

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 126

By: Senator D. Johnson
By: Representative Vines

For An Act To Be Entitled

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

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 27
OF THE ARKANSAS CODE CONCERNING
TRANSPORTATION.

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

SECTION 1. Arkansas Code § 27-14-1204(a), concerning penalties, is amended to read as follows to remove references to a superseded Act section:

(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~~ § 27-14-304.

SECTION 2. Arkansas Code § 27-15-4907 is amended to read as follows to remove references to a repealed Code section:

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; and~~

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



SECTION 3. Arkansas Code § 27-15-5106 is amended to read as follows to remove references to a repealed Code section:

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,~~ except as specifically provided otherwise in this subchapter.

SECTION 4. Arkansas Code § 27-15-5206 is amended to read as follows to remove references to a repealed Code section:

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.~~

SECTION 5. Arkansas Code § 27-19-711 is amended to read as follows to remove references to repealed Code sections and to make stylistic changes:

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~~ is 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; or

(2) ~~A bond as provided in § 27-19-716; or~~

~~(3)~~

~~(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.

SECTION 6. Arkansas Code § 27-23-119 is amended to read as follows:
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.

SECTION 7. Arkansas Code § 27-24-1001(2), concerning the purpose of the Special License Plate Act of 2005, is amended to read as follows:

(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.

SECTION 8. Arkansas Code § 27-24-1002(3), concerning the definition of "college or university", is amended to read as follows:

(3) Is accredited by the Higher Learning Commission ~~of the North Central Association of Colleges and Schools~~;

SECTION 9. Arkansas Code § 27-24-1102(3), concerning the definition of "college or university", is amended to read as follows:

(3) Is accredited by the ~~Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools~~ Higher Learning Commission;

SECTION 10. Arkansas Code § 27-24-1403 is repealed.

~~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.~~

~~(c) 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.~~

SECTION 11. Arkansas Code § 27-32-101(b), concerning motor vehicle safety, is amended to read as follows:

(b) Any certified police officer ~~upon~~ having reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law or that ~~its~~ the motor vehicle equipment is not in proper adjustment or repair, may require the driver of the motor vehicle to stop and submit the vehicle to an inspection and test as may be appropriate.

SECTION 12. Arkansas Code § 27-50-906 is amended to read as follows:
27-50-906. Furnishing of abstracts.

(a)(1) The Office of Driver Services may furnish an abstract or driver confirmation record of any driver's record to:

~~(1)~~(A) The driver on whom the record has been compiled;

~~(2)~~(B) Any person who has been authorized in writing by the driver to obtain the driver's record;

~~(3)~~(C) Any court having jurisdiction over traffic offenses;

~~(4)~~(D) Any law enforcement officer, who shall use the report only in the line of duty in enforcing the traffic laws of this state;

~~(5)~~(E) Employers of drivers, provided that the driver has given his or her written consent for the employer to obtain the driver's record;

~~(6)~~(F) 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)(2)(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)(3)(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.

SECTION 13. Arkansas Code § 27-65-143 is amended to read as follows to make stylistic changes:

27-65-143. Award of pistol and shotgun upon retirement or death.

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~~ Arkansas State Highway and Transportation Department, in recognition of and appreciation for the service of the retiring or deceased officer, the State Highway Commission may award the pistol, or the shotgun, or both, carried or used by the officer while on duty 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.

SECTION 14. 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 Ninetieth General Assembly. All such acts shall have the 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 and as amending or repealing the appropriate parts of the Arkansas Code of 1987.