

DEVELOPMENT OF HIGHWAY AND TRANSPORTATION LEGISLATION IN ARKANSAS

A Review of the Acts  
Relative to  
Administering and Financing  
Highways and Transportation in Arkansas

with

Supplemental Information

Through the First Fiscal Session of the 87th Arkansas General Assembly

Prepared by  
Arkansas State Highway and Transportation Department  
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Policy Analysis Section  
2010



# DEVELOPMENT OF HIGHWAY AND TRANSPORTATION LEGISLATION IN ARKANSAS

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## PREFACE

In early days, all road affairs were managed by local units of government. With the advent of the automobile age, however, it became apparent the task of providing expanded road facilities was beyond the capacity of these local units. The insistent clamor of the public for extension of improved roads led to the eventual creation of the State Highway Commission. Its first duties were merely supervisory and of a coordinating nature, but subsequently the State Highway Commission assumed responsibility for control of

all operations of the designated State Highway System. With organization of the State Highway Commission came development of the major system of highways designed to connect all important population centers and located to be of greatest service to the public. This summary, updated after biennial sessions of the Arkansas General Assembly, provides a history of this state agency's highway and transportation efforts as well as legislation affecting highway and transportation matters.



## **ARKANSAS STATE HIGHWAY COMMISSION**

Carl S. Rosenbaum, Chairman  
Little Rock

R. Madison Murphy, Vice Chairman  
EL Dorado

John Ed Regenold, Member  
Armored

Cliff Hoofman, Member  
North Little Rock

Dick Trammel, Member  
Rogers

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### **Arkansas State Highway and Transportation Department Officials**

Dan Flowers  
Director of Highways and Transportation

Frank Vozel  
Deputy Director and Chief Engineer

Ralph Hall  
Assistant to the Director

Scott Bennett  
Assistant Chief Engineer -  
Planning

Phil McConnell  
Assistant Chief Engineer -  
Design

Emanuel Banks  
Assistant Chief Engineer -  
Operations

Robert Wilson  
Chief Counsel

Larry Dickerson  
Chief Fiscal Officer





## LIST OF ACRONYMS

ACA	Arkansas Code of 1987 Annotated
AHC	Arkansas Highway Commission
AHD	Arkansas Highway Department
AHTD	Arkansas State Highway and Transportation Department (After 1979)
AR	Arkansas
AR-LA	Arkansas-Louisiana
ATA	American Trucking Association
BRR	Bridge Replacement and Rehabilitation
CC	Cubic Centimeters
CNG	Compressed Natural Gas
DOT	Department of Transportation
DRA	Deficit Reduction Act of 1984
DUI	Driving Under the Influence
DWI	Driving While Intoxicated
FAP	Federal-aid Primary System
FAS	Federal-aid Secondary System
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GARVEE	Grant Anticipation Revenue Vehicle
HAZMAT	Hazardous Materials
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HR	House Resolution (House of Representatives)
HIP	Highway Improvement Program of 1991
HVUT	Heavy Vehicle Use Tax
HWY	Highway
ICE	Interstate Cost Estimate
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240)
LPG	Liquefied Petroleum Gas
MCSAP	Motor Carrier Safety Assistance Program
MPH	Miles Per Hour
NAAQS	National Ambient Air Quality Standards
NHS	National Highway System
NMSL	National Maximum Speed Limit
OBRA	Omnibus Budget Reconciliation Act
PL	Public Law
P&R	Planning and Research Division, AHTD
POW	Prisoner of War
3R	Resurface, Restoration, and Rehabilitation
4R	Resurface, Restoration, Rehabilitation and Reconstruction
RID	Road Improvement Program
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SERC	State Emergency Response Commission
SHC	State Highway Commission
SHD	State Highway Department
SHTD	State Highway and Transportation Department
STAA	Surface Transportation Assistance Act of 1982 (Public Law 97-424)
STURAA	Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17)
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TRB	Transportation Research Board
US	United States
USC	United States Code
UMTA	Urban Mass Transit Administration [Renamed Federal Transit Administration (FTA)]
VMT	Vehicle Miles of Travel
§	Section of Arkansas Code of 1987 Annotated



## SECTION 1

A Review of Acts Relative to  
Administering and Financing  
Highways and Transportation in Arkansas



*Chapter 1*

**STATE HIGHWAY SYSTEM**

Act 105, 1917 – Designated all public roads in State, except streets in cities of first and second-class, as State Roads and eligible to receive Federal-aid.

Act 5, Special Session, 1923 – Created State Highway System; 6,637 miles of Primary and Secondary Federal-aid Roads and connecting State Highways. Commission empowered to make changes and additions, but with no authority to remove routes previously designated. When established in Arkansas, it was limited to 7% of the total public road mileage within the State. [NOTE: Supreme Court ruled that the Commission is authorized to depart materially from the original route of a highway between towns designated on the map referred to, as long as the towns are not eliminated from the route so changed.]

Act 65, 1929 – State Highways declared to be the roads (8,440 miles) heretofore designated by the State Highway Commission as shown by a map on file in the office of the State Highway Commission, except for the portions of said roads traversing incorporated towns of 2,500 plus inhabitants. Commission empowered to make changes and additions but prohibited from eliminating any part of the System.

Act 109, 1937 – State Highway System roads to include State Highways connecting with State Parks.

Act 6, 1941 – Amends §3, Act 65, 1929, to include all portions of highways (179 miles) extending into or through incorporated towns and cities on State Highway Systems.

Act 312, 1941 – Closing and restricting use of highway for public protection made lawful.

1952 Commission Resolution (April 22, 1952) – Institutional Drives were added to the State Highway System under maintenance agreement. Under Minute Order 4201, August 2, 1961, the commission stated that publicly traveled access roads and drives for State institutions are a logical responsibility of the State Highway Department even though they are not statutory components of the State Highway System. Maintenance and improvement of service drives, parking areas, and other non-public roads are not considered a responsibility of the Department. Maintenance Agreements for Institutional Drives were established April 22, 1952.

Act 323, 1953 – Authorizes State Highway Commission to designate and establish truck routes through cities and towns, such routes to become a part of State Highway System. [NOTE: Supreme Court ruled that the SHC is vested with exclusive control over the State Highway System, including truck routes.]

Act 148, 1957 – Directs addition to State Highway System of 10-12 miles in each county (known as the Milum Roads).

Act 387, 1957 – Roads leading to State Parks and within State Parks are made a part of the State Highway System and maintenance and repair are to be provided by the State Highway Commission.

Act 150, 1961 – Authorized State Highway Commission and the county judges to enter into agreements to allow certain State Highway System mileage to become part of the county highway system and to allow certain county highways to become part of the State Highway System.

Act 152, 1963 – State Highway Department was authorized to construct and maintain parking areas in State Parks. Those parking areas and facilities constructed by the State Highway Department at State Parks were made a part of the State Highway System. The Publicity and Parks Commission was to study the needs for public parking areas and parking facilities at State Parks and to notify the State Highway Department. The State Highway Department was authorized to cooperate with the Publicity and Parks Commission in construction and maintenance of those facilities.

Commission Minute Order 5013 – April 24, 1963: Added 771 miles of roads and streets to the State Highway System (known as the Milum Extensions).

Act 246, 1969 – Federal-aid Highway Act of 1968 – Commission and highway, road and street authorities of counties and municipal corporations of Arkansas are authorized, empowered, and directed to perform acts necessary to provide relocation assistance.

Act 346, 1969 – Damaging or destroying state property on any Interstate, Primary or other State Highway right-of-way made a felony.

Act 248, 1971 – Regarding municipal airports, the State Highway Commission may include as part of the State Highway System the principal vehicular road leading to each municipal airport in Arkansas which is located outside the city limits of a municipality and which has one or more hard-surfaced runways at least two thousand (2,000) feet in length, provides fueling services for aircraft, and provides overnight tie-down facilities for aircraft. The State Highway Commission determines which roads are to be included that are not hard surfaced roads. Provisions applicable only to municipal airports in existence on the effective date of this Act (March 9, 1971) and located outside city limits.

Act 249, 1971 – Conservation and protection of bridges on the public highways, roads, and streets.

Act 9, 1973 – Directed addition to State Highway System of 10-12 miles of county roads in each county. The Act directed these roads be added by July 1, 1973, and the beginning or end of each section was to connect with an existing State Highway.

Act 6, 1989 – Designated U.S. 71 from I-40 intersection to Missouri State Line as John Paul Hammerschmidt Highway.

Act 535, 1989 – Extended John Paul Hammerschmidt Highway designation by adding that portion of U.S. 71 Highway from its intersection with I-540 in Fort Smith to State Highway 10 near Greenwood.

Act 622, 1989 – U.S. 82 Compact with Mississippi, Alabama, and Texas to ensure four-lane route.

Acts 554 and 691, 1993 – Scenic byway defined and advertising banned.

Act 784, 1993 – “Highway of Hope” US 67 and State Highway 7 from Hope to Hot Springs designated as scenic highway.

Act 1160, 1993 – Delta Parkway Task Force created. Parkway to extend from State Highway 49 and I-40 at Brinkley to Helena Bridge.

Act 1100, 1995 – Amateur radio operators of local highway frequency radio repeaters–AHTD to post road signs along public streets and highways regarding these repeaters in the local area.

Act 382, 1997 – Crowley’s Ridge Scenic Highway designated and named along certain roads in eastern Arkansas.

Act 1526, 1999 – Open-cut mining is the extraction of clay, bauxite, sand, gravel, soil, shale or other materials for commercial purposes. AHTD or its contractors are not required to obtain a permit for an open-cut mine where the material is used exclusively in construction, reconstruction, improvement or maintenance of roadways. Occasional sale of material to AHTD by an open-cut mine operator does not exempt the operator from complying with permit requirements. Where reclamation requirements of the operator will interfere with an AHTD contractual agreement, the operator is allowed to revise reclamation plan and schedule of completion accordingly and in keeping with the declaration of policy in the subchapter.

Act 1691, 2001 – \$9 million for Tourist Information Centers from General Improvement Fund.

Act 1145, 2003 – \$11 million to rebuild West Memphis and Lake Village Tourist Information Centers from General Improvement Fund.

Act 1326, 2005 – \$18,000 for solar operating signals at Highway 7 and Highway 206 in Boone County from General Improvement Fund.

Act 1737, 2005 – \$55,000 for construction and costs of an industrial access road in the City of Benton from General Improvement Fund.

Act 1799, 2005 – \$2.4 million for renovations to the Tourist Information Centers from General Improvement Fund.

Act 848, 2007 – Create a State Police Officer Highway Dedication Program.

Act 1153, 2007 – Authorize signage for War Relocation Centers that were operated by the War Relocation Authority during World War II.

Act 495, 2009 – Alter the official route designated as Crowley’s Ridge Scenic Highway.

Act 497, 2009 – Designate a portion of Highway 67 as Rock ‘N’ Roll Highway 67.

Act 655, 2009 – Make various corrections to Title 26 of the Arkansas Code of 1987 Annotated, for the Department of Finance to report to the Director of the State Highways and Transportation the tax rate for a twelve month period.

Act 1188, 2009 – Regulate the installation of electric signs and to provide for the regulation and licensing of parties involved in the installation of electric signs.

**ARKANSAS SCENIC HIGHWAYS AS OF 2009**

Number	Route Description	Act
1	U.S. 65 from the Louisiana line to the Missouri line;	Act 462 of 1975
2	U.S. 71 from the Louisiana line to the Missouri line;	Act 462 of 1975
3	U.S. 82 from the Mississippi River to Texarkana;	Act 462 of 1975
4	U.S. 270 from U.S. 71 to Hot Springs;	Act 462 of 1975
5	I-30 from Little Rock to U.S. 70 west of Benton and U.S. 70 to Hot Springs;	Act 462 of 1975
6	I-40 from Little Rock to the Oklahoma line west of Fort Smith;	Act 462 of 1975
7	U.S. 63 from I-55 at Turrell to Mammoth Spring;	Act 462 of 1975
8	U.S. 62 from the Missouri line to the Oklahoma line;	Act 462 of 1975
9	S.H. 7 from the Louisiana line to Bull Shoals Lake north of Harrison;	Act 462 of 1975
10	Great River Road;	Act 462 of 1975
11	S.H. 32 and S.H. 355 from Ashdown to Mineral Springs;	Act 462 of 1975
12	S.H. 27 to Kirby; U.S. 70 and S.H. 8 to Norman; S.H. 27 to Dardanelle; S.H. 27 from Dover to Harriet;	Act 462 of 1975
13	S.H. 9 from Crows to Mammoth Spring, including the connecting segment of S.H. 16 at Clinton;	Act 462 of 1975
14	S.H. 28 from U.S. 71 to Ola;	Act 462 of 1975
15	S.H. 154 from Oppelo to S.H. 27;	Act 462 of 1975
16	S.H. 23 from U.S. 71 to the Missouri line;	Act 462 of 1975
17	S.H. 309 from S.H. 10 to S.H. 23 at Ozark;	Act 462 of 1975
18	S.H. 21 from Clarksville to the Missouri line;	Act 462 of 1975
19	S.H. 16 from Searcy to Siloam Springs, including the connecting segment of S.H. 25 at Heber Springs;	Act 462 of 1975
20	S.H. 14 from U.S. 63 to Table Rock Lake;	Act 462 of 1975
21	S.H. 68 (U.S. 412) from Alpena to Siloam Springs;	Act 462 of 1975
22	S.H. 5 from U.S. 67 to the Missouri line;	Act 462 of 1975
23	S.H. 25 from U.S. 65 to Batesville; U.S. 167 from Batesville to Ash Flat; S.H. 286 from I-40 to S.H. 60; S.H. 60 from S.H. 286 to Perryville; S.H. 10 from its intersection with S.H. 9 to I-430;	Act 462 of 1975
24	S.H. 58 from Sage through Guion, and S.H. 69 through Melbourne;	Act 462 of 1975
25	S.H. 178 from Flippin to Mountain Home;	Act 462 of 1975
26	S.H. 88 from the Oklahoma line to Mena;	Act 462 of 1975
27	S.H. 59 from Van Buren to Jct. S.H. 220;	Act 462 of 1975
28	S.H. 220 from Jct. 59 to S.H. 74 at Devil's Den State Park;	Act 462 of 1975
29	S.H. 170 from Devil's Den State Park to U.S. 71 at West Fork;	Act 462 of 1975
30	I-40 from the Tennessee line to Little Rock;	Act 462 of 1975
31	I-30 from Benton south to the Clark County line;	Act 462 of 1975
32	S.H. 10 from Ola to Greenwood;	Act 676 of 1981
33	S.H. 22 from Dardanelle to Paris;	Act 20 of 1985
34	S.H. 12 from Rogers to Jct. S.H. 23;	Act 21 of 1989 3 <sup>rd</sup> ES
35	S.H. 141 from Jonesboro to McDougal;	Act 202 of 1991
36	S.H. 125 from its intersection with S.H. 14 north of Yellville to the Missouri line;	Act 226 of 1991
37	Delta Parkway;	Act 679 of 1991
38	S.H. 5 from Benton to Hot Springs;	Act 734 of 1991
39	U.S. 64 from I-40 in Johnson County to the western corporate limits of Ozark;	Act 464 of 1993
40	S.H. 186 from its intersection with I-40 in Franklin County south to its intersection with U.S. 64 at Altus;	Act 464 of 1993
41	U.S. 70 from its intersection with I-440 in Pulaski County to its intersection with U.S. 49 at Brinkley;	Act 449 of 1993
42	U.S. 165 from its intersection with I-440 in Pulaski County eastward to Dumas;	Act 449 of 1993
43	S.H. 220 from S.H. 59 to Oklahoma border;	Act 833 of 1995
44	S.H. 166 from U.S. 62 to the Randolph County line; S.H. 361 from the Spring River Bridge in Lawrence County to S.H. 25 in Black Rock; S.H. 25 from S.H. 361 in Black Rock to Lake Charles State Park;	Act 180 of 1997
45	Crowley's Ridge Scenic Highway;	Act 382 of 1997
46	S.H. 540 from I-40 northward to Mountainburg in Crawford County and that portion of the route being constructed on a new location to its intersection with U.S. 71 Fayetteville Bypass in Washington County;	Act 1268 of 1997
47	I-530 from S.H. 256 to U.S. 65 South;	Act 1061 of 2001
48	Poteau Mountain Scenic Highway;	Act 130 of 2003
49	Sugarloaf Mountain Scenic Highway.	Act 130 of 2003

*Chapter 2*

**STATE HIGHWAY COMMISSION**

(See Chapter 15 for Turnpike Authority Acts)

Act 302, 1913 – The first organization of a State Highway Department was effected through augmenting the State Lands Office into a Department of State Lands, Highways and Improvements. A three member State Highway Commission was created with an elected Commissioner of State Lands, Highways and Improvements as chairman and full time executive, the other members to be appointed by the Governor for overlapping two-year terms.

