) years of age or older is no longer in school.

(B) Each adult education program shall notify the department whenever a student sixteen (16) or seventeen (17) years of age has left the program without receiving a high school equivalency certificate.

(2)(A) Upon receipt of notification, the department shall notify the licensee by certified mail, return receipt requested, that his or her motor vehicle operator's license will be suspended unless a hearing is requested in writing within thirty (30) days from the date of notice.

(B) The licensee shall be entitled to retain or regain his or her license by providing the department with adequate evidence that:

(i) The licensee is eighteen (18) years of age;

(ii) The licensee is attending school or an adult education program; or

(iii) The licensee has obtained a high school diploma or its equivalent.

(C)(i) In cases in which demonstrable financial hardship would result from the suspension of the learner's permit or driver's license, the department may grant exceptions only to the extent necessary to ameliorate the hardship.

(ii) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(3) The department shall have the power to promulgate rules and regulations to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section.

History. Acts 1989, No. 473, §§ 1, 2; 1989 (3rd Ex. Sess.), No. 70, §§ 1-5; 1991, No. 876, § 1; 1992 (1st Ex. Sess.), No. 42, § 1; 1994 (2nd Ex. Sess.), No. 30, § 2; 1994 (2nd Ex. Sess.), No. 31, § 2; 1995, No. 572, § 1; 1995, No. 837, § 3; 1995, No. 1296, § 23; 1997, No. 1308, § 1; 1999, No. 1323, § 20; 1999, No. 1579, § 2[3]; 2003, No. 1166, § 38; 2011, No. 1223, § 4.

CHAPTER 19

TRANSPORTATION

SECTION.

6-19-107. Bus drivers — Application for employment — Driving records.
6-19-108. Bus drivers — Certification.
6-19-109. Bus drivers — Seat belts.
6-19-113. Registration exemption for buses.
6-19-118. [Repealed.]
6-19-119. School bus passengers required to be seated.
6-19-120. Operation of a school bus while using a cellular telephone.

6-19-107. Bus drivers — Application for employment — Driving records.

(a) An applicant for employment as a school bus driver shall submit an application prescribed by the Division of Public School Academic Facilities and Transportation to the school district in which he or she seeks employment. The application shall include a statement signed by the applicant that authorizes the release of his or her traffic violation report from the Office of Driver Services to provide the school district with the applicant's driving record.

(b) The office shall report the applicant's driving record without charge to the school district requesting the record.

(c) The applicant's driving record shall be evaluated according to guidelines established by the division prior to permanent employment. The school district may hire an applicant as a bus driver on a temporary basis until official verification of the driving record is received and evaluated. The school district shall review and maintain a file of semiannual reports on the driving records of school bus drivers.

History. Acts 1985, No. 757, § 2; A.S.A. 1947, § 80-1826; Acts 2005, No. 1327, § 3.

6-19-108. Bus drivers — Certification.

(a)(1) An applicant seeking employment as a driver or an operator of a school bus, either privately or publicly owned, is required to take and pass a series of tests as prescribed by the Department of Arkansas State Police under § 27-23-108 and the

Division of Public School Academic Facilities and Transportation to determine the physical fitness and driving ability to serve as a school bus driver.

(2) The tests shall include:

(A) A physical examination given by a licensed physician or advanced practice nurse for school bus drivers, as required by the division;

(B) Other requirements as may be prescribed by rules issued jointly by the department and the division for qualifications and fitness of school bus drivers; and

(C) A successfully completed standard bus driver training and preservice behind-the-wheel training program as prescribed by the division.

(b) Upon successful completion and documentation of training listed in subdivision (a)(2)(C) of this section, a certificate, valid for one (1) year, shall be issued by the division.

(c)(1) A school bus driver shall not be employed as an operator of a school bus to transport children to and from school or school-sponsored activities unless he or she has satisfactorily completed the in-service training required in subsection (d) of this section and possesses a current valid certificate therefor.

(2) The certificate shall be required in addition to a commercial driver's license and any additional qualifications required by the school district board of directors.

(d) A school bus driver who seeks a renewal of his or her bus driver certificate shall provide proof that he or she has satisfactorily:

(1) Passed a physical examination given by a licensed physician or advanced practice nurse within the previous two (2) years; and

(2) Completed in-service training for school bus drivers as prescribed by the division.

(e) A school district board of directors may provide a substitute driver to operate a school bus on a temporary basis without a certificate until the next regularly scheduled school bus driver's examination is held in the locality if:

(1) A qualified school bus driver is not available to operate a school bus due to death, resignation, disability, illness, or other cause; and

(2) The school district board of directors is not able to obtain a qualified bus driver with a certificate.

(f) Extracurricular trips shall be made by certified drivers only.

(g) A person who violates the provisions of this section is guilty of a Class A misdemeanor.

History. Acts 1963, No. 191, §§ 1-4, 6; 1965, No. 449, § 1; 1985, No. 757, §§ 3, 4; A.S.A. 1947, §§ 80-1821 — 80-1825; Acts 2005, No. 1327, §§ 4, 5; 2005, No. 1994, § 196; 2009, No. 1473, § 6.

6-19-109. Bus drivers — Seat belts.

The driver or operator of a school bus shall wear a seat belt at all times while operating the school bus whenever the bus is so equipped.

History. Acts 1985, No. 757, § 5; A.S.A. 1947, § 80-1827.

6-19-113. Registration exemption for buses.

No school bus owned by a school district in this state shall be required to be registered under the motor vehicle registration laws of this state.

History. Acts 1963, No. 528, § 1; A.S.A. 1947, § 80-1817.

6-19-118. [Repealed.]

Publisher's Notes. This section, concerning student passenger excess liability insurance, was repealed by Acts 2001, No. 1220, § 4. The section was derived from Acts 1999, No. 1123, § 1. For present law, see § 6-21-701 et seq.

6-19-119. School bus passengers required to be seated.

(a) As used in this section, "school bus" means:

(1) A motor vehicle designed to carry more than ten (10) passengers:

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

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

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

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

(B) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

(b) A school bus driver shall not operate the school bus until every passenger is seated.

(c)(1) The superintendent of each public school in this state is responsible for ensuring that no school bus is scheduled to transport more students than can be reasonably seated in the school bus.

(2) Any superintendent who knowingly violates subdivision (c)(1) of this section shall be guilty of a violation and upon conviction shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100).

History. Acts 2001, No. 1744, § 1; 2005, No. 1994, § 67; 2007, No. 999, § 3.

6-19-120. Operation of a school bus while using a cellular telephone.

(a) As used in this section:

(1) "Cellular telephone" means a wireless two-way communication device that requires the operator to dial numbers manually and that:

(A) Includes radio-telephone communications used in cellular telephone service, personal communication service, or the functional equivalent of a radio-telephone communications line used in cellular telephone service or a personal communication service; and

(B) Does not include a citizens band radio or a citizens band radio hybrid; and

(2) "School bus" means every motor vehicle owned by a public school district or operated under contract for a public school district and used for the transportation of children to or from school or school-sponsored activities.

(b) Except as provided in subsection (c) of this section, a person shall not operate a school bus while using a cellular telephone.

(c) This section does not apply to the use of a cellular telephone:

(1) For the purpose of communicating with any of the following regarding an emergency situation:

(A) An emergency system response operator or 911 public safety communications dispatcher;

(B) A hospital or emergency room;

(C) A physician's office or health clinic;

(D) An ambulance or fire department rescue service;

(E) A fire department, fire protection district, or volunteer fire department; or

(F) A police department;

(2) To call for assistance if there is a mechanical breakdown or other mechanical problem impairing the operation of the bus; or

(3) When the school bus is parked.

(d) A person who violates this section is guilty of a violation and may be fined not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250).

History. Acts 2003, No. 219, § 1.

CHAPTER 21

SCHOOL PROPERTY AND SUPPLIES

Subchapter 7 — School Motor Vehicle Insurance Act

SECTION.

6-21-701. Title.
6-21-702. Purpose.
6-21-703. Public School Motor Vehicle Insurance Program — Participation.
6-21-704. Administration — Reports.
6-21-705. Powers and duties of Insurance Commissioner.
6-21-706. Information furnished by participants.
6-21-707. Inspection and safety program.
6-21-708. Policy limits.
6-21-709. Payment of claims — Subrogation — Premium rate — Excess insurance.
6-21-710. Public School Insurance Trust Fund — Investments.
6-21-711. Advisory committee — Members — Duties.

6-21-701. Title.

This subchapter shall be known and may be cited as the "School Motor Vehicle Insurance Act".

History. Acts 1991, No. 824, § 1; 2003 (2nd Ex. Sess.), No. 78, § 15.

6-21-702. Purpose.

(a) This subchapter is to establish and maintain a system of motor vehicle insurance for all public elementary and secondary schools, education cooperatives, and open-enrollment public charter schools of Arkansas electing to participate in the program from and after July 1, 1991, with the Division of Risk Management of the State Insurance Department authorized, directed, and empowered to administer the program.

(b) The State Insurance Department shall adopt such rules and regulations as may be necessary to provide for the insuring of motor vehicles owned by participating public school districts within the State of Arkansas.

History. Acts 1991, No. 824, § 2; 2003 (2nd Ex. Sess.), No. 78, § 16.

6-21-703. Public School Motor Vehicle Insurance Program — Participation.

(a) There is hereby established a Public School Motor Vehicle Insurance Program for all school motor vehicles of participating public school districts, education service cooperatives, and open-enrollment public charter schools in the State of Arkansas.

(b) Participation in the program provided for in this section shall be optional with each school district, education service cooperative, or open-enrollment public charter school.

History. Acts 1991, No. 824, §§ 3, 17; 2003 (2nd Ex. Sess.), No. 78, § 17; 2007, No. 617, § 27.

6-21-704. Administration — Reports.

(a) The State Insurance Department shall administer the Public School Motor Vehicle Insurance Program.

(b) The department is authorized to delegate to the Director of the Risk Management Division and staff such responsibilities as are deemed necessary in connection with the administration of this subchapter.

(c) The department shall report annually to the Governor and the General Assembly on the status of the program, including a detailed statement of investments and earnings.

History. Acts 1991, No. 824, §§ 4, 11; 2003 (2nd Ex. Sess.), No. 78, § 18.

6-21-705. Powers and duties of Insurance Commissioner.

It shall be the power and duty of the Insurance Commissioner to:

(1) Establish in the State Insurance Department a program of insurance to cover motor vehicles owned by public school districts, education service cooperatives, and open-enrollment public charter schools. The program shall be in accordance with recognized and established insurance practices;

(2) Establish and, from time to time, modify the premium rates to be charged for various risks;

(3) Specify the form for insurance policies and other forms required for the purposes of this subchapter;

(4) Employ or contract for necessary officials, adjusters, appraisers, attorneys, and other personnel required in the administration of this subchapter;

(5) Engage in a loss control program to assist the public schools in improving and minimizing potential loss of life and property; and

(6) Perform all additional powers and duties necessary to maintain sound insurance underwriting practices recognized by good risk management.

History. Acts 1991, No. 824, § 5; 2003 (2nd Ex. Sess.), No. 78, § 19; 2007, No. 617, § 28.

6-21-706. Information furnished by participants.

(a) The Insurance Commissioner shall require each entity participating in the Public School Motor Vehicle Insurance Program to furnish to the Risk Management Division a complete list of each and every motor vehicle with full information in regard to the year, make, model, value, condition, and any other pertinent information.

(b) The commissioner shall have authority to require each participating entity to furnish a complete report of its motor vehicle insurance program, including the expiration dates of its contracts and loss histories.

History. Acts 1991, No. 824, § 6; 2003 (2nd Ex. Sess.), No. 78, § 20.

6-21-707. Inspection and safety program.

(a) The State Insurance Department is authorized to maintain an inspection and safety program designed to reduce the hazard of accidents involving motor vehicles insured under the Public School Motor Vehicle Insurance Program.

(b) The department may refuse to insure motor vehicles when it believes the vehicles to be a hazard to life or property. If the vehicle is deemed no longer insurable, thirty (30) days' notice must be given in advance of cancellation or nonrenewal.

History. Acts 1991, No. 824, § 8; 2003 (2nd Ex. Sess.), No. 78, § 21.

6-21-708. Policy limits.

(a) Liability policies shall meet the minimum legal requirements of the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., with reference to coverage on motor vehicles.

(b) The State Insurance Department is authorized to include in the Public School Motor Vehicle Insurance Program and make available physical damage and medical payments coverage to the participating entities. Medical payments coverage shall be limited to five thousand dollars ($5,000) per occupant of a school vehicle and shall be in addition to any other automobile medical payments coverage available to any occupant.

History. Acts 1991, No. 824, § 14; 2003 (2nd Ex. Sess.), No. 78, § 22.

6-21-709. Payment of claims — Subrogation — Premium rate — Excess insurance.

(a)(1) The Public School Insurance Trust Fund shall pay all losses and claims the insured is legally obligated to pay as specified in the contract.

(2) It shall be the duty of the State Insurance Department to coordinate, facilitate, and expedite details in connection with responsibilities outlined in the insurance contract.

(3) The department is hereby granted authority to contract for services with appraisers, adjusters, attorneys, or other professionals needed in order to expedite and facilitate the proper operation of the Public School Motor Vehicle Insurance Program.

(b) The program may require an assignment of rights of recovery to the extent that payment is made under any coverage provided by the program.

(c) If other insurance coverage exists, the program will pay its proportional share of the loss. The program's share shall be the proportion that the program's limits of liability bear to the total of all applicable limits.

(d)(1) Participating entities shall make payment of premium when demand is made as scheduled in the contract.

(2) Any school district, education service cooperative, or open-enrollment public charter school which does not pay the premium when due shall be charged a rate of interest at five percent (5%) per annum on all payments due and unpaid on the policy issued.

(3) The department may cancel insurance coverage for school districts, education service cooperatives, or open-enrollment public charter schools that fail to pay the premium due within thirty (30) days.

(4) The department shall give thirty (30) days' notice before any cancellation for nonpayment.

(e) The department's rules and regulations shall include such items as payment of premium and other pertinent items with reference to the premium rate, but its requirements shall not be more strin-

gent than practices of commercial companies writing similar insurance in Arkansas.

History. Acts 1991, No. 824, §§ 9, 10, 12, 15; 2003 (2nd Ex. Sess.), No. 78, § 23; 2007, No. 617, § 29; 2007, No. 738, § 5.

6-21-710. Public School Insurance Trust Fund — Investments.

(a) All funds received by the State Insurance Department as premiums, adjustments, earnings, and the like, as provided in this subchapter, shall be deposited into the Public School Insurance Trust Fund and used for the following purposes, listed in a descending order of priority:

(1) To defray administrative costs;

(2) To pay claims; and

(3) To maintain the Public School Insurance Trust Fund.

(b)(1) The department is authorized to invest funds of the Public School Motor Vehicle Insurance Program.

(2) Funds of the program may be invested and reinvested as the Insurance Commissioner may determine.

(3) Moneys invested and interest earned thereon shall be administered as program funds.

(4) All moneys deposited to the Public School Insurance Trust Fund shall not be subject to any deduction, tax, levy, or any other type of assessment.

History. Acts 1991, No. 824, §§ 13, 16; 2003 (2nd Ex. Sess.), No. 78, § 24; 2007, No. 738, § 6.

6-21-711. Advisory committee — Members — Duties.

(a) There is hereby established a Public Elementary and Secondary School Insurance Program and Public School Motor Vehicle Insurance Program Advisory Committee, consisting of five (5) members as follows:

(1) The Chair and Vice Chair of the Senate Committee on Insurance and Commerce;

(2) The Chair and Vice Chair of the House Committee on Insurance and Commerce; and

(3) The Director of the Department of Finance and Administration or his or her designee.

(b) The Public School Motor Vehicle Insurance Program Advisory Committee shall meet at such times and places as it shall deem necessary for the purpose of carrying out its duties under the provisions of this subchapter.

(c) The Public School Motor Vehicle Insurance Program Advisory Committee shall select one (1) of its members as chair and such other officers as may be deemed necessary for transaction of business.

(d) A majority of the members of the Public School Motor Vehicle Insurance Program Advisory Committee shall constitute a quorum for the purpose of transacting business.

(e) All action of the Public School Motor Vehicle Insurance Program Advisory Committee shall be by a majority vote of the full membership of the Public School Motor Vehicle Insurance Program Advisory Committee.

(f) Members shall serve without pay but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(g) The Public School Motor Vehicle Insurance Program Advisory Committee shall periodically review the status of the Public School Insurance Trust Fund.

(h) The Public School Motor Vehicle Insurance Program Advisory Committee shall perform such other duties in an advisory capacity to the State Insurance Department as will expedite the operation of the programs.

(i) All proposed procedures, guidelines, and other recommendations pertaining to the programs recommended by the Public School Motor Vehicle Insurance Program Advisory Committee under this subchapter shall be advisory to the State Insurance Department.

History. Acts 1991, No. 824, § 7; 1997, No. 250, § 18; 1999, No. 391, § 21; 2003 (2nd Ex. Sess.), No. 78, § 25; 2005, No. 171, § 1; 2007, No. 738, § 7.

SUBTITLE 4. VOCATIONAL AND TECHNICAL EDUCATION

CHAPTER 51

VOCATIONAL AND TECHNICAL SCHOOLS

Subchapter 1 — General Provisions

SECTION.

6-51-101. Vehicle registration — Tax and fee exemptions.

6-51-101. Vehicle registration — Tax and fee exemptions.

(a) All motor vehicles owned and operated by publicly financed vocational-technical schools, technical colleges, and community colleges in the state and used exclusively for training purposes shall be exempt from:

(1) State, county, and municipal taxes; and

(2) All vehicle registration fees.

(b)(1) Each publicly supported vocational-technical school, technical college, and community college in the state now owning or hereafter acquiring one (1) or more motor vehicles used exclusively for training purposes shall register vehicles in the same manner as is provided by law for other motor vehicles, but no charge shall be made for the registration of the vehicles.

(2) All vocational-technical school, technical college, and community college buses registered under

the provisions of this section shall be properly identified as vocational-technical school, technical college, and community college vehicles.

History. Acts 1973, No. 476, §§ 1, 2; A.S.A. 1947, §§ 80-2586, 80-2586.1; Acts 1995, No. 1297, § 1.

TITLE 8

ENVIRONMENTAL LAW

CHAPTER 6

DISPOSAL OF SOLID WASTES AND OTHER REFUSE

Subchapter 4 — Litter Control Act

SECTION.

8-6-401. Title.
8-6-402. Purpose.
8-6-403. Definitions.
8-6-404. Penalties.
8-6-405. Injunction.
8-6-406. Unlawful to litter — Exceptions.
8-6-407. Commercial refuse hauling by uncovered vehicles.
8-6-408. Discarding certain items prohibited.
8-6-409. Prima facie evidence against drivers.
8-6-410. Notice to the public required.
8-6-411. Litter receptacles.
8-6-412. Enforcement generally.
8-6-413. Authority to take possession of discarded items — Notice.
8-6-414. Notification to motor vehicle owner and lienholders — Reclamation.
8-6-415. Sale of junked vehicles and discarded items.
8-6-416. Disposition of sale proceeds.
8-6-417. [Repealed.]
8-6-418. Possession or use of glass containers on navigable waterways.

8-6-401. Title.

This subchapter shall be cited and known as the "Litter Control Act".

History. Acts 1977, No. 883, § 1; A.S.A. 1947, § 82-3901.

8-6-402. Purpose.

The purpose of this subchapter is to accomplish the control of litter, inoperative household appliances, and junk motor vehicles throughout the state by regulating their disposal. The intent of this subchapter is to add to existing litter control, removal, and enforcement efforts and not to terminate or supplant such efforts, as well as the compatible goal of improving the quality of life for all the citizens of Arkansas.

History. Acts 1977, No. 883, § 1; A.S.A. 1947, § 82-3901.

8-6-403. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Abandoned" means property to which no person claims or exercises right of ownership;

(2) "Automobile repair shop" means any business which engages in the repair or servicing of vehicles;

(3) "Commercial littering" includes, but is not limited to, littering done by commercial businesses and manufacturing companies of every kind and description, including those businesses and persons who illegally dispose of litter or solid waste for other persons in return for money, fees, or other compensation;

(4) "Demolisher" means any person whose business, to any extent or degree, is to convert a motor vehicle or household appliance into processed scrap or scrap metal, into saleable parts, or otherwise to wreck or dismantle vehicles or appliances;

(5) "Disposable package or container" means all items or materials designed or intended to contain another item or product, but not designed or intended for permanent or continued use;

(6) "Enclosed building" means a structure surrounded by walls or one (1) continuous wall and having a roof enclosing the entire structure and includes a permanent appendage to the structure;

(7) "Household appliance" includes, but is not limited to, refrigerators, freezers, ranges, stoves, automatic dishwashers, clothes washers, clothes dryers, trash compacters, television sets, radios, hot water heaters, air conditioning units, commodes and other plumbing fixtures, and bed springs or other furniture;

(8) "Inoperative household appliance" means a discarded household appliance which by reason of mechanical or physical defects can no longer be used for its intended purpose and which is not serving a functional purpose;

(9) "Junk motor vehicle" means any vehicle which is inoperable, dismantled, or damaged and that is unable to start and move under its own power. Vehicles are excluded as long as they are registered and bear a current license permit;

(10)(A) "Litter" means all waste material which has been discarded or otherwise disposed of as prohibited in this subchapter, including, but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other postconsumer solid wastes.

(B) Litter does not include wastes from the primary processing of mining, logging, sawmilling, or farming, the raising of poultry, manufacturing, or wastes deposited in proper receptacles;

(11) "Old vehicle tire" means a pneumatic tire in which compressed air is designed to support a load, but which because of wear, damage, or defect can no longer safely be used on a motor vehicle and which is either not serving a functional purpose or use or is

not in an enclosed building, a salvage yard, or the actual possession of a demolisher;

(12) "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests;

(13) "Salvage yard" means any business that, in the course of its operation, maintains ten (10) or more vehicles to be used, wholly or in parts, to generate revenue for the operation of the business; and

(14) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

History. Acts 1977, No. 883, § 2; A.S.A. 1947, § 82-3902.

8-6-404. Penalties.

(a)(1)(A)(i) A person convicted of a violation of § 8-6-406 or § 8-6-407 for a first offense shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000).

(ii) An additional sentence of not more than eight (8) hours of community service shall be imposed under this subdivision (a)(1)(A).

(B)(i) A person convicted of a violation of § 8-6-406 or § 8-6-407 for a second or subsequent offense within three (3) years of the first offense shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than two hundred dollars ($200) and not more than two thousand dollars ($2,000).

(ii) An additional sentence of not more than twenty-four (24) hours of community service may be imposed under this subdivision (a)(1)(B).

(2) In addition to those penalties, any violator may also be required to remove litter from alongside highways and at other appropriate locations for any prescribed period.

(b) Any person who violates § 8-6-406 or § 8-6-407 and who is found to have committed the prohibited acts in furtherance of or as a part of a commercial enterprise, whether or not that enterprise is the disposal of wastes, shall be guilty of commercial littering and shall be guilty of a Class A misdemeanor. Additionally, those convicted may be required to remove any litter disposed of in violation of this subchapter.

(c) Any person who violates any provision of § 8-6-408 shall be guilty of:

(1) An unclassified misdemeanor for a first offense and shall be fined one thousand dollars ($1,000) and sentenced to one hundred (100) hours of community service; and

(2) A Class A misdemeanor for a second or subsequent offense.

(d)(1) All or any portion of the fines, community service, and imprisonment penalties provided by this section may be suspended by the judge if the violator agrees to remove litter from alongside highways and at other appropriate locations for a prescribed period.

(2) All fines collected under this section shall be deposited as follows:

(A) If a municipality or county where the offense occurs is a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., and participates in litter control programs conducted by these organizations, then the moneys from fines collected for offenses in that jurisdiction shall be deposited, according to accounting procedures prescribed by law, into the city general fund or the county general fund to be used for the purpose of community improvement as determined by the municipal or county governing body; or

(B) If the municipality or county where the offense occurs is not a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., or does not participate in litter-control programs conducted by these organizations, then the moneys from fines collected for offenses in those jurisdictions shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Keep Arkansas Beautiful Fund Account to be used by the Keep Arkansas Beautiful Commission, as appropriated by the General Assembly, for the purposes of encouraging litter prevention and antilitter education and increasing awareness of litter law enforcement statewide.

(e) In addition to all other penalties, any person convicted of a violation of § 8-6-406 or § 8-6-407 who fails to pay any fines assessed in accordance with the findings and orders of the court shall have his or her driver's license suspended for six (6) months by the Department of Finance and Administration, upon receipt of an order of denial of driving privileges from the court pursuant to this section.

History. Acts 1977, No. 883, §§ 7, 11; 1981, No. 841, §§ 1, 2; A.S.A. 1947, §§ 82-3907, 82-3911; Acts 1993, No. 727, § 1; 1995, No. 979, § 1; 2001, No. 145, § 1; 2003, No. 1765, § 3; 2005, No. 646, § 1.

8-6-405. Injunction.

In addition to all other remedies provided by this subchapter, the Arkansas Department of Environmental Quality, the Attorney General of this state, the prosecuting attorney of a county where any violation of any provision of this subchapter occurs, or any citizen, resident, or taxpayer of the county where a violation of any provision of this subchapter occurs may apply to the chancery court or the judge

in vacation of the county where the alleged violation occurred for an injunction to restrain, prevent, or abate the maintenance and storage of litter, junk motor vehicles, old vehicle tires, or inoperative or discarded household appliances in violation of any provision of this subchapter.

History. Acts 1977, No. 883, § 16; A.S.A. 1947, § 82-3916; Acts 1991, No. 516, § 1; 1999, No. 1164, § 64.

8-6-406. Unlawful to litter — Exceptions.

It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or upon or into any river, lake, pond, or other stream or body of water within this state, unless:

(1) The property has been designated by the Arkansas Department of Environmental Quality as a permitted disposal site;

(2) The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters; or

(3)(A) The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance, or a fire hazard.

(B) However, a property owner shall not be held responsible for actions of his tenant.

History. Acts 1977, No. 883, § 4; A.S.A. 1947, § 82-3904; Acts 1999, No. 1164, § 65.

8-6-407. Commercial refuse hauling by uncovered vehicles.

It shall be unlawful for any person engaged in commercial or for-hire hauling to operate any truck or other vehicle within this state to transport litter, trash, or garbage unless the vehicle is covered to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle. In addition, any person operating his own truck or other vehicle to transport litter, trash, or garbage shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the vehicle. However, no vehicle hauling predominately metallic material shall be required to be covered if it is loaded in a manner which will prevent the material from falling or dropping from the vehicle.

History. Acts 1977, No. 883, § 6; A.S.A. 1947, § 82-3906.

8-6-408. Discarding certain items prohibited.

It shall be unlawful for any person to place or cause to be placed any junk motor vehicle, old vehicle tire, or inoperative or abandoned household appliance, or part thereof, upon the right-of-way of any public highway, upon any other public property, or upon any private property which he does not own, lease, rent, or otherwise control, unless it is at a salvage yard, a permitted disposal site, or at the business establishment of a demolisher.

History. Acts 1977, No. 883, § 10; A.S.A. 1947, § 82-3910.

8-6-409. Prima facie evidence against drivers.

If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle.

History. Acts 1977, No. 883, § 5; A.S.A. 1947, § 82-3905.

8-6-410. Notice to the public required.

The state shall erect signs containing pertinent portions of this subchapter along the public highways of this state and in all campgrounds and trailer parks, forestlands, and recreational areas, at all public beaches, and at other public places where persons are to be informed of the existence and content of this subchapter and the penalties for violating its provisions.

History. Acts 1977, No. 883, § 8; A.S.A. 1947, § 82-3908.

8-6-411. Litter receptacles.

The state shall place litter receptacles along public highways in appropriate numbers to provide motorists with convenient methods of litter disposal.

History. Acts 1977, No. 883, § 9; A.S.A. 1947, § 82-3909.

8-6-412. Enforcement generally.

(a) All Arkansas-certified law enforcement officers:

(1) Shall enforce this subchapter;

(2) May issue citations to or arrest persons violating any provision of this subchapter; and

(3)(A) May serve and execute all warrants, citations, and other process issued by the courts in enforcing this subchapter.

(B) In addition, mailing by registered mail of the process to the person's last known place of residence shall be deemed as personal service upon the person charged.

(b)(1) Illegal dumps control officers licensed and certified in accordance with § 8-6-905 and code enforcement officers as defined by municipal ordinance may:

(A) Enforce this subchapter; and

(B) Issue citations to persons violating this subchapter.

(2) However, illegal dumps control officers licensed and certified in accordance with § 8-6-905 and code enforcement officers as defined by municipal ordinance shall not:

(A) Have the powers of arrest;

(B) Carry firearms; or

(C) Take any other official law enforcement actions.

(c)(1) All certified law enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing this subchapter.

(2) In addition, mailing by registered mail of the process to the person's last known place of residence shall be deemed as personal service upon the person charged.

History. Acts 1977, No. 883, § 3; A.S.A. 1947, § 82-3903; Acts 1999, No. 386, § 1; 2005, No. 75, § 1; 2007, No. 377, § 1.

8-6-413. Authority to take possession of discarded items — Notice.

(a)(1) Any enforcement agency described in § 8-6-412 which has knowledge of, discovers, or finds any junk motor vehicle, old vehicle tire, or inoperative or discarded household appliance on either public or private property may take it into custody and possession.

(2) The enforcement agency may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing junk motor vehicles, old vehicle tires, or inoperative or abandoned household appliances.

(b)(1) However, before taking any junk motor vehicle into custody and possession from private property, the enforcement agency shall give the private property owner and the owner of the motor vehicle, if ascertainable, thirty (30) days' notice by registered or certified mail or seventy-two (72) hours' notice by personal service that such an action will be taken unless the motor vehicle is:

(A) Restored to a functional use;

(B) Disposed of by the owner in a manner not prohibited by this subchapter; or

(C) Placed in an enclosed building.

(2) The thirty-days' or seventy-two-hours' notice under subdivision (b)(1) of this section may be waived by the owners of the property.

History. Acts 1977, No. 883, § 12; A.S.A. 1947, § 82-3912; Acts 2005, No. 1222, § 1.

8-6-414. Notification to motor vehicle owner and lienholders — Reclamation.

(a)(1) The enforcement agency which takes into custody and possession any junk motor vehicle, within thirty (30) days after taking custody and possession thereof, shall notify the last known registered owner of the motor vehicle and all lienholders of record that the motor vehicle has been taken into custody and possession.

(2) The notification shall be by registered or certified mail, return receipt requested.

(3) The notice shall:

(A) Contain a description of the motor vehicle, including the year, make, model, manufacturer's serial or identification number, or any other number which may have been assigned to the motor vehicle by the Office of Motor Vehicle and shall note any distinguishing marks;

(B) Set forth the location of the facility where the motor vehicle is being held and the location where the motor vehicle was taken into custody and possession; and

(C) Inform the owner and any lienholders of record of their right to reclaim the motor vehicle within ten (10) days after the date notice was received by the owner or lienholders upon payment of all towing, preservation, and storage charges resulting from taking and placing the motor vehicle into custody and possession and state that the failure of the owner or lienholders of record to exercise their right to reclaim the motor vehicle within the ten-day period shall be deemed a waiver by the owner and all lienholders of record of all right, title, and interest in the motor vehicle and of their consent to the sale or disposal of the junk motor vehicle at a public auction or to a salvage yard or demolisher.

(b)(1) If the identity of the last registered owner of the junk motor vehicle cannot be determined, if the certificate of registration or certificate of title contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, then notice shall be published in a newspaper of countywide circulation in the county wherein the motor vehicle was located at the time the enforcement agency took custody and possession of the vehicle.

(2) This notice shall be sufficient to meet all requirements of notice pursuant to this section.

(3) Any notice by publication may contain multiple listings of junk motor vehicles.

(4) The notice shall be published within thirty (30) days after the motor vehicle is taken into custody and possession.

(5) The notice shall have the same contents required for a notice pursuant to subsection (a) of this section, except that the ten-day period shall run from the date such notice is published as prescribed.

(c) The consequences and effect of failure to reclaim a junk motor vehicle within the ten-day period after notice is received by registered or certified mail or within ten (10) days after the notice is published in a newspaper as prescribed shall be set forth in the notice.

History. Acts 1977, No. 883, § 13; A.S.A. 1947, § 82-3913.

8-6-415. Sale of junked vehicles and discarded items.

(a) If a junk motor vehicle is not reclaimed as provided for in § 8-6-414, the enforcement agency in possession of the junk motor vehicle shall sell it either at a public auction or to a salvage yard or demolisher. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership and shall receive a sales receipt from the enforcement agency which disposed of the motor vehicle. The sales receipt at the sale shall be sufficient title only for purposes of transferring the motor vehicle to a salvage yard or to a demolisher for demolition, wrecking, or dismantling. No further titling of the motor vehicle shall be necessary by either the purchaser at the auction, the salvage yard, or the demolisher, who shall be exempt from the payment of any fees and taxes.

(b) When an enforcement agency has in its custody and possession old vehicle tires or inoperative or discarded household appliances collected in accordance with § 8-6-413, it shall sell property, from time to time, at public auction or to a salvage yard or demolisher.

History. Acts 1977, No. 883, § 14; A.S.A. 1947, § 82-3914.

8-6-416. Disposition of sale proceeds.

(a) From the proceeds of any sale, the enforcement agency which sold the junk motor vehicle, old vehicle tire, or inoperative or discarded household appliance shall reimburse itself for any expenses it may have incurred in removing, towing, preserving, and storing the property and for the expenses of conducting any auction and any notice and publication expenses incurred pursuant to this subchapter.

(b) Any remainder from the proceeds of the sale shall be deposited in the State Treasury to be kept and maintained in the Litter Control Account. Any remainder from the proceeds of the sale of a junk motor vehicle after payment of the expenses shall be held for the last registered owner of the motor vehicle or any lienholder for ninety (90) days, after which time, if no owner or lienholder claims the remainder, it shall be deposited in the special fund.

(c) Any moneys so collected and deposited in the Litter Control Account shall be used solely for the payment of auction, towing, removing, preserving, storing, notice, and publication costs which result from taking other junk motor vehicles, old vehicle tires, and inoperative or discarded household appliances into custody and possession.

History. Acts 1977, No. 883, § 15; A.S.A. 1947, § 82-3915.

8-6-417. [Repealed.]

Publisher's Notes. This section, concerning the Advisory Board, was repealed by Acts 1991, No. 786, § 6. The section was derived from Acts 1977, No. 883, § 17; A.S.A. 1947, § 82-3917.

Acts 1989, No. 536, § 8, abolished the Advisory Board on the Control of Litter and Junk.

Acts 1991, No. 786, § 37, provided: "The enactment and adoption of this Act shall not repeal, expressly or impliedly, the acts passed at the regular session of the 78th General Assembly. All such acts shall have full effect and, so far as those acts intentionally vary from or conflict with any provision contained in this Act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987."

8-6-418. Possession or use of glass containers on navigable waterways.

(a)(1) Except for containers for medicinal substances contained in a first-aid kit or prescribed by a licensed physician, and except as provided under subdivision (a)(2) of this section, no person shall possess or use glass containers within a vessel within the banks of Arkansas's navigable waterways.

(2) A person engaged in removing glass previously discarded by others and found within the banks of an Arkansas navigable waterway may not be charged with a violation of this section on the basis of possession of glass, if while underway and upon a waterway, he or she transports the removed glass securely in a trash container.

(b)(1) A person entering, traveling upon, or otherwise using Arkansas's navigable waterways by canoe, kayak, inner tube, or other vessel easily susceptible to swamping, tipping, rolling, or otherwise discharging its contents into a waterway, and transporting foodstuffs or beverages shall:

(A) Transport all foodstuffs and beverages in a sturdy container and ensure that the container is made to seal or lock in the contents to prevent the contents from spilling into the water;

(B)(i) Carry and affix to the vessel a trash container or bag suitable for containing his or her refuse, waste, and trash materials and capable of being securely closed.

(ii) The trash container or bag shall be either a sturdy container, of a construction similar to a sturdy container, or a bag of mesh construction;

(C)(i) Except as provided under subdivision (b)(1)(C)(ii) of this section, transport all his or her refuse, waste, and trash either in a sturdy container or in a trash container to a place where the refuse, waste, and trash may be safely and lawfully disposed of.

(ii) A person engaged in removing items of refuse, waste, and trash materials previously discarded by others and found by him or her within the banks of an Arkansas navigable waterway and that are too large to be transported in a trash container or bag, may not be charged with a violation of this section on the basis of possession and transportation of the refuse, waste, and trash; and

(D) At all times other than when a beverage is securely contained in a sturdy container or a trash container as in subdivisions (b)(1)(A)-(C) of this section, keep the beverage attached to or held within a floating holder or other device designed to prevent the beverage from sinking beneath the surface of the waterway.

(2) Neither a sturdy container nor a trash container may be required of a person traveling without foodstuffs or beverages.

(c)(1) A violation of this section shall be a misdemeanor and each violation may be prosecuted as a separate offense.

(2) Each violation shall be punishable by a fine of not more than five hundred dollars ($500).

(d) For purposes of this section:

(1) "Navigable waterway" means any navigable river, lake, or other body of water used or susceptible to being used in its natural condition by canoe, kayak, innertube, or other vessel easily susceptible to swamping, tipping, or rolling and located wholly or partly within this state;

(2) "Sturdy container" shall not include a container that is:

(A) Primarily constructed of styrofoam; or

(B) So constructed that it may be easily broken; and

(3) "Vessel" shall not include a houseboat, party barge, johnboat, runabout, ski boat, bass boat, or similar craft not easily susceptible to swamping, tipping, or rolling.

History. Acts 2001, No. 803, § 1; 2003, No. 1101, § 1.

TITLE 9

FAMILY LAW

SUBTITLE 2. DOMESTIC RELATIONS

CHAPTER 14

SPOUSAL AND CHILD SUPPORT

Subchapter 2 — Enforcement Generally

SECTION.

9-14-239. Suspension of license for failure to pay child support.

9-14-239. Suspension of license for failure to pay child support.

(a) As used in this section:

(1) "Department" means the Department of Finance and Administration or its duly authorized agents;

(2) "License" means an Arkansas driver's license issued pursuant to § 27-16-101 et seq., and § 27-20-101 et seq., or an occupational, professional, or business license regulated under Title 17 of this Code and all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and 27 of this Code;

(3) "Office" means the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration;

(4) "Other licensing entity" means any other state agency, department, board, commission, municipality, or any entity within the State of Arkansas or the United States that issues or renews an occupational, professional, or business license regulated under Title 17 of this Code and all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and 27 of this Code; and

(5) "Permanent license plate" means the license plate, issued by the department, that by law must be affixed to every vehicle as defined by § 27-14-1002 and every motorized cycle as defined by § 27-20-101.

(b)(1)(A) Unless an obligor executes an installment agreement or makes other necessary and proper arrangements with the office, the office shall notify the department or other licensing entity to suspend the license or permanent license plate of the obligor whenever the office determines that one (1) of the following conditions exists:

(i) The obligor is delinquent on a court-ordered child support payment or an adjudicated arrearage in an amount equal to three (3) months' obligation or more; or

(ii) The obligor is the subject of an outstanding failure to appear warrant, a body attachment, or a bench warrant related to a child support proceeding.

(B) Prior to the notification to suspend the license of the obligor, the office shall determine whether the obligor holds a license or permanent license plate with the department or other licensing entity.

(2)(A) The office shall notify the obligor that a request will be made to the department to suspend the license or permanent license plate sixty (60) days after the notification unless a hearing with the office is requested in writing within thirty (30) days to determine whether one (1) of the conditions of suspension does not exist.

(B) Notification shall be sufficient under this subdivision (b)(2) if mailed to the obligor at either the last known address provided to the court by the obligor pursuant to § 9-14-205 or to the address used by the obligor on the license or the application for a permanent license plate.

(c) Following a determination by the office under subdivision (b)(1) of this section, the office shall notify the department or other licensing entity to suspend the license or permanent license plate of the obligor.

(d)(1) The department or other licensing entity, upon receipt of the notification, shall immediately suspend the license or permanent license plate of the obligor.

(2) This suspension shall remain in effect until the department or other licensing entity is notified by the office to release the suspension.

(e)(1) If the obligor enters into an installment agreement or makes other necessary and proper arrangements with the office to pay child support, the office shall immediately notify the department or other licensing entity to restore the license or permanent license plate of the obligor.

(2) In the case of fraud or mistake, the office shall immediately notify the department or other licensing entity to restore the license or permanent license plate of the obligor, as appropriate.

(f) The office and the department are authorized to promulgate rules and regulations necessary to carry out this section in the interests of justice and equity.

(g) The office is authorized to seek an injunction in the circuit court of the county in which the child

support order was entered, restraining the obligor from driving or from any licensed or permitted activity during the time the obligor's license or permanent license plate is suspended.

(h)(1)(A) Any obligor whose license or permanent license plate has been suspended may appeal to the circuit court of the county in which the child support order was entered or transferred, within thirty (30) days after the effective date of the suspension, by filing a petition with a copy of the notice of the suspension attached, or with a copy of the final administrative hearing decision of the office, with the clerk of the circuit court and causing a summons to be served on the Administrator of the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration.

(B) For persons paying child support pursuant to § 9-17-501 or § 9-17-507, the foreign order shall be registered by the office pursuant to § 9-17-601 et seq.

(2) The case shall be tried de novo.

(3) The circuit judges are vested with jurisdiction to determine whether the petitioner is entitled to a license or permanent license plate or whether the decision of the hearing officer should be affirmed, modified, or reversed.

(i) Nothing provided in this section shall be interpreted to prohibit the circuit court from suspending a permanent license plate or a license through contempt proceedings resulting from the nonpayment of child support.

History. Acts 1995, No. 752, § 1; 1997, No. 1296, § 33; 1999, No. 1514, §§ 17, 18; 2003, No. 1020, § 8; 2003, No. 1185, § 17.

TITLE 12

LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS

SUBTITLE 2. LAW ENFORCEMENT AGENCIES AND PROGRAMS

CHAPTER 8

DEPARTMENT OF ARKANSAS STATE POLICE

Subchapter 1 — General Provisions

SECTION.

12-8-106. Department of Arkansas State Police — Duties and powers — Restrictions — Municipal police barred from patrolling certain highways.
12-8-107. Arrests and detentions.
12-8-116. Motor vehicles.

12-8-106. Department of Arkansas State Police — Duties and powers — Restrictions — Municipal police barred from patrolling certain highways.

(a)(1) It shall be the duty of the Department of Arkansas State Police to:

(A) Patrol the public highways, make arrests, and enforce the laws of this state relating to motor vehicles and the use of the state highways;

(B) Establish, maintain, and enforce a towing rotation list to assist in clearing highways of motor vehicles which have been involved in accidents or abandoned;

(C) Assist in the collection of delinquent motor vehicle license taxes and the collection of gasoline and other taxes that are required by law; and

(D) Determine when, if possible, a person or persons are the cause of injury to any state highway or other state property and arrest all persons criminally responsible for injury to any state highway or other state property and bring them before the proper officer for trial.

(2) The Director of the Department of Arkansas State Police may promulgate necessary rules and regulations to carry out the purpose and intent of subdivision (a)(1)(B) of this section.

(b) The department shall be conservators of the peace and as such shall have the powers possessed by police officers in cities and county sheriffs in counties, except that the department may exercise such powers anywhere in this state.

(c) The department shall have the authority to establish a Crimes Against Children Division, either through transfer or by contract, to conduct child abuse investigations, to administer the Child Abuse Hotline, and, when consistent with regulations promulgated by the department, to provide training and technical assistance to local law enforcement in conducting child abuse investigations.

(d) The police officers shall have all the power and authority of the State Fire Marshal and shall assist in making investigations of arson, § 5-38-301, and such other offenses as the director may direct and shall be subject to the call of the circuit courts of the state and the Governor.

(e) However, this chapter shall not be construed so as to take away any authority of the regularly constituted peace officers in the state, but the department shall cooperate with them in the enforcement of the criminal laws of the state and assist such officers either in the enforcement of the law or apprehension of criminals.

(f) Nothing in this chapter shall be construed as to authorize any officer of the department to serve writs unless they are specifically directed to the

department, or an officer thereof, by the issuing authority.

(g) No officer or member of the department shall ever be used in performing police duties on private property in connection with any strike, lockout, or other industrial disturbance.

(h)(1)(A) The following law enforcement officers are prohibited from patrolling controlled-access facilities except as may be authorized by the director:

(i) A municipal police officer;

(ii) An officer established under § 14-42-401 et seq.;

(iii) A city marshal; and

(iv) A constable.

(B) The director may withdraw any previously issued authorization to patrol controlled-access facilities.

(C)(i) The director shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to establish criteria for granting or withdrawing authorization to patrol controlled-access facilities.

(ii) In adopting the rules described in subdivision (h)(1)(C)(i) of this section, the director at a minimum shall take into consideration the following factors:

(a) Public safety;

(b) Training of the law enforcement officers;

(c) Size of the law enforcement agency;

(d) Financial impact;

(e) Abuse of police power; and

(f) The types of roadways or highways that are controlled-access facilities for purposes of this section.

(2) The following law enforcement officers may patrol any service roads that are within their jurisdiction situated adjacent to controlled-access facilities:

(A) A municipal police officer;

(B) An officer established under § 14-42-401 et seq.;

(C) A city marshal; and

(D) A constable.

(3) This subsection shall not prohibit a municipal police officer, an officer established under § 14-42-401 et seq., a city marshal, or a constable from responding to an accident or other emergency on a controlled-access facility.

History. Acts 1945, No. 231, §§ 7, 8; 1963, No. 133, § 1; A.S.A. 1947, §§ 42-407, 42-408; Acts 1987, No. 509, § 1; 1997, No. 1240, § 7; 2001, No. 254, § 1; 2001, No. 441, § 1; 2001, No. 1697, § 4; 2007, No. 371, § 1; 2011, No. 741, § 1.

12-8-107. Arrests and detentions.

(a) If any officer of the Department of Arkansas State Police delivers an arrested person to a county jail for detention, it shall be the duty of the jailer to receive the prisoner.

(b) The department officer may notify the county sheriff or prosecuting officer of the county in which the crime was committed of the arrest and detention of the prisoner and make such lawful disposition of the prisoner as the department officer is directed to do by the county sheriff or prosecuting officer.

History. Acts 1945, No. 231, § 8; A.S.A. 1947, § 42-408; Acts 2001, No. 1697, § 5.

12-8-116. Motor vehicles.

(a)(1) All automobiles, motorcycles, or other vehicles of any nature owned, used, and operated by the Department of Arkansas State Police shall be exempt from the payment of any licenses, fees, and charges required by the laws of this state for the operation of the vehicles upon the public highways of this state.

(2) The Director of the Department of Arkansas State Police and the Director of the Department of Finance and Administration shall adopt identification tags or other insignia which shall be attached to the vehicles by the officers, members, and employees of the Department of Arkansas State Police, for which tag or insignia no charge shall be made or collected.

(b) The Department of Arkansas State Police is granted authority to purchase used vehicles for use in confidential assignments and drug investigations.

History. Acts 1945, No. 231, § 25; 1983, No. 537, § 9; A.S.A. 1947, §§ 42-409.1, 42-425.

CHAPTER 12

CRIME REPORTING AND INVESTIGATIONS

SUBCHAPTER 2 — ARKANSAS CRIME INFORMATION CENTER

SECTION.

12-12-201. Creation — Director.
12-12-207. Maintenance and operation of information system.
12-12-208. Coordination with national crime control information systems.

12-12-201. Creation — Director.

(a) There is created the Arkansas Crime Information Center, under the supervision of the Supervisory Board for the Arkansas Crime Information Center established by this subchapter.

(b) This center shall consist of a director and such other staff under the general supervision of the director as may be necessary to administer the services of this subchapter, subject to the approval of funds authorized by the General Assembly.

(c) The board shall name the director of the center.

History. Acts 1971, No. 286, § 1; 1975, No. 742, § 1; A.S.A. 1947, § 5-1101.

12-12-207. Maintenance and operation of information system.

(a) The Arkansas Crime Information Center shall be responsible for providing for the maintenance and operation of the computer-based Arkansas Crime Information System.

(b) The use of the system is restricted to serving the informational needs of governmental criminal justice agencies and others specifically authorized by law through a communications network connecting local, county, state, and federal authorities to a centralized state repository of information.

(c) The Supervisory Board for the Arkansas Crime Information Center shall approve the creation and maintenance of each file in the system, establish the entry criteria and quality control standards for each file, and conduct an annual review of the appropriateness and effectiveness of all files and services provided by the center.

(d)(1) The center shall collect data and compile statistics on the nature and extent of crime problems in Arkansas and compile other data related to planning for and operating criminal justice agencies.

(2) The center shall also periodically publish statistics and report such information to the Governor, the General Assembly, and the general public.

(e) The center shall be authorized to design and administer uniform record systems, uniform crime reporting systems, and other programs to be used by criminal justice agencies to improve the administration of justice in Arkansas.

History. Acts 1971, No. 286, §§ 2, 9; 1975, No. 742, § 2; 1981, No. 612, § 1; 1983, No. 282, § 1; A.S.A. 1947, §§ 5-1102, 5-1102.3, 5-1109, 5-1117; Acts 1993, No. 535, § 6; 1993, No. 551, § 6; 1994 (2nd Ex. Sess.), No. 37, § 1; 1994 (2nd Ex. Sess.), No. 38, § 1; 1995, No. 498, § 1.

12-12-208. Coordination with national crime control information systems.

(a)(1) The Arkansas Crime Information Center shall be the central access and control agency for Arkansas's input, retrieval, and exchange of criminal justice information in the National Crime Information Center or its successor, and the National Law Enforcement Telecommunications System or its successor.

(2) The center shall be responsible for the coordination of all Arkansas user agencies with the National Crime Information Center and the National Law Enforcement Telecommunications System.

(b) The Director of the Arkansas Crime Information Center or his or her designee shall serve as the National Crime Information Center control terminal officer and the National Law Enforcement Telecommunications System representative.

History. Acts 1979, No. 124, §§ 1, 2; A.S.A. 1947, §§ 5-1102.1, 5-1102.2.

SUBTITLE 4. MILITARY AFFAIRS

CHAPTER 62

MILITARY PERSONNEL

SUBCHAPTER 4 — PRIVILEGES

SECTION.

12-62-407. Exemption from traffic laws.
12-62-408. Penalty for interference.
12-62-409. Free passage over toll bridges and ferries.
12-62-410. Exemption from automobile tags, road taxes, and duties.
12-62-414. Extensions for renewing certain documents — Paying certain fees.

12-62-407. Exemption from traffic laws.

The military forces of the organized militia with official insignia displayed, while on authorized duty, shall not be restricted by municipal traffic regulations. They shall have the right of way on any street or highway through which they may pass against all, except carriers of the United States mail, fire engines, police vehicles, and hospital ambulances in the necessary performance of their respective duties.

History. Acts 1991, No. 732, §§ 1-4, 6, 7.

12-62-408. Penalty for interference.

All others who shall hinder, delay, or obstruct any unit or portion of the organized militia wherever parading or performing any military duty, or who shall attempt to do so, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars ($50.00).

History. Acts 1969, No. 50, § 193; A.S.A. 1947, § 11-1004.

12-62-409. Free passage over toll bridges and ferries.

Any person belonging to the organized militia shall, together with the conveyance in his charge and property of the state in his charge, be allowed to pass free through all tollgates and over all ferries if he is in uniform or presents an order for duty or certificate of an order for duty.

History. Acts 1969, No. 50, § 194; A.S.A. 1947, § 11-1005.

12-62-410. Exemption from automobile tags, road taxes, and duties.

(a) In lieu of state and city automobile tags, each active member of the Arkansas Army National Guard and the Air National Guard shall be required to affix to their respective automobile or pick-up truck, if used as personal conveyance and not used

for commercial purposes, a regulation tag to be supplied by the Adjutant General bearing a serial number and a National Guard designation.

(b) They shall likewise be exempt from the payment of any road tax and from any road duty whatsoever under the laws of this state.

History. Acts 1969, No. 50, § 195; A.S.A. 1947, § 11-1006.

12-62-414. Extensions for renewing certain documents — Paying certain fees.

(a) A member of the National Guard or reserve component of the armed forces of the United States who is a resident of this state and who is ordered to active duty to a duty station located outside of this state shall be allowed an extension for:

(1) Renewing a state:
(A) License;
(B) Permit;
(C) Registration;
(D) Credential; or
(E) Certificate; and

(2) Paying state:
(A) Taxes;
(B) Fees;
(C) Assessments; or
(D) Tuition.

(b) The extension shall be allowed without penalty or assessment of a late fee.

(c) The extension shall be effective for:

(1) The period that the service member is serving on active duty at a duty station located outside of this state; and

(2) A period of at least ninety (90) days and not more than one (1) year after the service member is released from active duty.

(d)(1) Each department, division, office, board, commission, and institution of this state, including state-supported institutions of higher education, shall promulgate regulations to establish the length of the extension.

(2) The extension established by regulation shall be within the limits provided by this section.

History. Acts 2003, No. 996, § 1.

SUBTITLE 5. EMERGENCY MANAGEMENT

CHAPTER 79

ARKANSAS HAZARDOUS AND TOXIC MATERIALS EMERGENCY NOTIFICATION ACT

SECTION.
12-79-101. Title.
12-79-102. Creation.
12-79-103. Definitions.
12-79-104. HAZMAT incident or accident reporting system.
12-79-105. Accidents or incidents.
12-79-106. Penalties.

12-79-101. Title.

This chapter may be known and cited as the "Arkansas Hazardous and Toxic Materials Emergency Notification Act".

History. Acts 1991, No. 917, § 1.

12-79-102. Creation.

Because of the existing and increasing possibility of a major disaster or emergency from the release of hazardous and toxic substances into the environment while in transport, during manufacturing, and in storage, and because of the immediate need to notify state and local emergency response and recovery forces and other governmental entities mandated to perform certain actions related to a release of hazardous or toxic substances into the environment, it is found and declared to be necessary to:

(1) Create within the Arkansas Department of Emergency Management a system to notify local, state, and federal emergency response and recovery forces and those other governmental and private sector entities with a mandated responsibility for emergency services; and

(2) Require any business, manufacturer, refiner, retailer, wholesaler, transporter in the private sector, or governmental entity at the local, state, or federal level to report as soon as possible any known incident involving the release of hazardous and toxic materials into the environment which requires, or may require, emergency response or recovery actions by public safety forces of local or state governmental entities, including volunteer emergency services such as, but not limited to, firefighters, law enforcement, emergency medical services, and other first responders.

History. Acts 1991, No. 917, § 2; 1999, No. 646, § 45.

12-79-103. Definitions.

As used in this chapter:

(1) "Director" means the Director of the Arkansas Department of Emergency Management established under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq.;

(2) "Fixed facility" means any refinery, factory, storage site, assembly plant, warehouse, wholesaler, retailer, or other facility which receives, stores, processes, or ships hazardous and toxic materials;

(3) "Hazardous and toxic materials" means:

(A) Those substances, except natural gas, manufactured, refined, or found in their natural state which, when released into the environment, by any means, have an immediate or potential

threat to human, animal, or plant life and meet other criteria established under federal regulations, guidelines, or laws defining hazardous and toxic substances in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce, and which is designated as "hazardous material" in regulations prescribed by the United States Secretary of Transportation under Title 49 of the Code of Federal Regulations; and

(B) Any other substance or pollutant designated by regulations of the director promulgated under this chapter;

(4) "HAZMAT" means the abbreviation of "hazardous and toxic materials";

(5) "Incident" or "accident" means the spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of hazardous and toxic materials into the environment;

(6) "System for notification" means those communications facilities currently existing, or that may be later established, for direction, warning, and control of emergency response and recovery forces at the federal, state, and local levels;

(7) "Transport" means the movement of any hazardous and toxic material regardless of the mode of transportation from one place to another place and any loading, unloading, and storage incidental thereto; and

(8) "Transporter" means any person, firm, association, partnership, corporation, or other legal entity who transports or ships in a motor vehicle, rail freight car, freight container, cargo tank, rail tank car, pipeline other than a natural gas pipeline, aircraft, vessel, or other means of transportation any hazardous and toxic materials as a common carrier, contract carrier, or carrier for private use.

History. Acts 1991, No. 917, § 3; 1999, No. 646, § 46.

12-79-104. HAZMAT incident or accident reporting system.

(a) The Director of the Arkansas Department of Emergency Management shall:

(1) In cooperation with the State Emergency Response Commission, establish a HAZMAT incident or accident reporting system within the State Emergency Operations Center for disseminating information to the appropriate agencies and emergency first responders for any release of a hazardous and toxic material that might present either an immediate or potential threat to the safety, health, and welfare of the public; and

(2) Operate and maintain on a continuing basis emergency direction, control, and warning systems sufficient to meet the minimum requirements of this chapter.

(b) The HAZMAT incident or accident reporting systems shall meet the minimum federal requirements specified in federal regulations and guidelines for hazardous and toxic materials emergency reporting and shall operate within the provisions established under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., and the State of Arkansas Emergency Operations Plan to provide the most expeditious and practical means to notify state, local, and private sector entities assigned an emergency response or recovery role under this chapter.

(c) Each agency, office, bureau, or commission of the State of Arkansas or its political subdivisions having a role or responsibility for HAZMAT planning, response, recovery, or mitigation, or providing public safety services or having regulatory or oversight authority shall establish guidelines and procedures to ensure prompt and accurate reporting of any accident, incident, or known or suspected release of toxic or hazardous materials within the State of Arkansas in violation of any state or federal environmental or health protective statutes, regulations, or guidelines.

History. Acts 1991, No. 917, § 4; 1999, No. 646, § 47.

12-79-105. Accidents or incidents.

Any fixed facility operator or any transporter involved in an accident or incident during refining, manufacturing, processing, storage, loading, unloading, transporting, or a related activity which involves the release of hazardous and toxic materials into the environment or any public safety emergency first responders from the local, state, or federal level, who have confirmed that the incident or accident has not been previously reported to the State Emergency Operations Center shall report immediately, by telephone, radio, or the most expeditious means available to the center any incident or accident which:

(1) Involves a fatality due to fire, explosion, or exposure to any hazardous and toxic materials;

(2) Results in the hospitalization of any person due to fire, explosion, or exposure to any hazardous and toxic materials;

(3) Results in a continuing danger to life, health, or property at the place of the accident or incident; and

(4) Results in the release of hazardous and toxic materials, in any amount, by any transporter onto public or private property, including roads, highways, or thoroughfares maintained by local, state, and federal government entities and upon regulated commerce rights-of-way.

History. Acts 1991, No. 917, § 5.

12-79-106. Penalties.

Any person who pleads guilty or nolo contendere to or is found guilty of violating any provisions of this chapter or any regulation promulgated hereunder shall be guilty of a misdemeanor and be fined not more than five hundred dollars ($500) per day of violation or imprisoned for not more than one (1) year, or both.

History. Acts 1991, No. 917, § 6.

TITLE 14

LOCAL GOVERNMENT

SUBTITLE 3. MUNICIPAL GOVERNMENT

CHAPTER 54

POWERS OF MUNICIPALITIES GENERALLY

Subchapter 14 — Miscellaneous Regulations

SECTION.
14-54-1410. Operation of golf carts on city streets.

14-54-1410. Operation of golf carts on city streets.

(a) It shall be within the municipal affairs and authority of any municipality in the State of Arkansas to authorize, by municipal ordinance, any owner of a golf cart to operate the golf cart upon the city streets of the municipality; provided, however, operation shall not be authorized on city streets which are also designated as federal or state highways or as a county road.

(b) The municipality may authorize the operation of golf carts on city streets only from the owner's place of residence to the golf course and to return from the golf course to the owner's residence.

(c) When authorized by the municipality to operate on the city streets and limited to the circumstances and provisions of this section, there shall be no motor vehicle registration or license necessary to operate the golf cart on the public street.

(d) The term "municipality" as used in this section means any city of the first class, city of the second class, or an incorporated town.

History. Acts 1993, No. 976, § 1.

TITLE 16

PRACTICE, PROCEDURE, AND COURTS

SUBTITLE 2. COURTS AND COURT OFFICERS

CHAPTER 10

GENERAL PROVISIONS

Subchapter 3 — Uniform Filing Fees and Court Costs

SECTION.
16-10-305. Court costs. [Effective until January 1, 2012.]
16-10-305. Court costs. [Effective January 1, 2012.]

16-10-305. Court costs. [Effective until January 1, 2012.]

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars ($150) for misdemeanor or felony violations of state law, excluding violations of:
- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(2) In district court, one hundred dollars ($100) for offenses that are misdemeanors or violations of state law, excluding violations of:
- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(3) In circuit court or district court, seventy-five dollars ($75.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding violations of:
- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(4) For nontraffic offenses that are misdemeanors or violations under local ordinance in district or city court, twenty-five dollars ($25.00);

(5) In circuit court, district court, or city court, three hundred dollars ($300) for violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127;

(6) In city court, seventy-five dollars ($75.00) for offenses that are misdemeanors or violations under state law, excluding violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127;

(7) In city court, fifty dollars ($50.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127; and

(8)(A) For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance, in circuit, district, or city court, three hundred dollars ($300).

(B) One hundred fifty dollars ($150) of the court costs collected under this subdivision shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used exclusively for drug courts or other substance abuse and prevention activities.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, municipality, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No municipality or county shall authorize and no city court, district court, or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

History. Acts 1995, No. 1256, § 7; 1997, No. 788, § 4; 1997, No. 1341, § 4; 1999, No. 1081, §§ 3, 12; 1999, No. 1508, § 7; 2001, No. 1632, § 1; 2003, No. 1185, § 49; 2009, No. 633, § 7; 2011, No. 730, §§ 1–3.

16-10-305. Court costs. [Effective January 1, 2012.]

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars ($150) for misdemeanor or felony violations of state law, excluding violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127;

(2) In district court, one hundred dollars ($100) for offenses that are misdemeanors or violations of state law, excluding violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127;

(3) In circuit court or district court, seventy-five dollars ($75.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127;

(4) For nontraffic offenses that are misdemeanors or violations under local ordinance in district court, twenty-five dollars ($25.00);

(5) In circuit court or district court, three hundred dollars ($300) for violations of:

(A) The Omnibus DWI Act, § 5-65-101 et seq.;
(B) The Underage DUI Law, § 5-65-301 et seq.;
(C) Section 5-75-101 et seq.;
(D) Section 5-76-101 et seq.;
(E) Section 27-23-114; or
(F) Section 15-42-127; and

(6)(A) For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance in circuit court, district court, or city court, three hundred dollars ($300).

(B) One hundred fifty dollars ($150) of the court costs collected under subdivision (a)(6) shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used exclusively for drug courts or other substance abuse and prevention activities.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

(f)(1) There shall be levied and collected from each defendant who pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in city court on or before December 31, 2011, the court costs applicable in city court at that time.

(2) The court costs applicable in district court shall be levied and collected in all cases filed in city court in which a defendant pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in district court on or after January 1, 2012.

History. Acts 1995, No. 1256, § 7; 1997, No. 788, § 4; 1997, No. 1341, § 4; 1999, No. 1081, §§ 3, 12; 1999, No. 1508, § 7; 2001, No. 1632, § 1; 2003, No. 1185, § 49; 2007, No. 663, § 25; 2011, No. 730, § 4; 2011, No. 1218, § 1.

TITLE 20

PUBLIC HEALTH AND WELFARE

SUBTITLE 2. HEALTH AND SAFETY

CHAPTER 14

INDIVIDUALS WITH DISABILITIES

Subchapter 3 — Rights Generally

SECTION.
20-14-306. Reasonable precautions by drivers.

20-14-306. Reasonable precautions by drivers.

The driver of a vehicle approaching a visually handicapped or hearing impaired person who is carrying a cane which is predominately white or metallic in color with or without a red tip or using a guide or hearing ear dog or the driver of a vehicle approaching an otherwise handicapped person shall take all reasonable precautions to avoid injury to the visually handicapped, hearing impaired, or other physically handicapped pedestrian.

History. Acts 1973, No. 484, § 4; 1979, No. 574, § 1; A.S.A. 1947, § 82-2904.

CHAPTER 17

DEATH AND DISPOSITION OF THE DEAD

Subchapter 5 — Anatomical Gifts Generally

SECTION.
20-17-501. [Repealed.]

20-17-501. [Repealed.]

Publisher's Notes. This section, concerning organ donation and driver's license form to contain statement of intent, was repealed by Acts 2007, No. 839, § 5. The section was derived from Acts 1993, No. 409, §§ 1, 2.

CHAPTER 32

DISPOSAL OF COMMERCIAL MEDICAL WASTE

SECTION.
20-32-101. Definitions.
20-32-102. On-site facility.
20-32-103. Penalties.
20-32-104. Disposition of fees and fines.
20-32-105. Authorization to stop vehicles suspected of transporting commercial medical waste.
20-32-106. Rules and regulations.
20-32-107. License to transport, treat, or dispose.
20-32-108. Applications — Procedure generally.
20-32-109. Location requirements.
20-32-110. Transportation requirements.
20-32-111. Scope of authority.
20-32-112. Violations — Penalties.

20-32-101. Definitions.

As used in this chapter:

(1) "Commercial medical waste" means any medical waste transported from a generator to an off-site facility for disposal when the off-site disposal facility is engaged in medical waste disposal for profit;

(2) "Division" means the Division of Health of the Department of Health and Human Services;

(3) "Facility" means all contiguous land and structures, other appurtenances, and improvements

on the land, used for treating, destroying, storing, or disposing of infectious waste. A facility may consist of several treatment, destruction, storage, or disposal operational units;

(4) "Generator" means any person producing medical waste;

(5) "Medical waste" means a waste from health-care-related facilities, which, if improperly treated, handled, or disposed of may serve to transmit an infectious disease and which includes the following:

(A) Pathological wastes — all human unfixed tissues, organs, and anatomical parts, other than intact skin, which emanate from surgeries, obstetrical procedures, dental procedures, autopsies, and laboratories. Such waste shall be exclusive of bulk formaldehyde and other preservative agents;

(B) Liquid or semiliquid blood such as human blood, human blood components and products made from human blood, for example, serum and plasma, and other potentially infectious materials, to include regulated human body fluids such as semen, vaginal secretions, cerebrospinal fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids when it is difficult or impossible to differentiate between body fluids, not to include urine or feces, which cannot be discharged into the collection system of a publicly owned treatment works within the generating facility;

(C) Contaminated items, to include dressings, bandages, packings, gauze, sponges, wipes, cotton rolls and balls, etc., which cannot be laundered and from which blood, blood components, or regulated body fluids drip freely, or that would release blood or regulated body fluids in a liquid or semiliquid state if compressed or that are caked with dried blood or regulated body fluids and are capable of releasing these materials during handling:

(i) Disposable, single-use gloves such as surgical or examination gloves shall not be washed or decontaminated for reuse and are handled as a contaminated item; and

(ii) Protective coverings such as plastic wrap and aluminum foil used to cover equipment and environmental surfaces when removed following their contamination are considered a contaminated item;

(D) Microbiological waste — includes, but is not limited to, cells and tissue cultures, culture medium or other solution and stocks of infectious agents, organ cultures, culture dishes, devices used to transfer, inoculate, and mix cultures, paper and cloth which have come in contact with specimens or cultures, and discarded live vaccines; and

(E) Contaminated sharps, which includes, but is not limited to, hypodermic needles, intravenous tubing with needles attached, syringes with attached needles, razor blades used in surgery, scalpel blades, Pasteur pipettes, broken glass from laboratories, and dental wires.

(6) "Off-site" means any facility which is not on-site;

(7)(A) "On-site" means a facility on the same or adjacent property.

(B) "Adjacent" as used in this subdivision (7) means real property within four hundred (400) yards from the property boundary of the existing facility;

(8) "Person" means an individual or any legal entity;

(9) "Transport" means the movement of medical waste from the generator to any intermediate point and finally to the point of treatment or disposal; and

(10) "Treater or disposer" means any facility as defined in subdivision (3) of this section or "commercial medical waste incineration facility" as defined in § 8-6-1302.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 1; 1993, No. 491, § 2; 1993, No. 861, § 2.

20-32-102. On-site facility.

A health care facility accepting medical waste for disposal from the physicians and surgeons who are on the staff of the health care facility shall be classified as an on-site facility and shall not be subject to this chapter.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 4.

20-32-103. Penalties.

(a) Any person who violates any provision of this chapter shall be guilty of a felony. Upon conviction, that person shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars ($25,000), or both.

(b) In addition, any person who violates any provision of this chapter may be subject to a civil penalty by the board. The penalty shall not exceed ten thousand dollars ($10,000) for each violation.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 5.

20-32-104. Disposition of fees and fines.

(a) All fees and fines levied and collected under §§ 20-32-103 and 20-32-107 are declared to be special revenues and shall be deposited into the State Treasury and credited to the Public Health Fund to be used exclusively for the enforcement of laws and regulations pertaining to the segregation, packaging, storage, transportation, treatment, and disposal of medical waste.

(b) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Division of Health of the Department of Health and Human Services may transfer all unexpended funds relative

to the regulation of commercial medical waste that pertain to fees and fines collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 6.

20-32-105. Authorization to stop vehicles suspected of transporting commercial medical waste.

(a)(1) The Department of Arkansas State Police and the enforcement officers of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department may stop vehicles suspected of transporting commercial medical waste to assure that all required permits for transporting the commercial medical waste have been obtained and to enforce all laws and regulations relating to the transportation of commercial medical waste.

(2) The Department of Arkansas State Police may administer and supervise the program of inspection of vehicles which transport commercial medical waste and have a gross vehicle weight rating of less than ten thousand pounds (10,000 lbs.). The Department of Arkansas State Police shall collect a fee of fifty dollars ($50.00) for each inspection. The fee shall be deposited as special revenues into the State Treasury and distributed to the credit of the State Police Fund to defray the costs of administering and supervising the inspection program.

(b) The enforcement officers of the division may conduct vehicle safety inspections of those vehicles transporting or intended to be utilized to transport commercial medical waste, to inquire into the history of any safety or equipment regulation violations of the transporter in any state, and to advise the Division of Health of the Department of Health and Human Services of the results of such inspections and inquiries.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 8; 1993, No. 412, § 1.

20-32-106. Rules and regulations.

(a) The Division of Health of the Department of Health and Human Services may regulate the segregation, packaging, storage, transportation, treatment, and disposal of commercial medical waste from health-care-related facilities.

(b) These regulations shall include:

(1) Criteria for issuing operational licenses to treaters or disposers, and transporters of commercial medical waste;

(2) Criteria for issuing permits and permit modifications to facilities;

(3) Developing a system for record keeping by any person generating, transporting, receiving, treating, or disposing of commercial medical waste;

(4) Acceptable methods of treatment and disposal of commercial medical waste;

(5) Requirements for the segregation, packaging, and storage of commercial medical waste;

(6) Criteria for the development of an operating plan for the handling and disposal of commercial medical waste; and

(7) Requirements for the inspection of any facility generating, storing, incinerating, or disposing of commercial medical waste.

(c) All rules and regulations promulgated pursuant to this chapter shall be reviewed by the House Interim Committee on Public Health, Welfare, and Labor and the Senate Interim Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof.

History. Acts 1992 (1st Ex. Sess.), No. 41, §§ 2, 7; 1993, No. 491, § 3; 1993, No. 861, § 3; 1997, No. 179, § 30.

20-32-107. License to transport, treat, or dispose.

(a) No person may transport, treat, or dispose of commercial medical waste without first obtaining an operating license from the Division of Health of the Department of Health and Human Services.

(b) The treater or disposer, or transporter shall submit an application for an operating license and an application fee of two hundred fifty dollars ($250).

(c) Upon issuance of the operating license, the treater or disposer, or transporter shall pay a license fee of no more than five dollars ($5.00) per ton.

(d) The division shall issue operating licenses for a period of one (1) year.

(e)(1) If the treater or disposer, or transporter has a history of noncompliance with any law or regulation of this state or any other jurisdiction, particularly those laws or regulations pertaining to the environment and the protection of the health and safety of the public, the division may refuse to issue an operating license.

(2) If a history of noncompliance is discovered after the operating license has been issued, the division may revoke the license.

History. Acts 1992 (1st Ex. Sess.), No. 41, § 3; 1993, No. 491, § 4; 1993, No. 861, § 4.

20-32-108. Applications — Procedure generally.

(a) This section shall not apply to commercial medical waste incineration facilities which are required to comply with the provisions for obtaining a permit under § 8-6-1301 et seq.

(b) No person shall operate or construct a commercial medical waste facility without submitting an application for a permit or permit modification to

the Division of Health of the Department of Health and Human Services. No permit or permit modification shall be issued by the division for any facility unless the division approves both the site of the facility and the technological process to be used by the facility for the treatment and disposal of commercial medical waste.

(c) The division may levy up to one hundred dollars ($100) per hour not to exceed five thousand dollars ($5,000) for application processing costs incurred by the division.

(d) Any person applying for a permit or a permit modification to construct and operate a facility shall complete the following criteria at least thirty (30) days prior to submitting a permit application to the division:

(1) Written notification by certified mail to each property owner and resident of any property adjacent to the proposed site of the intent to apply for a permit or permit modification; and

(2) Publication of a public notice in the largest newspaper published in each county where the property which is the subject matter of the proposed facility permit or permit modification is located and in at least one (1) newspaper of statewide circulation of the intent to apply for a permit or permit modification to construct and operate a facility.

(e) The division shall provide written notice by certified mail of the proposed permit or permit modification to the mayor of the city and the county judge of the county where the property which is the subject matter of the permit application is located.

(f) Prior to the issuance of a final permit, the division shall conduct a public hearing in the county in which the facility is to be located.

History. Acts 1993, No. 491, § 5; 1993, No. 861, § 5; 1999, No. 150, § 1.

20-32-109. Location requirements.

No applications shall be accepted nor shall permits be issued pursuant to § 20-32-108 by the Division of Health of the Department of Health and Human Services for the construction or operation of a facility in which any of the following factors is present:

(1) The location of the facility is within a "regulatory floodway", as adopted by communities participating in the national flood program managed by the Federal Emergency Management Agency;

(2) The location of the facility overlies any portion of a significant surface or subsurface sand and gravel aquifer for its primary recharge zone or a high-yield bedrock aquifer;

(3) The location of the facility could pose a threat to fisheries, wildlife, or other natural resources; or

(4) The location of the facility does not comply with zoning regulations of the locality in which the facility is proposed.

History. Acts 1993, No. 491, § 5; 1993, No. 861, § 5.

20-32-110. Transportation requirements.

(a) No operational licenses shall be issued to any transporter of commercial medical waste unless that transporter shows evidence that:

(1) Each vehicle used for the transportation of commercial medical waste is covered by liability insurance in an amount specified by the Division of Health of the Department of Health and Human Services; and

(2) The liability insurance is issued by a company authorized to do business in this state by the State Insurance Department.

(b) Companies providing liability insurance for any transporter of commercial medical waste shall notify the division of the cancellation of any policy providing liability coverage to a transporter at least thirty (30) days prior to cancellation.

History. Acts 1993, No. 491, § 5; 1993, No. 861, § 5.

20-32-111. Scope of authority.

Nothing in this subchapter shall be construed to affect the authority of cities and counties to enact zoning regulations or procedures that control the location of medical waste facilities or sites.

History. Acts 1993, No. 491, § 5; 1993, No. 861, § 5.

20-32-112. Violations — Penalties.

(a) Any person or carrier, or any officer, employee, agent, or representative thereof, while operating any vehicle transporting medical waste or which is authorized to transport medical waste, who shall violate any of the regulations, including safety regulations, prescribed or hereafter prescribed by the State Highway Commission pursuant to § 23-1-101 et seq. or who shall violate any regulation of the Division of Health of the Department of Health and Human Services that specifically relates to the transportation of medical waste shall be guilty of a violation.

(b) Upon conviction, that person or carrier, or officer, employee, agent, or representative thereof, shall be fined not more than five hundred dollars ($500) for the first offense and not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for any subsequent offense.

History. Acts 1993, No. 412, § 2; 2005, No. 1994, § 129.

TITLE 21

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 9

LIABILITY OF STATE AND LOCAL GOVERNMENTS

Subchapter 3 — Liability of Political Subdivisions

SECTION.
21-9-303. Motor vehicle liability insurance required — Minimum amounts.

21-9-303. Motor vehicle liability insurance required — Minimum amounts.

(a) All political subdivisions shall carry liability insurance on their motor vehicles or shall become self-insurers, individually or collectively, for their vehicles, or both, in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

(b) The combined maximum liability of local government employees, volunteers, and the local government employer in any action involving the use of a motor vehicle within the scope of their employment shall be the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., unless the political subdivision has purchased insurance coverage or participates in a self-insurance pool providing for an amount of coverage in excess of the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., in which event the maximum liability of the insurer or pool shall be the limits of the coverage provided for in the policy or agreement.

(c)(1) Any person who suffers injury or damage to person or property caused by a motor vehicle operated by an employee, agent, or volunteer of a local government covered by this section shall have a direct cause of action against the insurer if insured, or the governmental entity if uninsured, or the trustee or chief administrative officer of any self-insured or self-insurance pool.

(2) Any judgment against a trustee or administrator of a self-insurance pool shall be paid from pool assets up to the maximum limit of liability as provided in this section.

History. Acts 1969, No. 165, § 3; A.S.A. 1947, § 12-2903; Acts 1987, No. 590, § 1; 1987, No. 1064, § 1; 1989 (3rd Ex. Sess.), No. 47, § 1.

TITLE 23

PUBLIC UTILITIES AND REGULATED INDUSTRIES

SUBTITLE 1. PUBLIC UTILITIES AND CARRIERS

CHAPTER 11

ESTABLISHMENT AND ORGANIZATION OF RAILROADS

Subchapter 1 — General Provisions

SECTION.
23-11-101. Enforcement of laws or orders on complaint.

23-11-101. Enforcement of laws or orders on complaint.

It is made the duty of the Arkansas Transportation Commission [abolished], on complaint, to enforce by necessary order any or all laws of this state pertaining to railroads and express companies.

History. Acts 1907, No. 422, § 6, p. 1137; C. & M. Dig., § 1693; Pope's Dig., § 1996; A.S.A. 1947, § 73-126.

CHAPTER 12

OPERATION AND MAINTENANCE OF RAILROADS

Subchapter 2 — Roadbeds and Rights-of-Way

SECTION.
23-12-201. Maintenance of right-of-way free from obstructions — Penalty.

23-12-201. Maintenance of right-of-way free from obstructions — Penalty.

(a)(1) All railroad corporations operating in this state shall maintain their right-of-way at or around any railroad crossing of a public road or highway free from grass, trees, bushes, shrubs, or other growing vegetation which may obstruct the view of pedestrians and vehicle operators using the public highways.

(2) The maintenance of the right-of-way shall be for a distance of fifty feet (50') on each side of the centerline between the rails for the maintenance width and for a distance of one hundred yards (100 yds.) on each side of the centerline from the public road or highway for the maintenance length.

(b) Any railroad corporation failing or refusing to comply with the provisions of this section shall be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each violation.

History. Acts 1969, No. 464, §§ 1, 2; A.S.A. 1947, §§ 73-631, 73-632; Acts 1993, No. 399, § 1.

Subchapter 3 — Crossings and Switches

SECTION.
23-12-301. Railroad crossings to be under supervision of the State Highway Commission.
23-12-304. Inspection of road crossings by commission — Hearings and orders.

23-12-301. Railroad crossings to be under supervision of the State Highway Commission.

The State Highway Commission shall have exclusive power to:

(1) Determine and prescribe the manner, including the particular point, of crossing and the terms of installation, operation, maintenance, apportionment of expenses, use, and protection of each crossing of one (1) railroad by another railroad or street railroad by a railroad, so far as applicable;

(2) Alter or abolish any such crossing; and

(3) Require, where, in its judgment, it would be practical, a separation of grades of any such crossing and prescribe the terms upon which the separation shall be made and the proportions in which the expense of the alteration or abolition of the crossings or the separation of the grades shall be divided between the railroad or street railroad corporations affected or between the corporations and the state, county, municipality, or other public authority in interest.

History. Acts 1919, No. 571, § 9; C. & M. Dig., § 1643; Pope's Dig., § 1964; A.S.A. 1947, § 73-121; Acts 1993, No. 399, § 2.

23-12-304. Inspection of road crossings by commission — Hearings and orders.

(a)(1) It shall be the duty of the State Highway Commission, or any representative of it, to inspect any road or street crossing in this state, either on its own initiative or when its attention is called to it by any citizen.

(2) Upon a hearing the commission may make an order requiring the railroad company to protect the crossing in any manner which it considers just and reasonable, whether the crossings are at grade or over or under crossing and whether a public or private crossing.

(b)(1) It shall further be the duty of the commission, or any representative thereof, to make a personal inspection of any designated place where it is desired that a road or street, either public or private, cross any railroad in this state.

(2) Upon ten (10) days' notice as required by law and after a public hearing, the commission may make such order as in its judgment shall be just and proper. The order may provide for a crossing at grade, over or under the railroad, and shall be enforced as other orders made by the commission.

(c) By applicable federal law, the Congress has declared that laws, rules, regulations, orders, and standards relative to railroad safety shall be nationally standard to the extent practicable and that each state shall conduct and maintain a survey of all crossings and assign priorities from a safety standpoint for appropriate improvements and protective devices. The commission has made the survey, given the crossings in Arkansas hazardous index ratings, and now administers the crossing safety program in Arkansas. In view of the above, the commission is hereby designated as the sole public body to deal with, and shall have exclusive jurisdiction over, the location and construction of new, and the improving and protecting of new and existing, street, road, and highway railroad crossings in Arkansas.

History. Acts 1913, No. 272, §§ 1-3; C. & M. Dig., §§ 1644, 1645; Pope's Dig., §§ 1965, 1966; A.S.A. 1947, §§ 73-621, 73-622, 73-622n; Acts 1991, No. 1226, § 1.

Subchapter 10 — Regulation of Railroad Crossings

SECTION.
23-12-1001. Title.
23-12-1002. Jurisdiction.
23-12-1003. Maintenance of crossings of public roads and railroads — Failure to comply — Penalties.
23-12-1004. Powers and duties.
23-12-1005. Inadequate action or unreasonable refusal — Action on complaint.
23-12-1006. Operation and movement of trains — Regulations, penalties, and enforcement.
23-12-1007. Investigations — Regulations.
23-12-1008. Unlawful delay — Action on complaint.

23-12-1001. Title.

This subchapter may be referred to as the "Railroad Safety and Regulatory Act of 1993".

History. Acts 1993, No. 726, § 2.

23-12-1002. Jurisdiction.

The State Highway Commission administers the railroad crossing safety program in Arkansas and has heretofore been designated by the General Assembly as the sole public body to deal with and has been given exclusive jurisdiction concerning the location, construction, improvement, and protection of railroad crossings in Arkansas. It is in the public's interest and safety that uniformity be established in other matters pertaining to the maintenance of railroad crossings and the operation and movement of trains in this state.

History. Acts 1993, No. 726, § 1.

23-12-1003. Maintenance of crossings of public roads and railroads — Failure to comply — Penalties.

The State Highway Commission is hereby designated as the sole public body to deal with and is hereby given exclusive jurisdiction over all matters pertaining to the maintenance of any location where any railroad crosses any public road, highway, or street in this state or where any public road, highway, or street crosses any railroad.

History. Acts 1993, No. 726, § 3.

23-12-1004. Powers and duties.

(a) The State Highway Commission shall make such investigation and studies as it deems necessary to properly exercise the jurisdiction hereby conferred and shall involve Arkansas counties, municipalities, and railroads operating within this state and unions representing railroad employees.

(b) Pursuant to regulation providing for an opportunity of notice and hearing, the commission shall promulgate appropriate regulations pertaining to the maintenance of railroad crossings of state, county, city, or municipal streets and highways.

History. Acts 1993, No. 726, § 3.

23-12-1005. Inadequate action or unreasonable refusal — Action on complaint.

(a)(1)(A) Prior to any request by a state, municipal, or county official for sanctions against any railroad company for violation of any regulation promulgated pursuant to this subchapter, the state, municipal, or county official shall state the claim or complaint in writing by certified mail to the registered agent of the railroad company in question.

(B)(i) Within forty-five (45) days after the receipt of the written claim or complaint by the railroad company, the railroad company shall respond to the claim or complaint, stating with specificity the corrective action taken, any corrective or remedial action planned and the time for its completion, or the reason for any refusal on the part of the railroad to correct the situation.

(ii) This response shall be in writing to the complaining official by certified mail.

(2)(A) In the event the issue is not then resolved to the satisfaction of the complaining official, the official shall notify the State Highway Commission in writing.

(B)(i) Within sixty (60) days after receipt of the complaint, the commission shall hold a hearing on the complaint.

(ii) Notice of the hearing shall be given the railroad and the complainant at least twenty (20) days before the hearing.

(C) After appropriate notice and hearing on the complaint and within twenty (20) days after the hearing, the commission or its designated representative shall determine the adequacy of the railroad's action or the reasonableness of its refusal under the circumstances.

(3)(A) If the commission makes a finding of inadequate action or unreasonable refusal on the part of the railroad based on information presented at a hearing before the commission or before a designated representative of the commission, the railroad company charged with the violation shall be subject to a penalty of not less than two hundred dollars ($200) nor more than ten thousand dollars ($10,000) per occurrence, the penalty to be assessed by the commission.

(B)(i) The decision of the commission may be appealed to the circuit court of the county in which the violation occurred at any time within thirty (30) days after the decision is rendered.

(ii) Provided, the decision of the commission shall be final unless appealed as authorized herein.

(b)(1) If the state owns the highway where the questioned crossing is located, all moneys recovered under the provisions of this section shall be placed in the State Highway and Transportation Department Fund.

(2) All other moneys recovered under this section shall be divided equally between the State Highway and Transportation Department Fund and the general, road, or highway fund of the county or municipality which owns the highway, road, or street where the questioned crossing is located.

History. Acts 1993, No. 726, § 3; 1995, No. 668, § 1.

23-12-1006. Operation and movement of trains — Regulations, penalties, and enforcement.

The State Highway Commission is hereby designated as the sole public body to deal with, and is hereby given exclusive jurisdiction over, all matters pertaining to the operation and movement of trains within this state including, but not limited to, the obstruction of any public highway, road, street, or other railroad crossing or public property by a standing train.

History. Acts 1993, No. 726, § 4.

23-12-1007. Investigations — Regulations.

(a)(1) The State Highway Commission shall make such investigations as it deems necessary, or as requested by state, municipal, or county officials, to properly exercise the exclusive jurisdiction hereby conferred and pursuant to required notice and hearing shall promulgate all necessary orders or regulations concerning train operation, train movement,

permissible standing time for trains, and all other related matters.

(2) The investigation of crossings shall include, but is not limited to, the reasonable availability or use of other crossings by vehicular or pedestrian traffic, the frequency and necessity of use of the railroad crossing by railroad trains and vehicular and pedestrian traffic, the restriction of emergency and law enforcement vehicles using the crossing, and the hours of frequent use of the crossing.

(3) In the investigation, the commission shall seek the advice of Arkansas counties, municipalities, railroads operating within this state, and unions representing railroad employees.

(b) Provided, unless and until the commission by order or regulation provides otherwise, it is unlawful for any corporation, company, or person owning or operating any railroad trains in the state to permit a standing train to obstruct any public highway, road, street, or other railroad crossing for more than ten (10) minutes.

History. Acts 1993, No. 726, § 4.

23-12-1008. Unlawful delay — Action on complaint.

(a)(1)(A) Prior to any request by a state, municipal, or county official for sanctions against a railroad company for violation of this section and §§ 23-12-1006 and 23-12-1007, the state, municipal, or county official shall state the claim or complaint in writing, by certified mail, to the registered agent of the railroad company in question.

(B)(i) Within forty-five (45) days after the receipt of the written claim or complaint by the railroad company, the railroad company shall respond to the claim or complaint stating with specificity the reasons for obstructing a crossing for an unlawful period of time.

(ii) This response shall be in writing to the complaining official by certified mail.

(2)(A) In the event the issue is not then resolved to the satisfaction of the complaining official, the official shall notify the State Highway Commission in writing and shall enclose a copy of the complaint and response.

(B)(i) Within sixty (60) days after receipt of the notice, the commission shall hold a hearing on the complaint.

(ii) Notice of the hearing shall be given the railroad and the complainant at least twenty (20) days before the hearing.

(C) The commission or its designated representative, after an appropriate notice and hearing on the complaint, shall determine whether the obstruction was for an unlawful period of time under the circumstances.

(3)(A) If the commission makes such a finding of unlawful delay based on information presented at a hearing before the commission or before its designated representative, the railroad company charged with the violation shall be subject to a penalty to be imposed by the commission of not less than two hundred dollars ($200) nor more than five hundred dollars ($500) per occurrence.

(B)(i) The decision of the commission may be appealed to the circuit court of the county in which the violation occurred at any time within thirty (30) days after the decision is rendered.

(ii) Provided, the decision of the commission shall be final unless appealed as authorized herein.

(b) After the initial ten-minute period or such other period as may be prescribed by regulation of the commission, each ten-minute period or other period as may be prescribed by regulation of the commission that the crossing is obstructed by a standing train shall constitute a separate offense, and penalties may be imposed accordingly.

(c)(1) If the crossing where a violation occurs is located within the boundaries of a city or town, one-half (½) of the moneys recovered under the provisions of this section and §§ 23-12-1006 and 23-12-1007 shall be placed in the general fund or street fund of the municipality and one-half (½) of the funds shall be placed in the State Highway and Transportation Department Fund.

(2) All other moneys recovered under the provisions of this section shall be divided equally between the State Highway and Transportation Department Fund and the general road fund of the county in which the violation occurred.

History. Acts 1993, No. 726, § 4; 1995, No. 668, § 2.

CHAPTER 13

MOTOR CARRIERS

Subchapter 1 — General Provisions

SECTION.

23-13-101. [Repealed.]
23-13-102. Inspection of licensees — Employment of inspectors — Restraining operations.

23-13-101. [Repealed.]

Publisher's Notes. This section, concerning hours of duty and rest period of drivers, penalties, and exceptions, was repealed by Acts 2005, No. 1691, § 1. The section was derived from Acts 1931, No. 157, §§ 1-3; Pope's Dig., §§ 3450-3452; A.S.A. 1947, §§ 73-1744 — 73-1746; Acts 1993, No. 1212, § 1.

23-13-102. Inspection of licensees — Employment of inspectors — Restraining operations.

(a) The Arkansas Transportation Commission [abolished] shall have the right to employ one (1) or more inspectors as may be needed for the purpose of making inspections of licensees from time to time.

(b) If any person, firm, or corporation is operating without complying with the provisions of this act, then the Attorney General or any interested party may institute suit in any circuit court where service on the defendant may be had, restraining the further operation of motor vehicles by the person, firm, or corporation until the provisions of this act are complied with.

(c) Nothing contained in this act shall be construed to relieve any motor vehicle carrier from any regulation imposed by law or lawful authority.

History. Acts 1927, No. 99, §§ 11, 13; Pope's Dig., § 2029; A.S.A. 1947, §§ 73-1728, 73-1728n.

Subchapter 2 — Motor Carrier Act

SECTION.

23-13-202. Purpose.
23-13-203. Definitions.
23-13-204. Applicability of subchapter.
23-13-205. Interstate commerce unaffected by subchapter.
23-13-206. Exemptions.
23-13-207. Regulation by Arkansas Transportation Commission [abolished].
23-13-208. General duties and powers of commission.
23-13-217. Enforcement officers.
23-13-222. Permits for contract carriers — Requirement.
23-13-225. Permits for contract carriers — Terms and conditions — Contracts for services.
23-13-228. Certificate or permit for interstate or foreign commerce — Disposition of funds.
23-13-229. Temporary authority.
23-13-230. Brokers — Licenses — Rules and regulations for protection of public.
23-13-233. Certificates, permits, and licenses — Amendment, revocation, and suspension.
23-13-234. Operation without certificate or permit prohibited — Violation of terms, conditions, etc., of certificate, permit, or license prohibited.
23-13-236. Common carriers — Duties as to transportation of passengers and property — Rates, charges, rules, regulations, etc.
23-13-254. [Repealed.]
23-13-255. Access to property, equipment, and records.
23-13-256. Identification of equipment.
23-13-257. Violations by carriers, shippers, brokers, etc., or employees, agents, etc. — Penalties.
23-13-258. Operation of motor vehicle while in possession of, consuming, or under influence of any controlled substance or intoxicating liquor prohibited.
23-13-259. Lessor to unauthorized persons deemed motor carrier.
23-13-260. Violations of subchapter — Jurisdiction of cases.
23-13-261. Injunction against violation of subchapter, rules, regulations, etc., or terms and conditions of certificate, permit, or license.
23-13-262. Actions to recover penalties.
23-13-263. Lien declared to secure payment of fines and penalties.
23-13-264. Disposition of forfeited bonds and fines.
23-13-265. Exempt motor carrier to possess annual receipt.

23-13-202. Purpose.

It is declared that it is necessary in the public interest to regulate transportation by motor carriers in such manner as to:

(1) Recognize and preserve the inherent advantages of and foster sound economic conditions in such transportation and among such carriers;

(2) Promote adequate, economical, and efficient service by motor carriers and reasonable charges therefor, without unjust discriminations, undue preferences or advantages, and unfair or destructive competitive practices;

(3) Develop and preserve a highway transportation system properly adapted to the needs of the commerce of the State of Arkansas and the national defense; and

(4) Cooperate with the United States Government, other departments of the State of Arkansas, regulatory bodies of other states and the duly authorized officials thereof, and with any organization of motor carriers in the administration and enforcement of this subchapter.

History. Acts 1955, No. 397, § 2; A.S.A. 1947, § 73-1755.

23-13-203. Definitions.

(a) As used in this subchapter, unless the context otherwise requires:

(1) "Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any motor carrier. A "broker", as principal or agent, sells or offers for sale any transportation subject to this subchapter, or negotiates for, or holds himself or herself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation;

(2) "Certificate" means a certificate of public convenience and necessity issued under authority of the laws of the State of Arkansas to common carriers by motor vehicle;

(3) "Commercial zone" means any municipality within this state together with that area outside the corporate limits of any municipality which is prescribed by the Interstate Commerce Commission [abolished] as a commercial zone;

(4) "Commission" means the Arkansas Transportation Commission [abolished];

(5) "Common carrier by motor vehicle" means any person who or which undertakes, whether directly or indirectly, or by lease of equipment or franchise rights, or any other arrangement, to transport passengers or property or any classes of property for the general public by motor vehicle for compensation whether over regular or irregular routes;

(6) "Contract carrier by motor vehicle" means any person not a common carrier included under subdivision (5) of this section who or which, under individual contracts or agreements, and whether directly or indirectly or by lease of equipment or franchise rights or any other arrangements, transports passengers or property by motor vehicle for compensation;

(7) "Highway" means the public roads, highways, streets, and ways in the State of Arkansas;

(8)(A) "Household goods carrier" means any motor carrier transporting:

(i) Personal effects and property used or to be used in a dwelling when it is a part of the equipment or supply of the dwelling;

(ii) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when they are a part of the stock, equipment, or supply of the stores, offices, museums, institutions, hospitals, or other establishments; and

(iii) Articles, including objects of art, displays and exhibits, voting machines and tabulating machines, including the auxiliary machines or component parts as are necessary to the performance of a complete tabulating process, including, but not limited to, punches, sorters, computers, verifiers, collators, reproducers, interpreters, multipliers, wiring units, and control panels and spare parts therefor, which because of the unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(B)(i) The household goods carriers shall continue to be regulated by the commission in accordance with this subchapter and all rules and regulations made and promulgated by the commission.

(ii) Provided, a household goods carrier upon application with the commission shall not be required to prove that the proposed services or operations are required by the present or future public convenience and necessity, nor shall the rates of such household goods carriers be subject to regulation by the commission;

(9) "Interested parties" includes, in all cases, all carriers operating over the routes or any part thereof or in the territory involved in any application for a certificate of convenience and necessity or a permit, or any application to file or change any schedule or rates, charges, fares, or any rule, regulation, or practice, and such other parties as the commission may deem interested in the particular matter;

(10) "Irregular route" means that the route to be used by a motor carrier is not restricted to any specific highways within the area the motor carrier is authorized to serve;

(11) "Lease" means, as used in connection with the term "motor vehicle", the rental of a motor vehicle by a lessor to a lessee, except to an authorized carrier, with nothing furnished except necessary maintenance;

(12) "License" means a license issued under this subchapter to a broker;

(13) "Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle and any person performing for-hire transportation service without authority from the commission;

(14) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property or any combination thereof determined by the commission, but it does not include any vehicle, locomotive, or car operated exclusively on rails;

(15) "Occasional" means the transportation of persons or property where an emergency exists at the time or place and no authorized service is immediately available;

(16) "Permit" means a permit issued under authority of the laws of the State of Arkansas to contract carriers by motor vehicle;

(17) "Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

(18) "Private carrier" means any person engaged in the transportation by motor vehicle upon public highways of persons or property, or both, but not as a common carrier by motor vehicle or a contract carrier by motor vehicle and includes any person who transports property by motor vehicle, where the transportation is incidental to or in furtherance of any commercial enterprise of the person, which enterprise is one other than transportation; and

(19) "Regular route" means a fixed, specific, and determined course to be traveled by a motor carrier's vehicles rendering service to, from, or between various points, localities, or municipalities in this state.

(b) The "services" and "transportation" to which this subchapter applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied, together with all facilities and property operated or controlled by any such carrier and used in the transportation of passengers or property or in the performance of any service in connection therewith.

History. Acts 1955, No. 397, § 5; A.S.A. 1947, § 73-1758; Acts 1995, No. 746, § 2.

23-13-204. Applicability of subchapter.

(a) The provisions of this subchapter, except as specifically limited in this subchapter, shall apply to the transportation of passengers or property by motor carriers over public highways of this state and the procurement of, and provisions of, facilities for such transportation.

(b) Provided, nothing contained in this subchapter shall be construed to authorize the regulation of intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers over any routes authorized by the Interstate Commerce Commission [abolished].

(c) Provided, further, nothing contained in this subchapter shall be construed to abrogate the laws of this state or any authority of the State Highway Commission with regard to the routing of hazardous materials.

History. Acts 1955, No. 397, § 3; A.S.A. 1947, § 73-1756; Acts 1995, No. 746, § 1.

23-13-205. Interstate commerce unaffected by subchapter.

Nothing in this subchapter shall be construed to interfere with the exercise by agencies of the United States Government of its power of regulation of interstate commerce.

History. Acts 1955, No. 397, § 4; A.S.A. 1947, § 73-1757.

23-13-206. Exemptions.

(a) Nothing in this subchapter shall be construed to include:

(1)(A) Motor vehicles:

(i) Employed solely in transporting school children and teachers to or from school; and

(ii) Used in carrying:

(a) Set-up houses;

(b) Ordinary livestock;

(c) Unprocessed fish, including shellfish;

(d) Unprocessed agricultural commodities;

(e) Baled cotton;

(f) Cottonseed;

(g) Cottonseed meal;

(h) Cottonseed hulls;

(i) Cottonseed cake;

(j) Rice hulls;

(k) Rice bran;

(l) Rice mill feed;

(m) Rice mill screenings;

(n) Soybean meal; and

(o) Commercial fertilizer, but not including the component parts used in the manufacture thereof.

(B) However, carriers of such exempt commodities and passengers shall be subject to safety of operation and equipment standards provisions prescribed or hereafter prescribed by the State Highway Commission.

(C) Additionally, for-hire carriers of such exempt commodities shall file with the commission evidence of security for the protection of the public in the same amount and to the same extent as nonexempt carriers, as provided in § 23-13-227;

(2)(A) Taxicabs or other motor vehicles performing a bona fide taxicab service.

(B) "Bona fide taxicab service", as employed in this section, means and refers only to service rendered by motor-driven vehicles having a seating capacity not in excess of six (6) passengers and used for the transportation of persons for hire, which vehicles are owned and operated by a person, firm, or corporation authorized by the governing authorities of municipalities to conduct a taxicab business over or upon the streets and public ways;

(3) Any private carrier of property and motor vehicles employed in the hauling of gravel, rock, dirt, bituminous mix materials, riprap, quarried stone, crushed stone, and similar materials, and any movements and services performed by wreckers and wrecker services. Provided, all of the above private carriers, motor vehicles, and wrecker and wrecker services shall be subject to the provisions prescribed, including all regulations made and promulgated pursuant to this subchapter, with respect to safety of operation and equipment standards;

(4) Trolley buses operated by electric power or other buses furnishing local passenger transportation similar to street railway service, unless and to the extent that the commmission shall from time to time find that such an application is necessary to carry out the policy of this subchapter as to safety of operation or standards of equipment, apply to:

(A)(i) The transportation of passengers or property wholly within a municipality or between contiguous municipalities or within a commercial zone, as defined in § 23-13-203, adjacent to, and commercially a part of, any such municipalities, except when the transportation is under a common control, management, or arrangement for a continuous carriage, or shipment to or from a point outside such municipalities or zone, and provided that the motor carrier engaged in such transportation of passengers over regular or irregular routes is also lawfully engaged in the intrastate transportation of passengers over the entire length of the routes in accordance with the laws of this state.

(ii) The rights, duties, and privileges of any motor carrier previously granted a certificate of convenience and necessity by the commission to operate in, through, to, or from municipalities or in, through, to, or from a commercial zone or territory contiguous to a municipality shall not be impaired or abridged by reason of the subsequent annexation of the municipality or territory by another municipality, and any such motor carrier shall remain subject to the exclusive jurisdiction and control of the commission; or

(B) The occasional or reciprocal transportation of passengers or property for compensation:

(i) By any person not engaged in transportation by motor vehicle as a regular occupation or business, except when such transportation is sold, offered for sale, provided, procured, or furnished or arranged for;

(ii) By any person who holds himself or herself or itself out as one who sells or offers for sale transportation wholly or partially subject to this subchapter, or negotiates for, or holds himself or herself or itself out, by solicitation, advertisements, or otherwise, as one who sells, provides, furnishes, contracts, or arranges for such transportation; or

(iii) By any person or his or her or its agent, servant, or employee who regularly engages in the exempt transportation of passengers for hire;

(5) Motor vehicles controlled and operated by an agricultural cooperative association as defined in §§ 2-2-101 et seq., 2-2-201, 2-2-202, and 2-2-401 — 2-2-428 or any similar act of another state or by the United States Agricultural Marketing Act, as

amended, or by a federation of such cooperative associations, if the federation possesses no greater powers or purposes than cooperative associations so defined;

(6) Motor carriers of property, except household goods carriers. Provided, the motor carriers of property shall be subject to all safety of operation and equipment standards provisions prescribed by the commission. Provided, further, all motor carriers of property shall be subject to the provisions of §§ 23-13-252 and 23-13-265 and all rules and regulations made and promulgated by the commission with respect to financial fitness and insurance requirements;

(7)(A) The transportation of passengers by private or public motor carrier either under contract or by cooperative agreement with the State of Arkansas when the transportation is provided exclusively in connection with, or as a result of, federally or state-funded assistance programs serving the public need.

(B) Provided, the motor carriers shall be subject to the provisions prescribed, including all regulations made and promulgated pursuant to this subchapter, with respect to safety of operation and equipment standards; and

(8) The transportation of passengers in a private vehicle with a maximum seating capacity of fifteen (15) passengers, including the driver, provided the transportation is for the purposes of vanpooling or carpooling.

(b) In addition, the following are declared to be exempt from this subchapter except to the extent that the vehicles transporting the following products shall be subject to the safety and equipment standards of the commission:

(1) The transportation of live poultry, unmanufactured products of poultry, and related commodities. Poultry, unmanufactured products of poultry, and related commodities include the following:

(A) Additives, such as injected butter, gravy, seasoning, etc., in an amount not in excess of five percent (5%) by weight, sold in or along with uncooked poultry;

(B) Advertising matter, in reasonable amounts, transported along with poultry and poultry products;

(C) Blood of poultry from which corpuscles have been removed by centrifugal force;

(D) Carcasses:

(i) Raw, in marble-size chunks;

(ii) Cut up, raw;

(iii) Cut up, precooked or cooked;

(iv) Breaded or battered;

(v) Cut up, precooked or cooked, marinated, breaded, or battered;

(vi) Deboned, cooked or uncooked;

(vii) Deboned, cooked or uncooked, in rolls or diced;

(E) Dinners, cooked;

(F) Dressed;

(G) Eggs, albumen, liquid;

(H) Eggs, albumen, liquid, pasteurized;

(I) Eggs, dried;

(J) Eggs, frozen;

(K) Eggs, liquid, whole or separated;

(L) Eggs, oiled;

(M) Eggs, omelet mix consisting of fresh broken eggs and milk with minute amounts of salt and pepper and seasoning, packaged;

(N) Eggs, powder, dried;

(O) Eggs, shelled;

(P) Eggs, whites;

(Q) Eggs, whole, with added yolks, dried;

(R) Eggs, whole, with added yolks;

(S) Eggs, whole standardized by substraction of whites;

(T) Eggs, yolks, dried;

(U) Eggs, yolks, liquid;

(V) Eggs, yolks;

(W) Fat, as removed from poultry, not cooked;

(X) Feathers;

(Y) Feathers, ground or feather meal;

(Z) Feathers, ground, combined with dehydrated poultry offal;

(AA) Offal, including blood and natural by-products of the killing and processing of poultry for market;

(BB) Picked;

(CC) Rolled in batter but uncooked;

(DD) Rolls, containing sectioned and deboned poultry, cooked;

(EE) Sticks, cooked;

(FF) Stuffed;

(GG) Stuffing, packed with, but not in, bird;

(2) The transportation of livestock and poultry feed including all materials or supplementary substances necessary or useful to sustaining the life or promoting the growth of livestock or poultry, if such products, excluding products otherwise exempt under this section, are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production;

(3) The transportation of sawdust, wood shavings, and wood chips; and

(4) The transportation of ethylene glycol antifreeze, gasoline, diesel, liquefied petroleum gas, kerosene, aviation gasoline, and jet fuel.

(c)(1) Except as otherwise provided in this subchapter, the transportation of passengers by motor vehicle shall continue to be regulated by the commission.

(2) Provided, a carrier of passengers, which carrier proposes strictly charter services or charter operations for the transportation of passengers, upon application with the commission, shall not be required to prove that the proposed charter services or charter operations are required by the present or future public convenience and necessity.

History. Acts 1955, No. 397, § 5; 1963, No. 89, § 1; 1963, No. 220, § 1; 1971, No. 175, § 1; 1971, No. 335, § 1; 1983, No. 74, § 1;

1985, No. 438, § 1; 1985 (1st Ex. Sess.), No. 23, § 1; 1985 (1st Ex. Sess.), No. 29, § 1; A.S.A. 1947, §§ 73-1758, 73-1758.1; Acts 1991, No. 33, § 1; 1991, No. 296, § 1; 1995, No. 746, § 2.

23-13-207. Regulation by Arkansas Transportation Commission [abolished].

The regulation of the transportation of passengers or property by motor carriers over the public highways of this state, the procurement thereof, and the provisions of facilities therefor is vested in the Arkansas Transportation Commission [abolished].

History. Acts 1955, No. 397, § 3; A.S.A. 1947, § 73-1756.

23-13-208. General duties and powers of commission.

It shall be the duty of the Arkansas Transportation Commission [abolished]:

(1) To regulate common carriers by motor vehicle as provided in this subchapter. To that end, the commission may establish reasonable requirements with respect to continuous and adequate service and transportation of baggage and express. It may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, and safety of operation and equipment which shall conform as nearly as may be consistent with the public interest to the systems of accounts, records, and reports and the requirements as to the preservation of records and safety of operation and equipment now prescribed or which from time to time may be prescribed by the Interstate Commerce Commission [abolished] for common carriers by motor vehicles engaged in interstate or foreign commerce;

(2) To regulate contract carriers by motor vehicle as prescribed by this subchapter. To that end, the commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, and safety of operation and equipment now prescribed or which may from time to time be prescribed by the Interstate Commerce Commission [abolished] for contract carriers by motor vehicles engaged in interstate or foreign commerce;

(3) To regulate private carriers, as defined in this subchapter, with respect to safety of their operations and equipment;

(4) To regulate brokers as provided in this subchapter. To that end, the commission may establish reasonable requirements with respect to licensing, financial responsibility, accounts, records, reports, operations, and practices of any such persons;

(5) To avail itself of the assistance of any of the several research agencies of the federal government and of any agency of this state having special knowledge of any such matter, for the purpose of carrying out the provisions pertaining to safety;

(6) To administer, execute, and enforce all other provisions of this subchapter; to make all necessary orders in connection therewith; and to prescribe rules, regulations, and procedures for such administration; and

(7) Upon complaint in writing to the commission by any person, state board, organization, or body politic, or upon the commission's own initiative without complaint, to investigate whether any motor carrier or broker has failed to comply with any provisions of this subchapter or with any requirements thereof. If the commission finds upon investigation that the motor carrier or broker has failed to comply therewith, the commission shall issue appropriate order to compel the carrier or broker to comply therewith. Whenever the commission is of the opinion that any complaint does not state reasonable grounds for investigation and action on its part, it may dismiss that complaint.

History. Acts 1955, No. 397, § 6; A.S.A. 1947, § 73-1759.

23-13-217. Enforcement officers.

(a) The State Highway Commission shall name and designate enforcement officers charged with the duty of policing and enforcing the provisions of this subchapter.

(b) The enforcement officers shall have authority to enforce § 27-50-308 and the Omnibus DWI Act, § 5-65-101 et seq., and shall have authority to make arrests for violation of any of the provisions of this subchapter, orders, rules, and regulations of the commission and to serve any notice, order, or subpoena issued by any court, the commission, its secretary, or any employee authorized to issue same, and to this end shall have full authority with jurisdiction within the entire State of Arkansas.

(c)(1) For the purpose of determining whether any motor vehicle or the operator of that vehicle is in compliance with the rules and regulations of the commission with respect to safety of operations and equipment or any other provision of this chapter, provided the operator is engaged in intrastate or interstate movements on the highways, roads, and streets of this state and the operator or vehicle is subject to the rules and regulations, the enforcement officers shall be authorized to:

(A) Require the operator of the vehicle to stop, exhibit, and submit for inspection all documents required to be carried in that vehicle or by that operator pursuant to the regulations regarding the operator or operators of that vehicle, including, but not limited to, the operator or driver's duty status or hours-of-service records, bills of lading, waybills, invoices, or other evidences of the character of the lading being transported in the vehicle, as well as all records required to be carried by the regulations concerning that vehicle;

(B) Inspect the contents of the vehicle for the purpose of comparing the contents with bills of lading, waybills, invoices, or other evidence of ownership or of transportation for compensation; and

(C) Require the operator to submit the vehicle for a safety inspection pursuant to the rules and regulations, if deemed necessary by the officers.

(2) If the operator does not produce sufficient or adequate documents regarding his or her operation of the vehicle in conformance with the rules and regulations or is determined by the officers to be out of compliance with the rules and regulations, in addition to any other action that may be taken by the officers pursuant to the provisions of this subchapter, the officers shall be authorized to immediately place that operator out of service in accordance with the rules and regulations.

(3)(A) If the operator does not produce sufficient or adequate documents regarding the vehicle in conformance with the rules and regulations, the vehicle is determined by the officers to be out of compliance with the rules and regulations.

(B) If the operator refuses to submit the vehicle to a safety inspection in conformance with the rules and regulations or if the officer or officers determine the vehicle is unsafe for further operation following a safety inspection in accordance with the rules and regulations, in addition to any other action that may be taken by the officers pursuant to this subchapter, the officers shall be authorized to immediately place that vehicle out of service in conformance with the rules and regulations.

(d) It shall be the further duty of the enforcement officers to impound any books, papers, bills of lading, waybills, and invoices that would indicate the transportation service being performed is in violation of this subchapter, subject to the further orders of the court having jurisdiction over the alleged violation.

History. Acts 1955, No. 397, § 7; A.S.A. 1947, § 73-1760; Acts 1989, No. 306, § 1; 1997, No. 1026, § 1; 2003, No. 1121, § 1.

23-13-222. Permits for contract carriers — Requirement.

No person shall engage in the business of a contract carrier by motor vehicles over any public highways in this state unless there is in force with respect to the carrier a permit issued by the Arkansas Transportation Commission [abolished] authorizing such persons to engage in such business.

History. Acts 1955, No. 397, § 11; A.S.A. 1947, § 73-1764.

23-13-225. Permits for contract carriers — Terms and conditions — Contracts for services.

(a) The State Highway Commission shall specify in the permit for a contract carrier by motor vehicle the business of the contract carrier covered thereby and the scope thereof. The commission shall attach to the permit, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such a carrier, the requirements established by the commission under this subchapter.

(b)(1) The commission shall not issue any permit which will authorize any contract carrier to have in effect, at any one (1) time, more than six (6) contracts, such contracts to be filed with and approved by the commission prior to granting of such authority.

(2) When any contract expires, the commission shall be given notice thereof, and if any new contract is substituted or added, the contract shall be filed with and approved by the commission before operation thereunder.

(c) No permit issued under this subchapter shall confer any proprietary or property rights in the use of public highways.

History. Acts 1955, No. 397, § 11; 1961, No. 191, § 1; A.S.A. 1947, § 73-1764; Acts 1993, No. 1020, § 1.

23-13-228. Certificate or permit for interstate or foreign commerce — Disposition of funds.

It is declared unlawful for any motor carrier to use any of the public highways of this state for the transportation of persons or property in interstate commerce unless there is in force with respect to the carrier adequate surety for the protection of the public.

History. Acts 1955, No. 397, § 25; 1977, No. 468, § 1; A.S.A. 1947, § 73-1778; Acts 1993, No. 1027, § 1; 2007, No. 232, § 3.

23-13-229. Temporary authority.

(a) To provide motor carrier service for which there is an urgent and immediate need to, from, or between points within a territory having no motor carrier service deemed capable of meeting that need, the Arkansas Transportation Commission [abolished] in its discretion and without hearing or other proceeding may grant temporary authority for a period not exceeding ninety (90) days for the service by common or contract carrier, as the case may be. Satisfactory proof of the urgent and immediate need shall be made by affidavit or other verified proof, as the commission shall prescribe.

(b) The temporary authority shall be granted only upon payment of a filing fee in the amount of twenty-five dollars ($25.00) and compliance with the requirements of §§ 23-13-227 and 23-13-244. The filing fees shall be collected by the commission to be deposited in the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund.

(c) After the temporary authority is granted, the commission shall notify any carrier already authorized to perform all or any part of the service so authorized temporarily. Upon application in writing by the carrier, the commission shall hold such hear-

ings and make such further determination with respect to such temporary authority as the public interest shall require.

(d) The grant of temporary authority shall not be extended for any cause.

(e) Issuance of such temporary authority shall create no presumption that corresponding permanent authority will be granted thereafter.

History. Acts 1955, No. 397, § 6; 1983, No. 565, § 1; A.S.A. 1947, § 73-1759.

23-13-230. Brokers — Licenses — Rules and regulations for protection of public.

(a)(1) No person shall for compensation sell or offer for sale transportation subject to this subchapter; shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation; or shall hold himself or herself or itself out by advertisements, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation unless that person holds a broker's license issued by the Arkansas Transportation Commission [abolished] to engage in such transactions.

(2) In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such transportation, it shall be unlawful for such a person to employ any carrier by motor vehicle who or which is not the lawful holder of an effective certificate or permit issued as provided in this subchapter.

(3) The provisions of this subsection shall not apply to any carrier holding a certificate or a permit under the provisions of this subchapter or to any bona fide employee or agent of such a motor carrier, so far as concerns transportation to be furnished wholly by such a carrier or jointly with other motor carriers holding like certificates or permits or with a common carrier by railroad, express, or water.

(b) A brokerage license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this subchapter and the requirements, rules, and regulations of the commission thereunder and that the proposed service, to the extent authorized by the license, will promote the public interest and policy declared in this subchapter; otherwise the application shall be denied.

(c) The commission shall prescribe reasonable rules and regulations for the protection of travelers or shippers by motor vehicle, to be observed by any person holding a brokerage license. No such license shall be issued or remain in force unless the person shall have furnished a bond or other security approved by the commission, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements, or arrangements therefor.

(d) The commission and its agents shall have the same authority as to accounts, reports, and records, including inspection and preservation thereof, of any person holding a brokerage license issued under the provisions of this section, that they have under this subchapter with respect to motor carriers subject thereto.

History. Acts 1955, No. 397, § 13; A.S.A. 1947, § 73-1766.

23-13-233. Certificates, permits, and licenses — Amendment, revocation, and suspension.

(a) Any certificates, permits, or licenses, upon application of the holder thereof and in the discretion of the Arkansas Transportation Commission [abolished], may be amended or revoked, in whole or in part, or may upon complaint or on the commissioner's own initiative, after notice and hearing, be suspended, changed, or revoked, in whole or in part, for:

(1) Willful failure to comply with any provision of this subchapter, with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term, condition, or limitation of the certificate, permit, or license;

(2) Failure to render reasonably continuous service in the transportation of all of the commodities authorized to be transported over all of the routes authorized to be traversed;

(3) Failure to file a complete annual motor carrier report pursuant to Acts 1927, No. 129, as amended; or

(4) Failure to timely pay ad valorem property taxes.

(b) It is the intent of this section to require the commission to suspend or revoke, after notice and hearing as hereafter provided, all or such part of the authority granted by any certificate which is not exercised reasonably continuously.

(c) No certificate, permit, or license shall be revoked, except under application of the holder or violation of § 23-13-227, unless the holder thereof willfully fails to comply within a reasonable time, not less than thirty (30) days, to be fixed by the commission, with a lawful order of the commission commanding obedience to the provisions of this subchapter, or to the rules or regulations of the commission, or to the terms, conditions, or limitation of such certificate, permit, or license found by the commission to have been violated by the holder.

History. Acts 1955, No. 397, § 14; 1983, No. 579, § 1; 1983, No. 602, § 1; A.S.A. 1947, § 73-1767.

23-13-234. Operation without certificate or permit prohibited — Violation of terms, conditions, etc., of certificate, permit, or license prohibited.

(a)(1) Any motor carrier using the highways of

this state without first having obtained a permit or certificate from the Arkansas Transportation Commission [abolished], as provided by this subchapter, or who, being a holder thereof, violates any term, condition, or provision thereof shall be subject to a civil penalty to be collected by the commission, after notice and hearing, in an amount not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(2) If the penalty is not paid within ten (10) days from the date of the order of the commission assessing the penalty, twenty-five percent (25%) thereof shall be added to the penalty.

(3) Any amounts collected from the penalties provided for under this subsection shall be deposited by the commission into the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund.

(b)(1) Any person required by this subchapter to obtain a certificate of convenience and necessity as a common carrier or a permit as a contract carrier and operates as such a carrier without doing so shall be guilty of a violation. Upon conviction, he or she shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the first such offense and not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each subsequent offense.

(2) Each day of the violation shall be a separate offense.

(c)(1) Any person violating any other provision or any term or condition of any certificate, permit, or license, except as otherwise provided in § 23-13-258, shall be guilty of a violation and upon conviction shall be fined not more than one hundred dollars ($100) for the first offense and not more than five hundred dollars ($500) for any subsequent offense.

(2) Each day of the violation shall constitute a separate offense.

(3) In addition thereto, the person shall be subject to the civil penalties provided in subsection (a) of this section.

History. Acts 1955, No. 397, § 22; 1971, No. 532, § 1; 1983, No. 565, § 5; A.S.A. 1947, § 73-1775; Acts 2005, No. 1994, § 148.

23-13-236. Common carriers — Duties as to transportation of passengers and property — Rates, charges, rules, regulations, etc.

(a) It shall be the duty of every common carrier of passengers by motor vehicle:

(1) To establish reasonable through routes with other common carriers and to provide safe and adequate service, equipment, and facilities for the transportation of passengers;

(2) To establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable regulations and practices relating thereto and relating to the issuance, form, and substance of tickets; the carrying of personal, sample, and excess baggage; the facilities for transportation; and all other matters relating to or connected with the transportation of passengers; and

(3) In case of joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of the participating carriers.

(b) It shall be the duty of every common carrier of property by motor vehicle:

(1) To provide safe and adequate service, equipment, and facilities for the transportation of property; and

(2) To establish, observe, and enforce just and reasonable rates, charges, and classifications and just and reasonable regulations and practices relating thereto, and relating to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

History. Acts 1955, No. 397, § 16; A.S.A. 1947, § 73-1769.

23-13-254. [Repealed.]

Publisher's Notes. This section, concerning reports by motor carriers and failure to file said reports, was repealed by Acts 2003, No. 1117, § 2. The section was derived from Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775.

23-13-255. Access to property, equipment, and records.

The Arkansas State Highway and Transportation Department or its duly authorized agents at all times shall have access to all lands, buildings, or equipment of motor carriers and private carriers used in connection with their operation and also to all pertinent accounts, records, documents, and memoranda kept or required to be kept by motor carriers and private carriers.

History. Acts 1955, No. 397, § 20; A.S.A. 1947, § 73-1773; Acts 1991, No. 297, § 1.

23-13-256. Identification of equipment.

It shall be unlawful for any common or contract carrier by motor vehicle to operate any vehicle upon the highways of this state unless there is painted, or otherwise firmly affixed, to the vehicle on both sides thereof, the name of the carrier and the certificate or permit number of the carrier. The characters composing the identification shall be of sufficient size to be clearly distinguishable at a distance of at least fifty feet (50') from the vehicle.

History. Acts 1955, No. 397, § 24; A.S.A. 1947, § 73-1777.

23-13-257. Violations by carriers, shippers, brokers, etc., or employees, agents, etc. — Penalties.

Any person, whether a carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof who shall knowingly offer, grant, or give or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this subchapter; who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device shall knowingly assist, suffer, or permit any persons, natural or artificial, to obtain transportation of passengers or property subject to this subchapter for less than the applicable fare, rate, or charge; who shall knowingly by any such means or otherwise fraudulently seek to evade or defeat regulation as in this subchapter is provided for motor carriers or brokers; or who shall violate any of the regulations, including safety regulations, prescribed or hereafter prescribed by the State Highway Commission pursuant to the provisions of Title 23 of this Code, shall be guilty of a violation. Upon conviction, that person, unless otherwise provided in this chapter, shall be fined not more than five hundred dollars ($500) for the first offense and not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for any subsequent offense.

History. Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775; Acts 1993, No. 1023, § 1; 2005, No. 1994, § 455.

23-13-258. Operation of motor vehicle while in possession of, consuming, or under influence of any controlled substance or intoxicating liquor prohibited.

(a)(1) Any person operating or being in physical control of a motor vehicle, which motor vehicle is susceptible at the time of such operation or physical control to any regulations of the State Highway Commission regarding the safety of operation and equipment of that motor vehicle, who commits any of the following acts shall be guilty of a violation and upon conviction for the first offense shall be subject to a fine of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000):

(A) Operating or being in physical control of such a motor vehicle if he or she possesses, is under the influence of, or is using any controlled substance;

(B) Operating or being in physical control of such a motor vehicle if he or she possesses, is under the influence of, or is using any other substance that renders him or her incapable of safely operating a motor vehicle; or

(C)(i) Consumption of or possession of an intoxicating liquor, regardless of its alcoholic content, or being under the influence of an intoxicating liquor while in physical control of such a motor vehicle.

(ii) However, no person shall be considered in possession of an intoxicating liquor solely on the basis that an intoxicating liquor or beverage is manifested and being transported as part of a shipment.

(2) Upon the second and subsequent convictions, that person shall be subject to a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(b) As used in this section, "controlled substance" shall have the same meaning ascribed to that term in the Uniform Controlled Substances Act, §§ 5-64-101 — 5-64-608, and the regulations issued pursuant to that act.

(c) Nothing in this section is intended to abrogate any of the provisions of the Omnibus DWI Act, § 5-65-101 et seq., and any person violating any of the provisions of subsection (a) of this section who may be charged with a violation of the Omnibus DWI Act, § 5-65-101 et seq., shall be so charged with a violation of that act rather than with a violation of this section.

History. Acts 1955, No. 397, § 22; 1971, No. 532, § 1; A.S.A. 1947, § 73-1775; Acts 1993, No. 1022, § 1; 2005, No. 1994, § 149.

23-13-259. Lessor to unauthorized persons deemed motor carrier.

Any person who, by lease or otherwise, permits the use of a motor vehicle by other than a carrier holding authority from the Arkansas Transportation Commission [abolished] and who furnishes in connection therewith a driver, either directly or indirectly, or in any manner whatsoever exercises any control, or assumes any responsibility over the operation of the vehicle, during the period of the lease or other device, shall be deemed a motor carrier.

History. Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775.

23-13-260. Violations of subchapter — Jurisdiction of cases.

The several circuit, justice of the peace, and municipal courts of this state shall have jurisdiction in cases involving alleged violations of this subchapter.

History. Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775.

23-13-261. Injunction against violation of subchapter, rules, regulations, etc., or terms and conditions of certificate, permit, or license.

If any motor carrier or broker operates in violation of any provision of this subchapter, except as to the reasonableness of rates, fares, or charges, and the discriminatory character thereof, or any rule, regulation, requirement, or order thereunder, or of any

term or condition of any certificate, permit, or license, the Arkansas Transportation Commission [abolished] or its duly authorized agent may apply to the Pulaski County Circuit Court or to any circuit court of the State of Arkansas where the motor carrier operates for the enforcement of the provision of this subchapter, or of the rule, regulation, requirement, order, term, or condition, and enjoining upon it or them obedience thereto.

History. Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775.

23-13-262. Actions to recover penalties.

(a) An action to recover a penalty under §§ 23-13-234 and 23-13-257 — 23-13-264 or to enforce the powers of the Arkansas Transportation Commission [abolished] under this subchapter or any other law may be brought in any circuit court in this state in the name of the State of Arkansas, on relation to the commission, and shall be commenced and prosecuted to final judgment by the counsel to the commission.

(b) In any such action, all penalties incurred up to the time of commencing the action may be sued for and recovered therein.

(c) The commencement of an action to recover a penalty shall not be or be held to be a waiver of the right to recover any other penalty.

History. Acts 1955, No. 397, § 22; 1983, No. 565, § 5; A.S.A. 1947, § 73-1775; Acts 2003, No. 1117, § 3.

23-13-263. Lien declared to secure payment of fines and penalties.

To secure the payment of the fines and penalties provided for in this subchapter, a lien is declared and established upon the property of any person who has violated the provisions hereof and upon the property of any motor carrier whose agent, servant, or employee has violated the provisions of this subchapter.

History. Acts 1955, No. 397, § 22; A.S.A. 1947, § 73-1775.

23-13-264. Disposition of forfeited bonds and fines.

One-half (½) of the amount of forfeited bonds and one-half (½) of the fines collected for violations of this subchapter shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit into the General Revenue Fund Account of the State Apportionment Fund.

History. Acts 1955, No. 397, § 22; 1983, No. 565, § 6; A.S.A. 1947, § 73-1775; Acts 2005, No. 1934, § 15.

23-13-265. Exempt motor carrier to possess annual receipt.

(a)(1) It is declared unlawful for any motor carrier of property who is exempt from certain provisions of this subchapter pursuant to § 23-13-206(a)(6) to use any of the public highways of this state for the transportation of property for hire in intrastate commerce without possessing a copy of an annual receipt from the State Highway Commission permitting those operations.

(2) Copies of the annual receipt shall be made and maintained in the cab of the power unit of each motor vehicle operated over the highways of this state while transporting property for hire intrastate.

(3)(A) Every application for a permit for the transportation of property by a carrier shall be in writing on a form to be specified by the commission.

(B) The application shall contain and be accompanied by the following:

(i) The name and trade name, if any, and address or location of the principal office or place of business of the applicant;

(ii) A statement giving full information concerning the ownership, reasonable value, and physical condition of vehicles and other property to be used by the applicant in the intrastate operations;

(iii) A full and complete financial statement giving detailed information concerning the financial condition of the applicant;

(iv) Proof of public liability insurance in the amounts set out in all rules and regulations made and promulgated by the commission;

(v) In the event the motor carrier did not hold a valid certificate or permit authorizing intrastate transportation by motor vehicle in this state on December 31, 1994, remittance of a processing fee in the amount of twenty-five dollars ($25.00);

(vi) Remittance of an insurance filing fee in the amount of five dollars ($5.00) for each motor vehicle, truck or truck-tractor, to be operated in the State of Arkansas in intrastate operations;

(vii)*(a)* Remittance of a copy of the motor carrier's latest United States Department of Transportation safety rating or, in the event the carrier has not been given a safety rating, a signed notarized statement indicating the company's intention to comply with all Department of Transportation safety regulations.

(b) At any time as may be practical, a physical inspection of the equipment may be made by the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department;

(viii) At the option of the applicant, the motor carrier may request that any and all laws, regulations, or other provisions relating to uniform cargo liability rules, uniform bills of lading and receipts for property being transported, uniform cargo credit rules, or antitrust immunity for joint

line rates or routes, classification, and mileage guides, apply to the carrier; and

(ix) Any other information that may be required by the commission.

(b)(1) Every motor carrier of property complying to the satisfaction of the commission with the provisions of subsection (a) of this section shall be issued a receipt for the current year indicating the name of the motor carrier's company, the principal place of business of the carrier, and the number of motor vehicles to be operated in Arkansas.

(2)(A) Copies of the receipt shall be made by the motor carrier and shall be maintained in the power unit of each motor vehicle operated over the highways of Arkansas while transporting property for hire intrastate.

(B) The receipt shall be presented by the driver of the motor vehicle for inspection by any authorized government personnel.

(C) Failure to carry the receipt and maintain adequate proof of public liability insurance shall subject the motor carrier to the civil and criminal penalties and fines as are authorized by this subchapter.

(c)(1) Every motor carrier of property which held a valid certificate or permit authorizing intrastate transportation by motor vehicle in the state on December 31, 1994, shall continue to be authorized to transport property for hire in the state and shall be issued an annual receipt after complying with the provisions of subdivisions (a)(3)(B)(iv), (vi), (viii), and (ix) of this section. Provided, neither the previously held certificate, the previously held permit, nor any annual receipt issued pursuant to this section shall have any asset value.

(2) Every motor carrier of property initially complying with all the provisions of subsection (a) of this section to the satisfaction of the commission and issued an annual receipt shall thereafter be issued an annual receipt upon complying with subdivisions (a)(3)(B)(iv), (vi), (viii), and (ix) of this section.

(d) The annual fee required by subdivision (a)(3)(B)(vi) of this section shall not be required for each motor vehicle if the motor carrier of property otherwise remits the proper annual registration fees to the commission pursuant to § 23-13-235, or the motor carrier of property otherwise remits the proper annual registration fees for the benefit of the State of Arkansas to the motor carrier's base state.

(e) Notwithstanding any other provision of this section to the contrary, the commission shall have the authority to periodically review the motor carrier's fitness and shall have the authority to suspend or revoke the annual receipt or other credential granting the right of the motor carrier to operate intrastate if the motor carrier is determined by the commission to be unfit or unsafe, or fails to maintain adequate public liability insurance.

(f) The State Highway Commission shall have the authority to make and promulgate rules and regulations for the implementation of this section.

(g) All fees received by the commission pursuant to subsection (a) of this section shall be deposited with the Treasurer of State and classified as general revenues for distribution and usage as provided by the laws of this state; provided, one and one-half percent (1.5%) of all the funds so deposited shall be classified as special revenues and transferred by the Treasurer of State on the last business day of each month in which they are deposited to the State Highway and Transportation Department Fund to be utilized by the Arkansas State Highway and Transportation Department for the purpose of administering this subchapter.

History. Acts 1995, No. 746, § 3.

Subchapter 4 — Passengers

SECTION.
23-13-401 — 23-13-406. [Repealed.]

23-13-401 — 23-13-406. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 1994, § 574. The subchapter was derived from the following sources:

23-13-401. Acts 1959, No. 81, § 4; A.S.A. 1947, § 73-1783.
23-13-402. Acts 1959, No. 81, § 4; A.S.A. 1947, § 73-1783.
23-13-403. Acts 1959, No. 81, § 1; A.S.A. 1947, § 73-1780.
23-13-404. Acts 1959, No. 81, §§ 1, 2; A.S.A. 1947, §§ 73-1780, 73-1781.
23-13-405. Acts 1959, No. 81, § 3; A.S.A. 1947, § 73-1782.
23-13-406. Acts 1937, No. 124, § 5; Pope's Dig., § 6925; Acts 1943, No. 180, § 5; 1973, No. 253, § 2; A.S.A. 1947, § 73-1751.

CHAPTER 16

MISCELLANEOUS PROVISIONS RELATING TO CARRIERS

Subchapter 3 — Uninsured Motorist Liability Insurance

SECTION.
23-16-302. Uninsured motorist liability insurance — Carriage required — Amount.

23-16-302. Uninsured motorist liability insurance — Carriage required — Amount.

Every common carrier, as defined by § 23-16-301, shall carry uninsured motorist liability insurance or shall become a self-insurer, in not less than the limits described in § 27-19-605, for the protection of passengers and operators of the common carrier who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease including death, resulting therefrom.

History. Acts 1975, No. 893, § 2; A.S.A. 1947, § 73-2402; Acts 1987, No. 590, § 2.

SUBTITLE 3. INSURANCE

CHAPTER 79

INSURANCE POLICIES GENERALLY

Subchapter 3 — Minimum Standards — Commercial Property and Casualty Insurance Policies

SECTION.

23-79-311. Motor vehicle liability insurance — Extraterritorial provision.
23-79-312. Motor vehicle liability insurance — Prohibition regarding step-downs.

23-79-311. Motor vehicle liability insurance — Extraterritorial provision.

(a)(1) Motor vehicle liability insurance applies to the amounts that the owner is legally obligated to pay as damages because of accidental bodily injury and accidental property damage arising out of the ownership or operation of a motor vehicle if the accident occurs in the United States, its possessions, or Canada.

(2) Motor vehicle liability insurance must afford limits of liability not less than those required under the financial responsibility laws of the jurisdiction of this state.

(b) If the accident occurs outside this state but in the United States, its possessions, or Canada and if the limits of liability of the financial responsibility or compulsory insurance laws of the applicable jurisdiction exceed the limits of liability of the financial responsibility laws of this state, the motor vehicle liability insurance is deemed to comply with the limits of liability of the laws of the applicable jurisdiction.

(c) For purposes of this section, "motor vehicle" is defined as provided in § 27-14-207.

History. Acts 2001, No. 309, § 1.

23-79-312. Motor vehicle liability insurance — Prohibition regarding step-downs.

No motor vehicle liability insurance policy issued or delivered in this state shall contain a provision that converts the limits for bodily injury or property damage to lower limits in the event that the insured motor vehicle is involved in an accident while it is being driven by a driver other than the insured.

History. Acts 2001, No. 1438, § 1.

CHAPTER 89

CASUALTY INSURANCE

Subchapter 2 — Automobile Liability Insurance Generally

SECTION.

23-89-209. Underinsured motorist coverage.
23-89-212. Motor vehicle liability insurance — Extraterritorial provision.
23-89-214. Motor vehicle liability insurance — Prohibition regarding step-downs.
23-89-215. Priority of primary motor vehicle liability insurance coverage.
23-89-216. Notice concerning use of insurance proceeds.

23-89-209. Underinsured motorist coverage.

(a)(1) No private passenger automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicles in this state shall be delivered or issued in this state or issued as to any private passenger automobile principally garaged in this state unless the insured has the opportunity, which he or she may reject in writing, to purchase underinsured motorist coverage.

(2) After a named insured or applicant for insurance rejects underinsured motorist coverage, the insurer or any of its affiliates shall not be required to notify any insured in any renewal, reinstatement, substitute, amended, or replacement policy as to the availability of such coverage.

(3) The coverage shall enable the insured or the insured's legal representative to recover from the insurer the amount of damages for bodily injuries to or death of an insured which the insured is legally entitled to recover from the owner or operator of another motor vehicle whenever the liability insurance limits of the other owner or operator are less than the amount of the damages incurred by the insured.

(4) Underinsured motorist coverage shall be at least equal to the limits prescribed for bodily injury or death under § 27-19-605.

(5) Coverage of the insured pursuant to underinsured motorist coverage shall not be reduced by the tortfeasor's insurance coverage except to the extent that the injured party would receive compensation in excess of his or her damages.

(b)(1) Underinsured motorist coverage as described in this section shall not be available to insureds nor shall insurers be mandated to offer that coverage unless the insured has elected uninsured motorist coverage as provided by § 23-89-403.

(2) Underinsured motorist coverage shall not be issued without uninsured motorist coverage being issued in coordination therewith.

(c) If a tentative agreement to settle for the liability limits of the owner or operator of the other vehicle has been reached between the insured and the owner or operator, written notice may be given by the insured injured party to his or her underinsured motorist coverage insurer by certified mail, return receipt requested. The written notice shall include:

(1) Written documentation of pecuniary losses incurred, including copies of all medical bills;

(2) Written authorization or a court order authorizing the underinsured motorist insurer to obtain medical reports from all employers and medical providers; and

(3) Written confirmation from the tortfeasor's liability insurer as to the amount of the alleged tortfeasor's liability limits and the terms of the tentative settlement, which shall in no event include any component sum representing punitive or exemplary damages. However, in no event shall evidence of the referenced liability limits, the fact that a tentative settlement was reached, or the terms of the tentative settlement be admissible in any civil action with the sole exceptions of:

(A) Actions by underinsured motorist insurers to enforce subrogation rights as contemplated by this subchapter;

(B) Actions by first party liability insureds against their insurer to enforce their contract or a settlement hereunder, if any; and

(C) Actions by first party underinsured motorist insureds against their insurer to enforce their contract or a settlement hereunder.

(d)(1) Within thirty (30) days of receipt of the written notice, the underinsured motorist insurer may make payment to its insured of an amount equal to the tentative settlement amount agreed to by the owner or operator of the other motor vehicle or his or her liability insurer.

(2) In such event, the underinsured motorist insurer shall be entitled to subrogate to its insured's right of recovery against the owner or operator of the other motor vehicle to the extent of such payments and to the extent of any underinsured motorist insurance benefit it pays to its insured.

(3) If the underinsured motorist insurer fails to pay its insured the amount of the tentative tort settlement within thirty (30) days, the underinsured motorist insurer has no right to the proceeds of any settlement or judgment between its insured and the other owner or operator and/or the owner's or operator's liability insurer, no right to otherwise recoup the amount of the underinsured motorist benefit it may pay from the other owner or operator or his or her insurer, and no right to refuse payment of its underinsured motorist coverage benefit by reason of the settlement made by its insured.

(e) In the event that the tortfeasor's motor vehicle liability insurance carrier and the underinsured motorist coverage are provided by the same insurance company, the requirements of subsections (c) and (d) of this section are waived, and the underinsured party may proceed against his or her underinsured insurance carrier at any time after settlement of the underlying tortfeasor's liability policy claim.

History. Acts 1987, No. 335, §§ 1, 2; 1991, No. 209, § 1; 1991, No. 1123, § 22; 1993, No. 1180, § 1; 1997, No. 284, § 1.

23-89-212. Motor vehicle liability insurance — Extraterritorial provision.

(a)(1) Motor vehicle liability insurance applies to the amounts which the owner is legally obligated to pay as damages because of accidental bodily injury and accidental property damage arising out of the ownership or operation of a motor vehicle if the accident occurs in the United States, its possessions, or Canada.

(2) Motor vehicle liability insurance must afford limits of liability not less than those required under the financial responsibility laws of this state.

(b) If the accident occurs outside this state but in the United States, its possessions, or Canada and if the limits of liability of the financial responsibility or compulsory insurance laws of the applicable jurisdiction exceed the limits of liability of the financial responsibility laws of this state, the motor vehicle liability insurance is deemed to comply with the limits of liability of the laws of the applicable jurisdiction.

(c) For purposes of this section, "motor vehicle" is defined as provided in § 27-14-207.

History. Acts 2001, No. 309, § 2.

23-89-214. Motor vehicle liability insurance — Prohibition regarding step-downs.

No motor vehicle liability insurance policy issued or delivered in this state shall contain a provision that converts the limits for bodily injury or property damage to lower limits in the event that the insured motor vehicle is involved in an accident while it is being driven by a driver other than the insured.

History. Acts 2001, No. 1438, § 2.

23-89-215. Priority of primary motor vehicle liability insurance coverage.

The liability insurance policy covering a motor vehicle is primary when the motor vehicle is driven by:

(1) An insured; or

(2) Any other person:

(A) Not excluded from coverage under the policy;

(B) With the permission of an insured; and

(C) When the use of the motor vehicle is within the scope of the permission granted by an insured.

History. Acts 2007, No. 373, § 1.

23-89-216. Notice concerning use of insurance proceeds.

(a) When making payment to a third party on a claim under a motor vehicle insurance policy for damage to a motor vehicle, a motor vehicle liability insurer shall provide a written notice to the third-party claimant in substantially the following form:

"Failure to use the insurance proceeds in accordance with a security agreement between you and a lienholder, if any, may constitute the criminal offense of defrauding a secured creditor in violation of Arkansas Code § 5-37-203. If you have any questions, contact your lienholder."

(b) The written notice required by subsection (a) of this section may be provided by including the written notice on each written loss estimate prepared in connection with the claim.

History. Acts 2009, No. 485, § 2; 2009, No. 1452, § 1.

A.C.R.C. Notes. References to "this subchapter" in §§ 23-89-201 — 23-89-214 may not apply to this section which was enacted subsequently.

Amendments. The 2009 amendment, in the introductory language of (a), inserted "to a third-party" and substituted "third-party claimant" for "insured."

SUBTITLE 4. MISCELLANEOUS REGULATED INDUSTRIES

CHAPTER 112

ARKANSAS MOTOR VEHICLE COMMISSION ACT

Subchapter 1 — General Provisions

SECTION.

23-112-107. Motor vehicle event data recorder — Data ownership.

23-112-107. Motor vehicle event data recorder — Data ownership.

(a) As used in this section:

(1) "Authorized representative" means a person who is the attorney-in-fact for an owner or a person who has been appointed the administrator or personal representative of the estate of the owner;

(2) "Motor vehicle event data recorder" means a factory-installed feature in a motor vehicle that does one (1) or more of the following:

(A) Records, stores, transmits, or dispenses any of the following information for the purpose of retrieval after a crash:

(i) Vehicle speed;

(ii) Vehicle direction;

(iii) Vehicle location;

(iv) Steering performance; or

(v) Seat belt restraint status;

(B) Has the capacity to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system when a crash occurs; or

(C) Includes a sensing and diagnostic module, restraint control module, electronic throttle control, or other similar component; and

(3) "Owner" means a person or entity:

(A) In whose name a motor vehicle is registered or titled;

(B) Who leases a motor vehicle for at least three (3) months;

(C) Who is entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(D) Who is the authorized representative of the owner.

(b) At the time of a new vehicle purchase by a consumer from a dealership, an owner of a motor vehicle shall be given written notice by the seller or manufacturer that includes the following:

(1) The presence of the motor vehicle event data recorder in the motor vehicle;

(2) The type of motor vehicle event data recorder in the motor vehicle; and

(3) The type of data that is recorded, stored, or transmitted on the motor vehicle event data recorder.

(c) Except as specifically provided under subsections (d) and (f)-(i) of this section, the data on a motor vehicle event data recorder:

(1) Is private;

(2) Is exclusively owned by the owner of the motor vehicle; and

(3) Shall not be retrieved or used by another person or entity.

(d)(1) If a motor vehicle is owned by one (1) owner, then the owner of a motor vehicle may provide written consent in the form of a release signed by the owner that authorizes a person or entity to retrieve or use the data.

(2) If a motor vehicle is owned by more than one (1) person or entity and if all owners agree to release the data, then all owners must consent in writing by signing a release to authorize a person or entity to retrieve or use the data.

(3) A release to a person or entity under this subsection shall be limited to permission for data collection and compilation only and shall not authorize the release of information that identifies the owner of the vehicle.

(e)(1)(A) If a motor vehicle is equipped with a motor vehicle event data recorder and is involved in an accident in Arkansas, the owner of the motor vehicle at the time that the data is created shall own and retain exclusive ownership rights to the data.

(B) The ownership of the data shall not pass to a lienholder or to an insurer because the lienholder or insurer succeeds in ownership to the vehicle as a result of the accident.

(2) The data shall not be used by a lienholder or an insurer for any reason without a written consent

in the form of a release signed by the owner of the motor vehicle at the time of the accident that authorizes the lienholder or insurer to retrieve or use the data.

(3) A lienholder or insurer shall not make the owner's consent to the retrieval or use of the data conditioned upon the payment or settlement of an obligation or claim. However, the insured is required to comply with all policy provisions, including any provision that requires the insured to cooperate with the insurer.

(4) An insurer or lessor of a motor vehicle shall not require an owner to provide written permission for the access or retrieval of information from a motor vehicle event data recorder as a condition of the policy or lease.

(f) Except as specifically provided under subsections (d) and (g)-(i) of this section, the data from a motor vehicle event data recorder shall only be produced without the consent of the owner at the time of the accident if:

(1) A court of competent jurisdiction in Arkansas orders the production of the data;

(2) A law enforcement officer obtains the data based on probable cause of an offense under the laws of the State of Arkansas; or

(3) A law enforcement officer, a firefighter, or an emergency medical services provider obtains the data in the course of responding to or investigating an emergency involving physical injury or the risk of physical injury to any person.

(g) The Arkansas State Highway and Transportation Department may retrieve data from a motor vehicle event data recorder if the data is used for the following purposes:

(1) Preclearing weigh stations;

(2) Automating driver records of duty status as authorized by the United States Department of Transportation;

(3) Replacing handwritten reports for any fuel tax reporting or other mileage reporting purpose; or

(4) Complying with a state or federal law.

(h) To protect the public health, welfare, and safety, the following exceptions shall be allowed regarding the retrieval of data from a motor vehicle event data recorder:

(1) To determine the need or to facilitate emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including obtaining data from a company that provides subscription services to the owners of motor vehicles for in-vehicle safety and security communications systems;

(2) To facilitate medical research of the human body's reaction to motor vehicle crashes if:

(A) The identity of the owner or driver is not disclosed in connection with the retrieved data; and

(B) The last four (4) digits of the vehicle identification number are not disclosed; or

(3) To diagnose, service, or repair a motor vehicle.

(i) Notwithstanding any other provision of this section, the use of data from a motor vehicle event data recorder shall not be permitted into evidence in a civil or criminal matter pending before a court in the State of Arkansas unless it is shown to be relevant and reliable pursuant to the Arkansas Rules of Evidence.

(j)(1) If a motor vehicle is equipped with a motor vehicle event data recorder that is capable of recording, storing, transmitting, or dispensing information as described in this section and that capability is part of a subscription service, then the information that may be recorded, stored, transmitted, or dispensed shall be disclosed in the subscription agreement.

(2) Subsections (c), (d), and (f)-(h) of this section shall not apply to subscription services that meet the requirements of this subsection.

(k)(1) A new motor vehicle dealer, manufacturer, and distributor shall be immune and held harmless against liability for the privacy of information contained in motor vehicle databases, including without limitation recording devices, global-positioning systems, navigation devices, or any in-vehicle data not controlled by the dealer.

(2) This subsection does not affect the notice requirements under subsection (b) of this section.

(l) The Arkansas Motor Vehicle Commission shall administer this section and may promulgate rules for the administration of this section.

History. Acts 2005, No. 1419, § 1; 2009, No. 148, § 1; 2011, No. 1005, §§ 5, 6.

A.C.R.C. Notes. This section was formerly codified as § 27-37-103.

Acts 2009, No. 148, § 2, provided: "For administrative convenience, the Arkansas Code Revision Commission shall remove Arkansas Code § 27-37-103 including the amendment made in this act from Title 27 and recodify the provision under the 'Arkansas Motor Vehicle Commission Act', Arkansas Code § 23-112-101 et seq."

Subchapter 3 — Licensing and Regulation

SECTION.

23-112-315. [Repealed.]
23-112-317. Motor vehicle dealer service and handling fees.

23-112-315. [Repealed.]

Publisher's Notes. This section, concerning motor vehicle dealer documentary fees; disclosures, was repealed by Acts 2007, No. 366, § 3. The section was derived from Acts 2001, No. 1600, §1; 2003, No. 1722, §1.

23-112-317. Motor vehicle dealer service and handling fees.

(a) A motor vehicle dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or a used motor vehicle if the motor vehicle dealer does not charge for the service of

filling in the blanks or otherwise charge for preparing documents.

(b)(1) A motor vehicle dealer may charge a service and handling fee in connection with the sale or lease of a new or a used motor vehicle for:

(A) The handling, processing, and storage of documents; and

(B) Other administrative and clerical services.

(2)(A) The service and handling fee may be charged to allow cost recovery for motor vehicle dealers.

(B) A portion of the service and handling fee may result in profit to the motor vehicle dealer.

(c)(1) The Arkansas Motor Vehicle Commission shall determine by rule the amount of the service and handling fee that may be charged by a motor vehicle dealer. The service and handling fee shall be no less than zero dollars ($0.00) and no more than one hundred twenty-nine dollars ($129).

(2) If a service and handling fee is charged under this section, the service and handling fee shall be:

(A) Charged to all retail customers; and

(B) Disclosed on the retail buyer's order form as a separate itemized charge.

(d) A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include in reasonable proximity to the place on the document where the service and handling fee authorized by this section is disclosed:

(1) The amount of the service and handling fee; and

(2) The following notice in type that is bold-faced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

"A SERVICE AND HANDLING FEE IS NOT AN OFFICIAL FEE. A SERVICE AND HANDLING FEE IS NOT REQUIRED BY LAW BUT MAY BE CHARGED TO THE CUSTOMER FOR PERFORMING SERVICES AND HANDLING DOCUMENTS RELATING TO THE CLOSING OF A SALE OR LEASE. THE SERVICE AND HANDLING FEE MAY RESULT IN PROFIT TO THE DEALER. THE SERVICE AND HANDLING FEE DOES NOT INCLUDE PAYMENT FOR THE PREPARATION OF LEGAL DOCUMENTS. THIS NOTICE IS REQUIRED BY LAW."

(e) The Arkansas Motor Vehicle Commission may promulgate rules to implement, enforce, and administer this section.

History. Acts 2007, No. 366, § 1.

Subchapter 6 — Used Motor Vehicle Buyers Protection

SECTION.

23-112-612. [Repealed.]

23-112-612. [Repealed.]

Publisher's Notes. This section, concerning used motor vehicle dealer documentary fees; disclosures, was repealed by Acts 2007, No. 366, § 4. The section was derived from Acts 2001, No. 1600, § 2.

Subchapter 9 — Recreational Vehicle Special Events

SECTION.

23-112-901. Findings.
23-112-902. Definitions.
23-112-903. Statements of estimated positive economic impact.
23-112-904. Significant positive economic impact determinations.
23-112-905. Authority to waive relevant market area and rules.

23-112-901. Findings.

The General Assembly finds that:

(1) A recreational vehicle special event sponsored by a city, county, nonprofit entity, or recreational vehicle owners' organization draws people from all over the state and other states;

(2) A recreational vehicle special event can provide a valuable increase in tourism for the state; and

(3) The laws and rules related to the display and sale of recreational vehicles at a recreational vehicle special event must be modified to lessen the restrictions that are hampering economic growth.

History. Acts 2011, No. 263, § 1.

23-112-902. Definitions.

As used in this subchapter:

(1) "Nonprofit entity" means an entity that has received tax exempt status from the Internal Revenue Service under section 501(c)(3) or section (501)(c)(4) of the Internal Revenue Code of 1986, as it existed on January 1, 2011;

(2) "Public venue" means a location that:

(A) Is open to the general public; and

(B) Is not the address designated as the primary business address of a new motor vehicle dealer licensed by the Arkansas Motor Vehicle Commission or a used motor vehicle dealer licensed by the Department of Arkansas State Police;

(3) "Recreational vehicle owners' organization" means an entity that is organized as a nonprofit entity or for-profit entity and in good standing with the Secretary of State;

(4) "Recreational vehicle special event" means an event held at a public venue with or without an admission fee that:

(A) Is sponsored by a city, a county, a nonprofit entity, or a recreational vehicle owners' organization;

(B) Occurs for no more than seven (7) consecutive days; and

(C) Includes any of the following that are invited to attend:

(i) New recreational vehicle dealers to display and sell recreational vehicles; or

(ii) New recreational vehicle manufacturers or distributors to display recreational vehicles; and

(5) "Significant positive economic impact" means an economic benefit of at least two million dollars ($2,000,000) to the state or a region of the state.

History. Acts 2011, No. 263, § 1.

23-112-903. Statements of estimated positive economic impact.

A statement of the estimated positive economic impact of a proposed recreational vehicle special event shall be submitted to the Arkansas Motor Vehicle Commission from an independent source such as a university, chamber of commerce, or other entity that regularly engages in the estimation of the economic benefit of an occurrence for businesses and industries.

History. Acts 2011, No. 263, § 1.

23-112-904. Significant positive economic impact determinations.

(a) If the statement of estimated positive economic impact that is submitted to the Arkansas Motor Vehicle Commission establishes that a recreational vehicle special event has a significant positive economic impact, the recreational vehicle special event is exempt from regulation by the commission as provided under § 23-112-905.

(b) If the statement of estimated positive economic impact that is presented to the commission establishes that a recreational vehicle special event will not have a significant positive economic impact, then the commission shall determine whether the recreational vehicle special event is exempt from this chapter and any rules promulgated by the commission.

History. Acts 2011, No. 263, § 1.

23-112-905. Authority to waive relevant market area and rules.

(a) The Arkansas Motor Vehicle Commission shall waive the following for a recreational vehicle special event that has a significant positive economic impact or is determined by the commission to otherwise qualify for an exemption under § 23-112-904(b) if no franchised motor vehicle dealer of a licensed manufacturer is represented in the host county of the recreational vehicle special event or the counties contiguous to the host county:

(1) The provisions of this chapter regarding relevant market area; and

(2) The rules regarding motor vehicle dealers in contiguous counties.

(b)(1) The commission may promulgate rules for the issuance of a temporary permit to out-of-state motor vehicle dealers and manufacturers to participate in a recreational vehicle special event under this subchapter.

(2) The commission shall not promulgate a rule that puts a greater burden on out-of-state motor vehicle dealers and manufacturers to obtain a temporary permit than the requirements necessary for a motor vehicle dealer or manufacturer to obtain a license from the commission.

(3) If the commission establishes fees for a temporary permit under this subsection, the fees shall not exceed:

(A) For an out-of-state motor vehicle dealer, one hundred dollars ($100);

(B) For a manufacturer or distributor, two hundred fifty dollars ($250);

(C) For an out-of-state salesperson, fifteen dollars ($15.00); and

(D) For a factory representative or distributor representative, fifty dollars ($50.00).

History. Acts 2011, No. 263, § 1.

TITLE 26
TAXATION

SUBTITLE 5. STATE TAXES

CHAPTER 52
GROSS RECEIPTS TAX

Subchapter 3 — Imposition of Tax

SECTION.

26-52-301. Tax levied.
26-52-302. Additional taxes levied.
26-52-310. [Repealed.]
26-52-311. [Repealed.]
26-52-312. [Repealed.]
26-52-313. [Repealed.]

26-52-301. Tax levied.

Except for food and food ingredients that are taxed under § 26-52-317, there is levied an excise tax of three percent (3%) upon the gross proceeds or gross receipts derived from all sales to any person of the following:

(1) Tangible personal property;

(2) Natural or artificial gas, electricity, water, ice, steam, or any other tangible personal property sold as a utility or provided as a public service;

(3) The following services:

(A)(i) Service of furnishing rooms, suites, condominiums, townhouses, rental houses, or other

accommodations by hotels, apartment hotels, lodging houses, tourist camps, tourist courts, property management companies, or any other provider of accommodations to transient guests.

(ii) As used in subdivision (3)(A)(i) of this section, "transient guests" means those who rent accommodations other than their regular place of abode on less than a month-to-month basis;

(B)(i) Service of initial installation, alteration, addition, cleaning, refinishing, replacement, and repair of:

(a) Motor vehicles;
(b) Aircraft;
(c) Farm machinery and implements;
(d) Motors of all kinds;
(e) Tires and batteries;
(f) Boats;
(g) Electrical appliances and devices;
(h) Furniture;
(i) Rugs;
(j) Flooring;
(k) Upholstery;
(l) Household appliances;
(m) Televisions and radios;
(n) Jewelry;
(o) Watches and clocks;
(p) Engineering instruments;
(q) Medical and surgical instruments;
(r) Machinery of all kinds;
(s) Bicycles;
(t) Office machines and equipment;
(u) Shoes;
(v) Tin and sheetmetal;
(w) Mechanical tools; and
(x) Shop equipment.

(ii)*(a)* However, the provisions of this section shall not apply to a coin-operated car wash.

(b) As used in subdivision (3)(B)(ii)(*a*) of this section, "coin-operated car wash" means a car wash in which the car washing equipment is activated by the insertion of coins into a slot or receptacle and the labor of washing the exterior of the car or motor vehicle is performed solely by the customer or by mechanical equipment.

(iii) Additionally, the gross receipts tax levied in this section shall not apply to the repair or maintenance of railroad parts, railroad cars, and equipment brought into the State of Arkansas solely and exclusively for the purpose of being repaired, refurbished, modified, or converted within this state.

(iv) The General Assembly determines and affirms that the original intent of subdivision (3) of this section which provides that gross receipts derived from certain services would be subject to the gross receipts tax was not intended to be applicable, nor shall Arkansas gross receipts taxes be collected, with respect to services performed on watches and clocks which are received by mail or common carrier from outside this state and which, after the service is performed, are returned by mail or common carrier or in the repairer's own conveyance to points outside this state.

(v) Additionally, the gross receipts tax levied in this section shall not apply to the repair or remanufacture of industrial metal rollers or platens that have a remanufactured, nonmetallic material covering on all or part of the roller or platen surface which are brought into the State of Arkansas solely and exclusively for the purpose of being repaired or remanufactured in this state and are then shipped back to the state of origin.

(vi)*(a)* The gross receipts tax levied in this section shall not apply to the service of alteration, addition, cleaning, refinishing, replacement, or repair of commercial jet aircraft, commercial jet aircraft components, or commercial jet aircraft subcomponents.

(b) "Commercial jet aircraft" means any commercial, military, private, or other turbine or turbo jet aircraft having a certified maximum take-off weight of more than twelve thousand five hundred pounds (12,500 lbs.).

(vii) The provisions of subdivision (3)(B)(i) of this section shall not apply to the services performed by a temporary or leased employee or other contract laborer on items owned or leased by the employer. The following criteria must be met for a person to be a temporary or leased employee:

(a) There must be a written contract with the temporary employment agency, employee leasing company, or other contractor providing the services;

(b) The employee, temporary employment agency, employee leasing company, or other contractor must not bear the risk of loss for damages caused during the performance of the contract. The person for whom the services are performed must bear the risk of loss; and

(c) The temporary or leased employee or contract laborer is controlled by the employer as if he or she were a full-time permanent employee. "Control" includes, but is not limited to, scheduling work hours, designating work duties, and directing work performance.

(viii)*(a)* Additionally, the gross receipts tax levied in this section shall not apply to the initial installation, alteration, addition, cleaning, refinishing, replacement, or repair of nonmechanical, passive, or manually operated components of buildings or other improvements or structures affixed to real estate, including, but not limited to, the following:

(1) Walls;
(2) Ceilings;
(3) Doors;
(4) Locks;
(5) Windows;
(6) Glass;
(7) Heat and air ducts;
(8) Roofs;
(9) Wiring;

(10) Breakers;
(11) Breaker boxes;
(12) Electrical switches and receptacles;
(13) Light fixtures;
(14) Pipes;
(15) Plumbing fixtures;
(16) Fire and security alarms;
(17) Intercoms;
(18) Sprinkler systems;
(19) Parking lots;
(20) Fences;
(21) Gates;
(22) Fireplaces; and
(23) Similar components which become a part of real estate after installation, except flooring.

(b) A contractor is deemed to be a consumer or user of all tangible personal property used or consumed by the contractor in providing such nontaxable services, in the same manner as when performing any other contract.

(c) This subdivision (3)(B)(viii) shall not apply to any services subject to tax pursuant to the terms of subdivision (3)(D) of this section.

(ix) The gross receipts tax levied in subdivision (3)(B)(i) of this section shall not apply to the service of initial installation of any property that is specifically exempted from the tax imposed by this chapter;

(C)(i) Service of cable television, community antenna television, and any and all other distribution of television, video, or radio services with or without the use of wires provided to subscribers or paying customers or users, including all service charges and rental charges, whether for basic service, premium channels, or other special service, and including installation and repair service charges and any other charges having any connection with the providing of these services.

(ii) The tax levied by this section does not apply to services purchased by a radio or television company for use in providing its services.

(iii)*(a)* The tax levied by this section applies to the sale of a subscription for digital audio-visual work and digital audio work to an end user that does not have the right of permanent use granted by the seller and the use is contingent on continued payments by the purchaser.

(b) As used in this subdivision (3)(C)(iii):

(1) "Digital audio-visual work" means an electronically transferred series of related images that when shown in succession, impart an impression of motion, together with accompanying sounds, if any; and

(2) "Digital audio work" means an electronically transferred work that results from the fixation of a series of musical, spoken, or other sounds, including ringtones; and

(D)(i) Service of:

(a) Providing transportation or delivery of money, property, or valuables by armored car;

(b) Providing cleaning or janitorial work;

(c) Pool cleaning and servicing;

(d) Pager services;

(e) Telephone answering services;

(f) Lawn care and landscaping services;

(g) Parking a motor vehicle or allowing the motor vehicle to be parked;

(h) Storing a motor vehicle;

(i) Storing furs; and

(j) Providing indoor tanning at a tanning salon.

(ii) As used in subdivision (3)(D)(i) of this section:

(a) "Landscaping" means the installation, preservation, or enhancement of ground covering by planting trees, bushes and shrubbery, grass, flowers, and other types of decorative plants;

(b) "Lawn care" means the maintenance, preservation, or enhancement of ground covering of nonresidential property and does not include planting trees, bushes and shrubbery, grass, flowers, and other types of decorative plants; and

(c) "Residential" means a single family residence used solely as the principal place of residence of the owner;

(4) Printing of all kinds, types, and characters, including the service of overprinting, and photography of all kinds;

(5) Tickets or admissions to places of amusement or to athletic, entertainment, or recreational events, or fees for access to or the use of amusement, entertainment, athletic, or recreational facilities;

(6)(A) Dues and membership fees to:

(i) Health spas, health clubs, and fitness clubs; and

(ii) Private clubs within the meaning of § 3-9-202(10) which hold any permit from the Alcoholic Beverage Control Board allowing the sale, dispensing, or serving of alcoholic beverages of any kind on the premises.

(B)(i) Except as provided in subdivision (6)(B)(ii) of this section, the gross receipts derived from services provided by or through a health spa, health club, fitness club, or private club shall not be subject to gross receipts tax unless the service is specifically enumerated as a taxable service under this chapter.

(ii) The gross receipts derived by a private club from the charges to members for the preparation and serving of mixed drinks or for the cooling and serving of beer and wine shall be subject to gross receipts tax as well as any supplemental taxes as provided by law;

(7)(A) Contracts, including service contracts, maintenance agreements and extended warranties, which in whole or in part provide for the future performance of or payment for services which are subject to gross receipts tax.

(B) The seller of the contract must collect and remit the tax due on the sale of the contract except when the contract is sold simultaneously with a motor vehicle in which case the purchaser of the vehicle shall pay gross receipts tax on the pur-

chase of the contract at the time of vehicle registration; and

(8) The total gross receipts derived from the retail sale of any device used in playing bingo and any charge for admittance to facilities or for the right to play bingo or other games of chance regardless of whether such activity might otherwise be prohibited by law.

History. Acts 1941, No. 386, § 3; 1945, No. 64, § 1; 1951 (1st Ex. Sess.), No. 8, § 1; 1957, No. 19, § 1; 1959, No. 260, § 1; 1971, No. 214, § 1; 1973, No. 181, § 1; 1977, No. 500, § 1; 1979, No. 585, § 1; 1981, No. 471, § 1; 1981, No. 983, § 1; A.S.A. 1947, §§ 84-1903, 84-1903.4; Acts 1987, No. 27, § 2; 1987, No. 188, § 1; 1989, No. 769, § 1; 1989 (3rd Ex. Sess.), No. 89, § 1; 1992 (1st Ex. Sess.), No. 58, § 2; 1992 (1st Ex. Sess.), No. 61, § 2; 1992 (2nd Ex. Sess.), No. 5, §§ 1, 2; 1993, No. 282, § 1; 1993, No. 1245, § 4; 1995, No. 257, § 1; 1995, No. 284, § 1; 1995, No. 835, § 2; 1995, No. 1040, § 1; 1997, No. 1076, § 2; 1997, No. 1252, § 1; 1997, No. 1263, § 1; 1997, No. 1359, § 32; 1999, No. 1152, § 2; 1999, No. 1348, § 1; 2001, No. 907, § 2; 2001, No. 1064, § 1; 2003, No. 1112, § 1; 2003, No. 1273, § 6; 2003 (2nd Ex. Sess.), No. 107, §§ 5, 6; 2005, No. 1879, § 1; 2007, No. 154, §§ 3, 4; 2007, No. 110, § 3; 2009, No. 384, § 3; 2011, No. 291, § 9.

