

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1715

By: Representatives Williams, Vines

For An Act To Be Entitled

AN ACT TO REPEAL OBSOLETE PROVISIONS IN TITLE 27 OF THE ARKANSAS CODE CONCERNING HIGHWAYS AND TRANSPORTATION; TO MAKE OTHER TECHNICAL CORRECTIONS TO TITLE 27; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL OBSOLETE PROVISIONS IN AND MAKE OTHER TECHNICAL CORRECTIONS TO TITLE 27 OF THE ARKANSAS CODE CONCERNING HIGHWAYS AND TRANSPORTATION.

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

SECTION 1. Arkansas Code § 27-14-2208, concerning provisions that are essentially a duplicative codification of the crime of unauthorized use of a vehicle under Arkansas Code § 5-36-108, is repealed.

~~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.~~

SECTION 2. Arkansas Code § 27-14-2209, an obsolete law enacted in 1911, is repealed.



~~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.~~

SECTION 3. Arkansas Code § 27-19-711(b)(3), concerning the proof to be furnished for each vehicle, because the subdivision references § 27-19-717 that is repealed below as an obsolete law, is repealed.

~~(3) A certificate of deposit of money or securities as provided in § 27-19-717; or~~

SECTION 4. Arkansas Code § 27-19-717, an obsolete law concerning providing security as an alternative form of financial responsibility for motor vehicles, is repealed.

~~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.~~

SECTION 5. Arkansas Code §§ 27-19-719 through 27-19-721, obsolete laws related to providing security as an alternative form of financial responsibility for motor vehicles, are repealed.

~~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.~~

~~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.~~

~~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.~~

SECTION 6. Arkansas Code § 27-36-204(b) is amended to repeal a provision that is essentially a duplicative codification of Arkansas Code § 27-36-223, to read as follows:

(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.~~

SECTION 7. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have full force and 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 amending or repealing the appropriate parts of the Arkansas Code of 1987.