

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 146 of the Regular Session

As Engrossed: H1/30/09 H2/4/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HOUSE BILL 1239

4
5 By: Representatives Cole, Moore
6 By: Senators Altes, Teague, D. Wyatt

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8
9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE OPTIONS FOR THE AGRICULTURE
11 INDUSTRY TO USE MORE FUEL-EFFICIENT VEHICLES TO
12 REDUCE COSTS; TO ALLOW MINI-TRUCKS TO BE
13 REGISTERED AND LICENSED; AND FOR OTHER PURPOSES.

14
15 **Subtitle**

16 TO PROVIDE OPTIONS FOR THE AGRICULTURE
17 INDUSTRY TO USE MORE FUEL-EFFICIENT
18 VEHICLES TO REDUCE COSTS.

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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 27-14-601(a)(3)(H), regarding the fees for
24 registration and licensing of Class Eight motor vehicles, is amended to read
25 as follows:

26 (H) Class Eight.

27 (i) In order to aid in the development of the
28 natural resources and to promote agriculture, timber harvesting, and forestry
29 in Arkansas and in order to eliminate apparent inequities in license charges
30 for vehicles using only improved roads and those used primarily on the farm,
31 for timber harvesting or forestry, in the wooded areas, and off the main
32 highway system of this state, a special classification is created to provide
33 a different and more equitable rate for those vehicles used exclusively for
34 the noncommercial hauling of farm or timber products produced in this state
35 and for hauling of feed, seed, fertilizer, poultry litter, and other products



1 *commonly produced or used in agricultural operations or hauling of animal*
2 *feed by owners of livestock or poultry for consumption in this state by*
3 *livestock or poultry owned by them and for those vehicles used in hauling of*
4 *unfinished and unprocessed forest products and clay minerals and ores*
5 *originating in Arkansas from the point of severance to a point in the state*
6 *at which they first undergo any processing, preparation for processing,*
7 *conversion, or transformation from their natural or severed state.*

8 Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary,
9 farmers may transport cotton seed from the gin or warehouse to the first
10 point of sale under this special classification. Rock or stone or crushed
11 rock or crushed stone, except rock or stone which is to undergo further
12 processing into a finished or semifinished product other than crushed rock or
13 crushed stone, shall not be construed as "clay minerals" or "ores" under the
14 provisions of this classification. Notwithstanding any provision of this
15 subdivision (a)(3)(H) or any other law to the contrary, persons in the timber
16 harvesting or forestry industries who transport wood waste, wood chips, or
17 wood dust from a mill or a temporary location may transport the wood waste,
18 wood chips, or wood dust from the mill or the temporary location to a
19 destination for further processing under this special classification.

20 (ii) The annual license fees for vehicles classified
21 as either farm or natural resources vehicles shall be as follows:

22 (a) For a vehicle with two (2) axles,
23 including mini-trucks, a fee of three dollars and ninety cents (\$3.90) per
24 one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with
25 a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum
26 fee of sixty-five dollars (\$65.00) for each vehicle;

27 (b) For a vehicle with three (3) axles, a fee
28 of ninety-seven dollars and fifty cents (\$97.50);

29 (c) For a vehicle with four (4) axles, a fee
30 of one hundred thirty dollars (\$130);

31 (d) For a vehicle with five (5) axles, a fee
32 of one hundred sixty-two dollars and fifty cents (\$162.50);

33 (e) For a vehicle with five (5) axles used
34 exclusively by the owner of livestock or poultry in hauling animal feed for
35 consumption in this state by the owner's livestock or poultry, a fee of six
36 hundred fifty dollars (\$650); and

1 (f) Notwithstanding any of the provisions of
2 this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated
3 separately or in combination with other vehicles, which vehicle or
4 combination has a total outside width in excess of one hundred two inches
5 (102") but not exceeding one hundred eight inches (108") and is utilized or
6 intended to be utilized to transport compacted seed cotton, the annual
7 license fee shall be six hundred fifty dollars (\$650). Provided, any full
8 trailer or semitrailer used in combination with such registered vehicle shall
9 also be registered in accordance with and pursuant to the applicable fees set
10 out in subdivision (a)(3)(I) of this section. That portion of the annual
11 license fee established by this subdivision (a)(3)(H)(ii)(f) which equals
12 four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be
13 a permit fee for the use of the public roads and streets of this state by
14 such vehicles while operated separately or in combination with other vehicles
15 due to the unusual design and size of such vehicles or combinations of
16 vehicles.