26-52-302. Additional taxes levied.

(a)(1) In addition to the excise tax levied upon the gross proceeds or gross receipts derived from all sales by this chapter, except for food and food ingredients that are taxed under § 26-52-317, there is levied an excise tax of one percent (1%) upon all taxable sales of property and services subject to the tax levied in this chapter.

(2) This tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas gross receipts taxes.

(3) In computing gross receipts or gross proceeds as defined in § 26-52-103, a deduction shall be allowed for bad debts resulting from the sale of tangible personal property.

(b)(1) In addition to the excise tax levied upon the gross proceeds or gross receipts derived from all sales by this chapter, except for food and food ingredients that are taxed under § 26-52-317, there is hereby levied an excise tax of one-half of one percent (0.5%) upon all taxable sales of property and services subject to the tax levied in this chapter.

(2) This tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas gross receipts taxes.

(3) However, in computing gross receipts or gross proceeds as defined in § 26-52-103, a deduction shall be allowed for bad debts resulting from the sale of tangible personal property.

(c)(1) Except for food and food ingredients that are taxed under § 26-52-317, there is levied an additional excise tax of one-half of one percent (0.5%) upon all taxable sales of property and services subject to the tax levied by this chapter.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by this chapter, for the collection, reporting, and payment of Arkansas gross receipts taxes.

(d)(1) Except for food and food ingredients that are taxed under § 26-52-317, there is levied an additional excise tax of seven-eighths of one percent (0.875%) upon all taxable sales of property and services subject to the tax levied by this chapter.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as prescribed by this chapter, for the collection, reporting, and payment of Arkansas gross receipts taxes.

History. Acts 1971, No. 214, § 2; 1979, No. 401, § 48; 1983 (1st Ex. Sess.), No. 63, § 1; A.S.A. 1947, § 84-1903.1; Acts 1991, No. 3, § 1; 1999, No. 1492, § 3; 2000 (2nd Ex. Sess.), Nos. 1 and 2, § 8; 2003 (2nd Ex. Sess.), No. 107, § 1; 2007, No. 110, § 4.

26-52-310. [Repealed.]

Publisher's Notes. This section, concerning short-term rentals of tangible personal property, was repealed by Acts 2007, No. 182, § 2. The section was derived from Acts 1987 (1st Ex. Sess.), No. 13, §§ 2, 4; 1989, No. 510, §§ 2-4; 1991, No. 1026, § 1; 1999, No. 1220, § 2.

26-52-311. [Repealed.]

Publisher's Notes. This section, concerning rental vehicle tax, was repealed by Acts 2007, No. 182, § 3. The section was derived from Acts 1989, No. 510, §§ 1, 3, 4; 1993, No. 1059, § 1; 1993, No. 1152, § 1; 1993, No. 1162, § 1; 1999 No. 1220, § 3; 2001, No. 949, § 1; 2003 (2nd Ex. Sess.), No. 107, § 2; 2005, No. 664, § 1.

26-52-312. [Repealed.]

Publisher's Notes. This section, concerning residential moving tax, was repealed by Acts 2007, No. 182, § 4. The section was derived from Acts 1993, No. 1162, § 2.

26-52-313. [Repealed.]

Publisher's Notes. This section, concerning long-term rental vehicle tax, was repealed by Acts 2007, No. 182, § 5. The section was derived from Acts 1997, No. 1076, § 3.

Subchapter 4 — Exemptions

SECTION.
26-52-401. Various products and services.

26-52-401. Various products and services.

There is specifically exempted from the tax imposed by this chapter the following:

(1) The gross receipts or gross proceeds derived from the sale of tangible personal property or services by churches, except when the organizations may be engaged in business for profit;

(2) The gross receipts or gross proceeds derived from the sale of tangible personal property or service by charitable organizations, except when the organizations may be engaged in business for profit;

(3) Gross receipts or gross proceeds derived from the sale of food, food ingredients, or prepared food in public, common, high school, or college cafeterias and lunch rooms operated primarily for teachers

and pupils, not operated primarily for the public and not operated for profit;

(4) Gross receipts or gross proceeds derived from the sale of newspapers;

(5) Gross receipts or gross proceeds derived from sales to the United States Government;

(6) Gross receipts or gross proceeds derived from the sale of motor vehicles and adaptive equipment to disabled veterans who have purchased the motor vehicles or adaptive equipment with the financial assistance of the United States Department of Veterans Affairs as provided under 38 U.S.C. § 3901 et seq.;

(7) Gross receipts or gross proceeds derived from the sale of tangible personal property including but not limited to office supplies; office equipment; program items at camp such as bows, arrows, and rope; rifles for rifle range and other rifle items; food, food ingredients, or prepared food for camp; lumber and supplies used in camp maintenance; camp equipment; first aid supplies for camp; the leasing of cars used in promoting scouting; or services to the Boy Scouts of America chartered by the United States Congress in 1916 or the Girl Scouts of the United States of America chartered by the United States Congress in 1950 or any of the scout councils in the State of Arkansas;

(8) Gross receipts or gross proceeds derived from sales of tangible personal property or services to the:

(A) Boys Clubs of America chartered by the United States Congress in 1956 or any local councils or organizations of the Boys Clubs of America; or

(B) Girls Clubs of America or any local councils or organizations of the Girls Clubs of America;

(9) Gross receipts or gross proceeds derived from sales of tangible personal property or services to the Poets' Roundtable of Arkansas;

(10) Gross receipts or gross proceeds derived from sales of tangible personal property or services to 4-H Clubs and FFA Clubs in this state, to the Arkansas 4-H Foundation, the Arkansas Future Farmers of America Foundation, and the Arkansas Future Farmers of America Association;

(11)(A) Gross receipts or gross proceeds derived from the sale of:

(i) Gasoline or motor vehicle fuel on which the motor vehicle fuel or gasoline tax has been paid to the State of Arkansas;

(ii) Special fuel or petroleum products sold for consumption by vessels, barges, and other commercial watercraft and railroads;

(iii) Dyed distillate special fuel on which the tax levied by § 26-56-224 has been paid; and

(iv)*(a)* Biodiesel fuel.

(b) As used in this subdivision (11)(A)(iv), "biodiesel fuel" means a diesel fuel substitute produced from nonpetroleum renewable resources.

(B) Nothing in this subdivision (11) shall exempt gasoline from the wholesale gross receipts tax imposed pursuant to Acts 1995, No. 1005;

(12)(A) Gross receipts or gross proceeds derived from sales for resale to persons regularly engaged in the business of reselling the articles purchased, whether within or without the state if the sales within the state are made to persons to whom gross receipts tax permits have been issued as provided in § 26-52-202.

(B)(i) Goods, wares, merchandise, and property sold for use in manufacturing, compounding, processing, assembling, or preparing for sale can be classified as having been sold for the purposes of resale or the subject matter of resale only in the event the goods, wares, merchandise, or property becomes a recognizable integral part of the manufactured, compounded, processed, assembled, or prepared products.

(ii) The sales of goods, wares, merchandise, and property not conforming to this requirement are classified for the purpose of this act as being "for consumption or use";

(13) Gross proceeds derived from sales of advertising space in newspapers and publications and billboard advertising services;

(14) Gross receipts or gross proceeds derived from sales of publications sold through regular subscription, regardless of the type or content of the publication or the place printed or published;

(15) Gross receipts or gross proceeds derived from gate admission fees at state, district, county, or township fairs or at any rodeo if the gross receipts or gross proceeds derived from gate admission fees to the rodeo are used exclusively for the improvement, maintenance, and operation of the rodeo and if no part of the net earnings of the state, district, county, or township fair or rodeo inures to the benefit of any private stockholder or individual;

(16) Gross receipts or gross proceeds derived from sales for resale which the state is prohibited by the Constitution and laws of the United States from taxing or further taxing, or which the state is prohibited by the Arkansas Constitution from taxing or further taxing;

(17) Gross receipts or gross proceeds derived from isolated sales not made by an established business;

(18)(A) Gross receipts or gross proceeds derived from the sale of:

(i) Any cotton or seed cotton or lint cotton or baled cotton, whether compressed or not, or cotton seed in its original condition;

(ii) Seed for use in the commercial production of an agricultural product or of seed;

(iii) Raw products from the farm, orchard, or garden, when the sale is made by the producer of the raw products directly to the consumer and user, including the sale of raw products from a farm, orchard, or garden that are produced and sold by the producer of the raw products at a farmers' market, including without limitation cut or dried flowers, plants, vegetables, fruits, nuts, and herbs;

(iv) Livestock, poultry, poultry products, and dairy products of producers owning not more than five (5) cows; and

(v) Baby chickens.

(B)(i) An exemption granted by this subdivision (18) shall not apply when the articles are sold at or from an established business, even though sold by the producer of the articles.

(ii) A farmers' market is not an established business if the farmers' market sells raw product directly to the user of the raw product and the farmers' market is:

(a) Comprised of one (1) or more producers of a raw product;

(b) Operated seasonally; and

(c) Held out-of-doors or in a public space.

(C)(i) However, nothing in subdivision (18)(B) of this section shall be construed to mean that the gross receipts or gross proceeds received by the producer from the sale of the products mentioned in this subdivision (18) shall be taxable when the producer sells commodities produced on his or her farm at an established business located on his or her farm.

(ii) The provisions of this subdivision (18) are intended to exempt the sale by livestock producers of livestock sold at special livestock sales.

(iii) The provisions of this subdivision (18) shall not be construed to exempt sales of dairy products by any other businesses.

(iv) The provisions of this subdivision (18) shall not be construed to exempt sales by florists and nurserymen. As used in this subdivision (18), "nurserymen" does not include Christmas tree farmers;

(19) Gross receipts or gross proceeds derived from the sale of food, food ingredients, or prepared food to governmental agencies for free distribution to any public, penal, and eleemosynary institutions or for free distribution to the poor and needy;

(20)(A) Gross receipts or gross proceeds derived from the rental or sale of medical equipment, for the benefit of persons enrolled in and eligible for Medicare or Medicaid programs as contained in Titles XVIII and XIX of the Social Security Act, 42 U.S.C. §§ 1395 et seq. and 1396 et seq., respectively, or successor programs or any other present or future United States Government subsidized health care program, by medical equipment suppliers doing business in the State of Arkansas.

(B) However, this exemption applies only to receipts or proceeds received directly or indirectly through an organization administering such program in the State of Arkansas pursuant to a contract with the United States Government in accordance with the terms thereof;

(21)(A) Gross receipts or gross proceeds derived from the sale of any tangible personal property or services as specifically provided in this subdivision (21) to any hospital or sanitarium operated for charitable and nonprofit purposes or any nonprofit organization whose sole purpose is to provide temporary housing to the family members of patients in a hospital or sanitarium.

(B) However, gross proceeds and gross receipts derived from the sale of materials used in the original construction or repair or further extension of the hospital or sanitarium or temporary housing facilities, except state-owned tax-supported hospitals and sanitariums, shall not be exempt from this chapter;

(22) Gross receipts or gross proceeds derived from the sale of used tangible personal property when the used property was:

(A) Traded in and accepted by the seller as part of the sale of other tangible personal property; and

(B)(i) The state gross receipts tax was collected and paid on the total amount of consideration for the sale of the other tangible personal property without any deduction or credit for the value of the used tangible personal property.

(ii) The condition that the state gross receipts tax was collected and paid on the total amount of consideration is not required for entitlement to this exemption when the sale of the other tangible personal property was otherwise exempt under other provisions of this chapter.

(iii) This subdivision (22) does not apply to transactions involving used automobiles under § 26-52-510(b) or used aircraft under § 26-52-505;

(23) Gross receipts or gross proceeds derived from the sale of unprocessed crude oil;

(24) The gross receipts or gross proceeds derived from the sale of electricity used in the manufacture of aluminum metal by the electrolytic reduction process;

(25) The gross receipts or gross proceeds derived from the sale of articles sold on the premises of the Arkansas State Veterans Home;

(26) That portion of the gross receipts or gross proceeds derived from the sale of automobile parts which constitute core charges which are received for the purpose of securing a trade-in for the article purchased, except that when the article is not traded in, then the tax is due on the core charge;

(27)(A) Gross receipts and gross proceeds derived from the sale of:

(i) Tangible personal property lawfully purchased with food stamps or food coupons issued in accordance with the Food Stamp Act of 1964, 7 U.S.C. § 2011 et seq.;

(ii) Tangible personal property lawfully purchased with food instruments or vouchers issued under the Special Supplemental Nutrition Program for Women, Infants, and Children in accordance with Section 17 of the Child Nutrition Act of 1966, 42 U.S.C § 1786, as amended; and

(iii) Food or food ingredients purchased through bids under the Special Supplemental Nutrition Program for Women, Infants, and Children.

(B) If consideration other than food stamps, food coupons, food instruments, or vouchers is used in any sale, that portion of the sale shall be fully taxable.

(C) The tax exemption provided by this subdivision (27) shall expire if the exemption becomes no longer required for full participation in the food stamp program and the Special Supplemental Nutrition Program for Women, Infants, and Children;

(28)(A) Parts or other tangible personal property incorporated into or which become a part of commercial jet aircraft components, or commercial jet aircraft subcomponents.

(B) As used in this subdivision (28) "commercial jet aircraft" means any commercial, military, private, or other turbine or turbo jet aircraft having a certified maximum take-off weight of more than twelve thousand five hundred pounds (12,500 lbs.);

(29) Gross receipts or gross proceeds derived from the sale of any tangible personal property specifically exempted from taxation by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.;

(30)(A) The gross receipts proceeds charged to a consumer or user for the transfer of fill material by a business engaged in transporting or delivering fill material, provided:

(i) Such fill material was obtained free of charge by a business engaged in transporting or delivering fill material; and

(ii) The charge to the consumer or user is only for delivery.

(B) Any business claiming the exemption under subdivision (30)(A) of this section shall keep suitable records necessary to determine that fill material was obtained without charge;

(31) Gross receipts or gross proceeds derived from sales of tangible personal property or services to Habitat for Humanity;

(32) Gross receipts or gross proceeds derived from the long-term lease, thirty (30) days or more, of commercial trucks used for interstate transportation of goods if the trucks are registered under an international registration plan similar to § 27-14-501 et seq. and administered by another state which offers reciprocal privileges for vehicles registered under § 27-14-501 et seq.;

(33) Gross receipts or gross proceeds derived from sales of tangible personal property or services to The Salvation Army;

(34) Gross receipts or gross proceeds derived from sales of tangible personal property and services to Heifer Project International, Inc.;

(35)(A) Gross receipts or gross proceeds derived from the sale of catalysts, chemicals, reagents, and solutions which are consumed or used:

(i) In producing, manufacturing, fabricating, processing, or finishing articles of commerce at manufacturing or processing plants or facilities in the State of Arkansas; and

(ii) By manufacturing or processing plants or facilities in the state to prevent or reduce air or water pollution or contamination which might otherwise result from the operation of the plant or facility.

(B) As used in this subdivision (35), "manufacturing" and "processing" mean the same as set forth in § 26-52-402(b);

(36) Gross receipts or gross proceeds derived from the sale of:

(A) Fuel packaging materials to a person engaged in the business of processing hazardous and non-hazardous waste materials into fuel products at a facility permitted by the Arkansas Department of Environmental Quality for hazardous waste treatment; and

(B) Machinery and equipment, including analytical equipment and chemicals used directly in processing and packaging of hazardous and non-hazardous waste materials into fuel products at a facility permitted by the Arkansas Department of Environmental Quality for hazardous waste treatment;

(37) Gross receipts or gross proceeds derived from sales of tangible personal property or services to the Arkansas Symphony Orchestra Society, Inc.;

(38) Gross receipts or gross proceeds from the sale of any good, ware, merchandise, or tangible personal property withdrawn or used from an established business or from the stock in trade of the established reserves for consumption or use in an established business or by any other person if the good, ware, merchandise, or tangible personal property withdrawn or used is donated to a National Guard member, emergency service worker, or volunteer providing services to a county which has been declared a disaster area by the Governor; and

(39) Gross receipts or gross proceeds derived from sales of tangible personal property or services to the Arkansas Black Hall of Fame Foundation, Inc.

History. Acts 1941, No. 386, § 4; 1947, No. 102, § 1; 1949, No. 15, § 1; 1949, No. 152, § 1; 1961, No. 213, § 1; 1965, No. 133, § 1; 1967, No. 113, § 1; 1968 (1st Ex. Sess.), No. 5, § 1; 1973, No. 403, § 1; 1975, No. 922, § 1; 1975, No. 927, § 1; 1975 (Extended Sess., 1976), No. 1013, § 1; 1977, No. 252, § 1; 1977, No. 382, § 1; 1979, No. 324, § 16; 1979, No. 630, § 1; 1981, No. 706, § 1; 1985, No. 518, § 1; A.S.A. 1947, § 84-1904; Acts 1987, No. 7, § 1; 1987, No. 986, §§ 1-3; 1987, No. 1033, §§ 11, 12; 1989, No. 753, § 1; 1991, No. 458, § 2; 1992 (1st Ex. Sess.), No. 58, § 3; 1992 (1st Ex. Sess.), No. 61, § 3; 1993, No. 617, §§ 1, 2; 1993, No. 820, § 1; 1993, No. 987, § 1; 1993, No. 1183, § 1; 1995, No. 504, § 1; 1995, No. 516, § 1; 1995, No. 850, § 2; 1995, No. 1005, § 2; 1997, No. 603, § 1; 1997, No. 1222, § 1; 1999, No. 854, § 1; 2001, No. 1683, § 1; 2005, No. 2132, § 1; 2007, No. 87, § 1; 2007, No. 181, §§ 15-19; 2007, No. 860, § 3; 2009, No. 655, § 16; 2009, No. 1205, § 1; 2011, No. 983, § 8; 2011, No. 998, § 3.

Subchapter 5 — Returns and Remittance of Tax

SECTION.

26-52-510. Direct payment of tax by consumer-user — New and used motor vehicles, trailers, or semitrailers. [Effective until January 1, 2012.]
26-52-510. Direct payment of tax by consumer-user — New and used motor vehicles, trailers, or semitrailers. [Effective January 1, 2012.]
26-52-513. Sales of motor-driven and all-terrain vehicles.

SECTION.
26-52-519. Credit voucher for sales tax on motor vehicles destroyed by catastrophic events.
26-52-521. Sourcing of sales.

26-52-510. Direct payment of tax by consumer-user — New and used motor vehicles, trailers, or semitrailers. [Effective until January 1, 2012.]

(a)(1) On or before the time for registration as prescribed by § 27-14-903(a), a consumer shall pay to the Director of the Department of Finance and Administration the tax levied by this chapter and all other gross receipts taxes levied by the state with respect to the sale of a new or used motor vehicle, trailer, or semitrailer required to be licensed in this state, instead of the taxes being collected by the dealer or seller.

(2) The director shall require the payment of the taxes at the time of registration before issuing a license for the new or used motor vehicle, trailer, or semitrailer.

(3)(A) The taxes apply regardless of whether the motor vehicle, trailer, or semitrailer is sold by a vehicle dealer or an individual, corporation, or partnership not licensed as a vehicle dealer.

(B) The exemption in § 26-52-401(17) for isolated sales does not apply to the sale of a motor vehicle, trailer, or semitrailer.

(4) If the consumer fails to pay the taxes when due:

(A) There is assessed a penalty equal to ten percent (10%) of the amount of taxes due; and

(B) The consumer shall pay to the director the penalty under subdivision (a)(4)(A) of this section and the taxes due before the director issues a license for the motor vehicle, trailer, or semitrailer.

(b)(1)(A) Except as provided in this section, when a used motor vehicle, trailer, or semitrailer is taken in trade as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, the tax levied by this chapter and all other gross receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer sold and the credit for the used vehicle, trailer, or semitrailer taken in trade.

(B) However, if the total consideration for the sale of the new or used motor vehicle, trailer, or semitrailer is less than two thousand five hundred dollars ($2,500), no tax shall be due.

(C)(i) When a used motor vehicle, trailer, or semitrailer is sold by a consumer, rather than traded-in as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, and the consumer subsequently purchases a new or used vehicle, trailer, or semitrailer of greater value within forty-five (45) days of the sale, the tax levied by this chapter and all other gross receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer purchased subsequently and the amount received from the sale of the used vehicle, trailer, or semitrailer sold in lieu of a trade-in.

(ii)*(a)* Upon registration of the new or used motor vehicle, a consumer claiming the deduction provided by subdivision (b)(1)(C)(i) of this section shall provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(b) A copy of the bill of sale shall be deposited with the revenue office at the time of registration of the new or used motor vehicle.

(c) The deduction provided by this section shall not be allowed unless the taxpayer claiming the deduction provides a copy of a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(iii) If the taxpayer claiming the deduction provided in this section fails to provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle, tax shall be due on the total consideration paid for the new or used vehicle, trailer, or semitrailer without any deduction for the value of the item sold.

(2)(A)(i) When a motor vehicle dealer removes a vehicle from its inventory and the vehicle is used by the dealership as a service vehicle, the dealer shall register the vehicle, obtain a certificate of title, and pay sales tax on the listed retail price of the new vehicle.

(ii)*(a)* When the motor vehicle dealer returns the service vehicle to inventory as a used vehicle and replaces it with a new vehicle for dealership use as a service vehicle, the dealer shall pay sales tax on the difference between the listed retail price of the new service vehicle to be used by the dealership and the value of the used service vehicle being returned to inventory.

(b) The value of the used service vehicle shall be the highest listed wholesale price reflected in the most current edition of the National Automotive Dealers Association's Official Used Car Guide.

(B)(i) As used in this subsection, "service vehicle" means a motor vehicle driven exclusively by an employee of the dealership and used either to transport dealership customers or dealership parts and equipment.

(ii) "Service vehicle" does not include motor vehicles which are rented by the dealership, used as demonstration vehicles, used by dealership employees for personal use, or used to haul or pull other vehicles.

(c) All parts and accessories purchased by motor vehicle sellers for resale or used by them for the reconditioning or rebuilding of used motor vehicles intended for resale are exempt from gross receipts tax, provided that the motor vehicle seller meets the

requirements of § 26-52-401(12)(A) and applicable regulations promulgated by the director.

(d) Nothing in this section shall be construed to repeal any exemption from this chapter.

(e) A credit is not allowed for sales or use taxes paid to another state with respect to the purchase of a motor vehicle, trailer, or semitrailer that was first registered by the purchaser in Arkansas.

(f)(1)(A) Any motor vehicle dealer licensed pursuant to § 27-14-601(a)(6) who has purchased a used motor vehicle upon payment of all applicable registration and title fees may register the vehicle for the sole purpose of obtaining a certificate of title to the vehicle without payment of gross receipts tax, except as provided in subdivision (f)(1)(B) of this section.

(B)(i) The sale of a motor vehicle from the original franchise dealer to any other dealer, person, corporation, or other entity other than a franchise dealer of the same make of vehicle and which sale is reflected on the statement of origin shall be subject to gross receipts tax.

(ii) The vehicle shall be considered a used motor vehicle which shall be registered and titled, and tax shall be paid at the time of registration.

(iii) The provisions of subdivision (f)(1)(A) of this section shall not apply in those instances.

(2) No license plate shall be provided with the registration, and the used vehicle titled by a dealer under this subsection may not be operated on the public highways unless there is displayed on the used vehicle a dealer's license plate issued under the provisions of § 27-14-601(a)(6)(B)(ii).

(g)(1)(A) For purposes of this section, the total consideration for a used motor vehicle shall be presumed to be the greater of the actual sales price as provided on the bill of sale, invoice or financing agreement, or the average loan value price of the vehicle as listed in the most current edition of a publication which is generally accepted by the industry as providing an accurate valuation of used vehicles.

(B) If the published loan value exceeds the invoiced price, then the taxpayer must establish to the director's satisfaction that the price reflected on the invoice or other document is true and correct.

(C) If the director determines that the invoiced price is not the actual selling price of the vehicle, then the total consideration will be deemed to be the published loan value.

(2)(A) For purposes of this section, the total consideration for a new or used trailer or semitrailer shall be the actual sales price as provided on a bill of sale, invoice, or financing agreement.

(B) The director may require additional information to conclusively establish the true selling price of the new or used trailer or semitrailer.

History. Acts 1941, No. 386, § 3; 1945, No. 64, § 1; 1957, No. 19, §§ 1, 4; 1959, No. 260, § 1; A.S.A. 1947, §§ 84-1903, 84-3108n; Acts 1989 (3rd Ex. Sess.), No. 9, § 1; 1991, No. 3, § 6; 1993, No. 285, § 8; 1993, No. 297, § 8; 1995, No. 268, § 6; 1995, No. 390, § 1; 1995, No. 437, § 1; 1995, No. 1013, § 1; 1997, No. 1232, §§ 1, 2; 2001, No. 1047, § 1; 2001, No. 1834, § 1; 2009, No. 655, §§ 21–23; 2011, No. 983, § 10.

26-52-510. Direct payment of tax by consumer-user — New and used motor vehicles, trailers, or semitrailers. [Effective January 1, 2012.]

(a)(1) On or before the time for registration as prescribed by § 27-14-903(a), a consumer shall pay to the Director of the Department of Finance and Administration the tax levied by this chapter and all other gross receipts taxes levied by the state with respect to the sale of a new or used motor vehicle, trailer, or semitrailer required to be licensed in this state, instead of the taxes being collected by the dealer or seller.

(2) The director shall require the payment of the taxes at the time of registration before issuing a license for the new or used motor vehicle, trailer, or semitrailer.

(3)(A) The taxes apply regardless of whether the motor vehicle, trailer, or semitrailer is sold by a vehicle dealer or an individual, corporation, or partnership not licensed as a vehicle dealer.

(B) The exemption in § 26-52-401(17) for isolated sales does not apply to the sale of a motor vehicle, trailer, or semitrailer.

(4) If the consumer fails to pay the taxes when due:

(A) There is assessed a penalty equal to ten percent (10%) of the amount of taxes due; and

(B) The consumer shall pay to the director the penalty under subdivision (a)(4)(A) of this section and the taxes due before the director issues a license for the motor vehicle, trailer, or semitrailer.

(b)(1)(A) Except as provided in this section, when a used motor vehicle, trailer, or semitrailer is taken in trade as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, the tax levied by this chapter and all other gross receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer sold and the credit for the used vehicle, trailer, or semitrailer taken in trade.

(B) However, if the total consideration for the sale of the new or used motor vehicle, trailer, or semitrailer is less than four thousand dollars ($4,000), no tax shall be due.

(C)(i) When a used motor vehicle, trailer, or semitrailer is sold by a consumer, rather than traded-in as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, and the consumer subsequently purchases a new or used vehicle, trailer, or semitrailer of greater value within forty-five (45) days of the sale, the tax levied by this chapter and all other gross

receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer purchased subsequently and the amount received from the sale of the used vehicle, trailer, or semitrailer sold in lieu of a trade-in.

(ii)*(a)* Upon registration of the new or used motor vehicle, a consumer claiming the deduction provided by subdivision (b)(1)(C)(i) of this section shall provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(b) A copy of the bill of sale shall be deposited with the revenue office at the time of registration of the new or used motor vehicle.

(c) The deduction provided by this section shall not be allowed unless the taxpayer claiming the deduction provides a copy of a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(iii) If the taxpayer claiming the deduction provided in this section fails to provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle, tax shall be due on the total consideration paid for the new or used vehicle, trailer, or semitrailer without any deduction for the value of the item sold.

(2)(A)(i) When a motor vehicle dealer removes a vehicle from its inventory and the vehicle is used by the dealership as a service vehicle, the dealer shall register the vehicle, obtain a certificate of title, and pay sales tax on the listed retail price of the new vehicle.

(ii)*(a)* When the motor vehicle dealer returns the service vehicle to inventory as a used vehicle and replaces it with a new vehicle for dealership use as a service vehicle, the dealer shall pay sales tax on the difference between the listed retail price of the new service vehicle to be used by the dealership and the value of the used service vehicle being returned to inventory.

(b) The value of the used service vehicle shall be the highest listed wholesale price reflected in the most current edition of the National Automotive Dealers Association's Official Used Car Guide.

(B)(i) As used in this subsection, "service vehicle" means a motor vehicle driven exclusively by an employee of the dealership and used either to transport dealership customers or dealership parts and equipment.

(ii) "Service vehicle" does not include motor vehicles which are rented by the dealership, used as demonstration vehicles, used by dealership employees for personal use, or used to haul or pull other vehicles.

(c) All parts and accessories purchased by motor vehicle sellers for resale or used by them for the reconditioning or rebuilding of used motor vehicles intended for resale are exempt from gross receipts tax, provided that the motor vehicle seller meets the requirements of § 26-52-401(12)(A) and applicable regulations promulgated by the director.

(d) Nothing in this section shall be construed to repeal any exemption from this chapter.

(e) A credit is not allowed for sales or use taxes paid to another state with respect to the purchase of a motor vehicle, trailer, or semitrailer that was first registered by the purchaser in Arkansas.

(f)(1)(A) Any motor vehicle dealer licensed pursuant to § 27-14-601(a)(6) who has purchased a used motor vehicle upon payment of all applicable registration and title fees may register the vehicle for the sole purpose of obtaining a certificate of title to the vehicle without payment of gross receipts tax, except as provided in subdivision (f)(1)(B) of this section.

(B)(i) The sale of a motor vehicle from the original franchise dealer to any other dealer, person, corporation, or other entity other than a franchise dealer of the same make of vehicle and which sale is reflected on the statement of origin shall be subject to gross receipts tax.

(ii) The vehicle shall be considered a used motor vehicle which shall be registered and titled, and tax shall be paid at the time of registration.

(iii) The provisions of subdivision (f)(1)(A) of this section shall not apply in those instances.

(2) No license plate shall be provided with the registration, and the used vehicle titled by a dealer under this subsection may not be operated on the public highways unless there is displayed on the used vehicle a dealer's license plate issued under the provisions of § 27-14-601(a)(6)(B)(ii).

(g)(1)(A) For purposes of this section, the total consideration for a used motor vehicle shall be presumed to be the greater of the actual sales price as provided on the bill of sale, invoice or financing agreement, or the average loan value price of the vehicle as listed in the most current edition of a publication which is generally accepted by the industry as providing an accurate valuation of used vehicles.

(B) If the published loan value exceeds the invoiced price, then the taxpayer must establish to the director's satisfaction that the price reflected on the invoice or other document is true and correct.

(C) If the director determines that the invoiced price is not the actual selling price of the vehicle, then the total consideration will be deemed to be the published loan value.

(2)(A) For purposes of this section, the total consideration for a new or used trailer or semitrailer shall be the actual sales price as provided on a bill of sale, invoice, or financing agreement.

(B) The director may require additional information to conclusively establish the true selling price of the new or used trailer or semitrailer.

History. Acts 1941, No. 386, § 3; 1945, No. 64, § 1; 1957, No. 19, §§ 1, 4; 1959, No. 260, § 1; A.S.A. 1947, §§ 84-1903, 84-3108n; Acts

1989 (3rd Ex. Sess.), No. 9, § 1; 1991, No. 3, § 6; 1993, No. 285, § 8; 1993, No. 297, § 8; 1995, No. 268, § 6; 1995, No. 390, § 1; 1995, No. 437, § 1; 1995, No. 1013, § 1; 1997, No. 1232, §§ 1, 2; 2001, No. 1047, § 1; 2001, No. 1834, § 1; 2009, No. 655, §§ 21–23; 2011, No. 753, § 1; 2011, No. 983, § 10.

26-52-513. Sales of motor-driven and all-terrain vehicles.

(a) When any person engaged in the business of selling motor vehicles, motorcycles, motor-driven cycles, three-wheeled all-terrain vehicles, four-wheeled all-terrain vehicles, six-wheeled all-terrain vehicles, or motorized bicycles, sells any motorcycle or motor-driven cycle that is designed or manufactured exclusively for competition or off-road use, or sells any three-wheeled all-terrain vehicle, four-wheeled all-terrain vehicle, six-wheeled all-terrain vehicle, or motorized bicycle, the person shall collect and remit the taxes at the same time and in the same manner as other gross receipts taxes collected by the person.

(b) However, nothing in this section shall be construed so as to affect the manner in which state and local taxes are collected on motorcycles and motor-driven cycles registered for use on the streets and highways of this state.

History. Acts 1989, No. 412, § 1; 2007, No. 305, § 1.

26-52-519. Credit voucher for sales tax on motor vehicles destroyed by catastrophic events.

(a) When a consumer has paid sales taxes on a motor vehicle within the last one hundred eighty (180) days and the motor vehicle is destroyed or damaged by some catastrophic event resulting from a natural cause to the extent that the value of the motor vehicle is less than thirty percent (30%) of its retail value, as found in the National Automobile Dealers Association's Official Price Guide, or other source approved by the Office of Motor Vehicle, the consumer may apply to the Director of the Department of Finance and Administration for a sales tax credit voucher in the amount of any state and local sales or use taxes paid on the motor vehicle transaction, if the consumer provides to the Department of Finance and Administration:

(1) A written request for a credit voucher in accordance with § 26-18-507;

(2) Evidence that the sales tax was paid when the motor vehicle was registered;

(3) Evidence as to the extent of the destruction or damage to the value of the motor vehicle which is satisfactory to the department to prove the value of the motor vehicle prior to the event and the value after the destruction or damage occurred;

(4) Evidence that the catastrophic event occurred within one hundred eighty (180) days of the motor vehicle's being first registered; and

(5) Any other information as shall be required by the director as necessary to issue the voucher.

(b) Claims for credit vouchers of sales or use tax under this section shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq. Any claim must be made in writing and filed within one (1) year from the date the vehicle was first registered.

(c) When a consumer has tendered a trade-in motor vehicle toward the purchase of the vehicle which is credited under subsection (a) of this section, the consumer may apply to the director for a credit voucher in the amount of the trade-in vehicle's consideration also.

(d) The sales and use tax credit vouchers issued under this section shall be used only to reduce any sales and use taxes due upon registration of a subsequent replacement vehicle. In no event shall a cash refund be given for the sales tax credit voucher or for any excess value of the credit voucher. The credit voucher shall be valid for six (6) months from the date of issuance and may only be used by the consumer to whom it was issued.

(e) The director shall prescribe the forms, the nature of satisfactory proof of the vehicle's values, and any other information as is necessary to issue the credit vouchers under this section.

(f) As used in this section, "natural cause" means an act occasioned exclusively by the violence of nature in which all human agency is excluded from creating or entering into the cause of the damage or injury.

History. Acts 1997, No. 1348, § 1.

26-52-521. Sourcing of sales.

(a)(1) This section applies for purposes of determining a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail sale of a product or service.

(2) This section does not affect the obligation of a purchaser or lessee to remit tax on the use of the product or service to the taxing jurisdictions of that use and does not apply to the sales or use taxes levied on the retail sale excluding lease or rental, of motor vehicles, trailers, or semitrailers that require licensing.

(b) Excluding a lease or rental, the retail sale of a product or service shall be sourced as follows:

(1) If the product or service is received by the purchaser at a business location of the seller, the sale is sourced to that business location;

(2) If the product or service is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's designated donee occurs, including the location indicated by instructions for delivery to the purchaser or donee known to the seller;

(3) If subdivisions (b)(1) and (2) of this section do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are

maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(4) If subdivisions (b)(1)-(3) of this section do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available if the use of this address does not constitute bad faith; or

(5) If none of the previous rules of subdivisions (b)(1)-(4) of this section apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, the location will be determined by the address from which tangible personal property was shipped or from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(c) The lease or rental of tangible personal property other than property identified in subsection (d) or subsection (e) of this section shall be sourced as follows:

(1)(A) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection (b) of this section.

(B) Periodic payments made after the first payment are sourced to the primary property location for each period covered by the payment.

(C) The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business if use of this address does not constitute bad faith.

(D) The property location shall not be altered by intermittent use at different locations such as use of business property that accompanies employees on business trips and service calls;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (b) of this section; and

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis or on the acquisition of property for lease.

(d) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment as defined in subsection (e) of this section shall be sourced as follows:

(1)(A) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location.

(B) The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business if use of this address does not constitute bad faith.

(C) This location shall not be altered by intermittent use at different locations;

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (b) of this section; and

(3) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis or on the acquisition of property for lease.

(e)(1) Including a lease or rental, the retail sale of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection (b) of this section, notwithstanding the exclusion of a lease or rental in subsection (b) of this section.

(2) As used in this section, "transportation equipment" means any of the following:

(A) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(B) Trucks and truck tractors with a Gross Vehicle Weight Rating of ten thousand one pounds (10,001 lbs.) or greater, trailers, semitrailers, or passenger buses that are:

(i) Registered through the International Registration Plan; and

(ii) Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(C) Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; or

(D) Containers designed for use on and component parts attached or secured on the items under subdivision (e)(1) of this section and this subdivision (e)(2).

(f) As used in subsection (b) of this section:

(1) "Receive" and "receipt" mean:

(A) Taking possession of tangible personal property; or

(B) Making first use of services; and

(2) "Receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

(g) When a motor vehicle, trailer, or semitrailer that requires licensing is sold to a person who resides in Arkansas, the sale is sourced to the residence of the purchaser.

(h) This section shall apply to all state and local taxes administered by the Department of Finance and Administration.

(i) The destination sourcing rules in this section do not apply to florists.

History. Acts 2003, No. 1273, § 11; 2007, No. 860, § 1; 2009, No. 384, § 8.

CHAPTER 53

COMPENSATING OR USE TAXES

SUBCHAPTER 1 — ARKANSAS COMPENSATING TAX ACT OF 1949

SECTION.

26-53-126. Tax on new and used motor vehicles, trailers, or semitrailers — Payment and collection. [Effective until January 1, 2012.]
26-53-126. Tax on new and used motor vehicles, trailers, or semitrailers — Payment and collection. [Effective January 1, 2012.]

26-53-126. Tax on new and used motor vehicles, trailers, or semitrailers — Payment and collection. [Effective until January 1, 2012.]

(a)(1) Upon being registered in this state, a new or used motor vehicle, trailer, or semitrailer required to be licensed in this state is subject to the tax levied in this subchapter and all other use taxes levied by the state regardless of whether the motor vehicle, trailer, or semitrailer was purchased from a dealer or an individual.

(2)(A) On or before the time for registration as prescribed by § 27-14-903(a), the person making application to register the motor vehicle, trailer, or semitrailer shall pay the taxes to the Director of the Department of Finance and Administration instead of the taxes being collected by the dealer or individual seller.

(B) The director shall collect the taxes before issuing a license for the motor vehicle, trailer, or semitrailer.

(3) The exemption in § 26-52-401(17) for isolated sales does not apply to the sale of a motor vehicle, trailer, or semitrailer.

(4) If the person making application to register the motor vehicle, trailer, or semitrailer fails to pay the taxes when due:

(A) There is assessed a penalty equal to ten percent (10%) of the amount of taxes due; and

(B) The person making application to register the motor vehicle, trailer, or semitrailer shall pay to the director the penalty under subdivision (a)(4)(A) of this section and the taxes due before the director issues a license for the motor vehicle, trailer, or semitrailer.

(b)(1) When a used motor vehicle, trailer, or semitrailer is taken in trade as a credit or part payment on the sale of a new or used vehicle, trailer, or semitrailer, the tax levied in this subchapter and all other use taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer sold and the credit for the used vehicle, trailer, or semitrailer taken in trade.

(2) However, if the total consideration for the sale of the new or used motor vehicle, trailer, or semitrailer is less than two thousand five hundred dollars ($2,500), no tax shall be due.

(3)(A) When a used motor vehicle, trailer, or semitrailer is sold by a consumer, rather than traded in as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, and the consumer subsequently purchases a new or used vehicle, trailer, or semitrailer of greater value within forty-five (45) days of the sale, the tax levied by this chapter and all other gross receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer purchased subsequently and the amount received from the sale of the used vehicle, trailer, or semitrailer sold in lieu of a trade-in.

(B)(i) Upon registration of the new or used motor vehicle, consumers claiming the deduction provided by subdivision (b)(3)(A) of this section shall provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(ii) A copy of the bill of sale shall be deposited with the revenue office at the time of registration of the new or used motor vehicle.

(iii) The deduction provided by this subdivision (b)(3) shall not be allowed unless the taxpayer claiming the deduction provides a copy of a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(C) If the taxpayer claiming the deduction provided in this subdivision (b)(3) fails to provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle, tax shall be due on the total consideration paid for the new or used vehicle, trailer, or semitrailer without any deduction for the value of the item sold.

(c) The tax imposed by this subchapter shall not apply to a motor vehicle, trailer, or semitrailer to be registered by a bona fide nonresident of this state.

(d) Nothing in this section shall be construed to repeal any exemption from this subchapter.

(e)(1) Upon payment of all applicable registration and title fees, any motor vehicle dealer licensed pursuant to § 27-14-601(a)(6) who has purchased a used motor vehicle may register the vehicle for the sole purpose of obtaining a certificate of title to the vehicle without payment of use tax.

(2) No license plate shall be provided with such registration, and the used vehicle titled by a dealer under this subsection may not be operated on the public highways unless there is displayed on the used vehicle a dealer's license plate issued under the provisions of § 27-14-601(a)(6)(B)(ii).

(f)(1)(A) For purposes of this section, the total consideration for a used motor vehicle shall be presumed to be the greater of the actual sales price as provided on a bill of sale, invoice or financing agreement, or the average loan value of

the vehicle as listed in the most current edition of a publication which is generally accepted by the industry as providing an accurate valuation of used vehicles.

(B) If the published loan value exceeds the invoiced price, then the taxpayer must establish to the director's satisfaction that the price reflected on the invoice or other document is true and correct.

(C) If the director determines that the invoiced price is not the actual selling price of the vehicle, then the total consideration will be deemed to be the published loan value.

(2)(A) For purposes of this section, the total consideration for a new or used trailer or semitrailer shall be the actual sales price as provided on a bill of sale, invoice, or financing agreement.

(B) The director may require additional information to conclusively establish the true selling price of the new or used trailer or semitrailer.

History. Acts 1949, No. 487, § 5; 1957, No. 19, § 4; 1959, No. 260, §§ 2, 3; A.S.A. 1947, §§ 84-3105, 84-3105n., 84-3108n; Acts 1991, No. 3, § 7; 1995, No. 268, § 7; 1995, No. 437, § 3; 1997, No. 1232, §§ 3, 4; 2001, No. 1047, § 2; 2009, No. 655, §§ 34, 35; 2011, No. 983, § 11.

26-53-126. Tax on new and used motor vehicles, trailers, or semitrailers — Payment and collection. [Effective January 1, 2012.]

(a)(1) Upon being registered in this state, a new or used motor vehicle, trailer, or semitrailer required to be licensed in this state is subject to the tax levied in this subchapter and all other use taxes levied by the state regardless of whether the motor vehicle, trailer, or semitrailer was purchased from a dealer or an individual.

(2)(A) On or before the time for registration as prescribed by § 27-14-903(a), the person making application to register the motor vehicle, trailer, or semitrailer shall pay the taxes to the Director of the Department of Finance and Administration instead of the taxes being collected by the dealer or individual seller.

(B) The director shall collect the taxes before issuing a license for the motor vehicle, trailer, or semitrailer.

(3) The exemption in § 26-52-401(17) for isolated sales does not apply to the sale of a motor vehicle, trailer, or semitrailer.

(4) If the person making application to register the motor vehicle, trailer, or semitrailer fails to pay the taxes when due:

(A) There is assessed a penalty equal to ten percent (10%) of the amount of taxes due; and

(B) The person making application to register the motor vehicle, trailer, or semitrailer shall pay to the director the penalty under subdivision (a)(4)(A) of this section and the taxes due before the director issues a license for the motor vehicle, trailer, or semitrailer.

(b)(1) When a used motor vehicle, trailer, or semitrailer is taken in trade as a credit or part payment on the sale of a new or used vehicle, trailer, or semitrailer, the tax levied in this subchapter and all other use taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer sold and the credit for the used vehicle, trailer, or semitrailer taken in trade.

(2) However, if the total consideration for the sale of the new or used motor vehicle, trailer, or semitrailer is less than four thousand dollars ($4,000), no tax shall be due.

(3)(A) When a used motor vehicle, trailer, or semitrailer is sold by a consumer, rather than traded in as a credit or part payment on the sale of a new or used motor vehicle, trailer, or semitrailer, and the consumer subsequently purchases a new or used vehicle, trailer, or semitrailer of greater value within forty-five (45) days of the sale, the tax levied by this chapter and all other gross receipts taxes levied by the state shall be paid on the net difference between the total consideration for the new or used vehicle, trailer, or semitrailer purchased subsequently and the amount received from the sale of the used vehicle, trailer, or semitrailer sold in lieu of a trade-in.

(B)(i) Upon registration of the new or used motor vehicle, consumers claiming the deduction provided by subdivision (b)(3)(A) of this section shall provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(ii) A copy of the bill of sale shall be deposited with the revenue office at the time of registration of the new or used motor vehicle.

(iii) The deduction provided by this subdivision (b)(3) shall not be allowed unless the taxpayer claiming the deduction provides a copy of a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle.

(C) If the taxpayer claiming the deduction provided in this subdivision (b)(3) fails to provide a bill of sale signed by all parties to the transaction which reflects the total consideration paid to the seller for the vehicle, tax shall be due on the total consideration paid for the new or used vehicle, trailer, or semitrailer without any deduction for the value of the item sold.

(c) The tax imposed by this subchapter shall not apply to a motor vehicle, trailer, or semitrailer to be registered by a bona fide nonresident of this state.

(d) Nothing in this section shall be construed to repeal any exemption from this subchapter.

(e)(1) Upon payment of all applicable registration and title fees, any motor vehicle dealer licensed pursuant to § 27-14-601(a)(6) who has purchased a used motor vehicle may register the vehicle for the sole purpose of obtaining a certificate of title to the vehicle without payment of use tax.

(2) No license plate shall be provided with such registration, and the used vehicle titled by a dealer under this subsection may not be operated on the public highways unless there is displayed on the used vehicle a dealer's license plate issued under the provisions of § 27-14-601(a)(6)(B)(ii).

(f)(1)(A) For purposes of this section, the total consideration for a used motor vehicle shall be presumed to be the greater of the actual sales price as provided on a bill of sale, invoice or financing agreement, or the average loan value of the vehicle as listed in the most current edition of a publication which is generally accepted by the industry as providing an accurate valuation of used vehicles.

(B) If the published loan value exceeds the invoiced price, then the taxpayer must establish to the director's satisfaction that the price reflected on the invoice or other document is true and correct.

(C) If the director determines that the invoiced price is not the actual selling price of the vehicle, then the total consideration will be deemed to be the published loan value.

(2)(A) For purposes of this section, the total consideration for a new or used trailer or semitrailer shall be the actual sales price as provided on a bill of sale, invoice, or financing agreement.

(B) The director may require additional information to conclusively establish the true selling price of the new or used trailer or semitrailer.

History. Acts 1949, No. 487, § 5; 1957, No. 19, § 4; 1959, No. 260, §§ 2, 3; A.S.A. 1947, §§ 84-3105, 84-3105n., 84-3108n; Acts 1991, No. 3, § 7; 1995, No. 268, § 7; 1995, No. 437, § 3; 1997, No. 1232, §§ 3, 4; 2001, No. 1047, § 2; 2009, No. 655, §§ 34, 35; 2011, No. 753, § 2; 2011, No. 983, § 11.

CHAPTER 55

MOTOR FUELS TAXES

Subchapter 1 — General Provisions

SECTION.

26-55-101. Exemption for United States Government vehicles — Refunds.

26-55-101. Exemption for United States Government vehicles — Refunds.

(a) Motor vehicles belonging to the United States Government and used in its business exclusively shall not be required to pay any motor vehicle fuel tax.

(b) When motor vehicle fuel upon which the tax has been paid is sold to any agent or employee of the United States Government for use in a motor vehicle belonging to the United States Government, and is used in its business exclusively, the wholesaler or dealer may not charge the consumer with the amount of the tax but may claim the refund of the tax under such regulations as the Director of the Department of Finance and Administration may prescribe.

History. Acts 1929, No. 65, § 35; Pope's Dig., § 6635; A.S.A. 1947, § 75-248.

TITLE 27

TRANSPORTATION

SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 2

HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977

SECTION.

27-2-101. Title.
27-2-103. Prohibited acts — Exceptions.
27-2-104. Violations.
27-2-105. Enforcement.

27-2-101. Title.

This chapter shall be known as and may be cited as the "Hazardous Materials Transportation Act of 1977".

History. Acts 1977, No. 421, § 1; A.S.A. 1947, § 76-2901.

27-2-103. Prohibited acts — Exceptions.

(a) It shall be unlawful for any person to knowingly:

(1) Transport or cause to be transported within this state hazardous material in an immediate container which does not bear a label which provides an adequate warning;

(2) Transport or cause to be transported within this state hazardous material in an immediate container without carrying adequate emergency equipment;

(3) Transport or cause to be transported within this state a hazardous material in a container other than an adequate immediate container;

(4) Fail to utilize adequate emergency equipment promptly and properly, to the extent possible without serious risk of personal injury, in order to deal with the escape of a hazardous material from its immediate container when the person is the operator of the transporting equipment;

(5) Fail to notify the Department of Arkansas State Police as promptly as reasonably possible of the escape of a hazardous material from its imme-

diate container when the person is the carrier or is the operator of the transporting equipment; or

(6) Violate any regulation promulgated by the State Highway Commission pursuant to this chapter.

(b)(1) Any and all exceptions to the requirements contained in subsection (a) of this section allowed transporters of agricultural products, petroleum products, a material of trade, or any others, as set out in 49 C.F.R. pt. 173, including, but not limited to, 49 C.F.R. §§ 173.5, 173.6, and 173.8, shall be allowable to such transporters provided that all the requirements to avail these transporters of those exemptions, which requirements are set out in these United States Department of Transportation regulations, are met by such transporters.

(2) Further provided, if the United States Department of Transportation or the United States Congress adopts exceptions greater than those currently allowed transporters of hazardous materials in 49 C.F.R. pt. 173, the Arkansas State Highway and Transportation Department may adopt such comparable exemptions as are applicable to such transporters while utilizing the highways of this state.

(c) The provisions of subdivision (a)(5) of this section shall not apply to persons while operating farm vehicles of whatever size upon agricultural land owned, leased, or rented by the persons or their employers.

History. Acts 1977, No. 421, §§ 6, 7; A.S.A. 1947, §§ 76-2906, 76-2907; Acts 1991, No. 769, § 1; 1999, No. 1255, § 1.

27-2-104. Violations.

(a) Violation of any provisions of § 27-2-103 is a Class A misdemeanor.

(b) Each violation of this chapter and each noncomplying immediate container transported in violation of it shall constitute a separate offense.

History. Acts 1977, No. 421, § 8; A.S.A. 1947, § 76-2908.

27-2-105. Enforcement.

The enforcement personnel of the Department of Arkansas State Police and enforcement personnel of the Arkansas State Highway and Transportation Department shall have the authority to enforce the provisions of this chapter.

History. Acts 1977, No. 421, § 5; A.S.A. 1947, § 76-2905.

SUBTITLE 2. MOTOR VEHICLE REGISTRATION AND LICENSING

CHAPTER 13

GENERAL PROVISIONS

SECTION.

27-13-101. [Repealed.]
27-13-102. Proof of insurance required.
27-13-103. Regulations.
27-13-104. [Repealed.]

27-13-101. [Repealed.]

Publisher's Notes. This section, concerning payment of personal property taxes as condition to registration or renewal, was repealed by Acts 1997, No. 974, § 6, effective January 1, 1998. The section was derived from: Acts 1981, No. 927, § 3; A.S.A. 1947, § 84-494.2; Acts 1987, No. 621, §§ 5, 7.

27-13-102. Proof of insurance required.

(a)(1) Prior to January 1, 1998, no motor vehicle license plate shall be issued or renewed without satisfactory proof to the Department of Finance and Administration that the applicant meets the requirements of § 27-22-101 et seq.

(2) Beginning January 1, 1998, no motor vehicle license plate shall be issued or renewed unless a check of the Vehicle Insurance Database indicates that the applicant meets the requirements of § 27-22-101 et seq. or unless the applicant provides satisfactory proof to the department that the applicant's vehicle meets the motor vehicle liability insurance requirements of § 27-22-101 et seq.

(3) No new license plate shall be issued or renewed for a new motor vehicle for its initial vehicle registration or for a motor vehicle changing its ownership without satisfactory proof to the department that the applicant meets the requirements of § 27-22-101 et seq.

(b) The department shall not be liable for any damages to any property or person due to any act or omission in the keeping of any record under § 27-22-101 et seq. or the issuing or renewing of any motor vehicle license plate.

(c) The provisions of this section shall not be applicable to state-owned vehicles nor to state employees while operating the state-owned vehicles.

History. Acts 1987, No. 442, §§ 3, 6; 1987, No. 971, § 1; 1997, No. 991, § 6.

27-13-103. Regulations.

The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this act.

History. Acts 1997, No. 974, § 19.

27-13-104. [Repealed.]

Publisher's Notes. This section, concerning voluntary contributions to Organ Donor Awareness Education Trust Fund, was repealed by Acts 2005, No. 896, § 2. The section was derived from Acts 2003, No. 1362, § 3[6].

CHAPTER 14

UNIFORM MOTOR VEHICLE ADMINISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT ACT

SUBCHAPTER.

1. General Provisions.
2. Definitions.
3. Penalties and Administrative Sanctions.
4. Office of Motor Vehicle.
5. Commission for Reciprocal Agreements.
6. Registration and License Fees.
7. Registration and Certificates of Title.
8. Liens and Encumbrances.
9. Transfers of Title and Registration.
10. Permanent Automobile Licensing Act.
11. Special Personalized Prestige License Plates.
12. Permanent Trailer Licensing Act.
13. Trucks and Trailers.
14. Buses.
15. Taxicabs.
16. Manufactured Homes And Mobile Homes.
17. Plates for Manufacturers, Transporters, and Dealers.
18. Vehicles in Transit to Dealers.
19. Transporting of Motor Homes by Manufacturers.
20. Licensing of Dealers and Wreckers.
21. Drive-out Tags.
22. Theft of Vehicles and Parts.
23. Disclosure of Damage and Repair on the Certificate of Title.
24. Temporary Registration Exemption. [Repealed.]

Subchapter 1 — General Provisions

SECTION.

27-14-101. Title.
27-14-102. Construction.
27-14-103. Arkansas Forestry Commission — Exemption.

27-14-101. Title.

This chapter may be cited as the "Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act".

History. Acts 1949, No. 142, § 90; A.S.A. 1947, § 75-190.

27-14-102. Construction.

This chapter shall be so interpreted and construed as to effectuate its general purpose.

History. Acts 1949, No. 142, § 89; A.S.A. 1947, § 75-189.

27-14-103. Arkansas Forestry Commission — Exemption.

(a)(1) Except as provided under subdivision (a)(2) of this section, the Arkansas Forestry Commission is exempt from the licensing and registration requirements under this subtitle for a truck, pickup truck, motor vehicle, or other vehicle of any nature that it owns, uses, and operates.

(2)(A) The State Forester and the Director of the Department of Finance and Administration shall adopt identification tags or other insignia that shall be attached to the vehicles by the officers, members, and employees of the commission.

(B) A charge shall not be made or fee collected for the identification tags or other insignia.

(b)(1) Except as provided under subdivision (b)(2) of this section, a truck, pickup truck, motor vehicle, or other vehicle of any nature owned, used, and operated by the commission is exempt from the payment of any fees and charges required by the laws of this state for the operation of the vehicles upon the public highways of this state.

(2) However, the commission shall pay the initial fees and charges required by state law to register the vehicle and enter the vehicle in the state licensing and registration system.

History. Acts 2011, No. 638, § 1.

Subchapter 2 — Definitions

SECTION.

27-14-201. Applicability.
27-14-202. Commissioner and office.
27-14-203. Person and owner.
27-14-204. Nonresident and resident.
27-14-205. Dealer, transporter, and manufacturer.
27-14-206. Established place of business.
27-14-207. Definitions.
27-14-208. Foreign vehicle.
27-14-209. Trucks.
27-14-210. Trailers.
27-14-211. Special mobile equipment.
27-14-212. Implements of husbandry.
27-14-213. Specially constructed and reconstructed vehicles.
27-14-214. Essential parts.
27-14-215. Tires.
27-14-216. Street or highway.

27-14-201. Applicability.

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

History. Acts 1949, No. 142, § 1; A.S.A. 1947, § 75-101.

27-14-202. Commissioner and office.

(a) "Commissioner" means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles in this state.

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

History. Acts 1949, No. 142, § 10; A.S.A. 1947, § 75-110.

27-14-203. Person and owner.

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

(b) "Owner" means a person who holds the legal title of a vehicle. In the event a vehicle is the subject

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

History. Acts 1949, No. 142, § 11; A.S.A. 1947, § 75-111.

27-14-204. Nonresident and resident.

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

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

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

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

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

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

History. Acts 1949, No. 142, § 12; A.S.A. 1947, § 75-112; Acts 1993, No. 445, § 39; 1999, No. 912, § 1.

27-14-205. Dealer, transporter, and manufacturer.

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

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

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

History. Acts 1949, No. 142, § 13; A.S.A. 1947, § 75-113.

27-14-206. Established place of business.

"Established place of business" means the place actually occupied, either continuously or at regular periods, by a dealer or manufacturer, where his books and records are kept and a large share of his business is transacted.

History. Acts 1949, No. 142, § 14; A.S.A. 1947, § 75-114.

27-14-207. Definitions.

As used in this chapter:

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

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

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

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

(3) "Mobile home" means a structure:

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

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

(4) "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, excluding a tractor;

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

(6) "Motor vehicle" 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;

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

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

History. Acts 1949, No. 142, § 2; 1959, No. 307, § 1; 1973, No. 596, § 1; A.S.A. 1947, § 75-102; Acts 1991, No. 730, § 2; 2003, No. 1473, § 67; 2005, No. 1991, § 4; 2009, No. 317, § 1.

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.

History. Acts 1949, No. 142, § 6; A.S.A. 1947, § 75-106.

27-14-209. Trucks.

(a) "Truck tractor" means every motor vehicle designed and used primarily for drawing other ve-

hicles 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.

History. Acts 1949, No. 142, § 3; A.S.A. 1947, § 75-103.

27-14-210. 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.

(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.

History. Acts 1949, No. 142, § 4; A.S.A. 1947, § 75-104.

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

History. Acts 1949, No. 142, § 8; A.S.A. 1947, § 75-108.

27-14-212. Implements of husbandry.

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

History. Acts 1949, No. 142, § 7; 1959, No. 307, § 3; A.S.A. 1947, § 75-107; Acts 2005, No. 1991, § 1.

27-14-213. Specially constructed and reconstructed vehicles.

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

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

History. Acts 1949, No. 142, § 5; A.S.A. 1947, § 75-105.

27-14-214. Essential parts.

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

History. Acts 1949, No. 142, § 5; A.S.A. 1947, § 75-105.

27-14-215. Tires.

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

(b) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

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

History. Acts 1949, No. 142, § 9; A.S.A. 1947, § 75-109.

27-14-216. Street or highway.

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

History. Acts 1949, No. 142, § 15; A.S.A. 1947, § 75-115.

Subchapter 3 — Penalties and Administrative Sanctions

SECTION.

27-14-301. Penalty for misdemeanor.
27-14-302. Penalty for felony.
27-14-303. Fraudulent applications.
27-14-304. Operation of vehicles without license plates.
27-14-305. Penalty for using or making unofficial license plates.
27-14-306. Improper use of evidences of registration.
27-14-307. False evidences of title or registration.
27-14-308. Authority to suspend or revoke registration or certificate of title, etc.

SECTION.
27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.
27-14-310. Improper activities by manufacturer, transporter, or dealer.
27-14-311. Appeal of revocation by dealer.
27-14-312. Returning evidences of registration upon cancellation, etc.
27-14-313. Disposition of misdemeanor fines and forfeitures.
27-14-314. Additional penalties — Disposition of fines.

27-14-301. Penalty for misdemeanor.

(a) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is, by this chapter or other law of this state, declared to be a felony.

(b) Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

History. Acts 1949, No. 142, § 86; A.S.A. 1947, § 75-186.

27-14-302. Penalty for felony.

Any person who is convicted of a violation of any of the provisions of this chapter or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one (1) year nor more than five (5) years or by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000), or by both such fine and imprisonment.

History. Acts 1949, No. 142, § 87; A.S.A. 1947, § 75-187.

27-14-303. Fraudulent applications.

Any person who fraudulently uses a false or fictitious name or address in any application for the registration of a vehicle or a certificate of title or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any application shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than one (1) year, or both.

History. Acts 1949, No. 142, § 75; A.S.A. 1947, § 75-175.

27-14-304. Operation of vehicles without license plates.

(a) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered under this chapter unless there shall be attached thereto and displayed thereon, when and as required by this chapter, a valid license plate issued therefor by the office for the current registration year, except as otherwise expressly permitted in this chapter.

(b) Any violation of this section is a misdemeanor.

History. Acts 1949, No. 142, § 76; 1965 (2nd Ex. Sess.), No. 4, § 2; A.S.A. 1947, § 75-176.

27-14-305. Penalty for using or making unofficial license plates.

(a) It shall be unlawful for the owner of any automobile, Class One truck, trailer or semitrailer, motorcycle, or motorcycle sidecar to display any license plate on the rear of the vehicle that is not furnished by the Director of the Department of Finance and Administration.

(b)(1) It shall be unlawful for any person, firm, or corporation to reproduce, paint, or alter any license plate or registration card in this state.

(2) For purposes of this section, "license plate" means any plate designed to be affixed to the rear of a motor vehicle, including without limitation:

(A) Plates advertising a new or used car dealership or other type of business;

(B) Rental car company identification plates; or

(C) Temporary cardboard buyer's tags under § 27-14-1705.

(c) Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

History. Acts 1929, No. 65, § 36; Pope's Dig., § 6636; Acts 1965, No. 493, § 8; A.S.A. 1947, § 75-236; Acts 2005, No. 1929, § 5; 2009, No. 186, § 1.

27-14-306. Improper use of evidences of registration.

(a) No person shall lend to another any certificate of title, registration certificate, registration plate, special plate, or permit issued to him or her if the person desiring to borrow it would not be entitled to the use thereof, nor shall any person knowingly permit their use by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, registration plate, or permit not issued for the vehicle or not otherwise lawfully thereon under this chapter.

(b) Any violation of this section is a misdemeanor.

History. Acts 1949, No. 142, § 77; A.S.A. 1947, § 75-177.

27-14-307. False evidences of title or registration.

It is a felony for any person to commit any of the following acts:

(1) To alter, with fraudulent intent, any certificate of title, registration certificate, registration plate, manufacturer's certificate of origin, or permit issued by the Office of Motor Vehicle;

(2) To forge or counterfeit any such document or plate purporting to have been issued by the office or by the manufacturer;

(3) To alter or falsify, with intent to defraud or mislead, or with intent to evade the registration laws, any assignment upon a certificate of title or upon a manufacturer's certificate of origin;

(4) To hold or use any such document or plate knowing it to have been so altered, forged, or falsified.

History. Acts 1949, No. 142, § 78; 1957, No. 368, § 1; A.S.A. 1947, § 75-178.

27-14-308. Authority to suspend or revoke registration or certificate of title, etc.

The Office of Motor Vehicle is authorized to suspend or revoke the registration of a vehicle, a certificate of title, registration certificate, registration plate, or any nonresident or other permit in any of the following events:

(1) When the office is satisfied that the registration or that the certificate, plate, or permit was fraudulently or erroneously issued;

(2) When the office determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(3) When a registered vehicle has been dismantled or wrecked;

(4) When the office determines that the required fee has not been paid and it is not paid upon reasonable notice and demand;

(5) When a registration certificate, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;

(6) When the office determines that the owner has committed any offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;

(7) When the office is so authorized under any other provision of law; or

(8) When the owner of a commercial truck is not authorized to operate by the United States Department of Transportation due to safety-related violations.

History. Acts 1949, No. 142, § 79; A.S.A. 1947, § 75-179; Acts 2003, No. 854, § 1.

27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.

(a) Upon sufficient proof or information that any motor vehicle has been licensed and registered in this state without the tax due on all the personal property of the applicant having been paid or without having been listed for assessment or assessed, the Director of the Department of Finance and Administration is authorized to revoke the license and registration of the motor vehicle.

(b) The provisions of this section shall not apply to dealer's license and registration.

History. Acts 1951, No. 130, § 2; 1953, No. 144, § 2; A.S.A. 1947, § 75-179.1.

27-14-310. Improper activities by manufacturer, transporter, or dealer.

The Office of Motor Vehicle is authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any person is not lawfully entitled thereto, has made, or knowingly permitted, any illegal use of such plates, has committed fraud in the registration of vehicles, or has failed to give notices of transfers when and as required by this chapter.

History. Acts 1949, No. 142, § 80; A.S.A. 1947, § 75-180.

27-14-311. Appeal of revocation by dealer.

(a)(1) Any dealer whose license or permit has been revoked by the Director of the Department of Finance and Administration may appeal to the circuit court of the county in which the dealer's license or permit was issued, within thirty (30) days, by filing a petition and bond as in other cases of appeal to the circuit court.

(2) The bond shall be conditioned that the petitioner will perform the judgment of the circuit court.

(3) The trial in the circuit court shall be held de novo.

(b) If aggrieved by the judgment of the circuit court, the petitioner may appeal to the Supreme Court of this state as in other civil cases.

(c) The bonds shall be approved by the clerk of the court as in other appeals in civil cases.

History. Acts 1951, No. 150, § 2; A.S.A. 1947, § 75-180.2.

27-14-312. Returning evidences of registration upon cancellation, etc.

Whenever the Office of Motor Vehicle, as authorized under this chapter cancels, suspends, or revokes the registration of a vehicle or a certificate of title, registration certificate, or license plate, or any nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of it shall immediately return the evidences of registration, title, or license so cancelled, suspended, or revoked to the office.

History. Acts 1949, No. 142, § 81; A.S.A. 1947, § 75-181.

27-14-313. Disposition of misdemeanor fines and forfeitures.

(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter constituting a misdemeanor shall be deposited in the treasury of the county, city, or town maintaining the court wherein the conviction or forfeiture was had in a special fund to be known as the Highway Improvement Fund.

(b) The fund is created and shall be used exclusively in the construction, maintenance, and repair of public highways and highway structures or for the installation and maintenance of traffic control devices thereon within the respective jurisdictions.

(c) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving, or having custody of, such fine or forfeiture, either before or after a deposit in the fund, to comply with the provisions of this section shall constitute misconduct in office and shall be grounds for removal.

History. Acts 1949, No. 142, § 88; A.S.A. 1947, § 75-188.

27-14-314. Additional penalties — Disposition of fines.

(a)(1) A person who while driving a motor vehicle is arrested for failure to register the motor vehicle upon conviction shall be subject to a penalty in addition to any other penalty provided by law.

(2) The additional penalty shall be:

(A) Not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for the first offense, and the minimum fine shall be mandatory; or

(B) Not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250) for the second and subsequent offenses, and the minimum fine shall be mandatory.

(b)(1) If a person is convicted of two (2) offenses under subsection (a) of this section within one (1) year, the court may order that the unregistered vehicle be impounded until proof of motor vehicle registration is submitted to the court.

(2) The owner of the vehicle impounded shall be responsible for all costs of impoundment.

(c)(1) If the arresting officer is an officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit into the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles.

(2) If the arresting officer is a county law enforcement officer, the fine collected shall be deposited into that county fund used for the purchase and maintenance of:

(A) The following:

(i) Rescue, emergency medical, and law enforcement vehicles;

(ii) Communications equipment;

(iii) Animals owned or used by law enforcement agencies; and

(iv) Life-saving medical apparatus; and

(B) Law enforcement apparatus to be used for the purposes set out in subdivision (c)(2)(A) of this section.

(3) If the arresting officer is a municipal law enforcement officer, the fine collected shall be deposited into that municipal fund used for the purchase and maintenance of:

(A) The following:

(i) Rescue, emergency medical, and law enforcement vehicles;

(ii) Communications equipment;

(iii) Animals owned or used by law enforcement agencies; and

(iv) Life-saving medical apparatus; and

(B) Law enforcement apparatus to be used for the purposes set out in subdivision (c)(3)(A) of this section.

History. Acts 2011, No. 876, § 2.

Publisher's Notes. Former § 27-14-314, concerning additional penalties and disposition of fines, was repealed by Acts 2009, No. 633, § 21. The section was derived from Acts 1991, No. 988, § 2; 1993, No. 230, § 1; 2001, No. 1408, § 2; 2003, No. 1765, § 32.

Subchapter 4 — Office of Motor Vehicle

SECTION.

27-14-401. Creation.
27-14-402. Commissioner to head.
27-14-403. Powers and duties of commissioner.
27-14-404. Organization.
27-14-405. Police authority generally.
27-14-406. Authority to take possession.
27-14-407. Summons of witnesses.
27-14-408. Manner of giving notice.
27-14-409. Processing of applications.
27-14-410. Forms.
27-14-411. Oaths and signatures.
27-14-412. Records.
27-14-413. Distribution of laws.
27-14-414. Vehicle insurance database.

27-14-401. Creation.

An office of the government of this state to be known as the "Office of Motor Vehicle" is created.

History. Acts 1949, No. 142, § 16; A.S.A. 1947, § 75-116.

27-14-402. Commissioner to head.

The Office of Motor Vehicle shall be under the control of a civil executive officer to be known as the "Commissioner of Motor Vehicles" who shall be the Director of the Department of Finance and Administration.

History. Acts 1949, No. 142, § 17; A.S.A. 1947, § 75-117.

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

(a) The Commissioner of Motor Vehicles is vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this chapter and of all laws regulating the operation of vehicles or the use of the highways, the

enforcement or administration of which is vested in the Office of Motor Vehicle.

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

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

History. Acts 1949, No. 142, § 20; A.S.A. 1947, § 75-120.

27-14-404. Organization.

(a) The Commissioner of Motor Vehicles shall organize the office in such manner as he may deem necessary and proper to segregate and conduct the work of the Office of Motor Vehicle.

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

(c) The commissioner shall maintain an office in the State Capitol and in such other places in the state as he may deem necessary and proper to carry out the powers and duties vested in the office.

History. Acts 1949, No. 142, §§ 18, 19, 21; A.S.A. 1947, §§ 75-118, 75-119, 75-121.

27-14-405. Police authority generally.

The Commissioner of Motor Vehicles and such officers and inspectors of the Office of Motor Vehicle as he or she shall designate shall have the power:

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

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

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

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

(5) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;

(6) To investigate reported thefts of motor vehicles, trailers, and semitrailers.

History. Acts 1949, No. 142, § 30; A.S.A. 1947, § 75-130.

27-14-406. Authority to take possession.

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

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

History. Acts 1949, No. 142, § 26; A.S.A. 1947, § 75-126.

27-14-407. Summons of witnesses.

(a)(1) The Commissioner of Motor Vehicles and officers of the Office of Motor Vehicle designated by him or her shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the office.

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

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

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

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

History. Acts 1949, No. 142, § 28; A.S.A. 1947, § 75-128.

27-14-408. Manner of giving notice.

(a) Whenever the Office of Motor Vehicle is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, the notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at his address as shown by the records of the office.

(b) The giving of notice by mail is complete upon the expiration of four (4) days after the deposit of the notice.

(c) Proof of the giving of notice in either manner may be made by the certificate of any officer or employee of the office or affidavit of any person over eighteen (18) years of age, naming the person to

whom the notice was given and specifying the time, place, and manner of giving.

History. Acts 1949, No. 142, § 29; A.S.A. 1947, § 75-129.

27-14-409. Processing of applications.

(a) The Office of Motor Vehicle shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, for a certificate of title therefor, and of any other application lawfully made to the office.

(b) The office may, in all cases, make investigation as may be deemed necessary or require additional information and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof, or of the truth of any statement contained therein, when authorized by law.

(c)(1) If the office is not satisfied as to the ownership of a vehicle or that there are no undisclosed security interests in it, the office may accept the application, but shall, as a condition of issuing a certificate of title, require the applicant to file with the office a bond in the form prescribed by the office.

(2) The bond shall be in an amount equal to one and one-half (1.5) times the value of the vehicle, as determined by the office.

(3)(A) The bond shall be conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle, or person acquiring any security interest in it, and their respective successors in interest, heirs, or assigns against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle.

(B) Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond.

(4) The bond, and any deposit accompanying it, shall be returned at the end of three (3) years, unless the office has been notified of the pendency of an action to recover on the bond.

History. Acts 1949, No. 142, § 25; A.S.A. 1947, § 75-125; Acts 1993, No. 1013, § 1; 1995, No. 268, § 5.

27-14-410. Forms.

The Commissioner of Motor Vehicles shall prescribe and provide suitable forms of applications, certificates of title, registration certificates, and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the Office of Motor Vehicle.

History. Acts 1949, No. 142, § 22; A.S.A. 1947, § 75-122.

27-14-411. Oaths and signatures.

(a) Officers and employees of the Office of Motor Vehicle designated by the Commissioner of Motor Vehicles are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures.

(b) They shall do so without fee.

History. Acts 1949, No. 142, § 23; A.S.A. 1947, § 75-123.

27-14-412. Records.

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

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

(b)(1) The Commissioner of Motor Vehicles and such officers of the office as the commissioner may designate are authorized to prepare under the seal of the office and deliver upon request a certified copy of any record of the office.

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

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

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

History. Acts 1949, No. 142, §§ 23, 24; A.S.A. 1947, §§ 75-123, 75-124; Acts 1987, No. 371, § 1.

27-14-413. Distribution of laws.

The Office of Motor Vehicle may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy without charge with each original vehicle registration.

History. Acts 1949, No. 142, § 27; A.S.A. 1947, § 75-127.

27-14-414. Vehicle insurance database.

(a) There is created the Vehicle Insurance Database within the Revenue Division of the Department of Finance and Administration to develop, establish, and maintain a database of information to verify compliance with the motor vehicle liability insurance laws of Arkansas set out in § 27-22-101 et seq.

(b)(1) The Vehicle Insurance Database shall be administered by the division with the assistance of

the Department of Information Systems or any other designated agent which may be contracted with to supply technical database and data processing expertise.

(2) The Vehicle Insurance Database shall be developed and maintained in accordance with guidelines established by the division so that the state and local law enforcement agencies can access the Vehicle Insurance Database to check the current insurance coverage on motor vehicles in Arkansas required to maintain current liability insurance as required by law.

(c) The division shall have the authority to enter into or to make agreements, arrangements, or declarations necessary to carry out the provisions of this section.

(d) The reports shall be retained by the Department of Finance and Administration so as to keep a twelve-month history of the insurance record of the vehicle for at least the preceding full twelve-month period.

(e)(1) Upon request, the Department of Finance and Administration may release an individual's information in the Vehicle Insurance Database to:

(A) That individual;

(B) The parent or legal guardian of that individual who is under eighteen (18) years of age or who is legally incapacitated; and

(C) State and local law enforcement agencies, to the Arkansas Crime Information Center, or to other government offices upon a showing of need.

(2) Otherwise, all data and information received by the Vehicle Insurance Database are confidential and are not subject to examination or disclosure as public information under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(f) The department or the reporting company shall not be liable for any damages to any property or person due to any act or omission in the reporting of or keeping of any record or information under the Vehicle Insurance Database or the issuing or renewing of any motor vehicle registration in accordance with the Vehicle Insurance Database.

(g) The Director of the Department of Finance and Administration shall have the authority to adopt rules and regulations necessary to carry out the provisions of this section.

History. Acts 1997, No. 991, § 5.

Subchapter 5 — Commission for Reciprocal Agreements

SECTION.
27-14-501. Creation.
27-14-502. Agreements generally.
27-14-503. [Repealed.]
27-14-504. Proportionate refund of registration fees authorized.

27-14-501. Creation.

An ex officio commission, composed of the Director of the Department of Finance and Administration, who shall serve as chair, the Chair of the State Highway Commission, and the Director of State Highways and Transportation, is established for the purpose of representing the State of Arkansas in the matter of making reciprocal agreements relating to the operation of motor vehicles.

History. Acts 1945, No. 60, § 1; A.S.A. 1947, § 75-250; Acts 1989 (1st Ex. Sess.), No. 153, § 4.

27-14-502. Agreements generally.

(a) The commission is authorized to negotiate and consummate reciprocal agreements with the duly authorized officials or representatives of any states of the United States, whereby residents of such other states who operate commercial motor vehicles may allocate and apportion the registration of such commercial motor vehicles in accordance with any formula mutually agreed upon between the commission and the representatives or officials of such state if residents of this state are granted the same allocation and apportionment privileges for commercial motor vehicles' registration in such other state.

(b) Nothing in this section shall be construed as relieving any motor vehicle owner or operator from complying with all laws, rules, and regulations pertaining to the safety of operation of motor vehicles, the highway maximum weight standards, and the preservation of the highways of this state.

(c)(1) In the making of any reciprocal agreement, the commission shall exercise due regard for the advantage and convenience of resident motor vehicle owners and the citizens of this state.

(2) No agreement shall be entered into with any state extending privileges and exemptions to motor vehicle operators of such state unless that state accords equal or greater privileges and exemptions to Arkansas motor vehicle operators.

History. Acts 1945, No. 60, §§ 2, 3; 1975, No. 495, § 1; A.S.A. 1947, §§ 75-251, 75-252.

27-14-503. [Repealed.]

Publisher's Notes. This section, concerning registration and licensing of semitrailers under reciprocal agreements, was repealed by Acts 1997, No. 809, § 8. The section was derived from Acts 1979, No. 611, §§ 1, 2; A.S.A. 1947, §§ 75-251.1, 75-251.2.

27-14-504. Proportionate refund of registration fees authorized.

(a) The Director of the Department of Finance and Administration is authorized to refund a proportionate part of the registration fees paid to this state under the provisions of the International Registration Plan which became effective July 1, 1976, under the following conditions:

(1) The registrant has discontinued operations in the State of Arkansas;

(2) The vehicle registered has been totally destroyed; or

(3) The registrant has changed his operations in Arkansas such that registration under the International Registration Plan would no longer be appropriate in this state.

(b) The refund will be in an amount equal to that proportionate amount of the remaining registration year beginning with the month next following that month in which the director is notified that the registrant wishes to cancel his registration by surrendering all registration documents and license plates.

(c) The director is authorized to promulgate such rules and regulations as may be necessary to effectuate the terms of this section.

History. Acts 1977, No. 313, §§ 2-4; A.S.A. 1947, §§ 75-252.1 — 75-252.3.

Subchapter 6 — Registration and License Fees

SECTION.

27-14-601. Fees for registration and licensing of motor vehicles.
27-14-602. Registration fees.
27-14-603. Fee for special numbered license plates.
27-14-604. Refunds.
27-14-605. Credit if vehicle destroyed.
27-14-606. Disposition.
27-14-607. Alternate registration procedures.
27-14-608. Payment by credit card.
27-14-609. Provision of information.
27-14-610. Permanent registration of a fleet of motor vehicles.
27-14-611. Registration for nonprofit motor vehicle fleets.
27-14-612. Multiyear personal-use vehicle registration.

TRUCK AND TRAILER FEE SCHEDULE

Based on Gross Loaded Weight

CLASS 1—PREFIX "A"

Factory Rates 1 Ton Or Less Pickup	$ 21.00

CLASS 2—PREFIX "B"
Rate $ 6.50 Per Thousand

6,001	$ 39.00
7,000	46.00
8,000	52.00
9,000	59.00
10,000	65.00
11,000	72.00
12,000	78.00
13,000	85.00
14,000	91.00
15,000	98.00
16,000	104.00
17,000	111.00
18,000	117.00
19,000	125.00
20,000	130.00

CLASS 3—PREFIX "C"
Rate $ 8.45 Per Thousand

20,001	$ 169.00
21,000	177.00
22,000	186.00
23,000	194.00
24,000	203.00
25,000	211.00
26,000	220.00
27,000	228.00
28,000	237.00
29,000	245.00
30,000	254.00
31,000	262.00
32,000	270.00
33,000	279.00
34,000	287.00
35,000	296.00
36,000	304.00
37,000	313.00
38,000	321.00
39,000	330.00
40,000	338.00

CLASS 4—PREFIX "D"
Rate $ 11.50 Per Thousand

40,001	$ 442.00
41,000	453.00
42,000	464.00
43,000	475.00
44,000	486.00
45,000	497.00
46,000	508.00
47,000	519.00
48,000	530.00
49,000	541.00
50,000	553.00
51,000	564.00
52,000	575.00
53,000	586.00
54,000	597.00
55,000	608.00
56,000	644.00

CLASS 5—PREFIX "E"
Rate $ 12.35 Per Thousand

56,001	$ 692.00
57,000	704.00
58,000	716.00
59,000	729.00
60,000	741.00

CLASS 6—PREFIX "H"

Rate $ 13.65 Per Thousand

60,001	.....	$ 819.00
61,000	.....	833.00
62,000	.....	846.00
63,000	.....	860.00
64,000	.....	874.00
65,000	.....	887.00
66,000	.....	901.00
67,000	.....	915.00
68,000	.....	928.20

CLASS 7—PREFIX "J" AND "K"

Rate $ 14.30 Per Thousand

"J"		
68,001	.....	$ 972.00
69,000	.....	987.00
70,000	.....	1,001.00
71,000	.....	1,015.00
72,000	.....	1,030.00
73,000	.....	1,044.00
73,280	.....	1,048.95
"K"		
73,281	.....	$ 1,350.00
74,000	.....	1,350.00
75,000	.....	1,350.00
76,000	.....	1,350.00
77,000	.....	1,350.00
78,000	.....	1,350.00
79,000	.....	1,350.00
80,000	.....	1,350.00

CLASS 8—PREFIX "NR" AND "FARM"

NR — Forest Products, Clay, Minerals, and Ores
FARM — Farm Products

Rate $ 3.50 Per Thousand

(A) 2 Axle Vehicle		
8,000	.....	$ 32.50
9,000	.....	35.00
10,000	.....	39.00
11,000	.....	43.00
12,000	.....	47.00
13,000	.....	51.00
14,000	.....	55.00
15,000	.....	59.00
16,000	.....	62.00
17,000	.....	65.00
(B) 3 Axle Vehicle	.....	97.50
(C) 4 Axle Vehicle	.....	130.00
(D) 5 Axle Vehicle	.....	162.50
(E) Certain 5 Axle Vehicles hauling animal feed only	.....	650.00

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

(a) FEES GENERALLY. The fee for the registration and licensing of all motor vehicles shall be as follows:

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

(A) Class One — Automobiles of 3,000 lbs. or less $17.00;

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

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

(2) AUTOMOBILES FOR HIRE. For all automobiles for hire which are equipped with pneumatic tires and used for the transportation of persons, there shall be charged and collected the fee applicable thereto as set for pleasure vehicles in subdivision (a)(1) of this section;

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

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

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

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

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

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

(F) Class Six — On all such vehicles with a gross loaded weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of thirteen dollars and sixty-five cents ($13.65) per thousand pounds of gross loaded weight of the vehicles;

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

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

(H) Class Eight.

(i) In order to aid in the development of the natural resources and to promote agriculture, timber harvesting, and forestry in Arkansas and in order to eliminate apparent inequities in license charges for vehicles using only improved roads and those used primarily on the farm, for timber harvesting or forestry, in the wooded areas, and off the main highway system of this state, a special classification is created to provide a different and more equitable rate for those vehicles used exclusively for the noncommercial hauling of farm or timber products produced in this state and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or the hauling of animal feed by owners of livestock or poultry for consumption in this state by livestock or poultry owned by them and for those vehicles used in the hauling of unfinished and unprocessed forest products and clay minerals and ores originating in Arkansas from the point of severance to a point in the state at which they first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state. Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary, farmers may transport cotton seed from the gin or warehouse to the first point of sale under this special classification. Rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semifinished product other than crushed rock or crushed stone, shall not be construed as clay minerals or ores under the provisions of this classification. Notwithstanding any provision of this subdivision (a)(3)(H) or any other law to the contrary, persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

(ii) The annual license fees for vehicles classified as either farm or natural resources vehicles shall be as follows:

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

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

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

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

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

(f) Notwithstanding any of the provisions of this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated separately or in combination with other vehicles, which vehicle or combination has a total outside width in excess of one hundred two inches (102″) but not exceeding one hundred eight inches (108″) and is utilized or intended to be utilized to transport compacted seed cotton, the annual license fee shall be six hundred fifty dollars ($650). Provided, any full trailer or semitrailer used in combination with such registered vehicle shall also be registered in accordance with and pursuant to the applicable fees set out in subdivision (a)(3)(I) of this section. That portion of the annual license fee established

by this subdivision (a)(3)(H)(ii)(*f*) which equals four hundred eighty-seven dollars and fifty cents ($487.50) is declared to be a permit fee for the use of the public roads and streets of this state by such vehicles while operated separately or in combination with other vehicles due to the unusual design and size of such vehicles or combinations of vehicles.

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

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

(iv) The Director of the Department of Finance and Administration shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate farm license plates to be established for those vehicles used in the noncommercial hauling of farm products produced in this state, and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or compacted seed cotton and separate natural resources license plates to be established for those vehicles hauling timber products, clay minerals, or ores.

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

(b) If the applicant is the owner of a mini-truck, then the affidavit shall state that the vehicle is being used exclusively for farm purposes and that the mini-truck meets the other requirements of § 27-14-726.

(vi)*(a)* Upon submitting an affidavit, any person entitled to obtain a farm license for a motor vehicle used for hauling farm products as authorized under this classification, if the vehicle is required for only seasonal or occasional use, may be issued a farm license for the vehicle for the first six (6) months of the annual licensing period at a rate equal to one-half (½) of the annual fee but in no event less than sixty-five dollars ($65.00) or for the last month of the current annual licensing period and the first six (6) months of the subsequent annual licensing period at a rate equal to seven-twelfths (7/12) of the annual fee but in no event less than seventy-five dollars ($75.00).

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

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

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

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

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

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

(xii) The owner of a mini-truck under § 27-14-726 may license and register the mini-truck as a Class Eight farm vehicle if the vehicle is used for farm purposes;

(I) Class Nine.

(i)*(a)* For the purpose of evidencing registration of trailers, semitrailers, and full trailers, there shall be issued special license plates and annual registration fees charged and collected according to the following schedule:

(1) All trailers drawn by automobiles and Class One trucks, and all boat trailers and travel trail-

ers drawn by any truck, which truck has a load capacity of one (1) ton or less, a triennial fee of twenty-one dollars ($21.00). Provided, however, every owner of a trailer drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, purchased or otherwise acquired on or after January 1, 2002 shall pay thirty-six dollars ($36.00) for the issuance of a permanent registration that shall remain valid, without renewal, until the owner of the trailer sells or otherwise disposes of the trailer for which the registration is issued. Permanent registration issued under this subdivision (a)(3)(I)(i)(*a*)(*1*) shall not be transferred to other owners or other vehicles, and shall not be replaced under § 27-14-602(b)(6). Any owner of a trailer registered under the provisions of this subdivision before January 1, 2002 may, at his or her option, upon expiration of such registration, pay thirty-six dollars ($36.00) for the issuance of a permanent registration as authorized in this subdivision (a)(3)(I)(i)(*a*)(*1*);

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

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

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

(b) For the purpose of evidencing registration of a combination of truck-trailer and semitrailer classified by subdivision (a)(3)(I)(i)(*a*)(*2*), the license fee for the gross weight of the combination shall be computed at the appropriate rate provided by Class Two — Class Eight of subdivision (a)(3) of this section and shall be applied to the registration of the truck tractor.

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

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

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

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

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

(J)(i) The director shall cause to be issued special and distinctive license plates for vehicles licensed under Class Two — Class Seven in this section, which are utilized as wreckers or tow vehicles and that hold a permit issued by the Arkansas Towing and Recovery Board under § 27-50-1203 and the rules and regulations promulgated thereunder.

(ii) Before any license may be issued for a vehicle designated as a wrecker or tow vehicle, the applicant shall furnish to the director a certification from the board that the wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the board.

(iii) Beginning January 1, 2008, every wrecker or tow vehicle permitted by the board shall obtain upon initial registration or at the time of next renewal a distinctive wrecker or tow vehicle license plate.

(iv) In addition to the fee for the respective Class Two — Class Seven license, the director may assess a handling and administrative fee in the amount of ten dollars ($10.00) for each distinctive wrecker or tow vehicle license plate.

(v) A wrecker or tow vehicle licensed pursuant to the International Registration Plan may obtain the distinctive wrecker or tow vehicle license plate to be displayed in addition to any license plate held pursuant to the International Registration Plan;

(4) MOTORCYCLES.

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

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

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

(5) HEARSES AND AMBULANCES. For the registration of hearses and other funeral cars or ambulances, there shall be charged and collected a fee of forty-five dollars and fifty cents ($45.50) per annum; and

(6) DEALERS.

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

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

(ii)*(a)* Except as provided in subdivision (a)(6)(B)(iv) of this section for dealers who sell only all-terrain vehicles, upon furnishing the certification to the director, or a copy of the dealer's license from either the Department of Arkansas State Police or the Arkansas Motor Vehicle Commission and the payment of a fee of one hundred dollars ($100), the dealer shall be issued a master license plate and upon the payment of a fee of twenty-five dollars ($25.00) shall be issued a dealer's extra license plate as provided in § 27-14-1704. However, the dealer must secure a master license plate for each separate place of business.

(b) No more than one (1) dealer's extra license plate shall be issued for each manager, sales manager, or salesperson of the dealer as authorized under § 27-14-1704, regardless of whether the dealer sells automobiles, motorcycles, or both automobiles and motorcycles.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's master and extra license plates for motorcycles. Motorcycle dealers shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle other than a motorcycle unless the dealer provides proof to the satisfaction of the Office of Motor Vehicle that the dealer is also in the business of selling new or used motor vehicles of the type for which the dealer plate is sought.

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

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

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's license plates for manufactured homes. Manufactured home dealers shall not be provided and shall not be authorized to use dealer's license plates designed for a motor vehicle, motorcycle, or anything other than a manufactured home.

(iv)*(a)* Upon furnishing certification to the director or a copy of the dealer's license from the Arkansas Motor Vehicle Commission and upon the payment of one hundred dollars ($100), dealers engaged exclusively in the business of buying and selling all-terrain vehicles, as defined in § 27-21-102, shall be issued certification from the director for the purpose of assigning all-terrain vehicle titles.

(b) Each dealer location shall be treated as a separate entity, and certification by the director shall be required for each location.

(c) Notwithstanding any other provision of this chapter, all-terrain vehicle dealers that are engaged solely in the business of buying and selling all-terrain vehicles shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle required to be registered for operation on public streets and highways.

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

(D) In addition to any other penalty prescribed by this chapter, any dealer, manager, sales manager, or salesperson of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's master license plate or dealer's extra license plate or of allowing anyone else to misuse a dealer's master license plate or dealer's extra license plate shall be fined not more than two hundred fifty dollars ($250) for the first offense, not more than five hundred dollars ($500) for the second offense, and not more than one

thousand dollars ($1000) for the third and subsequent offenses.

(b) PERIOD COVERED AND EXPIRATION OF REGISTRATION.

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

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

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

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

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

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

(c) NATURE OF FEES. Each of the fees authorized in this section is declared to be a tax for the privilege of using and operating a vehicle on the public roads and highways of the State of Arkansas.

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

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

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

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

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

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

(e) PENALTY.

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

(2) If the arresting officer is:

(A) An officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Division of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Fund Section of the Division of Administrative Services of the Department of Finance and Administration for deposit into the Department of Arkansas State Police Fund, to be used for the purchase and maintenance of state police vehicles;

(B) An officer of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Division of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Fund Section of the Division of Administrative Services of the Department of Finance and Administration for deposit into the State Highway and Transportation Department Fund, to be used for the purchase and maintenance of highway police vehicles;

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

(D) A municipal law enforcement officer, the fine collected shall be deposited in that munici-

pality's fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes.

History. Acts 1929, No. 65, § 24; 1931, No. 237, § 1; 1933, No. 6, § 1; 1933, No. 36, §§ 1, 2; 1933, No. 44, § 1; 1933, No. 51, § 1; 1934 (2nd Ex. Sess.), No. 11, §§ 31-33; Pope's Dig., §§ 6615, 11270-11272; Acts 1941, No. 377, § 1; 1943, No. 205, § 1; 1949, No. 235, §§ 1, 8; 1951, No. 59, § 1; 1951, No. 78, § 1; 1953, No. 377, § 1; 1959, No. 462, § 2; 1963, No. 142, § 1; 1965, No. 493, § 8; 1965 (1st Ex. Sess.), No. 42, § 1; 1967, No. 21, § 1; 1967, No. 82, § 1; 1967, No. 452, § 1; 1971, No. 181, § 1; 1971, No. 348, § 1; 1971, No. 469, § 1; 1975, No. 194, § 1; 1975 (Extended Sess., 1976), No. 1235, §§ 1, 2; 1979, No. 440, §§ 1, 5; 1979, No. 671, §§ 23, 24; 1981, No. 63, §§ 1, 2; 1981, No. 692, §§ 1, 2; 1981, No. 797, § 1; 1983, No. 890, § 1; 1985, No. 415, § 2; 1985, No. 893, § 1; 1985, No. 1006, § 1; A.S.A. 1947, §§ 75-201, 75-201.7; Acts 1987, No. 145, § 1; 1987, No. 537, § 1; 1987, No. 945, § 5; 1989, No. 103, § 1; 1991, No. 96, §§ 1, 2; 1991, No. 219, §§ 1, 2, 6; 1992 (1st Ex. Sess.), No. 68, §§ 1, 2; 1992 (1st Ex. Sess.), No. 69, §§ 1, 2; 1993, No. 490, §§ 14, 15; 1993, No. 905, § 1; 1995, No. 357, § 5; 1995, No. 389, §§ 1, 2; 1997, No. 297, § 1; 1997, No. 809, § 1; 1997, No. 1047, § 1; 1999, No. 385, § 1; 1999, No. 1443, § 1; 2001, No. 330, § 1; 2001, No. 923, §§ 1, 2; 2001, No. 1431, § 1; 2003, No. 343, § 1; 2003, No. 361, § 1; 2003, No. 463, §§ 1, 2; 2003, No. 833, §§ 1, 2; 2005, No. 1929, § 1; 2005, No. 1934, § 17; 2005, No. 1950, § 1; 2007, No. 347, §§ 1, 2; 2007, No. 1412, § 5; 2009, No. 146, § 1.

27-14-602. Registration fees.

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

(b) The following fees shall be charged under this chapter by the Commissioner of Motor Vehicles:

(1) For each certificate of title $2.00
(2) For each duplicate certificate of title 2.00
(3) For noting each lien 50
(4) For transfer of registration 1.00
(5) For duplicate or substitute registration certificate 1.00
(6) For duplicate or substitute license plate .1.00

History. Acts 1949, No. 142, §§ 82, 83; 1965, No. 493, § 2; A.S.A. 1947, §§ 75-182, 75-183; Acts 2011, No. 718, § 1.

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

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

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

History. Acts 1953, No. 113, § 1; A.S.A. 1947, § 75-201.1.

27-14-604. Refunds.

(a) Whenever any application to the Office of Motor Vehicle is accompanied by any fee as required by law and the application is refused or rejected, the fee shall be returned to the applicant.

(b) Whenever the office through error collects any fee not required to be paid under this chapter, it shall be refunded to the person paying it upon application therefor made within six (6) months after the date of the payment.

History. Acts 1949, No. 142, § 84; A.S.A. 1947, § 75-184.

27-14-605. Credit if vehicle destroyed.

Upon satisfactory proof to the Director of the Department of Finance and Administration that any motor vehicle, duly licensed, has been completely destroyed by fire or collision, the owner of the vehicle may be allowed, on the purchase of a new license for another vehicle, a credit equivalent to the unexpired portion of the cost of the original license, dating from the first day of the next month after the date of the destruction.

History. Acts 1939, No. 386, § 23; A.S.A. 1947, § 75-260.

27-14-606. Disposition.

(a)(1) Fifty percent (50%) of the fees collected under § 27-14-602(b)(1) and (2) and one hundred percent (100%) of the fees collected under § 27-14-602(b)(3)-(6) shall be;

(A) Deposited into the 1995 New Revenue Division Building Fund as cash funds: and

(B) Used for the repayment of bonds that may be issued by or for the benefit of the Arkansas Revenue Department Building Commission under the 1995 New Revenue Division Building Act.

(2) Fifty percent (50%) of the fees collected under § 27-14-602(b)(1) and (2) shall be:

(A) Deposited into the State Treasury as trust funds and credited to the State Police Retirement Fund; and

(B) Used for the State Police Retirement System for the Department of Arkansas State Police.

(3) At least nine hundred twenty thousand dollars ($920,000) of the fees collected under subdivision (a)(1) of this section shall first be distributed to the 1995 New Revenue Division Building Fund and the Arkansas Revenue Department Building Commission under the 1995 New Revenue Division Building Act before distribution of the fees as provided under subdivision (a)(2) of this section.

(b) All fees collected by the circuit clerk and recorder as required by this chapter shall not be affected by the provisions of this section.

History. Acts 1949, No. 142, § 85; 1965, No. 493, § 3; A.S.A. 1947, § 75-185; Acts 1995, No. 725, § 7; 2011, No. 718, § 3.

27-14-607. Alternate registration procedures.

(a) The Director of the Department of Finance and Administration is authorized to allow vehicles to be registered for a renewal period of two years, if the director determines that such two-year renewal period would facilitate the vehicle registration process. If a vehicle registration is renewed for a two-year period, the renewal fee shall be twice the annual renewal fee for that vehicle, plus the cost of the annual license plate validation decal for both years for that vehicle.

(b) The director is authorized to provide for the registration of vehicles by mail, telephone, electronically, or any other method which the director determines would facilitate the vehicle registration process.

History. Acts 1997, No. 974, § 15.

27-14-608. Payment by credit card.

(a) The Director of the Department of Finance and Administration is authorized to promulgate regulations providing for payment by credit card of any fees or taxes due upon the issuance or renewal of a vehicle registration, except a vehicle registration issued or renewed under the provisions of § 27-14-601(a)(3)(B)-(H) or the provisions of § 27-14-601(a)(3)(I)(i)*(a)(2)-(4)*. The director may allow the payment of these fees or taxes by credit card if the director determines that payment by credit card would facilitate the administration of the motor vehicle registration program.

(b) The director is authorized to enter into contracts with credit card companies and to pay fees normally charged by those companies for allowing the use of their credit cards as authorized by this section.

(c)(1) From the net proceeds received, or receivable, from credit card companies for all fees or taxes paid by credit card, the director shall pay the full sum specified in § 27-14-1015(d)(1) to the Arkansas Development Finance Authority. The balance of the net proceeds received, or receivable, from credit card companies shall be prorated to the various funds for which they were collected and deposited into the State Treasury for transfer on the last business day of each month, in the same manner and to be used for the same purposes as all other fees and taxes collected upon the issuance or renewal of vehicle registrations.

(2) Any amounts deducted from the gross proceeds of vehicle registration fees or taxes paid by credit card, which are deducted for the purpose of paying credit card company fees, shall be cash funds not subject to appropriation and, if withheld by the director, shall be remitted by the director to credit card companies as required under contracts authorized by this section.

History. Acts 1997, No. 974, § 16.

27-14-609. Provision of information.

(a)(1) The Office of Motor Vehicle shall maintain on its website information to inform the citizens of the State of Arkansas of changes in the driving laws of the state.

(2) The office shall make the website address related to the information required under subdivision (a)(1) of this section available at all state revenue offices.

(b)(1) The office shall by July 1 of each year prepare a list and explanation of the most-violated driving or traffic laws during the previous year.

(2) The office shall make the information required under subdivision (b)(1) of this section available at all state revenue offices and on its website.

(c) The office is authorized to promulgate rules to administer the provisions of this subchapter.

History. Acts 2005, No. 2118, § 1.

27-14-610. Permanent registration of a fleet of motor vehicles.

(a) As used in this section:

(1) "Affiliate" means any entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another entity;

(2)(A) "Fleet of motor vehicles" means at least fifty (50) motor vehicles that are:

(i) Owned or leased by a person or entity described in § 26-26-1601(12)—(16) or affiliates of that person or entity; and

(ii) Used for business purposes.

(B) "Fleet of motor vehicles" includes commercial motor vehicles that are base-plated in the State of Arkansas or passenger motor vehicles otherwise subject to registration under this chapter.

(C) "Fleet of motor vehicles" does not include motor vehicles registered and governed under § 27-14-502 or motor vehicles registered under an international registration plan administered by a state other than Arkansas; and

(3) "Owns or controls" means owning or holding at least a majority of the outstanding voting power of an entity.

(b) Notwithstanding any other provision of this chapter, the registered owner or lessee of a fleet of motor vehicles may apply as provided in this section to the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration for a license plate with a decal identifying the vehicle as a fleet vehicle.

(c) The license plate issued under this section shall be the standard license plate for the class and type of vehicle otherwise required under this chapter with a decal bearing the word "fleet" at the bottom of the license plate.

(d)(1) Payment of all registration fees and fleet management fees under this section shall be paid in advance for a period of three (3) years.

(2)(A) The fees for renewal of a vehicle registration under this section shall be due and payable during the last month of the last year of the registration period.

(B) Upon request, the office shall allow the owner of a fleet of motor vehicles to set all renewals for the fleet to occur in a month requested by the owner.

(3)(A) The office may shorten or lengthen the term of any renewal period under this section by rule and upon notice to all owners of a fleet registered under this section as necessary to provide a staggered system of renewal in which approximately one-third (⅓) of the vehicles in a fleet shall be renewed in any given year.

(e)(1) The fees for registration and renewal of registration of a vehicle under this section shall be the same amount as and shall be distributed in the same manner as the fees otherwise required under this chapter for the type and class of vehicle being registered.

(2)(A) In addition to the registration fees prescribed for issuance or renewal under this chapter, an annual fleet management fee of ten dollars ($10.00) per motor vehicle in the fleet of motor vehicles shall be charged.

(B) The annual fleet management fee shall be deposited as special revenues into the State Central Services Fund to be used exclusively for the benefit of the division.

(f)(1) Upon payment of the registration fees and fleet management fees as provided under subsection (e) of this section, the owner or lessee of the fleet of motor vehicles shall be issued a license plate with a decal for each motor vehicle in the fleet of motor vehicles registered under this section.

(2) Each license plate with a decal issued under this section shall bear a validation sticker as required for standard license plates issued under this chapter reflecting the period that the owner or lessee of the fleet of motor vehicles has paid in advance.

(g) A license plate with a decal issued under this section may be transferred to another vehicle of the same type and class in the same fleet of motor vehicles in the same manner and subject to the same fees prescribed in §§ 27-14-902 and 27-14-914.

(h) A license plate with a decal issued under this section that has been lost or destroyed may be replaced in the same manner and subject to the same fees prescribed in § 27-14-602.

(i) The office may adopt rules for the implementation, administration, and enforcement of this section.

History. Acts 2009, No. 1194, § 1.

27-14-611. Registration for nonprofit motor vehicle fleets.

(a) As used in this section:

(1) "Fleet of motor vehicles" means at least twenty-five (25) motor vehicles that are owned or leased by an organization and used for the organization's purposes; and

(2) "Organization" means a nonprofit organization or its affiliate that:

(A) Has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2011; and

(B) Is eligible to participate in the federal transit grant programs administered through the Arkansas State Highway and Transportation Department.

(b)(1) An organization may apply to the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration for the registration and licensing of its fleet of motor vehicles as provided under this section.

(2) The license plate issued under this section shall be the standard license plate for the class and type of vehicle otherwise required under this chapter and may be transferred to another motor vehicle of the same class and type owned by the same organization.

(c)(1) The registration and renewal fees shall be the same amount and shall be distributed in the same manner as the fees otherwise required for the class and type of vehicle being registered.

(2) Registration and renewal fee payments shall be paid in advance for either a period of two (2) or three (3) years.

(3) The registration and renewal fee payments are due and payable during the last month of the last year of the registration period.

(4) The organization may choose the month in which renewals occur.

(d)(1) Except as provided in subdivision (d)(2) of this section, in addition to the registration fees prescribed for issuance, an initial fleet management fee of ten dollars ($10.00) per motor vehicle shall be charged for the first year of registration as a fleet vehicle.

(2) The initial fleet management fee for a fleet of motor vehicles shall not exceed five hundred dollars ($500).

(3) The initial fleet management fee shall be deposited as special revenues into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(e)(1) For each motor vehicle registration or renewal, the organization shall provide the documents that the Office of Motor Vehicle requires.

(f)(1) The Office of Motor Vehicle may adopt rules for the implementation, administration, and enforcement of this section.

(2) If the Director of the Department of Finance and Administration determines that online renewals are available under this section, the organization may be allowed to renew online.

History. Acts 2011, No. 192, § 1.

27-14-612. Multiyear personal-use vehicle registration.

(a) As used in this section, "personal-use vehicle" means a pleasure vehicle registered under § 27-14-601(a)(1) or a Class One truck or van under § 27-14-601(a)(3)(A).

(b) The Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration shall offer a multiyear personal-use vehicle registration as provided under this section.

(c)(1) The owner of a personal-use vehicle may submit a multiyear personal-use vehicle registration for a period of two (2) years by providing the following information to the office with the application:

(A) All information necessary for the registration and licensing of the vehicle under law to include:

(i) Proof that property taxes have been timely paid for the preceding two (2) years; and

(ii) Proof that the motor vehicle has been insured as required under § 27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., for the preceding two (2) years; and

(B) Payment of the fees for registration and licensing for two (2) years.

(2) The owner of a personal-use vehicle may submit a multiyear personal-use vehicle registration for a period of three (3) years by providing the following information to the office with the application:

(A) All information necessary for the registration and licensing of the vehicle under law to include:

(i) Proof that property taxes have been timely paid for the preceding three (3) years; and

(ii) Proof that the motor vehicle has been insured as required under § 27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., for the preceding three (3) years; and

(B) Payment of the fees for registration and licensing for three (3) years.

(d) A personal-use vehicle is not eligible for registration under this section if it has not been licensed and registered for the period that the owner seeks to register the vehicle for multiple years prior to the owner's seeking to register the vehicle for multiple years.

(e) The Office of Motor Vehicle may promulgate rules for the administration of this section.

History. Acts 2011, No. 904, § 2.

Subchapter 7 — Registration and Certificates of Title

SECTION.

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27-14-701. Requirements — Exception.

(a) It shall be a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway, any vehicle of a type required to be registered under this chapter which is not registered within the time period prescribed by law, or for which a certificate of title has not been issued or applied for within the time period prescribed by law, or for which the appropriate fee has not been paid when and as required under this chapter.

(b) When application accompanied by proper fee has been made for registration and certificate of title for a vehicle, it may be operated temporarily pending complete registration upon displaying a duplicate application, duly verified, or other evidence of such application or otherwise under rules and regulations promulgated by the Commissioner of Motor Vehicles.

(c) The purchaser of any new or used motor vehicle may operate the vehicle upon the public highways prior to making application for or obtaining registration thereof, if the person carries in the vehicle at all such times a title to the vehicle which is assigned to such purchaser or a notarized bill of sale evidencing the transfer of the vehicle to the purchaser.

History. Acts 1949, No. 142, § 31; 1983, No. 252, § 1; A.S.A. 1947, § 75-131.

27-14-702. No other license required.

(a) No owner of a motor vehicle who shall have obtained a certificate from the Director of the Department of Finance and Administration as provided in this subchapter shall be required to obtain

any other license or permits to use and operate the motor vehicle; nor shall the owner be required to display upon his motor vehicle any other number than the number of the registration issued by the director, or excluded, or prohibited, or limited in the free use of the motor vehicle upon any public street, avenue, road, turnpike, driveway, parkway, or any other public place, at any time when it is open to the use of persons having or using other vehicles; nor shall the owner be required to comply with other provisions or conditions as to the use of motor vehicles, except as provided in this chapter.

(b) Motor vehicles may be excluded from any cemetery or grounds used for the burial of the dead by the authorities having jurisdiction over the cemetery or grounds.

(c) Nothing contained in this section shall be construed to affect the power of municipal corporations to make and enforce ordinances, rules, and regulations affecting motor vehicles which are used within their limits for public hire.

History. Acts 1911, No. 134, § 13; C. & M. Dig., § 7429; Pope's Dig., § 6641; A.S.A. 1947, § 75-237.

27-14-703. Vehicles subject to registration — Exceptions.

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway and every mobile home shall be subject to the provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the Office of Motor Vehicle as authorized in § 27-14-708;

(2) Any vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one (1) property to another;

(3)(A) Any implement of husbandry that is only incidentally operated or moved upon a highway whether or not it is subject to registration under this chapter.

(B) Incidental use may be established by an affidavit of the owner of the implement of husbandry submitted to the Department of Finance and Administration along with payment of the gross receipts or use tax imposed on the implement of husbandry when the owner applies for and receives a certificate of title to the implement of husbandry.

(C) The transportation of logs or timber upon a highway from the point of severance to a point in this state at which the logs or timber first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state shall not be incidental operation of the implement of husbandry upon a highway.

(D) An affidavit to establish incidental use is not required if the implement of husbandry was originally manufactured as an implement of husbandry;

(4) Any special mobile equipment as defined in § 27-14-211;

(5) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires, though not operated upon rails;

(6) Manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603; and

(7) No certificates of title need be obtained for any vehicle of a type subject to registration owned by the federal government.

History. Acts 1949, No. 142, § 32; 1973, No. 596, § 2; A.S.A. 1947, § 75-132; Acts 2005, No. 1991, § 2.

27-14-704. Motor vehicles registered in foreign states.

(a) Any motor vehicle or motorcycle belonging to any person who is a nonresident of this state who has registered the motor vehicle or motorcycle in and who has complied with all the laws of the state, territory, District of Columbia, or any province or territory of Canada in which the owner resides with respect to the registration of motor vehicles and the display of registration numbers and who shall conspicuously display the registration number as required may be operated in this state as follows:

(1) If the motor vehicle is operated for the sole purpose of marketing farm products raised exclusively by the owner or other growers of the products associated with the owner in the raising of the farm products;

(2) A privately owned and duly registered motor vehicle not operated for hire but for the purpose of going to and from the owner's place of regular employment and the making of trips for the purchasing of goods, wares, and merchandise if the owner lives outside of this state;

(3)(A) Any motor vehicle operated by a nonresident only making an occasional trip into this state shall have the right to make an occasional trip without the payment of any motor vehicle license fee to this state, if the motor vehicle is not operated for hire.

(B) The Director of the Department of Finance and Administration may issue temporary permits without payment of license fees for motor vehicles operated for hire by a nonresident into and across the highways of this state when the vehicles are operated upon charters for casual, irregular, occasional, and nonscheduled sightseeing trips; and

(4) The director is authorized and empowered to enter into any agreement or issue any permit for the operation of any motor vehicles upon the highways of this state without payment of license fees when the vehicles are operated under and by the supervision of the proper authorities of the United States Army, Air Force, Navy, or Marine Corps during any period of emergency.

(b) The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, territory, District of Columbia, or any province or territory of Canada, or other place of residence of the nonresident owner, like exemptions are granted to vehicles registered under the laws of, and owned by, residents of this state.

History. Acts 1931, No. 246, §§ 1, 2; Pope's Dig., §§ 6633, 6634; Acts 1941, No. 392, § 1; 1943, No. 143, § 1; A.S.A. 1947, §§ 75-238, 75-239; Acts 1993, No. 445, § 41; 2003, No. 832, § 1.

27-14-705. Application for registration and certificate of title.

(a)(1) Every owner of a vehicle subject to the registration under this chapter shall make application to the Office of Motor Vehicle for the registration of the vehicle and issuance of a certificate of title or a certificate of title with beneficiary under § 27-14-727 for the vehicle upon the appropriate forms furnished by the office.

(2) Every application shall bear the signature of the owner, written with pen and ink, unless the person is unable to write, in which case he affixes his mark, "X", which must be witnessed by a person other than the office employee, and the signature shall be acknowledged by the owner before a person authorized to administer oaths.

(b) The application shall contain:

(1) The name, bona fide residence, and mailing address of the owner or business address of the owner if a firm, association, or corporation;

(2)(A) A description of the vehicle, including, insofar as the data specified in this subsection may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle designated to identify vehicles for registration purposes, and whether new or used, and if a new vehicle, a certificate of origin.

(B)(i) Except as provided under § 27-14-726, the certificate of origin shall be furnished to the dealer by the manufacturer and shall accompany the application for license and title.

(ii) Except as provided under § 27-14-726, no license for the operation of the vehicle shall be granted and no certificate of title shall be issued unless the certificate of origin is made a part of the application.

(C) The certificate of origin shall be on a form to be prescribed by the Commissioner of Motor Vehicles.

(D) In the event a vehicle is designed, constructed, converted, or rebuilt for the transportation of property, the application shall include a statement of its capacity in terms of maximum gross vehicle weight rating as authorized by the manufacturer of the chassis or the complete vehicle;

(3) A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having any interest therein and the nature of every such interest and the name and address of the person to whom the certificate of title shall be delivered by the office;

(4)(A) Further information as may reasonably be required by the office to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

(B) When such application refers to a new vehicle purchased from a dealer, the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer and a fee of fifty cents (50¢) in addition to the title.

(C) For the purposes of this section:

(i) The words "new vehicle" shall be defined as any motor vehicle transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, and which motor vehicle had theretofore not been used, and is what is commonly known as a "new motor vehicle"; and

(ii) The words "used vehicle" shall be any motor vehicle which has been sold, bargained, exchanged, given away, or the title transferred from the person who first took ownership from the manufacturer or importer, dealer, or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "second-hand motor vehicle".

(c) In addition to the application referred to in subsections (a) and (b) of this section, a title application fee in the amount of eight dollars ($8.00) per motor vehicle is imposed on each title issued, which shall be paid to the office at the time that application for registration thereof is made.

(d)(1) All fees, fines, penalties, and other amounts collected under subsection (c) of this section shall be remitted to the Treasurer of State separate and apart from other taxes and fees.

(2)(A) Three percent (3%) of the gross amount thereof shall be deducted by the Treasurer of State as provided by law.

(B) The net amount remaining after the deduction of the three percent (3%) is distributed as follows:

(i) Fifty percent (50%) of the net amount shall be distributed as provided under the Arkansas Highway Revenue Distribution Law, § 27-70-207 et seq.; provided that at least three million, six hundred eighty thousand dollars ($3,680,000) shall be distributed as provided in this subdivision (d)(2)(B)(i) before any other distributions are made under this section; and

(ii) Fifty percent (50%) of the net amount shall be deposited into the State Treasury as trust funds and credited to the State Police Retirement Fund to be used for the State Police Retirement System.

History. Acts 1949, No. 142, § 33; 1955, No. 110, § 1; 1979, No. 439, § 1; 1981, No. 40, § 1; A.S.A. 1947, § 75-133; Acts 1987, No. 945, § 6; 2009, No. 146, § 2; 2011, No. 335, § 1; 2011, No. 718, § 2.

27-14-706. [Repealed.]

Publisher's Notes. This section, concerning listing with assessor and payment of taxes as prerequisite to registration, was repealed by Acts 1997, No. 974, § 1, effective January 1, 1998. The section was derived from the following sources: Acts 1951, No. 130, §§ 1, 2; 1953, No. 144, §§ 1, 2; 1953, No. 212, § 2; 1983, No. 753, § 1; A.S.A. 1947, §§ 75-133.1, 75-133.4, 75-133.33, 75-179.1.

27-14-707. Application for specially constructed, reconstructed, or foreign vehicles.

(a)(1) In the event the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application.

(2) With reference to every foreign vehicle which has been registered previously outside of this state, the owner shall surrender to the Office of Motor Vehicle all registration plates, registration cards, and certificates of title, or other evidence of such foreign registration as may be in his or her possession or under his or her control, except as provided in subsection (b) of this section.

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of the vehicle in such other states, the applicant need not surrender, but shall submit for inspection, evidence of such foreign registration, and the office, upon a proper showing, shall register the vehicle in this state but shall not issue a certificate of title for such vehicle.

History. Acts 1949, No. 142, § 34; A.S.A. 1947, § 75-134.

27-14-708. Temporary permit pending registration.

The Office of Motor Vehicle, at its discretion, may grant a temporary permit to operate a vehicle for which application for registration and certificate of title has been made where the application is accompanied by the proper fee, pending action upon the application by the office.

History. Acts 1949, No. 142, § 35; A.S.A. 1947, § 75-135.

27-14-709. Half-year license.

Notwithstanding any provision of law to the contrary, any motor vehicle for which the annual registration and licensing fee is one hundred dollars ($100) or more, for any twelve-month licensing period, may be licensed for the first six (6) months of the annual licensing period, upon payment of one-half (½) of the annual registration and licensing fee, plus an additional fee of five dollars ($5.00) to defray the administrative cost of issuing the half-year license, under such regulations as the Director of the Department of Finance and Administration may promulgate.

History. Acts 1965 (1st Ex. Sess.), No. 38, § 1; A.S.A. 1947, § 75-282.

27-14-710. Grounds for refusing registration or certificate of title.

The Office of Motor Vehicle shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

(1) That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the office or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;

(2) That the office has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;

(3) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

(4) That the required fee has not been paid; or

(5) That the owner of a commercial motor vehicle has had his or her authority to operate denied or suspended by the United States Department of Transportation for safety-related violations.

History. Acts 1949, No. 142, § 36; A.S.A. 1947, § 75-136; Acts 2003, No. 854, § 2.

27-14-711. Examination of registration records and index of stolen and recovered vehicles.

The Office of Motor Vehicle, upon receiving application for original registration of a vehicle or any certificate of title, shall first check the engine and serial number, or other identifying number, shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this chapter.

History. Acts 1949, No. 142, § 37; A.S.A. 1947, § 75-137.

27-14-712. Registration indexes.

The Office of Motor Vehicle shall file each application received and, when satisfied as to the genuineness and regularity thereof and that the applicant is entitled to register such vehicle and to the issuance of a certificate of title, shall register the vehicle therein described and keep a record thereof in suitable methods which ensure that the records will be available as follows:

(1) Under a distinctive registration number assigned to the vehicle;

(2) Alphabetically, under the name of the owner;
(3) Under the vehicle identification number, if available, otherwise any other identifying number of the vehicle; and
(4) In the discretion of the office, in any other manner it may deem desirable.

History. Acts 1949, No. 142, § 38; A.S.A. 1947, § 75-138; Acts 1997, No. 809, § 4.

27-14-713. Issuance of registration certificates and certificates of title.

(a) The Office of Motor Vehicle, upon registering a vehicle, shall issue a registration certificate and a certificate of title. The registration certificate and the certificate of title shall be of a type which, as nearly as possible, prevents the document from being altered, counterfeited, duplicated, or simulated without ready detection.
(b)(1) The registration certificate shall be delivered to the owner and shall contain, upon the face thereof, the date issued, the name and address of the owner, the registration number assigned to the vehicle, and such description of the vehicle as determined by the Commissioner of Motor Vehicles.
(2) Upon the reverse side it shall contain a form for endorsement of notice to the office upon transfer of the vehicle.
(c)(1)(A) The certificate of title shall contain upon its face the identical information required upon the face of the registration certificate.
(B) In addition, it shall contain:
(i) A statement of the owner's title;
(ii) A statement of all liens and encumbrances on the vehicle therein described;
(iii) A statement as to whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement; and
(iv) If a certificate of title is issued as a certificate of title with beneficiary, the information required under § 27-14-727.
(2) The certificate shall bear the seal of the office.
(d)(1) The certificate of title shall contain upon the front side a space for the signature of the owner, and the owner shall write his or her name with pen and ink in such space upon receipt of the certificate, except when a surviving owner or a beneficiary applies for a new title under § 27-14-727.
(2) The certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner, with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.
(e)(1) The certificate of title shall be delivered to the owner in the event no lien or encumbrance appears thereon.
(2) Otherwise, the certificate of title shall be delivered either to the person holding the first lien or encumbrance upon the vehicle as shown in the certificate or to the person named to receive it in the application for such certificate.

History. Acts 1949, No. 142, § 39; 1981, No. 697, § 1; A.S.A. 1947, § 75-139; Acts 2007, No. 171, § 1; 2011, No. 335, §§ 2, 3.

27-14-714. Registration certificate to be signed, carried, and exhibited on demand.

(a)(1) Every owner, upon receipt of a registration certificate, shall write his signature thereon, with pen and ink in the space provided. Every such registration certificate shall be, at all times, carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle, who shall display it upon demand of a police officer or any officer or employee of the office.
(2) No person charged with violating this section shall be convicted if he or she produces in a court a registration certificate for such vehicle which was issued prior to, and in effect at, the time of the arrest.
(b) The provisions of this section requiring that a registration certificate be carried in the vehicle to which it refers or by the person driving it shall not apply when such certificate is used for the purpose of making application for renewal of registration or upon a transfer of registration of the vehicle.
(c)(1) The provisions of this section shall not be construed to amend or repeal the requirement contained in § 27-14-601 which makes it unlawful for any truck to be operated upon the highways of Arkansas without the license registration card or certificate being at all times in the possession of the operator thereof and subject to inspection.
(2) Possession of a photocopy of the license registration card or certificate shall be deemed to comply with the requirements of this section.

History. Acts 1949, No. 142, § 40; 1965 (2nd Ex. Sess.), No. 4, §§ 1, 3; A.S.A. 1947, §§ 75-140, 75-140.1.

27-14-715. Issuance of license plates.

(a) The Office of Motor Vehicle, upon registering a vehicle, shall issue to the owner one (1) license plate for a motorcycle, trailer, or semitrailer and one (1) or two (2) license plates for every other motor vehicle.
(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.
(c) The license plates and required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet (100') during daylight.
(d) The office shall issue for every passenger motor vehicle rented without a driver the same type of license plates as the type of plates issued for a private passenger vehicle.

History. Acts 1949, No. 142, § 41; A.S.A. 1947, § 75-141.

27-14-716. Display of license plates generally.

(a)(1) License plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one (1) in the front and the other in the rear.

(2)(A) When one (1) plate is issued, it shall be attached to the rear.

(B) License plates for trucks of one (1) ton capacity or larger may be displayed either on the front or rear of the vehicle.

(C) The license plate issued for a motorcycle required to be registered under this chapter shall be attached to the rear thereof.

(b) Every license plate shall, at all times, be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches (12″) from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c) Placing any type of cover over a license plate which makes the license plate more difficult to read or which reduces the reflective properties of the license plate is prohibited.

History. Acts 1949, No. 142, § 42; 1985, No. 1065, § 1; A.S.A. 1947, § 75-142; Acts 2001, No. 1378, § 1.

27-14-717. License plates for proper year alone to be displayed — Exception.

(a) There shall not be displayed on motor vehicles, trailers, or semitrailers any other motor vehicle license plates or other means of identification of the payment of the proper motor vehicle license fee other than that which has been issued for display and identification purposes at the proper time intended by the laws of the various states for such display and identification.

(b)(1) The display of subsequent year license plates shall be strictly limited to those vehicles for which there have been purchased license plates for the current registration period.

(2) Nothing in this subsection (b) shall be construed so as to permit the operation of a motor vehicle on the streets and highways of Arkansas without the owner's having paid all registration fees applicable for such period of operation.

(c) Any person driving a motor vehicle, trailer, or semitrailer in violation of this section shall, upon conviction, be fined in any sum not less than five dollars ($5.00) nor more than ten dollars ($10.00).

History. Acts 1945, No. 117, §§ 1, 3; 1983, No. 178, § 1; A.S.A. 1947, §§ 75-226, 75-228; Acts 1999, No. 385, § 2.

27-14-718. Application for renewal of registration.

Application for renewal of a vehicle registration shall be made by the owner, upon proper application and by payment of the registration fee for the vehicle, as provided by law.

History. Acts 1949, No. 142, § 44; A.S.A. 1947, § 75-144.

27-14-719. No renewal of title certificates.

Certificates of title need not be renewed annually but shall remain valid until cancelled by the Office of Motor Vehicle for cause or upon a transfer of any interest shown therein.

History. Acts 1949, No. 142, § 43; A.S.A. 1947, § 75-143.

27-14-720. Lost or damaged certificates and plates.

(a) In the event any registration certificate or license plate is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which it was issued, as shown by the records of the Office of Motor Vehicle, shall immediately make application to the office for, and may obtain, a duplicate or a substitute or a new registration under a new registration number, as determined to be most advisable by the office, upon the applicant's furnishing information satisfactory to the office.

(b)(1)(A) In the event any certificate of title is lost, mutilated, or becomes illegible the owner or legal representative or successor in interest of the owner of the vehicle for which it was issued, as shown by the records of the office, shall immediately make application to the office for and may obtain a duplicate if the conditions of this subdivision (b)(1) are satisfied.

(B) The following information shall be included in the application:

(i) The year, make, model, vehicle identification number, and body style of the vehicle;

(ii)*(a)* The name of a lienholder; and

(b) A release if the applicant claims that the lien has been released; and

(iii) Other information required by the office.

(C) The fee for a duplicate title shall accompany the application.

(D) The office may issue a duplicate title without notice if the records of the office do not show that a lien exists against the vehicle.

(E)(i)*(a)* The office shall mail notice to a lienholder shown in the records of the office at the address shown in the records for the lienholder.

(b) The notice shall state that the lienholder must respond to the office within ten (10) business days from the date of the notice if the lien has not been released, or the duplicate title will be issued without recording the lien.

(ii)*(a)* At the earlier of the time the lienholder responds indicating that the lien has been released or the expiration of the time for response by the lienholder, the office may issue a duplicate title without recording the name of the lienholder.

(b) If the lienholder responds within the time for response indicating that the lien has not been released, the office may issue a duplicate that places the name of the lienholder on the duplicate title.

(iii) The notice required under this subdivision (b)(1)(E) shall not apply to a motor vehicle dealer approved by the Department of Finance and Administration.

(2) Upon issuance of any duplicate certificate of title, the previous certificate last issued shall be void.

History. Acts 1949, No. 142, § 45; A.S.A. 1947, § 75-145; Acts 2009, No. 634, § 1.

27-14-721. Assignment of new identifying numbers.

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

(b) The motor vehicle shall be registered under the distinguishing number in lieu of the former serial number.

History. Acts 1949, No. 142, § 46; A.S.A. 1947, § 75-146.

27-14-722. Change of engines.

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

History. Acts 1949, No. 142, § 47; A.S.A. 1947, § 75-147.

27-14-723. When residents and nonresidents to obtain state registration and license.

(a) Within thirty (30) calendar days of becoming a resident, a person who is a resident of this state shall obtain an Arkansas motor vehicle registration and license in order to operate a motor vehicle upon the streets and highways of this state.

(b) A nonresident person who has been physically present in this state for a period of six (6) months shall obtain an Arkansas motor vehicle registration and license in order to operate a motor vehicle upon the streets and highways of this state.

(c)(1)(A) As used in this subsection, "entity" means a firm, corporation, association, partnership, or organization that transacts or conducts business in Arkansas and has a place of business in Arkansas.

(B) "Entity" does not include a firm, corporation, association, partnership, or organization engaged in one (1) or more of the following:

(i) Governmental operations, including municipal, county, state, or federal operations;

(ii) Utility operation, maintenance, or repair;

(iii) Construction;

(iv) Natural resource exploration, production, or mining, including without limitation oil, gas, gravel, and timber; or

(v) Agricultural operations.

(2)(A)(i) An entity that transacts or conducts business in Arkansas and has a place of business in Arkansas shall register a motor vehicle considered a pleasure vehicle under § 27-14-601(a)(1) that the entity owns and uses in its business operations in the state with the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration within thirty (30) calendar days from the start of business in the state.

(ii) If an entity began transacting or conducting business in the state before July 31, 2009, the entity shall have thirty (30) calendar days to comply with this subsection.

(B)(i) If a court of competent jurisdiction finds that an entity has failed to comply with subdivision (c)(2)(A) of this section, the court may assess a civil penalty against the entity not to exceed ten thousand dollars ($10,000).

(ii) Proof that an employee or owner of the entity was found guilty of a violation of subdivision (c)(2)(A) of this section shall establish a prima facie case that the entity failed to comply with subdivision (c)(2)(A) of this section.

(iii) A penalty assessed under this subdivision (c)(2)(B) shall become a lien against the property owned by the entity in the state.

(iv) An entity may appeal the assessment of a civil penalty under this subdivision (c)(2)(B) to a circuit court of competent jurisdiction.

(d) A person who pleads guilty or nolo contendere to or is found guilty of operating a motor vehicle that is not in compliance with this section is guilty of a violation and punishable as provided under § 5-4-201(c).

History. Acts 1993, No. 445, § 42; 1999, No. 912, § 2; 2009, No. 945, § 1.

27-14-724. [Repealed.]

Publisher's Notes. This section, concerning foreign vehicle inspection — exception, was repealed by Acts 2005, No. 165, § 1. The section was derived from Acts 2003, No. 1329, § 1.

27-14-725. Limited vehicle identification number verification.

(a) As used in this section, "designee" means a person or entity that:

(1) The Department of Arkansas State Police determines is appropriately suited for serving as a designee; and

(2) Agrees to perform vehicle identification number verifications under this section on behalf of the Department of Arkansas State Police.

(b) Except as provided under subsection (h) of this section, an application for registration or certificate of title for a motor vehicle shall be accompanied by a verification of the vehicle identification number if the owner of the motor vehicle:

(1) Does not have a properly endorsed and assigned certificate of title or manufacturer's certificate of origin and may only obtain title to the motor vehicle through:

(A) A court order; or

(B) The bonded title procedure of this state as set forth under § 27-14-409(c); or

(2) Presents a title or other ownership document from another state that bears any of the following designations:

(A) Salvage;

(B) Prior salvage;

(C) Damaged;

(D) Prior damaged;

(E) Junked;

(F) Nonrepairable; or

(G) Any other designation that is substantially similar to the designations stated in this subdivision (b)(2).

(c)(1) The Department of Arkansas State Police shall perform vehicle identification number verifications under this section.

(2) A vehicle identification number verification is only valid under this section if it is performed by one (1) of the following:

(A) The Department of Arkansas State Police;

(B) The designee of the Department of Arkansas State Police; or

(C) A local law enforcement agency.

(d)(1) The Department of Arkansas State Police, a local law enforcement agency, or the designee of the Department of Arkansas State Police may charge a fee for the vehicle identification number verification not to exceed twenty-five dollars ($25.00).

(2) A fee owed to the Department of Arkansas State Police shall be:

(A) Collected by the Revenue Division of the Department of Finance and Administration at the time of application for title; and

(B) Deposited into the State Treasury as special revenue to the credit of the Department of Arkansas State Police Fund.

(3) A fee owed to a local law enforcement agency or a designee may be collected and retained by the agency or the designee at the time of the inspection.

(e) A designee under this section shall provide notice to the Department of Arkansas State Police as to which persons are conducting vehicle identification number verifications on behalf of the designee.

(f) A local law enforcement agency or its employees are not required to perform vehicle identification number verifications under this section.

(g)(1) The Department of Arkansas State Police shall adopt a form that is to be used for all vehicle identification number verifications in the state.

(2) The Department of Arkansas State Police may adopt:

(A) Reasonable rules to ensure that the verification process is available at convenient times and locations; or

(B) Reasonable rules to ensure that the verification process does not unduly burden legitimate businesses or consumers in the state.

(h) This section shall not apply to a motor vehicle registered as a Class Two, Class Three, Class Four, Class Five, Class Six, Class Seven, or Class Eight truck under § 27-14-601(a)(3).

(i) If information is received from another state which indicates that a motor vehicle title issued by the Department of Finance and Administration under this chapter does not accurately reflect the designation of the status of a motor vehicle such as those provided under subdivision (b)(2) of this section, then the Office of Motor Vehicle may cancel the motor vehicle title and issue a title that correctly designates the status of the motor vehicle.

History. Acts 2005, No. 165, § 2.

27-14-726. Mini-trucks.

(a) As used in this section:

(1) "Low pressure tire" means a pneumatic tire six inches (6″) or more in width designed for use on a wheel with a rim diameter of twelve inches (12″) or less and utilizing an operating pressure of ten pounds per square inch (10 p.s.i.) or less as recommended by the vehicle manufacturer; and

(2)(A) "Mini-truck" means a motor vehicle that is:

(i) At least forty-eight inches (48″) in width;

(ii) Not more than one hundred thirty-five inches (135″) in length including the bumper;

(iii) At least one thousand five hundred pounds (1,500 lbs.) in unladen weight, including fuel and fluids;

(iv) Equipped with:

(a) Four (4) or more low pressure tires or pneumatic rubber tires that are used on motor vehicles;

(b) A steering wheel;

(c) Seating for at least two (2) people to sit side-by-side in the front seating area;

(d) A fully enclosed metal or metal-reinforced cab with glass and mirrors that complies with §§ 27-37-301 — 27-37-305 regarding safety glass and mirrors;

(e) Metal doors with functioning handle locks that are similar to the handle locks on motor vehicles;

(f) Head lamps as required under § 27-36-209;

(g) Tail lamps as required under § 27-36-215;

(h) Signal lamps as provided under § 27-36-216;

(i) A working horn as required under § 27-37-202(a);

(j) Seat belts as provided under § 27-37-701 et seq.; and

(k) Front and rear bumpers.

(B) A mini-truck may be equipped with a bed or cargo box for hauling materials.

(C) A mini-truck is not an all-terrain vehicle under § 27-20-201 et seq. and § 27-21-101 et seq.

(b)(1) The owner of a mini-truck may register and license it as a Class Eight farm vehicle under § 27-14-601(a)(3)(H).

(2) In the application to register the mini-truck, the owner of the mini-truck shall provide:

(A) The same affidavit as required under § 27-14-601(a)(3)(H)(v) and § 27-14-601(a)(3)(H)(xi);

(B) Proof of insurance as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.; and

(C) Proof of ownership that is in the English language, to include a bill of sale and an export certificate or a title.

(3) The fees for registering and licensing a mini-truck shall be the same as for registering a Class Eight farm vehicle under § 27-14-601(a)(3)(H)(ii)(*a*).

(4) The driver of a mini-truck shall have a valid driver's license.

(5) The driver of a mini-truck that is registered and licensed under this section shall comply with and is subject to the same penalties for violating the rules of the road as provided under § 27-51-101 et seq.

(6) A mini-truck is a motor vehicle for the purposes of minimum insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(c) A mini-truck shall not be operated on an interstate highway.

(d) A mini-truck shall not be operated on a road or highway if:

(1) The operation of mini-trucks is prohibited;

(2) The road is a controlled-access highway;

(3) The posted speed limit is more than fifty-five (55) miles per hour; or

(4) The mini-truck cannot maintain a speed equal to the posted speed limit.

History. Acts 2009, No. 146, § 3.

27-14-727. Certificate of title with beneficiary.

(a) As used in this section:

(1)(A) "Beneficiary" means one (1) individual who is designated to become the owner of a vehicle upon the death of the current owner as indicated on the certificate of title issued under this chapter.

(B) "Beneficiary" does not include a business, firm, partnership, corporation, association, or any other legally created entity;

(2) "Certificate of title with beneficiary" means a certificate of title for a vehicle issued under this chapter that indicates the present owner of the vehicle and designates a beneficiary as provided under this section;

(3)(A) "Owner" means an individual who holds legal title of a vehicle and can include more than one (1) person but not more than three (3) persons.

(B) "Owner" does not include a business, firm, partnership, corporation, association, or any other legally created entity; and

(4) "Vehicle" means a motorized or nonmotorized piece of equipment with wheels that is:

(A) Primarily used to transport persons or property on the streets, roads, or highways; and

(B) Required to be registered, licensed, and titled by the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration under this chapter.

(b) If the owner or joint owners want to transfer a vehicle upon death by operation of law, the owner or joint owners may request that the Office of Motor Vehicle issue a certificate of title with beneficiary that includes a directive to the Office of Motor Vehicle to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to the beneficiary named on the face of the certificate of title with beneficiary.

(c)(1) The owner of a vehicle may submit a transfer on death application to the Office of Motor Vehicle to request the issuance of a certificate of title with beneficiary or a change to a certificate of title with beneficiary.

(2) The owner shall provide the following information in the application:

(A) Whether the applicant seeks to add, remove, or change a beneficiary;

(B) The full legal name of the beneficiary;

(C) The social security number of the beneficiary;

(D) The address of the beneficiary;

(E) The vehicle identification number of the vehicle;

(F) The year, make, model, and body type of the vehicle;

(G) The printed full legal name of the owner of the vehicle;

(H) The Arkansas driver's license or identification card number for the owner of the vehicle; and

(I) The signature of the owner of the vehicle.

(3) The owner shall include the following with the application:

(A) The certificate of title for the vehicle issued under this chapter;

(B) The title application fee of four dollars ($4.00) as provided under § 27-14-705(c) and the title fee under § 27-14-602(b); and

(C) The certificate of title with beneficiary processing fee of ten dollars ($10.00).

(4)(A) The fee remitted under subdivision (c)(3)(C) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the Office of Motor Vehicle as direct revenue.

(d)(1) The Office of Motor Vehicle shall not issue a certificate of title with beneficiary to an owner of a vehicle if:

(A) The vehicle is encumbered by a lien; or

(B) The owner holds his or her interest in the vehicle as a tenant in common with another person.

(2) If a lien request is made for a beneficiary title, the beneficiary shall be removed and the lien added.

(e) The certificate of title with beneficiary issued by the Office of Motor Vehicle shall include after the name of the owner the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

(f) During the lifetime of the sole owner or before the death of the last surviving joint owner:

(1) The signature or consent of the beneficiary is not required for any transaction relating to the vehicle for which a certificate of title with beneficiary has been issued; and

(2) The certificate of title with beneficiary is revoked by:

(A) Selling the vehicle with proper assignment and delivery of the certificate of title to another person; or

(B) Filing an application with the Office of Motor Vehicle to remove or change a beneficiary as provided under subsection (c) of this section.

(g) Except as provided in subsection (f) of this section, the designation of the beneficiary in a certificate of title with beneficiary shall not be changed or revoked:

(1) By will or any other instrument;

(2) Because of a change in circumstances; or

(3) In any other manner.

(h) The interest of the beneficiary in a vehicle on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment, or security interest to which the owner of the vehicle was subject during his or her lifetime.

(i)(1)(A) Upon the death of the owner, the Office of Motor Vehicle shall issue a new certificate of title for the vehicle to the surviving owner or, if no surviving owner, to the beneficiary if the surviving owner or beneficiary presents the following:

(i) Proof of death of the owner that includes a death certificate issued by the state or a political subdivision of the state;

(ii) Surrender of the outstanding certificate of title with beneficiary; and

(iii) Application and payment of the title application fee and title fee.

(B) A certificate of title issued under this subsection will be subject to any existing security interest.

(2) If the surviving owner or beneficiary chooses, he or she can submit a completed certificate of title with beneficiary application as provided under this section, along with the ten dollar ($10.00) processing fee, at the time of the application for a new title under this subsection.

(3) The transfer under this subsection is a transfer by operation of law and § 27-14-907 applies to the extent practicable and not in conflict with this section.

(j) The transfer of a vehicle upon the death of the owner under this section is not testamentary and is not subject to administration under Title 28 of the Arkansas Code.

(k) The procedures and fees under § 27-14-720 shall apply for obtaining a duplicate title with beneficiary.

(l)(1) The Office of Motor Vehicle may promulgate rules for the administration of this section.

(2) If rules are promulgated, the Office of Motor Vehicle shall consult with the Arkansas State Game and Fish Commission about the rules.

History. Acts 2011, No. 335, § 4.

Subchapter 8 — Liens and Encumbrances

SECTION.

27-14-801. Compliance required.
27-14-802. Application and documents.
27-14-803. Filing and certification.
27-14-804. Index.
27-14-805. Constructive notice.
27-14-806. Optional means of recording.
27-14-807. Methods exclusive — Exception.

27-14-801. Compliance required.

No conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon a vehicle, of a type subject to registration under the laws of this state other than a lien dependent upon possession, is valid as against the creditors of an owner acquiring a lien by levy or attachment or subsequent purchasers or encumbrances, with or without notice, until the requirements of this subchapter have been complied with.

History. Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; 1973, No. 596, § 3; A.S.A. 1947, § 75-160.

27-14-802. Application and documents.

(a) There shall be deposited with the Office of Motor Vehicle a copy of the instrument creating and evidencing a lien or encumbrance, which instrument is to be executed in the manner required by the laws of this state and accompanied by the certificate of title last issued for the vehicle.

(b) If a vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(1) If the parties understood at the time the security interest attached that the vehicle would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other

than transportation through this state, the validity of the security interest in this state is determined by the law of this state;

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

(A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, the lienholder's security interest continues perfected in this state;

(B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle is issued in this state and also thereafter if, within the four-month period, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four-month period; in that case, perfection dates from the time of perfection in this state;

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state;

(4) A security interest may be perfected under subdivision (b)(2)(B) or subdivision (b)(3) of this section either as provided in subsection (a) of this section.

(c) If the vehicle is of a type subject to registration under this chapter, but has not been registered and no certificate of title has been issued therefor, then the certified copy of the instrument creating the lien or encumbrance shall be accompanied by an application by the owner in usual form for an original registration and issuance of an original certificate of title. In every such event, the application shall be accompanied by any fees as provided in this chapter.

History. Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; A.S.A. 1947, § 75-160; Acts 1989, No. 251, § 4.

27-14-803. Filing and certification.

Upon receipt of application and documents as provided in this subchapter, the Office of Motor Vehicle shall file them, endorsing thereon the date and hour received at the central office of the Office of Motor Vehicle. When satisfied as to the genuineness and regularity of the application, the office shall issue a new certificate of title in usual form giving the name of the owner and a statement of all liens or encumbrances certified to the office as provided in this section as existing against the vehicle.

History. Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; A.S.A. 1947, § 75-160.

27-14-804. Index.

The Office of Motor Vehicle shall maintain an appropriate index of all lien, encumbrance, or title retention instruments filed as provided in this subchapter.

History. Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; A.S.A. 1947, § 75-160.

27-14-805. Constructive notice.

(a) The filing and issuance of a new certificate of title as provided in this chapter shall constitute constructive notice of all liens and encumbrances against the vehicle described therein to creditors of the owner, subsequent purchasers, and encumbrancers, except those liens as may be authorized by law dependent upon possession.

(b)(1) In the event the documents referred to in § 27-14-802 are received and filed in the Office of Motor Vehicle within thirty (30) days after the date the documents were executed, the lien is deemed to have been perfected on the date of the execution of the documents.

(2) Otherwise, constructive notice shall date from the time of receipt and filing of the documents by the office as shown by its endorsement thereon.

History. Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 1991, No. 579, § 1.

27-14-806. Optional means of recording.

(a)(1)(A) At his or her option, a lienholder may:

(i) Record the lien on the manufacturer's statement of origin; or

(ii) Record the lien on an existing certificate of title; and

(B) File with the Revenue Division of the Department of Finance and Administration a certified copy of the instrument creating and evidencing the lien or encumbrance.

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

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

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

(C) File with the Revenue Division a certified copy of the instrument creating and evidencing the lien or encumbrance.

(3) He or she shall remit therewith a fee of one dollar ($1.00) for each lien to be filed.

(4) The recording or filing shall constitute constructive notice of the lien against the vehicle described therein to creditors of the owner, subsequent

purchasers, and encumbrancers, except those liens that are by law dependent upon possession.

(5) A photocopy of the manufacturer's statement of origin or of such an existing certificate of title or of ownership, showing the lien recorded thereon and certified as a true and correct copy by the party recording the lien, shall be sufficient evidence of the recording.

(b)(1)(A) The lien shall be deemed perfected and the constructive notice shall be effective from the date of the execution of the instrument creating and evidencing the lien or encumbrance if it is filed as authorized in this section within thirty (30) days after the date of the execution thereof.

(B) If the instrument is filed more than thirty (30) days after the date of the execution thereof, the lien shall be deemed perfected and the constructive notice shall date from the time of the filing of the instrument.

(2) However, the filing of a lien under the provisions of this section by the lienholder and the payment of the fee therefor shall in no way relieve any person of the obligation of paying the fee required by law for filing a lien to be evidenced on a certificate of title of a motor vehicle.

History. Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 1989, No. 821, § 11; 1991, No. 579, § 2; 2005, No. 2160, § 1.

27-14-807. Methods exclusive — Exception.

(a) The methods provided in this subchapter of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive except as to liens dependent upon possession and manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603.

(b) A security interest, lien, or encumbrance on a manufactured home or mobile home for which the certificate of title has been cancelled under § 27-14-1603 shall be obtained in the same manner used to perfect a security interest, lien, or encumbrance against other real property.

(c) Any lien, or encumbrance, or title retention instrument filed as provided in this subchapter, and any documents evidencing them, are exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of the types subject to registration under this chapter.

History. Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 2005, No. 1991, § 5.

Subchapter 9 — Transfers of Title and Registration

SECTION.

27-14-901. Penalty.
27-14-902. Transfer or assignment by owner or lessee generally.
27-14-903. Registration by transferee — Title retention notes.
27-14-904. Transfers to dealers.
27-14-905. [Repealed.]
27-14-906. Dealer and lienholder applications for registration and title certificates.
27-14-907. Transfer by operation of law.
27-14-908. Assignment by lienholder.
27-14-909. Release of lien by lienholder — Disclosure of information.
27-14-910. Reregistration — File.
27-14-911. Transferor not liable for negligent operation.
27-14-912. Dismantling or wrecking vehicles.
27-14-913. Sale of motor vehicles to be dismantled, etc.
27-14-914. Transfer of license plates and registration from one vehicle to another.
27-14-915. Transfer of license on vehicles for hire.
27-14-916. Notice of sale or transfer.
27-14-917. Time requirements for payment of lien or encumbrance.

27-14-901. Penalty.

(a) It shall be a Class C misdemeanor for any person to fail or neglect to enter the transferee's name on a properly endorsed certificate of title, or fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

(b) Any person found to be in possession of a vehicle with an improperly assigned title which fails to identify the transferee must immediately establish ownership of the vehicle, register the vehicle, and pay the requisite fees, taxes, and penalties.

History. Acts 1949, No. 142, § 56; A.S.A. 1947, § 75-156; Acts 1989, No. 939, § 1.

27-14-902. Transfer or assignment by owner or lessee generally.

(a)(1) Whenever the owner or lessee of a registered vehicle transfers or assigns his title, or interest thereto, the registration of the vehicle shall expire.

(2) The owner or lessee shall remove the license plate or plates therefrom.

(3)(A) The owner or lessee may have such plate or plates assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the Office of Motor Vehicle.

(B) Whenever the owner or lessee elects to assign such plate or plates to a replacement vehicle, the owner may display the plate or plates on the replacement vehicle prior to registering such vehicle within the time permitted by § 27-14-903 provided that the owner has complied with § 27-14-701(c).

(b)(1) The owner or lessee shall pay a transfer fee of one dollar ($1.00).

(2) If the fee for registering and licensing the vehicle to be registered is greater than the registration fee paid for the vehicle originally licensed, then the office shall, in addition, collect an amount equal to the excess payable for the vehicle to be registered.

(3) No refund will be due in the event that the fee for registering and licensing the vehicle to be registered is less than that represented by the license to be transferred.

(c) The owner or lessee shall pay any additional fee which shall be required under the registration laws of this state.

(d) The owner shall endorse an assignment and warranty of title upon the certificate of title for the vehicle, and he or she shall deliver the certificate of title to the purchaser or transferee at the time of delivery of the vehicle, except as provided in §§ 27-14-906 and 27-14-909.

History. Acts 1949, No. 142, § 48; 1955, No. 110, § 2; 1967, No. 465, § 23; A.S.A. 1947, § 75-148; Acts 1995, No. 268, § 3; 1999, No. 461, § 1; 1999, No. 1106, § 1.

27-14-903. Registration by transferee — Title retention notes.

(a)(1) The transferee of any new or used vehicle required by law to be registered shall apply for, or cause to be applied for, the registration thereof within thirty (30) days after the date of the release of lien by a prior lienholder, as provided in § 27-14-909, or thirty (30) days after the date of the transfer if no lien exists.

(2) No vehicle shall be operated upon a public street or highway for more than thirty (30) days after the release of lien by a prior lienholder, as provided in § 27-14-909, or thirty (30) days after the transfer date if no lien exists, unless a valid registration plate is properly attached thereto.

(b) A transferee shall at the same time present the certificate of title, endorsed and assigned as provided in § 27-14-902, to the Office of Motor Vehicle and make application for and obtain a new certificate of title for the vehicle, except as otherwise provided in §§ 27-14-904 and 27-14-907.

(c)(1)(A) It shall be unlawful for a dealer or other person who sells or finances the purchase of a vehicle subject to registration in this state to use a title retention note to secure his or her interest in the vehicle.

(B) As used in this section, a "title retention note" shall mean any instrument that grants the purchaser the right to possession and use of the vehicle, but withholds assignment of ownership on the existing certificate of title and its delivery to the purchaser, until full payment has been made by the purchaser, thereby thwarting the purchaser's ability to comply with subsection (b) of this section.

(2) It shall be a Class C misdemeanor for a motor vehicle dealer or other seller to fail to comply with the provisions of this subsection.

(d) This section is not intended to limit the rights of a lienholder to perfect or record his security interest in a motor vehicle pursuant to the provisions of §§ 27-14-802 and 27-14-806.

History. Acts 1949, No. 142, § 49; 1971, No. 158, § 1; 1983, No. 252, § 2; A.S.A. 1947, § 75-149; Acts 1991, No. 737, § 1; 1995, No. 268, § 1; 1999, No. 1307, § 1.

27-14-904. Transfers to dealers.

(a) When the transferee of a used vehicle is a dealer who holds it for resale and lawfully operates it under dealers' number plates or does not drive the vehicle or permit it to be driven upon the highways, the dealer shall not be required to obtain a new registration for the vehicle or be required to forward the certificate of title to the Office of Motor Vehicle, but the dealer, upon transferring his or her title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver it to the person to whom the transfer is made, except as provided in § 27-14-906.

(b) No one in this state other than a dealer licensed by the Arkansas Motor Vehicle Commission as a dealer in new motor vehicles, shall enter an assignment, or reassignment, of ownership on a manufacturer's certificate of origin to a motor vehicle. Any dealer in this state not licensed by the commission as a dealer in new motor vehicles who acquires a motor vehicle through an assignment or reassignment of ownership on a manufacturer's certificate of origin shall deliver the manufacturer's certificate of origin to the office and apply for registration and issuance of a certificate of title to the motor vehicle as required by § 27-14-903. A first violation of this section by any person shall constitute a Class A misdemeanor. A second violation of this section by any person shall constitute a Class D felony. A licensed used motor vehicle dealer, who violates the provisions of this section shall also be deemed to have violated the provisions of the Used Motor Vehicle Buyers Protection Act, § 23-112-601 et seq.

History. Acts 1949, No. 142, § 50; A.S.A. 1947, § 75-150; Acts 1989, No. 251, § 2; 1997, No. 998, § 1.

27-14-905. [Repealed.]

Publisher's Notes. This section, concerning notice of transfer, was repealed by Acts 1989, No. 251, § 3. The section was derived from Acts 1949, No. 142, § 53; 1971, No. 469, § 2; A.S.A. 1947, § 75-153.

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

(a) The Commissioner of Motor Vehicles is authorized to permit lienholders and motor vehicle dealers to make applications for registration and certificates of title and to furnish them to the Office of Motor Vehicle on behalf of the purchaser of a new or used motor vehicle.

(b) The commissioner shall promulgate reasonable rules and regulations to be complied with by motor vehicle dealers and lienholders in making

application for registration and certificates of title on behalf of purchasers of new or used motor vehicles and may, if he or she deems it necessary, require the dealer or lienholder to post bond to ensure faithful compliance with such rules and regulations.

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

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

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

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

History. Acts 1949, No. 142, § 53; 1971, No. 469, § 2; A.S.A. 1947, § 75-153; Acts 1989, No. 251, § 1; 1991, No. 293, § 1.

27-14-907. Transfer by operation of law.

(a)(1) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another by a method other than voluntary transfer, the registration of the vehicle shall expire, and the vehicle shall not be operated upon public streets or highways for more than thirty (30) days after the transfer date unless a valid registration plate is attached thereto.

(2) In the event that title has become vested in the person holding a lien or encumbrance upon the vehicle, the person may apply to the Office of Motor Vehicle for, and obtain, special plates as may be issued under this chapter to dealers and may operate any repossessed vehicle under such special plates only for purposes of transporting it to a garage or warehouse or for purposes of demonstrating or selling it.

(b)(1) Upon any such transfer, the new owner may either secure a new registration and certificate of title, upon proper application and upon presentation of:

(A) The last certificate of title, if available;

(B) Evidence that the lien or encumbrance was previously recorded in the State of Arkansas or that the motor vehicle is physically present in the State of Arkansas; and

(C) Such instruments or documents of authority or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(2) The new owner, upon transferring his or her title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title previously issued, if available, and deliver it, as well as the documents of authority or certified copies thereof, as may be sufficient or required by law to evidence the rights of such person, to the person to whom the transfer is made.

(c) The Commissioner of Motor Vehicles shall have the power to adopt regulations or rules to establish what documents or evidence are required to verify that a lien or encumbrance holder or his or her assignee has complied with this section.

History. Acts 1949, No. 142, § 51; 1983, No. 252, § 3; A.S.A. 1947, § 75-151; Acts 1995, No. 268, § 2; 1999, No. 1307, § 2; 2005, No. 1175, § 1.

27-14-908. Assignment by lienholder.

(a) Any person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign his or her title or interest in or to the vehicle to a person other than the owner without the consent of the owner, and without affecting the interest of the owner or the registration of the vehicle, but in such event, he or she shall give to the owner a written notice of the assignment.

(b) The Office of Motor Vehicle, upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown thereon and giving the name and address of the assignee, shall issue a new certificate of title as upon an original application.

History. Acts 1949, No. 142, § 54; A.S.A. 1947, § 75-154.

27-14-909. Release of lien by lienholder — Disclosure of information.

(a) For purposes of this section, a lien or encumbrance is satisfied when the lienholder receives final payment under § 4-4-215.

(b)(1) Upon the satisfaction of any lien or encumbrance on a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall within ten (10) business days after receipt of final payment under § 4-4-215 execute a release of the lien or encumbrance in the space provided in the certificate of title, or as the Office of Motor Vehicle prescribes, and mail or deliver the certificate of title and the release of lien or encumbrance to the next lienholder named in the certificate of title or, if none, to the owner or to any person who delivers to the lienholder an authorization from the owner to receive the certificate of title.

(2) Upon the satisfaction of a lien or encumbrance on a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose lien or encumbrance is paid in full shall within ten (10) business days after receipt of final payment under § 4-4-215 execute a release of lien or encumbrance in the form the office prescribes and deliver the release of lien or encumbrance to the owner or to any person who delivers to the lienholder an authorization from the owner to receive it.

(c) This section shall not be construed to apply to manufactured housing or mobile homes.

(d) A lienholder named in a certificate of title shall upon written request of the owner or of another lienholder named on the certificate of title disclose any pertinent information as to his or her security agreement and the indebtedness secured.

(e)(1) Any lienholder who fails to comply with subsection (b) of this section shall pay to the person or persons satisfying the lien or encumbrance twenty-five dollars ($25.00) for the first five (5) business days after expiration of the time period prescribed in subsection (b) of this section, and the payment shall double for each five (5) days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars ($500) for each lien.

(2) If delivery of the certificate of title is by mail, the delivery date is the date of the postmark for purposes of this subsection (e).

History. Acts 1949, No. 142, § 55; 1959, No. 307, § 10; A.S.A. 1947, § 75-155; Acts 1999, No. 1305, § 1; 2007, No. 589, § 1.

27-14-910. Reregistration — File.

(a) The Office of Motor Vehicle, upon receipt of a properly endorsed certificate of title and proper application for registration accompanied by the required fee, and when satisfied as to the genuineness and regularity of the transfer and of the right of the transferee to a certificate of title, shall reregister the vehicle as upon a new registration in the name of the new owner and issue a new certificate of title as upon an original application.

(b) The office shall retain and appropriately file every surrendered certificate of title, the file to be so maintained as to permit the tracing of title of the vehicle designated therein.

History. Acts 1949, No. 142, § 52; A.S.A. 1947, § 75-152.

27-14-911. Transferor not liable for negligent operation.

The owner of a motor vehicle who has made a bona fide sale or transfer of his or her title or interest and who has delivered possession of the vehicle to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of the vehicle by another. Furthermore, the selling or transferring owner, upon delivery of possession, shall not be liable for any such damage or negligence if one (1) of the following requirements is fulfilled:

(1) Delivered the certificate of title, properly endorsed and dated with the date of the endorsement, to the purchaser or transferee;

(2) Delivered to the Office of Motor Vehicle or placed in the United States mail, addressed to the office, the notice as provided in § 27-14-916; or

(3) Delivered to the office or placed in the United States mail, addressed to the office, the appropriate documents and fees for registration of the motor vehicle to the new owner pursuant to the sale or transfer.

History. Acts 1949, No. 142, § 57; A.S.A. 1947, § 75-157; Acts 2001, No. 450, § 1.

27-14-912. Dismantling or wrecking vehicles.

Any owner dismantling or wrecking any registered vehicle shall immediately forward to the Office of Motor Vehicle, if available, the certificate of title, registration certificate, and the license plate last issued for the vehicle.

History. Acts 1949, No. 142, § 58; 1981, No. 886, § 2; A.S.A. 1947, § 75-158.

27-14-913. Sale of motor vehicles to be dismantled, etc.

(a) Any owner who sells a motor vehicle to be used as scrap or to be dismantled or destroyed shall assign a certificate of title thereto to the purchaser and shall deliver the certificate, as assigned, to the Office of Motor Vehicle with a notice that the vehicle is to be dismantled.

(b)(1) If the motor vehicle is at least ten (10) years old and no certificate of title is available, the purchaser shall deliver a bill of sale in lieu of the certificate of title to the office.

(2)(A) The bill of sale shall identify the make, model, and serial number of the motor vehicle, and this information shall be verified by a municipal police officer's, sheriff's, or deputy sheriff's signature on the bill of sale.

(B)(i) The verifying law enforcement officer shall cause the bill of sale to be forwarded to the office, and for such service the city or county, as the case may be, shall receive a five dollar ($5.00) fee, which shall be placed in the city or county general fund.

(ii) The office shall thereupon cancel the certificate of title to the motor vehicle and record the notice that the motor vehicle is to be dismantled, which shall authorize the person to possess or transport the motor vehicle or to transfer ownership thereto by endorsement on the bill of sale.

(c) A certificate of title shall not again be issued for a vehicle for which a notice of intent to dismantle has been recorded, except upon certification within

ninety (90) days of the date of filing, from the person filing the notice, that the notice of intent to dismantle was filed in error.

(d) The term "motor vehicle", as used in this section, shall not be applicable to any vehicle which meets each and every one of the following conditions:

(1) Is so badly damaged or deteriorated as to be inoperable;

(2) Is not equipped with parts and accessories which are essential to the operation of a motor vehicle;

(3) Does not have a current license plate or plates;

(4) Is over ten (10) years of age;

(5) Is not equipped with a gas tank;

(6) Is not equipped with tires; and

(7) Has no value except as junk.

History. Acts 1949, No. 142, § 59; 1959, No. 307, § 8; 1981, No. 886, § 1; A.S.A. 1947, § 75-159; Acts 1997, No. 809, § 3; 2001, No. 328, § 1.

27-14-914. Transfer of license plates and registration from one vehicle to another.

(a)(1) When the owner of any motor vehicle, excepting Class One trucks and passenger automobiles other than buses, registered and licensed in this state, shall sell or transfer the motor vehicle or when the motor vehicle has been destroyed so as to be unfit for repair or further use, and the owner shall replace the vehicle with another motor vehicle requiring payment of the same registration or license fee, the owner may, at his election, transfer the license plate and registration of the vehicle being so disposed of to the vehicle acquired as a replacement thereof, upon payment to the Director of the Department of Finance and Administration of a transfer fee of ten dollars ($10.00) per vehicle.

(2) If at the time of transfer the replacement vehicle shall require payment of a larger license fee than the vehicle transferred, the owner shall pay the difference in addition to such transfer fee.

(3) The owner may elect not to transfer the registration and license plate, in which event the transfer of the vehicle shall be governed as provided by law.

(b) The director shall provide suitable forms to enable owners electing to do so to transfer license plate(s) and registration and make payment of the fee provided in this section and shall be empowered to make reasonable rules and regulations governing these transfers.

History. Acts 1967, No. 134, §§ 1, 2; A.S.A. 1947, §§ 75-287, 75-288.

27-14-915. Transfer of license on vehicles for hire.

(a) When the owner of a vehicle licensed to operate for hire takes the vehicle out of the for-hire service, the Director of the Department of Finance and Administration, upon the payment of a transfer charge of two dollars ($2.00), will cause the license for the vehicle to be transferred to another vehicle for like use to be registered by the owner.

(b) If the fee for registration and licensing the vehicle under registration is greater than that represented by the license to be transferred, then the director shall, in addition, collect an amount equal to the excess payable for the vehicle under registration.

(c) No refund will be due in the event that the fee for registration and licensing the vehicle under registration is less than that represented by the license to be transferred.

(d)(1) Upon the transfer of a license, the director will cause to be cancelled all registrations on the vehicle taken out of for-hire service.

(2) In the event the vehicle is thereafter used upon the highways of the State of Arkansas, the owner thereof must cause it to be reregistered in the usual manner.

History. Acts 1947, No. 416, §§ 1, 2; A.S.A. 1947, §§ 75-207, 75-208.

27-14-916. Notice of sale or transfer.

(a) Whenever the owner of a motor vehicle registered under this chapter sells or transfers title or interest in and delivers the possession of the motor vehicle to another person, the owner may notify the Office of Motor Vehicle of the sale or transfer.

(b) The notice shall provide the following information:

(1) The date of the sale or transfer;

(2) The name and address of the owner and of the transferee;

(3) The vehicle identification number; and

(4) A description of the vehicle.

(c) If the registered owner is not in possession of the motor vehicle that is sold or transferred, the person in physical possession of that motor vehicle may give the notice authorized by subsection (a) of this section. If the registered owner sells or transfers the vehicle through a motor vehicle dealer conducting an auto auction, the owner may furnish the information required by subsection (b) of this section to that dealer.

History. Acts 2001, No. 450, § 2.

27-14-917. Time requirements for payment of lien or encumbrance.

(a) As used in this section:

(1) "Customer" means a person who trades in or otherwise provides a vehicle to a motor vehicle dealer for resale;

(2) "Motor vehicle dealer" means a motor vehicle dealer as defined in § 23-112-103 or a used motor vehicle dealer as defined in § 23-112-103; and

(3) "Subsequent purchaser" means a person who buys the vehicle that was provided to the motor vehicle dealer as a trade-in or for resale by the customer.

(b)(1) If a motor vehicle dealer takes possession of a vehicle for purposes of resale and there is an outstanding lien or encumbrance on the vehicle, the motor vehicle dealer shall in good faith tender full payment on the outstanding lien or encumbrance within ten (10) business days after the motor vehicle dealer takes possession of the vehicle from the customer.

(2) This time period may be shortened if the customer and the motor vehicle dealer agree to a shorter time period.

(c)(1) If the motor vehicle dealer fails to act in good faith in tendering full payment for the outstanding lien or encumbrance within ten (10) business days or within the time period agreed to by the motor vehicle dealer and the customer under subdivision (b)(2) of this section, the customer shall have an absolute right to cancel the contract for sale between the customer and the motor vehicle dealer.

(2) If the contract for sale is cancelled pursuant to subdivision (c)(1) of this section, the motor vehicle dealer shall be responsible for late fees, finance charges, or any financial penalty that is required to be made by the customer as part of the existing lien or encumbrance.

(d) If the motor vehicle dealer sells the vehicle to a subsequent purchaser without first tendering full payment for the outstanding lien or encumbrance, the subsequent purchaser who buys the vehicle subject to the existing lien or encumbrance shall have an absolute right to cancel the contract for sale between the subsequent purchaser and the motor vehicle dealer.

History. Acts 2009, No. 455, § 1.

Subchapter 10 — Permanent Automobile Licensing Act

SECTION.

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27-14-1001. Title.

This subchapter may be cited as the "Permanent Automobile Licensing Act of 1967".

History. Acts 1967, No. 465, § 1; A.S.A. 1947, § 75-133.11.

27-14-1002. Definitions.

(a) As used in this subchapter:

(1) "Class One trucks" includes trucks of Class One as defined in § 27-14-601(a)(3), but excludes trailers and semitrailers of that class;

(2) "Commercial motor vehicle" includes motor buses, motor buses in interstate or intrastate operations, trucks, tractors, trailers, and semitrailers of Classes Two, Three, Four, Five, Six, Seven, and Eight, as provided in § 27-14-601(a)(3), and trailers and semitrailers in Class One of § 27-14-601(a)(3);

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

(4) "Passenger motor vehicle" includes all other vehicles except as defined in subdivision (a)(2) of this section and except Class One trucks;

(5) "Proper application" consists of a completed application form which meets all of the requirements relevant to securing a motor vehicle license, including the submission of proper fees within the required time; and

(6) "Tab or decal" is an attachable material of such form and substance as the director may prescribe by rule or regulation.

