

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S2/22/17
A Bill

HOUSE BILL 1483

By: Representative Shepherd

By: Senator Rapert

For An Act To Be Entitled

AN ACT TO MAKE LEGISLATIVE CORRECTIONS TO AND REPEAL
OBSOLETE LAWS CONTAINED IN TITLE 27 OF THE ARKANSAS
CODE; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE LEGISLATIVE CORRECTIONS TO AND
REPEAL OBSOLETE LAWS CONTAINED IN TITLE
27 OF THE ARKANSAS CODE.

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

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

27-14-101. Title.

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

SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 1, is amended to add an additional section to contain definitions that are being transferred from Subchapter 2 to read as follows:

27-14-104. Definitions.

As used in this chapter:

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



(2) "Dealer" means a 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;

(3) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered under this chapter, that if removed, altered, or substituted would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

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

(5) "Foreign vehicle" means a vehicle not registered in this state but of a type required to be registered under this chapter and 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;

(6) "Implement of husbandry" means a vehicle not subject to registration if used on the highways and designed or adapted exclusively for timber harvesting or hauling, agricultural, horticultural, or livestock raising operations, or for lifting or carrying an implement of husbandry;

(7) "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;

(8) "Manufacturer" means a 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;

(9) "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;

(10)(A) "Motor home" means a motor vehicle designed to provide temporary living quarters, built onto, or permanently attached to, an

integral part of a self-propelled motor vehicle chassis.

(B) The vehicle shall contain permanently installed independent life-enhancement systems;

(11) "Motor vehicle" means a vehicle that is self-propelled or that is propelled by electric power obtained from overhead trolley wires but not operated upon stationary rails or tracks;

(12) "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, excluding a tractor;

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

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

(B) In the event a vehicle is the subject of an agreement for the conditional sale or lease 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 is the owner for the purpose of this chapter;

(15) "Person" means a natural person, firm, copartnership, association, or corporation;

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

(17) "Pole trailer" means a 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;

(18) "Reconstructed vehicle" means a 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;

(19)(A) "Resident" means any person who:

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

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

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

(B) "Resident" does not include a person who is in this state as a student;

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

(21) "Semitrailer" means a 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;

(22) "Special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including without limitation:

(A) A farm tractor;

(B) Road construction or maintenance machinery;

(C) A ditch-digging apparatus;

(D) A well-boring apparatus; and

(E) A concrete mixer;

(23) "Specially constructed vehicle" means a 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;

(24) "Street" or "highway" means the entire width between boundary lines of a roadway publicly maintained when any part of the roadway is open to the use of the public for purposes of vehicular travel;

(25) "Trailer" means a 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;

(26) "Transporter" means a 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;

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

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

(29) "Vehicle" means a 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.

SECTION 3. Arkansas Code §§ 27-14-201 – 27-14-216, which include some outdated statutes and others which will be transferred to a new section in Chapter 14, Subchapter 1, are repealed.

~~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.~~

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

~~(a) "Commissioner" means the Director of the Department of Finance and Administration acting in his or her 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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 or her books and records are kept and a large share of his or her business is transacted.~~

~~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.~~

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

~~"Foreign vehicle" means every vehicle of a type required to be registered under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.~~

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

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

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

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

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

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

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

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

~~"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.~~

~~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.~~

~~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.~~

~~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.~~

~~27-14-215.—Pneumatic, solid and metal 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.~~

~~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.~~

SECTION 4. Arkansas Code §§ 27-14-402 – 27-14-404 are amended to correct obsolete references to read as follows:

27-14-402. ~~Commissioner to head.~~ Head of Office of Motor Vehicle.

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.

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

(a) The ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration 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~~ director ~~is authorized to~~ may 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~~ director may adopt an official seal for the use of the office.

27-14-404. Organization.

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

(b) The ~~commissioner~~ director 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~~ director ~~shall maintain an office in the State Capitol~~ Little Rock, Arkansas, and in such other places in the state as he or she may deem necessary and proper to carry out the powers and duties vested in the office.

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

27-14-410. Forms.

The ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration 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.

27-14-411. Oaths and signatures.

(a) Officers and employees of the Office of Motor Vehicle designated by the ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures.