17 (iii)(a) The foregoing vehicles shall not exceed the
18 maximum axle load permitted by law.

19 (b) Five-axle vehicles may haul maximum gross
20 loaded weights of up to eighty thousand pounds (80,000 lbs.) without the
21 purchase of any additional or different type license.

22 (iv) The Director of the Department of Finance and
23 Administration shall cause to be issued special and distinctive license
24 plates for vehicles in this classification, with separate farm license plates
25 to be established for those vehicles used in the noncommercial hauling of
26 *farm products produced in this state, and for hauling feed, seed, fertilizer,*
27 *poultry litter, and other products commonly produced or used in agricultural*
28 *operations or compacted seed cotton and separate natural resources license*
29 *plates to be established for those vehicles hauling timber products, clay*
30 *minerals, or ores.*

31 (v)(a) Before any license may be issued for a
32 vehicle designated as either a farm vehicle or a natural resources vehicle,
33 the applicant shall, by affidavit, state that he or she is familiar with the
34 purposes for which such licenses may be used as authorized under this
35 classification and that he or she will not use such vehicle for which
36 application for license is made for any purpose not authorized under this

1 classification. The applicant shall indicate on his or her affidavit whether
2 the vehicle is to be used for the hauling of farm products, animal feed,
3 compacted seed, or cotton, or for the hauling of forest products, clay
4 minerals, or ores.

5 (b) If the applicant is the owner of a mini-
6 truck, then the affidavit shall state that the vehicle is being used
7 exclusively for farm purposes and that the mini-truck meets the other
8 requirements of § 27-14-726.

9 (vi)(a) Upon submitting an affidavit, any person
10 entitled to obtain a ~~natural resources~~ farm license for a motor vehicle used
11 for hauling farm products as authorized under this classification, if the
12 vehicle is required for only seasonal or occasional use, may be issued a
13 ~~natural resources~~ farm license for the vehicle for the first six (6) months
14 of the annual licensing period, at a rate equal to one-half ($\frac{1}{2}$) of the annual
15 fee but in no event less than sixty-five dollars (\$65.00) or for the last
16 month of the current annual licensing period and the first six (6) months of
17 the subsequent annual licensing period at a rate equal to seven-twelfths
18 ($\frac{7}{12}$) of the annual fee but in no event less than seventy-five dollars
19 (\$75.00).

20 (b) The director shall issue special
21 distinctive license plates or license plate validation decals for the
22 vehicles, including the indication thereon of the expiration date, so as to
23 identify them from annual ~~natural resources~~ plates.

24 (vii) The owner of any motor vehicle who is entitled
25 to obtain a ~~natural resources~~ farm license for such motor vehicle for use in
26 hauling farm products as authorized in this subdivision (a)(3)(H) may use
27 such motor vehicle for the hauling of baled cotton from the cotton gin to a
28 cotton compress without the necessity of the payment of additional license
29 fees or the obtaining of additional license plates for such motor vehicle.

30 (viii) The director shall promulgate such rules and
31 regulations as may be necessary to carry out the intent of this
32 classification and prevent abuse thereof. However, before any such rules or
33 regulations shall be effective, they shall be approved by majority action of
34 the members of the State Highway Commission acting for and in behalf of the
35 Arkansas Highway Police Division of the Arkansas State Highway and
36 Transportation Department, which is the agency charged with the principal

1 responsibility of enforcing the motor vehicle license laws of this state.

2 (ix) Vehicles licensed under this classification for
3 the hauling of farm products only shall be permitted, without payment of
4 additional fees, to transport return loads to the farm or domicile of the
5 owner of such vehicles where such return load contents are the property of,
6 and to be used or consumed by, the owner of the vehicle or his family.

7 (x) If a violation of the natural resources
8 classification, as authorized in this subdivision (a)(3)(H) is discovered, a
9 license must immediately be purchased for such vehicle in accordance with the
10 rate of license that should lawfully be required for such vehicle for so
11 moving on the roads and highways of this state. No credit shall be given on
12 the purchase price of such license for any amount or amounts paid for license
13 hitherto purchased for use on such vehicle. This requirement of license
14 purchase shall not be in lieu of any criminal prosecution.

15 (xi) All affidavits required under the provisions of
16 this subdivision (a)(3)(H) shall be acknowledged by the director, his or her
17 authorized agent, or some other person authorized by the laws of this state
18 to administer oaths;

19 (xii) The owner of a mini-truck under § 27-14-726
20 may license and register the mini-truck as a Class Eight farm vehicle if the
21 vehicle is used for farm purposes.