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code contained in this title.

History. Acts 1967, No. 465, § 2; A.S.A. 1947, § 75-133.12.

27-14-1003. Applicability.

All passenger motor vehicles and Class One trucks shall be subject to the provisions of this subchapter.

History. Acts 1967, No. 465, § 3; A.S.A. 1947, § 75-133.13.

27-14-1004. Penalties.

(a) Any person failing to comply with the provisions of this subchapter by operating a passenger motor vehicle, as set forth and described in § 27-14-1002(a), or by operating a Class One truck, as set forth and described in § 27-14-1002(a), which is subject to registration under the laws of this state on any street, road, or highway in the State of Arkansas

without having first registered the motor vehicle with the Office of Motor Vehicle, in the manner and within the period required by law or regulations of the Director of the Department of Finance and Administration, shall be required to pay a penalty of three dollars ($3.00) for each ten (10) days, or fraction thereof, for which he or she fails properly to register the vehicle until the penalty reaches the same amount as the annual license fee of the vehicle to be registered.

(b) No penalty shall be assessed if the owner or operator of a vehicle makes an affidavit to the effect that the vehicle has not been operated on any street, road, or highway in the State of Arkansas after the time set for registering the motor vehicle with the office.

(c) If such affidavit shall be false, the making of the affidavit shall constitute a misdemeanor and shall be punishable by a fine of from two hundred fifty dollars ($250) to five hundred dollars ($500).

History. Acts 1967, No. 465, § 8; 1968 (1st Ex. Sess.), No. 41, § 1; A.S.A. 1947, § 75-133.18.

27-14-1005. Failure to affix or display license plates, etc.

The failure of the motor vehicle owner to affix and display:

(1) The permanent license plates;

(2) The tab or decal; or

(3) The registration card, in the places designated by the Director of the Department of Finance and Administration, shall be a misdemeanor subject to the penalties provided by § 27-14-301.

History. Acts 1967, No. 465, § 19; A.S.A. 1947, § 75-133.29.

27-14-1006. Authority to issue permanent license plate subject to replacement.

(a) The Director of the Department of Finance and Administration is authorized to issue to the owner of a vehicle subject to this subchapter a permanent license plate subject to replacement at the request of the owner because of theft, loss, wear, or mutilation, or at the discretion of either the Director of the Department of Arkansas State Police or the Director of the Department of Finance and Administration.

(b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

History. Acts 1967, No. 465, § 4; A.S.A. 1947, § 75-133.14.

27-14-1007. Issuance of license plate.

Upon registration, the owner of every vehicle of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Director of the Department of Finance and Administration upon the payment of the fees required by law.

History. Acts 1967, No. 465, § 6; A.S.A. 1947, § 75-133.16.

27-14-1008. Issuance of permanent reflectorized license plates.

(a)(1) The Director of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.

(2) These license plates shall be attached to motor vehicles in such manner as he or she shall prescribe.

(3) Each reflectorized license plate so issued by the director shall have imprinted thereon a multicolor reflectorized graphic design or logo in such a manner and of such design as he or she shall prescribe which will promote tourism and improve public relations inside and outside the State of Arkansas.

(b) No identical plates shall be issued for more than one (1) vehicle.

(c) All license plates that have been issued prior to the enactment of this section shall be replaced by the director with license plates that shall conform to this subchapter and be attached to motor vehicles during a replacement or recycle period beginning not earlier than January 1, 1980, nor later than January 31, 1981.

History. Acts 1967, No. 465, § 14; 1977, No. 367, § 1; 1979, No. 744, § 1; A.S.A. 1947, § 75-133.24.

27-14-1009. Issuance of special personalized license plate.

(a)(1) The Director of the Department of Finance and Administration shall provide for and issue a special personalized license plate for passenger motor vehicles.

(2) The plate shall be issued in lieu of the standard license plate for such vehicles, upon application therefor and the payment of a fee of twenty-five dollars ($25.00) per year in addition to the regular registration fee prescribed for the vehicle to which the special plate is to be attached.

(3)(A) The color of the background and color of the numbers or letters on such special plate shall be identical to the colors on the standard permanent plate issued.

(B) The director, in his or her discretion, may limit the number of characters or the context in which they appear on the license plate.

(b) No identical special license plate shall be issued for more than one (1) vehicle.

(c)(1) In the event the owner does not desire to renew his or her personalized license plate, he or she shall surrender the plate at the time of renewal of registration.

(2) The willful failure or neglect thereof shall be a misdemeanor.

(d) The director may adopt regulations concerning the issuance of a personalized plate.

History. Acts 1967, No. 465, § 15; A.S.A. 1947, § 75-133.25.

27-14-1010. Registration certificate.

(a) The Director of the Department of Finance and Administration shall issue to each owner of a motor vehicle subject to this subchapter a registration certificate which must be kept in the motor vehicle in the place prescribed by the director.

(b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

History. Acts 1967, No. 465, § 21; A.S.A. 1947, § 75-133.31.

27-14-1011. Registration on monthly-series basis — Renewal periods.

(a)(1) The Director of the Department of Finance and Administration shall establish a system of registration on a monthly-series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(2) The director may set the number of renewal periods within the month from one (1) each month to one (1) each day of the month depending on which system is most economical and best accommodates the public.

(b) If the director elects to use monthly renewal periods, when a person applies for the registration of a vehicle and the issuance of a permanent license plate, the decals issued by the director for attachment to the permanent plates to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The director shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) Registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter as long as renewed each year within the time required by law.

(e) The director shall establish a system to allow owners to renew their motor vehicle registrations by facsimile machine and to charge their fees to credit cards. The director shall obtain a number of facsimile machines and publish the telephone numbers of these machines and make agreements with credit card companies so as to best accommodate the public.

History. Acts 1967, No. 465, § 5; 1975, No. 691, § 1; A.S.A. 1947, § 75-133.15; Acts 1991, No. 1005, § 1.

27-14-1012. Applications for registrations or renewals.

(a)(1) An applicant may apply, in person or by mail, for the issuance of permanent license plates to the revenue office in the county where he or she resides or to the Director of the Department of Finance and Administration.

(2) After the issuance of a permanent license plate, an applicant may apply for renewal by:

(A) Transmitting the required documents and the registration fee by mail to the applicant's local revenue office or to the director;

(B) Transmitting the required information electronically using the electronic online registration process provided by the Department of Finance and Administration and authorizing the registration fee to be charged to the applicant's credit card; or

(C) Providing the required information using the telephone registration process provided by the department and authorizing the registration fee to be charged to the applicant's credit card.

(b)(1) Not less than thirty (30) days before the expiration of the license, the director shall notify the owner of a registered motor vehicle subject to this subchapter.

(2) The notice shall be sent by:

(A) Regular mail to the most recent address of the owner of the motor vehicle as the owner's name and address appear on the records of the Office of Motor Vehicle as the address provided at the last registration or reported as a change of address as required by § 27-14-1019; or

(B) Email to the email address provided to the director by the motor vehicle owner in connection with a consent to receive the annual motor vehicle registration renewal notice by email.

(c) A proper application for registration or renewal by mail must be postmarked not later than fifteen (15) days before the date for renewal to allow time for processing.

(d) The director is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail and to impose an additional fee to recover any credit card fees charged by credit card companies.

History. Acts 1967, No. 465, § 16; A.S.A. 1947, § 75-133.26; Acts 1991, No. 1005, § 2; 1993, No. 1261, § 3; 1999, No. 461, § 2; 2011, No. 67, § 1.

27-14-1013. Renewals of registration.

The owner of any permanent license plate issued by the Director of the Department of Finance and Administration may renew his or her registration:

(1) In person or by mail at a county revenue office or with the director;

(2) Electronically, using the electronic online registration process provided by the Department of Finance and Administration; or

(3) By telephone, using the telephone registration process provided by the department.

History. Acts 1967, No. 465, § 7; A.S.A. 1947, § 75-133.17; Acts 1991, No. 1005, § 3; 2011, No. 67, § 2.

27-14-1014. Application forms for renewals of registration.

(a)(1) The Director of the Department of Finance and Administration shall send application forms for all renewals of registration under this subchapter by:

(A) Regular mail sent to the most recent address of the owner of the motor vehicle as the owner's name and address appear on the records of the Office of Motor Vehicle; or

(B) Email sent to the address provided to the director by the motor vehicle owner in connection with a consent to receive the annual motor vehicle registration renewal notice and application forms by email.

(2) The director shall not be required to go beyond the face of the last registration.

(b) The failure of an owner to receive notice of expiration of his or her motor vehicle license shall not be construed as an extenuating circumstance for the failure of a motor vehicle owner to renew his or her license on time.

History. Acts 1967, No. 465, § 20; A.S.A. 1947, § 75-133.30; Acts 2011, No. 67, § 3.

27-14-1015. Payment of personal property taxes and listing for assessment required.

(a) The owner of every vehicle subject to registration in Arkansas shall assess the vehicle with the county tax assessor in the county where required by law and within the time required by law.

(b)(1) The county tax assessor and county tax collector shall provide to the Director of the Department of Finance and Administration updates to the state vehicle registration system to indicate whether or not the owner of each vehicle registered in the county has assessed the vehicle and owes no delinquent personal property taxes. Such updates shall be required not later than January 1, 1999.

(2) The provisions of this section shall not apply to vehicles assessed by the Tax Division of the Arkansas Public Service Commission and registered under the provisions of the International Registration Plan, nor shall the provisions of this section apply to vehicles owned by the state, public schools, political subdivisions of this state or any other vehicles which are not subject to annual assessment and payment of personal property taxes.

(3) The director shall provide free of charge to each county assessor and to each county collector in this state, such additional computer hardware, software, and telecommunications links as he or she deems are essential to allow the county assessors and collectors to electronically forward to the Department of Finance and Administration updates to the vehicle registration system for the purposes of adding, changing, or removing information identifying vehicles which have been assessed within the time frame required by law, and vehicles for which the owners have paid personal property taxes within the time frame required by law.

(c) There is hereby levied a new fee of two dollars and fifty cents ($2.50) for the sale of each annual license plate validation decal for a motor vehicle. This new fee shall be collected by the director at the same time the vehicle registration fees imposed by § 27-14-601 are collected; however, this new decal fee shall be accounted for separately from the registration fee. Such amount shall be mandatory and is collected for the purpose of extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the director proof of assessment and payment of personal property taxes.

(d)(1) One dollar and fifty cents ($1.50) of the amount collected by the director pursuant to subsection (c) of this section for each annual license plate validation decal shall not be deposited in the State Treasury but shall be remitted to the Arkansas Development Finance Authority.

(2) One dollar ($1.00) of the amount collected by the director pursuant to subsection (c) of this section for each annual license plate validation decal shall be deposited into the State Treasury as direct revenues to the State Central Services Fund, there to be used by the Revenue Division of the Department of Finance and Administration in supporting those activities and programs which will facilitate extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the director proof of assessment and payment of personal property taxes or proof of automobile liability insurance coverage.

(3) All amounts derived from the new fee imposed by subsection (c) of this section for the sale of annual license plate validation decals, whether held by the director or the authority, which are to be remitted to the authority shall be cash funds not subject to appropriation and shall be used and applied by the authority only as provided in § 22-3-1225. The fees charged for the annual license plate validation decal and paid to the authority pursuant to subdivision (d)(1) of this section shall not be reduced or otherwise impaired during the time that such fees are pledged by the authority to the repayment of any of the authority's bonds issued in accordance with § 22-3-1225.

History. Acts 1967, No. 465, §§ 10, 11; 1969, No. 42, §§ 1, 2; 1975 (Extended Sess., 1976), No. 1200, §§ 2, 3; A.S.A. 1947, §§ 75-133.20, 75-133.21; reen. Acts 1987, No. 1000, § 2; Acts 1991, No. 1005, § 4; 1993, No. 233, § 1; 1997, No. 974, § 4.

27-14-1016. Other information required.

The Director of the Department of Finance and Administration may require such other information

of applicants as he or she deems necessary for the proper licensing of motor vehicles and the proper maintenance of a motor vehicle register.

History. Acts 1967, No. 465, § 12; A.S.A. 1947, § 75-133.22.

27-14-1017. Calculation of license fees.

For the purpose of calculating any license fees due, each major fraction of a dollar shall be treated as a whole dollar and each fraction of a dollar less than fifty cents (50¢) shall be disregarded.

History. Acts 1967, No. 465, § 9; A.S.A. 1947, § 75-133.19.

27-14-1018. Issuance of annual tab or decal.

(a) In conjunction with the permanent license plate, the Director of the Department of Finance and Administration shall issue a tab or decal annually or, when appropriate, to each qualified applicant as evidence of the annual payment of license fees.

(b) A motor vehicle owner shall affix and display the tab or decal in such place as the director shall designate.

History. Acts 1967, No. 465, §§ 17, 18; A.S.A. 1947, §§ 75-133.27, 75-133.28.

27-14-1019. Changes of address.

(a) Every owner of a motor vehicle subject to this subchapter shall report to the Director of the Department of Finance and Administration any change of address from that listed when the vehicle was registered.

(b) The willful failure or neglect of an owner to report such change of address shall be a misdemeanor and shall subject such owner to the penalties provided by § 27-14-301 and shall relieve the director of any obligation of notifying the owner of expiration of his motor vehicle license and registration.

History. Acts 1967, No. 465, § 13; A.S.A. 1947, § 75-133.23.

27-14-1020. Rules and regulations.

The Director of the Department of Finance and Administration shall promulgate such reasonable rules and regulations and prescribe such forms as are necessary for the proper enforcement of this subchapter.

History. Acts 1967, No. 465, § 22; A.S.A. 1947, § 75-133.32.

27-14-1021. Annual notification of requirements.

(a) The Director of the Department of Finance and Administration shall send to each vehicle owner in this state the following information:

(1) Notification of the requirement that each vehicle must be assessed and personal property taxes must be paid annually;

(2) Notification of the procedure and time period for annual assessment of personal property;

(3) Notification of the requirement that proof of liability insurance is required and must be maintained at all times in the vehicle; and

(4) Notification of the penalties contained in Arkansas law for:

(A) Failure to assess the vehicle or pay personal property taxes due;

(B) Failure to maintain liability insurance coverage on the vehicle; and

(C) Operation of an unsafe vehicle.

(b) The director may comply with the requirements set forth in subsection (a) of this section by including the information in the annual vehicle registration renewal notice sent to each vehicle owner by:

(1) Regular mail; or

(2) If the motor vehicle owner has given his or her consent, email.

(c) The director shall also cause to be displayed, in conspicuous fashion, at each revenue office in this state, the information set forth in subsection (a) of this section.

History. Acts 1997, No. 974, § 17; 2011, No. 67, § 4.

Subchapter 11 — Special Personalized Prestige License Plates

SECTION.

27-14-1101. Authority to issue for passenger cars.
27-14-1102. Applications — Priority.
27-14-1103. Design.
27-14-1104. Rules and regulations.

27-14-1101. Authority to issue for passenger cars.

(a) The Director of the Department of Finance and Administration shall provide for and issue special personalized prestige license plates for passenger automobiles and motorcycles.

(b) The special personalized prestige license plates shall be issued in addition to the regular license plates for such vehicles, upon application therefor and the payment of an annual fee of twenty-five dollars ($25.00) in addition to the regular registration fee prescribed for the vehicle to which the special personalized prestige license plate is to be attached.

(c) No identical special personalized prestige license plates shall be issued for different vehicles for the same year.

History. Acts 1967, No. 194, § 1; 1979, No. 440, § 3; A.S.A. 1947, § 75-201.3; Acts 1989, No. 31, § 1.

27-14-1102. Applications — Priority.

(a) Any automobile owner or motorcycle owner desiring to obtain a special personalized prestige license plate for his or her automobile or motorcycle must make a new application each year and pay the additional fee prescribed in § 27-14-1101.

(b) Once an automobile owner or motorcycle owner makes application for and obtains a special personalized prestige license plate for his or her automobile or motorcycle as provided in § 27-14-1101, the person shall have first priority on the combination of numbers or letters contained on the special personalized prestige license plate for each following year for which he or she makes proper and timely application therefor.

History. Acts 1967, No. 194, § 2; A.S.A. 1947, § 75-201.4; Acts 1989, No. 31, § 2.

27-14-1103. Design.

The color of the background and the color of the numbers or letters on the special personalized prestige license plates shall be identical to the colors on the regular license plates issued for the same year.

History. Acts 1967, No. 194, § 1; 1979, No. 440, § 3; A.S.A. 1947, § 75-201.3.

27-14-1104. Rules and regulations.

(a) The Director of the Department of Finance and Administration is authorized to promulgate rules and regulations regarding the maximum and minimum number of letters, numbers, or symbols on special personalized prestige license plates issued under this subchapter.

(b) The director may also promulgate such other rules and regulations as shall be deemed necessary or desirable for effectively carrying out the intent and purposes of this subchapter and the laws of this state relative to the regulation and licensing of motor vehicles.

History. Acts 1967, No. 194, § 3; A.S.A. 1947, § 75-201.5.

Subchapter 12 — Permanent Trailer Licensing Act

SECTION.
27-14-1201. Title.
27-14-1202. Definitions.
27-14-1203. Applicability.
27-14-1204. Penalties.
27-14-1205. [Repealed.]
27-14-1206. Time and place for registration or renewal.
27-14-1207. Information required of applicant.
27-14-1208. [Repealed.]
27-14-1209. Issuance of registration certificate.
27-14-1210. Fee.
27-14-1211. Issuance of permanent plate.
27-14-1212. Issuance of reflectorized plates.
27-14-1213. Distribution of renewal applications.
27-14-1214. Renewal of registration.
27-14-1215. Issuance of tab or decal.
27-14-1216. Transfer of registration to another trailer.
27-14-1217. Report of change of address.
27-14-1218. Rules and regulations.

27-14-1201. Title.

This subchapter may be cited as the "Permanent Trailer Licensing Act of 1979".

History. Acts 1979, No. 671, § 1; A.S.A. 1947, § 75-253.1.

27-14-1202. Definitions.

(a) As used in this subchapter:

(1) "Decal" means an attachable material of such form and substance as the Director of the Department of Finance and Administration may prescribe by rule or regulation;

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

(3) "Proper application" means a completed application form which meets all of the requirements relevant to securing a trailer license, including the submission of proper fees within the required time; and

(4) "Trailer" means utility trailers, horse trailers, dog trailers, and other small and medium-sized trailers having a gross loaded weight not in excess of six thousand pounds (6,000 lbs.).

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code.

History. Acts 1979, No. 671, § 2; A.S.A. 1947, § 75-253.2.

27-14-1203. Applicability.

All trailers having a gross load not in excess of six thousand pounds (6,000 lbs.) shall be subject to the provisions of this subchapter.

History. Acts 1979, No. 671, § 3; A.S.A. 1947, § 75-253.3.

27-14-1204. Penalties.

(a) Any owner of a trailer failing to comply with the provisions of this subchapter shall be subject to the penalties provided for in Acts 1945, No. 221, § 3 [superseded].

(b) It shall be a misdemeanor subject to the penalties provided by § 27-14-301 for the failure of the trailer owner to affix and display:

(1) The permanent license plate;

(2) The tab or decal; or

(3) The registration card in the places designated by the Director of the Department of Finance and Administration.

History. Acts 1979, No. 671, §§ 8, 18; A.S.A. 1947, §§ 75-253.8, 75-253.18.

27-14-1205. [Repealed.]

Publisher's Notes. This section, concerning registration on a monthly basis, was repealed by Acts 2001, No. 330, § 2, effective January 1, 2002. The section was derived from Acts 1979, No. 671, § 5; A.S.A. 1947, § 75-253.5; Acts 1995, No. 517, § 18.

27-14-1206. Time and place for registration or renewal.

(a) An applicant may apply, in person or by mail, for the issuance of permanent license plates to the revenue collector in the county where he or she resides or to the Director of the Department of Finance and Administration.

(b) Thirty (30) days before the expiration of a license issued prior to January 1, 2002, the director shall notify the owner of a registered trailer subject to this subchapter at the last address of the owner of the trailer as the owner's name and address appear on the records of the office, but the director is not required to go beyond the face of the last registration statement.

(c)(1) A proper application for registration or renewal of a registration issued prior to January 1, 2002, by mail must be postmarked not later than fifteen (15) days before the date for renewal in order to allow time for processing.

(2) The director is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail.

History. Acts 1979, No. 671, § 15; A.S.A. 1947, § 75-253.15; Acts 2001, No. 330, § 3.

27-14-1207. Information required of applicant.

The Director of the Department of Finance and Administration may require such other information of applicants as he or she deems necessary for the proper licensing of trailers and the proper maintenance of a trailer register.

History. Acts 1979, No. 671, §§ 10, 12; A.S.A. 1947, §§ 75-253.10, 75-253.12; Acts 1997, No. 974, § 2.

27-14-1208. [Repealed.]

Publisher's Notes. This section, concerning proof of assessment and payment of personal property taxes, was repealed by Acts 1997, No. 974, § 3, effective January 1, 1998. The section was derived from Acts 1979, No. 671, § 11; A.S.A. 1947, § 75-253.11.

27-14-1209. Issuance of registration certificate.

(a) The Director of the Department of Finance and Administration shall issue to each owner of a trailer subject to this subchapter a registration certificate, which must be kept in the place prescribed by the director.

(b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

History. Acts 1979, No. 671, § 20; A.S.A. 1947, § 75-253.20.

27-14-1210. Fee.

(a) Upon registration, the owner of every trailer of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Director of the Department of Finance and Administration upon the payment of the fee set forth in § 27-14-601.

(b) For the purpose of calculating any license fees due, each fraction of a dollar more than fifty cents (50¢) shall be treated as a whole dollar, and each fraction of a dollar less than fifty cents (50¢) shall be disregarded.

History. Acts 1979, No. 671, §§ 6, 9; A.S.A. 1947, §§ 75-253.6, 75-253.9; Acts 2001, No. 330, § 4.

27-14-1211. Issuance of permanent plate.

(a) The Director of the Department of Finance and Administration is authorized to issue to the owner of a trailer subject to this subchapter a permanent license plate, subject to replacement, upon payment of the fee set forth in § 27-14-601.

(b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

History. Acts 1979, No. 671, § 4; A.S.A. 1947, § 75-253.4; Acts 2001, No. 330, § 5.

27-14-1212. Issuance of reflectorized plates.

(a) The Director of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.

(b) These license plates shall be attached to the trailer in such manner as he or she shall prescribe.

(c) No identical license plates shall be issued for more than one (1) trailer.

History. Acts 1979, No. 671, § 14; A.S.A. 1947, § 75-253.14.

27-14-1213. Distribution of renewal applications.

(a) The Director of the Department of Finance and Administration shall mail application forms for all renewals of registration under this subchapter issued prior to January 1, 2002, to the last address of the owner of the trailer as the owner's name and address appear on the records of the Office of Motor Vehicle.

(b) The director shall not be required to go beyond the face of the last registration, and the failure of an owner to receive notice of expiration of his or her

trailer license shall not be construed as an extenuating circumstance for the failure of a trailer owner to renew his or her license on time.

History. Acts 1979, No. 671, § 19; A.S.A. 1947, § 75-253.19; Acts 2001, No. 330, § 6.

27-14-1214. Renewal of registration.

(a) The owner of any permanent license plate issued by the Director of the Department of Finance and Administration prior to January 1, 2002, may renew his or her registration, in person or by mail, at a county revenue office or with the director during any day from thirty (30) days prior to the date on which his or her registration shall expire.

(b) Upon receiving notification by the director of his or her new permanent registration date, the applicant shall, within the time prescribed by the director, pay the fee set forth in § 27-14-601.

History. Acts 1979, No. 671, § 7; A.S.A. 1947, § 75-253.7; Acts 2001, No. 330, § 7.

27-14-1215. Issuance of tab or decal.

(a) In conjunction with the permanent license plate, the Director of the Department of Finance and Administraion may issue a tab or decal as evidence of the payment of license fees.

(b) The trailer owner shall affix and display the tab or decal in such place as the director shall designate.

History. Acts 1979, No. 671, §§ 16, 17; A.S.A. 1947, §§ 75-253.16, 75-253.17; Acts 2001, No. 330, § 8.

27-14-1216. Transfer of registration to another trailer.

(a) Whenever the owner of a registered trailer transfers or assigns his or her title, or interest thereto, the registration of the trailer shall expire.

(b) The owner shall remove the license plate and any plate sticker, metal tab, or decal therefrom and forward them to the office.

History. Acts 1979, No. 671, § 22; A.S.A. 1947, § 75-253.22; Acts 2001, No. 330, § 9.

27-14-1217. Report of change of address.

(a) Every owner of a trailer subject to this subchapter shall report to the Director of the Department of Finance and Administration any change of address from that listed when the trailer was registered.

(b) The willful failure or neglect of an owner to report a change of address shall:

(1) Be a misdemeanor;

(2) Subject the owner to the penalties provided by § 27-14-301; and

(3) Relieve the director of any obligation of notifying the owner of expiration of his or her trailer license and registration.

History. Acts 1979, No. 671, § 13; A.S.A. 1947, § 75-253.13.

27-14-1218. Rules and regulations.

The Director of the Department of Finance and Administration shall promulgate such reasonable rules and regulations and prescribe such forms as are necessary for the proper enforcement of this subchapter.

History. Acts 1979, No. 671, §§ 21, 25; A.S.A. 1947, § 75-253.21.

Subchapter 13 — Trucks and Trailers

SECTION.

27-14-1301. Penalty.
27-14-1302. Load limits not affected.
27-14-1303. Administration.
27-14-1304. Rules and regulations.
27-14-1305. Annual report.
27-14-1306. Commercial vehicle temporary license plates.

27-14-1301. Penalty.

(a) Every person who violates, or who procures, aids, or abets violation of, any of the provisions of this subchapter and any person who refuses or fails to obey any order, decision, rule, or regulation made under or pursuant to this subchapter, shall be deemed guilty of a misdemeanor.

(b) Upon conviction, violators shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000) or by imprisonment for not more than three (3) months, or by both a fine and imprisonment.

History. Acts 1949, No. 235, § 9; A.S.A. 1947, § 75-259.

27-14-1302. Load limits not affected.

Nothing in this subchapter shall repeal the right of the State Highway Commission to vary the load limit on any particular road at any particular time as conditions may warrant.

History. Acts 1949, No. 235, § 7; A.S.A. 1947, § 75-258.

27-14-1303. Administration.

The Director of the Department of Finance and Administration is authorized and directed to supply license plates to properly designate or identify the various classes of vehicles covered in this subchapter and to enforce this subchapter.

History. Acts 1949, No. 235, § 4; A.S.A. 1947, § 75-255.

27-14-1304. Rules and regulations.

(a)(1) The Director of the Department of Finance and Administration shall promulgate rules and regulations and prescribe forms for the proper enforcement of this subchapter.

(2) The rules, regulations, and forms shall be dated and issued under a systematic method of numbering.

(b)(1) A complete file of all rules, regulations, and forms shall be kept in the office of the director.

(2) Copies of the rules, regulations, and forms shall be made available to any person requesting them.

History. Acts 1949, No. 235, § 3; A.S.A. 1947, § 75-254.

27-14-1305. Annual report.

(a) Annually, on or before December 31 of each year, the Director of the Department of Finance and Administration shall make a report of his or her administration of this subchapter to the Governor.

(b) The annual report shall include, among other things, facts and statistics relating to the effect of the administration of this subchapter upon all affected thereby.

History. Acts 1949, No. 235, § 6; A.S.A. 1947, § 75-257.

27-14-1306. Commercial vehicle temporary license plates.

(a)(1) The Chief Fiscal Officer of the State is authorized to design and issue commercial vehicle temporary license plates for use in cases where commercial operators desire to operate temporarily in this state for a period not to exceed seventy-two (72) hours.

(2) These license plates shall not be valid in any event for more than seventy-two (72) hours.

(3) These license plates shall be issued for a fee of thirty-three dollars ($33.00).

(4) These license plates may be issued for a single unit of a tractor-trailer combination.

(b) The Chief Fiscal Officer of the State is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this section.

(c) This section is in no respect to be considered as a repeal of any of the motor vehicle laws already in effect, specifically §§ 27-14-1804 — 27-14-1806 and 27-14-2102. This section shall be construed as supplementary thereto.

History. Acts 1975 (Extended Sess., 1976), No. 1179, §§ 1-3; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-293 — 75-293.2; reen. Acts 1987, No. 589, §§ 1-3; reen. 1987, No. 992, §§ 1-3.

Subchapter 14 — Buses

SECTION.

27-14-1401. Fees for registration and licensing of interstate motor buses.
27-14-1402. Municipally franchised buses.
27-14-1403. Community or farm-to-market buses.
27-14-1404. School buses owned by licensed facilities.

27-14-1401. Fees for registration and licensing of interstate motor buses.

(a) The provisions of § 27-14-601 shall govern the fees for the registration and licensing of interstate motor buses.

(b) For the purpose of determining the registration and licensing fees, an interstate motor bus shall be considered a motor truck.

History. Acts 1957, No. 206, § 1; A.S.A. 1947, § 75-276; Acts 1993, No. 404, § 1.

27-14-1402. Municipally franchised buses.

Where motor buses are operated on designated streets according to regular schedules, under franchise from any municipality in this state, the owners or operators of the motor buses shall pay to the state an annual motor vehicle and license fee of twenty dollars ($20.00) for each motor bus so operated.

History. Acts 1939, No. 115, § 1; 1963, No. 548, § 1; 1979, No. 440, § 2; A.S.A. 1947, § 75-206.

27-14-1403. Community or farm-to-market buses.

(a) As used in this section, "community or farm-to-market bus" means any bus operating under and by authority of the Arkansas State Highway and Transportation Department which is privileged to operate as a common carrier for hire within the State of Arkansas and which has a home office that is domiciled within this state, and where the privilege does not extend beyond the territory of fifty (50) miles for any operation, shall be termed a "community or farm-to-market bus".

(b) The annual license fee to be collected from the owners of community or farm-to-market buses operating under authority of the department for hire, whose operations do not extend beyond fifty (50) miles, shall be the sum of one hundred thirty dollars ($130).

History. Acts 1941, No. 354, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-209, 75-210.

27-14-1404. School buses owned by licensed facilities.

(a) School buses owned by facilities licensed by the Department of Human Services shall not be

subject to the registration and licensing fees prescribed by law.

(b) The only fee for their licenses shall be a one dollar ($1.00) annual renewal fee.

(c) The original license application and all renewals shall be accompanied by an affidavit signed by an official of the facility, indicating that the buses for which licenses are requested are either owned or exclusively leased by the facility and used exclusively in its functions.

History. Acts 1981, No. 441, § 1; A.S.A. 1947, § 75-201.18.

Subchapter 15 — Taxicabs

SECTION.

27-14-1501. Liability insurance prerequisite to licensing.
27-14-1502. Operations in adjoining cities and towns separated by state line.

27-14-1501. Liability insurance prerequisite to licensing.

(a) No license shall be issued for any taxicab, automobile, or similar vehicle used for hire, nor shall these vehicles be operated or used in and upon the streets, roads, and highways of the State of Arkansas, within or without the corporate limits of any city or village, for the purpose of carrying passengers for hire unless there shall have been filed with the Director of the Department of Finance and Administration a liability contract of insurance, or certificates of insurance, issued to the owner of the vehicle, which shall be substantially in the form of the standard automobile liability insurance policy in customary use, to be approved by the director, and issued by an insurance company licensed to do business in the State of Arkansas.

(b) The policy shall secure payment in accordance with the provisions thereof to any person except employees or joint venturers of the owner for personal injuries to that person and for any damage to property except property owned by, rented to, leased to, in charge of, or transported by the owner, other than baggage of passengers, caused by the operation of a taxicab, automobile, or similar vehicle used for hire for at least the minimum amounts prescribed for liability insurance under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

(c)(1) In lieu of such policy of insurance, an owner may file a bond by some solvent surety company licensed to do business in this state or may file a bond by suitable collateral.

(2)(A) The bond or collateral shall be in the form approved by the director and shall be conditioned for the payment of property damage and personal injuries and shall be in an amount no less than fifty thousand dollars ($50,000) for all claims for the operator's fleet, and uninsured motorist coverage shall not be required of such operators.

(B) If the bond or collateral becomes insufficient because of claims or any other reason, the operator shall have seven (7) days to restore it to the full amount or lose its bonded status.

(d) In lieu of such policy of insurance or bond, an owner may provide self-insurance as authorized under § 27-19-107.

(e)(1) No policy of insurance may be cancelled by the licensee or by the insurance carrier unless written notice of the cancellation shall have been mailed to the director.

(2) The written notice shall state the exact time and date of cancellation to be not less than seven (7) days from the date of mailing.

(3) The mailing of notice shall be sufficient proof of notice, and the effective date of cancellation stated in the notice shall become the end of the policy period.

(f) Any individual or corporation engaged in the operation of a taxicab, etc., as a common carrier of passengers for hire who violates this section or who procures, aids, or abets any individual or corporation in violating this section shall, upon conviction, be guilty of a Class B misdemeanor.

(g)(1) Notwithstanding any other provision of state law, any municipality in a county with a population in excess of two hundred thousand (200,000) that requires a franchise for taxicabs to operate within the corporate limits of the municipality may impose any insurance requirements desired by the municipality that shall be applicable to any taxicab that operates within the municipality.

(2) If a municipality imposes such insurance requirements on its taxicabs, it shall be unlawful for any taxicab operator to operate a taxicab within the corporate limits of that municipality without meeting such insurance requirements. Any person found guilty or who pleads guilty or nolo contendere to a charge of violating this subsection shall be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(3) In addition to penalties that may be assessed against the taxicab operator, if the taxicab owner is a different person or entity, the owner shall be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

(4) A municipality may, by ordinance, declare that an uninsured taxicab shall be subject to seizure and that a seized taxicab shall not be released until such insurance is in place.

History. Acts 1949, No. 485, §§ 1-3; 1961, No. 473, § 1; 1985, No. 969, § 1; A.S.A. 1947, §§ 75-203 — 75-205; Acts 1989, No. 689, § 1; 1997, No. 1223, § 1; 2003, No. 1152, §§ 1, 2.

27-14-1502. Operations in adjoining cities and towns separated by state line.

(a) Where any person, firm, or corporation is engaged in a general taxicab business of transporting persons for hire in adjoining cities and incorporated towns which are separated by a state line, where the motor vehicles or taxicabs are operated in this state under a franchise contract or permit with

the Arkansas city or town, where the motor vehicles or taxicabs are not operated on any of the roads or highways in this state outside of the corporate limits of the city or town, and where the motor vehicles or taxicabs shall pay to this state motor vehicle fuel tax, at the applicable rate as fixed by the law of this state, upon all of the motor vehicle fuel used in the operation of the motor vehicles or taxicabs, then the fee to be paid to this state for the registration and licensing of any motor vehicle or taxicab so used by any person, firm, or corporation shall not exceed the fee provided by law in the adjoining state for the motor vehicle or taxicab.

(b) This section shall not apply to motor buses being operated in lieu of a streetcar system in adjoining cities or incorporated towns which are separated by a state line.

History. Acts 1939, No. 177, § 1; A.S.A. 1947, § 75-202.

Subchapter 16 — Manufactured Homes And Mobile Homes

SECTION.
27-14-1601. Definitions.
27-14-1602. Registration — Fee.
27-14-1603. Cancellation of title.

27-14-1601. Definitions.

As used in this subchapter:

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

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

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

(2) "Mobile home" means a structure:

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

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

History. Acts 1973, No. 176, § 1; A.S.A. 1947, § 75-132.2; Acts 2001, No. 1118, § 1; 2005, No. 1991, § 6; 2009, No. 317, § 2.

27-14-1602. Registration — Fee.

(a) An owner of a manufactured home or a mobile home shall be permitted to register the manufactured home or mobile home with the Office of Motor Vehicle for the purpose of receiving a certificate of title to the home or for any other purpose.

(b) The registration shall be issued upon the payment of a fee of twenty-six dollars ($26.00).

History. Acts 1973, No. 176, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-132.1; Acts 2001, No. 1118, § 2; 2005, No. 1991, § 7.

27-14-1603. Cancellation of title.

(a) If a manufactured home or a mobile home is to be affixed to real estate, the manufacturer's certificate or the original document of title may be surrendered to the Department of Finance and Administration for cancellation.

(b)(1) The Director of the Department of Finance and Administration may require the filing of pertinent information for the cancellation of manufactured home titles or mobile home titles.

(2) The director shall have the authority to promulgate rules and regulations to establish a procedure for the cancellation of manufactured home titles or mobile home titles.

History. Acts 2001, No. 1118, § 3; 2005, No. 1991, § 3.

Subchapter 17 — Plates for Manufacturers, Transporters, and Dealers

SECTION.
27-14-1701. Operation of vehicles under special plates.
27-14-1702. Application for and issuance of certificates and special plates.
27-14-1703. Expiration of special plates.
27-14-1704. Dealer's extra license plates.
27-14-1705. Temporary preprinted paper buyer's tags.
27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.
27-14-1707. Authority to promulgate rules.
27-14-1708. Temporary tag database.
27-14-1709. Definition.

27-14-1701. Operation of vehicles under special plates.

(a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move it upon the highways solely for purposes of transporting it without registering each vehicle, upon condition that any such vehicle display a special plate or temporary preprinted paper tag and any correlating stickers that are to be placed on the preprinted paper tag issued to the owner as provided in this subchapter.

(b)(1) A transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery, upon displaying a special plate issued to him or her as provided in § 27-14-1806.

(2) The transporter shall submit proof of his or her status as a bona fide transporter as may reasonably be required by the Office of Motor Vehicle.

(c) The provisions of this subchapter shall not apply to work or service vehicles owned by a manufacturer, transporter, or dealer.

(d)(1) The Director of the Department of Finance and Administration shall provide the specifications, form, and color of the special temporary preprinted paper tag and any correlating stickers that are to be placed on the preprinted paper tag required under this section.

(2)(A) Temporary preprinted paper tags issued to manufacturers or dealers for transport purposes shall have the following information printed on them:

(i) The date of expiration;

(ii) The vehicle year, make, and model;

(iii) The vehicle identification number;

(iv) The name of the issuing dealer; and

(v) Other information that may be required by the office.

(B) In addition, the expiration date of the preprinted paper tag shall be shown in ink on the tag in a place to be determined by the office.

(C) The expiration date shall be covered by a sticker for added security.

(e) In addition to any other penalty prescribed by this chapter, a dealer, manager, sales manager, or salesperson of the dealer, or manufacturer who pleads guilty or nolo contendere to or is found guilty of the misuse of a special temporary preprinted paper tag and any correlating stickers that are to be placed on the tag and issued under this section or of allowing anyone else to misuse a special temporary preprinted paper tag, and the correlating stickers that are to be placed on the tag shall be fined not more than:

(1) Two hundred fifty dollars ($250) for the first offense;

(2) Five hundred dollars ($500) for the second offense; and

(3) One thousand dollars ($1,000) for the third offense and subsequent offenses.

History. Acts 1949, No. 142, § 62; A.S.A. 1947, § 75-162; Acts 2005, No. 1929, § 2; 2009, No. 484, § 2.

27-14-1702. Application for and issuance of certificates and special plates.

(a)(1) A manufacturer or dealer may make application to the Office of Motor Vehicle, upon the appropriate form, for a certificate containing a general distinguishing number and for one (1) or more pairs of special plates, single special plates, or special temporary preprinted paper tags, as appropriate, subject to §§ 27-14-1701 and 27-14-1704, to various types of vehicles subject to registration under this chapter.

(2) The applicant shall also submit proof of his or her status as a bona fide manufacturer or dealer, as required by the office.

(b)(1) The office, upon granting the application for one (1) or more pairs of special plates or single special plates, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(2) A certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant is not required to be issued upon granting an application for one (1) or more special temporary preprinted paper tags.

(c)(1) The office shall also issue a special plate, plates, or special temporary preprinted paper tags as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant.

(2) Each plate, pair of plates, or special temporary preprinted paper tags issued shall also contain a number or symbol identifying it or them from every other plate, pair of plates, or special temporary preprinted paper tags bearing the same general distinguishing number.

History. Acts 1949, No. 142, § 63; A.S.A. 1947, § 75-163; Acts 2005, No. 1929, § 3; 2009, No. 484, § 3.

27-14-1703. Expiration of special plates.

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

(2) A new plate for the ensuing year may be obtained by the person to whom any such expired plate was issued, upon application to the Office of Motor Vehicle and payment of the fee provided by law.

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

History. Acts 1949, No. 142, § 64; A.S.A. 1947, § 75-164; Acts 2005, No. 661, § 1; 2009, No. 484, § 4.

27-14-1704. Dealer's extra license plates.

(a) Each dealer as defined in § 27-14-601(a)(6) shall furnish the Director of the Department of Finance and Administration with a list of each manager, sales manager, and salesperson authorized to operate a motor vehicle to which a dealer's extra license plate issued to the dealer has been or will be attached:

(1) Upon initial application for dealer's extra license plates as provided in § 27-14-1702; and

(2) Upon renewal of dealer's extra license plates as provided in § 27-14-1703.

(b) The dealer's extra license plate may be used only by the dealer, manager, or salesperson of the dealer and only for the following purposes:

(1) To drive to and from work;

(2) For business or personal trips inside or outside the dealer's county of residence;

(3) To transport the vehicle; or

(4) To demonstrate the vehicle.

(c) Neither the dealer's extra license plate issued under this section nor the dealer's master plate issued under § 27-14-601(a)(6) shall be used for purposes of allowing a prospective buyer to test

drive a vehicle unless the dealer, manager, or salesperson of the dealer is present in the vehicle.

(d) In addition to any other penalty prescribed by this chapter, any dealer, manager, salesperson, or employee of a dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's extra license plate or dealer's master plate or of allowing anyone else to misuse a dealer's extra license plate or dealer's master plate shall be fined not more than two hundred fifty dollars ($250) for the first offense, not more than five hundred dollars ($500) for the second offense, and not more than one thousand dollars ($1,000) for the third and subsequent offenses.

(e)(1)(A) In addition to any other penalty prescribed by this chapter, the director may suspend some or all dealer's extra license plates issued to a dealer if the director determines that the dealer or any manager, sales manager, or salesperson of the dealer either misused a dealer's extra license plate or allowed the use of a dealer's extra license plate by a person who is not authorized by this section to use a dealer's extra license plate.

(B) A suspension of the dealer's extra license plates under this section does not require that the dealer's master license plate be suspended.

(C) The director shall:

(i) Notify the dealer in writing of a suspension of the dealer's extra license plates that is authorized under this section; and

(ii) Provide information regarding the misuse or unauthorized use upon which the suspension was based in the notice.

(D) The dealer's extra license plates shall be suspended for:

(i) Six (6) months for the first misuse or unauthorized use of the dealer's extra license plates; or

(ii) One (1) year for any subsequent misuse or unauthorized use.

(2)(A) Any dealer who desires a hearing on the suspension shall notify the director in writing within twenty (20) days after receipt of the notice of suspension.

(B) A hearing officer appointed by the director shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration in the county of the dealer's principal place of business, unless the director and the dealer agree to another location for the hearing or agree that the hearing shall be held by telephone.

(C) Hearings conducted under this section shall be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer shall render his or her decision in writing to modify, reverse, or affirm the suspension of the dealer's extra license plates based upon the evidence presented at the hearing and shall serve a copy of the decision on the dealer.

(3)(A)(i) If the decision sustains, in whole or in part, the suspension of the dealer's extra license plates, the dealer may file suit within thirty (30) days of receipt of the decision in the Pulaski County Circuit Court or the circuit court of the county of the dealer's principal place of business.

(ii) The dealer shall serve a copy of the petition on the director.

(iii) The appeal will not operate as a stay of the order of suspension that will remain in effect and be terminated only in the event a decision reversing the suspension is issued by the circuit court.

(B) An appeal from the circuit court shall be in accordance with the laws governing appeals.

History. Acts 2005, No. 1929, § 4; 2011, No. 606, § 1.

27-14-1705. Temporary preprinted paper buyer's tags.

(a)(1)(A) A person who buys a motor vehicle from a licensed dealer shall be required to obtain one (1) temporary preprinted paper buyer's tag for the vehicle and any correlating stickers that are to be placed on the tag.

(B) The preprinted paper buyer's tag may be issued by an approved licensed dealer, vendor, or the Office of Motor Vehicle.

(2)(A) A person who buys a motor vehicle from a licensed dealer that cannot issue temporary preprinted paper buyer's tags shall:

(i) Obtain the preprinted paper buyer's tag and stickers within ten (10) calendar days after the date of purchase of the vehicle from an approved vendor or the Office of Motor Vehicle;

(ii) Provide to the vendor or the Office of Motor Vehicle a copy of the bill of sale or other documentation necessary to verify the dealer's name, the buyer's name, the date of sale, the motor vehicle's vehicle identification number, and the make and model of the vehicle; and

(iii) Maintain a copy of the bill of sale for the motor vehicle in the vehicle until the buyer obtains the preprinted paper buyer's tag and stickers.

(B) A person who fails to obtain a preprinted paper buyer's tag and stickers within ten (10) calendar days of the date of purchase of the vehicle is subject to the fines in this section.

(b)(1) The temporary preprinted paper buyer's tag is valid for the operation of the vehicle until the earlier of:

(A) The date on which the vehicle is registered; or

(B) The thirtieth day after the date of purchase.

(2)(A) If the date that a transferee of a motor vehicle must register the vehicle is extended under § 27-14-903(a)(2), the dealer may issue one (1) additional temporary preprinted paper buyer's tag to the transferee, to expire thirty (30) days from the date that the additional temporary preprinted paper buyer's tag was issued.

(B)(i) If the dealer cannot issue preprinted paper buyer's tags, the transferee may obtain a

temporary preprinted paper buyer's tag from the Office of Motor Vehicle.

(ii) The additional preprinted paper buyer's tag expires thirty (30) days from the date the additional tag was issued.

(c)(1)(A) The following information shall be printed by the dealer, the vendor, or the Office of Motor Vehicle on the face of the temporary preprinted paper buyer's tags:

(i) The actual date of sale;

(ii) The date of expiration;

(iii) The vehicle year, make, and model;

(iv) The vehicle identification number;

(v) The name of the issuing dealer; and

(vi) Other information required by the Office of Motor Vehicle.

(B) The expiration date of the preprinted paper buyer's tag shall be shown in ink on the preprinted paper buyer's tag in a place to be determined by the Office of Motor Vehicle, and the date shall be covered by a sticker for added security.

(2) A dealer who issues a temporary preprinted paper buyer's tag shall indicate on the bill of sale that a temporary preprinted paper buyer's tag was issued in order to facilitate collection of the fees required by this subchapter.

(d)(1)(A) The temporary preprinted paper buyer's tag issued under this section shall be placed at the location provided for the permanent motor vehicle license plate.

(B)(i) The temporary preprinted paper buyer's tag shall be covered by a translucent material that protects the temporary tag until the tag's expiration.

(ii) The translucent material covering the tag shall be approved by the Office of Motor Vehicle.

(C)(i) The information on the tag shall be visible and readable when viewing the temporary tag covered with the translucent material.

(ii) The translucent material shall cover the tag in the manner approved by the Office of Motor Vehicle.

(D) A dealer who issues a temporary preprinted paper buyer's tag shall insert the tag in the translucent material and attach the tag to each vehicle the dealer sells.

(2) If a preprinted paper buyer's tag placed at the location provided for the permanent motor vehicle license plate becomes damaged or destroyed, the motor vehicle purchaser shall be required to register the vehicle under § 27-14-705 or obtain a replacement preprinted paper buyer's tag from the original issuing dealer or from the Office of Motor Vehicle.

(3) The replacement preprinted paper buyer's tag shall expire on the expiration date of the original preprinted paper buyer's tag.

(e) The Director of the Department of Finance and Administration shall provide the specifications, form, and color of the temporary preprinted paper buyer's tag.

(f)(1)(A) The buyer shall be responsible for paying to the director a fee to be set by the director, which shall not exceed two dollars and fifty cents ($2.50), for each temporary preprinted paper buyer's tag and any correlating stickers the buyer receives.

(B) This fee shall be collected at the time the buyer registers the vehicle under § 27-14-705.

(2) The gross receipts or gross proceeds derived from the sale or issuance of temporary preprinted paper buyer's tags under this section shall be exempt from the Arkansas gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and any other state or local tax administered under those chapters.

(3) All fees collected by the director under this section shall be deposited into the State Treasury, and the Treasurer of State shall credit them as general revenues to the General Revenue Fund Account of the State Apportionment Fund.

(g)(1) For each temporary preprinted paper buyer's tag provided to a buyer, the issuer shall retain documentation containing:

(A) The dealer's name and master license plate number;

(B) The buyer's name;

(C) The date the temporary preprinted paper buyer's tag was issued;

(D) The vehicle's vehicle identification number;

(E) The make and model of the vehicle; and

(F) The expiration date of the temporary preprinted paper buyer's tag.

(2) An issuer of preprinted paper buyer's tags shall provide the documentation required to be retained by subdivision (g)(1) of this section to the Office of Motor Vehicle on the date of sale for entry into the vehicle temporary tag database provided in § 27-14-1708.

(h)(1) Any dealer or approved vendor or any manager, salesperson, or employee of the dealer or vendor who pleads guilty or nolo contendere to or is found guilty of the misuse of a temporary preprinted paper buyer's tag or of allowing anyone else to misuse a temporary preprinted paper buyer's tag shall be fined not more than:

(A) Two hundred fifty dollars ($250) for the first offense;

(B) Five hundred dollars ($500) for the second offense; and

(C) One thousand dollars ($1,000) for the third and subsequent offenses.

(2) A buyer who pleads guilty or nolo contendere to or is found guilty of failing to obtain a temporary buyer's tag shall be fined not more than twenty-five dollars ($25.00).

(3) A buyer who pleads guilty or nolo contendere to or is found guilty of altering a preprinted paper buyer's tag or the fraudulent use of a preprinted paper buyer's tag shall be fined not more than:

(A) Two hundred fifty dollars ($250) for the first offense;

(B) Five hundred dollars ($500) for the second offense; and

(C) One thousand dollars ($1,000) for the third and subsequent offenses.

(i) This section does not apply to an owner or lessee of a registered motor vehicle who elects to display a license plate on a replacement motor vehicle under § 27-14-902(a)(3)(B).

History. Acts 2005, No. 1929, § 4; 2009, No. 484, § 5; 2009, No. 756, § 20; 2009, No. 780, § 1; 2011, No. 351, § 1.

27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.

(a) A dealer may allow a prospective buyer or customer to drive an unregistered vehicle:

(1) To demonstrate or to allow a prospective buyer to test drive the vehicle for sale purposes for a period not to exceed seventy-two (72) hours; or

(2) As a loaner vehicle for a customer while the customer's vehicle is being repaired in the dealer's shop for a period not to exceed fourteen (14) calendar days.

(b)(1)(A) An approved dealer with the capability of issuing a temporary preprinted paper tag shall issue to the prospective buyer or customer one (1) temporary preprinted paper buyer's tag and any correlating stickers that are to be placed on the preprinted paper tag, in accordance with this section.

(B)(i) A licensed dealer who issues a temporary preprinted paper buyer's tag to a prospective buyer or customer shall place the preprinted paper tag at the location provided for the permanent motor vehicle license plate.

(ii) If a preprinted paper tag placed at the location provided for the permanent motor vehicle license plate becomes damaged or destroyed, the original dealer may issue a replacement preprinted paper tag that shall expire on the expiration date of the original buyer's tag.

(C) A licensed dealer that issues a preprinted paper tag shall provide any required documentation to the Office of Motor Vehicle on the date of the transaction for entry into the vehicle temporary tag database provided for in § 27-14-1708.

(D) The office shall provide the specifications, form, and color of the temporary preprinted paper tag.

(2)(A) A licensed dealer without the capability of issuing temporary preprinted paper tags shall issue to the prospective buyer or customer a test drive or loaner information sheet required by this section in lieu of the temporary preprinted paper tag.

(B) This sheet shall be maintained in the vehicle for the duration of time in which the prospective buyer or customer has possession of the vehicle.

(3) If the date on which the prospective buyer or customer is required to return the vehicle to the dealer falls on Saturday, Sunday, or a legal holiday on which the dealer is not open for business, then the prospective buyer or customer will have until the next succeeding business day that is not a Saturday, Sunday, or legal holiday to return the vehicle and still be in compliance with this section.

(c)(1) When a dealer provides a motor vehicle to a prospective buyer or customer under this section, the dealer shall complete and keep in his or her possession an information sheet containing:

(A) The year, make, and model of the vehicle;

(B) The vehicle identification number;

(C) The prospective buyer's or customer's name;

(D) The time and date that the temporary preprinted paper tag or information sheet was issued to the prospective buyer or customer;

(E) The reason the vehicle was furnished to the prospective buyer or customer; and

(F) The length of time the prospective buyer or customer may retain the vehicle.

(2)(A) The Director of the Department of Finance and Administration shall provide the specifications, form, and color of the information sheet to be used by dealers under this subsection.

(B) Information sheets retained by the dealer under this subsection are subject to examination by the director at any reasonable time.

(d)(1) A temporary preprinted paper buyer's tag or information sheet is not required if the prospective buyer or customer is required to return the vehicle before the end of the business day upon which the vehicle was provided to the prospective buyer or customer, and it is not unlawful for a prospective buyer or customer to test drive an unregistered vehicle in the manner provided in this subsection.

(2) A dealer may issue temporary preprinted paper buyer's tags or use a dealer information sheet for the following purposes:

(A) To demonstrate or allow a prospective buyer to test drive a vehicle for a period not to exceed seventy-two (72) hours;

(B) For a loaner vehicle for a customer while the customer's vehicle is being repaired at the dealer's shop for a period not to exceed fourteen (14) calendar days;

(C) For transporting a vehicle not to exceed seventy-two (72) hours; or

(D) To test drive a vehicle to check its mechanical condition for a period not to exceed seventy-two (72) hours.

(3) The director shall design the test drive or loaner information sheet to be used by dealers under this subsection and shall make this information sheet available at all state revenue offices and on the website of the Department of Finance and Administration.

(4) A dealer shall be allowed to make and use photocopies of the test drive or loaner information sheet designed by the department in lieu of the original provided by the department.

(e) Any dealer who violates this section shall be fined the amount of twenty-five dollars ($25.00) per violation.

History. Acts 2005, No. 1929, § 4; 2009, No. 484, § 6; 2011, No. 351, §§ 2, 3.

27-14-1707. Authority to promulgate rules.

In addition to the authority provided in § 27-14-403, the Director of the Department of Finance and Administration may promulgate, adopt, and enforce such rules as may be necessary to carry out this subchapter.

History. Acts 2005, No. 1929, § 4.

27-14-1708. Temporary tag database.

(a) There is created a vehicle temporary tag database within the Revenue Division of the Department of Finance and Administration to develop, establish, and maintain a database of information to verify compliance with the unregistered motor vehicle preprinted paper buyer's tag laws of Arkansas in this chapter.

(b)(1) The vehicle temporary tag database shall be administered by the division with the assistance of the Department of Information Systems or other designated agent with whom the division may contract to supply technical database and data processing expertise.

(2) The vehicle temporary tag database shall be developed and maintained in accordance with guidelines established by the division so that state and local law enforcement agencies can access the vehicle temporary tag database to determine compliance with the sale, licensing, and registration of motor vehicles, as required by law.

(c) The division shall have the authority to enter into or to make agreements, arrangements, or declarations necessary to carry out the provisions of this section.

(d)(1) Upon request, the division may release information in the vehicle temporary tag database to:

(A) The owner to whom the temporary tag was issued;

(B) The parent or legal guardian of the owner to whom the temporary tag was issued if the owner is under eighteen (18) years of age or is legally incapacitated; and

(C) State and local law enforcement agencies, the Arkansas Crime Information Center, or other government offices upon a showing of need.

(2) Except as provided in subdivision (d)(1), all data and information received by the vehicle temporary tag database is confidential and is not subject to examination or disclosure as public information under the Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq.

(e) The division or the reporting company shall not be liable for any damages to any property or person due to any act or omission in the reporting or keeping of any record or information contained in the vehicle temporary tag database or the issuing or renewing of any motor vehicle registration in accordance with the vehicle temporary tag database.

History. Acts 2009, No. 484, § 7.

27-14-1709. Definition.

As used in this subchapter, "dealer" means a new motor vehicle dealer licensed under § 23-112-301 or a used motor vehicle dealer licensed under § 23-112-607 who is engaged in the sale of:

(1) New motor vehicles;

(2) Used motor vehicles;

(3) Motorcycles or motor-driven cycles as defined under § 27-20-101; or

(4) Motor homes.

History. Acts 2011, No. 351, § 4.

Subchapter 18 — Vehicles in Transit to Dealers

SECTION.

27-14-1801. Penalty.
27-14-1802. Construction.
27-14-1803. Applicability.
27-14-1804. Nonapplicable if regular plates used.
27-14-1805. Use of "IN TRANSIT" placards.
27-14-1806. Metal transporter plate.
27-14-1807. Disposition of fees.
27-14-1808. Rules and regulations.

27-14-1801. Penalty.

(a) It shall be unlawful for any person to display a placard except as provided in this subchapter.

(b) A person who violates any of the provisions of this subchapter or any of the rules promulgated in this subchapter is guilty of a misdemeanor and shall be fined:

(1) Five hundred dollars ($500) for the first offense;

(2) One thousand dollars ($1,000) for the second offense; and

(3) One thousand five hundred dollars ($1,500) for the third and each subsequent offense.

History. Acts 1935, No. 183, § 6; Pope's Dig., § 6626; A.S.A. 1947, § 75-234; Acts 2009, No. 318, § 1.

27-14-1802. Construction.

This subchapter shall be construed to be cumulative to the existing laws and shall not be construed to exempt any motor vehicle being operated for hire or by an individual purchaser, the object of this subchapter being to regulate and tax only motor vehicles in transit from a manufacturer to a dealer, or from one dealer to another.

History. Acts 1935, No. 183, § 3; Pope's Dig., § 6623; A.S.A. 1947, § 75-231.

27-14-1803. Applicability.

(a) This subchapter shall apply to all motor vehicles operated on the highways of this state which

are in transit from a manufacturer to a dealer or from one (1) dealer to another, whether the vehicles are driven or towed.

(b) Nothing in this subchapter shall be construed to exempt trucks or trailers hauling cars for delivery, except in case the truck or trailer is also in transit for delivery.

History. Acts 1935, No. 183, §§ 2, 4; Pope's Dig., §§ 6622, 6624; A.S.A. 1947, §§ 75-230, 75-232.

27-14-1804. Nonapplicable if regular plates used.

This subchapter shall not apply to any person, firm, or corporation engaged in towing or driving motor vehicles on the public highways of this state where the motor vehicles display bona fide license or dealer's license plates issued by the Director of the Department of Finance and Administration.

History. Acts 1935, No. 183, § 1; 1938 (Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229.

27-14-1805. Use of "IN TRANSIT" placards.

(a)(1) Motor vehicles and trailers in the course of delivery from a manufacturer to a dealer, or from one (1) dealer to another, may be operated on the highways without license number plates being attached, if they display, on the rear, a placard issued by the Director of the Department of Finance and Administration, bearing the words "IN TRANSIT", the registration number, the time and date the placard was issued, and the genuine signature of the director, or his or her agent.

(2) The letters and figures shall be of such size and type to meet the requirements of the director.

(b)(1) The fee for the registration of these vehicles shall be three dollars ($3.00) for each placard.

(2) The fee shall be collected by the director before issuance of the placard.

(c)(1) All placards issued under the provisions of this subchapter shall permit operation of motor vehicles on the highways of this state for a period not exceeding forty-eight (48) hours.

(2) The placard shall be good for one (1) trip only.

History. Acts 1935, No. 183, § 1; Pope's Dig., § 6621; Acts 1938 (Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229.

27-14-1806. Metal transporter plate.

(a)(1) Any person, firm, or corporation, other than an automobile dealer, who is regularly engaged in the business of driving or towing motor vehicles or trailers as defined in § 27-14-1805, upon the payment of a fee of thirty dollars ($30.00), may be issued an annual metal transporter plate by the Director of the Department of Finance and Administration.

(2) This metal plate shall not expire until December 31 of the calendar year in which it is purchased.

(3) The plate shall be attached to the rear of any vehicle being operated by the licensee in conformity with this subchapter.

(b)(1) The fee for this annual transporter plate shall not be reduced but shall remain at thirty dollars ($30.00).

(2) If this annual transporter plate is lost by the licensee, it must be replaced by an original annual transporter plate for a fee of thirty dollars ($30.00).

History. Acts 1935, No. 183, § 1; 1938 (Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229.

27-14-1807. Disposition of fees.

All fees collected under the provisions of this subchapter shall be deposited into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State Police Fund, there to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

History. Acts 1935, No. 183, § 7; Pope's Dig., § 6627; Acts 1938 (Ex. Sess.), No. 9, § 2; 1949, No. 5, § 16; 1951, No. 31, § 3; 1961, No. 68, § 18; 1965, No. 493, § 5; A.S.A. 1947, § 75-235.

27-14-1808. Rules and regulations.

The Director of the Department of Finance and Administration is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this subchapter.

History. Acts 1935, No. 183, § 5; Pope's Dig., § 6625; A.S.A. 1947, § 75-233.

Subchapter 19 — Transporting of Motor Homes by Manufacturers

SECTION.
27-14-1901. Definition.
27-14-1902. Application for license.
27-14-1903. Fees.
27-14-1904. Design of plates.
27-14-1905. Rules and regulations.

27-14-1901. Definition.

As used in this subchapter, "manufacturer" means any person, firm, or corporation engaged in manufacturing or assembling motor homes at or from an established place of business within this state.

History. Acts 1973, No. 503, § 2; A.S.A. 1947, § 75-292.1.

27-14-1902. Application for license.

(a)(1) Any person, firm, or corporation engaged in the business of manufacturing motor homes in this state shall apply for a motor home manufacturers' license for the sole purpose of delivering or transporting the manufacturers' motor homes on the

public highways and streets of this state from the manufacturer to a distributor or from the manufacturer to a dealer or from the manufacturer to a consumer.

(2) All applications for manufacturers' master license plates shall be made to the Office of Motor Vehicle.

(b) Both manufacturers' master license plates and manufacturers' extra plates shall expire annually on December 31, and applications for renewal shall be made between January 1 and January 31 of the succeeding year.

History. Acts 1973, No. 503, §§ 1, 3; A.S.A. 1947, §§ 75-292, 75-292.2.

27-14-1903. Fees.

(a) There shall be paid a fee of ninety-eight dollars ($98.00) for a manufacturers' master license plate and a fee of thirteen dollars ($13.00) for each additional manufacturers' extra plate.

(b) The fees for the manufacturers' master license plate and manufacturers' extra license plates provided for in this section shall not be reduced during the calendar year.

History. Acts 1973, No. 503, §§ 1, 3; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-292, 75-292.2.

27-14-1904. Design of plates.

Manufacturers' master license plates shall be of such form and design as prescribed by the Director of the Department of Finance and Administration.

History. Acts 1973, No. 503, § 3; A.S.A. 1947, § 75-292.2.

27-14-1905. Rules and regulations.

The Director of the Department of Finance and Administration is authorized to promulgate rules and regulations consistent with the provisions of this subchapter.

History. Acts 1973, No. 503, § 4; A.S.A. 1947, § 75-292.3.

Subchapter 20 — Licensing of Dealers and Wreckers

SECTION.

27-14-2001. License required.
27-14-2002. Issuance of license certificate.
27-14-2003. Records to be maintained.

27-14-2001. License required.

(a) No person, unless licensed to do so by the Office of Motor Vehicle under the provisions of this chapter, shall carry on or conduct the business of:

(1) A dealer in motor vehicles, trailers, or semitrailers, of a type subject to registration;

(2) A dealer in used parts or used accessories of motor vehicles; or

(3) Wrecking or dismantling any vehicle for resale of the parts thereof.

(b)(1) Application for a dealer's or wrecker's license shall be made upon the form prescribed by the office and shall contain the name and address of the applicant.

(2)(A) When the applicant is a partnership, the name and address of each partner shall be set forth.

(B) When the applicant is a corporation, the names of the principal officers of the corporation, the state in which incorporated, the place or places where the business is to be conducted, the nature of such business, and other information as may be required by the office shall be set forth.

(3) Every application shall be verified by the oath or affirmation of the applicant, if an individual, or, in the event an applicant is a partnership or corporation, then by a partner or officer thereof.

(4) Every application shall be accompanied by the fee required by law for each place of business.

History. Acts 1949, No. 142, § 65; A.S.A. 1947, § 75-165.

27-14-2002. Issuance of license certificate.

(a)(1) The Office of Motor Vehicle, upon receiving application accompanied by the required fee and when satisfied that the applicant is of good character and, so far as can be ascertained, has complied with, and will comply with, the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of this chapter, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer or wrecker, as the case may be, during the calendar year in which the license is issued.

(2) Every such license shall expire on December 31 of each year and may be renewed upon application and payment of the fee required by law.

(b) The office may refuse to issue a license or, after a written notice to the licensee and a hearing, may suspend or revoke a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this chapter or that a license has been fraudulently procured or erroneously issued.

(c) Any licensee, before removing any one (1) or more of his places of business or opening any additional place of business, shall apply to the office for, and obtain, a supplemental license for which a fee shall be charged.

History. Acts 1949, No. 142, § 66; 1959, No. 307, § 11; A.S.A. 1947, § 75-166.

27-14-2003. Records to be maintained.

Every licensee shall maintain for three (3) years, in the form the Office of Motor Vehicle prescribes, a record of:

(1) Every vehicle or used part, accessory, body, chassis, or engine of, or for, a vehicle received or acquired by him, its description and identifying number, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;

(2) Every vehicle or vehicle body, chassis, or engine disposed of by him, its description and identifying number, the date of its disposition, and the name and address of the person to whom disposed of; and

(3) Every vehicle wrecked or dismantled by him and the date of its wrecking or dismantling. Every such record shall be open to inspection by any representative of the office or peace officer during reasonable business hours.

History. Acts 1949, No. 142, § 66; 1959, No. 307, § 11; A.S.A. 1947, § 75-166.

Subchapter 21 — Drive-out Tags

SECTION.

27-14-2101. Provisions supplemental.
27-14-2102. Issuance authorized.
27-14-2103. Validity period.
27-14-2104. Fee — Disposition.
27-14-2105. Rules and regulations.

27-14-2101. Provisions supplemental.

This subchapter is in no respect to be considered as a repeal of any of the motor vehicle laws already in effect, specifically § 27-18-101 et seq., but shall be construed as supplementary thereto.

History. Acts 1955, No. 111, § 4; A.S.A. 1947, § 75-235.4.

27-14-2102. Issuance authorized.

The Director of the Department of Finance and Administration is authorized to design and issue a drive-out tag for use in cases where automobile dealers in this state sell a motor vehicle to a nonresident who desires to immediately remove the vehicle to the state of his or her residence.

History. Acts 1955, No. 111, § 1; A.S.A. 1947, § 75-235.1.

27-14-2103. Validity period.

Drive-out tags shall not be valid in any event for more than fourteen (14) days.

History. Acts 1955, No. 111, § 2; A.S.A. 1947, § 75-235.2; Acts 1997, No. 1208, § 1.

27-14-2104. Fee — Disposition.

(a) Drive-out tags shall be issued for a fee of two dollars ($2.00) per tag.

(b) Proceeds of the sales shall be credited to the Department of Arkansas State Police Fund.

History. Acts 1955, No. 111, § 2; A.S.A. 1947, § 75-235.2; Acts 1997, No. 1208, § 2.

27-14-2105. Rules and regulations.

The Director of the Department of Finance and Administration is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this subchapter.

History. Acts 1955, No. 111, § 3; A.S.A. 1947, § 75-235.3.

Subchapter 22 — Theft of Vehicles and Parts

SECTION.

27-14-2201. Reports of theft or recovery of stolen vehicles to Department of Arkansas State Police.
27-14-2202. Record of reports to Department of Arkansas State Police.
27-14-2203. [Repealed.]
27-14-2204. Reports to office by owners or lienholders.
27-14-2205. Processing of reports by office — Lists.
27-14-2206. Report of vehicle left in storage or parked over thirty days.
27-14-2207. Unlawful taking of vehicle.
27-14-2208. Use of vehicle without owner's consent.
27-14-2209. Bonus, etc., to caretaker of another's vehicle prohibited.
27-14-2210. Vehicles or engines without manufacturers' numbers.
27-14-2211. Altering or changing engine or other numbers.
27-14-2212. Mutilation of serial numbers.

27-14-2201. Reports of theft or recovery of stolen vehicles to Department of Arkansas State Police.

(a) Every police officer in command of any police department in any locality of this state shall report, by the fastest means of communication available to his or her law enforcement agency, immediately to the Automobile Theft Section of the Department of Arkansas State Police the theft or recovery of any stolen or converted motor vehicle within his or her jurisdiction.

(b) The report shall give the date of theft, description of the motor vehicle, including color, make, and year model, body style, vehicle serial or identification number, and license registration number, including the state in which the license was issued and the year of issuance, together with the name, residence address, business address, and telephone number of the owner and the location of the theft.

(c) The report shall be routed by the law enforcement agency through the Department of Arkansas State Police district in which the agency is located.

(d) The report of a theft by conversion of a motor vehicle will be accepted as a report of theft and processed only if a formal complaint is on file and a warrant issued.

History. Acts 1969, No. 380, §§ 1, 2; A.S.A. 1947, §§ 75-167.1, 75-167.2.

27-14-2202. Record of reports to Department of Arkansas State Police.

(a) The Automobile Theft Section of the Department of Arkansas State Police shall keep a complete record of all reports filed under § 27-14-2201.

(b) Upon receipt of a report, a careful search shall be made of the records of the office of the Automobile Theft Section, and when it is found that a motor vehicle reported recovered was stolen in a locality other than the locality in which it is recovered, the Automobile Theft Section shall immediately notify the police officer in command of the police department of the locality in which the motor vehicle was originally reported stolen, giving complete information as to the time and place of recovery.

History. Acts 1969, No. 380, § 3; A.S.A. 1947, § 75-167.3.

27-14-2203. [Repealed.]

Publisher's Notes. This section, concerning police reporting of stolen vehicles to the Office of Motor Vehicle, was repealed by Act 2003, No. 833, § 3. The section was derived from Acts 1949, No. 142, § 67; A.S.A. 1947, § 75-167.

27-14-2204. Reports to office by owners or lienholders.

(a) The owner, or person having a lien or encumbrance upon a registered vehicle which has been stolen or embezzled, may notify the office of the theft or embezzlement, but in the event of an embezzlement, may make a report only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(b) Every owner or other person who has given any such notice must notify the Office of Motor Vehicle of a recovery of the vehicle.

History. Acts 1949, No. 142, § 68; A.S.A. 1947, § 75-168.

27-14-2205. Processing of reports by office — Lists.

(a) The Office of Motor Vehicle, upon receiving a report of a stolen or embezzled vehicle as provided in § 27-14-2204, shall file and appropriately index it, shall immediately suspend the registration of the stolen or embezzled vehicle so reported, and shall not transfer the registration of the stolen or embezzled vehicle until such time as the office is notified in writing that the stolen or embezzled vehicle has been recovered.

(b) The office shall, at least once each week, compile and maintain at its headquarters office a list of all vehicles which have been stolen or embezzled, or recovered as reported to the office during the preceding week. The lists shall be open to inspection by any police officer or other person interested in any such vehicle.

History. Acts 1949, No. 142, § 69; A.S.A. 1947, § 75-169.

27-14-2206. Report of vehicle left in storage or parked over thirty days.

(a)(1) Whenever any vehicle of a type subject to registration in this state has been stored, parked, or left in a garage, trailer park, or any type of storage or parking lot for a period of over thirty (30) days, the owner of the garage, trailer park, or lot shall, within five (5) days after the expiration of that period, report the make, model, serial or vehicle identification number of the vehicle as unclaimed to the Automobile Theft Section of the Department of Arkansas State Police.

(2) The report shall be on a form prescribed and furnished by the Department of Arkansas State Police.

(b) Nothing in this section shall apply when arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored or when the owner of the motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage, or parking lot.

(c)(1) Any person who fails to submit the report required under this section shall forfeit all claims for storage of the vehicle and shall be guilty of a misdemeanor, punishable by a fine of not more than twenty-five dollars ($25.00).

(2) Each day's failure to make a report required under this section shall constitute a separate offense.

History. Acts 1969, No. 380, § 4; A.S.A. 1947, § 75-167.4.

27-14-2207. Unlawful taking of vehicle.

(a) Any person who drives a vehicle, not his own, without the consent of the owner thereof and with intent temporarily to deprive the owner of his possession of the vehicle, without intent to steal the vehicle, is guilty of a misdemeanor.

(b) The consent of the owner of a vehicle to the vehicle's taking or driving shall not in any case be presumed or implied because of the owner's consent on a previous occasion to the taking or driving of the vehicle by the same or a different person.

(c) Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving, is guilty of a misdemeanor.

History. Acts 1949, No. 142, § 70; A.S.A. 1947, § 75-170.

27-14-2208. Use of vehicle without owner's consent.

(a) No chauffeur or other person shall drive or operate any motor vehicle upon any street or highway in this state in the absence of the owner of the motor vehicle without the owner's consent.

(b) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred dollars ($200), or imprisoned in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

History. Acts 1911, No. 134, § 16, p. 94; C. & M. Dig., § 7432; Pope's Dig., § 6644; A.S.A. 1947, § 75-194.

27-14-2209. Bonus, etc., to caretaker of another's vehicle prohibited.

(a) No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, any bonus, discount, or other considerations for the purchase of supplies or parts for such motor vehicle or for work or labor done thereon by others.

(b) No person furnishing supplies or parts or work or labor shall give or offer any chauffeur or other persons having the care of a motor vehicle for the owner, either directly or indirectly, any bonus, discount, or other considerations thereon.

(c) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred dollars ($200), or imprisoned in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

History. Acts 1911, No. 134, § 16, p. 94; C. & M. Dig., § 7432; Pope's Dig., § 6644; A.S.A. 1947, § 75-194.

27-14-2210. Vehicles or engines without manufacturers' numbers.

(a) Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his or her possession any motor vehicle or engine removed from a motor vehicle from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number placed thereon under assignment from the Office of Motor Vehicle has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine is guilty of a misdemeanor.

(b) Any person who pleads guilty or nolo contendere to or is found guilty of a second or subsequent offense shall be guilty of a Class D felony.

History. Acts 1949, No. 142, § 73; A.S.A. 1947, § 75-173; Acts 2003, No. 1351, § 1.

27-14-2211. Altering or changing engine or other numbers.

(a)(1) No person shall, with fraudulent intent, deface, destroy, or alter the manufacturer's serial or engine number or other distinguishing number or identification mark of a motor vehicle, nor shall any person place or stamp any serial, engine, or other number or mark upon a motor vehicle except one assigned by the Office of Motor Vehicle.

(2) Any violation of this subsection is a Class C felony.

(b) This section shall not prohibit the restoration by an owner of an original serial, engine, or other number or mark when the restoration is made under permit issued by the office or prevent any manufacturer from placing, in the ordinary course of business, numbers or marks upon motor vehicles or parts thereof.

History. Acts 1949, No. 142, § 74; A.S.A. 1947, § 75-174; Acts 2003, No. 199, § 1.

27-14-2212. Mutilation of serial numbers.

(a)(1) It shall be unlawful for any person, firm, or corporation to have in its possession an automobile, automobile tires, or gasoline engine, the motor and serial number of which have been mutilated to the extent that it cannot be read.

(2) When any automobile, automobile tires, or gasoline engine has been stolen and recovered and the serial numbers found mutilated, the court where the case may be tried shall have power to authorize the rightful owner of the automobile tires or accessories to continue the use of them.

(3) The court shall also direct that the owner of the car have the original serial numbers restenciled on the engine, motor, or car.

(b) Any person convicted of violating subsection (a) of this section shall be deemed guilty of a felony and punished by imprisonment in the Department of Correction for not less than one (1) year nor more than five (5) years.

History. Acts 1919, No. 423, §§ 1, 3; C. & M. Dig., §§ 7437, 7439; Pope's Dig., §§ 6649, 6651; A.S.A. 1947, §§ 75-192, 75-193.

Subchapter 23 — Disclosure of Damage and Repair on the Certificate of Title

SECTION.

27-14-2301. Definitions.
27-14-2302. Issuance of damage certificate.
27-14-2303. Disclosure requirements.
27-14-2304. Violations — Penalties.
27-14-2305. Applicability of subchapter.
27-14-2306. Exemption from sales or use tax.
27-14-2307. Rules and regulations.
27-14-2308. Alternative procedure to obtain title for a total loss settlement.

27-14-2301. Definitions.

As used in this subchapter:

(1)(A) "Dealer" means any person or business who sells or offers for sale a motor vehicle after selling or offering for sale five (5) or more motor vehicles in the previous twelve (12) months or who is a new or used motor vehicle dealer licensed by or with the State of Arkansas.

(B) Persons or businesses that operate as salvage vehicle pools or salvage vehicle auctions are not dealers under this subchapter when selling vehicle parts to a dealer;

(2) "Motor vehicle" means every self-propelled vehicle except motorcycles, motor-driven cycles, and trucks with an unladen weight of ten thousand pounds (10,000 lbs.) or more, in, upon, or by which any person or property is or may be transported upon a street or highway;

(3)(A) "Occurrence" means the event that caused the motor vehicle to become damaged.

(B) "Occurrence" includes without limitation collision, theft, vandalism, storm, or flood;

(4) "Office of Motor Vehicle" or "office" means the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration;

(5) "Owner" means an individual, insurance company, or other entity with legal title to the motor vehicle;

(6) "Salvage vehicle" means a motor vehicle that is:

(A) Water-damaged; or

(B) Sustains any other damage in an amount equal to or exceeding seventy percent (70%) of its average retail value as determined under criteria established by rule of the Office of Motor Vehicle; and

(7) "Water-damaged" means damage to a motor vehicle caused by submerging or partially submerging the vehicle in water to the extent that the vehicle was submerged or partially submerged at any water level above the dashboard of the vehicle, regardless of the actual dollar amount of the damage.

History. Acts 1993, No. 614, § 1; 2007, No. 410, § 1.

27-14-2302. Issuance of damage certificate.

(a)(1) When an insurer acquires the ownership of a salvage vehicle for which a salvage vehicle title has not been issued, the insurer shall surrender the certificate of title for the salvage vehicle to the Office of Motor Vehicle within thirty (30) days following the acquisition of the certificate of title to the salvage vehicle.

(2)(A) If a motor vehicle becomes a salvage vehicle and an insurer indemnifies under the insurance policy but the insurer does not take title to the salvage vehicle, the insurer shall notify the office that the motor vehicle is a salvage vehicle pursuant to the notification procedure required under this subsection.

(B) The office shall attach a note or stamp to any copy of a title issued by the office or to any reissued or changed title.

(C) The note or stamp shall state that the motor vehicle is a salvage vehicle and shall remain in place until the owner of the vehicle surrenders the certificate of title on the salvage vehicle and a salvage vehicle title or prior salvage vehicle title is issued by the office.

(3) If a person other than an insurer owns a salvage vehicle for which a salvage vehicle title has not been issued, the owner shall surrender the certificate of title for the salvage vehicle to the office within thirty (30) days following the date that the motor vehicle became a salvage vehicle.

(4) [Repealed.]

(b) Upon receipt of such title, there shall be issued a new certificate of title with the word "salvage" printed in the remarks section on the face of the title.

(c)(1) An Arkansas certificate of title issued from an out-of-state certificate of title or comparable ownership document that carries a designation such as "damaged", "salvaged", "water-damaged", "reconstructed", "rebuilt", or other similar classification shall have a brand notation printed in the remarks section on its face as would be required by this subchapter to be printed on an Arkansas certificate of title issued under the provisions of either subsection (b) or subsection (e) of this section.

(2)(A) Provided, however, an Arkansas certificate of title shall not be issued from an out-of-state junking certificate or other ownership document bearing a designation of "junk", "parts only", "nonrepairable", or similar classification, it being the intent of this section that any motor vehicle damaged to the extent that it has been so designated shall be dismantled for parts or scrap and shall not be registered in the State of Arkansas but may receive a "parts only" title.

(B)(i) An Arkansas title may be issued only if the state that placed the designation on the certificate of title or issued the junking certificate removes the designation or cancels the junking certificate and replaces it with a certificate of title.

(ii) The designation placed on the certificate of title or issuance of junking certificate may be modified or removed only by that state.

(iii) A court of this state shall not have jurisdiction to change or modify the designation or finding of another state issuing a certificate of title or the junking certificate.

(d)(1) When any motor vehicle issued a "salvage" certificate of title or similar branded title by another state is rebuilt or reconstructed, the owner shall, within ten (10) working days, make application to the office for the registration and issuance of a new certificate of title to the motor vehicle.

(2) The application shall be accompanied by the "salvage" certificate of title or similar title issued by another state, a fee in the amount now or hereafter prescribed by law for the registration and issuance of a certificate of title, and a sworn statement executed by the rebuilder or restorer on a form

prescribed by the office describing the types of repairs performed, listing all parts replaced, and including the vehicle identification number of any parts bearing such a number or a derivative thereof.

(e)(1) Upon receipt of such " salvage" certificate of title or similar title issued by another state and the sworn statement required to be submitted by subsection (d) of this section, there shall be issued a new certificate of title with the word "rebuilt" printed in the remarks section on the face of the title.

(2) Such brand shall be carried forward and printed in the remarks section on the face of all titles issued thereafter for such motor vehicle.

(f) The sworn statement submitted pursuant to subsection (d) of this section shall be maintained by the office as a part of the permanent title record of the motor vehicle in question, and the information contained therein shall be made available to any prospective buyer or transferee upon request.

(g)(1) If an insurer has the responsibility under this subchapter to surrender the certificate of title on a salvage vehicle for which it has taken title or to notify the office that a motor vehicle is a salvage vehicle, prior salvage vehicle, or "parts only" vehicle, the insurer may delegate its responsibility to surrender the certificate of title or to notify the office to a servicing organization or to a buyer of the salvage vehicle from the insurer.

(2) The insurer shall remain responsible under Arkansas law if the servicing organization or buyer fails to properly surrender the title or notify the office.

(h)(1) The office may issue a "parts only" title to the owner of a salvage vehicle under the following conditions:

(A) The owner of the vehicle decides that the vehicle has no resale value except as a source for parts or scrap; and

(B) The owner surrenders the current certificate of title to the vehicle to the office.

(2) An owner under this subsection may be an insurer that owns the salvage vehicle.

(3)(A) The vehicle shall be dismantled for parts or scrap and issued a "parts only" title in the State of Arkansas.

(B) The "parts only" brand shall be carried forward and printed in the remarks section on the face of all titles subsequently issued for the motor vehicle without regard to the claim of any person that the vehicle has been rebuilt or reconstructed.

History. Acts 1993, No. 614, § 2; 2001, No. 328, § 2; 2007, No. 410, § 2; 2009, No. 445, §§ 1, 2; 2009, No. 483, § 1.

27-14-2303. Disclosure requirements.

(a)(1) When any dealer in this state offers for sale a motor vehicle which carries a title branded pursuant to this subchapter, the dealer shall disclose to any prospective buyer or purchaser prior to sale the nature of the title brand and shall furnish him or her a description of the damage sustained by the motor vehicle on file with the Office of Motor Vehicle.

(2) The disclosure shall be on a buyer's notification form to be prescribed by the Consumer Protection Division of the Office of the Attorney General.

(3)(A) The form shall be fully filled out and affixed to a side window of the motor vehicle with the title "Buyer's Notification" facing to the outside.

(B) The form may be removed temporarily from the window during any test drive, but it shall be replaced as soon as the test drive is over.

(b)(1) When any motor vehicle owner who is not a dealer knowingly offers for sale or trade a motor vehicle which carries a title branded pursuant to this subchapter, such owner shall disclose to any prospective buyer or purchaser prior to the sale or trade the nature of the title brand and shall furnish him or her a description of the damage sustained by the motor vehicle as on file with the Office of Motor Vehicle.

(2) The disclosure shall be on a buyer's notification form to be prescribed by the division.

(c)(1) The form to be prescribed by the division shall have an acknowledgment section that the seller shall require the buyer to sign prior to completing a sales transaction on a motor vehicle that carries a branded title.

(2) The seller shall retain a copy of the signed notification form.

(d)(1) Failure of the seller to procure the buyer's acknowledgment signature shall render the sale voidable at the election of the buyer.

(2) The election to render the sale voidable shall be limited to sixty (60) days after the sales transaction.

(3) The buyer's right to render voidable the purchase is in addition to any other right or remedy which may be available to the buyer. In the event that the seller makes full refund of the purchase price to the buyer within ten (10) days after receipt of the buyer's election to void the sales transaction, the seller shall be subject to no further liability in connection with the sales transaction.

History. Acts 1993, No. 614, § 3; 1995, No. 620, § 1; 1999, No. 1303, § 1; 1999, No. 1572, § 1.

27-14-2304. Violations — Penalties.

(a) Any repairer, rebuilder, or restorer who pleads guilty or nolo contendere to or who is found guilty of failing to provide to a motor vehicle owner the sworn statement required by § 27-14-2302 to be submitted to the Office of Motor Vehicle, or, if the repairer, rebuilder, or restorer is the motor vehicle owner, failing to submit the sworn statement required by § 27-14-2302 to be submitted to the office, or any motor vehicle owner who conceals or attempts to conceal the fact that the motor vehicle has been damaged from any prospective buyer or transferee in violation of this subchapter shall be guilty of a

Class A misdemeanor and shall be punished as provided by law.

(b) Any dealer who pleads guilty or nolo contendere to or who is found guilty of failing to disclose the information provided for in § 27-14-2302 or any motor vehicle owner who conceals or attempts to conceal the fact that the motor vehicle has been damaged from any prospective buyer or purchaser in violation of this subchapter shall be guilty of a Class A misdemeanor and shall be punished as provided by law.

(c) Any sale, attempted sale, or transfer of a motor vehicle in violation of the provisions of this subchapter shall constitute an unfair or deceptive act or practice under the provisions of the Deceptive Trade Practices Act, § 4-88-101 et seq.

History. Acts 1993, No. 614, § 4.

27-14-2305. Applicability of subchapter.

(a) The provisions of this subchapter shall not apply to motor vehicles more than seven (7) model years old prior to the calendar year of the occurrence.

(b) Any title that is branded pursuant to this subchapter shall retain the brand on the title for the life of the vehicle.

History. Acts 1993, No. 614, § 5; 1999, No. 1572, § 2; 2007, No. 410, § 3.

27-14-2306. Exemption from sales or use tax.

Any person licensed by the State of Arkansas as a dealer in motor vehicles who is required under the provisions of this subchapter to register and title a motor vehicle in the name of such dealership shall be exempt from the payment of sales or use taxes on such transaction.

History. Acts 1993, No. 614, § 6.

27-14-2307. Rules and regulations.

The Director of the Department of Finance and Administration shall promulgate necessary rules and regulations for the proper enforcement and administration of this subchapter.

History. Acts 1993, No. 614, § 7.

27-14-2308. Alternative procedure to obtain title for a total loss settlement.

(a) If an insurance company makes a total loss settlement on a motor vehicle, the owner or lienholder of the motor vehicle shall forward the properly endorsed certificate of title to the insurance company within fifteen (15) days after receipt of the settlement funds.

(b)(1) If an insurance company is unable to obtain the properly endorsed certificate of title within thirty (30) days after disbursing a total loss settlement payment for a motor vehicle that does not have a lien or encumbrance, the insurance company or its agent may request the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration to issue a salvage certificate of title or a parts-only certificate of title for the vehicle.

(2) The request shall:

(A) Be submitted on each form required by and provided by the Office of Motor Vehicle;

(B) Document that the insurance company has made at least two (2) written attempts to obtain the certificate of title and include the documentation with the request;

(C) Include any fees applicable to the issuance of a salvage certificate of title or a parts-only certificate of title; and

(D) Be signed under penalty of perjury.

(c)(1) If an insurance company is unable to obtain the properly endorsed certificate of title within thirty (30) days after disbursing a total loss settlement payment for a motor vehicle that has a lien or encumbrance, the insurance company or its agent shall submit documentation to the Office of Motor Vehicle from the claims file that establishes the lienholder's interest was protected in the total loss indemnity payment for the claim.

(2) The documentation under subdivision (c)(1) of this section shall be:

(A) Submitted with a request for a salvage certificate of title or a parts-only certificate of title for the vehicle; and

(B) In addition to the requirements under subdivision (b)(2) of this section.

(d) Upon receipt of a properly endorsed certificate of title or a properly executed request under subsection (b) of this section, the Office of Motor Vehicle shall issue a salvage certificate of title or a parts-only certificate of title for the vehicle in the name of the insurance company.

(e) The Office of Motor Vehicle may promulgate rules and forms for the administration of this section.

History. Acts 2011, No. 285, § 1.

Subchapter 24 — Temporary Registration Exemption.

SECTION.
27-14-2401 — 27-14-2404. [Repealed.]

27-14-2401 — 27-14-2404. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2001, No. 448, § 1. The subchapter was derived from the following sources:

27-14-2401. Acts 1997, No. 452, § 1.
27-14-2402. Acts 1997, No. 452, § 2.
27-14-2403. Acts 1997, No. 452, § 3.
27-14-2404. Acts 1997, No. 452, § 4.

CHAPTER 15

REGISTRATION AND LICENSING — SPECIAL USES

SUBCHAPTER.

1. General Provisions.
2. Handicapped Persons Generally. [Repealed.]
3. Access to Parking for Persons with Disabilities Act.
4. Disabled Veterans — In General. [Repealed.]
5. Disabled Veterans — License for Furnished Automobiles. [Repealed.]
6. Disabled Veterans — World War I. [Repealed.]
7. Disabled Veterans — Nonservice Injuries. [Repealed.]
8. Medal of Honor Recipients. [Repealed.]
9. Purple Heart Recipients. [Repealed.]
10. Ex-Prisoners of War. [Repealed.]
11. Military Reserve. [Repealed.]
12. United States Armed Forces Retired. [Repealed.]
13. Public Use Vehicles — Local Government. [Repealed.]
14. Public Use Vehicles — State Government. [Repealed.]
15. Public Use Vehicles — Federal Government. [Repealed.]
16. Members of General Assembly. [Repealed.]
17. Game and Fish Commission. [Repealed.]
18. Volunteer Rescue Squads. [Repealed.]
19. Religious Organizations. [Repealed.]
20. Youth Groups. [Repealed.]
21. Orphanages. [Repealed.]
22. Historical or Special Interest Vehicles.
23. Antique Motorcycles.
24. Amateur Radio Operators.
25. Pearl Harbor Survivors. [Repealed.]
26. Merchant Marine. [Repealed.]
27. Firefighters. [Repealed.]
28. Special License Plates for County Quorum Court Members. [Repealed.]
29. Special Collegiate License Plates. [Repealed.]
30. Special Civil Air Patrol License Plates. [Repealed.]
31. Special Search and Rescue License Plates.
32. Ducks Unlimited. [Repealed.]
33. World War II Veterans, Korean War Veterans, Vietnam Veterans, and Persian Gulf Veterans. [Repealed.]
34. Additional Game and Fish Commission Plates. [Repealed.]
35. Committed to Education License Plates. [Repealed.]
36. Armed Forces Veteran License Plates. [Repealed.]
37. Special Retired Arkansas State Trooper License Plates. [Repealed.]
38. Distinguished Flying Cross. [Repealed.]
39. Choose Life License Plate. [Repealed.]
40. Miscellaneous.
41. Susan G. Komen Breast Cancer Education, Research, and Awareness License Plate. [Repealed.]
42. Division of Agriculture License Plate. [Repealed.]
43. Constitutional Officer License Plate. [Repealed.]
44. African-American Fraternity and Sorority License Plate. [Repealed.]
45. Boy Scouts of America License Plate. [Repealed.]
46. Arkansas Cattlemen's Foundation License Plate. [Repealed.]
47. Organ Donor Awareness License Plate. [Repealed.]
48. Operation Iraqi Freedom Veteran License Plate. [Repealed.]
49. In God We Trust License Plate.
50. Operation Enduring Freedom Veteran License Plate. [Repealed.]
51. Arkansas State Golf Association License Plate.
52. Arkansas Fallen Firefighters' Memorial Special License Plate.
53. Realtors License Plate. [Repealed.]

Subchapter 1 — General Provisions

SECTION.

27-15-101. Decal for deaf persons.
27-15-102. [Repealed.]

27-15-101. Decal for deaf persons.

(a) The Department of Finance and Administration shall provide a motor vehicle license plate decal for deaf persons upon the payment of a fee of one dollar ($1.00) and satisfactory proof that the person's average loss in the speech frequencies of five hundred (500) Hertz to two thousand (2,000) Hertz in the better ear is eighty-six (86) decibels or worse by the International Organization for Standardization.

(b) The department shall design a decal to indicate that the operator of the motor vehicle may be deaf.

(c) The decals shall be made available beginning September 1, 1985.

History. Acts 1985, No. 116, § 1; A.S.A. 1947, § 75-297; Acts 2005, No. 2202, § 2.

27-15-102. [Repealed.]

Publisher's Notes. This section, concerning surviving spouses eligible for certain specialty license plates, was repealed by Acts 2005, No. 2202, § 2. The section was derived from Acts 2001, No. 1524, § 1.

Subchapter 2 — Handicapped Persons Generally [Repealed]

SECTION.

27-15-201 — 27-15-203. [Repealed.]

27-15-201 — 27-15-203. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1991, No. 656, § 14. The subchapter was derived from the following sources:

27-15-201. Acts 1979, No. 224, § 1; A.S.A. 1947, § 75-294.
27-15-202. Acts 1979, No. 224, § 3; A.S.A. 1947, § 75-294.2.
27-15-203. Acts 1979, No. 224, § 2; A.S.A. 1947, § 75-294.1.

Subchapter 3 — Access to Parking for Persons with Disabilities Act

SECTION.

27-15-301. Title.
27-15-302. Definitions.
27-15-303. Applicability.
27-15-304. Temporary special certificate.
27-15-305. Penalties.
27-15-306. Enforcement.
27-15-307. Administration.
27-15-308. Special license plates and certificates.
27-15-309. [Repealed.]
27-15-310. Display of special license plate or certificate.
27-15-311. Reciprocity.
27-15-312. Parking privileges — Exceptions.
27-15-313. [Repealed.]
27-15-314. Parking spaces by private agencies.
27-15-315. Signs regulatory in nature.
27-15-316. Disabled veterans.

27-15-301. Title.

This subchapter shall be known as the "Access to Parking for Persons with Disabilities Act".

History. Acts 1985, No. 907, § 1; A.S.A. 1947, § 75-296.3; Acts 1991, No. 656, § 1; 2005, No. 2202, § 2.

27-15-302. Definitions.

As used in this subchapter:

(1) "Access aisle" means a ramp designed, constructed, and marked for access by a mobility-impaired person, a striped or marked passenger loading and unloading area, or a striped access area adjacent to a parking space designed and marked for access by mobility-impaired or sight-impaired persons;

(2) "Office" means the Office of Motor Vehicle;

(3)(A) "Permanent disability" means a medically determined condition that is continuous without the possibility of improvement and that substantially impacts a person's mobility.

(B) "Permanent disability" includes:

(i) A spinal cord injury;

(ii) A genetic ambulatory disorder;

(iii) An amputation;

(iv) Spina bifida;

(v) Multiple sclerosis;

(vi) Chronic heart disease; or

(vii) Any other medically determined permanent condition that substantially impacts a person's mobility;

(4) "Person with a disability" means any individual who, as determined by a licensed physician:

(A) Cannot walk one hundred feet (100') without stopping to rest;

(B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(C) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;

(D) Uses portable oxygen; or

(E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

(5) "Private agency" means any person, firm, association, organization, or entity, other than a public agency doing business with or providing accommodations for the public, whose customary and normal operations include the providing of parking spaces as a means of accommodating the general public or a select clientele or membership; and

(6) "Public agency" means any department, office, or agency of the State of Arkansas or any city, county, school district, or other public agency of this state or of its political subdivisions.

History. Acts 1985, No. 907, § 2; A.S.A. 1947, § 75-296.4; Acts 1991, No. 656, § 2; 1999, No. 1503, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 8.

27-15-303. Applicability.

(a) The provisions of this subchapter shall apply only to:

(1) Passenger vehicles, including automobiles; and

(2) Light trucks, including vans, with a three-fourths (¾) ton or less manufacturer's rated capacity if the vehicle is specially adapted for use by individuals with disabilities through the use of a lift, ramp, hand controls, etc.

(b) The provisions of this section may be waived if the applicant can document that a larger vehicle or special purpose vehicle would otherwise be eligible to display the special license plate or special certificate.

History. Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7; Acts 1991, No. 656, § 3; 2005, No. 2202, § 2.

27-15-304. Temporary special certificate.

(a)(1) A person with a disability, which, as determined by a licensed physician is temporary in nature as opposed to permanent, may apply to the Office of Motor Vehicle for a temporary person-with-a-disability special certificate, and, upon request, one (1) additional temporary special certificate.

(2) Provided further, a person to whom has been issued a special license plate or a special certificate may obtain one (1) temporary special certificate.

(3) The intent in this section is to provide any person with a disability at least one (1), but not more than two (2), special indicia authorizing the use of parking spaces reserved exclusively for persons with disabilities.

(b) The temporary special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(c) When the temporary special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the temporary special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate provided under § 27-15-308(a).

(d) The temporary special certificate shall be issued free of charge and shall expire three (3) months from the last day of the month in which it is issued.

History. Acts 1991, No. 656, § 8; 2005, No. 2202, § 2.

27-15-305. Penalties.

(a) Any individual who provides false information in order to acquire or who assists an unqualified person in acquiring the special license plate or the special certificate and any person who abuses the privileges granted by this subchapter shall be deemed guilty of a Class A misdemeanor.

(b)(1) Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, including the access aisle, as provided in this subchapter, on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized in this subchapter or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability while not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency.

(2) In addition thereto, the owner of the vehicle shall upon conviction be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the first offense and not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs.

(3)(A) Upon the second or subsequent conviction, the court shall suspend the driver's license for up to six (6) months.

(B) The driver may apply to the Office of Driver Services for a restricted license during the period of suspension. The office shall determine the conditions of the restricted license or may deny the request for a restricted license after reviewing the driving record and circumstances of the driver.

(c)(1) Thirty percent (30%) of all fines collected under this section in district court or city court shall be for the purpose of funding activities of the Governor's Commission on People with Disabilities and shall be collected and remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, for deposit in a special fund established and maintained by the Treasurer of State.

(2) Seventy percent (70%) of the fines collected in district court or city court under this section shall be paid by the tenth day of each month to the city general fund of the town or city in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act.

History. Acts 1985, No. 907, § 12; A.S.A. 1947, § 75-296.14; Acts 1987, No. 59, § 5; 1991, No. 656, § 4; 1999, No. 1503, § 2; 2001, No. 609, § 1; 2003, No. 1765, § 33; 2005, No. 1934, § 18; 2005, No. 2202, § 2.

27-15-306. Enforcement.

(a) Any law enforcement official in this state may enter upon any public parking space, public parking lot, or public parking facility in this state for the purpose of enforcing the provisions of this subchapter with respect to accessible parking for a person with a disability.

(b) Any law enforcement officer in this state may enter upon the parking space, parking lot, or parking facility of any private agency in this state for the purpose of enforcing the provisions of this subchapter with respect to accessible parking for a person with a disability.

History. Acts 1985, No. 907, § 11; A.S.A. 1947, § 75-296.13; Acts 1997, No. 208, § 30; 1999, No. 1503, § 3; 2005, No. 2202, § 2; 2007, No. 753, § 1.

27-15-307. Administration.

The Office of Motor Vehicle shall:

(1) Develop an appropriate form, including provision for a sworn statement of disability, for use by an applicant to request issuance of the special license plate and the special certificate for a person with a disability;

(2) Distribute a copy of this subchapter to all appropriate law enforcement agencies charged with enforcement of the Motor Vehicle Code;

(3) Adopt procedures and promulgate rules to advise and inform the general public of the provisions of this subchapter and the availability of special license plates and special certificates;

(4) Request medical information directly related to determining the eligibility of the applicant for a special license plate or special certificate, which shall be held in strict confidence. Such medical information shall be required only when the applicant is applying for the initial issuance of a special license plate or special certificate authorized under the provisions of § 27-15-308;

(5) Maintain accurate records of the annual number of special license plates and special certificates issued and in inventory;

(6) Enter into the permanent record of each applicant the special license number or special certificate number and type of allowable disability of the applicant in a manner that will allow retrieval of the information for statistical use; and

(7) Include a notice with each application for a special license plate or special certificate informing the applicant and any other person driving for the applicant of the requirements of this subchapter and further specifically informing the applicant that the privilege to park in spaces reserved for persons with disabilities shall be available only when the person for whom the special plate or certificate was issued or a person with a disability is actually in the vehicle.

History. Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7; Acts 1991, No. 656, § 5; 2001, No. 609, § 2; 2005, No. 2202, § 2.

27-15-308. Special license plates and certificates.

(a)(1) An owner of a motor vehicle described in § 27-15-303 may apply to the Office of Motor Vehicle for issuance of one (1) special license plate, to be affixed to his or her vehicle, if the applicant, a dependent of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is disabled under the definition of a person with a disability, as defined in § 27-15-302.

(2)(A) Except as provided under subsections (d) and (e) of this section, for every application for a special license plate issued under this section, the Department of Finance and Administration shall produce a photo identification card containing a color photograph of the person with a disability who is either:

(i) Applying for the special license plate; or

(ii) Being transported by the vehicle for which the special license plate is issued.

(B) The photo identification card issued under this subsection (a) shall be carried on the person for verification of identity.

(C) This subdivision (a)(2) applies to holders of or applicants for special license plates issued under this section who do not have a valid driver's license or identification card issued under the laws of this state.

(3)(A) An owner of a motor vehicle that is issued a special license plate under this section shall submit every four (4) years to the office a physician recertification of the person with a disability to be transported by the vehicle to continue to qualify for the special license plate, unless the person with a disability has a permanent disability.

(B) The photo identification card required in this subsection (a) must be renewed every four (4) years.

(4)(A) An organization that owns or leases a motor vehicle described in § 27-15-303 that is used in the business of transporting persons with disabilities may apply to the office for issuance of one (1) special license plate to be affixed to the vehicle for each vehicle used in the business.

(B) The requirements of a photo identification card and physician recertification in this subsection (a) shall not apply to an applicant in the business of transporting persons with disabilities as described in this subsection (a).

(b)(1) The special license plate issued by the office shall contain the international symbol of access.

(2) The special license plate shall be issued at no additional charge.

(c)(1) A person with a disability may apply to the office for a special person-with-a-disability certificate, subject to the photo identification card requirements of subsection (a) of this section.

(2) The special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(3) When the special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate provided under subsection (a) of this section.

(4) The special certificate shall be issued free of charge and shall expire four (4) years from the last day of the month in which it is issued.

(5)(A) If a person to whom a special certificate or license plate has been issued moves to another state, the person shall surrender the special certificate or plate to the office.

(B) If a person to whom a special certificate or license plate has been issued dies, the special certificate or license plate shall be returned to the office within thirty (30) days after the death of the person to whom the special certificate or plate was issued.

(6)(A) The photo identification card issued under this section shall be issued upon payment of a transaction fee of five dollars ($5.00) and shall expire four (4) years from the last day of the month in which it is issued.

(B) The transaction fee shall be deposited as special revenue into the State Central Services Fund to be used exclusively for the benefit of the Revenue Division of the Department of Finance and Administration.

(C) The transaction fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(D) The transaction fee shall not be considered or credited to the division as direct revenue.

(d)(1) In lieu of the photo identification card issued under this section, a person who holds a valid driver's license or identification card issued under the laws of this state may choose to have an endorsement on his or her driver's license or identification card that authorizes parking in areas designated as parking for a person with a disability.

(2) If a driver's license endorsement or identification card endorsement is chosen under this section, then the issuance and expiration of the driver's license shall correspond with the expiration date of the special person-with-a-disability certificate issued under this section.

(3)(A) The office shall not charge an additional fee for adding the endorsement on a currently issued driver's license or identification card.

(B) Any person who applies for and does not currently have a driver's license or identification card and requests the endorsement shall pay only

the fee required under current law for the issuance of a driver's license or identification card and shall not pay an additional fee for the endorsement.

(e)(1) A person who is a resident of a facility that provides long-term medical care or personal care is not required to obtain a photo identification card that displays a photograph of the person with a disability but instead shall carry on the person documentation from the administrator of the facility attesting that the person is a resident of the facility.

(2) This subsection (e) applies to the following facilities including without limitation:

(A) A licensed nursing home;

(B) A licensed residential care facility; or

(C) A licensed assisted living facility.

History. Acts 1985, No. 907, §§ 3, 4; A.S.A. 1947, §§ 75-296.5, 75-296.6; Acts 1991, No. 656, § 6; 2001, No. 609, §§ 3, 4; 2005, No. 2202, § 2; 2007, No. 753, § 2.

27-15-309. [Repealed.]

Publisher's Notes. This section, concerning decals, was repealed by Acts 1991, No. 656, § 14. The section was derived from Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7.

27-15-310. Display of special license plate or certificate.

(a) No vehicle licensed by the State of Arkansas to operate on the public highways shall display a special license plate issued for a vehicle owned by a person with a disability, or a facsimile thereof, unless the owner or primary user of the vehicle meets the definition of person with a disability as defined in § 27-15-302.

(b) No vehicle shall display the special certificate unless the vehicle is being used for the purpose of transporting the person to whom the special certificate was issued.

History. Acts 1985, No. 907, § 6; A.S.A. 1947, § 75-296.8; Acts 1991, No. 656, § 7; 2005, No. 2202, § 2.

27-15-311. Reciprocity.

Any motor vehicle licensed in another state which exhibits a special license plate or other special authorized vehicle designations issued by licensing authorities of other states for vehicles used in the transportation of persons with disabilities shall be accorded the privileges as provided in this subchapter for similar vehicles licensed in this state, as is required under the provisions of Pub. L. No. 100-641, and rules issued pursuant thereto by the United States Secretary of Transportation.

History. Acts 1985, No. 907, § 6; A.S.A. 1947, § 75-296.8; Acts 1991, No. 656, § 9; 1995, No. 1296, § 91; 2005, No. 2202, § 2.

27-15-312. Parking privileges — Exceptions.

(a)(1) A vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability is permitted exclusive parking privileges in those areas designated for parking only by persons with disabilities.

(2)(A) Except as provided under subdivision (a)(2)(B) of this section, a parking space reserved for a person with a disability that is designated as "van accessible" shall be used exclusively by vehicles that load or unload a wheelchair, a three- or four-wheeled scooter, or a similar device that is commonly used to transport persons who have limited or no use of their legs.

(B) If the parking lot or parking facility has only one (1) parking space reserved for a person with a disability, then the limitation of use under subsection (a)(2)(A) shall not apply.

(b)(1) The provisions of this subchapter pertaining to parking privileges for persons with disabilities shall supersede any local ordinances where they conflict.

(2) However, any county or municipality may enact local ordinances to provide for restrictions on parking privileges for all persons which also shall be applicable to persons with disabilities when the local ordinances apply:

(A) To zones where stopping, standing, or parking is prohibited for all vehicles;

(B) To the prohibition of parking during heavy traffic periods such as rush hours or where parking would clearly present a traffic hazard for the general public;

(C) To parking zones restricted as to the length of parking time permitted;

(D) To zones reserved for special types of vehicles, except for those zones authorized for exclusive use by emergency vehicles or ambulances, or authorized as bus stop areas or loading zones; and

(E)(i) To any parking meter fees levied by any local ordinances of any political subdivision in this state.

(ii) Provided, any county or municipality may by ordinance waive parking meter fees for a vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability.

History. Acts 1985, No. 907, § 7; A.S.A. 1947, § 75-296.9; Acts 1987, No. 59, § 1; 1991, No. 656, § 10; 1995, No. 780, § 1; 1997, No. 124, § 1; 2003, No. 1353, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 3.

27-15-313. [Repealed.]

Publisher's Notes. This section, concerning parking facilities on public property, was repealed by Acts 1999, No. 1503, § 6. The section was derived from Acts 1985, No. 907, § 8; A.S.A. 1947, § 75-296.10; Acts 1987, No. 59, § 2; 1991, No. 656, § 11.

27-15-314. Parking spaces by private agencies.

(a)(1) Any business firm or other person licensed to do business with the public or owning or operating a business that provides parking access to the public

may provide specially designated and marked motor vehicle parking spaces for the exclusive use of persons with disabilities who have been issued a special license plate or special certificate.

(2) Private businesses that provide parking access intended for use by the public that are constructed after January 1, 1992, and private businesses that undertake significant physical modifications or alterations of their premises after January 1, 1992, shall provide parking spaces in such number and otherwise in accordance with the standards set forth in regulations promulgated by the Department of Finance and Administration that would be consistent with Pub. L. No. 100-641 and rules issued pursuant thereto by the United States Secretary of Transportation.

(b) The minimum number of parking spaces shall comply with the requirements of the Americans with Disabilities Act.

History. Acts 1985, No. 907, § 9; A.S.A. 1947, § 75-296.11; Acts 1987, No. 59, § 3; 1991, No. 656, § 12; 1999, No. 1503, § 4; 2001, No. 609, § 5; 2005, No. 2202, § 2.

27-15-315. Signs regulatory in nature.

(a) For the purposes of this subchapter and for the purposes of enforcing any law of this state relating to penalizing owners or operators of vehicles who park vehicles in spaces designated for use by persons with disabilities and whose vehicles do not properly and legally display a special license plate or a special certificate provided under this subchapter, it shall be presumed that the identification of areas designated for use by persons with disabilities is regulatory in nature and that the identified areas are intended for exclusive use by persons with disabilities whose vehicles are properly identified and that penalties should be imposed on the owner or operator of a vehicle parked in those areas whose vehicle is not properly identified.

(b)(1) Any of the following designations that are displayed on each parking space for persons with disabilities and visible to the driver's eye level shall be enforced as provided under this subchapter and are regulatory in nature:

(A) A sign that displays the blue and white international symbol of access accompanied by one (1) or more of the phrases referenced under subdivision (b)(1)(B) of this section;

(B) A sign that states any of the following:

(i) "Disabled Parking";

(ii) "Van Accessible";

(iii) "Handicapped Parking";

(iv) "Reserved for Handicapped";

(v) "Reserved Parking" with the blue and white international symbol of access; or

(vi) "Permit Required — Towing Enforced"; or

(C) A sign that is compliant with R7-8, R7-8a, or R7-8b of the Manual on Uniform Traffic Control Devices promulgated by the Federal Highway Administration of the United States Department of Transportation.

(2) Corresponding pavement markings of the blue and white international symbol of access are preferred but not required for enforcement of this subchapter.

History. Acts 1985, No. 907, § 10; A.S.A. 1947, § 75-296.12; Acts 1987, No. 59, § 4; 1991, No. 656, § 13; 2005, No. 2202, § 2; 2007, No. 753, § 4.

27-15-316. Disabled veterans.

(a) As used in this section, "disabled veteran" means any American veteran who:

(1) Has been determined by the United States Department of Veterans Affairs to be a totally and permanently disabled veteran; and

(2) Is either:

(A) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(B) Issued a motor vehicle by the United States Department of Veterans Affairs under any public law.

(b) A vehicle that meets the following conditions is permitted parking privileges in those areas designated for parking only by a person with a disability under this subchapter.

(1) The vehicle must display a disabled veteran special license plate issued to a disabled veteran by the Department of Finance and Administration under § 27-24-204(a)(1), § 27-24-204(a)(2), or § 27-24-204(a)(3), or a valid disabled veteran license plate issued by another state; and

(2) The vehicle must be in use for the actual transporting of a disabled veteran.

History. Acts 2007, No. 349, § 1.

Subchapter 4 — Disabled Veterans — In General [Repealed]

SECTION.

27-15-401 — 27-15-408. [Repealed.]

27-15-401 — 27-15-408. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-401. Acts 1969, No. 36, § 2; A.S.A. 1947, § 75-266.4.

27-15-402. Acts 1969, No. 36, § 5; A.S.A. 1947, § 75-266.7; Acts 1999, No. 1503, § 5.

27-15-403. Acts 1969, No. 36, § 1; A.S.A. 1947, § 75-266.3.

27-15-404. Acts 1969, No. 36, § 3; A.S.A. 1947, § 75-266.5.

27-15-405. Acts 1969, No. 36, § 4; 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, §§ 75-261.1, 75-266.6.

27-15-406. Acts 1969, No. 36, § 3; A.S.A. 1947, § 75-266.5.

27-15-407. Acts 1995, No. 310, § 1; 1997, No. 1327, § 1.

27-15-408. Acts 2003, No. 206, § 1.

Subchapter 5 — Disabled Veterans — License for Furnished Automobiles [Repealed]

SECTION.
27-15-501 — 27-15-506. [Repealed.]

27-15-501 — 27-15-506. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-501. Acts 1949, No. 7, § 7; A.S.A. 1947, § 75-266.

27-15-502. Acts 1949, No. 7, § 1; 1949, No. 322, § 1; A.S.A. 1947, § 75-261.

27-15-503. Acts 1949, No. 7, § 6; 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, §§ 75-261.1, 75-265.

27-15-504. Acts 1949, No. 7, § 3; A.S.A. 1947, § 75-263.

27-15-505. Acts 1949, No. 7, § 2; A.S.A. 1947, § 75-262.

27-15-506. Acts 1949, No. 7, § 5; A.S.A. 1947, § 75-264.

Subchapter 6 — Disabled Veterans — World War I [Repealed]

SECTION.
27-15-601 — 27-15-603. [Repealed.]

27-15-601 — 27-15-603. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-601. Acts 1969, No. 57, § 2; A.S.A. 1947, § 75-266.2.

27-15-602. Acts 1969, No. 57, § 1; A.S.A. 1947, § 75-266.1.

27-15-603. Acts 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, § 75-261.1.

Subchapter 7 — Disabled Veterans — Nonservice Injuries [Repealed]

SECTION.
27-15-701, 27-15-702. [Repealed.]

27-15-701, 27-15-702. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-701. Acts 1979, No. 30, § 1; A.S.A. 1947, § 75-266.17; Acts 1997, No. 208, § 31.

27-15-702. Acts 1979, No. 30, § 2; A.S.A. 1947, § 75-266.18.

Subchapter 8 — Medal of Honor Recipients [Repealed]

SECTION.
27-15-801 — 27-15-807. [Repealed.]

27-15-801 — 27-15-807. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-801. Acts 1977, No. 207, § 1; A.S.A. 1947, § 75-266.8.

27-15-802. Acts 1977, No. 207, § 2; A.S.A. 1947, § 75-266.9.

27-15-803. Acts 1977, No. 207, § 4; A.S.A. 1947, § 75-266.11.

27-15-804. Acts 1977, No. 207, § 3; A.S.A. 1947, § 75-266.10.

27-15-805. Acts 1977, No. 207, § 4; A.S.A. 1947, § 75-266.11.

27-15-806. Acts 1977, No. 207, § 5; A.S.A. 1947, § 75-266.12.

27-15-807. Acts 1995, No. 310, § 2.

Subchapter 9 — Purple Heart Recipients [Repealed]

SECTION.
27-15-901 — 27-15-903. [Repealed.]

27-15-901 — 27-15-903. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-901. Acts 1985, No. 891, § 1; A.S.A. 1947, § 75-295.8; Acts 1989, No. 343, § 1; 1991, No. 377, § 1; 1997, No. 269, § 1.

27-15-902. Acts 1985, No. 891, § 2; A.S.A. 1947, § 75-295.9.

27-15-903. Acts 1985, No. 891, § 3; A.S.A. 1947, § 75-295.10.

Subchapter 10 — Ex-Prisoners of War [Repealed]

SECTION.
27-15-1001 — 27-15-1007. [Repealed.]

27-15-1001 — 27-15-1007. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1001. Acts 1979, No. 7, § 1; A.S.A. 1947, § 75-266.13.

27-15-1002. Acts 1979, No. 7, §§ 1, 2; A.S.A. 1947, §§ 75-266.13, 75-266.14; Acts 1995, No. 1296, § 92; 1997, No. 270, § 1.

27-15-1003. Acts 1979, No. 7, § 1; A.S.A. 1947, § 75-266.13.

27-15-1004. Acts 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, § 75-261.1.

27-15-1005. Acts 1979, No. 7, § 3; A.S.A. 1947, § 75-266.15.

27-15-1006. Acts 1979, No. 7, § 4; A.S.A. 1947, § 75-266.16.

27-15-1007. Acts 1987, No. 61, § 1.

Subchapter 11 — Military Reserve [Repealed]

SECTION.
27-15-1101 — 27-15-1107. [Repealed.]

27-15-1101 — 27-15-1107. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1101. Acts 1981, No. 475, § 4; A.S.A. 1947, § 75-295.3.

27-15-1102. Acts 1981, No. 475, §§ 1, 3; A.S.A. 1947, §§ 75-295, 75-295.2.

27-15-1103. Acts 1981, No. 475, § 2; A.S.A. 1947, § 75-295.1.

27-15-1104. Acts 1981, No. 475, § 3; A.S.A. 1947, § 75-295.2.

27-15-1105. Acts 1981, No. 475, § 1; A.S.A. 1947, § 75-295.

27-15-1106. Acts 1981, No. 475, § 1; A.S.A. 1947, § 75-295.

27-15-1107. Acts 1981, No. 475, § 3; A.S.A. 1947, § 75-295.2.

Subchapter 12 — United States Armed Forces Retired [Repealed]

SECTION.
27-15-1201 — 27-15-1204. [Repealed.]

27-15-1201 — 27-15-1204. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1201. Acts 1985, No. 157, § 4; A.S.A. 1947, § 75-295.7.

27-15-1202. Acts 1985, No. 157, §§ 1, 3; A.S.A. 1947, §§ 75-295.4, 75-295.6; Acts 1991, No. 31, § 1; 1991, No. 372, § 1; 1993, No. 613, § 1; 2001, No. 1269, § 1.

27-15-1203. Acts 1985, No. 157, § 2; A.S.A. 1947, § 75-295.5.

27-15-1204. Acts 1985, No. 157, § 3; A.S.A. 1947, § 75-295.6.

Subchapter 13 — Public Use Vehicles — Local Government [Repealed]

SECTION.

27-15-1301 — 27-15-1303. [Repealed.]
27-15-1304. [Repealed.]
27-15-1305. [Repealed.]

27-15-1301 — 27-15-1303. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1301. Acts 1943, No. 144, § 6; A.S.A. 1947, § 75-245.

27-15-1302. Acts 1943, No. 144, § 1; A.S.A. 1947, § 75-240.

27-15-1303. Acts 1943, No. 144, §§ 2, 3, 6; A.S.A. 1947, §§ 75-241, 75-242, 75-245.

27-15-1304. [Repealed.]

Publisher's Notes. This section, concerning payment of gross receipts tax required, was repealed by Acts 1995, No. 555, § 1. The section was derived from Acts 1943, No. 144, § 5; A.S.A. 1947, § 75-244.

27-15-1305. [Repealed.]

Publisher's Notes. This section, concerning term, design, and attachment of plates, was repealed by Acts 2005, No. 2202, § 2. The section was derived from Acts 1943, No. 144, § 4; A.S.A. 1947, § 75-243; Acts 1989, No. 278, § 1.

Subchapter 14 — Public Use Vehicles — State Government [Repealed]

SECTION.

27-15-1401. [Repealed.]

27-15-1401. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts 1933, No. 92, §§ 3, 4; Pope's Dig., §§ 6616, 6617; A.S.A. 1947, §§ 75-246, 75-247.

Subchapter 15 — Public Use Vehicles — Federal Government [Repealed]

SECTION.

27-15-1501. [Repealed.]

27-15-1501. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts 1929, No. 65, § 35; Pope's Dig., § 6635; A.S.A. 1947, § 75-248.

Subchapter 16 — Members of General Assembly [Repealed]

SECTION.

27-15-1601 — 27-15-1606. [Repealed.]

27-15-1601 — 27-15-1606. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1601. Acts 1955, No. 213, § 1; A.S.A. 1947, § 75-270.

27-15-1602. Acts 1955, No. 213, § 3; 1959, No. 11, § 1; A.S.A. 1947, § 75-272.

27-15-1603. Acts 1955, No. 213, § 2; 1963, No. 195, § 1; 1971, No. 253, § 1; A.S.A. 1947, § 75-271; Acts 1991, No. 1041, § 1.

27-15-1604. Acts 1955, No. 213, § 1; A.S.A. 1947, § 75-270.

27-15-1605. Acts 1955, No. 213, § 4; A.S.A. 1947, § 75-273; Acts 1991, No. 1041, § 2.

27-15-1606. Acts 1985, No. 140, §§ 1, 2; A.S.A. 1947, §§ 75-273.1, 75-273.2; Acts 1991, No. 1041, § 3.

Subchapter 17 — Game and Fish Commission [Repealed]

SECTION.

27-15-1701 — 27-15-1703. [Repealed.]

27-15-1701 — 27-15-1703. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1701. Acts 1985, No. 298, § 1; A.S.A. 1947, § 75-297.1.

27-15-1702. Acts 1985, No. 298, § 2; A.S.A. 1947, § 75-297.2.

27-15-1703. Acts 1985, No. 298, § 3; A.S.A. 1947, § 75-297.3.

Subchapter 18 — Volunteer Rescue Squads [Repealed]

SECTION.

27-15-1801 — 27-15-1805. [Repealed.]

27-15-1801 — 27-15-1805. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1801. Acts 1969, No. 315, § 2; A.S.A. 1947, § 75-290.

27-15-1802. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.

27-15-1803. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.

27-15-1804. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.

27-15-1805. Acts 1969, No. 315, § 3; A.S.A. 1947, § 75-291.

Subchapter 19 — Religious Organizations [Repealed]

SECTION.

27-15-1901 — 27-15-1906. [Repealed.]

27-15-1901 — 27-15-1906. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1901. Acts 1947, No. 45, § 3; A.S.A. 1947, § 75-213.

27-15-1902. Acts 1947, No. 45, § 6; A.S.A. 1947, § 75-216.
27-15-1903. Acts 1947, No. 45, §§ 1, 2; A.S.A. 1947, §§ 75-211, 75-212.
27-15-1904. Acts 1947, No. 45, §§ 2, 6; A.S.A. 1947, §§ 75-212, 75-216.
27-15-1905. Acts 1947, No. 45, § 4; A.S.A. 1947, § 75-214.
27-15-1906. Acts 1947, No. 45, § 5; A.S.A. 1947, § 75-215.

Subchapter 20 — Youth Groups [Repealed]

SECTION.
27-15-2001 — 27-15-2003. [Repealed.]

27-15-2001 — 27-15-2003. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:
27-15-2001. Acts 1965, No. 423, §§ 1, 2; A.S.A. 1947, §§ 75-283, 75-284.
27-15-2002. Acts 1975, No. 594, §§ 1, 2; A.S.A. 1947, §§ 75-284.1, 75-284.2.
27-15-2003. Acts 1959, No. 189, §§ 1, 2; A.S.A. 1947, §§ 75-279, 75-280.

Subchapter 21 — Orphanages [Repealed]

SECTION.
27-15-2101. [Repealed.]

27-15-2101. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts 1959, No. 122, §§ 1, 2; A.S.A. 1947, §§ 75-277, 75-278.

Subchapter 22 — Historical or Special Interest Vehicles

SECTION.
27-15-2201. Definitions.
27-15-2202. Registration — Fee.
27-15-2203. Affidavit — Vehicle restored to original specifications required.
27-15-2204. Assemblage of vehicle.
27-15-2205. Equipment.
27-15-2206. Limitations on use.
27-15-2207. Storage regulation.
27-15-2208. Sale or transfer.
27-15-2209. Alternative license plates for antique motor vehicles.

27-15-2201. Definitions.

As used in this subchapter:

(1) "Collector" means the owner of one (1) or more motor vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of those vehicles, or parts thereof, for his or her own use in order to preserve, restore, and maintain a vehicle or vehicles for hobby purposes;

(2)(A) "Historic or special interest vehicle" means a vehicle of age which is essentially unaltered from the original manufacturer's specifications and which, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

(B) "Historic or special interest vehicle" shall include a vehicle sometimes referred to by the classifications of antique, horseless carriage, classic, or action era.

(C)(i) Vehicles with modifications or deviations from the original specifications may be permitted under this classification if the modifications or deviations are of historic nature and characteristic of the approximate era to which the vehicles belong or if they could be considered to be in the category of safety features.

(ii) Safety-related modifications include hydraulic brakes, sealbeam headlights, and seat belts.

(iii) Accessories acceptable under such classifications are those available in the era to which the vehicles belong; and

(3) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually not obtainable from normal sources, thus enabling a collector to preserve, restore, and maintain a vehicle of historic or special interest.

History. Acts 1975, No. 334, § 1; A.S.A. 1947, § 75-201.8; Acts 2005, No. 2202, § 2.

27-15-2202. Registration — Fee.

(a)(1) Any person who is the owner of an historic or special interest vehicle that is twenty-five (25) years of age or older at the time of making application for registration or transfer of title may, upon application, register it as an historic or special interest vehicle, upon the payment of a fee of seven dollars ($7.00) for each vehicle, and be furnished a license plate of distinctive design to be displayed on each vehicle in lieu of the usual license plate.

(2) This plate shall have the same legal significance as an ordinary license plate.

(3) In addition to the identification number, this plate shall identify the vehicle as an historic or antique vehicle owned by an Arkansas collector.

(4) The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(b)(1) The numbering of these plates shall continue chronologically from the existing antique automobile registration lists, using the current design and emblem.

(2) Application for these plates shall be made to the Office of Motor Vehicle on special application forms prescribed by the Commissioner of Motor Vehicles.

(c) Upon selling or otherwise relinquishing ownership of an historic or special interest vehicle, a collector may retain possession of the vehicle plate and transfer its registration to another vehicle of the same category in his or her possession, upon pay-

ment of one-half (½) the fee prescribed in subsection (a) of this section.

(d)(1) A vehicle manufactured as a reproduction or facsimile of an historic or special interest vehicle shall not be eligible for registration under this section unless it has been in existence for twenty-five (25) years or more.

(2) The age shall be calculated from the date the vehicle was originally assembled as a facsimile.

(e) Collectors who, on July 8, 1975, have vehicles licensed as antiques under current statutes shall not be required to register these vehicles or obtain new license plates for these vehicles.

(f) Beginning on January 1, 2006, each collector applying for a license plate under this subchapter shall own and have registered one (1) or more motor vehicles that he or she uses for regular transportation.

History. Acts 1975, No. 334, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-201.9; Acts 1999, No. 102, § 1; 2005, No. 2202, § 2; 2005, No. 2324, § 1.

27-15-2203. Affidavit — Vehicle restored to original specifications required.

(a) Any person making application for an antique motor vehicle license plate under § 27-15-2202 shall transmit to the Office of Motor Vehicle an affidavit signed by the applicant stating that the motor vehicle described in the application is restored to its original specifications as closely as is reasonably possible and that the applicant will relinquish the antique motor vehicle license plate in the event that the motor vehicle is altered from its original specifications, except to the extent authorized or required by law.

(b)(1) Beginning on January 1, 2006, the office shall require the owner of any antique motor vehicle licensed under this subchapter to provide the office proof of conformity with this subchapter.

(2) If the office determines that the owner of such an antique motor vehicle is in violation of this section, the antique motor vehicle license plate shall be seized by the office and the owner fined one hundred dollars ($100).

History. Acts 1983, No. 897, §§ 1, 2; A.S.A. 1947, §§ 75-201.9a, 75-201.9b; Acts 2005, No. 2202, § 2; 2005, No. 2324, § 2.

27-15-2204. Assemblage of vehicle.

(a)(1)(A) A collector who has assembled a vehicle meeting the specifications of this subchapter from parts obtained from a variety of different sources and at various different times shall be issued a title upon furnishing a bill or bills of sale for the components.

(B) In cases when that evidence by itself is deemed inadequate, the collector shall execute an affidavit in verification.

(2) To be considered adequate, bills of sale shall be notarized and shall indicate the source of the engine and body and shall list the identification or serial number of the engine and body for the chassis, if applicable.

(b) A person who purchases an assembled vehicle from a collector who has not obtained a title to the assembled vehicle as provided in subsection (a) of this section shall be issued a title to the vehicle only if the purchaser of the vehicle follows the process under § 27-14-409(c)(1). For the purposes of this subsection, the amount of the bond shall be an amount equal to the value of the vehicle, as determined by the Office of Motor Vehicle.

History. Acts 1975, No. 334, § 4; A.S.A. 1947, § 75-201.13; Acts 2005, No. 2202, § 2; 2011, No. 826, § 1.

27-15-2205. Equipment.

(a) Unless the presence of equipment specifically named by Arkansas law was a prior condition for legal sale within Arkansas at the time the historic or special interest vehicle was manufactured for first use, the presence of such equipment shall not be required as a condition for current legal use.

(b) Any motor vehicle of historic or special interest manufactured prior to the date that emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of emission controls.

(c) Any safety equipment that was manufactured as part of the vehicle's original equipment must be in proper operating condition.

History. Acts 1975, No. 334, § 5; A.S.A. 1947, § 75-201.12; Acts 2005, No. 2202, § 2.

27-15-2206. Limitations on use.

(a)(1) Historic or special interest vehicles may be used for the same purposes and under the same conditions as other motor vehicles of the same type except that, under ordinary circumstances, such vehicles may not be used to transport passengers for hire.

(2) At special events that are sponsored or in which participation is by organized clubs, the vehicles may transport passengers for hire only if money received is to be used for club activities or to be donated to a charitable nonprofit organization.

(b) Trucks of such classification may not haul material more than one thousand pounds (1,000 lbs.) nor be used regularly in a business in lieu of other vehicles with regular license plates.

History. Acts 1975, No. 334, § 3; A.S.A. 1947, § 75-201.10; Acts 2005, No. 2202, § 2.

27-15-2207. Storage regulation.

Subject to land use regulations of a county or municipality, a collector may store any vehicles,

licensed or unlicensed, operable or inoperable, on his or her property if:

(1) The vehicles, parts cars, and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard; and

(2) The vehicles are located away from ordinary public view or are screened from ordinary public view by means of natural objects, fences, plantings, opaque covering, or other appropriate means.

History. Acts 1975, No. 334, § 4; A.S.A. 1947, § 75-201.11; Acts 2005, No. 2202, § 2.

27-15-2208. Sale or transfer.

Legal transfer of ownership of a motor vehicle, assembled motor vehicle, or parts car of historic or special interest shall not be contingent upon any condition that would require the vehicle or parts car to be in operating condition at the time of the sale or transfer of ownership.

History. Acts 1975, No. 334, § 6; A.S.A. 1947, § 75-201.13; Acts 2005, No. 2202, § 2; 2011, No. 826, § 2.

27-15-2209. Alternative license plates for antique motor vehicles.

(a) As used in this section, "antique license plate" means a license plate that:

(1) Is approved for issuance under subsection (e) of this section for an historic or special interest vehicle as defined under § 27-15-2201(2) that is more than twenty-five (25) years of age instead of the special license plate issued under § 27-15-2202; and

(2) Was issued by and approved for use in the State of Arkansas in the same year as the model year of the vehicle that is being licensed.

(b) If a person is eligible for a special license plate for an historic or special interest vehicle, the person may choose to use an antique license plate under this section instead of a license plate that is currently issued under § 27-15-2202 by the Office of Motor Vehicle.

(c) An applicant who seeks to use an antique license plate under this section shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle; and

(2) A handling and administrative fee in the amount of ten dollars ($10.00).

(d) To renew an antique license plate under this section, the owner of the motor vehicle shall remit the fee required by law for the registration and licensing of the motor vehicle.

(e)(1) An applicant who seeks to use an antique license plate other than the special license plate issued by the office under § 27-15-2202 shall be required to submit the license plate to the office for inspection to determine whether the antique license plate may be used.

(2) If the office determines that the antique license plate is unacceptable, the applicant shall not be allowed to use the antique license plate.

(3) The reasons for which the office may prohibit the use of an antique license plate include, but shall not be limited to:

(A) The antique license plate does not meet reasonable reflective and safety standards;

(B) The number of the antique license plate is the same as the number issued to a license plate that is currently in circulation; and

(C) The administrative costs associated with recording and maintaining the antique license plate are prohibitive.

(4) The office may promulgate rules to administer the provisions of this section.

History. Acts 2005, No. 2240, § 1.

Subchapter 23 — Antique Motorcycles

SECTION.

27-15-2301. Definition.
27-15-2302. Reproductions.
27-15-2303. Ownership requirement.
27-15-2304. Registration — Fee.
27-15-2305. Transfer of registration.
27-15-2306. Use.
27-15-2307. Alternative license plates for antique motorcycles.

27-15-2301. Definition.

(a) "Antique motorcycle" means a motorcycle which is at least twenty-five (25) years old and essentially unaltered from the original manufacturer's specifications and which is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

(b) Modifications or deviations from the original specifications may be permitted under this classification if the modifications or deviations are of an historic nature and characteristic of the approximate era to which the motorcycle belongs or if they could be considered to be in the category of safety features.

History. Acts 1979, No. 397, § 1; A.S.A. 1947, § 75-201.14; Acts 2005, No. 2202, § 2.

27-15-2302. Reproductions.

(a) A motorcycle manufactured as a reproduction or facsimile of an antique motorcycle shall not be eligible for registration under this section unless it has been in existence for twenty-five (25) years or more.

(b) The age shall be calculated from the date the vehicle was originally assembled as a facsimile.

History. Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

27-15-2303. Ownership requirement.

Each collector applying for an antique motorcycle license plate must own and have registered one (1) or more motorcycles with regular plates.

History. Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

27-15-2304. Registration — Fee.

(a) Any person who is the owner of an antique motorcycle may, upon application to the Office of Motor Vehicle, register it as an antique motorcycle upon the payment of a fee of five dollars ($5.00) and be furnished a license plate of distinctive design to be displayed in lieu of the usual license plate.

(b) This plate, in addition to the identification number, shall identify the vehicle as an antique motorcycle owned by an Arkansas collector.

(c) The registration shall be valid while the motorcycle is owned by the applicant without the payment of any additional fee, tax, or license.

History. Acts 1979, No. 397, § 2; A.S.A. 1947, § 75-201.15; Acts 2005, No. 2202, § 2.

27-15-2305. Transfer of registration.

Upon selling or otherwise relinquishing ownership of an antique motorcycle, a collector may retain possession of the antique motorcycle license plate and transfer its registration to another antique motorcycle in his or her possession upon payment of one-half (½) of the fee prescribed in § 27-15-2304.

History. Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

27-15-2306. Use.

Antique motorcycles may be used for the same purposes and under the same conditions as other motorcycles of the same type.

History. Acts 1979, No. 397, § 4; A.S.A. 1947, § 75-201.17; Acts 2005, No. 2202, § 2.

27-15-2307. Alternative license plates for antique motorcycles.

(a) As used in this section, "antique license plate" means a license plate that:

(1) Is approved for issuance under subsection (e) of this section for an antique motorcycle as defined under § 27-15-2301(a) that is more than twenty-five (25) years of age instead of the special license plate issued under § 27-15-2304; and

(2) Was issued by and approved for use in the State of Arkansas in the same year as the model year of the motorcycle that is being licensed.

(b) If a person is eligible for a special license plate for an antique motorcycle, the person may choose to use an antique license plate under this section instead of a license plate that is currently issued under § 27-15-2304 by the Office of Motor Vehicle.

(c) An applicant who seeks to use an antique license plate under this section shall remit the following fees:

(1) The fee required by law for the registration and licensing of the antique motorcycle; and

(2) A handling and administrative fee in the amount of ten dollars ($10.00).

(d) To renew an antique license plate under this section, the owner of the antique motorcycle shall remit the fee required by law for the registration and licensing of the motorcycle.

(e)(1) An applicant who seeks to use an antique license plate other than the special license plate issued by the office under § 27-15-2304 shall be required to submit the license plate to the office for inspection to determine whether the antique license plate may be used.

(2) If the office determines that the antique license plate is unacceptable, the applicant shall not be allowed to use the antique license plate.

(3) The reasons for which the office may prohibit the use of an antique license plate include, but shall not be limited to:

(A) The antique license plate does not meet reasonable reflective and safety standards;

(B) The number of the antique license plate is the same as the number issued to a license plate that is currently in circulation; and

(C) The administrative costs associated with recording and maintaining the antique license plate are prohibitive.

(4) The office may promulgate rules to administer the provisions of this section.

History. Acts 2005, No. 2240, § 2.

Subchapter 24 — Amateur Radio Operators

SECTION.
27-15-2401. Special license plates authorized.
27-15-2402. Applications.
27-15-2403. Nontransferable.
27-15-2404. Rules and regulations.
27-15-2405. Lists for public information.

27-15-2401. Special license plates authorized.

(a)(1) Each owner of a motor vehicle who is a resident of the State of Arkansas and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission shall be issued a license plate as prescribed by law for private passenger cars upon application, accompanied by proof of ownership of an amateur radio station license, complying with the state motor vehicle laws relating to regulation and licensing of motor vehicles and upon the payment of the regular license fee for plates as prescribed by

law and the payment of an additional fee of two dollars ($2.00).

(2) Upon the plate, in lieu of the numbers as prescribed by law, shall be inscribed the official amateur station call sign of the applicant as assigned by the Federal Communications Commission.

(b) This subchapter shall be supplementary to the motor vehicle licensing laws of the State of Arkansas, and nothing in this subchapter shall be construed to abridge or amend those laws.

History. Acts 1953, No. 146, §§ 1, 4; A.S.A. 1947, §§ 75-267, 75-269n; Acts 2005, No. 2202, § 2.

27-15-2402. Applications.

All applications for special license plates under this subchapter shall be made to the Director of the Department of Finance and Administration.

History. Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2.

27-15-2403. Nontransferable.

Special license plates issued under this subchapter shall be nontransferable.

History. Acts 1953, No. 146, § 1; A.S.A. 1947, § 75-267; Acts 2005, No. 2202, § 2.

27-15-2404. Rules and regulations.

The Director of the Department of Finance and Administration shall make such rules and regulations as are necessary to ascertain compliance with all state license laws relating to the use and operation of motor vehicles before issuing the special plates under this subchapter in lieu of the regular license plates.

History. Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2.

27-15-2405. Lists for public information.

(a) On or before March 1 of each year, the Director of the Department of Finance and Administration shall furnish to the sheriff of each county in the state an alphabetically arranged list of the names, addresses, and amateur station call signs on the license plates of all persons to whom license plates are issued under the provisions of this subchapter.

(b) It shall be the duty of the sheriffs of the state to maintain, and keep current, these lists for public information and inquiry.

History. Acts 1953, No. 146, § 3; A.S.A. 1947, § 75-269; Acts 2005, No. 2202, § 2.

Subchapter 25 — Pearl Harbor Survivors [Repealed]

SECTION.
27-15-2501 — 27-15-2505. [Repealed.]

27-15-2501 — 27-15-2505. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2501. Acts 1987, No. 883, § 2.
27-15-2502. Acts 1987, No. 883, § 1; 2003, No. 1454, § 1.
27-15-2503. Acts 1987, No. 883, § 2; 2003, No. 1454, § 2.
27-15-2504. Acts 1987, No. 883, § 2; 1989, No. 284, § 1.
27-15-2505. Acts 1987, No. 883, § 3.

Subchapter 26 — Merchant Marine [Repealed]

SECTION.
27-15-2601 — 27-15-2604. [Repealed.]

27-15-2601 — 27-15-2604. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2601. Acts 1991, No. 837, § 1.
27-15-2602. Acts 1991, No. 837, § 1.
27-15-2603. Acts 1991, No. 837, § 1.
27-15-2604. Acts 1991, No. 837, § 1.

Subchapter 27 — Firefighters [Repealed]

SECTION.
27-15-2701 — 27-15-2704. [Repealed.]

27-15-2701 — 27-15-2704. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2701. Acts 1993, No. 569, § 1; 1997, No. 837, § 1.
27-15-2702. Acts 1993, No. 569, § 1; 1995, No. 1314, § 1; 1997, No. 837, § 2; 1999, No. 646, § 67.
27-15-2703. Acts 1993, No. 569, § 1.
27-15-2704. Acts 1993, No. 569, § 2.

Subchapter 28 — Special License Plates for County Quorum Court Members [Repealed]

SECTION.
27-15-2801 — 27-15-2805. [Repealed.]

27-15-2801 — 27-15-2805. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2801. Acts 1993, No. 1248, § 1.
27-15-2802. Acts 1993, No. 1248, § 1.
27-15-2803. Acts 1993, No. 1248, § 1.
27-15-2804. Acts 1993, No. 1248, § 1.
27-15-2805. Acts 1993, No. 1248, § 1.

Subchapter 29 — Special Collegiate License Plates [Repealed]

SECTION.
27-15-2901 — 27-15-2911. [Repealed.]

27-15-2901 — 27-15-2911. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2901. Acts 1993, No. 609, § 1.
27-15-2902. Acts 1993, No. 609, § 10; 1997, No. 208, § 32.
27-15-2903. Acts 1993, No. 609, §§ 2, 3.
27-15-2904. Acts 1993, No. 609, § 4.
27-15-2905. Acts 1993, No. 609, § 12.
27-15-2906. Acts 1993, No. 609, § 5.
27-15-2907. Acts 1993, No. 609, § 6; 2001, No. 999, § 1.
27-15-2908. Acts 1993, No. 609, § 7; 2001, No. 999, § 2.
27-15-2909. Acts 1993, No. 609, § 8.
27-15-2910. Acts 1993, No. 609, § 9.
27-15-2911. Acts 1993, No. 609, § 11.

Subchapter 30 — Special Civil Air Patrol License Plates [Repealed]

SECTION.
27-15-3001 — 27-15-3003. [Repealed.]

27-15-3001 — 27-15-3003. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3001. Acts 1995, No. 647, § 2.
27-15-3002. Acts 1995, No. 647, §§ 1, 3, 4; 1999, No. 1076, § 1.
27-15-3003. Acts 1995, No. 647, § 5.

Subchapter 31 — Special Search and Rescue License Plates

SECTION.
27-15-3101. Design of plates.
27-15-3102. Eligibility.
27-15-3103. Regulations.

27-15-3101. Design of plates.

(a) The Department of Finance and Administration shall design a search and rescue license plate for motor vehicles.

(b) The license plates shall be numbered consecutively and shall contain the words "Search and Rescue".

History. Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

27-15-3102. Eligibility.

(a) Every member of a search and rescue team who is a resident of this state and an owner of a motor vehicle may apply for a search and rescue license plate as provided in this subchapter.

(b)(1) Upon submitting proof of eligibility and complying with the state laws relating to registration and licensing of motor vehicles and the payment of thirty-five dollars ($35.00) for the initial license plate, the applicant shall be issued a search and rescue license plate under this subchapter.

(2) The thirty-five dollar fee shall be deposited into the State Central Services Fund as a direct revenue for the support of the Department of Finance and Administration.

(3) Annual renewals of search and rescue license plates shall be at the same fee as is prescribed for regular motor vehicle license plates in § 27-14-601, and shall be disbursed accordingly.

(c)(1) No person shall be issued more than one (1) search and rescue license plate.

(2) The search and rescue license plates issued under this subchapter are not transferable.

History. Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

27-15-3103. Regulations.

The Department of Finance and Administration shall promulgate regulations necessary to implement this subchapter.

History. Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

Subchapter 32 — Ducks Unlimited [Repealed]

SECTION.
27-15-3201 — 27-15-3209. [Repealed.]

27-15-3201 — 27-15-3209. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3201. Acts 1999, No. 23, § 1.
27-15-3202. Acts 1999, No. 23, §§ 2, 3.
27-15-3203. Acts 1999, No. 23, § 4.
27-15-3204. Acts 1999, No. 23, § 5; 2003, No. 90, § 1.
27-15-3205. Acts 1999, No. 23, § 6; 2003, No. 90, § 2.
27-15-3206. Acts 1999, No. 23, § 7.
27-15-3207. Acts 1999, No. 23, § 9.
27-15-3208. Acts 1999, No. 23, § 8.
27-15-3209. Acts 1999, No. 23, § 10.

Subchapter 33 — World War II Veterans, Korean War Veterans, Vietnam Veterans, and Persian Gulf Veterans [Repealed]

SECTION.
27-15-3301 — 27-15-3306. [Repealed.]

27-15-3301 — 27-15-3306. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3301. Acts 1999, No. 916, § 1.
27-15-3302. Acts 1999, No. 916, § 2.
27-15-3303. Acts 1999, No. 916, § 3.
27-15-3304. Acts 1999, No. 916, § 4.
27-15-3305. Acts 1999, No. 916, § 5.

27-15-3306. Acts 1999, No. 916, § 6.

Subchapter 34 — Additional Game and Fish Commission Plates [Repealed]

SECTION.
27-15-3401 — 27-15-3407. [Repealed.]

27-15-3401 — 27-15-3407. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3401. Acts 1999, No. 1566, § 1.
27-15-3402. Acts 1999, No. 1566, § 2.
27-15-3403. Acts 1999, No. 1566, § 3.
27-15-3404. Acts 1999, No. 1566, § 4.
27-15-3405. Acts 1999, No. 1566, § 5.
27-15-3406. Acts 1999, No. 1566, § 6.
27-15-3407. Acts 1999, No. 1566, § 7.

Subchapter 35 — Committed to Education License Plates [Repealed]

SECTION.
27-15-3501 — 27-15-3507. [Repealed.]

27-15-3501 — 27-15-3507. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3501. Acts 2001, No. 529, § 1.
27-15-3502. Acts 2001, No. 529, § 2; 2003, No. 1473, § 68.
27-15-3503. Acts 2001, No. 529, § 3.
27-15-3504. Acts 2001, No. 529, § 4.
27-15-3505. Acts 2001, No. 529, § 5.
27-15-3506. Acts 2001, No. 529, § 6.
27-15-3507. Acts 2001, No. 529, § 7.

Subchapter 36 — Armed Forces Veteran License Plates [Repealed]

SECTION.
27-15-3601 — 27-15-3607. [Repealed.]

27-15-3601 — 27-15-3607. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3601. Acts 2001, No. 725, § 1.
27-15-3602. Acts 2001, No. 725, § 2.
27-15-3603. Acts 2001, No. 725, § 3.
27-15-3604. Acts 2001, No. 725, § 4.
27-15-3605. Acts 2001, No. 725, § 5.
27-15-3606. Acts 2001, No. 725, § 6.
27-15-3607. Acts 2001, No. 725, § 7.

Subchapter 37 — Special Retired Arkansas State Trooper License Plates [Repealed]

SECTION.
27-15-3701 — 27-15-3706. [Repealed.]

27-15-3701 — 27-15-3706. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3701. Acts 2001, No. 47, § 1.
27-15-3702. Acts 2001, No. 47, § 1.
27-15-3703. Acts 2001, No. 47, § 1.
27-15-3704. Acts 2001, No. 47, § 1.
27-15-3705. Acts 2001, No. 47, § 1.
27-15-3706. Acts 2001, No. 47, § 1.

Subchapter 38 — Distinguished Flying Cross [Repealed]

SECTION.
27-15-3801 — 27-15-3805. [Repealed.]

27-15-3801 — 27-15-3805. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3801. Acts 2001, No. 566, § 1.
27-15-3802. Acts 2001, No. 566, § 1.
27-15-3803. Acts 2001, No. 566, § 1.
27-15-3804. Acts 2001, No. 566, § 1.
27-15-3805. Acts 2001, No. 566, § 1.

Subchapter 39 — Choose Life License Plate [Repealed]

SECTION.
27-15-3901 — 27-15-3908. [Repealed.]

27-15-3901 — 27-15-3908. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3901. Acts 2003, No. 344, § 1.
27-15-3902. Acts 2003, No. 344, § 1.
27-15-3903. Acts 2003, No. 344, § 1.
27-15-3904. Acts 2003, No. 344, § 1.
27-15-3905. Acts 2003, No. 344, § 1.
27-15-3906. Acts 2003, No. 344, § 1.
27-15-3907. Acts 2003, No. 344, § 1.
27-15-3908. Acts 2003, No. 344, § 1.

Subchapter 40 — Miscellaneous

SECTION.
27-15-4001. Buses converted to or equipped as campers.
27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.
27-15-4003. [Repealed.]
27-15-4004. [Repealed.]

27-15-4001. Buses converted to or equipped as campers.

(a) Any person in this state who owns a school bus or other bus which has been converted to or equipped as a camper and is used solely as a camper may register it and obtain special motor vehicle license plates for it upon application to the Director of the Department of Finance and Administration

and upon the payment of an annual registration fee of thirteen dollars ($13.00).

(b) No more than one (1) family or six (6) persons, whichever shall be the greater number, shall be transported upon the public highways of this state in a camper bus licensed under the provisions of this section.

(c) Any person owning a camper bus registered and licensed pursuant to this section who shall use the bus or permit it to be used for any purpose other than as a camper bus or who shall operate or permit it to be operated in violation of this section shall be required to pay the annual registration fee prescribed by law for other vehicles of the same class as such vehicle, and in addition, shall pay a penalty in an amount equal to one-half (½) of the annual fee.

History. Acts 1965, No. 87, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-285, 75-286; Acts 2005, No. 2202, § 2.

27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.

(a) Whenever any dealer in new motor vehicles in this state shall lend any new motor vehicle to any public school district in this state to be used by the district and to be returned to the motor vehicle dealer within a specified time, the motor vehicle shall be exempt from all state, county, or municipal taxes and license fees during the time it is being used by the school district.

(b) The Director of the Department of Finance and Administration shall issue, without charge to the school district, the appropriate motor vehicle license plates for the vehicle.

(c) Upon any such motor vehicle being returned to the motor vehicle dealer and upon the sale of the vehicle by the dealer, the appropriate gross receipts taxes, registration and license fees, and any other taxes due on the vehicle shall be due and payable in the manner provided by law.

History. Acts 1963, No. 26, § 1; A.S.A. 1947, § 75-281; Acts 2005, No. 2202, § 2.

27-15-4003. [Repealed.]

Publisher's Notes. This section, concerning street rods, was repealed by Acts 2007, No. 340, § 2. The section was derived from Acts 1999, No. 1327, §§ 1-4; 2005, No. 2202, § 2.

For present provisions see subchapter 15 of chapter 24 of this title.

27-15-4004. [Repealed.]

Publisher's Notes. This section, concerning minimum number of applications and discontinuance of license plates, was repealed by Acts 2005, No. 2202, § 2. The section was derived from Acts 2001, No. 1203, § 1; 2003, No. 371, § 1.

Subchapter 41 — Susan G. Komen Breast Cancer Education, Research, and Awareness License Plate [Repealed]

SECTION.
27-15-4101 — 27-15-4106. [Repealed.]

27-15-4101 — 27-15-4106. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. This subchapter was derived from the following sources:

27-15-4101. Acts 2003, No. 1004, § 1.
27-15-4102. Acts 2003, No. 1004, § 1.
27-15-4103. Acts 2003, No. 1004, § 1.
27-15-4104. Acts 2003, No. 1004, § 1.
27-15-4105. Acts 2003, No. 1004, § 1.
27-15-4106. Acts 2003, No. 1004, § 1.

Subchapter 42 — Division of Agriculture License Plate [Repealed]

SECTION.
27-15-4201 — 27-15-4207. [Repealed.]

27-15-4201 — 27-15-4207. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4201. Acts 2003, No. 1040, § 1.
27-15-4202. Acts 2003, No. 1040, § 1.
27-15-4203. Acts 2003, No. 1040, § 1.
27-15-4204. Acts 2003, No. 1040, § 1.
27-15-4205. Acts 2003, No. 1040, § 1.
27-15-4206. Acts 2003, No. 1040, § 1.
27-15-4207. Acts 2003, No. 1040, § 1.

Subchapter 43 — Constitutional Officer License Plate [Repealed]

SECTION.
27-15-4301 — 27-15-4305. [Repealed.]

27-15-4301 — 27-15-4305. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4301. Acts 2003, No. 868, § 1.
27-15-4302. Acts 2003, No. 868, § 1.
27-15-4303. Acts 2003, No. 868, § 1.
27-15-4304. Acts 2003, No. 868, § 1.
27-15-4305. Acts 2003, No. 868, § 1.

Subchapter 44 — African-American Fraternity and Sorority License Plate [Repealed]

SECTION.
27-15-4401 — 27-15-4409. [Repealed.]

27-15-4401 — 27-15-4409. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4401. Acts 2003, No. 1302, § 1.
27-15-4402. Acts 2003, No. 1302, § 1.
27-15-4403. Acts 2003, No. 1302, § 1.
27-15-4404. Acts 2003, No. 1302, § 1.
27-15-4405. Acts 2003, No. 1302, § 1.
27-15-4406. Acts 2003, No. 1302, § 1.
27-15-4407. Acts 2003, No. 1302, § 1.
27-15-4408. Acts 2003, No. 1302, § 1.

27-15-4409. Acts 2003, No. 1302, § 1.

Subchapter 45 — Boy Scouts of America License Plate [Repealed]

SECTION.
27-15-4501 — 27-15-4506. [Repealed.]

27-15-4501 — 27-15-4506. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. This subchapter was derived from the following sources:

27-15-4501. Acts 2003, No. 1343, § 1.
27-15-4502. Acts 2003, No. 1343, § 1.
27-15-4503. Acts 2003, No. 1343, § 1.
27-15-4504. Acts 2003, No. 1343, § 1.
27-15-4505. Acts 2003, No. 1343, § 1.
27-15-4506. Acts 2003, No. 1343, § 1.

Subchapter 46 — Arkansas Cattlemen's Foundation License Plate [Repealed]

SECTION.
27-15-4601 — 27-15-4606. [Repealed.]

27-15-4601 — 27-15-4606. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4601. Acts 2003, No. 1150, § 1.
27-15-4602. Acts 2003, No. 1150, § 1.
27-15-4603. Acts 2003, No. 1150, § 1.
27-15-4604. Acts 2003, No. 1150, § 1.
27-15-4605. Acts 2003, No. 1150, § 1.
27-15-4606. Acts 2003, No. 1150, § 1.

Subchapter 47 — Organ Donor Awareness License Plate [Repealed]

SECTION.
27-15-4701 — 27-15-4707. [Repealed.]

27-15-4701 — 27-15-4707. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4701. Acts 2003, No. 1362, § 2.
27-15-4702. Acts 2003, No. 1362, § 2.
27-15-4703. Acts 2003, No. 1362, § 2.
27-15-4704. Acts 2003, No. 1362, § 2.
27-15-4705. Acts 2003, No. 1362, § 2.
27-15-4706. Acts 2003, No. 1362, § 2.
27-15-4707. Acts 2003, No. 1362, § 2.

Subchapter 48 — Operation Iraqi Freedom Veteran License Plate [Repealed]

SECTION.
27-15-4801 — 27-15-4808. [Repealed.]

27-15-4801 — 27-15-4808. [Repealed.]

Publisher's Notes. This subchapter, concerning the Operation Iraqi Freedom Veteran License Plate, was repealed by Acts 2007, No. 109, § 3. The subchapter was derived from the following sources:

27-15-4801. Acts 2005, No. 185, § 1.
27-15-4802. Acts 2005, No. 185, § 1.
27-15-4803. Acts 2005, No. 185, § 1.
27-15-4804. Acts 2005, No. 185, § 1.
27-15-4805. Acts 2005, No. 185, § 1.
27-15-4806. Acts 2005, No. 185, § 1.
27-15-4807. Acts 2005, No. 185, § 1.
27-15-4808. Acts 2005, No. 185, § 1.

For current law related to Operation Iraqi Freedom Veteran special license plates, please see Title 27, Chapter 24, Subchapter 2.

Subchapter 49 — In God We Trust License Plate

SECTION.
27-15-4901. In God We Trust license plate authorized.
27-15-4902. Design.
27-15-4903. Fees.
27-15-4904. In God We Trust License Plate Fund.
27-15-4905. Renewal.
27-15-4906. Transfer to another vehicle.
27-15-4907. Compliance with other laws.
27-15-4908. Rules and regulations.

27-15-4901. In God We Trust license plate authorized.

The Director of the Department of Finance and Administration shall issue a special In God We Trust motor vehicle license plate in the manner and subject to the conditions prescribed in this subchapter.

History. Acts 2005, No. 727, § 1.

27-15-4902. Design.

(a) The special In God We Trust motor vehicle license plates shall:

(1) Be designed by the Department of Finance and Administration;

(2) Contain the words "In God We Trust"; and

(3) Be numbered consecutively.

(b)(1) Before the Director of the Department of Finance and Administration creates and issues a special license plate under this subchapter, one (1) of the following must occur:

(A) A fee in the amount of six thousand dollars ($6,000) to cover the cost of the initial order of each newly designed license plate is remitted to the Department of Finance and Administration by the Division of Aging and Adult Services of the Department of Human Services, a person, or other entity; or

(B) The Department of Finance and Administration receives a minimum of one thousand (1,000) applications for the special license plate.

(2)(A) The fee collected under subdivision (b)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance

and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(B) The fee shall not be considered or credited to the division as direct revenues.

(C) The fee may be paid by any person or organization or by any combination of persons or organizations.

History. Acts 2005, No. 727, § 1.

27-15-4903. Fees.

(a) Upon payment of the fee required by law for the registration of the vehicle, payment of twenty-five dollars ($25.00) to cover the design-use contribution fee, and payment of an additional ten-dollar handling and administrative fee for the issuance of the special In God We Trust license plate, the Department of Finance and Administration shall issue to the vehicle owner an In God We Trust license plate which shall bear the approved design.

(b)(1)(A) The handling and administrative fee of ten dollars ($10.00) shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall not be considered or credited to the division as direct revenues.

(2) The design-use contribution fee of twenty-five dollars ($25.00) shall be deposited as special revenues into the State Treasury to the credit of the In God We Trust License Plate Fund.

History. Acts 2005, No. 727, § 1.

27-15-4904. In God We Trust License Plate Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "In God We Trust License Plate Fund".

(b)(1) All moneys collected as design-use contribution fees under § 27-15-4903 shall be deposited into the State Treasury as special revenues to the credit of the In God We Trust License Plate Fund.

(2) The fund shall also consist of any other revenues as may be authorized by law.

(c)(1)(A) The fund shall be used by the Division of Aging and Adult Services of the Department of Human Services to provide quarterly cash grants to each senior citizen center in a similar method as is used in the State of Arkansas's current system for distributing United States Department of Agriculture money to the senior citizen centers to purchase raw food.

(B) All moneys in the fund shall be used exclusively by the division as provided in subdivisions (c)(2) and (3) of this section.

(C)(i) All moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used exclusively by senior citizen centers for purchasing food for use in a home-delivered meal program.

(ii) No moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used for administration expenses by a state agency, senior citizen center, or any other non-profit or for-profit organization.

(2)(A) The division shall distribute the moneys collected under this subchapter as cash grant awards to senior citizen centers in the State of Arkansas.

(B) The cash grant awards shall be based on the average number of meals served each day for the prior quarter within the senior citizen center's respective geographic area.

(3) Each senior citizen center that receives a cash grant award under this subchapter shall use the moneys exclusively for purchasing food for use in a home-delivered meal program.

History. Acts 2005, No. 727, § 1.

27-15-4905. Renewal.

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

(2) Registration may continue from year to year as long as it is renewed each year within the time and manner required by law.

(b) A motor vehicle owner who was previously issued a plate with the In God We Trust design authorized by this subchapter and who does not pay a design-use contribution fee of twenty-five dollars ($25.00) at the subsequent time of registration shall be issued a new plate which does not bear the In God We Trust design.

(c) Upon expiration or if the special In God We Trust license plate is lost, the plate may be replaced with a regular license plate at the fee specified in § 27-14-602(b)(6).

(d) If the special In God We Trust license plate is replaced with a new In God We Trust license plate, the owner shall be required to pay the fees for the issuance of the license plate under § 27-15-4903.

History. Acts 2005, No. 727, § 1.

27-15-4906. Transfer to another vehicle.

The special In God We Trust license plate issued under this subchapter may be transferred from one (1) vehicle to another as provided in § 27-14-914.

History. Acts 2005, No. 727, § 1.

27-15-4907. Compliance with other laws.

The special In God We Trust license plate shall comply with:

(1) The minimum number of license plate applications required under § 27-15-4004 [repealed]; and

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

History. Acts 2005, No. 727, § 1.

27-15-4908. Rules and regulations.

The Director of the Department of Finance and Administration shall promulgate reasonable rules and regulations and prescribe forms as the director determines to be necessary for effectively and efficiently carrying out the intent and purposes of this subchapter.

History. Acts 2005, No. 727, § 1.

Subchapter 50 — Operation Enduring Freedom Veteran License Plate [Repealed]

SECTION.
27-15-5001 — 27-15-5008. [Repealed.]

27-15-5001 — 27-15-5008. [Repealed.]

Publisher's Notes. This subchapter, concerning the Operation Enduring Freedom Veteran License Plate, was repealed by Acts 2007, No. 109, § 2. The subchapter was derived from the following sources:

27-15-5001. Acts 2005, No. 952, § 1.
27-15-5002. Acts 2005, No. 952, § 1.
27-15-5003. Acts 2005, No. 952, § 1.
27-15-5004. Acts 2005, No. 952, § 1.
27-15-5005. Acts 2005, No. 952, § 1.
27-15-5006. Acts 2005, No. 952, § 1.
27-15-5007. Acts 2005, No. 952, § 1.
27-15-5008. Acts 2005, No. 952, § 1.

For current law related to Operation Iraqi Freedom Veteran special license plates, please see Title 27, Chapter 24, Subchapter 2.

Subchapter 51 — Arkansas State Golf Association License Plate

SECTION.
27-15-5101. Arkansas State Golf Association license plate authorized.
27-15-5102. Design — Numbered plates.
27-15-5103. Application for special Arkansas State Golf Association license plate — Fee — Disposition of fee.
27-15-5104. Renewal.
27-15-5105. Transfer to another vehicle.
27-15-5106. Compliance with other laws.

27-15-5101. Arkansas State Golf Association license plate authorized.

The Director of the Department of Finance and Administration shall provide for and issue Arkansas State Golf Association special license plates in the manner and subject to the conditions under this subchapter.

History. Acts 2005, No. 1574, § 1.

27-15-5102. Design — Numbered plates.

(a)(1) The Arkansas State Golf Association special license plates shall be designed by the Arkansas State Golf Association.

(2) The design shall be submitted to the Director of the Department of Finance and Administration for design approval under rules of the director.

(3) The Arkansas State Golf Association may periodically submit a newly designed license plate for approval and issuance by the director with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the director, the Arkansas State Golf Association shall remit to the Department of Finance and Administration a fee in the amount of six thousand dollars ($6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The director shall promulgate reasonable rules and regulations and prescribe any forms as the director determines to be necessary to carry out the intent and purposes of this subchapter.

History. Acts 2005, No. 1574, § 1.

27-15-5103. Application for special Arkansas State Golf Association license plate — Fee — Disposition of fee.

(a) Any motor vehicle owner may apply for and renew annually an Arkansas State Golf Association special license plate.

(b)(1) Upon payment of the fee required by law for registration of the motor vehicle, payment of twenty-five dollars ($25.00) to cover the design-use contribution, and payment of an additional handling and administrative fee of ten dollars ($10.00) for the special license plate, the Department of Finance and Administration shall issue to the vehicle owner a special license plate that bears the approved design.

(2)(A) The handling and administrative fee of ten dollars ($10.00) shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited to the division as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(B) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(3) The design-use contribution of twenty-five dollars ($25.00) shall be remitted monthly to the Arkansas State Golf Association to be used for association purposes.

History. Acts 2005, No. 1574, § 1.

27-15-5104. Renewal.

(a)(1) Arkansas State Golf Association special license plates issued under this subchapter may be renewed annually under the procedures set out in § 27-15-4903 in person, by mail, or by facsimile under §§ 27-14-1012 and 27-14-1013.

(2) Registration may continue from year to year so long as the license is renewed each year within the time and manner required by law.

(b)(1) A motor vehicle owner who was previously issued a plate with a design authorized by this subchapter and who does not pay a design-use contribution of twenty-five dollars ($25.00) at a subsequent time of registration shall be issued a new plate, as otherwise provided by law, that does not bear the design.

(2) Upon expiration, the special license plate may be replaced with a conventional license plate, a personalized license plate, or a new special license plate.

History. Acts 2005, No. 1574, § 1.

27-15-5105. Transfer to another vehicle.

Arkansas State Golf Association special license plates issued under this subchapter may be transferred from one (1) vehicle to another under § 27-14-914.

History. Acts 2005, No. 1574, § 1.

27-15-5106. Compliance with other laws.

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

History. Acts 2005, No. 1574, § 1.

Subchapter 52 — Arkansas Fallen Firefighters' Memorial Special License Plate

SECTION.

27-15-5201. Arkansas Fallen Firefighters' Memorial special license plate authorized.
27-15-5202. Plate design.
27-15-5203. Fees.
27-15-5204. Renewal.
27-15-5205. Transfer to another vehicle.
27-15-5206. Compliance with other laws.