Act 105, 1917 – An advisory board of three members was created to recommend to the Commission the apportionment of State and Federal Funds.

Act 5, Special Session, 1923 – Commission personnel increased to five members, one member from each Agricultural School District, to be appointed by the Governor for four-year overlapping terms. Highway Department given full control over all construction and maintenance of State Highways.

Act 65, 1929 – State Highway Department separated from State Lands Office. Five member Commission all to be appointed by Governor. Chairman-executive to be elected by Commission. Ten-year overlapping terms.

Act 65, 1929, §13 – The State Highway Commission authorized to select all employees.

Act 3, 1933 – New Commission of five members to be appointed by Governor from State at large. Four-year terms. Commission to elect Chairman to preside at meetings and to appoint a Director to be chief executive officer of the Department.

Acts 318 & 328, 1935 – Commission of seven members, one from each Congressional District, to be appointed by Governor for two-year terms. Governor also to appoint a Director as executive officer of the Department.

Act 349, 1941 – State Highway Commission members' terms of office made coincident with term of office of Governor.

Act 42, 1945 – Commission of ten members, one from each maintenance district, to be appointed by Governor with term of office to be coincident with term of office of Governor. Governor to appoint Director of Highways.

Act 239, 1949 – Commission of 12 members, one from each maintenance district and two at large, to be appointed by Governor – one of latter to be Chairman and the other to be Vice-Chairman. Terms to be coincident with term of Governor.

Constitutional Amendment No. 42 to the Arkansas Constitution adopted Nov. 4, 1952 – Commission of five members, appointed by Governor from State at large. Ten-year staggered terms. Commission to appoint Director and prescribe duties.

The following is §1 of that Constitutional Amendment:

“§1. Commission created – Members – Powers

There is hereby created a State Highway Commission which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department together with all powers necessary or proper to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department.”

Note: Amendment No. 42 was adopted by the Arkansas voters in November 1952 by 231,529 for and 78,291 against.

Act 123, 1953 – Establishes authority, function, responsibility, etc., of Commission.

Although the Arkansas Supreme Court in *Parkin Printing and Stationery Company vs. Arkansas Printing and Lithograph Company*, 234 Ark. 697, 354 S.W. 2d 560 stated that the State Highway Department was a part of the executive branch of government, the practical effect of Amendment 42 was to create the Arkansas Highway Department as an arm of the State Legislature and to make the Arkansas Highway Department, and therefore the Arkansas Highway Commission, accountable directly to the Legislature.

Reduction in number of Congressional Districts required the Arkansas Supreme Court to decide how appointments to the Arkansas Highway Commission would be handled. The Court in *Honorable Frank White, Governor and Raymond Pritchett vs. H. T. Hankins*, 276 Ark. 562, 637 S.W. 2d 603, stated that since there were only four Congressional Districts that each Congressional District had to be represented on the Highway Commission and that it was irrelevant as to the residence of the 5<sup>th</sup> member.

Amendment 42 which was adopted November 4, 1952 provided for the qualifications and appointments of members, terms of office of the first Commission, terms of office of members, procedure and removal of members and vacancies and finally provided for the appointment of a Director of Highways who should have such duties as to be prescribed by the Commission or by statute.

Amendment 42 designated two powers to the Commission: To carry out the regulations and laws relating to the State Highway Department and to appoint a Director.

To implement Amendment 42, the Legislature enacted Act 123 of 1953 which established the authority, the function and the operation of the responsibilities and duties of the State Highway Commission and the Director of Highways.



Regarding the question of the power of the Legislature to designate control of highways of the State of Arkansas, the Arkansas Supreme Court in *AHC vs. City of Little Rock*, 227 Ark. 660, 300 S.W. 2d 929 declared the law to be that the State of Arkansas, as sovereign, had complete control over all public highways and that unless prohibited by the Constitution, the Legislature could confer on such agency as it deems best the power and supervision and control over streets. The Court reaffirmed Amendment 42 and Act 123 of 1953 provided for exclusive control of the highway system to be vested in the Highway Commission.

A Constitutional Convention was held in accordance with Acts 3 and 42 of the First Extraordinary Session of 1967. The delegates met during portions of 1969 and 1970 and a proposed Constitution was rejected by the voters in the November, 1970 General Election [§27-65-104].

Act 185, 1971 – Authorized the AHC to establish and maintain tourist information bureaus and to enter into agreements with others, including any agency of the State for the purpose of establishing and maintaining such tourist information bureaus.

Act 192, 1977 – The “Highway and Transportation Act of 1977.” Amended Act 123 of 1953 by enlarging the powers and duties of the State Highway Commission to include the development and coordination of a balanced statewide unified transportation plan for all modes. Authorized the AHTD to exercise those powers necessary for the State to qualify for federal rail service preservation subsidies and federal urban mass transportation funds. Also changed the name of the AHD to the AHTD and changed the administrative title of “Director of State Highways” to “Director of State Highways and Transportation.”

A Constitutional Convention was held in accordance with Acts 1977 (Extraordinary Session), No. 3, as amended by Acts 1979, No. 622, and a new Constitution was proposed. That proposed Constitution was defeated at the General Election held November 4, 1980, with 276,257 votes for and 464,210 against.

Act 932, 1979 – Directed that all appointments to the AHC after the Act be based on the four Congressional Districts and appointments be made to ensure one from each district and one member at-large by the earliest possible date.

Act 493, 1985 – Established a State Constitutional Boards and Commissions Management Audit and Review Study Commission, to provide a review, evaluation and audit of the management practices, procedures, facilities, services and resources of, including others, the Arkansas State Highway Commission. Provided said Commission would complete its management audit review and file report and recommendations with the Governor and the General Assembly on or before October 1, 1986.

Act 800, 1985 – Appropriated \$500,000 to be used for maintenance, operation and support of the Management Audit and Review Study Commission created by Act 493, 1985.

Act 399, 1993 – Railroad rights of way maintenance areas changed from Transportation Safety Commission to Arkansas State Highway Commission.

Act 563, 1993 – Boards, Commissions and agencies required to provide opinions and orders upon request.

Act 1286, 1993 – Subpoena powers authorized for boards and commissions.

Act 1123, 1995 – Boards and Commissions required to issue annual mission statement. Conflicts of interest and nepotism within a state board prohibited.

Act 1211, 1995 – Board and Commission members’ expense reimbursement provided not to exceed \$50 per meeting attended and no other compensation. Excluded members of General Assembly, the State Highway Commission and the Game and Fish Commission.

Act 460, 2003 – To allow the State Highway Commission to enter into design-build project contracts for highway construction.

Act 849, 2003 – To delegate authority to the State Highway Commission to regulate the transportation of explosives over state highways.

Act 151, 2007 – All appointments made by the Governor of members of boards and commissions of the State of Arkansas shall be subject to confirmation by the Senate.

Act 148, 2009 – To clarify the authority of the Arkansas Motor Vehicle Commission to administer the motor vehicle event data recorder law.

Act 1484, 2009 – To abolish dormant boards and commissions and to clarify the law concerning ongoing boards and commissions.

*Chapter 3*

**STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT**

Act 302, 1913 – The General Assembly created the Department of State Lands, Highways and Improvements and provided for a State Highway Engineer. Motor vehicle license fees were increased to \$10 with one-half allocated to the State Highway Improvement Fund and the other half to the County Highway Improvement Fund. Creation of road improvement districts was provided. However, funds in the newly created Highway Improvement Fund were not sufficient for operation on other than a consulting basis. The Department was quartered in the State Capitol and was given the task of furnishing uniform plans and specifications for improving roads. Road improvement districts were to be aided and advised. The Department was to collect license fees on motor vehicles. An annual report to the governor and a biennial report to the legislature were required.

Act 42, 1945 § 2 – Director to attend all meetings of the Commission and in case of tie is entitled to cast deciding vote.

Act 152, 1963 – State Highway Department authorized to construct and maintain parking areas at respective state parks. Those parking areas and facilities were made a part of the State Highway System. The Publicity and Parks Commission was to study the needs for public parking areas and parking facilities at State Parks and to notify the State Highway Department. The State Highway Department was authorized to cooperate with the Publicity and Parks Commission in construction and maintenance of such facilities.

Act 959, 1989 – Transportation Safety Agency and Transportation Regulatory Board (§23) transferred to AHTD. (See Act 153, First Extraordinary Session of 1989.)

Act 153, First Extraordinary Session of 1989 – Reenacted Act 959 which included transfer of Transportation Safety Agency to AHTD. (See also Act 959, 1989).

Act 1106, 1993 – Rules and regulations adopted by state agencies to be filed with State Library for availability of public inspection.

Act 406, 1997 – Under Administrative Procedures Act, oral hearing opportunity required if requested by 25 persons, a government subdivision or agency or an association of at least 25 members.

Act 1214, 1997 – Political activity rights of public employees include running for political office and views.

Act 515, 1999 – Personal checks are required to be accepted by all state agencies. Penalties provided for bad checks.

Act 648, 1999 – Public entities permitted to accept photographic copies or digital images of financial transactions

and to require financial institutions to furnish documentation in a readable, meaningful, permanent format.

Act 1276, 1999 – Reduces publications distributed and published by state agencies.

Act 859, 1999 – State Building Services required to give preference to leasing space located in existing buildings in Central Business District in municipalities with less than 25,000 persons.

Act 1006, 1999 – State agencies lobbying report required. Use of state funds to oppose an initiative, referendum, or proposed constitutional amendment prohibited.

Act 1276, 1999 – Publications distribution of state agencies reduced.

Act 1648, 2001 – Amends various provisions of the Administrative Procedure Act.

Act 1478, 2003 – Concerning the form and publishing of state agency rules.

Act 143, 2007 – Concerning administrative rules that impact small business.

Act 1597, 2007 – Concerning the use of high efficiency lighting by state agencies.

Act 212, 2009— For the Arkansas State Highway and Transportation Department– NOAA Weather Warning System and the Public Transportation Program appropriation for the 2009-2010 Fiscal Year.

Act 1225, 2009 – For the Arkansas State Highway and Transportation Department - Arkansas State Highway Employees' Retirement System Appropriation for the 2009 - 2010 Fiscal Year.

Act 1336, 2009 – To extend the legislative task force on sustainable building design and practice.

Act 1372 ,2009 – To create the sustainable building design program for State agencies.

Act 88, 2010 – For the Arkansas State Highway and Transportation Department - Arkansas State Highway Employees' Retirement System Appropriation for the 2010 - 2011 Fiscal Year.

Act 177, 2010 – For the Arkansas State Highway and Transportation Department– NOAA Weather Warning System and the Public Transportation Program appropriation for the 2010-2011 Fiscal Year.

PROCUREMENT

Act 43, 1999 – Contractors licensing law changed.

Act 450, 1999 – If contractor fails to honor financial obligations to state agencies, the customer is liable only if written notice received prior to final payment to contractor.

Act 1310, 1999 – Minimum bid of state construction projects raised from \$20,000 to \$50,000.

Act 1358, 1999 – Contractors Licensing Law amended to require all prime contractors to use only subcontractors licensed by the Contractors Licensing Board where a total bid exceeds \$100,000 (was \$50,000).

Act 1496, 1999 – Subcontractor requirements for all prime contractors to use only subcontractors licensed by the Contractor's Licensing Board where a total bid amount exceeds \$100,000 (was \$50,000).

Act 460, 2003 – To allow the State Highway Commission to enter into design-build project contracts for highway construction.

Act 487, 2003 – To amend various provisions of the Arkansas Procurement Law.

Act 599, 2003 – To clarify the definition of "sale" for the purposes of Gross Receipts Tax Law.

Act 1315, 2003 – Requiring that professional and consultant service contracts comply with the Arkansas Procurement Law and the General and Budgetary Procedures.

Act 2186, 2005 – To limit the payment of public funds on contracts exceeding the initial contract amount.

Act 859, 2005 – Concerning the qualifications for bidders and suppliers on capital improvement funds.

Act 1693, 2005 – To provide that upon payment of sales or use tax on heavy equipment a decal shall be affixed to each piece of heavy equipment as proof the tax has been paid on the heavy equipment.

Act 1770, 2005 – To promote the conservation of energy and natural resources in the design of state building projects.

Act 1963, 2005 – To encourage the use of shielded outdoor lighting to conserve energy and preserve the environment.

Act 2322, 2005 – To amend Arkansas Code 19-11-217 to require the development of a vehicle purchasing plan to reduce fuel consumption.

Act 13, 2007 – To include an item into the statute concerning purchases exempted from soliciting bids. (Used steel)

Act 157, 2007 – To prohibit state agencies from contracting with businesses that employ illegal immigrants.

Act 275, 2007 – To include demolition work under the contractors licensing law.

Act 478, 2007 – To make various revisions to the procurement laws of the State of Arkansas.

