

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 373

By: Senator Rapert
By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 27
OF THE ARKANSAS CODE CONCERNING
TRANSPORTATION AND MOTOR VEHICLE LAWS.

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

SECTION 1. Arkansas Code § 27-14-703(4), concerning exceptions to the requirements for vehicles subject to registration, is amended to correct an internal reference to read as follows:

(4) Any special mobile equipment as defined in § ~~27-14-211~~ 27-14-104;

SECTION 2. Arkansas Code § 27-14-726(a)(2)(A)(iv)(d), concerning the definition of "mini-truck" and the equipment requirements of a mini-truck, is amended to remove an obsolete reference and insert the relevant references to federal administrative regulations that now regulate these matters to read as follows:

(d) A fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R. § 571.205(a), in effect on January 1, 2019, and mirrors ~~that complies with §§ 27-37-301—27-37-305 regarding safety glass and mirrors that comply with 49~~



C.F.R. § 571.111, in effect on January 1, 2019;

SECTION 3. Arkansas Code § 27-16-401(3), concerning the definitions applicable to the subchapter concerning driver's licenses and the Office of Driver Services, is amended to correct an internal reference to read as follows:

(3) "Driver" means the same as provided in ~~§ 27-16-204~~ § 27-16-104;

SECTION 4. Arkansas Code § 27-20-306(c), concerning the equipment required for an autocycle, is amended to remove an obsolete reference and insert the relevant references to federal administrative regulations that now regulate these matters to read as follows:

(c) Unless an autocycle is equipped with a ~~fully enclosed~~ fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R § 571.205(a), in effect on January 1, 2019, and mirrors ~~that complies with § 27-37-301 et seq. [repealed] regarding safety glass and mirrors that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019,~~ the operator of or passenger in an autocycle shall comply with § 27-20-104(b) requiring:

- (1) Protective headgear; and
- (2) Protective glasses, goggles, or transparent face shields.

SECTION 5. Arkansas Code § 27-20-306(e), concerning a child passenger in an autocycle, is amended to remove an obsolete reference and insert the relevant references to federal administrative regulations that now regulate these matters to read as follows:

(e) A child may be a passenger in an autocycle if the autocycle is equipped with a ~~fully enclosed~~ fully enclosed metal or metal-reinforced cab with safety glass that complies with 49 C.F.R. § 571.205 and 49 C.F.R § 571.205(a), in effect on January 1, 2019, and mirrors ~~that complies with § 27-37-301 et seq. [repealed] regarding safety glass and mirrors that comply with 49 C.F.R. § 571.111, in effect on January 1, 2019.~~

SECTION 6. Arkansas Code § 27-36-219(d)(1), concerning lighting requirements on farm tractors and equipment, is amended to remove an obsolete

reference to read as follows:

(d)(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with two (2) single-beam or multiple-beam headlamps meeting the requirements of § 27-36-210 ~~or § 27-36-212~~ and at least one (1) red lamp visible when lighted from a distance of not less than five hundred feet (500') to the rear.

SECTION 7. Arkansas Code § 27-49-113(c)(1)(A), concerning funeral procession right-of-way and definitions, is amended to remove an obsolete reference to read as follows:

(A) To an authorized emergency vehicle ~~as defined in § 27-49-219 [repealed]~~ if the authorized emergency vehicle is displaying its rotating or flashing emergency lights;

SECTION 8. Arkansas Code §§ 27-50-402 – 27-50-407, which are dependent upon a previously repealed statute, are repealed as obsolete.

~~27-50-402. Penalty mandatory.~~

~~The penalty provided in § 27-50-401 [repealed] is mandatory and shall be levied in connection with each conviction as provided in that section, and no court shall have the power or authority to suspend, postpone, or forgive the collection of any penalty as provided in this subchapter.~~

~~27-50-403. Applicable only to certain cities.~~

~~The penalties as provided in § 27-50-401 [repealed], and the collection thereof, shall only apply to those cities of the first and second class that provide retirement coverage to certified police personnel under provisions of Arkansas law establishing the policemen's pension and relief fund, and those cities which have adopted coverage for certified police personnel under the Arkansas Local Police and Fire Retirement System, since July 1, 1981.~~

~~27-50-404. Disposition of funds.~~

~~All penalties collected under the provisions of this subchapter shall be deemed to be collected for the benefit of employees of the policemen's pension and relief fund or for payments to fund the employer's share of retirement cost for certified police personnel, covered under the Arkansas~~

~~Local Police and Fire Retirement System.~~~~27-50-405. Penalties to be remitted monthly.~~

~~All penalties collected under the provisions of this subchapter shall be remitted by the collecting officials to the city treasurer, city clerk, or city recorder for deposit into the policemen's pension and relief fund or for deposit into the Arkansas Local Police and Fire Retirement System subsidy account or city general fund, on or before the fifth day of the month following the month of collection thereof in each city of the first or second class providing retirement coverage to certified police personnel.~~

~~27-50-406. Failure to collect and remit.~~

~~(a) Any official charged with the duty of collecting any of the penalties as prescribed in this subchapter shall be guilty of misfeasance in office and shall be subject to removal from office upon failure to collect the penalties and remit them to the city treasurer, city clerk, or city recorder in each respective city of the first and second class of this state that provides retirement coverage to certified police personnel under the policemen's pension and relief fund or the Arkansas Local Police and Fire Retirement System since July 1, 1981.~~

~~(b) In addition, he or she shall be liable on his or her official bond for any penalties which are not collected or remitted as required in this subchapter.~~

~~27-50-407. Annual audit.~~

~~The records of all officials charged with the duty of collecting penalties as prescribed in this subchapter shall be audited annually by the Director of the Department of Finance and Administration or his or her designated agents.~~

SECTION 9. Arkansas Code § 27-76-708(a)(2), concerning the exemption of emergency vehicles from the collection of tolls, is amended to remove an obsolete reference to read as follows:

(2) An authorized emergency vehicle ~~as defined under § 27-49-219(d)~~ is not required to pay a toll.

SECTION 10. 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-Second General Assembly;

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

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

(i) Giving the act of the regular session of the Ninety-Second 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.