27-15-5201. Arkansas Fallen Firefighters' Memorial special license plate authorized.

The Director of the Department of Finance and Administration shall provide for and issue Arkansas Fallen Firefighters' Memorial special license plates for motor vehicles in the manner provided in this subchapter.

History. Acts 2005, No. 1577, § 1.

27-15-5202. Plate design.

(a)(1) The special motor vehicle license plates shall be designed by the Arkansas Fallen Firefighters' Memorial Board.

(2) The design shall be submitted for design approval by the Director of the Department of Finance and Administration under rules and regulations of the director.

(3) The board may periodically submit a newly designed license plate for approval and issue by the director with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the director, the board shall remit to the Department of Finance and Administration a fee of six thousand dollars ($6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The director shall promulgate reasonable rules and regulations and prescribe any forms as he or she determines to be necessary to carry out the intent and purposes of this subchapter.

History. Acts 2005, No. 1577, § 1.

27-15-5203. Fees.

(a) The Department of Finance and Administration shall issue to a vehicle owner an Arkansas Fallen Firefighters' Memorial license plate that shall bear the approved design upon payment of the fee required by law for the registration of the vehicle, payment of five dollars ($5.00) to cover the design-use contribution, and payment of an additional handling and administrative fee of ten dollars ($10.00) for the issuance of the special license plate.

(b)(1) The handling and administrative fee of ten dollars ($10.00):

(A) Shall be collected only for the first year the special license plates are issued;

(B) Shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(C) Shall not be considered or credited to the division as direct revenues.

(2) The design-use contribution of five dollars ($5.00) shall be deposited to the Arkansas Fallen Firefighters' Memorial Board for the purpose of fund-raising.

History. Acts 2005, No. 1577, § 1.

27-15-5204. Renewal.

(a)(1) Arkansas Fallen Firefighters' Memorial special license plates issued under this subchapter may be renewed annually under the procedures and upon payment of the fees under §§ 27-15-5203, 27-14-1012, and 27-14-1013.

(2) Registration may continue from year to year as long as the special license plate is renewed each year within the time and manner required by law.

(3) A motor vehicle owner who was previously issued a plate with the design authorized by this subchapter and who does not pay a design-use contribution of five dollars ($5.00) at the subsequent time of registration shall be issued a new plate that does not bear the design.

(b) Upon expiration or if the special license plate is lost, it may be replaced with a regular license plate at the fee specified in § 27-14-602(b)(6).

History. Acts 2005, No. 1577, § 1.

27-15-5205. Transfer to another vehicle.

An Arkansas Fallen Firefighters' Memorial special license plate issued under this subchapter may be transferred from one (1) vehicle to another under § 27-14-914.

History. Acts 2005, No. 1577, § 1.

27-15-5206. Compliance with other laws.

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

History. Acts 2005, No. 1577, § 1.

Subchapter 53 — Realtors License Plate [Repealed]

SECTION.
27-15-5301 — 27-15-5307. [Repealed.]

27-15-5301 — 27-15-5307. [Repealed.]

Publisher's Notes. This subchapter, concerning realtors license plate, was repealed by Acts 2007, No. 451, § 4. The former subchapter was derived from the following sources:

27-15-5301. Acts 2005, No. 1889, § 1.
27-15-5302. Acts 2005, No. 1889, § 1.
27-15-5303. Acts 2005, No. 1889, § 1.
27-15-5304. Acts 2005, No. 1889, § 1.
27-15-5305. Acts 2005, No. 1889, § 1.
27-15-5306. Acts 2005, No. 1889, § 1.
27-15-5307. Acts 2005, No. 1889, § 1.

CHAPTER 16

DRIVER'S LICENSES GENERALLY

SUBCHAPTER.
1. General Provisions.
2. Definitions.
3. Penalties.
4. Office of Driver Services.
5. Administration Generally.
6. Licensing Requirements.
7. Application and Examination.
8. Issuance of Licenses and Permits.
9. Expiration, Cancellation, Revocation, or Suspension.
10. Special Provisions Regarding Chauffeurs. [Repealed.]
11. Driver's License Security and Modernization Act.
12. Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act.

Subchapter 1 — General Provisions

SECTION.
27-16-101. Title.
27-16-102. Construction.
27-16-103. Provision of information.

27-16-101. Title.

This act may be cited as the "Uniform Motor Vehicle Driver's License Act".

History. Acts 1937, No. 280, § 44; Pope's Dig., § 6868; A.S.A. 1947, § 75-348; Acts 1993, No. 445, § 1.

27-16-102. Construction.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

History. Acts 1937, No. 280, § 43; Pope's Dig., § 6867; A.S.A. 1947, § 75-347.

27-16-103. Provision of information.

(a)(1) The Office of Motor Vehicle shall maintain on its website information to inform the citizens of the State of Arkansas of changes in the driving laws of the state.

(2) The office shall make the website address related to the information required under subdivision (a)(1) of this section available at all state revenue offices.

(b)(1) The office shall by July 1 of each year prepare a list and explanation of the most-violated driving or traffic laws during the previous year.

(2) The office shall make the information required under subdivision (b)(1) of this section available at all state revenue offices and on its website.

(c) The office is authorized to promulgate rules to administer the provisions of this subchapter.

History. Acts 2005, No. 2118, § 2.

Subchapter 2 — Definitions

SECTION.

27-16-201. Definitions generally.
27-16-202. Administration.
27-16-203. Nonresident — Resident.
27-16-204. Persons.
27-16-205. Roadways.
27-16-206. Suspension and revocation.
27-16-207. Vehicles.

27-16-201. Definitions generally.

As used in this act, the words and phrases defined in this subchapter shall have the meanings respectively ascribed to them, unless the context otherwise requires.

History. Acts 1937, No. 280, § 1; Pope's Dig., § 6825; A.S.A. 1947, § 75-301.

27-16-202. Administration.

(a) "Commissioner" means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles of this state.

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

History. Acts 1937, No. 280, § 6; Pope's Dig., § 6830; A.S.A. 1947, § 75-306.

27-16-203. Nonresident — Resident.

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

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

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

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

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

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

History. Acts 1937, No. 280, § 4; Pope's Dig., § 6828; A.S.A. 1947, § 75-304; Acts 1993, No. 445, § 40.

27-16-204. Persons.

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

(b) "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 chapter.

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

History. Acts 1937, No. 280, § 3; Pope's Dig., § 6827; Acts 1953, No. 85, § 1; 1959, No. 307, § 5; 1969, No. 300, § 1; A.S.A. 1947, § 75-303; Acts 1993, No. 445, § 2.

27-16-205. Roadways.

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

History. Acts 1937, No. 280, § 5; Pope's Dig., § 6829; A.S.A. 1947, § 75-305.

27-16-206. Suspension and revocation.

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

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

History. Acts 1937, No. 280, § 3; 1969, No. 300, § 1; A.S.A. 1947, § 75-303.

27-16-207. Vehicles.

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

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

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

History. Acts 1937, No. 280, § 2; Pope's Dig., § 6826; A.S.A. 1947, § 75-302.

Subchapter 3 — Penalties

SECTION.
27-16-301. Penalty generally.
27-16-302. Unlawful use of license.
27-16-303. Driving while license cancelled, suspended, or revoked.
27-16-304. Permitting unauthorized person to drive.
27-16-305. Permitting minor to drive.
27-16-306. Perjury.

27-16-301. Penalty generally.

(a) It is a misdemeanor for any person to violate any of the provisions of this act unless the violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment of not more than ninety (90) days.

History. Acts 1937, No. 280, § 42; Pope's Dig., § 6866; Acts 1939, No. 72, § 2; 1941, No. 370, § 2; A.S.A. 1947, § 75-346; Acts 2001, No. 1802, § 1.

27-16-302. Unlawful use of license.

(a) It is a misdemeanor for a person:

(1) To display, or cause or permit to be displayed, or have in the person's possession a cancelled, revoked, suspended, fictitious, or fraudulently altered driver's license;

(2) To knowingly assist or permit another person to apply for or obtain through fraudulent application or other illegal means an Arkansas driver's license;

(3) To lend the person's driver's license to another person or knowingly permit its use by another;

(4) To display or represent as one's own a driver's license not issued to the person;

(5) To fail or refuse to surrender to the Office of Driver Services, upon its lawful demand, a driver's license that has been suspended, revoked, or cancelled;

(6) To use a false or fictitious name in an application for a driver's license, to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in an application;

(7) To permit an unlawful use of a driver's license issued to the person; or

(8) To do an act forbidden or fail to perform an act required by this act.

(b) The court in which a person is convicted under subsection (a) of this section shall send to the Office of Driver Services a record of the conviction within ten (10) days of the filing of the conviction with the court clerk.

History. Acts 1937, No. 280, § 35; Pope's Dig., § 6859; Acts 1969, No. 348, § 1; A.S.A. 1947, § 75-339; Acts 1993, No. 445, § 3; 2011, No. 194, § 1.

27-16-303. Driving while license cancelled, suspended, or revoked.

(a)(1) Any person whose driver's license or driving privilege as a resident or nonresident has been cancelled, suspended, or revoked as provided in this act and who drives any motor vehicle upon the highways of this state while the license or privilege is cancelled, suspended, or revoked is guilty of a misdemeanor.

(2) Upon conviction, an offender shall be punished by imprisonment for not less than two (2) days nor more than six (6) months, and there may be imposed in addition thereto a fine of not more than five hundred dollars ($500).

(b) The Office of Driver Services, upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended, shall extend the period of the suspension for an additional like period and, if the conviction was upon a charge of driving while a license was revoked, the office shall not issue a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

History. Acts 1937, No. 280, § 37; Pope's Dig., § 6861; Acts 1959, No. 307, § 17; A.S.A. 1947, § 75-341; Acts 1993, No. 445, § 4; 1999, No. 1018, § 1.

27-16-304. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under this chapter or is in violation of any of the provisions of this act.

History. Acts 1937, No. 280, § 39; Pope's Dig., § 6863; A.S.A. 1947, § 75-343.

27-16-305. Permitting minor to drive.

No person shall cause or knowingly permit his or her child or ward under eighteen (18) years of age to

drive a motor vehicle upon any highway when the minor is not authorized under this act or is in violation of any of the provisions of this act.

History. Acts 1937, No. 280, § 38; Pope's Dig., § 6862; Acts 1955, No. 278, § 1; A.S.A. 1947, § 75-342.

27-16-306. Perjury.

(a) Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury.

(b) Upon conviction, an offender shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

History. Acts 1937, No. 280, § 36; Pope's Dig., § 6860; A.S.A. 1947, § 75-340.

Subchapter 4 — Office of Driver Services

SECTION.
27-16-401. Definitions.
27-16-402. Creation.
27-16-403. [Repealed.]
27-16-404. [Repealed.]

27-16-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Commissioner" means the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles of this state;

(2) "Director" means the Director of the Office of Driver Services;

(3) "Driver" means the same as provided in § 27-16-204;

(4)(A) "Serious accident" means a reportable accident in which the driver is found at fault; and

(B) The accident is placed on the driver's record by the Office of Driver Services; and

(5) "Serious traffic violation" means any violation where the driver's privilege to operate a motor vehicle has by court order or by administrative action been withdrawn or any violation in which a driver has been found guilty of:

(A) Any alcohol-related moving traffic violation;

(B) Any seat belt violation;

(C) Any commercial motor vehicle violation;

(D) Driving fifteen (15) or more miles per hour over the speed limit;

(E) Reckless driving;

(F) Negligent homicide;

(G) Using a vehicle to commit a felony;

(H) Failure to carry liability insurance;

(I) Leaving the scene of an accident;

(J) Evading arrest;

(K) Fleeing by use of an automobile;

(L) Unsafe driving;

(M) Hazardous driving;

(N) Prohibited passing;

(O) Passing stopped school bus;

(P) Careless or negligent driving;

(Q) Failure to obey a traffic signal or device;

(R) Failure to obey a railroad crossing barrier;

(S) Racing on a highway;

(T) Driving with a suspended, revoked, or cancelled license; or

(U) Driving the wrong way down a one-way street.

History. Acts 1965, No. 555, § 1; A.S.A. 1947, § 75-353; Acts 1993, No. 445, § 5. 2001, No. 1694, § 10.

27-16-402. Creation.

(a) There is established within the Department of Finance and Administration a separate office to be known as the "Office of Driver Services" which shall, acting under the direction and supervision of the Commissioner of Motor Vehicles, administer the provisions of this chapter and the other laws of this state regarding the licensing of motor vehicle drivers and the laws relating to the suspension and revocation of their licenses.

(b) The commissioner shall, upon approval of the Governor, appoint a director of the office, and the director shall, acting under the supervision of the commissioner, serve as the principal administrative officer of the office.

History. Acts 1965, No. 555, § 2; A.S.A. 1947, § 75-354; Acts 1993, No. 445, § 6.

27-16-403. [Repealed.]

Publisher's Notes. This section, concerning central record files and the reporting of convictions, was repealed by Acts 1995, No. 959, § 1. The section was derived from Acts 1965, No. 555, § 3; 1967, No. 294, § 1; A.S.A. 1947, § 75-355; Acts 1993, No. 445, § 7.

27-16-404. [Repealed.]

Publisher's Notes. This section, concerning issuance of operator's and chauffeur's licenses, was repealed by Acts 1989, No. 193, § 10. The section was derived from Acts 1965, No. 555, § 4; 1967, No. 337, § 1; A.S.A. 1947, § 75-356.

Subchapter 5 — Administration Generally

SECTION.
27-16-501. Records to be kept.
27-16-502. Reporting of convictions and forwarding of licenses by courts.
27-16-503. [Repealed.]
27-16-504. Record of nonresident's conviction.
27-16-505. Notification of incompetency.
27-16-506. Notice of change of address or name.
27-16-507. Registration with selective service.
27-16-508. Fee for reinstatement.
27-16-509. Reciprocal agreements.

27-16-501. Records to be kept.

(a) The Office of Driver Services shall file every application for a license received by the office and shall maintain suitable indices containing:

(1) All applications denied and on each note the reasons for such denial;

(2) All applications granted; and

(3) The name of every licensee whose license has been suspended or revoked by the office and, after each name, note the reasons for such action.

(b) The office shall also file all accident reports and abstracts of court records of convictions received by the office under the laws of this state and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of the licensee and the traffic accidents in which he or she has been involved may be readily ascertainable and available for the consideration of the office upon any application for renewal of license at other suitable times.

History. Acts 1937, No. 280, § 24; Pope's Dig., § 6848; Acts 1969, No. 110, § 1; A.S.A. 1947, § 75-328.

27-16-502. Reporting of convictions and forwarding of licenses by courts.

(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the driver's license of the person by the Office of Driver Services, the court in which the conviction is obtained shall require the surrender to the court of all driver's licenses then held by the person so convicted and the court shall forward the driver's licenses together with a record of the conviction to the office.

(b) Every court having jurisdiction over offenses committed under this act or any other law of this state regulating the operation of motor vehicles on highways shall forward to the office a record of the conviction of any person in the court for a violation of any laws and may recommend the suspension of the driver's license of the person so convicted.

(c)(1) As used in this section, the term "conviction" means a final conviction.

(2) For the purposes of this section, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which has not been vacated, shall be equivalent to a conviction.

History. Acts 1937, No. 280, § 28; Pope's Dig., § 6852; A.S.A. 1947, § 75-332; Acts 1993, No. 445, § 8.

27-16-503. [Repealed.]

Publisher's Notes. This section, concerning report of chauffeur's conviction, was repealed by Acts 1993, No. 445, § 36. The section was derived from Acts 1947, No. 370, § 5; A.S.A. 1947, § 75-314.

27-16-504. Record of nonresident's conviction.

The Office of Driver Services is authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of the record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

History. Acts 1937, No. 280, § 26; Pope's Dig., § 6850; A.S.A. 1947, § 75-330.

27-16-505. Notification of incompetency.

When any person is declared incompetent by reason other than minority in any county in the State of Arkansas, the probate clerk shall promptly notify the Office of Driver Services on such forms as the office shall prescribe:

(1) The date the person was declared incompetent;

(2) The address of the incompetent;

(3) The person or institution having custody of the incompetent; and

(4) The name of the guardian.

History. Acts 1967, No. 205, § 1; A.S.A. 1947, § 75-357.

27-16-506. Notice of change of address or name.

(a) Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him or her or when the name of a licensee is changed by marriage or otherwise, such person shall within ten (10) days thereafter notify the Office of Driver Services in writing of his or her old and new addresses or of his or her former and new names and of the number of any license then held by him or her .

(b) An application submitted by a licensee to change the licensee's name on the licensee's driver's license must be accompanied by the original or a certified copy of one (1) of the following official documents that provides evidence of the change of the licensee's name:

(1) A recorded marriage license;

(2) A court order;

(3) A divorce decree; or

(4) Any other document, including a document issued by the Department of Homeland Security, that is deemed to be satisfactory by the office as evidence that the name change is in accordance with state and federal laws.

History. Acts 1937, No. 280, § 23; Pope's Dig., § 6847; A.S.A. 1947, § 75-327; Acts 1993, No. 445, § 9; 1999, No. 1077, § 2; 2007, No. 492, § 1.

27-16-507. Registration with selective service.

(a)(1) Any United States male citizen or immigrant who is at least eighteen (18) years of age but less than twenty-six (26) years of age shall be registered for the Selective Service System when applying to the Department of Finance and Administration for the issuance, renewal, or a duplicate copy of:

(A) A driver's license;

(B) A commercial driver's license; or

(C) An identification card.

(2) This registration is in compliance with the requirements of section 3 of the Military Selective Service Act, 50 U.S.C. Appx. 451 et seq.

(b) The department shall forward to the Selective Service System in an electronic format the necessary personal information required for registration of the applicants identified in this section.

(c) The applicant's submission of the application shall serve as an indication that the applicant has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration.

(d) The department shall notify the applicant on the receipt that his submission of the application for a license or identification card identified in this section will serve as his consent to be registered with the Selective Service System, if so required by federal law.

(e) The department shall attempt to enter into an agreement with the Selective Service System to share the cost and data necessary to implement this section.

History. Acts 2001, No. 78, § 1.

27-16-508. Fee for reinstatement.

(a) The Office of Driver Services shall collect a reinstatement fee of one hundred dollars ($100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license, other than orders eligible for reinstatement under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 and other than orders entered under § 27-16-909.

(b) The revenues derived from this fee shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

History. Acts 2003, No. 1001, § 4; 2005, No. 1992, § 4; 2011, No. 194, § 2.

27-16-509. Reciprocal agreements.

(a)(1) As used in this section, "reciprocal agreement" means the Driver's License Agreement or a similar proposed compact regarding the uniform transfer of driver's license information to prevent a person from having multiple driving records in multiple states or jurisdictions.

(2) "Reciprocal agreement" includes an agreement that:

(A) Provides a consistent method of sharing driving records and updating violations in multiple states or jurisdictions, including ticket and violation information; and

(B) Takes advantage of technological advances in the transmission of data.

(b) The purpose of this section is to allow the State of Arkansas to negotiate and consummate a reciprocal agreement with the duly authorized officials or representatives of the following:

(1) A state or territory of the United States;

(2) A state, territory, district, or province of Canada or Mexico; or

(3) The government of the United States, Canada, or Mexico.

(c)(1) The Commissioner of Motor Vehicles may negotiate and consummate a reciprocal agreement as provided under this section.

(2) If the commissioner enters into a reciprocal agreement under this section, then he or she shall exercise due regard for the advantage and convenience of resident drivers and citizens of the State of Arkansas.

(3) The commissioner shall only enter into a reciprocal agreement that extends equal or greater privileges and exemptions to Arkansas motor vehicle drivers as compared to the privileges and exemptions provided to the other entity's motor vehicle drivers.

(d)(1) The commissioner shall enter into a reciprocal agreement under this section by promulgating rules in compliance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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

(e)(1)(A) If the commissioner enters into a reciprocal agreement under this section, then he or she shall submit a report to the following:

(i) The cochairs of the Legislative Council;

(ii) The Chair of the House Committee on Public Transportation, Technology, and Legislative Affairs and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs; and

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

(B) The report shall be submitted within sixty (60) days after the reciprocal agreement becomes effective but no later than one hundred twenty (120) days before the convening of the Eighty-Sixth General Assembly regardless of the effective date of the reciprocal agreement.

(2) The report under this subsection shall include the following:

(A) Drafts of legislation that make changes to the law that are necessary to comply with the reciprocal agreement;

(B) A report that explains the drafts of legislation;

(C) Background information related to the recommended changes in the law, including an explanation of how other states and governments are responding to the reciprocal agreement; and

(D) Any other information that is requested by the cochairs of the Legislative Council, the Chair of the House Committee on Public Transportation, Technology, and Legislative Affairs, and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs, or the Director of the Bureau of Legislative Research.

History. Acts 2005, No. 446, § 1.

Subchapter 6 — Licensing Requirements

SECTION.

27-16-601. License to be carried and exhibited on demand.
27-16-602. Driver's license required.
27-16-603. Persons exempted from licensing.
27-16-604. Persons not to be licensed.
27-16-605. Duties of person renting motor vehicle to another.
27-16-606. When residents and nonresidents to obtain state registration and license.

27-16-601. License to be carried and exhibited on demand.

(a) Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a justice of the peace, a peace officer, or an employee of the Office of Driver Services.

(b) No person charged with violating this section shall be convicted if he or she produces in court a driver's license issued to him or her and valid at the time of his or her arrest.

History. Acts 1937, No. 280, § 19; Pope's Dig., § 6843; A.S.A. 1947, § 75-323; Acts 1993, No. 445, § 10.

27-16-602. Driver's license required.

(a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless the person has a valid driver's license under the provisions of this act.

(b)(1) No person shall receive a driver's license unless and until he or she surrenders to the Office of Driver Services all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction.

(2) All surrendered licenses shall be returned by the office to the issuing department together with information that the licensee is now licensed in the new jurisdiction.

(3) No person shall be permitted to have more than one (1) valid driver's license at any time.

(c)(1) No person shall drive a commercial motor vehicle as a commercial driver unless he or she holds a valid commercial driver's license.

(2) No person shall receive a commercial driver's license unless and until he or she surrenders to the office any noncommercial driver's license issued to him or her or an affidavit that he or she does not possess a noncommercial driver's license.

(3) Any person holding a valid commercial driver's license under this chapter need not procure a noncommercial driver's license.

(d) Any person licensed under this act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipal, or local board or body having authority to adopt local police regulations.

History. Acts 1937, No. 280, § 7; Pope's Dig., § 6831; Acts 1959, No. 307, § 12; A.S.A. 1947, § 75-307; Acts 1993, No. 445, § 11.

27-16-603. Persons exempted from licensing.

The following persons are exempt from licensing under this act:

(1) A person who operates a motor vehicle for a military purpose:

(A) While in the service of the:

(i) Army, Air Force, Navy, Coast Guard, or Marine Corps of the United States; or

(ii) National Guard or military reserve; or

(B) While serving as a National Guard military technician;

(2) Any person while operating or driving any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(3) A nonresident who is at least sixteen (16) years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to him or her in his or her home state or country may operate a motor vehicle in this state only as a noncommercial driver;

(4) A nonresident who is at least eighteen (18) years of age and who has in his or her immediate possession a valid commercial driver's license issued to him or her by his or her home state or country may operate a motor vehicle in this state as a noncommercial driver or may operate a commercial motor vehicle as provided by § 27-23-123; and

(5) Any nonresident who is at least eighteen (18) years of age whose home state or country does not require the licensing of noncommercial drivers may operate a motor vehicle as a noncommercial driver only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of the nonresident.

History. Acts 1937, No. 280, § 8; Pope's Dig., § 6832; Acts 1981, No. 852, § 1; A.S.A. 1947, § 75-308; Acts 1993, No. 445, § 12; 2005, No. 879, § 3; 2009, No. 456, § 3.

27-16-604. Persons not to be licensed.

(a) The Office of Driver Services shall not issue any license under this act to any person:

(1) As a noncommercial driver who is under eighteen (18) years of age, except that the office may issue an intermediate license as provided to any person who is at least sixteen (16) years of age and a learner's permit license to any person who is at least fourteen (14) years of age. This age restriction does not apply to a person who is at least sixteen (16) years of age and:

(A) Married;

(B) Possesses a high school diploma;

(C) Has successfully completed a General Educational Development test; or

(D) Is enlisted in the United States military;

(2) As a commercial driver who is under eighteen (18) years of age;

(3) As a commercial or noncommercial driver whose:

(A) License to operate a motor vehicle has been suspended, in whole or in part, by this state or by any other state, during the suspension; or

(B) License has been revoked, in whole or in part, by this state or by any other state, until the expiration of one (1) year after the license was revoked;

(4) As a commercial or noncommercial driver who is a habitual drunkard, a habitual user of narcotic drugs, or a habitual user of any other drug to a degree which renders him or her incapable of safely driving a motor vehicle;

(5) As a commercial or noncommercial driver who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(6) As a commercial or noncommercial driver who is required by this act to take an examination, unless the person shall have successfully passed the examination;

(7) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

(8) Who is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred five degrees (105°);

(9) Whose operation of a motor vehicle on the highways the Commissioner of Motor Vehicles has good cause to believe would be inimical to public safety or welfare;

(10) Who is making an initial application for an Arkansas driver's license and who is not lawfully within the United States;

(11) Who is a noncommercial driver between sixteen (16) and eighteen (18) years of age who has not possessed a restricted license for at least six (6) months;

(12) Who is making an initial application for an Arkansas driver's license and cannot provide the information required under § 27-16-1105(a); or

(13) Who is seeking an initial application or renewal of an Arkansas driver's license or photo identification and cannot show either an Arkansas driver's license or identification, two (2) primary documents, or one (1) primary and one (1) secondary document prescribed by the Department of Finance and Administration and updated as needed.

(b) The office is authorized to secure from all state agencies involved the necessary information to comply with the provisions of this section.

(c) The department shall promulgate a list of documents acceptable under § 27-16-604(a)(12) or (13) and post the list in each revenue office in the state.

History. Acts 1937, No. 280, § 9; Pope's Dig., § 6833; Acts 1959, No. 307, § 13; 1967, No. 339, § 1; 1969, No. 142, § 7; A.S.A. 1947, § 75-309; Acts 1989, No. 193, § 1; 1993, No. 445, § 13; 1997, No. 208, § 33; 1997, No. 1099, § 1; 1999, No. 25, § 1; 2001, No. 1694, § 1; 2001, No. 1812, §§ 2, 3; 2007, No. 444, § 1.

27-16-605. Duties of person renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he or she has inspected the commercial or noncommercial driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of the person written in his or her presence.

(c)(1) Every person renting a motor vehicle to another shall keep a record of:

(A) The registration number of the motor vehicle so rented;

(B) The name and address of the person to whom the vehicle is rented;

(C) The number of the license of the person; and

(D) The date and place when and where the license was issued.

(2) This record shall be open to inspection by any police officer or officer or employee of the office.

History. Acts 1937, No. 280, § 41; Pope's Dig., § 6865; A.S.A. 1947, § 75-345; Acts 1993, No. 445, § 14.

27-16-606. When residents and nonresidents to obtain state registration and license.

(a) Within thirty (30) calendar days of becoming a resident, any person who is a resident of this state shall obtain an Arkansas driver's license in order to drive upon the streets and highways of this state.

(b) Any nonresident who has been physically present in this state for a period of six (6) months

shall obtain an Arkansas driver's license in order to drive upon the streets and highways of this state.

History. Acts 1993, No. 445, § 43; 1999, No. 912, § 3.

Subchapter 7 — Application and Examination

SECTION.

27-16-701. Application for license or instruction permit — Restricted permits.
27-16-702. Application of minor for instruction permit, learner's license, or intermediate driver's license.
27-16-703. Release from liability.
27-16-704. Examinations of applicants.
27-16-705. Examiners.
27-16-706. Written test — Contents.

27-16-701. Application for license or instruction permit — Restricted permits.

(a)(1) Every application for an instruction permit or for a commercial or noncommercial driver's license shall be made upon a form furnished by the Office of Driver Services, and every application shall be accompanied by the required fee.

(2) The commercial driver's license or noncommercial driver's license shall include the intermediate driver's license issued to persons who are less than eighteen (18) years of age and the learner's license issued to persons who are less than sixteen (16) years of age.

(b) Every application shall:

(1) State the full name, date of birth, sex, and residence address of the applicant;

(2) Briefly describe the applicant; and

(3) State whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(c)(1) Every application form for an instruction permit, a commercial or noncommercial driver's license, or any renewal of these licenses or permits shall include space for the applicant's social security number if he or she has been assigned such a number.

(2) Every applicant shall supply his or her social security number on the application form when he or she has been assigned such a number.

(d) Every application for an instruction permit or for a driver's license by a person less than eighteen (18) years of age on October 1 of any year shall be accompanied by:

(1)(A) Proof of receipt of a high school diploma or its equivalent or enrollment and regular attendance in an adult education program or a public, private, or parochial school.

(i)*(a)* In order to be issued a license, a student enrolled in school shall present proof of a "C" average for the previous semester or similar equivalent grading period for which grades are recorded as part of the student's permanent record.

(b) However, when the student does not have the required "C" average, a restricted license may be issued to the student for the purpose of driving to and from work.

(ii) A student with disabilities receiving special education or related services or a student enrolled in an adult education program shall present proof that the student is successfully completing his or her individual education plan in order to be issued a license.

(B) "Regular attendance" in a school shall be attendance in compliance with the established written policy of the school district or school concerning truancy.

(C) "Regular attendance" in an adult education program shall be attendance in compliance with the policy for sixteen-year-olds and seventeen-year-olds established by the State Board of Career Education as provided for in § 6-18-222;

(2) Proof that the person is being provided schooling at home as described in § 6-15-501 et seq. in the form of a notarized copy of the written notice of intent to home school the student provided by the parent or guardian to the superintendent of the local school district as required by § 6-15-503;

(3) Proof that the person is enrolled in a postsecondary vocational-technical program, a community college, or a two-year or four-year institution of higher education;

(4) A check of the applicant's driving record to verify that the applicant for a learner's license or an intermediate driver's license has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months;

(5) An acknowledgment signed by the applicant of a learner's license that the student is aware that all passengers riding in the motor vehicle shall wear seat belts at all times and that the student is restricted to driving only when accompanied by a driver over twenty-one (21) years of age;

(6) An acknowledgment signed by the applicant for an intermediate driver's license that all passengers riding in the motor vehicle shall wear seat belts at all times;

(7) An acknowledgment signed by the applicant for a learner's license or an intermediate driver's license that the applicant is prohibited from using a cellular telephone or other interactive wireless communication device while operating a motor vehicle;

(8)(A) An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways with more than one (1)

unrelated minor passenger in the motor vehicle unless the applicant is accompanied by a licensed driver who is twenty-one (21) years of age or older.

(B) As used in this section, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

(i) A sibling of the driver;

(ii) A step-sibling of the driver; or

(iii) A child who resides in the same household as the driver; and

(9) An acknowledgment signed by the applicant for an intermediate driver's license that the applicant shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the applicant is:

(A) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(B) Driving to or from a school activity, church-related activity, or job; or

(C) Driving because of an emergency.

(e) The Department of Education shall develop guidelines for use by school districts to provide a certified exemption from the "C" average requirement of subdivisions (d)(1)-(3) of this section to a student found to be performing at his or her fullest level of capability although that may be below a "C" average.

(f)(1) Any person less than eighteen (18) years of age who is unable to meet the requirements of subdivisions (d)(1)-(3) of this section may petition the office that he or she be issued a restricted permit for employment-related purposes.

(2)(A) The office shall advise the person of the time and place for making the request and for the hearing thereon, which shall be conducted within a reasonable time following the application date.

(B) Notice shall be given by mailing the notice to the last known address of the person seeking the restricted permit.

(3)(A) In cases in which demonstrable financial hardship would result from the failure to issue a learner's permit or driver's license, the Department of Finance and Administration may grant exceptions only to the extent necessary to ameliorate the hardship.

(B) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(g) The Department of Finance and Administration shall have the power to promulgate rules and regulations to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section.

History. Acts 1937, No. 280, § 12; Pope's Dig., § 6836; Acts 1969, No. 302, § 1; A.S.A. 1947, § 75-311; Acts 1987, No. 274, § 1; 1989, No. 8, § 1; 1991, No. 716, § 1; 1991, No. 831, § 1; 1993, No. 445, § 15; 1993, No. 971, § 1; 1994 (2nd Ex. Sess.), No. 30, § 3; 1994 (2nd Ex. Sess.), No. 31, § 3; 1997, No. 400, § 7; 1997, No. 1200, § 1; 2001, No. 1609, § 1; 2001, No. 1694, § 2; 2003, No. 836, § 1; 2009, No. 394, § 4.

27-16-702. Application of minor for instruction permit, learner's license, or intermediate driver's license.

(a)(1)(A) The original application of any person under eighteen (18) years of age for an instruction permit, a learner's license, an intermediate driver's license, or a motor-driven cycle or motorcycle license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if either is living and has custody.

(B) In the event that neither parent is living or has custody, then the application shall be signed by the person or guardian having custody or by an employer of the minor.

(C) In the event that there is no guardian or employer, then the application shall be signed by any other responsible person who is willing to assume the obligations imposed under this subchapter upon a person signing the application of a minor.

(D) For a person under eighteen (18) years of age in the custody of the Department of Human Services, the Director of the Division of Children and Family Services of the Department of Human Services or his or her designee may authorize an employee of the department or any foster parent to sign the application.

(2) For purposes of this section, duly authorized agents of the Commissioner of Motor Vehicles shall be authorized to administer oaths without charge.

(b)(1) Except as provided under subdivision (b)(2) of this section, any negligence or willful misconduct of a minor under eighteen (18) years of age when driving a motor vehicle upon a highway shall be imputed to the person who signed the application of the minor for a permit or license, regardless of whether the person who signed was authorized to sign under subsection (a) of this section, which person shall be liable with the minor for any damages caused by the negligence or willful misconduct.

(2)(A) For a person under eighteen (18) years of age in the custody of the Department of Human Services, any negligence or willful misconduct of the person when driving a motor vehicle upon a highway shall not be imputed to the authorized employee or authorized foster parent who signed the application of the minor for a permit or license.

(B) The authorized employee or authorized foster parent shall not be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor.

(c)(1) If any person who is required or authorized by subsection (a) of this section to sign the application of a minor in the manner therein provided shall cause, or knowingly cause, or permit his or her child or ward or employee under eighteen (18) years of age

to drive a motor vehicle upon any highway, then any negligence or willful misconduct of the minor shall be imputed to this person, and this person shall be liable with the minor for any damages caused by such negligence or willful misconduct.

(2) The provisions of this subsection shall apply regardless of the fact that a learner's license or an intermediate driver's license may or may not have been issued to the minor.

(3) As used in this section, a "minor" means any person who has not attained eighteen (18) years of age.

(d) The provisions of this section shall apply in all civil actions, including, but not limited to, both actions on behalf of and actions against the persons required or authorized by subsection (a) of this section to sign the application in the manner therein provided.

History. Acts 1937, No. 280, § 13; Pope's Dig., § 6837; Acts 1961, No. 495, § 1; 1969, No. 302, § 2; A.S.A. 1947, § 75-315; Acts 1987, No. 409, § 1; 1993, No. 445, § 16; 1995, No. 959, §§ 3-5; 2001, No. 1694, § 3; 2007, No. 216, §§ 1-3.

27-16-703. Release from liability.

(a) Any person who has signed the application of a minor for a license may thereafter file with the Office of Driver Services a verified written request that the license of the minor so granted be cancelled.

(b) The office shall cancel the license of the minor and the person who signed the application of the minor shall be relieved from the liability imposed under this chapter by reason of having signed the application on account of any subsequent negligence or willful misconduct of the minor in operating a motor vehicle.

History. Acts 1937, No. 280, § 14; Pope's Dig., § 6838; A.S.A. 1947, § 75-316.

27-16-704. Examinations of applicants.

(a) Every applicant for a driver's license, except as otherwise provided in this act, shall be examined in accordance with the provisions of this section.

(b)(1) The examination shall be held within not more than thirty (30) days from the date that application is made.

(2) The examination shall include a test of the applicant's eyesight, ability to read and understand the highway traffic laws of this state, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and any further physical and mental examination deemed necessary by the Office of Driver Services to operate a motor vehicle safely upon the highways.

(3) The test of the applicant's eyesight shall examine his or her visual acuity to read road signs and identify objects at a distance.

(4) The applicant shall have a minimum uncorrected visual acuity of 20/40 for an unrestricted license and a minimum corrected visual acuity of 20/50 for a restricted license. The applicant's field of vision shall be at least one hundred forty degrees (140°) for a person with two (2) functional eyes and at least one hundred five degrees (105°) for a person with one (1) functional eye.

(5) Applicants who fail the eyesight test shall be instructed that they should have their eyes examined by an eye care professional and secure corrective lenses, if necessary.

(6) The test of the applicant's eyesight shall be made on an optical testing instrument approved under standards established by the Director of the Department of Finance and Administration and the Department of Arkansas State Police.

(7) In addition, the applicant for a learner's license and an intermediate driver's license shall have the student's driving record checked to verify that the student has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months.

(c)(1) No applicant for an original license, that is, an applicant who has never been licensed previously by any jurisdiction, shall be permitted to demonstrate ability to operate a motor vehicle as required under the provisions of this chapter unless and until the applicant has in his or her possession a valid instruction permit properly issued not less than thirty (30) days prior to the date of application, unless otherwise determined by the office.

(2) The instruction permit required under this subchapter shall be issued in accordance with the provisions of this act.

History. Acts 1937, No. 280, § 16; Pope's Dig., § 6840; Acts 1969, No. 141, § 1; 1977, No. 863, § 1; A.S.A. 1947, § 75-318; Acts 1989, No. 193, § 2; 1993, No. 445, § 17; 2001, No. 1694, § 4; 2003, No. 217, § 1.

27-16-705. Examiners.

(a) An examination as provided for in this subchapter shall be conducted by the Department of Arkansas State Police or by the duly authorized agents of the Director of the Department of Finance and Administration.

(b) No examination shall be conducted by local law enforcement officers or local citizens.

(c) The Department of Arkansas State Police may promulgate any necessary rules to implement, administer, and enforce this subchapter concerning examinations.

History. Acts 1937, No. 280, § 17; Pope's Dig., § 6841; Acts 1943, No. 128, § 1; A.S.A. 1947, § 75-319; Acts 2011, No. 1022, § 1.

27-16-706. Written test — Contents.

The driver's license test shall include written questions concerning:

(1) The effects of the consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) The legal and financial consequences resulting from violations of the state's laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;

(3) Accessible parking for a person with a disability; and

(4) Penalties for the unauthorized use of parking designated for the exclusive use of a person with a disability.

History. Acts 1995, No. 711, § 1; 1995, No. 1105, § 1; 2007, No. 753, § 5.

Subchapter 8 — Issuance of Licenses and Permits

SECTION.

27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys.
27-16-802. Instruction permits.
27-16-803. [Repealed.]
27-16-804. Restricted licenses, learner's licenses, and intermediate licenses.
27-16-805. Identification purposes only.
27-16-806. Duplicates or substitutes.
27-16-807. Issuance to nonresident and military licensees.
27-16-808. Reinstatement charge.
27-16-809. Reciprocal recognition of foreign licenses.
27-16-810. [Repealed.]
27-16-811. Exception to disclosing residence address — Address confidentiality program.
27-16-812. Veteran designation.
27-16-813. Medical exemption designation for seat belt use.
27-16-814. Living will designation.

27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys.

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

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

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

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

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

(2) Each license shall include:

(A) A distinguishing number assigned to the licensee;

(B)(i) Except as provided under subdivision (a)(2)(B)(ii) of this section, the name, residence address, date of birth, and a brief description of the licensee.

(ii) The following exceptions to providing a residence address and instead providing a post office box address shall be allowed at the option of the licensee:

(a) If the licensee is a law enforcement officer; or

(b) If the licensee is a victim of domestic violence or the dependent of a victim of domestic violence as provided under § 27-16-811; and

(C) A space upon which the licensee may affix his or her signature.

(3) The licensee shall affix his or her signature in ink in a space provided, and no license shall be valid until it shall have been so signed by the licensee.

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

(b)(1)(A) All licenses, as described in subsection (a) of this section, shall include a color photograph of the licensee, and the photograph shall be made a part of the license at the time of application.

(B)(i) If the licensee is under eighteen (18) years of age at the time the license is issued, the license shall state that the licensee was under eighteen (18) years of age at the time of issuance.

(ii) If the licensee is at least eighteen (18) years of age but under twenty-one (21) years of age at the time the license is issued, the license shall state that the licensee was under twenty-one (21) years of age at the time the license was issued.

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

(3)(A) If a licensee has an illness that causes hair loss or is undergoing treatment for an illness that causes hair loss, the Office of Driver Services shall give the licensee the option to use the photograph from the most recent driver's license on file with the office instead of having a new photograph taken if the licensee establishes that his or her hair loss is related to that illness or treatment.

(B) To establish the relationship between the licensee's illness or treatment and the resulting hair loss, the licensee shall provide a statement from his or her treating physician.

(C) This option can only be provided for one (1) renewal of the license to prevent obsolete photographs from being used.

(c)(1) In addition to the license fee prescribed by subsection (a) of this section, the office shall collect a

penalty equal to fifty percent (50%) of the amount thereof from each driver, otherwise qualified, who shall operate a motor vehicle over the highways of this state without a valid license.

(2) Such penalty shall be in addition to any other penalty that may be prescribed by law.

(d) All license fees collected under subsection (a) of this section shall be deposited into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State Police Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(e)(1) The office shall not charge an additional fee for the color photograph provided for in subsection (b) of this section for those applicants making a renewal application for the first time.

(2) In addition to the regular license fee, a fee of one dollar ($1.00) shall be charged for all subsequent renewals.

(3) All persons applying for an Arkansas license for the first time and all persons who are required to take the driver's written examination as provided for in this act shall be charged the additional fee of one dollar ($1.00).

(4) All persons who are required to have their eyesight tested prior to initial licensing or upon subsequent license renewal as provided for in this act shall be charged an additional fee of one dollar ($1.00) upon issuance of the license.

(f) Moneys collected from the penalty fee provided in subsection (c) of this section and the fees provided in subsection (e) of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the driver license program which shall be payable therefrom.

(g) Such fees as are collected under subsection (a) of this section shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(h)(1) In addition to the license fees imposed in subsections (a) and (e) of this section, a fee of six dollars ($6.00) shall be charged for the issuance or renewal of any Class D, M, or MD license.

(2) The fees collected under this subsection shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the payment of health insurance premiums for uniformed employees of the Department of Arkansas State Police.

History. Acts 1937, No. 280, §§ 18, 21; Pope's Dig., § 6842; Acts 1939, No. 72, § 1; 1941, No. 370, § 1; 1947, No. 393, § 1; 1957, No. 24, § 1; 1965, No. 493, § 1; 1967, No. 338, § 1; 1969, No. 276, § 1; 1977, No. 311, § 1; A.S.A. 1947, §§ 75-320, 75-325; Acts 1987, No. 274, § 2; 1989, No. 8, § 2; 1989, No. 193, § 3; 1989, No. 241, § 25; 1991, No. 782, §§ 1, 2; 1993, No. 445, §§ 18, 19; 1993, No. 1168, § 1; 1997, No. 495, § 1; 1999, No. 1004, § 1; 2001, No. 1500, § 1; 2001, No. 1694, § 5; 2003, No. 836, § 2; 2005, No. 1233, § 2; 2007, No. 839, § 9; 2009, No. 483, § 2; 2009, No. 1486, § 1.

27-16-802. Instruction permits.

(a)(1) Any person who is at least fourteen (14) years of age may apply to the Office of Driver Services for an instruction permit.

(2) After the applicant has successfully passed all parts of the examination other than the driving test, the office may, in its discretion, issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his or her immediate possession to drive a motor vehicle upon the public highways for a period of six (6) months when accompanied by a licensed driver who is at least twenty-one (21) years of age and who is occupying a seat beside the driver, except in the event that the permittee is operating a motorcycle.

(3) Any instruction permit may be renewed or a new permit issued for an additional period of six (6) months as long as the permittee has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months.

(4) Any passengers riding in the motor vehicle while a permittee is driving shall wear seat belts at all times.

(b)(1) The office, upon receiving proper application may, in its discretion, issue a restricted instruction permit effective for a school year or a more restricted permit to an applicant who is enrolled in a driver education program which includes practice driving and which is approved by the office even though the applicant has not reached the legal age to be eligible for a noncommercial license.

(2) The instruction permit shall entitle the permittee when he or she has the permit in his or her immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

History. Acts 1937, No. 280, § 11; Pope's Dig., § 6835; Acts 1959, No. 307, § 14; A.S.A. 1947, § 75-310; Acts 1993, No. 445, § 20; 1997, No. 478, § 1; 1999, No. 25, § 2; 2001, No. 1694, § 6.

27-16-803. [Repealed.]

Publisher's Notes. This section, concerning temporary permits, was repealed by Acts 2009, No. 456, § 4. The section was derived from Acts 1937, No. 280, § 11; Pope's Dig., § 6835; Acts 1959, No. 307, § 14; 1983, No. 514, § 1; A.S.A. 1947, § 75-310; Acts 1989, No. 707, §§ 1, 2; 1993, No. 445, § 21.

27-16-804. Restricted licenses, learner's licenses, and intermediate licenses.

(a) The Office of Driver Services, upon issuing any driver's license, shall have authority, whenever good cause appears, to impose restrictions suitable to the

licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the office may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b)(1) The office may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(2)(A)(i) Upon the showing of need, the office may waive any age restriction set forth in this chapter.

(ii) However, every driver under eighteen (18) years of age is at a minimum subject to the restrictions set out in subdivision (b)(2)(B) of this section.

(B)(i) A license shall be issued only to an applicant with a valid instruction permit or learner's license who:

(a) Is at least fourteen (14) years of age; and

(b) Has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months.

(ii) A driver shall operate the motor vehicle on the public streets and highways only when each passenger in the vehicle wears his or her seat belts.

(iii) The driver shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose. As used in this subdivision (b)(2)(B)(iii), "emergency purpose" means the driver:

(a) Has reason to fear for his or her life, safety, or property;

(b) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or

(c) Is reporting:

(1) A fire;

(2) A traffic accident;

(3) A serious road hazard;

(4) A medical emergency;

(5) A hazardous materials emergency;

(6) Another driver who is recklessly, carelessly, or unsafely driving; or

(7) Another driver who appears to be driving under the influence of drugs or alcohol.

(iv) A driver shall not operate a motor vehicle on public streets or highways with any unrelated minor passengers in the motor vehicle unless the driver is accompanied by a licensed driver who is twenty-one (21) years of age or older and who is occupying the front passenger seat of the motor vehicle. As used in this subsection, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

(a) A sibling of the driver;

(b) A step-sibling of the driver; or

(c) A child who resides in the same household as the driver.

(v) The driver shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. and 4:00 a.m. unless the driver is:

(a) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(b) Driving to or from a school activity, church-related activity, or job; or

(c) Driving due to an emergency.

(C) The waiver of the age restrictions for need is subject to review upon a complaint from certain officials under subsection (d) of this section.

(c) All licensees who have a tested uncorrected visual acuity of less than 20/40 shall be restricted to the operation of a motor vehicle, motorcycle, or motor-driven cycle only while they are wearing corrective lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or a motor-driven cycle if he or she has a tested corrected visual acuity of less than 20/50 or if he or she has a field of vision less than one hundred forty degrees (140°) with two (2) functioning eyes or less than one hundred five degrees (105°) with one (1) functioning eye.

(d)(1) The office may, upon receiving satisfactory evidence of any violation of the restrictions of a license, suspend or revoke the license, but the licensees shall be entitled to a hearing as upon a suspension or revocation under this chapter.

(2)(A) Upon receiving a complaint from a prosecuting attorney, a city attorney, or a certified law enforcement officer, the office shall review the validity of any waiver of age restrictions based on need and any violations of restrictions placed on a license.

(B) The licensee is entitled to a hearing, which the complaining official may attend, to review the need of the waiver or any violations of the restrictions of the license.

(C) The office shall suspend or revoke the waiver if there is evidence that the need for the waiver has changed or is no longer valid or that the licensee violated any of the restrictions of the license.

(e) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

(f)(1) The office shall have authority to issue a restricted driver's license, to be known as a "learner's license", to those persons under sixteen (16) years of age.

(2) The learner's license shall be issued only to an applicant with a valid instruction permit who is at least fourteen (14) years of age, who has remained free of a serious accident and conviction of a serious traffic violation in the previous six (6) months, and who meets all other licensing examinations requirements of this chapter.

(3) The driver with a learner's license shall operate the motor vehicle on the public streets and highways only when:

(A) All passengers in the vehicle are wearing their seat belts at all times; and

(B) The driver with a learner's license is being accompanied by a driver over twenty-one (21) years of age.

(4)(A) A driver with a learner's license shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose.

(B) As used in this subdivision (f)(4), "emergency purpose" means the driver:

(i) Has reason to fear for his or her life, safety, or property;

(ii) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or

(iii) Is reporting:

(a) A fire;

(b) A traffic accident;

(c) A serious road hazard;

(d) A medical emergency;

(e) A hazardous materials emergency;

(f) Another driver who is recklessly, carelessly, or unsafely driving; or

(g) Another driver who appears to be driving under the influence of drugs or alcohol.

(C) This subdivision (f)(4) is not retroactive and applies only to a person who:

(i) Applies for a learner's license after the effective date of this act; and

(ii) Is issued a learner's license after the effective date of this act.

(g)(1)(A) The office shall have authority to issue to those persons under eighteen (18) years of age a restricted driver's license to be known as an "intermediate driver's license".

(B) The intermediate driver's license shall be issued only to an applicant with a valid instruction permit or a learner's license who is at least sixteen (16) years of age, who has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months, and who meets all other licensing examination requirements of this chapter.

(C) The driver with an intermediate driver's license shall operate the motor vehicle on the public streets and highways only when all passengers in the vehicle are wearing their seat belts.

(D)(i) A driver with an intermediate driver's license shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle except for an emergency purpose.

(ii) As used in this subdivision (g)(1)(D), "emergency purpose" means the driver:

(a) Has reason to fear for his or her life, safety, or property;

(b) Reasonably believes that a criminal act may be perpetrated against him or her, his or her property, another person, or another person's property; or

(c) Is reporting:

(1) A fire;

(2) A traffic accident;

(3) A serious road hazard;

(4) A medical emergency;

(5) A hazardous materials emergency;

(6) Another driver who is recklessly, carelessly, or unsafely driving; or

(7) Another driver who appears to be driving under the influence of drugs or alcohol.

(E)(i) A driver with an intermediate driver's license shall not operate a motor vehicle on public streets or highways with more than one (1) unrelated minor passenger in the motor vehicle unless the driver is accompanied by a licensed driver who is twenty-one (21) years of age or older and who is occupying the front passenger seat of the motor vehicle.

(ii) As used in this section, "unrelated minor passenger" means a passenger who is under twenty-one (21) years of age and who is not:

(a) A sibling of the driver;

(b) A step-sibling of the driver; or

(c) A child who resides in the same household as the driver.

(F) A driver with an intermediate driver's license shall not operate a motor vehicle on public streets or highways between the hours of 11:00 p.m. — 4:00 a.m. unless the driver is:

(i) Accompanied by a licensed driver who is twenty-one (21) years of age or older;

(ii) Driving to or from a school activity, church-related activity, or job; or

(iii) Driving because of an emergency.

(2) Subdivisions (g)(1)(D)-(F) are not retroactive and apply only to a person who:

(A) Applies for an intermediate license after the effective date of this act; and

(B) Is issued an intermediate license after the effective date of this act.

(h) [Repealed.]

History. Acts 1937, No. 280, § 20; Pope's Dig., § 6844; Acts 1969, No. 350, § 1; 1977, No. 863, § 2; A.S.A. 1947, § 75-324; Acts 1989, No. 193, § 4; 1993, No. 445, § 22; 1997, No. 478, § 2; 2001, No. 1694, § 7; 2003, No. 268, §§ 1, 2; 2009, No. 308, §§ 1, 4; 2009, No. 394, §§ 1, 2, 3; 2009, No. 807, § 1.

27-16-805. Identification purposes only.

(a)(1) The Office of Driver Services may issue an identification card to those Arkansas residents five (5) years of age or older who are not licensed drivers.

(2) The fee for the card shall be five dollars ($5.00).

(b)(1)(A) For those persons under sixty (60) years of age, the card shall be valid for either four (4) years or two (2) years, depending on the person's age, and is renewable upon expiration.

(B) For persons fourteen (14) years of age and older, the card shall be valid for four (4) years from the date of issue.

(C) For persons five (5) to thirteen (13) years of age, the card shall be valid for two (2) years from the date of issue, and a parent, legal guardian, grandparent, or sibling over eighteen (18) years of age must accompany the applicant to the issuing location and sign the electronic application.

(2) Those persons who are sixty (60) years of age or older who qualify for this card shall be issued the card to be valid for the life of the holder.

(c) Each card shall contain:

(1) A color photograph of the applicant;

(2) A physical description;

(3) The birthdate;

(4) The address;

(5) The date of issue; and

(6) The expiration date.

(d)(1) Any person who applies for a card shall be required to show proof of identity.

(2) Refusal of an applicant to show proof shall result in denial of the application.

History. Acts 1937, No. 280, § 21; 1977, No. 311, § 2; 1985, No. 1039, § 1; A.S.A. 1947, § 75-325; Acts 1989, No. 385, § 1; 2003, No. 211, § 1; 2011, No. 193, § 1.

27-16-806. Duplicates or substitutes.

(a) In the event that an instruction permit or driver's license issued under the provisions of this act is lost or destroyed, the person to whom it was issued may obtain a duplicate or substitute upon payment of five dollars ($5.00) and upon furnishing proof satisfactory to the Office of Driver Services that the permit or license has been lost or destroyed.

(b) Moneys collected under the provisions of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the color photograph driver license program, which shall be payable therefrom.

(c) In addition to the fee imposed in subsection (a), an additional fee of five dollars ($5.00) shall be collected and deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

History. Acts 1937, No. 280, § 21; Pope's Dig., § 6845; Acts 1977, No. 311, § 2; A.S.A. 1947, § 75-325; Acts 1989, No. 385, § 2; 1993, No. 445, § 23; 2003, No. 1001, § 2.

27-16-807. Issuance to nonresident and military licensees.

(a)(1) A person sixteen (16) years of age or older who shall present to the Office of Driver Services, or an authorized agent thereof, a valid driver's license issued to the person by another state or by a branch of the armed services of the United States that is currently valid or that expired not more than thirty-one (31) days prior to the date presented shall be issued an Arkansas driver's license if he or she:

(A) Surrenders the license to the office;

(B) Pays the license fee prescribed in § 27-16-801(a);

(C) Pays the other fees required by § 27-16-801(e);

(D) Pays a transfer fee of five dollars ($5.00); and

(E) Is tested and passes the minimum requirements of the eyesight test prescribed in this chapter.

(2) A person sixteen (16) years of age or older who shall present to the office a driver's license issued to the person by another state or by a branch of the armed services of the United States that expired more than thirty-one (31) days prior to the date presented shall be issued an Arkansas driver's license if he or she:

(A) Is the spouse of a member of the military who was living outside of the United States due to a military duty assignment of the person's spouse when the license expired;

(B) Surrenders the license to the office;

(C) Pays the license fee prescribed in § 27-16-801(a);

(D) Pays the other fees required by § 27-16-801(e);

(E) Pays a transfer fee of five dollars ($5.00); and

(F) Is tested and passes the minimum requirements of the eyesight test prescribed in this chapter.

(b) The five dollar ($5.00) transfer fee is to be paid in lieu of the fees prescribed by § 27-16-801(a)(1)(C), but shall be collected and deposited in the same manner as prescribed by § 27-16-801(d).

History. Acts 1963, No. 147, § 1; A.S.A. 1947, § 75-352; Acts 1989, No. 193, § 5; 1995, No. 413, § 1; 2005, No. 235, § 1.

27-16-808. Reinstatement charge.

(a) The Office of Driver Services shall charge a fee to be calculated as provided under subsection (c) of this section for reinstating a driver's license suspended because of a conviction for any violation or offense.

(b) All proceeds remitted to the office pursuant to the provisions of this section shall be deposited as follows:

(1) Twenty-five percent (25%) to the State Police Retirement Fund; and

(2) Seventy-five percent (75%) to the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c)(1) The reinstatement fee under this section shall be calculated by multiplying one hundred dollars ($100) by each separate occurrence of offenses under any other provision of the law resulting in:

(A) A court order directing the office to suspend the driving privileges of the person; or

(B) The office entering a suspension order.

(2) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-508.

(3) As used in this section, "occurrence" means each separate calendar date when an offense or offenses take place.

History. Acts 1995, No. 730, § 1; 2003, No. 1001, § 3; 2005, No. 1992, § 3.

27-16-809. Reciprocal recognition of foreign licenses.

The Department of Finance and Administration is authorized to enter into driver license agreements or other cooperative arrangements with foreign countries for the reciprocal recognition of drivers' licenses.

History. Acts 1997, No. 1100, § 1.

27-16-810. [Repealed.]

Publisher's Notes. This section, concerning voluntary contributions to organ donor awareness education trust fund, was repealed by Acts 2005, No. 896, § 1. The section was derived from Acts 2003, No. 1362, § 3[6].

27-16-811. Exception to disclosing residence address — Address confidentiality program.

(a) As used in this section, "licensee" means a person who is applying for, renewing, or requesting a change to his or her driver's license issued or to be issued under this chapter and who is:

(1) The victim of domestic violence; or

(2) The dependent of a victim of domestic violence.

(b) A licensee shall qualify for the exception for disclosing a residence address under this section if he or she:

(1) Presents a valid order of protection issued under the Domestic Abuse Act of 1991, § 9-15-101 et seq.;

(2) Presents an affidavit in which the licensee states that he or she:

(A)(i) Is a victim of domestic violence; or

(ii) Is the dependent of a victim of domestic violence; and

(B)(i) Fears further acts of domestic violence; or

(ii) Resides with the victim of domestic violence and fears further acts of domestic violence against his or her parent, custodian, or guardian; and

(3) Agrees to the terms of participation in the address confidentiality program.

(c)(1) A licensee who participates in the address confidentiality program under this section shall be issued a driver's license that discloses a post office box address in lieu of his or her residence address.

(2)(A) The licensee shall provide to the Department of Finance and Administration his or her residence address, which shall be kept on file with the department for as long as the licensee holds a license that displays a post office box in lieu of a residence address.

(B) The licensee shall update his or her residence address and post office box address with the department if a change occurs.

(3)(A) The department shall only disclose the residence address to a person who:

(i) Presents a compelling reason for access to the residence address in an affidavit;

(ii) Presents valid identification to the department; and

(iii) Is not a person against whom the order of protection has been entered or who is related by blood or marriage to the person against whom the order of protection has been entered.

(B) The department shall maintain a record of each and every person to whom the department discloses the residence address.

(C) The department shall provide written notice to the licensee that advises him or her of a disclosure to a third party.

(D)(i) The department shall accept complaints from the licensee if the licensee objects to the disclosure to a third party.

(ii) The department shall refer a complaint to the prosecuting attorney for prosecution for perjury or another offense relating to judicial or other official proceedings under § 5-53-101 et seq. related to a false compelling reason stated in an affidavit under subdivision (c)(3)(A)(i) of this section.

(d) The Director of the Department of Finance and Administration shall promulgate rules and forms to administer the address confidentiality program under this section.

History. Acts 2005, No. 1233, § 1.

27-16-812. Veteran designation.

(a)(1) A person may apply to the Office of Driver Services to obtain a veteran designation on a driver's license or identification card issued under this subchapter by providing:

(A) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States; and

(B) Payment of the fee for the driver's license or identification card authorized under this chapter.

(2) If the person is seeking a duplicate or substitute driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under § 27-16-806.

(b) The Office of Driver Services may:

(1) Determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section; and

(2) Promulgate the necessary rules for the administration of this section.

History. Acts 2011, No. 12, § 2.

27-16-813. Medical exemption designation for seat belt use.

(a)(1) A person may apply to the Office of Driver Services to obtain a medical exemption designation for seat belt use on a driver's license or identification card issued under this subchapter by providing:

(A) Documentation from a physician as provided under § 27-37-702(b)(2); and

(B) Payment of the fee for the driver's license or identification card authorized under this chapter.

(2) If the person seeks a duplicate or substitute driver's license with the medical exemption designation and his or her driver's license has not expired, the fee shall be as provided under § 27-16-806.

(b) The Office of Driver Services may:

(1) Determine the appropriate placement of the medical exemption designation on a driver's license or identification card authorized under this section; and

(2) Promulgate the necessary rules for the administration of this section.

(c) This section does not require a person who has a medical condition that contraindicates the use of a seat belt under § 27-37-702(b)(2) to obtain a driver's license or identification card under this section with a medical exemption designation.

History. Acts 2011, No. 601, § 1.

27-16-814. Living will designation.

(a)(1) A person may apply to the Office of Driver Services to obtain a living will designation on a driver's license or identification card issued under this subchapter by providing:

(A) A signed form stating that he or she has executed a living will; and

(B) Payment of the fee for the driver's license or identification card authorized under this chapter.

(2) If the person seeks a duplicate or substitute driver's license with the living will designation and his or her driver's license has not expired, the fee shall be as provided under § 27-16-806.

(b) The Office of Driver Services may:

(1) Determine the appropriate placement of the living will designation on a driver's license or identification card authorized under this section; and

(2) Promulgate the necessary rules for the administration of this section.

(c) This section does not require a person to have a living will or to have a living will designation on his or her driver's license.

History. Acts 2011, No. 729, § 1.

Subchapter 9 — Expiration, Cancellation, Revocation, or Suspension

SECTION.

27-16-901. Expiration and renewal of licenses.
27-16-902. Extension of expiration date of servicemen's licenses.
27-16-903. Authority to cancel licenses.
27-16-904. Death of person signing minor's application.
27-16-905. Mandatory revocation for conviction of certain offenses.
27-16-906. [Repealed.]
27-16-907. Suspension or revocation of licenses.
27-16-908. Nonresidents also subject to suspension or revocation.
27-16-909. Suspension or revocation of license for inability to drive.
27-16-910. Effect of suspension or revocation.
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27-16-901. Expiration and renewal of licenses.

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

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

(C) An intermediate driver's license shall be issued for no more than a two-year period and shall expire upon the driver reaching eighteen (18) years of age and may be renewed at that time as a regular driver's license for four (4) years, so long as the intermediate driver has been free of a serious accident and conviction of a serious traffic violation for at least twelve (12) months before arriving at his or her eighteenth birthday.

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

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

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

(b) Every driver's license shall be renewable on or before its expiration upon completion of an application, payment of the fees designated in § 27-16-801,

and passage of the eyesight test required in § 27-16-704 and shall be renewed without other examination, unless the commissioner has reason to believe that the licensee is no longer qualified to receive a license.

History. Acts 1937, No. 280, § 22; Pope's Dig., § 6846; A.S.A. 1947, § 75-326; Acts 1989, No. 193, § 6; 1993, No. 445, § 24; 2001, No. 1694, § 8.

27-16-902. Extension of expiration date of servicemen's licenses.

(a) Any person who enters a branch of the armed services of the United States, and who is, at the time of entry into the armed services of the United States, duly licensed to drive by the State of Arkansas, may, on a form furnished by the Office of Driver Services, apply for an official extension of the expiration date of his or her driver's license without additional fee.

(b)(1) Any extension of expiration date applied for under the provisions of this section shall be acted upon by the office and shall be granted for a period not to exceed thirty (30) days after the applicant's first tour of duty, or release from active duty, whichever occurs first.

(2) The extension by the applicant may be denied by the office for good cause.

(c) The Director of the Office of Driver Services, upon approval of the Director of the Department of Finance and Administration, shall promulgate all rules and regulations necessary for compliance with this section.

History. Acts 1969, No. 298, § 1; A.S.A. 1947, § 75-358.

27-16-903. Authority to cancel licenses.

(a)(1)(A) The Office of Driver Services is authorized to cancel any driver's license or identification card upon determining that:

(i) The licensee was not entitled to the issuance of the driver's license or identification card under this chapter;

(ii) The applicant failed to give the required or correct information in his or her application or committed any fraud in making the application; or

(iii) The licensee possessed, used, or created a forged, altered, or fraudulent driver's license.

(B) Upon cancellation of any such license, the office may additionally suspend or revoke any validly issued license of any licensee found in possession of an invalid license or who has caused or assisted in the issuance of an invalid license.

(2) The decision to suspend or revoke the original license of the licensee shall be made in accordance with the provisions of § 27-16-907.

(b) Upon cancellation, the licensee must surrender the license so cancelled.

(c) The office shall not grant an application for a new license to any driver if the driver's previous license was cancelled, suspended, or revoked as a result of a determination that the applicant committed any fraud in making the application until the expiration of one (1) year after the cancellation, suspension, or revocation.

History. Acts 1937, No. 280, § 25; Pope's Dig., § 6849; Acts 1959, No. 307, § 16; A.S.A. 1947, § 75-329; Acts 1993, No. 445, § 25; 1995, No. 483, § 1; 1999, No. 1077, § 1; 2005, No. 879, § 4; 2011, No. 194, § 3.

27-16-904. Death of person signing minor's application.

(a) The Office of Driver Services, upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act.

(b) This section shall not apply in the event the minor has attained eighteen (18) years of age.

History. Acts 1937, No. 280, § 15; Pope's Dig., § 6839; A.S.A. 1947, § 75-317.

27-16-905. Mandatory revocation for conviction of certain offenses.

The Office of Driver Services shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(4) Perjury or the making of a false affidavit or statement under oath to the office under this act or under any other law relating to the ownership or operation of motor vehicles; or

(5) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

History. Acts 1937, No. 280, § 29; Pope's Dig., § 6853; Acts 1983, No. 549, § 18; A.S.A. 1947, § 75-333; Acts 1993, No. 445, § 26.

27-16-906. [Repealed.]

Publisher's Notes. This section, concerning conviction in another state, was repealed by Acts 2011, No. 194, § 4. The section was derived from Acts 1937, No. 280, § 27; Pope's Dig., § 6851; Acts 1959, No. 307, § 15; A.S.A. 1947, § 75-331; Acts 1993, No. 445, § 27.

27-16-907. Suspension or revocation of licenses.

(a) The Office of Driver Services may suspend the license of a driver for up to one (1) year upon a

showing by its records or other sufficient evidence that the licensee is an habitual violator of the traffic laws.

(b) The office may suspend the license of a driver for one (1) year upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been involved as a driver in an accident resulting in the death or personal injury of another or in serious property damage;

(2) Is an habitually reckless or negligent driver of a motor vehicle;

(3) Has permitted an unlawful or fraudulent use of the licensee's license;

(4) Has been convicted of an offense in another state that if committed in this state would be grounds for suspension;

(5) Is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in at least one (1) eye or if the total visual field of the person is less than one hundred five degrees (105°);

(6) Was found by the office or its agent to have committed fraud in making an application for a driver's license or identification card issued under § 27-16-805;

(7) Was found by the office or its agent to have used or attempted to use a driver's license or identification card issued under § 27-16-805 that was fraudulent, counterfeit, or altered; or

(8) Was found by the office or its agent to have used or attempted to use the driver's license or identification card of another person by representing it as the licensee's own license or identification card issued under § 27-16-805.

(c) The office may revoke the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been convicted of an offense in another state that if committed in this state would be grounds for revocation; or

(2)(A) Is a person who is not lawfully present within the United States.

(B) The office shall not grant a new application for a license to a driver revoked under subdivision (c)(2)(A) of this section unless the driver demonstrates to the office that the driver is lawfully present within the United States.

(C) Notwithstanding the provisions of § 27-16-912, a driver whose license is revoked for failure to demonstrate legal presence may apply for a new license at any time during the year following revocation if the driver is able to demonstrate lawful presence at the time of the application for a new license.

(d) The office may secure from all state agencies involved the necessary information to comply with this section.

(e)(1) Upon the suspension or revocation of the license of a person under this section, the office shall notify the licensee in writing.

(2) Any licensee desiring a hearing shall notify the office in writing within twenty (20) days after receipt of the notice of suspension or revocation.

(3)(A) A hearing officer appointed by the Director of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the director for such hearings.

(B) The hearing shall be in the office in the county of residence of the licensee unless the director and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4) Based upon the evidence presented at the hearing, the hearing officer shall modify, rescind, or affirm the suspension or revocation of the license.

(f) Hearings conducted by the office under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(g) The director may promulgate rules and regulations for the administration of this section.

History. Acts 1937, No. 280, § 30; Pope's Dig., § 6854; Acts 1967, No. 340, § 1; A.S.A. 1947, § 75-334; Acts 1987, No. 976, § 1; 1989, No. 193, § 7; 1993, No. 445, § 28; 1997, No. 1099, § 2; 2001, No. 744, § 1; 2001, No. 1057, § 1; 2011, No. 194, § 5.

27-16-908. Nonresidents also subject to suspension or revocation.

The privilege of driving a motor vehicle on the highways of this state given to a nonresident under this act shall be subject to suspension or revocation by the office in like manner and for like cause as a driver's license issued under this act may be suspended or revoked.

History. Acts 1937, No. 280, § 26; Pope's Dig., § 6850; A.S.A. 1947, § 75-330; Acts 1993, No. 445, § 29.

27-16-909. Suspension or revocation of license for inability to drive.

(a)(1) The Office of Driver Services, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may, upon written notice of at least five (5) days to the licensee, require the licensee to submit to an initial evaluation by a hearing officer appointed by the Director of the Department of Finance and Administration in an office of the Revenue Division of the Department of Finance and Administration designated by the director.

(2)(A) Upon the conclusion of the initial evaluation, the hearing officer shall determine:

(i) That the initial evaluation does not support the suspension or revocation of the license and that the license shall remain in effect; or

(ii) That the driver must submit to a medical evaluation, a driving skills evaluation, or both a medical evaluation and a driving skills evaluation.

(B) If the hearing officer determines that the driver must submit to a medical evaluation, driving skills evaluation, or both a medical evaluation and a driving skills evaluation, the driver shall provide proof of completion of the evaluation or evaluations to the hearing officer within thirty (30) days of the initial evaluation.

(C) Refusal or neglect of the licensee to submit to, and provide proof of completion of, an evaluation required under this section is grounds for suspension or revocation of the licensee's license.

(b) Upon receipt by the office of evaluations required under subsection (a) of this section, the office may suspend or revoke the license of the person or may permit the person to retain his or her license or may issue a license subject to restrictions as permitted under § 27-16-804.

(c)(1) The office shall notify the licensee in writing of the suspension or revocation of the driver's license as authorized under this section.

(2) Any licensee desiring a hearing shall notify the office in writing within twenty (20) days after receipt of the notice of suspension or revocation.

(3)(A) A hearing officer appointed by the director shall schedule a hearing in an office of the revenue division designated by the director for hearings under this section.

(B) The hearing shall be in the office in the county of residence of the licensee unless the director and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4) Based upon the evidence presented at the hearing, the hearing officer shall modify, rescind, or affirm the suspension or revocation of the license.

(5) Hearings conducted by the office under this section are not subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d)(1) The office shall not reinstate the license of a person suspended under this section unless the driver demonstrates to the office that the driver is competent to operate a motor vehicle.

(2) The office shall not grant an application for a new license to a driver whose license has been revoked under this section unless the driver demonstrates to the office that the driver is competent to operate a motor vehicle.

(e) The director may promulgate rules and regulations for the orderly and efficient administration of this section.

History. Acts 1937, No. 280, § 25; Pope's Dig., § 6849; Acts 1959, No. 307, § 16; A.S.A. 1947, § 75-329; Acts 1993, No. 445, § 30; 2011, No. 194, § 6.

27-16-910. Effect of suspension or revocation.

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this subchapter shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension or after the revocation until a new license is obtained when and as permitted under this act.

History. Acts 1937, No. 280, § 33; Pope's Dig., § 6857; A.S.A. 1947, § 75-337; Acts 1993, No. 445, § 31.

27-16-911. Surrender and return of license.

(a) The Office of Driver Services, upon suspending or revoking a license, shall require that the license shall be surrendered to and be retained by the office.

(b) At the end of the period of suspension, the license shall be returned to the licensee.

History. Acts 1937, No. 280, § 32; Pope's Dig., § 6856; A.S.A. 1947, § 75-336; Acts 1993, No. 445, § 32.

27-16-912. Application for new license following revocation.

Except as provided in § 27-16-907(c)(2)(C), the Office of Driver Services shall not grant a person's application for a new license until the expiration of one (1) year after the revocation of the person's license.

History. Acts 1937, No. 280, § 31; Pope's Dig., § 6855; A.S.A. 1947, § 75-335; Acts 2011, No. 194, § 7.

27-16-913. Right of appeal to court of record.

(a)(1) A person denied a license or whose license has been suspended, disqualified, or revoked by the Office of Driver Services, within thirty (30) days of receipt of the decision by the office to deny, suspend, disqualify, or revoke the license, may file a de novo petition of review in the Pulaski County Circuit Court or the circuit court in the county where the licensee or interested person resides.

(2) A copy of the decision of the office shall be attached to the petition.

(3) A copy of the petition shall be served upon the Director of the Department of Finance and Administration in accordance with the Arkansas Rules of Civil Procedure.

(4) A de novo petition to circuit court for review of a decision concerning a license under this section is not subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b) The filing of a petition of review shall not operate as an automatic stay of the decision of the hearing officer.

(c) If a court issues an order staying the decision or placing the decision in abeyance, the court shall transmit a copy of the order to the office in the same manner that convictions and orders relating to driving records are sent to the office under § 27-16-302.

(d)(1) The circuit judge is vested with jurisdiction to determine whether the petitioner is entitled to a

license or whether the decision of the hearing officer should be affirmed, modified, or reversed.

(2) At the hearing, the burden of proof is on the state, and the decision shall be based on a preponderance of the evidence.

History. Acts 1937, No. 280, § 34; Pope's Dig., § 6858; A.S.A. 1947, § 75-338; Acts 1987, No. 976, § 2; 2011, No. 194, § 8.

27-16-914. Suspension of driver's license of minor.

Upon receipt of an order of denial of driving privileges under § 5-65-116 or § 5-64-710, the Department of Finance and Administration shall:

(1) Suspend the motor vehicle operator's license of the minor for twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer;

(2) In the event the minor's driver's license is under suspension by the department for another offense or other violations, the minor's driver's license shall be suspended an additional twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer; or

(3) If the minor has not been issued a driver's license, the issuance of a license shall be delayed for an additional twelve (12) months after the minor applies for a license, or until the minor reaches eighteen (18) years of age, whichever is longer.

History. Acts 1989 (3rd Ex. Sess.), No. 93, § 2; 1993, No. 1257, § 3.

27-16-915. Suspension for conviction of controlled substances offense.

(a) As used in this section, the term "drug offense" shall have the same meaning ascribed to that term as provided in § 5-64-710.

(b)(1)(A) Whenever a person pleads guilty, nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of such matter, including any federal court, shall prepare and transmit to the Department of Finance and Administration an order to suspend the driving privileges of the person for six (6) months, provided any such order regarding a person who is a holder of a commercial driver's license issued under § 27-23-101 et seq. or under the laws of any other state shall include the suspension of the driving privileges of that person to drive any commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103, or as similarly defined by the laws of any other state, for a period of one (1) year.

(B) Courts within the State of Arkansas shall prepare and transmit all such orders within twenty-four (24) hours after the plea or finding to the department.

(C) Courts outside Arkansas having jurisdiction over any such person holding driving privileges issued by the State of Arkansas shall prepare and transmit such orders pursuant to agreements or arrangements entered into between that state and the Director of the Department of Finance and Administration.

(D) Such arrangements or agreements may also provide for the forwarding by the department of orders issued by courts within this state to the state wherein any such person holds driving privileges issued by that state.

(2) For any such person holding driving privileges issued by the State of Arkansas, courts within the State of Arkansas in cases of extreme and unusual hardship may provide in an order for the issuance of a restricted driving permit to allow driving to and from a place of employment or to and from any scheduled sessions or meetings of support organizations, counseling, education, or treatment for persons who have addiction or abuse problems related to any substance or controlled substances.

(c) Upon receipt of an order of denial of driving privileges under this section, the department shall:

(1) Suspend the driver's license of the person for six (6) months;

(2) In the event the person's driver's license is under suspension by the department for another offense or other violations, the person's driver's license shall be suspended an additional six (6) months; or

(3) If the person has not been issued a driver's license, the issuance of a license by the department shall be delayed for an additional six (6) months after the person applies for a license.

(d) Upon receipt of an order of denial of driving privileges under this section, which order concerns a person who is a holder of a commercial driver's license issued under § 27-23-101 et seq., the department, in addition to any actions taken pursuant to subsection (c) of this section, shall:

(1) Suspend the commercial driver's license of the person for one (1) year;

(2) In the event the person's commercial driver's license is under suspension by the department for another offense or other violations, the person's commercial driver's license shall, in addition to any penalties provided by the laws of this state, be suspended an additional one (1) year; or

(3) If the person has not been issued a commercial driver's license, the issuance of such a license by the department shall be delayed for an additional one-year period after the person applies for a license.

(e) Nothing contained in subsection (d) of this section shall require the issuance or reissuance of any commercial driver's license to any person following any suspension who is otherwise ineligible pursuant to other laws of this state to obtain such issuance or reissuance.

(f) Penalties prescribed in this section shall be in addition to all other penalties prescribed by law for the offenses covered by this section.

History. Acts 1991, No. 1109, §§ 1-3; 1993, No. 1257, § 4.

Subchapter 10 — Special Provisions Regarding Chauffeurs [Repealed]

SECTION.
27-16-1001 — 27-16-1004. [Repealed.]

27-16-1001 — 27-16-1004. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1993, No. 445, § 36, effective January 1, 1994. The subchapter was derived from the following sources:

§ 27-16-1001. Acts 1937, No. 280, § 40; Pope's Dig., § 6864; A.S.A. 1947, § 75-344.

§ 27-16-1002. Acts 1947, No. 370, §§ 1, 4; A.S.A. 1947, §§ 75-312, 75-313.

§ 27-16-1003. Acts 1947, No. 370, § 1; A.S.A. 1947, § 75-312.

§ 27-16-1004. Acts 1947, No. 370, § 2; A.S.A. 1947, § 75-322.

Subchapter 11 — Driver's License Security and Modernization Act

SECTION.
27-16-1101. Title.
27-16-1102. Definitions.
27-16-1103. Time limit for requirements to be met.
27-16-1104. Minimum document requirements.
27-16-1105. Minimum issuance standards for driver's licenses.
27-16-1106. Additional requirements.
27-16-1107. Linking of databases.
27-16-1108. Rules.
27-16-1109. Applicability to Medicaid identification cards.
27-16-1110. Findings — Purpose of §§ 27-16-1111 and 27-16-1112.
27-16-1111. Expiration of driver's license when the applicant is not a United States citizen.
27-16-1112. Expiration of identification card when the applicant is not a United States citizen.

27-16-1101. Title.

This subchapter shall be known and may be cited as the "Driver's License Security and Modernization Act".

History. Acts 2005, No. 2210, § 1.

27-16-1102. Definitions.

As used in this subchapter:

(1) "Driver's license" means a motor vehicle operator's license, as defined in 49 U.S.C. § 30301, as in effect on February 1, 2005;

(2) "Identification card" means a personal identification card, as defined in 18 U.S.C. § 1028(d), as in effect on February 1, 2005, as issued by the State of Arkansas; and

(3) "State" means the State of Arkansas.

History. Acts 2005, No. 2210, § 1.

27-16-1103. Time limit for requirements to be met.

(a) The Office of Driver Services shall implement the changes required by this subchapter for all new driver's licenses issued or renewed on or after January 31, 2006.

(b)(1) Except as provided under subdivision (b)(2) and subsection (d) of this section, beginning four (4) years after August 12, 2005, a state agency may not accept for any purpose a driver's license or identification card that was not issued under the requirements of this subchapter.

(2) The limitation under subdivision (b)(1) of this section and other limitations under this subchapter shall not apply to members of the armed services of the United States or their dependents under § 27-16-807, § 27-16-902, or other law.

(c) On or before January 31, 2006, the office shall obtain certification that it is in compliance with any and all federal laws regarding driver's license security and modernization.

(d) The Department of Human Services may accept a driver's license or identification card that was not issued under the requirements of this subchapter for the sole purpose of establishing the identity of an individual applying for or receiving food stamps when no other documentary evidence is readily available for that purpose.

History. Acts 2005, No. 2210, § 1.

27-16-1104. Minimum document requirements.

To meet the requirements of this subchapter, the Office of Driver Services shall include at a minimum the following information and features on each driver's license and identification card that it issues to a person:

(1) The person's full legal name;

(2) The person's date of birth;

(3) The person's gender;

(4) The person's driver's license or identification card number;

(5) A digital photograph of the person;

(6) The person's address of residence;

(7) The person's signature;

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; and

(9) A common machine-readable technology with defined minimum data elements.

History. Acts 2005, No. 2210, § 1.

27-16-1105. Minimum issuance standards for driver's licenses.

(a)(1) Except as provided under subdivisions (a)(2) and (3), and (b)(1) of this section regarding the renewal, duplication, or reissuance of a driver's license or identification card, to meet the requirements of this section the Office of Driver Services shall require at a minimum presentation of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(B) Documentation showing the person's date of birth;

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number; and

(D) Evidence of legal status that includes valid documentary evidence that the person:

(i) Is a citizen of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent resident status in the United States;

(iv) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(v) Has a pending or approved application for asylum in the United States;

(vi) Has entered into the United States in refugee status;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status; or

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(2)(A) If ten (10) or more driver's licenses are issued with the same address of residence, the applicant shall present documentation that establishes the person's address of residence.

(B) The documentation requirements under subdivision (a)(2)(A) of this section shall include, but not be limited to:

(i) A lease;

(ii) A mortgage statement; or

(iii) A utility bill.

(3)(A)(i) The office may establish by rule a written and defined exceptions process for a person who is unable to present all the necessary documents for a driver's license or identification card and who must rely upon alternate documents.

(ii) The office shall accept alternate documents only to establish identity or date of birth of the person.

(B) A person wishing to obtain a driver's license or identification card using alternate documents shall demonstrate to the office that the person is relying on alternate documents due to reasons beyond the person's control.

(C)(i) The office shall determine whether the alternate documents presented possess reasonable indications of reliability.

(ii) The alternate documents are subject to reasonable verification by the office.

(b)(1) For purposes of subsection (a) of this section and except as provided in subdivision (b)(2) of this section, the office shall presume that any driver's license or identification card for which an application has been made for renewal, duplication, or reissuance has been issued in accordance with the provisions of subsection (a) of this section if at the time the application was made the driver's license or identification card had not been cancelled, suspended, or revoked.

(2) Subdivision (b)(1) of this section shall not apply to a renewal, duplication, or reissuance of a driver's license or identification card if the office is notified by a local, state, or federal government agency that the person seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

(c) To meet the requirements of this section, the office shall implement the following procedures:

(1) The office shall not accept any foreign document other than an official passport to satisfy a requirement of subsection (a) or (b) of this section; and

(2) No later than January 31, 2006, the Director of the Department of Finance and Administration shall enter into a memorandum of understanding with the United States Secretary of Homeland Security to routinely utilize the automated system known as the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to verify the legal presence status of a person other than a United States citizen applying for a driver's license or identification card.

History. Acts 2005, No. 2210, § 1; 2011, No. 1212, §§ 1, 2.

27-16-1106. Additional requirements.

To meet the requirements of this section regarding the issuance of driver's licenses and identification cards, the Director of the Department of Finance and Administration shall:

(1) Retain for a minimum of five (5) years paper copies or images of source documents presented;

(2) Subject each person applying for a driver's license or identification card to mandatory digital facial image capture;

(3)(A) Confirm with the United States Social Security Administration a social security account number presented by a person using the full social security account number.

(B) In the event that a social security account number is already registered to or associated with another person to whom the Office of Driver Services has issued a driver's license or identification card, the office shall resolve the discrepancy and take appropriate action;

(4) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another state without retaining the license issued by another state;

(5) Ensure the physical security of locations where driver's licenses and identification cards are produced and the security of document materials and papers from which driver's licenses and identification cards are produced;

(6) Subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements to include, but not be limited to, criminal background checks; and

(7) Establish fraudulent document recognition training programs for the employees of the office who are engaged in the issuance of driver's licenses and identification cards.

History. Acts 2005, No. 2210, § 1.

27-16-1107. Linking of databases.

(a) The Director of the Department of Finance and Administration shall ensure that the State of Arkansas is eligible to receive any grant or other type of financial assistance made available under federal law regarding driver's license security and modernization.

(b) The director shall implement and oversee a motor vehicle database that contains at a minimum the following information:

(1) All data fields printed on driver's licenses and identification cards issued by the Office of Driver Services; and

(2) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on licenses.

History. Acts 2005, No. 2210, § 1.

27-16-1108. Rules.

The Director of the Department of Finance and Administration shall promulgate rules to implement and administer this subchapter.

History. Acts 2005, No. 2210, § 1.

27-16-1109. Applicability to Medicaid identification cards.

No provision of this subchapter shall apply to the issuance or production of Medicaid identification cards by either the Department of Human Services or the Office of Driver Services.

History. Acts 2005, No. 2210, § 1.

27-16-1110. Findings — Purpose of §§ 27-16-1111 and 27-16-1112.

(a) The General Assembly finds that:

(1) Currently, driver's licenses and identification cards are valid for a standard statutory period of time;

(2) An applicant for the issuance or renewal of a driver's license or identification card who is not a citizen of the United States may obtain a driver's license or identification card that is valid for a period that exceeds his or her authorization to be lawfully present in the United States;

(3) The federal government, specifically the United States Immigration and Customs Enforcement, an agency of the Department of Homeland Security, has authority over immigration matters and makes determinations on the length of time that a person who is not a citizen of the United States can remain in the United States; and

(4) A driver's license or identification card that is valid for a period that exceeds the time prescribed by the United States Immigration and Customs Enforcement, an agency of the Department of Homeland Security, can be used to circumvent federal law and cause confusion on the status of the individual to whom it is issued.

(b) The purpose of §§ 27-16-1111 and 27-16-1112 is to ensure that driver's licenses and identification cards issued by the state are not used to circumvent federal immigration laws or federal authority on immigration matters by preventing an applicant for the issuance or renewal of a driver's license or identification card from obtaining an identity document issued by the state that is valid for a period that exceeds the applicant's authorization to be lawfully present in the United States.

History. Acts 2009, No. 786, § 1.

27-16-1111. Expiration of driver's license when the applicant is not a United States citizen.

(a) If an applicant for a driver's license under this chapter is not a citizen of the United States as provided under § 27-16-1105(a)(1)(D)(ii)-(ix), the expiration date of the driver's license shall be the shortest of:

(1) The period provided for under § 27-16-901(a)(1)(A);

(2) The date shown on the applicant's United States Immigration and Customs Enforcement of the Department of Homeland Security document I-94; or

(3) The last date the applicant may be present in the United States under federal immigration laws, as verified by the Division of Immigration and Customs Enforcement of the Department of Homeland Security.

(b) The Office of Driver Services may renew the driver's license only if it is demonstrated that the applicant's continued presence in the United States is authorized under federal law.

History. Acts 2009, No. 786, § 1.

27-16-1112. Expiration of identification card when the applicant is not a United States citizen.

(a) If an applicant for an identification card under this chapter is not a citizen of the United States as provided under § 27-16-1105(a)(1)(D)(ii)-(ix), the expiration date of the identification card shall be the shortest of:

(1) The period provided for under § 27-16-805(b);

(2) The date shown on the applicant's United States Immigration and Customs Enforcement of the Department of Homeland Security document I-94; or

(3) The last date the applicant may be present in the United States under federal immigration laws, as verified by the United States Immigration and Customs Enforcement of the Department of Homeland Security.

(b) The Office of Driver Services may renew the card only if it is demonstrated that the applicant's continued presence in the United States is authorized under federal law.

(c) This section shall not limit the Office of Driver Services from issuing an identification card valid for the life of the applicant if he or she is sixty (60) years of age or older as provided under § 27-16-805(b)(2).

History. Acts 2009, No. 786, § 1.

Subchapter 12 — Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act

SECTION.

27-16-1201. Title.
27-16-1202. Purpose.
27-16-1203. Definitions.
27-16-1204. System development.
27-16-1205. Application of statutory provisions governing driver's licenses and identification cards.
27-16-1206. Application for voluntary enhanced security driver's license or identification card.
27-16-1207. Issuance standards — Proof of physical address.
27-16-1208. Evidence of lawful status.
27-16-1209. Expiration and renewal of voluntary enhanced security driver's licenses and identification cards.
27-16-1210. Enhanced security card issuance and renewal fees.
27-16-1211. Authority to promulgate rules.
27-16-1212. Implementation date.
27-16-1213. Expiration.

27-16-1201. Title.

This subchapter shall be known and may be cited as the "Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act".

History. Acts 2009, No. 1308, § 1.

27-16-1202. Purpose.

The purpose of this subchapter is:

(a) To ensure that as an alternative to a driver's license or identification card otherwise issued under Title 27 of the Arkansas Code, Arkansas citizens may have the option of obtaining a driver's license or identification card with additional security features for enhanced identification purposes; and

(b) To ensure that holders of standard driver's licenses and identification cards otherwise issued under this chapter continue to enjoy all rights and privileges to which they are currently entitled under Arkansas law.

History. Acts 2009, No. 1308, § 1.

27-16-1203. Definitions.

As used in this subchapter:

(1) "Department" means the Department of Finance and Administration;

(2) "Director" means the Director of the Department of Finance and Administration;

(3) "Voluntary enhanced security commercial driver's license" means a commercial motor vehicle operator's license issued under this subchapter;

(4) "Voluntary enhanced security driver's license" means a motor vehicle operator's license issued under this subchapter; and

(5) "Voluntary enhanced security identification card" means a personal identification card described in this subchapter.

History. Acts 2009, No. 1308, § 1.

27-16-1204. System development.

(a) Notwithstanding any other provision of law, the Director of the Department of Finance and Administration may perform any system development necessary to implement the requirements of this subchapter.

(b) As used in this section, "system development" includes without limitation the following:

(1) Acquisition of equipment and information technology systems and services;

(2) Modification, conversion, or upgrade of the Department of Finance and Administration's existing databases, equipment, and information technology systems;

(3) Establishment of electronic connectivity with any other state's motor vehicle department, federal agency, association, or business;

(4) Creation of a new design for driver's licenses, driver permits, and identification cards that will meet the minimum content, design, and security standards required by this subchapter;

(5) Collection, management, and retention of personal information and identity documents; and

(6) Development and implementation of a comprehensive security plan to ensure the security and integrity of the department's:

(A) Employees;

(B) Facilities;

(C) Storage systems;

(D) Production of:

(i) Driver's licenses;
(ii) Driver permits; and
(iii) Identification cards; and
(E) Collection and retention of personal information and identity documents.

History. Acts 2009, No. 1308, § 1.

27-16-1205. Application of statutory provisions governing driver's licenses and identification cards.

(a)(1) In addition to the requirements of this subchapter, the issuance, renewal, and use of a voluntary enhanced security driver's license shall be subject to the requirements and fees for obtaining, renewing, and using a driver's license otherwise issued under this Title 27 of the Arkansas Code.

(2) A voluntary enhanced security driver's license issued under this subchapter may be used for all state purposes authorized for driver's licenses otherwise issued under this Title 27 of the Arkansas Code.

(b)(1) In addition to the requirements of this subchapter, the issuance, renewal, and use of a voluntary enhanced security identification card shall be subject to the requirements and fees for obtaining, renewing, and using a identification card otherwise issued under this Title 27 of the Arkansas Code.

(2) A voluntary enhanced security identification card issued under this subchapter may be used for all state purposes authorized for identification cards otherwise issued under this Title 27 of the Arkansas Code.

(c)(1) In addition to the requirements of this subchapter, the issuance, renewal, and use of a voluntary enhanced security commercial driver's license shall be subject to the requirements and fees for obtaining, renewing, and using a driver's license and identification card otherwise issued under this Title 27 of the Arkansas Code.

(2) A voluntary enhanced security commercial driver's license issued under this subchapter may be used for all state purposes authorized for commercial driver's licenses otherwise issued under this Title 27 of the Arkansas Code.

(d) A voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued under this subchapter is subject to this Title 27 or Title 5 of the Arkansas Code concerning the suspension, revocation, and reinstatement of other driver's licenses, commercial driver's licenses, or identification cards.

(e) In addition to the requirements of this subchapter, a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued under this subchapter shall be subject to all provisions of the Driver's License Security and Modernization Act, § 27-16-1101 et seq.

(f) If another provision of Arkansas law conflicts with the provisions of this subchapter, the provisions of this subchapter shall control.

History. Acts 2009, No. 1308, § 1.

27-16-1206. Application for voluntary enhanced security driver's license or identification card.

(a) As an alternative to applying for the standard driver's license, commercial driver's license, or identification card under other subchapters of this chapter, a person may apply for a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under this subchapter.

(b) The Office of Driver Services of the Department of Finance and Administration shall not include an electronic chip or any type of radio frequency identification (RFID) tag or chip in any driver's license or identification card or enhanced security driver's license or identification card issued by the Department of Finance and Administration.

(c) The office shall not collect the following biometric data from applicants for any driver's license, identification card, enhanced security driver's license, or enhanced security identification card issued by the department:

(1) Voice data used to compare live speech;

(2) Iris recognition data such as iris scans, texture patterns, or retinal scans;

(3) Keystroke dynamics that measure pressure applied to key pads;

(4) Hand geometry that measures hand characteristics, including the shape and length of fingers in three (3) dimensions; and

(5) Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

History. Acts 2009, No. 1308, § 1.

27-16-1207. Issuance standards — Proof of physical address.

In addition to the information required under § 27-16-1105, an applicant for a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under this subchapter must present two (2) of the following documents upon application or renewal that show the name and physical residential address of the applicant:

(1)(A) Utility bill.
(B) Current lease or rental agreement.
(C) Bank statement.
(D) Mortgage statement.
(E) Telephone bill.

(F) Current insurance policy.

(G) State or federal tax return that is less than one (1) year old.

(H) On a formal letterhead, a letter from a bank manager, medical practitioner, accountant, or attorney that states that he or she has known the applicant for three (3) years and that confirms the applicant's physical residential address.

(I) Payslip or salary advice;

(2) Any of the above documents described in subdivisions (a)(1) of this section that contains the name of the spouse of the applicant, together with a certified copy of the applicant's marriage license or marriage certificate; or

(3)(A) Any other documentation the Director of the Department of Finance and Administration determines to be adequate proof of physical address.

(B) The documentation furnished under subdivisions (a)(1) of this section must be less than six (6) months old unless otherwise specified under subsection (a) of this section.

(C) An Arkansas post office box address is not sufficient proof of physical address for purposes of this section.

(D) The director may require additional proof of physical address if the director questions the validity or authenticity of the proof of physical address submitted by the applicant.

History. Acts 2009, No. 1308, § 1.

27-16-1208. Evidence of lawful status.

The Director of the Department of Finance and Administration shall require before issuing a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card valid documentary evidence that the applicant:

(1) Is a citizen or national of the United States;

(2) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(3) Has conditional permanent resident status in the United States;

(4) Has an approved application for asylum in the United States or has entered into the United States in refugee status;

(5) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(6) Has a pending application for asylum in the United States;

(7) Has a pending or approved application for temporary protected status in the United States;

(8) Has approved deferred action status; or

(9) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

History. Acts 2009, No. 1308, § 1.

27-16-1209. Expiration and renewal of voluntary enhanced security driver's licenses and identification cards.

(a) A voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, and voluntary enhanced security identification card issued to a United States citizen or United States national under this subchapter shall expire at the time provided for other driver's licenses, commercial driver's licenses, and identification cards issued under this Title 27 of the Arkansas Code.

(b)(1) Every voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued to an applicant other than a United States citizen or United States national shall expire on the date indicated in subsection (b)(2) of this section if the applicant provides valid documentary evidence of legal status that the person:

(A) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(B) Has conditional permanent resident status in the United States;

(C) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(D) Has a pending or approved application for asylum in the United States;

(E) Has entered into the United States in refugee status;

(F) Has a pending or approved application for temporary protected status in the United States;

(G) Has approved deferred action status; or

(H) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(2)(A) If the applicant for issuance or renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card provides valid documentary evidence of legal status with no expiration date, the driver's license or identification card issued shall expire on the end of the month in which the driver's license or identification card was issued one (1) year from its date of initial issuance.

(B) If the applicant for issuance or renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card provides valid documentary evidence of legal status containing an expiration date, the driver's license or identification card issued shall expire on the earlier to occur of the following:

(i) The date of expiration indicated on the person's valid documentary evidence of legal status; or

(ii) The expiration date listed in subdivisions (b)(1) or (b)(2)(A) of this section.

(3) The Office of Driver Services of the Department of Finance and Administration shall verify the legal presence of an applicant for renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card of a person included in subdivisions (b)(1) or (b)(2)(A) of this section by utilizing the automated system known as the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

(c) A voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card issued under this section must be renewed at the end of the period specified in subsections (a) and (b) of this section and, to the extent applicable, other renewal provisions in this chapter.

(d) The Director of the Department of Finance and Administration may by rule shorten or lengthen the term of any driver's license or identification card period under this section, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year.

History. Acts 2009, No. 1308, § 1.

27-16-1210. Enhanced security card issuance and renewal fees.

(a) The fee for the initial issuance of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under this subchapter is the same as the fee for initial issuance of other driver's licenses, commercial driver's licenses, and identification cards listed in this Title 27 of the Arkansas Code.

(b) The fee for the renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under § 27-16-1209(a) is the same as the fee for renewal of other driver's licenses, commercial driver's licenses, and identification cards listed in this Title 27 of the Arkansas Code.

(c) The fee for the renewal of a voluntary enhanced security driver's license, voluntary enhanced security commercial driver's license, or voluntary enhanced security identification card under § 27-16-1209(b) is the same as the fee for renewal of other driver's licenses, commercial driver's licenses, and identification cards listed in this chapter, subject to a pro rata reduction in the renewal fee for any shortened renewal period under § 27-16-1209(b).

(d) The renewal fee for a license or identification card that expires as provided in § 27-16-1209(b)(2) is an amount calculated by multiplying the amount of a renewal fee whose term is not shortened by a fraction whose numerator is the number of months for which the renewal license or identification card is issued and whose denominator is the number of months that would have applied had the renewal time not been shortened.

History. Acts 2009, No. 1308, § 1.

27-16-1211. Authority to promulgate rules.

The Director of the Department of Finance and Administration may promulgate any necessary rules to carry out this subchapter, subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2009, No. 1308, § 1.

27-16-1212. Implementation date.

(a) This subchapter shall be effective and shall be implemented only if the Director of the Department of Finance and Administration:

(1) Determines that the voluntary enhanced identification and security features under this subchapter are necessary to ensure secure commerce and travel by Arkansas citizens within and throughout the State of Arkansas, the United States, and abroad;

(2) Determines that Congress has not repealed the federal REAL ID Act of 2005, 49 U.S.C. § 30301 note (Pub. L. 109-13 of 2005); and

(3) Promulgates a rule specifying the date of implementation of this subchapter.

History. Acts 2009, No. 1308, § 1.

27-16-1213. Expiration.

(a) This subchapter expires on June 30, 2013, or on the date Congress repeals the federal REAL ID Act of 2005, 49 U.S.C. § 30301 note (Pub. L. 109-13 of 2005), whichever date is earlier.

(b) The Office of Motor Vehicle shall not issue or renew an enhanced security driver's license, enhanced security commercial driver's license, or enhanced security identification card after the expiration of this subchapter.

(c) An enhanced security driver's license, enhanced security commercial driver's license, or enhanced security identification card issued before the expiration date of this subchapter and that the normal expiration date falls after the expiration date of this subchapter shall remain valid for the full duration of the license period.

History. Acts 2009, No. 1308, § 1; 2011, No. 350, § 1.

CHAPTER 17
DRIVER LICENSE COMPACT

SECTION.
27-17-101. Adoption.
27-17-102. Licensing authority.
27-17-103. Executive head.
27-17-104. Compensation of administrator.
27-17-105. Report of actions concerning drivers' licenses.
27-17-106. Incorporation of similar statutes.

27-17-101. Adoption.

The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE I
Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with the state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II
Definitions

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III
Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

ARTICLE IV
Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct has occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V
Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI
Applicability of Other Laws

Except as expressly required by the provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII
Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII
Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

History. Acts 1969, No. 142, § 1; A.S.A. 1947, § 75-2201; Acts 1995, No. 1296, § 93.

27-17-102. Licensing authority.

(a) As used in the compact, the term "licensing authority," with reference to this state, shall mean the Office of Driver Services of the Department of Finance and Administration.

(b) The office shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

History. Acts 1969, No. 142, § 2; A.S.A. 1947, § 75-2202.

27-17-103. Executive head.

As used in the compact, with reference to this state, the term "executive head" shall mean the Governor.

History. Acts 1969, No. 142, § 4; A.S.A. 1947, § 75-2204.

27-17-104. Compensation of administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as the administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

History. Acts 1969, No. 142, § 3; A.S.A. 1947, § 75-2203.

27-17-105. Report of actions concerning drivers' licenses.

Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Office of Driver Services of the Department of Finance and Administration within ten (10) days on forms furnished by the office.

History. Acts 1969, No. 142, § 5; A.S.A. 1947, § 75-2205.

27-17-106. Incorporation of similar statutes.

Subdivisions (1), (2), (3), and (5) of § 27-16-905 are substantially similar to the offenses described under Article IV, paragraphs 1, 2, 3, and 4, of this compact. In addition, subdivision (4) of § 27-16-905, regarding perjury or the making of a false affidavit or statement under oath to the Office of Driver Services, is also incorporated in and made a part of this compact.

History. Acts 1969, No. 142, § 6; A.S.A. 1947, § 75-2206.

CHAPTER 18

DRIVER EDUCATION PROGRAM

SECTION.

27-18-101. Establishment.
27-18-102. Interagency cooperation.
27-18-103. Inclusion of conservation and maintenance materials.
27-18-104. Funding.
27-18-105. Limitation on contracts and other obligations.
27-18-106. Fees.
27-18-107. Instruction as to removal of vehicle from roadway.
27-18-108. Instruction manual.
27-18-109. Driver's instruction manual.
27-18-110. Instruction on accessible parking for persons with disabilities.

27-18-101. Establishment.

(a)(1) The Arkansas State Police Commission is authorized to establish a program of driver education for training, retraining, and testing of motor vehicle drivers and applicants for motor vehicle drivers' licenses.

(2) In connection therewith, the commission shall promulgate reasonable rules and regulations, not inconsistent with law, for furthering the driver education program as authorized by this chapter.

(b) The driver education program, as established by the commission, shall be made available primarily to the various high schools of the state for the purposes set out by this chapter and secondarily for adults and nonschool participants for the same purposes.

History. Acts 1965, No. 531, § 1; A.S.A. 1947, § 75-1901.

27-18-102. Interagency cooperation.

All agencies, boards, commissions, and schools supported from public or private funds are directed to cooperate and lend whatever assistance as may be required for establishing a driver education program under the auspices of the Arkansas State Police Commission.

History. Acts 1965, No. 531, § 4; A.S.A. 1947, § 75-1904.

27-18-103. Inclusion of conservation and maintenance materials.

(a) The Department of Arkansas State Police or any other agency of the state charged with the responsibility of administering a driver training and testing program shall include in any printed driver education materials prepared and distributed by the agency a section on fuel conservation and automobile care and maintenance.

(b) The conservation section of the driver training and education manual shall include guidelines for obtaining the greatest fuel economy from motor vehicles, the proper care and maintenance of the body, engine, transmission, tires, brakes, and other mechanical equipment, and such other information as the agency deems appropriate to better prepare a prospective vehicle driver or owner to operate the vehicle efficiently as well as safely.

History. Acts 1979, No. 755, § 1; A.S.A. 1947, § 75-1907.

27-18-104. Funding.

The costs of operating and maintaining the driver education course as authorized in this chapter shall be payable from the current appropriations and funds available to the Arkansas State Police Commission for its operation and maintenance, including such special revenues as collected and deposited under the provisions of this chapter.

History. Acts 1965, No. 531, § 3; A.S.A. 1947, § 75-1903.

27-18-105. Limitation on contracts and other obligations.

(a) No contracts may be awarded or obligations otherwise incurred in relation to the program described in this chapter in excess of the State Treasury funds actually available as provided by law.

(b) The Arkansas State Police Commission shall have the power to accept and use grants and donations, and to use its unobligated cash income or other funds available to it, for the purpose of supplementing the State Treasury funds for financing the entire cost of the program.

History. Acts 1965, No. 531, § 6; A.S.A. 1947, § 75-1905.

27-18-106. Fees.

(a)(1) For any of the purposes set out in § 27-18-101, the Arkansas State Police Commission is authorized to charge a fee of five dollars ($5.00) for any student of:

(A) An accredited high school;

(B) A state or privately supported college, university, or junior college; and

(C) Any vocational-technical training school engaging in the driver education course.

(2) The commission is further authorized to charge a fee of ten dollars ($10.00) for any other person engaging in the driver education course for the purposes set out in § 27-18-101.

(3) Upon determination that a student or qualified prospective student of the driver education course is unable to pay the fee authorized by this section, the commission shall waive the fee, as it is the purpose and intent of this chapter to provide driver education for the citizens of Arkansas.

(b) Such fees as are collected shall be remitted monthly by the commission to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the operation and maintenance of the commission.

History. Acts 1965, No. 531, § 2; A.S.A. 1947, § 75-1902.

27-18-107. Instruction as to removal of vehicle from roadway.

The Department of Education and the Department of Arkansas State Police shall include instruction within the Department of Education Driver Education and Training Program and the Driver's Manual of the Department of Arkansas State Police concerning the times when a driver involved in an accident must remove his or her vehicle from the roadway. The Department of Arkansas State Police shall include the subject on the examination for a driver's license.

History. Acts 1987, No. 598, § 2.

27-18-108. Instruction manual.

The driver's instruction manual of the Department of Arkansas State Police issued to persons who are preparing to take a driver's license examination shall include information on driver and highway safety matters, including:

(1) The effects of the consumption of beverage alcohol products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) The hazards of driving while under the influence;

(3) The penalties for driving while under the influence;

(4) The effect and hazards of discarding litter upon or along the public highways of Arkansas and the penalties for violations of the Litter Control Act, § 8-6-401 et seq.; and

(5) The effects and hazards of unsafe driving through highway work zones and the penalties for violations for driving unsafely through highway work zones.

History. Acts 1995, No. 711, § 1; 1995, No. 1105, § 1; 2001, No. 853, § 1.

27-18-109. Driver's instruction manual.

(a) The driver's instruction manual issued by the Department of Arkansas State Police shall include information related to organ and tissue donation education.

(b) The Department of Arkansas State Police may coordinate with the Department of Health and the Arkansas Regional Organ Recovery Agency in developing information to include in the manual.

(c) Information regarding organ donation education shall be included in the manual in the first reprinting and subsequent reprintings of the manual following passage of this section, § 6-16-501, and § 21-4-215.

History. Acts 2003, No. 546, § 2.

27-18-110. Instruction on accessible parking for persons with disabilities.

(a) The driver's instruction manual issued by the Department of Arkansas State Police shall include information related to accessible parking for a person with a disability, including without limitation:

(1) The importance of accessible parking for a person with a disability; and

(2) The penalties for the unauthorized use of parking designated for the exclusive use of a person with a disability.

(b) The department may coordinate with the Arkansas Governor's Commission on People with Disabilities in developing information to include in the manual.

History. Acts 2007, No. 753, § 6.

CHAPTER 19

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

SUBCHAPTER.
1. General Provisions.
2. Definitions.
3. Penalties and Administrative Sanctions.
4. Administration.
5. Accident Reports.
6. Security Following Accident.
7. Proof of Future Financial Responsibility.

Subchapter 1 — General Provisions

SECTION.
27-19-101. Title.
27-19-102. Construction.
27-19-103. Civil actions not precluded.
27-19-104. Provisions deemed supplemental.
27-19-105. Nonapplicable to vehicles insured under other laws.
27-19-106. Assigned risk plans.
27-19-107. Self-insurers.

27-19-101. Title.

This chapter may be cited as the "Motor Vehicle Safety Responsibility Act".

History. Acts 1953, No. 347, § 94; A.S.A. 1947, § 75-1493.

27-19-102. Construction.

(a) This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

(b) Subchapter and section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any subchapter or section of this chapter.

History. Acts 1953, No. 347, §§ 85, 92; A.S.A. 1947, §§ 75-1485, 75-1492.

27-19-103. Civil actions not precluded.

Nothing in this chapter shall be construed as preventing the plaintiff in any civil action from relying for relief upon the other processes provided by law.

History. Acts 1953, No. 347, § 91; A.S.A. 1947, § 75-1491.

27-19-104. Provisions deemed supplemental.

This chapter shall in no respect be considered as a repeal of the state motor vehicle laws but shall be construed as supplemental thereto.

History. Acts 1953, No. 347, § 89; A.S.A. 1947, § 75-1489.

27-19-105. Nonapplicable to vehicles insured under other laws.

Except for §§ 27-19-501, 27-19-503, and 27-19-718, this chapter shall not apply with respect to any vehicle which is subject to the requirements of laws of this state requiring insurance or other security on motor vehicles.

History. Acts 1953, No. 347, § 87; A.S.A. 1947, § 75-1487.

27-19-106. Assigned risk plans.

(a)(1) After consultation with the insurance companies authorized to issue automobile liability policies or automobile physical damage policies in this state, the Insurance Commissioner shall approve a reasonable plan, fair to the insurers and equitable to their policyholders, for the apportionment among such companies of applicants for policies of automobile liability or automobile physical damage, who are in good faith entitled to but are unable to procure such policy or policies through ordinary methods.

(2) The commissioner may also include within such plan and require the insurance companies to provide those applicants referred to in this section with policies affording additional coverage for medical benefits up to five hundred dollars ($500) per occupant and uninsured motorist coverage in amounts as the commissioner may by plan prescribe, so as to afford a comprehensive minimum package of insurance coverage.

(3) When any such plan has been approved, all the insurance companies shall subscribe thereto and participate therein.

(b)(1)(A) Any applicant for such policy, any person insured under any such plan, and any insurance company affected, may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate the plan.

(B) At the conclusion, the plan shall prepare a memorandum of decision and a written transcript of its proceedings and deliberations as to the applicant, insured or insurer.

(C) Upon any subsequent appeal to the commissioner, he or she shall be furnished the written transcript of the proceedings before the plan and the written memorandum of decision.

(D) The commissioner shall, within thirty (30) days after submission of the transcript and memorandum of decision, render his or her decision on the appeal, which decision shall be based on the transcript and memorandum of decision submitted.

(E) The commissioner shall promptly notify the plan and the appellant applicant, insured or insurer, in writing of his or her decision on appeal.

(2)(A) Any order or act of the commissioner under the provisions of this section shall be subject to review by appeal to the Pulaski County Circuit Court at the instance of any party in interest.

(B) The court shall determine whether the filing of the appeal shall operate as a stay of any order or act of the commissioner, and the court shall summarily hear the matter.

(C) The court may, in disposing of the issue before it, modify, affirm, or reverse the order or act of the commissioner in whole or in part.

(c) In the courts of this state, the plan may sue and be sued in its own name.

History. Acts 1953, No. 347, § 86; 1969, No. 401, § 1; 1971, No. 219, § 1; A.S.A. 1947, § 75-1486; Acts 1995, No. 1272, §§ 22, 23.

27-19-107. Self-insurers.

(a) Any religious denomination which has more than twenty-five (25) members who own motor vehicles registered in this state and which prohibits its members from purchasing insurance of any form as being contrary to its religious tenets, or any person in whose name more than twenty-five (25) vehicles are registered in this state or any political subdivision or municipality of this state, individually or collectively, may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Office of Motor Vehicle as provided in subsection (b) of this section.

(b)(1) The office may, in its discretion, upon the application of the religious denomination, person, political subdivision, or municipality, individually or collectively, issue a certificate of self-insurance when it is satisfied that the religious denomination, person, political subdivision, or municipality is possessed and will continue to be possessed of ability to pay judgments against them.

(2) The certificate may be issued authorizing a religious denomination, person, political subdivision, or municipality, individually or collectively, to act as a self-insurer for either property damage or bodily injury, or both.

(c)(1) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the office may, upon reasonable grounds, cancel a certificate of self-insurance.

(2) Failure to pay any judgment within thirty (30) days after the judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

History. Acts 1953, No. 347, § 88; A.S.A. 1947, § 75-1488; Acts 1987, No. 590, § 4; 1989, No. 189, § 1.

Subchapter 2 — Definitions

SECTION.

27-19-201. Definitions generally.
27-19-202. Commissioner.
27-19-203. Chauffeur.
27-19-204. Driver.
27-19-205. License.
27-19-206. Motor vehicle.
27-19-207. Nonresident.
27-19-208. Nonresident's operating privilege.
27-19-209. Office.
27-19-210. Operator.
27-19-211. Owner.
27-19-212. Person.
27-19-213. Registration.
27-19-214. Vehicle.

27-19-201. Definitions generally.

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

History. Acts 1953, No. 347, § 1; A.S.A. 1947, § 75-1401.

27-19-202. Commissioner.

"Commissioner" means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles of this state.

History. Acts 1953, No. 347, § 3; A.S.A. 1947, § 75-1403.

27-19-203. Chauffeur.

"Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property except a person who operates a motor vehicle as a public or common carrier of persons over a regular route on a fixed schedule within the limits of any city or town or over a regular route on a fixed schedule between cities and towns where the boundaries between them are not more distant than five (5) miles.

History. Acts 1953, No. 347, § 2; 1959, No. 307, § 2; A.S.A. 1947, § 75-1402.

27-19-204. Driver.

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

History. Acts 1953, No. 347, § 5; A.S.A. 1947, § 75-1405.

27-19-205. License.

"License" means any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state, including:

(1) Any temporary license or instruction permit;

(2) The privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and

(3) Any nonresident's operating privilege as defined in § 27-19-208.

History. Acts 1953, No. 347, § 6; A.S.A. 1947, § 75-1406.

27-19-206. Motor vehicle.

"Motor vehicle" 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.

History. Acts 1953, No. 347, § 7; A.S.A. 1947, § 75-1407.

27-19-207. Nonresident.

"Nonresident" means every person who is not a resident of this state.

History. Acts 1953, No. 347, § 8; A.S.A. 1947, § 75-1408.

27-19-208. Nonresident's operating privilege.

"Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the person of a motor vehicle or the use of a vehicle owned by the person, in this state.

History. Acts 1953, No. 347, § 9; A.S.A. 1947, § 75-1409.

27-19-209. Office.

"Office" means the Office of Driver Services of this state.

History. Acts 1953, No. 347, § 4; A.S.A. 1947, § 75-1404.

27-19-210. Operator.

"Operator" means every person other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

History. Acts 1953, No. 347, § 10; A.S.A. 1947, § 75-1410.

27-19-211. Owner.

"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 chapter.

History. Acts 1953, No. 347, § 11; A.S.A. 1947, § 75-1411.

27-19-212. Person.

"Person" means every natural person, firm, copartnership, association, corporation, or any political subdivision of the State of Arkansas, individually or collectively, which shall include all counties, municipal corporations, public transit authorities, school districts, special improvement districts, and any other political subdivision.

History. Acts 1953, No. 347, § 12; A.S.A. 1947, § 75-1412; Acts 1987, No. 590, § 3.

27-19-213. Registration.

"Registration" means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

History. Acts 1953, No. 347, § 13; A.S.A. 1947, § 75-1413.

27-19-214. Vehicle.

"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.

History. Acts 1953, No. 347, § 14; A.S.A. 1947, § 75-1414.

Subchapter 3 — Penalties and Administrative Sanctions

SECTION.

27-19-301. Penalty generally.
27-19-302. Penalty for failure to report accident.
27-19-303. Penalty for erroneous report or forgery.
27-19-304. Penalty for operating motor vehicle when license or registration suspended or revoked.
27-19-305. Penalty for failure to return license or registration.
27-19-306. Surrender of license and registration.
27-19-307. Transfer of registration to defeat provisions prohibited.

27-19-301. Penalty generally.

Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than five hundred dollars ($500) or imprisoned not more than ninety (90) days, or both.

History. Acts 1953, No. 347, § 84; A.S.A. 1947, § 75-1484.

27-19-302. Penalty for failure to report accident.

Failure to report a motor vehicle accident or to furnish additional information as required under §§ 27-19-501, 27-19-507, and 27-19-509, shall be punished by a fine not in excess of one hundred dollars ($100).

History. Acts 1953, No. 347, § 80; A.S.A. 1947, § 75-1480.

27-19-303. Penalty for erroneous report or forgery.

Any person who gives information required in a report or otherwise required for such purpose knowing or having reason to believe that the information is false or who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than one (1) year, or both.

History. Acts 1953, No. 347, § 81; A.S.A. 1947, § 75-1481.

27-19-304. Penalty for operating motor vehicle when license or registration suspended or revoked.

Any person whose license or registration has been suspended or revoked under this chapter and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any vehicle of a type subject to registration under the laws of this state owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than five hundred dollars ($500) or imprisoned not exceeding six (6) months, or both.

History. Acts 1953, No. 347, § 82; A.S.A. 1947, § 75-1482.

27-19-305. Penalty for failure to return license or registration.

Any person willfully failing to return license or registration as required in § 27-19-306 shall be fined not more than five hundred dollars ($500) or imprisoned not to exceed thirty (30) days, or both.

History. Acts 1953, No. 347, § 83; A.S.A. 1947, § 75-1483.

27-19-306. Surrender of license and registration.

(a) Any person whose license or registration shall have been suspended under any provisions of this chapter, or whose policy of insurance or bond, when required under this chapter shall have been cancelled or terminated, shall immediately return his or her license and registration to the Office of Driver Services.

(b) If any person shall fail to return to the office the license or registration as provided in this section, the office may direct any peace officer or person so designated by the office to secure possession thereof and to return it to the office.

History. Acts 1953, No. 347, § 79; 1973, No. 585, § 6; 1975, No. 1007, § 14; A.S.A. 1947, § 75-1479.

27-19-307. Transfer of registration to defeat provisions prohibited.

(a) If an owner's registration has been suspended under this chapter, the registration shall not be transferred nor the vehicle in respect to which the registration was issued be registered in any other name until the Office of Driver Services is satisfied that the transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(b) Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee, or lessor of a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

(c) The office shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

History. Acts 1953, No. 347, § 78; A.S.A. 1947, § 75-1478.

Subchapter 4 — Administration

SECTION.

27-19-401. Responsibility.
27-19-402. Rules and regulations.
27-19-403. Forms.
27-19-404. Procedure for suspension of license.
27-19-405. Requests of persons aggrieved.
27-19-406. Operating record to be furnished.
27-19-407. Public inspection of records.
27-19-408. Court review.

27-19-401. Responsibility.

The Director of the Department of Finance and Administration shall administer and enforce the provisions of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

27-19-402. Rules and regulations.

The Director of the Department of Finance and Administration may make rules and regulations necessary for the administration of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

27-19-403. Forms.

The Director of the Department of Finance and Administration shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

27-19-404. Procedure for suspension of license.

No suspension provided for under any of the provisions of this chapter shall be issued by the Office of Driver Services until the following provisions of this section have been complied with:

(1) The office shall incorporate in its notice of security requirement or suspension a warning that the licensee has the right to a hearing if he or she desires a hearing prior to the suspension of his or her license;

(2) The only subject to be considered at this hearing shall be whether or not there is a reasonable possibility that a judgment could be rendered against the licensee in a lawsuit arising out of the accident;

(3) A hearing officer appointed by the Director of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the director for such hearings. The hearing shall be in the office in the county of residence of the licensee unless the director and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4)(A) The licensee may, if he or she wishes, submit his or her cause to the office for determination upon the investigating officer's report, thereby waiving a formal hearing.

(B) Such a determination shall have all of the force and effect of a formal hearing;

(5) Any licensee desiring a hearing under the provisions of this section shall notify the Department of Finance and Administration in writing within twenty (20) days of receipt of the notice of security requirement or suspension. Hearings conducted under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(6)(A) The licensee may request a hearing after the twenty-day period has passed;

(B) If the hearing is requested after the order of suspension has gone into effect, the request will not operate as a stay of the order of suspension which will remain in effect and be terminated only in the event a decision favorable to the licensee is rendered at the hearing.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; Acts 1987, No. 976, § 3; 2001, No. 1057, § 2.

27-19-405. Requests of persons aggrieved.

The Director of the Department of Finance and Administration shall receive and consider any pertinent information upon request of persons aggrieved by his or her orders or acts under any of the provisions of this chapter.

History. Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

27-19-406. Operating record to be furnished.

(a) The Office of Driver Services shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which shall include enumeration of any motor vehicle accidents in which the person has been involved and reference to any convictions of the person for violation of the motor vehicle laws as reported to the office, and a record of any vehicles registered in the name of the person.

(b) The office shall collect for each abstract the sum of fifty cents (50¢) for each page.

History. Acts 1953, No. 347, § 17; A.S.A. 1947, § 75-1417.

27-19-407. Public inspection of records.

All records of the Office of Driver Services shall be open to public inspection at any reasonable time.

History. Acts 1953, No. 347, § 17; A.S.A. 1947, § 75-1417.

27-19-408. Court review.

(a) Any order or act of the Director of the Department of Finance and Administration under the provisions of this chapter shall be subject to a de novo petition of review in the circuit court of the district in which any party of interest resides.

(b) The filing of a petition of review shall not operate as an automatic stay of any order or act of the director.

(c) A determination shall be made by the circuit judge on the issue of whether a stay should be granted.

(d) The circuit judge is vested with the jurisdiction to determine whether the petitioner is entitled to a license or whether the act or order of the director should be affirmed, modified, or reversed.

History. Acts 1953, No. 347, § 16; 1975, No. 1007, § 1; A.S.A. 1947, § 75-1416; Acts 1987, No. 976, § 4.

Subchapter 5 — Accident Reports

SECTION.

27-19-501. Report required.
27-19-502. Form of report.
27-19-503. Presumption of uninsured.
27-19-504. Proof of insurance.
27-19-505. Insurance report.
27-19-506. Failure of insurance carrier to file reports.
27-19-507. Additional information.
27-19-508. Suspension for failure to report.
27-19-509. Incapacity to report.
27-19-510. Confidentiality of information.

27-19-501. Report required.

The driver of a vehicle of a type subject to registration under the motor vehicle laws of this state that is in any manner involved in an accident within this state which accident has resulted in damage to

the property of any one (1) person in excess of one thousand dollars ($1,000) or in bodily injury to or in the death of any person shall report the accident to the Office of Driver Services within thirty (30) days after the accident on an electronic or paper form approved by the Director of the Department of Finance and Administration subject to the exemptions provided in §§ 27-19-509 and 27-19-604.

History. Acts 1953, No. 347, § 18; 1973, No. 334, § 1; 1975, No. 1007, § 2; A.S.A. 1947, § 75-1418; Acts 1991, No. 721, § 1; 2001, No. 1156, § 1; 2005, No. 199, § 1.

27-19-502. Form of report.

The form of accident report prescribed by the Office of Driver Services shall contain information sufficient to enable the office to determine whether the requirements for the deposit of security under this chapter are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter.

History. Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419.

27-19-503. Presumption of uninsured.

There shall be a presumption created that a motorist and the vehicle the motorist is operating are uninsured if the motorist has failed within ninety (90) days of the date of an accident to file or cause to be filed in his or her behalf a certificate proving that the motorist or the vehicle the motorist is operating is insured in at least minimum insurance limits as required by law, and any person alleging or contending that the motorist or the vehicle the motorist is operating is insured shall have the burden of proving that coverage.

History. Acts 1953, No. 347, § 18; 1973, No. 334, § 1; 1975, No. 1007, § 2; A.S.A. 1947, § 75-1418; Acts 2003, No. 1043, § 1.

27-19-504. Proof of insurance.

The existence of insurance must be proved by means of an insurance report, which shall be on an electronic or paper form approved by the Office of Driver Services.

History. Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419; Acts 2001, No. 1156, § 2.

27-19-505. Insurance report.

Unless filed electronically, the insurance report must be signed in ink and forwarded to the Office of Driver Services by the liability insurance carrier or an authorized agent of the insurance carrier within fifty (50) days of the date of the accident.

History. Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419; Acts 2001, No. 1156, § 3.

27-19-506. Failure of insurance carrier to file reports.

When the Office of Driver Services has determined that an insurance carrier has failed to file insurance reports within the required fifty (50) days, the office shall, in its discretion, determine whether the insurance carrier is negligent in filing the required reports and may refuse to accept any further filings of proof of financial responsibility from the insurance carrier.

History. Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419.

27-19-507. Additional information.

The driver or the owner of the vehicle involved in the accident shall furnish any additional revenue information as the Office of Driver Services may require.

History. Acts 1953, No. 347, § 21; A.S.A. 1947, § 75-1421.

27-19-508. Suspension for failure to report.

The Office of Driver Services is authorized, in its discretion, to suspend the license of any person who fails to report an accident or to give correct information in connection with the report as required by the office until the report has been filed and for a further period, not to exceed thirty (30) days, as the office may determine.

History. Acts 1953, No. 347, § 22; A.S.A. 1947, § 75-1422.

27-19-509. Incapacity to report.

(a) An accident report is not required under this subchapter from any person who is physically incapable of making report during the period of incapacity.

(b) If any driver is physically incapable of making a required accident report and is not the owner of the vehicle involved in the accident, then the owner of the vehicle shall, within five (5) days after he or she learns of the accident, make the report not made by the driver.

History. Acts 1953, No. 347, § 20; A.S.A. 1947, § 75-1420.

27-19-510. Confidentiality of information.

Accident reports and supplemental information in connection therewith required under this subchapter may be examined by any person named in the report or his or her representative designated in writing but shall not be open to general public inspection, nor shall copying of lists of accident reports be permitted.

History. Acts 1953, No. 347, § 23; A.S.A. 1947, § 75-1423.

Subchapter 6 — Security Following Accident

SECTION.

27-19-601. Applicability generally.
27-19-602. Applicability to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.
27-19-603. Determination and notice of amount of security required.
27-19-604. Exceptions to security requirement.
27-19-605. Requirements as to policy or bond.
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27-19-616. Termination of security requirements.
27-19-617. Disposition of security.
27-19-618. Return of deposit.
27-19-619. Forfeiture when not claimed within certain period.
27-19-620. Corrective administrative action.
27-19-621. Matters not to be evidence in civil actions.

27-19-601. Applicability generally.

The provisions of this subchapter requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one (1) person in excess of five hundred dollars ($500).

History. Acts 1953, No. 347, § 24; 1973, No. 499, § 1; A.S.A. 1947, § 75-1424; Acts 1991, No. 721, § 2.

27-19-602. Applicability to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.

(a) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no license or registration in this state, then the driver shall not be allowed a license, nor shall the owner be allowed to register any vehicle in this state until he or she has complied with the requirements of this subchapter, to the same extent that would be necessary if, at the time of the accident, he or she had held a license or been the owner of a vehicle registered in this state.

(b) When a nonresident's operating privilege is suspended pursuant to § 27-19-610, the office shall transmit a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.

(c)(1) Upon receipt of certification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the office to suspend a nonresident's operating privilege had the accident occurred in this state, the Office of Driver Services shall suspend the license of the resident if he or she was the driver and all of his or her registrations if he or she was the owner of a motor vehicle involved in such accident.

(2) The suspension shall continue until the resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of such security.

History. Acts 1953, No. 347, § 36; A.S.A. 1947, § 75-1436.

27-19-603. Determination and notice of amount of security required.

(a)(1) Within thirty (30) days after an accident has occurred, and provided the accident has been reported to the Office of Driver Services within thirty (30) days, the office shall determine the amount of security which shall be deposited to satisfy any judgment for damages resulting from the accident as may be recovered against each driver or owner based on an amount equal to the minimum limits specified in § 27-19-605. The amount of security required to be deposited shall be:

(A) If the accident resulted in bodily injury or death to one (1) person, twenty-five thousand dollars ($25,000);

(B) If the accident resulted in bodily injury or death to two (2) or more persons in any one (1) accident, fifty thousand dollars ($50,000);

(C) If the accident resulted in the injury to or the destruction of property of others in any one (1) accident, twenty-five thousand dollars ($25,000); or

(D) If the accident resulted in both bodily injury or death and in the destruction of property, a combination of the amounts specified in subdivisions (a)(1)(A)-(C) of this section.

(2) Determination shall not be made with respect to drivers or owners who are exempt under provisions of any other section of this chapter from the requirements as to security or suspension of motor vehicle registration and driving privilege.

(b)(1) The office shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. The office's determination shall be limited to whether the accident resulted in bodily injury or death to one (1) person or two (2) or more persons in any one (1) accident or to injury to or destruction of

property of others in any one (1) accident, or a combination of these.

(2) In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the existence of any injuries or damage to his or her property within thirty (30) days after the accident and the office has issued reasonable notice to such person if it is possible to give the notice, otherwise without notice, then the office shall not require any deposit of security for the benefit or protection of such person.

(c) The office, no sooner than fifty (50) days after the date of an accident as referred to in this chapter, and upon determining the amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident, shall give written notice to every person of the amount of security required to be deposited by him or her and then an order of suspension will be made upon the expiration of twenty (20) days after the sending of the notice unless within that time security is deposited as required by the notice.

History. Acts 1953, No. 347, § 25; 1973, No. 585, § 2; 1975, No. 1007, § 3; A.S.A. 1947, § 75-1425; Acts 1993, No. 912, § 1; 1999, No. 1527, § 1.

27-19-604. Exceptions to security requirement.

The requirements as to security and suspension in this subchapter shall not apply to:

(1) The driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle and the driver's operation of the vehicle involved in the accident providing the minimum coverage required under § 27-22-104, except that a driver shall not be exempt under this subdivision if at the time of the accident, the vehicle was being operated without the owner's permission, express or implied;

(2) The driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his or her driving of vehicles not owned by him or her;

(3) A driver or owner whose liability for damages resulting from the accident is, in the judgment of the Office of Driver Services, covered by any other form of liability insurance policy or bond;

(4) Any person qualifying as a self-insurer under § 27-19-107 or any person operating a vehicle for the self-insurer;

(5) The driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner;

(6) The driver or owner of a vehicle which at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(7) The owner of a vehicle if at the time of the accident the vehicle was being operated without his or her permission, express or implied, or was parked by a person who had been operating such vehicle without permission;

(8) The owner of a vehicle involved in an accident if at the time of the accident the vehicle was owned by or leased to the United States, this state, or any political subdivision of this state, or a municipality thereof, or the driver of the vehicle if operating the vehicle with permission; or

(9) The driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his or her duties, shall have assumed custody of such vehicle.

History. Acts 1953, No. 347, § 26; A.S.A. 1947, § 75-1426; Acts 2007, No. 485, §§ 7, 9.

27-19-605. Requirements as to policy or bond.

(a) No policy or bond shall be effective under § 27-19-604 unless issued by an insurance company or surety company authorized to do business in this state except as provided in subsection (b) of this section, nor unless the policy or bond is subject, if the accident resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars ($25,000) because of bodily injury or death of one (1) person in any one (1) accident and subject to said limit for one (1) person, to a limit of not less than fifty thousand dollars ($50,000) because of bodily injury or death of two (2) or more persons in any one (1) accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars ($25,000) because of injury to or destruction of property of others in any one (1) accident.

(b) No policy or bond shall be effective under § 27-19-604 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the Director of the Department of Finance and Administration to accept service on its behalf of notice or process in any action upon such policy or bond arising out of an accident.

(c) The Office of Driver Services may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the office has reason to believe that the information is erroneous.

History. Acts 1953, No. 347, § 27; 1959, No. 307, § 18; 1981, No. 478, § 1; A.S.A. 1947, § 75-1427; Acts 1999, No. 1527, § 2.

27-19-606. Designation of persons covered.

Every depositor of security shall designate in writing every person in whose name the deposit is made and may at any time change the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

History. Acts 1953, No. 347, § 28; A.S.A. 1947, § 75-1428.

27-19-607. Form and amount of security.

The security required under this subchapter shall be in such form as the office may require and shall be in such amount equal to the minimum amounts specified in § 27-19-605 based on the determination of whether the accident resulted in bodily injury or death to one (1) or more people, or injury to or destruction of property of others, or both.

History. Acts 1953, No. 347, § 28; A.S.A. 1947, § 75-1428; Acts 1993, No. 912, § 2.

27-19-608. Reduction in premium for certain persons completing accident prevention course.

(a)(1) Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the Insurance Commissioner shall provide for an appropriate reduction in premium charges for those insured who are fifty-five (55) years of age and older for a three-year period after successfully completing a motor vehicle accident prevention course meeting the Office of Motor Vehicle's criteria.

(2) All insurance companies writing automobile liability and physical damage insurance in Arkansas shall allow an appropriate reduction in premium charges to all eligible persons subject to this section.

(b) The approved course shall be taught by an instructor approved by the office.

(c) There shall be no reduction in premiums for a self-instructed course or a course which does not provide for actual classroom or field driving instruction for a minimum number of hours as determined by the office.

(d) Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency a certificate which shall be the basis of qualification for the discount on insurance.

(e) Each participant shall take an approved course each three (3) years to continue to be eligible for the discount on insurance.

History. Acts 1981, No. 718, §§ 1-5; A.S.A. 1947, §§ 75-1427.1 — 75-1427.5; Acts 1992 (1st Ex. Sess.), No. 12, § 1; 1992 (1st Ex. Sess.), No. 14, § 1.

27-19-609. Authority to adjust amount limited.

(a) The Office of Driver Services may adjust the amount of security ordered in any case within six (6) months after the date of the accident, but only if and limited to the extent it determines a mistake was made in determining whether the accident resulted in bodily injury or death to one (1) person or two (2) or more persons in any one (1) accident or to the injury to or the destruction of property of others in any one (1) accident, or a combination of these.

(b) In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

History. Acts 1953, No. 347, § 37; 1975, No. 1007, § 6; A.S.A. 1947, § 75-1437; Acts 1993, No. 912, § 3.

27-19-610. Suspension for failure to deposit security.

(a) In the event that any person required to deposit security under this subchapter fails to deposit the security within twenty (20) days after the Office of Driver Services has sent the notice as provided in § 27-19-603, the office shall thereupon suspend:

(1) The license of each driver in any manner involved in the accident;

(2) The registration of all vehicles owned by the owner of each vehicle of a type subject to registration under the laws of this state;

(3) If the driver is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state; and

(4) If such owner is a nonresident, the privilege of the owner to operate or permit the operation within this state of a vehicle of a type subject to registration under the laws of this state.

(b) Suspensions shall be made in respect to persons required by the office to deposit security who fail to deposit the security, except as otherwise provided under this subchapter.

(c) In the discretion of the office, the suspension of the motor vehicle registration and driving privilege shall not wholly deprive innocent persons of their livelihood.

History. Acts 1953, No. 347, § 29; 1973, No. 585, § 3; 1975, No. 1007, § 4; A.S.A. 1947, § 75-1429.

27-19-611. Duration of suspension.

Unless a suspension is terminated under other provisions of this subchapter, any order of suspension by the Office of Driver Services under this subchapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:

(1) The person shall deposit or there shall be deposited on his or her behalf the security required under this subchapter; or

(2)(A) One (1) year shall have elapsed following the date of the suspension, and evidence satisfactory to the Office of Driver Services has been filed with it that during such period no action for damages arising out of the accident resulting in the suspension has been instituted.

(B)(i) An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact.

(ii) The office may take whatever steps are necessary to verify the statement set forth in any affidavit.

History. Acts 1953, No. 347, § 35; A.S.A. 1947, § 75-1435.

27-19-612. Agreements for payment of damages.

(a) Any two (2) or more of the persons involved in, or affected by, an accident as described in § 27-19-601 may, at any time, enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury or death or property damage arising from the accident, which may provide for payment in installments, and may file a signed copy thereof with the Office of Driver Services.

(b) In the event any such written agreement is filed with the office, the office shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the office shall immediately return the security to the depositor or his personal representative.

(c)(1) In the event of a default in any payment under the agreement and upon notice of default within one (1) year, the office shall take action suspending the license or the registration or both the license and registration of such person in default as would be appropriate in the event of failure of the person to deposit security when required under this subchapter.

(2) The suspension shall remain in effect and the license or registration shall not be restored unless and until:

(A) Security is deposited as required under this subchapter in such amount as the office may then determine is required under this subchapter;

(B) When, following any such default and suspension, the person in default has paid the balance of the agreed amount; or

(C) One (1) year has elapsed following the effective date of the suspension, and evidence satisfactory to the office has been filed with the office that during that period no action at law upon the agreement has been instituted and is pending.

History. Acts 1953, No. 347, § 32; 1975, No. 1007, § 5; A.S.A. 1947, § 75-1432; Acts 1993, No. 912, § 4.

27-19-613. Release from liability.

(a) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he or she is released from liability by such other person.

(b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this subchapter.

(c) In the event the Office of Driver Services determines the injuries or damage to any minor is less than the amount required for depositing security for an accident under § 27-19-601, the office may accept, for the purposes of this subchapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of the minor without the approval of any court or judge.

History. Acts 1953, No. 347, § 30; A.S.A. 1947, § 75-1430; Acts 1993, No. 912, § 5.

27-19-614. Adjudication of nonliability.

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event the person has been finally adjudicated not to be liable in respect to such claim.

History. Acts 1953, No. 347, § 31; A.S.A. 1947, § 75-1431.

27-19-615. Payment upon judgment.

The payment of a judgment arising out of an accident or the payment upon the judgment of an amount equal to the maximum amount which could be required for deposit under this subchapter shall, for the purposes of this subchapter, release the judgment debtor from the liability evidenced by the judgment.

History. Acts 1953, No. 347, § 33; A.S.A. 1947, § 75-1433.

27-19-616. Termination of security requirements.

(a) The Office of Driver Services, if satisfied as to the existence of any fact which under §§ 27-19-612 — 27-19-615 would entitle a person to be relieved from the security requirements of this subchapter, shall not require the deposit of security by the person so relieved from the requirements and shall terminate any prior order of suspension in regard to the person, or, if security has previously been deposited by the person, the office shall immediately return the deposit to him or her or to his or her personal representative.

(b) If any person under suspension has received a settlement from the adverse party or his or her

liability insurance carrier reimbursing him or her for his or her property damages and personal injuries, then the office shall not suspend his or her license and registration, and if his or her license and registration have been suspended, they shall be reinstated, and, if any such person has deposited security with the office and a settlement is subsequently made, he or she shall be entitled to the return of his or her security deposit upon proof satisfactory to the office of such settlement.

History. Acts 1953, No. 347, § 34; 1959, No. 60, § 1; A.S.A. 1947, § 75-1434.

27-19-617. Disposition of security.

(a) Security provided under this subchapter shall be applicable and available only for:

(1) The payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit; or

(2) The payment of a judgment rendered against the person required to make the deposit for damages arising out of the accident in an action at law begun not later than one (1) year after the deposit of such security, or within one (1) year after the date of deposit of any security following failure to make payments under an agreement to pay.

(b) Every distribution of funds from the security deposits shall be subject to the limits of the amounts required under this subchapter.

History. Acts 1953, No. 347, § 40; A.S.A. 1947, § 75-1440; Acts 1993, No. 912, § 6.

27-19-618. Return of deposit.

(a) Upon the expiration of one (1) year from the date of any deposit of security, any security remaining on deposit shall be returned to the person who made the deposit, or to his or her personal representative, if an affidavit or other evidence satisfactory to the Office of Driver Services has been filed with it that:

(1) No action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made; and

(2) There does not exist any unpaid judgment rendered against any person in such an action.

(b) Subsection (a) of this section shall not be construed to limit the return of any deposit of security under any other provision of this subchapter authorizing the return.

History. Acts 1953, No. 347, § 41; A.S.A. 1947, § 75-1441.

27-19-619. Forfeiture when not claimed within certain period.

(a)(1) Whenever any person shall be required to deposit security for the payment of damages arising out of a motor vehicle accident as described in this chapter and the requirement for the depositing of the security is terminated, the Office of Driver Services shall, by ordinary mail at his or her last known address, notify the person within ninety (90) days that he or she may claim the deposit.

(2)(A) If the person fails to claim the deposit within five (5) years from the date of the termination of the requirement for the deposit of such security, then the amount so deposited shall be forfeited to the State of Arkansas.

(B) Any and all amounts forfeited shall be deposited into the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund.

(3) Not less than ninety (90) days before the expiration of the five-year period, the office shall notify the owner of the deposit by certified or registered mail at his or her last known address that unless he or she claims the deposit within ninety (90) days, it shall be forfeited to the state.

(b) If any person whose deposit of security is forfeited pursuant to this section makes request therefor and furnishes to the office satisfactory proof that he or she was an active member of the armed services of the United States at the time of the forfeiture, the office shall by memorandum so notify the Auditor of State, and the amount of the forfeited deposit shall be paid to the depositor upon voucher and warrant drawn upon and payable from any funds appropriated for miscellaneous tax refunds.

History. Acts 1969, No. 296, § 1; 1975, No. 1007, § 9; A.S.A. 1947, § 75-1441.1.

27-19-620. Corrective administrative action.

(a) Whenever the Office of Driver Services has taken any action or has failed to take any action under this subchapter by reason of having received erroneous information or by reason of having received insufficient information, then correcting information may be submitted within one (1) year of the accident, if an accident report has been filed, whereupon the office shall take appropriate action to carry out the purposes and effect of this chapter.

(b) Subsection (a) of this section shall not, however, be deemed to require the office to either redetermine the amount of any deposit required under this subchapter or to act upon any accident report not filed pursuant to §§ 27-19-501 and 27-19-509.

History. Acts 1953, No. 347, § 38; 1975, No. 1007, § 7; A.S.A. 1947, § 75-1438; Acts 1993, No. 912, § 7.

27-19-621. Matters not to be evidence in civil actions.

The report required following an accident, the action taken by the Office of Driver Services pursuant to this chapter, the findings, if any, of the office upon which such action is based, and the security

filed as provided in this chapter shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any civil action to recover damages.

History. Acts 1953, No. 347, § 42; 1975, No. 1007, § 10; A.S.A. 1947, § 75-1442.

Subchapter 7 — Proof of Future Financial Responsibility

SECTION.

27-19-701. Definitions.
27-19-702. Applicability.
27-19-703. Suspension or revocation of license for conviction or bail forfeiture — Exceptions.
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27-19-705. Action as to nonresidents.
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27-19-717. Money or security as proof.
27-19-718. Owner may give proof for others.
27-19-719. Substitution of proof.
27-19-720. Other proof may be required.
27-19-721. Cancellation, return, or waiver of proof.

27-19-701. Definitions.

As used in this subchapter:

(1) "Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for damages;

(2)(A) "Proof of financial responsibility for the future" means proof of ability to respond in damages for liability, on account of accidents occurring subsequently to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, in the amount of twenty-five thousand dollars ($25,000) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of twenty-five thousand dollars ($25,000) because of injury to or destruction of property of others in any one (1) accident.

(B) Wherever used in this subchapter, the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future"; and

(3) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province or territory of Canada.

History. Acts 1953, No. 347, §§ 44, 45; 1959, No. 307, § 19; 1981, No. 478, § 2; A.S.A. 1947, §§ 75-1444, 75-1445; Acts 1999, No. 1527, § 3.

27-19-702. Applicability.

The provisions of this subchapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or who have failed to pay judgments upon causes of action arising out of ownership, maintenance, or use of vehicles of a type subject to registration under the laws of this state.

History. Acts 1953, No. 347, § 43; A.S.A. 1947, § 75-1443.

27-19-703. Suspension or revocation of license for conviction or bail forfeiture — Exceptions.

(a) Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail, the Office of Driver Services shall suspend the registration of all vehicles registered in the name of the person as owner, except that:

(1) If the owner has previously given or shall immediately give and thereafter maintains proof of financial responsibility for the future with respect to all vehicles registered by the person as the owner, the office shall not suspend the registration unless otherwise required by law; or

(2) If a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, this state, or any political subdivision of this state, or a municipality thereof, the office shall suspend or revoke the license only with respect to the operation of vehicles not so owned or leased and shall not suspend the registration of any vehicle so owned or leased.

(b) The suspension or revocation required in subsection (a) of this section shall remain in effect and the office shall not issue to the person any new or renewal of license or register or reregister in the name of the person as owner any vehicle until permitted under the motor vehicle laws of this state, and not then unless and until the person shall give and thereafter maintain proof of financial responsibility for the future.

History. Acts 1953, No. 347, §§ 46, 47; A.S.A. 1947, §§ 75-1446, 75-1447.

27-19-704. Action as to unlicensed person.

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license or for driving a motor vehicle upon the highways without being licensed to do so or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to the person and no vehicle shall continue to be registered or thereafter be registered in the name of the person as owner unless he or she shall give and thereafter maintain proof of financial responsibility for the future.

History. Acts 1953, No. 347, § 48; A.S.A. 1947, § 75-1448.

27-19-705. Action as to nonresidents.

(a) Whenever the Office of Driver Services suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, the privilege shall remain so suspended or revoked unless the person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

(b) If the defendant named in any certified copy of a judgment reported to the office is a nonresident, the office shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

History. Acts 1953, No. 347, §§ 49, 51; A.S.A. 1947, §§ 75-1449, 75-1451.

27-19-706. Courts to report nonpayment of judgments.

(a) Whenever any person fails within thirty (30) days to satisfy any judgment in excess of one thousand dollars ($1,000), then, upon the written request of the judgment creditor or his or her attorney, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which the judgment is rendered within this state to forward to the Office of Driver Services a certified copy of the judgment.

(b) The certified copy shall contain information sufficient for the office to determine if the judgment shall apply to this subchapter.

History. Acts 1953, No. 347, § 50; 1973, No. 585, § 4; 1975, No. 1007, § 11; A.S.A. 1947, § 75-1450; Acts 1991, No. 721, § 3; 2007, No. 673, § 1.

27-19-707. Suspension for nonpayment of judgments — Exceptions.

(a) The Office of Driver Services, upon receipt of a certified copy of a judgment and a certificate of facts relative to the judgment, on a form provided by the office, shall forthwith suspend the license and registration, and any nonresident's operating privilege, of any person against whom the judgment was rendered, except as otherwise provided in this subchapter.

(b) The provisions of subsection (a) of this section shall not apply with respect to any judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state, or any political subdivision of this state, or a municipality thereof.

(c) If the judgment creditor consents in writing, in such form as the office may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the office, in its discretion, for six (6) months from the date of consent and thereafter until consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof prescribed in § 27-19-710, provided the judgment debtor furnishes proof of financial responsibility.

(d)(1) No license, registration, or nonresident's operating privilege of any person shall be suspended under the provisions of this subchapter if the office shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter but has not paid the judgment for any reason.

(2) A finding by the office that an insurer is obligated to pay a judgment shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this subsection.

(3) Whenever in any judicial proceedings it shall be determined by any final judgment, decree, or order that an insurer is not obligated to pay the judgment, the office, notwithstanding any contrary finding made by it, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, as provided in this section.

(e)(1) The license, registration, and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of the person, including any person not previously licensed, unless and until every judgment is stayed, satisfied in full, or to the extent provided and until the person gives proof of financial responsibility subject to the exemptions stated in this section.

(2) Upon the expiration of ten (10) years following the date judgment is rendered, and provided no proof of renewal of judgment has been filed with the office, the office shall reinstate the driving privilege and motor vehicle registration privilege of any person who will provide proof of financial responsibility

for the future as required under any section of this subchapter.

History. Acts 1953, No. 347, §§ 52-56; 1973, No. 585, § 5; 1975, No. 1007, § 12; A.S.A. 1947, §§ 75-1452 — 75-1456.

27-19-708. Effect of discharge in bankruptcy.

Upon receipt by the Office of Driver Services of proper notification from the bankruptcy court, a discharge in bankruptcy following the rendering of any judgment shall relieve the judgment debtor from any of the requirements of this subchapter.

History. Acts 1953, No. 347, § 57; 1975, No. 1007, § 13; A.S.A. 1947, § 75-1457.

27-19-709. Payments sufficient to satisfy judgments.

(a) Judgments shall, for the purpose of this chapter only, be deemed satisfied when:

(1) Twenty-five thousand dollars ($25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident;

(2) Subject to a limit of twenty-five thousand dollars ($25,000) because of bodily injury to or death of one (1) person, the sum of fifty thousand dollars ($50,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or

(3) Twenty-five thousand dollars ($25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(b) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

History. Acts 1953, No. 347, § 58; 1959, No. 307, § 20; 1981, No. 478, § 3; A.S.A. 1947, § 75-1458; Acts 1999, No. 1527, § 4.

27-19-710. Payment in installments.

(a) A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Office of Driver Services shall not suspend a license, registration, or nonresident's operating privilege and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of such judgment in installments, and while the payment of any installments is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of default, the office shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this chapter.

History. Acts 1953, No. 347, §§ 59, 60; A.S.A. 1947, §§ 75-1459, 75-1460.

27-19-711. Proof to be furnished for each vehicle.

(a) No vehicle shall be, or continue to be, registered in the name of any person required to file proof of financial responsibility for the future unless proof shall be furnished for the vehicle.

(b) Proof of financial responsibility when required under this chapter, with respect to the vehicle or with respect to a person who is not the owner of the vehicle, may be given by filing:

(1) A certificate of insurance as provided in § 27-19-712;

(2) A bond as provided in § 27-19-716 [repealed]; or

(3) A certificate of deposit of money or securities as provided in § 27-19-717; or

(4) A certificate of self-insurance, as provided in § 27-19-107, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he or she will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.

History. Acts 1953, No. 347, §§ 61, 62; A.S.A. 1947, §§ 75-1461, 75-1462.

27-19-712. Certificate of insurance as proof.

(a)(1) Proof of financial responsibility for the future may be furnished by filing with the Office of Driver Services the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility.

(2) The certificate shall give the effective date of the motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b)(1) A nonresident may give proof of financial responsibility by filing with the office a written certificate of an insurance carrier authorized to

transact business in the state in which the vehicle owned by the nonresident is registered, or in the state in which the nonresident resides, if he does not own a vehicle, provided the certificate otherwise conforms with the provisions of this subchapter.

(2) The office shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(A) The insurance carrier shall execute a power of attorney authorizing the Director of the Department of Finance and Administration to accept on its behalf service of notice or process in any action arising out of a motor vehicle accident in this state; and

(B) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

(c) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any such undertakings or agreements, the office shall not thereafter accept as proof any certificate of the carrier, whether theretofore filed or thereafter tendered, as proof, so long as the default continues.

History. Acts 1953, No. 347, §§ 63-65; A.S.A. 1947, §§ 75-1463 — 75-1465.

27-19-713. Motor vehicle liability policy.

(a) CERTIFICATION. As used in this chapter, "motor vehicle liability policy" means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in § 27-19-712 as proof of financial responsibility for the future, and issued, except as otherwise provided in § 27-19-712 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) OWNER'S POLICY. The owner's policy of liability insurance shall:

(1) Designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted; and

(2) Insure the person named therein and any other person, as insured, using any vehicle or vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the vehicle or vehicles within the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, as follows: twenty-five thousand dollars ($25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person; fifty thousand dollars ($50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and twenty-five thousand dollars ($25,000) because of injury to or destruction of property of others in any one (1) accident.

(c) OPERATOR'S POLICY. The operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him or her by law for damages arising out of the use by him or her of any motor vehicle not owned by him or her, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) REQUIRED STATEMENTS IN POLICIES. The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this subchapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this subchapter.

(e) POLICY NEED NOT INSURE WORKERS' COMPENSATION, ETC. The motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) PROVISIONS INCORPORATED IN POLICY. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs; the policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf, and no violation of the policy, shall defeat or void the policy;

(2) The satisfaction by the insured of a judgment for the injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount shall be deductible from the limits of liability specified in subdivision (b)(2) of this section; and

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this subchapter shall constitute the entire contract between the parties.

(g) EXCESS OR ADDITIONAL COVERAGE. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful

coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and this excess or additional coverage shall not be subject to the provisions of this subchapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Reimbursement Provision Permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this subchapter.

(i) Proration of Insurance Permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) Multiple Policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one (1) or more insurance carriers which policies together meet these requirements.

(k) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for a policy.

(l)(1) Extension of Coverage. Every motor vehicle liability insurance policy, every motor vehicle physical damage insurance policy, every motor vehicle uninsured and underinsured motorist insurance policy, and every motor vehicle insurance policy covering death or bodily injury insuring a motor vehicle licensed in this state or the occupants of the motor vehicle shall extend its liability, physical damage, uninsured and underinsured motorist, and death or bodily injury coverages to include any other motor vehicle, operated by the insured individual, and its occupants if the other motor vehicle is:

(A) Loaned by a duly licensed automobile dealer as a temporary substitute, with or without compensation, to the insured individual for use as a temporary substitute vehicle while the insured's vehicle is out of use because of breakdown, repair, or servicing;

(B) Loaned by a duly licensed automobile dealer for use as a demonstrator vehicle; or

(C) Rented or leased from a rental company as defined in § 23-64-202 (d)(2)(C).

(2) The extensions of liability, physical damage, uninsured and underinsured motorist, and death or bodily injury coverages under this subsection are primary to any insurance or self-insurance maintained by the duly licensed automobile dealer or rental company.

History. Acts 1953, No. 347, § 66; 1959, No. 307, § 21; 1981, No. 478, § 4; A.S.A. 1947, § 75-1466; Acts 1989, No. 896, § 1; 1991, No. 394, § 1; 1993, No. 1252, § 1; 1999, No. 1527, § 5; 2007, No. 373, § 2.

27-19-714. [Repealed.]

Publisher's Notes. This section, concerning cancellation or termination of a certified policy, was repealed by Acts 2003, No. 333, § 2. The section was derived from Acts 1953, No. 347, § 67; A.S.A. 1947, § 75-1467.

27-19-715. Other policies not affected.

(a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may be required by any other law of this state, and these policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his or her behalf of vehicles not owned by the insured.

History. Acts 1953, No. 347, § 68; A.S.A. 1947, § 75-1468.

27-19-716. [Repealed.]

Publisher's Notes. This section, concerning bond as proof, was repealed by Acts 2005, No. 506, § 50. The section was derived from Acts 1953, No. 347, §§ 69-71; A.S.A. 1947, §§ 75-1469 — 75-1471.

27-19-717. Money or security as proof.

(a)(1) Proof of financial responsibility may be evidenced by the certificate of the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles after filing with the Office of Driver Services evidence that the person named therein has deposited with him or her seventy-five thousand dollars ($75,000) in cash or securities other than surety bonds that may be legally purchased by savings banks or for trust funds of a market value of seventy-five thousand dollars ($75,000).

(2) The director shall not accept any such deposit and issue a certificate therefor and the office shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b)(1) The deposit shall be held by the director to satisfy, in accordance with the provisions of this subchapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of this state after the deposit was made.

(2) Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as indicated.

History. Acts 1953, No. 347, §§ 72, 73; 1959, No. 307, § 22; 1983, No. 888, § 1; A.S.A. 1947, §§ 75-1472, 75-1473; Acts 2003, No. 333, § 3; 2005, No. 506, § 51.

27-19-718. Owner may give proof for others.

(a) The owner of a motor vehicle may give proof of financial responsibility on behalf of his or her employee or a member of his or her immediate family or household in lieu of the furnishing of proof by any person.

(b) The furnishing of proof shall permit the person to operate only a motor vehicle covered by such proof.

(c) The Office of Driver Services shall endorse appropriate restrictions on the face of the license held by the person or may issue a new license containing the restrictions.

History. Acts 1953, No. 347, § 74; A.S.A. 1947, § 75-1474.

27-19-719. Substitution of proof.

The Office of Driver Services shall consent to the cancellation of any bond or certificate of insurance or the office shall direct to be returned, and the Director of the Department of Finance and Administration acting in his or her capacity as the Commissioner of Motor Vehicles shall return, any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility under this chapter.

History. Acts 1953, No. 347, § 75; A.S.A. 1947, § 75-1475; Acts 2005, No. 506, § 52.

27-19-720. Other proof may be required.

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the Office of Driver Services shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of other proof.

History. Acts 1953, No. 347, § 76; A.S.A. 1947, § 75-1476.

27-19-721. Cancellation, return, or waiver of proof.

(a) The Office of Driver Services shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the office shall direct to be returned, and the Director of the Department of Finance and Administration acting in his or her capacity as the Commissioner of Motor Vehicles shall return, to the person entitled thereto any money or securities deposited under this subchapter as proof of financial responsibility, or the office shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three (3) years from the date the proof was required when, during the three-year period preceding the request, the office has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom the proof was furnished;

(2) In the event of the death of the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) In the event that the person who has given proof surrenders his or her license and registration to the office.

(b)(1) The office shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by the proof is then pending or any judgment upon any liability is then unsatisfied, or in the event the person who has filed the bond or deposited money or securities has within one (1) year immediately preceding the request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.

(2) An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability or has been finally adjudicated not to be liable for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the office.

History. Acts 1953, No. 347, § 77; A.S.A. 1947, § 75-1477; Acts 2003, No. 333, § 4; 2005, No. 506, § 53.

CHAPTER 20

OPERATION OF MOTORIZED CYCLES AND ALL-TERRAIN VEHICLES

SUBCHAPTER.

1. Motorcycles, Motor-Driven Cycles, and Motorized Bicycles.
2. Three-Wheeled, Four-Wheeled, and Six-Wheeled All-Terrain Vehicles.
3. Electric Autocycles.

Subchapter 1 — Motorcycles, Motor-Driven Cycles, and Motorized Bicycles

SECTION.

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27-20-101. Definitions.

As used in this subchapter:

(1) "Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces more than two hundred fifty cubic centimeters (250 cc);

(2) "Motor-driven cycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces two hundred fifty cubic centimeters (250 cc) or less, but this definition shall not include a motorized bicycle;

(3) "Motorized bicycle" means every bicycle with an automatic transmission and a motor which does not displace in excess of fifty cubic centimeters (50 cc); and

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

History. Acts 1959, No. 201, § 1; 1975, No. 206, § 1; 1977, No. 561, § 1; 1985, No. 972, § 1; A.S.A. 1947, § 75-1701; Acts 2005, No. 1942, § 1.

27-20-102. Penalty.

Any person violating the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

History. Acts 1959, No. 201, § 9; A.S.A. 1947, § 75-1709.

27-20-103. Prohibited sales to persons under age.

(a) It shall be unlawful for any person, firm, or corporation to sell to any person in this state under the age of sixteen (16) years any motor-driven cycle having less than two hundred fifty cubic centimeter (250 cc) displacement unless the person has a current valid license to operate the motor-driven cycle as authorized in this subchapter.

(b) It shall be unlawful for any person to sell or to offer for sale to any person in this state under sixteen (16) years of age any motorcycle or any motor-driven cycle having in excess of two hundred fifty cubic centimeter (250 cc) displacement.

History. Acts 1959, No. 201, § 7; 1975, No. 206, § 4; A.S.A. 1947, § 75-1707.

27-20-104. Standard equipment required.

(a) After July 5, 1977, all motor-driven cycles and all motorcycles used upon the public streets and highways of this state shall be equipped with the following standard equipment:

(1) At least one (1), but not more than two (2), headlights that in the dark emit a white light visible from a distance of at least five hundred feet (500') in front;

(2) A red reflector on the rear that is visible from a distance of three hundred feet (300') to the rear when directly in front of a lawful upper-beam head lamp of a motor vehicle;

(3) A lamp that emits a red light visible from a distance of five hundred feet (500') to the rear must be used in addition to the red reflector provided above;

(4) Good hand or foot brakes;

(5) A horn in good working order, but no bell, siren, or whistle shall be permitted;

(6) A standard muffler;

(7) Handholds and support for the passenger's feet when designed to carry more than one (1) person, unless it is equipped with a sidecar; and

(8) Electrical turn signals that meet the requirements of § 27-36-216(b).

(b) All passengers and operators of motorcycles, motor-driven cycles, and motorized bicycles used upon the public streets and highways of this state shall be equipped with the following equipment under standards set forth by the Office of Motor Vehicle:

(1) Protective headgear unless the person is twenty-one (21) years of age or older; and

(2) Protective glasses, goggles, or transparent face shields.

(c) The provisions of this section shall not apply to three-wheel motorcycles equipped with a cab and a windshield which do not exceed twenty horsepower (20 hp) when such motorcycles are used by municipal police departments.

(d) After July 5, 1977, all motorized bicycles used upon the public streets of this state shall be equipped with the following standard equipment:

(1) At least one (1), but not more than two (2), headlights that in the dark emit a white light visible from a distance of at least two hundred fifty feet (250') in front;

(2) A red reflector on the rear that is visible from a distance of one hundred fifty feet (150') to the rear when directly in front of a lawful upper beam head lamp of a motor vehicle;

(3) A lamp emitting a red light visible from a distance of two hundred fifty feet (250') to the rear

must be used in addition to the red reflector provided above;

(4) Good hand or foot brakes;

(5) A horn in good working order, provided that no bell, siren, or whistle shall be permitted;

(6) A standard muffler; and

(7) Electrical turn signals that meet the requirements of § 27-36-216(b).

History. Acts 1959, No. 201, § 3; 1967, No. 296, § 1; 1973, No. 78, § 1; 1977, No. 561, § 2; 1985, No. 972, § 6; A.S.A. 1947, § 75-1703; Acts 1997, No. 453, § 1; 2005, No. 1762, § 2; 2011, No. 759, §§ 1, 2.

27-20-105. Registration — Renewal periods.

(a) The Director of the Department of Finance and Administration shall establish a system for the registration of motorcycles and motor-driven cycles on a monthly series basis to distribute the work of registering motorcycles and motor-driven cycles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(b) When a person applies for the registration of a motorcycle or motor-driven cycle and the issuance of a permanent license plate, the decals issued by the director for attachment to the permanent license plate to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The director shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) Such registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter.

History. Acts 1977, No. 797, § 1; A.S.A. 1947, § 75-1715; Acts 1989, No. 250, § 1; 1993, No. 135, § 1.

27-20-106. Operator's license required — Special license.

(a) No person who is sixteen (16) years of age or older shall operate a motorcycle, motor-driven cycle, or similarly classified motor vehicle which is subject to registration in this state upon the public streets and highways of this state unless the person holds a current valid motorcycle operator's license.

(b)(1) It shall be unlawful for any person to operate a motorcycle or motor-driven cycle in this state unless the person has a current valid motorcycle operator's license. However, any person fourteen (14) years of age or older who is under the lawful age to obtain a motorcycle operator's license may operate a motor-driven cycle if that person has obtained a special license provided for in this section.

(2)(A) Any person fourteen (14) years of age, but under sixteen (16) years of age, may obtain a license to operate a motor-driven cycle if the motor of the motor-driven cycle displaces two hundred fifty cubic centimeters (250 cc) or less. This license shall expire upon the licensee's sixteenth birthday.

(B)(i) All such licenses shall be issued by the Office of Driver Services.

(ii)*(a)* Before any such license may be issued, the applicant shall furnish the office a copy of a certificate issued by the Department of Arkansas State Police showing that the applicant has taken and passed an examination given by the Department of Arkansas State Police to determine the applicant's eligibility for a license.

(b) The Department of Arkansas State Police shall prescribe a written examination and a road test examination which shall be satisfactorily completed by each applicant for a special license before any such license may be issued to the applicant by the office.

(iii)*(a)* The office shall charge a fee of two dollars ($2.00) for each such special license issued.

(b) Proceeds from the fees charged for these special licenses shall be deposited into the State Treasury as special revenues and shall be credited to the Department of Arkansas State Police Fund.

History. Acts 1975, No. 176, § 1; 1975 (Extended Sess., 1976), No. 1236, § 1; 1985, No. 972, § 3; A.S.A. 1947, §§ 75-1709.1, 75-1710; reen Acts 1987, No. 1019, § 1.

27-20-107. Application for and issuance of motorcycle operator's license.

(a) Any person desiring to obtain a motorcycle operator's license shall make an application to the Office of Driver Services for the issuance of the license.

(b) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator's license as required in this section shall be a certificate issued by the Department of Arkansas State Police that the applicant for a motorcycle operator's license has satisfactorily passed all phases of the motorcycle operator's examination as required in § 27-20-108, if the applicant is sixteen (16) years of age or older.

(c) The license issued by the office may be a license limiting the named licensee to motorcycles, motor-driven cycles, or similarly classified motor vehicles; or, in the case where an applicant is sixteen (16) years of age or older and holds a current valid Class A, Class B, Class C, or Class D license, the office may endorse that license as evidence of proper qualification for the license as provided for by this subchapter.

(d)(1)(A) A motorcycle operator's license shall be issued for a period of four (4) years, and the fee for the license shall be the same as provided in § 27-16-801.

(B) The office shall have the authority, by regulation, to shorten or lengthen the term of any motorcycle operator's license period, as necessary,

and to make a pro rata adjustment of the fee charged.