Act 137, 2009 – To Reappropriate the balances of Capital Improvement Appropriations for the Arkansas State Highway and Transportation Department.

Act 392, 2009 – Concerning the qualifications for registration as a professional surveyor.

Act 396, 2009 – To allow the legislative council or the joint budget committee to receive a monthly report for commodities contracts that have a projected total cost of two hundred fifty thousand dollars or (\$250,000) or more.

Act 502, 2009 – To allow members of the General Assembly and employees of school districts and public agencies to purchase goods produced by the Department of Correction.

Act 677, 2009 – To amend the protested solicitations and awards process for State contracts.

Act 1211, 2009 – To create a consistent review process for a contract by a State agency that results in a partial equity ownership agreement.

Act 1221, 2009 – To permit the use of landfill gas in the creation or production of alternative sources of energy.

Act 1222, 2009 – To amend Arkansas Law concerning economic development for minority businesses.

Act 1301, 2009 – To create the Arkansas Alternative Energy Commission.

Act 1372, 2009 – To create the sustainable building design program for state agencies.

Act 1494, 2009 – To promote the conservation of energy and natural resources in buildings owned by the state or institutions of higher education.

Act 288, 2010 – To reappropriate the balances of capital improvement appropriations for the Arkansas State Highway and Transportation Department.

Chapter 4

**HUMAN RESOURCES**

Act 5, Special Session 1923, §13 – The Commissioner of State Lands, Highways and Improvements authorized to select the State Highway Engineer, the Secretary of the Commission and other office employees. The State Highway Engineer was authorized to select all other engineers and draftsmen.

Act 65, 1929, §13 – The State Highway Commission authorized to select all employees.

Act 3, 1933, §2 – The Director of Highways shall be the chief executive officer of the State Highway Department and, subject to the consent and approval of the Commission, shall have direct control and management of all affairs relating to State Highways. The Director of Highways, with the approval of the Commission, shall appoint such assistants and employees as the Commission (sic) may deem necessary.

Act 92, 1933, §1 – The Director of Highways may employ in the Highway Department the listed personnel. The Department was not required to purchase motor vehicle licenses for any vehicles owned by it. Because of depleted finances, the Department had to try to reduce personnel and salaries.

Act 328, 1935, §2 – (Amends §2, Act 3, 1933) The Director of Highways shall be the Chief Executive Officer... subject to the approval of the Governor, shall have full control and management of affairs relating to State Highways.

Act 103, 1947 – Provides that all district highway engineers and other responsible engineering positions will be filled by an engineer licensed under the laws of Arkansas.

Act 251, 1949 – Provides that the Director of Highways is an employee of the State Highway Department.

Acts 129 and 259, 1951 – Amends §2, Act 42, 1945, to provide the Director is an employee.

Act 882, 1989 – Annual career service recognition payments authorized for state employees.

Act 27, Third Extraordinary Session of 1989 – Deletes all exemptions and restrictions to the exemption from state income tax of the first \$6,000 of retirement or disability benefits.

Act 33, Third Extraordinary Session of 1989 – Prohibits age discrimination by employers of persons 40 years of age or older.

Act 153, 1993 – Family scholarships provided for certain AHTD deceased or injured workers' family members.

Act 292, 1993 – Immunity from suits for state and local government officials and employees clarified.

Act 358, 1993 – Employment information and summaries required in budget requests to Legislative Council.

Act 426, 1993 – Equal employment hiring programs required of all agencies, boards, and commissions.

Act 796, 1993 – Worker's Compensation restructured to become more efficient.

Acts 925 and 1036, 1993 – Protects employment when called to active state duty status by Governor.

Act 962, 1993 – Civil Rights Act of 1993.

Act 40, 1995 – Veterans Preference Law for state government employment includes veterans of all military conflicts since 1982 and all future conflicts.

Act 480, 1995 – Civil Rights Act of 1993 amended.

Acts 505 and 1193, 1995 – Patient Protection Act of 1995 (aka "any willing provider law").

Act 1144, 1995 – Workers' Compensation permanent and partial disability rate maximum schedule raised effective 1/1/96.

Acts 1301 and 1318, 1995 – Discrimination by state employees or state board members is grounds for dismissal.

Act 268, 1997 – Disaster Service Volunteer Leave Act established for employees of state agencies.

Act 997, 1997 – Health Insurance Portability and Accountability Act of 1997 (HIPAA) – Portability increased through limitation on pre-existing condition exclusions.

Act 972, 1997 – Paycheck withholdings of up to \$2.50 per pay period allowed for administrative costs.

Act 1214, 1997 – Political activity rights of public employees include running for political office and views.

Act 17, 1999 – Privatization report requires boards and commissions to notify Legislative Council and Office of Personnel Management of the Division of Management Services of Department of Finance and Administration of impending layoffs of state employees due to privatization. State agency not to fill vacancies.

Act 20, 1999 – Workers' Compensation working at employer's residence added to exemption for definition of employment.

Act 32, 1999 – AHTD Retirement System made responsible for expenses associated with automating accounting needs.

Act 33, 1999 – AHTD Retirement System accumulated contribution to be forfeited was changed from \$25 to \$250 if not withdrawn within the first 3 years after employee's termination.

Act 174, 1999 – AHTD Retirement System investments.

Act 222, 1999 – Performance-Based Program Budgeting and Strategic Planning Pilot Program authorizes Legislative Council to select from at least 3 agencies for subcommittee members who will be responsible for implementing. (Note: AHTD was not one of the agencies chosen.)

Act 311, 1999 – AHTD Retirement Systems benefits increased.

Act 335, 1999 – Consumer Price Index references deleted as related to cost of living adjustments for AHTD's Retirement System retirees and beneficiaries.

Act 489, 1999 – Disaster Service Volunteers paid leave revised from 15 days per 12-month period to 15 days per fiscal year.

Act 658, 1999 – Public Employees Political Freedom Act of 1999 prohibits any public employer from disciplining, threatening or otherwise discriminating against an employee exercising the right to communicate with an elected public official. Filing a complaint with the Ethics Commission allowed.

Act 718, 1999 – Electronic Records and Signatures Act created and requires promoting electronic development of government and commerce. Secretary of State instructed to develop guidelines for using electronic signatures.

Act 1034, 1999 – Scholarships for surviving children of public employees changed to add state forestry employees and volunteer firemen who are killed or permanently disabled in the line of duty to those whose children and spouse would be entitled to scholarships. Adds Department of Correction and Forestry Commission employees to all language and deletes municipal requirement for fireman. [State Highway Employees included in Section 1 (4)]

Act 1039, 1999 – The Exceptional Employee Recruitment Program requires DFA to establish regulations providing for recruitment of retired members of PERS to return to state employment. Retirement benefits would terminate upon reemployment and be recomputed after leaving.

Act 1060, 1999 – Electronic Records Study Commission created to make recommendations to the 83<sup>rd</sup> General Assembly on amending "Arkansas Freedom of Information Act" regarding access to electronic or computerized records.

Act 1127, 1999 – Sick leave financial incentives offered to state employees to decrease use of sick leave. [In Amendment payments to state employees for unused sick leave at retirement was limited to \$7,500. AHTD included.]

Act 1167, 1999 – Workers' Compensation physician selection and changing provided.

Act 1168, 1999 – Workers' Compensation claims provisions were eliminated and declared unconstitutional by the Arkansas Supreme Court relating to permanent total disability benefits paid to those receiving workers' compensation.

Act 1325, 1999 – 28 and Out for Judicial Retirement System. [AHTD's Retirement System included in amendment [§ 5]].

Act 1474, 1999 – Employee history disclosure requires written consent.

Act 1503, 1999 – Handicapped Persons Parking exemption violations penalties provided for falsely submitting information to acquire.

Act 1523, 1999 – Whistle-Blower Act gives state employees protection from discharge after reporting, in good faith, suspected abuse of state funds, property or manpower, or other law violations.

Act 1552, 1999 – Work Place Drug Free Program initiated.

Act 482, 2001 – Highway Retirement Lump Sum Death Benefits.

Act 539, 2001 – Highway Retirement benefits increased.

Act 991, 2001 – State agencies; sick leave paid beneficiaries.

Act 1336, 2001 - Exempted State employee's (non-elected) home addresses from Freedom of Information Act.

Act 194, 2003 – To allow state agency directors to waive the minimum leave requirement for employee eligible for catastrophic sick leave.

Act 205, 2003 – To change the calculation of annuity benefit options under the State Highway Employees' Retirement System.

Act 206, 2003 – To permit disabled veterans parking privileges in those areas designated for parking only by persons with disabilities.

Act 213, 2003 – To exempt certain employees' home address from public records under the Freedom of Information Act.



Act 336, 2003 – To adopt current Internal Revenue Code provisions for deductions for contributions to medical savings accounts.

Act 471, 2003 – To allow state employees who are members of the United States Air Force Auxiliary Civil Air Patrol or the United States Coast Guard Auxiliary to take a leave of absence to participate in emergency and rescue services.

Act 482, 2003 – To make technical changes in the law concerning background checks on state employees.

Act 509, 2003 – To require law enforcement officers to complete training concerning sexual assaults.

Act 546, 2003 – To provide for donor education; and to provide leave to certain living donors.

Act 601, 2003 – To amend the Arkansas Whistle-Blower Act.

Act 646, 2003 – To amend Arkansas Code § 26-26-1120 to clarify the definition of a disabled person.

Act 653, 2003 – To revise Title 21, Chapter 3, Subchapter 3 concerning veterans preferences.

Act 776, 2003 – To authorize the Board of Trustees of the Arkansas State Highway Employees' Retirement System to change the benefit structure of the system's deferred retirement option plan.

Act 859, 2003 – To provide protection to employees whose health coverage or health plan is nonrenewed or discontinued due to nonpayment of premium by an employer, by requiring that employees receive written notice; and for other purposes.

Act 925, 2003 – To allow employers to pay workers by check or direct deposit.

Act 1044, 2003 – To authorize a Health Insurance Flexibility and Accountability Initiative.

Act 1107, 2003 – To provide full access for guide dogs to public accommodations.

Act 1214, 2003 – To amend the Arkansas Freedom of Information Act to deny access to public records to any felon who is currently incarcerated in a correctional facility.

Act 1223, 2003 – To amend various sections of the Arkansas Employment Security Law.

Act 1237, 2003 – To include an adverse reaction to smallpox vaccine in the definition of compensable injury.

Act 1306, 2003 – To amend the Transitional Employment Assistance Program.

Act 1353, 2003 – To allow only those vehicles loading or unloading a wheelchair to park in those spaces reserved exclusively for persons with disabilities and designated van accessible.

Act 1377, 2003 – To update sex offenses concerning offenses which may not be waived on background checks of certain state employees in designated positions.

Act 1379, 2003 – To update sex offenses concerning background checks on certain state employees in designated positions.

Act 1393, 2003 – To clarify certain sexual offenses screened in criminal background checks.

Act 1795, 2003 – To amend the payroll deduction section of the General Accounting and Budgetary Procedures Law.

Act 94, 2005 – Allows an income tax deduction for contributions made to a health savings account.

Act 144, 2005 – To amend eligibility requirements for an increase in benefits for members of the Arkansas State Highway Employee's Retirement System.

Act 237, 2005 – To eliminate performance-based budgeting for state agencies.

Act 920, 2005 – The Military Service Protection Act which declares a person shall not be discriminated against because of military service.

Act 1250, 2005 – To provide increased workers' compensation coverage for certain injuries to the neck or spine; to amend a portion of Arkansas code which resulted from initiated Act 4 of 1948.

Act 1295, 2005 – To prevent the misappropriation of social security numbers.

Act 1686, 2005 – To require state agencies to report the number of vacant positions and the reason for those vacancies.

Act 1887, 2005 – To require all new employees of the State of Arkansas be paid by electronic direct deposit.

Act 2113, 2005 – To provide compensation to employees of state agencies and state-supported institutions of higher education who were called to active duty in Operation Enduring Freedom or Operation Iraqi Freedom.

Act 2235, 2005 – To provide for leaves of absence for state employees during testing for, donation of, and recovery from organ donation.

Act 2622, 2005 – To prohibit the hiring of relatives by public officials, to prohibit a state agency employee from supervising a relative, and to impose civil and criminal penalties for violations.

Act 349, 2007 – To authorize disabled veterans to park in areas designated only for persons with disabilities.

Act 386, 2007 – TO increase the annual career service recognition payments for state employees.

Act 399, 2007 – Concerning benefits, credited service, eligibility requirements, employee and employer contributions, and the administration of the Arkansas State Highway Employees Retirement System.

Act 545, 2007 – To amend the minimum wage and overtime law to parallel certain provisions of federal minimum wage and overtime law.

Act 715, 2007 – To allow for personal reimbursement to state employees for the payment of tips while traveling on official business.

Act 1028, 2007 – To provide leave for state employees to participate in their children's educational activities.

Act 1206, 2007 – To ensure that public employee and government disputes can be resolved using dispute resolution processes.

Act 184, 2009 – To require express statutory cross-reference for all new exemptions to the Arkansas Freedom of Information Act of 1967.

Act 262, 2009 – To enact the Uniform Prudent Management of Institutional Funds Act (2006).

Act 327, 2009 – To clarify the law regarding workers' compensation payments and to ensure that licensed contractors obtain and maintain workers' compensation insurance.

Act 439, 2009 – To amend the eligibility requirements for benefits relating to the health care offset for members of the Arkansas State Highway Employees' Retirement System.

Act 444, 2009 – To amend the various provisions of the Arkansas Code concerning the licensure of professional engineers and professional surveyors.

Act 453, 2009 – To clarify that employer-required drug tests are to be provided at no cost to employees.

Act 621, 2009 – To require employers to provide unpaid break time and reasonable locations for expressing breast milk.

Act 648, 2009 – To amend the Arkansas Information Systems Act of 1997, 25-4-101 Et. Seq.

Act 679, 2009 – To provide forfeiture of or disqualification from public employment on conviction of an offense related to public employment.

Act 701, 2009 – To clarify the use of an all terrain vehicle by a person with a serious walking handicap.

Act 747, 2009 – To update the procedure for acquiring an access easement.

Act 771, 2009 – To prevent retaliation against public employees for requesting records under the Freedom of Information Act of 1967.

Act 1302, 2009 – To require all State agencies to post notice of public meetings on the internet.

*Chapter 5*

**STATE, COUNTY, AND MUNICIPAL  
HIGHWAY FUNDS**

Act 302, 1913 – Highway Improvement Fund created – Allocated one-half of net proceeds from Motor Vehicle Registration Fees. Balance retained in counties.

Act 423, 1913 – Federal Forest Funds provisions provided for one-fourth of the money received by the State Treasury from the Federal Government from revenues derived from Forest Reserves were to be apportioned to the public roads of the respective counties from which such funds were derived. The remaining three-fourths of these revenues were apportioned to public schools. Fund limited to \$50,000.