(b) ~~They shall do so without fee~~ Administration of oaths and acknowledgement of signatures under subsection (a) of this section shall be performed without fee.

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 of 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, research and statistics involving motor vehicles in which individual identities are not published, disclosed, or for any other purpose authorized by the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq., as it existed on January 1, 2015.

(3) Motor vehicle registration information shall not be sold, furnished, or used for solicitation purposes.

(b)(1) The ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration and such officers of the office as the ~~commissioner~~ director 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 or a noncertified electronic copy of any record of the office.

(2) A fee of one dollar (\$1.00) shall be charged for each

certified record authenticated.

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

(4)(A) A party requesting a noncertified electronic record shall execute a written agreement with the Department of Finance and Administration that includes the following provisions:

(i) An acknowledgment that the party requesting a record shall comply with all state and federal limits on the use of those records; and

(ii) An agreement that the party seeking to obtain records shall hold harmless and indemnify the department for any money damages, punitive damages, criminal fines, civil penalties, court costs, and attorney's fees awarded to any person or entity by any state or federal court or by the Arkansas State Claims Commission resulting from any disclosure by the party of motor vehicle information that is contrary to state or federal law.

(B) A fee of not less than twenty dollars and fifty cents (\$20.50) nor more than thirty dollars (\$30.00) per one thousand (1,000) records shall be charged for electronic records.

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

(d) All fees collected 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.

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

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~~ Office of Motor ~~Vehicles~~ Vehicle:

(1) For each certificate of title \$2.00

- (2) For each duplicate certificate of title 2.00
- (3) For noting each lien50
- (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

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 Office~~ of Motor Vehicles Vehicle in all instances ~~where~~ in which 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.

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

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

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

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

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

(b)(1) The registration certificate shall be delivered to the owner and shall ~~contain, upon the face thereof,~~ display the date issued, the name

and address of the owner, the registration number assigned to the vehicle, and the description of the vehicle as determined by the ~~Commissioner~~ Office of Motor Vehicles Vehicle.

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

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

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

27-14-722. Change of engines.

The ~~Commissioner~~ Office of Motor Vehicles Vehicle ~~is authorized to~~ may adopt and enforce such registration rules and regulations as ~~may be deemed~~ are 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.

SECTION 12. Arkansas Code § 27-14-806(a)(2), concerning optional means of recording, is amended to correct an obsolete reference to read as follows:

(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~~, as defined in § 27-14-104, and all-terrain vehicles, as defined in § 27-21-102, 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 division a certified copy of the instrument creating and evidencing the lien or encumbrance.

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

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

(a) ~~The Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration ~~is authorized to~~ may 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~~ director 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~~ the director deems necessary, require the dealer or lienholder to post bond to ensure faithful compliance with the rules ~~and regulations~~.

(c)(1) Any motor vehicle dealer or lienholder who has been authorized by the ~~commissioner~~ director to prepare applications for registration and certificates of title with respect to new or used motor vehicles shall transmit ~~them~~ the applications to the ~~commissioner~~ director 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~~ of the documents under subdivision (c)(1) of this section, the ~~commissioner~~ director shall file a lien and encumbrance, as provided in § 27-14-801 et seq., ~~which shall, from the date of filing, which from the date of filing shall~~ be notice of the lien or encumbrance.

(d) On issuing the registration and certificate of title, the ~~commissioner~~ director 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 the 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 the failure to perfect a

security interest.

SECTION 14. Arkansas Code § 27-14-907(c), concerning the power of the Office of Motor Vehicle to adopt rules, is amended to correct an obsolete reference to read as follows:

(c) The ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration 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.

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

~~(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;~~

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

~~(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;~~

SECTION 17. Arkansas Code § 27-14-1703 is amended to correct obsolete references to read as follows:

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~~ Director of the Department of Finance and Administration 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~~ director may by rule provide for the issuance of permanent special plates that are renewed using an alternate method.

SECTION 18. Arkansas Code § 27-16-101 is amended to correct an obsolete reference to read as follows:

27-16-101. Title.

This chapter may be cited as the “~~Uniform~~ Motor Vehicle Driver’s License Act”.