(2) No fee will be required if such application is submitted at the time the applicant's Class A, Class B, Class C, or Class D license is renewed and the applicant has complied with all other provisions of this subchapter.

History. Acts 1975, No. 176, § 2; 1975 (Extended Sess., 1976), No. 1236, § 2; 1985, No. 972, § 2; A.S.A. 1947, § 75-1711; reen. Acts 1987, No. 1019, § 2; Acts 1989, No. 193, § 8; 1993, No. 445, § 34.

27-20-108. Operator's examination.

(a) The Department of Arkansas State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a motorcycle operator's license as required by this subchapter.

(b) The examination shall include:

(1) A written examination designed to determine the applicant's knowledge of traffic laws, ordinances, and regulations and other matters necessary to determine the applicant's knowledge of the operation of these motor vehicles;

(2) A vision test under standards established in § 27-16-704 to determine whether the applicant's eyesight is adequate to safely operate the vehicle;

(3) An actual road test designed to determine the applicant's familiarity with the controls of the motor vehicle and the applicant's ability to safely operate the motor vehicle both in and out of traffic. However, the road test shall be waived for applicants who have successfully completed the Motorcycle Safety Foundation's motorcycle rider course, Riding and Street Skills, or any successor curriculum. In order to qualify for this waiver, the applicant must submit proof of the course completion dated within ninety (90) days prior to the date of license application; and

(4) Such other tests as the Department of Arkansas State Police may deem necessary to assure safe operations on the streets and highways of this state.

History. Acts 1975, No. 176, § 3; 1975 (Extended Sess., 1976), No. 1236, § 3; 1985, No. 972, § 2; A.S.A. 1947, § 75-1712; reen. Acts 1987, No. 1019, § 3; Acts 1989, No. 193, § 9; 2001, No. 908, § 1.

27-20-109. Operator instruction.

(a) The Department of Education is authorized to prescribe and offer a course in motorcycle and motor-driven cycle operator instruction to be conducted as a part of the driver education program.

(b)(1) The course in motorcycle and motor-driven cycle operation may be conducted both at the elementary and high school levels.

(2) The course should include classroom instruction, actual operation of a motorcycle or motor-driven cycle, and other matters that the department may determine to be necessary to properly equip the student to safely operate a motorcycle.

History. Acts 1975, No. 176, § 4; 1975 (Extended Sess., 1976), No. 1236, § 4; A.S.A. 1947, § 75-1713; reen. Acts 1987, No. 1019, § 4.

27-20-110. Manner of riding.

It shall be unlawful for any person in the State of Arkansas:

(1) To ride any motor-driven cycle other than upon or astride a permanent or regular seat attached thereto;

(2) For any motor-driven cycle to be used to carry more than one (1) person unless it is equipped with a sidecar or an extra seat and supports for the passenger's feet;

(3) For more than two (2) persons to ride on any motor-driven cycle; and

(4) For any person under sixteen (16) years of age to carry another person as a passenger upon a motor-driven cycle or motorized bicycle.

History. Acts 1959, No. 201, § 2; 1975, No. 206, § 2; A.S.A. 1947, § 75-1702; Acts 2005, No. 1762, § 1.

27-20-111. Operation of motorized bicycles regulated — Certificate.

(a) The operators of motorized bicycles shall be subject to all state and local traffic laws, ordinances, and regulations.

(b) It shall be unlawful for any person to operate a motorized bicycle upon interstate highways, limited access highways, or sidewalks.

(c)(1)(A) It shall be unlawful for any person to operate a motorized bicycle upon a public street or highway within this state unless the person has a certificate to operate such a vehicle.

(B) Any person who has a motor-driven cycle license or motorcycle license or a Class A, Class B, Class C, or Class D license shall qualify to operate a motorized bicycle and is not required to obtain a certificate from the Department of Arkansas State Police for the operation of a motorized bicycle.

(2)(A)(i) All motorized bicycle certificates shall be issued by the department.

(ii) No certificate shall be issued to a person under fourteen (14) years of age.

(iii) A person under fourteen (14) years of age shall not operate a motorized bicycle within a municipality with a population of ten thousand (10,000) or more.

(B) Prior to being issued a certificate to operate a motorized bicycle, the applicant shall take and pass an examination pertaining to the rules of the road, a vision test, and a road test.

(C)(i) The department shall charge a fee of two dollars ($2.00) for each certificate issued.

(ii) The proceeds from these fees shall be deposited into the State Treasury as special revenues and credited to the Department of Arkansas State Police Fund.

History. Acts 1977, No. 561, § 3; 1985, No. 972, § 4; A.S.A. 1947, §§ 75-1714, 75-1714.1; Acts 1987, No. 410, § 1; 1993, No. 445, § 35; 2011, No. 1221, § 1.

27-20-112. Report of convictions required.

(a)(1) Every court in the State of Arkansas, immediately upon the conviction of any license holder under this subchapter, shall report to the Department of Arkansas State Police the fact of the conviction, the date of the conviction, the date of the offense, the ordinance or law violated, the penalty inflicted, and whether or not an appeal has been taken.

(2) In any case, where an appeal has been taken, the conviction shall not be charged against the license holder until the disposition of the case on appeal.

(b) The failure of the clerk of the court to report as provided in this section shall be construed as nonfeasance in office and shall be grounds for the removal of the clerk.

History. Acts 1959, No. 201, § 6; A.S.A. 1947, § 75-1706.

27-20-113. Suspension of license.

(a) Whenever the operator of any motorcycle, motor-driven cycle, or motorized bicycle in this state shall have been convicted of three (3) or more moving traffic violations in any twelve-month period, any license issued under this subchapter to that person shall be suspended for not less than six (6) months.

(b) Upon receipt of an order of denial of driving privileges under § 5-64-710 or § 5-65-116, the Department of Finance and Administration shall:

(1) Suspend any license issued the minor under this subchapter for twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer;

(2) In the event any license issued the minor under this subchapter is under suspension by the department for another offense or other violations, that license shall be suspended an additional twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer; or

(3) If the minor has not been issued a license under this subchapter, the issuance of a license shall be delayed for an additional twelve (12) months after the minor applies for a license, or until the minor reaches eighteen (18) years of age, whichever is longer.

(c) Upon receipt of an order of denial of driving privileges under § 27-16-915, the department shall:

(1) Suspend any license issued the person under this subchapter for twelve (12) months;

(2) In the event any license issued the person under this subchapter is under suspension by the department for another offense or other violations, that license shall be suspended an additional twelve (12) months; or

(3) If the person has not been issued a license under this subchapter, the issuance of a license shall be delayed for an additional twelve (12) months after the person applies for such a license.

(d) Penalties prescribed in this section shall be in addition to all other penalties prescribed by law for offenses covered by this section.

History. Acts 1959, No. 201, § 5; A.S.A. 1947, § 75-1705; Acts 1993, No. 1257, § 5.

27-20-114. Rules and regulations.

The Department of Finance and Administration is authorized to adopt such rules and regulations and practices not inconsistent with this subchapter as it deems necessary or appropriate to carry out the purposes of this subchapter.

History. Acts 1977, No. 797, § 3; A.S.A. 1947, § 75-1716.

27-20-115. Local regulations.

(a)(1) The provisions of this subchapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities.

(2) No local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this subchapter.

(b) Local authorities may adopt additional traffic regulations which are not in conflict with the provisions of this subchapter.

History. Acts 1959, No. 201, § 8; A.S.A. 1947, § 75-1708.

27-20-116. Exemptions.

Persons who operate vehicles described in § 27-20-101, when operation of the vehicle shall be on a farm, private property, or specifically for moving to a farm, shall be exempt from the provisions of this subchapter.

History. Acts 1985, No. 972, § 5; A.S.A. 1947, § 75-1701.1.

27-20-117. Automatic issuance of operator's license.

Notwithstanding any provision of this subchapter or any other laws to the contrary, when a person holding a valid motor-driven cycle operator's license reaches sixteen (16) years of age, he or she shall automatically be issued a motorcycle operator's license and shall not be required to submit to the examinations prescribed by § 27-20-108.

History. Acts 1991, No. 614, § 1.

27-20-118. Restrictions on young children.

(a) Except as provided under subsection (b) of this section, it is unlawful for the driver of a motorcycle

to allow a child to ride as a passenger on a motorcycle on a street or highway unless the child is at least eight (8) years of age.

(b) This section shall not apply to the driver of a motorcycle who is a participant in a parade.

History. Acts 2005, No. 1942, § 2.

27-20-119. Autocycles.

The requirements and regulation of autocycles shall be as provided under the Electric Autocycle Act, § 27-20-301 et seq.

History. Acts 2009, No. 636, § 2.

Subchapter 2 — Three-Wheeled, Four-Wheeled, and Six-Wheeled All-Terrain Vehicles

SECTION.

27-20-201. Penalty.
27-20-202. Registration required.
27-20-203. No equipment or inspection requirements.
27-20-204. Taxes to be paid.
27-20-205. Certificate of title.
27-20-206. Numbered license decal.
27-20-207. No renewal of registration.
27-20-208. Regulations.

27-20-201. Penalty.

Any owner of a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle failing to register it within thirty (30) calendar days after the transfer date or the date of release of a lien by a prior lienholder, whichever is greater, shall be assessed an additional penalty of three dollars ($3.00) for each ten-calendar-day period or fraction thereof for which he or she fails to properly register the vehicle until the penalty reaches the same amount as the registration fee of the cycle to be registered.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 1997, No. 809, § 2; 2001, No. 462, § 1; 2007, No. 305, § 2.

27-20-202. Registration required.

(a) All owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that are not otherwise required to be registered by law shall register them with the Director of the Department of Finance and Administration within thirty (30) calendar days of acquiring them.

(b)(1) The owners shall offer proof of ownership satisfactory to the Department of Finance and Administration.

(2)(A)(i) If the person seeking to register the all-terrain vehicle cannot offer satisfactory proof of ownership, the department may register it if the person seeking registration posts a bond equal to at least one and one-half (1 1/2) times the market value of the all-terrain vehicle.

(ii) The bond shall be a cash bond, a letter of credit, a surety bond issued by a fidelity or surety company authorized to do business in Arkansas, or a personal bond signed by at least two (2) property owners in this state.

(iii) The bond shall be for a period of three (3) years and made payable to the department to be used by the department to pay any valid claim arising from the disputed ownership of the all-terrain vehicle.

(B)(i) If the three-wheeled or four-wheeled all-terrain vehicle was manufactured on or before December 31, 1992, then proof of ownership shall not be required to obtain registration, and a statement of ownership shall be accepted as proof of ownership.

(ii) The statement of ownership may be prepared by the person and shall contain the following information:

(a) The person's name;

(b) A description of the vehicle;

(c) A statement that the vehicle was manufactured on or before December 31, 1992;

(d) A statement of ownership; and

(e) The person's signature.

(iii) The provisions of subdivision (b)(2)(B) of this section shall not apply to six-wheeled all-terrain vehicles.

(c) The cost of registration shall be five dollars ($5.00).

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 1993, No. 1308, § 1; 2001, No. 462, § 2; 2003, No. 845, § 1; 2007, No. 305, § 3.

27-20-203. No equipment or inspection requirements.

There shall be no equipment requirement or safety inspection requirement as a precondition to registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 4.

27-20-204. Taxes to be paid.

The tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., on the sale of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles shall be collected by the seller of the vehicle as required by § 26-52-513.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 5.

27-20-205. Certificate of title.

(a) The Director of the Department of Finance and Administration shall issue a certificate of title to the owner of a three-wheeled, four-wheeled, or six-

wheeled all-terrain vehicle that has been registered with the Department of Finance and Administration.

(b) The certificate shall identify the owner's name and address, the vehicle manufacturer, model, year, identification number, seller, date of sale, lienholder, and lienholder's address.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 6.

27-20-206. Numbered license decal.

The Director of the Department of Finance and Administration shall furnish the owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that have been registered with the Department of Finance and Administration a numbered license decal that shall be attached to the left front side of the vehicle.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 7.

27-20-207. No renewal of registration.

No renewal of registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles shall be required.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 8.

27-20-208. Regulations.

The Director of the Department of Finance and Administration may promulgate such rules and regulations as necessary to implement this subchapter.

History. Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717.

Subchapter 3 — Electric Autocycles

SECTION.

27-20-301. Title.
27-20-302. Purpose.
27-20-303. Definitions.
27-20-304. Registration and licensing — Fees.
27-20-305. Subject to the rules of the road.
27-20-306. Operation requirements — Passengers.
27-20-307. Operation limitations.
27-20-308. Rules.

27-20-301. Title.

This subchapter shall be known and may be cited as the "Electric Autocycle Act".

History. Acts 2009, No. 636, § 1.

27-20-302. Purpose.

The purpose of this subchapter is to:

(1) Allow the registration and licensing of autocycles as an environmentally friendly option for Arkansans to provide an affordable transportation option that will reduce our dependency on foreign oil; and

(2) Provide economic stimulus to the emerging industry of autocycles.

History. Acts 2009, No. 636, § 1.

27-20-303. Definitions.

As used in this subchapter:

(1)(A) "Autocycle" means a motorized cycle that exclusively uses a motor operated by electricity, is a zero-emission vehicle, and is:

(i) At least sixty inches (60″) in width;

(ii) Not more than one hundred thirty-five inches (135″) in length;

(iii) At least one thousand pounds (1,000 lbs.) in unladen weight;

(iv) Equipped with:

(a) Three (3) low pressure tires;

(b) A steering wheel;

(c) Seating for at least one (1) person but not more than four (4) persons;

(d) A fully-enclosed metal or metal-reinforced cab with glass and mirrors that complies with § 27-37-301 et seq. regarding safety glass and mirrors;

(e) Doors with functioning handle locks that are similar to the handle locks on motor vehicles;

(f) Headlights as required under § 27-20-104(d)(1);

(g) Tail lamps as required under § 27-20-104(d)(3);

(h) Brakes as required under § 27-20-104(d)(4);

(i) A working horn as required under § 27-20-104(d)(5);

(j) Signal lamps as provided under § 27-36-216; and

(k) Seat belts as provided under § 27-37-701 et seq.

(B) An autocycle shall not be required to have a muffler because it is a zero-emission electric vehicle.

(C) An autocycle may be equipped with a bed or cargo box for hauling materials.

(D) An autocycle is a motor vehicle for the purposes of minimum insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(E) An autocycle is not an all-terrain vehicle under § 27-20-201 et seq. and § 27-21-101 et seq.; and

(2) "Low pressure tire" means a pneumatic tire that conforms to the manufacturer's specifications for the autocycle and is comparable to the tires used on other motor vehicles.

History. Acts 2009, No. 636, § 1.

27-20-304. Registration and licensing — Fees.

(a) The owner of an autocycle may register and license it as a motorcycle under § 27-20-105.

(b) In addition to the application to register the autocycle, the owner of an autocycle shall provide proof of insurance as required under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.

(c) The fee for registering and licensing an autocycle shall be five dollars ($5.00).

History. Acts 2009, No. 636, § 1.

27-20-305. Subject to the rules of the road.

The operator of an autocycle that is registered and licensed under this section shall comply with and is subject to the same penalties for violating the rules of the road as provided under § 27-51-101 et seq.

History. Acts 2009, No. 636, § 1.

27-20-306. Operation requirements — Passengers.

(a)(1) If the operator of an autocycle is eighteen (18) years of age or older, the operator shall have a valid driver's license and shall not be required to have the motorcycle endorsement required under § 27-20-106.

(2)(A) If the operator of an autocycle is under eighteen (18) years of age, the operator shall have a valid instruction permit, learner's license, or intermediate license.

(B) An operator of an autocycle under eighteen (18) years of age shall comply with all requirements concerning the permit or license that he or she holds.

(b) The mandatory seat belt use under § 27-37-701 et seq. shall apply to the operator and all passengers in the autocycle.

(c) An operator of or passenger in an autocycle is not required to comply with § 27-20-104(b) requiring:

(1) Protective headgear; or

(2) Protective glasses, goggles, or transparent face shields.

(d)(1) An operator of the autocycle shall have not more than three (3) passengers in the autocycle.

(2) The requirements of § 27-20-110 shall not apply to autocycles.

(e)(1) A child may be a passenger in an autocycle and § 27-20-118 shall not apply to autocycles.

(2) If applicable because of the child's age or weight, the child shall be restrained as provided under the Child Passenger Protection Act, § 27-34-101 et seq.

History. Acts 2009, No. 636, § 1.

27-20-307. Operation limitations.

(a) An autocycle shall not be operated on an interstate highway.

(b) An autocycle shall not be operated on a road or highway if:

(1) The operation of autocycles or motorcycles is prohibited;

(2) The road is a controlled-access highway;

(3) The posted speed limit is more than fifty-five (55) miles per hour; or

(4) The autocycle cannot maintain a speed equal to the posted speed limit.

History. Acts 2009, No. 636, § 1.

27-20-308. Rules.

The Department of Finance and Administration may adopt rules for the implementation and administration of this subchapter.

History. Acts 2009, No. 636, § 1.

CHAPTER 21

ALL-TERRAIN VEHICLES

SECTION.

27-21-101. Purpose.
27-21-102. Definitions.
27-21-103. Construction.
27-21-104. Penalty.
27-21-105. Enforcement.
27-21-106. Operation on public streets and highways unlawful — Exceptions.
27-21-107. Operation by minors — Manner of operation.
27-21-108. Equipment.
27-21-109. Defenses to prosecution.

27-21-101. Purpose.

It is the intent and purpose of this chapter to regulate the use of recreational all-terrain vehicles by restricting their use on the public streets and highways of this state. This law seeks to ensure the safety and general welfare of the citizens of Arkansas by limiting the situations where all-terrain vehicles are permitted to be used in a dangerous and unsafe fashion.

History. Acts 1987, No. 804, § 1.

27-21-102. Definitions.

As used in this chapter:

(1)(A) "All-terrain vehicle" means a vehicle that:

(i) Has three (3), four (4), or six (6) wheels;

(ii) Is fifty inches (50″) or less in width;

(iii) Is equipped with nonhighway tires;

(iv) Is designed primarily for off-road recreational use; and

(v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(B) "All-terrain vehicle" includes a recreational off-highway vehicle.

(C) "All-terrain vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor;

(2) "Nonhighway tire" means a pneumatic tire:

(A) Six inches (6″) or more in width;

(B) Designed for use on a wheel with a rim diameter of fourteen inches (14″) or less; and

(C) That uses an operating pressure of twenty pounds per square inch (20 psi) or less as recommended by the vehicle manufacturer;

(3) "Public streets and highways" means the part of the street, road, or highway, including the improved road shoulder, that is open to vehicular traffic and that is maintained by the state or by a political subdivision of the State of Arkansas and includes any federal highways; and

(4)(A) "Recreational off-highway vehicle" means a vehicle that:

(i) Has four (4) or six (6) wheels;

(ii) Is seventy-five inches (75″) or less in width;

(iii) Is equipped with nonhighway tires;

(iv) Is designed primarily for off-road recreational use; and

(v) Has an engine displacement of no more than one thousand cubic centimeters (1,000 cc).

(B) "Recreational off-highway vehicle" does not include a golf cart, riding lawnmower, or lawn or garden tractor.

History. Acts 1987, No. 804, § 2; 2007, No. 305, § 9; 2011, No. 583, § 1.

27-21-103. Construction.

Nothing in this chapter shall be construed to require an all-terrain vehicle to be registered as a motor vehicle, motorcycle, or motor-driven cycle for operation on the public streets and highways.

History. Acts 1987, No. 804, § 5.

27-21-104. Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

History. Acts 1987, No. 804, § 7.

27-21-105. Enforcement.

The officers and employees of the Arkansas State Game and Fish Commission, the Arkansas State Highway and Transportation Department, and the Arkansas Forestry Commission shall have no authority to enforce the provisions of this chapter.

History. Acts 1987, No. 804, § 6.

27-21-106. Operation on public streets and highways unlawful — Exceptions.

(a) It is unlawful for any person to operate an all-terrain vehicle on the public streets and highways of this state, even if the vehicle otherwise meets the equipment standards of § 27-20-104, except under the following conditions and circumstances:

(1) A person may operate an all-terrain vehicle on the public streets and highways if the vehicle is:

(A) Used in farming or hunting operations; and

(B) Operated on the public streets and highways in order to get from one (1) field to another;

(2)(A) An all-terrain vehicle may be operated upon the public streets or highways if the:

(i) Vehicle needs to make a direct crossing of the street or highway to get from one (1) area to another; and

(ii) Vehicle:

(a) Comes to a complete stop;

(b) Yields the right-of-way to all oncoming traffic that constitutes an immediate hazard; and

(c) Crosses the street or highway at an angle of approximately ninety degrees (90°) to the direction of the street or highway.

(B)(i) In crossing divided highways, the crossing may be made only at an intersection of the highway with another public street or highway.

(ii) In crossings made between the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise or in conditions of reduced visibility, the crossing may be made only with both front and rear lights turned on;

(3)(A) A person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking handicap shall be permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as a means of transportation on any of the following:

(i) A nonhard surfaced road;

(ii) The shoulders of all state and federal highways, except as provided under subdivision (a)(3)(E) of this section; or

(iii) Public streets and roads when traveling on the public street or road is the most reasonable route of access available to him or her from one (1) off-road trail to another off-road trail or from his or her private property to an off-road trail.

(B) An all-terrain vehicle used as provided under subdivision (a)(3)(A) of this section by a person who has a serious walking handicap shall be equipped with a red flag at least six inches (6″) wide and twelve inches (12″) long on a pole or staff extending at least thirty-six inches (36″) above the level of the seat.

(C) For the purposes of this subdivision (a)(3), "serious walking handicap" means any walking handicap certified as serious by a licensed physician.

(D) A person operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of this section

shall carry on his or her person or on the vehicle the physician's certificate certifying that the person has a serious walking handicap.

(E) A person operating an all-terrain vehicle as provided under subdivision (a)(3)(A) of this section shall not operate the all-terrain vehicle on any part of the federal interstate highway system or on fully-controlled access highways;

(4) An on-duty law enforcement officer or a person performing an official law enforcement function may operate an all-terrain vehicle on public streets and highways; and

(5) An employee of a utility, telecommunications, or cable company working during a time of emergency or severe weather may operate an all-terrain vehicle on public streets and highways.

(b) When two (2) or more all-terrain vehicles are operating together on a public street or highway as permitted in limited circumstances in this chapter, the vehicles shall be operated in single file except while overtaking another vehicle. The operator of an all-terrain vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. Nothing in this subsection shall be construed to prohibit an operator from overtaking and passing upon the right another vehicle which is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.

History. Acts 1987, No. 804, § 3; 1987, No. 1029, §§ 1, 2; 2007, No. 305, § 10; 2009, No. 701, § 1; 2011, No. 13, § 1; 2011, No. 704, § 1.

27-21-107. Operation by minors — Manner of operation.

(a)(1) A person twelve (12) years of age or older shall be entitled to operate an all-terrain vehicle in this state if the use is in compliance with all other provisions of this chapter.

(2) A person less than twelve (12) years of age shall be entitled to operate an all-terrain vehicle in this state only if he or she is under the direct supervision of a person who is at least eighteen (18) years of age or if he or she is on land owned by, leased, rented, or under the direct control of his or her parent or legal guardian, or if he or she is on land with the permission of the owner.

(b) A person shall not operate an all-terrain vehicle in this state:

(1) At a rate of speed greater than is reasonable and proper under the conditions then existing; and

(2) During the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise without displaying a lighted headlight and a lighted taillight.

History. Acts 1987, No. 804, § 4.

27-21-108. Equipment.

(a) Every all-terrain vehicle operated in this state shall be equipped with an adequate muffler system in good working condition. Every all-terrain vehicle operated in this state shall be equipped with a United States Forest Service-qualified spark arrester.

(b) No person shall:

(1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;

(2) Operate an all-terrain vehicle with an exhaust system equipped with a cutout, bypass, or similar device; or

(3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

History. Acts 1987, No. 804, § 4.

27-21-109. Defenses to prosecution.

(a) It is no defense to a prosecution under this chapter that the driver or operator possesses a valid driver's license or motorcycle operator's license.

(b) It shall be a defense to prosecution under § 27-21-106 for a violation of operating an all-terrain vehicle upon the public streets or highways if the all-terrain vehicle operator can show by a preponderance of the evidence that:

(1) The public street or highway was outside the city limits of any municipality or incorporated town in Arkansas;

(2) The public street or highway was not a United States interstate highway;

(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from one (1) off-road trail to another off-road trail or from his or her private property to an off-road trail; and

(4) His or her purpose for riding on the public street or highway was to get from one (1) off-road trail to another off-road trail or his or her purpose for riding on the public street or highway was to get from his or her private property to an off-road trail.

History. Acts 1987, No. 804, § 4; 2003, No. 543, § 1.

CHAPTER 22

MOTOR VEHICLE LIABILITY INSURANCE

SECTION.

27-22-101. Legislative intent — Applicability.
27-22-102. Construction.
27-22-103. Penalty.
27-22-104. Insurance required — Minimum coverage.
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SECTION.
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27-22-109. Impounding a motor vehicle for a violation.
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27-22-101. Legislative intent — Applicability.

(a) This chapter is not intended in any way to alter or affect the validity of any policy provisions, exclusions, exceptions, or limitations contained in a motor vehicle insurance policy required by this chapter.

(b) The provisions of this chapter shall not be applicable to state-owned vehicles nor to state employees while operating the state-owned vehicles.

History. Acts 1987, No. 442, §§ 4, 6; 1987, No. 474, § 2.

27-22-102. Construction.

The provisions of this chapter shall be supplemental to and cumulative to the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

History. Acts 1987, No. 442, § 5.

27-22-103. Penalty.

(a) Except as provided in subsection (b) of this section, any person who operates a motor vehicle within this state shall be subject to a mandatory fine of not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250) unless both the vehicle and the person's operation of the vehicle are covered by a certificate of self-insurance or an insurance policy as required under § 27-22-104(a)(1).

(b)(1) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) for the second offense, and the minimum fine shall be mandatory.

(2) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) or sentenced to one (1) year in jail, or both, for the third offense or for any subsequent offenses.

(3) Upon a showing that liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of arrest, the judge may dismiss the charge imposed under this act, and the penalties therefore shall not be imposed.

(4)(A)(i) If the person is unable to establish that liability coverage required by §§ 27-22-101 — 27-22-104 is in effect at the time of the disposition of the charge, the judge or clerk of the court shall prepare and transmit to the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration an order suspending the registration of the motor vehicle involved in the violation until such time as the person presents proof of coverage to the Office of Motor Vehicle.

(ii) The order shall include:

(a) The name and address of the person charged;

(b) The driver's license number, if any, of the person charged;

(c) The vehicle identification number or license plate number of the motor vehicle involved;

(d) The date of the hearing;

(e) The judgment of the court; and

(f) The amount of the fine.

(iii) The judge or clerk of the court shall prepare and transmit an order under subdivision (b)(4)(A)(i) of this section within five (5) business days after the plea or judgment is entered.

(B)(i) In order to reinstate the suspended registration for any suspended motor vehicle, the owner shall present proof of the requisite liability coverage to the Office of Motor Vehicle and shall pay to the Office of Motor Vehicle a fee of twenty dollars ($20.00) for reinstatement of the registration.

(ii) The revenues derived from this reinstatement fee shall be deposited as a special revenue into the State Central Services Fund and credited as a direct revenue to be used by the Office of Motor Vehicle to offset the costs of administering this section.

(iii) This fee shall be in addition to any other fines, fees, or other penalties for other violations of this subchapter.

(c) If the arresting officer is:

(1) An officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles;

(2) A county law enforcement officer, the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes; or

(3) A municipal law enforcement officer, the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

History. Acts 1987, No. 442, § 2; 1987, No. 474, § 1; 1989, No. 801, § 1; 1991, No. 988, §§ 3, 5; 1997, No. 991, § 1; 2001, No. 1408,

§ 3; 2003, No. 1765, § 34; 2007, No. 485, §§ 2, 9; 2011, No. 1046, § 1.

27-22-104. Insurance required — Minimum coverage.

(a)(1) It is unlawful for a person to operate a motor vehicle within this state if both the motor vehicle and the person's operation of the motor vehicle are not covered by:

(A) A certificate of self-insurance under § 27-19-107; or

(B) An insurance policy issued by an insurance company authorized to do business in this state.

(2) Failure to present proof of insurance coverage at the time of arrest or a failure of the Vehicle Insurance Database or proof of an insurance card issued under § 23-89-213 to show current insurance coverage at the time of the traffic stop creates a rebuttable presumption that the motor vehicle or the person's operation of the motor vehicle is uninsured.

(b) The policy shall provide at a minimum the following coverage:

(1) Not less than twenty-five thousand dollars ($25,000) for bodily injury or death of one (1) person in any one (1) accident;

(2) Not less than fifty thousand dollars ($50,000) for bodily injury or death of two (2) or more persons in any one (1) accident; and

(3) If the accident results in damage to or destruction of property, not less than twenty-five thousand dollars ($25,000) for the damage to or destruction of property of others in any one (1) accident.

(c)(1) For purposes of this subsection, "operating motor vehicle" means a motor vehicle that is actually driven out of the government-owned and government-operated storage facility under its own power.

(2) A government-owned and government-operated storage facility for motor vehicles may refuse to release an operating motor vehicle from the storage facility if the owner of the motor vehicle cannot establish that the motor vehicle is covered by insurance as required under this section.

(3) The following are exempt from the requirements of this subsection:

(A) A motor vehicle that is considered salvage;

(B) A motor vehicle when an insurer holds the title to the motor vehicle; and

(C) A motor vehicle that is not driven out of the government-owned and government-operated storage facility under its own power.

History. Acts 1987, No. 442, § 1; 1987, No. 474, § 1; 1991, No. 988, § 4; 1993, No. 357, § 1; 1997, No. 991, § 2; 1999, No. 1527, § 6; 2005, No. 2246, § 1; 2007, No. 485, §§ 3-5, 9; 2009, No. 313, § 1; 2011, No. 1046, § 2.

27-22-105. Inadequate insurance during an accident — Penalty.

(a) When the operator of any motor vehicle is involved in a motor vehicle accident in this state and the vehicle or the operator while driving the vehicle is found not to be adequately insured, as required by § 27-22-104(a)(1), the operator shall be deemed guilty of a Class A misdemeanor.

(b) In addition, if a person is convicted of driving an inadequately insured vehicle that has been involved in an accident under subsection (a) of this section, the court may order that the vehicle be impounded until proof of vehicle insurance coverage is made to the court. The owner of the vehicle impounded shall be responsible for all costs of impoundment.

History. Acts 1993, No. 411, § 1; 1997, No. 991, § 3; 2007, No. 485, §§ 6, 9.

27-22-106. Cancellation of policy or contract — Administrative revocation or suspension of license.

No policy or contract of insurance covering a motor vehicle may be cancelled solely because of the administrative revocation or suspension of the driver's license of the owner or operator of the motor vehicle under § 5-65-104.

History. Acts 1997, No. 932, § 1; 1999, No. 881, § 24.

27-22-107. Motor vehicle insurance reporting.

(a)(1) Each insurance company providing motor vehicle liability insurance coverage required under § 27-22-104(a) , shall provide before the seventh day of each calendar month to the Revenue Division of the Department of Finance and Administration a record of each motor vehicle insurance policy in effect as of the previous month that was issued by the insurance company. The reports shall be provided to the division through any means of electronic or electromagnetic medium available to and approved by the department, unless the insurance company qualifies for an exception to this electronics reporting requirement as a result of being a small or low-volume insurer as may otherwise be provided for under regulations promulgated by the Department of Finance and Administration.

(2)(A) The Director of the Department of Finance and Administration may choose a vendor to provide an online insurance verification system which will comply with the industry standards as recommended by the Insurance Industry Committee for Motor Vehicle Administration (IICMVA) when there are two or more vendors that demonstrate to the department the ability to meet the IICMVA standard.

(i) The department shall notify each insurance company in writing of the chosen vendor. If the insurance company elects to participate in the online insurance verification system that complies with the industry standards, the company may then work with the vendor and the department on

an agreeable schedule to convert to the new system.

(ii) If an insurance company elects to participate in the online insurance verification system, then the insurance company will be exempt from providing the report before the seventh day of each calendar month as the department and law enforcement will be able to obtain data online in real time.

(B) If the director certifies that seventy percent (70%) or more of the motor vehicle insurance policies in effect on a specific date are being accessed according to the industry standards in the online insurance verification system, each insurance company shall provide access to the data through the online insurance verification system.

(C) At the discretion of the department, rules and regulations may be established to offer insurers who write fewer policies an alternative method for reporting insurance policy data.

(D) The department shall select a vendor under the Arkansas Procurement Law § 19-11-201 et seq.

(b)(1) The reports shall include:

(A) The name and the address of the named insured;

(B) The make, year, and vehicle identification number of each insured vehicle; and

(C) The policy number, effective date, and expiration date of each policy, National Association of Insurance Carriers code number, and the name of each driver excluded from coverage.

(2) The reports may include:

(A) The date of birth of each insured owner or operator; and

(B) The driver's license number of each insured owner or operator.

(c) The department may, following procedures set forth in regulations promulgated by the department, assess a penalty against each insurance company of up to two hundred fifty dollars ($250) for each day the insurance company fails to comply with this section. If an insurance company shows that the failure to comply with this section was inadvertent, accidental, outside of the control of the company, or the result of excusable neglect, the Director of the Department of Finance and Administration may excuse the penalty. The moneys collected from these penalties shall be deposited as a special revenue into the State Central Services Fund, and the net amount shall be credited as a direct revenue to be used by the department to offset the costs of administering this section.

(d) The department shall promulgate necessary rules and regulations for the administration of this section.

History. Acts 1997, No. 991, § 4; 2007, No. 485, §§ 8, 9; 2009, No. 476, § 2.

27-22-108. [Repealed.]

Publisher's Notes. This section, concerning motor vehicle insurance comparison and registration, revocation, and reinstatement procedures, was repealed by Acts 2003, No. 998, § 2. The section was derived from Acts 2001, No. 1433, § 1.

27-22-109. Impounding a motor vehicle for a violation.

(a)(1) If an operator of a motor vehicle is unable to present proof of insurance coverage to a law enforcement officer as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if the officer issues a citation for a traffic violation that is classified as an offense under § 27-50-302 and the operator has:

(A) Received three (3) or more warnings for a violation of § 27-22-104;

(B) Pleaded guilty or nolo contendere to or been found guilty of three (3) or more violations of § 27-22-104; or

(C) Received a total of three (3) or more warnings for a violation of § 27-22-104 or convictions for a violation of § 27-22-104.

(2) If an operator of a motor vehicle is unable to present proof of insurance coverage to a law enforcement officer as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if one (1) or more of the following occur:

(A) The driver is operating a motor vehicle on a cancelled, suspended, or revoked driver's license in violation of § 27-16-303;

(B) The driver is operating the motor vehicle without a driver's license in violation of § 27-16-602; or

(C) The driver is operating a motor vehicle:

(i) Without a license plate in violation of § 27-14-304;

(ii) With an unofficial license plate in violation of § 27-14-305;

(iii) With improper use of evidence of registration in violation of § 27-14-306; or

(iv) With false evidences of title or registration in violation of § 27-14-307.

(b) If a motor vehicle is impounded under this section:

(1) The law enforcement agency shall use its towing policy as required for the towing and storage of motor vehicles under § 27-50-1207 and a towing rotation list if applicable;

(2) The provisions of § 27-50-1201 et seq. regarding the towing and storage of motor vehicles shall apply;

(3) An inventory of the contents of the motor vehicle shall be taken; and

(4) The owner, operator, or other person in charge of the vehicle:

(A) Has the right to contest the impoundment; and

(B) Shall be given notice at the time of impoundment of the right to contest the impoundment consistent with § 27-50-1207.

(c)(1) If a motor vehicle is properly and lawfully impounded under this section, the following are responsible for all reasonable towing, recovery, storage, and other incidental costs:

(A) The operator of the vehicle;

(B) The owner of the vehicle; or

(C) Both the owner and the operator of the vehicle.

(2) This subsection applies even if the owner has insurance but fails to present proof of insurance.

History. Acts 2011, No. 1046, § 3.

27-22-110. Hold on release from storage facility authorized.

(a) For purposes of this section:

(1) "Operational motor vehicle" means a motor vehicle that is driven under its own power out of a storage facility; and

(2) "Proof of compliance" means:

(A) An order of a court of competent jurisdiction issued under § 27-22-103(b);

(B) A certificate of self-insurance under § 27-19-107; or

(C) An insurance policy that meets the requirements of § 27-22-104.

(b)(1) A law enforcement agency that impounds a motor vehicle under § 27-22-109 may place a hold on the release of an operational motor vehicle from a storage facility consistent with § 27-50-1206(a)(3) until the owner or operator of the motor vehicle provides proof of compliance to the law enforcement agency.

(2) If the owner or operator provides proof of compliance to the law enforcement agency, the law enforcement agency shall release the hold on the vehicle and notify the storage facility in writing of the release.

(c) The following vehicles are exempt from a hold on release under this section:

(1) A salvage vehicle as defined under § 27-14-2301 that is acquired by an insurance company;

(2) A motor vehicle that is incapable of being driven out of the storage facility under its own power and is removed by a towing firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board;

(3) A motor vehicle acquired by a lienholder if the lienholder provides to the law enforcement agency:

(A) A sworn statement in the form of either a repossession title or an affidavit that the lienholder is entitled to take immediate possession of the vehicle; and

(B) If the vehicle is to be driven from the storage facility, proof of insurance coverage as required under § 27-22-104; or

(4) A motor vehicle acquired subsequent to impounding by a transferee if the transferee provides to the law enforcement agency:

(A) A sworn statement in the form of an affidavit that the transferee has obtained all right, title, and interest in the vehicle;

(B) A copy of the document transferring ownership of the vehicle; and

(C) If the vehicle is to be driven from the storage facility, proof of insurance coverage as required under § 27-22-104.

History. Acts 2011, No. 1046, § 3.

27-22-111. Fine for failure to present proof of insurance at time of traffic stop.

(a) After a traffic stop has been completed, if an operator of a motor vehicle proves that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished by a fine of twenty-five dollars ($25.00).

(b) Court costs under § 16-10-305 or other costs or fees shall not be assessed under this section.

(c) The fines collected under this section shall be distributed as follows:

(1) Eighty percent (80%) shall be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund; and

(2) Twenty percent (20%) shall be retained by the court that tries the offense.

(d) If an operator of a motor vehicle is unable to prove that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished as provided under § 27-22-103.

History. Acts 2011, No. 1046, § 3.

CHAPTER 23

COMMERCIAL DRIVER LICENSE

SUBCHAPTER.

1. Arkansas Uniform Commercial Driver License Act.
2. Commercial Driver Alcohol and Drug Testing Act.

Subchapter 1 — Arkansas Uniform Commercial Driver License Act

SECTION.

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27-23-101. Short title.

This subchapter may be cited as the "Arkansas Uniform Commercial Driver License Act".

History. Acts 1989, No. 241, § 1.

27-23-102. Statement of intent and purpose.

(a) The purpose of this subchapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Pub. L. 99-570, Title XII and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

(1) Permitting commercial drivers to hold only one (1) license;

(2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;

(3) Strengthening licensing and testing standards for commercial drivers.

(b) This subchapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this subchapter conflicts with general driver licensing provisions, this subchapter prevails. Where this subchapter is silent, the general driver licensing provisions apply.

History. Acts 1989, No. 241, § 2.

27-23-103. Definitions.

As used in this subchapter:

(1) "Alcohol" or "alcoholic beverage" means:

(A) Ethyl alcohol, or ethanol;

(B) Beer which is defined as beer, ale, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent (0.5%) or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefore;

(C) Wine of not less than one-half of one percent (0.5%) of alcohol by volume; or

(D) Distilled spirits, alcoholic spirits, and spirits, which are defined as those substances known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced;

(2) "Blood alcohol concentration" means:

(A) The number of grams of alcohol per one hundred milliliters (100 ml) of blood;

(B) The number of grams of alcohol per two hundred ten liters (210 l) of breath; or

(C) Blood and breath quantitative measures in accordance with the current Arkansas Regulations for Blood Alcohol Testing promulgated by the Department of Health;

(3) "Commerce" means:

(A) Trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(B) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States;

(4) "Commercial driver instruction permit" means a permit issued pursuant to § 27-23-108(d);

(5) "Commercial driver license" means a license issued in accordance with the requirements of this subchapter to an individual which authorizes the individual to drive a class of commercial motor vehicle;

(6) The "Commercial Driver License Information System" is the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(7) "Commercial driver license record" means the electronic record of an individual commercial driver license holder's driver status and history stored by the Office of Driver Services as part of the Commercial Driver's License Information System established under 49 U.S.C. § 31309, as in effect on January 1, 2011;

(8)(A) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(i) Has a gross combination weight rating of twenty-six thousand one pounds (26,001 lbs.) or more inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs.);

(ii) Has a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more;

(iii) Is designed to transport sixteen (16) or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous, as a result of which the motor vehicle is required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F.

(B) When out-of-service orders are involved, the term "commercial motor vehicle" shall also include any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

(i) The vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one (10,001) or more pounds; or

(ii) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act, 49 U.S.C. App. §§ 1801-1813;

(9) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I-VI of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

(10) "Conviction" or "convicted" means an unvacated adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine, court cost, or court order, or violation of a condition of release without bail, regardless of whether or not the penalty was rebated, suspended, or prorated;

(11) "Downgrade" means the removal of commercial driver license privileges from a commercial driver license by the office;

(12) "Disqualification" means any of the following three (3) actions:

(A) The suspension, revocation, or cancellation of a commercial driver license by the Office of Driver Services or jurisdiction of issuance;

(B) A withdrawal of a person's privileges to drive a commercial motor vehicle by the office or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control except for parking, vehicle weight, or vehicle defect violations; or

(C) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle;

(13) "Drive" means to drive, operate, or be in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(14) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(15) "Driver applicant" or "applicant" means any person who has applied for a commercial driver license;

(16) "Driver license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle;

(17) "Driving a commercial motor vehicle while under the influence of alcohol" means committing any one (1) or more of the following acts in a commercial motor vehicle:

(A) Driving a commercial motor vehicle while the person's blood alcohol concentration is four-hundredths of one percent (0.04%) or more;

(B) Driving while intoxicated in violation of § 5-65-103; or

(C) Refusal to undergo such testing as is required by § 5-65-202;

(18) "Electronic device" means a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(19) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(20) "Excepted interstate" means a driver or applicant who operates or expects to operate a commercial motor vehicle in interstate commerce but engages exclusively in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, from all or part of the qualification requirements of 49 C.F.R. part 391, as in effect on January 1, 2011, and is therefore not required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(21) "Excepted intrastate" means a driver or applicant who operates or expects to operate a commercial motor vehicle exclusively in intrastate commerce but engages exclusively in transportation or operations excepted under 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, from all or part of the qualification requirements of 49 C.F.R. part 391, and is therefore not required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(22) "Fatality" means the death of a person as a result of a motor vehicle accident;

(23) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;

(24) "Foreign jurisdiction" means any jurisdiction other than a state of the United States;

(25) "Gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating will be determined by adding the gross vehicle

weight rating of the power unit and the total weight of the towed unit and any load thereon;

(26) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(27) "Hazardous materials" means:

(A) Any material that:

(i) Has been designated as hazardous under 49 U.S.C. § 5103, as in effect on January 1, 2009, and

(ii) Is required to be placarded under 49 C.F.R. part 172, subpart F, as in effect on January 1, 2009; or

(B) Any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as in effect on January 1, 2009;

(28) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment;

(29)(A) "Medical examiner" means a person who is licensed, certified, or registered under applicable state laws and regulations to perform physical examinations.

(B) "Medical examiner" includes without limitation a doctor of medicine, a doctor of osteopathy, a physician's assistant, an advanced practice nurse, and a doctor of chiropractic;

(30) "Medical variance" means the receipt by a driver of one (1) of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

(A) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C, as in effect on January 1, 2011, or 49 C.F.R. § 391.64, as in effect on January 1, 2011; and

(B) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 C.F.R. § 391.49, as in effect on January 1, 2011;

(31) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail;

(32) "Nonexcepted interstate" means a driver or applicant who:

(A) Operates or expects to operate a commercial motor vehicle in interstate commerce;

(B) Is subject to and meets the qualification requirements under 49 C.F.R. part 391, as in effect on January 1, 2011; and

(C) Is required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45, as in effect on January 1, 2011;

(33) "Nonexcepted intrastate" means a driver or applicant who operates or expects to operate a commercial motor vehicle exclusively in intrastate commerce but does not engage exclusively in transportation or operations as provided in 49 C.F.R. §§ 390.3(f), 391.2, 391.68, or 398.3, as in effect on January 1, 2011, and is therefore required to obtain a medical examiner's certificate;

(34) "Nonresident commercial driver license" means a commercial driver license issued by a state to an individual domiciled in another state meeting the requirements of 49 C.F.R. § 383.23(b)(2);

(35) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver or motor carrier is temporarily prohibited from operating a commercial motor vehicle pursuant to § 27-23-113 or compatible laws, or that a commercial motor vehicle may not be operated;

(36) "School bus" means:

(A) A commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events; and

(B) "School bus" does not include a bus used as a common carrier;

(37) "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:

(A) Excessive speeding, involving a single offense for a speed of fifteen miles per hour (15 m.p.h.) or more above the posted speed limit;

(B) Reckless driving as defined by state or local law or regulation, including without limitation offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(C) Improper or erratic traffic lane changes;

(D) Following the vehicle ahead too closely;

(E)(i) A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation.

(ii) Serious traffic violations shall not include weight or defect violations;

(F) Driving a commercial motor vehicle without obtaining a commercial driver license;

(G)(i) Driving a commercial motor vehicle without a commercial driver license in the driver's possession.

(ii) An individual who by the date the individual must appear in court or pay any fine for a violation under this subdivision (37)(G) provides proof to the enforcement authority that issued the citation that the individual held a valid commercial driver license on the date the citation was issued shall not be guilty of this offense;

(H) Driving a commercial vehicle without the proper class of commercial driver license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; or

(I) Driving while texting;

(38) "State" means a state of the United States and also means the District of Columbia;

(39) "Tank vehicle" means any commercial motor vehicle equipped with a tank designed to hold liquid or gaseous materials with a capacity of one thousand gallons (1,000 gals.) or more; and

(40) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device.

(A) "Texting" includes without limitation using a short message service, e-mailing, instant messaging, entering a command or request to access an Internet page, or engaging in any other form of electronic text entry for present or future communication.

(B) "Texting" does not include:

(i) Reading, selecting, or entering a telephone number, an extension number, or a voicemail retrieval code or command into an electronic device for the purpose of initiating or receiving a phone call or using a voice command to initiate or receive a telephone call;

(ii) Inputting, selecting, or reading information on a global positioning system or navigation system; or

(iii) Using a device capable of performing multiple functions, including without limitation a fleet management system, a dispatching device, a smart phone, a citizens band radio, and a music player, for a purpose that is not otherwise prohibited in 49 C.F.R. parts 383 or 392, as in effect on January 1, 2011.

(41) "United States" means the fifty (50) states and the District of Columbia.

History. Acts 1989, No. 241, § 3; 1991, No. 643, § 1; 1995, No. 921, §§ 1, 2; 1997, No. 892, §§ 1-3; 2003, No. 842, § 1; 2005, No. 879, § 2; 2007, No. 382, § 1; 2009, No. 456, §§ 5, 6; 2011, No. 352, §§ 1, 2.

27-23-104. Limitation on number of driver licenses.

No person who drives a commercial motor vehicle may have more than one (1) driver license.

History. Acts 1989, No. 241, § 4.

27-23-105. Notification required by driver.

(a) NOTIFICATION OF CONVICTIONS. (1) Any driver of a commercial motor vehicle holding a driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state, other than parking violations, shall notify the Office of Driver Services in the manner specified by the office within thirty (30) days of the date of conviction.

(2) Any driver of a commercial motor vehicle holding a driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, other than parking violations, must notify his or her employer in writing of the conviction within thirty (30) days of the date of conviction.

(b) NOTIFICATION OF SUSPENSIONS, REVOCATIONS AND CANCELLATIONS. Each driver whose driver license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, must notify his or her employer of the fact before the end of the business day following the day the driver received notice of that fact.

(c) NOTIFICATION OF PREVIOUS EMPLOYMENT. Each person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the ten (10) years preceding the date of application.

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates between which the applicant drove for each employer; and

(3) The reason for leaving that employer.

The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

(d) PROHIBITION FROM DRIVING FOR CERTAIN VIOLATIONS. (1) Any person who once violates the provisions of this section shall be prohibited from driving a commercial motor vehicle in this state for a period of ninety (90) days.

(2) Any person who violates the provisions of this section a second time shall be prohibited from driving a commercial motor vehicle in this state for a period of one (1) year.

(3) Any person who violates the provisions of this section a third or subsequent time shall be prohibited from ever driving a commercial motor vehicle in this state.

History. Acts 1989, No. 241, § 5.

27-23-106. Employer responsibilities.

(a) Each employer must require the applicant to provide the information specified in § 27-23-105(c).

(b) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(1) In which the driver has a driver license suspended, revoked, or cancelled by a state; has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle;

(2) In which the driver has more than one (1) driver license; or

(3) In which the employee, the motor carrier, the driver, or the vehicle operated by the employee or driver is subject to an out-of-service order.

(c)(1) Any employer who once violates the provisions of subdivision (b)(1) or (2) of this section shall,

upon conviction, be fined a sum of five hundred dollars ($500), and each day's violation and each driver's violation shall constitute a separate offense and shall be punished as such. Any employer who violates the provisions of subdivision (b)(1) or (2) of this section a second or subsequent time shall, upon conviction, be fined a sum of one thousand dollars ($1,000), and each day's violation and each driver's violation shall constitute a separate offense and shall be punished as such.

(2) An employer convicted of a violation of subdivision (b)(3) of this section is subject to a civil penalty of not less than two thousand seven hundred fifty dollars ($2,750) but not more than twenty-five thousand dollars ($25,000).

(3) An employer who knowingly allows, requires, permits, or authorizes a driver to operate a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one (1) or more of the offenses listed in § 27-23-112(d) at a railroad-highway grade crossing is subject to a civil penalty of not less than two thousand seven hundred fifty dollars ($2,750) but not more than ten thousand dollars ($10,000).

History. Acts 1989, No. 241, § 6; 1995, No. 921, § 3; 2005, No. 879, § 1; 2009, No. 456, § 7.

27-23-107. Commercial driver license required.

(a) Except when driving under a commercial driver instruction permit and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds a commercial driver license with the applicable endorsements valid for the vehicle being driven and is in immediate possession of their commercial driver license when driving a commercial motor vehicle.

(b) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or cancelled, while subject to a disqualification, or in violation of an out-of-service order.

(c) Any person who violates any provisions of this section shall be cited for such violations and if found guilty shall be deemed to have committed a Class C misdemeanor.

History. Acts 1989, No. 241, § 7.

27-23-108. Commercial driver license qualification standards.

(a)(1)(A) TESTING. To the extent permitted by federal law and regulation, a person may be issued a commercial driver license only if that person has:

(i) Passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R., part 383, sub-parts G. and H.; and

(ii) Satisfied all other requirements imposed by state or federal law or regulation.

(B) The tests must be prescribed by the Department of Arkansas State Police and shall be conducted by the Department of Arkansas State Police or by a third party tester designated by the Department of Arkansas State Police under regulations promulgated as provided in this section.

(C) The Department of Finance and Administration shall promulgate the rules to set the length of time the commercial driver license is valid under this subdivision (a)(1).

(2) The Department of Arkansas State Police shall, by regulations, authorize a person, including an agency of this state, an employer, a private driver training facility, another private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section. These third party testing regulations shall provide as a minimum that:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party shall enter into an agreement with the state which complies with requirements of 49 C.F.R., § 383.75;

(iii) The Department of Arkansas State Police shall designate and provide to any third party testers the evidence to be used to indicate to the state licensing agency that an applicant had successfully passed the skills test;

(iv) The eligibility to become a third party tester shall be open to qualified persons under the regulations at least twice annually; and

(v) The third party tester shall pay a third party testing administration fee as may be determined by the Director of the Department of Arkansas State Police to recover the costs of administering the testing program and examination distribution expenses.

(b)(1) WAIVER OF SKILLS TEST. The Department of Arkansas State Police may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R., § 383.77.

(2)(A) As used in this subdivision (b)(2), "valid military commercial driver's license" means any commercial driver license that is recognized by any active or reserve component of any branch or unit of the armed forces of the United States as currently being valid or as having been valid at the time of the applicant's separation or discharge from the military that occurred within the twelve-month period prior to the date of application to the Office of Driver Services for a commercial driver license.

(B) The Department of Arkansas State Police shall waive the skills test specified in this section for any commercial driver license applicant who:

(i) Possesses a valid military commercial driver's license; and

(ii) Signs the application for a commercial driver license certifying that the applicant's driving privileges have not been suspended, revoked, or canceled and that the applicant has not had a conviction for any disqualifying offense as described in § 27-23-112.

(C) The Department of Arkansas State Police shall:

(i) Indicate on the application for a commercial driver license the class of license and any endorsements for which the applicant has successfully completed the knowledge requirements; and

(ii) Return the application for a commercial driver license, along with the military commercial driver's license, to the office for the issuance of the commercial driver license.

(c) Limitations on Issuance of License. A commercial driver license, special commercial license, restricted commercial license, temporary commercial license, provisional commercial license, or commercial driver instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver license is suspended, revoked, or cancelled in any state; nor may a commercial driver license be issued to a person who has a commercial driver license or any other driver license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state(s) for cancellation.

(d) Commercial Driver Instruction Permit. (1) A commercial driver instruction permit may be issued by the Department of Arkansas State Police to an individual who holds a valid driver license.

(2) The commercial driver instruction permit may not be issued for a period to exceed six (6) months. Only one (1) renewal may be granted within a one-year period. The holder of a commercial driver instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

History. Acts 1989, No. 241, § 8; 1995, No. 654, § 1; 2003, No. 217,§ 2; 2003, No. 842, § 2; 2003 (2nd Ex. Sess.), No. 5, §§ 1, 2; 2005, No. 76, § 1; 2005, No. 879, § 5; 2005, No. 942, § 1; 2007, No. 584, § 1.

27-23-109. [Repealed.]

Publisher's Notes. This section, concerning nonresident CDL, was repealed by Acts 2007, No. 382, § 2. The section was derived from Acts 1989, No. 241, § 9.

27-23-110. Application for commercial driver license.

(a)(1) The application for a commercial driver license or commercial driver instruction permit must include the following:

(A) The full name and current residential address of the applicant;

(B) A physical description of the applicant, including the applicant's sex, height, weight, eye color, and hair color;

(C) The applicant's date of birth;

(D) The applicant's social security number;

(E) The applicant's signature;

(F) A consent to release driving record information;

(G) Certifications including those required by 49 C.F.R. § 383.71(a), as in effect on January 1, 2011;

(H) Certification that the applicant is not subject to any disqualification under 49 C.F.R. § 383.51, as in effect on January 1, 2011, or any license suspension, revocation, or cancellation under state law and that the applicant does not have a driver license from more than one (1) state or jurisdiction;

(I) Beginning on and after January 30, 2012, certification that the applicant is or expects to be one (1) of the following types of drivers:

(i) Nonexcepted interstate;

(ii) Excepted interstate;

(iii) Nonexcepted intrastate; or

(iv) Excepted intrastate;

(J) The surrender of the applicant's noncommercial driver licenses to the state;

(K) The names of all states in which the applicant has previously been licensed to drive any type of motor vehicle during the previous ten (10) years; and

(L) Any other information required by the Office of Driver Services.

(2) The application shall be accompanied by an application fee of forty-one dollars ($41.00).

(b) When a licensee changes his or her name or residential address, an application for a duplicate license must be made to the office.

(c) No person who has been a resident of this state for thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(d) The license application must be accompanied by an examination fee for each knowledge and skills test, which shall be set by regulation of the Department of Arkansas State Police in an amount not to exceed fifty dollars ($50.00) for each examination and administration.

(e) The examination fee set in subsection (d) of this section shall be collected by the Revenue Division of the Department of Finance and Administration at the time of initial application for a commercial motor vehicle license and any subsequent applications for examination. The funds shall then be deposited as special revenues into the State Treasury and distributed to the credit of the Department of Arkansas State Police Fund to defray the cost of administering the examination of the knowledge and skills tests required in § 27-23-108.

History. Acts 1989, No. 241, § 10; 1989, (3rd Ex. Sess.), No. 36, § 1; 1991, No. 164, § 1; 1991, No. 852, § 1; 1991, No. 1042,§ 1; 2003, No. 842, § 3; 2007, No. 256, § 1; 2007, No. 382, § 3; 2011, No. 352, § 3.

27-23-111. Content of Commercial Driver License — Classifications — Expiration and renewal.

(a) Content of License. The commercial driver license must be marked "Commercial Driver License" or "CDL", and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

(1) The name and residential address of the person;

(2) The person's color photograph;

(3) A physical description of the person, including sex and height;

(4) Date of birth;

(5) A license number which shall be a nine-digit number assigned to the person by the Commissioner of Motor Vehicles;

(6) The person's signature;

(7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;

(8) The name of this state; and

(9) The dates between which the license is valid.

(b) Classifications, Endorsements, and Restrictions. Commercial driver licenses may be issued with the following Class A, Class B, or Class C classifications, as well as the following endorsements and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license; all other driver licenses may be issued with the following Class D, Class M, or Class MD classifications;

(1) Commercial Classification.

Class A. Any combination of vehicles with a gross vehicle weight rating (GVWR) of twenty-six thousand one pounds (26,001 lbs.) or more, provided that the GVWR of the vehicle(s) being towed is in excess of ten thousand pounds (10,000 lbs.). No Class A license shall be issued to any person under the age of eighteen (18) years.

Class B. Any single vehicle with a GVWR of twenty-six thousand one pounds (26,001 lbs.) or more, and any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs.). No Class B license shall be issued to any person under the age of eighteen (18) years.

Class C. Any single vehicle with a GVWR of less than twenty-six thousand one pounds (26,001 lbs.) or any such vehicle towing a vehicle with a GVWR not in excess of ten thousand pounds (10,000 lbs.) comprising:

(A) Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

(B) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R., part 172, subpart F. No Class C license shall be issued to any person under the age of eighteen (18) years.

(2) Other Classifications.

Class D. Any vehicle which is not a commercial vehicle, as defined by this chapter. No Class D license shall be issued to persons under the age of fourteen (14) years; provided, however, that no such licensee under the age of sixteen (16) years shall operate a vehicle unless accompanied in the front passenger seat of the vehicle by a licensed driver with at least one (1) year of driving experience.

No Class D license shall be valid to carry passengers for hire without a "P" endorsement. No "P" endorsement shall be issued to any person under the age of eighteen (18) years.

Notwithstanding the provisions of this or any other section of this subchapter, any person who on the effective date of this subchapter, has a valid operator's, chauffeur's, or for-hire chauffeur's license shall be entitled to drive the vehicles authorized thereby until the date of expiration of such license, but not thereafter; provided, however, that any person driving a commercial motor vehicle as defined by this chapter on or after April 1, 1992, must first obtain a commercial driver license as required by this section.

Class M. That license valid for the operation of any motorcycle which displaces more than two hundred fifty cubic centimeters (250 cc). No such license shall be issued to any person under the age of sixteen (16) years.

Class MD. That license valid for the operation of any motor driven cycle which displaces two hundred fifty cubic centimeters (250 cc) or less. No such license shall be issued to any person under the age of fourteen (14) years. A Class MD license shall automatically expire upon the licensee's sixteenth (16th) birthday.

(3) Endorsements and restrictions are:

"H" — authorizes the driver to drive a vehicle transporting hazardous materials;

"K" — restricts the driver to vehicles not equipped with airbrakes;

"T" — authorizes driving double and triple trailers;

"P" — authorizes driving vehicles carrying passengers or carrying passengers for hire;

"N" — authorizes driving tank vehicles;

"X" — represents a combination of hazardous materials and tank vehicle endorsements;

"M" — authorizes the driver to drive a motorcycle;

"S" — authorizes the driver to operate a school bus; and

"V" — indicates there is information about a medical variance on the commercial driver license

record for commercial driver licenses issued on or after January 30, 2012, if the Office of Driver Services is notified according to 49 C.F.R. § 383.73(j)(3), as in effect on January 1, 2011, that the driver has been issued a medical variance.

(c)(1) Applicant Record Check. Before issuing a commercial driver license, the Office of Driver Services must obtain driving record information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(2)(A)(i) Criminal Background Check. After January 30, 2005, before issuing a commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the Transportation Security Administration a criminal background check and evaluation which establish that the driver is not a security risk.

(ii) After May 31, 2005, before renewing or accepting a transferred commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the administration a criminal background check and evaluation which establish that the driver is not a security risk.

(B)(i) If the office denies issuance of a commercial driver license with a hazardous materials or "H" endorsement based on the criminal background check and evaluation performed by the administration, any person disqualified from transporting hazardous material who wishes to appeal that finding shall file an appeal to the administration under the rules, regulations, and guidelines of that agency.

(ii) The appeal process provided under federal law shall be the sole avenue to appeal the denial of the issuance of a commercial driver license under this section based upon the finding of the administration.

(d) Notification of License Issuance. Within ten (10) days after issuing a commercial driver license, the office must notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

(e) Expiration of License. All driver licenses issued upon and after January 1, 1990, shall be issued for a period of four (4) years from the date of issuance.

(f) Authority to Adjust All Driver License Expiration Periods. The office, for whatever period of time is necessary, shall have the authority to promulgate rules and regulations to extend or shorten the term of any driver license period, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year. All driver licenses subject to change for the purpose of this chapter shall also be subject to adjustment of the license fee to ensure the proper license fee is assessed as set forth in this chapter and such change shall be carried out in a manner determined by the office.

(g) License Renewal Procedures. When applying for renewal of a commercial driver license, the applicant must complete the application form required by § 27-23-110(a) providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

History. Acts 1989, No. 241, § 11; 1989 (3rd Ex. Sess.), No. 36, § 2; 1991, No. 164, § 2; 1991, No. 852, § 2; 1993, No. 445, § 38; 2003, No. 836, § 3; 2003, No. 842, § 4; 2005, No. 136, § 1; 2007, No. 256, § 2; 2011, No. 352, § 4.

27-23-112. Disqualification and cancellation.

(a)(1) A driver or holder of a commercial driver license who is disqualified shall not drive a commercial motor vehicle.

(2) An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(3) A driver is subject to disqualification sanctions designated in subsections (b) and (c) of this section if the holder of a commercial driver license drives a commercial motor vehicle or noncommercial motor vehicle and is convicted of violations.

(4) Determining first and subsequent violations. For purposes of determining first and subsequent violations of the offenses specified in this section, each conviction for any offense listed in this section resulting from a separate incident, whether committed in a commercial motor vehicle or noncommercial motor vehicle, must be counted.

(5)(A) The Office of Driver Services may reinstate any driver disqualified for life for offenses described in subdivisions (b)(1)-(7) of this section after ten (10) years if that person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the Department of Health.

(B) Any person who has been reinstated in accordance with this provision and who is subsequently convicted of a disqualifying offense described in subdivisions (b)(1)-(7) of this section shall not be reinstated.

(6) Notwithstanding any other provision of law, an Arkansas court shall not grant a restricted driving permit to operate a commercial motor vehicle.

(b) Disqualification for major offenses. Depending upon the type of vehicle a driver is operating at the time of the violation, a driver shall be disqualified as follows:

(1) If a driver operates a motor vehicle and is convicted of being intoxicated by drugs or alcohol as provided by § 5-65-103 or refusing to submit to chemical testing as provided by § 5-65-202, the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle, a person required to have a commercial driver li-

cense or a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(2) If a driver operates a motor vehicle and is convicted of having a blood alcohol concentration in violation of § 27-23-114(a), the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(3) If a driver operates a motor vehicle and is convicted of leaving the scene of an accident, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(4) If a driver operates a motor vehicle and is convicted of using the vehicle to commit a felony other than one described in subdivision (b)(7) of this section, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a

commercial driver license holder must be disqualified from operating a commercial motor vehicle for life;

(5) If a driver operates a motor vehicle and is convicted of driving a commercial motor vehicle when the driver's commercial driver license is revoked, suspended, or canceled or if the driver is disqualified from operating a commercial motor vehicle as a result of prior violations committed while operating a commercial motor vehicle, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(6) If a driver operates a motor vehicle and is convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of murder, manslaughter, and negligent homicide, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(7) If a driver operates a motor vehicle and is convicted of using the vehicle in the commission of a felony involving delivering, manufacturing, or trafficking a controlled substance in violation of §§ 5-64-419 — 5-64-442 or the former § 5-64-401, the driver shall be disqualified as follows:

(A) For a conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years; and

(B) For a conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years.

(c) Disqualification for serious traffic violations, the offenses, and the periods for which a driver must be disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, shall be as follows:

(1) For a second conviction of any combination of serious traffic violations in a separate incident within a three-year period while operating a commercial motor vehicle or a suspension, revocation, or cancellation resulting from a conviction while operating a noncommercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for sixty (60) days; and

(2) For a third or subsequent conviction of any combination of serious traffic violations in a separate incident within a three-year period while operating a commercial motor vehicle or a conviction that results in suspension, revocation, or cancellation resulting from operating a noncommercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one hundred twenty (120) days;

(d) A driver shall be disqualified if the driver is convicted of operating a commercial motor vehicle in violation of federal, state, or local law or regulation because of the following railroad crossing violations:

(1) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(2) For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear;

(3) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(4) For all drivers failing to have sufficient space to drive completely through the crossing without stopping;

(5) For all drivers failing to obey a traffic control device or the directions of the enforcement official at the crossing; and

(6) For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

(e) A driver convicted of an offense listed in subsection (d) of this section is disqualified:

(1) For at least sixty (60) calendar days for a first conviction;

(2) For at least one hundred twenty (120) calendar days for a second conviction within a three-year period; and

(3) For at least one (1) year for a third or subsequent conviction within a three-year period.

(f) A driver who violates an out-of-service order is disqualified as follows:

(1) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials, the driver is disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least one hundred eighty (180) days but not more than one (1) year;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least two (2) years but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(2) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, or while operating a vehicle designed to transport sixteen (16) or more passengers, including the driver, the driver is disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least one hundred eighty (180) days but not more than two (2) years;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder is disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years.

(g) Any driver disqualified by the Federal Motor Carriers Safety Administration under 49 C.F.R. § 383.52 shall be disqualified by the office. The disqualification shall be concurrent with the disqualification ordered by the Federal Motor Carriers Safety Administration and shall be entered as part of the driver's record.

(h) Convictions, disqualifications, and other licensing action for violations as provided in this section shall be noted and retained by the office on a person's commercial driver's license record for the periods of time required under 49 C.F.R. § 384.225(d) and 49 C.F.R. § 384.231(d), as in effect on January 1, 2007.

(i) The commercial driver's license record released by the office to the employer or prospective employer of a commercial driver pursuant to 49 C.F.R. § 384.225(c) and (e)(4), as in effect on January 1, 2007, shall be a complete record that includes any convictions, disqualifications, and other licensing actions for violations required to be retained on a commercial driver's license record under 49 C.F.R. § 384.225(d) and 49 C.F.R. § 384.231(d), as in effect on January 1, 2007.

History. Acts 1989, No. 241, § 12; 1993, No. 1257, § 6; 1995, No. 921, § 4; 1999, No. 1077, §§ 3, 4; 2001, No. 216, § 1; 2003, No. 842, § 5; 2007, No. 370, § 1; 2009, No. 456, §§ 8, 9; 2011, No. 352, §§ 5, 6; 2011, No. 570, § 128.

27-23-113. Commercial drivers prohibited from operating with any alcohol in system.

(a) No person shall:

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within four (4) hours before going on duty or operating, or having physical control of, a commercial motor vehicle;

(2) Consume an intoxicating beverage regardless of its alcohol content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle; or

(3) Be on duty or operate a commercial motor vehicle while the driver possesses an intoxicating beverage, regardless of its alcohol content. However, this subdivision (a)(3) does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) Any driver who is found to be in violation of the provisions of subsection (a) of this section shall be placed out-of-service immediately for a period of twenty-four (24) hours.

(1) The twenty-four-hour out-of-service period will commence upon issuance of an out-of-service order.

(2) No driver shall violate the terms of an out-of-service order issued under this section.

(c) A driver convicted of violating an out-of-service order is subject to disqualification under § 27-23-112, in addition to a civil penalty of:

(1) Not less than two thousand five hundred dollars ($2,500) for a first conviction; and

(2) Not less than five thousand dollars ($5,000) for a second or subsequent conviction.

History. Acts 1989, No. 241, § 13; 2003, No. 842, § 6; 2009, No. 456, § 10.

27-23-114. Commercial motor vehicle driving offenses and penalties.

(a)(1) It is unlawful and punishable as provided in this subchapter for any person who is intoxicated to operate or be in physical control of a commercial motor vehicle. The term "intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination thereof, at such measurable level so that the driver's reactions, motor skills, and judgment are substantially altered, and the driver therefore constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.

(2) It is unlawful and punishable as provided in this subchapter for any person to operate or be in actual physical control of a commercial motor vehicle if at the time there was four hundredths of one percent (0.04%) or more by weight of alcohol in the person's blood as determined by a chemical test of the person's blood or breath or other body substances. For the purpose of this subchapter, there is no presumption, as there is found in § 5-65-206, that a person is not under the influence of an intoxicating substance if such person's blood alcohol concentration is five hundredths of one percent (0.05%) or less.

(3) It shall be unlawful and punishable as provided in this subchapter for any person operating a commercial motor vehicle to leave the scene of an accident involving the commercial motor vehicle and resulting in any injury to or death of any person, in any damage to another vehicle, whether attended or unattended, or in any damage to any fixture legally upon the highway or adjacent to a highway. The person operating a commercial motor vehicle involved in any such accident shall be under a duty to stop his or her vehicle at the scene of the accident and render the same aid and give the same information as required by § 27-53-103.

(4) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to use a commercial motor vehicle in the commission of a felony.

(5) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to refuse to submit to a chemical test to determine the person's blood alcohol concentration while driving a commercial motor vehicle. A person driving a commercial motor vehicle requested to submit to such a chemical test shall be warned by the law enforcement officer that a refusal to submit to the test will result in that person being disqualified from driving a commercial motor vehicle.

(b) Any person convicted of a violation of driving a commercial motor vehicle while intoxicated, driving a commercial motor vehicle while the person's blood alcohol concentration is four hundredths of one percent (0.04%) or more, leaving the scene of an accident involving a commercial motor vehicle driven by the person, or using a commercial motor vehicle in the commission of any felony shall be deemed guilty of a Class B misdemeanor and shall be disqualified from driving a commercial motor vehicle as specified in § 27-23-112.

(c)(1) A law enforcement officer having reasonable cause to believe the person to have been driving a commercial motor vehicle while intoxicated or driving a commercial motor vehicle while the person's blood alcohol concentration was four hundredths of one percent (0.04%) or more shall have the authority to administer or have administered a chemical test to determine the person's blood alcohol concentration. The chemical test authorized shall be identical to and under the same standards of the test given to persons under the Omnibus DWI Act, § 5-65-101 et seq.

(2)(A) At the time of an arrest under subdivision (a)(1), (a)(2), or (a)(5) of this section, the law enforcement officer shall seize the driver's license of the arrested person as provided by § 5-65-402, and the office shall disqualify the driving privileges of the arrested person as provided by § 27-23-112 under the procedure in § 5-65-402.

(B) The arrested person shall have the same right to administrative and judicial review provided in § 5-65-402.

(d)(1) Every magistrate or judge of a court shall keep a record of every violation of this section presented to the court and shall keep a record of every official action taken by the court.

(2) Within thirty (30) days after a person has been found guilty, or pleaded guilty or nolo contendere on a charge of violating any provision of this section, every magistrate of the court or clerk of the court shall prepare and immediately forward to the Office of Driver Services an abstract, which shall be certified as true and correct, of the record of the court covering the case where a person was found guilty, or pleaded guilty or nolo contendere.

(3) The abstract shall be made on a form furnished by the office and shall include all items that the office shall determine as necessary.

(e) Any violation of the offenses found in subsection (a) of this section and the penalties and suspensions imposed for those violations shall be cumulative and in addition to the penalties and suspensions for any other offense or violation under a similar Arkansas motor vehicle traffic or criminal law.

(f) Upon determining that the driver has violated subdivision (a)(1) or (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court shall order an assessment of the driver's degree of repeated alcohol abuse and shall order treatment for alcohol abuse as a condition of sentencing if appropriate.

(g) Upon determining that the driver has violated subdivision (a)(1) or (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court may order the driver to perform no less than thirty (30) days of community service in lieu of imprisonment for a second offense or no less than sixty (60) days of community service in lieu of imprisonment for a third or subsequent offense.

(h)(1)(A) It is unlawful for a person to knowingly apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(B) It is unlawful to knowingly assist or permit any other person to apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(C) It is unlawful to knowingly enter false test scores or false information on any application for a commercial driver license.

(2)(A) A person who violates this subsection (h) is guilty of an unclassified offense and may be fined an amount not to exceed five thousand dollars ($5,000) or imprisoned up to a year in jail, or both.

(B) Any fine collected under this subsection shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the Department of Arkansas State Police Fund.

History. Acts 1989, No. 241, § 14; 1991, No. 643, § 2; 1999, No. 1077, §§ 5-7; 2003, No. 217, § 3; 2005, No. 76, § 2; 2005, No. 942, § 2.

27-23-115. Implied consent requirements for commercial motor vehicle drivers.

(a) A person who drives a commercial motor vehicle within this state shall be deemed to have given consent, subject to the provisions of § 5-65-202, to take a test or tests of that person's blood, breath, or urine for the purpose of determining that person's blood alcohol concentration or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law enforcement officer who, after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system. It shall be unlawful and punishable as provided in this chapter for any person so stopped or detained to refuse to submit to such test or tests to determine that person's blood alcohol concentration or the presence of other drugs.

(c) A person requested to submit to a test as provided in subsection (a) of this section must be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in that person's being disqualified from operating a commercial motor vehicle under § 27-23-112 and § 5-65-402.

(d) If the person is under arrest and refuses testing, no test shall be given, and the person's commercial driver license shall be seized by the law enforcement officer. The officer shall immediately deliver to the person whose license was seized a temporary commercial driving permit as provided by § 5-65-402 and shall cite the person for his or her refusal to submit to the test.

(e) The arresting officer shall remit the seized commercial driver license to the Office of Driver Services as provided by § 5-65-402.

(f) The office shall disqualify the person from operating a commercial motor vehicle for a period specified in § 27-23-112 under the procedure set forth in § 5-65-402, and the disqualified person shall have the same right to administrative and judicial review provided by § 5-65-402.

History. Acts 1989, No. 241, § 15; 1991, No. 643, § 3; 1999, No. 1077, § 8.

27-23-116. Notification of traffic convictions.

Within ten (10) days after receiving a report of the conviction of any nonresident holder of a driver license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the Office of Driver Services shall notify the driver licensing authority in the licensing state of the conviction.

History. Acts 1989, No. 241, § 16; 1995, No. 921, § 8.

27-23-117. Driving record information to be furnished.

Notwithstanding any other provision of law to the contrary, the Office of Driver Services must furnish full information regarding the driving record of any person:

(a) To the driver license administrator of any other state, or province or territory of Canada, requesting that information.

(b) To any employer or prospective employer upon request and payment of a fee of ten dollars ($10.00).

(c) To others, authorized to receive such information pursuant to § 27-50-906, upon request and payment of a fee of seven dollars ($7.00).

History. Acts 1989, No. 241, § 17.

27-23-118. Distribution of fees.

(a) The fee set out in § 27-23-110(a) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Twenty dollars ($20.00) shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund;

(2) One dollar ($1.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(g); and

(3) The remaining twenty dollars ($20.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(d).

(b) The fee set out in § 27-23-117(b) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Four dollars ($4.00) of the fee shall be deposited to the credit of the division in the fund; and

(2) The remaining six dollars ($6.00) of the fee shall be distributed in the manner set forth in § 27-50-910.

(c) The fee set out in § 27-23-117(c) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) One dollar ($1.00) of the fee shall be deposited to the credit of the division in the fund; and

(2) The remaining six dollars ($6.00) of the fee shall be distributed in the manner set forth in § 27-50-910.

(d) All fines, forfeitures, and penalties levied by any court for all offenses committed under this chapter shall be collected by the clerk of the court and remitted to the division. They shall then be deposited as special revenues into the State Treasury to the credit of the division in the fund.

History. Acts 1989, No. 241, § 18; 1991, No. 1042, § 2.

27-23-119. Exemption regulations.

In the event that it shall be determined by federal regulation that certain classes of drivers shall be exempt from the application of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Pub. L. 99-570, Title XII, the State Highway Commission shall have the authority to and shall promulgate rules and regulations to exempt those certain classes of drivers from the application of this subchapter.

History. Acts 1989, No. 241, § 19.

27-23-120. Rulemaking authority.

The Office of Driver Services and the Department of Arkansas State Police shall have the authority to adopt rules and regulations after consulting with, and with the concurrence of, the State Highway Commission and the Arkansas Highway Police of the Arkansas State Highway and Transportation Department, necessary to carry out the provisions of this subchapter.

History. Acts 1989, No. 241, § 20.

27-23-121. Authority to enter agreement.

The Office of Driver Services and the Department of Arkansas State Police shall have the authority to enter into or make agreements, arrangements, or declarations necessary to carry out the provisions of this subchapter.

History. Acts 1989, No. 241, § 21.

27-23-122. Enforcement.

The enforcement personnel of the State Highway Commission, the Arkansas Highway Police of the Arkansas State Highway and Transportation Department, and any certified law enforcement officer shall have the authority to enforce the provisions of this subchapter.

History. Acts 1989, No. 241, § 22.

27-23-123. Reciprocity.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver license issued by any state or province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the person is not suspended, revoked, cancelled, disqualified from driving a commercial motor vehicle, or subject to an out-of-service order.

History. Acts 1989, No. 241, § 23.

27-23-124. Commercial Driver License Fund.

(a) There is hereby established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as the "Commercial Driver License Fund" of the Revenue Division of the Department of Finance and Administration. The Commercial Driver License Fund shall consist of special revenues as set out in § 27-23-118, to be used to establish and maintain the Arkansas Commercial Driver License Program, and for other related purposes as required by the Direc-

tor of the Department of Finance and Administration in carrying out the functions, powers, and duties of the division.

(b) On July 1, 1989, a loan to the Commercial Driver License Fund shall be made from the Budget Stabilization Trust Fund, in an amount or amounts to be determined by the Chief Fiscal Officer of the State, for the purpose of establishing the Commercial Driver License Program. Loans to the Commercial Driver License Fund during the fiscal year ending June 30, 1990, shall be repaid to the Budget Stabilization Trust Fund on or before June 30, 1991. Provided, further loans to the Commercial Driver License Fund from the Budget Stabilization Trust Fund may be made after July 1, 1989; however, such loans made after July 1, 1990, must be repaid on or before the fiscal year in which such loans were made.

History. Acts 1989, No. 241, § 24.

27-23-125. Suspension of commercial driver license for delinquent child support.

All types of commercial driver licenses shall be subject to suspension for nonpayment of child support under § 9-14-239.

History. Acts 1993, No. 1241, § 1; 1995, No. 1184, § 23; 1997, No. 1296, §§ 39, 40; 2001, No. 1248, § 15.

27-23-126. Notification of out-of-service order.

The law enforcement officer issuing an out-of-service order to a commercial motor vehicle driver pursuant to § 27-23-113 or compatible law shall within thirty (30) days report such issuance to the Office of Driver Services.

History. Acts 1995, No. 921, § 6.

27-23-127. Disqualification of noncommercial driver license holder.

(a) The provisions of §§ 27-23-112 — 27-23-114 shall apply equally to drivers of a commercial motor vehicle who have not been issued a commercial driver license. Any person convicted of any of the listed offenses shall be prohibited from obtaining a commercial driver license during the disqualification period(s) provided in § 27-23-112.

(b) The disqualification of a noncommercial driver license driver pursuant to this section shall be recorded and reported by the Office of Driver Services in the same manner as a disqualification of a driver holding a commercial driver license.

History. Acts 1995, No. 921, § 7.

27-23-128. Deferment of sentence — Restrictions.

No circuit or district court judge may utilize § 5-4-321, § 16-90-115, §§ 16-93-301 — 16-93-303, § 16-93-314, or § 27-50-701 or any other program to defer imposition of sentence in instances in which the defendant holds a commercial driver license and is charged with violating any state or local traffic law other than a parking violation.

History. Acts 2003, No. 842, § 7; 2005, No. 1934, § 19; 2009, No. 456, § 11; 2011, No. 570, § 129.

27-23-129. Medical certification required — Downgrade of license for noncompliance — Denial or disqualification of license for fraud.

(a)(1) Beginning January 30, 2012, an applicant for a commercial driver license that certifies as nonexcepted interstate or nonexcepted intrastate shall provide to the Office of Driver Services an original or a copy of a medical examiner's certificate prepared by a medical examiner, as required by 49 C.F.R. part 391, subpart E, as in effect on January 1, 2011.

(2) Upon approval of the application, the office shall post a certification status of "certified" on the commercial driver license record for the driver.

(b) Beginning January 30, 2012, before issuing a commercial driver license to a person who certifies as nonexcepted interstate or nonexcepted intrastate and has a valid commercial driver license from another state, the office shall:

(1) Verify from the commercial driver license record that the medical certification status of the driver is "certified"; or

(2)(A) Obtain from the driver an original or a copy of a current medical examiner's certificate prepared by a medical examiner, as required by 49 C.F.R. part 391, subpart E, as in effect on January 1, 2011.

(B) Upon approval of the transfer, the office shall post a certification status of "certified" on the commercial driver license record for the driver.

(c)(1) Between January 30, 2012, and January 30, 2014, inclusive, a holder of a commercial driver license shall certify to the office that the driver is one of the following types of drivers:

(A) Nonexcepted interstate;

(B) Excepted interstate;

(C) Nonexcepted intrastate; or

(D) Excepted intrastate.

(2) The office shall post to the commercial driver license record the driver's certification.

(3) Between January 30, 2012, and January 30, 2014, inclusive, a holder of a commercial driver license that certifies as nonexcepted interstate or nonexcepted intrastate shall provide the office with an original or a copy of a current medical examiner's certificate prepared by a medical examiner, as required by 49 C.F.R. part 391, subpart E, as in effect on January 1, 2011, and the office shall post a certification status of "certified" on the commercial driver license record for the driver.

(d)(1) To maintain a medical certification status of "certified", a commercial driver license holder must provide the office with an unexpired original or a copy of each subsequently issued medical examiner's certificate.

(2) Beginning January 30, 2012, if a driver's medical certification or medical variance expires, or if the Federal Motor Carrier Safety Administration notifies the office that a medical variance was removed or rescinded, the office shall:

(A) Post a certification status of "not certified" in the commercial driver license record for the driver;

(B) Downgrade the commercial driver license of the driver effective in sixty (60) days; and

(C) Notify the driver in writing that:

(i) The driver has a "not certified" medical-certification status; and

(ii) The commercial driver license privilege will be downgraded unless the driver submits a current medical certificate or medical variance.

(3) Beginning January 30, 2014, if a holder of a commercial driver license fails to provide the office with the certification required under subsection (c) of this section, the office shall:

(A) Post a certification status of "not certified" in the commercial driver license record for the driver;

(B) Downgrade the commercial driver license of the driver effective in sixty (60) days; and

(C) Notify the driver in writing that:

(i) The driver has a "not certified" medical certification status; and

(ii) The commercial driver license privilege will be downgraded unless the driver submits:

(a) The certification required by subsection (c) of this section; and

(b) A current medical certificate or medical variance, if applicable.

(4) Beginning January 30, 2014, if a holder of a commercial driver license that certifies as non-excepted interstate or non-excepted intrastate fails to provide the office with a current medical examiner's certificate, the office shall:

(A) Post a certification status of "not certified" in the commercial driver license record for the driver;

(B) Downgrade the commercial driver license of the driver effective in sixty (60) days; and

(C) Notify the driver in writing that:

(i) The driver has a "not certified" medical certification status; and

(ii) The commercial driver license privilege will be downgraded unless the driver submits a current medical certificate or medical variance.

(e) For each current medical examiner certificate received from a driver, the office shall:

(1) Date-stamp the medical examiner's certificate;

(2) Retain the original or a copy of the medical certificate of a driver for three (3) years beyond the date the certificate was issued; and

(3) Post the information from the medical examiner's certificate within ten (10) calendar days to the commercial driver license record, including:

(A) The medical examiner's name;

(B) The medical examiner's telephone number;

(C) The date of the medical examiner's certificate issuance;

(D) The medical examiner's license number and the state of issuance;

(E) The medical examiner's National Registry identification number if required by the National Registry of Certified Medical Examiners, mandated by 49 U.S.C. 31149(d), as in effect on January 1, 2011;

(F) An indicator of medical certification status, that is, "certified" or "not certified";

(G) The expiration date of the medical examiner's certificate;

(H) The existence of any medical variance on the medical certificate, including without limitation an exemption, skill performance evaluation certification, or grandfather provision;

(I) Any restrictions, including without limitation corrective lenses, a hearing aid, or a requirement to have possession of an exemption letter or skill performance evaluation certificate while on duty; and

(J) The date the medical examiner's certificate information was posted to the commercial driver license record.

(f) Beginning January 30, 2012, the office, within ten (10) calendar days of a driver's medical certification status expiring or a driver's medical variance expiring or being rescinded, shall update the medical certification status of the driver as "not certified".

(g) Beginning January 30, 2012, the office, within ten (10) calendar days of receiving information from the administration regarding issuance or renewal of a medical variance for a driver, shall update the commercial driver license record to include the medical variance information provided by the administration.

(h)(1) If the office determines in its check of an applicant's license status and record before issuing a commercial driver license that the applicant falsified information or a document required by this section, the office shall:

(A) Deny the person's pending application for a commercial driver license; and

(B) Refuse to grant an application for a commercial driver license for a period of one (1) year.

(2) If the office determines at any time after a commercial driver license is issued that the driver falsified information or a document required by this section, the office shall disqualify the driver's commercial driver license for a period of one (1) year.

History. Acts 2011, No. 352, § 7.

27-23-130. Prohibition against texting.

(a)(1) For purposes of this section only, "driving" means operating a commercial motor vehicle with

the motor running, including while temporarily stationary because of traffic, a traffic control device, or another momentary delay.

(2) For purposes of this section only, "driving" does not include operating a commercial motor vehicle with or without the motor running when the driver moves the vehicle to the side of, or off, a highway, as defined in 49 C.F.R. § 390.5, as in effect on January 1, 2011, and halts in a location in which the vehicle can safely remain stationary.

(b)(1) A driver of a commercial motor vehicle shall not engage in texting while driving.

(2) However, texting while driving is permissible by a driver of a commercial motor vehicle when necessary to communicate with a law enforcement official or other emergency service.

(c) A motor carrier shall not allow or require the motor carrier's drivers to engage in texting while driving.

(d) A person who pleads guilty or nolo contendere to or is found guilty of violating this section commits a violation.

History. Acts 2011, No. 352, § 7.

Subchapter 2 — Commercial Driver Alcohol and Drug Testing Act

SECTION.
27-23-201. Title.
27-23-202. Definitions.
27-23-203. Applicability — Exemptions.
27-23-204. Testing.
27-23-205. Reporting test results.
27-23-206. Maintenance of information — Confidentiality.
27-23-207. Use of database by employers.
27-23-208. Use of database by an employee.
27-23-209. Penalties.
27-23-210. Miscellaneous authority — Rules.
27-23-211. Immunity from civil liability.

27-23-201. Title.

This subchapter is known and may be cited as the "Commercial Driver Alcohol and Drug Testing Act".

History. Acts 2007, No. 637, § 1.

27-23-202. Definitions.

(a) As used in this subchapter:

(1)(A)(i) "Consortium/third-party administrator" means a service agent that provides or coordinates the provision of drug and alcohol testing services to employers that are required to comply with the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(ii) A consortium/third-party administrator performs tasks concerning the operation of an employer's drug and alcohol testing programs.

(B) "A consortium/third-party administrator" includes without limitation, groups of employers who join together to administer, as a single entity, the drug and alcohol testing programs of its members that are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(C) A consortium/third-party administrator is not an "employer" for purposes of this subchapter;

(2)(A) "Employee" means a person who is a holder of an Arkansas commercial driver license and is subject to drug and alcohol tests under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(B) "Employee" includes an individual currently performing safety-sensitive transportation jobs and an applicant for employment in safety-sensitive transportation jobs subject to preemployment testing; and

(3)(A) "Employer" means an Arkansas person or entity employing one (1) or more employees subject to the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(B) "Employer" includes:

(i) An individual who holds an Arkansas commercial driver license who is self-employed in a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009; and

(ii) An Arkansas employer's officer, representative, or management personnel.

(b) Except as provided in this subchapter, the definition under 49 C.F.R. § 40.3, as in effect on January 1, 2009, applies to a term that is used in this subchapter if that term is defined under 49 C.F.R. § 40.3, as in effect on January 1, 2009.

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 12.

27-23-203. Applicability — Exemptions.

(a) This subchapter applies to:

(1) An Arkansas employer who is required to comply with the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009;

(2) An employee who holds an Arkansas commercial driver license and who either:

(A) Is employed by an Arkansas employer in a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009; or

(B) Has submitted an application for employment with an Arkansas employer for a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009; and

(3) A consortium/third-party administrator that provides or coordinates the provision of drug and alcohol testing services to Arkansas employers that are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2009.

(b) This subchapter does not apply to an individual who is exempt from holding a commercial driver license notwithstanding whether the individual holds a commercial driver license.

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 13.

27-23-204. Testing.

An Arkansas employer shall test an employee for alcohol and drugs if this subchapter applies to both the Arkansas employer and employee under § 27-23-203(a)(1) and (2).

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 14.

27-23-205. Reporting test results.

(a) An Arkansas employer shall report to the Office of Driver Services within three (3) business days the results of an alcohol screening test that is performed on an employee who holds an Arkansas commercial driver license if:

(1) The alcohol screening test is performed pursuant to 49 C.F.R. § 382.303 or § 382.305, as in effect on January 1, 2009; and

(2) One (1) of the following occurs regarding the alcohol screening test:

(A) A valid positive result; or

(B) The refusal to provide a specimen for an alcohol screening test.

(b) An Arkansas employer shall report within three (3) business days to the office any of the following occurrences regarding a drug test result of an employee who holds an Arkansas commercial driver license:

(1) A valid positive result on a drug test for any of the following drugs:

(A) Marijuana metabolites;

(B) Cocaine metabolites;

(C) Amphetamines;

(D) Opiate metabolites; or

(E) Phencyclidine (PCP);

(2) The refusal to provide a specimen for a drug test; or

(3) The submission of an adulterated specimen, a dilute positive specimen, or a substituted specimen on a drug test performed.

(c) A consortium/third-party administrator shall report to the office within three (3) business days the results of an alcohol screening test that is performed on an Arkansas employer or employee who holds an Arkansas commercial driver license if:

(1) The alcohol screening test is performed pursuant to 49 C.F.R. § 382.303 or § 382.305, as in effect on January 1, 2009; and

(2) One (1) of the following occurs regarding the alcohol screening test:

(A) A valid positive result; or

(B) The refusal to provide a specimen for an alcohol screening test.

(d) A consortium/third-party administrator shall report within three (3) business days to the office any of the following occurrences regarding a drug test result of an Arkansas employer or employee who holds an Arkansas commercial driver license:

(1) A valid positive result on a drug test for any of the following drugs:

(A) Marijuana metabolites;

(B) Cocaine metabolites;

(C) Amphetamines;

(D) Opiate metabolites; or

(E) Phencyclidine (PCP);

(2) The refusal to provide a specimen for a drug test; or

(3) The submission of an adulterated specimen, a dilute positive specimen, or a substituted specimen on a drug test performed.

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 15.

27-23-206. Maintenance of information — Confidentiality.

(a) The Office of Driver Services shall maintain the information provided under this section in a database to be known as the "Commercial Driver Alcohol and Drug Testing Database" for at least three (3) years.

(b) Notwithstanding any other provision of law to the contrary, personally identifying information of employees in the Commercial Driver Alcohol and Drug Testing Database is confidential and shall be released by the office only as provided under § 27-23-207.

(c) The use of one (1) report generated from the Commercial Driver Alcohol and Drug Testing Database to establish noncompliance for the imposition of a penalty under § 27-23-209 shall not subject the contents of the entire database to disclosure.

History. Acts 2007, No. 637, § 1.

27-23-207. Use of database by employers.

(a) An Arkansas employer shall submit a request for information from the Commercial Driver Alcohol and Drug Testing Database for each employee who is subject to drug and alcohol testing under this subchapter.

(b) The request for information shall be submitted to the Office of Driver Services by the Arkansas employer with an authorization that is signed by the employee.

(c)(1)(A) The fee for the request for information is a nominal fee not to exceed one dollar ($1.00) per employee per request.

(B) The office shall determine the amount of the fee.

(C) The office shall set the fee before implementation by rule.

(2) The fee shall be assessed to and paid by the Arkansas employer requesting the information.

(d) The Arkansas employer shall maintain a record of the report from the Commercial Driver Alcohol and Drug Testing Database that results from the request for information submitted under this section for at least three (3) years.

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 16.

27-23-208. Use of database by an employee.

(a) An employee who holds a commercial driver license may submit a request for information from the Commercial Driver Alcohol and Drug Testing Database for his or her report.

(b) The request for information shall be submitted with a signed authorization to the Office of Driver Services by the employee who holds a commercial driver's license.

(c)(1) The fee for the request for information is one dollar ($1.00) per request.

(2) The fee shall be submitted with the signed authorization.

History. Acts 2007, No. 637, § 1.

27-23-209. Penalties.

(a)(1) The penalty for an Arkansas employer who knowingly fails to check the Commercial Driver Alcohol and Drug Testing Database as required under this subchapter is one thousand dollars ($1,000).

(2) The penalty described in subdivision (a)(1) of this section shall be assessed beginning July 1, 2008.

(b)(1) Except as provided under subdivision (b)(2) of this section, the penalty for an Arkansas employer who knowingly hires an employee with a record of a positive alcohol or drug test in the Commercial Driver Alcohol and Drug Testing Database is five thousand dollars ($5,000).

(2) This subsection does not apply to an employee who has completed a treatment program or an education program prescribed by a substance abuse professional and who has been found eligible to return to duty by the employer as provided under 49 C.F.R. §§ 40.281 — 40.313, as in effect on January 1, 2009.

(c) The penalty for an Arkansas employer who knowingly fails to report an occurrence regarding an alcohol or drug screening test as required under § 27-23-205(a) or § 27-23-205(b) is five hundred dollars ($500).

(d)(1) The penalty for a consortium/third-party administrator who knowingly fails to report an occurrence regarding a drug or alcohol test result as required under § 27-23-205(c) or (d) is five hundred dollars ($500).

(2) If the consortium/third-party administrator is out of state, the penalty under subdivision (d)(1) of this section shall be extended to the Arkansas employer that contracted with the consortium/third-party administrator.

(e) The penalties under this section do not apply to the State of Arkansas, an agency of the state, or a political subdivision of the state.

(f) Moneys collected under this section are special revenues and shall be deposited into the State Treasury to the credit of the State Highway and Transportation Department Fund.

History. Acts 2007, No. 637, § 1; 2009, No. 456, § 17.

27-23-210. Miscellaneous authority — Rules.

(a) The Office of Driver Services shall pursue grants available through the United States Department of Transportation or other entity to assist with the cost of this program.

(b) The office may:

(1) Adopt rules to administer this subchapter;

(2) Receive and expend any moneys arising from grants, contributions, or reimbursements from the United States Department of Transportation or other entity for performing its duties under this subchapter; and

(3) Contract with a third party to administer the Commercial Driver Alcohol and Drug Testing Database.

History. Acts 2007, No. 637, § 1.

27-23-211. Immunity from civil liability.

The state or any entity required to perform duties under this subchapter shall be immune from civil liability for performing the duties required under this subchapter.

History. Acts 2007, No. 637, § 1.

CHAPTER 24

SPECIAL LICENSE PLATE ACT OF 2005

SUBCHAPTER.

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2. Military Service and Veterans.
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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.
27-24-101. Title.
27-24-102. Purpose.
27-24-103. Definitions.
27-24-104. Reissuance — Regulation.
27-24-105. Design.
27-24-106. Change of design.
27-24-107. Appeals.
27-24-108. Compliance with other laws.
27-24-109. Penalty.
27-24-110. Local fees prohibited.

27-24-101. Title.

This chapter shall be known and may be cited as the "Special License Plate Act of 2005".

History. Acts 2005, No. 2202, § 1.

27-24-102. Purpose.

The purpose of this chapter is to:

(1) Implement a special license plate law that transfers the authority for approving special license plates to the Director of the Department of Finance and Administration;

(2) Continue the special license plates that existed before April 13, 2005; and

(3) Authorize the department to administratively reissue each type of special license plate continued under this chapter.

History. Acts 2005, No. 2202, § 1.

27-24-103. Definitions.

As used in this chapter:

(1)(A) "Motor vehicle" means a self-propelled vehicle that is classified as:

(i) A Class One, Class Two, or Class Three pleasure vehicle under § 27-14-601(a)(1); or

(ii) A Class One truck under § 27-14-601(a)(3)(A).

(B) "Motor vehicle" shall only include the classes and types of vehicles stated in subdivision (1)(A) of this section as defined under § 27-14-601; and

(2) "Special license plate" means a license plate authorized under this chapter for use on a motor vehicle.

History. Acts 2005, No. 2202, § 1.

27-24-104. Reissuance — Regulation.

(a) Every special license plate continued under this chapter shall be discontinued on April 7, 2007, unless an application that meets the criteria for issuance of the special license plate under the appropriate subchapter governing that type of plate is submitted and approved by the Director of the Department of Finance and Administration at least ninety (90) days prior to April 1, 2007.

(b) The director shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the duties of the Department of Finance and Administration under this chapter, including, but not limited to:

(1) Rules regarding the disposal of old design special license plates;

(2) The fee for the design-use contribution, which shall be based on the cost of initial orders of new designs for special license plates; and

(3) The number of applications that must be received in lieu of the payment of the design-use contribution fee to cover the cost of the initial orders of new designs for special license plates.

History. Acts 2005, No. 2202, § 1.

27-24-105. Design.

(a) Unless otherwise provided in this chapter, the Director of the Department of Finance and Administration shall have the exclusive power to design or approve the design used on a special license plate authorized under this chapter.

(b) A special license plate created and issued under this chapter after April 13, 2005, shall be designed to allow adequate space for the placement of the number and letter characters so that law enforcement officers can readily identify the characters.

(c)(1) A special license plate decal created and issued under this chapter after April 13, 2005, shall be placed across the bottom of the license plate in lieu of the legend "The Natural State" or any succeeding legend.

(2) A special license plate decal created and issued under this chapter shall be permanent.

History. Acts 2005, No. 2202, § 1.

27-24-106. Change of design.

If the Department of Finance and Administration issues a special license plate under this subchapter and the entity requests a change of design, then the entity shall remit to the department an additional fee to cover the cost of the initial order of the newly designed special license plate that is a result of the change of design.

History. Acts 2005, No. 2202, § 1.

27-24-107. Appeals.

An appeal from a decision of the Director of the Department of Finance and Administration under

this chapter shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2005, No. 2202, § 1.

27-24-108. Compliance with other laws.

Unless otherwise provided in this chapter, the issuance and renewal of special license plates under this chapter shall comply with all other laws and rules regarding the licensing and registration of motor vehicles.

History. Acts 2005, No. 2202, § 1.

27-24-109. Penalty.

(a) Except as otherwise provided in this chapter, it is unlawful for a person to:

(1) Evade or violate a provision of this chapter;

(2) Attempt to secure benefits under this chapter to which he or she is not entitled; or

(3) Obtain or use a special license plate issued under this chapter to which he or she is not entitled.

(b)(1) A person who pleads guilty to, nolo contendere to, or is found guilty of a violation under subsection (a) of this section is guilty of a Class C misdemeanor.

(2) In addition to all other penalties authorized by this subsection, the court may sentence a person to make restitution to the Department of Finance and Administration for the normal license fee for license plates that are lawfully issued under the Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act, § 27-14-101 et seq.

History. Acts 2005, No. 2202, § 1.

27-24-110. Local fees prohibited.

A political subdivision of the State of Arkansas shall not levy a fee for the privilege of operating a motor vehicle on the roads, streets, or alleys within the political subdivision for motor vehicles that are licensed under this chapter.

History. Acts 2005, No. 2202, § 1.

Subchapter 2 — Military Service and Veterans

SECTION.

27-24-201. Purpose.
27-24-202. Legislative findings.
27-24-203. Definitions.
27-24-204. Existing special license plates.
27-24-205. Additional special license plates.
27-24-206. Fees and limitations.
27-24-207. Transferability.
27-24-208. Surviving spouse.
27-24-209. Redesign and simplification of military service and veterans special license plates.
27-24-210. Retired members of the armed forces.
27-24-211. Gold Star Family special license plates.

27-24-201. Purpose.

The purpose of this subchapter is to continue military service and veterans special license plates that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional military service and veterans special license plates.

History. Acts 2005, No. 2202, § 1.

27-24-202. Legislative findings.

It is found and determined by the General Assembly of the State of Arkansas that the men and women who have served our country and risked their lives to secure our freedom should be honored by the issuance of free special license plates as provided under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-203. Definitions.

As used in this chapter:

(1) "Aid and attendance" means veterans benefits paid to a veteran who because of physical disability cannot take care of himself or herself and must be assisted by another person;

(2) "Disabled veteran" means any American veteran who:

(A) Is a citizen and resident of the State of Arkansas;

(B) Has been determined by the United States Department of Veterans Affairs to be a totally and permanently disabled service-connected veteran; and

(C) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Issued a motor vehicle by the United States Department of Veterans Affairs under any public law;

(3) "Disabled veteran — nonservice injury" means any American veteran who:

(A) Is a citizen and resident of the State of Arkansas;

(B) Uses a wheelchair as a result of a nonservice-connected catastrophic injury;

(C) Receives aid and attendance by the United States Department of Veterans Affairs; and

(D) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs;

(4) "Disabled veteran — World War I" means a World War I veteran who:

(A) Received a disabling injury while serving in the armed forces of the United States during World War I; and

(B) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs;

(5)(A) "Merchant Marine" means a person who establishes that he or she:

(i) Served in the United States Merchant Marine during the period of October 1, 1940, through December 31, 1945; and

(ii) Is qualified to receive all applicable veterans benefits.

(B) A person shall establish that he or she was a Merchant Marine under this subchapter by presenting a copy of the certificate of release or Form DD 214 with his or her application; and

(6) "Retired member of the armed forces" means a person who presents proof of retirement in the form of retirement orders issued by one (1) of the following services of the armed forces of the United States:

(A) The United States Army;

(B) The United States Navy;

(C) The United States Marine Corps;

(D) The United States Air Force;

(E) The United States Coast Guard;

(F) The Army National Guard;

(G) The Air National Guard; or

(H) The Reserves Forces of the United States.

History. Acts 2005, No. 2202, § 1; 2009, No. 632, § 1.

27-24-204. Existing special license plates.

(a) The following special license plates or license plates with permanent decals for members and veterans of the armed forces of the United States and similar entities that were in existence or authorized by enactment on or before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration to an eligible applicant:

(1) Disabled Veteran;

(2) Disabled Veteran — World War I;

(3) Disabled Veteran — Nonservice injury;

(4) Medal of Honor Recipient;

(5) Ex-Prisoner of War;

(6) Military Reserve;

(7) Pearl Harbor Survivor;

(8) Merchant Marine;

(9) World War II Veteran;

(10) Korean War Veteran;

(11) Vietnam Veteran;

(12) Persian Gulf Veteran;

(13) Armed Forces Veteran;

(14) Distinguished Flying Cross;

(15) Operation Iraqi Freedom Veteran; and

(16) Operation Enduring Freedom Veteran.

(b)(1) The Purple Heart Recipient special license plate that existed before April 13, 2005, shall continue to be issued by the director to an eligible applicant.

(2) However, on the Purple Heart Recipient special license plates issued after April 13, 2005, the words "Purple Heart — Combat Wounded" shall appear.

(c) The director shall promulgate rules and forms to ensure that an owner of a motor vehicle who is issued a special license plate under this subchapter:

(1) Is eligible to be issued the particular special license plate based on his or her:

(A) Status as a disabled veteran or veteran of a foreign war;

(B) Status of being the recipient of a military honor;

(C) Status of being an ex-prisoner of war; or

(D) Past or present military service; and

(2)(A) Has an honorable record of military service; or

(B) Was honorably discharged from military service.

History. Acts 2005, No. 2202, § 1; 2007, No. 109, § 1.

27-24-205. Additional special license plates.

The Director of the Department of Finance and Administration shall examine the following factors to determine whether to create and issue additional special license plates under this subchapter:

(1) Whether an application for the creation of an additional special license plate under this subchapter has been filed by either:

(A) The Adjutant General of the State of Arkansas for a special license plate related to members of the National Guard and reserve components of the armed forces; or

(B) The Director of the Department of Veterans' Affairs for a special license plate related to veterans or any other branch of the armed forces of the United States; and

(2) Whether there has been a recent armed conflict or war in which members of the armed forces of the United States, the National Guard, or the reserve components of the armed forces have served.

History. Acts 2005, No. 2202, § 1.

27-24-206. Fees and limitations.

(a)(1) Except as provided in subdivision (a)(2) of this section, special license plates created and issued under this subchapter shall be free of charge to an eligible applicant.

(2) To defray the cost of the issuance and renewal of special license plates under this subchapter, the Director of the Department of Finance and Administration may charge an annual fee for renewal not to exceed one dollar ($1.00).

(b) Except as provided in subsection (c) of this section, a person who is eligible to receive a special license plate under this chapter shall be limited to one (1) special license plate under this subchapter.

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

(1) Ex-prisoner of War;
(2) Pearl Harbor Survivor;
(3) Medal of Honor Recipient;
(4) Disabled Veteran;
(5) Disabled Veteran — World War I; or
(6) Purple Heart Recipient.

History. Acts 2005, No. 2202, § 1; 2007, No. 101, § 1; 2007, No. 148, § 1; 2007, No. 239, § 1; 2009, No. 483, § 3; 2009, No. 632, § 2.

27-24-207. Transferability.

A special license plate issued under this subchapter shall not be transferred to any person who is not entitled to receive a special license plate under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-208. Surviving spouse.

(a) A special license plate issued under this subchapter may be reissued to the surviving spouse of a deceased person to whom the special license plate was issued upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601.

(b) The surviving spouse of a deceased person who was entitled to receive a special license plate under this subchapter shall not be eligible for parking privileges in designated accessible parking spaces for persons with disabilities unless the surviving spouse is a person with a disability as defined in § 27-15-302(4).

History. Acts 2005, No. 2202, § 1.

27-24-209. Redesign and simplification of military service and veterans special license plates.

(a) The Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration shall redesign and simplify all military service and veterans special license plates issued under this subchapter that are in existence on September 1, 2009.

(b)(1) In place of the legend "The Natural State" at the bottom of the special license plate, a decal for a veteran of each conflict authorized under this subchapter shall be created.

(2) The design of the special license plate shall include a blank space that is sufficient for the branch decal under subsection (c) of this section or the medal decal under subsection (d) of this section.

(c)(1) The office shall design a branch decal based on the official emblem for each of the following:

(A) The United States Army;
(B) The Army Reserve;
(C) The United States Navy;
(D) The Navy Reserve;
(E) The United States Marine Corps;
(F) The Marine Corps Reserve;
(G) The United States Air Force;
(H) The Air Force Reserve;
(I) The Coast Guard;
(J) The Coast Guard Reserve;
(K) The Army National Guard; and
(L) The Air National Guard.

(2)(A) The office is to seek the advice and input of the Director of the Department of Veterans Affairs and the Adjutant General for the State of Arkansas on the design of the branch decal.

(B) The office shall comply with the provisions of 10 U.S.C. § 1057 and 10 U.S.C. § 7881.

(3) The branch decal shall be of a size to fit on the license plate next to the officially designated license plate number.

(4) The applicant shall establish that he or she served in the branch before the office issues the branch decal.

(5) If the applicant does not purchase a medal decal under subsection (d) of this section, an employee of the office shall affix the branch decal to the special license plate at the time of issuance to the applicant.

(6) There is no additional charge for a branch decal under this subsection.

(d)(1)(A) The office shall design and make available for issuance medal decals for no more than five (5) medals awarded by a branch of the armed services of the United States by January 1, 2010.

(B) Every two (2) years following the effective date of this act, the office shall design and make available for issuance no more than five (5) additional medal decals awarded by a branch of the armed services of the United States.

(2) The medal decal is to be designed based on the official medal that it represents.

(3) The office is to seek the advice and input of the director and the Adjutant General for the State of Arkansas on the design of the medal decal, which medal decals should be issued, and the timing of the issuance of the medal decals.

(4) The medal decal shall be of a size to fit on the license plate next to the officially designated license plate number.

(5) The applicant shall establish that he or she was awarded the medal before the office issues the medal decal.

(6) If an applicant purchases a medal decal under this subsection, an employee of the office shall affix the medal decal to the special license plate at the time of issuance to the applicant.

(7)(A) A fee of ten dollars ($10.00) shall be charged for the medal decal under this subsection

to be deposited to the credit of the Military Funeral Honors Fund, § 19-6-813.

(B) An additional handling and administrative fee of one dollar ($1.00) shall be added to the cost of the medal decal under this subsection for administrative costs.

(8) The medal decal under this subsection is optional and if it is not purchased, the applicant will receive a branch decal as provided under subsection (c) of this section.

(e) An applicant for a redesigned special license plate under this section shall meet the requirements of this subchapter.

(f) Except as provided under subdivision (d)(7)(A) of this section, the fee for issuance and renewal of a redesigned special license plate under this section shall be as provided in § 27-24-206.

(g) Military service special license plates issued under this subchapter before the effective date of this act shall be valid and are not required to be exchanged until requested by the office.

(h) The office may use special license plates that were created and purchased under this subchapter before the effective date of this act.

History. Acts 2009, No. 784, § 1.

27-24-210. Retired members of the armed forces.

(a) The Department of Finance and Administration shall continue the special license plate for retired members of the armed forces that existed before the effective date of this act.

(b)(1) The department shall design the special license plates issued under this section.

(2) In lieu of the legend "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the words "U.S. Armed Forces Retired".

(c) A retired member of the armed forces may apply for and annually renew a special license plate issued under this section as provided under § 27-24-206 (a) and (b).

(d) Upon the initial application of a special license plate issued under this section, a retired member of the armed forces shall provide adequate proof to the department that he or she is a retired member of the armed forces.

(e) The registration of a special license plate under this section may continue from year to year as long as it is renewed each year within the time and in the manner required by law.

(f) The Office of Motor Vehicle shall redesign and simplify the special license plates issued under this section to bring them into conformity with § 27-24-209.

History. Acts 2009, No. 632, § 3; 2011, No. 632, § 1.

27-24-211. Gold Star Family special license plates.

(a) The purpose of this section is to honor:

(1) The spouse of a member of the armed forces of the United States whose spouse has been killed in a conflict recognized by the United States Department of Defense; and

(2) The parent of a member of the armed forces of the United States whose child has been killed in a conflict recognized by the United States Department of Defense.

(b) The Department of Finance and Administration is authorized to issue one (1) Gold Star Family special license plate to an applicant who establishes upon initial application that he or she:

(1) Is the spouse or parent of a member of the armed forces of the United States who has been killed in a conflict recognized by the United States Department of Defense; and

(2) Has received a Gold Star Lapel Button issued by the United States Department of Defense under 10 U.S.C. § 1126.

(c) There is no cost for the issuance or renewal of the Gold Star Family special license plate under this section.

(d)(1) The Department of Finance and Administration shall design the special license plates issued under this section as provided under this subsection.

(2) The design of the Gold Star Family special license plate shall include a large gold star on the left-hand side of the plate and a decal at the bottom of the plate that states "Gold Star Family" in lieu of the legend "The Natural State" or any succeeding legend.

(e) A Gold Star Family special license plate is not transferable as provided under § 27-24-207.

(f) The registration of a special license plate under this section may continue from year to year so long as it is renewed each year within the time and manner required by law.

History. Acts 2009, No. 685, § 1.

Subchapter 3 — Public Use Vehicles — Local Government

SECTION.

27-24-301. Purpose.
27-24-302. Application for counties.
27-24-303. County quorum courts.
27-24-304. Application for cities and incorporated towns.
27-24-305. Validity.
27-24-306. Other public entities.

27-24-301. Purpose.

The purpose of this subchapter is to:

(1) Continue the special license plates for counties, cities, towns, and members of county quorum courts;

(2) Transfer the authority to the Department of Finance and Administration to issue additional special license plates for counties, cities, towns, and members of county quorum courts; and

(3) Provide a mechanism for other public entities in the state to obtain special license plates.

History. Acts 2005, No. 2202, § 1; 2007, No. 536, § 1.

27-24-302. Application for counties.

(a) A county judge in the State of Arkansas may apply for special license plates under this subchapter.

(b) An application submitted under this section shall include the following:

(1) The payment of a sum of one dollar ($1.00) for each motor vehicle to be licensed; and

(2) An affidavit by the following that states that the motor vehicle to which the special license plate shall be attached is the property of the county and used exclusively for county business:

(A) The county judge;

(B) The county treasurer; and

(C) The county sheriff.

History. Acts 2005, No. 2202, § 1.

27-24-303. County quorum courts.

(a) An Arkansas resident who is an elected member of a county quorum court and who represents a quorum court district in Arkansas may apply for and renew a special license plate under this section.

(b)(1) An application submitted under this section shall include the following:

(A) A copy of the justice of the peace's commission from the Secretary of State;

(B) The payment of all taxes and fees imposed by law for the issuance of registration and license plates on motor vehicles; and

(C) An application fee in the amount of ten dollars ($10.00).

(2) The application fee in the amount of ten dollars ($10.00) shall be deposited into the State Treasury as special revenue and credited to the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to finance the issuance of the special license plates and decals provided under this section.

(c) A quorum court member may register one (1) motor vehicle and receive a justice of the peace special license plate decal.

(d) The special license plate shall be the standard color and design that is currently issued by the Department of Finance and Administration, except that in lieu of the legend "The Natural State" or any succeeding legend, it shall have placed across the bottom a permanent decal bearing the words "Justice of the Peace".

(e) A person who is no longer eligible to use the special license plate and decal under this section shall promptly return the special license plate to the nearest office of the division and be issued a new regular license plate for the motor vehicle.

(f) For the purposes of this subchapter, it shall be presumed that a motor vehicle licensed under this section by a member of a county quorum court is used exclusively for business related to the member's official duties.

(g) The renewal of a license plate issued under this section shall require the payment of all taxes and fees imposed by law for the renewal of registration and license plates on motor vehicles.

History. Acts 2005, No. 2202, § 1.

27-24-304. Application for cities and incorporated towns.

(a) A mayor of a city or incorporated town in the state may apply for special license plates under this subchapter.

(b) An application submitted under this section shall include the following:

(1) The payment of a sum of one dollar ($1.00) for each motor vehicle to be licensed; and

(2) An affidavit by the following that states that the motor vehicle to which the special license plate shall be attached is the property of the city or incorporated town and used exclusively for the business of the city or incorporated town:

(A) The mayor; and

(B) The city clerk.

History. Acts 2005, No. 2202, § 1.

27-24-305. Validity.

(a) A special license plate issued under this subchapter shall be valid for as long as the motor vehicle to which the plate is attached is:

(1) Owned by the county, city, incorporated town, county quorum court member, or other public entity; and

(2) Used exclusively in the business of the county, city, incorporated town, or other public entity.

(b) A special license plate issued under §§ 27-24-302, 27-24-304, or 27-24-306 shall not be required to be renewed annually.

History. Acts 2005, No. 2202, § 1; 2007, No. 536, § 2.

27-24-306. Other public entities.

(a) The following public entities may apply for special license plates under this subchapter through their directors, chairs, or other authorized representatives:

(1) Regional airports authorized under the Regional Airport Act, § 14-362-101 et seq.; and

(2) Regional water distribution districts authorized under The Regional Water Distribution District Act, § 14-116-101 et seq.

(b) An application submitted under this section shall include the following:

(1) The payment of one dollar ($1.00) for each motor vehicle to be licensed; and

(2) An affidavit by the director, chair, or other authorized representative that states that:

(A) The public entity exists to serve a public purpose; and

(B) The motor vehicle to which the special license plate is attached is:

(i) Owned by the public entity; and

(ii) Used exclusively for the business of the public entity.

History. Acts 2007, No. 536, § 3.

Subchapter 4 — Public Use Vehicles — State Government

SECTION.
27-24-401. Purpose.
27-24-402. Metal plates required on state highway vehicles.

27-24-401. Purpose.

The purpose of this subchapter is to continue the State Highway Commission's exemption from the requirement to display motor vehicle license plates issued by the Director of the Department of Finance and Administration and to transfer the authority to the commission to determine by minute order whether additional metal plates should be issued.

History. Acts 2005, No. 2202, § 1.

27-24-402. Metal plates required on state highway vehicles.

(a) The State Highway Commission shall not be required to purchase a license plate from the Department of Finance and Administration for a motor vehicle, truck, or trailer owned or leased by the Arkansas State Highway and Transportation Department or as otherwise determined by minute order of the commission.

(b)(1) The commission shall procure and place upon each vehicle owned or leased by the Arkansas State Highway and Transportation Department a metal plate that contains legible:

(A) Words that state that the vehicle upon which the plate is placed belongs to the Arkansas State Highway and Transportation Department; and

(B) Numbers that correlate with a list of all metal plates placed on vehicles that belong to the Arkansas State Highway and Transportation Department.

(2) The commission shall keep and maintain a complete list that includes:

(A) The number of all metal plates placed upon vehicles belonging to the Arkansas State Highway and Transportation Department; and

(B)(i) A description of the vehicle on which each plate is placed.

(ii) The description shall include the vehicle identification number, the motor number, the model number, or other unique identification of the vehicle.

History. Acts 2005, No. 2202, § 1.

Subchapter 5 — Public Use Vehicles — Federal Government

SECTION.
27-24-501. Federal government exemption.

27-24-501. Federal government exemption.

(a) A vehicle shall be exempt from the requirement to exhibit a state license plate if it:

(1) Belongs to the federal government; and

(2) Is used by the federal government exclusively for federal government business.

(b) A vehicle that is exempt under subsection (a) of this section is required to exhibit a special license plate that states that the vehicle is owned by the federal government.

(c) The Director of the Department of Finance and Administration shall approve the design and form of a special license plate used under this section.

History. Acts 2005, No. 2202, § 1.

Subchapter 6 — Nominal Fee Plates

SECTION.
27-24-601. Purpose.
27-24-602. Definitions.
27-24-603. Existing special license plates.
27-24-604. Additional special license plates.
27-24-605. Nominal fee.
27-24-606. Religious organizations.
27-24-607. Youth groups.
27-24-608. 4-H clubs.
27-24-609. Volunteer rescue squads.
27-24-610. Boy Scouts.
27-24-611. Civil Air Patrol.
27-24-612. Orphanages.

27-24-601. Purpose.

The purpose of this subchapter is to continue the miscellaneous nominal fee special license plates with the specific eligibility criteria that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional nominal fee plates in limited circumstances as provided under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-602. Definitions.

As used in this subchapter:

(1) "4-H club" means a club in this state that is a member of or affiliated with the 4-H Clubs of America;

(2) "Church bus" means a motor bus or van that is:

(A) Owned or exclusively leased by a religious organization; and

(B) Used exclusively for the functions of the religious organization;

(3) "Congregation" means the members of a religious organization;

(4) "Religious organization" means a church or other place of worship that:

(A) Is located in the state; and

(B) Provides religious services to its congregation;

(5) "Volunteer rescue squad" means a volunteer group that provides lifesaving, first aid, or other rescue activities in the state; and

(6) "Youth group" means a club in this state that is a member or affiliated with either the Boys Club of America or the Girls Club of America.

History. Acts 2005, No. 2202, § 1.

27-24-603. Existing special license plates.

The miscellaneous nominal fee special license plates with the specific eligibility criteria that were in existence before April 13, 2005, and that are contained in this subchapter shall continue to be issued by the Director of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1.

27-24-604. Additional special license plates.

The Director of the Department of Finance and Administration may create and issue additional special license plates under this subchapter if:

(1) A nonprofit public service organization applies for the issuance of an additional nominal fee special license plate under this subchapter;

(2) The creation and issuance of the special license plate will have a minimal annual fiscal and budgetary impact as determined by the director; and

(3) The special license plate may only be obtained by a limited group of owners of motor vehicles who meet the specific eligibility criteria to obtain the special license plate for a purpose exclusively related to their eligibility.

History. Acts 2005, No. 2202, § 1.

27-24-605. Nominal fee.

An application for a special license plate under this subchapter shall be accompanied by a fee in the amount of one dollar ($1.00) for each special license plate issued to cover the administrative cost of issuing the special license plate.

History. Acts 2005, No. 2202, § 1.

27-24-606. Religious organizations.

(a)(1) The pastor, minister, priest, rabbi, or other person in charge of a religious organization and the chair of the governing body of the religious organization may apply to the Director of the Department of Finance and Administration for the issuance of a church bus special license plate to be used exclusively on church buses owned and operated by the religious organization.

(2)(A) The application for a special license plate under this section shall include an affidavit that:

(i) Is signed by each applicant; and

(ii) States that the motor vehicle to which the special license plate shall be attached is a church bus as defined under this subchapter.

(B)(i) If an application submitted under this section contains statements made with the intent to evade the provisions of this subchapter, then the affiant is guilty of perjury.

(ii) If an affiant under this section pleads guilty to, pleads nolo contendere to, or is found guilty of perjury, then the affiant shall be punished as provided in any other conviction of perjury.

(b) This section shall not relieve a religious organization from the payment of gross receipts tax or compensating use tax on the purchase of a church bus.

History. Acts 2005, No. 2202, § 1.

27-24-607. Youth groups.

(a) A civic club, person, or entity that furnishes to a youth group a motor vehicle that is used exclusively for youth group purposes may apply to the Director of the Department of Finance and Administration for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are operated for the purposes of the youth group.

(b) A youth group that owns and operates a motor vehicle that is used exclusively for youth group purposes may apply to the director for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are owned by the youth group and operated for the purposes of the youth group.

History. Acts 2005, No. 2202, § 1.

27-24-608. 4-H clubs.

(a) A civic club, person, or entity that furnishes to a 4-H club a motor vehicle that is used exclusively for 4-H club purposes may apply to the Director of

the Department of Finance and Administration for the issuance of a 4-H club special license plate to be used exclusively on motor vehicles that are operated for the purposes of the 4-H club.

(b) A 4-H club that owns and operates a motor vehicle that is used exclusively for 4-H club purposes may apply to the director for the issuance of a 4-H club special license plate to be used exclusively on motor vehicles that are owned by the 4-H club and operated for the purposes of the 4-H club.

History. Acts 2005, No. 2202, § 1.

27-24-609. Volunteer rescue squads.

(a) A person or entity that owns a motor vehicle that is used exclusively by volunteer rescue squads may apply to the Director of the Department of Finance and Administration for the issuance of a volunteer rescue squad special license plate to be used exclusively on motor vehicles that are operated for the purposes of the volunteer rescue squad.

(b) A motor vehicle licensed under this section shall:

(1) Be painted a distinguishing color; and

(2) Clearly and conspicuously display the identity of the volunteer rescue squad in letters and figures not less than three inches (3") in height.

(c) A motor vehicle purchased for the exclusive use by a volunteer rescue squad shall be exempt from the gross receipts and compensating use tax.

History. Acts 2005, No. 2202, § 1.

27-24-610. Boy Scouts.

A civic club, person, or entity that furnishes a bus or truck for exclusive use for Boy Scouts of America purposes may apply to the Director of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the scouts.

History. Acts 2005, No. 2202, § 1.

27-24-611. Civil Air Patrol.

(a) A person who is a member of the Civil Air Patrol, is a resident of the State of Arkansas, and is an owner of a motor vehicle may apply for a Civil Air Patrol special license plate under this subchapter.

(b) Upon submitting proof of eligibility and complying with the state laws relating to registration and licensing of motor vehicles, the applicant shall be issued a Civil Air Patrol special license plate under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-612. Orphanages.

(a) The head of an orphanage in the State of Arkansas may apply to the Director of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the orphanage.

(b) The application shall include an affidavit on a form prescribed by the director that is signed by the applicant and which states that the motor vehicle to which the special license plate shall be attached is owned or exclusively leased by the orphanage and used exclusively for functions related to the orphanage.

History. Acts 2005, No. 2202, § 1.

Subchapter 7 — Members of the General Assembly

SECTION.

27-24-701. Purpose.
27-24-702. Special license plates.
27-24-703. Members of the Senate.
27-24-704. Members of the House of Representatives.
27-24-705. Taxes and fees.
27-24-706. Issuance and transfer.

27-24-701. Purpose.

The purpose of this subchapter is to continue the procedure which existed prior to April 13, 2005, for issuing special license plates to the elected members of the General Assembly. These special license plates are issued to honor the elected members of the General Assembly and to assist in making parking rules for the State Capitol more enforceable by the State Capitol Police.

History. Acts 2005, No. 2202, § 1.

27-24-702. Special license plates.

The Director of the Department of Finance and Administration shall furnish each member of the General Assembly a special license plate for his or her personal motor vehicle as provided in this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-703. Members of the Senate.

(a)(1) The Director of the Department of Finance and Administration shall each year cause to be prepared thirty-nine (39) special license plates for members and selected staff of the Senate and deliver them to the Secretary of the Senate for distribution.

(2) The special license plates shall be numbered consecutively "1" — "37".

(b) Upon each of the special license plates there shall appear the word "Senator" in addition to other identification information as the director with the approval of the Senate Efficiency Committee and subject to the approval of the Senate.

(c)(1) The special license plate numbered "1" shall be reserved for the President Pro Tempore of the Senate.

(2) On or before January 15 of each odd-numbered year, the secretary as directed by the committee shall furnish the director with a list of the names of members of the Senate and shall designate the special license plate number that shall be reserved for each member of the Senate.

(3)(A) The words "President Pro Tem" shall appear on special license plate number "1".

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

(C) The words "Secretary of the Senate" shall appear on special license plate number "36".

(D) The words "Senate Chief of Staff" shall appear on special license plate number "37".

(E)(i) The word "Senator" shall appear on the standard Senate special license plate numbers "1" — "35".

(ii) The assignment of the numbers "1" — "35" shall be made by the committee.

(d) A member of the Senate who desires to obtain special license plates may obtain them by applying to the director upon forms to be provided by him or her and upon the payment of all taxes and fees that may be due.

History. Acts 2005, No. 2202, § 1.

27-24-704. Members of the House of Representatives.

(a)(1) The Director of the Department of Finance and Administration shall each calendar year cause to be prepared two (2) sets as deemed necessary by the House Management Committee of one hundred seven (107) special license plates for members of the House of Representatives and selected staff.

(2) In addition, there will be two (2) sets or the number of sets deemed necessary by the committee of one hundred (100) "Member" special license plates prepared for distribution.

(3) Upon receipt of the plates, the director shall deliver them to the Speaker of the House of Representatives for issuance.

(b)(1) The background of the special license plate and the words, figures, and emblems shall be in the colors requested by the House of Representatives by resolution duly adopted by that body.

(2) Each special license plate shall also contain figures showing the calendar year for which the license is issued and other words, emblems, and identifying information.

(3) The special license plates issued under this section shall be numbered consecutively "0" through "100" and the words "House of Representatives" shall appear on the standard House of Representatives special license plates and on the "Member" special license plates.

(4) The following seven (7) special license plates shall be prepared as follows:

(A) The words "Speaker of the House" shall appear on special license plate "1";

(B) The words "House Speaker Pro Tem" shall appear on special license plate "2";

(C) The words "House Parliamentarian" shall appear on special license plate "3X";

(D) The words "xHouse Parliamentarian" shall appear on the special license plate "x3x";

(E) The words "House Chief of Staff" shall appear on special license plate "3";

(F) The words "House Info Director" shall appear on special license plate "0"; and

(G) The words "Chaplain of the House" shall appear on special license plate "4".

(c) On or before January 15 of each year, the Speaker of the House of Representatives shall furnish the director with a list of names of members of the House of Representatives designating:

(1) The special license plate number that shall be reserved for each member; and

(2) The number of vehicles to which the special license plate is to be attached, specifying each vehicle's regular license plate number issued by the Department of Finance and Administration and the vehicle identification number.

(d) Any member of the House of Representatives who desires to obtain a special license plate may obtain it by applying to the Speaker of the House of Representatives upon showing proof that the vehicle to which the special license plate is to be attached is properly registered and licensed in Arkansas.

History. Acts 2005, No. 2202, § 1.

27-24-705. Taxes and fees.

A member of the General Assembly shall pay all taxes and fees imposed by law for the issuance of registration and license plates on each of his or her personal motor vehicles.

History. Acts 2005, No. 2202, § 1.

27-24-706. Issuance and transfer.

(a) All applications for special license plates issued under this subchapter must contain the following information:

(1) The number of vehicles to which the plate is to be attached; and

(2) The vehicle identification number and the vehicle's regular license plate number issued by the Department of Finance and Administration for each vehicle to which a special license plate is to be attached.

(b) A special license plate issued under this subchapter shall be issued only for a vehicle that is currently and properly registered and licensed in Arkansas.

(c)(1) A special license plate issued under this subchapter may be transferred to another vehicle if the vehicle is properly registered and licensed in Arkansas and the Speaker of the House of Representatives or the President Pro Tempore of the Senate is notified of the transfer.

(2) The notice of transfer shall designate the vehicle to which the plate is to be transferred and the vehicle from which the plate is being transferred, identifying both vehicles by their respective vehicle identification numbers and regular license plate numbers issued by the department.

(d) The Speaker of the House of Representatives or the President Pro Tempore of the Senate shall:

(1) Notify the department of all special license plate transfers; and

(2) Provide the requisite vehicle information specified in subsection (a) of this section.

History. Acts 2005, No. 2202, § 1.

Subchapter 8 — Constitutional Officers

SECTION.
27-24-801. Purpose.
27-24-802. Special license plates authorized.
27-24-803. Constitutional Officer special license plate.
27-24-804. Issuance and transfer.

27-24-801. Purpose.

The purpose of this subchapter is to continue the Constitutional Officer special license plates that existed before April 13, 2005, to honor the elected members of each constitutional office in the State of Arkansas and to make the parking rules for the State Capitol more enforceable by the State Capitol Police.

History. Acts 2005, No. 2202, § 1.

27-24-802. Special license plates authorized.

The Director of the Department of Finance and Administration shall furnish each constitutional officer a Constitutional Officer special license plate for his or her personal motor vehicles under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-803. Constitutional Officer special license plate.

(a)(1) The Director of the Department of Finance and Administration shall each year cause to be prepared seven (7) special license plates for the constitutional officers.

(2) The special license plates shall be numbered consecutively "01" — "07".

(b)(1) Upon each of the special license plates there shall appear the words "Constitutional Officer" in addition to the other identifying information as the director shall determine.

(2) Each constitutional officer is entitled to the issuance of a special license plate for up to two (2) personal motor vehicles.

(c)(1) The special license plate numbered "01" shall be reserved for the Governor.

(2) On or before January 15 of each odd-numbered year, the Governor shall furnish the director with a list of the names of the constitutional officers, and each other officer shall furnish the Governor with the name of any other person who may display the special license plate.

(3)(A) The number "01" shall appear on the special license plate for the Governor.

(B) The number "02" shall appear on the special license plate for the Lieutenant Governor.

(C) The number "03" shall appear on the special license plate for the Secretary of State.

(D) The number "04" shall appear on the special license plate for the Attorney General.

(E) The number "05" shall appear on the special license plate for the Treasurer of State.

(F) The number "06" shall appear on the special license plate for the Auditor of State.

(G) The number "07" shall appear on the special license plate for the Commissioner of State Lands.

(d) A constitutional officer who desires to obtain special license plates may obtain them by applying to the director upon forms to be provided by the director and by paying the taxes and fees that may be due.

History. Acts 2005, No. 2202, § 1.

27-24-804. Issuance and transfer.

(a) All applications for Constitutional Officer special license plates issued under this subchapter shall contain the following information:

(1) The number of vehicles to which the plate is to be attached; and

(2) The vehicle identification number and the vehicle's regular license plate number issued by the Department of Finance and Administration for each vehicle to which a special license plate is to be attached.

(b) A special license plate issued under this subchapter shall be issued only for a vehicle that is currently and properly registered and licensed in the State of Arkansas.

(c)(1) A special license plate issued under this subchapter may be transferred to another vehicle provided that the vehicle is properly registered and licensed in the State of Arkansas and the Governor is notified of the transfer.

(2) The notice of transfer shall designate the vehicle to which the plate is to be transferred and the vehicle from which the plate is being transferred, identifying both vehicles by the respective vehicle identification numbers and regular license plate numbers issued by the department.

(d) The Governor shall notify the department of all special license plate transfers, providing the requisite vehicle information specified in subsection (a) of this section.

History. Acts 2005, No. 2202, § 1.

Subchapter 9 — Arkansas State Game and Fish Commission

SECTION.

27-24-901. Purpose.
27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.
27-24-903. Existing special license plates.
27-24-904. Additional special license plates.
27-24-905. Issuance — Renewal — Replacement.
27-24-906. License plate options.
27-24-907. Transferability.

27-24-901. Purpose.

The purpose of this subchapter is to:

(1) Continue the Arkansas State Game and Fish Commission specially designed license plates to be displayed on its motor vehicles;

(2) Continue the commission special license plates that existed before April 13, 2005;

(3) Continue to support the Game Protection Fund that is used by the commission for fish and wildlife conservation education and other purposes consistent with Arkansas Constitution, Amendment 35 and Arkansas Constitution, Amendment 75; and

(4) Transfer the authority to the Department of Finance and Administration to issue additional commission special license plates.

History. Acts 2005, No. 2202, § 1.

27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.

(a) The Arkansas State Game and Fish Commission shall continue to be issued special license plates to be displayed on its motor vehicles in lieu of the regular motor vehicle license plates prescribed by law.

(b) The special license plates to be issued to the commission and displayed on its vehicles shall be designed by the commission with the approval of the Director of the Department of Finance and Administration.

(c) Nothing in this section shall exempt the commission from the payment of the annual fees prescribed by law for the registration of its motor vehicles.

History. Acts 2005, No. 2202, § 1.

27-24-903. Existing special license plates.

(a) Except as provided in subsection (b) of this section, the Director of the Department of Finance and Administration shall continue the Arkansas State Game and Fish Commission special license plates that existed before April 13, 2005.

(b)(1) The commission may request that the Department of Finance and Administration discontinue one (1) or more special license plates that existed before April 13, 2005.

(2) To request a discontinuance of one (1) or more special license plates under this subchapter, the commission shall present a resolution to the director stating which plates the department is to discontinue.

History. Acts 2005, No. 2202, § 1.

27-24-904. Additional special license plates.

(a)(1) The Director of the Department of Finance and Administration shall accept requests from the Arkansas State Game and Fish Commission to create and issue additional special license plates under this subchapter.

(2) The commission shall submit with the request for an additional special license plate a proposed design for the approval of the director.

(b) When considering a request from the commission for an additional special license plate, the director shall consider the following factors:

(1) The current supply and demand of the existing commission special license plates;

(2) The administrative cost to the Department of Finance and Administration for issuance of an additional commission special license plate; and

(3) The estimated demand for the additional special license plate requested by the commission.

(c)(1) If the request is approved, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(2)(A) The fee remitted under subdivision (c)(1) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

History. Acts 2005, No. 2202, § 1.

27-24-905. Issuance — Renewal — Replacement.

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant shall remit the following fees to obtain a special license plate issued under this subchapter for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars ($25.00) to cover the design-use contribution by the Arkansas State Game and Fish Commission or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars ($10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The fee remitted under subdivision (b)(2) of this section shall be deposited into the Game Protection Fund to be used by the commission for the following purposes:

(1) Sponsoring college scholarships related to the field of conservation;

(2) Funding land purchases for the benefit of the public; and

(3) Providing conservation education programs.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (b) of this section at the time of renewal, then the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

History. Acts 2005, No. 2202, § 1.

27-24-906. License plate options.

A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Director of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1.

27-24-907. Transferability.

The special license plates issued under this subchapter may be transferred from one (1) vehicle to another pursuant to § 27-14-914.

History. Acts 2005, No. 2202, § 1.

Subchapter 10 — Colleges, Universities, and Arkansas School for the Deaf

SECTION.

27-24-1001. Purpose.
27-24-1002. Definition.
27-24-1003. Existing special license plates.
27-24-1004. Additional special license plates.
27-24-1005. Issuance — Renewal — Replacement.
27-24-1006. Transferability.
27-24-1007. License plate options.
27-24-1008. Use of funds by the college or university.
27-24-1009. Limitation on remedies.
27-24-1010. Arkansas School for the Deaf.

27-24-1001. Purpose.

The purpose of this subchapter is to:

(1) Continue the special license plates for colleges and universities that existed before April 13, 2005, to support higher education in the state by providing additional funding for academic or need-based scholarships and to transfer the authority to the Department of Finance and Administration to issue additional college and university special license plates; and

(2) Authorize a special license plate for the Arkansas School for the Deaf, which is accredited by

the Higher Learning Commission of the North Central Association of Colleges and Schools and has students up to twenty-one (21) years of age.

History. Acts 2005, No. 2202, § 1; 2011, No. 726, § 1.

27-24-1002. Definition.

As used in this subchapter, "college or university" means a public or private college or university that:

(1) Offers either a two-year or four-year degree program;

(2) Is located in the State of Arkansas;

(3) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools;

(4) Certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the commission; and

(5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin in compliance with state and federal law.

History. Acts 2005, No. 2202, § 1; 2011, No. 595, § 1.

27-24-1003. Existing special license plates.

(a) Except as provided in subsection (b) of this section, the Director of the Department of Finance and Administration shall continue the collegiate special license plates that existed before April 13, 2005.

(b)(1) The board of trustees of a college or university may request that the Department of Finance and Administration discontinue the college's or university's special license plate.

(2) To request a discontinuance of a special license plate issued under this subchapter, the board of trustees of the college or university shall present a resolution to the director requesting the department to discontinue the college's or university's special license plate.

History. Acts 2005, No. 2202, § 1.

27-24-1004. Additional special license plates.

(a)(1) The Director of the Department of Finance and Administration shall accept requests from the board of trustees of a college or university to create and issue a special license plate under this subchapter for the college or university.

(2) The board of trustees shall submit with the request for a special license plate a proposed design for the approval of the director.

(b) The director shall approve one (1) design for a special license plate for each college or university that requests a special license plate.

(c) The director shall determine:

(1) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(d) The director shall issue additional special license plates as provided under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1005. Issuance — Renewal — Replacement.

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars ($25.00) to cover the design-use contribution by the college or university or the Arkansas School for the Deaf or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars ($10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit to the Department of Finance and Administration the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e)(1) The department shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the college or university or the Arkansas School for the Deaf depending on the school for which each special license plate was purchased.

(2) The department shall also provide to each participating college or university or the Arkansas School for the Deaf a list of persons who have paid for a special license plate under this subchapter relating to that entity.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, then the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2005, No. 2202, § 1; 2011, No. 726, §§ 2, 3.

27-24-1006. Transferability.

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914.

History. Acts 2005, No. 2202, § 1.

27-24-1007. License plate options.

A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Director of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1.

27-24-1008. Use of funds by the college or university.

(a)(1)(A) A participating college or university shall use eighty-five percent (85%) of the funds received from the design-use contribution fee authorized under § 27-24-1005(b)(2) solely for academic or need-based scholarships.

(B) Procedures and criteria used to determine the distribution of the scholarships shall be established and followed by the college or university distributing the funds derived from the collegiate special license plate program.

(2) The college or university shall use the remaining fifteen percent (15%) of the received funds for either academic or need-based scholarships or for the administration and promotion of the collegiate special license plate program.

(b) Funds received from the collegiate special license plate program are supplementary and shall not be considered or used as income for purposes of reducing the general revenue appropriation to the college or university.

History. Acts 2005, No. 2202, § 1.

27-24-1009. Limitation on remedies.

The universities and colleges participating in this program shall have no recourse against the Department of Finance and Administration if any collegiate special license plate is erroneously issued or renewed without the payment of the design-use contribution fee.

History. Acts 2005, No. 2202, § 1.

27-24-1010. Arkansas School for the Deaf.

(a) The Director of the Department of Finance and Administration shall issue a special license plate for the Arkansas School for the Deaf in the manner and subject to the conditions provided under this subchapter.

(b) The special Arkansas School for the Deaf motor vehicle license plate shall:

(1) Be designed by the Department of Finance and Administration in consultation with the Board of Trustees of the Arkansas School for the Blind and Arkansas School for the Deaf;

(2) Contain the words "Arkansas School for the Deaf" and a picture showing the American Sign Language hand shape for "I Love You"; and

(3) Be numbered consecutively.

(c) The director shall determine the amount of the cost for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design that shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The department shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars ($25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas School for the Deaf Foundation to be used for foundation purposes; and

(3)(A) A handling and administrative fee of ten dollars ($10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1005.

(2) However, the division shall remit the fees collected under § 27-24-1005(b)(2) on a monthly basis to the Arkansas School for the Deaf Foundation.

History. Acts 2011, No. 726, § 4.

Subchapter 11 — Agriculture Education

SECTION.

27-24-1101. Purpose.
27-24-1102. Definition.
27-24-1103. Existing special license plate.
27-24-1104. Additional special license plates.
27-24-1105. Design and approval procedure.
27-24-1106. Issuance — Renewal — Replacement.
27-24-1107. Use of funds by the college or university.
27-24-1108. Transferability.

27-24-1101. Purpose.

The purpose of this subchapter is to continue the special license plates for the Division of Agriculture of the University of Arkansas that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional agriculture education special license plates upon application by a college or university.

History. Acts 2005, No. 2202, § 1.

27-24-1102. Definition.

As used in this subchapter, "college or university" means a public or private college or university that:

(1) Offers a four-year degree program in agriculture or agriculture-related studies;

(2) Is located in the State of Arkansas;

(3) Is accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools;

(4) Certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools; and

(5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin, in compliance with state and federal law.

History. Acts 2005, No. 2202, § 1.

27-24-1103. Existing special license plate.

The special license plate for the Division of Agriculture of the University of Arkansas that was in existence before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1.

27-24-1104. Additional special license plates.

The Director of the Department of Finance and Administration shall accept requests for a special license plate for the agriculture division, department, or program of a college or university under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1105. Design and approval procedure.

(a) The board of trustees of a college or university shall submit with its request for a special license plate for its agriculture program a proposed design for the approval of the Director of the Department of Finance and Administration.

(b) The director shall approve one (1) design for an agriculture-related special license plate for each college or university that requests or currently has a special license plate.

(c)(1) If the director approves the request, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2)(A) The fee remitted under this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

(d)(1) A college or university may submit a newly designed special license plate for approval and issuance by the director not more than one (1) time in each period of five (5) years under this subchapter.

(2) If the director approves a request, then the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

History. Acts 2005, No. 2202, § 1.

27-24-1106. Issuance — Renewal — Replacement.

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars ($25.00) to cover the design-use contribution by the college or university or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars ($10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e)(1) The Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the college or university for which each special license plate was purchased.

(2) The department shall also provide to each participating college or university a list of persons who have paid for a special license plate under this subchapter.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2005, No. 2202, § 1.

27-24-1107. Use of funds by the college or university.

(a)(1) A participating college or university shall use all moneys collected under § 27-24-1106(b)(2) exclusively for the purpose of sponsoring college scholarships, for education programs in the field of agriculture, and for the benefit of the public.

(2) Procedures and criteria used to determine the distribution of the moneys shall be established and followed by the college or university distributing the funds derived from the special license plate program under this subchapter.

(b) Funds received from the special license plate program under this subchapter are supplementary and shall not be considered or used as income for purposes of reducing the general revenue appropriation to the college or university.

History. Acts 2005, No. 2202, § 1.

27-24-1108. Transferability.

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914.

History. Acts 2005, No. 2202, § 1.

Subchapter 12 — Fraternities and Sororities

SECTION.
27-24-1201. Purpose.
27-24-1202. Definitions.
27-24-1203. Authority continued.
27-24-1204. Additional special license plates.
27-24-1205. Design and approval procedure.
27-24-1206. Issuance — Renewal — Replacement.
27-24-1207. Disposition of fee — List.
27-24-1208. Use of funds.
27-24-1209. Limitation on remedies.

27-24-1201. Purpose.

The purpose of this subchapter is to continue the special license plates for African-American fraternities and sororities that were authorized before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional fraternity and sorority special license plates.

History. Acts 2005, No. 2202, § 1.

27-24-1202. Definitions.

As used in this subchapter, "African-American fraternity or sorority" means any one (1) of the following historically African-American fraternities or sororities:

(1) Delta Sigma Theta;
(2) Alpha Kappa Alpha;
(3) Zeta Phi Beta;
(4) Sigma Gamma Rho;
(5) Omega Psi Phi;
(6) Alpha Phi Alpha;
(7) Phi Beta Sigma; or
(8) Kappa Alpha Psi.

History. Acts 2005, No. 2202, § 1.

27-24-1203. Authority continued.

The authority for the Department of Finance and Administration to create and issue the African-American fraternities and sororities special license plates that existed before April 13, 2005, shall continue.

History. Acts 2005, No. 2202, § 1.

27-24-1204. Additional special license plates.

The Director of the Department of Finance and Administration shall accept requests for a special license plate for an African-American fraternity or sorority that exists at a college or university in the State of Arkansas under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1205. Design and approval procedure.

(a) The design for a special license plate issued under this subchapter that commemorates an African-American fraternity or sorority shall be designed by the fraternity or sorority and shall be submitted for the approval of the Director of the Department of Finance and Administration.

(b) The director shall approve one (1) design for each participating fraternity or sorority.

(c)(1) If the director approves the design, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(d) The director shall promulgate reasonable rules and regulations and prescribe the forms necessary for effectively carrying out the intent and purposes of this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1206. Issuance — Renewal — Replacement.

(a) An owner of a motor vehicle who meets the following criteria may apply for and annually renew a special license plate under this subchapter:

(1) Is a certified member or alumni member of the fraternity or sorority for which he or she is seeking a special license plate;

(2) Is a resident of the State of Arkansas;

(3) Is otherwise eligible to license a motor vehicle in this state; and

(4) Pays the additional fees for the special license plate as required under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars ($25.00) to be determined by the Director of the Department of Finance and Administration to cover the design-use contribution by the fraternity or sorority or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars ($10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis as provided under § 27-24-1207.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate issued under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2005, No. 2202, § 1.

27-24-1207. Disposition of fee — List.

(a) Except for African-American fraternities and sororities, the Revenue Division of the Department of Finance and Administration shall remit the design-use contribution fee required under § 27-24-1206(b)(2) monthly to the endowment funds of the participating institutions of higher education in the State of Arkansas that have a chapter of the fraternity or sorority on their campus on a pro-rata basis to be used for scholarships as provided in this subchapter.

(b)(1) The division shall remit the design-use contribution fee collected for special license plates issued to African-American fraternities and sororities monthly as provided under subdivision (b)(2) of this section to the endowment funds of the following historically African-American institutions of higher education in the State of Arkansas:

(A) The University of Arkansas at Pine Bluff;

(B) Philander Smith College;

(C) Arkansas Baptist College; and

(D) Shorter College.

(2) The historically African-American institutions of higher education shall share in the funds in the following proportion:

(A) The University of Arkansas at Pine Bluff, forty percent (40%);

(B) Philander Smith College, twenty-five percent (25%);

(C) Arkansas Baptist College, twenty percent (20%); and

(D) Shorter College, fifteen percent (15%).

(c) The Department of Finance and Administration shall also provide to each participating African-American fraternity or sorority a list of persons who have paid for the special African-American fraternity or sorority license plates during the specified period.

History. Acts 2005, No. 2202, § 1.

27-24-1208. Use of funds.

(a) An institution of higher education in the state that receives funds under this subchapter from the design-use contribution fee shall use one hundred percent (100%) of the funds exclusively for academic or need-based scholarships.

(b) Procedures and criteria used to determine the distribution of the scholarships shall be established and followed by the endowment funds of the participating institutions of higher education that distribute the funds derived from the special license plates under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1209. Limitation on remedies.

The fraternities and sororities participating in this program shall have no recourse against the Department of Finance and Administration if any special license plate is erroneously issued or renewed without payment of the design-use authorization statement.

History. Acts 2005, No. 2202, § 1.

Subchapter 13 — Public and Military Service Recognition

SECTION.

27-24-1301. Purpose.
27-24-1302. Definitions.
27-24-1303. Firefighters.
27-24-1304. Retired state troopers.
27-24-1305. [Repealed.]
27-24-1306. Emergency medical technicians.
27-24-1307. Additional public service special license plates with decals.
27-24-1308. Transferability.
27-24-1309. Limitation.
27-24-1310. Reporting of use of proceeds.
27-24-1311. Professional firefighters.
27-24-1312. Cold War veterans.
27-24-1313. U. S. Veterans.

27-24-1301. Purpose.

The purpose of this subchapter is to:

(1) Continue the special license plates for the certain public service employees or public service retirees that existed before April 13, 2005, and to establish a procedure for other public service employees or retirees to obtain special license plates;

(2) Honor the service of Cold War veterans by providing a special license plate that is available for issuance; and

(3) Honor those individuals who served in the armed forces, but did not serve during a conflict or long enough to retire, by providing a special license plate that is available for issuance.

History. Acts 2005, No. 2202, § 1; 2009, No. 632, § 4; 2009, No. 651, § 1; 2011, No. 727, § 1.

27-24-1302. Definitions.

As used in this subchapter:

(1) "Cold War veteran" means any current or former member of the armed forces of the United States who establishes service during the Cold War era from September 2, 1945 — December 26, 1991 by presenting his or her military service discharge record, the Certificate of Release or Discharge from Active Duty of the United States Department of Defense known as the DD Form 214;

(2) "Firefighter" means a person who is certified by the Arkansas Fire Protection Services Board as a certified firefighter or who has retired as a firefighter;

(3) "Professional firefighter" means a person who is in good standing with the Arkansas Professional Fire Fighters Association;

(4) "Public service" means a service provided by a city, a county, or the state government that requires licensure or certification by the person who is providing the service; and

(5) "Retired state trooper" means a former employee of the Department of Arkansas State Police who is eligible for and is receiving retirement benefits related to the retiree's employment as a state trooper.

History. Acts 2005, No. 2202, § 1; 2007, No. 590, § 1; 2009, No. 632, § 5; 2009, No. 651, § 2; 2011, No. 986, § 1.

27-24-1303. Firefighters.

(a) The Department of Finance and Administration shall continue the special license plate for firefighters that existed before April 13, 2005.

(b) The department shall seek the advice of the Arkansas Fire Protection Services Board before changing the design of the special license plate under this section.

(c)(1) A firefighter may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars ($10.00); and

(C) An additional fee of five dollars ($5.00) to be remitted monthly to the Arkansas Fallen Firefighters Memorial Board.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle and an additional fee of five dollars ($5.00) to be remitted monthly to the Arkansas Fallen Firefighters Memorial Board.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars ($10.00).

(d)(1) Upon the initial application for a special license plate issued under this section, the firefighter shall provide adequate proof to the department that he or she is:

(A) Certified by the board as a firefighter; or

(B) Retired from active service as a firefighter at the time of applying for renewal.

(2) This subsection shall not require a person who has been issued a license plate under this section to present adequate proof of his or her status as a firefighter or retired firefighter to the department for the renewal of his or her license and registration.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) The department shall offer a banner or tape to be attached to the special license plates issued under this section that states "Retired".

(2) The "Retired" banner or tape shall be made available to a license plate holder who establishes that he or she is a firefighter retired from active service as provided under this section.

(3) This subsection shall not be construed to require a person who has been issued a "Retired" banner or tape under this section to present adequate proof of his or her status as a retired firefighter for the renewal of his or her license and registration.

History. Acts 2005, No. 2202, § 1; 2011, No. 639, § 1.

27-24-1304. Retired state troopers.

(a) The Department of Finance and Administration shall continue the special license plate for retired state troopers that existed before April 13, 2005.

(b)(1) The Department of Finance and Administration shall design the special license plates issued under this section.

(2) In lieu of the legend "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the words "Retired Arkansas State Trooper".

(c)(1) A retired state trooper may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle; and

(B) A handling and administrative fee in the amount of ten dollars ($10.00).

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars ($10.00).

(d) Upon the initial application of a special license plate issued under this section, the retired state trooper shall provide adequate proof to the Department of Finance and Administration that he or she is a retired state trooper of the Department of Arkansas State Police.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

History. Acts 2005, No. 2202, § 1.

27-24-1305. [Repealed.]

Publisher's Notes. This section, concerning United States Armed Forces retired, was repealed by Acts 2009, No. 632, § 6. The section was derived from Acts 2005, No. 2202, § 1; 2007, No. 393, §§ 1, 2.

27-24-1306. Emergency medical technicians.

(a) The Department of Finance and Administration shall create and issue a special license plate for emergency medical technicians.

(b) The Department of Finance and Administration shall design the special license plates issued under this section.

(c) Any one (1) of the following may apply for and annually renew a special license plate issued under this section if he or she is currently certified in the State of Arkansas as:

(1) An emergency medical technician;

(2) An emergency medical technician paramedic;

(3) An emergency medical technician intermediate; or

(4) A first responder with the documented completion of forty (40) hours of curriculum approved by the United States Department of Transportation.

(d) An applicant shall remit the following fees to obtain a special license plate issued under this section for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A handling and administrative fee in the amount of ten dollars ($10.00); and

(3) An additional fee of fifteen dollars ($15.00) to be collected by the Department of Finance and Administration and remitted monthly to the Arkansas EMT Association Benevolence and Scholarship Funds.

(e)(1) The fee for the renewal of a special license plate under this section is the fee required under subsection (d) of this section.

(2) The replacement fee for a special license plate issued under this section is ten dollars ($10.00).

(f) Upon the initial application of a special license plate issued under this section, the emergency medical technician shall provide adequate proof to the Department of Finance and Administration that he or she is certified in the State of Arkansas as one (1) of the following:

(1) An emergency medical technician;

(2) An emergency medical technician paramedic;

(3) An emergency medical technician intermediate; or

(4) A first responder with the documented completion of forty (40) hours of curriculum approved by the United States Department of Transportation.

(g)(1) The fee remitted under subdivision (d)(2)(B) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(h) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

History. Acts 2005, No. 2202, § 1.

27-24-1307. Additional public service special license plates with decals.

(a) The Director of the Department of Finance and Administration shall accept requests from organizations that represent public service employees, retired public service employees, or retired military service members to create and issue a special license plate decal under this subchapter.

(b)(1) The Department of Finance and Administration shall design the special license plate decal that is issued under this section.

(2) In lieu of the legend "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing words that describe the public service profession or the retired military service branch or organization for which the special license plate with a decal has been issued.

(c) If the request is approved, the director shall determine:

(1) The fee for the design-use contribution which shall be based on the cost of initial orders of new designs for special license plate decals;

(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plate decals; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of new designs for special license plate decals.

(d)(1) If the director approves a request for an additional special license plate decal under this section, then a person who establishes with adequate proof that he or she is a member or retiree of the public service profession or military branch may apply for and annually renew a special license plate decal.

(2) The fee for the initial application for a special license plate decal under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle; and

(B) A handling and administrative fee in the amount of ten dollars ($10.00).

(3) The fee for the renewal of a special license plate decal under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars ($10.00).

(e)(1) The fees remitted under subdivisions (d)(2)(B) and (d)(4) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) An organization that is eligible to request an additional public service license plate decal under this section may establish a fund-raising fee not to exceed twenty-five dollars ($25.00) for the issuance and renewal of a special license plate with a permanent decal.

(2) If an organization establishes a fund-raising fee under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate decal; and

(B) An affidavit signed by an official of the organization that states the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

History. Acts 2005, No. 2202, § 1.

27-24-1308. Transferability.

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914 but shall not be transferred to a person who is not entitled to receive a special license plate under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1309. Limitation.

A person who is entitled to receive a special license plate under this subchapter shall be limited to two (2) special license plates under this subchapter.

History. Acts 2005, No. 2202, § 1.

27-24-1310. Reporting of use of proceeds.

If an organization sponsors a special license plate or special license plate decal under this subchapter and collects a fund-raising fee, then the organization shall provide:

(1) Its financial plan for the use of the proceeds from the special license plate or special license plate with a permanent decal; and

(2) An affidavit signed by an official of the organization that states that the proceeds from the special license plate or special license plate permanent decal will be used according to the financial plan submitted with the application.

History. Acts 2005, No. 2202, § 1.

27-24-1311. Professional firefighters.

(a) The Department of Finance and Administration shall create and issue a special license plate for professional firefighters under this section.

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

(2) The Arkansas Professional Fire Fighters Association may submit up to three (3) designs to the department for its consideration.

(c)(1) A professional firefighter may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars ($10.00); and

(C) An additional fee of five dollars ($5.00) to be remitted monthly to the Arkansas Fallen Firefighters Memorial Board.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle and an additional fee of five dollars ($5.00) to be remitted monthly to the board.

(d)(1) Upon the initial application for a special license plate issued under this section, the professional firefighter shall provide adequate proof to the department that he or she is a member in good standing with the Arkansas Professional Fire Fighters Association.

(2) This subsection shall not require a person who has been issued a special license plate under this section to present adequate proof of his or her status as a professional firefighter to the department for the renewal of his or her license and registration.

(e) The limitation on professional firefighter special license plates issued under this section is two (2) special license plates for each household.

(f)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

History. Acts 2007, No. 590, § 2; 2011, No. 639, § 2.

27-24-1312. Cold War veterans.

(a) The Department of Finance and Administration shall create for issuance a special license plate that bears a decal that states "Cold War Veteran" to be issued to an eligible applicant as provided under this subchapter.

(b)(1) The department shall design the special license plate that bears the decal issued under this section.

(2) In lieu of the legend, "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the words "Cold War Veteran".

(c)(1) A Cold War veteran may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate issued under this section is five dollars ($5.00).

(d) Upon the initial application of a special license plate issued under this section, the Cold War veteran shall provide adequate proof to the department that he or she is a Cold War veteran.

(e) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(f) As long as the fee for the special license plate issued under this section is the fee required by law for the registration and licensing of the motor vehicle and not that for a nominal fee military service and veteran plate under § 27-24-201 et seq., a Cold War veteran may obtain multiple license plates, not to exceed the number of vehicles that he or she owns.

History. Acts 2009, No. 651, § 3; 2011, No. 986, § 2.

27-24-1313. U. S. Veterans.

(a) The Department of Finance and Administration shall create for issuance a special license plate that bears a decal stating "U. S. Veteran" to be issued to an eligible applicant who establishes that he or she has served in the:

(1) United States Army;

(2) United States Navy;

(3) United States Marine Corps;

(4) United States Air Force;
(5) United States Coast Guard;
(6) Army National Guard; or
(7) Air National Guard.

(b)(1) The special license plate shall be of the same basic design as military service and veterans special license plates issued under § 27-24-209, except that in lieu of the legend "The Natural State" at the bottom of the special license plate, the plate shall bear a decal stating "U. S. Veteran".

(2) The special license plate shall include a decal showing the veteran's branch of service.

(c)(1) A United States veteran may apply for and annually renew a special license plate issued under this section.

(2) The initial application and registration fee for the license plate created under this section is the full fee amount as specified in § 27-14-601(a).

(3) The fee for the renewal of a special license plate under this section is the amount specified in § 27-14-601(a).

(4) The replacement fee for a special license plate issued under this section is five dollars ($5.00).

(d) Upon the initial application for a special license plate issued under this section, the United States veteran shall provide adequate proof to the department that he or she is a United States veteran.

(e) The special license plate created under this section may be used only on a motor vehicle as defined and classified in § 27-24-103.

(f) The registration of a special license plate under this section may:

(1) Continue from year-to-year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

History. Acts 2011, No. 727, § 2.

Subchapter 14 — Special Interest License Plates

SECTION.
27-24-1401. Purpose.
27-24-1402. Existing special license plates.
27-24-1403. Expedited application process for certain special license plates.
27-24-1404. Application process for additional special interest license plate decals.
27-24-1405. Issuance — Renewal — Replacement.
27-24-1406. License plate options.
27-24-1407. Annual report.
27-24-1408. Realtors® special license plate.
27-24-1409. Support Animal Rescue and Shelters special license plate decal.
27-24-1410. Prostate Cancer Awareness.

27-24-1401. Purpose.

The purpose of this subchapter is to:

(1) Continue the special license plates for the certain special interests that existed before April 13, 2005;

(2) Establish an expedited administrative application procedure for organizations that represent a group of persons with a viewpoint that is different from the viewpoint expressed on a special license plate that existed before April 13, 2005; and

(3) Establish an administrative procedure for other organizations to apply to the Department of Finance and Administration for the creation and issuance of a special license plate that represents their special interests.

History. Acts 2005, No. 2202, § 1.

27-24-1402. Existing special license plates.

(a) The following special license plates that represent various special interests and that were in existence or authorized by law on or before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration to a motor vehicle owner who is otherwise eligible to license a motor vehicle in this state and who pays the additional fees for the special license plate unless other eligibility requirements are specifically stated in this subchapter:

(1) Ducks Unlimited;
(2) Committed to Education;
(3) Choose Life;
(4) Susan G. Komen Breast Cancer Education, Research, and Awareness;
(5) Boy Scouts of America;
(6) Arkansas Cattlemen's Foundation;
(7) Organ Donor Awareness; and
(8) Arkansas Realtors® Association.

(b) The Department of Finance and Administration shall continue to collect the fee for the design-use contribution or for fund-raising purposes, and the following organizations shall continue to receive funds and be authorized to use the funds from the fee for the design-use contribution for special license plates that were in effect before April 13, 2005, and that are continued under this subchapter:

(1) Ducks Unlimited, Inc., for the Ducks Unlimited special license plate;

(2) Arkansas Committed to Education Foundation for the Committed to Education special license plate;

(3) Arkansas Right to Life for the Choose Life special license plate;

(4) Arkansas Affiliate of the Susan G. Komen Foundation for the Susan G. Komen Breast Cancer Education, Research, and Awareness special license plate;

(5) Boy Scouts of America, Quapaw Area Council of Arkansas, for the Boy Scouts of America special license plate;

(6) Arkansas Cattlemen's Foundation for the Arkansas Cattlemen's Foundation special license plate; and

(7) Arkansas Regional Organ Recovery Agency for the Organ Donor Awareness special license plate.

(c)(1) Within thirty (30) days after April 13, 2005, the director shall notify the organizations listed in subsection (b) of this section that received the funds or were authorized to use the funds from a design-use contribution fee for a special license plate that is continued under this chapter and that was in effect before April 13, 2005, and the State Highway Commission of a change in the law regarding special license plates.

(2)(A) The organization shall submit to the director an application that includes the following:

(i) The organization's financial plan for the use of the proceeds from the special license plate; and

(ii) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(B)(i) The organization shall submit the information required under this subsection within one hundred twenty (120) days after April 13, 2005.

(ii) If the organization fails to comply with this subdivision (c)(2)(B) within one hundred twenty (120) days after April 13, 2005, then the director shall notify the organization that proceeds from the special license plate design-use contribution fee will no longer be remitted to the organization or the organization will no longer be able to use the proceeds until the organization complies with this subdivision (c)(2)(B).

(C) The department shall not remit funds to the organization or allow the organization to use the proceeds from the special license plate unless the organization complies with the provisions of this section.

(d) Every special license plate continued under this subchapter shall be discontinued on April 7, 2007, unless an application is submitted to and approved by the director ninety (90) days prior to April 1, 2007, that establishes the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4)(A) Except as provided under subdivision (d)(4)(B) of this section, the name of the organization is not the name of a special product, a trademark, or a brand name.

(B) Subdivision (d)(4)(A) shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(5)(A) Except as provided under subdivision (d)(5)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.

(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

History. Acts 2005, No. 2202, § 1; 2007, No. 451, § 1.

27-24-1403. Expedited application process for certain special license plates.

(a) An organization that represents a group of persons with a viewpoint that is different from the viewpoint expressed on a special license plate that existed before April 13, 2005, may apply and request the expedited application process for the Department of Finance and Administration to create and issue a special license plate for the organization's viewpoint.

(b)(1) An application submitted under this section shall include the following:

(A) A proposed design of the special license plate that complies with § 27-24-105(b) and related rules;

(B) Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(C) The organization's financial plan for the use of the proceeds from the special license plate; and

(D) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(2) The department shall either approve or deny an application under this section within sixty (60) days after receipt of the application.

(c)(1)(A) If the Director of the Department of Finance and Administration approves the application, then he or she shall determine:

(i) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(ii) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(B)(i) The fee remitted under subdivision (c)(1)(A)(i) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(2) If the director denies the application, then:

(A) The director shall give the applicant written notice of the reasons for the denial; and

(B) The applicant may:

(i) Proceed as provided under § 27-24-107; or

(ii) Apply for a special interest license plate under § 27-24-1405.