Act 105, 1917 – Amends § 24, Act 302, 1913, to provide for crediting all net proceeds from Motor Vehicle Registration Fees to Highway Improvement Fund.

Act 494, 1921 – Net proceeds from Motor Vehicle Registration Fees divided 30% to Highway Improvement Fund, 70% returned to counties in which collected.

Act 606, 1921 – Proceeds of gasoline tax divided equally between Highway Improvement Fund and Counties.

Act 501, 1923 – Raised Gas Tax to 3¢ per gallon, 75% to counties, 25% to State Highway Department. [Privilege tax levied on manufacturer or wholesale dealer.]

Act 5, Special Session, 1923 – State Highway Fund created. All fees from State Lands Office, all motor vehicle registration fees, gasoline taxes and interest on highway funds to be credited. \$3 million annually apportioned to counties, divided in varying ratios between county highway funds and road improvement districts. §35 levied 4¢ per gallon tax on gasoline; provided border town rate.

Act 11, 1927 – All highway income, including that derived from sale of bonds, credited to State Highway Fund. Approximately \$1.5 million apportioned to counties for county highway improvement funds.

Act 240, 1927 – Increased gas tax 5¢ per gallon.

Act 3, Special Session, 1928 – Additional \$565,000 apportioned to counties for that year.

Act 65, 1929 – Allocated all motor user revenue to State Highway Fund.

Acts 63 and 184, 1931 – Amended Act 65, 1929. Created County Highway Fund. Provided that 1/6<sup>th</sup> of the proceeds from the tax on gasoline and 12 1/2% of the proceeds from the sale of State Highway notes or bonds be credited to the County Highway Fund and transferred \$1,875,000 to that fund from the State Highway Fund. Distribution to counties based one-third on population, one-third on car license revenue, and one-third on area turnback.

Act 11, Special Session, 1934 – Created a new State Highway Fund into which balances in several old funds were transferred, and into which all motor vehicle license fees, 92.3% of the net motor fuel tax, all toll bridge and some miscellaneous fees shall be credited. Established priority in annual charges on this fund: (a) 25% for highway maintenance; (b) \$100,000 for toll bridge maintenance, \$4,800 to General Revenue Fund and \$11,500 to Auditorial Fund; (c) sufficient to pay interest on refunding bonds; and (d) balance to be applied to bond redemptions. County Highway Fund to receive 7.7% of the net Motor Fuel Tax, to be distributed as provided in Act 63, 1931. §22 levied 6.5¢ on each gallon of motor vehicle fuel.

Act 11, Special Session, 1938 – County Highway Fund – 1/4-cent per gallon additional allotted to this fund from Highway Fund, if Highway Fund exceeds \$10 million.

Act 12, Special Session, 1938 – Created a Special Highway Improvement Fund to which was transferred some unused balances from other funds, all oil inspection fees hereafter collected, the \$16,300 from General Revenue and State Auditorial Funds, and the balance of the \$100,000 fund not used for toll bridge maintenance as provided by Act 11, 1934.

Act 338, 1939 – Provides that funds may be withheld from County Turnback Fund and turned over to the State Highway Department for the proper maintenance and protection of highway projects off the State Highway System where such projects were constructed by special agreement with the State Highway Commission from U.S. Government Funds.

Act 4, 1941 – State Highway Fund Allocation

\$10,250,000 divided  
    \$3,075,000 for Maintenance  
    \$7,175,000 for Debt Service  
\$2,500,000 for Construction and Maintenance  
\$750,000 for Bridge, Road, and Municipal  
    Improvement District Bonds  
Balance for Construction, Maintenance or  
    Debt Service as determined by Legislature

County Highway Fund – Not affected.

Act 311, 1945 – Revenue Stabilization Law: classifies highway revenues from Motor User Taxes as “Special Revenues,” creates State Apportionment Fund, Highway Construction Fund, County Aid Fund, and Municipal Aid Fund. (Repealed by Act 425, 1955.)



Act 54, 1947 – Transferred \$1 million from State Highway Fund to County Highway Fund to be distributed among counties. (Same as Act 100, 1947.)

Act 99, 1947 – Transferred \$1 million from State Highway Fund to County Highway Fund to be distributed among counties. (Same as Act 100, 1947.)

Act 100, 1947 – State Highway Fund / County Aid Fund – Amends Act 4 of 1941 to provide that after the specific allocations totaling \$13.5 million are satisfied, the next \$5 million is set aside for Highway Construction and Maintenance; the next \$2 million is credited to the County Aid Fund to be distributed among the counties: 50% divided equally, 25% on basis of area, and 25% on basis of rural population. The balance may be used for highway maintenance, construction and debt service.

Act 114, 1947 – Amends Act 311, 1945, to provide for Treasurer to deduct 3% of gross revenues each month for general expenses of the State. (Repealed by Act 425 of 1955.)

Act 5, 1949 – State Highway Fund Reallocated:

- (A) \$10,250,000 –
  - \$ 3,075,000 – Highway Maintenance
  - \$ 7,175,000 – Debt Service-Bonds issued under Act 4, 1941
- (B) \$ 2,500,000 – Highway Construction & Maintenance
- (C) \$ 375,000 – County Aid Fund
- (D) \$ 2,000,000 – Debt Service, Bonds Issued under this Act
- (E) \$ 3,000,000 – Highway Construction & Maintenance
- (F) \$ 2,000,000 – County Aid Fund
- \*(G) \$ 2,500,000 – Gasoline Tax Refund Fund
  - \$ 2,000,000 – Highway Construction & Maintenance
- (I) Debt Service or Highway Construction

\*Provides that of amount exceeding tax refund claim \$1 million be retained in a revolving fund; excess thereof to be transferred to State Highway Construction Fund.

Act 118, 1953, State Apportionment Fund – Provides as follows:

Receipts from Motor Fuel Tax and Motor Vehicle Registration Fees and Auto Division Fees are deposited by the State Treasurer in the State Apportionment Funds.

Operating costs of the Weights and Standards Division of the State Police are transferred monthly (on a pro rata basis from fund deposits) to the State Police Fund (Act 339, 1955). This is a biennial appropriation and not a general act.

The balance of the Motor User Revenues is distributed as follows:

Motor Fuel Tax

Constitutional and Fiscal Agencies – 3% of Gross County Turnback (Act 11, 1934, Special Session) – 7.7% of Net County Turnback (Act 11, 1938, Special Session) – 1/4-cent/gal.  
Special Revenue Fund – Balance

Motor Vehicle Registration – Auto Division Fees

Constitutional and Fiscal Agencies – 3% of Gross Special Revenue Fund – Balance  
Allocations from Special Revenue Fund – Formerly State Highway Fund (Act No. 5, 1949)

Debt Service (Act No. 4, 1941) - \$7,175,000  
Highway Maintenance <sup>1/</sup> - \$3,075,000  
Highway Construction <sup>1/</sup> - \$2,500,000  
County Aid Fund - \$375,000  
Municipal Aid Fund - \$375,000  
Debt Service (Act No. 5, 1949) - \$2,000,000  
Highway Construction & Maintenance <sup>1/ 2/</sup> - \$3,000,000  
County Aid Fund - \$2,000,000  
Gasoline Tax Refund Fund <sup>3/</sup> - \$2,500,000  
Highway Construction <sup>1/</sup> - \$2,000,000  
Balance: Highway Purposes <sup>1/</sup> - - -

NOTES:

- <sup>1/</sup> State Highway Department Fund – Act 118, 1953.
- <sup>2/</sup> First for Debt Service Reserve Fund if necessary to restore balance of \$3.5 million.
- <sup>3/</sup> Excess over refund claims to be distributed \$625,000 to Municipal Aid Fund, balance to State Highway Department Fund (Act 300, 1953).

Act 300, 1953 – Amends §10, Subsection G, Act 5, 1949, to provide that \$1 million be retained in revolving fund; \$625,000 transferred to Municipal Aid Fund, and excess thereof to State Highway Department Fund.

Act 425, 1955 – Amends Act 118 of 1953 providing for State Treasurer to deduct 3% of the “gross general revenues available for distribution,” and “gross special revenues available for distribution,” and to transfer the same to the General Revenue Fund. (Repeals Act 311, 1945; Act 114, 1947, and others.)

Act 182, 1957 – Arkansas Highway Revenue Distribution Law – Distribution period changed from Bond Year to Fiscal Year.

Receipts of all Highway Revenues are deposited by the State Treasurer in the State Apportionment Fund, known as “Gross Highway Revenues Available for Distribution.”

Highway Revenues included	AR Code of 1987
(A) Operator’s License Fees	27-16-801
(B) Motor Vehicle Intransit Fees	27-14-1804- 27-14-1806
(C) Drive-Out Tags	27-14-2103, 27-14-2104
(D) Oil Inspection Fees	26-17-303

- (E) Motor Vehicle Title Reg. Fees 27-14-603
- (F) Special Permits for oversize and overweight vehicles (Chauffeur's License) 27-35-210  
27-14-601
- (G) Auto Division Fees (Transfer of License Plates) 27-14-305  
(Lost Tag & Registration Fees) 27-16-801  
(et seq.)
- (H) Registration and Licensing Fees 27-13-101  
(et seq.)  
(Motor Fuel Tax Law) Ch. 55 A.C.A. 26
- (I) Motor Fuel Tax (Special Motor Fuels Use Tax Law) Ch. 26 A.C.A. 27

Included all penalties, fines, charges, or other amounts paid in connection with or in lieu of the preceding.

Distribution of Highway Revenue

General Revenue Fund – 3% of Gross Highway Revenues available for distribution.

Balance is designated "Net Highway Revenues Available for Distribution."

All net fees of (A), (B), and (C) to the State Police Fund.

All net fees of (D) and (E) to the General Revenue Fund for the Department of Revenues.

To State Police Fund – so much of net fees (F), (G), (H), and (I) (pro rata) as necessary to operate Weights and Standards Division of the Arkansas State Police. Transferred monthly from Apportionment Fund (Act 475, 1957).

All remaining net Highway Revenues of (F), (G), (H), and (I) to the State Highway Fund (created by this act).

Transfers from State Highway Fund – To be made on the State Fiscal Year basis beginning July 1, 1957.

Monthly

- County Aid Fund – 7.7% - Net Motor Fuel Tax
- County Aid Fund – 1/4¢/gal. – Net Motor Fuel Tax

Sequentially

- Debt Service (Hwy. Bond & Interest Fund) -\$7,175,000
- Debt Service (Hwy. Construction Bond & Interest Fund) - \$2,000,000
- Gasoline Tax Refund Fund (Act 406, 1949) – Amount Required
- County Aid Fund - \$3,000,000
- Municipal Aid Fund – 11.76% Remaining Bal.
- State Highway Dept. Fund – 88.24% Remaining Balance

Provided, however, when during any fiscal year the amount transferred to the County Aid Fund aggregates less than 15% of the amounts available for distribution to the County Aid, Municipal Aid, and State Highway Department Funds, thereafter the distribution shall be: Municipal Aid Fund 10%; County Aid Fund 15%, State Highway Department Fund 75%.

Municipal Aid Fund to be distributed to cities on basis of population ratio until 1960 Census; thereafter, 50% on basis of population ratio, 50% on basis of ad valorem tax ratio.

Section 19-3506, AR Statutes 1947, (City Auto Tags) repealed effective October 1, 1958.

Special Provisions – Specific transfers for months of April, May and June 1957.

Monthly

- County Aid Fund – 7.7% - Net Motor Fuel Tax
- County Aid Fund – 1/4¢/gal – Net Motor Fuel Tax

Sequentially

- State Highway Department Fund - \$5,575,000
- County Aid Fund - \$575,000
- Municipal Aid Fund - \$375,000
- State Highway Department Fund – Remainder

From Gasoline Tax Fund

- Municipal Aid Fund - \$625,000
- St. Hwy. Dept. Fund, balance in excess of \$1,000,000

Act 39 of the 1<sup>st</sup> Extraordinary Session, 1965 (The "Arkansas Highway Revenue Distribution Law").

I. Defined highway revenues as:

Fees for the registration and licensing of motor vehicles, except motor vehicle intransit taxes and drive-out tag fees which are earmarked for the State Police Fund;

Taxes levied and collected under the "Motor Tax Law" (gasoline) and the "Special Motor Fuels Tax Law" (diesel and LPG). Note the 1¢/gallon tax imposed on gasoline, diesel and LPG pursuant to Act 445 of 1973 is primarily earmarked for the State Aid Road Fund, explained more fully under the heading "State Aid Road Funding."

II. Such highway revenues are deposited in the State Treasury to the credit of the State Apportionment Fund. After deductions for uncollected checks, the State Treasurer is directed on the last business day of each month to distribute such revenues in the following manner:

- A. 3% of the amount thereof to the Constitutional and Fiscal Agencies Fund (Note: Taxes and fees collected by the AHTD require only a 1.5% deduction to this Fund);
- B. Amounts to the Gasoline Tax Refund Fund to pay approved gasoline tax refund claims not to exceed \$2.5 million during any fiscal year; and
- C. Of the remaining revenues

- (1) 15% to the County Aid Fund; [A.C.A. § 27-70-207 a]

- (2) 15% to the Municipal Aid Fund; [A.C.A. § 27-70-207 b] and
- (3) 70% to the State Highway and Transportation Department Fund

III. Revenues transferred to the County Aid Fund are to be used for the maintenance, construction and reconstruction of roads and bridges in the county highway system. Revenues are distributed on the following basis:

- A. 31% according to the area of the county;
- B. 17 1/2% according to motor vehicle license fees collected in the prior calendar year from that county;
- C. 17 1/2% according to population of the county based on the most recent decennial federal census;
- D. 13 1/2% according to rural population of the county based on the most recent decennial federal census; and
- E. 20 1/2% divided equally among the counties.

IV. Revenues transferred to the Municipal Aid Fund are used by the respective municipalities for maintenance, construction and reconstruction of streets which are not continuations of state highways. Revenues are distributed strictly on the basis of population according to the most recent federal census.

V. Revenues transferred to the State Highway and Transportation Department Fund are used for the construction, reconstruction, and maintenance of highways and bridges in the State Highway System.

Marine Fuel Use (Game and Fish Memorandum of Understanding July 1, 1970) — Highway gasoline taxes are collected on motor fuels consumed in boating activities. A portion of those revenues are used to improve highway services to those involved in water recreation activities. Within the first quarter of each calendar year, AHTD determines the funds available based on the 1968 Marine Use Study and meets with the Arkansas Game and Fish Commission to cooperatively establish the priority of highway improvement to provide access to public waters administered by the Game and Fish Commission for the next fiscal year.

