

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
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As Engrossed: H3/1/13
A Bill

HOUSE BILL 1520

By: Representative Hammer

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE USE OF FORMER MILITARY VEHICLES AS SPECIAL INTEREST VEHICLES; TO MODERNIZE THE LAW RELATED TO SPECIAL INTEREST VEHICLES; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE USE OF FORMER MILITARY VEHICLES AS SPECIAL INTEREST VEHICLES AND MODERNIZE THE LAW RELATED TO SPECIAL INTEREST VEHICLES.

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

SECTION 1. Arkansas Code Title 27, Chapter 15, Subchapter 22 is amended to read as follows:

27-15-2201. Definitions.

As used in this subchapter:

(1)(A) "Antique vehicle" means a motor vehicle that:

(i) Has been in existence for twenty-five (25) years or more at the time of making application for registration;

(ii) Is unaltered from the original manufacturer's specifications; and

(iii) Is collected, preserved, restored, or maintained because of its historic significance by a hobbyist as a leisure pursuit.

(B) "Antique vehicle" does not include an antique motorcycle under § 27-15-2301 et seq.;



~~(1)~~(2) "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;

(3)(A) "Former military vehicle" means a motor vehicle that was manufactured for use in any country's military forces that:

(i) Is maintained to depict or represent military design or markings regardless of the vehicle's:

(a) Size;

(b) Year of manufacture; or

(c) Weight; and

(iii) Is operated for nonbusiness purposes.

(B) Subject to any specific requirements or limitations under § 27-15-2210, former military vehicles shall be registered as provided under this subchapter;

(4) "Operated for nonbusiness purposes" means that a motor vehicle is not:

(A) Used in commerce; and

(B) Subject to the International Fuel Tax Agreement as administered by the Department of Finance and Administration under § 26-55-1101 et seq.

~~(2)(A)~~(6)(A) "~~Historic or special~~ Special interest vehicle" means:

~~(i) 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.~~ An antique vehicle; or

(ii) A former military vehicle.

~~(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)(B)(i) ~~Vehicles~~ A vehicle 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~~ vehicle

belongs or if they could be considered to be in the category of safety features.

(ii) Safety-related modifications or deviations include hydraulic brakes, sealbeam headlights, and seat belts.

(iii) Accessories acceptable under ~~such the~~ the classifications are those available in the era to which the ~~vehicles belong~~ vehicle belongs. ~~and~~

~~(3)(5)~~ (5) "Parts car" means a motor vehicle that is generally ~~in~~ nonoperable condition which inoperable and is owned by a collector and used 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. ~~vehicle; and~~

27-15-2202. Registration — Fee of antique vehicles.

(a)(1) ~~Any~~ A person who is the owner of an ~~historic or special interest~~ antique 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,~~ may register it as an ~~historic or~~ a special interest vehicle.

~~(2)~~ upon the payment of a A fee of seven dollars (\$7.00) shall be charged for the initial registration of ~~for~~ each antique vehicle, ~~and be.~~

~~(3)~~ The special license plate for antique vehicles furnished under this subchapter shall be furnished a license plate of a distinctive design that identifies the vehicle as an antique vehicle ~~to~~ and be displayed on each antique vehicle in lieu of the usual license plate.

~~(2)(4)~~ This The antique vehicle license plate shall have has 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)(5)~~ The registration shall be valid while the antique vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(b)(1) ~~The numbering~~ Numbering of ~~these plates~~ antique vehicle special interest license plates authorized under this subchapter shall continue chronologically from the existing antique automobile registration lists,

using the current design and emblem.

(2) Application for ~~these~~ antique vehicle special interest license 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~~ a 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 payment of one-half ($\frac{1}{2}$) 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~~ an antique vehicle authorized under this subchapter ~~shall not be~~ is not eligible for registration under this section unless ~~it~~ the vehicle has been in existence for twenty-five (25) years or more.

(2) The age of the vehicle shall be calculated from the date the vehicle was originally assembled as a facsimile.

(e) ~~Collectors~~ A collector who, on July 8, 1975, ~~have had~~ had an antique ~~vehicles~~ vehicle licensed ~~as antiques~~ under ~~current~~ statutes in effect before July 8, 1975, shall not be required to register ~~these vehicles~~ the vehicle or obtain a new license ~~plates~~ plate for ~~these vehicles~~ the vehicle.

(f) ~~Beginning on January 1, 2006, each~~ Each collector applying for a license plate for an antique vehicle under this subchapter shall own and have registered one (1) or more motor vehicles that he or she uses for regular transportation.

27-15-2203. Affidavit – Vehicle restored to original specifications required.

(a) ~~Any person making application for~~ To register an antique ~~motor~~ vehicle ~~license plate~~ under § 27-15-2202, the owner shall ~~transmit to~~ provide the Office of Motor Vehicle an affidavit signed by the owner-applicant stating that:

(1) ~~the motor~~ The vehicle described in the application is restored to its original specifications as closely as is reasonably possible; and

(2) ~~that the~~ 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~~ 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).~~

27-15-2204. Assemblage of antique vehicle.

(a)(1)(A) A collector who has assembled a an antique 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~~ If that evidence by itself is deemed inadequate by the Office of Motor Vehicle, the collector shall execute an affidavit in verification.