(d)(1) An organization that applies for the issuance of a special license plate under this section may establish a fee not to exceed twenty-five dollars ($25.00) for the design-use contribution or for fund-raising purposes for the issuance and renewal of a special license plate.

(2) If an organization establishes a fee for the design-use contribution or fund-raising purposes under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(e) An organization's application for a special license plate under this section shall establish the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4) The name of the organization is not the name of a special product or a brand name;

(5) The name of the organization is not interpreted by the department as promoting a special product or a brand name;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

(f) This section shall expire on April 1, 2007.

History. Acts 2005, No. 2202, § 1.

27-24-1404. Application process for additional special interest license plate decals.

(a) A special interest organization may apply to the Director of the Department of Finance and Administration for the creation and issuance of a special license plate that bears a decal for the special interest group under this section beginning on July 1, 2006, and ending on November 1, 2006, and on the same dates each year thereafter.

(b)(1) An application submitted under this section shall include the following:

(A) A proposed design of the special license plate decal that complies with § 27-24-105(c) and related rules;

(B) Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(C) The organization's financial plan for the use of the proceeds from the special license plate decal; and

(D) An affidavit signed by an official of the organization that states that the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

(2) The director shall either approve or deny each application submitted during the fiscal year by July 1 of the following fiscal year.

(c)(1)(A) If the request is approved, the director shall determine:

(i) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(ii) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(B)(i) The fee remitted under subdivision (c)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(2) If the director denies the application, then:

(A) The director shall give the applicant written notice of the reasons for the denial; and

(B) The applicant may proceed as provided under § 27-24-106.

(d)(1) An organization that applies for the issuance of a special license plate under this section may establish a fee not to exceed twenty-five dollars ($25.00) for the design-use contribution or for fund-raising purposes for the issuance and renewal of a special license plate.

(2) If an organization establishes a fee for the design-use contribution or fund-raising purposes

under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(e) An organization's application for a special license plate under this section shall establish the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4) The name of the organization is not the name of a special product or a brand name;

(5) The name of the organization is not interpreted by the department as promoting a special product or a brand name;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

History. Acts 2005, No. 2202, § 1.

27-24-1405. Issuance — Renewal — Replacement.

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and annually renew a special license plate or a special license plate that bears a decal that is issued under this subchapter.

(b) An applicant for a special license plate or for a special license plate that bears a decal under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee to cover the design-use contribution or for fund-raising purposes by the special interest organization; and

(3) A handling and administrative fee in the amount of ten dollars ($10.00).

(c) To renew a special license plate or a special license plate that bears a decal issued under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.

(d) To replace a special license plate or a special license plate that bears a decal issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the special interest organization for which each special license plate was purchased.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate or a special license plate that bears a decal issued under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate or a special license plate that bears a decal under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate or special license plate that bears a decal under this subchapter, the owner of the motor vehicle may replace the special license plate or special license plate that bears a decal with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2005, No. 2202, § 1.

27-24-1406. License plate options.

(a) A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(b)(1) A motor vehicle owner who chooses to apply for a special personalized prestige license plate under subdivision (a)(2) of this section shall be required to pay an additional application and renewal fee not to exceed twenty dollars ($20.00).

(2) The use of letters and numbers on a personalized prestige license plate under this section shall be limited by the rules of the Director of the Department of Finance and Administration.

History. Acts 2005, No. 2202, § 1.

27-24-1407. Annual report.

(a) A special interest organization that is the sponsor of a special license plate or a special license plate that bears a decal under this subchapter shall prepare and submit an annual accounting report to the Director of the Department of Finance and Administration by December 1 of each calendar year.

(b) The report shall include an accounting of the revenues and expenditures associated with the design-use contribution fee charged for the special license plate or the special license plate that bears a decal.

(c) If the special interest organization fails to comply with this section, then the director may:

(1) Suspend the issuance of a special license plate or special license plate that bears a decal under this subchapter; or

(2) Suspend the payment of the design-use contribution fee to the special interest organization.

History. Acts 2005, No. 2202, § 1.

27-24-1408. Realtors® special license plate.

(a) The purpose of this section is to continue the eligibility requirements for the issuance of a special license plate for Realtors® under § 27-15-5303 [repealed].

(b)(1) The Department of Finance and Administration shall require proof of eligibility for a Realtors® special license plate issued under this subchapter.

(2) The applicant shall present proof that he or she is a member in good standing of the National Association of Realtors®.

(3) To establish membership in the National Association of Realtors®, the applicant shall present his or her membership card.

History. Acts 2007, No. 451, § 2.

27-24-1409. Support Animal Rescue and Shelters special license plate decal.

(a)(1) The Director of the Department of Finance and Administration shall issue a special license plate that bears a decal that states "Support Animal Rescue and Shelters" in the manner and subject to the conditions provided under this subchapter.

(2) The procedures regarding costs under § 27-24-1404(c)(1)(A) shall apply.

(b) Any motor vehicle owner annually may apply for and renew a special license plate that bears the decal described in subdivision (a)(1) of this section.

(c)(1) The Department of Finance and Administration shall issue a special license plate that bears the decal under this section upon payment of:

(A) The fee required by law for registration of the motor vehicle;

(B) Payment of twenty-five dollars ($25.00) to cover the design-use contribution; and

(C) Payment of a handling and administrative fee of ten dollars ($10.00).

(2)(A) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(B) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(3) The design-use contribution of twenty-five dollars ($25.00) shall be remitted monthly to the Treasurer of State for deposit into the State Treasury as special revenues for the Animal Rescue and Shelter Trust Fund, § 19-5-1136.

(d)(1) The special license plate that bears a decal issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the Treasurer of State for deposit into the State Treasury as special revenues for the Animal Rescue and Shelter Trust Fund, § 19-5-1136.

History. Acts 2009, No. 692, § 2.

27-24-1410. Prostate Cancer Awareness.

(a) The Director of the Department of Finance and Administration shall issue a special license plate for prostate cancer awareness in the manner and subject to the conditions provided for under this subchapter.

(b) The special prostate cancer awareness motor vehicle license plate shall be:

(1)(A) Designed by the Arkansas Prostate Cancer Foundation.

(B) The design shall be submitted for design approval by the director under rules promulgated by the director; and

(2) Numbered consecutively.

(c) The director shall determine the amount of the costs for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design, which shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

(d) The Department of Finance and Administration shall issue a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars ($25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the foundation to be used for foundation purposes; and

(3)(A) A handling and administrative fee of ten dollars ($10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(e)(1) A special license plate issued under this section may be renewed annually or replaced under the procedures set out in § 27-24-1405.

(2) However, the division shall remit the fees collected under § 27-24-1405(b)(2) on a monthly basis to the foundation.

History. Acts 2011, No. 830, § 1.

Subchapter 15 — Street Rod Special License Plates

SECTION.

27-24-1501. Purpose.
27-24-1502. Definitions.
27-24-1503. Application — Issuance — Renewal — Replacement.
27-24-1504. Titling.
27-24-1505. Equipment.

27-24-1501. Purpose.

The purpose of this subchapter is to:

(1) Continue the street rod special license plates that existed before the effective date of this subchapter; and

(2) Make modifications that are necessary to the law because of industry advancements and the growing popularity of street rods.

History. Acts 2007, No. 340, § 1.

27-24-1502. Definitions.

As used in this subchapter:

(1) "Blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch (1″) in diameter;

(2) "Custom vehicle" means a motor vehicle that:

(A)(i) Is at least twenty-five (25) years old and of a model year after 1948; or

(ii) Was manufactured to resemble a vehicle twenty-five (25) or more years old and of a model year after 1948; and

(B)(i) Has been altered from the manufacturer's original design; or

(ii) Has a body constructed from non-original materials; and

(3) "Street rod" means a motor vehicle that:

(A) Is a 1948 or older vehicle or the vehicle was manufactured after 1948 to resemble a vehicle manufactured before 1949; and

(B) Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

History. Acts 2007, No. 340, § 1.

27-24-1503. Application — Issuance — Renewal — Replacement.

(a)(1) The owner of a street rod or a custom vehicle who is a resident of the State of Arkansas may apply for and annually renew a special license plate or a special license plate that bears a decal that is issued under this subchapter.

(2) The application for registration of a street rod or a custom vehicle under this subchapter shall include an affidavit to be completed by the owner of the street rod or custom vehicle which states that the street rod or custom vehicle:

(A) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, or similar uses; and

(B) Will not be used for general daily transportation.

(b)(1) An applicant for a special license plate or for a special license plate that bears a decal under this subchapter shall remit to the Office of Motor Vehicle payment of a one-time initial fee of fifty dollars ($50.00) for each street rod or custom vehicle.

(2) An applicant for renewal of a special license plate issued under § 27-15-4003 [repealed] shall not be required to resubmit this initial fee.

(c) The office shall furnish to the owner of a street rod or custom vehicle who complies with the requirements of subsections (a) and (b) of this section a special license plate or special license plate that bears a decal to be displayed on the street rod or custom vehicle in lieu of the usual license plate.

(d) To renew a special license plate or a special license plate that bears a decal issued under this subchapter or under prior law, the owner of the street rod or custom vehicle shall remit an annual fee of twenty-five dollars ($25.00).

(e)(1) To replace a special license plate or a special license plate that bears a decal issued under

this subchapter, the owner of the street rod or custom vehicle shall remit to the office a fee of ten dollars ($10.00) if the registration has not expired.

(2) The owner of the street rod or custom vehicle shall remit to the office the fees stated in subsection (d) of this section if the registration has expired.

(f)(1) The fee remitted to the office under subdivision (e) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate or a special license plate that bears a decal issued under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) A street rod or custom vehicle shall not be eligible for any other licensing of a motor vehicle except as provided in this subchapter.

(i) The office shall consult with the street rod community and custom vehicle community in the state before changing the design of the special license plate or special license plate decal issued under this subchapter.

History. Acts 2007, No. 340, § 1.

27-24-1504. Titling.

(a) The model year and the year of manufacture that are listed on the certificate of title of a street rod or custom vehicle shall be the model year and year of manufacture that the body of the street rod or custom vehicle resembles.

(b) If a street rod or custom vehicle is a replica or reproduction of an original production vehicle, the certificate of title shall include the term "Replica" in the remarks section.

History. Acts 2007, No. 340, § 1.

27-24-1505. Equipment.

(a) Unless the presence of the equipment was specifically required by the law of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment, including without limitation emission controls, is not required for the operation of a street rod or custom vehicle registered under this subchapter.

(b) A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

History. Acts 2007, No. 340, § 1.

Subchapter 16 — Department of Parks and Tourism

SECTION.

27-24-1601. Purpose.
27-24-1602. Special license plates.
27-24-1603. Issuance — Renewal — Replacement.

27-24-1601. Purpose.

The purpose of this subchapter is to:

(1) Authorize the design and issuance of license plates featuring state parks for the Department of Parks and Tourism;

(2) Provide funding to a cash fund to be used by the Department of Parks and Tourism for sponsoring college scholarships in the state parks profession and the state parks education programs; and

(3) Authorize the Department of Finance and Administration to issue, renew, and replace the license plates authorized for the Department of Parks and Tourism.

History. Acts 2011, No. 292, § 1.

27-24-1602. Special license plates.

(a)(1) The Director of the Department of Finance and Administration shall accept requests from the Department of Parks and Tourism to create and issue special license plates under this subchapter.

(2) The Department of Parks and Tourism shall submit with a request for a special license plate a proposed design for the approval of the director.

(b) When considering a request from the Department of Parks and Tourism for a special license plate, the director shall consider the following factors:

(1) The administrative cost to the Department of Finance and Administration for issuance of a Department of Parks and Tourism special license plate; and

(2) The estimated demand for the special license plate requested by the Department of Parks and Tourism.

(c)(1) If a request submitted under subsection (a) of this section is approved, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates that shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(2)(A) The fee remitted under subdivision (c)(1) of this section shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(B) The fee remitted under subdivision (c)(1) of this section shall not be considered or credited to the division as direct revenue.

History. Acts 2011, No. 292, § 1.

27-24-1603. Issuance — Renewal — Replacement.

(a) A person who owns a motor vehicle and who is a resident of the state may apply for and renew annually a special license plate under this subchapter.

(b) An applicant shall remit the following fees to obtain a special license plate issued under this subchapter for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2)(A) A fee not to exceed twenty-five dollars ($25.00) to cover the design-use contribution by the Department of Parks and Tourism or to cover contributions for fundraising purposes.

(B) The fee remitted under subdivision (b)(2)(A) of this section shall be deposited into a cash fund to be used by the Department of Parks and Tourism for the following purposes:

(i) Sponsoring college scholarships related to the field of conservation; and

(ii) Providing conservation education programs; and

(3)(A) A handling and administrative fee in the amount of ten dollars ($10.00).

(B) The fee remitted under subdivision (b)(3)(A) of this section shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee remitted under subdivision (b)(3)(A) of this section shall not be considered or credited to the division as direct revenue.

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter the owner of the motor vehicle shall remit:

(1) The fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The fees stated in subsection (b) of this section if the registration has expired.

(e) The registration of a special license plate under this subchapter may:

(1) Continue from year-to-year if it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided in § 27-14-1012.

History. Acts 2011, No. 292, § 1.

Subchapter 17 — Conservation Districts

SECTION.

27-24-1701. Authorization.
27-24-1702. Design — Cost.
27-24-1703. Issuance — Renewal — Replacement.
27-24-1704. Rules.

27-24-1701. Authorization.

The Director of the Department of Finance and Administration shall issue a special license plate for conservation districts in the manner and subject to the conditions provided under this subchapter.

History. Acts 2011, No. 804, § 1.

27-24-1702. Design — Cost.

(a) The special motor vehicle license plate for conservation districts shall:

(1) Be designed by the Department of Finance and Administration in consultation with the Arkansas Association of Conservation Districts; and

(2) Be numbered consecutively.

(b) The Director of the Department of Finance and Administration shall determine the amount of the costs for the issuance of the special license plate under this section as follows:

(1) The fee for the cost of initial orders of the new design that shall be based on the cost of the initial order;

(2) The number of applications that must be received to cover the cost of the initial order of the new design; or

(3) The combination of subdivisions (b)(1) and (2) of this section that must be received to cover the cost of the initial order of the new design.

History. Acts 2011, No. 804, § 1.

27-24-1703. Issuance — Renewal — Replacement.

(a) A person who owns a motor vehicle and who is a resident of the state may apply for and renew annually a special license plate under this subchapter.

(b) The Department of Finance and Administration shall issue and renew a special license plate under this section upon payment of:

(1) The fee required by law for registration of the motor vehicle;

(2)(A) Twenty-five dollars ($25.00) to cover the design-use contribution.

(B) The design-use contribution shall be remitted monthly to the Arkansas Association of Conservation Districts to be used to provide education and assistance to landowners concerning the conservation, maintenance, improvement, development, and use of land, soil, water, trees, vegetation, fish, wildlife, open spaces, and other renewable natural resources; and

(3)(A) A handling and administrative fee of ten dollars ($10.00).

(B) The handling and administrative fee shall be:

(i) Deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(ii) Credited to the division as supplemental and in addition to all other funds that may be deposited for the benefit of the division.

(C) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(c) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit all fees stated in subsection (b) of this section if the registration has expired.

(d) The registration of a special license plate under this subchapter may:

(1) Continue from year to year so long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(e) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (b) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(f) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate; or

(3) Any other special license plate that the person is entitled to receive under this chapter.

History. Acts 2011, No. 804, § 1.

27-24-1704. Rules.

The Director of the Department of Finance and Administration may promulgate rules for the administration of this subchapter.

History. Acts 2011, No. 804, § 1.

CHAPTERS 25-31

[Reserved]

SUBTITLE 3. MOTOR VEHICLES AND THEIR EQUIPMENT

CHAPTER 34

CHILD PASSENGER PROTECTION ACT

SECTION.

27-34-101. Title.
27-34-102. Legislative intent.
27-34-103. Penalty.
27-34-104. Requirements.
27-34-105. Exceptions to provisions.
27-34-106. Effect of noncompliance.
27-34-107. Arkansas Child Passenger Protection Fund.
27-34-108. Public Safety Fund — Creation.

27-34-101. Title.

This chapter shall be known as the "Child Passenger Protection Act".

History. Acts 1983, No. 749, § 1; A.S.A. 1947, § 75-2601.

27-34-102. Legislative intent.

It is the legislative intent that all state, university, county, and local law enforcement agencies, as well as all physicians and hospitals, in recognition of the problems, including death and serious injury, associated with unrestrained children in motor vehicles, conduct a continuing safety and public awareness campaign so as to encourage and promote the use of child passenger safety seats.

History. Acts 1983, No. 749, § 7; A.S.A. 1947, § 75-2607.

27-34-103. Penalty.

(a) Any person who violates this chapter shall, upon conviction, be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

(b) In determining the amount of fine to be assessed under this section, any court hearing the matter shall consider whether, if the offense is for failure to secure the child in a child passenger safety seat properly secured to the vehicle, the child was restrained by some alternative means such as seat safety belts properly secured to the vehicle.

(c) Upon satisfactory proof being presented to the court that the defendant has acquired, purchased, or

rented an approved child passenger safety seat as described in § 27-34-104, the court shall assess no more than the minimum fine allowed.

History. Acts 1983, No. 749, § 4; A.S.A. 1947, § 75-2604; Acts 1995, No. 1274, § 1; 2003, No. 1776, § 2.

27-34-104. Requirements.

(a) Every driver who transports a child under fifteen (15) years of age in a passenger automobile, van, or pickup truck, other than one (1) operated for hire, which is registered in this or any other state, shall provide while the motor vehicle is in motion and operated on a public road, street, or highway of this state for the protection of the child by properly placing, maintaining, and securing the child in a child passenger restraint system properly secured to the vehicle and meeting applicable federal motor vehicle safety standards in effect on January 1, 1995.

(b) A child who is less than six (6) years of age and who weighs less than sixty pounds (60 lbs.) shall be restrained in a child passenger safety seat properly secured to the vehicle.

(c) If a child is at least six (6) years of age or at least sixty pounds (60 lbs.) in weight, a safety belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

History. Acts 1983, No. 749, § 2; A.S.A. 1947, § 75-2602; Acts 1995, No. 1274, § 2; 2001, No. 470, § 1; 2003, No. 1776, § 3.

27-34-105. Exceptions to provisions.

The provisions of this chapter shall not apply when any one (1) of the following conditions exists:

(1) The motor vehicle is being used as an ambulance or other emergency vehicle;

(2) When an emergency exists that threatens:

(A) The life of any person operating a motor vehicle to whom this section otherwise would apply; or

(B) The life of any child who otherwise would be required to be restrained under this chapter; or

(3) If any child who would otherwise be required to be restrained under this chapter is physically unable because of medical reasons to use a child passenger safety seat system or seat safety belt and the medical reasons are certified by a physician who states the nature of such medical conditions as well as the reason the use of a child passenger safety seat system or seat safety belt is inappropriate.

History. Acts 1983, No. 749, § 3; A.S.A. 1947, § 75-2603; Acts 1995, No. 1274, § 3; 2009, No. 308, § 5.

27-34-106. Effect of noncompliance.

(a) The failure to provide or use a child passenger safety seat shall not be considered, under any circumstances, as evidence of comparative or contributory negligence, nor shall failure be admissible as evidence in the trial of any civil action with regard to negligence.

(b) Neither shall the failure to provide or use a child passenger safety seat be considered, under any circumstances, as evidence in any prosecution for negligent homicide.

History. Acts 1983, No. 749, § 6; 1985, No. 551, § 1; A.S.A. 1947, § 75-2606.

27-34-107. Arkansas Child Passenger Protection Fund.

(a)(1) A special fund is created which shall be known as the "Arkansas Child Passenger Protection Fund".

(2) The Arkansas Child Passenger Protection Fund shall consist of:

(A) Seventy-five percent (75%) of all fines that are collected for violations of this chapter, which shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office, to be deposited into the Arkansas Child Passenger Protection Fund; and

(B) Other moneys that may be appropriated, allocated, or donated for the purpose of being placed in the Arkansas Child Passenger Protection Fund.

(b)(1) The Arkansas Highway Safety Program shall earmark at least fifty percent (50%) of the annual expenditures from the Arkansas Child Passenger Protection Fund for the purchase of child passenger safety seats.

(2) If annual funds generated by the fund support the expenditure and if the needs of the program justify the expenditure, the program shall maintain an annual expenditure of at least one hundred thousand dollars ($100,000) for child passenger safety seats.

(3) The child passenger safety seats purchased by the program shall be loaned or rented to hospitals or other groups or individuals, who may lend or rent the child passenger safety seats to others for the purpose of transporting children.

(c) After the expenditures described in subsection (b) of this section, the program shall earmark the balance of moneys in the fund:

(1) To conduct continuing education and public awareness concerning child passenger safety;

(2) To encourage and promote proper use of child safety seats and safety belts; and

(3) For highway safety planning and administration.

History. Acts 1983, No. 749, § 5; A.S.A. 1947, § 75-2605; Acts 1995, No. 1274, § 4; 2003, No. 1765, § 35; 2005, No. 878, § 1; 2005, No. 1934, § 20; 2007, No. 827, § 235.

27-34-108. Public Safety Fund — Creation.

(a) A town or city that collects fines pursuant to this subchapter shall retain twenty-five percent (25%) of the fines collected and deposit them into a fund called the Public Safety Fund, to be used solely for the promotion of public safety.

(b) A district court that is funded solely by the county and collects fines pursuant to this chapter shall retain twenty-five percent (25%) of the fines collected and deposit them into the fund, to be used solely for the promotion of public safety.

History. Acts 2007, No. 827, § 236.

CHAPTER 35

SIZE AND LOAD REGULATIONS

SUBCHAPTER.

1. General Provisions.
2. Weights and Dimensions.
3. Manufactured Homes and Houses.

Subchapter 1 — General Provisions

SECTION.

27-35-101. Violations.
27-35-102. Certain vehicles exempted.
27-35-103. Scope and effect of regulations.
27-35-104. Riding in spaces not for passengers.
27-35-105. Projecting loads on passenger vehicles.
27-35-106. Extension of load beyond vehicle front.
27-35-107. Registration of gross weight.
27-35-108. Authority to weigh vehicles and require removal of excess loads.
27-35-109. Liability for damage to highway or structure.
27-35-110. Spilling loads on highways prohibited — Covers required for loads of sand, gravel, and rock — Exceptions.
27-35-111. Trailers and towed vehicles.
27-35-112. Towing vehicles licensed in other states.
27-35-113. [Repealed.]

27-35-101. Violations.

It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway, any vehicle of a size or weight exceeding the limitations stated in this subchapter or otherwise in violation of this subchapter.

History. Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801.

27-35-102. Certain vehicles exempted.

The provisions of this subchapter governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as provided in this subchapter.

History. Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801.

27-35-103. Scope and effect of regulations.

(a) The maximum size and weight of vehicles specified in this chapter shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations, except as provided in this chapter.

(b) Local authorities, with respect to highways under their jurisdiction, by ordinance or resolution, may prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles to be operated upon any highway, for a total period of not to exceed ninety (90) days in any one (1) calendar year, whenever the highway, by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(c)(1) The local authority enacting any such ordinance or resolution shall erect, or cause to be erected and maintained, signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby.

(2) The ordinance or resolution shall not be effective unless and until signs are erected and maintained.

(d)(1) Local authorities, with respect to highways under their jurisdiction, by ordinance or resolution, may also prohibit the operation of trucks or other commercial vehicles or may impose limitations as to the weight thereof on designated highways.

(2) The prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(e)(1) The State Highway Commission shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highways under the jurisdiction of the commission.

(2) The restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

History. Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801; Acts 1995, No. 851, § 1.

27-35-104. Riding in spaces not for passengers.

(a) No person shall ride on any vehicle upon any portion of the vehicle not designed or intended for the use of passengers.

(b) This section shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within bodies of trucks in space intended for merchandise.

History. Acts 1937, No. 300, § 141; Pope's Dig., § 6801; A.S.A. 1947, § 75-803.

27-35-105. Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches (6″) beyond the line of the fenders on the right side.

History. Acts 1937, No. 300, § 141; Pope's Dig., § 6801; A.S.A. 1947, § 75-803.

27-35-106. Extension of load beyond vehicle front.

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet (3') beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with such a bumper.

History. Acts 1937, No. 300, § 142; Pope's Dig., § 6802; A.S.A. 1947, § 75-804.

27-35-107. Registration of gross weight.

(a)(1) Upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten (10) or more persons, the Commissioner of Motor Vehicles may require such information and may make such investigation or test as necessary to enable him or her to determine whether the vehicle may safely be operated upon the highways in compliance with all the provisions of this chapter.

(2) The commissioner shall register every such vehicle for a permissible gross weight not exceeding the limitation set forth in this chapter.

(3) Every such vehicle shall be equipped with brakes as required in §§ 27-37-501 and 27-37-502.

(b)(1) The commissioner shall insert in the registration card issued for every such vehicle the gross weight for which it is registered. If it is a motor vehicle to be used for propelling other vehicles, the commissioner shall separately insert the total permissible gross weight of that motor vehicle and other vehicles to be propelled by it.

(2) The commissioner may also issue a special plate with the gross weight or weights stated thereon which shall be attached to the vehicle and displayed at all times.

(3) A wrecker or tow vehicle shall be required to register only for the gross weight of that wrecker or tow vehicle without inclusion of the weight of the vehicle being towed by the wrecker or tow vehicle. In the registration card issued for a wrecker or tow vehicle, the commissioner shall only insert the total permissible gross weight of the wrecker or tow vehicle.

(c)(1) It shall be unlawful for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the commissioner or in excess of the limitations set forth in this chapter.

(2) In determining the gross weight of a wrecker or tow vehicle, only the gross weight of the wrecker or tow vehicle shall be considered without inclusion of the weight of the vehicle being towed.

(d) The commissioner shall implement rules and regulations issued by the United States Secretary of Transportation pertaining to federal use tax payments.

History. Acts 1937, No. 300, § 146; Pope's Dig., § 6806; Acts 1939, No. 340, § 1; 1983, No. 7, § 5; A.S.A. 1947, § 75-809; Acts 1995, No. 851, § 2; 2007, No. 1412, § 4.

27-35-108. Authority to weigh vehicles and require removal of excess loads.

(a)(1) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing, by means of either portable or stationary scales, and may require that the vehicle be driven to the nearest public scales in the event the scales are within two (2) miles.

(2) The provisions of this section shall not be applicable to vehicles owned and operated by the State of Arkansas or any city or county of this state.

(b)(1) Whenever an officer, upon weighing a vehicle and load as provided in subsection (a) of this section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter.

(2) All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

(d) It shall also be the duty of county sheriffs or any other state or local police officers to enforce, or to cooperate in enforcing, the weight limits specified in this chapter or authorized on any public way in this state and to prevent overloading of vehicles or other violations of the traffic laws upon the public highways within their respective jurisdictions.

History. Acts 1937, No. 300, § 147; Pope's Dig., § 6807; Acts 1939, No. 340, § 2; 1963, No. 274, § 1; A.S.A. 1947, § 75-810; Acts 1993, No. 1266, § 2; 1995, No. 435, § 1.

27-35-109. Liability for damage to highway or structure.

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure

shall be liable for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any vehicle, object, or contrivance of excessive width or weighing in excess of the maximum weight in this chapter, even though authorized by a special permit issued as provided in § 27-35-210.

(b) Any person driving any vehicle, object, or contrivance upon any highway shall be liable for all damages to structures spanning the highway, or a part of the highway, by reason of load heights in excess of that which the structure will permit, when the clearance height of the structure is posted, and in any event where the height of the vehicle and load is in excess of thirteen feet, six inches (13' 6″).

(c) Whenever the driver is not the owner of the vehicle, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

(d) Damage may be recovered in a civil action brought by the authorities in control of the highway or highway structure.

History. Acts 1937, No. 300, § 150; Pope's Dig., § 6809; A.S.A. 1947, § 75-812; Acts 1995, No. 851, § 3.

27-35-110. Spilling loads on highways prohibited — Covers required for loads of sand, gravel, and rock — Exceptions.

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom.

(b) Sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(c) For a motor vehicle or a trailer with an open bed manufactured after September 30, 2001, no sand, gravel, or rock shall be transported on the paved public streets and highways of this state in a motor vehicle or trailer with an open bed unless the open bed is securely covered with a material which will prevent the load from dropping, sifting, leaking, or otherwise escaping therefrom. The cover shall be securely fastened to prevent the covering from becoming loose, detached, or in any manner a hazard to other users of the highway.

(d) For a motor vehicle or a trailer with an open bed manufactured on or before September 30, 2001, a vehicle with an open bed transporting sand, gravel, or rock is required to be covered as prescribed in subsection (c) of this section unless six inches (6″) of freeboard is maintained at the perimeter of the load within the open bed of the vehicle or trailer carrying the load. Measurements are to be taken at the perimeter of the vehicle's or trailer's bed and measured from the top edge of the bed down to the sand, gravel, or rock being transported.

History. Acts 1937, No. 300, § 143; Pope's Dig., § 6803; A.S.A. 1947, § 75-805; Acts 1997, No. 425, § 1; 2001, No. 1706, § 1.

27-35-111. Trailers and towed vehicles.

(a)(1) When one (1) vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed. The drawbar or other connection shall not exceed fifteen feet (15') from one (1) vehicle to the other, except the connection between any two (2) vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be diminished.

(2) When one (1) vehicle is towing another, there shall be an additional connection between the vehicles sufficient to hold the vehicle being towed in the event the drawbar or other regular connection should break or become disconnected.

(3) When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a white flag or cloth not less than twelve inches (12″) square.

(4) The provisions of this subsection shall not apply to the drawbar or other connection between a motor vehicle and a pole or pipe dolly.

(b)(1) No person shall operate a vehicle towing another when the towed vehicle swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

(2) No person shall occupy any house trailer while it is being moved upon the highway.

History. Acts 1937, No. 300, § 144; Pope's Dig., § 6804; Acts 1959, No. 307, § 39; A.S.A. 1947, § 75-806.

27-35-112. Towing vehicles licensed in other states.

(a)(1) No vehicle licensed in another state for use as a wrecker or similar towing vehicle shall be used to tow any automobile or truck in this state unless the state in which the wrecker or other towing vehicle is licensed permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state.

(2) For the purpose of determining whether another state permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state, any limitation on Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks imposed by a county, parish, city, or other political subdivision of that state shall be deemed an action of that state.

(b)(1) The owner or operator of any wrecker or similar towing vehicle licensed in another state that is used to tow any automobile or truck in this state in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined at least one hundred dollars ($100) but not more than one thousand dollars ($1,000).

(2) Each violation shall constitute a separate offense.

(c) The Arkansas Towing and Recovery Board may promulgate rules and regulations for the enforcement of this section, including the imposition of civil penalties as set forth in § 27-50-1204.

History. Acts 1979, No. 430, § 1, 2; A.S.A. 1947, §§ 75-806.1, 75-806.2; Acts 2007, No. 607, § 1.

27-35-113. [Repealed.]

Publisher's Notes. This section, concerning the regulation and registration of escort vehicles, was repealed by Acts 2003, No. 331, § 2. The section was derived from Acts 2001, No. 1483, § 2.

Subchapter 2 — Weights and Dimensions

SECTION.

27-35-201. Operating vehicle exceeding size or weight limitations unlawful.
27-35-202. Penalties for overweight vehicles.
27-35-203. Single and tandem axle load limits.
27-35-204, 27-35-205. [Repealed.]
27-35-206. Width of vehicles.
27-35-207. Height of vehicles.
27-35-208. Length of vehicles.
27-35-209. Forestry machinery exemptions.
27-35-210. Permits for special cargoes.
27-35-211. Disposition of fees and penalties.
27-35-212. [Repealed.]
27-35-213. Persons permitted to stop and direct traffic.

27-35-201. Operating vehicle exceeding size or weight limitations unlawful.

Except as otherwise provided by this subchapter, it shall be unlawful for any person to drive, operate, or move, or for the owner to cause or permit to be driven or moved upon any road or highway within the state, any vehicle, or combination of vehicles, of a size or weight exceeding the limitations stated in this subchapter, or to transport over any road or highway within this state, whether paved or otherwise, any load or loads exceeding the weights or dimensions prescribed by this subchapter.

History. Acts 1955, No. 98, § 1; A.S.A. 1947, § 75-813.

27-35-202. Penalties for overweight vehicles.

(a)(1) Any operator found violating the provisions of this subchapter or any owner, principal, employer, lessor, lessee, agent, or officer of any firm or corporation who permits an operator to violate these provisions shall be guilty of a misdemeanor.

(2)(A) Upon first conviction, an offender shall be punished by a fine of not more than one hundred dollars ($100).

(B) For a second conviction within one (1) year, an offender shall be punished by a fine of not more than two hundred dollars ($200).

(C) For a third conviction and each successive conviction within one (1) year, an offender shall be punished by a fine of not more than five hundred dollars ($500).

(b)(1) If the weight of the vehicle and load exceeds the maximum as prescribed by this subchapter or the gross weight as provided by a special permit, the operator or any owner, principal, employer, lessor, lessee, agent, or officer of any firm or corporation who permits such an operator to exceed the weight load provided in this subchapter or as provided by a special permit shall pay in addition a penalty to be computed as follows:

(A) Overweight one thousand pounds (1,000 lbs.) or less, a minimum penalty of ten dollars ($10.00) or a maximum penalty of twenty dollars ($20.00);

(B) Overweight more than one thousand pounds (1,000 lbs.) and not more than two thousand pounds (2,000 lbs.), a minimum penalty of one cent (1¢) per pound of excess weight or a maximum penalty of three cents (3¢) per pound of excess weight;

(C) Overweight more than two thousand pounds (2,000 lbs.) and not more than three thousand pounds (3,000 lbs.), a minimum penalty of two cents (2¢) per pound of excess weight or a maximum penalty of four cents (4¢) per pound of excess weight;

(D) Overweight more than three thousand pounds (3,000 lbs.) and not more than four thousand pounds (4,000 lbs.), a minimum penalty of three cents (3¢) per pound of excess weight or a maximum penalty of five cents (5¢) per pound for each pound of excess weight;

(E) Overweight more than four thousand pounds (4,000 lbs.) and not more than ten thousand pounds (10,000 lbs.), a minimum penalty of four cents (4¢) per pound of excess weight or a maximum penalty of six cents (6¢) per pound for each pound of excess weight; and

(F) Overweight more than ten thousand pounds (10,000 lbs.):

(i) A minimum penalty of eight cents (8¢) per pound of excess weight or a maximum penalty of ten cents (10¢) per pound of excess weight for the first offense during a calendar year;

(ii) A minimum penalty of thirteen cents (13¢) per pound of excess weight or a maximum penalty of fifteen cents (15¢) per pound of excess weight for the second offense during a calendar year; and

(iii) A minimum penalty of eighteen cents (18¢) per pound of excess weight or a maximum penalty of twenty cents (20¢) per pound of excess weight for the third and subsequent offense or offenses during a calendar year.

(2) Where the operator of an overloaded truck is found to have willfully avoided being weighed at a weigh station in this state, the penalty shall be computed by doubling the otherwise appropriate penalty set out in subdivision (b)(1) of this section.

(c)(1) All fines and penalties shall be collected as provided by law.

(2) All penalties collected shall immediately be transmitted by the authority collecting them to the Treasurer of State.

(3) It shall be mandatory and not within the discretion of the court to assess the penalty provided for.

(d) When any vehicle is found to exceed any weight limitation imposed by this subchapter or the gross weight provided by special permit, the vehicle shall be stopped at a suitable place and remain standing until the overweight shall have been removed or an additional permit obtained as provided in this subchapter.

History. Acts 1955, No. 98, § 8; 1983, No. 685, § 4; A.S.A. 1947, § 75-819; Acts 1987 (2nd Ex. Sess.), No. 3, § 6; 1995, No. 851, § 4; 2005, No. 1934, § 21.

27-35-203. Single and tandem axle load limits.

(a) Maximum Single Axle Load. The total gross load imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand pounds (20,000 lbs.).

(b) Maximum Tandem Axle Load.

(1) The total gross load imposed on the highway by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40″) and not more than ninety-six inches (96″) apart, extending across the full width of the vehicle, shall not exceed thirty-four thousand pounds (34,000 lbs.).

(2) No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the load permitted for a single axle.

(c) Maximum Weight on Front or Steering Axle.

(1) The maximum weight imposed on the highway by the front or steering axle of a vehicle shall not exceed the amount of the manufacturer's axle weight rating for the front or steering axle or twenty thousand pounds (20,000 lbs.), whichever is less. If the vehicle has no plate attached by the manufacturer providing the axle and gross weight ratings, the maximum weight allowed for the front or steering axle shall be twelve thousand pounds (12,000 lbs.).

(2) The combined maximum weight imposed on the highway by a front or steering axle and any adjacent axle whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40″) and not more than ninety-six inches (96″) apart shall not exceed twenty-four thousand pounds (24,000 lbs.).

(3) A "front or steering axle", for the purposes of this subsection, shall be defined as an axle attached to the front of the vehicle and which is utilized to steer the vehicle on a given path or direction.

(d)(1) Subject to the limit upon the weight imposed upon the highway through any one (1) axle as set forth in subsections (a)-(c) of this section, no vehicle, or combination of vehicles, shall be operated upon the highways of this state when the gross weight is in excess of eighty thousand pounds (80,000 lbs.).

(2) Greater gross weights than permitted may be authorized by special permit issued by competent authority as authorized by law, or lesser gross weights will be required when highways are posted.

(e)(1) No vehicle, or combination of vehicles, shall operate upon any highway in this state when the total gross load imposed on the highway by the wheels of any one (1) single axle of such vehicle or combination exceeds eighteen thousand pounds (18,000 lbs.), nor when the total gross load imposed on the highway by two (2) or more consecutive axles of any such vehicle or combination of vehicles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40″) and not more than ninety-six inches (96″) apart, extending across the full width of the vehicle or combination of vehicles, exceeds thirty-two thousand pounds (32,000 lbs.), nor when the total gross weight of the vehicle, or combination of vehicles thereof, is in excess of seventy-three thousand two hundred eighty pounds (73,280 lbs.) unless the vehicle, or combination thereof, shall not exceed the value given in Table I corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Table I

GROSS WEIGHTS ALLOWABLE UNDER THE FORMULA CONTAINED IN THE FEDERAL WEIGHT LAW ENACTED JANUARY 4, 1975, THAT ARE APPLICABLE TO VEHICLES OR COMBINATIONS THEREOF IN ARKANSAS

$$\text{Formula } W = 500 \left[\frac{LN}{N-1} + 12N + 36 \right]$$

Except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds (34,000 lbs.) each, providing that the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six feet (36') or more.

W = maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred pounds (500 lbs.).

L = distance in feet between the extremes of any group of two (2) or more consecutive axles.

N = number of axles in group under consideration.

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
N =	2 AXLES	3 AXLES	4 AXLES	5 AXLES	6 AXLES	7 AXLES	8 AXLES	9 AXLES
2	34,000							
3	34,000							
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8 & less	34,000	34,000						
more than 8	38,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	63,500	69,000	74,500		
26		55,500	59,500	64,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,500	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37		Exception	66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	71,500	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	85,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000
51			76,000	80,000	84,500	89,500	95,000	100,500
52			76,500	80,500	85,000	90,500	95,500	101,000
53			77,500	81,000	86,000	91,000	96,500	102,000
54			78,000	81,500	86,500	91,500	97,000	102,500
55			78,500	82,500	87,000	92,000	97,500	103,000
56		Interstate Gross	79,500	83,000	87,500	92,500	98,000	103,500
57		Weight Limit	80,000	83,500	88,000	93,000	98,500	104,000
58				84,000	89,000	94,000	99,000	104,500
59				85,000	89,500	94,500	99,500	105,000
60				85,500	90,000	95,000	100,500	105,500

FOOTNOTE: This table reflects weight limits contained in Arkansas statutes and current Federal Highway Administration Bridge Formula limits.

(2)(A) If the Federal Highway Administration or the United States Congress prescribes or adopts vehicle size or weight limits greater than those prescribed by the Federal-Aid Highway Act of 1956, which limits exceed, in full or in part, the provisions of subsection (a), (b), (c), (d), or (e) of this section, the State Highway Commission shall adopt size and weight limits comparable to those prescribed or adopted by the Federal Highway Administration or the United States Congress and shall authorize the limits to be used by owners or operators of vehicles while the vehicles are using highways within this state.

(B) No vehicle size or weight limit so adopted by the commission shall be less in any respect than those provided for in subsection (a), (b), (c), (d), or (e) of this section.

(f)(1)(A) Vehicles, or a combination of vehicles, transporting products commonly recognized in interstate commerce at gross weights exceeding seventy-three thousand two hundred eighty pounds (73,280 lbs.) shall be permitted direct access across any highway in this state to or from the nearest federal interstate highway or the nearest state primary highway.

(B) Vehicles, or combinations thereof, shall be subject to the limits set forth in subsections (a)-(e) and (g) of this section.

(2) Where more than one (1) highway in this state affords access to or from the point of shipment or receipt within this state, the commission may designate the access route to or from the nearest federal interstate highway or state-designated primary highway.

(g)(1)(A) Vehicles, or combinations of vehicles, which vehicles or combinations of vehicles have a total outside width in excess of one hundred two inches (102″) but not exceeding one hundred eight inches (108″) used for hauling compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state shall be permitted an eight thousand pounds (8,000 lbs.) per axle variance above the maximum allowable gross axle weight for single and tandem axles set forth in subsections (a) and (b) and subdivision (c)(1) of this section; provided, no such variance for such vehicles from the formula prescribed in subsection (e) of this section, nor from the axle weight nor overall maximum gross weight shall be allowable on federal interstate highways. Provided, further, no vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has only three (3) axles, shall exceed a maximum overall gross weight of seventy thousand pounds (70,000 lbs.) and no such vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has four (4) or more axles, shall exceed a maximum overall gross weight of eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this state shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. A maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(C) Vehicles, or combinations of vehicles, used exclusively for hauling solid waste, as defined by regulations promulgated by the commission, shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. However, the maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(2)(A) Vehicles, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall not be required to meet the tandem axle load limits of subsection (b) of this section if the vehicles, or combinations thereof, do not exceed the allowable gross weight permitted by the formula in subsection (e) of this section, plus any variance, and do not exceed a gross weight of eighty thousand pounds (80,000 lbs.).

(B)(i) No tandem axle on any vehicle, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall exceed thirty-six thousand five hundred pounds (36,500 lbs.) under this subsection.

(ii) No variance on gross weight or axle shall be permitted on federal interstate highways.

(iii) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall be computed only on the basis of the excess weight over and above the maximum weight for which the vehicle qualifies under the formula prescribed in subsection (e) of this section plus an eight percent (8%) variance.

(iv) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of subdivision (g)(1)(A) of this section shall be computed only on the basis of the excess weight over and above seventy thousand pounds (70,000 lbs.), including the variance, for a three-axle vehicle, or combination of vehicles, and only on the basis of the excess weight over and above eighty thousand pounds (80,000 lbs.), including the variance, for a vehicle, or combination of vehicles, with four (4) or more axles.

(h)(1) When any axle, including any enforcement tolerance, is overloaded, but the total weight of all

axles, including the steering axle, does not exceed the maximum total weight allowed for all axles, including the steering axle, the operator shall be permitted to unload a portion of the load or to shift the load if this will not overload some other axle, without being charged with violating this section and without being required to pay the penalties provided by law.

(2) The maximum axle load provided for in this section is subject to reduction as provided in §§ 27-35-101 — 27-35-103.

(i)(1) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone and vehicles or combinations of vehicles with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall be exempt from the federal bridge formula found in subsection (e) of this section on noninterstate highways in this state.

(2)(A) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone shall comply with a tandem axle limit of thirty-four thousand pounds (34,000 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall comply with a tandem axle limit of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty-five thousand pounds (85,000 lbs.).

(C) Provided, no tandem axle shall exceed thirty-four thousand pounds (34,000 lbs.) while operated on the federal interstate highways of this state.

(3) No vehicle, or combination of vehicles, meeting all of the requirements of this subsection, shall be allowed any variance on overall gross weight or axle weight while operating on the federal interstate highways.

History. Acts 1955, No. 98, § 5; 1963, No. 78, § 3; 1965, No. 17, § 1; 1969, No. 103, § 1; 1971, No. 97, § 1; 1973, No. 419, §§ 1, 2; 1983, No. 7, §§ 3, 4; 1983, No. 580, §§ 1, 2; 1985, No. 415, § 1; A.S.A. 1947, §§ 75-817, 75-817.1; Acts 1987, No. 278, § 1; 1987, No. 379, § 1; 1989, No. 638, § 1; 1991, No. 1031, §§ 1, 2; 1991, No. 1139, §§ 1, 4; 1991, No. 1231, §§ 1, 2; 1992 (1st Ex. Sess.), No. 68, §§ 5, 6; 1992 (1st Ex. Sess.), No. 69, §§ 5, 6; 1995, No. 851, §§ 5, 6; 2007, No. 640, §§ 1-4; 2009, No. 493, § 1.

27-35-204, 27-35-205. [Repealed.]

Publisher's Notes. These sections, concerning the compliance with tax on vehicles weighing more than 73,280 pounds and the annual tax on vehicles weighing more than 73,280 pounds, were repealed by Acts 1991, No. 219, § 9. The sections were derived from the following sources:

27-35-204. Acts 1987 (2nd Ex. Sess.), No. 3, § 1.

27-35-205. Acts 1987 (2nd Ex. Sess.), No. 3, §§ 3, 8.

27-35-206. Width of vehicles.

(a) No vehicle operated upon the highways of this state shall have a total outside width, unladen or with load, in excess of one hundred two inches (102″), excluding certain safety devices as designated by the state, unless a greater width is authorized by special permit issued by competent authority as provided in § 27-35-210. Provided, vehicles, as defined in § 27-14-207, utilized to transport compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may operate upon all highways of this state, with the exception of federal interstate highways, with widths not exceeding one hundred eight inches (108″) without such special permit; however, such vehicles must be equipped and operated in compliance with the traffic laws of this state as well as all safety rules and regulations of the United States Department of Transportation and the State Highway Commission. Additionally, such vehicles utilized to transport compacted seed cotton with widths exceeding one hundred two inches (102″), but not exceeding one hundred eight inches (108″), must be equipped and operated with both front and rear bumpers if operated individually, or, if operated in combination with other vehicles, must be equipped with a front bumper on the vehicle furnishing the motive power and with a rear bumper on the rear vehicle operated in that combination. Furthermore, such vehicles, when operated individually, or in combination with other vehicles, on the roads, highways, or streets of this state must be equipped with a sign or placard on the front and on the rear of the vehicle when operated individually, or on the front of the vehicle furnishing the motive power and on the rear of any vehicle operated in combination with the vehicle furnishing the motive power, when operated in combination, indicating that vehicle or combination of vehicles is slow-moving. Such signs or placards shall be of such a size, dimension, and color that it is readily apparent to the traveling public that the vehicle or combination is slow-moving and shall be in accordance with rules and regulations to be made and promulgated by the commission.

(b) Any person owning such a vehicle or combination of vehicles found operating such a vehicle or combination on the highways, roads, or streets of this state without the required bumpers or without the required signs or placards shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than three hundred dollars ($300) and not more than three thousand dollars ($3,000).

History. Acts 1955, No. 98, § 2; 1977, No. 559, § 1; 1981, No. 304, § 1; 1983, No. 7, § 1; A.S.A. 1947, § 75-814; Acts 1992 (1st Ex. Sess.), No. 68, § 3; 1992 (1st Ex. Sess.), No. 69, § 3.

27-35-207. Height of vehicles.

No vehicle operated upon the highways of this state, unladen or with load, shall exceed a height of thirteen feet, six inches (13' 6″), unless a greater height is authorized by a special permit issued by competent authority as provided in § 27-35-210.

History. Acts 1955, No. 98, § 3; A.S.A. 1947, § 75-815.

27-35-208. Length of vehicles.

(a)(1) No single truck operated on the highways of this state, unladen or with load, shall have an overall length in excess of forty feet (40').

(2) Provided, any single truck, unladen or with load, utilized to transport compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may be operated on the highways of this state with the exception of federal interstate highways with an overall length in excess of forty feet (40') but no more than fifty-five feet (55').

(b) No bus operated on the highways of this state shall have an overall length in excess of forty-five feet (45').

(c)(1)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semitrailer combination or a truck tractor-trailer combination shall have an overall length, unladen or with load, greater than those lengths that were in actual and lawful use in this state on December 1, 1982.

(B) The state shall not establish or enforce any regulation which imposes a semitrailer or trailer length limitation of less than fifty-three feet, six inches (53'6") on a semitrailer or trailer unit operating in combination with a truck tractor unit.

(2)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semitrailer-trailer combination shall have an overall length, unladen or with load, in excess of twenty-eight feet (28').

(B) Existing semitrailers or trailers of twenty-eight feet, six inches (28' 6″) that were in actual and lawful use on December 1, 1982, shall not be prohibited.

(3) The length limitations described in this subsection (c) shall be exclusive of coupling devices, energy conservation devices, and safety devices as provided by federal regulations.

(d)(1) These length limitations shall not apply to:

(A) Vehicles operated in the daytime when transporting poles, pipes, machinery, or other objects of a structural nature which cannot readily be dismembered; or

(B) Vehicles transporting objects operated at nighttime by a public utility or its agents or by electric or telephone cooperatives or their agents when required for emergency repair of public facilities or properties or when operated under special permit as provided by law.

(2) In respect to night transportation, every vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(e)(1)(A) Notwithstanding any other provisions of this subchapter, a combination of vehicles engaged in the transportation of automobiles or other motor vehicles shall be permitted a load extension of three feet (3') beyond the front and four feet (4') beyond the rear of the combination.

(B) This extension shall not be considered in determining the overall length of the combination of vehicles.

(2) Clearance lights or reflectors on the transported vehicles shall be used to delineate the extension of the load when applicable.

(f) No motor vehicle shall be operated on the highways, roads, or streets of this state with more than two (2) trailing vehicles.

(g) Subsection (a) of this section does not apply to vehicles collecting garbage, rubbish, refuse, or recyclable materials which are equipped with front-end loading attachments and containers provided that the vehicle is actively engaged in the collection of garbage, rubbish, refuse, or recyclable materials. For the purposes of this subsection, the term "actively engaged" shall mean during the actual process of collecting garbage, rubbish, refuse, or recyclable materials with the front-end loading attachment or attachments in the downward position.

History. Acts 1955, No. 98, § 4; 1963, No. 78, §§ 1, 2; 1967, No. 109, § 1; 1973, No. 153, § 1; 1977, No. 431, § 1; 1983, No. 7, § 2; A.S.A. 1947, § 75-816; Acts 1992 (1st Ex. Sess.), No. 68, § 4; 1992 (1st Ex. Sess.), No. 69, § 4; 1993, No. 1021, § 1; 1997, No. 307, § 1; 2001, No. 1483, § 1; 2003, No. 331, § 1; 2003, No. 850, § 1.

27-35-209. Forestry machinery exemptions.

(a) Forestry machinery shall be exempt from the width and height limitations imposed by this subchapter, and all other statutes limiting the width and height of vehicles operating upon the state's highways.

(b) This section shall have no application to forest machinery traveling on federal interstate highways.

History. Acts 1981, No. 515, § 1; A.S.A. 1947, § 75-837.

27-35-210. Permits for special cargoes.

(a)(1)(A) The State Highway Commission, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion and as provided in this section, upon receipt of application made in person, in writing, by telephone, or by any acceptable means of electronic communi-

cation, and upon good cause being shown therefor, issue a special permit in writing to applicants desiring to transport cargoes of such nature that the cargo cannot readily be taken apart, separated, dismembered, or otherwise reduced in size or weight.

(B) The permit shall authorize the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this subchapter or otherwise not in conformity with the provisions of this subchapter upon any highway under the jurisdiction of the agency granting the permit and for the maintenance of which the agency is responsible.

(C) No vehicle or combination of vehicles with a multi-unit or otherwise reducible overload may be issued a special permit as provided in this section.

(D) The commission may delegate to other state agencies the authority given in this section to issue special permits.

(2)(A) It shall not be necessary to obtain a permit for nor shall it be unlawful to move any vehicle or machinery in excess of the maximum width prescribed in § 27-35-206 and which is used only for normal farm purposes such as, but not limited to, hay harvesting equipment, plows, tractors, bulldozers, combines, etc., where:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned by a person primarily engaged in farming operations and is being operated by an owner of the vehicle or an owner's employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of new or used equipment or machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the farm machinery or equipment from the farm to a shop of a farm equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin thereof and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) It shall not be unlawful to nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.

(C) Notwithstanding the provisions of subdivision (a)(2)(A) of this section, permits may be issued for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for farming operations to travel upon the state highways in excess of a fifty-mile radius of the point of origin or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for commercial earthmoving operations for travel upon state highways of any distance subject to the following requirements:

(i) The permit shall be issued only to owners of the vehicles who are primarily engaged in farming or commercial earthmoving operations;

(ii) The permit issued shall be limited to daylight operation for a specified seventy-two-hour period and shall specify the route of travel;

(iii) No part of the movement may be upon any interstate highway or fully controlled access facility;

(iv) Proof of liability insurance for the tow vehicle shall be submitted to the Arkansas State Highway and Transportation Department;

(v) Vehicles shall be accompanied by a front escort vehicle with flashing amber lights, radio contact with the vehicle operator, and "wide load" signs;

(vi)*(a)* Vehicles may be moved in convoys of no more than three (3) vehicles with escorts at the front and rear of the convoy.

(b) Convoys shall pull off the highway at sufficient intervals to allow traffic to pass;

(vii) A permit may be issued for no more than two (2) dirt pans to be towed by one (1) tractor; and

(viii) Permit fees shall be set by the commission.

(D)(i) It shall not be necessary to obtain a permit, and it shall be lawful to move any motor home or camping trailer in excess of the maximum width prescribed under § 27-35-206 if the excess width is attributable to a noncargo-carrying appurtenance that extends no more than six inches (6″) beyond the body of the vehicle.

(ii) As used in this section, "appurtenance" means:

(a) Awnings and awning support hardware; and

(b) Any appendage that is intended to be an integral part of a motor home or camping trailer.

(b)(1)(A) Except as is otherwise provided for by law, no application shall include nor shall any permit be issued for more than a single continuous movement or operation by one (1) vehicle.

(B) An application may include a request for and a permit may be issued for two (2) or more consecutive movements or operations by a vehicle, all of which shall be executed or performed within six (6) consecutive days and which must be limited to two (2) contiguous counties within the state, which counties must be specified at the time of application.

(C)(i) An application may include a request for a permit for consecutive movements or operations of a vehicle with a cargo not exceeding ten feet

eight inches (10' 8″) in width along one designated route, all of which movements or operations have origins from an adjacent state and which movements or operations shall be executed or performed within the period of valid vehicle registration.

(ii) A permit may be issued at a fee of one thousand dollars ($1,000) per year.

(iii) The permit shall be limited to one (1) county within the state where the one-way mileage into that county and within the state is no greater than fifteen (15) miles.

(2)(A)(i) Upon application and the payment of an annual fee of one hundred dollars ($100), the Director of State Highways and Transportation shall issue a special permit for the movement of a crane which exceeds the length as provided in § 27-35-208, and which is moved on pneumatic tires within a radius of thirty-five (35) miles of a point of origin of the movement, for a period of one (1) year from the date of the issuance of the permit.

(ii) Upon an application containing satisfactory proof that the vehicle is utilized solely for the following movements, the director may issue a special permit for a maximum load overhang beyond the front of a vehicle, which load exceeds the maximum provided in § 27-35-106, but not exceeding five feet (5'), for a vehicle equipped with pneumatic tires and utilized exclusively for the movements of cranes for a period of not more than one (1) year.

(B)(i) Upon application and the payment of an annual fee, the director shall issue a special permit for the movement of a vehicle of special design utilized exclusively for the drilling of water wells, or for the movement of auger equipment utilized exclusively for loading agricultural aircraft, which exceeds the length as provided in § 27-35-106 or § 27-35-208 and which is moved on pneumatic tires, for a period of one (1) year from the date of issuance of the permit.

(ii)*(a)* For annual movements within a radius of thirty-five (35) miles of a point of origin of the movements, the annual fee shall be one hundred dollars ($100).

(b) For annual movements exceeding the thirty-five-mile radius, the annual fee shall be three hundred dollars ($300).

(C) The permits authorized by this subsection (b) may contain limitations on the speed of operation and the routes of operation as the director may deem necessary for safety to the traveling public.

(3) The permits authorized by this subsection (b) for the overlength vehicle or vehicles shall not affect the other requirements of this section that special permits be obtained for vehicles exceeding other maximum size and weight limitations imposed by law.

(c) The application for any permit shall specifically describe:

(1) The vehicle and the load to be operated or moved;

(2) The origin and destination of the vehicle and load;

(3) The approximate dates within which the operation or movement is to be completed; and

(4) The particular highways for which a permit to operate is requested.

(d) Any agency authorized in this section to issue special permits is authorized:

(1) To issue or withhold the permit at its sole discretion, but its action in withholding a permit must be based upon the condition and state of repair of the highway involved, upon the ability of the highways to carry the overweight or oversized vehicle, or upon the danger to the traveling public from the standpoint of safety;

(2) To establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated;

(3) To otherwise limit or prescribe conditions of operation of the vehicles when necessary to assure against damage to the road foundation, surfaces, or structures; and

(4) To require a bond or other security as may be deemed necessary by the agency to compensate for any injury to any roadway or road structure arising out of the operation under the permit.

(e)(1) A charge of seventeen dollars ($17.00) shall be made for each special permit.

(2) In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or combination of vehicles, charges shall be made as follows:

Mileage to Be Traveled is:	On Each Ton, Per Ton or Fraction Thereof
Not more than 100 miles	$ 8.00
101 miles to 150 miles, inclusive	10.00
151 miles to 200 miles, inclusive	12.00
201 miles to 250 miles, inclusive	14.00
Over 251 miles	16.00

(3) In addition to the fees prescribed in subdivisions (e)(1) and (2) of this section, a fee not to exceed five hundred dollars ($500) shall be charged for a vehicle, unladen or with load, whose gross weight is one hundred eighty thousand pounds (180,000 lbs.) or greater.

(f)(1) Each permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit.

(2) No person shall violate any of the terms or conditions of the special permit.

(g) It shall be the duty of the respective agencies authorized in this section:

(1) To issue the permits provided for in this section;

(2) To collect the fees therefor at the time of the issuance of the permits, except that any applicant may furnish a corporate surety bond guaranteeing the payment of fees for permits as may be issued during any period of time, in accordance with the rules and regulations promulgated by the issuing agency; and

(3) To transmit the fees to the Treasurer of State to be credited to the State Highway and Transportation Department Fund.

(h) No fee shall be charged to any federal, state, county, or municipal governmental agency for any permit issued under the provisions of this section when the vehicle involved is public property and the proposed movement is on official business.

(i)(1) The commission is hereby authorized to issue permits for the movement of any overweight mobile construction vehicle or equipment upon highways under the commission's jurisdiction provided that the vehicle or equipment is equipped with pneumatic tires and has been reduced in size and weight until further reduction is impractical.

(2) A charge of seventeen dollars ($17.00) shall be made for each special permit. In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or equipment, charges shall be made as follows:

Mileage to Be Traveled is:	On First 5 Tons, Per Ton or Fraction Thereof	On Next 5 Tons, Per Ton or Fraction Thereof	On Any Additional Tonnage, Per Ton or Fraction Thereof
Not more than 100 miles	$1.25	$2.50	$3.75
101 miles to 150 miles, inclusive ..	2.00	3.50	5.00
151 miles to 200 miles, inclusive ..	2.50	4.50	6.25
201 miles to 250 miles, inclusive ..	3.25	5.50	7.50
Over 251 miles	3.75	6.25	8.75

(j)(1) The commission may issue special permits authorizing the transport of round bales of hay on controlled highways under its jurisdiction provided that the load does not exceed ten feet (10') in width.

(2) The special permits shall be issued without a fee or other charge and shall expire three (3) days after the date of issuance.

(k)(1) The commission is authorized to issue special permits at a charge of one hundred dollars ($100) for a one-year permit for the movement of cross ties from their first point of processing to the point at which they shall undergo creosote processing by five-axle vehicles registered and licensed pursuant to § 27-14-601(a)(3)(G)(ii) where the loaded weight on any tandem axle on such vehicles is greater than the allowable tandem axle limit of thirty-four thousand pounds (34,000 lbs.) provided that the one-way mileage for such trip is no greater than one hundred (100) miles, that no tandem axle weight exceeds thirty-six thousand five hundred pounds (36,500 lbs.), and that no portion of such trip is on any part of the federal interstate highways.

(2) The commission shall issue no more than five (5) special permits to the same person during the same calendar year.

(l)(1) The commission is hereby authorized to issue special permits in conformance with the provisions of this section for the movement of sealed containerized cargo units upon highways under the commission's jurisdiction subject to the restrictions and conditions deemed appropriate by the commission as contained within this section and the following additional restrictions:

(A) Such containerized cargo units must be part of international trade and be moved on the highways due to importation from or exportation to another country;

(B) A copy of the international bill of lading signed by a customs official or an international bill of lading with equipment interchange and inspection report must be submitted to the commission before a permit may be issued;

(C) The operators of such units shall at all times have in their possession a copy of the documents as described in subdivision (l)(1)(B) of this section;

(D) All vehicles operating under a sealed containerized cargo unit permit shall have a minimum of five (5) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety thousand pounds (90,000 lbs.);

(E) All vehicles operating under a sealed containerized cargo unit permit must not exceed the legal width, length, or height restrictions as set out in this subchapter; and

(F) The payment of the charges for each special permit as ascertained in the manner set out in subsection (e) of this section.

(2) A special permit may be issued under this subsection only for a single continuous movement or operation to be executed or performed within six (6) consecutive days of the issuance of the permit by one (1) vehicle within one (1) county or across one (1) county line of this state.

(m)(1) The State Highway Commission is authorized to issue special permits to towing businesses for the operation of wreckers or towing vehicles used as emergency vehicles under § 27-36-305(b) when the operation and movement of the vehicle or combination of vehicles exceed the maximum size and weight limitations imposed by law as provided under this subsection.

(2) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee not to exceed five hundred dollars ($500), the commission, through the Director of State Highways and Transportation, may issue a special permit valid for one (1) single trip or for a one-year-period that authorizes a towing business licensed under § 27-50-1203 to move at any time of day or night a vehicle that is disabled or wrecked when that movement:

(A) Results in an oversized, overweight, or both oversized and overweight combination of vehicles; and

(B) Is the initial movement of disabled or wrecked vehicles or combination of vehicles from highways, roads, streets, or highway right-of-ways to:

(i) The nearest point of storage or repair used by the towing or wrecker company;

(ii) The nearest point of storage or repair used by the owner or operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle.

History. Acts 1955, No. 98, § 6; 1955, No. 192, § 1; 1965, No. 436, § 1; 1965 (1st Ex. Sess.), No. 45, § 1; 1971, No. 32, § 1; 1977, No. 457, § 1; 1981, No. 807, § 1; 1985, No. 337, § 1; A.S.A. 1947, § 75-818; Acts 1991, No. 219, § 5; 1991, No. 704, § 1; 1995, No. 873, § 1; 1997, No. 136, § 1; 1997, No. 1026, § 2; 1997, No. 1156, § 1; 1999, No. 1511, § 1; 1999, No. 1571, § 1; 2005, No. 276, § 1; 2005, No. 1412, § 1; 2007, No. 241, § 1; 2007, No. 639, §§ 1-4; 2009, No. 406, § 2; 2009, No. 567, § 1; 2009, No. 1396, § 1.

27-35-211. Disposition of fees and penalties.

All fees and penalties collected under the provisions of §§ 27-35-202 and 27-35-210 shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit into the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

History. Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834; Acts 2005, No. 1934, § 22.

27-35-212. [Repealed.]

Publisher's Notes. This section, concerning reimbursement for retaliatory tax, was repealed by Acts 1991, No. 219, § 9. The section was derived from Acts 1987 (2nd Ex. Sess.), No. 3, § 7.

27-35-213. Persons permitted to stop and direct traffic.

(a) In addition to the requirements on persons and payloads issued overweight or oversize permits to move on Arkansas highways under § 27-35-210, a person issued an overweight or oversize permit under this subchapter shall be authorized to temporarily stop or halt traffic and safely direct, control, and regulate traffic around the overweight or oversize payload while maneuvering his or her overweight or oversize payloads on or off the public streets or highways.

(b) Provided, however, that no overweight or oversize permitted payload shall ever halt or stop traffic on a public street or highway while maneuvering on or off the street or highway for more than three (3) minutes or stop or halt traffic within five hundred feet (500') from the crest of a hill.

History. Acts 1991, No. 918, § 1.

Subchapter 3 — Manufactured Homes and Houses

SECTION.

27-35-301. Definitions.
27-35-302. Limitations on movement.
27-35-303. Rules and regulations.
27-35-304. Special permit to move — Fee.
27-35-305. Issuance of permits.
27-35-306. Times and places for moving oversized manufactured homes.
27-35-307. Payment of fees on monthly basis.
27-35-308. Disposition of fees.
27-35-309. Transportation of houses and other structures.
27-35-310. Persons permitted to stop and direct traffic.

27-35-301. Definitions.

As used in this subchapter:

(1) "Department" means the Arkansas State Highway and Transportation Department;

(2) "Insurance" means a policy of liability insurance, the limits of which are one hundred thousand dollars ($100,000) for the first bodily injury or death, three hundred thousand dollars ($300,000) for bodily injury or death for each accident, and one hundred thousand dollars ($100,000) for property damage resulting from the accident;

(3) "Manufactured home unit" means a structure constructed for use as a dwelling, office, or classroom which is more than eight feet (8') in width or sixty feet (60') in length and is capable of being moved upon the highways when combined with a pulling vehicle;

(4) "Overlength" means any manufactured home unit in excess of sixty feet (60') in length;

(5) "Overwidth" means any manufactured home unit in excess of eight feet (8') in width;

(6) "Special permit" means a written permission to move manufactured home units interstate and intrastate on the highways of this state;

(7) "Structures" means a building, either portable or permanent, other than a manufactured home unit, which cannot be disassembled or reduced in size without substantial damage to the structure; and:

(A) Where any person lives or carries on a business or other calling;

(B) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(C) Which is customarily used for overnight accommodation of persons, whether or not a person is actually present. Each unit of a structure divided into separately occupied units is itself a structure;

(8) "Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes; and

(9) "Width" means the largest overall width of a manufactured home in the traveling mode, including bay windows, roof projections, overhangs, or eaves under which there is no interior space.

History. Acts 1971, No. 264, § 1; 1985, No. 153, § 1; A.S.A. 1947, § 75-828; Acts 1999, No. 780, §§ 1, 2; 2001, No. 990, § 1.

27-35-302. Limitations on movement.

Manufactured home units eight feet (8') or less in width and sixty feet (60') or less in length may be moved on the highways of this state without the procurement of the special permit under this subchapter.

History. Acts 1971, No. 264, § 2; 1985, No. 153, § 2; A.S.A. 1947, § 75-829; Acts 1999, No. 780, § 3.

27-35-303. Rules and regulations.

The Arkansas State Highway and Transportation Department shall promulgate rules and regulations covering the application for, and issuance of, special permits for the safe movement of manufactured home units in accordance with the provisions of this subchapter.

History. Acts 1971, No. 264, § 8; 1985, No. 153, § 6; A.S.A. 1947, § 75-835.

27-35-304. Special permit to move — Fee.

(a)(1) Manufactured home units may be lawfully moved interstate and intrastate on the highways, roads, and streets of this state by procuring a special permit issued by the Arkansas State Highway and Transportation Department.

(2) A permit shall be required for each single continuous movement of each manufactured home unit.

(3) Manufactured home units in excess of sixteen feet six inches (16' 6″) in width may be moved upon the public highways of this state by obtaining an emergency permit approved by the department. Factors to be considered in approval of such emergency permit shall include, but not be limited to:

(A) Maximum overall width;

(B) Distance to travel;

(C) Condition of the highway; and

(D) The volume and type of traffic.

(4) No special permit shall be issued for any manufactured home unit exceeding eighteen feet (18') in width.

(b)(1) The rules and regulations of the State Highway Commission, with respect to the movement of manufactured homes upon the highways of this state shall be equally applicable to the movement of manufactured homes upon city streets and county roads in this state.

(2) No municipality or county shall require local permits, bonds, fees, or licenses for the interstate or intrastate movement of manufactured homes permitted by the department.

(c)(1) Special permits required under this subchapter may be obtained from any department weigh station or from the central offices of the department, and the department shall charge a fee of seventeen dollars ($17.00) for the permit, provided that the manufactured home unit to be moved does not exceed sixteen feet six inches (16' 6″) in width.

(2) The department shall charge a fee of no more than one hundred fifty dollars ($150) if the manufactured home to be moved is greater than sixteen feet six inches (16' 6″) in width but does not exceed eighteen feet (18') in width.

History. Acts 1971, No. 264, § 3; 1985, No. 153, § 3; A.S.A. 1947, § 75-830; Acts 1993, No. 1113, § 1; 1999, No. 780, § 4; 2007, No. 639, § 5.

27-35-305. Issuance of permits.

(a) Special permits shall be issued to any licensed carrier, dealer, or manufacturer who files with the Arkansas State Highway and Transportation Department evidence of acceptable insurance coverage.

(b)(1) Persons moving their personal manufactured home units not over twelve feet (12') wide, exclusive of clearance lights, registered to such persons, and not for the purpose of sale, with a truck of not less than one-ton factory rated capacity, equipped with such devices and safety equipment and in compliance with safety regulations as required by the Interstate Commerce Commission as the pulling vehicle, when the driver of a pulling vehicle is experienced in such driving, shall be entitled to a special permit upon a showing of evidence that they have insurance acceptable to the department for, and title to, the manufactured home unit.

(2) The person applying for the permit will be allowed to move his or her manufactured home unit to the first point where a permit may be secured.

History. Acts 1971, No. 264, § 4; 1985, No. 153, § 4; A.S.A. 1947, § 75-831.

27-35-306. Times and places for moving oversized manufactured homes.

(a) Overwidth or overlength manufactured home units shall be moved on those highways, roads, and streets and at times and under conditions as may be designated by the Arkansas State Highway and Transportation Department.

(b) The department shall not issue any permits for the movement of a manufactured home unit over any highway, road, or street, which movement, in the opinion of the department, would endanger the traveling public or would potentially damage any structures or signs on or adjacent to any highway, road, or street.

(c) To the extent that the application of this section to highways which are a part of the national system of interstate and defense highways, as referred to in 23 U.S.C. § 103(d) [repealed], would cause the State of Arkansas to be deprived of any federal funds for highway purposes, then this sub-

chapter, to such extent, shall not be applicable to highways which are a part of the national system of interstate and defense highways.

(d) The designated routes, times, and speeds for the movement shall be clearly shown in the permit.

(e) The acceptance of a permit by an applicant will be considered a clear commitment for compliance with all of the provisions of this subchapter and for compliance with the safety regulations prescribed by the department for such movement.

(f)(1) Overwidth or overlength manufactured home units ten feet (10') or less in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, such units shall not be moved on Saturday afternoons, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(2) Overwidth or overlength manufactured home units ten feet (10') or more in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, such units shall not be moved on Saturdays, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(g)(1) On any controlled-access, divided highway with four (4) or more lanes, any manufactured home in excess of fourteen feet six inches (14' 6″) in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel behind the manufactured home.

(2)(A) On all other highways, the movement of manufactured homes in excess of twelve feet (12') in width through fourteen feet six inches (14' 6″) in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel in front of the manufactured home.

(B) The movement of manufactured homes in excess of fourteen feet six inches (14' 6″) in width shall be accompanied by two (2) escort vehicles. One (1) escort vehicle shall travel in front of the manufactured home, and one (1) escort vehicle shall travel behind the manufactured home.

History. Acts 1971, No. 264, § 5; 1985, No. 153, § 5; A.S.A. 1947, § 75-832; Acts 1989 (3rd Ex. Sess.), No. 35, § 1; 1993, No. 1113, § 2; 1999, No. 780, § 5.

27-35-307. Payment of fees on monthly basis.

(a) Persons posting a surety bond with the Arkansas State Highway and Transportation Department in the amount of one thousand dollars ($1,000), payable on default to the State of Arkansas, shall be allowed to pay the fees accruing for permits on a monthly basis.

(b) Should the person fail to pay any sum owing to the department within thirty (30) days after due, the department may execute on the bond.

History. Acts 1971, No. 264, § 6; A.S.A. 1947, § 75-833.

27-35-308. Disposition of fees.

All fees collected under the provisions of this subchapter shall forthwith be deposited into the State Treasury as special revenues. The net amount shall be credited to the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

History. Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834.

27-35-309. Transportation of houses and other structures.

(a) Qualified house or structural movers in this state who have met the financial responsibility requirements of the laws of this state and regulations of the Arkansas State Highway and Transportation Department shall be authorized to move upon the public highways of this state houses and other structures up to and including twenty-eight feet, six inches (28'6″) in width, exclusive of roof overhang, upon obtaining a permit as required by law.

(b)(1) If determined to be in the best interest of the state and where special circumstances are shown to exist, houses and other structures having a width in excess of twenty-eight feet, six inches (28'6″), excluding roof overhang, may be moved upon the public highways of this state by obtaining a permit approved by the Director of State Highways and Transportation.

(2) Factors to be considered in approval of the special permit shall include:

(A) Maximum overall width;

(B) Distance to travel;

(C) Condition of the highway; and

(D) The volume or type of traffic.

(c)(1) The State Highway Commission may issue such special regulations for the movement of houses and other structures on the highways as the commission deems necessary for the protection of the public safety.

(2)(A) The rules and regulations of the commission, with respect to the movement of overwidth, overheight, or overlength loads upon the highways of this state shall be equally applicable to

the movement of houses and other structures upon city streets and county roads of this state.

(B) Municipalities and counties, respectively, may make and enforce other rules and regulations regarding the movement of houses and other structures on city streets and on county roads as they deem appropriate.

(d) The provisions of this section are supplemental to the existing laws of this state pertaining to the moving of houses and other structures upon the public highways of this state and shall repeal only laws, or parts of laws, specifically in conflict with this section.

History. Acts 1965, No. 394, §§ 1, 2; 1975, No. 399, §§ 1, 2; A.S.A. 1947, §§ 75-836, 75-836n, 76-135, 76-136; Acts 2001, No. 990, § 2.

27-35-310. Persons permitted to stop and direct traffic.

(a) In addition to the requirements on persons and payloads issued permits to move manufactured homes and houses on Arkansas highways under §§ 27-35-304 and 27-35-309, a person issued a permit to move manufactured homes or houses under this subchapter shall be authorized to temporarily stop or halt traffic and to safely direct, control, and regulate traffic around the manufactured home or house while maneuvering his or her payloads on or off the public streets, highways, or bridges.

(b) Provided, however, that no person moving a permitted manufactured home or house shall ever halt or stop traffic on a public street or highway while maneuvering a manufactured home or house on or off the street or highway for more than three (3) minutes or stop or halt traffic within five hundred feet (500') from the crest of a hill.

History. Acts 1991, No. 918, § 2; 1995, No. 1296, § 94; 1999, No. 780, § 6.

CHAPTER 36
LIGHTING REGULATIONS

SUBCHAPTER.
1. General Provisions.
2. Lighting Requirements Generally.
3. Lights for Emergency Vehicles.

Subchapter 1 — General Provisions

SECTION.
27-36-101. Violations.
27-36-102. Exemptions from provisions.

27-36-101. Violations.

It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles, which is in such unsafe condition as to endanger any person or which does not contain those parts, or which is not at all times equipped with lamps in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

History. Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

27-36-102. Exemptions from provisions.

The provisions of this chapter with respect to lamps on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable by this chapter.

History. Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

Subchapter 2 — Lighting Requirements Generally

SECTION.
27-36-201. Regulation of lighting devices.
27-36-202. Revocation of certificate of approval on lighting devices.
27-36-203. Sale or use of lamps and other devices.
27-36-204. When lighted lamps required.
27-36-205. Use of parking lights.
27-36-206. Lamps on parked vehicles.
27-36-207. Number of driving lamps required or permitted.
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27-36-209. Head lamps.
27-36-210. Multiple-beam road lighting equipment.
27-36-211. Use of multiple-beam road lighting equipment.
27-36-212. Single-beam road lighting equipment.
27-36-213. [Repealed.]
27-36-214. Spot lamps, fog lamps, and auxiliary passing and driving lamps.
27-36-215. Tail lamps and reflectors.
27-36-216. Signal lamps and signal devices.
27-36-217. Additional lighting equipment generally.
27-36-218. Additional lamps and reflectors on buses, trucks, tractors, and trailers.
27-36-219. Lamps on farm tractors and equipment.
27-36-220. Lamps on bicycles.
27-36-221. Auxiliary driving lights.
27-36-222. Penalty for violation of § 27-36-221.
27-36-223. Motorcycle headlamp modulation systems.

27-36-201. Regulation of lighting devices.

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

(2) Such regulations shall correlate with and, so far as practicable, conform to the then-current standards and specifications of the Society of Automotive Engineers applicable to such equipment.

(b) The commission is required to approve or disapprove any lighting device, of a type on which

approval is specifically required in this subchapter, within a reasonable time after such device has been submitted.

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

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

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

History. Acts 1937, No. 300, § 122; Pope's Dig., § 6782; Acts 1955, No. 158, § 4; A.S.A. 1947, § 75-720.

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

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

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

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

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

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

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

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

History. Acts 1937, No. 300, § 123; Pope's Dig., § 6783; A.S.A. 1947, § 75-721.

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

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

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

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

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

History. Acts 1937, No. 300, § 121; Pope's Dig., § 6781; Acts 1955, No. 158, § 3; A.S.A. 1947, § 75-719.

27-36-204. When lighted lamps required.

(a)(1) Every vehicle, except motorcycles and motor-driven cycles, upon a highway within this state at any time from one-half (½) hour after sunset to one-half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet (500') ahead shall display lighted lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated.

(2)(A) Every vehicle, except motorcycles and motor-driven cycles, upon a street or highway within this state shall display lighted lamps and illuminating devices, as respectively required for different classes of vehicles, during any period in which the vehicle's windshield wipers are being used for clearing or cleaning rain, snow, or other precipitation from the windshield because of inclement weather.

(B)(i) No vehicle or the operator of the vehicle shall be stopped, inspected, or detained solely for violations of the requirements of subdivision (a)(2)(A) of this section.

(ii) When any vehicle operator is stopped by a law enforcement officer and the law enforcement

officer notes that the provisions of subdivision (a)(2)(A) of this section have not been violated, any fine levied against the vehicle operator as a result of being stopped shall be reduced by five dollars ($5.00) as an incentive to comply with the provisions of subdivision (a)(2)(A) of this section.

(C) Any person who violates the provisions of subdivision (a)(2)(A) of this section shall be subject to a fine not to exceed twenty-five dollars ($25.00), and, if a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for a violation hereof, no court costs or other costs or fees shall be assessed.

(b) Every motorcycle and every motor-driven cycle upon a street or highway within this state at any time shall display lighted lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated. During the period between sunrise and ending at sunset, the headlamp displayed by a motorcycle or motor-driven cycle may use either a continuous beam or a pulsating beam.

(c) Whenever a requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(d) Whenever a requirement is declared as to the mounted height of lamps or devices, it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

History. Acts 1937, No. 300, § 104; Pope's Dig., § 6761; Acts 1959, No. 307, § 41; 1967, No. 295, § 1; A.S.A. 1947, § 75-702; Acts 1995, No. 808, § 1; 1997, No. 356, § 1.

27-36-205. Use of parking lights.

(a) No motor vehicle shall be operated on the public streets, highways, or roads of this state while the parking lights or lamps of such motor vehicle are on unless the headlamps are also on.

(b) This section shall not apply to a motor vehicle which is parked.

History. Acts 1991, No. 895, § 1.

27-36-206. Lamps on parked vehicles.

(a) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the times mentioned in § 27-36-204, the vehicle shall be equipped with one (1) or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet (500') to the front of the vehicle and a red light visible a distance of five hundred feet (500') to the rear.

(b) Local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet (500') upon the highway.

(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

History. Acts 1937, No. 300, § 109; Pope's Dig., § 6769; Acts 1961, No. 7, § 1; A.S.A. 1947, § 75-707.

27-36-207. Number of driving lamps required or permitted.

(a) At all times specified in § 27-36-204, at least two (2) lighted lamps shall be displayed, one (1) on each side at the front of every motor vehicle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with headlamps as required in this subchapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when on a highway.

History. Acts 1937, No. 300, § 119; Pope's Dig., § 6779; A.S.A. 1947, § 75-717.

27-36-208. Special restrictions on lamps.

(a) Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet (75') from the vehicle.

(b)(1) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red, blue, or green light visible from directly in front of the center thereof.

(2) This subsection shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this subchapter.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

History. Acts 1937, No. 300, § 120; Pope's Dig., § 6780; Acts 1959, No. 307, § 50; A.S.A. 1947, § 75-718; Acts 2003, No. 539, § 1.

27-36-209. Head lamps.

(a)(1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) headlamps, with at least one (1) on each side of the front of the motor vehicle.

(2) The headlamps shall comply with the requirements and limitations set forth in this subchapter.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than (2) headlamps, which shall comply with the requirements and limitations of this subchapter.

(c) Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches (54″) nor less than twenty-four inches (24″), to be measured as set forth in § 27-36-204.

(d) A covering, coating, or any type of alteration that reduces the illumination intensity of a headlamp must be removed from the headlamp during any time that the use of headlamps is required.

History. Acts 1937, No. 300, § 105; Pope's Dig., § 6762; Acts 1957, No. 169, § 1; 1959, No. 307, § 42; A.S.A. 1947, § 75-703; Acts 2001, No. 623, § 1.

27-36-210. Multiple-beam road lighting equipment.

(a) Except as otherwise provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp, or combination thereof, on motor vehicles, other than motorcycles or motor-driven cycles, shall be so arranged that the driver may select at will between distributions of light projected to different elevations.

(b) The lamps may, in addition, be so arranged that the selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet (350') ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet (100') ahead; and

(3) On a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c)(1) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after July 1, 1955, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted.

(2) The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

History. Acts 1937, No. 300, § 115; Pope's Dig., § 6775; Acts 1955, No. 158, § 1; A.S.A. 1947, § 75-713.

27-36-211. Use of multiple-beam road lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 27-36-204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1)(A) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet (500'), the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(B) The lowermost distribution of light, or composite beam, specified in § 27-36-210(b)(2) shall be deemed to avoid glare at all times, regardless of road contour and loading; and

(2) Whenever the driver of a vehicle follows another vehicle within two hundred feet (200') to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this subchapter other than the uppermost distribution of light specified in § 27-36-210(b)(1).

History. Acts 1937, No. 300, § 116; Pope's Dig., § 6776; Acts 1955, No. 158, § 2; A.S.A. 1947, § 75-714.

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

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

(1) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet (25') ahead, project higher than a level of five inches (5″) below the level of the center of the lamp from which it comes and in no case higher than forty-two inches (42″) above the level on which the vehicle stands at a distance of seventy-five feet (75') ahead; and

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

History. Acts 1937, No. 300, § 117; Pope's Dig., § 6777; A.S.A. 1947, § 75-715.

27-36-213. [Repealed.]

Publisher's Notes. This section, concerning alternate road lighting equipment, was repealed by Acts 2001, No. 1713, § 1. The section was derived from Acts 1937, No. 300, § 118; Pope's Dig., § 6778; A.S.A. 1947, § 75-716.

27-36-214. Spot lamps, fog lamps, and auxiliary passing and driving lamps.

(a) SPOT LAMPS.

(1) Any motor vehicle may be equipped with not more than two (2) spot lamps.

(2) Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet (100') ahead of the vehicle.

(b) FOG LAMPS.

(1) Any motor vehicle may be equipped with not more than two (2) fog lamps mounted on the front at a height not less than twelve inches (12″) nor more than thirty inches (30″) above the level surface upon which the vehicle stands.

(2) The fog lamps shall be so aimed that when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet (25') ahead, project higher than a level of four inches (4″) below the level of the center of the lamp from which it comes.

(3) Lighted fog lamps meeting these requirements may be used with lower headlamp beams as specified in § 27-36-210(b)(2).

(c) AUXILIARY PASSING LAMPS.

(1) Any motor vehicle may be equipped with not more than two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four inches (24″) nor more than forty-two inches (42″) above the level surface upon which the vehicle stands.

(2) The provisions of § 27-36-210 shall apply to any combination of headlamps and auxiliary passing lamps.

(d) AUXILIARY DRIVING LAMPS.

(1) Any motor vehicle may be equipped with not more than two (2) auxiliary driving lamps mounted on the front at a height not less than sixteen inches (16″) nor more than forty-two inches (42″) above the level surface upon which the vehicle stands.

(2) The provisions of § 27-36-210 shall apply to any combination of headlamps and auxiliary driving lamps.

(e) ORNAMENTAL LIGHT-EMITTING DIODES WHITE LIGHTS. No motor vehicle may be equipped with more than two (2) ornamental light-emitting diodes white lights mounted on the front of the vehicle.

History. Acts 1937, No. 300, § 112; Pope's Dig., § 6772; Acts 1959, No. 307, § 46; A.S.A. 1947, § 75-710; Acts 2003, No. 1096, § 1.

27-36-215. Tail lamps and reflectors.

(a)(1) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as required, shall emit a red light plainly visible from a distance of five hundred feet (500') to the rear.

(2) In the case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

(3) Every mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after June 11, 1959, shall be equipped with at least two (2) tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required, shall comply with the provisions of this section.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches (72″) nor less than twenty inches (20″).

(c)(1)(A) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible for a distance of fifty feet (50') to the rear.

(B) It shall be a violation of this subsection (c) for any other color of light to be displayed around the registration plate or for white light to be excesssively used so as to render the registration plate illegible from a distance of less than fifty feet (50').

(2) Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(d)(1) Every new motor vehicle sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors.

(2) Every motorcycle and every motor-driven cycle shall carry at least one (1) reflector, meeting the requirements of this section.

(3) Vehicles of the type mentioned in § 27-36-219 shall be equipped with reflectors as required in those sections applicable thereto.

(e)(1) Every reflector shall be mounted on the vehicle at a height not less than twenty inches (20″) nor more than sixty inches (60″), measured as set forth in § 27-36-204 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet (350') to one hundred feet (100') from the vehicle when directly in front of lawful upper beams of headlamps.

(2) Visibility from a greater distance will be required of reflectors on certain types of vehicles.

History. Acts 1937, No. 300, § 106; Pope's Dig., § 6763; Acts 1959, No. 307, § 43; A.S.A. 1947, § 75-704; Acts 1997, No. 125, § 1.

27-36-216. Signal lamps and signal devices.

(a)(1) Any motor vehicle may be equipped, and when required under this subchapter shall be equipped, with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet (100') to the rear in normal sunlight.

(2) They shall be actuated upon application of the service or foot brake, which may, but need not, be incorporated with one (1) or more other rear lamps.

(b)(1) Any motor vehicle may be equipped, and when required under this subchapter shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left.

(2) The lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less one hundred feet (100') to the front in normal sunlight.

(3) The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet (100') to the rear in normal sunlight.

(4) When actuated, these lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(c)(1) Any motor vehicle, or combination of vehicles, eighty inches (80″) or more in overall width and manufactured or assembled after July 1, 1959, shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or the left.

(2) The lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet (500') to the front in normal sunlight; and

(3) The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred feet (500') to the rear in normal sunlight;

(4) When actuated, these lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(d)(1)(A) No person shall operate on the highways any motor vehicle registered in this state and manufactured or assembled after July 1, 1959, unless it is equipped with at least two (2) stop lamps meeting the requirements of this section.

(B) All motorcycles, motor-driven cycles, and truck tractors of whatever date manufactured or assembled and all motor vehicles registered in this state and manufactured or assembled prior to July 1, 1959, operated upon the highways shall be equipped with at least one (1) stop lamp meeting the requirements of this section.

(2)(A) No person shall operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after July 1, 1959, unless it is equipped with electrical turn signals meeting the requirements of this section.

(B) No person shall operate on the highways any motorcycle, motor-driven cycle, or motorized bicycle that was manufactured or assembled after July 27, 2011, unless it is equipped with electrical turn signals that meet the requirements of this section.

(e) No stop lamp or signal lamp shall project a glaring light.

History. Acts 1937, No. 300, § 113; Pope's Dig., § 6773; Acts 1959, No. 307, § 48; 1969, No. 299, § 1; A.S.A. 1947, § 75-711; Acts 2011, No. 759, § 3.

27-36-217. Additional lighting equipment generally.

(a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running-board courtesy lamp on each side which shall emit a white or amber light without glare.

(c)(1) Any motor vehicle may be equipped with not more than two (2) backup lamps, either separately or in combination with other lamps.

(2) Any backup lamp shall not be lighted when the motor vehicle is in forward motion.

(d)(1)(A) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(B) When so equipped, such warning lamps may be displayed in addition to any other warning signals required by this subchapter.

(2) The lamps used to display such warning to the front shall be mounted at the same level, and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber.

(3) The lamps used to display such warning to the rear shall be mounted at the same level, and as widely spaced laterally as practicable, and shall

show simultaneously flashing amber or red lights, or any shade of color between amber and red.

(4) These warning lights shall be visible from a distance of not less than five hundred feet (500') under normal atmospheric conditions at night.

(e)(1) Any commercial vehicle eighty inches (80″) or more in overall width may be equipped with not more than three (3) identification lamps showing to the front, which shall emit an amber light without glare, and not more than three (3) identification lamps showing to the rear, which shall emit a red light without glare.

(2) Such lamps shall be placed in a row and may be mounted either horizontally or vertically.

History. Acts 1937, No. 300, § 114; Pope's Dig., § 6774; Acts 1959, No. 307, § 49; A.S.A. 1947, § 75-712.

27-36-218. Additional lamps and reflectors on buses, trucks, tractors, and trailers.

(a) In addition to other equipment required by this subchapter, the following vehicles shall be equipped as stated in this section:

(1) On every bus or truck, whatever its size, there shall be the following:

(A) On the rear, two (2) reflectors, one (1) at each side; and

(B) One (1) stop light.

(2) On every bus or truck eighty inches (80″) or more in overall width, in addition to the requirements in subdivision (a)(1):

(A) On the front, two (2) clearance lamps, one (1) at each side;

(B) On the rear, two (2) clearance lamps, one (1) at each side;

(C) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear; and

(D) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(3) On every truck tractor:

(A) On the front, two (2) clearance lamps, one (1) at each side; and

(B) On the rear, one (1) stop light.

(4) On every trailer or semitrailer having a gross weight in excess of three thousand pounds (3,000 lbs):

(A) On the front, two (2) clearance lamps, one (1) at each side;

(B) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear;

(C) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear; and

(D) On the rear, two (2) clearance lamps, one (1) at each side; also two (2) reflectors, one (1) at each side, and one (1) stop light.

(5) On every pole trailer in excess of three thousand pounds (3,000 lbs.) gross weight:

(A) On each side, one (1) side marker lamp and one (1) clearance lamp, which may be in combination, to show to the front, side, and rear; and

(B) On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.

(6) On every trailer, semitrailer, or pole trailer weighing three thousand pounds (3,000 lbs.) gross or less:

(A) On the rear, two (2) reflectors, one (1) on each side; and

(B) If any trailer or semitrailer is so loaded or is of dimensions as to obscure the stop light on the towing vehicle, then the vehicle shall also be equipped with one (1) stop light.

(b) The clearance lamps, side marker lamps, backup lamps, and reflectors required in subsection (a) of this section shall display or reflect the following colors:

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color;

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color; and

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except:

(A) The stop light or other signal device, which may be red, amber, or yellow; and

(B) The light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber.

(c) Reflectors, clearance, and side marker lamps, when required by subsection (a) of this section, shall be mounted as follows:

(1)(A)(i) Reflectors, when required by subsection (a) of this section, shall be mounted at a height not less than twenty-four inches (24″) and not higher than sixty inches (60″) above the ground on which the vehicle stands.

(ii) If the highest part of the permanent structure of the vehicle is less than twenty-four inches (24″), the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(B) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(C) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but this reflector shall meet all the other reflector requirements of this subchapter.

(2)(A) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable.

(B) Clearance lamps and side marker lamps may be mounted in combination, provided illumination is given as required in this section with reference to both.

(d) Visibility requirements for reflectors, clearance lamps, and side marker lamps when required under subsection (a) of this section shall be as follows:

(1)(A) Every reflector upon any vehicle referred to in subsection (a) of this section shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet (600') to one hundred feet (100') from the vehicle when directly in front of lawful upper beams of head lamps.

(B) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear;

(2) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required, at a distance of five hundred feet (500') from the front and rear, respectively, of the vehicle; and

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required, at a distance of five hundred feet (500') from the side of the vehicle on which mounted.

(e)(1) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted when that lamp by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination.

(2) This subsection shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

History. Acts 1937, No. 300, § 107; Pope's Dig., §§ 6764-6767; Acts 1959, No. 307, § 44; A.S.A. 1947, § 75-705.

27-36-219. Lamps on farm tractors and equipment.

(a)(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of that vehicle.

(2) They shall also be equipped with at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the vehicle.

(b) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, in addition to the lamps required in subsection (a) of this section, be equipped with two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of head lamps.

(c) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with the following lamps:

(1) At least one (1) lamp mounted to indicate, as nearly as practicable, the extreme left projection of the combination and displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of the combination; and

(2) Two (2) lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the combination or, as an alternative, at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when illuminated by the upper beams of head lamps.

(d)(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with two (2) single-beam or multiple-beam head lamps meeting the requirements of § 27-36-210 or § 27-36-212 and at least one (1) red lamp visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(2) Every self-propelled unit of farm equipment, other than a farm tractor, shall have two (2) red lamps or, as an alternative, one (1) red lamp and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') when directly in front of lawful upper beams of head lamps.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in § 27-36-204 be equipped with lamps as follows:

(1) The farm tractor element of every such combination shall be equipped as required in subsection (d) of this section;

(2) The towed unit of farm equipment or implement of husbandry element of the combination shall be equipped with two (2) red lamps visible when lighted from a distance of not less than five hundred feet (500') to the rear or, as an alternative, two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of head lamps; and

(3) These combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(f)(1) The lamps and reflectors required in this section shall be so positioned as to show from front and rear, as nearly as practicable, the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle.

(2) If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two (2) or more lamps or reflectors visible from the front or two (2) or more lamps or reflectors visible from the rear, the lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of the vehicle shall be indicated as nearly as practicable.

(g)(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in §§ 27-36-102 and 27-37-102 not specifically required by the provisions of this subchapter to be equipped with lamps or other lighting devices, shall, at all times specified in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than five hundred feet (500') to the front of the vehicle.

(2) Those vehicles shall also be equipped with two (2) lamps displaying a red light visible from a distance of not less than five hundred feet (500') to the rear of the vehicle or, as an alternative, one (1) lamp displaying a red light visible from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors, visible for distances of one hundred feet (100') to six hundred feet (600') to the rear when illuminated by the upper beams of headlamps.

History. Acts 1937, No. 300, § 111; Pope's Dig., § 6771; Acts 1959, No. 307, § 45; A.S.A. 1947, § 75-709.

27-36-220. Lamps on bicycles.

(a) Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred feet (500') to the front and with a lamp on the rear exhibiting a red light visible from a distance of five hundred feet (500') to the rear.

(b) A red reflector meeting the requirements of § 27-36-215 may be used in lieu of a rear light.

History. Acts 1937, No. 300, § 110; Pope's Dig., § 6770; A.S.A. 1947, § 75-708.

27-36-221. Auxiliary driving lights.

It is unlawful to operate any motor vehicle on a public street or highway with any auxiliary driving lights on unless the lights are original equipment lighting installed by the vehicle manufacturer prior to the initial retail sale of the motor vehicle, fog lamps conforming to the provisions set forth in § 27-36-214(b), auxiliary driving or passing lamps conforming to the provisions set forth in § 27-36-214(c) and (d), or ornamental light-emitting diodes white lights conforming to the provisions set forth in § 27-36-214(e).

History. Acts 1997, No. 1146, § 1; 2003, No. 1096, § 2.

27-36-222. Penalty for violation of § 27-36-221.

Any person violating the provisions of § 27-36-221 shall be guilty of a violation and upon conviction shall be punished accordingly.

History. Acts 1997, No. 1146, § 2.

27-36-223. Motorcycle headlamp modulation systems.

(a) As used in this section, "motorcycle equipped with a headlamp modulation system" means a motorcycle that is wired to modulate either the upper or lower headlamp beam from its maximum intensity to a lesser intensity.

(b) The operator of a motorcycle equipped with a headlamp modulation system shall use the headlamp modulation system only during daylight hours.

(c) A person who pleads guilty or nolo contendere to or is found guilty of a violation of this section is guilty of a violation.

History. Acts 2011, No. 781, § 1.

Subchapter 3 — Lights for Emergency Vehicles

SECTION.

27-36-301. Violations.
27-36-302. Exempted devices.
27-36-303. Police vehicles.
27-36-304. Fire department vehicles and ambulances.
27-36-305. Other emergency vehicles.
27-36-306. Other nonemergency vehicles — Funeral processions.

27-36-301. Violations.

(a)(1) It shall be unlawful for any person, firm, or corporation to exhibit a red or amber rotating or flashing light on any vehicle except as otherwise provided by the Arkansas Code or to activate a flashing, rotating, or oscillating purple light except during a funeral procession.

(2) If any person affixes or has affixed any red or amber light on any vehicle, this fact shall be prima facie proof that this person did exhibit the light.

(b) Except as otherwise provided by the Arkansas Code, it is unlawful for any person to install, activate, or operate a blue light in or on any vehicle in this state or to possess in or on any vehicle in this state a blue light that is not sealed in the manufacturer's original package. As used in this section, "blue light" means an operable blue light which:

(1) Is designed for use by an emergency vehicle, or is similar in appearance to a blue light designed for use by an emergency vehicle; and

(2) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery.

(c)(1) A violation of subsection (b) of this section shall be a Class A misdemeanor.

(2) Violation of any other provision of this subchapter shall be considered a misdemeanor and

shall be punishable by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100) for each offense.

History. Acts 1969, No. 96, §§ 4, 5, 7; A.S.A. 1947, §§ 75-738, 75-739, 75-741; Acts 1997, No. 497, § 1; 2001, No. 322, § 2.

27-36-302. Exempted devices.

Devices that may be used by the state, city, or municipal governments as automobile traffic control devices are exempt from this subchapter.

History. Acts 1969, No. 96, § 6; A.S.A. 1947, § 75-740.

27-36-303. Police vehicles.

All state, county, or city and municipal police agencies shall install, maintain, and exhibit blue rotating or flashing emergency lights upon all police motor vehicles which are equipped with emergency lighting and operated within the State of Arkansas.

History. Acts 1969, No. 96, § 1; A.S.A. 1947, § 75-735.

27-36-304. Fire department vehicles and ambulances.

(a) All state, county, city, and municipal or privately owned fire departments, funeral homes, or ambulance companies shall install, maintain, and exhibit red rotating or flashing emergency lights upon all fire department vehicles, automobiles used by firefighters, and ambulances which are equipped with emergency lighting and operated within Arkansas. Firefighters shall be allowed to use portable dash-mounted red rotating or flashing emergency lights on their privately owned automobiles when responding to a fire or other emergency.

(b) Emergency medical services personnel licensed by the Department of Health may install, maintain, and exhibit red rotating or flashing emergency lights upon a vehicle when responding to an emergency.

History. Acts 1969, No. 96, § 2; A.S.A. 1947, § 75-736; Acts 1993, No. 1010, § 1; 1995, No. 123, § 1; 2009, No. 689, § 19.

27-36-305. Other emergency vehicles.

(a) All state, county, and municipal agencies and private persons and businesses that operate any other type of vehicle in this state that is required or permitted to be equipped with flashing or rotating emergency or warning lights shall equip the vehicles with white or amber flashing or rotating emergency or warning lights only.

(b)(1) In addition to amber flashing or rotating emergency or warning lights, wreckers or tow vehicles permitted or licensed under § 27-50-1203 that respond to traffic incidents may, but are not required to, be equipped with red flashing or rotating emergency or warning lights in addition to amber warning lights.

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

History. Acts 1969, No. 96, § 3; A.S.A. 1947, § 75-737; Acts 2003, No. 762, § 1; 2007, No. 1412, § 2.

27-36-306. Other nonemergency vehicles — Funeral processions.

(a) Motor vehicles engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple lights, which shall not be activated except during a funeral procession.

(b) The purple flashing, rotating, or oscillating lights shall be a warning to other motorists of the approach of the funeral procession.

History. Acts 2001, No. 322, § 1.

CHAPTER 37
EQUIPMENT REGULATIONS

SUBCHAPTER.

1. General Provisions.
2. Safety and Emergency Equipment.
3. Glass and Mirrors.
4. Tires.
5. Brakes.
6. Mufflers.
7. Mandatory Seat Belt Use.
8. Eric's Law: The Nitrous Oxide Prohibition Act.

Subchapter 1 — General Provisions

SECTION.

27-37-101. Violations.
27-37-102. Exemptions from provisions.
27-37-103. [Transferred.]

27-37-101. Violations.

It is a misdemeanor for any person to drive, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with equipment in proper condition and adjustment as required in this chapter or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

History. Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

27-37-102. Exemptions from provisions.

The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable by this chapter.

History. Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

27-37-103. [Transferred.]

Publisher's Notes. Section 2 of Acts 2009, No. 103 stated "For administrative convenience, the Arkansas Code Revision Commission shall remove Arkansas Code § 27-37-103 including the amendment made in this act from Title 27 and recodify the provision under the 'Arkansas Motor Vehicle Commission Act', Arkansas Code § 23-112-101 et seq."

Subchapter 2 — Safety and Emergency Equipment

SECTION.
27-37-201. Sale of substandard seat belts prohibited.
27-37-202. Horns and warning devices — Flashing lights on emergency vehicles.
27-37-203. Vehicles transporting explosives.
27-37-204. Lamp or flag on projecting load.
27-37-205. Certain vehicles to carry flares or other warning devices.
27-37-206. Display of warning devices when vehicle disabled.

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

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

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

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

History. Acts 1963, No. 115, §§ 1, 2; A.S.A. 1947, §§ 75-733, 75-734.

27-37-202. Horns and warning devices — Flashing lights on emergency vehicles.

(a)(1)(A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200').

(B) No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

(2) When reasonably necessary to ensure safe operation, the driver of a motor vehicle shall give audible warning with his or her horn but shall not otherwise use the horn when upon a public street or highway.

(b)(1) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(2) It is permissible, but not required, that commercial vehicles may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(3)(A) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved by the Arkansas State Highway and Transportation Department.

(B) The warning device shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law; in which event, the driver of the vehicle shall sound the warning device when necessary to warn pedestrians and other drivers of the approach thereof.

(c)(1) Every authorized emergency vehicle shall be equipped with signal lamps in addition to any other equipment and distinctive markings required by this subchapter. These lamps shall be mounted as high and be as widely spaced laterally as practicable. The vehicle shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level.

(2) These lights shall have sufficient intensity to be visible at five hundred feet (500') in normal sunlight.

(d) A police vehicle, when used as an authorized emergency vehicle, may, but need not, be equipped with alternately flashing red lights specified in this section.

(e) The use of the signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and to stop as prescribed in § 27-51-901.

History. Acts 1937, No. 300, § 125; Pope's Dig., § 6785; Acts 1959, No. 307, § 47; A.S.A. 1947, § 75-725; Acts 2003, No. 1155, § 1.

27-37-203. Vehicles transporting explosives.

(a) Any person operating any vehicle transporting any explosive or other dangerous articles as cargo upon a highway shall at all times comply with the requirements of the regulations promulgated under this section.

(b) The State Highway Commission is authorized and directed to promulgate regulations governing the transportation of explosives and other danger-

ous articles in vehicles upon the highways as it deems advisable for the protection of the public.

History. Acts 1937, No. 300, § 132; Pope's Dig., § 6792; A.S.A. 1947, § 75-723; Acts 2003, No. 849, § 1.

27-37-204. Lamp or flag on projecting load.

(a) Whenever the load upon any vehicle extends to the rear four feet (4') or more beyond the bed or body of the vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in § 27-36-204, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the sides and rear.

(b) The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle.

(c) At any other time, there shall be displayed at the extreme rear end of the load a red or fluorescent orange flag or cloth not less than sixteen inches (16″) square.

History. Acts 1937, No. 300, § 108; Pope's Dig., § 6768; A.S.A. 1947, § 75-706; Acts 2001, No. 1482, § 1.

27-37-205. Certain vehicles to carry flares or other warning devices.

(a) No person shall operate any motor truck, passenger bus, truck tractor, or any motor vehicle towing a house trailer upon any highway outside the corporate limits of municipalities at any time from one-half (½) hour after sunset to one-half (½) hour before sunrise unless there shall be carried in the vehicle the following equipment except as provided in subsection (b) of this section:

(1)(A) At least three (3) flares, three (3) red electric lanterns, or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet (600') under normal atmospheric conditions at nighttime.

(B)(i) No flare, fuse, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this subsection unless such equipment is of a type which has been submitted to the commissioner and approved by him or her.

(ii) No portable reflector unit shall be used for the purpose of compliance with the requirements of this subsection unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet (600') to one hundred feet (100') under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps and unless it is of a type which has been submitted to the commissioner and approved by him or her.

(2) At least three (3) red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.

(3) At least two (2) red cloth flags, not less than twelve inches (12″) square, with standards to support such flags.

(b)(1) At the time and under conditions stated in subsection (a) of this section, no person shall operate any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in the vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of subsection (a) of this section.

(2) There shall not be carried in any such vehicle any flares, fusees, or signals produced by flame.

History. Acts 1937, No. 300, § 131; Pope's Dig., § 6791; Acts 1959, No. 307, § 52; 1971, No. 80, § 1; A.S.A. 1947, § 75-722.

27-37-206. Display of warning devices when vehicle disabled.

(a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, pole trailer, or any motor vehicle towing a house trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway, except as provided in subsection (b) of this section:

(1) A lighted fuse, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

(2) As soon thereafter as possible, but in any event within the burning period of the fuse, which is fifteen (15) minutes, the driver shall place three (3) liquid-burning flares or pot torches, or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the traveled portion of the highway in the following order:

(A) One (1), approximately one hundred feet (100') from the disabled vehicle, in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(B) One (1), approximately one hundred feet (100') in the opposite direction from the disabled vehicle, in the center of the traffic lane occupied by the vehicle; and

(C)(i) One (1) at the traffic side of the disabled vehicle, not less than ten feet (10') rearward or forward thereof, in the direction of the nearest approaching traffic.

(ii) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (2)(A) of this subsection, it may be used for this purpose.

(b) Whenever any vehicle referred to in this section is disabled within five hundred feet (500') of a

curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet (100') nor more than five hundred feet (500') from the disabled vehicle.

(c) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (a) and (e) of this section shall be placed as follows:

(1) One (1) at a distance of approximately two hundred feet (200') from the vehicle, in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(2) One (1) at a distance of approximately one hundred feet (100') from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(3) One (1) at the traffic side of the vehicle and approximately ten feet (10') from the vehicle, in the direction of the nearest approaching traffic.

(d) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one (1) at a distance of approximately one hundred feet (100') in advance of the vehicle and one (1) at a distance of approximately one hundred (100') feet to the rear of the vehicle.

(e)(1) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (a) of this section, the driver of the vehicle shall immediately display the following warning devices:

(A) One (1) red electric lantern or portable red emergency reflector, placed on the roadway at the traffic side of the vehicle; and

(B) Two (2) red electric lanterns or portable red reflectors, one (1) placed approximately one hundred feet (100') to the front and one (1) placed approximately one hundred feet (100') to the rear of the disabled vehicle in the center of the traffic lane occupied by the vehicle.

(2) Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of § 27-37-205.

History. Acts 1937, No. 300, § 131; Pope's Dig., § 6791; Acts 1959, No. 307, § 52; A.S.A. 1947, § 75-722.

Subchapter 3 — Glass and Mirrors

SECTION.

27-37-301. Safety glass mandatory.
27-37-302. Windshields, etc., to be unobstructed.
27-37-303. Windshield wipers required.
27-37-304. Obstruction of interior prohibited.
27-37-305. Mirrors.
27-37-306. Light transmission levels for the tinting of motor vehicle windows.
27-37-307. Window tinting on chauffeur-driven sedans.

27-37-301. Safety glass mandatory.

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

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

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

(c) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as to substantially prevent shattering and flying glass when struck or broken, or other similar products as may be approved by the State Highway Commission.

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

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

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

History. Acts 1937, No. 300, § 130; Pope's Dig., § 6790; Acts 1951, No. 110, § 1; A.S.A. 1947, § 75-732.

27-37-302. Windshields, etc., to be unobstructed.

No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of the vehicle other than a certificate or other paper required to be so displayed by law if it obstructs the operator's view or the safe operation of the vehicle.

History. Acts 1937, No. 300, § 128; Pope's Dig., § 6788; A.S.A. 1947, § 75-730; Acts 1999, No. 1251, § 1.

27-37-303. Windshield wipers required.

(a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.

(b) This device shall be so constructed as to be controlled or operated by the driver of the vehicle.

History. Acts 1937, No. 300, § 128; Pope's Dig., § 6788; A.S.A. 1947, § 75-730.

27-37-304. Obstruction of interior prohibited.

(a)(1)(A) It is unlawful for any person to operate a motor vehicle which has any substance or material except rearview mirrors and decals required by law attached to the windshield at any point more than four and one-half inches (4½″) above the bottom of the windshield if the substance or material obstructs the operator's view or the safe operation of the vehicle.

(B) It is unlawful for any person to operate a motor vehicle which has any substance or material attached to the window of either front door except substances or materials attached by the manufacturer if the substance or material obstructs the operator's view or the safe operation of the vehicle.

(2) The provisions of this section shall not apply to motorists driving motor vehicles registered in other states that have enacted legislation regulating the shading of windshields or windows of motor vehicles and who are driving on Arkansas roads and highways.

(b) Nothing in this section shall prohibit the shading or tinting of windows of newly manufactured automobiles so long as the newly manufactured automobiles comply with all federal laws pertaining thereto.

(c) Violation of this section shall constitute a Class C misdemeanor.

History. Acts 1983, No. 315, §§ 1-3; 1985, No. 1072, § 1; A.S.A. 1947, §§ 75-730.1 — 75-730.3; Acts 1999, No. 1251, § 2.

27-37-305. Mirrors.

(a) Every motor vehicle shall be equipped with a rearview mirror.

(b) Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror located so as to reflect to the driver a view of the highway for a distance of at least two hundred feet (200') to the rear of the vehicle.

History. Acts 1937, No. 300, § 127; Pope's Dig., § 6787; A.S.A. 1947, § 75-729.

27-37-306. Light transmission levels for the tinting of motor vehicle windows.

(a) It shall be unlawful to operate a vehicle on the public highways if after-market tinting material, together with striping material, has been applied to any windows of the vehicle or if letters or logos larger than one-quarter inch (¼″) have been applied to the windows of the vehicle.

(b) After-market tinting of vehicle windows shall be lawful only as follows:

(1) The glass immediately in front of the operator may have a strip of tinting material applied to the top edge, known in the industry as an "eyebrow", but it may not extend downward more than five inches (5″) from the top center of the windshield;

(2) On all 1994 model vehicles and later model vehicles, the side windows and side wings located on the immediate right or left of the driver or to the right or left immediately behind the driver may be covered with an after-market tinting material which results in at least twenty-five percent (25%) net light transmission, except that the side windows immediately behind the driver on any truck, bus, trailer, motor home, or multiple purpose passenger vehicle may be covered with an after-market tinting material which results in at least ten percent (10%) net light transmission; and

(3) On all 1994 model vehicles and later model vehicles, the rearmost window may be covered with an after-market tinting material which results in at least ten percent (10%) net light transmission.

(c) Any vehicle that is operated on Arkansas roads with after-market tinting material on any glass shall have attached to the front glass immediately to the operator's left a label containing the name and phone number of the company installing the tinting material and affirming that all tinting on the vehicle conforms to the requirements of this section.

(d) The provisions of this section shall not apply to motorists operating vehicles registered in other states that have enacted legislation regulating the shading of windshields or windows of motor vehicles who are driving on Arkansas roads and highways.

(e)(1) A motorist shall be exempt from this section if the motorist is diagnosed by a physician as having a disease or disorder, including, but not limited to, albinism or lupus, for which the physician determines it is in the best interest of the motorist to be exempt from the requirements of this section. The motorist shall carry in his or her motor vehicle a physician's certification.

(2) The installation of tinted glass shall be exempt from this section if the tinted glass is installed in the motor vehicle of a person exempted under this subsection, as evidenced by a physician's certification.

(f) The provisions of this section shall not be applicable to vehicles or operators of vehicles used exclusively or primarily for the transportation of dead human bodies.

(g) Any installer of motor vehicle glass tinting material who installs any glass tinting in violation of this section or otherwise violates the provisions of this section or any person operating any motor

vehicle with glass tinting or other after-market alteration of the glass in the vehicle which is contrary to the provisions of this section shall be guilty of a Class B misdemeanor.

(h) The provisions of this section shall also apply to:

(1) All 1993 and older model vehicles which have not had after-market tinting material applied in accordance with Acts 1991, No. 563 [repealed], or Acts 1991, No. 1043 [repealed]; and

(2) At such time as the ownership of the same are transferred, all older model vehicles which have had after-market tinting material applied in accordance with Acts 1991, No. 563 [repealed], or Acts 1991, No. 1043 [repealed].

(i) Notwithstanding any other provision of this section or any other law to the contrary, windshields of law enforcement vehicles may be tinted to the extent that the windshield permits at least fifty percent (50%) net light transmission.

(j) This section does not apply to a sedan under § 27-37-307.

History. Acts 1993, No. 967, §§ 1, 2; 1997, No. 143, § 1; 2011, No. 1141, § 1.

27-37-307. Window tinting on chauffeur-driven sedans.

(a)(1) As used in this section, "sedan" means a motor vehicle that:

(A) Has been licensed as an automobile for hire under § 27-14-601(a)(2);

(B) Accommodates a minimum of three (3) rear passengers; and

(C) Is chauffeur-driven.

(2) A sedan is not a taxicab or van.

(b) A sedan that is licensed as an automobile for hire may have the following window tinting:

(1) On the rear passenger doors of the motor vehicle, tinting that results in at least fifteen percent (15%) net light transmission, and on the rear windshield of the motor vehicle, tinting that results in at least ten percent (10%) net light transmission;

(2) A strip of window tinting material applied to the top edge of the front windshield, known in the industry as an "eyebrow", if the tinting results in at least ten percent (10%) net light transmission; and

(3) Window tinting on the front passenger doors that results in at least twenty-five percent (25%) net light transmission.

(c) A sedan in compliance with this section is exempt from § 27-37-306.

(d)(1) Except as provided under subdivision (d)(2) of this section, a person or entity that owns a sedan with window tinting under this section shall remove the tinting allowed under this section and return it to compliance with § 27-37-306 when the sedan is:

(A) Sold to another person or entity that is not in the business of renting automobiles for hire; and

(B) No longer expected to be used as a sedan for hire.

(2) If the window tinting is not a film but an actual tinting of the glass, subsection (d)(1) of this section does not apply.

History. Acts 2011, No. 1141, § 2.

Subchapter 4 — Tires

SECTION.

27-37-401. Only pneumatic rubber tires permitted — Exceptions — Special permits.
27-37-402. Metal studded tires lawful during prescribed period.

27-37-401. Only pneumatic rubber tires permitted — Exceptions — Special permits.

(a)(1) The wheels of all motor vehicles, including trailers and semitrailers, shall be equipped with pneumatic rubber tires.

(2) Nonpneumatic or solid rubber tire mountings shall not be permitted.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberances of any material except rubber which projects beyond the tread of the traction surface of the tire, with the following exceptions:

(1) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway;

(2) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety; and

(3) It shall be permissible to use metal studded tires as prescribed in § 27-37-402.

(d) The State Highway Commission and local authorities, in their respective jurisdictions and at their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this subchapter.

History. Acts 1937, No. 300, § 129; Pope's Dig., § 6789; Acts 1969, No. 95, § 1; A.S.A. 1947, § 75-731.

27-37-402. Metal studded tires lawful during prescribed period.

(a) It is lawful to use metal studded tires with studs protruding not more than one-sixteenth inch (1/16″) from the surface of the rubber tread on motor vehicles operated on the public highways of this state during the period from November 15 of each year until April 15 of the following year.

(b) If the United States Congress shall enact legislation, or if any agency of the federal government shall adopt regulations prohibiting the use of metal studded tires on motor vehicles operated on the public highways, the provisions of this section authorizing the use of metal studded tires shall terminate. Thereafter, it shall be unlawful to use metal studded tires on vehicles operated on the public highways of this state at any time.

(c)(1) It is unlawful for any person to operate any motor vehicle equipped with metal studded tires upon the highways of this state at any time other than the period prescribed in subsection (a) of this section.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00).

History. Acts 1977, No. 94, §§ 1-3; A.S.A. 1947, §§ 75-731.1 — 75-731.3.

Subchapter 5 — Brakes

SECTION.
27-37-501. Equipment required.
27-37-502. Performance ability.
27-37-503. [Repealed.]

27-37-501. Equipment required.

(a)(1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels.

(2) If these two (2) separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(b) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(c)(1) Every trailer or semitrailer of a gross weight of three thousand pounds (3,000 lbs.) or more when operated upon a highway shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab.

(2) The brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle, the brakes shall be automatically applied.

(d)(1)(A) Every new motor vehicle, trailer, or semitrailer sold in the state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle.

(B) Any semitrailer of less than one thousand five hundred pounds (1,500 lbs.) gross weight need not be equipped with brakes.

(2) Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except, when the vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) axle need not be equipped with brakes.

(e)(1) Every singly driven motor vehicle and every combination of motor vehicles shall, at all times, be equipped with a parking brake or brakes adequate to hold the vehicle or combination on any grade on which it is operated, under any conditions of loading, on a surface free from ice or snow.

(2)(A) The parking brake or brakes shall, at all times, be capable of being applied in conformance with the requirements of subdivision (e)(1) of this section by either the driver's muscular effort, by spring action, or by other energy.

(B) If other energy is depended on for application of the parking brake, then an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake.

(3) The parking brake or brakes shall be so designed, constructed, and maintained that when once applied, they shall remain in the applied condition with the required effectiveness despite exhaustion of any source of energy or leakage of any kind and so that they cannot be released unless adequate energy is available upon release of such brake or brakes to make immediate further application with the required effectiveness.

(f) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(g) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

History. Acts 1937, No. 300, § 124; Pope's Dig., § 6784; Acts 1959, No. 307, § 51; 1965, No. 566, §§ 1, 2; A.S.A. 1947, § 75-724.

27-37-502. Performance ability.

(a) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service or foot brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated in this section for its classification;

(2) Decelerating in a stop from not more than twenty (20) miles per hour at not less than the feet-per-second tabulated in this section for its classification; and

(3) Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated in this section for its classification, the distance to be mea-

sured from the point at which movement of the service brake pedal or control begins.

1	2	3	4
Classification of vehicles and combinations	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Brake system application and braking per second
Passenger vehicles, not including buses	52.8%	17	25
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than ten thousand pounds (10,000 lbs.)	43.5%	14	30
Single-unit two-axle vehicles with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more, and buses not having a manufacturer's gross vehicle weight rating	43.5%	14	40
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more	43.5%	14	50

(b) Tests for deceleration and stopping distance shall be made on a substantially level, which is not to exceed plus or minus one percent (1%) grade, and dry, smooth, hard surface that is free from loose material.

History. Acts 1937, No. 300, § 124; Pope's Dig., § 6784; Acts 1959, No. 307, § 51; 1965, No. 566, § 1; A.S.A. 1947, § 75-724.

27-37-503. [Repealed.]

Publisher's Notes. This section, concerning the exemption of certain trailers from requirements, was repealed by Acts 1991, No. 32, § 1. The section was derived from Acts 1971, No. 141, § 1; A.S.A. 1947, § 75-724.1.

Subchapter 6 — Mufflers

SECTION.
27-37-601. Noise or smoke producing devices prohibited.
27-37-602. Cutouts prohibited.

27-37-601. Noise or smoke producing devices prohibited.

(a) Every motor vehicle shall, at all times, be equipped with a factory-installed muffler or one duplicating factory specifications, in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke.

(b) No person shall use on a motor vehicle upon the public roads, highways, streets, or alleys of this state, nor shall any person sell for use on a motor vehicle upon the public roads, highways, streets, or alleys of this state, a muffler, other than as defined in subsection (a) of this section, cutout, bypass, similar device, or any type device which produces excessive or unusual noise or smoke.

History. Acts 1937, No. 300, § 126; Pope's Dig., § 6786; Acts 1959, No. 219, § 1; A.S.A. 1947, § 75-726.

27-37-602. Cutouts prohibited.

(a) The sale or use of cutouts on any motor-driven vehicle while on the public roads, highways, streets, and alleys of Arkansas is prohibited.

(b) Any person found guilty in any court of Arkansas of violating this section, in whole or in part, shall be deemed guilty of a misdemeanor and subject to a fine of not less than ten dollars ($10.00) nor more than five hundred dollars ($500).

History. Acts 1927, No. 185, §§ 1, 2; Pope's Dig., §§ 3526, 3527; A.S.A. 1947, §§ 75-727, 75-728.

Subchapter 7 — Mandatory Seat Belt Use

SECTION.
27-37-701. Definitions.
27-37-702. Seat belt use required — Applicability of subchapter.
27-37-703. Effect of noncompliance.
27-37-704. [Repealed.]
27-37-705. Reduction of fine.
27-37-706. Penalties — Court costs.
27-37-707. Traffic violation report and driver's license suspension.

27-37-701. Definitions.

As used in this subchapter:

(1) "Motor vehicle" means any motor vehicle, except a school bus, church bus, and other public conveyance, which is required by federal law or regulation to be equipped with a passenger restraint system; and

(2) "Seat belt" means any passenger restraint system as defined by the Department of Arkansas State Police, except that, until such time as the Arkansas State Police has promulgated regulations defining "seat belt", the term means any passenger restraint system which meets the federal requirements contained in 49 C.F.R. § 571.208.

History. Acts 1991, No. 562, § 1.

27-37-702. Seat belt use required — Applicability of subchapter.

(a) Each driver and front seat passenger in any motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat belt properly secured to the vehicle.

(b) This subchapter shall not apply to the following:

(1) Passenger automobiles manufactured before July 1, 1968, and all other motor vehicles manufactured before January 1, 1972;

(2) Passengers and drivers with a physical disability that contraindicates the use of a seat belt, and which condition is certified by a physician who states the nature of the disability as well as the reason the use of a seat belt is inappropriate;

(3) Children who require protection and are properly restrained under The Child Passenger Protection Act, § 27-34-101 et seq.; and

(4) Drivers who are rural letter carriers of the United States Postal Service while performing their duties as rural letter carriers.

(c) Except as provided in subdivision (b)(4), each driver or passenger who is seated in a wheelchair in a motor vehicle shall:

(1) Wear a properly adjusted and fastened seat belt properly secured to the wheelchair; and

(2) Have the wheelchair properly secured in the motor vehicle.

History. Acts 1991, No. 562, §§ 2, 3; 1997, No. 208, § 34; 2003, No. 764, § 1; 2003, No. 1776, § 1.

27-37-703. Effect of noncompliance.

(a)(1) The failure of an occupant to wear a properly adjusted and fastened seat belt shall not be admissible into evidence in a civil action.

(2) Provided, that evidence of such failure may be admitted in a civil action as to the causal relationship between noncompliance and the injuries alleged, if the following conditions have been satisfied:

(A) The plaintiff has filed a products liability claim other than a claim related to an alleged failure of a seat belt;

(B) The defendant alleging noncompliance with this subchapter shall raise this defense in its answer or timely amendment thereto in accordance with the rules of civil procedure; and

(C) Each defendant seeking to offer evidence alleging noncompliance has the burden of proving:

(i) Noncompliance;

(ii) That compliance would have reduced injuries; and

(iii) The extent of the reduction of such injuries.

(b)(1) Upon request of any party, the trial judge shall hold a hearing out of the presence of the jury as to the admissibility of such evidence in accordance with the provisions of this section and the rules of evidence.

(2) The finding of the trial judge shall not constitute a finding of fact, and the finding shall be limited to the issue of admissibility of such evidence.

History. Acts 1991, No. 562, § 5; 1993, No. 1086, § 1; 1995, No. 1118, § 1.

27-37-704. [Repealed.]

Publisher's Notes. This section, concerning inspection for compliance, was repealed by Acts 2009, No. 308, § 2. The section was derived from Acts 1991, No. 562, § 4.

27-37-705. Reduction of fine.

(a) When a motor vehicle operator is stopped by a law enforcement officer and the law enforcement officer notes that the provisions of this subchapter have not been violated, any fine levied for a moving traffic violation against the motor vehicle operator as a result of being stopped shall be reduced by ten dollars ($10.00) as an incentive to comply with this subchapter.

(b) Subsection (a) of this section shall not apply to fines levied for traffic offenses classified as misdemeanors.

History. Acts 1991, No. 562, § 8; 1995, No. 1118, § 2; 2003, No. 1765, § 36; 2009, No. 633, § 22.

27-37-706. Penalties — Court costs.

(a) Any person who violates this subchapter shall be subject to a fine not to exceed twenty-five dollars ($25.00).

(b) When a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, no court costs pursuant to § 16-10-305 or other costs or fees shall be assessed.

History. Acts 1991, No. 562, § 7; 2005, No. 1934, § 23.

27-37-707. Traffic violation report and driver's license suspension.

The Office of Driver Services shall not:

(1) Include in the traffic violation report of any person any conviction arising out of a violation of this subchapter;

(2) Use or accumulate a violation of this subchapter to suspend or revoke the driver's license of any person as an habitual violator of traffic laws; or

(3) Use a violation of this subchapter in any other way under the administrative authority of the office to suspend or revoke a driver's license.

History. Acts 1995, No. 1118, § 3; 2009, No. 308, § 3.

Subchapter 8 — Eric's Law: The Nitrous Oxide Prohibition Act

SECTION.

27-37-801. Title.
27-37-802. Definitions.
27-37-803. Use prohibited.

27-37-801. Title.

This subchapter shall be known and may be cited as "Eric's Law: The Nitrous Oxide Prohibition Act".

History. Acts 2005, No. 1568, § 1.

27-37-802. Definitions.

As used in this subchapter:

(1)(A) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground.

(B) "Motorcycle" does not include a tractor;

(2) "Nitrous oxide" means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle; and

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

History. Acts 2005, No. 1568, § 1.

27-37-803. Use prohibited.

(a)(1) Except as provided under subdivision (a)(2) of this section, a person shall not operate a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide on a street or highway.

(2) This section shall not prohibit:

(A) A person from operating a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide if the system supplying nitrous oxide is made inoperative by:

(i) Disconnecting the line feeding nitrous oxide to the engine; or

(ii) Removing the container or containers of nitrous oxide from the motor vehicle or motorcycle; or

(B) A person from operating a tow vehicle or a recreational vehicle that is equipped to supply the engine with nitrous oxide.

(b) A person who violates the provisions of this section is guilty of a Class C misdemeanor.

History. Acts 2005, No. 1568, § 1.

CHAPTER 38

AUTOMOTIVE FLUIDS REGULATION

SUBCHAPTER.

1. Antifreeze.
2. Brake Fluid.

Subchapter 1 — Antifreeze

SECTION.

27-38-101. Definitions.
27-38-102. Penalty.
27-38-103. Certain sales exempted.
27-38-104. Regulation of disposition — Markings required.
27-38-105. Record of deliveries — Exception.

27-38-101. Definitions.

As used in this subchapter:

(1) "Methanol" means the products commonly known as methanol and methyl alcohol, wood alcohol, wood naphtha, methyl hydroxide, and methyl hydrate; and

(2) "Person" means natural persons, partnerships, associations, and corporations.

History. Acts 1931, No. 165, § 4; Pope's Dig., § 3456; A.S.A. 1947, § 75-1304.

27-38-102. Penalty.

Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be fined any sum not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200).

History. Acts 1931, No. 165, § 5; Pope's Dig., § 3457; A.S.A. 1947, § 75-1305.

27-38-103. Certain sales exempted.

Nothing contained in this subchapter shall be construed to apply to sales of methanol by or to pharmacists or to sales by the manufacturer or dealer of methanol directly to other manufacturers for manufacturing purposes.

History. Acts 1931, No. 165, § 3; Pope's Dig., § 3455; A.S.A. 1947, § 75-1303.

27-38-104. Regulation of disposition — Markings required.

It shall be unlawful for any person to sell, offer for sale, give away, or transfer to another person any article commonly known as antifreeze containing in excess of ten percent (10%) methanol, unless the following provisions are complied with:

(1) It shall be distinctively colored, so that by its appearance it cannot be confused with potable alcohol;

(2) It shall contain an emetic or such warning substance or substances as the United States Public Health Service may recommend; and

(3) All containers of quantities less than tank car lots shall be plainly marked on the outside with a stencil or label securely attached, which bears the word "METHANOL" in red ink in letters at least one-half inch (½″) in height, and below or adjacent to the word "METHANOL" shall also be in red ink the skull and crossbones symbol and the words "Poison, methanol is a violent poison, it cannot be made nonpoisonous. If taken internally may cause blindness and death."

History. Acts 1931, No. 165, § 1; Pope's Dig., § 3453; A.S.A. 1947, § 75-1301.

27-38-105. Record of deliveries — Exception.

(a) It shall be unlawful for any person conducting a store, garage, filling station, or other place selling antifreeze mixtures or compounds at retail, or any of the employees of such persons, to sell, offer for sale, give away, or transfer to another person any antifreeze mixture or compound containing in excess of ten percent (10%) methanol or any ethyl alcohol, in quantities less than fifty gallon (50 gal.) drum lots,

unless before delivery is made there is recorded in a book kept for that purpose:

(1) Date of sale;

(2) Name and address of person to whom sold;

(3) Article and quantity delivered;

(4) Purpose for which it is to be used; and

(5) Name of person making sale.

(b) The record is to be kept for inspection by the State Board of Health and its duly authorized representatives for a period of three (3) years from the date of the last record made of a sale.

(c)(1) No record shall be necessary when the antifreeze mixture or compound shall be placed in an automobile radiator by the vendor at the time and place of sale and when it is apparent that the mixture or compound is intended for antifreeze purposes.

(2) An automobile radiator shall not be construed to mean a container under the provisions of this subchapter.

History. Acts 1931, No. 165, § 2; Pope's Dig., § 3454; A.S.A. 1947, § 75-1302.

Subchapter 2 — Brake Fluid

SECTION.

27-38-201. Violations.
27-38-202. Conformity to specifications required.
27-38-203. Establishment of specifications.
27-38-204. Label requirements.

27-38-201. Violations.

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

History. Acts 1957, No. 116, § 3; A.S.A. 1947, § 75-1308.

27-38-202. Conformity to specifications required.

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

History. Acts 1957, No. 116, § 1; A.S.A. 1947, § 75-1306.

27-38-203. Establishment of specifications.

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

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

(b)(1) The director shall give notice of the minimum standards of hydraulic brake fluid adopted by him or her by inserting the notice in some newspaper of general circulation in this state.

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

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

History. Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.

27-38-204. Label requirements.

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

History. Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.

CHAPTERS 39-48

[Reserved]

SUBTITLE 4. MOTOR VEHICULAR TRAFFIC

CHAPTER 49

GENERAL PROVISIONS

SUBCHAPTER.

1. Title, Applicability, and Construction Generally.

SUBCHAPTER.
2. DEFINITIONS.

SUBCHAPTER 1 — TITLE, APPLICABILITY, AND CONSTRUCTION GENERALLY

SECTION.
27-49-101. Title.
27-49-102. Applicability to operation on highways — Exceptions.
27-49-103. Construction.
27-49-104. Penalty.
27-49-105. Provisions to be uniform.
27-49-106. Powers of local authorities.
27-49-107. Obedience to police officers required.
27-49-108. Governmental personnel subject generally.
27-49-109. Drivers of authorized emergency vehicles.
27-49-110. Persons working on highway surfaces.
27-49-111. Use of bicycles or animals.
27-49-112. No interference with rights of real property owners.

27-49-101. Title.

This act may be cited as the "Uniform Act Regulating Traffic on Highways of Arkansas".

History. Acts 1937, No. 300, § 162; Pope's Dig., § 6822; A.S.A. 1947, § 75-1015.

27-49-102. Applicability to operation on highways — Exceptions.

The provisions of this subtitle relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of §§ 27-50-307, 27-50-308, 27-53-101 — 27-53-105, and 27-53-201 — 27-53-208 shall apply upon highways and elsewhere throughout the state.

(3) Where the owner of a private roadway within a planned community in Arkansas grants express permission for the state and local law enforcement authorities to enter on and to enforce the provisions of this subtitle and other traffic laws of the state or local authorities on those private roadways in the planned community.

History. Acts 1937, No. 300, § 20; Pope's Dig., § 6678; A.S.A. 1947, § 75-420; Acts 1994 (2nd Ex. Sess.), No. 32, § 1.

27-49-103. Construction.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law.

History. Acts 1937, No. 300, § 161; Pope's Dig., § 6821; A.S.A. 1947, § 75-1014.

27-49-104. Penalty.

Unless otherwise declared in this act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this act.

History. Acts 1937, No. 300, § 21; Pope's Dig., § 6679; A.S.A. 1947, § 75-421.

27-49-105. Provisions to be uniform.

The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein.

History. Acts 1937, No. 300, § 25; Pope's Dig., § 6683; A.S.A. 1947, § 75-425.

27-49-106. Powers of local authorities.

(a)(1) No local authority shall enact or enforce any rule or regulation in conflict with the provisions of this subtitle unless expressly authorized in this subtitle.

(2) Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this subtitle.

(3) Local authorities may enact and enforce traffic rules and regulations which are not in conflict with the provisions of this subtitle for private roadways but only after being granted express permission by the owner of the private roadway within the planned community.

(b) The provisions of this subtitle shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) Regulating the standing or parking of vehicles, including the ability to establish districts for the purpose of limiting the time, place, and manner of public parking in designated areas;

(2) Regulating traffic by means of police officers or traffic control signals;

(3) Regulating or prohibiting processions or assemblages on the highways;

(4) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

(5) Regulating the speed of vehicles in public parks;

(6) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing it or designating any intersection as a stop intersection and requiring all vehicles to stop at one (1) or more entrances to the intersection;

(7) Restricting the use of highways as authorized in §§ 27-35-101 — 27-35-111; and

(8) Regulating or prohibiting the traffic from and use of mopeds, three-wheeled vehicles, and other similar vehicles.

(c) No ordinance or regulation enacted under subdivision (b)(1), (4), (5), (6), or (7) of this section shall be effective until signs giving notice of local traffic

regulations are posted upon or at the entrances to the highways or parts affected, as may be most appropriate.

(d) No provision of this subtitle, of other state traffic laws, or of any local traffic ordinance or regulation enacted under authority of subdivision (a)(3) of this section shall be effective on a private roadway of a planned community until signs giving notice of the owner's grant of permission to enforce those state and local traffic regulations are posted upon or at the entrances to the planned community's private roadways or affected parts thereof.

History. Acts 1937, No. 300, §§ 25, 26; Pope's Dig., §§ 6683, 6684; Acts 1983, No. 405, § 1; A.S.A. 1947, §§ 75-425, 75-426; Acts 1994 (2nd Ex. Sess.), No. 32, § 2; 1999, No. 1199, § 1.

27-49-107. Obedience to police officers required.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

History. Acts 1937, No. 300, § 22; Pope's Dig., § 6680; A.S.A. 1947, § 75-422.

27-49-108. Governmental personnel subject generally.

The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of this state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

History. Acts 1937, No. 300, § 23; Pope's Dig., § 6681; A.S.A. 1947, § 75-423.

27-49-109. Drivers of authorized emergency vehicles.

(a) The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(b) No driver of any authorized emergency vehicle shall assume any special privilege under this act except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

History. Acts 1937, No. 300, § 23; Pope's Dig., § 6681; A.S.A. 1947, § 75-423.

27-49-110. Persons working on highway surfaces.

The provisions of this act shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

History. Acts 1937, No. 300, § 23; Pope's Dig., § 6681; A.S.A. 1947, § 75-423.

27-49-111. Use of bicycles or animals.

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon a highway, shall have all the rights and all of the duties applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no applicability.

History. Acts 1937, No. 300, § 24; Pope's Dig., § 6682; Acts 1981, No. 699, § 1; A.S.A. 1947, § 75-424.

27-49-112. No interference with rights of real property owners.

(a) Nothing in this subtitle shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel, by permission of the owner and not as matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this subtitle, or otherwise regulating such use as may seem best to such owner.

(b) Nothing in this subtitle shall be construed to prevent the owner of a private roadway in a planned community, having granted express permission for the state and local law enforcement authorities to enter on and to enforce the state and local traffic laws, from revoking the permission and notifying the state and local authorities of the revocation of the permission.

History. Acts 1937, No. 300, § 27; Pope's Dig., § 6685; A.S.A. 1947, § 75-427; Acts 1994 (2nd Ex. Sess.), No. 32, § 3.

Subchapter 2 — Definitions

SECTION.

27-49-201. Definitions generally.
27-49-202. Administration.
27-49-203. Business and residence districts.
27-49-204. Crosswalk.
27-49-205. Explosives and flammable liquid.
27-49-206. Intersection.
27-49-207. Local authorities.
27-49-208. Persons.
27-49-209. Police officer.
27-49-210. Rail carriers.
27-49-211. Right-of-way.
27-49-212. Roadways.
27-49-213. Safety zones.
27-49-214. Tires.
27-49-215. Tractors.

SECTION.
27-49-216. Traffic.
27-49-217. Traffic signals and devices.
27-49-218. Trailers.
27-49-219. Vehicles.

27-49-201. Definitions generally.

As used in this act, the following words and phrases shall have the meanings respectively ascribed to them in this subchapter, unless the context otherwise requires.

History. Acts 1937, No. 300, § 1; Pope's Dig., § 6659; A.S.A. 1947, § 75-401.

27-49-202. Administration.

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

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

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

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

History. Acts 1937, No. 300, § 8; Pope's Dig., § 6666; A.S.A. 1947, § 75-408.

27-49-203. Business and residence districts.

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

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

History. Acts 1937, No. 300, § 16; Pope's Dig., § 6674; A.S.A. 1947, § 75-416.

27-49-204. Crosswalk.

"Crosswalk" means:

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

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

History. Acts 1937, No. 300, § 14; Pope's Dig., § 6672; A.S.A. 1947, § 75-414.

27-49-205. Explosives and flammable liquid.

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

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

History. Acts 1937, No. 300, § 7; Pope's Dig., § 6665; A.S.A. 1947, § 75-407.

27-49-206. Intersection.

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

History. Acts 1937, No. 300, § 13; Pope's Dig., § 6671; A.S.A. 1947, § 75-413.

27-49-207. Local authorities.

"Local authorities" means every county, municipal, or other local board or body having authority to adopt local police regulations under the Constitution and laws of this state.

History. Acts 1937, No. 300, § 11; Pope's Dig., § 6669; A.S.A. 1947, § 75-411.

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.

History. Acts 1937, No. 300, § 9; Pope's Dig., § 6667; A.S.A. 1947, § 75-409.

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.

History. Acts 1937, No. 300, § 10; Pope's Dig., § 6668; A.S.A. 1947, § 75-410.

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.

History. Acts 1937, No. 300, § 6; Pope's Dig., § 6664; A.S.A. 1947, § 75-406.

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

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

History. Acts 1937, No. 300, § 19; Pope's Dig., § 6677; A.S.A. 1947, § 75-419.

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 ordinarily used for vehicular travel.

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

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

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

History. Acts 1937, No. 300, § 12; Pope's Dig., § 6670; Acts 1959, No. 307, § 4; A.S.A. 1947, § 75-412; Acts 2011, No. 780, § 1.

27-49-213. Safety zones.

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

History. Acts 1937, No. 300, § 15; Pope's Dig., § 6673; A.S.A. 1947, § 75-415.

27-49-214. Tires.

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

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

History. Acts 1937, No. 300, § 5; Pope's Dig., § 6663; A.S.A. 1947, § 75-405; Acts 2011, No. 780, § 2.

27-49-215. Tractors.

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

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

History. Acts 1937, No. 300, § 3; Pope's Dig., § 6661; A.S.A. 1947, § 75-403; Acts 2011, No. 780, § 3.

27-49-216. Traffic.

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

History. Acts 1937, No. 300, § 18; Pope's Dig., § 6676; A.S.A. 1947, § 75-418.

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.

History. Acts 1937, No. 300, § 17; Pope's Dig., § 6675; A.S.A. 1947, § 75-417.

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.

History. Acts 1937, No. 300, § 4; Pope's Dig., § 6662; Acts 1959, No. 307, §§ 6, 7; A.S.A. 1947, § 75-404.

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:

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

(i) Blue lights; or

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

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

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

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

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

(D)(i) Motor vehicles utilized as wreckers or tow vehicles permitted or licensed under § 27-50-1203 may be equipped with amber flashing or rotating emergency or warning lights that shall not qualify them as emergency vehicles, but which shall only during hazardous uses display their amber flashing or rotating emergency or warning lights in order that other motorists and the public may be aware of the special or hazardous use of the wreckers or tow vehicles and exercise caution in approaching the wreckers or tow vehicles at all times while the amber flashing or rotating emergency or warning lights are in operation. Unless otherwise directed by a law enforcement officer, a wrecker or tow vehicle shall conform to regular signals and speed limits during its operation. In addition to amber flashing or rotating emergency or warning lights, wreckers or tow vehicles that respond to highway emergencies may be equipped with red flashing or rotating emergency or warning lights.

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

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

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

(A) Owned by a public or a governmental agency or a private school and operated for the

transportation of students to or from school or school-sponsored activities; or

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

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

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

(B) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

History. Acts 1937, No. 300, § 2; Pope's Dig., § 6660; Acts 1973, No. 155, § 1; A.S.A. 1947, § 75-402; Acts 1993, No. 1010, § 2; 1995, No. 123, § 2; 1995, No. 753, § 1; 2007, No. 999, § 5; 2007, No. 1412, § 3; 2009, No. 689, § 20; 2011, No. 780, § 4.

CHAPTER 50

PENALTIES AND ENFORCEMENT

SUBCHAPTER.

1. General Provisions.
2. Enforcement Generally.
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5. Traffic Citations.
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Subchapter 1 — General Provisions

SECTION.

27-50-101. Operation of vehicles contrary to law prohibited.
27-50-102. Parties guilty of acts declared to be crimes.

27-50-101. Operation of vehicles contrary to law prohibited.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.

History. Acts 1937, No. 300, § 153; Pope's Dig., § 6813; A.S.A. 1947, § 75-1006.

27-50-102. Parties guilty of acts declared to be crimes.

(a) Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this act to be a crime, whether individually or in connection with one (1) or more other persons or as principal, agent, or accessory, shall be guilty of the offense.

(b) Every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this act is likewise guilty of the offense.

History. Acts 1937, No. 300, § 152; Pope's Dig., § 6812; A.S.A. 1947, § 75-1005.

Subchapter 2 — Enforcement Generally

SECTION.

27-50-201. Provisions deemed cumulative.
27-50-202. Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department — Creation.
27-50-203. Appointment of director.
27-50-204. Division employees.
27-50-205. Power and authority of division.

27-50-201. Provisions deemed cumulative.

This subchapter shall be cumulative to the laws in force relating to the functions and duties imposed upon the Department of Arkansas State Police under the provisions of Acts 1953, No. 122, and acts amendatory thereto. It shall also be cumulative to laws in effect which were in effect prior to the enactment of Acts 1953, No. 122, which imposed duties upon the Arkansas State Highway and Transportation Department and the Director of the Department of Finance and Administration, which were transferred to the Department of Arkansas State Police under the provisions of Acts 1953, No. 122, as amended.

History. Acts 1963, No. 125, § 2; A.S.A. 1947, § 75-1022.7.

27-50-202. Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department — Creation.

The Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department is created.

History. Acts 1963, No. 125, § 1; 1979, No. 720, § 1; A.S.A. 1947, §§ 75-1022.6, 75-1022.10; Acts 2007, No. 827, § 237.

27-50-203. Appointment of director.

The State Highway Commission shall appoint a Director of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department who shall serve at the pleasure of the commission.

History. Acts 1963, No. 125, § 4; A.S.A. 1947, § 75-1022.9.

27-50-204. Division employees.

(a)(1) The State Highway Commission shall establish rules and regulations governing employees of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

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

(b) Employees of the division may be required to wear some type of regalia or uniform identifying the employees as members of the division.

(c) All moneys coming into the hands of the employees in the enforcement of revenue laws shall be subject to regulations and procedures as the Director of the Department of Finance and Administration shall direct.

History. Acts 1963, No. 125, § 4; A.S.A. 1947, § 75-1022.9.

27-50-205. Power and authority of division.

(a) The Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department shall have the power and authority to enforce all laws pertaining to the unlawful operation of motor vehicles over the highways of this state.

(b) This responsibility shall include, but not be limited to, a full responsibility along with the Department of Arkansas State Police and the Arkansas Transportation Commission [abolished] for enforcement of the Hazardous Materials Transportation Act of 1977, § 27-2-101 et seq., and the rules and regulations promulgated thereunder.

History. Acts 1979, No. 720, § 2; A.S.A. 1947, § 75-1022.11.

Subchapter 3 — Offenses and Penalties Generally

SECTION.

27-50-301. Applicability of criminal code.
27-50-302. Classification of traffic violations.
27-50-303. Violations involving drivers' licenses.
27-50-304. Penalties for misdemeanors.
27-50-305. Penalty for violation of 1959 amendatory act.
27-50-306. Additional penalties on conviction of moving traffic violations.
27-50-307. Negligent homicide.
27-50-308. Reckless driving.
27-50-309. Racing or observing a drag race as a spectator on a public highway.
27-50-310. Use of officially designated school bus colors or words "school bus" unlawful.
27-50-311. Penalties for large trucks exceeding speed limits.

27-50-301. Applicability of criminal code.

Any moving traffic law violation not enumerated in § 27-50-302 shall be known as a violation as defined in §§ 5-1-105 and 5-1-108, and shall be punishable as provided under § 5-4-201.

History. Acts 1977, No. 417, § 1; A.S.A. 1947, § 75-1053; Acts 1993, No. 403, § 25.

27-50-302. Classification of traffic violations.

(a) The following traffic law violations shall be known as offenses and classified as indicated:

(1) Racing on a public highway — Class A misdemeanor;

(2) Reckless driving — Class B misdemeanor;

(3) Driving with lights off to avoid detection, identification, or apprehension — Class B misdemeanor;

(4) Hazardous driving — Class C misdemeanor;

(5) Leaving the scene of an accident involving property damage only — Class C misdemeanor;

(6) Driving the wrong way on a one-way street — Class C misdemeanor;

(7) Speeding in excess of fifteen miles per hour (15 m.p.h.) over the posted speed limit — Class C misdemeanor;

(8) Using nitrous oxide in a motor vehicle or motorcycle on a street or highway as prohibited under § 27-37-803 — Class C misdemeanor; and

(9) Observing a drag race as a spectator on a public highway — Class B misdemeanor.

(b) More than three (3) violations in a twelve-month period — Class C misdemeanor.

History. Acts 1977, No. 417, § 3; 1981, No. 918, § 2; 1983, No. 549, § 18; 1985, No. 1078, § 2; A.S.A. 1947, § 75-1055; Acts 2005, No. 1568, § 2; 2009, No. 826, § 1.

27-50-303. Violations involving drivers' licenses.

The following nonmoving traffic law violations shall be classified as follows:

(1) Possession of a counterfeit driver's license or a deliberately altered driver's license — Class A misdemeanor; and

(2) Making a false statement to the Director of the Department of Finance and Administration to obtain a driver's license — Class A misdemeanor as defined under § 5-53-103 of the Arkansas Criminal Code.

History. Acts 1977, No. 417, §§ 2, 4; A.S.A. 1947, §§ 75-1054, 75-1056.

27-50-304. Penalties for misdemeanors.

(a) It is a misdemeanor for any person to violate any of the provisions of this act unless the violation is by this act or other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall:

(1) For a first conviction, be punished by a fine of not more than one hundred dollars ($100) or by imprisonment for not more than ten (10) days;

(2) For a second conviction within one (1) year thereafter, the person shall be punished by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than twenty (20) days, or by both fine and imprisonment; and

(3) Upon a third or subsequent conviction within one (1) year after the first conviction, the person shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

History. Acts 1937, No. 300, § 151; Pope's Dig., § 6810; A.S.A. 1947, § 75-1004.

27-50-305. Penalty for violation of 1959 amendatory act.

(a) Any person violating any of the provisions of this act shall be guilty of a misdemeanor, unless the violation is by this act or other law of this state declared to be a felony.

(b) Upon conviction, an offender shall be punished:

(1) For a first conviction, by a fine of not more than one hundred dollars ($100) or by imprisonment for not more than ten (10) days;

(2) For a second conviction within one (1) year thereafter, by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than twenty (20) days, or by both fine and imprisonment; and

(3) For a third or subsequent conviction within one (1) year after the first conviction, by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

History. Acts 1959, No. 307, § 54; A.S.A. 1947, § 75-1037.

27-50-306. Additional penalties on conviction of moving traffic violations.

In addition to the penalties provided by law, after the conviction of any person for any moving traffic violation, the trial judge or magistrate may in disposition and assessing penalty consider the previous traffic conviction record and impose the following penalties, or combination of penalties:

(1) Suspend the driver's license for any period not to exceed one (1) year; or

(2) Suspend the driver's license for any period, not to exceed one (1) year, but grant a conditional permit to drive during the suspension, by imposing conditions and restrictions not to exceed one (1) year defining circumstances under which the violator will be allowed to drive while under suspension; or

(3) Require the attendance of the violator at a driver's training school; or

(4) Require the violator to retake the driver's test, or furnish proof of adequate sight or hearing necessary for driving, or produce proof of physical or mental capacity and ability to drive; or

(5) Require minors to write themes or essays on safe driving; or

(6) Place a minor under probationary conditions, as determined by the court in its reasonable discretion, designed as a reasonable and suitable preventative and educational safeguard to prevent future traffic violations by the minor.

History. Acts 1961, No. 143, § 1; A.S.A. 1947, § 75-1038a.

27-50-307. Negligent homicide.

(a) When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle in reckless or wanton disregard of the safety of others, the person operating the vehicle shall be guilty of negligent homicide.

(b) The commissioner shall revoke the operator's or chauffeur's license of any person convicted of negligent homicide under the provisions of this section.

(c) The offense of negligent homicide shall be included in and be a lesser degree of the offense of involuntary manslaughter.

History. Acts 1937, No. 300, § 48; Pope's Dig., § 6706; Acts 1955, No. 174, § 1; A.S.A. 1947, § 75-1001.

27-50-308. Reckless driving.

(a) Any person who drives any vehicle in such a manner as to indicate a wanton disregard for the safety of persons or property is guilty of reckless driving.

(b)(1)(A) If physical injury to a person results, every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than thirty (30) days nor more than ninety (90) days or by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(B) Otherwise, every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days or a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500), or by both such fine and imprisonment.

(2)(A) For a second or subsequent offense occurring within three (3) years of the first offense, every person convicted of reckless driving shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months or by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(B) However, if the second or subsequent offense involves physical injury to a person, the person convicted shall be punished by imprison-

ment for not less than sixty (60) days nor more than one (1) year or by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

History. Acts 1937, No. 300, § 50; Pope's Dig., § 6708; Acts 1955, No. 186, § 1; A.S.A. 1947, § 75-1003; Acts 1987, No. 258, § 1.

27-50-309. Racing or observing a drag race as a spectator on a public highway.

(a) As used in this section:

(1) "Drag race" means:

(A) The operation of two (2) or more motor vehicles from a point side-by-side at accelerating speeds in a competitive attempt to outdistance each other; and

(B) The operation of one (1) or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the motor vehicle or motor vehicles within a certain distance or time limit;

(2) "Public highway" means a public road, county road, city street, or any paved or unpaved roadway that is owned or maintained by a public entity or municipality; and

(3) "Race" means the operation or use of one (1) or more motor vehicles traveling with excessive or at dangerous speeds in an attempt to:

(A) Outgain or outdistance another motor vehicle or motor vehicles;

(B) Arrive at a given destination ahead of another motor vehicle or motor vehicles; or

(C) Test the physical stamina or endurance of drivers over long-distance driving routes.

(b)(1) A person commits the crime of racing on a public highway if he or she knowingly:

(A) Commits a violation of § 27-50-302(a)(1)-(9) and operates a motor vehicle in a race or drag race on a public highway;

(B) Participates in, promotes, solicits, or collects moneys at any location for any race or drag race on a public highway; or

(C) Rides as a passenger in or on a motor vehicle in any race or drag race on a public highway.

(2) Racing on a public highway is a Class A misdemeanor.

(c)(1) A person commits the crime of observing a drag race as a spectator on a public highway if he or she with the purpose to observe a drag race on a public highway:

(A) Is knowingly present at and purposely observes the drag race or the preparation for the drag race; and

(B) Purposely demonstrates through active encouragement, assistance, facilitation, urging, or a request that the drag race commence.

(2) Observing a drag race is a Class B misdemeanor.

History. Acts 1911, No. 134, § 11, p. 94; C. & M. Dig., § 7427; Pope's Dig., § 6639; Acts 1965, No. 100, § 1; A.S.A. 1947, § 75-603; Acts 2005, No. 1568, § 3; 2009, No. 826, § 2.

27-50-310. Use of officially designated school bus colors or words "school bus" unlawful.

(a) It shall be unlawful for any person to operate a motor vehicle that formerly was but is not now a school bus or a motor vehicle similar in shape and form to a school bus upon the public highways and roads of this state when the vehicle is painted with the officially designated school bus colors or has the words "SCHOOL BUS" marked thereon.

(b) Any person violating the provisions of subsection (a) shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100).

History. Acts 1953, No. 135, §§ 1, 2; A.S.A. 1947, §§ 75-1032, 75-1033.

27-50-311. Penalties for large trucks exceeding speed limits.

(a) The General Assembly has determined that the operation of trucks, as defined in subsection (b) of this section, at high speeds creates a unique threat to the public safety of Arkansas motorists and causes substantial damage to Arkansas highways. Through enacting this section, it is the intent of the General Assembly to deter such unsafe and damaging driving practices by providing severe penalties against those persons who are determined to be guilty of violating this section.

(b) For purposes of this section, the term "truck" means any vehicle with a registered gross weight of at least twenty thousand pounds (20,000 lbs.).

(c) When the operator of any truck as defined in subsection (b) of this section pleads guilty or nolo contendere to or forfeits bond for or is found guilty of operating such vehicle at a speed in excess of five miles per hour (5 m.p.h.) over the posted or legal speed limit, the operator shall be fined fifty dollars ($50.00) for each mile per hour in excess of five miles per hour (5 m.p.h.) over the posted or legal speed limit.

(d) The fine provided for in this section is in addition to all other fines and court costs levied for the violation.

(e)(1) The circuit, district, and city courts levying and collecting the fines prescribed by this section may retain two percent (2%) of the fines as a collection fee. Any collection fee retained, pursuant to state accounting laws, shall be deposited by the tenth day of each month in the court automation fund as established by § 16-13-704 of the city or county to be used solely for court-related technology.

(2) After deducting the collection fee provided in subdivision (e)(1) of this section, the court shall remit the balance of the fines levied and collected

under this section by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit as general revenues of the state.

(f) The provisions of this section shall only apply to the operation of trucks on interstate highways or state highways that have a posted speed limit for trucks different from the posted speed limit for other motor vehicles.

History. Acts 1999, No. 1345, §§ 1-5; 2001, No. 740, § 1; 2001, No. 1809, § 7; 2003, No. 1765, § 37.

Subchapter 4 — Additional Penalty

SECTION.

27-50-401. [Repealed.]
27-50-402. Penalty mandatory.
27-50-403. Applicable only to certain cities.
27-50-404. Disposition of funds.
27-50-405. Penalties to be remitted monthly.
27-50-406. Failure to collect and remit.
27-50-407. Annual audit.
27-50-408. Fines for moving traffic violations in a highway work zone.

27-50-401. [Repealed.]

Publisher's Notes. This section, concerning penalty collected on convictions of moving traffic violation or crime, was repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No. 13, § 4. The section was derived from Acts 1963, No. 257, § 1; 1965, No. 34, § 1; 1983, No. 849, § 1; A.S.A. 1947, § 75-1039; Acts 1991, No. 904, §§ 17, 20.

27-50-402. Penalty mandatory.

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

History. Acts 1963, No. 257, § 2; A.S.A. 1947, § 75-1040.

27-50-403. Applicable only to certain cities.

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

History. Acts 1963, No. 257, § 2; A.S.A. 1947, § 75-1040; Acts 1989, No. 935, § 1.

27-50-404. Disposition of funds.

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

History. Acts 1963, No. 257, § 3; A.S.A. 1947, § 75-1041; Acts 1989, No. 935, § 2.

27-50-405. Penalties to be remitted monthly.

All penalties collected under the provisions of this subchapter shall be remitted by the collecting officials to the city treasurer, city clerk, or city recorder for deposit into the policemen's pension and relief fund or for deposit into the Arkansas Local Police and Fire Retirement System subsidy account or city general fund, on or before the fifth day of the month following the month of collection thereof in each city of the first or second class providing retirement coverage to certified police personnel.

History. Acts 1963, No. 257, § 4; A.S.A. 1947, § 75-1042; Acts 1989, No. 935, § 3.

27-50-406. Failure to collect and remit.

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

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

History. Acts 1963, No. 257, § 5; A.S.A. 1947, § 75-1043; Acts 1989, No. 935, § 4.

27-50-407. Annual audit.

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

History. Acts 1963, No. 257, § 5; A.S.A. 1947, § 75-1043.

27-50-408. Fines for moving traffic violations in a highway work zone.

(a) As used in this section, unless the context otherwise requires:

(1) "Construction personnel" means employees of the Arkansas State Highway and Transportation Department or the counties or the municipalities of

this state or any contractors of the State Highway Commission or the counties or municipalities;

(2) "Conviction" means a person who is charged with a violation of law and who pleads guilty or nolo contendere, is found guilty, or forfeits a bond in lieu of a plea or trial;

(3) "Department" means the Arkansas State Highway and Transportation Department; and

(4) "Highway work zone" means any area upon or adjacent to any highway, road, or street of this state where construction, reconstruction, maintenance, or any other type of work is being performed or is in progress by employees of the Arkansas State Highway and Transportation Department, the counties or the municipalities of this state, or any contractors of the State Highway Commission or the counties or municipalities.

(b)(1)(A)(i) In addition to the fine otherwise provided by law, after the conviction of any person for any moving traffic violation committed while the person is driving through a highway work zone in this state and if construction personnel were present in the highway work zone when the offense occurred, the trial judge shall assess an additional fine equivalent to the fine imposed by law upon that person for committing a moving traffic violation in the highway work zone.

(ii) Equivalent additional court costs pursuant to § 16-10-305 shall not be assessed.

(B) Any bond posted pursuant to a charge of committing any moving traffic violation while in a highway work zone in this state shall include the additional equivalent fine in the amount of the bond otherwise required.

(2)(A) All fines collected by the county or city official, agency, or department designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts, district courts, or city courts of this state as a result of this section shall be paid by the collecting official to the county treasurer or town or city treasurer pursuant to law.

(B) All such amounts collected in circuit court shall be remitted to the county treasurer.

(C) All amounts collected pursuant to subdivision (b)(2)(A) of this section in district court shall be paid to the county or city treasurer pursuant to § 16-17-707.

(D) All amounts collected pursuant to subdivision (b)(2)(A) of this section in city court shall be paid to the treasurer of the town or city in which the city court is located.

(E) Amounts received by the county treasurer may be used for general county purposes, and amounts received by the city treasurer may be used for general city purposes.

(c)(1) The additional fines and penalties shall not be assessed unless signs, either permanent or temporary, were present at the time of the violation in advance of the highway work zone warning the traveling public that fines are double in highway work zones.

(2) The signs shall be located no greater than one (1) mile nor less than one thousand five hundred feet (1,500') in advance of the highway work zone.

(3) Furthermore, the additional fines or penalties for speeding shall not be assessed unless signs, either permanent or temporary, are posted in advance of the highway work zone indicating the maximum speed limit to be obeyed while traveling through the highway work zone.

(4)(A) All signs authorized by this section shall conform with the Manual on Uniform Traffic Control Devices.

(B) The counties and municipalities, prior to utilizing any such signs, shall seek the advice of the Arkansas State Highway and Transportation Department in order that the signs shall be uniform throughout the state.

(C) The Arkansas State Highway and Transportation Department is authorized to develop guidelines for the counties and municipalities to achieve uniformity.

(d) Nothing contained in this section shall be construed to abrogate any of the provisions of § 12-8-106 regarding the powers of the Department of Arkansas State Police.

(e) For purposes of this section, "moving traffic violation" shall include, but not be limited to:

(1) Careless or prohibited driving;

(2) Driving while intoxicated;

(3) Underage driving under the influence;

(4) Refusal to submit;

(5) Leaving the scene of an accident;

(6) Driving with lights off;

(7) Driving on an expired, suspended, or revoked license;

(8) Improper use of lighting equipment;

(9) Failure to obey traffic control devices and signs;

(10) Failure to operate a vehicle in accordance with the rules of the road;

(11) Failure to stop and render aid;

(12) Following too closely;

(13) Driving the wrong way on a one-way street;

(14) Hazardous driving;

(15) Impeding the flow of traffic;

(16) Improper backing;

(17) Improper lane change;

(18) Improper entrance or exit to avoid an intersection;

(19) Improper towing;

(20) Improper turning;

(21) Passing a stopped school bus;

(22) Racing on the highway;

(23) Reckless driving; and

(24) Exceeding the speed limit.

History. Acts 1995, No. 893, §§ 1-4; 2001, No. 1120, § 1; 2005, No. 1934, § 24.

Subchapter 5 — Traffic Citations

SECTION.
27-50-501. Uniform form to be used.
27-50-502. Promulgation of form.
27-50-503. Bulk purchasing authorized.
27-50-504. [Repealed.]
27-50-505. Information from owner regarding operation of motor vehicle ticketed for violation.

27-50-501. Uniform form to be used.

Every law enforcement officer in this state who is authorized to issue citations for traffic law violations shall use a uniform traffic citation form prescribed by the Department of Arkansas State Police or a substantially equivalent form.

History. Acts 1971, No. 250, § 1; A.S.A. 1947, § 75-1050; Acts 2005, No. 1675, § 1.

27-50-502. Promulgation of form.

(a)(1) The Department of Arkansas State Police is authorized and directed to promulgate a uniform traffic citation form.

(2) The form so promulgated or a substantially equivalent form shall be used exclusively by all law enforcement officers and agencies in this state in issuing citations for traffic law violations.

(b) Subsection (a) of this section shall not prohibit municipalities from promulgating uniform citation forms for use in enforcement of violations of their municipal code ordinances for offenses other than moving traffic law violations.

History. Acts 1971, No. 250, § 3; A.S.A. 1947, § 75-1052; Acts 2001, No. 331, § 1; 2001, No. 1484, § 1; 2005, No. 1675, § 2.

27-50-503. Bulk purchasing authorized.

The Department of Arkansas State Police, in order to serve the convenience of local law enforcement officers, may establish procedures for the bulk purchasing of traffic forms to be sold to local law enforcement agencies at cost plus transportation charges in remitting them to local law enforcement agencies.

History. Acts 1971, No. 250, § 3; A.S.A. 1947, § 75-1052.

27-50-504. [Repealed.]

Publisher's Notes. This section, concerning the requirement that a copy of each citation be recorded, was repealed by Acts 2009, No. 456, § 18. The section was derived from Acts 1971, No. 250, § 2; A.S.A. 1947, § 75-1051; Acts 1995, No. 1296, § 95.

27-50-505. Information from owner regarding operation of motor vehicle ticketed for violation.

(a) As used in this section, unless the context otherwise requires, "police authority" means any municipal, county, or state police enforcement agency.

(b) When the registered owner of a motor vehicle receives notice from any police authority that the motor vehicle has been ticketed for a violation of any state law or municipal ordinance regulating motor vehicle operation or usage, the registered owner shall provide the notifying police authority with such information as he or she has available regarding the operation of the vehicle at the time it was ticketed, within fourteen (14) days of receipt of notice therefor.

(c) Failure or refusal of any registered owner of a motor vehicle to comply with the provisions of this section shall be a misdemeanor. Upon conviction, the person shall be subject to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00).

History. Acts 1969, No. 80, §§ 1-3; A.S.A. 1947, §§ 75-1047 — 75-1049; Acts 2011, No. 780, § 5.