**Note:** Pursuant to the “Arkansas Highway Revenue Distribution Law,” Act 39 of the First Extraordinary Session of 1965, Arkansas road-user revenues are distributed in the following manner:

(1) 3% is deducted from all revenue collections with the exception of the 1-cent/gallon 1979 fuel tax, interest on the SHD Fund, and any revenues which are collected by the AHTD. No deduction is made from the 1979 1-cent/

gallon fuel tax nor from interest derived from the SHD Fund and only 1 1/2% is deducted from special permit fees collected by AHTD and from weight-distance tax proceeds collected by the AHTD pursuant to Act 3 of the 2<sup>nd</sup> Extraordinary Session of 1987;

(2) Special permit fees and penalties collected from over-weight vehicles are credited directly to the SHD Fund;

Revenues in sufficient amounts, not to exceed \$2.5 million/year, are credited to the Gasoline Tax Refund Fund;

With the exception of revenues collected from the 1-cent/gallon increase in gasoline, diesel and LPG pursuant to Act 445 of 1973, all motor fuel and special motor fuels tax revenues, interest on the SHD Fund, decal tag fees, motor vehicle registration fees, and title transfer fees are then distributed 70% to AHTD; 15% to the County Aid Fund; and 15% to the Municipal Aid Fund. The first \$13 million collected from the 1-cent/gallon tax imposed by Act 445 of 1973 is distributed to the State Aid Road Fund and the remainder to the State Highway Special Construction Fund.

Motor vehicle title fees are transferred to the Revenue Department Building Fund (Old bonds were called in. New bonds were re-issued to pay for building expansion and are due to mature by 2000). Operators License Fees, Intransit Fees, Drive-Out License Fees, and Vehicle Inspection Fees are transferred to the State Police.

Since Federal Revenue Sharing to the State has ended, no distribution is made to State Aid Streets.

Act 371, 1989 [A.C.A. §27-70-207] – Highway revenues distributed to counties/cities can be used for public transportation.

Act 24, Third Extraordinary Session of 1989 – Incorporated towns with a population of 500 or less eligible for state aid road funds for bridge construction.

Act 725, 1993 – Rail carriers fees and charges deposited into State Highway and Transportation Department Fund to be used to administer state laws for which the Commission is responsible regarding rail carriers and for construction, reconstruction and maintenance of highways and bridges in the State Highway System.

Act 1104, 1995 – Financial impact statement required of state agencies for new and revised rules and regulations.

Act 1100, 2007 – To apply a portion of State surplus funds to finance highway construction, reconstruction and maintenance, and to provide funds for county aid and municipal aid; to authorize the transfer of funds; and for other purposes.

Act 4 and 5 of the 1<sup>st</sup> Extraordinary Session, 2008 – to increase the severance tax rate on natural gas; and for other purposes. Five percent will be classified as general revenue and the remaining 95% will be classified as special revenues and subject to the Arkansas Highway Revenue Distribution Law.

Act 374, 2009 – To create the Arkansas Blue Ribbon Committee on Highway Finance.

Act 421, 2009 – To clarify that a nonproducing mineral interest has no discernable value apart from the value of the fee simple in the land for the purpose of assessment.

Act 691, 2009 – To promote economic development within the state by exempting from the state sales tax fuel and energy used or consumed in manufacturing.

Act 706, 2009 – To amend the Arkansas Law to meet the requirements and deadlines of the American Recovery and Reinvestment Act of 2009.

Act 1443, 2009 – The distribution of the eighty-seventh session projects account of the general improvement fund to provide additional funds for the state budget to transfer funds to the State Highway and Transportation Department for construction, reconstruction, and improvements.

Act 1476, 2009 – To simplify the method of distribution of moneys received by the State for oil and gas leases on land belonging to the Federal Government and located in the State.

Act 1476, 2009 – To reappropriate the balances of capital improvement appropriations for the Bureau of Legislative Research Disbursing Officer for expenses of the Arkansas Blue Ribbon Committee on highway finance.

Act 72, 2010 – To make an appropriation for the State Turnback for counties and municipalities by The Office of The Treasurer of State for the Fiscal Year ending June 30, 2011.

Act 187, 2010 – To reappropriate the balances of capital improvement appropriations for the Bureau of Legislative Research disbursing officer for expenses of the Arkansas Blue Ribbon Committee on Highway Finance.

STATE AID ROAD FUNDING

Act 445, 1973 [A.C.A. §26-55-205] – Repealed Act 149, 1959. Earmarked 60% of the amount, up to \$7 million received each fiscal year from the additional 1-cent/gallon tax levied on gasoline, diesel and LPG fuels to the State Aid Road Fund. Funds to be used exclusively for construction, reconstruction and improvement of roads on the State Aid Road System. These roads were initially established as a 5,000 mile system to include all county roads on the Federal -aid Secondary Road System but could not exceed 10,000 miles. The System shall be allocated to the counties on a mileage basis in the following proportions:

- 50% divided equally;
- 25% divided according to area; and
- (C) 25% divided according to rural population based on the most recent decennial federal census.

The matching ratio was set at 60% State Aid Road Funds to 40% county matching funds. AHD to administer the program.

The Act also provided that 50% of all FAS funds allocated to the State be set aside by the AHC for use on Secondary roads that are part of the State Aid Road System.

All funds before transfer to the State Aid Road Fund and collected pursuant to Act 445 are deposited in the "State Highway Special Construction Account" and after transfers to the State Aid Road Fund, the remaining funds are to be used solely and exclusively by the AHC for construction of roads and highways on the State Highway System. None may be used for constructing highway buildings, paying salaries, purchasing supplies and materials, highway maintenance or any purpose other than constructing state highways.

Act 607, 1975 [A.C.A. §27-72-317] – Amended Act 445, 1973 by increasing the maximum amount to be credited to the State Aid Road Fund from \$7 million to \$9 million per fiscal year. Also changed the matching ratio from 60% State Aid Road Funds and 40% county match to 70% State Aid Road Funds and 30% county match.

Act 1037, of Extended Session of 1975 [A.C.A. §27-72-318] – Amended Act 445, 1973 to state that beginning with fiscal year 1976, 70% of the amount, rather than 60% of such revenues will be transferred to the State Aid Road Fund.

Act 467, 1983 [A.C.A. §27-72-305] – Amended Act 445, 1973 to substitute 80% for the 70% to be transferred to the State Aid Road Fund and amended the matching requirements to 80% State Aid Road Fund, and 20% local funds.

Act 996, 1985 [A.C.A. §§27-72-305, 27-72-310] – Further amended Act 445, 1973 to transfer 100% of such funds to the State Aid Road Fund up to a total of \$13 million

per fiscal year. All funds in excess of \$13 million are deposited in the State Highway Special Construction Account for the sole purpose of constructing roads and highways on the State Highway System. (Reenacted Acts 1987, No. 863 §3)

Act 371, 1989 [A.C.A. §27-70-207] – Counties given authority to use up to 20% of road turnback for public transportation purposes.

Act 24, 1989 Third Extraordinary Session – Authorizes incorporated towns with a population of 500 or less to be eligible for state aid road funds for bridge construction.

Act 244, 1993 – State Aid System increased to 15,000 miles.

Act 670, 1993 – Matching formula changed from 80/20 to 90/10.

Act 1028, 1999 – [Arkansas Distillate Special Fuel Excise Tax Act of 1999]. Levies additional excise tax on motor fuel (gasoline) of 1¢ per gallon per year for a total of three years. This act gradually removes the cap placed on the State Aid Road Fund. There is no change in the \$13 million cap for Fiscal Year 2000. Beginning in Fiscal Year 2001 the transfer limits are as follows: FY 2001 \$15 million; FY 2002 \$17 million; FY 2003 \$19 million; FY 2003 No limitation.

Act 83, 2003 – To broaden the list of natural disasters that qualify for State Aid fund relief to repair damage to county roads.

Act 1186, 2003 – To make State Aid funds available to counties for natural disasters occurring after December 1, 2002.

Act 1087, 2009 – For the Arkansas State Highway and Transportation Department– grants to counties and municipalities from general improvement fund appropriation.

Act 1442, 2009 –The distribution of the eighty-seventh session projects account of the general improvement fund to provide additional funds for the State budget.

COUNTY ROADS

The County General Fund supports activities of the county government. It maintains, operates and supports all county government functions. The County Road Fund supports the improvement and maintenance of county roads. Special funds are earmarked for specific purposes. Any transfer of monies between county funds, customarily, is made by order of the County Court.

Act 26, 1871 – All public roads and highways shall be laid out, opened and repaired agreeably to the provisions of this Act. The county court of each county in this State shall have



Constitutional Amendment No. 3, 1899 (County Roads)  
– The County Courts in addition to the amount of county tax allowed to be levied, shall have the power to levy not to exceed 3 mills, to be known as the County Road Tax which shall be used for making and repairing public roads and bridges and for no other purpose.

Act 134, 1911 – Passed by the General Assembly to provide for appointment of County Highway Engineers having direct supervision over county roads and to levy a \$5 registration fee on each motor vehicle.

Act 423, 1911 – Three-fourths of the money received by the State Treasury from the federal government from revenues derived from the Forest Reserves within this State shall be apportioned to the public schools; and the remaining one-fourth to the public roads of the respective counties from which such money was derived for improvement of public roads.

Act 302, 1913 § 78 – State convicts working on roads authorized if prisoners are not otherwise employed by the penitentiary. Time, place, manner and character of work to be determined by the Commission. The Arkansas Highway Department was to determine the number of convicts needed and to prescribe rules and regulations under which they would work.

Acts 138, 1929 & 234, 1937 – Free labor abolished for public highways and substituted \$3 per capita tax for all male inhabitants between the ages of 21 and 45 years of age. Money collected to be placed in the City Street or Road Fund. County Highway Commission created in each Arkansas county.

Act 119, 1939 – Ad valorem tax on inter-county buses and truck lines levied. Funds to county to be prorated among the several county funds, school districts, and municipalities of the county in the same ratio that taxes received from the millage levy by each bore to the total taxes from the millage levy received by all such county funds, school districts and municipalities, according to the local collector's settlement for the particular assessment year.

Act 108, 1953 – One-half (or amount not to exceed \$1,500 per year) of County Judge's salary may be paid from county road fund. Payments made in equal monthly installments.

Act 100, 1955 – Severance Tax - Upon receipt of any such taxes, each county treasurer shall credit 50% to the county general school fund and 50% to the county highway fund, for use for the same purposes as other moneys credited to the respective said funds.

Act 315, 1955 – The State Comptroller shall have the power and duty, acting through his duly authorized employees, to make audits of all county officers' accounts and records and according to available appropriation funds, of municipal officers' accounts and records. Insofar as it is

practical to do so, and not inconsistent with the law, the State Comptroller shall establish uniform systems of record-keeping within the respective counties and municipalities. [Note: County audits were made by the County Audit Division of the State Comptrollers' Office. Municipal audits were made by the Municipal Audit Division of the State Comptrollers' Office. Due to statutory omission, specific fund names are not provided and in efforts to follow uniform record-keeping practices, as instructed by law, the various State Comptrollers and others, have evolved descriptive account names to designate these funds. Insofar as practical, standard accounting practices have been applied to the record-keeping of counties and municipalities.]

Act 182, 1957 – Motor Users Tax – (7.7% net motor fuel tax; ¼¢ net per gallon motor fuel and \$3,000,000) received by the county aid fund under provisions of this Act shall be paid over by the state treasurer to the respective county treasurers of this State for credit to the county highway fund, there to be used for maintenance, construction and reconstruction of roads and bridges in the county highway system.

Act 149, 1959 [A.C.A. §23-64-102] – Established a System of State Aid Roads and a Division of State Aid Road Construction in the State Highway Department.

Legislative Council Resolution No. 35 Filed September 18, 1968 - County Roads Numbering

WHEREAS, there is presently no system of numbering county roads in ARKANSAS; and

WHEREAS, the absence of any numbering system for county roads makes it difficult for the citizens of this State to find their way about and especially difficult for tourists to locate the many attractions in Arkansas which are not situated on State highways; and

WHEREAS, it is believed that adoption of a uniform system of numbering for all county roads in the State would be beneficial not only to citizens of this State and to tourists, but also to the State Highway Department and to county judges and other officials of the respective counties,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE STATE OF ARKANSAS:

That the Legislative Council hereby respectfully requests the State Highway Department and the County Judges Association, in cooperation, to make a study of the feasibility of adopting a uniform system of numbering for all county roads in the State, and if the Department and the Association determine that the adoption of such system is feasible and desirable, to formulate and present a proposed plan or system therefore to the Legislative Council.

Three Mills County Road Tax [Repealed by Arkansas Constitutional Amendment 61 § 2] - Authorized County Courts with a majority of the Justices of the Peace (Quorum Court) to levy a tax not to exceed 3 mills on all taxable property in their respective counties. Designated the "County Road Tax," which could be used according to the specific language of the Act "for the purpose of making and repairing public roads and bridges of the respective counties and for no other purposes." [Approved by

Act 724, 1999 – County Aid Funds permitted to be used for construction and maintenance of sidewalks and traffic signals on publicly owned property.

Act 208, 2003 – To allow highway revenues from the County Aid Fund to be used to fund local projects eligible for funding under State and Federal Highway Programs.

**CITY STREETS**

The City General Fund supports city government activities through maintenance, operations and support of all city government functions. The City Street Fund supports improvement and maintenance of city streets. Special funds are earmarked for specific purposes. Any transfer of monies between city funds is made by City Council order.

Act 1, 1875 – Cities allowed to establish, maintain and light streets and alleys and to tax property for this purpose.

Act 16, 1933 – Motor Vehicle Privilege Tax authorized. Collected funds were to be used exclusively for construction, repair or maintenance of the streets, alleys or public ways. [Repealed by Act 182, 1957, effective October 1, 1958.]

Act 153, 1937 – One-half of 3 mill road tax to cities. The amount shall be expended exclusively for the purpose of making and repairing the streets and bridges within corporate limits of the town.

Act 315, 1955 – The State Comptroller shall have the power and duty, acting through his duly authorized employees, to make audits of all county officers' accounts and records and according to available appropriation funds, of municipal officers' accounts and records. Insofar as it is practical to do so, and not inconsistent with the law, the State Comptroller shall establish uniform systems of record-keeping within respective counties and municipalities. [Note: County audits were made by the County Audit Division of the State Comptrollers' Office. Municipal audits were made by the Municipal Audit Division of the State Comptrollers' Office. Due to statutory omission, specific fund names are not provided and in efforts to follow uniform record-keeping practices, as instructed by law, the various State Comptrollers and others, have evolved descriptive account names to designate these funds. Insofar as practical, standard accounting practices have been applied to the record-keeping of counties and municipalities.]

Act 182, 1957 – The remaining net highway revenues available for distribution in the State Highway Fund to be transferred 11.76% to the Municipal Aid Fund to be used for the maintenance, construction and reconstruction of streets which are not a continuation of state highways.