SECTION 19. Arkansas Code Title 27, Chapter 16, Subchapter 1, is amended to add an additional section to contain the definitions that are being transferred from Subchapter 2, to read as follows:

27-16-104. Definitions.

As used in this chapter:

(1) “Driver” means a 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;

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

(3) “Motor vehicle” means a vehicle that is self-propelled or that is propelled by electric power drawn from overhead trolley wires but is not operated upon stationary rails or tracks;

(4) “Nonresident” means a person who is not a resident of this state;

(5)(A) “Owner” means a person who holds the legal title of a vehicle.

(B) 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 purposes of this chapter;

(6) “Person” means a natural person, firm, copartnership,

association, or corporation;

(7)(A) "Resident" means any person who:

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

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

or

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

(B) "Resident" does not include any person who is in this state as a student;

(8) "Revoke" means to terminate by formal action a driver's license or privilege to operate a motor vehicle on a public highway, which shall not be subject to renewal or restoration;

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

(10) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part of the way is open to the use of the public for purposes of vehicular traffic;

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

(12) "Vehicle" means a 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.

SECTION 20. Arkansas Code §§ 27-16-201 – 27-16-207, which include some outdated statutes and others which have been transferred to a new section in Chapter 16, Subchapter 1, are repealed.

~~27-16-201. 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.~~

~~27-16-202. Administration.~~

~~(a) "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.~~

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

~~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.~~

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

~~(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.~~

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

~~"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.~~

~~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.~~

~~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.~~

SECTION 21. Arkansas Code § 27-16-303(b), concerning driving with a cancelled, suspended, or revoked license, is amended to add the substantive provisions currently contained in the definitions at § 27-16-206:

(b)(1) 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 the 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 the person would otherwise have been entitled to apply for a new license.

(2) However, an application for a new license may be presented and acted upon by the office after the expiration of a least one (1) year after the date of revocation.

SECTION 22. Arkansas Code § 27-16-509(c), concerning reciprocal agreements for driver licensing, is amended to correct obsolete references to read as follows:

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

(2) If the ~~commissioner~~ Director of the Department of Finance and Administration 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~~ Director of the Department of Finance and Administration 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.

SECTION 23. Arkansas Code § 27-16-509(d), concerning reciprocal agreements for driver licensing, is amended to correct obsolete references to read as follows:

(d)(1) The ~~commissioner~~ Director of the Department of Finance and Administration 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.

SECTION 24. Arkansas Code § 27-16-509(e)(1)(A), concerning reciprocal

agreements for driver licensing, is amended to correct obsolete references to read as follows:

(e)(1)(A) If the ~~commissioner~~ Director of the Department of Finance and Administration 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 and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs; and
- (iii) The Director of the Bureau of Legislative Research.

SECTION 25. Arkansas Code § 27-16-604(a)(9), concerning persons who are not to be awarded a driver's license, is amended to correct obsolete references to read as follows:

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

SECTION 26. Arkansas Code § 27-16-702(a)(2), concerning who may administer oaths for verification of information for a minor, is amended to correct obsolete references to read as follows:

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

SECTION 27. Arkansas Code § 27-16-801(a)(1) and (2), concerning driver's licenses generally, is amended to correct obsolete references to read as follows:

(a)(1) In a manner prescribed by the ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration, the Office of Driver Services shall issue:

(A) A Class D license or a Class M license to each qualified applicant eighteen (18) or more years of age, for a period of eight (8) years, upon payment of twenty-four dollars (\$24.00);

(B) An intermediate Class D license or an intermediate Class M license to each applicant between sixteen (16) and eighteen (18) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00);

(C) A learner's Class D license to each applicant between fourteen (14) and sixteen (16) years of age, for a period of up to two (2) years, upon payment of twelve dollars (\$12.00); and

(D) 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).

(2)(A) Each 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 each written examination taken.

(B) The examination fee shall be remitted in a manner prescribed by the ~~commissioner~~ director.

SECTION 28. Arkansas Code § 27-16-801(a)(5), concerning driver's license numbers, is amended to correct an obsolete reference to read as follows:

(5) 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~~ director.