Subchapter 6 — Arrest and Release

SECTION.
27-50-601. Procedure not exclusive.
27-50-602. Cases in which person arrested must be taken immediately before magistrate.
27-50-603. Release upon promise to appear.
27-50-604. [Repealed.]
27-50-605. Appearance by counsel.
27-50-606. Deposit of operator's license in lieu of bond — Issuance of receipt.
27-50-607. Receipt to serve as license — Forfeiture of license.
27-50-608. Application for duplicate license after deposit unlawful.
27-50-609. Optional posting of bond or bond card — Exception.
27-50-610. Issuance of bond card.
27-50-611. Right of qualified surety company to become surety with respect to guaranteed arrest bond certificates.
27-50-612. Guaranteed arrest bond certificates as cash bail.

27-50-601. Procedure not exclusive.

The provisions of this subchapter shall govern all police officers in making arrests without a warrant for violations of this act for offenses committed in their presence, but the procedure prescribed in this subchapter shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

History. Acts 1937, No. 300, § 157; Pope's Dig., § 6817; A.S.A. 1947, § 75-1010.

27-50-602. Cases in which person arrested must be taken immediately before magistrate.

Whenever any person is arrested for any violation of this act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate or other proper officer within the county in which the offense charged is alleged to have been

committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate;

(2) When the person is arrested and charged with an offense under this act causing or contributing to an accident resulting in injury or death to any person;

(3) When the person is arrested upon a charge of negligent homicide;

(4) When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;

(5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property; or

(6) In any other event when the person arrested refuses to give his or her promise to appear in court as provided.

History. Acts 1937, No. 300, § 154; Pope's Dig., § 6814; A.S.A. 1947, § 75-1007; Acts 2011, No. 908, § 4.

27-50-603. Release upon promise to appear.

(a) When a person is arrested for any violation of this act punishable as a misdemeanor and the person is not immediately taken before a magistrate as required, the arresting officer may issue an electronic citation or prepare in duplicate written notice to appear in court containing:

(1) The name and address of the person;

(2) The license number of his or her vehicle, if any;

(3) The offense charged; and

(4) The time when and place where the person shall appear in court, and if the officer is a bonded officer, he may require the person to post a bail bond and give receipt therefor.

(b) The time specified to appear must be at least five (5) days after the arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified to appear shall be before a magistrate:

(1) Within the township or county in which the offense charged is alleged to have been committed; and

(2) Who has jurisdiction of the offense.

(d)(1) If issued a written citation, the arrested person in order to secure release, as provided in this section, must give his or her written promise so to appear in court by signing in duplicate the written notice prepared by the arresting officer or post a bail bond as may be required by the arresting officer.

(2) If issued an electronic citation, the arrested person in order to secure release, as provided in this section, acknowledges receipt of the notice to appear in court and gives his or her promise to appear in court by acceptance of the electronic citation.

(3)(A) The original of the notice to appear and of the receipt for bail shall be retained by the officer or electronically transmitted to the court, and the copy of each delivered to the person arrested.

(B) Thereupon, the officer shall forthwith release the person arrested from custody.

(e) An officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

History. Acts 1937, No. 300, § 155; Pope's Dig., § 6815; Acts 1961, No. 446, § 1; A.S.A. 1947, § 75-1008; Acts 2011, No. 908, § 5.

27-50-604. [Repealed.]

Publisher's Notes. This section, concerning violation of promise to appear, was repealed by Acts 2009, No. 633, § 23. The section was derived from Acts 1937, No. 300, § 156; Pope's Dig., § 6816; A.S.A. 1947, § 75-1009.

27-50-605. Appearance by counsel.

A written promise to appear in court may be complied with by an appearance by counsel.

History. Acts 1937, No. 300, § 156; Pope's Dig., § 6816; A.S.A. 1947, § 75-1009.

27-50-606. Deposit of operator's license in lieu of bond — Issuance of receipt.

(a) Every person who is arrested for a violation of a traffic law, rule, or regulation punishable as a misdemeanor, who is not permitted to appear for trial on his or her own recognizance may in lieu of posting bond be admitted to bail upon depositing his or her current motor vehicle operator's or chauffeur's license.

(b)(1) If the person is admitted to bail by depositing his or her current motor vehicle operator's or chauffeur's license with the arresting officer or clerk of the court, an official receipt shall be issued for the license, which shall be upon a form approved by the Director of the Office of Driver Services of the Department of Finance and Administration.

(2) The receipt shall serve in lieu of the operator's or chauffeur's license for the period of time and under the conditions provided in § 27-50-607.

(c) The motor vehicle operator's or chauffeur's license deposited as bail shall be retained by the clerk of the court before which the person is cited to appear for trial upon the charge.

History. Acts 1973, No. 246, § 1; A.S.A. 1947, § 75-1008.1.

27-50-607. Receipt to serve as license — Forfeiture of license.

(a) The official receipt received from the arresting officer shall serve in lieu of a driver's or operator's license for a time not in excess of twenty (20) days.

(b) If a defendant posts bail under the provisions of §§ 27-50-606 — 27-50-608 and upon an appear-

ance to answer the charge or upon electing to plead guilty, the defendant's operator's or chauffeur's license shall be returned to him or her by the court clerk, unless revoked or suspended by a court of competent jurisdiction.

(c) If the defendant does not appear to answer the charge within twenty (20) days, or such later date as may be fixed by the court, then his or her motor vehicle operator's or chauffeur's license shall be determined to have been forfeited. The license shall be revoked by the court, or, in the event of a revocation or suspension of the motor vehicle operator's or chauffeur's license as a result of the trial of the case by the court, it shall be transmitted by the clerk of the court with a statement of the reason for the forfeiture, revocation, or suspension to the Director of the Office of Driver Services within one (1) day after the order or decision of the court revoking or suspending it.

History. Acts 1973, No. 246, § 2; A.S.A. 1947, § 75-1008.2.

27-50-608. Application for duplicate license after deposit unlawful.

(a) It shall be unlawful to make application for a duplicate license to operate a motor vehicle during the period when the original license is posted for an appearance in a court.

(b) Any person convicted thereof may be punishable by imprisonment of not less than seven (7) days nor more than six (6) months and by a fine of not more than five hundred dollars ($500), or both such fine and imprisonment.

History. Acts 1973, No. 246, § 3; A.S.A. 1947, § 75-1008.3.

27-50-609. Optional posting of bond or bond card — Exception.

(a) When any law enforcement officer in this state arrests or issues a citation for any traffic law violation or motor vehicle accident and the officer is authorized by law to take possession of and retain the operator's or chauffeur's license of the person so charged or cited, the person arrested or to whom the citation is issued shall have the option to either surrender his or her operator's or chauffeur's license or post a bond or a bond card to assure his or her appearance in court on the offense charged.

(b) The option to post a bond card shall not be available to a person charged with driving while intoxicated.

(c) As used in this section, the term "law enforcement officer" shall mean any member of the Arkansas State Police, a sheriff or a deputy sheriff, a member of a municipal police force, or a constable.

History. Acts 1981, No. 499, § 1; 1983, No. 411, § 1; A.S.A. 1947, § 75-1008.4.

27-50-610. Issuance of bond card.

A professional bail bond company as defined in § 17-19-101 et seq., a qualified surety pursuant to §§ 27-50-611 and 27-50-612, and an automobile club or association as defined in §§ 23-77-101 — 23-77-109, may issue a bond card to a person licensed as an operator or chauffeur which shall constitute evidence of the undertaking of bond by the company to assure the appearance in court for the offense charged of a person arrested or issued a traffic citation for a motor vehicle accident or traffic law violation up to and including the amount in dollars stated upon the face of the bond card.

History. Acts 1983, No. 411, § 2; A.S.A. 1947, § 75-1008.5; Acts 1989, No. 417, § 4.

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

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

(b) Such undertaking shall be in form to be prescribed by the commissioner and shall state the following:

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

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

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

History. Acts 1955, No. 54, § 1; A.S.A. 1947, § 75-1035.

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

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

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

History. Acts 1955, No. 54, § 2; A.S.A. 1947, § 75-1036.

Subchapter 7 — Trial and Judgment

SECTION.
27-50-701. Postponement of judgment.
27-50-702. Request for entry or postponement of judgment.

27-50-701. Postponement of judgment.

In traffic misdemeanor cases, other than cases involving driving under the influence of alcohol or drugs, the judge shall have authority to postpone judgment for not more than one (1) year, during which period the defendant shall be in a probationary status, supervised or unsupervised, and shall remain in probationary status until judgment is entered.

History. Acts 1985, No. 967, § 1; A.S.A. 1947, § 75-1059.

27-50-702. Request for entry or postponement of judgment.

(a) At the request of the defendant, parent of a minor defendant, or counsel for the defense, judgment shall be entered as quickly as feasible and not more than ten (10) days following such request.

(b) At the request of the defendant, parent of a minor defendant, or counsel for the defense, probation may be continued and judgment postponed for more than one (1) year.

History. Acts 1985, No. 967, § 2; A.S.A. 1947, § 75-1060; Acts 1987, No. 457, § 1.

Subchapter 8 — Convictions

SECTION.
27-50-801. [Repealed.]
27-50-802. Certain speeding convictions not included in report — Exception for chauffeurs.
27-50-803. Notification when minor convicted.
27-50-804. Records inadmissible in civil actions.
27-50-805. Credibility as witness not affected.

27-50-801. [Repealed.]

Publisher's Notes. This section, concerning the requirement that convictions and forfeitures be reported, was repealed by Acts 2009, No. 456, § 19. The section was derived from Acts 1937, No. 300, § 160; Pope's Dig., § 6820; A.S.A. 1947, § 75-1013; Acts 2005, No. 1535, § 3.

27-50-802. Certain speeding convictions not included in report — Exception for chauffeurs.

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

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

History. Acts 1975, No. 276, § 1; 1983, No. 834, § 1; A.S.A. 1947, § 75-1013.1; Acts 1987, No. 721, § 1.

27-50-803. Notification when minor convicted.

Whenever any court in this state shall convict any person under the age of eighteen (18) years of any moving traffic violation under the laws of this state, or under any municipal ordinance, whether the fine and sentence imposed shall be collected or whether it may be suspended, the convicting court shall notify in writing the parents, guardian, or other person who signed the application of the person for an instructor's permit or operator's license as required by the provisions of § 27-16-702. If the con-

victed person does not have an instructor's permit or operator's license, the court shall notify the father or mother of the person, if living, or the guardian or other person having custody of the person of the conviction.

History. Acts 1967, No. 92, § 1; A.S.A. 1947, § 75-1044.

27-50-804. Records inadmissible in civil actions.

No record of the forfeiture of a bond or of the conviction of any person for any violation of this subtitle shall be admissible as evidence in any court in any civil action.

History. Acts 1937, No. 300, § 158; Pope's Dig., § 6818; Acts 1961, No. 216, § 1; A.S.A. 1947, § 75-1011.

27-50-805. Credibility as witness not affected.

The forfeiture of a bond or the conviction of a person upon a charge of violating any provision of this act or other traffic regulation less than a felony shall not affect or impair the credibility of the person as a witness in any civil or criminal proceeding.

History. Acts 1937, No. 300, § 159; Pope's Dig., § 6819; Acts 1961, No. 216, § 2; A.S.A. 1947, § 75-1012.

Subchapter 9 — Central Driver's Records File

SECTION.
27-50-901. Establishment.
27-50-902. Report from courts required.
27-50-903. Responsibility to properly file conviction reports.
27-50-904. Conviction for offense arising out of railroad accident.
27-50-905. Procedure for driver's right to contest entries.
27-50-906. Furnishing of abstracts.
27-50-907. Availability of recorded information.
27-50-908. Forms of authorization.
27-50-909. Fees for furnishing record.
27-50-910. Disposition of funds.
27-50-911. Rules and regulations.

27-50-901. Establishment.

The Office of Driver Services of the Department of Finance and Administration shall establish and maintain a central driver's records file on every driver who receives a conviction for a moving traffic violation while operating any motor vehicle subject to registration for highway use, whether such conviction occurred within this state or in another state.

History. Acts 1977, No. 465, § 1; A.S.A. 1947, § 75-1057.

27-50-902. Report from courts required.

(a) All courts in this state which have jurisdiction over such offenses shall report all final convictions to the Office of Driver Services utilizing the uniform traffic ticket as provided for under the provisions of §§ 27-50-501 and 27-50-504.

(b) In compiling and maintaining a central driver record file, the office shall ascertain to the best of its ability the authenticity of all final convictions reported to the office by requiring that all final dispositions by the courts dealing with these matters be signed by an official of the court.

History. Acts 1977, No. 465, §§ 1, 2; A.S.A. 1947, §§ 75-1057, 75-1057.1.

27-50-903. Responsibility to properly file conviction reports.

(a) It shall be the responsibility of the Office of Driver Services to properly file all traffic violation convictions received from the courts of this state or any other state and assign the conviction report to the named driver in the report.

(b) In the event a conviction report is improperly filed or reported, it shall be the responsibility of the office to correct the record and to notify the driver and any other party who has received the report of the incorrect filing and the fact that the record in question has been corrected.

History. Acts 1977, No. 465, § 3; A.S.A. 1947, § 75-1057.2.

27-50-904. Conviction for offense arising out of railroad accident.

The Office of Driver Services shall not include in the traffic violation report of a railroad engineer, conductor, fireman, or brakeman any conviction for an offense arising out of a railroad accident occurring while the engineer, conductor, fireman, or brakeman was performing duties as an engineer, conductor, fireman, or brakeman of a railroad.

History. Acts 1979, No. 393, § 1; A.S.A. 1947, § 75-1057.9.

27-50-905. Procedure for driver's right to contest entries.

(a)(1) Every driver on whom a record of traffic violations has been compiled shall have the right to contest any entry made in his driver's record.

(2) If the driver disputes any entry on his or her record he or she must, in order to preserve his or her rights under this section, notify in writing the Office of Driver Services within thirty (30) days of receipt of the report provided for in § 27-50-902.

(b)(1) The notification, as required, shall set forth in detail the ground upon which the driver bases his or her objections to the entry.

(2) Within thirty (30) days after receipt of the notice, the office shall either remove the entry from the driver's record or notify the driver that the office finds the entry to be correct and that the entry shall remain a part of the driver's record.

(3) If the office finds the entry to be correct, the notification of this fact to the driver shall state the grounds for the finding.

(c)(1) In the event the office finds the entry to be correct, the aggrieved driver may file suit in the circuit court of the county in which the driver resides within twenty (20) days after receiving notice from the office that the entry was found to be correct to seek an order from the court requiring the office to change or delete the entry from the driver's record.

(2) The court's review of such an action shall be limited to a determination of whether the office had just cause to record the traffic violation in question on the record of the aggrieved driver and whether the office acted in compliance with §§ 27-50-902 and 27-50-903.

(3) The burden of proof in the action shall be upon the driver instituting the action.

(d)(1) If the court finds the entry to be incorrect, it shall order the office to amend the entry or delete the entry entirely.

(2)(A) A driver who has brought suit to require a change in his or her record and who has obtained an order of the court requiring the change may file a claim for his or her attorney's fees and any other damages he or she may have suffered with the Arkansas State Claims Commission.

(B) The claim shall be filed in the manner required by law.

History. Acts 1977, No. 465, § 4; A.S.A. 1947, § 75-1057.3.

27-50-906. Furnishing of abstracts.

(a) The Office of Driver Services may furnish an abstract or driver confirmation record of any driver's record to:

(1) The driver on whom the record has been compiled;

(2) Any person who has been authorized in writing by the driver to obtain the driver's record;

(3) Any court having jurisdiction over traffic offenses;

(4) Any law enforcement officer, who shall use the report only in the line of duty in enforcing the traffic laws of this state;

(5) Employers of drivers, provided that the driver has given his or her written consent for the employer to obtain the driver's record;

(6) Any insurer licensed to do business in Arkansas or its agents, employees, or contractors in connection with the driving record or driver confirmation record of an insured or applicant and all licensed drivers in the household of the insured or applicant;

(7)(A) Any governmental department or agency upon a showing of reasonable cause as to why the driver's record should be issued to the governmental department or agency in order for the governmental department or agency to effectively carry out its statutory duties.

(B) No driver's record shall be reported to any individual except duly authorized officials of the office unless a copy of the report and the name of the individual or organization which received the report are sent to the driver named in the report; and

(8)(A) A driver's license status report shall be available to rental car companies who otherwise meet the requirements of this section for receiving an abstract of a driver's record upon the payment of one dollar ($1.00) for each license number checked. This fee shall be deposited to the State Treasury into the State Central Services Fund as a direct revenue to be used by the Revenue Division of the Department of Finance and Administration.

(B) The Information Network of Arkansas may charge an additional fee for the service of transmitting this information electronically.

(b) For purposes of this section, "driver confirmation record" means information in the office concerning the name, date of birth, and current address of the licensed driver.

(c)(1)(A) The fee for an insured's or applicant's driver confirmation record shall be ten cents (10¢) per record.

(B) This fee shall be deposited into the fund as a direct revenue to be used by the division.

(2) The network may charge an additional fee for the service of transmitting this information electronically.

History. Acts 1977, No. 465, § 1; A.S.A. 1947, § 75-1057; Acts 1999, No. 1359, § 1; 2001, No. 1810, § 1.

27-50-907. Availability of recorded information.

(a) All information concerning a driver's record shall be made available to the driver or his or her legal representative.

(b)(1) Information such as medical reports or other personal information shall not be a part of any written report the Office of Driver Services may provide, nor shall the office allow any person to copy or reproduce such records.

(2) Information in the central drivers' records file concerning the name, age, and current address of all drivers over the age of sixteen (16) years and under the age of twenty-six (26) years shall be made available to the Arkansas military recruiting coordinators for any of the armed forces of the United States for distribution to their branch offices. The information shall be available upon request of the military recruiting coordinators and may be requested and updated up to two (2) times during any calendar year.

(c) No digital driver's license photograph shall be disclosed to any individual or organization, except upon the written request for disclosure to a named individual or to a party by the person whose photograph is on the driver's license. A fee of five dollars

($5.00) shall be charged for each digital driver's license photograph provided by the office.

History. Acts 1977, No. 465, § 5; A.S.A. 1947, § 75-1057.4; Acts 1997, No. 892, § 4; 1999, No. 111, § 1.

27-50-908. Forms of authorization.

(a)(1) The authorization to obtain a driver's record by anyone other than the driver, as provided in this subchapter, may be in the form of a signed release by the driver, power of attorney, and in the case of a minor, the parent or guardian or a legally appointed representative of the driver.

(2) The limited information concerning a driver's name, age and current address shall be subject to release to the military recruiting coordinators unless such release is denied by the driver or his or her legally appointed representative.

(b) A release signed by a driver or his or her legally appointed representative giving authority to an individual or organization to obtain the driver's driving record shall remain in force for a period of five (5) years from the date signed by the driver or until the date the driver or his or her legally appointed representative has withdrawn the release in writing on a form approved by and supplied by the office, whichever date occurs first.

History. Acts 1977, No. 465, § 6; A.S.A. 1947, § 75-1057.5; Acts 1995, No. 959, § 2; 1999, No. 111, § 2; 1999, No. 1359, § 2.

27-50-909. Fees for furnishing record.

(a)(1) The Office of Driver Services may report a driver's record without charge to all courts, law enforcement agencies, governmental agencies, and public transit systems as provided in this subchapter. For purposes of this section "public transit systems" means entities which provide regular and continuing general or special transportation to the public and which receive federal assistance under 49 U.S.C. § 5307 or 49 U.S.C. § 5311.

(2) A fee in the amount prescribed in § 27-23-117(c) may be charged for any record search made and reported to the driver on whom the record is compiled or any other individual or organization requesting the record.

(3) The office shall charge a fee to report information concerning a driver's name, age, and current address of all drivers over the age of sixteen (16) years and under the age of twenty-six (26) years to the military recruiting services. The fee shall be determined by the office in an amount designed to recover the cost of producing the information for the recruiting services.

(b) Where a release has been granted by a driver or his or her legally appointed representative and the release has not been withdrawn as provided for in § 27-50-908, then all subsequent reports made on the driver shall be subject to the fee in effect at the time the subsequent report is made.

History. Acts 1977, No. 465, § 7; A.S.A. 1947, § 75-1057.6; Acts 1997, No. 225, § 1; 1999, No. 111, § 3; 2001, No. 1553, § 58.

27-50-910. Disposition of funds.

Moneys collected under the provisions of this subchapter shall be special revenues and deposited into the State Treasury to the credit of the State Highway and Transportation Department Fund for distribution as provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

History. Acts 1977, No. 465, § 8; 1979, No. 1067, § 1; A.S.A. 1947, § 75-1057.7; Acts 2011, No. 780, § 6.

27-50-911. Rules and regulations.

The Director of the Department of Finance and Administration may promulgate rules and regulations necessary to carry out the provisions of this subchapter.

History. Acts 1977, No. 465, § 9; A.S.A. 1947, § 75-1057.8.

Subchapter 10 — Reports of Accidents

SECTION.
27-50-1001. Copies to be obtained.
27-50-1002. Reports to be complete.
27-50-1003. Method to determine recording of accident information.
27-50-1004. Reports by private citizens.
27-50-1005. Involvement of unattended vehicle in accident.
27-50-1006. Right of aggrieved driver.
27-50-1007. Scheduling of hearings.

27-50-1001. Copies to be obtained.

(a) The Office of Driver Services of the Department of Finance and Administration shall obtain a copy of every accident report filed with the Department of Arkansas State Police as required under Acts 1937, No. 300, as amended.

(b) The office shall reimburse the Department of Arkansas State Police for the cost, if any, of preparing copies of the accident reports.

History. Acts 1979, No. 1037, § 1; A.S.A. 1947, § 75-1058.

27-50-1002. Reports to be complete.

(a) No analysis shall be made by the Office of Driver Services of the Department of Finance and Administration from accident reports which do not contain sufficient information to make a fair analysis of the report.

(b) Diagrams required on the report shall be complete with adequate descriptive narrative to determine what occurred in the accident.

(c) All other information required in the report shall be completed by the investigating officer and all witnesses, if any, properly identified.

History. Acts 1979, No. 1037, § 7; A.S.A. 1947, § 75-1058.6.

27-50-1003. Method to determine recording of accident information.

(a) The Office of Driver Services shall determine from the accident report if the information is to be placed in the driver's record by careful analysis of the report by a person duly appointed by the administrator of the office.

(b)(1) No record of an accident shall be recorded for any person who is found not guilty in a court of competent jurisdiction after having received a citation for a traffic law violation that resulted from the investigation of the accident.

(2) Where a conviction does not occur, the analysis shall conclude that certain persons were primarily at fault in the accident.

(c) In the instance where a clear determination cannot be made from the investigating police officer's report of the accident, then no entry will be made in the record of any person involved in the accident.

History. Acts 1979, No. 1037, § 2; A.S.A. 1947, § 75-1058.1.

27-50-1004. Reports by private citizens.

When a report of an accident is made by a driver of a vehicle involved in any accident, as required by §§ 27-53-202 and 27-53-203, the Office of Driver Services of the Department of Finance and Administration shall determine if sufficient evidence exists in the report to make an analysis and may require that supplemental information be filed by the person making the report or by any other person involved in the accident, before a final determination is made.

History. Acts 1979, No. 1037, § 3; A.S.A. 1947, § 75-1058.2.

27-50-1005. Involvement of unattended vehicle in accident.

(a) No entry shall be made into the record of a person whose unattended vehicle has been involved in an accident unless the person's vehicle was illegally parked or the accident was the direct result of negligence on the part of the person who was responsible for the unattended vehicle at the time the accident occurred.

(b) The determination that a vehicle was illegally parked shall be made as a result of the conviction of the person for such a violation.

History. Acts 1979, No. 1037, § 6; A.S.A. 1947, § 75-1058.5.

27-50-1006. Right of aggrieved driver.

(a) Any driver aggrieved by an entry into his or her record may request that the Office of Driver Services of the Department of Finance and Administration conduct a hearing for the purpose of contesting the information contained in the accident report or the method by which the decision was made to enter the information into the person's record.

(b)(1) The conviction of a person for a traffic violation which caused the accident shall be prima facie evidence of who was primarily at fault in the accident and no hearing shall be held where such evidence exists.

(2) When appeals are taken from the decision of the trial court for a traffic violation, the office shall immediately expunge the record of the entry made as a result of the accident report until such time as the appeal becomes final.

History. Acts 1979, No. 1037, § 4; A.S.A. 1947, § 75-1058.3.

27-50-1007. Scheduling of hearings.

Hearings shall be conducted in the county of residence of the driver requesting the hearing within forty-five (45) days from the date the hearing request is received by the Office of Driver Services of the Department of Finance and Administration unless another time and place is otherwise agreed to by the driver and the office.

History. Acts 1979, No. 1037, § 5; A.S.A. 1947, § 75-1058.4.

Subchapter 11 — Abandoned Vehicles

SECTION.

27-50-1101. Nonconsensual towing of a vehicle, implement, or piece of machinery.
27-50-1102. [Repealed.]

27-50-1101. Nonconsensual towing of a vehicle, implement, or piece of machinery.

(a)(1)(A) When a vehicle of a type subject to registration under the laws of this state, an implement, or a piece of machinery is found abandoned on private or public property within this state or is parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property owner or his or her agent may have the vehicle, implement, or piece of machinery removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B)(i) A city of the first class, city of the second class, or incorporated town by ordinance may regulate the manner that a property owner or other person controlling the property removes a vehicle, implement, or piece of machinery:

(a) By limiting:

(1) The distance from the location of removal to the destination of storage;

(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle, implement, or piece of

machinery removed from the property, with the difference between the charges allowed by the city and the actual towing and storage charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

(3) The request for removal of a vehicle, implement, or piece of machinery from the property to a towing and storage firm that accepts payment methods of cash, credit cards, or debit cards; and

(b) By requiring signage under § 27-51-1305 to include:

(1) The name, address, and telephone number of the towing and storage firm that may provide removal services from the parking lot;

(2) The amount of towing and storage charges that may be assessed against the owner or operator of the vehicle, implement, or other machinery; and

(3) Disclosing whether the towing and storage firm will accept the payment methods of cash, checks, credit cards, or debit cards.

(ii) An ordinance enacted under this subdivision (a)(1)(B) shall not conflict with this section.

(C) Prior to the removal of an abandoned vehicle, implement, or piece of machinery or a vehicle, implement, or piece of machinery parked without authority as provided by this section, the towing and storage firm shall obtain in writing from the property owner or agent a written statement that includes at a minimum the following:

(i) Identification of the property owner or agent, including name, address, and telephone number;

(ii) A statement that the property from which the vehicle, implement, or piece of machinery is to be removed is property owned or otherwise under the control of the agent requesting the removal;

(iii) That the vehicle, implement, or piece of machinery is deemed abandoned or has been parked on the property without authorization, as the case may be;

(iv) The make, model, and vehicle identification number or serial number of the vehicle, implement, or piece of machinery to be removed;

(v) The location to which the vehicle, implement, or piece of machinery will be removed, including the name, address, and telephone number of the towing and storage firm removing the vehicle, implement, or piece of machinery; and

(vi) The signature of the property owner or agent requesting removal of the vehicle, implement, or piece of machinery.

(D) A copy of the written statement shall be left with the property owner or the on-site agent, who shall make the written statement available for inspection upon request by any person claiming an interest in the removed vehicle, implement, or piece of machinery.

(E) The towing and storage firm removing the vehicle, implement, or piece of machinery shall retain a copy of the written statement for three (3) years and make the statement available during regular business hours upon request to any person claiming an interest in the removed vehicle, implement, or piece of machinery or upon request to any law enforcement officer or board investigator.

(F) Unless other arrangements have been made with a repair business, a vehicle, implement, or piece of machinery on the premises of a repair business shall be deemed abandoned if either:

(i) The vehicle, implement, or piece of machinery is unclaimed by the owner within forty-five (45) days; or

(ii) The debt is not paid within forty-five (45) days from the time the repair work is complete.

(G) A towing and storage firm shall not remove any abandoned vehicle, implement, or piece of machinery or improperly parked vehicle, implement, or piece of machinery without the authorization of the property owner or on-site agent as provided in this section except as may otherwise be authorized by the provisions of § 27-50-1201 et seq. or as directed by any law enforcement officer.

(H) A towing and storage firm removing a vehicle, implement, or piece of machinery as provided by this section shall not pay any compensation related to the removal of the vehicle, implement, or piece of machinery, whether as a referral fee or otherwise, to the owner or agent requesting the removal of the vehicle, implement, or piece of machinery.

(2)(A) Any person towing a vehicle, implement, or piece of machinery as provided by this section and any person towing a vehicle, implement, or piece of machinery without the authorization of the owner or the owner's agent, including towing pursuant to a directive of repossession from a holder of a security interest in the vehicle, implement, or piece of machinery, shall notify the local police department or sheriff's office within whose jurisdiction the vehicle, implement, or piece of machinery was removed of the removal within two (2) hours of taking possession of the vehicle, implement, or piece of machinery.

(B) The towing and storage firm may not charge a storage fee for the vehicle, implement, or piece of machinery for the time it is stored prior to the notification required to the local police department or sheriff's office.

(C) Each police department or sheriff's office receiving notification of the removal of a vehicle, implement, or piece of machinery as provided in this subsection shall maintain a log recording the following information related to the vehicle, implement, or piece of machinery:

(i) Make;

(ii) Model;

(iii) Vehicle identification number or serial number;

(iv) Date, time, and location of the removal; and

(v) Name, address, and telephone number of the person removing the vehicle, implement, or piece of machinery.

(D)(i) Each police department or sheriff's office that receives notification of the removal of a vehicle, implement, or piece of machinery as provided in this subsection shall within twenty-four (24) hours of notification provide to the towing and storage firm information supplied from the records of the Office of Motor Vehicle of the Department of Finance and Administration, the Arkansas Crime Information Center, or, if there is evidence in the vehicle, implement, or piece of machinery indicating that it is registered in or from another state, the registration records from that state, the name and address of the last registered owner, and the name and address of the holder of any recorded lien on the vehicle, implement, or piece of machinery.

(ii) If the information under subdivision (a)(2)(D)(i) of this section is not available for an implement or piece of machinery, the police department or sheriff's office that receives notice of the removal shall provide at a minimum whether any record exists in the records of the Office of Motor Vehicle or the Arkansas Crime Information Center regarding the implement or piece of machinery.

(E)(i) In the event that readily available records fail to disclose the name of the owner of the vehicle, implement, or piece of machinery or any lienholder of record, the towing and storage firm shall perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended or abandoned vehicle, implement, or piece of machinery.

(ii) For purposes of this subdivision (a)(2)(E), a "good faith search" means that the towing and storage firm checks the unattended or abandoned vehicle, implement, or piece of machinery for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that indicates a possible state of registration and title or other information related to the owner.

(3)(A) Following removal of an abandoned vehicle or vehicle parked without authority, possession of the vehicle, notice requirements to owners and lienholders, and procedures for sale of unclaimed vehicles shall be governed by the provisions of §§ 27-50-1208 — 27-50-1210.

(B)(i) The following procedures for the sale of an abandoned and unattended vehicle that is removed from a property as provided under §§ 27-50-1208 — 27-50-1210 shall apply in the same manner to an abandoned and unattended implement or piece of machinery:

(a) Possession of the implement or piece of machinery;

(b) Notice to owners and lienholders; and

(c) Procedures for sale.

(ii) The towing and storage company shall have a first priority possessory lien on the implement or piece of machinery and its contents for all reasonable charges for towing, recovery, and storage subject to the limits provided by ordinance if one is in effect.

(iii) Except as provided under subdivision (a)(3)(B)(iv) of this section, the lien against the implement or piece of machinery shall be perfected and all of the procedures related to the implement or piece of machinery shall be handled in the same manner as provided under § 27-50-1208(b)-(e) for abandoned and unattended vehicles.

(iv) If information on the owner or owners of an implement or piece of machinery that is in the possession of a towing and storage company is not available pursuant to subdivision (a)(2)(D)-(E) of this section, the towing and storage company shall provide notice by publication in a newspaper of general circulation in the region from where the implement or piece of machinery was removed.

(C)(i) Notwithstanding any provision of law to the contrary and to the extent that the city of the first class, city of the second class, or incorporated town enacted an ordinance that limits the amount of towing and storage charges assessed against the owner or operator of the vehicle, implement, or piece of machinery, the towing and storage company shall have a first priority possessory lien limited to the amount allowed under the ordinance.

(ii) The towing and storage company may assess any remaining charges to the property owner or other person controlling the property who requested the vehicle, implement, or piece of machinery be removed from the property.

(b) A city attorney may refer a possible violation of this section or an ordinance enacted under this section to the Arkansas Towing and Recovery Board for investigation.

(c)(1) It shall be unlawful for a person to:

(A) Direct the removal of or to remove a vehicle, implement, or piece of machinery in violation of this section; and

(B) Violate or aid or abet any violation of this section.

(2)(A) A person who pleads guilty or nolo contendere to or is found guilty of any violation of this section is guilty of a Class B misdemeanor.

(B) The information related to a plea of guilty or nolo contendere to or conviction for a violation as provided under subdivision (c)(2)(A) of this section shall be reported to the Arkansas Towing and Recovery Board.

(3) The removal of each vehicle, implement, or piece of machinery in violation of this section shall constitute a distinct and separate offense.

History. Acts 1953, No. 344, § 1; 1969, No. 195, § 1; 1981, No. 433, § 1; A.S.A. 1947, § 75-1034; Acts 1987, No. 166, § 1; 1987, No.

828, § 1; 1989, No. 680, § 1; 1997, No. 841, § 1; 1999, No. 1279, §§ 1, 6; 2001, No. 328, § 3; 2005, No. 2211, § 1; 2007, No. 861, § 1; 2009, No. 681, § 1.

27-50-1102. [Repealed.]

Publisher's Notes. This section, concerning procedure to dismantle or destroy abandoned vehicles, was repealed by Acts 1997, No. 841, § 8. The section was derived from Acts 1973, No. 816, § 1; A.S.A. 1947, § 75-1034.1; Acts 1987, No. 828, § 2; 1989, No. 680, § 2.

Subchapter 12 — Removal of Unattended or Abandoned Vehicles

SECTION.

27-50-1201. Applicability.
27-50-1202. Definitions.
27-50-1203. Arkansas Towing and Recovery Board — Creation.
27-50-1204. Penalties.
27-50-1205. Tagging.
27-50-1206. Notice to storage firm.
27-50-1207. Removal of vehicles.
27-50-1208. Possessory lien and notice to owners and lienholders.
27-50-1209. Foreclosure of liens.
27-50-1210. Nonjudicial public sale.
27-50-1211. Disposition of funds.
27-50-1212. Criminal penalties.
27-50-1213. Limitation on removing from the state.
27-50-1214. Rules of order or procedure.
27-50-1215. Summons, citation, and subpoena.
27-50-1216. Moving a total-loss vehicle from a storage facility.

27-50-1201. Applicability.

(a) This subchapter applies to a person:

(1) Engaged in the towing or storage of vehicles in the State of Arkansas; and

(2) That is hired to tow or store the vehicle.

(b) This subchapter does not apply to the following tow vehicles and related equipment:

(1) Car carriers capable of carrying five (5) or more vehicles and that have federal Interstate Commerce Commission authority;

(2) Tow vehicles owned by a governmental entity and not used for commercial purposes; and

(3) If in compliance with § 27-35-112, tow vehicles that are:

(A) Registered in another state;

(B) Operating under federal Interstate Commerce Commission authority; and

(C) Not regularly doing business or soliciting business in the State of Arkansas.

History. Acts 1993, No. 1000, § 1; 2005, No. 1878, § 3; 2011, No. 1061, § 4.

27-50-1202. Definitions.

As used in this subchapter:

(1) "Abandoned vehicle" means a vehicle deemed to be an unattended vehicle as defined in this section:

(A) As to which the owner has overtly manifested some intention not to retake possession; or

(B) That remains unattended, whether in its first-found location or in another location to which it has been removed under this subchapter, for a period of thirty (30) days during which period the owner gives no evidence of an intent to retake possession;

(2) "Consent" means towing, storage, or recovery of a vehicle, which towing, storage, or recovery is done with the permission of the owner or other person in charge of the vehicle;

(3) "Impounded or seized vehicle" means a vehicle subject to impounding or seizure by law enforcement under the Arkansas Code, the Arkansas Rules of Criminal Procedure, a court order, or an ordinance;

(4) "Nonconsent" means towing, storage, or recovery of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined in this section or a disabled or inoperative vehicle for which the owner preference is waived by the owner or person in charge of the vehicle;

(5) "Owner" means, in the absence of conclusive evidence to the contrary, the person in whose name the vehicle is registered with the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration or in whose name the vehicle is registered in another state;

(6) "Owner preference" means the right of the owner, his or her agent, or a competent occupant of a disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee for hire of his or her choosing to take charge and care of the vehicle;

(7) "Person" means an individual, partnership, corporation, association, or other entity;

(8) "Public way" means a road, highway, or street over which the public may travel, including the traveled surface and a berm or shoulder of a road, highway, or street;

(9) "Removal" means that a law enforcement officer may request a towing and storage firm that is licensed by the Arkansas Towing and Recovery Board to engage in nonconsent towing of vehicles to remove and store:

(A) An unattended vehicle or abandoned vehicle under this subchapter;

(B) A disabled or inoperative vehicle for which the owner or person in charge of the vehicle has waived his or her right to owner preference as defined in this section;

(C) A vehicle in which the operator was apprehended by law enforcement officers; or

(D) An impounded or seized vehicle;

(10) "Tow vehicle" means a motor vehicle or related equipment subject to registration in the State of Arkansas that is used to tow, recover, upright, transport, or otherwise facilitate the movement of vehicles on public highways;

(11) "Unattended vehicle" means a vehicle that:

(A) Is left on public property without the consent of an authority in charge of the property or on or near a public way without some person, gratuitous bailee, or bailee for hire in possession of the vehicle and that:

(i) Is located within a distance of three feet (3') of the traveled surface of the public way;

(ii) Is located on or near a public way at a distance of three feet (3') or more of the traveled surface of the public way for a period of twenty-four (24) hours or more; or

(iii) Is not located on or near a public way but is left for a period of forty-eight (48) hours or more;

(B) Does not remain in the custody of a responsible person following an accident where the operator has been removed to a hospital or is otherwise unable to make personal arrangements for the vehicle's care;

(C) Was operated to a place of apprehension by law enforcement under police power and the operator was removed from the vehicle and taken into police custody;

(D) Is located upon a public right of way and due to geographic location, traffic density, or climatic conditions is creating an immediate and substantial hazard to the motoring public, as determined by a law enforcement officer; or

(E) Is disabled or inoperative and located on or near a public way or on a public right-of-way, and honoring the owner preference would create an immediate and substantial hazard to the motoring public, as determined by a law enforcement officer, due to:

(i) Geographic location;

(ii) Traffic density; or

(iii) Climatic conditions; and

(12) "Vehicle" means a device by which persons or things may be transported upon a public highway and which is of the type subject to registration in Arkansas.

History. Acts 1993, No. 1000, § 2; 1997, No. 381, § 1; 1997, No. 392, § 1; 1999, No. 1279, § 4; 2001, No. 1830, §§ 1, 2; 2007, No. 1053, § 1; 2011, No. 1025, § 1.

27-50-1203. Arkansas Towing and Recovery Board — Creation.

(a)(1) There is hereby created the Arkansas Towing and Recovery Board consisting of nine (9) members appointed by the Governor and confirmed by the Senate, who shall serve terms of three (3) years.

(2)(A) Four (4) members shall be appointed from the towing industry and shall be licensed by the board to engage in nonconsent towing, with one (1) each of the members being a resident of each of the four (4) congressional districts.

(B) Two (2) members who are permitted to engage in the consent-only business shall be appointed from the state at large.

(C) Two (2) members who are not associated with the towing industry shall be appointed from the state at large.

(D) One (1) member shall be appointed from the insurance industry.

(b) The appointed board members shall be residents of the State of Arkansas at the time of appointment and throughout their terms.

(c)(1) The members shall determine by majority vote of the quorum of the board who shall serve as chair.

(2) The chair shall be elected annually from the membership of the board.

(d)(1) The board shall meet at such times and places that the chair deems necessary, but no meeting shall be held outside the State of Arkansas.

(2) Five (5) of the members of the board shall constitute a quorum for the purpose of transacting business.

(3) All actions of the board shall be by a quorum.

(e)(1) The board shall promulgate rules and regulations to carry out the intent of this subchapter and shall regulate the towing industry, including:

(A) Establishing reasonable licensing, insurance, and equipment requirements for any person engaging in towing and related services for safety purposes under this subchapter;

(B) Establishing reasonable tow truck safety requirements for any tow vehicle as defined in this subchapter;

(C) Establishing a procedure to accept and investigate complaints from a consumer who claims that he or she has been overcharged for nonconsent towing, recovery, or storage fees;

(D) Determining and sanctioning excessive or unnecessary non-consent towing fees, recovery, and storage charged to consumers;

(E) Requiring all entities permitted, licensed, or regulated under this subchapter to provide to the board all documents in response to information requests by the board pursuant to the investigation of consumer complaints or board complaints against the permittee or licensee;

(F) Requiring all entities permitted, licensed, or regulated under this subchapter to provide itemized billing for towing or storage fees that explains how the charges were calculated; and

(G) Requiring all entities permitted, licensed, or regulated under this subchapter to maintain a copy of their current maximum rate schedule posted in a conspicuous place and readily accessible to the public.

(2) The promulgation and adoption of rules and regulations shall in all respects be in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) After the promulgation and adoption of rules or regulations, any proposed change to add to, amend, repeal, or change any of the rules or regulations shall not have effect until reviewed and approved by the Subcommittee on Administrative Rules and Regulations of the Legislative Council subsequent to the time that the General Assembly next meets in regular session unless a finding exists that imminent peril to the public health, safety, or welfare requires immediate adoption, amendment, or repeal of the rules or regulations.

(f)(1) The board shall have the authority to levy applicable towing business license fees not to exceed

one hundred dollars ($100) per license, and the board shall have the authority to levy an applicable tow vehicle safety permit fee not to exceed fifty dollars ($50.00) per tow vehicle safety permit.

(2) Furthermore, the board shall also have the authority to impose late filing fees in addition to the original filing fees in an amount not to exceed the original amount of the license fee or safety permit fee.

(g)(1) The board shall have the authority to employ and discharge any personnel as may be necessary to administer and enforce the provisions of this subchapter and the rules and regulations promulgated hereunder.

(2) The board shall employ investigators to investigate consumer complaints related to overcharging for nonconsent towing, recovery, or storage fees, violations of § 27-50-1101, this subchapter, and violations of the rules promulgated by the board under this subchapter.

(h) The board shall have the authority to obtain office space, furniture, stationery, and other proper supplies and conveniences reasonably necessary to carry out the provisions of this subchapter.

(i) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(j) The board shall have the authority to establish a maximum amount to be charged by a towing business for each notification to an owner and a lienholder as required by this subchapter.

History. Acts 1989, No. 899, § 9; 1993, No. 1000, § 3; 1997, No. 250, § 246; 1997, No. 392, § 2; 1999, No. 1279, § 2; 2005, No. 1878, § 2; 2007, No. 861, §§ 2–4; 2007, No. 1053, § 2; 2011, No. 780, § 8.

27-50-1204. Penalties.

(a)(1) The following shall be liable for all reasonable costs of towing, recovery, storage, and other incidental costs related to a removal of a vehicle under this subchapter:

(A) The owner of the vehicle;

(B) The person who left the unattended vehicle or abandoned vehicle before removal; and

(C) An owner or operator who waives the owner preference.

(2) If the vehicle is sold by foreclosure under § 27-50-1209, the owner or operator shall be liable for such costs in excess of the proceeds of the sale of the vehicle.

(b) Any law enforcement agency that without reasonable justification fails to provide information to the towing and storage firm within twenty-four (24) hours as prescribed by this subchapter shall be liable to the towing and storage firm for any accrued storage fees between the expiration of the twenty-four-hour period and such time as the information is provided.

(c) Upon any complaint or on its own initiative when the Arkansas Towing and Recovery Board has reason to believe that a law enforcement officer failed to adhere to an owner preference request or otherwise violated this subchapter, the board may investigate the matter and submit its findings to proper law enforcement authorities.

(d) Any person, excluding a law enforcement officer, who is determined by the board after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to have committed an act that is in violation of this subchapter or any rules and regulations promulgated under this subchapter is subject to civil penalties prescribed by the board, including monetary penalties not to exceed five thousand dollars ($5,000) or the suspension or revocation of any towing license or permit, or both.

(e) Nothing in this section shall be construed to limit the right to seek judicial review of any determination of the board pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(f)(1) A penalty assessed by the board shall be paid no later than fifteen (15) days after the conclusion of the appeals process under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) If not paid timely, a license or permit issued by the board may be suspended until the penalty is paid.

(3)(A) If an entity or individual fails to pay a fine or an installment payment as provided under subdivision (f)(1) of this section, the board may provide written notice to the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration of the failure to pay.

(B) The notice of the failure to pay a fine ordered by the board shall contain the following information:

(i) The name of the entity or individual that is subject to the fine;

(ii) The vehicle identification number or other identifying information for the vehicle owned by the entity or individual that is the subject of the fine;

(iii) The date the board imposed the fine;

(iv) The amount of the fine;

(v) The date the fine or installment payment became delinquent; and

(vi) The amount of the fine or installment payments that remain delinquent.

(C) Upon receipt of the notice of the failure to pay a fine or installment payment, the Office of Motor Vehicle shall suspend the tow vehicle license plate issued under § 27-14-601(a)(3)(J)(i) and the vehicle's registration.

(D) A suspension under this subdivision (f)(3) for failure to pay a fine ordered by the board shall remain in effect until the Office of Motor Vehicle receives written notice from the board that the fine has been paid.

History. Acts 1993, No. 1000, § 10; 2005, No. 1878, § 4; 2005, No. 2211, § 2; 2007, No. 861, §§ 5, 6; 2007, No. 1053, §§ 3–5; 2011, No. 732, § 1; 2011, No. 1025, § 2.

27-50-1205. Tagging.

Any law enforcement officer or code enforcement officer as defined by municipal ordinance observing an unattended vehicle, abandoned vehicle, disabled vehicle, or inoperative vehicle on or near a public way shall:

(1)(A) Order immediate removal of the vehicle if it:

(i) Is located within three feet (3') of the traveled surface of a public way; or

(ii) Appears to create an immediate and substantial hazard to the public; and

(B) Log the removal order accordingly; or

(2)(A) Tag the vehicle if it is located at a distance of three feet (3') or more from the traveled surface of a public way by securely affixing a colored form or other easily observable sticker.

(B) The tag or sticker used under subdivision (2) of this section shall show:

(i) The date and time of tagging;

(ii) That the vehicle will be removed under this subchapter unless the vehicle is removed within twenty-four (24) hours;

(iii) The location and telephone number where more information may be obtained; and

(iv) The identification of the officer.

History. Acts 1993, No. 1000, § 5; 1999, No. 1279, § 3; 2007, No. 100, § 1; 2007, No. 1053, § 6; 2011, No. 1025, § 3.

27-50-1206. Notice to storage firm.

(a)(1) For all requests to a licensed towing and storage firm to remove and store an unattended vehicle, abandoned vehicle, or impounded or seized vehicle, the law enforcement agency shall issue a written order that states the removal is for nonconsent services and shall provide information supplied from the records of the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration, Arkansas Crime Information Center records, or the motor vehicle records of another state indicating the name and address of the last registered owner, the name and address of the holder of any recorded lien on the vehicle, and the vehicle identification or serial number of the vehicle.

(2) If there is evidence in the vehicle indicating that the vehicle is registered in another state, the information shall be supplied from the motor vehicle records of that state.

(3)(A) If a law enforcement officer or other official issues a hold against the release of the vehicle, the law enforcement officer's order to remove and store the vehicle shall include a written explanation for the issuance of the hold.

(B) When the hold on the vehicle is released, the law enforcement officer or other official who issued the hold shall provide written notice of the release to the towing and storage firm.

(b)(1) In the event that readily available records fail to disclose the name of the owner or any lienholder of record, the law enforcement officer or his or her agency shall notify in writing the towing and storage firm that after receiving the notice the towing and storage firm is required to perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended vehicle, abandoned vehicle, or impounded or seized vehicle.

(2) For purposes of this subsection, a "good faith search" means that the towing and storage firm checks the unattended vehicle, abandoned vehicle, or impounded or seized vehicle for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that may indicate a possible state of registration and title.

(3) The towing and storage firm shall provide in writing to the law enforcement officer or agency the results of the search and, if appropriate, certify that a physical search of the unattended vehicle, abandoned vehicle, or impounded or seized vehicle disclosed that no ownership documents were found and that a good faith search was conducted.

(4) If the vehicle is subject to a hold limiting access to the vehicle, the law enforcement agency issuing the hold shall perform a good faith search to locate documents or other evidence of ownership and lienholder information to the extent required to preserve limited access to the vehicle.

(c)(1) Within not more than twenty-four (24) hours from the order to remove, the officer involved or his or her agency shall contact the towing and storage firm and advise the firm of any unusual circumstances causing the delay of the required information that was not available to the officer at the time the order to remove was issued.

(2) The officer or agency shall provide the delayed information immediately upon receipt.

(d) When a vehicle is removed under this subchapter by law enforcement and is subject to impoundment or seizure pursuant to police power or any lawful court order, the law enforcement officer shall provide to the towing and storage firm a written statement setting forth the conditions of release of the vehicle.

History. Acts 1993, No. 1000, § 6; 1997, No. 841, § 2; 2001, No. 1830, § 3; 2005, No. 1878, § 5; 2007, No. 1053, § 7; 2011, No. 1025, § 4.

27-50-1207. Removal of vehicles.

(a)(1) A law enforcement agency that directs the removal of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle shall adopt a written vehicle removal policy, the provisions of which shall not be in conflict with this subchapter.

(2)(A) Any vehicle removal policy shall provide that owner preference as defined by this subchapter shall be offered to the owner, to his or her agent, or to any competent occupant of any disabled or inoperative vehicle except in those instances of exigent circumstances or where the

immediate clearing of a public thoroughfare mandates an expedited towing service.

(B) In those instances where exigent circumstances or where the immediate clearing of a public thoroughfare mandates an expedited towing service, owner preference shall be honored when the owner has requested a towing service that is located in the particular towing zone where services are to be rendered and is ready to promptly respond to the request for services.

(C)(i) If a law enforcement officer fails to provide an owner of a vehicle with an owner preference as required under this section, then the owner may file a complaint with the law enforcement agency that employs the law enforcement officer or the Arkansas Towing and Recovery Board, or both.

(ii) Nothing in this subsection precludes a person who has been denied the right of owner preference from seeking any other legal or equitable remedy.

(3) Nothing in this section shall be construed to authorize the towing of a vehicle in violation of other provisions of this subchapter.

(b) All law enforcement officers shall comply with the policies prescribed by their agencies as to the removal of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined by this subchapter.

(c) No law enforcement officer shall:

(1) Suggest or recommend any particular towing and storage firm to the owner, his or her agent, or any competent occupant of any disabled or inoperative vehicle; or

(2) Accept gifts or special consideration from the owner of a towing business or anyone acting on the owner's behalf in relation to removal of vehicles as provided by this subchapter.

(d) Upon request, any law enforcement officer or his or her agency who orders a removal pursuant to this subchapter shall provide to the owner, to his or her agent, or to any competent occupant of the removed vehicle the name, location, and telephone number of the towing and storage firm requested to remove and store the vehicle.

(e)(1) Should the owner or lienholder of a vehicle removed under this subchapter consider that the removal of the vehicle was not legally justified or properly subject to a law enforcement hold, the owner or lienholder may within thirty (30) days after removal or within thirty (30) days after the receipt of notification of a law enforcement hold from the towing and storage firm, whichever is later, seek a review to determine whether the unattended vehicle, abandoned vehicle, disabled vehicle, or inoperative vehicle was wrongfully removed or withheld from the owner through the following procedures:

(A) In the case of a vehicle removed by or at the direction of a state agency, by filing a petition with the Arkansas State Claims Commission;

(B) In the case of a vehicle removed by or at the direction of a county or city agency and when the county or city has established an administrative review process, by filing a petition according to the established administrative review process; and

(C) In all other cases, including when the county or city has failed to establish an administrative review process, by filing a petition in the circuit court in the county where the unattended vehicle or abandoned vehicle is stored.

(2) In the case of a final decision reached through a county or city administrative review, the owner or lienholder may appeal an adverse ruling to the circuit court in the county where the unattended vehicle or abandoned vehicle is stored.

(3) The petition shall name the state agency ordering the tow as a respondent and, when filed in circuit court, shall also name the towing company among the respondents if the towing company still possesses the vehicle. In the case of removal originated by an agency of a political subdivision of the state, the petition shall name the county, city, or town as a respondent.

(4) If the vehicle, its contents, or both are subject to impoundment or seizure by law enforcement under the Arkansas Rules of Criminal Procedure or a court order, the procedure for return or restoration of the impounded or seized vehicle and its contents shall be governed exclusively by Rule 15 of the Arkansas Rules of Criminal Procedure to the extent applicable.

(f)(1) Upon the filing of the petition, the owner or lienholder may have the unattended or abandoned vehicle and contents released upon posting with the commission, with the court, or with the city or county clerk or other person designated by a political subdivision, as the case may be, a cash or surety bond equal to the amount of the charges for the towing and storage to ensure the payment of such charges in the event that he or she does not prevail.

(2)(A) Upon the posting of the bond and the payment of the applicable fees, the administrative decision maker, commission, or court, as the case may be, shall issue an order notifying the towing company and the respondent agency of the posting of the bond.

(B) Upon service of receipt of the order, the towing company shall release the stored property.

(3) At the time of release, after reasonable inspection, the owner or the lienholder shall give a receipt to the towing and storage firm reciting any claim for known loss or damage to the unattended or abandoned property or the contents thereof.

(g) Upon determining the respective rights of the parties, the final order of the administrative decision maker, commission, or court, as the case may be, shall provide for immediate payment in full of the reasonable recovery, towing, and storage fees by the owner or lienholder of the unattended or abandoned property or by the respective law enforcement agency.

(h) In cases where the owner or lienholder has posted a cash or surety bond to obtain immediate

release and the owner or lienholder is found to be responsible for reasonable recovery, towing, and storage fees, the administrative decision maker, commission, or court, as the case may be, shall declare the bond to be forfeited, with the amount paid to the towing and storage firm to cover reasonable recovery, towing, and storage fees.

(i) Nothing in this section shall be construed to waive the sovereign immunity of the State of Arkansas nor any immunity granted to its political subdivisions.

(j) This section shall not be construed to defeat a lien held by a towing company under § 27-50-1208.

History. Acts 1993, No. 1000, § 4; 1995, No. 815, § 1; 1997, No. 392, § 3; 2001, No. 1830, § 4; 2005, No. 1878, § 6; 2007, No. 1053, §§ 8–10; 2011, No. 995, § 1; 2011, No. 1025, §§ 5–8.

27-50-1208. Possessory lien and notice to owners and lienholders.

(a)(1) The towing and storage firm shall have a first priority possessory lien on the vehicle and its contents for all reasonable charges for towing, recovery, and storage for which the owner is liable.

(2)(A) A possessory lien under this section attaches to not only the vehicle and its contents but also any trailer attached to the vehicle at the time it is towed and any contents of such trailer including, but not limited to, other vehicles or boats.

(B) A lien under this section shall not extend to the following items, without limitation:

(i) Personal or legal documents;

(ii) Medications;

(iii) Child-restraint seating;

(iv) Wallets or purses and the contents of such;

(v) Prescription eyeglasses;

(vi) Prosthetics;

(vii) Cell phones;

(viii) Photographs; and

(ix) Books.

(C) The items described in subdivision (a)(2)(B) of this section shall be released without charge by the towing and storage firm to the owner or operator of the motor vehicle or his or her duly authorized representative.

(b) The lien shall be perfected by:

(1) Maintaining possession;

(2) Mailing notice to the owner or owners and lienholders as shown on the data provided by the law enforcement agency involved as prescribed by this subchapter; or

(3) In the case of a vehicle removed pursuant to § 27-50-1101, giving notice to the last known registered owner or owners and lienholders as provided from the records of the:

(A) Office of Motor Vehicle of the Department and Finance and Administration;

(B) Arkansas Crime Information Center; or

(C) If known, motor vehicle records of any other state where the vehicle's registration indicates the name and address of the last registered owner and the name and address of the holder of any recorded lien, if any, on the vehicle.

(c)(1) The notice shall be mandatory and by certified mail, return receipt requested.

(2) The notice shall be posted not sooner than two (2) business days but within eight (8) business days after the date that the towing and storage firm receives the vehicle.

(d)(1) If within forty-eight (48) hours the ownership and lienholder information has not been received from the law enforcement agency requesting the removal of a vehicle pursuant to this subchapter, the towing and storage firm shall obtain information concerning the last known registered owner or owners and lienholder or lienholders as provided from the records of the:

(A) Office of Motor Vehicle;

(B) Arkansas Crime Information Center; or

(C) If known, motor vehicle records of any other state where the vehicle's registration indicates the name and address of the last registered owner and the name and address of the holder of any recorded lien, if any, on the vehicle.

(2)(A) For the purpose of notices required by this section, if the data records of the Office of Motor Vehicle or the office of motor vehicles for the state where the vehicle is registered, if known, do not contain any information as to the last known registered owner or owners and lienholder or lienholders, notice by publication one (1) time in one (1) newspaper of general circulation in the county where the vehicle was found unattended, abandoned, or improperly parked is sufficient notice under this section.

(B) The notice by publication may contain multiple listings of vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.

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

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

(B) The name, address, and telephone number of the storage facility;

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

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

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

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

(G) That the failure to exercise the right to reclaim the vehicle and its contents within the time prescribed by this section constitutes a

waiver by the owner and lienholder of all right, title, and interest in the vehicle and its contents and constitutes consent to the sale, dismantling, or destruction of the vehicle and its contents;

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

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

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

(2) A notice to an owner of a vehicle deemed abandoned on the premises of an automobile repair facility under § 27-50-1101 shall also advise that the automobile repair person holds an absolute lien on the vehicle under § 18-45-201 et seq.

(f) Nothing in this section is to preclude the owner, lienholder, or agent from making alternative arrangements within the two-day to eight-day period with the towing and storage firm, waiving his or her rights to the notice requirement.

(g) When any vehicle reclaimed from the towing and storage firm by a lienholder contains contents not subject to the lienholder's interest, the lienholder shall be accountable to the owner of the contents in the same manner as the lienholder would in any other case of repossession of a vehicle, and the towing and recovery firm releasing the vehicle and its contents shall be relieved from all responsibility for the contents.

(h)(1) A towing and storage firm that in good faith follows the procedures of this subchapter or the provisions of § 27-50-1101 shall not be subject to claims of unlawful detainer or conversion for vehicles or their contents for maintaining property pursuant to the possessory lien as provided by this subchapter.

(2) A challenge to the removal and holding of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as provided by this subchapter shall be controlled exclusively by the provisions of § 27-50-1207.

(3) This section shall not be construed to limit liability of the towing and storage firm for any other act or omission otherwise actionable under statutory or common law.

History. Acts 1993, No. 1000, § 7; 1997, No. 392, § 4; 1997, No. 841, § 3; 1999, No. 1279, § 5; 2001, No. 1830, § 5; 2005, No. 1878, § 7; 2005, No. 2211, § 3; 2007, No. 506, §§ 1, 2; 2007, No. 861, §§ 7, 8; 2007, No. 1053, § 11; 2009, No. 483, § 4; 2011, No. 1025, § 9.

27-50-1209. Foreclosure of liens.

(a)(1) The failure of the owner or lienholder to exercise his, her, or its right to reclaim the vehicle and its contents within forty-five (45) days of the posting or publication of notice to owners and lienholders constitutes a waiver by the owner or lienholder of all right, title, and interest in the vehicle and its contents.

(2) If a law enforcement official or other official refuses to release any hold on the vehicle or its contents, the owner or lienholder has an additional twenty (20) days to reclaim the vehicle and its contents after the date when the hold is released.

(3)(A) The owner or lienholder may challenge any law enforcement official hold or other official hold under the procedures in § 27-50-1207(e).

(B) However, the provisions of § 27-50-1207(f) pertaining to release of the vehicle do not apply when the owner or lienholder challenges a law enforcement official hold or other official hold.

(b)(1) Except as provided in subsection (c) of this section, the towing and storage firm, municipality, or county that holds a perfected possessory lien on any vehicle and its contents not redeemed by its owner or security lienholder within the time frame provided by this section shall sell the vehicle and its contents at a nonjudicial public sale for cash.

(2) The sale shall not occur later than ninety (90) days after perfection of the lien or forty-five (45) days after the release of any law enforcement hold or other official hold, whichever is later.

(c) A vehicle that is held by a municipality or county on a storage lot owned and operated by the municipality or county may defer the public sale and make use of the vehicle for law enforcement purposes if:

(1) The municipality or county complies with the notice provisions of § 27-50-1208;

(2) The time frame as provided under subsection (a) of this section has expired; and

(3) The municipality or county enacts an ordinance that:

(A) Declares the municipality's or the county's policy regarding the deferral for law enforcement purposes;

(B) Charges a specific municipal or county official with the responsibilities of:

(i) Identifying the vehicles to be used by the municipality or county; and

(ii)*(a)* Declaring a future date to publicly sell the vehicle pursuant to § 27-50-1210.

(b) The date of the sale shall be a maximum of six (6) months following the passage of the time frame for an owner or lienholder to reclaim a vehicle under subsection (a) of this section or as soon as is practicable if circumstances arise that prevent the sale on the declared sale date; and

(C) Requires that the official ensure that the public sale proceed on the sale date declared in the ordinance.

(d)(1) The towing and storage firm, municipality, or county shall obtain written verification that the Arkansas Crime Information Center records do not list the vehicle as having been reported stolen.

(2) The verification shall be on a form prescribed by the center, the Office of Motor Vehicle of the Department of Finance and Administration, a municipal police department, a county sheriff's department, or the Department of Arkansas State Police.

(3) When the verification provided by this subsection is sought directly from the center by the towing and storage firm, the center may charge a fee, not to exceed ten dollars ($10.00) per vehicle verification.

(e)(1) Notice of the sale shall be sent at least fifteen (15) days before the date of the sale by certified mail, no return receipt requested, to the registered owner and lienholder, if any.

(2) If the data records of the Office of Motor Vehicle or the office of motor vehicles for the state where the vehicle is registered do not contain any information as to the last known registered owner or owners or lienholders, the notice required under subdivision (e)(1) of this section is not required.

(3) Nothing in this subsection removes the requirement of notice of sale by publication under subsection (f) of this section.

(f) In addition to the notice by mail, notice of the sale shall be published in a newspaper of general circulation in the county at least one (1) time at least ten (10) days prior to the sale.

History. Acts 2001, No. 1830, § 6; 2005, No. 1878, § 8; 2005, No. 2189, § 1; 2005, No. 2211, § 4; 2007, No. 506, § 3; 2007, No. 1053, § 12.

27-50-1210. Nonjudicial public sale.

(a) After complying with the requirements of foreclosure of liens provided by this subchapter, ownership of the vehicle and its contents shall thereupon vest in the purchaser free of all liens of any nature. Should the nonjudicial public sale produce more funds than the sum of all charges, including the costs of the sale and including a reasonable charge for processing the paperwork, the excess shall be paid as follows:

(1)(A) If the vehicle was removed to an impound lot at the request of a law enforcement agency as authorized by this subchapter, the excess shall be maintained for a period of one (1) year by the entity that operates the impound lot.

(B) If the excess is not claimed during this period by the person legally entitled thereto, the moneys shall be paid to the entity operating the impound lot; or

(2)(A) If the vehicle was removed to a private impound lot under § 27-50-1101, the excess shall be paid to the county clerk to the account of the person legally entitled to the excess.

(B) The Unclaimed Property Act, § 18-28-201 et seq., shall apply to any unclaimed funds or excess moneys that have been paid to the county clerk.

(b) Should the sale produce the same or less than the sum of all charges:

(1) At the election of the possessory lienholder, the sale of the vehicle may be cancelled and ownership of the vehicle and its contents shall thereupon vest in the possessory lienholder as purchaser free of all liens of any nature; and

(2) The possessory lienholder shall have a valid claim against the owner for the full amount of the charges, including the costs of the sale and including a reasonable charge for processing the paperwork, less the sale price of the vehicle and its contents.

(c)(1) Upon presentation of documentation to the Office of Motor Vehicle of the Department of Finance and Administration to the effect that the sale procedure provided in this subsection has been complied with protecting the rights of the owner or lienholder, the purchaser of the vehicle shall be entitled to receive a new title to the vehicle upon meeting other applicable administrative requirements of title and registration laws.

(2) The towing and storage firm shall execute an affidavit stating that the vehicle has been towed and stored as an unattended or abandoned vehicle and that notice has been given as required in this subchapter to the registered owners and all lienholders of record.

(3) The affidavit shall describe the vehicle by make, year, model, and vehicle identification number.

History. Acts 1993, No. 1000, § 9; 1997, No. 841, § 4; 2001, No. 1820, § 1; 2001, No. 1830, § 7; 2005, No. 1878, § 9; 2005, No. 2211, § 5; 2007, No. 1053, § 13; 2011, No. 872, § 1.

27-50-1211. Disposition of funds.

(a) All fees, fines, and charges collected by the Arkansas Towing and Recovery Board under the provisions of this subchapter shall be paid to the secretary-treasurer, who shall be the custodian of all funds and shall deposit same in a bank or banks to be designated by the board.

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

(c) The secretary-treasurer shall pay funds of the board only on vouchers signed by himself or herself and countersigned by the chair. The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, and other funds paid to the board under the provisions of this subchapter.

(d) The secretary-treasurer shall make semiannual financial reports in detail to the board not later than January 31 and July 31 of each year, which

financial reports will be kept on permanent file by the board.

History. Acts 1993, No. 1000, § 11; 2005, No. 1878, § 10.

27-50-1212. Criminal penalties.

(a) It shall be unlawful for a person to:

(1) Operate a tow vehicle in violation of this subchapter;

(2) Operate a tow vehicle without obtaining a tow vehicle safety permit as required by the rules of the Arkansas Towing and Recovery Board;

(3) Operate a business engaging in nonconsent towing of vehicles without first obtaining the proper tow business license as required by the rules of the board;

(4) Give false or forged evidence to the board or to any member or an employee thereof for the purpose of obtaining a license or a tow vehicle safety permit;

(5) Use or attempt to use an expired, suspended, or revoked license or tow vehicle safety permit; or

(6) Violate or aid or abet any violation of this subchapter.

(b) The Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, and county and municipal authorities may enforce § 27-50-1101 et seq. and § 27-50-1201 et seq.

(c) A person who pleads guilty or nolo contendere to or is found guilty of any violation under this section shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or to be imprisoned for a period not exceeding ninety (90) days, or both.

(d) The fines imposed and collected under this section shall be remitted as follows:

(1) Fifty percent (50%) to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration by the tenth day of each month on a form provided by that office for deposit into the Arkansas Towing and Recovery Board treasury fund; and

(2) Fifty percent (50%) to the law enforcement agency issuing the violation.

(e) Each day of an unlawful practice proscribed by this section shall constitute a distinct and separate offense.

History. Acts 1997, No. 392, § 5; 2005, No. 2211, § 6; 2007, No. 861, § 9; 2009, No. 644, § 1.

27-50-1213. Limitation on removing from the state.

(a) A towing or wrecker service licensed in a state other than Arkansas shall only remove a vehicle that was involved in a motor vehicle accident in the State of Arkansas from the site of the accident to another state if the state in which the towing or wrecker service is licensed extends the same privilege to a towing or wrecker service that is licensed in Arkansas and operating in the other state.

(b) For the purpose of determining whether a state permits Arkansas-licensed wreckers and Arkansas-licensed towing vehicles to remove a vehicle that was involved in an accident in that state, any limitation imposed by a county, parish, city, or other political subdivision of that state is deemed an action of that state.

(c)(1) This section applies only to the initial removal of a vehicle from the site of an accident to a point of storage or repair.

(2) This section does not apply to the secondary towing of a vehicle after an investigation of a motor vehicle accident is completed.

(d) When towing a vehicle in this state, a towing or wrecker service licensed in a state other than Arkansas must comply with the provisions of this subchapter and § 27-35-112.

History. Acts 2005, No. 1807, § 1; 2007, No. 1053, § 14.

27-50-1214. Rules of order or procedure.

(a) The Arkansas Towing and Recovery Board shall prescribe its rules of order or procedure in hearings or other proceedings before it under this subchapter.

(b) However, rules of order or procedure shall not be in conflict or contrary to the provisions of this subchapter or the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2005, No. 1878, § 1.

27-50-1215. Summons, citation, and subpoena.

(a) It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Arkansas Towing and Recovery Board, when so directed by the board, to execute any summons, citation, or subpoena that the board may cause to be issued and to return the summons, citation, or subpoena to the board.

(b)(1) The sheriffs and constables serving and returning any summons, citation, or subpoena shall be paid the same fees as provided for those services in the circuit court.

(2) Any person, or a duly designated employee of the person, who appears before the board in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court.

(c)(1) In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as authorized, or in the case of the refusal of any person to testify or answer to any matter regarding that which he or she may be lawfully interrogated or the refusal of any person to produce his or her record books and accounts relating to any matter regarding that which he or she may be lawfully interrogated, the circuit court of any

county of the State of Arkansas on application of the board may:

(A) Issue an attachment for the person; and

(B) Compel the person to:

(i) Comply with the summons, citation, or subpoena;

(ii) Appear before the board or its designated employee;

(iii) Produce the documents specified in any subpoena duces tecum; and

(iv) Give his or her testimony upon such matters as he or she may be lawfully required.

(2) Any circuit court shall have the power to punish a person for contempt as in the case of disobedience of like process issued from or by any circuit court or by refusal to testify in the circuit court in response to the process, and the person shall be taxed with the costs of the proceedings.

History. Acts 2005, No. 1878, § 1.

27-50-1216. Moving a total-loss vehicle from a storage facility.

(a) As used in this section, "storage facility" means a facility where a wrecked or inoperable vehicle is stored that charges storage fees to a vehicle owner as a result of the claim from the wrecked or inoperable vehicle.

(b)(1)(A) If an insurance company determines that a vehicle is a total loss claim, the insurance company may authorize its agent to move the vehicle to a location of its choosing without:

(i) The approval of the storage facility; and

(ii) A release document from the owner.

(B) Instead of a release document, the insurance company shall obtain a verbal release from the vehicle owner to move the total loss vehicle as provided under this section and document the verbal release in the claim file.

(2)(A) To authorize the moving of the vehicle, the insurance company shall submit notice by regular mail, hand-delivery, facsimile, or electronic transmission to the storage facility on company letterhead of the intent to move the vehicle.

(B) The notice shall include:

(i) A description of the vehicle, including its identification number;

(ii) The identification of the agent who is to move the vehicle;

(iii) The date the owner of the vehicle authorized release of the vehicle to the insurance company; and

(iv) A statement that the insurance company will indemnify and hold harmless the storage facility for all liability and costs it incurs defending itself in any civil or criminal claim arising from moving the vehicle without a release document from the owner.

(C) The owner and any lienholder of the vehicle shall receive a copy of the notice by regular mail.

(c) The storage facility shall make the vehicle available for immediate release and removal during regular business hours of the storage facility upon receipt of:

(1) The letter described under subdivision (b)(2) of this section;

(2) The release of any law enforcement or other official hold; and

(3) Settlement of all fees incurred up to and including the date of removal.

(d)(1) If an insurance company or its agent moves a vehicle as provided under this section, the insurance company shall indemnify and hold harmless the storage facility for liability and all expenses associated with civil or criminal claims arising from moving the vehicle without a release document from the owner.

(2) In any action in which a storage facility prevails against an insurance company for indemnification under this subsection, in addition to any damages suffered, the storage facility shall be awarded attorney's fees and costs incurred.

(e) This section shall not be construed to restore or grant any right, title, or interest in the vehicle or its contents as may have been waived under § 27-50-1209(a).

History. Acts 2011, No. 1206, § 1.

CHAPTER 51

OPERATION OF VEHICLES — RULES OF THE ROAD

SUBCHAPTER.

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16. Fewer Distractions Mean Safer Driving Act.

Subchapter 1 — General Provisions

SECTION.

27-51-101. Definitions.
27-51-102. Penalties generally — Disposition of fines.
27-51-103. Right to recover damages unaffected.
27-51-104. Careless and prohibited driving.

27-51-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Local authorities" means all officers of counties, cities, villages, incorporated towns, or townships; and

(2) "Public highways" means any highway, county road, state road, public street, avenue, alley, park, parkway, driveway, or any other public road or public place in any county, city, village, or incorporated towns.

History. Acts 1911, No. 134, § 20, p. 94; C. & M. Dig., § 7436; Pope's Dig., § 6648; A.S.A. 1947, § 75-664.

27-51-102. Penalties generally — Disposition of fines.

(a) Any person violating the provisions of this act shall, except as otherwise provided in this act, upon conviction be fined as provided by the provisions of this act.

(b)(1) Any offender who shall have been found guilty of any violation of any section of this act and fined and who shall within six (6) months thereafter be convicted of a second violation of such section may be fined in a sum not exceeding double the penalty provided for in this act for a first violation. In addition thereto, he or she may have his or her certificate or license issued by the Director of the Department of Finance and Administration revoked for a period not exceeding sixty (60) days.

(2) For a third or subsequent violation of a section within six (6) months after the date of such violation, the certificate or license may in addition to the fine provided for the second offense be revoked for a period not exceeding six (6) months.

(c) Any person whose license shall have been revoked for a violation of any of the provisions of this act and who shall drive or operate a motor vehicle within the State of Arkansas during the period for which his or her license shall have been revoked, or any person who having once been convicted of a failure to comply with the provisions requiring the registration by chauffeurs shall fail or refuse to comply with these provisions shall be deemed guilty of a misdemeanor and upon conviction may be fined in a sum not to exceed two hundred dollars ($200) or imprisoned in the county jail for a period not exceeding thirty (30) days, or both, at the discretion of the court.

(d) All fines imposed for the violation of any of the provisions of this act shall be collected and disbursed under § 16-13-709.

History. Acts 1911, No. 134, § 19, p. 94; C. & M. Dig., § 7435; Pope's Dig., § 6647; A.S.A. 1947, § 75-663; Acts 2011, No. 1218, § 14.

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

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

(b) In any action brought to recover any damages for injury either to person or property caused by running any motor vehicle at a greater rate of speed than designated in Acts 1911, No. 134, § 10 [repealed], the plaintiff shall be deemed to have made a prima facie case by showing the fact of the injury and that the person driving the motor vehicle was at the time of the injury running it at a rate of speed in excess of that mentioned in Acts 1911, No. 134, § 10 [repealed].

History. Acts 1911, No. 134, § 18, p. 94; C. & M. Dig., § 7434; Pope's Dig., § 6646; A.S.A. 1947, § 75-662.

27-51-104. Careless and prohibited driving.

(a) It shall be unlawful for any person to drive or operate any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property in the State of Arkansas.

(b) It shall be unlawful for any person to operate or drive any vehicle on the public thoroughfares or private property in the State of Arkansas in violation of the following prohibited acts:

(1) Improper or unsafe lane changes on public roadways;

(2) Driving onto or across private property to avoid intersections, stop signs, traffic control devices, or traffic lights;

(3) Driving in such a manner or at such a speed so as to cause a skidding, spinning, or sliding of tires or a sliding of the vehicle;

(4) Driving too close to or colliding with parked or stopped vehicles, fixtures, persons, or objects adjacent to the public thoroughfares;

(5) Driving a vehicle which has any part thereof or any object extended in such fashion as to endanger persons or property;

(6) To operate any vehicle in such a manner which would cause a failure to maintain control;

(7) To operate or drive a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or

(8) To operate a vehicle in any manner when the driver is inattentive and such inattention is not reasonable and prudent in maintaining vehicular control.

(c) A person who violates this section shall be subject to a fine not to exceed one hundred dollars ($100).

History. Acts 1995, No. 807, § 1.

Subchapter 2 — Speed Limits

SECTION.

27-51-201. Limitations generally.
27-51-202. Restrictions not applicable to emergency vehicles.
27-51-203. Authority to establish limits.
27-51-204. Maximum and minimum speed limits — Exceptions.
27-51-205. Right of local authorities to enforce limits.
27-51-206. Local authorities may alter prima facie speed limits.
27-51-207. Assistance to local authorities in determining limits.
27-51-208. Minimum speed regulation.
27-51-209. Driving over bridges or other elevated structures.
27-51-210. Towing of manufactured homes and mobile homes.
27-51-211. Use of nonpneumatic tires.
27-51-212. Speed limit near schools — Exceptions.
27-51-213. Erection and maintenance of required signs in school zones.
27-51-214. Penalties for speeding in school zone.
27-51-215. [Repealed.]
27-51-216. Speed limits and traffic-control devices on county roads — Penalty.

27-51-201. Limitations generally.

(a)(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

(2) In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b)(1) The maximum speed limits set forth in subsection (c) of this section shall not apply to controlled-access highways.

(2)(A) Upon an engineering and traffic investigation, the State Highway Commission shall determine the maximum permissible speeds on controlled-access highways which shall be effective when appropriate signs giving notice are erected along the highway.

(B) The commission shall fix the maximum permissible speed of trucks with a capacity of one-and-one-half tons or more at ten miles per hour (10 m.p.h.) below the maximum permissible speed for automobiles.

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

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

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

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

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

(d) Consistent with the requirements of subsection (a) of this section, the driver of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(e) In every charge of violation of this section, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable within the district or location.

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

(g) The provisions of this section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of the accident.

History. Acts 1937, No. 300, § 51; Pope's Dig., § 6709; Acts 1939, No. 179, § 1; 1959, No. 307, § 33; 1963, No. 557, §§ 1, 2; A.S.A. 1947, § 75-601.

27-51-202. Restrictions not applicable to emergency vehicles.

(a) The prima facie speed limitations set forth in this subchapter shall not apply to authorized emergency vehicles when responding to emergency calls when the driver thereof is operating the vehicle's emergency lights and is also operating an audible signal by bell, siren, or exhaust whistle if other vehicles are present.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.

(c) For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police vehicle.

History. Acts 1937, No. 300, § 55; Pope's Dig., § 6713; A.S.A. 1947, § 75-606; Acts 2001, No. 332, § 1; 2001, No. 1415, § 1.

27-51-203. Authority to establish limits.

(a) The determination and establishment of safe maximum and minimum travel speeds for all motor

vehicles using the facilities of the state highway system shall be vested in the State Highway Commission, whose power, responsibility, and duty it shall be to implement and maintain this control with all reasonable care and prudence.

(b) To this end, this section and §§ 27-51-204 — 27-51-207 shall be made supplemental to § 27-65-107.

History. Acts 1971, No. 61, § 1; A.S.A. 1947, § 75-601.1.

27-51-204. Maximum and minimum speed limits — Exceptions.

(a)(1) The State Highway Commission shall determine, based upon studies of the engineering and traffic characteristics thereof, the maximum and minimum desirable speeds for all traffic facilities in the state highway system.

(2) These regulatory speeds shall be effective when appropriate signs giving notice thereof are erected.

(b)(1) The maximum and minimum speed limits posted shall apply to all vehicles using the facility except authorized emergency vehicles on emergency trips, such as police vehicles on duty, fire vehicles on calls, and ambulances; oversize/overweight vehicles moving under special permit issued by the Arkansas State Highway and Transportation Department or its lawfully delegated agents; and other specific vehicles for which special limits may be posted in particular situations or under particular conditions.

(2) This exemption shall not relieve any driver of an authorized emergency vehicle from his lawful responsibility to drive with due regard for the safety of all persons upon or using the highway facility, nor shall it protect the operator of any such vehicle from the consequence of a reckless disregard for the safety of others.

History. Acts 1971, No. 61, § 2; A.S.A. 1947, § 75-601.2.

27-51-205. Right of local authorities to enforce limits.

(a) No local authority shall alter, amend, annul, or abrogate any posted speed regulation on any facility of the state highway system, but may, in regard to facilities traversing their respective jurisdictions, petition the State Highway Commission in a hearing to present argument on such potential action.

(b) This section is supplemental to existing law and shall in no way derogate the duty of local courts, local peace officers, and the Department of Arkansas State Police to enforce posted traffic and speed regulations within their jurisdictions.

History. Acts 1971, No. 61, § 3; A.S.A. 1947, § 75-601.3.

27-51-206. Local authorities may alter prima facie speed limits.

(a) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this subchapter at any intersection is greater than is reasonable or safe under the conditions found to exist at the intersection, then the local authority shall determine and declare a reasonable and safe prima facie speed limit, which shall be effective when appropriate signs giving notice are erected at such intersection or upon the approaches thereto if approved by the State Highway Commission.

(b) Local authorities in their respective jurisdictions may, in their discretion, authorize by ordinance higher prima facie speeds than those stated in § 27-51-201 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, if signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in § 27-51-201(a) or in any event to authorize by ordinance a speed in excess of forty-five miles per hour (45 m.p.h.).

History. Acts 1937, No. 300, § 52; Pope's Dig., § 6710; A.S.A. 1947, § 75-602.

27-51-207. Assistance to local authorities in determining limits.

Local authorities may request professional assistance of the Arkansas State Highway and Transportation Department in determining reasonable and prudent maximum and minimum speeds for arterial highways, roads, and streets not on the state highway system in their respective jurisdictions.

History. Acts 1971, No. 61, § 4; A.S.A. 1947, § 75-601.4.

27-51-208. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

(b) Whenever the State Highway Commission or local authorities, within their respective jurisdictions, on the basis of an engineering and traffic investigation determine that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the commission or the local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with the law.

History. Acts 1937, No. 300, § 53; Pope's Dig., § 6711; Acts 1959, No. 307, § 34; A.S.A. 1947, § 75-604.

27-51-209. Driving over bridges or other elevated structures.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is signposted as provided in this section.

(b) Upon request from any local authority, the State Highway Commission shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway. If it shall find that the structure cannot, with safety to itself, withstand vehicles traveling at the speed otherwise permissible under this subchapter, the commission shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a distance of one hundred feet (100') before each end of the structure.

(c) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the commission and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

History. Acts 1937, No. 300, § 54; Pope's Dig., § 6712; Acts 1959, No. 307, § 35; A.S.A. 1947, § 75-605.

27-51-210. Towing of manufactured homes and mobile homes.

(a) No person shall drive a vehicle that is towing a manufactured home or mobile home at a speed greater than fifty-five miles per hour (55 m.p.h.).

(b) On roads upon which the posted speed limit is less than fifty-five miles per hour (55 m.p.h.), the posted speed limit shall be observed.

(c) The Arkansas State Highway and Transportation Department may set minimum and maximum speed limits different from those posted or may set a speed limit less than the maximum provided in subsections (a) and (b) of this section for a vehicle towing a manufactured home or mobile home by noting any speed restriction on the oversize load permit issued by the department to that vehicle.

History. Acts 1937, No. 300, § 54; 1959, No. 307, § 35; A.S.A. 1947, § 75-605; Acts 2001, No. 1136, § 1.

27-51-211. Use of nonpneumatic tires.

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

History. Act 1937, No. 300, § 54; Pope's Dig., § 6712; Acts 1959, No. 307, § 35; A.S.A. 1947, § 75-605.

27-51-212. Speed limit near schools — Exceptions.

(a) No person shall operate a motor vehicle in excess of twenty-five miles per hour (25 m.p.h.) when passing a school building or school zone during school hours when children are present and outside the building.

(b) This speed limit shall not be applicable upon the freeways and interstate highways of this state or to school zones adequately protected by a steel fence limiting access to and egress from safety crossings.

History. Acts 1977, No. 229, § 1; A.S.A. 1947, § 75-601.5.

27-51-213. Erection and maintenance of required signs in school zones.

(a)(1) A school zone shall include a distance of three hundred feet (300') on either side of a school building or school grounds and shall be posted with appropriate signs showing: "SCHOOL — 25 M.P.H. WHEN CHILDREN ARE PRESENT".

(2) At an appropriate distance before reaching this sign, a school advance sign shall be erected.

(3) A third sign at the end of the school zone shall designate the speed limit the motor vehicle may resume.

(b)(1)(A) It shall be the duty of the Arkansas State Highway and Transportation Department, county road department, city street department, or any other agency having the responsibility of maintaining the streets or roadways to erect the signs required by subsection (a) of this section unless a special traffic engineering study for a specific school zone produces other recommendations for that school zone.

(B) The maximum speed limit shall not be increased above the limitation provided in subsection (a) of this section.

(2) Signs shall be maintained and replaced using the same criteria that is used to maintain and replace "STOP" signs and other warning signs.

(3) All signs and signing locations will be in accordance with the regulations contained in the current Manual on Uniform Traffic Control Devices.

History. Acts 1977, No. 229, § 2; A.S.A. 1947, § 75-601.6.

27-51-214. Penalties for speeding in school zone.

Any person who violates any of the provisions of § 27-51-212 or § 27-51-213 shall upon conviction be guilty of a misdemeanor and shall be punished as follows:

(1) For a first conviction, an offender shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100) or by imprisonment in the county jail for not less than one (1) day nor more than ten (10) days, or by both fine and imprisonment;

(2)(A) For a conviction of a second violation within one (1) year, an offender shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250) or by imprisonment in the county jail for not less than five (5) days nor more than twenty-five (25) days, or by both fine and imprisonment.

(B) In addition, the Office of Driver Services of the Department of Finance and Administration shall suspend the driving privilege of the person for a period of six (6) months upon receipt of notice of a final conviction; and

(3)(A) For a conviction of a third or subsequent violation within one (1) year, an offender shall be punished by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by imprisonment in the county jail for not less than twenty-five (25) days nor more than six (6) months, or both fine and imprisonment.

(B) In addition, the office shall suspend the driving privilege of the person for a period of one (1) year upon receipt of notice of a final conviction.

History. Acts 1977, No. 229, § 4; A.S.A. 1947, § 75-601.8.

27-51-215. [Repealed.]

Publisher's Notes. This section, concerning Arkansas Primary Highway Network study, was repealed by Acts 2011, No. 780, § 9. The section was derived from Acts 2007, No. 242, § 1.

27-51-216. Speed limits and traffic-control devices on county roads — Penalty.

(a) As used in this section, "county road" means a public road that is not a state highway, interstate highway, or city street within the jurisdiction of a given county.

(b)(1) Each county judge may establish speed limits on county roads within the jurisdictional boundaries of his or her county.

(2) If a county judge has not established a speed limit on a county road within the jurisdictional boundaries of his or her county, then the speed limit shall be forty miles per hour (40 m.p.h.) on the county road.

(c)(1) A person who pleads guilty or nolo contendere to or is found guilty of a violation of a speed limit on a county road established by a county judge or as provided under this section shall be assessed a penalty as provided under § 27-50-305.

(2) A person who pleads guilty or nolo contendere to or is found guilty of speeding in excess of fifteen miles per hour (15 m.p.h.) over the posted speed limit on a county road established by a county judge or as provided under this section is guilty of a Class C misdemeanor.

(d) A traffic-control device that is erected on a county road shall conform to the uniform manual on traffic-control devices adopted by the State Highway Commission.

History. Acts 2007, No. 667, § 1.

Subchapter 3 — Driving, Overtaking, and Passing

SECTION.

27-51-301. Vehicles to be driven on right side of roadway — Exceptions.
27-51-302. Driving on roadways laned for traffic.
27-51-303. Passing a vehicle proceeding in opposite direction.
27-51-304. One-way roadways and rotary traffic islands.
27-51-305. Following too closely.
27-51-306. Overtaking of vehicle on left.
27-51-307. Restrictions on passing overtaken vehicle on left.
27-51-308. Conditions when overtaking on right.
27-51-309. Center left-turn lane.
27-51-310. Passing emergency response vehicle or law enforcement vehicle stopped on highway.
27-51-311. Overtaking a bicycle.

27-51-301. Vehicles to be driven on right side of roadway — Exceptions.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;

(2) When the right half of a roadway is closed to traffic while under construction or repair;

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic.

History. Acts 1937, No. 300, § 56; Pope's Dig., § 6714; A.S.A. 1947, § 75-607; Acts 1997, No. 854, § 1.

27-51-302. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this subchapter shall apply:

(1) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that movement can be made with safety; and

(2) Official signs may be erected directing slower-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

History. Acts 1937, No. 300, § 62; Pope's Dig., § 6720; A.S.A. 1947, § 75-613; Acts 2001, No. 312, § 1.

27-51-303. Passing a vehicle proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half (½) of the main-traveled portion of the roadway as nearly as possible.

History. Acts 1937, No. 300, § 57; Pope's Dig., § 6715; A.S.A. 1947, § 75-608.

27-51-304. One-way roadways and rotary traffic islands.

(a) Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

History. Acts 1937, No. 300, § 61; Pope's Dig., § 6719; A.S.A. 1947, § 75-612.

27-51-305. Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of vehicles and the traffic upon and the condition of the highway.

(b)(1) The driver of any motor truck or any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within two hundred feet (200') of another motor vehicle.

(2) The provisions of this subsection shall not be construed to prevent overtaking and passing.

History. Acts 1937, No. 300, § 63; Pope's Dig., § 6721; A.S.A. 1947, § 75-614; Acts 2001, No. 998, § 1.

27-51-306. Overtaking of vehicle on left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall yield to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

History. Acts 1937, No. 300, § 58; Pope's Dig., § 6716; A.S.A. 1947, § 75-609; Acts 2001, No. 220, § 1.

27-51-307. Restrictions on passing overtaken vehicle on left.

(a)(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.

(b) No vehicle shall, in overtaking and passing another vehicle or at any other time, except upon a one-way roadway, be driven to the left side of the roadway, under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;

(2) When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct, or tunnel; and

(4) Where official signs are in place directing that traffic keep to the right or a distinctive center line is marked, which distinctive lines also so direct traffic as declared in the sign manual adopted by the State Highway Commission.

History. Acts 1937, No. 300, § 60; Pope's Dig., § 6718; Acts 1959, No. 307, § 26; 1971, No. 161, § 1; A.S.A. 1947, § 75-611.

27-51-308. Conditions when overtaking on right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; and

(3) Upon a one-way street or upon any roadway on which traffic is restricted to one (1) direction of movement where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b)(1) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting this movement in safety.

(2) In no event shall this movement be made by driving off the pavement or main-traveled portion of the roadway.

History. Acts 1937, No. 300, § 59; Pope's Dig., § 6717; Acts 1959, No. 307, § 25; A.S.A. 1947, § 75-610.

27-51-309. Center left-turn lane.

(a) As used in this section, "center left-turn lane" means a center lane on any road or highway that is for the purpose of executing two-way left turns in either direction and that is so marked by signage or striping.

(b)(1) A center left-turn lane shall be for the exclusive use of a left-turning vehicle in either direction.

(2) A center left-turn lane shall not be used for through travel, nor shall a center left-turn lane be used for passing or overtaking, except as a part of the left-turn maneuver.

(c) It is permissible for a vehicle making a left-hand turn from an intersecting street or driveway to utilize a center left-turn lane as part of the maneuver to gain access to or to merge into the traffic lanes, except that it is not permissible to use the center left-turn lane as an acceleration lane.

History. Acts 2001, No. 553, § 1.

27-51-310. Passing emergency response vehicle or law enforcement vehicle stopped on highway.

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

(2) If changing lanes is not possible or is determined to be unsafe, an approaching motor vehicle operator shall reduce the motor vehicle's speed, proceed with caution, and maintain a reduced speed appropriate to the road and the conditions through the area where the authorized emergency response vehicle or law enforcement vehicle is stopped.

(b)(1)(A) Any party who pleads guilty or nolo contendere to or is found guilty of violating this section shall be guilty of a misdemeanor and shall be fined not less than thirty-five dollars ($35.00) nor more than five hundred dollars ($500), confined in the county jail not to exceed ninety (90) days, or both fined and imprisoned.

(B) In addition to the penalties prescribed in subdivision (b)(1)(A) of this section, the court may order community service for not more than seven (7) days and may suspend the person's driver's license for a period of not less than ninety (90) days nor more than six (6) months.

(2) There is created a rebuttable presumption that shall arise in any criminal action under this section to the effect that if it can be proven that a person is the registered owner of a vehicle that is driven in a manner that violates this section, the person is presumed to have been the driver of the vehicle at the time of the violation.

History. Acts 2003, No. 1102, § 1; 2007, No. 1412, § 1; 2009, No. 483, § 5.

27-51-311. Overtaking a bicycle.

(a) The driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall exercise due care and pass to the left at a safe distance of not less than three feet (3') and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

(b)(1) A person who violates this section shall be subject to a fine not to exceed one hundred dollars ($100).

(2) A person who violates this section with the violation resulting in a collision causing death or serious physical injury to the person operating the overtaken bicycle shall be subject to a fine not to exceed one thousand dollars ($1,000) in addition to any other penalties prescribed by law.

History. Acts 2007, No. 681, § 1.

Subchapter 4 — Turning, Stopping, and Signaling

SECTION.
27-51-401. Turning at intersections.
27-51-402. Turning on curve or crest of grade prohibited.
27-51-403. Signals for turning, stopping, changing lanes, or decreasing speed required.
27-51-404. Signals to stop or turn.
27-51-405. Hand and arm signals.

27-51-401. Turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway;

(2) The approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line of the road. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered; and

(3)(A) The approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right one-half (½) of the roadway nearest the center line and by passing to the right of the center line where it enters the intersection.

(B) A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

History. Acts 1937, No. 300, § 64; Pope's Dig., § 6722; A.S.A. 1947, § 75-615.

27-51-402. Turning on curve or crest of grade prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').

History. Acts 1937, No. 300, § 65; Pope's Dig., § 6723; A.S.A. 1947, § 75-616.

27-51-403. Signals for turning, stopping, changing lanes, or decreasing speed required.

(a) No person shall turn a vehicle from a direct course upon a highway unless and until the movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by the movement or after giving an appropriate signal in the manner provided in subsection (b) of this section in the event any other vehicle may be affected by the movement.

(b) A signal of intention to change lanes or to turn right or left shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before changing lanes or turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this subchapter to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

History. Acts 1937, No. 300, § 67; Pope's Dig., § 6725; A.S.A. 1947, § 75-618; Acts 2007, No. 364, § 1.

27-51-404. Signals to stop or turn.

(a) Any stop or turn signal when required in this subchapter shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b) of this section.

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

History. Acts 1937, No. 300, § 68; Pope's Dig., § 6726; Acts 1957, No. 216, § 1; A.S.A. 1947, § 75-619.

27-51-405. Hand and arm signals.

All signals required in this subchapter to be given by hand and arm shall be given from the left side of the vehicle in the following manner and these signals shall be indicated as follows:

(1) Left turn — Hand and arm extended horizontally;

(2) Right turn — Hand and arm extended upward; and

(3) Stop or decrease of speed — Hand and arm extended downward.

History. Acts 1937, No. 300, § 69; Pope's Dig., § 6727; A.S.A. 1947, § 75-620.

Subchapter 5 — Intersections

SECTION.

27-51-501. Vehicles approaching or entering intersection.
27-51-502. Vehicle turning left at intersection.
27-51-503. Vehicle or streetcar entering stop or yield intersection.

27-51-501. Vehicles approaching or entering intersection.

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two (2) vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The foregoing rules are modified at through highways and otherwise as stated in this subchapter.

History. Acts 1937, No. 300, § 70; Pope's Dig., § 6728; A.S.A. 1947, § 75-621.

27-51-502. Vehicle turning left at intersection.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard. The driver, after having so yielded and having given a signal when and as required by this chapter, may make the left turn after all other vehicles approaching the intersection which constitute an immediate hazard shall have cleared the intersection.

History. Acts 1937, No. 300, § 71; Pope's Dig., § 6729; Acts 1975, No. 626, § 1; A.S.A. 1947, § 75-622.

27-51-503. Vehicle or streetcar entering stop or yield intersection.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized by law.

(b) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle and every operator of a streetcar approaching a stop intersection indicated by a stop sign shall stop as required by § 27-51-601, and after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard. The driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

(c)(1) The driver of a vehicle or the operator of a streetcar approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in § 27-51-601, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he or she is driving. The driver shall also yield to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. A driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding.

(2) If a driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his or her failure to yield right-of-way.

History. Acts 1937, No. 300, § 72; Pope's Dig., § 6730; Acts 1959, No. 307, § 27; A.S.A. 1947, § 75-623.

Subchapter 6 — Stops and Yielding

SECTION.
27-51-601. Stop signs and yield signs.
27-51-602. Stop before driving across sidewalk.
27-51-603. Yield on entering highway from private road.
27-51-604. Additional penalties.

27-51-601. Stop signs and yield signs.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized by law.

(b) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersection roadway.

(c)(1) Every stop sign shall bear the word "STOP" in letters not less than eight inches (8″) in height.

(2) Every yield sign shall bear the word "YIELD" in letters not less than seven inches (7″) in height.

(3) Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination or by a floodlight projected on the face of the sign or by efficient reflecting elements in the face of the sign.

(d) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle and every operator of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver or operator shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(e) The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection. In the event there is no crosswalk, the driver shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

History. Acts 1937, No. 300, § 88; Pope's Dig., § 6745; Acts 1959, No. 307, § 31; A.S.A. 1947, § 75-645.

27-51-602. Stop before driving across sidewalk.

When in a business or residential district and emerging from an alley, driveway, or building, the driver of a vehicle shall stop the vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

History. Acts 1937, No. 300, § 89; Pope's Dig., § 6746; A.S.A. 1947, § 75-646.

27-51-603. Yield on entering highway from private road.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

History. Acts 1937, No. 300, § 73; Pope's Dig., § 6731; A.S.A. 1947, § 75-624.

27-51-604. Additional penalties.

(a) The penalties under this section may be in addition to the penalties provided under § 27-50-301 et seq. and the Arkansas Criminal Code, § 5-1-101 et seq.

(b) A person who is found guilty of, pleads guilty to, or pleads nolo contendere to a violation under this subchapter where the violation resulted in the injury of another person may be fined two hundred dollars ($200) and may have his or her driver's license, permit, or nonresident operating privilege suspended for a minimum of thirty (30) days.

(c) A person who is found guilty of, pleads guilty to, or pleads nolo contendere to a violation under

this subchapter where the violation resulted in the serious bodily injury of another person may be fined five hundred dollars ($500) and may have his or her driver's license, permit, or nonresident operating privilege suspended for a minimum of ninety (90) days.

(d) A person who is found guilty of, pleads guilty to, or pleads nolo contendere to a violation under this subchapter where the violation results in the death of another person may be fined one thousand dollars ($1,000) and may have his or her driver's license, permit, or nonresident operating privilege suspended for a minimum of one hundred eighty (180) days.

History. Acts 2005, No. 2143, § 1.

Subchapter 7 — Railroad Grade Crossings

SECTION.
27-51-701. Penalty generally.
27-51-702. Obedience to signals at crossings required.
27-51-703. Certain vehicles to stop at all crossings — Exceptions.
27-51-704. Trucks carrying explosives or flammable liquids.
27-51-705. Moving heavy equipment at crossings.
27-51-706. Designation of particularly dangerous crossings.

27-51-701. Penalty generally.

Any person who violates any of the provisions of this subchapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200).

History. Acts 1951, No. 182, § 4; A.S.A. 1947, § 75-639.1.

27-51-702. Obedience to signals at crossings required.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, then the driver of the vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and shall not proceed until he or she can do so safely. These requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard; and

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

History. Acts 1937, No. 300, § 84; Pope's Dig., § 6742; Acts 1951, No. 182, § 1; 1959, No. 307, § 28; A.S.A. 1947, § 75-637.

27-51-703. Certain vehicles to stop at all crossings — Exceptions.

(a) The driver of any motor vehicle carrying passengers for hire, any school bus carrying any school child, or any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo before crossing at grade any tracks of a railroad shall stop the vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train and for signals indicating that approach of a train, except as provided, and shall not proceed until he or she can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in the gear of the vehicle in which there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(c) This section shall not apply at street railway grade crossings within a business or residential district.

History. Acts 1937, No. 300, § 86; Pope's Dig., § 6743; Acts 1951, No. 182, § 2; 1959, No. 307, § 29; A.S.A. 1947, § 75-638.

27-51-704. Trucks carrying explosives or flammable liquids.

(a) The operator of any truck carrying any explosive substances or flammable liquids or gases as a cargo or part of a cargo shall, before crossing any railroad tracks, stop the vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest railroad and while stopped shall open the door of the truck on the driver's side or roll down the window at least twelve inches (12″) in order to remove any obstruction of the sound of a train whistle. He or she shall also listen and look in both directions along the track for any approaching train or signals indicating the approach of a train and shall proceed to cross the tracks only after he or she has determined that it is safe to do so.

(b)(1) Any operator of a truck who fails to comply with the provisions of this section shall be guilty of a misdemeanor.

(2)(A)(i) Upon a first conviction, the operator shall be fined not less than one hundred dollars ($100) nor more than three hundred dollars ($300).

(ii) In addition, the chauffeur's license of the operator shall be suspended for a period of thirty (30) days.

(B)(i) For a second offense, the operator shall be fined not less than one hundred dollars ($100) nor more than three hundred dollars ($300).

(ii) In addition, that person's chauffeur's license shall be suspended for a period of one (1) year.

History. Acts 1975, No. 878, §§ 1, 2; A.S.A. 1947, §§ 75-638.1, 75-638.2.

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

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of up to ten miles per hour (10 m.p.h.) or a vertical body or load clearance of less than one-half inch (½″) per foot of the distance between any two (2) adjacent axles or, in any event, of less than nine inches (9″), measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

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

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

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

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

History. Acts 1937, No. 300, § 87; Pope's Dig., § 6744; Acts 1951, No. 182, § 3; 1959, No. 307, § 30; A.S.A. 1947, § 75-639.

27-51-706. Designation of particularly dangerous crossings.

(a) The State Highway Commission and local authorities, with the approval of the commission, are authorized to designate particularly dangerous state highway grade crossings of railroads and to erect stop signs there.

(b) When stop signs are erected, the driver of any vehicle shall stop within fifty feet (50') but not less than ten feet (10') from the nearest rail of the railroad and shall proceed only upon exercising due care.

(c) Any person, owner, or driver of any automobile, truck, motorcycle, or other motor-driven vehicle violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00).

(d) This section shall be cumulative to the other laws of this state and shall not repeal any laws or parts of laws except where specifically in conflict with this section.

History. Acts 1963, No. 254, §§ 1-4; A.S.A. 1947, §§ 75-665 — 75-667, 75-667n.

Subchapter 8 — Streetcars

SECTION.
27-51-801. Passing streetcar on left.
27-51-802. Passing streetcar on right.
27-51-803. Driving on streetcar tracks.

27-51-801. Passing streetcar on left.

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

(1) When so directed by a police officer;

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

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

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

History. Acts 1937, No. 300, § 80; Pope's Dig., § 6738; A.S.A. 1947, § 75-633.

27-51-802. Passing streetcar on right.

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

History. Acts 1937, No. 300, § 81; Pope's Dig., § 6739; A.S.A. 1947, § 75-634.

27-51-803. Driving on streetcar tracks.

(a) The driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall remove the vehicle from the track as soon as practical after signal from the operator of the streetcar.

(b) When a streetcar has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks within the intersection in front of the streetcar.

(c) The driver of a vehicle upon overtaking and passing a streetcar shall not turn in front of the streetcar so as to interfere with or impede its movement.

History. Acts 1937, No. 300, § 82; Pope's Dig., § 6740; A.S.A. 1947, § 75-635.

Subchapter 9 — Emergency Vehicles

SECTION.
27-51-901. Operation of vehicles and streetcars on approach of authorized emergency vehicles.
27-51-902. Following fire apparatus.
27-51-903. Crossing unprotected fire hose prohibited.
27-51-904. Towing operations.

27-51-901. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a)(1) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon conviction of violating subdivision (a)(1) of this section, a person is subject to a fine not to exceed four hundred dollars ($400).

(b) Upon the approach of an authorized emergency vehicle, as stated in subsection (a) of this section, the operator of every streetcar shall immediately stop the car clear of any intersection and keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

History. Acts 1937, No. 300, § 74; Pope's Dig., § 6732; A.S.A. 1947, § 75-625; Acts 2007, No. 338, § 1.

27-51-902. Following fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

History. Acts 1937, No. 300, § 98; Pope's Dig., § 6755; A.S.A. 1947, § 75-655.

27-51-903. Crossing unprotected fire hose prohibited.

No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track to be used at any fire or alarm of fire without the consent of the fire department official in command.

History. Acts 1937, No. 300, § 99; Pope's Dig., § 6756; A.S.A. 1947, § 75-656.

27-51-904. Towing operations.

(a) As used in this section, "towing operation" means an activity on the highway or roadway that involves one (1) or more tow trucks at an accident scene or involves an inoperable vehicle.

(b) The driver of a motor vehicle that is approaching a towing operation on a highway or roadway shall:

(1) Move when possible into the farthest lane or position from the towing operation;

(2) Remain in that lane or position until the driver passes the towing operation; and

(3) Otherwise exercise due caution.

(c) A person who pleads guilty or nolo contendere to or is found guilty of violating this section is guilty of a violation.

History. Acts 2007, No. 626, § 1.

Subchapter 10 — School Buses

SECTION.
27-51-1001. Penalty.
27-51-1002. Specifications for identification and safety devices.
27-51-1003. Loading points.
27-51-1004. Passing when stopped prohibited.
27-51-1005. Operation on multiple lane or divided highways.

27-51-1001. Penalty.

(a)(1)(A)(i) Any party who violates any of the provisions of this subchapter shall upon conviction be guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or confined in the county jail not to exceed ninety (90) days or both fined and imprisoned.

(ii) In addition to the penalties so prescribed, the court may order community service for not more than four hundred (400) hours and shall suspend the person's driver's license for a period of not less than twenty-one (21) days nor more than one (1) year.

(B) There is hereby created a rebuttable presumption that shall arise in any criminal action under this subchapter to the effect that if it can be proven that a person is the registered owner of a vehicle that is driven in a manner which violates the provisions of this subchapter, the person is presumed to have been the driver of the vehicle at the time of the violation.

(2) If death results to any person, caused either directly or indirectly by noncompliance with or violation of any of the provisions of this subchapter, the offending party shall be punished as is provided by law.

(b) In a proceeding for a violation of this subchapter, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of this subchapter, together with proof that the defendant named in the citation, complaint, or warrant was at the time of the violation a registered owner of the vehicle, shall constitute in evidence a justifiable inference that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

History. Acts 1953, No. 356, § 4; 1975, No. 255, § 2; 1985, No. 1078, § 1; A.S.A. 1947, § 75-659; Acts 1999, No. 1516, § 1; 2005, No. 2128, § 3.

27-51-1002. Specifications for identification and safety devices.

(a)(1) All vehicles used for the transportation of pupils to or from any school shall have a sign on the front and on the rear of the vehicle showing the words "SCHOOL BUS", and the words shall be plainly readable in letters not less than eight inches (8″) in height.

(2) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(b) Every school bus shall be in the color officially designated by the State Board of Education.

(c)(1)(A) The board is vested with full authority and responsibility to prescribe by regulation the number and location and other specifications for alternating red warning lights on school buses operated in this state.

(B) Alternating red warning lights shall be operating at all times when the buses are loading or unloading school children but at no other time.

(2) It shall be the duty of the operator of every school bus operated in this state to conduct an inspection before each trip begins to see that all identification and safety devices required by this section or required by regulation of the board are displayed on the vehicle in the manner required, and it is unlawful for any person to operate a school bus in this state unless identification and safety devices are properly displayed and in proper working order.

History. Acts 1953, No. 356, § 1; 1957, No. 322, § 1; 1959, No. 307, § 32; 1965, No. 426, § 1; 1973, No. 579, § 1; 1975, No. 255, § 1; A.S.A. 1947, § 75-658; Acts 2005, No. 2128, § 4.

27-51-1003. Loading points.

(a) School bus drivers shall stop school buses in the right-hand traffic lane at loading points where school children cross the highway in the process of loading or unloading and at loading points where the shoulder of the road is so narrow that pulling to the shoulder is unsafe or impractical.

(b) At loading points where no children cross the highway in the process of loading or unloading and where there is a sufficient and safe area at the right to remove the school bus completely from the highway, school bus drivers shall remove the school bus from the highway for loading or unloading.

History. Acts 1953, No. 356, § 3; 1965, No. 426, § 2; A.S.A. 1947, § 75-658.2.

27-51-1004. Passing when stopped prohibited.

(a) When a school bus stops and displays its alternating red warning lights for the purpose of loading or unloading passengers, every operator of a motor vehicle or motorcycle meeting or overtaking the school bus from any direction shall bring the motor vehicle or motorcycle to a complete stop before reaching the school bus.

(b) The operator of the motor vehicle or motorcycle shall not start up or attempt to pass in any direction until the school bus vehicle has finished receiving or discharging its passengers and is in motion again.

History. Acts 1953, No. 356, § 1; 1957, No. 322, § 1; 1985, No. 1083, § 1; A.S.A. 1947, § 75-658; Acts 1989, No. 243, § 1; 2005, No. 2128, § 5.

27-51-1005. Operation on multiple lane or divided highways.

(a) For the purpose of this section, "multiple lane highway" means a road with four (4) or more traffic lanes and with no fewer than two (2) traffic lanes for traveling in each direction.

(b) If the school bus is operated on a multiple lane highway divided by a parkway or dividing strip of twenty feet (20') or more in width and if the school bus is on the opposite side of the parkway or dividing strip, then the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the children.

(c)(1) If a school bus route includes bus stops on a multiple lane highway, the route shall be designed to

ensure that the bus operator shall always load and unload passengers in a manner that does not require a student to cross the highway.

(2) A student being loaded or unloaded at a bus stop on a multiple lane highway shall always be loaded and unloaded in a manner that does not require the student to cross the highway.

History. Acts 1953, No. 356, § 2; A.S.A. 1947, § 75-658.1; Acts 2005, No. 2128, § 6.

Subchapter 11 — Church Buses

SECTION.
27-51-1101. Definition.
27-51-1102. Penalty.
27-51-1103. Loading points.
27-51-1104. Passing stopped church bus prohibited — Exception.

27-51-1101. Definition.

As used in this subchapter, unless the context otherwise requires, "church bus" means any bus or van which:

(1) Is used to transport people to or from any church or church function;

(2) Has a sign on the front and rear of such bus or van with the words "CHURCH BUS" written in letters of not less than eight inches (8″) in height;

(3) Is equipped with flasher lights to indicate that the bus or van is receiving or discharging its passengers; and

(4) Is of a color other than school bus yellow.

History. Acts 1983, No. 398, § 1; A.S.A. 1947, § 75-668.

27-51-1102. Penalty.

(a) Any person who violates any of the provisions of this subchapter shall, upon conviction, be guilty of a misdemeanor.

(b) A convicted violator shall be fined not less than thirty-five dollars ($35.00) nor more than five hundred dollars ($500) or imprisoned not more than ninety (90) days, or both.

History. Acts 1983, No. 398, § 4; A.S.A. 1947, § 75-668.3.

27-51-1103. Loading points.

(a) The driver of a church bus shall stop the bus in the right-hand traffic lane at loading points where passengers cross the highway in the process of loading or unloading and at loading points where the shoulder of the road is so narrow that pulling to the shoulder is unsafe or impractical.

(b) At loading points where no passengers cross the highway in the process of loading or unloading and where there is a sufficient and safe area at the right to remove the bus completely from the highway, then the bus driver shall remove the bus from the highway for loading or unloading.

History. Acts 1983, No. 398, § 3; A.S.A. 1947, § 75-668.2.

27-51-1104. Passing stopped church bus prohibited — Exception.

(a) When any church bus stops and indicates by flasher lights that the bus is loading or unloading passengers, every operator of a motor vehicle or motorcycle approaching it from any direction shall bring the motor vehicle or motorcycle to a full stop and shall not start or attempt to pass in any direction until the bus has finished receiving or discharging its passengers.

(b) If the bus is operated on multiple lane highways divided by a parkway or dividing strip of twenty feet (20') or more in width and if the bus is on the opposite side of the parkway or dividing strip, then the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the passengers of the bus.

History. Acts 1983, No. 398, § 2; A.S.A. 1947, § 75-668.1.

Subchapter 12 — Pedestrians

SECTION.
27-51-1201. Privileges and restrictions generally.
27-51-1202. Pedestrians' right-of-way in crosswalks.
27-51-1203. Use of crosswalks.
27-51-1204. Pedestrians crossing at other than crosswalks.
27-51-1205. Soliciting rides.

27-51-1201. Privileges and restrictions generally.

Pedestrians shall be subject to traffic control signals at intersections as declared in this act, but at all other places pedestrians shall be accorded the privileges and shall be subject to restrictions stated in this subchapter.

History. Acts 1937, No. 300, § 75; Pope's Dig., § 6733; A.S.A. 1947, § 75-626.

27-51-1202. Pedestrians' right-of-way in crosswalks.

(a) Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this subchapter.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

History. Acts 1937, No. 300, § 76; Pope's Dig., § 6734; A.S.A. 1947, § 75-627.

27-51-1203. Use of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

History. Acts 1937, No. 300, § 78; Pope's Dig., § 6736; A.S.A. 1947, § 75-629.

27-51-1204. Pedestrians crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

History. Acts 1937, No. 300, § 77; Pope's Dig., § 6735; A.S.A. 1947, § 75-628.

27-51-1205. Soliciting rides.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

History. Acts 1937, No. 300, § 79; Pope's Dig., § 6737; A.S.A. 1947, § 75-630.

Subchapter 13 — Stopping, Standing, or Parking

SECTION.

27-51-1301. Restrictions on stopping, standing, or parking generally.
27-51-1302. Stopping, standing, or parking prohibited in specified places.
27-51-1303. Stopping, standing, or parking outside of business or residence district.
27-51-1304. Authority to remove illegally stopped vehicles.
27-51-1305. Removal of motor vehicles parked without authority in parking lots.
27-51-1306. Unattended motor vehicles.
27-51-1307. Opening door on traffic side.
27-51-1308. Starting of vehicles.
27-51-1309. Backing of vehicles.

27-51-1301. Restrictions on stopping, standing, or parking generally.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches (18″) of the right-hand curb.

(b) Local authorities may, by ordinance, permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches (18″) of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the State Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d)(1) The commission, with respect to highways under its jurisdiction, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon.

(2) Signs shall be official signs, and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on the signs.

History. Acts 1937, No. 300, § 93; Pope's Dig., § 6750; Acts 1959, No. 307, § 38; A.S.A. 1947, § 75-650.

27-51-1302. Stopping, standing, or parking prohibited in specified places.

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or a private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15') of a fire hydrant;

(5) On a crosswalk;

(6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach to any flashing beacon, any stop sign, or any traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the local traffic authority indicates a different length by signs or markings;

(9) Within fifty feet (50') of the nearest rail of a railroad crossing;

(10) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of the entrance when properly signposted;

(11) Alongside or opposite any street excavation or any street obstruction when stopping, standing, or parking would obstruct traffic;

(12) On a roadway side of any vehicle stopped or parked at the edge of a curb or a street;

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit stopping; or

(15) On the shoulders, the median, the ramps, and all other highway rights-of-way along interstate or fully controlled access highways, except in designated parking areas, provided that stopping, standing, or parking that is brief in duration and is due to an emergency, a vehicle disablement, or to correct or avert an unsafe condition shall not be considered a violation of this section.

(b) No person shall move a vehicle not owned by the person into any such prohibited area or away from a curb a distance that is unlawful.

History. Acts 1937, No. 300, § 92; Pope's Dig., § 6749; A.S.A. 1947, § 75-649; Acts 2007, No. 997, § 1.

27-51-1303. Stopping, standing, or parking outside of business or residence district.

(a)(1) Upon any highway outside of a business or residential district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or leave the vehicle off that part of the highway. In every event, an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicles shall be available from a distance of two hundred feet (200') in each direction upon the highway.

(2) Any driver who shall violate the provisions of this section shall be liable for any damages of which the violation is the proximate cause.

(3) This subsection shall not apply to:

(A) Employees or vehicles of the Arkansas State Highway and Transportation Department engaged in necessary construction, maintenance, or repair of the highways;

(B) Authorized emergency vehicles on emergency trips such as police vehicles on duty, fire vehicles on calls, or ambulances and wreckers engaged in the removal of persons or vehicles from the traveled part of the highway; or

(C) Public utility or service vehicles of any type, including, but not limited to, mail delivery, overnight couriers, electric or gas utility, or solid waste collection if the utility or service vehicles are at least one-half (½) outside the designated lane and remain on the highway only for the time reasonably necessary to perform the required service.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

History. Acts 1937, No. 300, § 90; Pope's Dig., § 6747; Acts 1959, No. 307, § 37; 1979, No. 674, § 1; A.S.A. 1947, § 75-647; Acts 2003, No. 863, § 1.

27-51-1304. Authority to remove illegally stopped vehicles.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this subchapter, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move it to a position off the paved or improved or main-traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of the vehicle consistent with § 27-50-1207.

History. Acts 1937, No. 300, § 91; Pope's Dig., § 6748; A.S.A. 1947, § 75-648; Acts 2001, No. 1705, § 1.

27-51-1305. Removal of motor vehicles parked without authority in parking lots.

(a) Consistent with the procedures of § 27-50-1101, the owner of a parking lot, his or her agent, or the lessee of a space in a parking lot may cause any motor vehicle which is parked on the lot without the consent of the owner of the lot or of his or her agent or which is parked in the space of the lessee without the consent of the lessee to be removed and stored at the expense of the owner or operator of the vehicle if a readable sign is prominently placed at each entrance to the lot specifying those persons who may park in the lot and prohibiting parking therein by all others.

(b) The owner of a lot or the lessee of a space in a lot who has an unauthorized vehicle removed and stored under the provisions of subsection (a) of this section shall not be liable for damages incurred by the owner or operator of an unauthorized vehicle as a result of removal or storage if the vehicle is removed by an insured vehicle wrecker service and stored by an insured storage company.

History. Acts 1971, No. 200, §§ 1, 2; A.S.A. 1947, §§ 75-651.1, 75-651.2; Acts 2005, No. 2211, § 7.

27-51-1306. Unattended motor vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key, or, when standing upon any perceptible grade, without effectively setting the brake and turning the front wheels to the curb or side of the highway.

History. Acts 1937, No. 300, § 94; Pope's Dig., § 6751; Acts 1959, No. 307, § 40; A.S.A. 1947, § 75-651.

27-51-1307. Opening door on traffic side.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

History. Acts 1937, No. 300, § 94; 1959, No. 307, § 40; A.S.A. 1947, § 75-651.

27-51-1308. Starting of vehicles.

No person shall start a vehicle which is stopped, standing, or parked unless and until movements can be made with reasonable safety.

History. Acts 1937, No. 300, § 66; Pope's Dig., § 6724; A.S.A. 1947, § 75-617.

27-51-1309. Backing of vehicles.

(a) The driver of a vehicle shall not back a vehicle upon any roadway unless the movement can be made with reasonable safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back a vehicle on any access road, entrance ramp, exit ramp, shoulder, or road surface of any controlled-access highway.

History. Acts 2001, No. 313, § 1.

Subchapter 14 — Miscellaneous Rules

SECTION.

27-51-1401. Obstruction to driver's view or driving mechanism prohibited.
27-51-1402. Driving through safety zone prohibited.
27-51-1403. [Repealed.]
27-51-1404. Coasting prohibited.
27-51-1405. Throwing destructive or injurious materials on highway prohibited.
27-51-1406. Warning by motorists to persons and animals on highway.
27-51-1407. Stopping for frightened horses.

27-51-1401. Obstruction to driver's view or driving mechanism prohibited.

(a) No person shall drive a vehicle when it is so loaded or when there are in the front seat a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle so as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or streetcar operator's view ahead or to the sides or to interfere with his or her control over the driving mechanism of the vehicle or streetcar.

History. Acts 1937, No. 300, § 95; Pope's Dig., § 6752; A.S.A. 1947, § 75-652.

27-51-1402. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

History. Acts 1937, No. 300, § 83; Pope's Dig., § 6741; A.S.A. 1947, § 75-636.

27-51-1403. [Repealed.]

Publisher's Notes. This section, concerning driving on mountain highways, was repealed by Acts 2011, No. 780, § 10. The section was derived from Acts 1937, No. 300, § 96; Pope's Dig., § 6753; A.S.A. 1947, § 75-653.

27-51-1404. Coasting prohibited.

(a) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of the vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged.

History. Acts 1937, No. 300, § 97; Pope's Dig., § 6754; A.S.A. 1947, § 75-654.

27-51-1405. Throwing destructive or injurious materials on highway prohibited.

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon the highway.

(b) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove it or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a public highway, as defined by § 27-51-101, shall remove any glass or other injurious substance dropped upon the public highway from the vehicle.

History. Acts 1937, No. 300, § 100; Pope's Dig., § 6757; A.S.A. 1947, § 75-657; Acts 1999, No. 82, § 1.

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

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

History. Acts 1911, No. 134, § 17, p. 94; C. & M. Dig., § 7433; Pope's Dig., § 6645; A.S.A. 1947, § 75-661.

27-51-1407. Stopping for frightened horses.

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

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

History. Acts 1911, No. 134, § 12, p. 94; C. & M. Dig., § 7428; Pope's Dig., § 6640; A.S.A. 1947, § 75-660.

Subchapter 15 — Paul's Law: To Prohibit Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage in Text Messaging

SECTION.
27-51-1501. Title.
27-51-1502. Purpose.
27-51-1503. Definitions.
27-51-1504. Use of a handheld wireless telephone when driving.
27-51-1505. Preemption.
27-51-1506. Penalties.

27-51-1501. Title.

This subchapter is known and may be cited as "Paul's Law: To Prohibit Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage in Text Messaging".

History. Acts 2009, No. 181, § 1.

27-51-1502. Purpose.

The purpose of this subchapter is to:

(1) Improve the safety of the roads for all drivers and passengers by prohibiting a driver of a motor vehicle from engaging in text messaging;

(2) Prevent accidents caused by the distractive practice of text messaging while operating a motor vehicle;

(3) Preserve human life and maintain the safety of the citizens of the State of Arkansas and visitors to our state by taking steps to reduce motor vehicle accidents, injuries, and deaths;

(4) Reduce health care costs, health insurance rates, and automobile insurance rates by attempting to reduce the number of motor vehicle accidents that cause injury, death, and property damage; and

(5) Reduce the amount of time that law enforcement and the court system work on accidents and offenses arising out of motor vehicle accidents caused by drivers who are distracted by sending or reading text messages.

History. Acts 2009, No. 181, § 1.

27-51-1503. Definitions.

As used in this subchapter:

(1)(A) "Handheld wireless telephone" means a wireless interactive communication device with which a user can engage in a text-based communication using at least one (1) hand or by reading a text-based communication.

(B) "Handheld wireless telephone" does not include a:

(i) Hands-free wireless telephone or device;

(ii) Citizens band radio; or

(iii) Citizens band radio hybrid;

(2)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand with an:

(i) Internal feature or function; or

(ii) Attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device; and

(3) "Wireless interactive communication" means typing, text messaging, emailing, or accessing information on the Internet with a handheld wireless telephone.

History. Acts 2009, No. 181, § 1.

27-51-1504. Use of a handheld wireless telephone when driving.

(a) Except as otherwise provided in subsection (b) of this section, a driver of a motor vehicle shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.

(b)(1) A driver of a motor vehicle may use a handheld wireless telephone for wireless interactive communication in emergencies.

(2) A person performing his or her official duties as a certified law enforcement officer, firefighter, ambulance driver, or emergency medical technician is exempt from the requirements of this section.

History. Acts 2009, No. 181, § 1.

27-51-1505. Preemption.

This subchapter supersedes and preempts all county or municipal ordinances regarding the use of a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.

History. Acts 2009, No. 181, § 1.

27-51-1506. Penalties.

A person who pleads guilty or nolo contendere to or has been found guilty of violating this section commits a violation.

History. Acts 2009, No. 181, § 1.

Subchapter 16 — Fewer Distractions Mean Safer Driving Act

SECTION.

27-51-1601. Title.
27-51-1602. Definitions. [Effective until October 1, 2011.]
27-51-1602. Definitions. [Effective October 1, 2011.]
27-51-1603. Restrictions on drivers under 18 years of age.
27-51-1604. Restrictions on drivers at least 18 but under 21 years of age.
27-51-1605. Enforcement. [Effective until October 1, 2011.]
27-51-1605. Enforcement. [Effective October 1, 2011.]
27-51-1606. Preemption. [Effective until October 1, 2011.-
27-51-1606. Preemption. [Effective October 1, 2011.]
27-51-1607. Penalties.
27-51-1608. Applicability. [Repealed effective October 1, 2011.]
27-51-1609. Restrictions in school zones. [Effective October 1, 2011.]
27-51-1610. Restrictions in highway work zones. [Effective October 1, 2011.]

27-51-1601. Title.

This subchapter shall be known and may be cited as the "Fewer Distractions Mean Safer Driving Act".

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1602. Definitions. [Effective until October 1, 2011.]

As used in this subchapter:

(1) "Emergency purpose" means the reason for contacting any of the following to report an emergency:

(A) Law enforcement personnel;

(B) Fire department personnel;

(C) Public safety personnel;

(D) Emergency medical personnel; or

(E) A 911 public safety communications center;

(2)(A) "Handheld wireless telephone" means a wireless interactive communication device with which a user engages in a call or text-based communication using at least one (1) hand.

(B) "Handheld wireless telephone" does not include:

(i) A hands-free wireless telephone or device;

(ii) Citizens band radio; or

(iii) Citizens band radio hybrid;

(3)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand with:

(i) An internal feature or function; or

(ii) An attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device;

(4) "Wireless interactive communication" means talking, typing, text messaging, emailing, or accessing information on the Internet with a wireless telephone; and

(5)(A) "Wireless telephone" means a wireless interactive communication device.

(B) "Wireless telephone" includes a handheld wireless telephone and a hands-free wireless telephone or device.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1602. Definitions. [Effective October 1, 2011.]

As used in this subchapter:

(1) "Emergency purpose" means the reason for contacting any of the following to report an emergency:

(A) Law enforcement personnel;

(B) Fire department personnel;

(C) Public safety personnel;

(D) Emergency medical personnel; or

(E) A 911 public safety communications center;

(2)(A) "Handheld wireless telephone" means a wireless interactive communication device with which a user engages in wireless interactive communication using at least one (1) hand.

(B) "Handheld wireless telephone" does not include a:

(i) Hands-free wireless telephone or device;

(ii) Citizens band radio;

(iii) Citizens band radio hybrid; or

(iv) Global positioning or navigation device or system;

(3)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in wireless interactive communication without the use of either hand with:

(i) An internal feature or function; or

(ii) An attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device;

(4) "Highway work zone" means any area upon or adjacent to a highway, road, or street of this state where construction, reconstruction, maintenance, or

any other type of work is being performed or is in progress;

(5) "Highway worker" means an employee of any of the following who is present in a highway work zone:

(A) The Arkansas State Highway and Transportation Department;

(B) A county;

(C) A municipality; or

(D) A contractor or subcontractor of the State Highway Commission or a county or municipality that is performing duties related to the highway work zone;

(6) "Wireless interactive communication" means talking, typing, emailing, or accessing information on the Internet with a wireless telephone; and

(7)(A) "Wireless telephone" means a wireless interactive communication device.

(B) "Wireless telephone" includes a handheld wireless telephone and a hands-free wireless telephone or device.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1; 2011, No. 37, § 1.

27-51-1603. Restrictions on drivers under 18 years of age.

(a) Except as provided under subsection (b) of this section, a driver of a motor vehicle who is under eighteen (18) years of age shall not use a wireless telephone for wireless interactive communication while operating a motor vehicle.

(b) A driver of a motor vehicle who is under eighteen (18) years of age may use a wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1604. Restrictions on drivers at least 18 but under 21 years of age.

(a)(1) Except as otherwise provided in this section, the driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.

(2) The driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age may use a hands-free wireless telephone or device for wireless interactive communication while operating a motor vehicle.

(b) A driver of a motor vehicle who is at least eighteen (18) but under twenty-one (21) years of age may use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle for an emergency purpose only.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1605. Enforcement. [Effective until October 1, 2011.]

A driver of a motor vehicle is not to be stopped or detained solely to determine compliance with this section.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1605. Enforcement. [Effective October 1, 2011.]

A driver of a motor vehicle is not to be stopped or detained solely to determine compliance with this subchapter.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1; 2011, No. 37, § 2.

27-51-1606. Preemption. [Effective until October 1, 2011.-

This section supersedes and preempts all county or municipal ordinances regarding wireless telephone use by persons under twenty-one (21) years of age.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1606. Preemption. [Effective October 1, 2011.]

This subchapter supersedes and preempts all county or municipal ordinances regarding wireless telephone use by drivers of motor vehicles.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1; 2011, No. 37, § 3.

27-51-1607. Penalties.

(a)(1) For a first offense under this subchapter, a person shall be issued a citation that is a warning citation, and no court appearance is required and no penalty shall be imposed by the court.

(2) A record of each warning citation issued shall be maintained.

(b) A person who pleads guilty or nolo contendere to or has been found guilty of violating this subchapter for a second or subsequent offense is guilty of a violation under § 5-1-108 and shall be fined fifty dollars ($50.00).

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.

27-51-1608. Applicability. [Repealed effective October 1, 2011.]

This subchapter applies to all violations committed on and after October 1, 2009.

History. Acts 2009, No. 197, § 1; 2009, No. 247, § 1.
Publisher's Notes. This section is repealed by Acts 2011, No. 37,

§ 4, effective October 1, 2011. This section, dealing with applicability, is derived from Acts 2009, No. 197, § 1, and Acts 2009, No. 247, § 1.

27-51-1609. Restrictions in school zones. [Effective October 1, 2011.]

(a) Except as provided under subsection (b) of this section, a driver of a motor vehicle shall not use a handheld wireless telephone while operating a motor vehicle when passing a school building or school zone during school hours when children are present and outside the building.

(b) A driver of a motor vehicle who is passing a school building or school zone during school hours when children are present and outside the building may use a handheld wireless telephone while operating a motor vehicle for an emergency purpose.

(c) This section does not apply to law enforcement officers.

History. Acts 2011, No. 37, § 5.

27-51-1610. Restrictions in highway work zones. [Effective October 1, 2011.]

(a) Except as provided under subsection (b) of this section, the driver of a motor vehicle shall not use a handheld wireless telephone while operating a motor vehicle in a highway work zone when a highway worker is present.

(b) The driver of a motor vehicle who is in a highway work zone when a highway worker is present may use a handheld wireless telephone while operating a motor vehicle for an emergency purpose.

(c) This section does not apply to law enforcement officers.

History. Acts 2011, No. 37, § 5.

CHAPTER 52

TRAFFIC-CONTROL DEVICES

SUBCHAPTER.
1. General Provisions.
2. Uniform System.

Subchapter 1 — General Provisions

SECTION.
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27-52-101. Penalty for interference with highway or railroad sign, etc.

(a) No person shall without lawful authority attempt to or in fact alter, deface, mutilate, injure, knock down, destroy, or remove any official highway traffic-control device, road marker, lighting equipment, or any railroad crossing sign or signal, or any inscription, shield, or transcription thereon or any part thereof.

(b)(1) It is a misdemeanor for any person to violate any of the provisions of subsection (a) of this section.

(2) Every person convicted of a violation of this section shall be punished for:

(A) A first conviction by a fine not less than ten dollars ($10.00) nor more than one hundred dollars ($100) or by imprisonment for not more than ten (10) days;

(B) A second conviction by a fine of not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) or by imprisonment for not more than thirty (30) days, or by both fine and imprisonment; or

(C) A third or subsequent conviction by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

(c) There is posted a standing reward of ten dollars ($10.00) to be paid by the State Highway Commission from any funds appropriated for maintenance purposes for information leading to the arrest and conviction of any person willfully or maliciously violating any provision of this section with respect to official signs upon the state highway system.

History. Acts 1937, No. 300, § 35; Pope's Dig., § 6693; Acts 1939, No. 128, § 1; A.S.A. 1947, § 75-508.

27-52-102. Penalty for interference with devices in construction areas.

(a) Any unauthorized person who willfully moves, covers, uncovers, alters, tampers with, defaces, or damages any sign, signal, or device erected in a construction area to control the flow of motor vehicle traffic or pedestrian traffic in, through, or around the construction area shall be deemed guilty of a Class A misdemeanor.

(b) Any person who violates this section in reckless disregard for the safety of human life shall be deemed guilty of a Class D felony.

History. Acts 1981, No. 273, § 1; A.S.A. 1947, § 75-508.1.

27-52-103. Obedience to official devices required.

No driver of a vehicle or operator of a streetcar shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter unless at the time otherwise directed by a police officer.

History. Acts 1937, No. 300, § 31; Pope's Dig., § 6689; A.S.A. 1947, § 75-504.

27-52-104. Adoption of uniform system.

(a) The State Highway Commission shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this chapter for use upon highways within this state.

(b) The uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway and Transportation Officials.

History. Acts 1937, No. 300, § 28; Pope's Dig., § 6686; A.S.A. 1947, § 75-501.

27-52-105. Devices on state highways.

(a) The State Highway Commission shall place and maintain traffic control devices conforming to its manual and specifications upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the commission, except by the latter's permission.

History. Acts 1937, No. 300, § 29; Pope's Dig., § 6687; A.S.A. 1947, § 75-502.

27-52-106. Local devices.

(a)(1) Local authorities in their respective jurisdictions shall place and maintain traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic.

(2) All traffic control devices erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in subsection (a) of this section shall be subject to the direction and control of the State Highway Commission.

History. Acts 1937, No. 300, § 30; Pope's Dig., § 6688; A.S.A. 1947, § 75-503.

27-52-107. Signal legend.

(a) Whenever traffic is controlled by traffic-control signals exhibiting the words "GO", "CAUTION", or "STOP", or exhibiting different colored lights successively one (1) at a time or with arrows, the following colors only shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "GO" means:

(A) Vehicular traffic facing the signal, except when prohibited under § 27-51-802, may proceed straight through or turn right or left unless a sign at such place prohibits either turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited,

(B) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;

(2) Steady yellow alone means:

(A) Vehicular traffic facing the signal is warned that the red or "STOP" signal will be exhibited immediately thereafter, and vehicular traffic shall not enter the intersection when the red or "STOP" signal is exhibited.

(B) Pedestrians facing the signal are advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;

(3) Steady red alone or "STOP" means:

(A) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "GO" is shown alone, except that:

(i) Vehicular traffic facing the signal, after coming to a complete stop, may cautiously enter the intersection for the purpose of making a right turn only, unless there is a sign prohibiting the turn; and

(ii) Vehicular traffic in the left lane of a one-way street facing such signal, after coming to a complete stop, may cautiously enter the intersection for the purpose of making a left turn into the left lane of another one-way street only, unless there is a sign prohibiting such turn.

(B) No pedestrian facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic; and

(4) Steady red with green arrow means:

(A) Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(B) No pedestrian facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic;

(b)(1) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application.

(2) Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking, the stop shall be made at the signal.

(c) The operator of any streetcar shall obey the signals as applicable to vehicles.

(d) Whenever special pedestrian-control signals exhibiting the words "WALK" or "WAIT" or "DON'T WALK" are in place, such signals shall indicate as follows:

(1) "WALK" means pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and

(2) "WAIT" or "DON'T WALK" means no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

History. Acts 1937, No. 300, § 32; Pope's Dig., § 6690; Acts 1959, No. 307, § 24; 1961, No. 51, § 1; 1975 (Extended Sess., 1976), No. 1068, § 1; 1979, No. 104, § 1; A.S.A. 1947, § 75-505; reen. Acts 1987, No. 865, § 1; Acts 2001, No. 1606, § 1.

27-52-108. Flashing signals.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(1) Flashing red, which is a stop signal, means when a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

(2) Flashing yellow, which is a caution signal, means when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

History. Acts 1937, No. 300, § 33; Pope's Dig., § 6691; A.S.A. 1947, § 75-506.

27-52-109. Unauthorized signs, etc., prohibited — Removal.

(a)(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device, or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(2) This subsection shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information or of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, marking, or device is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove it or cause it to be removed without notice.

History. Acts 1937, No. 300, § 34; Pope's Dig., § 6692; A.S.A. 1947, § 75-507.

27-52-110. Automated enforcement device operated by a county government or a department of state government operating outside a municipality.

(a) As used in this section:

(1) "Automated enforcement device" means a system operated by a county government or a department of state government that is operating outside of a municipality that:

(A) Uses a photo-radar device that is capable of detecting a speeding violation; and

(B) Photographs or records an image of the vehicle used in committing the violation, the operator of the vehicle, or the license plate of the vehicle; and

(2) "Municipality" means a city of the first class, a city of the second class, or an incorporated town.

(b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a county or a department of state government that is operating outside of a municipality to detect or enforce:

(1) A violation of the traffic laws or regulations of the State of Arkansas; or

(2) An ordinance of the municipality.

(c)(1) A county government or a department of state government that is operating outside of a municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances:

(A) In a school zone; or

(B) At a railroad crossing.

(2) If a county or a department of state government that is operating outside of a municipality uses an automated enforcement device, then a certified law enforcement officer must:

(A) Be present with the automated enforcement device; and

(B) Issue the citation to the violator at the time and place of the violation.

(d) This section shall not prevent the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department from using automated enforcement devices to enforce state or federal motor carrier laws.

History. Acts 2005, No. 1451, § 1.

27-52-111. Automated enforcement device operated by a municipality or a department of state government operating within the boundaries of a municipality.

(a) As used in this section:

(1) "Automated enforcement device" means a system operated by a municipality or a department of state government that is operating within the boundaries of the municipality that:

(A) Uses a photo-radar device that is capable of detecting a speeding violation; and

(B) Photographs or records an image of the vehicle used in committing the violation, the operator of the vehicle, or the license plate of the vehicle; and

(2) "Municipality" means a city of the first class, a city of the second class, or an incorporated town.

(b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a municipality or a department of state government that is operating within the boundaries of the municipality to detect or enforce:

(1) A violation of the traffic laws or regulations of the State of Arkansas; or

(2) An ordinance of the municipality.

(c)(1) A municipality or a department of state government that is operating within the boundaries of the municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances:

(A) In a school zone; or

(B) At a railroad crossing.

(2) If a municipality or a department of state government that is operating within the boundaries of the municipality uses an automated enforcement device, then a certified law enforcement officer must:

(A) Be present with the automated enforcement device; and

(B) Issue the citation to the violator at the time and place of the violation.

(d) This section shall not prevent the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department from using automated enforcement devices to enforce state or federal motor carrier laws.

History. Acts 2005, No. 1451, § 2.

Subchapter 2 — Uniform System

SECTION.

27-52-201. Purpose.
27-52-202. Penalty.
27-52-203. Conformity to standards.
27-52-204. Duty of officials.
27-52-205. Arrangement of signals.
27-52-206. Exception for motorcycles.

27-52-201. Purpose.

(a) It is the purpose of this subchapter to make uniform the use of electrical traffic control signal devices in the State of Arkansas in order to promote the public safety and welfare.

(b) All electrical traffic control signal devices used in the State of Arkansas on any public street, road, or highway shall be in conformance with the provisions of this subchapter, and it shall be unlawful to use any device that violates the provisions of this subchapter.

History. Acts 1959, No. 143, § 1; A.S.A. 1947, § 75-509.

27-52-202. Penalty.

Any person violating the provisions of this subchapter shall be guilty of a misdemeanor.

History. Acts 1959, No. 143, § 5; A.S.A. 1947, § 75-513.

27-52-203. Conformity to standards.

(a) Any electrical traffic control signal device installed on any street, road, or highway in this state shall be in conformance with the standards recommended by the Institute of Transportation Engineers, approved as an American Standard by the American National Standards Institute.

(b) All traffic signals shall conform to the state manual and specifications adopted by the State Highway Commission in accordance with the requirements of §§ 27-52-104 and 27-52-106.

History. Acts 1959, No. 143, § 3; A.S.A. 1947, § 75-511.

27-52-204. Duty of officials.

Any persons, officers, or officials charged with the duty of placing, operating, or maintaining electrical traffic control signal devices on the public streets or highways of this state shall arrange the electrical traffic control signal devices to conform with the provisions of this subchapter.

History. Acts 1959, No. 143, § 4; A.S.A. 1947, § 75-512.

27-52-205. Arrangement of signals.

(a) Whenever traffic upon any public road, street, or highway in the State of Arkansas is controlled by

electrical traffic control signal devices exhibiting more than one (1) signal lens and color per signal face according to the signal legend set out in § 27-52-107, then the number of such signal lenses and colors shall never be less than three (3): Red for "STOP", yellow for "CAUTION", and green for "GO".

(b)(1) Additional signal lenses may be added to supplement with specific indications these three (3) basic signal indications.

(2) These signal lenses and colors shall be arranged as follows:

(A) All signal lenses shall be arranged preferably in a vertical straight line in the signal face or alternatively in a horizontal straight line in the signal face in the following order from top to bottom or from left to right:

Position	
Basic Signals:	Signal Indication:
1. Top or left	Red for "STOP"
2. Center	Yellow for "CAUTION"
3. Bottom or right	Green for "GO"
Supplemental Signals:	Green arrows on opaque lens backgrounds:
4. Next below or right	Straight-through arrow
5. Next below or right	Left-turn arrow
6. Next below or right	Right-turn arrow

(B) Traffic signals shall be defined to include all power-operated traffic-control devices, except signs, by which traffic is warned or is directed to take some specific action.

History. Acts 1959, No. 143, § 2; A.S.A. 1947, § 75-510.

27-52-206. Exception for motorcycles.

Notwithstanding any other provision of law, if a driver of a motorcycle approaches an intersection that is controlled by a traffic-control device, the driver may proceed through the intersection on a red light only if:

(1) The traffic-control device uses a vehicle sensor;

(2) The vehicle sensor has failed to detect the motorcycle because of the motorcycle's size or weight; and

(3) The driver:

(A) Comes to a full and complete stop at the intersection;

(B) Exercises due care as provided by law; and

(C) Proceeds with caution through the intersection when it is safe to do so.

History. Acts 2005, No. 1886, § 1.

CHAPTER 53
ACCIDENTS

SUBCHAPTER.

1. General Provisions.
2. Accident Reports.
3. Investigations.
4. Damage Claims.

Subchapter 1 — General Provisions

SECTION.

27-53-101. Requirements in accidents involving death or personal injuries.
27-53-102. Accidents involving damage only to vehicle — Removal of vehicle.
27-53-103. Duty to give information, remain at the scene of an accident, and render aid.
27-53-104. Notification if unattended vehicle is struck.
27-53-105. Striking fixtures upon highway.

27-53-101. Requirements in accidents involving death or personal injuries.

(a)(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of § 27-53-103.

(2) Every such stop shall be made without obstructing traffic more than is necessary.

(3) An accident of this nature shall include all accidents which occur upon the streets or highways, upon the parking area of private business establishments, or elsewhere throughout the state.

(b)(1) Any person failing to comply with subsection (a) of this section or with § 27-53-103 shall upon conviction be deemed guilty of a Class D felony.

(2) The Commissioner of Motor Vehicles shall revoke the driver's license or commercial driver's license of the person so convicted.

History. Acts 1937, No. 300, § 36; Pope's Dig., § 6694; Acts 1981, No. 918, § 1; A.S.A. 1947, § 75-901; Acts 1987, No. 88, § 1; 1995, No. 659, § 4.

27-53-102. Accidents involving damage only to vehicle — Removal of vehicle.

(a)(1) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall immediately return to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of § 27-53-103.

(2) Every such stop shall be made without obstructing traffic more than is necessary.

(b) An accident of this nature shall include all accidents which occur upon the streets or highways, upon the parking area of private business establishments, or elsewhere throughout the state.

(c)(1) The driver shall remove his or her vehicle from the roadway, except that the driver may leave the vehicle in the roadway if the vehicle is disabled or there is a visible or apparent injury to a person.

(2) The removal of a vehicle from the roadway pursuant to this section shall not constitute an admission of liability nor a waiver of a claim for personal injury.

History. Acts 1937, No. 300, § 37; Pope's Dig., § 6695; A.S.A. 1947, § 75-902; Acts 1987, No. 88, § 2; 1987, No. 598, § 1.

27-53-103. Duty to give information, remain at the scene of an accident, and render aid.

(a)(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall give his or her name, address, and the registration number of the vehicle he or she is driving.

(2) Upon request and if available, the driver shall exhibit his or her driver's license or commercial driver's license to the person struck, or the driver or occupant of, or person attending, any vehicle collided with and shall render to any person injured in the accident reasonable assistance, including the transporting, or the making of arrangements for the transporting, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if transporting is requested by the injured person.

(b)(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall remain at the scene of the accident for a reasonable time in order to be present if the driver knows that a law enforcement agency was contacted for assistance unless it is necessary for the driver to leave the scene of the accident to render assistance as required by subdivision (a)(2) of this section.

(2) For the purpose of compliance with subdivision (b)(1) of this section, a reasonable time is not less than thirty (30) minutes.

History. Acts 1937, No. 300, § 38; Pope's Dig., § 6696; A.S.A. 1947, § 75-903; Acts 1995, No. 659, § 5; 2007, No. 145, § 1.

27-53-104. Notification if unattended vehicle is struck.

(a) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(b) An accident of this nature shall include all accidents which occur upon the streets or highways, upon the parking area of private business establishments, or elsewhere throughout the state.

History. Acts 1937, No. 300, § 39; Pope's Dig., § 6697; A.S.A. 1947, § 75-904; Acts 1987, No. 88, § 3.

27-53-105. Striking fixtures upon highway.

(a) The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact and of his or her name and address and of the registration number of the vehicle he or she is driving. Upon request and if available, the driver shall exhibit his or her driver's license or commercial driver's license and shall make report of the accident when and as required in § 27-53-202.

(b) An accident of this nature shall include all accidents which occur upon the streets or highways, upon the parking area of private business establishments, or elsewhere throughout the state.

History. Acts 1937, No. 300, § 40; Pope's Dig., § 6698; A.S.A. 1947, § 75-905; Acts 1987, No. 88, § 4; 1995, No. 659, § 6.

Subchapter 2 — Accident Reports

SECTION.

27-53-201. Penalty.
27-53-202. Reports of accidents required — Supplemental reports.
27-53-203. Incapacity to make report.
27-53-204. Coroners to report deaths.
27-53-205. Incorporated municipalities may require reports.
27-53-206. Approved forms to be used.
27-53-207. Tabulation and analysis.
27-53-208. Use of accident and supplemental reports.
27-53-209. Reports open to public inspection.
27-53-210. Copies — Fee.
27-53-211. Inspection of accident scenes for safety improvements.

27-53-201. Penalty.

(a) Any person who fails or refuses to comply with § 27-53-202 or § 27-53-203 shall be punished upon a conviction in the county where the accident occurred by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(b) For willful refusal to comply with § 27-53-202 or § 27-53-203, the Commissioner of Motor Vehicles shall revoke the driver's license or commercial driver's license of the person so convicted.

History. Acts 1937, No. 300, § 41; 1949, No. 464, § 1; A.S.A. 1947, § 75-906; Acts 1995, No. 659, § 1.

27-53-202. Reports of accidents required — Supplemental reports.

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars ($1,000) or more shall notify the nearest law enforcement agency immediately. All persons involved in the accident shall make themselves readily available to the investigating agency's officer or officers.

(b)(1) In addition to the requirements of subsection (a) of this section, the driver of any taxicab, motor bus, or other motor vehicle carrying passengers for hire involved in an accident resulting in injury to or death of any person shall notify the nearest law enforcement agency immediately. The drivers of any taxicab, motor bus, or other motor vehicle carrying passengers for hire shall make themselves readily available to the investigating agency's office or officers.

(2) The accident report shall contain a full and complete list of the names and addresses of all passengers occupying the taxicab, bus, or other vehicle at the time of the accident.

(3) The report shall include provisions which inquire about whether or not the accident was caused as a result of the driver's lapse of consciousness, epileptic condition, or similar nervous disorder, or an episode of marked mental confusion or as a result of any physical disability, disease, or disorder or any other medical condition of the driver affecting the vehicle's safe operation.

(c) The Department of Arkansas State Police may require any driver of a vehicle involved in an accident that must be reported under this section to file supplemental reports whenever the original report is insufficient in the opinion of the Department of Arkansas State Police and may require witnesses of an accident to render reports to the Department of Arkansas State Police.

(d) In all traffic accidents involving motorcycles, motor-driven cycles, motorized bicycles, or any other two-wheeled or three-wheeled motor vehicle, all written reports of the accident shall be supplemented with a motorcycle traffic accident report.

History. Acts 1937, No. 300, § 41; Pope's Dig., § 6699; Acts 1949, No. 464, § 1; A.S.A. 1947, § 75-906; Acts 1989, No. 489, § 1; 1995, No. 570, § 1; 1995, No. 659, § 2; 2003, No. 333, § 1.

27-53-203. Incapacity to make report.

(a) Whenever the driver of a vehicle is physically incapable of reporting an accident, as required by § 27-53-202(a), and there was another occupant in the vehicle at the time of the accident capable of making a report, the occupant shall make or cause to be made the report.

(b) Whenever the driver of any taxicab, bus, or other motor vehicle carrying passengers for hire is physically incapable of reporting an accident, as required by § 27-53-202(b), it shall be the duty of the person in charge of the nearest office of the taxicab company, bus company, or other motor vehicle public carrier to make the report or cause it to be made.

History. Acts 1937, No. 300, § 42; Pope's Dig., § 6700; Acts 1949, No. 464, § 2; A.S.A. 1947, § 75-907; Acts 1995, No. 659, § 3.

27-53-204. Coroners to report deaths.

Every coroner, or other official performing like functions, on or before the tenth day of each month, shall report in writing to the Department of Arkansas State Police the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident.

History. Acts 1937, No. 300, § 44; Pope's Dig., § 6702; A.S.A. 1947, § 75-909.

27-53-205. Incorporated municipalities may require reports.

(a) By ordinance, any incorporated city, town, village, or other municipality may require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of the accident or a copy of any report required in this subchapter to be filed with the Department of Arkansas State Police.

(b) All such reports shall be for the confidential use of the city department and subject to the provisions of § 27-53-208.

History. Acts 1937, No. 300, § 47; Pope's Dig., § 6705; A.S.A. 1947, § 75-912.

27-53-206. Approved forms to be used.

(a)(1) The Department of Arkansas State Police shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals forms for accident reports required under this subchapter.

(2)(A) The reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(B) Every accident report shall include provisions which inquire about whether or not the accident was caused as a result of the driver's lapse of consciousness, epileptic condition, or similar nervous disorder, or an episode of marked mental confusion or as a result of any physical disability, disease, or disorder or any other medical condition of the driver.

(b) Every required accident report shall be made on a form approved by the Department of Arkansas State Police.

(c) The motorcycle traffic accident report shall be made upon forms approved and supplied by the Department of Arkansas State Police, with the concurrence of the Arkansas State Highway and Transportation Department.

History. Acts 1937, No. 300, § 43; Pope's Dig., § 6701; A.S.A. 1947, § 75-908; Acts 1989, No. 489, § 2; 1995, No. 570, § 2.

27-53-207. Tabulation and analysis.

(a) The Department of Arkansas State Police shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent

intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

(b) After its annual report on the number and circumstances of traffic accidents, the department shall further report to the Arkansas State Highway and Transportation Department the location of all accidents occurring within the preceding twelve-month period on the state highway system which resulted in a human fatality and where two (2) or more accidents involving a personal bodily injury occurred at the same location.

History. Acts 1937, No. 300, § 46; Pope's Dig., § 6704; A.S.A. 1947, § 75-911; Acts 1999, No. 1275, § 1.

27-53-208. Use of accident and supplemental reports.

(a)(1) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the use of the Department of Arkansas State Police.

(2) The Department of Arkansas State Police may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his or her presence at the accident. They may disclose to any person involved in the accident or to their attorney or agent the name and address of any and all occupants and passengers in any of the vehicles involved in the accident as may be shown by the reports.

(b)(1) No report shall be used as evidence in any civil or criminal trial arising out of an accident.

(2) The Department of Arkansas State Police shall furnish the report upon the demand of any person who has made or claims to have made the report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Arkansas State Police solely to prove a compliance or a failure to comply with the requirement that the report be made to the Department of Arkansas State Police.

History. Acts 1937, No. 300, § 45; Pope's Dig., § 6703; Acts 1949, No. 464, § 3; A.S.A. 1947, § 75-910.

27-53-209. Reports open to public inspection.

All motor vehicle accident reports made by the Department of Arkansas State Police, and its records of traffic violations, shall be open to public inspection at all reasonable times.

History. Acts 1953, No. 90, § 1; 1963, No. 272, § 1; A.S.A. 1947, § 75-916.

27-53-210. Copies — Fee.

(a) Photostatic or written copies of reports and records may be obtained from the Director of the Department of Arkansas State Police, or from his or her duly designated assistants, by any person who shall request the Department of Arkansas State Police for them in writing.

(b)(1) In order to partially reimburse the Department of Arkansas State Police for the cost of making photostatic or written copies of motor vehicle accident reports and copies of records of traffic violations, there shall be charged a fee of ten dollars ($10.00) for each copy of a basic accident report and a fee of one dollar and fifty cents ($1.50) per page for each copy of a supplemental report.

(2) All funds collected under this subsection shall immediately be paid over by the Department of Arkansas State Police to the Treasurer of State and shall be credited by him or her as a special revenue to the Department of Arkansas State Police Fund.

(c)(1) In order to partially reimburse county and municipal law enforcement agencies for the cost of making copies of motor vehicle accident reports and copies of records of traffic violations, there shall be charged a fee of ten dollars ($10.00) for each copy of a basic accident report and a fee of one dollar fifty cents ($1.50) per page for each copy of a supplemental report.

(2) All funds collected under this subsection shall be retained by the municipality or county for the support of the law enforcement agency.

History. Acts 1953, No. 90, §§ 1, 2; 1963, No. 272, §§ 1, 2; A.S.A. 1947, §§ 75-916, 75-917; Acts 1993, No. 606, § 1; 2005, No. 2158, § 1.

27-53-211. Inspection of accident scenes for safety improvements.

(a) It shall be the duty of the Arkansas State Highway and Transportation Department to inspect all accident locations on the state highway system in Arkansas, as reported to the Arkansas State Highway and Transportation Department by the Department of Arkansas State Police pursuant to § 27-53-207(b), where accidents which resulted in a human fatality occurred within the preceding twelve-month period and where two (2) or more accidents involving a personal bodily injury occurred at the same location. The inspections shall determine, within the judgment of Arkansas State Highway and Transportation Department personnel, whether safety improvements, increased visibility, warning signs, traffic control devices, or any other safety improvements are warranted which could reduce or prevent the future occurrence of any similar accidents at the same locations.

(b) The Arkansas State Highway and Transportation Department shall develop a schedule for and implement those safety improvements deemed warranted by that department.

History. Acts 1999, No. 1275, § 2.

Subchapter 3 — Investigations

SECTION.
27-53-301. Purpose.

SECTION.
27-53-302. Definitions.
27-53-303. Jurisdiction and responsibilities of law enforcement officers.
27-53-304. Report forms.
27-53-305. Reports to be public records.
27-53-306. Notification to landowners.
27-53-307. Accident response service fee.

27-53-301. Purpose.

The purpose of this subchapter is to promote the public welfare by the reduction of traffic accidents and deaths, injuries, and property damage resulting from accidents and to this end require that all traffic accidents be investigated and reported by qualified law enforcement officers within their jurisdictions.

History. Acts 1967, No. 246, § 1; A.S.A. 1947, § 75-922.

27-53-302. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Investigating officer" means any state, county, or municipal law enforcement official within his jurisdiction;

(2) "Traffic accidents" means accidents occurring to persons, including pedestrians, motor vehicles, and animals, incidental to and as a consequence of the flow of vehicles and pedestrians along the public highways, roads, and streets of Arkansas; and

(3) "Traffic accident report" means the written report required of the investigating officer, including any later supplements, which describes the site, location, and manner of occurrence of the accident, the persons and vehicles involved, and any other pertinent data that may be useful in the determination of the causes of the accident.

History. Acts 1967, No. 246, § 2; A.S.A. 1947, § 75-923.

27-53-303. Jurisdiction and responsibilities of law enforcement officers.

(a) Within their jurisdictions, and cooperatively in overlapping jurisdictional situations such as the state highway extensions within municipal corporations, law enforcement officers of Arkansas are declared to be responsible for the investigation and reporting of all traffic accidents and the deaths, injuries, and property damage resulting therefrom.

(b) These responsibilities shall be generally as outlined:

(1) The federal interstate system — The Department of Arkansas State Police;

(2) The state highway system — The Department of Arkansas State Police and, within municipal corporations, the municipal police, except that the Department of Arkansas State Police may investigate accidents on all streets, county roads, and state highways;

(3) The municipal streets within the boundaries of a municipal corporation which are not a part of the state highway system — The municipal police in cities of the first and second class and the municipal police or the county sheriff's department in all other municipalities; and

(4) The county road system — The sheriff of that county.

(c) The responsible investigating office shall make the investigation with all possible promptness, and the investigating officer shall file the report with the Department of Arkansas State Police within five (5) days subsequent to the actual investigation.

(d) In all traffic accidents involving motorcycles, motor-driven cycles, motorized bicycles, or any other two-wheeled or three-wheeled motor vehicle, all traffic accident reports filed with the Department of Arkansas State Police shall be supplemented with a motorcycle traffic accident report.

History. Acts 1967, No. 246, § 3; A.S.A. 1947, § 75-924; Acts 1989, No. 489, § 3.

27-53-304. Report forms.

(a) All traffic accident investigation reports shall be made upon forms prescribed, approved, and supplied by the Department of Arkansas State Police, with the concurrence of the Arkansas State Highway and Transportation Department.

(b) The motorcycle traffic accident report shall be made upon forms approved and supplied by the Department of Arkansas State Police, with the concurrence of the Arkansas State Highway and Transportation Department.

History. Acts 1967, No. 246, § 4; A.S.A. 1947, § 75-925; Acts 1989, No. 489, § 4.

27-53-305. Reports to be public records.

(a) All traffic accident investigating officers' reports shall be public records and be open to public inspection at all reasonable times.

(b) Photostatic or written copies of the reports may be obtained from the Department of Arkansas State Police in the same manner and for the same fees as prescribed by § 27-53-210 for the motor vehicle accident reports made by members of the Department of Arkansas State Police.

History. Acts 1967, No. 246, § 5; A.S.A. 1947, § 75-926.

27-53-306. Notification to landowners.

In instances where a motor vehicle leaves a road or highway and damages the fence or other attachment to real property, the investigating officer shall notify the landowner of the accident and damage.

History. Acts 1981, No. 498, § 1; A.S.A. 1947, § 75-929.

27-53-307. Accident response service fee.

(a) As used in this section:

(1) "Accident response service fee" means a fee imposed for the response or investigation of a motor vehicle accident by a law enforcement agency; and

(2) "Entity" means:

(A) The state;

(B) A political subdivision of the state, including:

(i) A county;

(ii) A city;

(iii) A borough;

(iv) An incorporated town;

(v) A township; or

(vi) A home-ruled municipality; and

(C) Any governmental entity or agency or department of a governmental entity or agency.

(b) Notwithstanding any provision of law to the contrary, a person or entity shall not impose an accident response service fee on or from an insurance company, the driver or owner of a motor vehicle, or any other person.

History. Acts 2009, No. 973, § 1.

Subchapter 4 — Damage Claims

SECTION.

27-53-401. Measure of damages to motor vehicles.
27-53-402. Failure to pay small damage claims.
27-53-403. Payment of damage claim not admissible in personal injury action.
27-53-404. Liability coverage for dealer vehicles used in driver education required.
27-53-405. Funeral homes not liable for acts of private vehicle operators.

27-53-401. Measure of damages to motor vehicles.

In all cases involving damage to motor vehicles, the measure of damages shall be the difference between the value of the vehicle immediately before the damage occurred and the value after the damage occurred, plus a reasonable amount of damages for loss of use of the vehicle.

History. Acts 1975, No. 643, § 1; A.S.A. 1947, § 75-919.1.

27-53-402. Failure to pay small damage claims.

(a) In all cases wherein loss or damage occurs to property resulting from motor vehicle collision amounting to one thousand dollars ($1,000) or less, and the defendant liable, without meritorious defense, shall fail to pay the loss or damage within sixty (60) days after written notice of the claim has been received, then the defendant shall be liable to pay the person entitled thereto double the amount of the loss or damage, together with a reasonable attorney's fee, which shall not be less than two hundred fifty dollars ($250), and court costs.

(b) This liability, which is limited to damage to property, attaches when liability is denied and suit is filed.

History. Acts 1957, No. 283, § 1; 1981, No. 800, § 1; A.S.A. 1947, § 75-918; Acts 1987, No. 70, § 1.

27-53-403. Payment of damage claim not admissible in personal injury action.

The fact of payment of any property damage claim under this subchapter is not admissible in evidence, nor shall it be referred to in any way in any personal injury action arising from the same accident.

History. Acts 1957, No. 283, § 3; A.S.A. 1947, § 75-920.

27-53-404. Liability coverage for dealer vehicles used in driver education required.

(a) No automobile dealer who furnishes a motor vehicle to the public schools of this state for use in a driver education program shall be held legally responsible for any injuries or property damages which result from an accident involving the dealer-owned motor vehicle during its use in a driver education program.

(b)(1) Any school district in this state using any such automobile in a driver education program shall purchase liability insurance covering the operation of the vehicle.

(2) The liability insurance shall be at least within the minimum requirements of the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

History. Acts 1963, No. 199, § 1; A.S.A. 1947, § 75-921.

27-53-405. Funeral homes not liable for acts of private vehicle operators.

(a) It is the purpose and intent of this section to permit funeral homes to attach magnetic signs, pennants, or other identifying signs to privately owned automobiles in a funeral procession to identify the vehicles as part of the procession without assuming any liability or responsibility for acts of the operators of the private vehicles.

(b) The operator of a private vehicle in a funeral procession who is not an employee of the funeral home in charge of the procession shall not be deemed to be an agent of the funeral home. The funeral home in charge of the procession shall not be liable for any action of the operator, notwithstanding the fact that the funeral home may have attached some form of temporary identification to the vehicle to indicate that the vehicle is a part of a funeral procession.

History. Acts 1973, No. 459, §§ 1, 2; A.S.A. 1947, §§ 75-927, 75-928.

CHAPTER 54

NONRESIDENT VIOLATOR COMPACT

SECTION.
27-54-101. Adoption of compact.

27-54-101. Adoption of compact.

The Nonresident Violator Compact of 1977, as amended and in effect on January 1, 1985, hereinafter called "the compact," is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I

Findings, Declaration of Policy and Purpose

(a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

(i) Must post collateral or bond to secure appearance for trial at a later date; or

(ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for his trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

(5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

ARTICLE II

Definitions

(a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise:

(b)(1) "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Compliance" means the act of answering a citation, summons, or subpoena through appearance at court, a tribunal, and/or payment of fines and costs.

(4) "Court" means a court of law or traffic tribunal.

(5) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(6) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(7) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(8) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries.

(9) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(10) "Personal recognizance" means an agreement by a motorist made at the time of issuance of

the traffic citation that he will comply with the terms of that traffic citation.

(11) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(12) "Terms of the citation" means those options expressly stated upon the citation.

ARTICLE III

Procedure for Issuing Jurisdiction

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it should take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist, the information in a form and content as contained in the Compact Manual.

(e) The licensing authority of the issuing jurisdiction need not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two (2) jurisdictions affected.

ARTICLE IV

Procedure for Home Jurisdiction

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

ARTICLE V

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to license to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangements between a party jurisdiction and a nonparty jurisdiction.

ARTICLE VI

Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all dona-

tions, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with, or accept services or personnel from any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

ARTICLE VII

Entry into Compact and Withdrawal

(a) This compact shall become effective when it has been adopted by at least two (2) jurisdictions.

(b)(1) Entry into the compact shall be made by a resolution of ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(ii) Agreement to comply with the terms and provisions of the compact.

(iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty (60) days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

ARTICLE VIII

Exceptions

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

ARTICLE IX

Amendments to the Compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty (30) days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty (120) days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

ARTICLE XI

Title

This compact shall be known as the "Nonresident Violator Compact of 1977".

History. Acts 1985, No. 209, § 1; A.S.A. 1947, § 75-2701.

CHAPTERS 55-63

[Reserved]

SUBTITLE 5. HIGHWAYS, ROADS, AND STREETS

CHAPTER 64

GENERAL PROVISIONS

SUBCHAPTER 1 — MISCELLANEOUS PROVISIONS

SECTION.

27-64-101. Air rights over highways, roads, and streets — Agreements with private property owners.
27-64-102. Gates and cattle guards.
27-64-103. Mowing of rights-of-way by adjoining landowners.
27-64-104. Priority of cases.

27-64-101. Air rights over highways, roads, and streets — Agreements with private property owners.