**FEDERAL REVENUE SHARING  
AND  
STATE AID STREET FUNDING**

Act 445, 1973 [A.C.A. §26-55-205] – Provided for the first \$18 million in Federal Revenue Sharing Funds received by the State to be transferred to the SHD Fund, Federal Revenue Sharing State Highway Trust Fund Account, to be used exclusively for construction of highways on the State Highway System. [For 1¢ See §4 of Act 445 (AR Code of 1987 §27-70-103)]

Act 445, 1973 As added by Act 982, 1975 [A.C.A. §27-72-401] – Defined State Aid Streets as those streets or State Highways on the Federal-aid Urban System and those public streets jointly selected by AHD and municipal officials. Dedicated all Federal Revenue Sharing funds received by AHD in excess of \$20 million to be used for the State Aid Street Program. Any amounts in excess of \$30 million received by AHD from such federal funds were to be divided equally between the State Aid Road and State Aid Street Programs.

Act 241, 1977 [A.C.A. §27-70-205] – Amended that Act to state that for the period October 1, 1977 through September 30, 1980 the first \$18 million in Federal Revenue Sharing would be distributed to AHTD and the next \$2 million for the State Aid Street Fund.

Act 23 of the First Extraordinary Session, 1977 [A.C.A. §27-72-407] – Amended those Acts to require that for the period January 1, 1977 through September 30, 1977, the first \$18 million in Federal Revenue sharing would be distributed to the AHTD, the next \$1 million to the Public School Fund and the next \$1 million to the State Aid Street Fund. Act 23 also required that the first \$18 million of such federal funds for the period September 30, 1977 through September 30, 1980 be distributed to AHTD, the next \$2 million to the State Aid Street Fund and all other monies to the AHTD. State Aid Street Funds are apportioned upon ratio that the population of each municipality bears to the total municipal population in the state as determined by the last available census. No municipality to receive more than 10%.

Act 24 of the First Extraordinary Session, 1977 [A.C.A. 27-72-404] – Appropriates \$4 million from State Aid Street account for construction and improving streets.

**Note:** Federal Revenue Sharing to the states ended during F.Y. 1981. During the period between the passage of Act 445 of 1973 and that time, almost \$145 million was received by the AHTD plus over \$8.4 million in interest payments for a total of almost \$153.4 million. Additionally, the State Aid Street Fund received almost \$7.2 million during that period.

**APPROPRIATIONS FROM THE GENERAL FUND**

Act 750, 1975 – Authorized the transfer of \$13.5 million from the General Fund to the AHD on June 30, 1975, to provide State matching monies for Federal Highway Trust Revenues. Also during each year of the 1975-1977 biennium \$13.5 million was authorized to be transferred from the General Fund to the AHD to provide state matching monies to acquire such Federal Highway Trust Revenues.

Act 436, 1979 [A.C.A. §§ 17-91-501 et seq.] – Authorized the immediate transfer from the General Fund of \$10.5 million to AHTD; \$2.25 million to the County Aid Fund; and \$2.25 million to the Municipal Aid Fund. Those funds distributed to the County Aid and Municipal Aid Funds were directed to be further distributed in accordance with the Arkansas Highway Revenue Distribution Law for matching monies for obtaining unobligated State Aid Road and State Aid Street Funds and for county road and city street maintenance and construction. Those funds distributed to the AHTD were to be distributed equally among the ten Highway Districts and used for resurfacing, reconstruction and maintenance.

**OTHER PROVISIONS OF LAWS DEALING WITH FUND DISTRIBUTIONS**

Act 438, 1979 [A.C.A. §27-70-204] – Provides on the first business day of the month, the State Treasurer shall compute the average daily balance of the SHTD Fund, including the Special Construction Account, the State Aid Road Fund, and the State Aid Street Account, administered by AHTD during the previous month and transferred on that day to the State Highway and Transportation Department Fund interest on the average daily balance computed at a rate equivalent to the average interest rate paid on all State Treasury funds invested during the preceding month, excluding the interest rate paid on open account deposits.

Act 865, 1981 [A.C.A. §27-70-208] – Provided the sales taxes imposed on gasohol, which was exempted from the per gallon motor fuel tax rates in 1979, would be transferred to the State Highway and Transportation Department Fund. [Act 433 of 1979 which exempted gasohol from the per gallon motor fuel tax rate was repealed by Act 112, 1985.]

**ANALYSIS OF COUNTY AND CITY TURNBACK**

All highway revenues which are available for distribution during each fiscal year are transferred into the following state treasury funds. Transfers are to be made monthly in the specified order until all available revenues have been transferred.

The first three percent (3%) is into the Constitutional and Fiscal Agencies Fund to be used for the purposes specified by the Revenue Stabilization Law of Arkansas.

Highway User Revenues are made up of Motor Fuel Taxes and Registration Fees. These moneys are collected by the Department of Finance and Administration and the bulk is distributed seventy percent (70%) Arkansas Highway and Transportation Department, fifteen percent (15%) counties and fifteen percent (15%) cities.

Monies paid into the County Aid Fund are paid by the State Treasurer to the county treasurers for credit to the County Highway Fund. They are to be used for maintenance, construction, and reconstruction of roads and bridges in the county highway system.

The County Aid Fund has the following five components:

31% of the amount according to area, with each county to receive the proportion that its area bears to the area of the state;

17.5% of the amount according to the amount of state motor vehicle license fees collected in the calendar year next preceding any such distribution, with each county to receive the proportion that the total of fees collected from the county bears to the total of fees collected in the state;

17.5% of the amount according to population based upon the most recent decennial federal census, with each county to receive the proportion that its population is of the state;

20.5% of the amount shall be divided equally among the 75 counties; and

13.5% of the amount according to rural population based upon the most recent decennial federal census with each county to receive the proportion that its rural population bears to the rural population of the state.

Monies are transferred to the Municipal Aid Fund in the same manner as to the County Aid Fund. They are paid into the treasuries of first and second class cities and incorporated towns for credit to the Street Fund. They are to be used for maintenance, construction, and reconstruction of streets which are not continuations of state highways. The fifteen percent (15%) allocation to the cities is based solely on population apportionment from the most recent federal census.

All highway revenues transferred to the State Highway and Transportation Department Fund under provisions of this turnback formula are used for construction, reconstruction, and maintenance of highways and bridges in the State Highway System. The State Treasurer distributes revenues on or before the tenth day next following the last day of each calendar month.



## HIGHWAY FUNDING PROGRAMS HISTORY SINCE 1946

Bond issuance only when majority of qualified electors voting in general election consent as proposed under HJR 2 of 1933. [Constitutional Amendment No. 20 adopted November 6, 1934]

1946 Highway Advisory Committee – Realizing the importance of adequate highway transportation service in development of Arkansas and the magnitude of the problem to be met in providing the necessary facilities, early in 1946 the Governor appointed a 34-member Highway Advisory Committee. Their charge was to determine the highway needs of the State, counties and municipalities and to provide the needed funding. This committee adopted two reports detailing their recommendations and sent these to the Governor.

Expanded Freeway and Expressway Program – By Minute Order 71-433, the AHC requested the Governor to seek a 2¢ per gallon tax increase on all motor fuels to fund needed highway improvements identified in the 1970-1990 Functional Classification and Needs Study. Minute Order 72-470 rescinded Minute Order 71-433. The AHC changed its request to the Governor to include a vote on a \$416 million bond issue to be repaid with a 2¢ increase in the motor fuels tax. This bond issue and revenue would be used to fund an 8-year Expanded Freeway and Expressway Program and a Rural State Highway Paving and Maintenance Assistance Program.

Arterial Transportation Corridor Plan (January 1979) – This plan was developed based on recommendations contained in an independent report from R. J. Hansen. The Hansen report, *Arkansas Highway Needs and Finance 1979-1989*, was requested by the Legislative Council. The AHC felt the recommendations in this report were realistic in that the major phases of highway system improvement and maintenance were addressed.

This program would have required additional state revenue totaling approximately \$105 million annually. Proposed sources for this revenue were: transfer of the sales and use tax on cars and trucks to the highway fund, removal of the sales tax exemption from motor fuels, increasing the tax on all motor fuels by 2¢, and increasing registration fees based on the recommendation contained in the Hansen report. None of these revenue increases would have been shared with the cities and counties.

Act 402, 1981 – Arkansas Truck Weight Study Commission (TWS) – This Commission was created to study financial needs on Arkansas' State Highway System and the effect of heavier truck weights on the system. This Commission recommended the Legislature enact a \$108.5 million revenue package of road user revenue. The TWS further recommended that after enactment of the revenue package, the legal gross weight limit would be raised to 80,000 pounds on Arkansas' Interstate and Primary highways. Additionally, 80,000-pound loads were to be allowed on those Secondary highways designated by the AHC as being able to sustain increased weights. A special session of the Legislature met in November to consider the

truck weight issue, among other items, but no action was taken.

Act 456, 1985 – Ten-Year Rural Highway Construction Program – Funds from increases in gasoline and LPG (4¢/gallon) and diesel (2¢/gallon) were provided to improve 4,850 miles of deteriorated and substandard rural state highways. This program, effective April 1, 1985, was the most extensive rural highway program ever undertaken in Arkansas. Funds were provided to construct, reconstruct and maintain rural state highways and their extensions into municipalities.

1989 Legislative Session Economic Development Corridor Program – This program was designed to improve the State Highway System's major highway network. All cities of 10,000+ population would be connected with a four-lane facility. Those cities of 5,000 population would be linked to four-lane facilities. Further, all major commodity flow corridors would be linked to the four-lane arterial system. HCR 1024 of 1987 requested AHTD to make a highway corridor study to determine various options and benefits to be gained from development of four-lane controlled access highways to serve the corridor areas of Arkansas. The proposal included a 7¢ per gallon increase in motor fuel taxes to finance improvement of 1,476 miles of state highways at a cost of approximately \$1.2 billion. Included was widening of 1,010 miles to four lanes and another 466 miles to three lanes over a 20-year period. The Rural Road Program passed by the Legislature in 1985 would also have been accelerated.

Acts 382 and 364, 1991 – Highway Improvement Program (HIP) – This program, estimated to cost approximately \$2.3 billion, could take 15 years to complete and will improve over 600 miles of roads and 560 bridge projects. Funded by 5¢ per gallon gasoline and 2¢ per gallon diesel taxes. Revenues from these tax increases were estimated to be \$48.5 million annually for State Highway System improvements and \$10.3 million to counties and \$10.3 million to cities.

The 1995 Highway Bond and Local Road Improvement Program – On January 9, 1996, voters rejected Governor Tucker's proposal to raise state fuel taxes to support billions of dollars in highway reconstruction bonds. Only 14% approved a 5¢-a-gallon diesel fuel tax hike. The margin against the bond measure itself, which would have triggered an increase in the gasoline tax, was equally lopsided. The following four 1995 Acts 1005, 1006, 1007, and 1008 made up that program.

Act 1005, 1995 – Levied a 6.5% wholesale motor fuel excise tax on the sale of motor fuel by position holders and importation of motor fuel by importers. Partial repayment of general obligation highway bonds would have resulted. [Equivalent to 5¢ per gallon tax applied at pump.]

Act 1006, 1995 – Referred to the People of Arkansas for a statewide vote for increasing the excise tax levied on Distillate Special Fuels by 5¢ per gallon to repay highway

construction bonds. [The trucking industry opposed this additional tax and persuaded lawmakers to make the diesel tax a separate ballot issue (Proposition 2) for the election.]

Act 1007, 1995 – Highway Commission authorized to issue \$3.5 billion in general obligation highway construction and improvement bonds to construct and improve highways in Arkansas. The Commission was required to prepare and distribute to the Governor and the Legislative Council a report setting forth in general terms, the highway improvements which would be financed if all of the authorized bonds were to be issued and the estimated cost of each highway improvement. A statewide election was required before issuing any bonds.

Act 1008, 1995 – Gross Receipts and Consumer Use Tax of one-half of one percent levied. Proceeds dedicated to highway bond program.

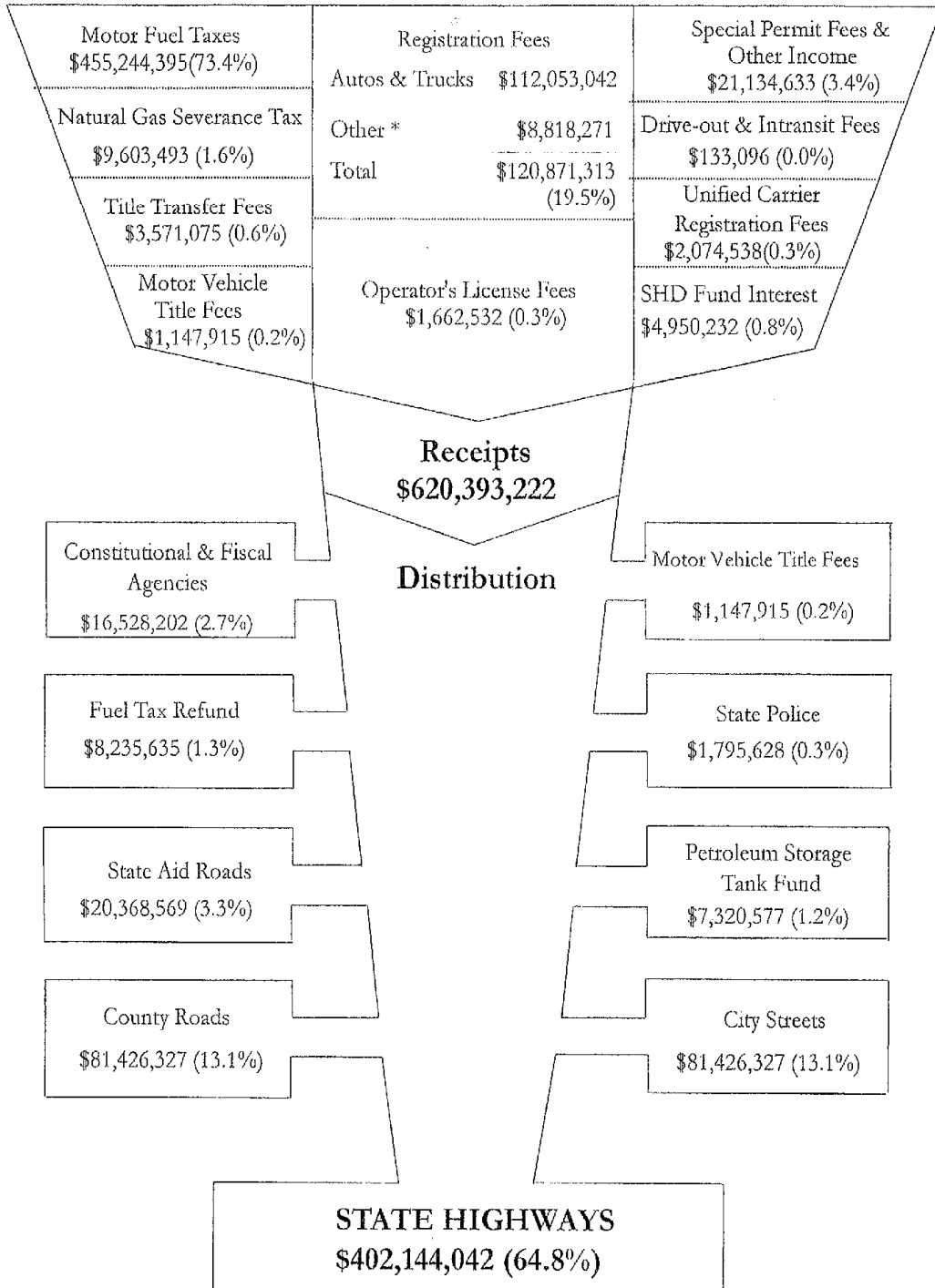
1997 Arkansas High-Density Use Highway, Road and Street Development Act – Sales and use tax of 1/2% would have been provided from the sale of new and used vehicles. Proceeds from repairs and tires and batteries for motor vehicles and the rental vehicle tax on motor vehicles were to be distributed 70/15/15. AHTD's share earmarked to the Arkansas High-Density Use Highway, Road and Street Development Fund. [Not Enacted]

Act 1027, 1999 – [Arkansas Highway Financing Act of 1999] – Bonds will allow the Commission to use future federal funds, Grant Anticipation Revenue Vehicle (GARVEE) bond concept, to retire the bond debt. Under the plan outlined by the Commission, selling up to \$575 million in bonds will help pay for about \$785 million in Interstate improvements over the next 5 years. The bonds will be paid using a combination of future federal funds, the required state matching funds, proceeds from a phased-in 4-cents increase in the diesel tax and state general revenues if necessary. Voters approved the issuance of bonds on June 15, 1999, by a margin of 86% for and 14% against.