SECTION 29. Arkansas Code § 27-16-801(b)(2), concerning the photographing of a license applicant, is amended to correct an obsolete reference to read as follows:

(2) A license may be valid without a photograph of the licensee when the ~~commissioner~~ director 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.

SECTION 30. Arkansas Code § 27-16-901 is amended to correct obsolete references to read as follows:

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 eight (8) years from its date of initial issuance unless the ~~Commissioner of Motor Vehicles~~ Director of the Department of Finance and Administration ~~shall provide, by regulation,~~ provides by rule for some other staggered basis of expiration.

(B)(i) A learner's license shall be issued for no more than a two-year period and shall expire upon the driver's reaching sixteen (16) years of age.

(ii) 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's reaching eighteen (18) years of age and may be renewed at that time as a regular driver's license for eight (8) 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~~ director ~~shall have the authority, by regulation, to~~ may by rule 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 driver's 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~~ director ~~by regulation~~ rule.

(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~~ director has reason to believe that the licensee is no longer qualified to receive a license.

SECTION 31. Arkansas Code § 27-24-703(c)(3)(B), concerning special license plates for members of the General Assembly, is repealed to correct a

duplicative assignment of multiple plates to the Lieutenant Governor.

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

SECTION 32. Arkansas Code §§ 27-36-201 – 27-36-203, which are outdated statutes, are repealed.

~~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) The 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 the 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.~~

~~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 the 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 the notice, the person holding the certificate of approval for the 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.~~

~~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 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.~~

SECTION 33. Arkansas Code § 27-36-212, which is obsolete, is repealed.
~~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').~~

SECTION 34. Arkansas Code § 27-37-201, which is obsolete, is repealed.
~~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.~~

SECTION 35. Arkansas Code § 27-37-301, which is obsolete, is repealed.
~~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.~~

SECTION 36. Arkansas Code Title 27, Chapter 38, Subchapter 2, which contains outdated statutes is repealed.

~~Subchapter 2 — Brake Fluid~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

SECTION 37. Arkansas Code Title 27, Chapter 49, Subchapter 1, is amended to add an additional section to contain definitions transferred from Subchapter 2, at §§ 27-49-201 – 27-49-219, to read as follows:

27-49-113. Definitions.

As used in this subchapter:

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

(2) "Crosswalk" means:

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

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

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

(4) "Explosives" means a chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that 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;

(5) "Flammable liquid" means a liquid which has a flash point of seventy degrees Fahrenheit (70° F) or less as determined by a Tagliabue closed-cup test device or its equivalent;

(6) "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 that 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;

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

(8) "Motor vehicle" means a vehicle that is self-propelled or that is propelled by electric power drawn from overhead trolley wires but not operated upon stationary rails or tracks;

(9) "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, excluding a tractor;

(10) "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;

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

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

(B) 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 subchapter;

(13) "Pedestrian" means a person afoot;

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

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

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

(17) "Private road or driveway" means a way or place in private ownership and used for vehicular travel by the owner and by those having express or implied permission from the owner;

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

(19) "Railroad sign or signal" means a 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;

(20) "Railroad train" means a steam engine, electric, or other

motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(21) "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 substantially improved with residences or residences and buildings in use for business;

(22) "Right-of-way" means the privilege of the immediate use of the highway;

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

(24) "Safety zone" 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;

(25)(A) "School bus" means a motor vehicle designed to carry more than ten (10) passengers that is:

(i) 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

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

(B) "School bus" does not mean a motor vehicle designed to carry more than twenty-five (25) passengers if the motor vehicle is:

(i) 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

(ii) 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;

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

(27) "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;

(28) "Street" or "highway" means the entire width between boundary lines of a roadway publicly maintained when any part of the roadway is open to the use of the public for purposes of vehicular travel;

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

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

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

(32) "Trailer" means a 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; and

(33) "Vehicle" means a 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.

SECTION 38. Arkansas Code Title 27, Chapter 49, Subchapter 2, which contains some outdated statutes, and others which will be transferred to a new section in Chapter 49, Subchapter 1, is repealed.