(2) To be considered adequate, bills of sale shall:

(A) ~~be~~ Be notarized; ~~and shall~~

(B) ~~indicate~~ Indicate the source of the engine and body;

and

(C) ~~shall list~~ Provide the identification or serial number of the engine and body for the chassis, if applicable.

(b)(1) A person who purchases an assembled antique 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 antique vehicle follows the process under § 27-14-409(c)(1).

(2) 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.

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~~ the equipment shall not be required as a condition for current legal use.

(b) ~~Any motor vehicle of historic or special interest~~ A special interest vehicle manufactured ~~prior to~~ before the date that emission controls were standard equipment on that particular make or model of vehicle is ~~exempted~~ exempt from ~~statutes requiring~~ Arkansas law that requires the inspection and use of emission controls.

(c) ~~Any safety~~ Safety equipment that was manufactured as part of the special interest vehicle's original equipment ~~must~~ shall be in proper operating condition.

27-15-2206. Limitations on use.

(a)(1) ~~Historic or special interest~~ 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) Except as provided under subdivision (a)(3)(B) of this section, a special interest vehicle shall not be used to transport passengers for hire.

~~(2)(3)~~ (3) At special events that are sponsored or in which participation is by organized clubs, ~~the vehicles~~ a special interest vehicle 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.~~ The following uses of a truck that is registered as a special interest vehicle under this section are prohibited:

(1) Hauling material that weighs more than one thousand pounds (1,000 lbs.); and

(2) Regularly using the truck in lieu of other vehicles with regular license plates.

27-15-2207. Storage regulation.

Subject to land use regulations of a county or municipality, a collector may store ~~any vehicles~~ a special interest vehicle or parts car,

licensed or unlicensed, operable or inoperable, on his or her property if:

(1) The ~~vehicles~~ vehicle, parts ~~cars~~ car, and any outdoor storage ~~areas~~ area are maintained in such a manner that they do not constitute a health hazard; and

(2) The ~~vehicles are~~ vehicle is located away from ordinary public view or ~~are~~ is screened from ordinary public view by means of natural objects, fences, plantings, opaque covering, or other appropriate means.

27-15-2208. Sale or transfer.

Legal transfer of ownership of a ~~motor vehicle, assembled motor vehicle, special interest vehicle, an antique vehicle assembled under § 27-15-2204, or a 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.

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~~ an antique 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 interest license plate for ~~an historic or special interest~~ an antique vehicle under this subchapter, the person may choose to use an antique license plate under this section instead of a license plate that identifies the vehicle as an antique vehicle and 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 interest 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~~ are not 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.

27-15-2210. Registration and use of former military vehicles.

(a)(1) A resident of the state may apply for registration and obtain registration of a former military vehicle by providing the following to the Office of Motor Vehicle:

(A) One of the following from a government liquidator or a Government Services Administrator:

(i) An invoice; or

(ii) A bill of sale; and

(B) Form SF97 from the United States government that documents the transfer of the ownership of the vehicle to a government liquidator or the General Services Administration; or

(C) For an imported vehicle, documents sufficient to establish that the vehicle was manufactured for use in military forces.

(2) If an applicant under this section fails to provide satisfactory evidence to the office that the motor vehicle is a qualified former military vehicle under this subchapter, the office shall deny the

applicant registration.

(b)(1) The Department of Finance and Administration shall design for issuance the special license plate under this subsection in consultation with former military vehicle owners in the State of Arkansas.

(2) The redesigned special license plate shall:

(A) In lieu of the legend "The Natural State" or any succeeding legend, display across the bottom of the license plate a permanent decal bearing the words "FORMER MILITARY VEHICLE"; and

(B) Be numbered consecutively.

(3)(A) An applicant for a license plate under this section may apply for a special personalized prestige license plate under §§ 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.

(c) The registration or renewal fee for the former military motor vehicle shall not exceed twenty dollars (\$20.00).

(d) To replace a former military vehicle license plate issued under this subchapter, the owner of the motor vehicle shall:

(1) If the registration has not expired, remit the fee under subsection (c) of this section; or

(2) If the registration has expired, remit the fee under subsection (c) of this section plus a penalty of five dollars (\$5.00).

(e) The registration of a former military vehicle 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.

(f) A former military vehicle shall not be registered under this section unless a title for the vehicle has been issued by the Office of Motor Vehicle and the vehicle is eligible for registration without regard to its status as a former military vehicle.

(g) The owner or operator of a former military vehicle operated for nonbusiness purposes and registered under this subchapter is exempt from the requirement to hold a commercial driver license under § 27-23-107 when operating the former military vehicle.

SECTION 2. Arkansas Code Title 27, Chapter 15, Subchapter 22 is amended to add an additional section to read as follows:

27-51-2211. Penalty.

(a) Except as otherwise provided in this subchapter, it is unlawful for a person to:

(1) Evade or violate a provision of this subchapter;

(2) Attempt to secure benefits under this subchapter to which he or she is not entitled; or

(3) Obtain or use a special license plate issued under this subchapter to which he or she is not entitled.

(b) 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 violation and shall be fined two hundred dollars (\$200.00).

SECTION 3. EFFECTIVE DATE. This act is effective on and after January 1, 2014.

/s/Hammer