Act 1028, 1999 – This Act may be referred to and cited as the “Arkansas Distillate Special Fuel Excise Tax Act of 1999” and “Motor Fuel Excise Tax Act of 1999.” Levies additional excise tax on motor fuel (gasoline) of 1¢ per gallon per year for a total of three years. Levies an additional excise tax on Distillate Special Fuel (diesel) of 2¢ per gallon effective immediately, and increases such additional levy to 4¢ per gallon effective one year after the effective date of this Act. The bond issue was approved by voters so the distillate special fuel taxes will be distributed as provided in the Arkansas Highway Financing Act of 1999. This act gradually removes the caps placed on the State Aid Road Funds. There is no change in the \$13 million cap for Fiscal Year 2000. Beginning in Fiscal Year 2001 the transfer limits are as follows: FY 2001 \$15 million; FY 2002 \$17 million; FY 2003 \$19 million; FY 2003 No limitation.

Act 4 and 5 of the 1<sup>st</sup> Extraordinary Session, 2008 – To increase the severance tax rate on natural gas; and for other purposes. Five percent will be classified as general revenue and the remaining 95% will be classified as special revenues and subject to the Arkansas Highway Revenue Distribution Law.

## F.Y. 2009 Highway- user Revenues Receipts and Distribution



•Includes driver search fees and trip permits.  
•Percents do not equal 100% due to rounding.

AHTD:FS:fab:09-30-09

**Chapter 6****MOTOR VEHICLE AND TRAILER TAXATION**

Act 134, 1911 – Motor vehicles first recognized and defined in Arkansas. Provided for registration of all motor vehicles with Secretary of State and payment of a uniform \$5 registration fee. Proceeds allocated to General Revenue Fund.

Act 302, 1913 – Registration fees raised to \$10. Provided for collection by sheriffs. Half of net proceeds to be retained by county and half to be remitted to State Treasurer and deposited in the Highway Improvement Fund. Department of State Lands, Highways and Improvements required to issue license tags and keep registration records.

Act 105, 1917 – Provided that all net proceeds from motor vehicle registration fees be remitted to State Treasurer and deposited in the Highway Improvement Fund.

Act 494, 1921 – Fixed motor vehicle registration fees on a horsepower and weight basis. Net proceeds deposited in State Treasury and divided: 70% returned to the counties in which they were collected and 30% deposited in the Highway Improvement Fund.

Act 5, Special Session, 1923 – Increased registration and license fees on vehicles. Provided an increased fee for passenger vehicles and trucks operated for hire; a fee for dealers, a chauffeur's license; and a transfer fee and lost tag fee. Exempted vehicles used for business of State, counties, cities or towns; issued plates free; provided fines and penalties for failure to comply. Vehicles owned by U.S. Government to use plates showing ownership. Non-resident permits. All proceeds to State Highway Fund.

Act 65, 1929 – Restated and revised registration fees for vehicles and other fees. Provided for reduction of charges after July 1 and October 1.

Act 237, 1931 – Slight modification – Trailers.

Acts 6 and 36, 1933 – All vehicle license fees radically reduced; with an additional 50% reduction on automobiles over four years old.

Act 9, 1933 – Required Revenue Department instead of Highway Department to issue license tags and keep registration records.

Acts 44 and 51, 1933 – Reduced dealer's fees to \$25 and \$5 and reduced fees on motorcycles.

Act 94, 1933 [A.C.A. §26-17-302] – Provided that license fees should be collected by Commissioner of Revenues instead of sheriffs.

Act 11, Special Session, 1934 – Established new schedule of fees – slightly higher on large cars; 4 cylinder cars five years old, one-half fee. Truck fees same as 1933 – trailer fees increased. Provided increased fees for vehicles

carrying passengers for hire. Repealed fee for motor trucks for hire.

Act 183, 1935 [A.C.A. §§27-14-1804 – 27-14-1808] – Regulated motor vehicles in the course of delivery and fixed the registration fee for vehicles in transit at \$1.50. Revenue to be credited to the State Highway Fund.

Act 176, 1937 – Provided that motor vehicle license fees should be payable between January 1 and March 1 of each year.

Act 300, 1937 – Specified allowable weight of vehicles operating on State Highway System and load of vehicles per inch width of tire.

Act 9, Special Session, 1938 [A.C.A. §§27-14-1804 – 27-14-1807] – Amended Act 183 of 1935 by increasing the intransit fee to \$3 per vehicle, and crediting the revenue to the Bridge Bond Fund.

Act 13, Special Session, 1938 – Amended Section 6615 of Pope's Digest (Act 11, 1934) [A.C.A. §27-14-601] by providing that the formula for computing license fees on trucks and trailers be based solely on the capacity of the vehicles and "capacity" was defined as volume or cubic content of vehicle as designed by the manufacturer.

Act 115, 1939 [A.C.A. §27-14-1402] – Provided for an annual license fee of 45¢ per horsepower and \$2.50 for each passenger seating capacity on motor buses operating over certain designated streets, according to regular schedules, in lieu of street cars.

Act 177, 1939 [A.C.A. §27-14-1502] – Provided that the license fee for taxicabs operated in cities separated by a state line or in adjoining cities separated by a state line should not exceed that provided by law for this class of vehicles in the adjoining state.

Act 191, 1939 – Provided for motor vehicle license fees to be payable from November 1 to December 31 of preceding year.

Act 72, 1941 – Provided that motor vehicles registered and kept in another state may be operated in Arkansas without payment of license fee for period of 90 days; vehicles belonging to members of armed forces may be operated for 12 months.

Act 354, 1941 [A.C.A. §27-14-1403] – Fixed license fee for community or farm-to-market buses, operating within a radius of 50 miles at \$100.

Act 377, 1941 [A.C.A. §27-14-601] – Amended Act 11, 1934, to provide fees for full trailers and semi-trailers for one ton capacity and more than one-half ton when used primarily in hauling agricultural products to be one-half the fee set out.

Act 392, 1941 – Provides for operation of motor vehicles registered in foreign state.

Act 143, 1943 – Provides that owner of passenger vehicle registered in another state may operate in Arkansas for 90 days without paying license fee, but said vehicle must be registered within 10 days. Provides for operation of military vehicles.

Act 144, 1943 – Provides for issuing free licenses to vehicles owned by counties and municipalities. Charge for tags \$1.

Act 205, 1943 – Amends paragraph B, § 24, Act 65 of 1929, to lower fees on light trucks over 10 years old.

Act 60, 1945 – Provides for making reciprocal agreements between Arkansas and other states concerning the operation of motor vehicles.

Act 64, 1945 – Amends §3 (e), Act 386, 1941 to provide for the collection of Gross Receipt Taxes on sale of new and used automobiles.

Act 117, 1945 – Requires proper display of license tags.

Act 221, 1945 – Changes the period for collecting motor vehicle license fees from January 1 to January 31 of each year, and prohibits anyone from extending the time.

Act 45, 1947 – Provides that plates may be issued at a fee of \$1 for buses used to carry members to church.

Act 416, 1947 – Authorizes the transfer of “For Hire” licenses.

Act 5, 1949 – Intransit Tax – Amends §2, Act 9 of 1938, by crediting net revenue from intransit fees to State Highway Construction Fund.

Acts 7 and 322, 1949 – Provides free license tags for disabled veterans who have been awarded automobiles.

Act 38, 1949 – Requires Commissioner of Revenues to file a list of licenses with assessor and sheriff of each county.

Act 142, 1949 – Title Law – Provides for registration of motor vehicles and issuance of Certificate of Title.

Act 235, 1949 – Trucks – Amends vehicle license law to provide licensing of trucks and trailers on a gross weight basis, six weight classes. License period July 1 to June 30.

Act 31, 1951 – Intransit Tax – Amends Act 5 of 1949 by crediting the net revenues from intransit fees to the State Police Fund.

Act 59, 1951 – Trucks – Amends Act 235 of 1949 to provide \$12 license fee for all half-ton trucks.

Act 130, 1951 – Ad Valorem Assessment – Requires proof that vehicle has been assessed before license can be issued. (Act 144, 1953 – Out of State Owners.)

Act 170, 1951 – Registration – Requires state-owned vehicles to be registered under Title Law (Act 142, 1949).

Act 216, 1951 – Ad Valorem – Requires County Assessor to furnish list of all automobiles assessed.

Act 375, 1951 – County Vehicle Tax – Empowers quorum courts to levy privilege tax on vehicles.

Act 65, 1953 – Exempts motor vehicles owned by school districts from all taxes.

Act 144, 1953 – Out-of-state owner during assessment period is exempt from taxes of previous period, provided no taxes are due. Amends Act 130, 1951.

Act 212, 1953 – Provides for proof of payment of personal taxes (by submitting a tax receipt or certificate from tax collector) as a prerequisite to the issuance of a motor vehicle license.

Act 98, 1955 – Set single axle limits at 18,000 pounds, and tandem axle limits at 32,000 pounds unless by special permit. Retained 56,000 pounds overall limitation, excluding front axle.

Act 111, 1955 – Drive-out tags issued to non-residents who buy a car in Arkansas. Issued for 48-hour period, \$1 fee.

Act 118, 1955 – Directs Commissioner of Revenues to prefix number of auto license plates in accordance with county population.

Act 182, 1955 – Creates Arkansas Motor Vehicle Commission, levies license fees – Manufacturer (\$100), Dealer (\$25) and Salesman (\$5). Fees credited to Arkansas Motor Vehicle Commission.

Act 31, 1957 – Motor vehicle owners can present endorsement on Certificate of Registration by Tax Collector and Tax Assessor instead of paid receipt for purchase of motor vehicle license.

Act 120, 1957 – Provides for registration of antique motor vehicles (\$5 fee, on a permanent basis without renewal).

Act 206, 1957 – Intercity buses required to pay fees according to highway use.

Act 343, 1957 – Motor carriers must have certificate showing payment of all taxes due and payable before issuance of motor vehicle license.

Act 369, 1957 – Registration of school buses owned by a school district required only once as long as school district owns bus.

Act 122, 1959 – Exempts orphanages from payment of regular license fees.



Act 189, 1959 – Authorizes issuance of free motor vehicle license plates to civic clubs who furnish trucks or buses used exclusively for Boy Scout purposes (\$1 administrative cost fee).

Act 201, 1959 – Regulates use of and licensing for motor scooters.

Act 78, 1963 – Set maximum front steering axle weight limit at 12,000 pounds except special permits to be issued for specialized equipment. On Interstate and Primary Highways the overall limitation was 73,280 pounds and on all other highways the maximum was 64,000 pounds unless the AHC deemed other highways or portions thereof as capable of withstanding the increased overall weight limitation.

Act 142, 1963 – Increased truck and trailer registration fees.

Act 548, 1963 – Reduced motor bus registration fee to \$15/year for those operating on designated streets according to regular schedule and under municipal franchise.

Act 87, 1965 – Prescribed an annual \$10 registration fee for any school bus or other bus converted for camping use.

Act 493, 1965 – Specified Chauffeur's License Fees, Motor Vehicle Transfer Fees, Duplicate Motor Vehicle Registration and License Plates (Auto Division Fees) be credited to State Police Fund; Oversize-Overload permits be credited to AHD; Intransit fees be credited to State Police Fund; and Oil Inspection Fees be credited to the Constitutional and Fiscal Agencies Fund.

Act 42, First Extraordinary Session, 1965 – Increased motor vehicle registration fees.

Act 45, First Extraordinary Session, 1965 – Exempted the movement of machinery for farm purposes from the requirement of obtaining an overwidth permit if movement is within a 50 mile radius and not on the Interstate.

Act 21, 1967 – Reduced registration fee on taxicabs to same as charged for pleasure vehicles.

Act 82, 1967 – Authorizes any dealer owned motor vehicle to be driven on streets by anyone authorized by dealer.

Act 109, 1967 – Allowed double bottomed trucks on the state's highways by increasing overall length to 65 feet from 55 feet. "No other combination of vehicles coupled together shall exceed a total length of 65 feet." §11.

Act 134, 1967 – Allowed owner to transfer license plates to another vehicle from one replaced or destroyed, exclusive of Class 1 trucks and passenger automobiles. A \$10 transfer fee was required if the license fee of the transferred vehicle was less than replacement.

Act 465, 1967 – Provided for permanent registration and licensing of passenger motor vehicles and Class 1 trucks and annual renewal by mail.

Act 638, 1967 – Established a periodic motor vehicle inspection program. [Repealed by Act 974 of 1997]

Act 36, 1969 – Provided free registration of an automobile owned by a totally and permanently disabled service-connected veteran.

Act 57, 1969 – Provided free registration of automobile owned by a veteran disabled in World War I.

Act 181, 1971 – Provided a registration fee of \$10 each for semi-trailers weighing between 1,001 and 6,000 pounds.

Act 348, 1971 – Provided a registration fee schedule for semi-trailers.

Act 469, 1971 – Established a "more equitable" registration fee schedule for motor vehicle dealers license plates.

Act 726, 1971 – Prescribed registration fee for "goose neck" farm trailers used only for hauling livestock, etc.