~~Subchapter 2~~

~~—Definitions~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~27-49-208.— Persons.~~

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

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

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

~~(d) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.~~

~~27-49-209.— Police officer.~~

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

~~27-49-210.— Rail carriers.~~

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

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

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

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

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

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

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

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

~~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.~~

~~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.~~

~~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.~~

~~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.~~

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

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

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

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

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

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

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

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

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

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

~~(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.~~

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

~~(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.~~

SECTION 39. Arkansas Code Title 27, Chapter 51, Subchapter 9, is amended to add a new section to add the substantive provisions currently contained in the definitions at § 27-49-219 to read as follows:

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

(a)(1) All of the following shall be equipped with red rotating or flashing emergency lights:

(A) Motor vehicles used by state, county, city, or municipal fire departments;

(B) Motor vehicles owned and used by volunteer firefighters while engaged in official duties;

(C) Motor vehicles used by emergency medical services personnel licensed by the Department of Health or privately owned fire departments and

(D) Ambulances used solely for ambulance purposes that are approved as ambulances in accordance with state and federal highway safety standards.

(2) Flashing emergency lights shall be used by volunteer

firefighters solely while engaged in the performance of duties as volunteer firefighters and by emergency medical services personnel solely while engaged in the performance of duties with an ambulance service licensed by the Department of Health or an organized rescue squad or team.

(b)(1) As used in this section, "hazardous vehicle" means:

(A) A motor vehicle owned by a state, county, or municipal agency, the use of which is determined by the agency to be required for dangerous or hazardous service; and

(B) A motor vehicle owned by a public service corporation or by a private individual, the use of which is determined by the Office of Motor Vehicle, in accordance with rules established by the office to prevent abuses thereof, to be used for hazardous service.

(2)(A) A hazardous service vehicle may be equipped with amber flashing or rotating emergency or warning lights that shall display its amber flashing or rotating emergency or warning lights during hazardous use in order that other motorists and the public are aware of the hazardous use of the vehicle and exercise caution when approaching the vehicle at all times while the amber flashing or rotating emergency or warning lights are in operation.

(B) Equipage with or display of amber flashing or rotating emergency or warning lights does not qualify a motor vehicle as an emergency vehicle or a hazardous service vehicle.

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

(c)(1) A motor vehicle used as a wrecker or tow vehicle permitted or licensed under § 27-50-1203 may be equipped with amber flashing or rotating emergency or warning lights that shall be displayed only during hazardous use in order that other motorists and the public are aware of the special or hazardous use of the wrecker or tow vehicle and exercise caution in approaching the wrecker or tow vehicle at all times while the amber flashing or rotating emergency or warning lights are in operation.

(2) Equipage with or display of amber flashing or rotating emergency or warning lights does not qualify a motor vehicle used as a wrecker or tow vehicle as an emergency vehicle.

(3)(A) Red flashing or rotating emergency or warning lights on a motor vehicle used as 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, unattended, disabled, or 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.

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

SECTION 40. Arkansas Code § 27-50-204(a)(2), which is an outdated provision, is repealed.

~~(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.~~

SECTION 41. Arkansas Code § 27-50-205(b), concerning the power and authority of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, is amended to correct an obsolete reference, to read as follows:

(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]~~ Arkansas State Highway and Transportation Department for enforcement of the Hazardous Materials Transportation Act of 1977, § 27-2-101 et seq., and the rules ~~and regulations~~ promulgated thereunder.

SECTION 42. Arkansas Code § 27-50-307(b), concerning revocation of a license, is amended to correct an obsolete reference, to read as follows:

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

SECTION 43. Arkansas Code § 27-88-121 is amended to remove obsolete statute references to repealed acts, to read as follows:

27-88-121. Right of eminent domain.

For the purpose of acquiring any land, rights, easements, franchises,

or other real or personal property deemed to be necessary or convenient for the construction and reconstruction of any bridge or ferry, or for the acquisition of the approaches thereto, the State Highway Commission shall have the right of eminent domain, as is provided ~~in Acts 1927, No. 116, § 5 and Acts 1933, No. 115, § 1 and~~ in §§ 27-64-104 and 27-67-316.

SECTION 44. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-First General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-First General Assembly and this act:

(A) The act of the regular session of the Ninety-First General Assembly shall be treated as a subsequent act passed by the General Assembly for the purpose of:

(i) Giving the act of the regular session of the Ninety-First General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

/s/Shepherd