22
23 SECTION 2. Arkansas Code § 27-14-705(b)(2)(B), regarding the
24 application for registration and certificate of title, is amended to read as
25 follows:

26 (B)(i) ~~The~~ Except as provided under § 27-14-726, the
27 certificate of origin shall be furnished to the dealer by the manufacturer
28 and shall accompany the application for license and title.

29 (ii) ~~No~~ Except as provided under § 27-14-726, no
30 license for the operation of the vehicle shall be granted and no certificate
31 of title shall be issued unless the certificate of origin is made a part of
32 the application.

33
34 SECTION 3. Arkansas Code Title 27, Chapter 14, Subchapter 7 is amended
35 to add an additional section to read as follows:

36 27-14-726. Mini-trucks.

1 (a) As used in this section:

2 (1) "Low pressure tire" means a pneumatic tire six inches (6")
3 or more in width designed for use on a wheel with a rim diameter of twelve
4 inches (12") or less and utilizing an operating pressure of ten pounds per
5 square inch (10 p.s.i.) or less as recommended by the vehicle manufacturer;

6 (2)(A) "Mini-truck" means a motor vehicle that is:

7 (i) At least forty-eight inches (48") in width;

8 (ii) Not more than one hundred thirty-five inches
9 (135") in length including the bumper;

10 (iii) At least one thousand five hundred pounds
11 (1,500 lbs.) in unladen weight including fuel and fluids;

12 (iv) Equipped with:

13 (a) Four (4) or more low pressure tires or
14 pneumatic rubber tires that are used on motor vehicles;

15 (b) A steering wheel;

16 (c) Seating for at least two (2) people to sit
17 side-by-side in the front seating area;

18 (d) A fully-enclosed metal or metal-reinforced
19 cab with glass and mirrors and complies with § 27-37-301 – 27-37-305
20 regarding safety glass and mirrors;

21 (e) Metal doors with functioning handle locks
22 that are similar to the handle locks on motor vehicles;

23 (f) Head lamps as required under § 27-36-209;

24 (g) Tail lamps as required under § 27-36-215;

25 (h) Signal lamps as provided under § 27-36-
26 216;

27 (i) A working horn as required under § 27-37-
28 202(a);

29 (j) Seat belts as provided under §§ 27-37-701
30 et seq.; and

31 (k) Front and rear bumpers.

32 (B) A mini-truck may be equipped with a bed or cargo box
33 for hauling materials.

34 (C) A mini-truck is not an all-terrain vehicle under § 27-
35 20-201 – 27-20-208 and §§ 27-21-101 – 27-21-109.

36 (b)(1) The owner of a mini-truck may register and license it as a

1 Class Eight farm vehicle under § 27-14-601(a)(3)(H).

2 (2) In the application to register the mini-truck, the owner of
3 the mini-truck shall provide:

4 (A) The same affidavit as required under §§ 27-14-
5 601(a)(3)(H)(v) and §§ 27-14-601(a)(3)(H)(xi);

6 (B) Proof of insurance as required under the Motor Vehicle
7 Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 – 27-22-107;
8 and

9 (C) Proof of ownership that is in the English language to
10 include a bill of sale and an export certificate or a title.

11 (3) The fees for registering and licensing a mini-truck shall be
12 the same as for registering a Class Eight farm vehicle under 27-14-
13 601(a)(3)(H)(ii)(a).

14 (4) The driver of a mini-truck shall have a valid driver's
15 license.

16 (5) The driver of a mini-truck that is registered and licensed
17 under this section shall comply with and is subject to the same penalties for
18 violating the rules of the road as provided under § 27-51-101 et seq.

19 (6) A mini-truck is a motor vehicle for the purposes of minimum
20 insurance liability under the Motor Vehicle Safety Responsibility Act, § 27-
21 19-101 et seq., and § 27-22-101 – 27-22-107.

22 (c) A mini-truck shall not be operated on an interstate highway.

23 (d) A mini-truck shall not be operated on a road or highway if:

24 (1) The operation of mini-trucks is prohibited;

25 (2) The road is a controlled-access highway;

26 (3) The posted speed limit is more than fifty-five (55) miles
27 per hour; or

28 (4) The mini-truck cannot maintain a speed equal to the posted
29 speed limit.

30
31 */s/ Cole*

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33 **APPROVED: 2/12/2009**