The following are authorized to enter into leases, contracts, or other agreements with the owners of private property with respect to the owners' use of air rights over and above state highways, county roads, or streets of cities or towns, so long as the leases, contracts, or agreements do not impair the public use thereof and are not in violation of any federal requirement with respect to any federal-aid funds involved in the construction or improvement of the highways, roads, or streets:

(1) The Arkansas State Highway and Transportation Department with respect to state highways;

(2) The county court of each county with respect to county roads of each respective county; and

(3) The governing bodies of cities and towns in this state with respect to city streets, alleys, and other public easements of cities and towns.

History. Acts 1967, No. 405, § 1; A.S.A. 1947, § 76-137.

27-64-102. Gates and cattle guards.

(a) Whenever any landowner of this state shall present proof to the county court that his or her land is located in a section where the land is subject to overflow, upon a proper order being entered, the landowner shall be permitted to construct a gate or cattle guard across any road traversing such lands.

(b) Before any order is entered under the provisions of this section, notice shall be given of the intention to file a petition by the landowner by inserting a notice in some newspaper in the county at least twenty (20) days before hearing is had upon the petition.

(c) Petition for a permit to construct a gate or cattle guard under this section shall be verified and supported by affidavits of at least three (3) qualified electors living near the land affected that the lands are subject to overflow and that the road referred to is a road that is not paved or a state road in the highway system and will not greatly inconvenience the traveling public.

(d) No gate or cattle guard under the provisions of this section shall be permitted or authorized which will greatly inconvenience large numbers of the traveling public, or over or across a state road in the highway system or a paved road. If after the gate or cattle guard is permitted, proof is shown that it is a hazard to the traveling public, it must be ordered removed.

(e) The order of the court shall be a complete defense against any charge or indictment of the owner for obstructing the public highway by the erection and maintaining of a gate.

(f) Any person who shall willfully leave open any gate erected and constructed in compliance with this section, which gate has been kept and maintained in good order and repair, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than ten dollars ($10.00) for each offense.

History. Acts 1895, No. 74, § 3, p. 98; 1899, No. 180, § 1, p. 317; C. & M. Dig., § 5254; Acts 1937, No. 383, §§ 1-4; Pope's Dig., §§ 6978-6982; A.S.A. 1947, §§ 76-113 — 76-117.

27-64-103. Mowing of rights-of-way by adjoining landowners.

(a) The owners of properties which abut the rights-of-way of interstate, federal-aid primary, state, or county roads or highways in this state may enter upon and mow gross, weeds, and other vegetation on the portion of the rights-of-way adjoining their property unless the Arkansas State Highway and Transportation Department or the county has installed barriers designed to prohibit such mowing or unless the property owners have received notice from the Arkansas State Highway and Transportation Department or the county restricting or prohibiting such mowing.

(b) If a person elects to mow the road or highway right-of-way adjoining his or her property, he or she shall do so at his or her own risk and shall have no right or claim for damages against the Arkansas State Highway and Transportation Department or any political subdivision of this state for loss of life or injury to his or her person or property while engaged in the mowing activity.

(c) In addition, the owner of the property shall perform the mowing in a manner that does not obstruct or pose danger to motorists in their lawful use of the public road or highway. He or she shall be liable for any loss, injury, or damage to the life, person, or property of motorists lawfully using the highway, which is caused by any action or negligence in connection with the mowing of the highway right-of-way.

History. Acts 1983, No. 661, § 1; A.S.A. 1947, § 76-145.

27-64-104. Priority of cases.

All cases involving the validity of this act or any portion thereof, or in any way arising under this act, shall be deemed of public interest and shall be advanced by all courts and disposed of at the earliest possible moment. Appeals from judgments or decrees involving the validity of this act or any portion thereof must be taken and perfected within thirty (30) days after the rendition of the judgment or decree.

History. Acts 1929, No. 65, § 73; 1929, No. 205, § 3; 1933, No. 3, § 9; Pope's Dig., §§ 6484, 6919, 6964; A.S.A. 1947, §§ 76-208, 76-512, 76-519.

Subchapter 5 — Arkansas Highway Financing Act of 2011

SECTION.
27-64-501. Title.
27-64-502. Findings.
27-64-503. Definitions.
27-64-504. Authorization — Purposes.
27-64-505. Election.
27-64-506. Procedure for issuing State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds.
27-64-507. Terms of bonds.
27-64-508. Sale of bonds.
27-64-509. Employment of professionals.
27-64-510. Sources of repayment.
27-64-511. Investment of proceeds.
27-64-512. Refunding bonds.
27-64-513. Tax exemption.
27-64-514. Powers of the State Highway Commission.

27-64-501. Title.

This subchapter may be referred to and cited as the "Arkansas Highway Financing Act of 2011".

History. Acts 2011, No. 773, § 3.

27-64-502. Findings.

The General Assembly of the State of Arkansas finds that:

(1) There is an immediate need for highway improvements throughout the State of Arkansas in order to provide for the health, safety, and welfare of its citizens and to promote economic development within the state;

(2) Through revenues generated pursuant to the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., the State Highway Commission has been successful in completing the rehabilitation of much of the state's Interstate Highway System and that the rehabilitation has been carried out in an efficient, cost-effective manner;

(3) Continued improvement of the Interstate Highway System and other routes on the National Highway System is necessary, and the best way to accomplish the improvements expeditiously is through the issuance of additional federal highway grant anticipation and tax revenue bonds to finance highway improvements; and

(4) Bonds should be payable from revenues currently designated by the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., including federal highway assistance funding and the proceeds from the Arkansas Distillate Special Fuel Excise Tax Act of 1999 and the Motor Fuel Excise Tax Act of 1999, §§ 26-55-1005, 26-55-1006, 26-56-201, and 27-72-305, and § 26-56-801 et seq.; and

(5) The repayment of the bonds should be guaranteed by the full faith and credit of the state.

History. Acts 2011, No. 773, § 3.

27-64-503. Definitions.

As used in this subchapter:

(1) "Bonds" means the State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds, also known as "GARVEE bonds", as authorized in this subchapter;

(2) "Commission" means the State Highway Commission;

(3) "Debt service" means all amounts required for the payment of principal, interest, and premium, if any, due with respect to the bonds in any fiscal year along with all associated costs, including the fees and costs of paying agents and trustees, remarketing agent fees, credit enhancement costs, and other amounts necessary in connection with the bonds;

(4) "Designated revenues" means:

(A) The portion designated by the commission of funds received or to be received from the federal government as federal highway assistance funding allocated to the state; and

(B) Revenues derived from the distillate special fuel tax levied under:

(i) § 26-56-201(e) that are available for expenditure after any distributions required by the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., the Arkansas Interstate Highway Financing Act of 2005, § 27-64-301 et seq., and the Arkansas Interstate Highway Financing Act of 2007, § 27-64-401 et seq.; and

(ii) § 26-56-802; and

(5) "Highway improvements" or "highway improvement projects" means restoration and improvements to the Interstate Highway System and other routes within the National Highway System within the state, including roadways, bridges, or rights-of-way under the jurisdiction of the commission and includes the acquisition, construction, reconstruction, renovation of the Interstate Highway System and other routes within the National Highway System within the state and facilities appurtenant or pertaining to the Interstate Highway System and other routes within the National Highway System.

History. Acts 2011, No. 773, § 3.

27-64-504. Authorization — Purposes.

(a)(1) Subject to the one-time approval of the voters in a statewide election, the State Highway Commission may issue State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds from time to time if the total principal amount outstanding from the issuance of the bonds, together with the total principal amount outstanding from the issuance of bonds pursuant to the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., the Arkansas Interstate Highway Financing Act of 2005, § 27-64-301 et seq., and the Arkansas Interstate Highway Financing Act of 2007, § 27-64-401 et seq., does not at any time exceed one billion one hundred million dollars ($1,100,000,000).

(2) The bonds will be issued in one (1) or more series of various principal amounts with the last series being issued no later than December 31, 2017.

(b) The purpose of the bond issuance shall be to:

(1) Accelerate highway improvement projects already underway or scheduled;

(2) Fund new highway improvement projects;

(3) Finance the restoration, reconstruction, and renovation of highway improvements within the State of Arkansas; and

(4) Pay the costs of issuance of the bonds or other credit enhancement.

History. Acts 2011, No. 773, § 3.

27-64-505. Election.

(a)(1) State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds shall not be issued under this subchapter unless the levy of the additional tax on distillate special fuel under § 26-56-802 and the authority of the State Highway Commission to issue the bonds from time to time are approved by a majority of the qualified electors of the state voting on the question at a statewide election called by proclamation of the Governor.

(2) The election may be in conjunction with a general election, or it may be a special election.

(b)(1) Notice of the election shall be:

(A) Published by the Secretary of State in a newspaper of general circulation in the state at least thirty (30) days prior to the election; and

(B) Mailed to each county board of election commissioners and the sheriff of each county at least sixty (60) days prior to the election.

(2) The notice of election shall state that the election is to be held for the purpose of submitting to the people the following proposition in substantially the following form:

"Authorizing the State Highway Commission to issue State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds (the 'Bonds') if the total principal amount outstanding from the issuance of the bonds, together with the total principal amount outstanding from the issuance of bonds pursuant to the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., the Arkansas Interstate Highway Financing Act of 2005, § 27-64-301 et seq., and the Arkansas Interstate Highway Financing Act of 2007, § 27-64-401 et seq. shall not, at any time, exceed one billion one hundred million dollars ($1,100,000,000). If approved, the bonds will be issued in several series of various principal amounts from time to time, with the last series being issued no later than December 31, 2017, for the purpose of paying the cost of constructing and renovating improvements to the Interstate Highway System and related facilities in the State of Arkansas and improvements to other routes on the National Highway System and related facilities in the State of Arkansas."

"The bonds shall be general obligations of the State of Arkansas, payable from certain designated revenues including particularly and without limitation a new tax described below, and also secured by the full faith and credit of the State of Arkansas, including its general revenues."

"Under the Arkansas Highway Financing Act of 2011 (the 'Bond Act'), the bonds will be repaid first from: (1) revenues derived from federal highway assistance funding allocated to the State of Arkansas; (2) revenues derived from the excise tax levied on distillate special fuel (diesel) pursuant to Arkansas Code § 26-56-201(e) that are available for expenditure after any distributions required by the Arkansas Highway Financing Act of 1999, the Arkansas Interstate Highway Financing Act of 2005, and the Arkansas Interstate Highway Financing Act of 2007; and (3) revenues derived from a new excise tax levied on distillate special fuel (diesel) pursuant to Arkansas Code § 26-56-802 at the rate of five cents (5¢) per gallon if the measure is approved. To the extent that designated revenues are insufficient to make timely payment of debt service on the bonds, the payment shall be made from the general revenues of the State of Arkansas. The bonds shall be issued pursuant to the authority of and the terms set forth in the Bond Act."

"Under the Bond Act, the highway improvements to be financed are limited to the restoration and improvements to the Interstate Highway System and of other routes on the National Highway System within the state, including roadways, bridges, or rights-of-way under jurisdiction of the State Highway Commission, which shall also include the acquisition, construction, reconstruction, and renovation of the Interstate Highway System and of other routes on the National Highway System and facilities appurtenant or pertaining thereto."

"Under Arkansas Code § 26-56-802, there is levied, subject to approval of this measure, a new excise tax levied on distillate special fuel (diesel) at the rate of five cents (5¢) per gallon. This tax shall not be levied unless this measure is approved by the voters."

"Under the Bond Act, 'designated revenues' are defined as: (1) the portion designated by the commission of funds received or to be received from the federal government of the United States as federal highway assistance funding allocated to the state; (2) revenues derived from the excise tax levied on distillate special fuel (diesel) pursuant to Arkansas Code § 26-56-201(e) that are available for expenditure after any distributions required by the Arkansas Highway Financing Act of 1999, the Arkansas Interstate Highway Financing Act of 2005, and the Arkansas Interstate Highway Financing Act of 2007; and (3) revenues derived from the excise tax levied on distillate special fuel (diesel) pursuant to Arkansas Code § 26-56-802, which is a new five cent per gallon tax to be levied upon the approval of this measure. The bonds are further secured by the full faith and credit of the State of Arkansas, and to the extent 'designated revenues' are insufficient to make timely payment of debt service on the bonds, the

general revenues of the state shall be used to pay debt service on the bonds."

(c) The ballot title shall be "Issuance of State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds and pledge of full faith and credit of the State of Arkansas, and the levy of an additional five cent per gallon tax on distillate special fuel (diesel)". On each ballot there shall be printed the title, the proposition set forth in subdivision (b)(2) of this section, and the following:

"FOR authorizing the State Highway Commission to issue State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds provided that the total principal amount outstanding from the issuance of the bonds, together with the total principal amount outstanding from the issuance of bonds pursuant to Arkansas Highway Financing Act of 1999, the Arkansas Interstate Highway Financing Act of 2005, and the Arkansas Interstate Highway Financing Act of 2007, shall not, at any time, exceed one billion one hundred million dollars ($1,100,000,000); such bonds to be issued in one or more series of various principal amounts with the last series being issued no later than December 31, 2017, and the pledge of the full faith and credit of the State of Arkansas to further secure the bonds, and the levy of an additional five cent per gallon excise tax on distillate special fuel (diesel) to pay, as described above, along with other 'designated revenues,' as defined in the Arkansas Highway Financing Act of 2011, debt service on bonds.....[ ]"

"AGAINST authorizing the State Highway Commission to issue State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds provided that the total principal amount outstanding from the issuance of the bonds, together with the total principal amount outstanding from the issuance of bonds pursuant to Arkansas Highway Financing Act of 1999, the Arkansas Interstate Highway Financing Act of 2005, and the Arkansas Interstate Highway Financing Act of 2007, shall not, at any time, exceed one billion one hundred million dollars ($1,100,000,000); such bonds to be issued in one or more series of various principal amounts with the last series being issued no later than December 31, 2017, and the pledge of the full faith and credit of the State of Arkansas to further secure the bonds, and the levy of an additional five cent per gallon excise tax on distillate special fuel (diesel) to pay, as described above, along with other 'designated revenues,' as defined in the Arkansas Highway Financing Act of 2011, debt service on bonds.....[ ]"

(d)(1) Each county board of election commissioners shall hold and conduct the election and may take any action with respect to the appointment of election officials and other matters as required by the laws of the state.

(2)(A) The vote shall be canvassed, and the result of the vote declared in each county by the board.

(B) Within ten (10) days after the date of the election, the results shall be certified by the boards to the Secretary of State, who shall tabulate all returns received and certify to the Governor the total vote for and against the proposition submitted pursuant to this subchapter.

(e)(1) The result of the election shall be proclaimed by the Governor by the publication of the proclamation one (1) time in a newspaper of general circulation in the State of Arkansas.

(2) The results as proclaimed shall be conclusive unless a complaint is filed within thirty (30) days after the date of the publication in Pulaski County Circuit Court challenging the results.

(f)(1) If a majority of the qualified electors voting on the proposition vote in favor of the proposition, then the commission may issue bonds from time to time in the manner and on the terms set forth in this subchapter.

(2) If a majority of the qualified electors voting on the proposition vote against the proposition, the commission shall have no authority to issue bonds.

History. Acts 2011, No. 773, § 3.

27-64-506. Procedure for issuing State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds.

(a) Prior to the issuance of any series of State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds, the State Highway Commission shall adopt a resolution authorizing the issuance of the series of bonds.

(b) Each resolution shall contain those terms, covenants, and conditions as are desirable and consistent with this subchapter, including without limitation those pertaining to the establishment and maintenance of funds and accounts, the deposit and investment of the federal highway assistance payments and bond proceeds, and the rights and obligations of the state, its officers and officials, the commission, and the registered owners of the bonds.

(c)(1) The resolutions of the commission may provide for the execution and delivery by the commission of a trust indenture or trust indentures with one (1) or more banks or trust companies located within or without the state, containing any of the terms, covenants, and conditions required under subsection (b) of this section and any other terms and conditions deemed necessary by the commission.

(2) The trust indenture or trust indentures are binding upon the commission and the state and their respective officers and officials.

History. Acts 2011, No. 773, § 3.

27-64-507. Terms of bonds.

The State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds shall be subject to the following terms and conditions:

(1)(A) The bonds shall be issued in series in amounts sufficient to finance all or part of the costs of construction and maintenance of highway improvements.

(B) The respective series of bonds shall be designated by the year in which the bonds are issued.

(C) If more than one (1) series of bonds is to be issued in a particular year, the series shall be designated alphabetically;

(2)(A) The bonds of each series shall have the date or dates as the State Highway Commission shall determine.

(B) The bonds shall mature or be subject to mandatory sinking fund redemption over a period ending not later than twelve (12) years after the date of issue of each series.

(C) Refunding bonds issued under § 27-64-512 shall mature or be subject to mandatory sinking fund redemption over a period ending not later than twelve (12) years after the date of issue of the original bonds of each series;

(3)(A) The bonds of each series shall bear interest at the rate or rates determined by the commission at the sale of the bonds.

(B) The bonds may bear interest at either a fixed or a variable rate or may be convertible from one (1) interest rate mode to another.

(C) The interest shall be payable at the times as the commission shall determine;

(4) The bonds shall be issued in the form of bonds registered as to both principal and interest without coupons;

(5) The commission shall determine:

(A) The denominations of the bonds;

(B) Whether the bonds may be made exchangeable for bonds of another form or denomination bearing the same rate of interest;

(C) When the bonds may be made payable and the places within or without the state where the bonds may be payable;

(D) Whether the bonds may be made subject to redemption prior to maturity and the manner of and prices for redemption; and

(E) Any other terms and conditions; and

(6)(A) Each bond shall be executed with the facsimile signatures of the Chair of the State Highway Commission and the secretary of the commission, and the seal of the commission shall be affixed or imprinted on the bond.

(B) Delivery of executed bonds shall be valid, notwithstanding any change in the persons holding the offices that occurs after the bonds have been executed.

History. Acts 2011, No. 773, § 3.

27-64-508. Sale of bonds.

(a)(1) The State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds may be sold in any manner, either at private or public sale, and upon terms as the State Highway Commission shall determine to be reasonable and expedient for effecting the purposes of this subchapter.

(2)(A) The bonds may be sold at a price acceptable to the commission.

(B) The price may include a discount or premium.

(b)(1) If the bonds are to be sold at public sale, the commission shall give notice of the offering of the bonds in a manner reasonably designed to notify participants in the public finance industry that the offering is being made.

(2) The commission shall set the terms and conditions of bidding, including the basis on which the winning bid will be selected.

(c) The commission may structure the sale of bonds utilizing financing techniques that are recommended by the commission's professional advisors in order to take advantage of market conditions and to obtain the most favorable interest rates consistent with the purposes of this subchapter.

(d) The commission may enter into any ancillary agreements in connection with the sale of the bonds as it deems necessary and advisable, including without limitation bond purchase agreements, remarketing agreements, and letter of credit reimbursement agreements.

History. Acts 2011, No. 773, § 3.

27-64-509. Employment of professionals.

The State Highway Commission may retain any professionals necessary to accomplish the issuance and sale of the State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds, including without limitation legal counsel, financial advisors, underwriters, trustees, paying agents, and remarketing agents.

History. Acts 2011, No. 773, § 3.

27-64-510. Sources of repayment.

(a) The State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds shall be general obligations of the State of Arkansas secured and payable from the designated revenues and the general revenues of the state.

(b) The bonds shall be payable first from the following designated revenues:

(1) The portion designated by the State Highway Commission of funds received or to be received from the federal government as federal highway assistance funding allocated to the state; and

(2) Revenues derived from the distillate special fuel tax levied under:

(A) Section 26-56-201(e) that are available for expenditure after any distributions required by the Arkansas Highway Financing Act of 1999, § 27-64-201 et seq., the Arkansas Interstate Highway Financing Act of 2005, § 27-64-301 et

seq., and the Arkansas Interstate Highway Financing Act of 2007, § 27-64-401 et seq.; and

(B) Section 26-56-802.

(c) If the amount of designated revenues is insufficient to make timely payment of debt service on the bonds, the payment shall be made from the general revenues of the State of Arkansas.

(d)(1) In order to secure the payment of debt service, any trust instrument, resolution, or other document setting forth the security for the bondholders may provide for the direct payment of the federal highway assistance funds that are designated revenues directly into a trust fund or to a paying agent for the payment of debt service on the bonds.

(2) It is not necessary for the funds to be deposited into the State Treasury.

(e) The additional distillate special fuel tax levied under § 26-56-802 shall terminate as provided under § 26-56-802(c)(3).

History. Acts 2011, No. 773, § 3.

27-64-511. Investment of proceeds.

(a) Designated revenues and proceeds of the State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds held pending disbursement on highway improvements shall be invested by the State Highway Commission to the full extent practicable pending disbursement for the purposes intended.

(b) Notwithstanding any other provision of law, the investments shall be in accordance with the terms of the resolution or trust indenture authorizing or securing the series of bonds to which the designated revenues or bond proceeds appertain to the extent that the terms of the resolution or trust indenture are applicable.

History. Acts 2011, No. 773, § 3.

27-64-512. Refunding bonds.

(a) The State Highway Commission may issue bonds for the purpose of refunding the State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds previously issued pursuant to this subchapter if the total amount of bonds outstanding after the refunding is completed does not exceed the total amount authorized by this subchapter.

(b) The refunding bonds shall be general obligations of the State of Arkansas and shall be secured and sold in accordance with the provisions of this subchapter.

History. Acts 2011, No. 773, § 3.

27-64-513. Tax exemption.

(a) All State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds issued under this subchapter and interest on the bonds shall be exempt from all taxes of the State of Arkansas, including income, inheritance, and property taxes.

(b) The bonds shall be eligible to secure deposits of all public funds and shall be legal for investment of municipal, county, bank, fiduciary, insurance company, and trust funds.

History. Acts 2011, No. 773, § 3.

27-64-514. Powers of the State Highway Commission.

(a) All powers granted to the State Highway Commission under this subchapter are in addition to the powers of the commission under Arkansas Constitution, Amendment 42, and the laws of the State of Arkansas.

(b) No member of the commission shall be liable personally for any reason arising from the issuance of the State of Arkansas Federal Highway Grant Anticipation and Tax Revenue Bonds pursuant to this subchapter unless the member acts with corrupt intent.

History. Acts 2011, No. 773, § 3.

CHAPTER 65

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT — STATE HIGHWAY COMMISSION

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27-65-101. Penalties.

(a)(1) Any person under color of any official position connected with the State Highway Commission or under color of authority derived therefrom who shall perform any act detrimental to the public interest or against any private right shall be deemed guilty of a misdemeanor, unless the act shall be plainly authorized by law.

(2) Every such offense shall be punished by fine of not over five hundred dollars ($500) and by imprisonment for not over six (6) months.

(b) Any offense prohibited by this act and termed a felony shall be punishable by imprisonment in the penitentiary for not less than one (1) year nor more than five (5) years.

History. Acts 1913, No. 302, §§ 84, 85; C. & M. Dig., §§ 5219, 5220; Acts 1929, No. 65, § 60; Pope's Dig., §§ 6910, 6934, 6935; A.S.A. 1947, §§ 76-222, 76-529, 76-530.

27-65-102. Administration of department.

The administrative control of the Arkansas State Highway and Transportation Department shall be vested in the State Highway Commission.

History. Acts 1953, No. 123, § 1; A.S.A. 1947, § 76-201.1.

27-65-103. Office locations.

(a) The main office of the State Highway Commission shall be located in the City of Little Rock.

(b) The Arkansas State Highway and Transportation Department shall have its office in Little Rock, where complete records shall be kept.

History. Acts 1953, No. 123, §§ 1, 9; A.S.A. 1947, §§ 76-201.1, 76-201.9.

27-65-104. Members.

(a) All appointments to the State Highway Commission shall be based upon the four (4) congressional districts as defined on July 20, 1979. Appointments to the commission shall be made so as to assure that, at the earliest possible date, the commission shall be composed of one (1) member from each of the four (4) congressional districts and one (1) member from the state at large.

(b) The members of the commission shall each receive one hundred dollars ($100) per diem and their actual expenses while engaged in the work of the commission.

History. Acts 1953, No. 123, § 8; 1975, No. 693, § 14; 1979, No. 794, § 26; 1979, No. 932, § 1; 1981, No. 932, § 26; A.S.A. 1947, §§ 76-201.1a, 76-201.8.

27-65-105. Organization.

The commissioners of the State Highway Commission, appointed pursuant to Arkansas Constitution, Amendment 42, shall organize by selecting one of their members as Chair of the State Highway Commission and another as vice chair. The vice chair shall have all the powers of the chair in the event of the chair's absence or disability or of a vacancy in the office.

History. Acts 1953, No. 123, § 2; A.S.A. 1947, § 76-201.2.

27-65-106. Meetings.

(a) The State Highway Commission shall meet at least once every two (2) months and at such other times, on the call of the Chair of the State Highway Commission or of a majority of the members, as may be deemed reasonable and proper to transact such business as may properly be brought before it.

(b) Three (3) members shall constitute a quorum of the commission for all purposes, except as provided in § 27-65-122.

(c) It shall be the duty of the commission to keep accurate minutes of all meetings of the commission in which shall be set forth all acts and proceedings of the commission.

History. Acts 1953, No. 123, §§ 6, 7; A.S.A. 1947, §§ 76-201.6, 76-201.7.

27-65-107. Powers and duties generally.

(a) The State Highway Commission shall be vested with the following powers and shall have the following duties:

(1) To divide the state highway system into such maintenance and construction districts as the commission deems reasonable and proper for the performance of its duties hereunder;

(2) To let all contracts for the construction, improvement, and maintenance of the roads comprising the state highway system upon such terms and upon such conditions as required by law;

(3) To comply fully with the provisions of the present or future federal aid acts. The commission may:

(A) Enter into all contracts or agreements with the United States Government relating to the survey, construction, improvement, and maintenance of roads under the provisions of any present or future congressional enactment;

(B) Submit any scheme or program for construction or maintenance as may be required by

the Federal Highway Administration, or otherwise provided by federal acts; and

(C) Do all other things necessary and proper to carry out fully the cooperation contemplated and provided for by present or future acts of Congress for the construction, improvement, and maintenance of roads in rural or urban areas;

(4) To establish a program of current and long-range planning for the state highway system and to develop and coordinate a balanced statewide unified transportation plan for all modes;

(5) To establish highway policies and administrative practices for the guidance and direction of the director;

(6) To prepare the budget request, expenditures programs, and periodical allotments;

(7) To investigate highway conditions and official conduct of departmental personnel;

(8) To gather and tabulate information and statistics on road building, maintenance, and improvements and to disseminate them through the state through appropriate channels;

(9) To employ labor and lease equipment;

(10) To establish a merit system under the merit council and a job classification system and a salary scale in the department;

(11) To make purchases of materials, supplies, and equipment as provided by law;

(12) To sell all obsolete equipment, surplus supplies, and material that cannot be used by the Arkansas State Highway and Transportation Department, and the commission is authorized to furnish evidence of title to the purchaser. Sales shall be made according to law;

(13) To adopt rules and regulations to implement its powers;

(14) To adopt reasonable rules and regulations from time to time for the protection of, and covering, traffic on and in the use of the state highway system and in controlling use of, and access to, the highways, except that no provision contained herein shall be construed as repealing the existing "rules of the road";

(15) To bring suits to enforce demands of the state under this chapter and cause all suits to enforce any contracts or demands arising under the provisions of this chapter to be brought by the Attorney General in the name of the state; and

(16) To restrict certain trucks when traveling on freeways with six (6) or more lanes from traveling in the furthermost left lane of the highways and to post signs compliant with the manual and specifications adopted pursuant to § 27-52-104 to notify motorists of the restrictions under this subdivision.

(b)(1) The rules and regulations together with any additions or amendments thereto, prescribed by the commission under the provisions of this chapter, shall have the force and effect of law. Any person, firm, or corporation violating any rule or regulation or any addition or amendment thereto shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100) for each offense.

(2) The commission shall cause such rules and regulations and any additions or amendments thereto, or repeals thereof, to be placed in printed form and published in a newspaper of statewide circulation once each week for three (3) consecutive weeks. In addition, the commission shall cause two (2) copies to be mailed immediately to the circuit clerk of each county. One of these copies shall be posted immediately upon receipt thereof by the clerk, at a conspicuous place in or about the courthouse, and the other copy retained in his office for the information of the public. No such rules and regulations or additions or amendments thereto or repeals thereof shall become effective until sixty (60) days after their last publication.

(c) Notwithstanding any other provision of law to the contrary, the commission shall have the authority to enter into contracts that combine the design, construction, and construction engineering phases of a project into a single contract that shall be referred to as a design-build project contract.

History. Acts 1929, No. 65, § 53; Pope's Dig., § 6903; Acts 1953, No. 123, § 5; 1977, No. 192, § 6; A.S.A. 1947, §§ 76-201.5, 76-217; Acts 2003, No. 460, § 1; 2007, No. 1054, § 1.

27-65-108. Agreements for promoting highway programs.

(a) The State Highway Commission is authorized to enter into agreements with groups or associations for the promotion of highway programs.

(b) Such agreements may contain provisions for collection and assessments of dues or contributions.

History. Acts 1987, No. 742, § 21.

27-65-109. Transfer agreements.

(a) The State Highway Commission and the county judges of the respective counties are authorized to enter into agreements whereof certain highways in the state highway system become a part of the county highway system and certain highways in the county highway system become a part of the state highway system.

(b) All such transfer agreements shall be recorded in the minutes of the commission and spread upon the appropriate county court record.

History. Acts 1961, No. 150, § 4.

27-65-110. Records and reports.

(a) The State Highway Commission shall submit annually to the Governor a report of its activities.

(b) The commission shall make a biennial report to the General Assembly embodying a clear statement of all the questions that have arisen in that time and setting out such recommendations as it

may think proper to make for the improvement of the road system of the state and for the efficiency of the department.

(c)(1) The commission shall obtain and preserve such information, reports, maps, plats, books, records, and data of every kind as may be valuable on the subject of roads and highways. Its services in the matter of consultations and advice on the matter of public roads, and the improvement and maintenance thereof, shall be free to all officials of road improvement districts and to all state and county officers having need thereof.

(2) Any member of the commission or any employee who shall charge or receive any compensation for furnishing any information or data to any state or county official for state or county officials' use only, or commissioner of any road district, shall be guilty of a misdemeanor and be fined in any sum not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

History. Acts 1913, No. 302, § 34; C. & M. Dig., § 5206; Acts 1929, No. 65, § 17; Pope's Dig., §§ 6499, 6508; Acts 1953, No. 123, § 11; A.S.A. 1947, §§ 76-201.11, 76-223, 76-238.

27-65-111. Purchase of equipment and supplies.

The following procedures shall be used by the State Highway Commission in the purchasing of all materials, supplies, and equipment:

(1) The commission may at current prices purchase materials, supplies, and equipment where the cost does not exceed the amount of one thousand dollars ($1,000) without the formality of advertising or taking bids; and

(2)(A) In making purchases of materials, supplies, and equipment, the estimated total cost of which will exceed one thousand dollars ($1,000), the commission shall advertise in one (1) newspaper of statewide circulation seven (7) days prior to the date of receiving bids a notice to the effect that sealed bids will be received by the commission up to a time and date to be mentioned therein for furnishing the articles specified in the bid proposal.

(B) Contracts shall be awarded to the lowest and best bidder, price, quality, delivery cost, and time being considered. The commission shall advertise for price quotations on maintenance materials to be used for a six-month period, location and delivery cost to be considered in computing bids. However, if, in the opinion of the commission, bids submitted are not in the best interest of the state, it may reject any or all bids and may readvertise for bids.

(C) All bids received by the commission pursuant to this section shall be filed and preserved for a period of two (2) years.

History. Acts 1951, No. 247, §§ 1, 3; A.S.A. 1947, §§ 76-241, 76-242.

27-65-112. Acceptance of federal aid.

(a) The State of Arkansas assents to the provisions of the Act of Congress, approved July 11, 1916, 39 Stat. 1, 355, entitled "An Act to Provide That the United States Shall Aid the States in the Construction of Rural Post Roads, and for Other Purposes", and to the provisions of all acts amendatory thereof or supplemental thereto.

(b) The State Highway Commission is authorized and empowered on behalf of the state to:

(1) Cooperate with the Secretary of Agriculture of the United States in every way contemplated by the above act of Congress or any acts of Congress hereafter passed, in the construction and improvement of roads in Arkansas, and to select and designate, in the name of the state, a proper system of state highways for the expenditure of federal-aid apportionments;

(2) Modify or revise the designation as required by proper federal authorities;

(3) Make the necessary application for allotments of federal aid;

(4) Submit all project statements, surveys, plans, specifications, estimates, and other reports or information required by the duly constituted federal authorities; and

(5) Enter into all necessary contracts with the proper federal authorities in order to secure the full cooperation of the United States Government and the benefit of all present and future allotments in aid of highway construction.

(c) The good faith of the state is pledged to maintain all roads in the state on which federal-aid funds have been or may hereafter be expended.

(d) The Treasurer of State is designated as the proper authority of the State of Arkansas to receive any amount heretofore paid and not disbursed or hereafter paid by the United States Government for the construction or improvement of roads in Arkansas.

(e) Any and all moneys so received shall be credited to the State Highway and Transportation Department Fund.

History. Acts 1929, No. 65, § 22; Pope's Dig., § 6550; A.S.A. 1947, § 76-522.

27-65-113. Relocation assistance.

(a) The State of Arkansas assents to the provisions of Section 30 of the Act of Congress entitled "The Federal-Aid Highway Act of 1968", Public Law 90-495, approved August 23, 1968; the same being Chapter 5, Title 23 — Highways, United States Code.

(b) The State Highway Commission and the highway, road, and street authorities of the counties and the municipal corporations of Arkansas within their respective jurisdictions are authorized, empowered, and directed to perform such acts as may be necessary to provide relocation assistance in accordance

with the provisions of Chapter 5, Title 23, United States Code, and the rules and regulations promulgated thereunder by the United States Secretary of Transportation.

History. Acts 1969, No. 246, §§ 1, 2; A.S.A. 1947, §§ 76-553, 76-554.

27-65-114. Tourist information bureaus.

(a) The State Highway Commission is authorized to establish and maintain tourist information bureaus and enter into agreements with and lease rights-of-way, land, and other facilities owned by the commission to persons, partnerships, associations, public or private corporations, or any agency of the State of Arkansas for the purpose of establishing and maintaining tourist information bureaus.

(b) The commission shall adopt and establish regulations for the establishment and maintenance of the tourist information bureaus provided for in this section.

History. Acts 1971, No. 185, §§ 1, 2; A.S.A. 1947, §§ 76-244, 76-245.

27-65-115. Use of federal aid funds for turnpike projects.

Notwithstanding any provision of law to the contrary, the State Highway Commission is hereby authorized, in its discretion, to use any federal-aid highway funds apportioned or allocated to the State of Arkansas by the United States Secretary of Transportation or the Federal Highway Administration, which funds are authorized or may be authorized in the future by the United States Congress to be utilized in assisting in the construction of or for the purposes of assisting in the paying of the debt service on revenue bonds issued for the construction of any turnpike project or projects in this state, which project or projects may be undertaken by the commission under § 27-90-201 et seq.

History. Acts 1991, No. 547, § 1; 2003, No. 296, § 6.

27-65-116 — 27-65-121. [Reserved.]

27-65-122. Director of State Highways and Transportation.

(a) By a majority vote of the full State Highway Commission, the commission shall appoint a Director of State Highways and Transportation.

(b) The director shall be a practical business or professional person. At the time of appointment, the director may be a nonresident of the State of Arkansas.

(c) The director shall:

(1) Devote full time and attention to the duties set out herein;

(2) Receive compensation as fixed by the commission, unless a salary is fixed by the General Assembly in the appropriation act;

(3) Be reimbursed for actual traveling expenses while engaged in the discharge of duties;

(4) Be the chief executive officer of the Arkansas State Highway and Transportation Department and, subject to the approval of the commission, have direct and full control and management of the affairs relating to the state highways; and

(5) Attend all meetings of the commission and furnish the members with all information they may require for the proper administration of the department.

(d) The director may be removed from office by a majority vote of the full commission.

History. Acts 1953, No. 123, § 3; A.S.A. 1947, § 76-201.3.

27-65-123. Secretary.

(a) The Arkansas State Highway and Transportation Department, with the advice and consent of the State Highway Commission, shall appoint an assistant who shall serve as secretary to the commission.

(b) The secretary:

(1) Shall keep full and true records of the proceedings of the commission;

(2) Shall be the custodian of all books, maps, documents, and papers filed with the commission and all orders made by the commission;

(3) Shall have, under the direction of the commission, general charge of its office;

(4) Shall superintend its clerical business;

(5) Shall perform such other duties as the director or the commission may require; and

(6) May designate one (1) of the clerks in his or her office to perform the duties of secretary during his or her absence. During this time, the clerk so designated shall possess the powers of the secretary.

(c) All suits involving the validity of this section or any portion thereof shall be deemed matters of public interest and shall be advanced and disposed of at the earliest possible moment. Appeals in such suits must be taken and perfected within thirty (30) days from the date of the judgment or decree.

History. Acts 1933, No. 3, §§ 3, 9; Pope's Dig., §§ 6480, 6484; A.S.A. 1947, §§ 76-204, 76-208.

27-65-124. Personnel.

The State Highway Commission may employ such personnel as may be reasonable and proper and shall prescribe and fix their qualifications, duties, and salaries.

History. Acts 1953, No. 123, § 10; A.S.A. 1947, § 76-201.10.

27-65-125. Accountants.

The State Highway Commission may periodically, or whenever it deems advisable, employ expert pub-

lic accountants to audit its records, books, accounts, and vouchers, or any part of them, so that the commission may always be advised of the exact status of the affairs under its control, and to aid it in the administration of its affairs.

History. Acts 1927, No. 112, § 17; A.S.A. 1947, § 76-212.

27-65-126. Engineers.

(a) The State Highway Commission shall have authority to employ a consulting engineer whenever it deems the services of such an engineer to be necessary or advisable, at a compensation to be agreed on by the commission and the engineer, with the amount of the compensation, however, to be subject in all cases to the approval of the Governor.

(b) All district highway engineers and other responsible engineering positions shall be filled by an engineer licensed under the laws of Arkansas.

History. Acts 1927, No. 112, § 16; 1947, No. 103, § 1; A.S.A. 1947, §§ 76-210, 76-211.

27-65-127. [Repealed.]

Publisher's Notes. This section, concerning free passes upon common carriers, was repealed by Acts 2005, No. 226, § 1. The section was derived from Acts 1913, No. 302, § 38; C. & M. Dig., § 5212; Pope's Dig., § 6513; A.S.A. 1947, § 76-239.

27-65-128. Investigations and reports by engineer and geologist.

(a) The consulting engineer and the State Geologist shall make such investigations and reports as the State Highway Commission may from time to time require.

(b) They shall be especially charged with the study of the road materials of the state, their location, relative value, cost, and durability, and the cost of transporting road materials to other parts of the state.

(c) They shall make such experiments and tests as they may be able with the equipment of the University of Arkansas and such funds as may be provided.

(d) They shall embody all the information gathered as to road materials in such published reports as may be convenient for distribution.

History. Acts 1913, No. 302, § 37; C. & M. Dig., § 5211; Pope's Dig., § 6512; A.S.A. 1947, § 76-225; Acts 1995, No. 1296, § 96.

27-65-129. Oaths.

(a) The members of the State Highway Commission and the Director of State Highways, before entering upon the discharge of their duties, shall take oaths that they will faithfully and honestly execute the duties of their offices during their continuance therein.

(b) All employees of the commission shall take the following oath before assuming the duties of their employment:

"I do solemnly swear (or affirm) that so long as I am an employee of the State Highway Commission of the State of Arkansas or of the Arkansas State Highway and Transportation Department, I will give my entire and undivided time to the work of the department, and that I will not accept other employment while in the employ of the department, nor will I be interested, either directly or indirectly, in any of the contracts, work, or other activity of the Arkansas State Highway and Transportation Department other than as employee of the department, nor in the purchase or sale of any material, machinery, or equipment bought for or sold by the department while an employee of the department; that I will not be interested otherwise than as an employee of the state in adding any road to the state highway system or in the improving of any road by the Arkansas State Highway and Transportation Department, nor in the appointment of any person to any position in connection therewith; and that I will diligently and impartially execute the duties of my employment, and I will never use any information or influence that I may have, by reason of my employment, to gain any pecuniary reward for myself, directly or indirectly, nor will I disclose information so that it may be used by others, so help me God."

(c) All suits involving the validity of subsection (b) of this section or any portion thereof shall be deemed matters of public interest and shall be advanced and disposed of at the earliest possible moment, and appeals in these suits must be taken and perfected within thirty (30) days from the date of the judgment or decree.

History. Acts 1933, No. 3, §§ 5, 9; Pope's Dig., §§ 6481, 6484; Acts 1949, No. 251, § 2; 1953, No. 123, § 4; A.S.A. 1947, §§ 76-201.4, 76-206, 76-208.

27-65-130. Bonds — Commissioner and director.

(a) Each commissioner of the State Highway Commission shall give bond, as required by law.

(b) Upon appointment, the Arkansas State Highway and Transportation Department shall execute a bond to the State of Arkansas in the sum of twenty-five thousand dollars ($25,000) for faithful performance of his or her duties.

(c) The premium on these bonds shall be paid out of the State Treasury from the annual appropriation for the commission.

History. Acts 1953, No. 123, §§ 3, 4; A.S.A. 1947, §§ 76-201.3, 76-201.4.

27-65-131. Bonds — Suppliers and employees.

(a) Every person who shall have charge of any supplies, materials, or equipment of any kind, ex-

ceeding five hundred dollars ($500) in aggregate value at any time, when deemed expedient by the State Highway Commission, shall furnish a surety bond in an amount equal to the value thereof, conditioned upon the proper care and use of it and the prompt delivery thereof or accounting therefor when required. The commission may require bonds of other employees as it may deem expedient.

(b) Every contractor for work in excess of one thousand dollars ($1,000) shall be required to furnish a bond to be approved by a majority of the commission in an amount at least equal to the amount of the contract, conditioned as the commission may require. These bonds shall also be liable for material, labor, supplies, and expenses used in or incidental to the work, including that which may become due to subcontractors, for which an action may be maintained on the bond by the parties to whom payments may be due.

(c) All bonds required by this act of officials or employees of the commission or required by the State Highway Commission of its employees shall be executed by a solvent surety company authorized to do business in the state and approved by the commission and filed with the Secretary of State, and the premium shall be paid out of the State Highway and Transportation Department Fund. The commission may itself take surety bonds on any or all employees and pay the premium thereon.

History. Acts 1929, No. 65, §§ 14, 15, 53; Pope's Dig., §§ 6492, 6493, 6903; A.S.A. 1947, §§ 76-217, 76-219, 76-220.

27-65-132. Contracts between commission and employees.

(a) Engineers, attorneys, or other employees of the State Highway Commission are prohibited from making any contract with that commission, other than their contracts of employment.

(b) None shall be pecuniarily interested, directly or indirectly, in any contract made by the commission or in the location or improvement of any state road.

(c) Willful violation of this section shall be deemed a felony punishable by imprisonment in the Department of Correction for not less than one (1) year.

History. Acts 1929, No. 65, § 5; Pope's Dig., § 6486; A.S.A. 1947, § 76-221.

27-65-133. Corruption in office.

Whoever, being a member of the State Highway Commission or an engineer, agent, or other employee, acting for or on behalf of the commission, shall accept or agree to accept, receive or agree to receive, ask or solicit, either directly or indirectly, and any person who shall give or offer to give, or promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to any member of the commission, or any engineer, agent, or other employees acting for or on behalf of the commission, any moneys or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value or any political appointment or influence, present, or reward or any employment or any other thing of value with the intent to have his or her decision or action on any question, matter, cause, or proceeding which may at the time be pending, or which may by law be brought before him or her in his or her official capacity or in his or her place of trust or profit, influenced thereby, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary not less than one (1) nor more than five (5) years and shall forever after be disqualified from holding any office of trust or profit, under the Constitution or laws of this state.

History. Acts 1929, No. 65, § 60; Pope's Dig., § 6910; A.S.A. 1947, § 76-222.

27-65-134. Venue in suits against state highway officers.

(a) Suits against any state officer involving any act done or proposed to be done in the administration of the Arkansas State Highway and Transportation Department or of any law pertaining to the state highway system shall be brought only at the seat of government, in Pulaski County.

(b) However, where any suit may be filed against any contractor, or persons engaged in the construction of state highways or on account of any claim growing out of any contract, express or implied, or on account of any damages to person or property, the suits may be filed in any county in this state where service can be obtained upon the defendant by summons or publication of a warning order, and it shall give the court in which the suit is filed against the defendant jurisdiction when service is complete.

History. Acts 1933, No. 50, § 1; Pope's Dig., § 6514; A.S.A. 1947, § 76-232.

27-65-135. Fiscal year.

(a) The fiscal year of the Arkansas State Highway and Transportation Department shall be from July 1 to June 30 of each year.

(b) The State Highway Commission is exempted from the provisions of Acts 1971, No. 585, §§ 9, 10 [superseded].

History. Acts 1933, No. 92, § 2; Pope's Dig., § 6522; Acts 1971, No. 585, § 18; A.S.A. 1947, §§ 76-202, 76-246.

27-65-136. Prohibition on increasing number of employees before election.

(a) Within ninety (90) days preceding any primary election, the Arkansas State Highway Depart-

ment shall not increase the number of its employees beyond the average number which were employed by it and under its supervision during the twelve (12) months prior to the primary election, except in case of floods.

(b) The commissioners of the State Highway Commission and the Treasurer of State shall not, at the penalty of being liable upon their official bonds, make any payment for salary to employees engaged by the department in violation of the provisions of this section.

History. Acts 1938 (1st Ex. Sess.), No. 14, § 1-A.

27-65-137. Special expense allowances.

(a) Due to his or her exacting and special duties, the Director of State Highways and Transportation is hereby authorized an expense allowance of five hundred dollars ($500) per month upon approval of the State Highway Commission.

(b) The commission shall provide for an expense allowance of up to two thousand dollars ($2,000) per annum for each chief, captain, first lieutenant, second lieutenant, sergeant, corporal, patrolman first class, patrolman, and motor carrier safety inspector of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

History. Acts 1991, No. 872, § 17; 1993, No. 160, § 16.

27-65-138. Acquisition of property.

(a) Notwithstanding the provisions of any laws to the contrary, the Arkansas State Highway and Transportation Department, acting on behalf of the State Highway Commission, is hereby authorized, on acquiring whole taxable parcels of property upon which real estate taxes or assessments are due and payable or which shall become due and payable for any time period prior to the acquisition, to collect from the owner or owners of such property such taxes or assessments and to remit such taxes or assessments to the appropriate taxing or assessing authorities.

(b) Likewise, upon a showing by the department of such tax or assessment amounts, the courts of this state may deduct such amounts prior to delivering any orders regarding compensation by the department or commission to the owner or owners, and the department shall remit such taxes or assessments to the appropriate taxing or assessing authorities. In those instances where the department acting on behalf of the commission has deposited an estimated just compensation amount with the court, the department shall notify the county tax collector of that deposit.

History. Acts 1991, No. 961, § 1; 2001, No. 1135, § 1.

27-65-139. Uniform allowance.

(a)(1) The State Highway Commission is hereby authorized to pay from funds appropriated for maintenance and operation a uniform allowance not to exceed one thousand eight hundred dollars ($1,800) per annum for all uniformed personnel (Arkansas Highway Police Patrol Officer through Chief, Police Division) of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

(2) The above-mentioned per annum allowance shall be divided and paid on a monthly basis for each month of the employment for those eligible personnel of the Arkansas Highway Police Division of the department.

(b) Provided further, that when uniformed personnel are hired, they shall be paid an initial lump sum uniform allowance of two hundred dollars ($200) that shall be in addition to the monthly allowance as herein provided.

History. Acts 1993, No. 160, § 12; 2001, No. 1688, § 1.

27-65-140. Tool allowance.

(a) The State Highway Commission is hereby authorized to pay from funds appropriated for maintenance and operation a tool allowance of four hundred eighty dollars ($480) per annum for each mechanic, electrical, plumbing, and mechanical repairer, welder, or body repairer and painter employed by the Arkansas State Highway and Transportation Department who works on highway equipment and facilities.

(b) The aforementioned allowance shall be equated to forty dollars ($40.00) per month for each month of employment for the eligible personnel of the department.

History. Acts 1993, No. 160, § 13; 2007, No. 66, § 1.

27-65-141. Payment of claims for damages to personal property.

The Arkansas State Highway and Transportation Department is hereby authorized to pay amounts not to exceed twenty-five thousand dollars ($25,000) per claim for damages to personal property of others resulting from the operation of any motor vehicle or other motorized equipment of the department upon determination by the State Claims Commission that the claim is valid after hearing the facts thereof and after prior review by the Legislative Claims Committee and the Legislative Council.

History. Acts 1993, No. 160, § 14.

27-65-142. Moving expense.

The State Highway Commission is hereby authorized to pay from funds appropriated from maintenance and operation the actual expense of moving the household and personal property of those em-

ployees of the Arkansas State Highway and Transportation Department who because of their job assignments are required to move their places of residence by the commission by the Director of State Highways and Transportation, subject to the approval by the director for each move so required.

History. Acts 1993, No. 160, § 15.

27-65-143. Award of pistol upon retirement.

When a highway police patrol officer of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department retires from service or dies while still employed with the department, the State Highway Commission may award the pistol carried by the officer at the time of his or her death or retirement from service to:

(1) The officer upon retirement; or

(2) The officer's spouse if the officer is deceased and the spouse is eligible under applicable state and federal laws to possess a firearm.

History. Acts 2005, No. 2244, § 1.

27-65-144. Additional annual reporting.

(a) The Arkansas State Highway and Transportation Department shall analyze all reported wrong-way crashes on interstate highways and other freeways that are a part of the state highway system to determine whether the installation of additional traffic control devices is warranted and feasible in order to reduce the possibility of future wrong-way crashes.

(b) Any additional traffic control devices installed under subsection (a) of this section shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, approved by the Federal Highway Administration as the national standard in accordance with 23 U.S.C. § 109(d), 23 U.S.C. § 114(a), 23 U.S.C. § 217, 23 U.S.C. § 315, 23 U.S.C. § 402(a), 23 C.F.R. § 655, and 49 C.F.R. §§ 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2), and is the manual adopted by the State Highway Commission under § 27-52-104.

(c) A person may not file a legal action as a result of the implementation of any recommendations made from studies conducted under this section.

History. Acts 2009, No. 641, § 1.

CHAPTER 66

ESTABLISHMENT AND MAINTENANCE GENERALLY

Subchapter 5 — Protection of Road Surfaces

SECTION.

27-66-501. Classification of roads by weight of vehicles used thereon.
27-66-502. License required for use of rough metal tires.
27-66-503. Penalty.
27-66-504. Civil liability.
27-66-505. Prohibition on use of heavily loaded vehicles during emergencies.
27-66-506. [Repealed.]
27-66-507. Bond for driving heavy oil and gas equipment.

27-66-501. Classification of roads by weight of vehicles used thereon.

(a) Exclusive of city streets, state highways, or interstates, a county judge may post weight limits on public bridges in his or her jurisdiction in connection with federally mandated bridge inspections.

(b) Posted weight limit signs shall be in accordance with state and federal law.

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

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

(d) A violation of this section is a Class C misdemeanor.

(e) Even if authorized by an overweight permit issued by the Arkansas State Highway and Transportation Department, a person or an owner operating, driving, or moving a vehicle, an object, or a contrivance upon a public bridge shall be liable for all damage that the public bridge may sustain as a result of:

(1) Careless, negligent, or illegal operation, driving, or moving of a vehicle, an object, or a contrivance; or

(2) Operation, driving, or moving of a vehicle, object, or contrivance of excessive width or weighing in excess of the maximum weight limits in this chapter.

History. Acts 1919 (2nd Ex. Sess.), No. 222, §§ 2, 3, p. 4253; C. & M. Dig., §§ 5510, 5511; Pope's Dig., §§ 7152, 7153; A.S.A. 1947, §§ 76-122, 76-123; Acts 2007, No. 453, § 1; 2009, No. 483, § 7.

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

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

History. Acts 1919 (2nd Ex. Sess.), No. 222, § 1, p. 4253; C. & M. Dig., § 5509; Pope's Dig., § 7151; A.S.A. 1947, § 76-121.

27-66-503. Penalty.

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

History. Acts 1919 (2nd Ex. Sess.), No. 222, § 4, p. 4253; C. & M. Dig., § 5512; Pope's Dig., § 7154; A.S.A. 1947, § 76-124.

27-66-504. Civil liability.

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

History. Acts 1919 (2nd Ex. Sess.), No. 222, § 5, p. 4253; C. & M. Dig., § 5513; Pope's Dig., § 7155; A.S.A. 1947, § 76-125.

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

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

(b) Whenever, in the judgment of the county judge, an emergency arises in his or her county, as described in subsection (a) of this section, he or she shall cause notice to be posted in the county courthouse to the effect that until further notice the operation of vehicles having a net load of more than three thousand five hundred pounds (3,500 lbs) over the highways described in the notice is prohibited. Notice shall also be posted in at least ten (10) of the most prominent and public places in the county and be published in a newspaper in the county if practicable. Notice may also be given by mail, telephone, or personal contact to persons operating vehicles, and notice by mail, telephone, or personal contact shall be sufficient notice for the purposes of this section.

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

History. Acts 1949, No. 172, §§ 1-3; A.S.A. 1947, §§ 76-126 — 76-128.

27-66-506. [Repealed.]

Publisher's Notes. This section, concerning protection of bridges and culverts and penalty for violation, was repealed by Acts 2007, No. 453, § 2. The section was derived from Acts 1909, No. 178, §§ 1, 2, p. 549; C. & M. Dig., §§ 5506, 5507; Pope's Dig., §§ 7148, 7149; A.S.A. 1947, §§ 76-118, 76-119.

27-66-507. Bond for driving heavy oil and gas equipment.

(a) If, prior to exploration and drilling for oil and gas, it appears that an oil and gas company or an individual who is to explore and drill will be driving heavy equipment on county roads or municipal streets, then the company or individual shall file a reasonable bond with the county or with the municipality, as the case may be, to cover anticipated damages to the county roads or municipal streets.

(b) The bond shall be in an amount determined by the county road foreman and supervisor or by the municipal street department or appropriate municipal street official to be sufficient to repair damage caused to the roads or streets by operating the equipment on them.

History. Acts 1985, No. 608, § 1; A.S.A. 1947, § 76-146; Acts 1987, No. 44, § 1.

CHAPTER 67

STATE HIGHWAY SYSTEM

SUBCHAPTER.

1. General Provisions.
2. Highway Designation, Construction, and Maintenance.
3. Acquisition, Condemnation, and Disposition of Property.

Subchapter 1 — General Provisions

SECTION.

27-67-101. Policy.

SECTION.
27-67-102. Jurisdiction of county court.
27-67-103. Penalties.

27-67-101. Policy.

It is declared to be the policy of the state to take over, construct, repair, maintain, and control all the public roads in this state comprising state highways as defined in this chapter.

History. Acts 1929, No. 65, § 3; Pope's Dig., § 6523; Acts 1941, No. 6, § 1; A.S.A. 1947, § 76-501.

27-67-102. Jurisdiction of county court.

This act shall not be construed as divesting the county court of any of its original jurisdiction over the roads granted by the Constitution, but the object of this act is to give aid and assistance in the maintenance and improvement of those parts of the public roads of the state laid out as such, so important to the people of the state that they have been designated as state highways. If any action required to be done under this act would interfere with the jurisdiction of the county court over roads conferred by the Constitution, it shall be implied that it may be done on order of the county court or proper orders of superior courts on appeal.

History. Acts 1929, No. 65, § 58; Pope's Dig., § 6908; A.S.A. 1947, § 76-514.

27-67-103. Penalties.

Any person who shall knowingly or willfully neglect or refuse to perform any duty either to do or to desist from doing anything which may be required by law relating to roads, highways, or other public improvements in this state shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine of not over five hundred dollars ($500) and by imprisonment for not over six (6) months.

History. Acts 1913, No. 302, § 84, p. 1179; C. & M. Dig., § 5219; Pope's Dig., § 6934; A.S.A. 1947, § 76-529.

Subchapter 2 — Highway Designation, Construction, and Maintenance

SECTION.
27-67-201. Designation generally.
27-67-202. Truck route designations.
27-67-203. Scenic highway designations.
27-67-204. Designation of roads in and connected to state parks.
27-67-205. Designation of roads to municipal airports.
27-67-206. New construction generally.
27-67-207. Maintenance generally.
27-67-208. Purchase of materials — Bids.
27-67-209. Priority of native resources used in construction and maintenance.
27-67-210. Sales and severance tax exemption — Sand and gravel.
27-67-211. Highway closure during construction.
27-67-212. Changing or widening roads — Role of county court.
27-67-213. White stripes on road edges.
27-67-214. Construction and maintenance of railroad crossings.
27-67-215. Maintenance of detour roads.
27-67-216. Repair of county roads damaged in construction or maintenance of state highway.
27-67-217. Direction signs to institutions of higher education.
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27-67-201. Designation generally.

(a) State highways are declared to be those primary roads and secondary roads and connecting roads heretofore designated by the State Highway Commission, as shown by a map on file in the office of the commission, entitled "Map of the State of Arkansas Showing State Highway System", and marked "Revised March 1, 1929", including those portions of roads extending into or through incorporated towns and cities. The commission is required to preserve the map as a permanent record.

(b) The commission is empowered, with any necessary consent of the proper federal authorities, to make, from time to time, necessary changes and additions to the roads designated as state highways that it may deem proper, and changes or additions shall become effective immediately upon the filing of a new map as a permanent and official record in the office of the commission. However, the commission shall not have authority to eliminate any part of the highway system.

History. Acts 1929, No. 65, § 3; Pope's Dig., § 6523; Acts 1941, No. 6, § 1; A.S.A. 1947, § 76-501.

27-67-202. Truck route designations.

(a) The State Highway Commission is authorized to designate and establish truck routes through cities and towns, which routes shall be properly marked by the commission.

(b) Any truck route so established shall become a part of the state highway system, and the Arkansas State Highway and Transportation Department shall construct, repair, and maintain the truck route.

History. Acts 1953, No. 323, § 1; A.S.A. 1947, § 76-549.

27-67-203. Scenic highway designations.

(a) The following highways and designated parts of highways within the State of Arkansas are designated as scenic highways:

(1) U.S. 65 from the Louisiana line to the Missouri line;

(2) U.S. 71 from the Louisiana line to the Missouri line;

(3) U.S. 82 from the Mississippi River to Texarkana;

(4) U.S. 270 from U.S. 71 to Hot Springs;

(5) I-30 from Little Rock to U.S. 70 west of Benton, and U.S. 70 to Hot Springs;

(6) I-40 from Little Rock to the Oklahoma line west of Fort Smith;

(7) U.S. 63 from I-55 at Turrell to Mammoth Spring;

(8) U.S. 62 from the Missouri line to the Oklahoma line;

(9) State 7 from the Louisiana line to Bull Shoals Lake north of Harrison;

(10) The Great River Road: Highway 82 from the Mississippi line west to Highway 65; Highway 65 north from the Louisiana line to Dumas; Highway 4 from McGehee east through Arkansas City to Highway 1; Highway 1 from its intersection with Highway 4 through Watson to Highway 165 at Back Gate; Highway 165 north from Dumas to Dewitt; Highway 1 north to Highway 316; Highway 316 east to Highway 318; Highway 318 south to Highway 20; Highway 20 east to Elaine; Highway 44 north through Helena-West Helena; Phillips County Routes 239 and 217 and Lee County Route 221 through the St. Francis National Forest; Highway 44 to Marianna; Highway 79 north to Highway 38; Highway 38 east to Highway 147; Highway 147 north to Highway 70; Highway 70 and I-55 through West Memphis to the Tennessee line; Highway 77 from Highway 70 in West Memphis north to Highway 61; and Highway 61 through Blytheville to the Missouri line;

(11) State 32 and State 355 from Ashdown to Mineral Springs;

(12) State 27 to Kirby; U.S. 70 and State 8 to Norman; State 27 to Dardanelle; and State 27 from Dover to Harriet;

(13) State 9 from Crows to Jct. U.S. 65; State 16 from U.S. 65 to Shirley; and State 9 from Shirley to Mammoth Spring;

(14) State 28 from U.S. 71 to Ola;

(15) State 154 from Oppelo to State 27;

(16) State 23 from U.S. 71 to the Missouri line;

(17) State 309 from State 10 to State 23 at Ozark;

(18) State 21 from Clarksville to the Missouri line;

(19) State 16 from Searcy to Siloam Springs, including the connecting segment of State 25 at Heber Springs;

(20) State 14 from U.S. 63 to Table Rock Lake;

(21) State 68 from Alpena to Siloam Springs;

(22) State 5 from U.S. 67 to the Missouri line;

(23) State 25 from its intersection with U.S. 65 to Heber Springs; State 25 from Heber Springs to Batesville; U.S. 167 from Batesville to Ash Flat; State 286 from its intersection with I-40 to its intersection with State 60; State 60 from its intersection with State 286 to Perryville; and State 10 from its intersection with State 9 to I-430;

(24) State 58 from Sage through Guion, and State 69 to Melbourne;

(25) State 178 from Flippin to Mountain Home;

(26) State 88 from the Oklahoma line to Mena;

(27) State 59 from Van Buren to Jct. State 220;

(28) State 220 from Jct. 59 to State 74 at Devil's Den State Park;

(29) State 170 from Devil's Den State Park to U.S. 71 at West Fork;

(30) I-40 from the Tennessee line to Little Rock;

(31) I-30 from Benton south to the Clark County line;

(32) State 10 from Ola to Greenwood;

(33) State 22 from Dardanelle to Paris;

(34) State 12 from Rogers to Jct. State 23;

(35) State 141 from Jonesboro to McDougal;

(36) State 125 from its intersection with State 14 north of Yellville to the Missouri line;

(37) U.S. 49 from its intersection at Brinkley to the Mississippi state line, which will be known as the "Delta Parkway, an Arkansas Scenic Highway";

(38) State 5 from Benton to Hot Springs;

(39) U.S. 64 from its intersection with I-40 in Johnson County westward to the western corporate limits of the city of Ozark;

(40) State 186 from its intersection with I-40 in Franklin County south to its intersection with U.S. 64 at Altus;

(41) U.S. 70 from its intersection with I-440 in Pulaski County eastward to its intersection with U.S. 49 at Brinkley;

(42) U.S. 165 from its intersection with I-440 in Pulaski County eastward to Dumas;

(43) State 220 from State 59 to the Oklahoma border;

(44) That portion of State Highway 166 beginning at its intersection with U.S. 62 in Randolph County and extending south to the county line; State 361 beginning at the Spring River Bridge in Lawrence County and ending at its intersection with State 25 in Black Rock; and State 25 beginning at its intersection with State 361 in Black Rock and ending at the entrance to the Lake Charles State Park;

(45) U.S. 62 from St. Francis in Clay County, then south and west through Piggott to the intersection of West Cherry Street, then west on West Cherry Street to 12th Street, then north on 12th Street to its intersection with U.S. 62 West; then west on U.S. 62 to McDougal intersecting with State 141; then south on State 141 through Boydsville and Knob to Hooker where it intersects with State 135; then south along State 135 through Lafe to its intersection with U.S. 49; then south along U.S. 49 to Court Street in Paragould, then east on Court Street to Pruett Street, south on Pruett Street to Main Street, west on Main Street to 7th Street, south on 7th Street to U.S. Highway 412; then west along U.S. 412 to its intersection with State 168; then south on State 168 to an intersection with State 141 at Walcott; then south along State 141 to County Road 766, KAIT Road; then east on County Road 766 to State 351; then south on State 351 to U.S. 49 and U.S. 1 in Jonesboro; then south on U.S. 49 and U.S. 1 to Aggie

Road, west to Robinson Street, south to Marshall Street, west to Caraway Road, then south on Caraway Road to Matthews Avenue, then west on Matthews Avenue to U.S. 49B, north to Cate Avenue, west to U.S. 49B, Union Avenue, and south to Campus Street; picking up at the intersection of State 1B South and State 18 East, then south on State 1B to an intersection with Windover Road; picking up at the intersection of State 1B South and Lakewood Drive; then south along State 1B to Craighead Forest Road; west on Craighead Forest Road to State Highway 141, Culberhouse Road; south on State Highway 141 to Lawson Road; east on Lawson Road across State Highway 1, continuing east to join State Highway 163; then south on State 163 to South Street in Harrisburg, then southwest on South Street to Center Street, west on Center to the Courthouse Square, south on East Street to Court Street to North Main Street, North Main Street to East Jackson Street, State 14; then east on State 14 to State 163 South through Birdeye to an intersection with U.S. 64 at Levesque; then west along U.S. 64 and U.S. 64B; State Highway 284, Hamilton Avenue, into Wynne to Terry Street, south on Terry Street to Commercial Avenue, west on Commercial Avenue to Front Street, south on Front Street to Merriman Avenue, east on Merriman Avenue to U.S. 1, Falls Boulevard, south on U.S. 1 to Martin Drive, County Road 734, east on County Road 734 to State 284 South; then south on State 284 to Forrest Street in Forrest City, south on Forrest Street to East Broadway, west to Izard Street, south to East Front Street, west on East Front Street and intersecting with State 1; then south on State 1 to an intersection with U.S. 79; then east on U.S. 79 through Marianna to Poplar Street, then south on Poplar Street to an intersection with State 44; then south on State 44 through the St. Francis National Forest intersecting with State 242; then south along State 242 to U.S. 49B; then east on U.S. 49B, becoming Perry and Porter Streets, to Cherry Street in Helena-West Helena, south on Cherry Street to Missouri Street, west on Missouri Street to Biscoe, at U.S. 49B; and then south on U.S. 49B to the Arkansas-Mississippi Bridge, which will be known as "Crowley's Ridge Scenic Highway", an Arkansas Scenic Highway;

(46) State 540 from I-40 northward to Mountainburg in Crawford County and that portion of the route being constructed on a new location to its intersection with the U.S. 71 Fayetteville Bypass in Washington County;

(47) I-530 from State 256 to U.S. 65 South;

(48) Beginning at the intersection of State 96 and U.S. 71 west of Mansfield in Sebastian County; then along State 96 westward until reaching the eastern corporate limits of Hartford in Sebastian County, which will be known as the "Poteau Mountain Scenic Highway", an Arkansas Scenic Highway; and

(49) State 10 from the western corporate limits of Greenwood in Sebastian County, then westward along State 10 until reaching the Oklahoma state boundary, which will be known as the "Sugarloaf Mountain Scenic Highway", an Arkansas Scenic Highway.

(b)(1) It shall be the responsibility of the Arkansas State Highway and Transportation Department to place appropriate highway identifying signs on those highways herein that are state highways.

(2) It shall be the obligation of the respective counties to place appropriate signs on county roads on their respective county road systems.

(3) The department shall identify all highways designated herein as scenic highways on any official state highway maps prepared and distributed by the department.

(c) The department shall erect appropriate signs along the route of those highways or sections of highways designated herein, indicating that these highways or parts of highways have been designated as scenic highways.

History. Acts 1975, No. 462, §§ 1, 2; 1981, No. 676, § 1; 1983, No. 181, § 1; 1985, No. 20, § 1; A.S.A. 1947, §§ 76-560, 76-561; Acts 1989 (3rd Ex. Sess.), No. 21, § 1; 1991, No. 202, § 1; 1991, No. 226, § 1; 1991, No. 679, § 1; 1991, No. 734, § 1; 1993, No. 449, § 1; 1993, No. 464, § 1; 1993, No. 723, § 1; 1995, No. 833, § 1; 1997, No. 180, § 1; 1997, No. 382, § 1; 1997, No. 1268, § 1; 1999, No. 302, § 1; 1999, No. 392, § 1; 2001, No. 92, § 1; 2001, No. 1061, § 1; 2003, No. 130, § 1; 2009, No. 495, § 1.

27-67-204. Designation of roads in and connected to state parks.

(a) The State Highway Commission shall include as a part of the state highway system the most used vehicular roads located within the geographical boundaries of all existing state parks and the most used roads and highways connecting established state highways with state parks. When any new state park is created or established, the commission shall immediately include as a part of the state highway system the vehicular road within the boundaries of the new state park and the roads and highways connecting the new state park to established state highways.

(b) The provisions of this section shall be applicable to all state parks which are now or may hereafter be placed under the control and direction of the Department of Parks and Tourism.

(c) It shall be the duty of the commission to provide for maintenance and repairs of these roads as provided for other state highways.

(d)(1) The Arkansas State Highway and Transportation Department is authorized to construct and maintain public parking areas and parking facilities at the respective state parks.

(2) For the purposes of this subsection, parking areas and facilities constructed by the Arkansas State Highway and Transportation Department at the respective state parks shall be deemed to be a part of the state highway system.

(3) The Department of Parks and Tourism shall study the needs for public parking areas and park-

ing facilities at the respective state parks and shall notify the Arkansas State Highway and Transportation Department thereof.

(4) The Arkansas State Highway and Transportation Department may cooperate with the Department of Parks and Tourism in the construction and maintenance of such facilities.

History. Acts 1937, No. 109, §§ 1-3; Pope's Dig., §§ 6524-6526; Acts 1957, No. 387, §§ 1, 2; 1961, No. 83, §§ 1, 2; 1963, No. 152, §§ 1, 2; A.S.A. 1947, §§ 76-502, 76-503, 76-503.1, 76-503.2, 76-504.

27-67-205. Designation of roads to municipal airports.

(a) The State Highway Commission may include as a part of the state highway system the principal vehicular road leading to each municipal airport in this state which is located outside the city limits of a municipality and which:

(1) Has one (1) or more hard-surfaced runways at least two thousand feet (2,000') in length;

(2) Provides fueling services for aircraft;

(3) Provides overnight tie-down facilities for aircraft.

(b) The commission shall determine which roads are to be included in the state highway system under the provisions of this section that are not hard-surfaced roads, shall construct hard-surfaced roads to these airports, and shall maintain and repair hard-surfaced roads so constructed or already in existence which lead to municipal airports in this state located outside the city limits and which are included in the state highway system pursuant to the authority granted in this section.

(c) The provisions of this section apply only to municipal airports in existence on July 19, 1971, and located outside the city limits of the municipality.

History. Acts 1971, No. 248, §§ 1-3; A.S.A. 1947, §§ 76-557 — 76-559.

27-67-206. New construction generally.

(a) It shall be the duty of the State Highway Commission to construct the roads in the state highway system which are not now constructed and that the work of construction be pushed as rapidly as funds are available for that purpose.

(b) The commission shall begin the work of construction in those counties in which the roads embraced in the state highway system have not been constructed by improvement districts, or in which only a small portion of roads have been so constructed. The commission shall continue construction work in such counties until the completed roads in each county in the state have been brought to a parity, after which construction work shall be distributed throughout the counties so as to maintain the parity as far as practical.

(c) All new construction work shall be done by contract, and all contracts for the work shall be let to the lowest responsible bidder.

(d) The commission shall have the right to reject any or all bids.

(e) No contract in excess of ten thousand dollars ($10,000) shall be let without advertising for bids. However, the commission may enter into agreements in excess of ten thousand dollars ($10,000) on a noncompetitive basis in a manner that it deems fit with railway companies for the installation of flashing light signals or other types of railroad highway grade crossing protective devices and work necessary to be performed by the railroads in conjunction with the construction of grade elimination structures on force account or day labor basis when the work incurred is financed with federal funds in whole or in part.

(f) Successful bidders shall be required to furnish a surety bond by a surety company to be approved by the commission, in a penal sum of at least one-fourth (¼) of the amount of the contract price, conditioned as the commission may require.

(g) However, the commission may accept personal bonds, but in every case in which a personal bond is accepted, the contractor shall be required to deposit United States Government bonds, state highway bonds or notes, or valid bonds of any road improvement district referred to in Acts 1929, No. 65, § 19 [repealed], in an amount equal to twenty-five percent (25%) of the amount of the contract to be held in escrow as collateral security for the performance of the contract.

(h) Where the commission is of the unanimous opinion that any particular piece of work may be done more economically with state forces, the commission may proceed to do the particular construction work with state forces.

(i) The commissioner may let contracts for the construction of necessary bridges on the state highways to be paid for out of the State Highway and Transportation Department Fund.

(j)(1) As used in this subsection:

(A) "Design-builder" means a company, firm, partnership, corporation, association, joint venture, or other legal entity, including a combination of any of these entities, that makes a proposal to perform a design-build project contract; and

(B) "State highway revenues" means highway revenues as defined under § 27-70-202.

(2) Notwithstanding any other provisions of law to the contrary, the commission may:

(A) Establish written procedures and regulations for the procuring of qualifications-based, design-build services and for administering design-build project contracts;

(B) Receive solicited and unsolicited proposals for design-build construction projects from a design-builder;

(C) Award a design-build project contract on a qualification basis that offers the greatest value for the state;

(D) Contract with a design-builder to acquire, construct, finance, improve, maintain, and oper-

ate an unlimited number of qualified design-build projects, including turnpike projects, when state highway revenues are not required to fund any portion of the projects' costs; and

(E) Contract with design-builders to acquire, construct, finance, improve, maintain, and operate two (2) qualified design-build projects within ten (10) years of July 16, 2003, should state highway revenues be required to fund any portion of the projects' cost.

(3) However, the projects' costs for each of the two (2) individual contracts involving state highway revenues under subdivision (j)(2)(E) must be in excess of fifty million dollars ($50,000,000) to qualify as design-build projects under this subsection.

History. Acts 1929, No. 65, §§ 18, 21; Pope's Dig., §§ 6527, 6549; Acts 1941, No. 341, § 1; 1947, No. 222, § 1; A.S.A. 1947, §§ 76-505, 76-507; Acts 2003, No. 460, § 2.

27-67-207. Maintenance generally.

(a) As used in this chapter, unless the context otherwise requires, "maintenance" means the constant making of all repairs necessary to preserve a smooth surface on the roads and to keep the bridges and culverts in a safe condition and shall include drainage work, the building of bridges and culverts, and the making of cuts and fills as the commission deems necessary to accomplish these purposes.

(b) It shall be the duty of the State Highway Commission to begin as soon as practicable and continue the maintenance of all roads that are properly designated as state highways, to the end that every part of the state highways shall be properly, fairly, and equitably maintained and kept in repair.

(c) So far as practicable, maintenance and repair shall be according to what is known as the patrol system. Laborers as are deemed necessary may be employed and kept continually on the roads, with the force, equipment, and materials that are necessary to perform the work.

(d) The commission may make all necessary contracts, purchase all necessary equipment, supplies, and materials, and employ all necessary labor and is given all other necessary powers to provide for maintenance and shall pay for the same out of the State Highway and Transportation Department Fund.

(1) However, all contracts so let in excess of one thousand dollars ($1,000) made by the commission shall be let on a competitive basis to the lowest responsible bidder.

(2) The commission may reject all bids.

(3) All bids shall be sealed bids and shall be filed with the commission in open session and opened and tabulated during that session of the commission.

(4) No such contract shall be valid unless signed by at least three (3) members of the commission and attested to by the secretary.

History. Acts 1929, No. 65, § 18; Pope's Dig., § 6527; A.S.A. 1947, § 76-505.

27-67-208. Purchase of materials — Bids.

The State Highway Commission may purchase materials in quantities for use on the public works and may let contracts by the terms of which the contractors shall be required to use these materials in carrying out their contracts. However, any material purchased shall be bought only after advertising for bids, which bids are to be received and opened in public.

History. Acts 1929, No. 65, § 64; Pope's Dig., § 6914; A.S.A. 1947, § 76-509.

27-67-209. Priority of native resources used in construction and maintenance.

(a) It is declared to be the policy of the state to encourage, in every way possible, the development of natural resources of the state, which resources are suitable for use in highway construction.

(b) Whenever upon investigation the commission shall find that suitable materials produced, mined, or manufactured in the State of Arkansas can be obtained as cheaply and are of as good quality as materials produced, mined, or manufactured in other states, the commission is empowered and authorized to specify that the materials produced, mined, or manufactured in Arkansas shall be used in the construction or maintenance of the roads of this state.

History. Acts 1927, No. 103, § 1; Pope's Dig., § 6495; A.S.A. 1947, § 76-224.

27-67-210. Sales and severance tax exemption — Sand and gravel.

When the Arkansas State Highway and Transportation Department, by lease or by oral or written agreement with the landowner, enters upon the land and severs sand and gravel for the purpose of using the sand and gravel in the repair, maintenance, or construction of state highways, then the department as the producer and the owner of the land shall not be liable for, nor shall they pay to the State of Arkansas, any sales or gross receipts taxes or severance taxes upon the sand and gravel.

History. Acts 1953, No. 345, § 1; A.S.A. 1947, § 76-243.

27-67-211. Highway closure during construction.

(a) The State Highway Commission shall have full authority to close any state highway to traffic during such time as the commission may deem it necessary while work is being done thereon by the commission under the authority of this chapter or while it is necessary for the protection of the road

during a period of overflow. During the time the road is closed, the commission may authorize the placing of suitable barricades and signs at each end of the portion of the road that is closed.

(b) Any person who shall remove the barricades or who shall use or attempt to use any section of a state highway thus closed to traffic shall be deemed guilty of a misdemeanor. Upon conviction, that person shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100) and shall be liable to the state for any damage done.

History. Acts 1929, No. 65, § 56; Pope's Dig., § 6906; A.S.A. 1947, § 76-513.

27-67-212. Changing or widening roads — Role of county court.

(a) The State Highway Commission may call upon the county court to change or widen, in the manner provided by § 14-298-121, any state highway in the county where the state highway engineer deems it necessary for the purpose of constructing, improving, or maintaining the road.

(b) In the event the county court should refuse to widen the road as requested, the commission may refuse to construct, improve, or maintain that portion of the road until a suitable right-of-way is provided.

(c) This section and § 14-298-120 shall be cumulative to all existing laws and parts of laws and shall not be construed as to repeal any existing laws or part of laws unless they are in conflict herewith, and then only to the extent of the conflict.

History. Acts 1965, No. 387, §§ 3, 4; A.S.A. 1947, §§ 76-928, 76-928n.

27-67-213. White stripes on road edges.

(a) The Arkansas State Highway and Transportation Department shall paint and maintain white stripes not less than four inches (4″) in width on both edges of all hard-surfaced primary and secondary state roads with a twenty foot (20') or more pavement width and carrying one thousand (1,000) or more vehicles daily, which roads are constructed in this state.

(b) The provisions of this section shall not apply to any noncontrolled-access roads in urban areas and any other state highway determined by an engineering study not to warrant such striping.

History. Acts 1969, No. 99, §§ 1, 2; A.S.A. 1947, §§ 76-555, 76-556.

27-67-214. Construction and maintenance of railroad crossings.

(a) It shall be the duty of the members of the State Highway Commission and of the state highway engineers, on all trips in the state, to particularly observe crossings of railroads on state highways.

(b) It shall be the duty of all railroad companies and the owners of tramroads whose lines intersect or cross any of the highways of the state to improve that part of the roadway between their tracks and to the end of the cross ties on each side with the same material, whatever practicable, with the same foundation and surface as that in the adjoining portions of the roadway and to maintain such crossings in a good state of repair.

(c) The commission shall have power and authority to require any and all railway companies to build and construct roads under their tracks at such crossings as, in the judgment of the commission, will be for the best and safest interest of the traveling public.

(d) The commission may join with any railroad company in construction or paying not exceeding fifty percent (50%) of the cost of constructing any overhead or undergrade railroad crossing on a state highway or on an extension or continuation of any state highway through a town or city.

History. Acts 1929, No. 65, § 59; Pope's Dig., § 6909; A.S.A. 1947, § 76-517.

27-67-215. Maintenance of detour roads.

(a)(1) When the Arkansas State Highway and Transportation Department has been forced to bar traffic from a flooded section of a state highway by putting up signs directing the traffic from the state highway or by stationing state highway employees on the state highway to direct traffic from the state highway over a road surfaced with gravel, crushed stone, or other type of surfacing or pavement, and when it appears that the detour road will continue to be needed, the Arkansas State Highway and Transportation Department shall have authority, as it deems right and proper, to do any repair to the surfacing of the road over which traffic is diverted by the department, as may equal, in the judgment of the department, the amount of wear and tear that is caused to the road by the traffic diverted over it.

(2) However, the department shall only do such maintenance work on the surface of the road as in the judgment of the department it feels that it has caused wear to the surface of the road by reason of the traffic diverted over it from time to time.

(b) In order that this maintenance work may be legally done on such surfaced road, the road used for this purpose shall henceforth be a part of the state highway system.

(c) It is distinctly understood that this section shall not force any maintenance of a road on the department but will merely make it legal for the department to do the amount of maintenance on the surfaced road that it feels it has caused to be needed to the surface of the road by traffic diverted over it by action of the department through its employees.

History. Acts 1939, No. 359, §§ 1, 2; A.S.A. 1947, §§ 76-515, 76-516.

27-67-216. Repair of county roads damaged in construction or maintenance of state highway.

The Arkansas State Highway and Transportation Department is authorized to make any necessary repairs to a county road to restore the road to its former condition of repair in those instances where damages to the county road may have been occasioned by the department in connection with the construction or maintenance of a state highway or by any contractor performing work upon any state highway under contract with the department.

History. Acts 1963, No. 127, § 1; A.S.A. 1947, § 76-551.

27-67-217. Direction signs to institutions of higher education.

The Arkansas State Highway and Transportation Department shall design, erect, and maintain signs at the closest and all other proper exits and intersections of state and federal highways designating exits to any and all institutions of higher education and postsecondary vocational and technical schools, whether public or private, upon the request of the institution.

History. Acts 1979, No. 584, § 1; 1985, No. 803, § 1; A.S.A. 1947, § 76-564.

27-67-218. Digging up highways without authorization.

(a) It shall be unlawful for any person to dig up any portion of the state highways or to otherwise disturb them for the purpose of laying pipelines, sewers, poles, wires, ditches, railways, or for any other purpose, except as authorized by an order of the State Highway Commission.

(b)(1) All work shall be done in accordance with the rules and regulations that may be prescribed by the commission.

(2) The work shall be done under the supervision of and to the satisfaction of the state highway engineer.

(3) All cost of replacing the highway in as good a condition as it was before being disturbed shall be paid by the person, firm, or corporation to whom or in whose behalf authority is given.

(c)(1) Before the work is done, a check certified by a solvent bank and payable to the commission in an amount to be fixed by the state highway engineer shall be deposited with the commission, to be used by the commission in restoring the road to its former condition if the person who disturbs the road fails to do so.

(2) The check is to be returned if the road is restored to its former condition by the person doing the work.

(3) Otherwise, the commission shall so restore the highway.

(4) Any balance remaining after the work is paid for by the commission shall be remitted to the person depositing the check.

History. Acts 1929, No. 65, § 57; Pope's Dig., § 6907; A.S.A. 1947, § 76-531.

27-67-219. John Paul Hammerschmidt Highway.

(a) U.S. 71 from the I-40 intersection to the Missouri line shall be designated as the John Paul Hammerschmidt Highway within the State of Arkansas.

(b) In addition to that portion of U.S. 71 designated the John Paul Hammerschmidt Highway under subsection (a) of this section, that portion of U.S. 71 from its intersection with I-540 in Fort Smith, Arkansas, to the State Highway 10 exit near Greenwood, Arkansas, is hereby designated a part of the John Paul Hammerschmidt Highway.

(c) It shall be the responsibility of the Arkansas State Highway and Transportation Department to place appropriate highway identifying signs on the highway.

(d) The department shall erect appropriate signs along the section of the highway designated herein, indicating that the highway has been designated the John Paul Hammerschmidt Highway.

History. Acts 1989, No. 6, § 1; 1989, No. 535, § 1.

27-67-220. The Highway of Hope.

(a) The route along U.S. 67 and State 7 between Hope and Hot Springs regularly traveled by the Honorable Bill Clinton, 42nd President of the United States, during his childhood, is hereby designated "The Highway of Hope".

(b) The Arkansas State Highway and Transportation Department shall erect appropriate signs along U. S. 67 and State 7 between Hope and Hot Springs designating the route as "The Highway of Hope".

History. Acts 1993, No. 784, §§ 1, 2.

27-67-221. Authority of Highway Department to inform amateur radio operators of high frequency radio repeaters.

(a) The Arkansas State Highway and Transportation Department is authorized to post signs along the public streets and highways of Arkansas to inform persons who are licensed amateur radio operators of the existence of a high frequency radio repeater within a specific local area, provided such signs do not conflict with any rules or regulations of the United States Department of Transportation or the Manual on Uniform Traffic Control Devices.

(b)(1) The Arkansas State Highway and Transportation Department is authorized to develop and

adopt the appropriate signs showing "TWO-METER RADIO REPEATER AREA" or "AMATEUR RADIO FREQUENCY MONITORED" for use in the designated areas along the public streets and highways under its jurisdiction.

(2) The signs may include the radio frequency of these local repeaters or the frequency being monitored by local radios.

(3)(A) Any local amateur radio operators or any amateur radio club wishing to participate in this program shall be responsible for the costs of preparing and purchasing these signs.

(B)(i) The Arkansas State Highway and Transportation Department is authorized to enter into an agreement with the participants to recover those costs.

(ii) The Arkansas State Highway and Transportation Department is authorized to prepare and furnish the signs to the local participating radio clubs or operators at cost.

(iii) The Arkansas State Highway and Transportation Department is further authorized to erect and maintain the signs at no cost to the local radio clubs or operators.

(c)(1) The Arkansas State Highway and Transportation Department is authorized to contact all local amateur radio operators and any amateur radio clubs in Arkansas to inform them of this service.

(2) Any amateur radio operator or radio club which wishes to participate in this program shall notify the Arkansas State Highway and Transportation Department of its interest and shall inform the Arkansas State Highway and Transportation Department of the radio frequencies which are monitored in its immediate area and the time periods during which they are monitored.

(d)(1) The Arkansas State Highway and Transportation Department shall ensure the signs correlate with and, so far as possible, conform to the system of traffic-control devices which are currently in use by the department.

(2) The Arkansas State Highway and Transportation Department is authorized to erect the signs and review, at least biennially, all areas with signs within its jurisdiction to ensure the area still qualifies for having the signs posted.

(e) The Director of the Arkansas State Highway and Transportation Department shall have the authority to promulgate any necessary rules and regulations to implement this section and establish any conditions and guidelines for participation by any local amateur radio operators or clubs.

(f) For purposes of this section, "HF" means all bands of high frequencies.

History. Acts 1995, No. 1100, §§ 1-4.

27-67-222. State police officer highway dedication program.

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

(2) The term "state police officer" does not include any:

(A) Civilian employee of the department; or

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

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

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

History. Acts 2007, No. 848, § 1; 2009, No. 483, § 8.

27-67-223. Rock 'n' Roll Highway 67.

(a) The route along Highway 67 through Jackson County, Lawrence County, and Randolph County regularly traveled by the great legends of early rock 'n' roll is hereby designated "Rock 'n' Roll Highway 67".

(b) The State Highway and Transportation Department shall erect appropriate signs along Highway 67 through Jackson County, Lawrence County, and Randolph County designating the route as "Rock 'n' Roll Highway 67".

History. Acts 2009, No. 497, § 2.

27-67-224. The Arkansas Wine Country Trail.

(a)(1) To provide more detailed directions on highways, roads, and streets to agritourism vineyards and wineries in the State of Arkansas, the Arkansas Wine Country Trail is established.

(2)(A) The Arkansas Wine Country Trail shall include the highways, roads, and streets that lead to the wineries permitted by the Alcoholic Beverage Control Division of the Department of Finance and Administration that produce wine from Arkansas-grown fruits and vegetables.

(B) The Arkansas State Highway and Transportation Department shall determine the location of the Arkansas Wine Country Trail in consultation with the Department of Parks and Tourism.

(3) A winery is eligible to have signs near its facility if it:

(A) Is a winery permitted by the division; and

(B) Offers tours.

(4) The signs shall be of size and shape and of materials designated by the Arkansas State Highway and Transportation Department in consultation with the Department of Parks and Tourism.

(b)(1) The sign for the Arkansas Wine Country Trail shall have on it a cluster of grapes in front of a classic bottle of Bordeaux wine with a statement approved by the Arkansas State Highway and Transportation Department, a directional arrow, and of one (1) of the following phrases:

(A) "Winery Tours";

(B) "Winery and Vineyard Tours";

(C) "Wine Cellar Tours"; or

(D) "Wine Cellar and Vineyard Tours".

(2) Information for proper placement will be made available by the Arkansas State Highway and Transportation Department.

(3) This sign, but on a smaller scale, shall be used as the symbol on the state highway map and in all tourism literature published by the Department of Parks and Tourism to indicate the Arkansas Wine Country Trail or individual vineyards, wineries, or cellars that are part of the trail.

History. Acts 2011, No. 1052, § 2.

Subchapter 3 — Acquisition, Condemnation, and Disposition of Property

SECTION.

27-67-301. Authority to acquire property.
27-67-302. State highway purposes.
27-67-303. Entry for suitability studies.
27-67-304. Use of right-of-way.
27-67-305. Commission discretion as to quantity of property acquired.
27-67-306. Leases.
27-67-307. Temporary easements.
27-67-308. Authority to compensate — Source of revenue.
27-67-309. Venue for condemnation actions.
27-67-310. Precedence of condemnation proceedings.
27-67-311. Condemnation petition — Notice.
27-67-312. Declaration of taking.
27-67-313. Motion to strike declaration of taking.
27-67-314. Right of entry.
27-67-315. Title vests upon deposit.
27-67-316. Condemnation proceedings and judgment.
27-67-317. Payment of award.
27-67-318. Hearing on amount of deposit.
27-67-319. Appeal not to delay vesting of title.
27-67-320. Acquisition when county court fails to grant petition.
27-67-321. Sale of surplus highway property.
27-67-322. Reacquisition of surplus property by former owner.
27-67-323. Reacquisition of abandoned land by city or town.

27-67-301. Authority to acquire property.

(a) The State Highway Commission is authorized to acquire real or personal property, or any interest therein, deemed to be necessary or desirable for state highway purposes, by gift, devise, purchase, exchange, condemnation, or otherwise.

(b) These lands or real property may be acquired in fee simple or in any lesser estate.

History. Acts 1953, No. 419, § 1; A.S.A. 1947, § 76-532.

27-67-302. State highway purposes.

State highway purposes shall include, but are not limited to, the following:

(1) For present and future rights-of-way, including those necessary for urban extensions of state highways within municipalities;

(2) For exchanging them for other property to be used for rights-of-way if the best interest of the state will be served and right-of-way costs reduced thereby;

(3) For rock quarries, gravel pits, sand or earth borrow pits, or related purposes, not being commercially operated;

(4) For offices, shops, storage yards, or other necessary or auxiliary facilities;

(5) For roadside areas or parks adjacent or adjoining or near any state highway;

(6) For the culture and support of trees and shrubbery which benefit any state highway by aiding in the maintenance and preservation of the roadbed or trees and shrubbery which aid in the maintenance and promote the attractiveness of the scenic beauty associated with any state highways;

(7) For drainage in connection with any state highway, or for cuts and fills, or channel changes or maintenance thereof;

(8) For the maintenance of an unobstructed view of any portion of a state highway so as to promote the safety of the traveling public;

(9) For the construction and maintenance of stock trails and cattle passes;

(10) For the elimination of public or private crossings or intersections at grade, or any state highway; and

(11) For the protection of the state highway system from both physical and functional encroachments of any kind.

History. Acts 1953, No. 419, § 1; A.S.A. 1947, § 76-532.

27-67-303. Entry for suitability studies.

(a) The Arkansas State Highway and Transportation Department and its agents and employees may enter upon real property and make surveys, examinations, photographs, tests, and samplings, or engage in other activities for the purpose of appraising the property or determining whether it is suitable and within the power of the condemnor to take for public use, if the entry is:

(1) Preceded by reasonable efforts to notify the owner, and any other person known to be in actual physical occupancy of the property, of the time, purpose, and scope of the planned entry and activities;

(2) Undertaken during reasonable daylight hours;

(3) Accomplished peaceably and without inflicting substantial injury; and

(4) Not in violation of any other statute.

(b) The entry and activities authorized by this section do not constitute a trespass in the absence of unnecessary damage occurring in effecting the survey or examination.

History. Acts 1979, No. 894, § 1; A.S.A. 1947, § 76-532.1.

27-67-304. Use of right-of-way.

(a) The rights-of-way provided for all state highways shall be held inviolate for state highway purposes, except as provided in subsections (b) and (c) of this section. No physical or functional encroachments, installations, signs other than traffic signs or signals, posters, billboards, roadside stands, gasoline pumps, or other structures or uses shall be permitted within the right-of-way limits of state highways.

(b) Political subdivisions, rural electric cooperatives, rural telephone cooperatives, private television cables, and public utilities of the state may use any right-of-way or land, property, or interest therein, the property of the State Highway Commission, for the purpose of laying or erecting pipelines, sewers, wires, poles, ditches, railways, or any other purpose, under existing agreements or permits or such agreements or permits hereinafter made by the commission or under existing laws, provided that such use does not interfere with the public use of the property for highway purposes.

(c) No private television cable shall be placed upon the right-of-way limit of any state highway until such person, firm, association, partnership, or corporation first executes a bond payable to the commission in an amount to be determined by the district engineer located in the district in which such cable is to be located.

History. Acts 1953, No. 419, § 5; 1975, No. 654, § 1; A.S.A. 1947, § 76-544.

27-67-305. Commission discretion as to quantity of property acquired.

In connection with the acquisition of lands, property, or interests therein for state highway purposes, the State Highway Commission, in its discretion, may acquire an entire lot, block, or tract of land or property, if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for state highway purposes.

History. Acts 1953, No. 419, § 4; A.S.A. 1947, § 76-543.

27-67-306. Leases.

(a) The State Highway Commission, as lessor, is authorized and empowered to execute lease or rental agreements covering real property owned or held by the commission, the use of which for highway purposes is not immediately contemplated, for periods not to exceed one (1) year, upon reasonable terms and conditions.

(b) Any building or other erection remaining thereon at the expiration of the agreement shall be subject to removal upon ten (10) days' notice at no expense to the state.

History. Acts 1953, No. 419, § 8; A.S.A. 1947, § 76-547.

27-67-307. Temporary easements.

(a) Temporary easements for temporary uses by the State Highway Commission in connection with the establishment and construction of state highways may be acquired or condemned in the same manner as fee simple estates.

(b) After a temporary easement has served its intended purpose, the commission shall execute a release which shall be recorded in the recorder's office of the county wherein the affected lands or property are situated.

History. Acts 1953, No. 419, § 6; A.S.A. 1947, § 76-545.

27-67-308. Authority to compensate — Source of revenue.

(a) The State Highway Commission is authorized to make payment for any land or other real property acquired under the provisions of this act out of any appropriation made for state highway construction.

(b) With respect to the costs of acquiring lands and real property for state highway purposes, the commission shall assess counties in which the land or property is located no part of the cost with respect to highways in the primary system and fifty percent (50%) of the cost with respect to highways in the secondary system. The county portion shall be deducted from the next payment due any county by reason of any appropriation out of the State Highway and Transportation Department Fund or state revenue from gasoline as motor vehicle fuel or automobile license tax to the county or county highway fund of the county.

(c) The cost of removing man-made obstructions from the right-of-way shall be borne by the state, except that any such obstructions which shall have been erected upon a dedicated or condemned highway right-of-way after it shall have been so dedicated or condemned shall be removed by the owner or at the owner's expense.

History. Acts 1953, No. 419, § 7; 1955, No. 87, § 1; A.S.A. 1947, § 76-546.

27-67-309. Venue for condemnation actions.

Actions by the commission to condemn a right-of-way shall be brought in the county where the land is situated.

History. Acts 1928 (Ex. Sess.), No. 2, § 6; Pope's Dig., § 6520; A.S.A. 1947, § 76-237.

27-67-310. Precedence of condemnation proceedings.

Court proceedings necessary to acquire land, property, or property rights for state highway purposes shall take precedence over all other causes not involving the public interest, to the end that an improved system of state highways is expedited.

History. Acts 1953, No. 419, § 3; A.S.A. 1947, § 76-542.

27-67-311. Condemnation petition — Notice.

(a) The State Highway Commission may exercise its power of eminent domain by filing an appropriate petition in condemnation in the circuit court of the county in which the property sought to be taken is situated, to have the compensation for right-of-way determined, giving the owner of the property to be taken at least ten (10) days' notice in writing of the time and place where the petition will be heard.

(b) If the property sought to be condemned is located in more than one (1) county, the petition may be filed in any circuit court having jurisdiction in any county in which the whole or part of the property may be located. The proceedings had in the circuit court will apply to all such property described in the petition.

(c)(1) If the owner of the property sought to be taken is a nonresident of the state, notice shall be by publication in any newspaper in the county which is authorized by law to publish legal notices. This notice shall be published for the same length of time as may be required in other civil causes.

(2) If there is no such newspaper published in the county, then publication shall be made in a newspaper designated by the circuit clerk, and one (1) written or printed notice thereof posted on the door of the county courthouse.

(d) The condemnation petition shall describe the lands and property sought to be acquired for state highway right-of-way purposes and shall be sworn to.

(e) Where the immediate possession of lands and property is sought to be obtained, the Arkansas State Highway and Transportation Department may file a declaration of taking, as provided by § 27-67-312, at any time before judgment or together with the condemnation petition.

History. Acts 1953, No. 419, § 2; A.S.A. 1947, § 76-533.

27-67-312. Declaration of taking.

(a) In any proceeding instituted by and in the name of the State of Arkansas, involving the acquisition of any real property or any interest therein or any easements for public highway purposes, the petitioner may file a declaration of taking at any time before judgment signed by the Director of State Highways and Transportation, or with the condemnation petition, declaring that the real property or any interest therein or any easement is thereby taken for the use of the State of Arkansas.

(b) The declaration of taking shall contain or have annexed thereto the following:

(1) A statement of the authority under which the property or any interest therein or any easement is taken;

(2) A statement of the public use for which such property or any interest therein or any easement is taken;

(3) A description of the property taken or any interest therein or an easement, sufficient for the identification thereof;

(4) A plat showing the property taken or any interest therein or any easement; and

(5) A statement of the amount of money estimated by the acquiring agency to be just compensation for the property taken, or any interest therein or any easement.

History. Acts 1953, No. 115, §§ 1, 2; A.S.A. 1947, §§ 76-534, 76-535.

27-67-313. Motion to strike declaration of taking.

(a) In any case in which a declaration of taking has been filed as provided in § 27-67-312, any defendant desiring to raise any question with respect to the validity of the taking shall do so by filing a motion to strike the declaration of taking and dismiss the suit.

(b) The motion shall be made on or before the return day mentioned in the summons or notice of publication, or within twenty (20) days after the filing of the declaration of taking, whichever is later.

(c) Failure to file such motion within the time herein provided shall constitute a waiver of the right of any defendant to challenge the validity of the taking.

History. Acts 1953, No. 115, § 7; A.S.A. 1947, § 76-540.

27-67-314. Right of entry.

(a) Upon the filing of the declaration of taking and the deposit with the clerk of the circuit court of the estimated compensation, the State of Arkansas shall thereupon have the right of entry and the parties in possession shall be required to surrender possession to the petitioner, upon such terms as shall be fixed by the court.

(b) If, for any reason, the right of entry is postponed by the court in any case where the party in possession has withdrawn any part of the award, the court may fix a reasonable rental for the premises to be paid by the party to the State of Arkansas during such occupancy.

(c) The court shall also have the power to direct the payment of delinquent taxes and special assessments out of the amount determined to be just compensation, and to make such orders with respect

to encumbrances, liens, rents, insurance, and other charges, as shall be just and equitable.

(d) The right to take possession and title in advance of final judgment in condemnation proceedings as provided in §§ 27-67-312 — 27-67-315, 27-67-316(a)-(e), and 27-67-317 — 27-67-319 shall be in addition to any right, power, or authority conferred by the laws of this state under which such proceedings may be conducted and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority.

History. Acts 1953, No. 115, § 5; A.S.A. 1947, § 76-538.

27-67-315. Title vests upon deposit.

Immediately upon the making of the deposit provided for in § 27-67-314, title to the lands in fee simple, or a conditional fee if mineral rights are sought to be preserved to the property owner, or a lesser estate or interest therein as is specified in the declaration, shall vest in the persons entitled thereto.

History. Acts 1953, No. 115, § 3; A.S.A. 1947, § 76-536.

27-67-316. Condemnation proceedings and judgment.

(a) It shall be the duty of the circuit court to impanel a jury of twelve (12) persons, as in other civil cases, to ascertain the amount of compensation which the Arkansas State Highway and Transportation Department shall pay.

(b) The matter shall proceed and be determined as in other civil cases.

(c) In all cases of infants or persons of unsound mind, when no legal representative or guardian appears in their behalf at the hearing, it shall be the duty of the court to appoint a guardian ad litem, who shall represent their interest for all purposes.

(d) Compensation shall be ascertained and awarded in the proceeding and established by judgment therein.

(e)(1) Judgment shall include, as a part of the just compensation awarded, interest at the rate of six percent (6%) per annum on the amount finally awarded as the value of the property, from the date of the surrender of possession to the date of payment, but interest shall not be allowed on so much thereof as may have been paid into court.

(2) No sum so paid into court shall be charged with commission or poundage.

(f) All courts and juries in cases of condemnation of lands for rights-of-way for state highways shall take into consideration the fact that lands are required to be assessed at fifty percent (50%) of their true value and shall also take into consideration the fact that owners of automobiles and trucks living miles off a state highway pay the same gasoline and auto license tax as those being fortunate enough to own land adjoining a state highway. Any court or jury considering claims for right-of-way damages shall deduct from the value of any land taken for a right-of-way the benefits of the state highway to the remaining lands of the owner.

(g) All suits involving the validity of subsection (f) of this section, or any portion thereof, shall be deemed matters of public interest and shall be advanced and disposed of at the earliest possible moment, and appeals in such suits must be taken and perfected within thirty (30) days from the date of the judgment or decree.

History. Acts 1929, No. 205, §§ 1, 3; Pope's Dig., §§ 6962, 6964; Acts 1953, No. 115, § 3; 1953, No. 419, § 2; A.S.A. 1947, §§ 76-512, 76-521, 76-533, 76-536.

27-67-317. Payment of award.

(a) Upon the application of any party in interest and upon due notice to all parties, the court may order that the money deposited in the court, or any part thereof, be paid immediately to the person or persons entitled thereto.

(b) If the compensation finally awarded shall exceed the amount of money so deposited, the court shall enter judgment against the State of Arkansas and in favor of the parties entitled thereto for the amount of the deficiency.

(c) If the compensation finally awarded shall be less than the amount of money so deposited and paid to the persons entitled thereto, the court shall enter judgment in favor of the State of Arkansas and against the proper parties for the amount of the excess.

History. Acts 1953, No. 115, § 4; A.S.A. 1947, § 76-537.

27-67-318. Hearing on amount of deposit.

(a) If, after due notice, any party in interest should feel aggrieved at the amount of the estimated compensation as deposited by the Arkansas State Highway and Transportation Department in the registry of the circuit court, the party shall be entitled to a hearing, at which time evidence may be heard and received concerning the adequacy of the deposit.

(b) Thereafter, the circuit court shall, in its discretion, determine whether the present deposit is adequate, and if not, shall determine the additional amount which the department shall deposit. Such additional amount ordered deposited shall remain in the registry of the court without withdrawal until final adjudication of just compensation, but the additional deposit shall not prevent the accrual of interest on the difference in the amount of the original deposit and the compensation awarded as provided in §§ 27-67-315 and 27-67-316.

(c) This hearing and adjudication shall in no way interfere with the possession of the premises by the department.

History. Acts 1953, No. 115, § 8; 1963, No. 99, § 1; A.S.A. 1947, § 76-541.

27-67-319. Appeal not to delay vesting of title.

(a) No appeal in any cause under this subchapter, nor any bond or undertaking given therein, shall operate to prevent or delay the vesting of title to real property or any interest therein or any easement in the State of Arkansas.

(b) The State of Arkansas shall not be divested of any title to real property or any interest therein or any easement acquired under this subchapter by court except where the court finds that the property or any interest therein or any easement was not taken for public use. In the event of this finding, the court shall enter judgment as may be necessary:

(1) To compensate the persons entitled thereto for the period during which the property was in the possession of the state; and

(2) To recover for the state any deposit or funds paid to any person.

History. Acts 1953, No. 115, § 6; A.S.A. 1947, § 76-539.

27-67-320. Acquisition when county court fails to grant petition.

(a) Where the State Highway Commission petitions any county court asking for right-of-way for any state highway and where the county court fails to grant the petition and to make court order procuring right-of-way within sixty (60) days after the petition is presented, then the commission may take such steps as it deems expedient to acquire right-of-way, either by purchase, exercise of its right of eminent domain, or otherwise.

(b) In that event, one-half (½) of the cost of acquiring the right-of-way shall be deducted from the next payment due any county by reason of any appropriation out of the State Highway Fund or state revenue from gasoline as motor vehicle fuel or auto license tax to the county or county highway fund of the county.

(c) All suits involving the validity of this section or any portion of it shall be deemed matters of public interest and shall be advanced and disposed of at the earliest possible moment, and appeals in such suits must be taken and perfected within thirty (30) days from the date of the judgment or decree.

History. Acts 1929, No. 205, §§ 2, 3; Pope's Dig., §§ 6963, 6964; Acts 1941, No. 281, § 1; A.S.A. 1947, §§ 76-511, 76-512.

27-67-321. Sale of surplus highway property.

(a) The State Highway Commission is empowered and authorized to:

(1) Sell and convey any surplus land or real estate or any personal property or effects procured by or coming to the commission to which the commission or any member or officer therein holds title, or to which title was taken in the name of the State of Arkansas, in the settlement and procuring of rights-of-way for state highways, when lands so procured or obtained are not necessary for highway purposes; and

(2) Sell and dispose of any real estate or other property procured or conveyed to the commission, any member or officer thereof, or to the State of Arkansas, in the settlement of any claims of the state against contractors growing out of or pertaining to any state highway construction or maintenance contract.

(b) Before any sale of real estate or other assets shall be effective, it shall be approved by resolution of the commission in a regular meeting, or a special meeting called for that purpose.

(c) The resolution shall be entered upon a record of the commission to be kept for that purpose, and a certified copy of the resolution signed by the presiding officer of the commission shall be prima facie evidence of its passage and adoption.

(d) When the sale is approved by a resolution of the commission, then the chairman or other presiding officer of the commission is authorized to execute to the person, company, or corporation purchasing the real estate or other property, a deed conveying all the right, title, interest, and equity of the commission, the Arkansas State Highway and Transportation Department, and the State of Arkansas in and to the lands.

(e) Such deeds, when so executed, shall operate to convey to the purchaser any and all right, title, interest, and equity of the commission, the department, and the State of Arkansas in and to the lands so conveyed.

(f) All proceeds arising from such sales shall be paid into and constitute a part of the state highway funds.

History. Acts 1933, No. 124, §§ 1, 2; Pope's Dig., §§ 6497, 6498; A.S.A. 1947, §§ 76-226, 76-227.

27-67-322. Reacquisition of surplus property by former owner.

(a) The State Highway Commission is authorized to sell in the manner provided by § 27-67-321 any real or personal property, or any interest therein, which is no longer necessary or desirable for state highway purposes and has been declared by commission resolution to be surplus and for sale.

(b) The owner from whom the property was acquired or his or her heirs, successors, or assigns shall be notified in writing or by publication of the resolution and shall have the option to reacquire the property. Publication shall be in any newspaper in the county where the property is located which is authorized by law to publish legal notices.

(c)(1) When an entire parcel is declared surplus, it may be reacquired under this option by refunding the price for which it was acquired by the State Highway Commission.

(2) When only remnants or portions of the original acquisition are declared surplus, they may be so reacquired at the market value thereof at the time they are declared surplus.

(3) The market value of the remnants or portions shall be determined by three (3) competent appraisers.

(d) If the option is not exercised within sixty (60) days after due notice, the State Highway Commission may proceed to dispose of the property at public sale.

(e) When any real or personal property acquired for state highway purposes is either sold or returned to the owner from whom it was acquired and the price paid therefor is refunded, any county which participated in the cost of the acquisition of the property shall share in the amount obtained from the sale, or the amount refunded, in the proportion in which it shared in the cost of acquisition.

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

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

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

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

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

History. Acts 1953, No. 419, § 9; A.S.A. 1947, § 76-548; Acts 2007, No. 562, § 1; 2009, No. 483, § 9.

27-67-323. Reacquisition of abandoned land by city or town.

(a) Whenever the State Highway Commission obtains title to land from any city or incorporated town in this state for state highway purposes and thereafter abandons and discontinues using the land for those purposes, the commission shall, in writing, notify the city or incorporated town that the land has been abandoned and shall offer to reconvey the title thereof to the city or town for the same consideration that the commission had paid the city or town initially for title to such land.

(b) If the city or incorporated town, within thirty (30) days from the date of receiving the offer, accepts the offer, the commission shall reconvey title to the land to the city or incorporated town originally conveying the title to the commission, upon the payment by the city or town of the consideration initially paid by the commission for title to the land.

(c) If the city or town has not accepted the offer within the thirty-day period above provided, the commission shall proceed to dispose of the land as now provided by law.

History. Acts 1967, No. 394, § 1; A.S.A. 1947, § 76-552.

CHAPTER 68

CONTROLLED-ACCESS FACILITIES

SECTION.

27-68-101. Intent.
27-68-102. Definition.
27-68-103. Penalties.
27-68-104. Powers of highway authorities generally.
27-68-105. Design and regulation of access.
27-68-106. Designation and establishment of facilities.
27-68-107. Regulation of use.
27-68-108. Acquisition of property.
27-68-109. Agreements with other highway authorities and federal government.
27-68-110. Jurisdiction over service roads.
27-68-111. Service stations and commercial establishments prohibited.

27-68-101. Intent.

The General Assembly of the State of Arkansas finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety and for the promotion of the general welfare.

History. Acts 1953, No. 383, § 1; A.S.A. 1947, § 76-2201.

27-68-102. Definition.

As used in this chapter, unless the context otherwise requires, "controlled-access facility" means a highway or street especially designed for through traffic over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a controlled right of easement of access, light, air, or view, by reason of the fact that their property abuts upon the controlled-access facility or for any other reason. These highways or streets may be freeways open to use by all customary forms of street and highway traffic or they may be parkways from which trucks, buses, and other commercial vehicles shall be excluded.

History. Acts 1953, No. 383, § 2; A.S.A. 1947, § 76-2202.

27-68-103. Penalties.

(a) It is unlawful for any person:

(1) To drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on controlled-access facilities;

(2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line;

(3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; or

(4) To drive any vehicle into the controlled-access facility from a local service road except through an opening providing for that purpose in the dividing curb or dividing section or dividing line which separates the service road from the controlled-access facility proper.

(b) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. Upon arrest and conviction that person shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100) or by imprisonment in the city or county jail for not less than five (5) days nor more than ninety (90) days, or by both fine and imprisonment.

History. Acts 1953, No. 383, § 10; A.S.A. 1947, § 76-2210.

27-68-104. Powers of highway authorities generally.

Acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, the highway authorities of the state, counties, cities, towns, and villages are authorized to:

(1) Plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled-access facilities for public use whenever the authority or authorities are of the opinion that present or future traffic conditions will justify such special facilities, provided that within cities and villages, authority shall be subject to such municipal consent as may be provided by law; and

(2) Exercise, relative to controlled-access facilities, and in addition to the specific powers granted in this chapter, any and all additional authority vested in them relative to highways or streets within their respective jurisdictions.

History. Acts 1953, No. 383, § 3; A.S.A. 1947, § 76-2203.

27-68-105. Design and regulation of access.

(a) The highway authorities of the state, counties, cities, towns, and villages are authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended.

(b) In this connection, highway authorities are authorized to divide and separate the controlled-access facilities into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations or by designating separate roadways by signs, markers, stripes, and the proper lane for traffic by appropriate signs, markers, stripes, and other devices.

(c) No person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

History. Acts 1953, No. 383, § 4; A.S.A. 1947, § 76-2204.

27-68-106. Designation and establishment of facilities.

(a) The highway authorities of the state, counties, cities, towns, or villages may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a controlled-access facility.

(b) The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state and county roads, and city or town or village streets, by separation or service road, or by closing off the roads and streets at the right-of-way boundary line of such controlled-access facility.

(c) After the establishment of any controlled-access facility, no highway or street which is not a part of the facility shall intersect it at grade.

(d) No city, town, or village street, county or state highway, or other public way shall be opened into or connected with any controlled-access facility without the consent and previous approval of the highway authority in the state, county, city, town, or village having jurisdiction over the controlled-access facility. Consent and approval shall be given only if the public interest shall be served thereby.

History. Acts 1953, No. 383, § 7; A.S.A. 1947, § 76-2207.

27-68-107. Regulation of use.

The highway authorities of the state, counties, cities, villages, and towns may regulate, restrict, or prohibit the use of controlled-access facilities by the various classes of vehicles or traffic in a manner consistent with § 27-68-102.

History. Acts 1953, No. 383, § 3; A.S.A. 1947, § 76-2203.

27-68-108. Acquisition of property.

(a) The highway authorities of the state, counties, cities, towns, or villages may acquire private or public property and property rights for controlled-access facilities and service roads, including rights of access, air, view, and light. The property and property rights may be acquired by gift, devise, purchase, or condemnation in the same manner as the units are authorized by law to acquire property

or property rights in connection with highways and streets within their respective jurisdictions.

(b) All property rights acquired under the provisions of this chapter shall be in fee simple.

(c) In connection with the acquisition of property or property rights for any controlled-access facility or portion thereof, or service road in connection therewith, the state, county, city, town, or village highway authority may, in its discretion, acquire an entire lot, block, or tract of land if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper.

(d) Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest to the end that the provision of controlled-access facilities may be expedited.

History. Acts 1953, No. 383, §§ 5, 6; A.S.A. 1947, §§ 76-2205, 76-2206.

27-68-109. Agreements with other highway authorities and federal government.

The highway authorities of the state, cities, counties, towns, or villages are authorized to enter into agreements with each other or with the federal government respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of controlled-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this chapter.

History. Acts 1953, No. 383, § 8; A.S.A. 1947, § 76-2208.

27-68-110. Jurisdiction over service roads.

(a) In connection with the development of any controlled-access facility, the state, county, city, town, or village highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street and to exercise jurisdiction over service roads in the same manner as authorized over controlled-access facilities under the terms of this chapter, if, in their opinion, local service roads and streets are necessary or desirable.

(b) Local service roads or streets shall be of appropriate design and shall be separated from the controlled-access facility property by means of all devices designated as necessary or desirable by the proper authority.

History. Acts 1953, No. 383, § 9; A.S.A. 1947, § 76-2209.

27-68-111. Service stations and commercial establishments prohibited.

No automotive service station or other commercial establishment for serving motor vehicle users shall be constructed or located within the right-of-way of or on publicly owned or publicly leased land acquired or used for or in connection with a controlled-access highway facility.

History. Acts 1959, No. 123, § 1; A.S.A. 1947, § 76-2211.

CHAPTER 73
HIGHWAY SAFETY

SUBCHAPTER.
1. General Provisions.
2. Flashing Lights Near Highways.
3. Notice of Smoke Obstructing Highway.

Subchapter 1 — General Provisions

SECTION.
27-73-101. Powers and duties of Governor.
27-73-102. Coordinator of public safety.

27-73-101. Powers and duties of Governor.

(a) The Governor, in addition to other duties and responsibilities conferred upon him or her by the Constitution and laws of this state, is empowered to contract and to do all of the things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966. In so doing, he or she shall cooperate with the federal and state agencies, private and public agencies, interested organizations, and with individuals to effectuate the purposes of that enactment and any and all subsequent amendments thereto.

(b) The Governor shall be the official of this state having the ultimate responsibility for dealing with the federal government with respect to programs and activities pursuant to the federal Highway Safety Act of 1966 and any amendments thereto.

(c) To that end, he or she shall coordinate the activities of any and all departments and agencies of this state and its subdivisions, relating thereto.

History. Acts 1967, No. 161, § 1; A.S.A. 1947, § 76-138.

27-73-102. Coordinator of public safety.

The Governor may administer this state's highway safety programs through appropriate instrumentalities, departments, or agencies of the state or through a coordinator of public safety to be appointed by the Governor.

History. Acts 1967, No. 161, § 2; A.S.A. 1947, § 76-139.

Subchapter 2 — Flashing Lights Near Highways

SECTION.
27-73-201. Intent.

SECTION.
27-73-202. Definition.
27-73-203. Penalty.
27-73-204. Prohibition.
27-73-205. Exemptions.
27-73-206. Zoning statutes subordinate.

27-73-201. Intent.

It is the intent of this subchapter:

(1) To enhance the safety of the public highways, roads, and streets and to safeguard the health, comfort, and convenience of motorists by restricting hazardous, distracting, and confusing devices along and immediately adjacent to the roadway; and

(2) To prohibit in particular the use of all oscillating, rotating, or flashing lights or devices of the type of, or which simulate or give the impression of being, an emergency vehicle, such as a police vehicle, fire truck, or ambulance, within a distance of two hundred feet (200') of a state highway, which is not involved in the regulation and operation of the traffic thereon in accordance with recognized and approved traffic engineering principles.

History. Acts 1973, No. 258, § 1; A.S.A. 1947, § 76-140.

27-73-202. Definition.

As used in this subchapter, unless the context otherwise requires, "oscillating, rotating, or flashing light or device" means any light of the type used on, or which simulates or gives the impression of being, an emergency vehicle such as a police car or vehicle, fire truck, ambulance, or other lawful emergency vehicle.

History. Acts 1973, No. 258, § 2; A.S.A. 1947, § 76-141.

27-73-203. Penalty.

(a) Any person violating the provisions of this subchapter shall be guilty of a misdemeanor. That person shall, upon conviction, be fined in an amount of not less than twenty-five dollars ($25.00) nor more than two hundred fifty dollars ($250) or be imprisoned in the county jail for not more than ninety (90) days, or be both so fined and imprisoned.

(b) Each day on which there is a violation shall constitute a separate offense and shall be punished accordingly.

History. Acts 1973, No. 258, § 5; A.S.A. 1947, § 76-144.

27-73-204. Prohibition.

It shall be unlawful for any person to locate within two hundred feet (200') of the rights-of-way of any public highway, road, or street in this state any advertising sign or device which involves movement of light beams or colored lights such as rotating beams of light, flashing or oscillating colored lights, and those which involve glaring or blinding impact upon the viewer, and which in any way infringe upon the vision of motor vehicle operators traveling upon or otherwise in use of the public highways, roads, and streets of this state, in a manner as to demand, detract, or otherwise divert or confuse the attention of motor vehicle operators.

History. Acts 1973, No. 258, § 2; A.S.A. 1947, § 76-141.

27-73-205. Exemptions.

(a) Official devices located at airports, designated parking areas, transportation mode interchange points, depots, and similar public service facilities shall be exempt from the provisions of this subchapter.

(b) The provisions of this subchapter shall neither apply to any oscillating, rotating, or flashing railroad signal or safety light at any railroad crossing or upon any railroad right-of-way nor to the oscillating headlights on any railroad locomotive.

(c) The prohibition set out in § 27-73-204 does not apply to signs or devices with constant illumination and color, including those in which the only movement is a very slow, steady rotation of the entire body of the sign or advertising device.

History. Acts 1973, No. 258, §§ 1, 2; A.S.A. 1947, §§ 76-140, 76-141.

27-73-206. Zoning statutes subordinate.

This subchapter shall take precedence over any land use zoning statutes concerning devices regulated by this subchapter within the State of Arkansas.

History. Acts 1973, No. 258, § 3; A.S.A. 1947, § 76-142.

Subchapter 3 — Notice of Smoke Obstructing Highway

SECTION.
27-73-301. Flaggers or signs required — Notice to sheriff.
27-73-302. Action for damages.

27-73-301. Flaggers or signs required — Notice to sheriff.

(a)(1) Any person owning or controlling croplands, rangelands, grasslands, pastures, or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands so as to cause smoke to obstruct those adjacent roads and highways shall post flaggers or shall post advisory signs along those roads and highways to warn the drivers of all motor vehicles of the obstructing smoke. The flaggers shall be stationed in plain view along the roads and highways which are obstructed by the smoke and shall carry a flag, flare, flashlight, or other warning device to warn motorists of the danger of the obstructing smoke.

(2) The advisory signs shall be posted along both sides of the highway in plain view and shall state "SMOKE AHEAD" to warn motorists of the danger of obstructing smoke.

(b) Further, any person owning or controlling croplands, rangelands, grasslands, pastures, or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands shall notify the sheriff's office of the county where the lands are located that a fire is to be set, the approximate time the fire is to be started, and the location of those lands to be burned.

History. Acts 1989, No. 756, § 1.

27-73-302. Action for damages.

In any cause of action for damages resulting from any obstructing smoke along a state or federal highway against any person who owns or controls lands which are burned, a person's compliance or noncompliance with this subchapter shall be admissible in the proceeding.

History. Acts 1989, No. 756, § 2.

SUBTITLE 6. BRIDGES AND FERRIES

CHAPTER 85

GENERAL PROVISIONS

SECTION.
27-85-101. Conservation of bridges.

27-85-101. Conservation of bridges.

It is directed that the administrators of the various public highway, road, and street systems shall make every effort to conserve the safe function of the bridges under their jurisdiction pursuant to the findings and recommendations of the bridge safety inspections by the bridge inspection teams of the Arkansas State Highway and Transportation Department in accord with the national bridge inspection standards published in the Federal Register.

History. Acts 1971, No. 249, § 1; A.S.A. 1947, § 41-3364.

SUBTITLE 7. WATERCOURSES AND NAVIGATION

CHAPTER 101

WATERCRAFT

Subchapter 3 — Motorboat Registration and Numbering

SECTION.
27-101-301. Identifying number required.
27-101-302. Exceptions.
27-101-303. Establishment of system — Distribution.
27-101-304. Filing of application — Issuance of certificate.
27-101-305. Display of number.
27-101-306. Numbering period — Expiration — Renewal.
27-101-307. Registration after purchase of an outboard motor.
27-101-308. Reciprocity.
27-101-309. Change of boat ownership.
27-101-310. Destroyed or abandoned boats.
27-101-311. Public records.
27-101-312. Registration forms and certificates.
27-101-313. Certificate of number with beneficiary.

27-101-301. Identifying number required.

Every motorboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat on the waters of this state unless:

(1) The motorboat is numbered:

(A) In accordance with this subchapter; or

(B) In accordance with applicable federal law; or

(C) In accordance with a federally approved numbering system of another state; and

(2)(A) The certificate of number awarded to the motorboat is in full force and effect; and

(B) The identifying number set forth in the certificate of number is displayed on each side of the bow of the motorboat.

History. Acts 1959, No. 453, § 3; A.S.A. 1947, § 21-223.

27-101-302. Exceptions.

A motorboat shall not be required to be numbered under this subchapter if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state, provided that the boat shall not have been within this state for more than ninety (90) consecutive days;

(2) A motorboat from a country other than the United States temporarily using the waters of this state;

(3) A motorboat whose owner is the United States, a state, or a subdivision thereof;

(4) A ship's lifeboat; or

(5) A newly purchased motorboat that is operated for a period not to exceed twenty (20) working days from the date of purchase, provided that the owner or operator of the motorboat has aboard the vessel the bill of sale or acceptable proof of purchase indicating the date of purchase, the name and address of the owner, and description and hull identification number of the vessel.

History. Acts 1959, No. 453, § 6; 1963, No. 140, § 2; A.S.A. 1947, § 21-226; Acts 1995, No. 517, § 13; 2011, No. 900, § 1.

27-101-303. Establishment of system — Distribution.

(a) The Arkansas State Game and Fish Commis-

sion shall establish a system of identification numbering for all motorboats used in this state pursuant to this subchapter.

(b) In the event that an agency of the United States Government shall have in force an overall system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this subchapter by the commission shall be in conformity therewith.

(c) The commission shall assign to each county in this state a block of identification numbers for motorboats registered in each county.

(d) The identification numbers shall be assigned to each county in the state, and it shall be the duty of the Director of the Department of Finance and Administration to issue the identification numbers to the owners of motorboats in accordance with the provisions of subchapters 1-3 of this chapter.

History. Acts 1959, No. 453, § 4; 1963, No. 140, §§ 1, 2; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2.

27-101-304. Filing of application — Issuance of certificate.

(a) The owner of each motorboat for which numbering is required by this state shall file an application for a number within thirty (30) calendar days after the date of purchase with the Director of the Department of Finance and Administration on forms approved by the Arkansas State Game and Fish Commission.

(b) The application shall be signed by the owner of the motorboat and shall be accompanied by a fee as provided in § 27-101-306 and by proof that the motorboat, if it is equipped with more than fifty horsepower (50 HP), or personal watercraft is covered by a liability insurance policy issued by an insurance company authorized to do business in this state.

(c) Upon receipt of the application in approved form, accompanied by proof that the motorboat has been duly assessed or listed for assessment and, if it is equipped with more than fifty horsepower (50 HP) or is personal watercraft, is covered by a liability insurance policy issued by an insurance company authorized to do business in this state, the director shall enter the application upon the records of his or her office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner.

(d)(1) The certificate of number shall be issued in triplicate with the original copy to be furnished the owner of the motorboat.

(2) The duplicate shall be retained as a record by the director.

(3) The triplicate copy shall be furnished to the commission to be retained for a period of five (5) years.

(e)(1) The certificate of number shall be pocket-sized and shall be available at all times for inspection on the motorboat for which it is issued whenever the motorboat is in operation.

(2)(A) If a certificate of number is lost, mutilated, or becomes illegible, the owner of the motorboat for which the certificate was issued shall immediately apply for and may obtain a duplicate or a replacement certificate upon the applicant's furnishing information satisfactory to the Department of Finance and Administration.

(B) The application for a duplicate or replacement certificate to replace the original certificate of number shall be accompanied by a fee of one dollar ($1.00).

(f) In the event that an agency of the United States Government shall have in force in the United States an overall system of identification numbering for boats covered by this chapter, then the numbering system required by this subchapter and the commission shall be in conformity therewith.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2; 1987 (1st Ex. Sess.), No. 46, § 1; 1995, No. 517, § 14; 1999, No. 468, § 2; 2001, No. 462, § 3; 2003, No. 220, § 1.

27-101-305. Display of number.

(a)(1) The owner shall procure and attach to each side of the bow of the motorboat numbers conforming to the certificate of number issued to the owner by the Director of the Department of Finance and Administration.

(2) The numbers to be procured and attached shall be at least three inches (3″) in height and of block character, and shall be attached to the forward half of each side of the vessel and clearly visible, pursuant to federal law, and attached in such a manner and position on the boat as may be prescribed by the rules and regulations of the Arkansas State Game and Fish Commission in order that they may be clearly visible.

(b) The numbers shall be maintained in legible condition.

(c) No number other than the number awarded to a motorboat or granted reciprocity provided for in § 27-101-302(1) shall be painted, attached, or otherwise displayed on either side of the bow of the motorboat.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2; 1987 (1st Ex. Sess.), No. 46, § 1.

27-101-306. Numbering period — Expiration — Renewal.

(a) The certificates of numbers issued pursuant to subchapters 1-3 of this chapter may be for a period of three (3) years.

(b) The Director of the Department of Finance and Administration shall establish a system in a manner that the expiration dates of the various certificates of numbers will be evenly distributed

throughout the year and each year thereafter to the end that boat certificates of numbers will be renewable as uniformly as practicable throughout each of the twelve (12) months of the license year in each year.

(c) Upon request, the director shall assign to any owner of two (2) or more boats the same registration period.

(d)(1) A fee based on the length of the motorboat as set forth in this subsection shall be charged for the issuance of a certificate of number and for each renewal of each certificate of number.

(2) The fee to be collected for certificates shall be as follows:

Fee Category	3 Years
Vessels less than sixteen feet (16') in length	$ 7.50
Vessels sixteen feet (16') to less than twenty-six feet (26')	15.00
Vessels twenty-six feet (26') to less than forty feet (40')	51.00
Vessels forty feet (40') or more	105.00

(e) Notice shall be given to the Arkansas State Game and Fish Commission of each certificate of number renewed and of the transfer of any certificate of number.

(f) Every certificate of number awarded pursuant to this subchapter shall continue in full force and effect until the expiration of each numbering period unless sooner terminated or discontinued in accordance with the provisions of this subchapter.

(g) Certificates of number may be renewed by the owner in the same manner as is provided in this section for initially securing the certificate and upon payment of the fee as set forth in this section except that the certificate of a motorboat shall not be renewed if it is equipped with more than fifty horsepower (50 HP) or is personal watercraft unless proof is presented that it is covered by a liability insurance policy issued by an insurance company authorized to do business in this state.

(h) Unless a certificate of number is renewed on or before the fifteenth day following the expiration thereof, it shall lapse and shall no longer be of any force and effect unless renewed in the manner prescribed in this subchapter.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; 1975, No. 237, §§ 1, 2; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2; 1995, No. 517, §§ 15, 16; 1999, No. 468, § 3; 2003, No. 1774, § 9.

27-101-307. Registration after purchase of an outboard motor.

When a motorboat is licensed pursuant to this subchapter, if the owner has since the previous registration of a boat purchased an outboard motor for use on the boat, then as a condition of registering the boat, the owner shall furnish the serial number of the motor to the Revenue Division of the Department of Finance and Administration.

History. Acts 1973, No. 395, § 2; A.S.A. 1947, § 21-249.

27-101-308. Reciprocity.

(a) The owner of a motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then-operative federal law or federally approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the ninety-day reciprocity period provided for in § 27-101-302(1).

(b) The recordation shall be in the manner and pursuant to the procedure required for the award of a number under § 27-101-304, except that no additional or substitute number shall be issued.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224.

27-101-309. Change of boat ownership.

(a) Should the ownership of a motorboat change, the new owner shall file an application with the Director of the Department of Finance and Administration for the transfer of the certificate of operation of the motorboat to the new owner within thirty (30) calendar days after the date of the ownership change.

(b) Upon receipt of the application, the director shall cancel the certificate of number issued to the former owner of the motorboat and shall assign the number to the new owner of the motorboat and shall issue a certificate of number to the new owner.

(c) The application for transfer of the certificate of number shall be accompanied by a fee of two dollars ($2.00).

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2; 1995, No. 517, § 17; 2001, No. 462, § 4.

27-101-310. Destroyed or abandoned boats.

(a) Whenever any motorboat numbered under the provisions of this subchapter shall be destroyed or abandoned, its owner shall notify the Director of the Department of Finance and Administration within fifteen (15) days after the destruction or abandonment, and the certificate of number of the motorboat shall be terminated.

(b) The director shall notify the Arkansas State Game and Fish Commission of the termination of any certificate of number.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224; Acts 1987, No. 122, § 2; 2003, No. 1774, § 10.

27-101-311. Public records.

All records of the Revenue Division of the Department of Finance and Administration and of the Arkansas State Game and Fish Commission made or kept pursuant to this subchapter shall be public records.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224.

27-101-312. Registration forms and certificates.

All necessary registration certificates and other forms required by this chapter shall be furnished to the Revenue Division of the Department of Finance and Administration by the Arkansas State Game and Fish Commission.

History. Acts 1959, No. 453, § 4; 1963, No. 140, § 1; A.S.A. 1947, § 21-224.

27-101-313. Certificate of number with beneficiary.

(a) As used in this section:

(1)(A) "Beneficiary" means one (1) individual who is designated to become the owner of a motorboat upon the death of the current owner as indicated on the certificate of number issued under this chapter.

(B) "Beneficiary" does not include a business, firm, partnership, corporation, association, or any other legally-created entity;

(2) "Certificate of number with beneficiary" means a certificate issued for a motorboat under this chapter that indicates the present owner of the motorboat and designates a beneficiary as provided under this section;

(3) "Motorboat" means a boat registered and numbered under this chapter; and

(4)(A) "Owner" means an individual who holds the certificate of number to a motorboat and can include more than one (1) person but not more than three (3) persons.

(B) "Owner" does not include a business, firm, partnership, corporation, association, or any other legally-created entity.

(b) If the owner or joint owners want to transfer a motorboat upon death by operation of law, the owner or joint owners may request that the Revenue Division of the Department of Finance and Administration issue a certificate of number with beneficiary that includes a directive to the division to transfer the certificate of number upon the death of the owner or upon the death of all joint owners to the beneficiary named on the face of the certificate of number with beneficiary.

(c)(1) To obtain a certificate of number with beneficiary, the owner of a motorboat shall submit a transfer on death application to the division to request the issuance of a certificate of number with beneficiary or a change to a certificate of number with beneficiary.

(2) The owner shall provide the following information in the application:

(A) Whether the applicant seeks to add, remove, or change a beneficiary;

(B) The full legal name of the beneficiary;

(C) The social security number of the beneficiary;

(D) The address of the beneficiary;

(E) The identification number of the motorboat;

(F) The year, make, model, and length of the motorboat;

(G) The printed full legal name of the owner of the motorboat;

(H) The Arkansas driver's license or identification card number for the owner of the motorboat; and

(I) The signature of the owner of the motorboat.

(3) The owner shall include the following with the application:

(A) The certificate of number for the motorboat issued under this chapter;

(B) The certificate of number application fee as provided under § 27-101-306; and

(C) The certificate of number with beneficiary application fee of ten dollars ($10.00).

(4)(A) The fee remitted under subdivision (c)(3)(C) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

(d) The division shall not issue a certificate of number with beneficiary to an owner of a motorboat if the owner holds his or her interest in the motorboat as a tenant in common with another person.

(e) The certificate of number with beneficiary issued by the division shall include after the name of the owner the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

(f) During the lifetime of the sole owner or before the death of the last surviving joint owner:

(1) The signature or consent of the beneficiary is not required for any transaction relating to the motorboat for which a certificate of number with beneficiary has been issued; and

(2) The certificate of number with beneficiary is revoked by:

(A) Selling the motorboat with completion of the application for transfer of the certificate of number as provided under § 27-101-309 and transferring to another person; or

(B) Filing an application with the division to remove or change a beneficiary as provided under subsection (c) of this section.

(g) Except as provided in subsection (f) of this section, the designation of the beneficiary in a certificate of number with beneficiary shall not be changed or revoked:

(1) By will or any other instrument;

(2) Because of a change in circumstances; or

(3) In any other manner.

(h) The interest of the beneficiary in a motorboat on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment, or security interest to which the owner of the motorboat was subject during his or her lifetime.

(i)(1)(A) Upon the death of the owner, the division shall issue a new certificate of number for the motorboat to the surviving owner or, if no surviving owners, to the beneficiary if the surviving owner or beneficiary presents the following:

(i) Proof of death of the owner that includes a death certificate issued by the state or a political subdivision of the state;

(ii) Surrender of the outstanding certificate of number with beneficiary; and

(iii) Application and payment of the certificate of number fee for the motorboat.

(B) A certificate of number issued under this subsection will be subject to any existing security interest.

(2) If the surviving owner or beneficiary chooses, he or she can submit a completed certificate of number with beneficiary application as provided under this section, along with the ten dollar ($10.00) processing fee, at the time of the application for a new certificate under this subsection.

(j) The transfer of a motorboat upon the death of the owner under this section is not testamentary and is not subject to administration under Title 28.

(k) The procedures and fees under § 27-101-304(e)(2) shall apply for obtaining a duplicate certificate with beneficiary.

(l) The division may promulgate rules for the administration of this section.

History. Acts 2011, No. 335, § 5.

ARKANSAS STATE HIGHWAY COMMISSION REGULATIONS

REGULATION	PUBLICATION DATE	MINUTE ORDER REVISIONS	AHTD CONTACT
Access Driveways	1990	98-055	Maintenance Division
Arkansas Commercial Motor Carrier (Arkansas Transportation Laws & Regulations)	1994	90-367, 96-068 & 97-130 Rule 17.1, Rule 17.3, HM Rule 1.2	Legal Division
Federal Motor Carriers Safety Regulations	As revised per US DOT		Highway Police
LOGO Signs	1998	2003-160, 2011-037	Environmental Division
Outdoor Advertising	1982	2004-008, 2005-034, 2006-028, 2007-009	Environmental Division
Permits for Overweight & Oversize Vehicles	2000	2000-011, 2007-115, 2007-137, 2008-084	Highway Police
Posted Highways	1984	84-342	Highway Police
Restore Sign Visibility Policy	2000	2005-035	Environmental Division
Speed Limits	N.A.	74-007, 87-110, 88-010, 96-148, 97-104, 98-215	Legal Division
Tourist-Oriented Directional Sign	1995	2002-073, 2004-028, 2006-076	Environmental Division
Utility Accommodation	1996	2010-146	Right-of-Way Division

Minute Orders are through calendar year 2011.

Published Regulations have been furnished to the Arkansas Bureau of Legislative Research. Paper copies may be obtained by contacting the appropriate AHTD Division. The electronic version of the *Act 300 Book* can be found at www.arkansashighways.com/publications.

Arkansas State Highway Commission Minute Orders included in this report have been adopted subsequent to the published regulations. Copies of these Minute Orders may be obtained by contacting the appropriate AHTD Division.

ARKANSAS STATE HIGHWAY COMMISSION REGULATIONS MINUTE ORDER REVISIONS

ACCESS DRIVEWAYS

98-055

WHEREAS, the Commission continues to receive requests for additional access points on controlled access facilities, and additional median openings on four-lane divided facilities; and

WHEREAS, Department staff have prepared a review of Department practice regarding these issues; and

WHEREAS, the Commission has determined that the Department's practices relating to access control and median opening spacing are appropriate:

NOW THEREFORE, the Commission does hereby adopt the access control and median opening criteria shown on the attached sheet as policy for future projects involving these issues.

COMMERCIAL MOTOR CARRIERS

90-367

WHEREAS, Arkansas Act 397 of the Acts of the General Assembly of the State of Arkansas for 1955, as amended, ("Arkansas Motor Carrier Act, 1955") states, in part, "It shall be the duty of the Commission... to administer, execute, and enforce all other provisions of this Act; to make all necessary orders in connection there with, and to prescribe rules, regulations, and procedures for such administration, and further states, in part, "The Commission shall name and designate enforcement officers charged with the duty of policing and enforcing the provisions of the Act and such enforcement officers shall have the authority to make arrests for violation of any court, the Commission, its secretary or any employee authorized to issue same, and to this end shall have full authority, with jurisdiction within the entire State of Arkansas. Such enforcement officers upon reasonable belief that any motor vehicle is being operated in violation of any provisions of this Act, shall be authorized to require the driver thereof to stop and exhibit the registration certificate issued for such vehicle, to submit to such enforcement officer for inspection any and all bills of lading, waybills, invoices or other evidences of the character of the lading being transported in such vehicle and to permit such officer to inspect the contents of such vehicle for the purpose of evidence of ownership or of transportation for compensation. It shall be the further duty of such enforcement officers to impound any books, papers, bills of lading, waybills and invoices which would indicate the transportation service being performed is in violation of this Act, subject to the further orders of the Court having jurisdiction over the alleged violation; and

WHEREAS, Arkansas Act 153, of the Acts of the General Assembly of the State of Arkansas for the 1st Extraordinary Session of 1989, states, in part, "On and after the effective date of this Act, the Transportation Safety Agency shall cease to exist, and all authority, rights, powers, duties, privileges and jurisdiction of the Transportation Safety Agency, now prescribed by Sections 1 and 2 of Act 572 of 1987 and other laws, including, but not limited to, the regulation of transportation for compensation, safety of operation of public carriers, the highway safety program authorized by Act 161 of 1967 or Arkansas Code Annotated § 27-73-102, et. seq., certification and review of assessment for ad valorem taxation, and matters concerning rates, charges, and services of such carriers, are hereby expressly conferred upon the Arkansas State Highway and Transportation Department as fully as if so named in any law or laws of this State and are hereby transferred to said Department," and further states, in part, "On and after the effective date of this Act, the Transportation Regulatory Board of the Transportation Safety Agency shall cease to exist and all regulatory functions, powers and duties of the Transportation Regulatory Board of the Transportation Safety Agency now prescribed by Section 1 of Act 572 of 1987 and other laws of this State are hereby expressly conferred upon and transferred to the Arkansas State Highway Commission".

NOW THEREFORE, let it be known that the Arkansas Highway Commission hereby names and appoints solely the law enforcement officers of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department whom the Chief of the Arkansas Highway Police Division finds qualified to enforce all provisions of these Acts, and make arrests for violation(s) and/or noncompliance with these Acts, as provided. Furthermore, the Chief of the Arkansas Highway Police Division shall keep a current list on file in his office of all officers authorized to enforce, police, and make arrests under the provisions of these Acts.

96-068

WHEREAS, the Arkansas State Highway and Transportation Department Drug And Alcohol Testing Policy was adopted in Minute Order 94 286; and,

WHEREAS, the Policy as adopted does not define commercial motor vehicle; and,

WHEREAS, for purposes of clarification it is necessary to amend the existing Policy and define commercial motor vehicle as follows:

Section I. Definitions

Commercial motor vehicle means any self-propelled or towed vehicle used by the Arkansas State

Highway and Transportation Department that has a gross vehicle weight rating or gross combination weight rating of 18,001 or more pounds. This Department policy is more restrictive than the DOT mandate.

NOW THEREFORE, BE IT RESOLVED, that the definition of commercial motor vehicle set forth above is hereby adopted, and the Arkansas State Highway And Transportation Department Drug And Alcohol Testing Policy is hereby amended to add Section I incorporating the definition.

97-130

WHEREAS, Arkansas Code Annotated § 27-23-119 provides that regulations authorizing any waivers of commercial drivers licenses shall be formally adopted; and

WHEREAS, the Arkansas State Highway Commission is the agency responsible for making and promulgating such regulations; and

WHEREAS, the Commission by Minute Order 90-063, adopted March 14, 1990, established "Commercial Drivers License Regulations" which waived such licensing requirements for certain classes of drivers; and

WHEREAS, the Federal Highway Administration recently adopted regulations which permit the enlargement of those classes of drivers to include drivers employed by eligible units of local government operating commercial motor vehicles for the purposes of removing snow or ice from a roadway;

NOW THEREFORE, the Arkansas State Highway Commission hereby revises the "Commercial Drivers License Regulations" adopted by Minute Order 90-063 and establishes and adopts the attached "Commercial Driver License Regulations."

Rule 17.1 GENERAL SAFETY REQUIREMENTS

All rules and safety regulations now or hereafter prescribed and adopted by the U.S. Department of Transportation, Federal Highway Administration, applicable to motor vehicles under the Federal Motor Carrier Safety Regulations as found in 49 C.F.R. Parts 383 through 399, not in conflict with the laws of the State of Arkansas, are hereby adopted and prescribed as the safety rules and regulations applicable to the intrastate operations of motor vehicles under the jurisdiction of this Commission. Notwithstanding the above, the rules and regulations governing the filing of insurance/surety for the public, specifically 49 C.F.R. Part 387.15 and 49 C.F.R. Part 387.35, shall not apply to those carriers having only Arkansas intrastate authority; in that case, those intrastate only carriers shall maintain the minimum limits set out in Rule 13.1 and HM Rule 1.4 of these rules.

Rule 17.3 SPLASH GUARD REQUIREMENTS

All trailers, trucks, truck/tractors, and/or semitrailers with a gross vehicle weight rating (GVWR) exceeding 10,000 pounds operated over the highways of the State of Arkansas, subject to the jurisdiction of this Commission, shall have attached thereto a splash apron (mud flaps) of flexible material directly to the rear of the rearmost wheels, hanging perpendicularly at right angles to the body of the vehicle, and parallel with the rearmost axle; said apron shall be of such size, weight, and substance as to prevent the bulk of the spray or other substance picked up from the roadway from being thrown on the windshield of a following vehicle.

HM Rule 1.2 Adoption of DOT Regulations

Every carrier of hazardous materials shall comply with the regulations of the United States Department of Transportation, Materials Transportation Bureau, as compiled in 49 C.F.R. § 100-199, as amended, which regulations, for the purposes of these rules, shall apply to intrastate transportation as well as interstate transportation and in each instance in such federal regulations where the word "interstate" is used, such word also shall, for the purpose of these rules, be construed as including intrastate transportation.

LOGO SIGNS

2003-160

WHEREAS, the Arkansas Highway Commission desires to promote economic development in the State by expanding the Specific Service Signs (Logo) program to include attractions; and

WHEREAS, in cooperation with the Arkansas Department of Parks and Tourism, the Policy for Erection of Specific Service Signs (Logos) has been revised to include attractions and to define the role of the Department of Parks and Tourism in deciding which attractions will be approved; and

WHEREAS, the Policy for Erection of Specific Service Signs (Logos) has been revised to conform to the latest edition of the Manual on Uniform Traffic Control Devices.

NOW THEREFORE, the Director is authorized to submit the attached Policy for Erection of Specific Service Signs (Logos) for approval by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council and to erect attraction Logo signs statewide.

2011-037

WHEREAS, permit fees associated with the Department's regulation of outdoor advertising have not increased since 1967; and

WHEREAS, permit fees associated with the Department's administration of specific service, or LOGO, sign programs have not increased since 1987; and

WHEREAS, the Department's goal has been for the administration of these programs to be cost-neutral; and

WHEREAS, the administration of these programs now costs more than the revenue generated in permit fees.

NOW THEREFORE, the Director is authorized to increase the billboard permit fees to $65 for an application and $35 for biennial renewal, and to increase the LOGO permit fees to $35 for an application, $80 per sign for installation, and $200 per sign annually for renewal.

FURTHERMORE, the Director is authorized to review the costs and revenue associated with administering these programs biennially to determine if additional fee increases are warranted.

OUTDOOR ADVERTISING

2004-008

WHEREAS, Minute Order No. 81-273 provided that the Director shall designate a hearing officer to conduct and preside at administrative hearings concerning outdoor advertising devices and to conduct a hearing in accordance with the Arkansas Administrative Procedure Act;

WHEREAS, a question has arisen concerning the authority of the designated Hearing Officer to render decisions related to applications for outdoor advertising devices;

WHEREAS, in the interest of clarifying the authority of the designated Hearing Officer as set forth in Minute Order No. 81-273, the Commission affirms the following:

(1) That Minute Order No. 81-273 directed the Director or designee to conduct a hearing and decide for the agency all issues related to administrative hearings concerning outdoor advertising devices and render final orders;

(2) That appeals relating to outdoor advertising matters can be decided in a more timely and expeditious manner through the use of a designated official rather than being presented to the full Commission; and

(3) That the Director's designee is equipped through specialization and insight through experience with the ability to determine and analyze the underlying legal issues.

THEREFORE, Minute Order No. 81-273 provides and this Minute Order affirms that the designated Hearing Officer is authorized to conduct and preside at administration hearings and to make final decisions related to outdoor advertising devices.

2005-034

WHEREAS, on May 7, 1986, Administrative Order No. 86-2 was issued by the Director of the Arkansas State Highway and Transportation Department prohibiting the erection of billboards or signboards on lands to which the Arkansas State Highway Commission held title and which lands were declared surplus property and sold; and

WHEREAS, from and after the issuance of said Administrative Order No. 86-2, each and every deed issued by the Commission contained a covenant, running with the land, providing that no billboards or signboards would be erected or displayed on such surplus property; and

WHEREAS, Article 1 of Act 640 of the Acts of the General Assembly for 1967 directed the Arkansas State Highway Commission to promulgate rules and regulations governing the erection of outdoor advertising signs, displays and devices along the National System of Interstate and Defense and Federal Aid Primary Highways within the Arkansas State Highway Systems; and

WHEREAS, the Arkansas State Highway Commission and the United States Secretary of Transportation entered into an agreement pursuant to Act 640 of 1967, whereby the criteria for the erection of outdoor advertising signs, displays and devices along the National System of Interstate and Defense and Federal Aid Primary Highways within the Arkansas State Highway System was established; and

WHEREAS, such criteria, and the regulations issued pursuant thereto, are codified as Ark. Code Ann. § 27-74-101, et. seq., and such criteria and regulations have been determined to be adequate by the Commission to regulate the placement of outdoor advertising signs, displays as devices along any National System of Interstate and Defense and Federal Aid Primary Highways within the Arkansas Highway System;

NOW THEREFORE, BE IT RESOLVED, that Administrative Order No. 86-2, dated May 7, 1986, be and it is hereby rescinded and declared to be no longer in force or effect; that all future deeds issued by the Arkansas State Highway Commission for the disposal of surplus property shall eliminate the covenant there from prohibiting the placement of billboards or signboards thereon;

PROVIDE, HOWEVER, nothing in this Minute Order shall be construed or interpreted to rescind, eliminate, modify or alter the regulations issued by the Commission pursuant to Article 1 of Act 640.

2006-028

WHEREAS, *Regulations for Control of Outdoor Advertising on Arkansas Highways* provides for a 60-day renewal period for outdoor advertising signs; and

WHEREAS, the Department's procedures for Logo/Attraction signs allow for a 90-day renewal period; and

WHEREAS, it would be beneficial to provide consistent renewal procedures for all types of various permitted signs.

NOW THEREFORE, the Director is hereby authorized to take the steps necessary to revise Department policies and procedures to allow for a 90-day renewal period for the various types of permitted signs.

2007-009

WHEREAS, *Regulations for Control of Outdoor Advertising on Arkansas Highways* currently do not allow for electronic message devices; and

WHEREAS, advances in technology have made electronic message devices more cost effective to

produce and more popular for outdoor advertising; and

WHEREAS, electronic message devices are being allowed along highways in other states and along local roads and streets in Arkansas, and the Arkansas Outdoor Advertising Association has requested revisions to Department regulations to include the allowance of electronic message devices for outdoor advertising; and

WHEREAS, revised regulations have been developed from a review of regulations in other states and in coordination with the Arkansas Outdoor Advertising Association.

NOW THEREFORE, the Director is authorized to take the steps necessary to revise *Regulations for Control of Outdoor Advertising on Arkansas Highways* and associated procedures to allow for the use of electronic message devices for outdoor advertising.

PERMITS FOR OVERWEIGHT/OVERSIZE VEHICLES

2000-011

WHEREAS, the Arkansas State Highway Commission has adopted and published Rules and Regulations for the Movement of Oversize and/or Overweight Vehicles and Cargoes in the State of Arkansas as authorized by law; and

WHEREAS, certain changes in said rules and regulations are deemed necessary and desirable; and

NOW THEREFORE, all of the Rules and Regulations for the Movement of Oversize and/or Overweight Vehicles and Cargoes in the State of Arkansas that have previously been adopted by the Highway Commission are hereby rescinded and the attached Permit Regulations for the Movement of Oversize and/or Overweight Vehicles are hereby adopted in their stead.

The Director is hereby authorized to take the necessary steps to publish said rules and regulations and cause them to be incorporated into a manual for distribution by the Arkansas State Highway and Transportation Department.

2007-115

WHEREAS, the Department routing of oversize and overweight vehicles by permit is essential to the safety of the motoring public and to preserving the structural integrity of state bridges and highways; and

WHEREAS, pursuant to Arkansas Highway Commission policy, the Department currently issues a Thirty-Day Permit valid for unlimited statewide travel for petroleum and natural gas field related equipment vehicles; and

WHEREAS, it is deemed to be impractical and beyond the capacity of the Department to evaluate all statewide routes and bridges for structural sufficiency for each Thirty-Day Permit; and

WHEREAS, other permit options currently exist for petroleum and natural gas field related equipment vehicles that would allow for travel and provide an evaluation of routes and bridges for each permit.

NOW THEREFORE, the Arkansas Highway Commission hereby repeals the provisions for a Thirty-Day Permit for petroleum and natural gas field related equipment vehicles as currently contained in the *"Permit Regulations for the Movement of Oversize and Overweight Vehicles."*

2007-137

WHEREAS, cotton module trucks bearing the appropriate license and not exceeding nine feet (9') in width, fifty-five feet (55') in length and thirteen feet, six inches (13'6") in height, may currently travel the non-interstate highways of the state twenty-four hours a day without permit; and

WHEREAS, cotton module trucks exceeding the aforementioned maximum dimensions may currently travel the highways of the state during daylight hours when properly permitted pursuant to A.C.A. § 27-35-210 and the *Permit Regulations for the Movement of Oversize and Overweight Vehicles* of the Arkansas Highway Commission; and

NOW THEREFORE, the Director is authorized to allow twenty-four hour a day movement on the non-interstate highways of the state through the current harvest season, for properly permitted, overdimensional cotton module trucks with dimensions not exceeding nine feet, ten inches (9'10") in width, fifty-five feet (55') in length and fourteen feet, six inches (14'6") in height.

2008-084

WHEREAS, cotton module trucks bearing the appropriate license and not exceeding nine feet (9') in width, fifty-five feet (55') in length and thirteen feet, six inches (13'6") in height, may currently travel the non-interstate highways of the state twenty-four hours a day without permit; and

WHEREAS, cotton module trucks exceeding the aforementioned maximum dimensions may currently travel the highways of the state during daylight hours when properly permitted pursuant to A.C.A. § 27-35-210 and the *Permit Regulations for the Movement of Oversize and Overweight Vehicles* of the Arkansas Highway Commission; and

NOW THEREFORE, the Director is authorized to allow twenty-four hour a day movement on the non-interstate highways of the state, for properly permitted, overdimensional cotton module trucks with dimensions not exceeding nine feet, ten inches (9'10") in width, fifty-five feet (55') in length and fourteen feet, six inches (14'6") in height.

POSTED HIGHWAYS

84-342

WHEREAS, the Arkansas State Highway Commission has authority under Section 75-801 (Ark.

Stats. Ann. [1947] Act 7 of the General Assembly of the State of Arkansas for the year 1983) to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highways under the jurisdiction of said commission and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected; and

WHEREAS, the maintenance of the state highways is an ever increasing burden, compounded by higher costs of maintenance, increased truck weights and severe winter season causing much damage to these highways; and

WHEREAS, the determination of maximum weights for all traffic facilities should be based upon studies of engineering and traffic characteristics thereof; and

WHEREAS, the local District Engineers of the Arkansas State Highway and Transportation Department are best qualified to conduct such studies and best able to respond to emergency situations whenever any highway, by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced; and

WHEREAS, the posting of such signs as to weight and the prohibitions or restrictions imposed thereon, are declared by the Arkansas State Highway Commission to be within the direct authority of the District Engineers of the Arkansas State Highway and Transportation Department.

NOW THEREFORE, IT IS HEREBY RESOLVED that the actions of the District Engineers of the Arkansas State Highway and Transportation Department in erecting and maintaining such signs upon the highways under the jurisdiction of the Arkansas State Highway Commission and the District Engineers are directly authorized to continue with studies of the state highways within their respective districts, and with the posting of signs giving notice of any prohibition of any limitation as to weight of vehicles operating upon such highways, with such restrictions to be effective when such signs are erected and maintained.

RESTORE SIGN VISIBILITY POLICY

2005-035

WHEREAS, the Department currently has a Restore Sign Visibility Policy for the purpose of vegetation control in the vicinity of outdoor advertising signs; and

WHEREAS, the current policy does not allow vegetation control at outdoor advertising signs that are considered to be nonconforming to local, state or federal guidelines concerning outdoor advertising signs; and

WHEREAS, the Department has coordinated with the Arkansas Outdoor Advertising Association to revise the policy and permit procedures to allow some vegetation control at nonconforming signs in return for the removal of an equal number of nonconforming signs.

NOW THEREFORE, the Restore Sign Visibility Policy, as revised, is hereby adopted.

FURTHERMORE, the Director is authorized to submit the revised policy to the Legislative Council's Administrative Rules and Regulations Committee for their review and comment.

SPEED LIMITS

74-007

WHEREAS, Section 2 of Public Law 93-239, the "Emergency Highway Energy Conservation Act", enacted January 2, 1974, and effective March 3, 1974, establishes a national maximum speed limit of 55 miles per hour to conserve fuel during periods of current and imminent fuel shortages; and,

WHEREAS, the Federal Highway Administration has given advance notice that, in compliance with Public Law 93-239, after March 3, 1974, the Division Engineer will not authorize the State to advertise for bids for construction until the State furnishes evidence of action by the State to implement Section 2 of the Act, including a statement that speed limit signs have been changed to comply with the requirements of the Act, the cost of which changes is federally reimbursable; and,

WHEREAS, the Arkansas State Highway Commission is authorized by Arkansas Statutes Section 75-601, as amended, and Section 75-601.1 to set maximum and minimum speed limits on controlled access highways and all highways on the Arkansas State Highway System, in addition to general authority contained in Arkansas Statutes, Section 76-201.5; and,

WHEREAS, based upon a traffic and engineering study by Arkansas Highway Department Traffic Engineers to determine maximum speed limits consistent with highway safety, fuel conservation and other factors, which study determined that a maximum speed limit of 55 miles per hour meets those criteria, signs establishing a 55 miles per hour maximum speed limit have been erected on all highways in the Highway System.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the action of the Director of Highways in the erection of signs establishing a maximum speed limit of 55 miles per hour on all highways in the State Highway System in Arkansas is hereby ratified and confirmed, and the Director is further authorized to take any further action required to implement Section 2 of Public Law 93-239, the requirements of the Federal Highway Administration, and that are in the public interest in safety and fuel conservation.

87-110

WHEREAS, the Congress of the United States has passed the 1987 Federal-Aid Highway Act which contains authorization to increase the maximum

speed limit from 55 miles per hour to 65 miles per hour on the rural sections of the Interstate Highway System outside of urbanized areas exceeding 50,000 population, and

WHEREAS, the Arkansas State Highway Commission is authorized by Arkansas Statutes, Section 75-601, as amended, and Section 75-601.1 to set maximum and minimum speed limits on controlled access highways and all highways on the Arkansas State Highway System, in addition to general authority contained in Arkansas Statutes, Section 76-201.5, and

WHEREAS, based upon a traffic and engineering study by Arkansas Highway Department Traffic Engineers to determine maximum speed limits consistent with highway safety, and other factors, which study determined that a maximum speed limit of 65 miles per hour and a minimum speed limit of 45 miles per hour meets those criteria.

NOW THEREFORE, the Director is authorized to erect signs establishing a maximum speed limit of 65 miles per hour and a minimum speed of 45 miles per hour on the rural sections of the interstate highways outside of urbanized areas exceeding 50,000 population.

88-010

WHEREAS, a recent Appropriations Bill enacted by Congress contained a provision which allowed up to 20 states, on a first-come, first-served basis, to increase speed limits to 65 mph on certain rural four-lane, fully controlled access highways for fiscal years 1988 through 1991; and

WHEREAS, the rural segments of Highway 65 from I-20 south to Pine Bluff and Highway 67 from I-40 to the junction of Highway 224 south of Newport meet the Federal criteria for speed limit modification.

NOW THEREFORE, the Director is authorized to post 65 mph speed limits on these highway segments.

96-148

WHEREAS, the National Maximum Speed Limit was repealed by the National Highway System Designation Act of 1995, giving each State the responsibility of establishing speed limits; and

WHEREAS, the Arkansas Highway Commission has jurisdiction over speed limits on the Arkansas State Highway System; and

WHEREAS, the Commission has directed Department staff to conduct a study concerning speeds, design, and safety on Arkansas highways; and

WHEREAS, the *Speed Limit Study for Arkansas Highways*, has been completed;

NOW THEREFORE, the study is hereby accepted, and the following maximum speed limits are hereby established and shall be included in the *Speed Limit Study for Arkansas Highways*.

- Rural Freeways - 70 mph for cars, - 65 mph for trucks
- Suburban Freeways - 60 mph for all vehicles
- Urban Freeways - 55 mph for all vehicles
- Rural Expressways with High-Type Partial Control of Access - 60 mph for all vehicles

FURTHER, the term "truck" shall include every motor vehicle, or combination of motor vehicles, designed, used, or maintained for the transportation of property with a registered gross weight of 20,000 pounds or more. Additionally, the term "truck" shall include all buses designed to transport 16 or more passengers, including the driver.

97-104

WHEREAS, Minute Order 96-148, dated August 28, 1996 authorized the increase in speed limits on freeways with rural characteristics, freeways with suburban characteristics, and rural expressways with high-type partial control of access; and

WHEREAS, it may be feasible to raise the speed limit on rural expressways that exhibit certain engineering characteristics.

NOW THEREFORE, the Director is authorized to increase the speed limit on rural expressways where recommended by route specific engineering studies.

98-215

WHEREAS, Minute Order 97-104, dated June 25, 1998, authorized the increase in speed limits on rural expressways where recommended by route specific engineering studies; and

WHEREAS, further studies have indicated that it is feasible to raise the speed limit on suburban and urban freeways;

NOW THEREFORE, the Director is authorized to increase the speed limit on suburban and urban freeways and rural expressways in accordance with the Department's studies.

TOURIST-ORIENTED DIRECTIONAL SIGN (TODS)

2002-073

WHEREAS, the Tourist-Oriented Directional Sign (TODS) program regulations were approved by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council on July 6, 1995; and

WHEREAS, by Minute Order 95-009, the Arkansas Highway Commission authorized a pilot TODS program; and

WHEREAS, the Commission desires to promote economic development in the state by providing directional information regarding tourist-oriented businesses and activities to motorists; and

WHEREAS, in cooperation with the Arkansas Department of Parks and Tourism, the Commission desires to expand the pilot TODS program.

NOW THEREFORE, the Director is hereby authorized to fully implement the TODS program and initiate necessary revisions to the approved TODS Regulations.

FURTHERMORE, any signs proposed for use in the TODS program must comply with the Manual on Uniform Traffic Control Devices and must be approved by the Director.

2004-028

WHEREAS, the Tourist-Oriented Directional Sign (TODS) program regulations have been approved by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council; and

WHEREAS, the Commission desires to promote economic development in the State by providing directional information regarding tourist-oriented businesses and activities to motorists

NOW THEREFORE, Part F. of the General Requirements of the Commission's TODS Regulations is changed in its entirety to read:

F. An activity or site will not qualify for TODS if the activity or site is identified by a Department directional sign that is within the right-of-way, if the activity or site is advertised by an off-premise sign that is illegal as defined by the Arkansas Highway Beautification Act, or if the activity or site is advertised by an off-premise sign that is visible from the location of the proposed TODS.

FURTHER, the Director is authorized to take all steps necessary to implement this amendment in accordance with the Arkansas Administrative Procedure Act.

2006-076

WHEREAS, the Tourist-Oriented Directional Sign (TODS) program regulations for Arkansas allow signs only in rural areas, except for Scenic Byways; and

WHEREAS, the definition of "rural" in the TODS program regulations refers to those areas not in the corporate limits of a city or town, which is stricter than the Manual on Uniform Traffic Control Devices (MUTCD) definition of "rural" referring to areas outside the city limits of incorporated cities or towns with a population of 5,000 or more; and

WHEREAS, using the MUTCD definition of "rural" in the TODS program regulations would provide consistency and allow more businesses to participate in the TODS program.

NOW THEREFORE, the following amendments to the TODS regulations are hereby adopted.

1. Under Definitions, change the definition of "Rural" in its entirety to read, "Refers to those areas outside the city limits of incorporated cities or towns with a population of 5,000 or more people."

2. Under General Requirements, change Part D in its entirety to read, "The activity or site shall be located in a rural area not within the corporate limits of a city or town with a population of 5,000 or more people, except for Scenic Byways."

FURTHERMORE, the Director is hereby authorized to take all steps necessary to implement these amendments in accordance with the Arkansas Administrative Procedures Act.

UTILITY ACCOMODATIONS

2010-146

WHEREAS, the Arkansas State Highway Commission first adopted a Utility Accommodation Policy by Minute Order 70-300 dated August 26, 1970, and this Policy has been subsequently amended since that time to allow for the implementation of reasonable rules and regulations necessary for accommodating utilities on the right of way of the Arkansas State Highway System or other real property belonging to the Commission; and

WHEREAS, a Utility Accommodation Task Force including representation from the Federal Highway Administration, the Arkansas State Highway and Transportation Department and Utility Owners has recently completed a review of the current Utility Accommodation Policy; and

WHEREAS, using the uniform guide for State policies on the accommodation of utilities on highway rights of way prepared by the American Association of State Highway and Transportation Officials, as well as other applicable publications, the Task Force has updated and revised the Utility Accommodation Policy to prescribe reasonable rules and regulations for accommodating utilities on the right of way of the Arkansas State Highway System or other real property belonging to the Commission; and

WHEREAS, the provisions of the revised and updated Policy are consistent with Arkansas law and the authority of this Commission to regulate the use and occupancy of the right of way of the Arkansas State Highway System or other real property belonging to the Commission, and said Policy has been approved by the Federal Highway Administration.

NOW THEREFORE, the attached Utility Accommodation Policy is hereby approved and adopted, and it shall supersede and void all prior Commission Orders, Administrative Orders or other Statements of Policy pertaining to the accommodation of utilities; and

IT IS FURTHER RESOLVED, that the Director is hereby authorized to make copies of this Policy available to all interested parties, to issue pertinent Orders, Directives and Permits, and to enter into Agreements with persons, firms, and agencies owning or operating utility facilities on right of way of the Arkansas State Highway System or other real property of the Commission as necessary and appropriate to administer the provisions of said Policy.

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