Act 827, 1971 – Provided for no motor vehicle to be licensed without valid inspection 30 days prior to application. [Repealed by Act 974 of 1997]

Act 176, 1973 – Permitted licensing of mobile homes at an annual fee of \$20.

Act 30, 1979 – Provided free motor vehicle license plates to veterans who had suffered non-service connected catastrophic injuries.

Act 56, 1979 – Authorized Disabled Veterans to obtain multiple D.A.V. License plates upon payment of the normal license fee.

Act 439, 1979 – Imposed a \$10 title transfer fee on motor vehicle titles.

Act 440, 1979 – Increased all motor vehicle registration fees, including trailers and semi-trailers.

Act 671, 1979 – Established a procedure for the permanent registration of small and medium sized trailers having a gross load less than 6,000 pounds.

Act 744, 1979 – Authorized the issuance of newly designed motor vehicle license plates.

Act 40, 1981 – Reduced \$10 title transfer fees imposed by Act 439, 1979 to \$4.

Act 63, 1981 – Reduced passenger automobile and pickup registration fees.

Act 402, 1981 – Authorized AHTD to issue special overload permits for vehicles used for hauling Arkansas agricultural products produced or processed in Arkansas with loads between 73,280 and 80,000 pounds; Created Arkansas Truck Weight Study Commission to make a comprehensive study of the truck weight laws of this State.

Act 405, 1981 – Permits persons entitled to POW license to get additional tag for \$1 plus payment of regular license fees.

Act 475, 1981 – Provided for the issuance of license plates to U.S. Military Reserve personnel at the normal fee.

Act 797, 1981 – Allows the issuance of 1/4<sup>th</sup> year registration of trucks weighing 68,001 to 73,280 pounds.

Public Law 97-424 – The Surface Transportation Assistance Act (STAA) of 1982 – Increased maximum allowable width of trucks to 102" from 96" and required states to allow single trailers of at least 48' in length and trailers of at least 28' in twin combinations on federal-aid Interstate Highways. The loss of federal-aid highway funds was the penalty for any State not allowing such weight on that system in accordance with the Federal Bridge Formula. States were required to allow reasonable access between the Interstate Highway System and other designated highways and facilities for food, fuel, repair and rest and to terminals.

Act 7, 1983 – Set maximum single-axle loads at 20,000 pounds, tandem axle loads at 34,000 pounds and overall gross weight at 80,000 pounds. Vehicles opting to increase weights above 73,280 pounds were required to adhere to the Federal Bridge Formula. [Responded to requirements in Federal-aid Surface Transportation Assistance Act of 1982.]

Act 685, 1983 – Imposed a weight distance tax of 5¢ per mile, or a maximum of \$175/year for vehicles with declared gross weights in excess of 73,280 pounds allowed on the highways as a result of Act 7, 1983 which set maximum overall weights at 80,000 pounds. Provided an \$8/100 mile trip permit in lieu of such taxes.

Public Law 98-554 – [Tandem Truck Safety Act (TTSA) of 1984] – Amended STAA of 1982 to permit semi-trailers (generally operating as doubles) up to 28-1/2 feet long and 102 inches wide the same access to loading and unloading points as household goods carriers.

Act 153, 1985 – Arkansas trailer units eight feet or less in width and 60 feet or less in length to be moved on the highways without special permits. Requires the AHTD to issue permits for manufactured homes not over 16 feet in width on certain highways.

Public Law 100-17 [The Surface Transportation Uniform Relocation Assistance Act of 1987 (STURAA)] – Directed DOT to study issue and report findings within 30 months. December 1987 Conference Report accompanying 1988 DOT appropriations Act (Public Law 100-202) directed Transportation Research Board (TRB) to accelerate study and submit report on access within 18 months. DOT was

refrained from issuing final rule until release of TRB report and to give substantial weight to the findings and recommendations contained in the TRB report.

Act 3, Second Extraordinary Session, 1987 – Repealed the weight-distance tax enacted by Act 685 of 1983. Replaced said tax with a 2 1/2¢/mile tax on all vehicles, with certain exceptions, with a declared gross weight of 73,281 pounds or more predicated on the number of miles traveled in Arkansas during the qualification year. Trip permit fees remained unchanged at \$8/100 miles of travel. AHTD was imposed with authority to collect all of said taxes and fees.

Act 31, 1989 – Motorcycles – personalized license plates.

Act 103, 1989 – Semi-trailers; optional permanent registration.

Act 250, 1989 – Motorcycles, registration between June 1 and August 31 of each year.

Act 251, 1989 – Clarifies motor vehicle registration and licensing procedures.

Act 343, 1989 – Purple Heart recipients to receive free license plates.

Act 412, 1989 – All terrain vehicles, 3 or 4 wheeled, dealer to collect sales tax.

Act 638, 1989 – Overweight fines/penalties for five-axle vehicles granted 8% variance, computation method prescribed.

Act 9, Third Extraordinary Session, 1989 – Denied credit for sales or use taxes paid to other states on motor vehicles first registered by the purchaser in Arkansas.

Act 96, 1991 – Gooseneck trailers; eliminates separate registration class. Increases registration fee for trailers drawn by automobiles and Class I trucks.

Act 219, 1991 – Weight Distance truck tax replaced with increases in registration fee and distillate special fuels. [See History of Arkansas' Weight Distance Tax Law in Section II Supplemental Material.]

Act 293, 1991 – Motor vehicle lien holders permitted to make title application on behalf of lien holder.

Act 372, 1991 – Retired military personnel; fee charged for special plates eliminated.

Act 737, 1991 – Motor vehicle dealers/sellers who utilize title retention notes or documents in sale or financing of motor vehicle are required to register vehicle within ten working days.

Act 988, 1991 – Increases fine for failure to license motor vehicles.

Act 1005, 1991 – DF&A's director to establish system for renewal of auto licenses by FAX machine and payment by credit card.

Act 1139, 1991 – Five-axle vehicles licensed as natural resources vehicles exempted from Federal Bridge Formula when operated on non-Interstate Highways.

Acts 68 and 69, First Extraordinary Session of 1992 – Changes law regarding height and width of vehicles transporting cottonseed.

Act 213, 1993 – Motorcycles—inspection certificates to be placed in rear license plate holder.

Act 233, 1993 – License plates; unlawful to display annual decals obtained unlawfully.

Act 404, 1993 – Interstate buses licensing fees changed.

Act 614, 1993 – Damaged vehicles disclosure required on title.

Act 905, 1993 – Boat and travel trailers pulled by one ton truck or less assessed annual \$7 fee.

Act 1113, 1993 – Permits issued for 18-foot wide mobile homes.

Act 1261, 1993 – Additional fee for registering by mail waived. Option required for assessing personal property by phone.

Act 1266, 1993 – Trucks—solid waste haulers axle requirements.

Act 268, 1995 – Motor vehicle registration—increases from 10 to 20 days the period allowed in which vehicle must be registered after purchase.

Act 330, 1995 – Motor Vehicle Registration Fee— repeals \$2 additional fee charged on motor vehicle registrations made in person rather than by mail.

Act 389, 1995 – Class one trucks with manufacturers' nominal tonnage rating of one ton or less classified for licensing purposes.

Act 435, 1995 – Solid waste hauling requiring axles and brakes on various sized vehicles removed.

Act 614, 1995 – Motorcycle inspection certificates placed in appropriate place on license plate.

Act 620, 1995 – Branded vehicle titles—disclosure at time of sale or transfer by any motor vehicle owner who is not a dealer.

Act 647, 1995 – Civil Air Patrol members—personalized license plates allowed.

Act 851, 1995 – Vehicle weight limitations; penalty violations enforcement strengthened.

Act 873, 1995 – Water well drilling equipment exceeding state's length laws provided for upon payment of annual permit fee.

Act 1263, 1995 – Registering by mail eliminates additional \$2 fee imposed. County Assessor required to assess by phone.

Act 1297, 1995 – Technical and community colleges— vehicles owned and operated by these institutions are exempted from taxes and registration fees.

Act 1314, 1995 – Firefighters license plates—annual renewal at normal fee.

Act 297, 1997 – Farm product vehicles seven months' registration authorized. Licensing period the last month of current licensing year and the first six months of subsequent licensing year.

Act 307, 1997 – Garbage trucks exempt from length laws regarding front end loading attachments while the vehicle is actively engaged in collecting garbage.

Act 425, 1997 – Cover required for trucks with open loads of sand, gravel and rocks traveling over paved public highways unless six inches of freeboard are maintained within the open bed.

Act 452, 1997 – Vehicle registration and motor vehicle safety inspection laws for vehicles undergoing repairs; revenue clerks allowed to issue 3-day exemption from requirements.

Act 809, 1997 – Registration and titling provisions and federal odometer law requirements loopholes closed. An estimated additional \$180,000 in highway revenue per year will be produced.

Act 974, 1997 – Motor Vehicle Inspection Laws eliminated January 1, 1998, when proof of liability and assessed personal property taxes and payment of personal property taxes will be verified by computer.

Act 991, 1997 – Motor vehicle insurance database created to check proof of insurance coverage.

Act 1156, 1997 – Annual \$1,000 oversize load permits issued for consecutive operations from an adjacent State over a designated route. Vehicle width increased to 10 feet 8 inches.

Act 1327, 1997 – Disabled Veterans Widows' license plate fee reduced to \$1 for surviving spouse.

Act 385, 1999 – Motor Vehicle Safety Responsibility Act increases security deposit for damages judgment for an accident resulting in bodily injury or death.



Act 461, 1999 – Lease vehicles license plates transfer allowed and registration renewal notices required to be mailed not less than 30 days prior to expiration (was 60 days).

Act 912, 1999 – Motor vehicle registration and driver license time period changed for treating persons as residents in Arkansas.

Act 916, 1999 – License Plates; Veterans – World War II, Korean War, Vietnam and Persian Gulf Veterans. \$10 Handling fee.

Act 1106, 1999 – Pertaining to licensing of newly purchased motor vehicles, whenever the owner of a registered vehicle transfers or assigns his title, or interest, the registration of the vehicle shall expire.

Act 1303, 1999 – Salvage motor vehicles titles disclosure to buyer to elect to render the sale voidable up to 60 days (was 30) after sale transaction in which salvage title was not properly disclosed.

Act 1305, 1999 – “Motor Vehicle Lien Release Act” required on motor vehicles and title delivery within 15 days of receipt of payment in full.

Act 1307, 1999 – Registrations and Certificates of Title required within 30 days from date of purchase.

Act 1359, 1999 – Driver’s Privacy Protection Act amended to authorize any authorized person to receive an abstract of any driver’s record pursuant to this Act.

Act 1511, 1999 – Timber and lumber maximum weights limits—exempts vehicles with 5 axles hauling timber slabs, rough-cut lumber and other unfinished logs from the Federal Bridge Formula on non-Interstate Highways and requires such vehicles to comply with a tandem axle limit of 36,500 pounds and a single axle limit of 20,000 pounds.

Act 1527, 1999 – Motor Vehicle Safety Responsibility Act; security deposit for damages judgment for an accident resulting in bodily injury or death.

Act 330, 2001 – Permanent registration of trailers drawn by automobiles and Class I trucks.

Act 1269, 2001 – Replaces the \$5 fee charged at issuance and annual renewal of military license plates with a \$10 fee charged at issuance only.

Act 1433, 2001 – Requires Office of Motor Vehicle to suspend registration of any vehicle uninsured for 3 consecutive months and provides for notice of suspension and reinstatement fee.

Act 1500, 2001 – Increased fee issuance or renewal of drivers licenses for benefiting Arkansas

Act 1706, 2001 – Motor vehicles and trailers manufactured after September 30, 2001 required to cover their loads of sand, gravel or rock to prevent spillage.

Act 343, 2003 – To provide that automobile dealers may use dealer license plates on dealer-owned vehicles for personal or business trips.

Act 463, 2003 – To clarify that one (1) ton trucks and vans used for personal transportation can be registered with passenger car tags and to provide guidelines for distribution of the penalties imposed.

Act 551, 2003 – To exempt from the state sales and tax gross receipts in excess of nine thousand one hundred fifty dollars derived from the sale of a truck tractor and in excess of one thousand dollars derived from the sale of a semi-trailer.

Act 832, 2003 – To repeal certain provisions requiring nonresidents to register their vehicles within ninety days (90) and obtain a visitor’s permit after ten (10) days.

Act 845, 2003 – To allow registration of older all-terrain cycles with a statement of ownership.

Act 1098, 2003 – To amend the Arkansas Motor Vehicle Commission Act to revise the definition of all-terrain vehicle and to include a motor scooter as a motor vehicle.

Act 1329, 2003 – Pertaining to the registration of foreign vehicles.

Act 1722, 2003 – To revise the motor vehicle documentary fees.

Act 589, 2007 – To assist the administration of motor vehicle titles and to expedite the release and transfer of motor vehicle titles.

Act 406, 2009 – To clarify that a permit for earthmoving equipment may allow the towing of two dirt pans at one time.

Act 455, 2009 – Concerning the time period that car dealers are required to pay off existing liens or encumbrances on vehicles.

Act 483 2009 – To amend the Title 27, Chapter 14 of the Arkansas code of 1987 annotated to state a court of this state shall not have jurisdiction to change or modify the designation or finding of another state issuing a certificate of title or the junking certificate.

Act 484, 2009 – To provide for increased security in the issuance of temporary motor vehicle buyers tags.

Act 492, 2009 – To clarify that the weight limitations for vehicles under the Arkansas New Motor Vehicle Quality Assurance Act do not apply to a vehicle that has been substantially altered after its initial sale.

Act 636, 2009 – To allow the registration and licensing of autocycles as an affordable transportation option that will reduce dependency on foreign oil; and provide economic stimulus to the emerging of autocycles.

Act 651, 2009 – To authorize the issuance of a special license plate for Cold War Veterans.

Act 685, 2009 – To allow the Department of Finance and Administration to issue Gold Star Family special license plates.

Act 780, 2009 – To require temporary cardboard vehicle buyer's tags to be legible and visible.

Act 784, 2009 – To authorize the redesign and simplification of military service and veterans special license plates.

Act 932, 2009 – To amend the Special License Plates Act of 2005 to allowed retired members of the Armed Forces of the United States to obtain special license plates for nominal fees.

Act 945, 2009 – To clarify the requirements for licensing and registering a motor vehicle.

Act 1194, 2009 – To allow the permanent registration of a fleet of motor vehicles.

Act 1308, 2009 – To provide voluntary alternative driver's licenses and identification cards for enhanced identification and security purposes.

**SPECIAL STATE LICENSE PLATES**

Organization	Act
African-American Fraternity and Sorority	Act 2202 of 2005
Amateur Radio Operators	Act 2202 of 2005
Antique Motorcycles	Act 2202 of 2005
Arkansas Fallen Firefighter's Memorial	Act 1577 of 2005
Arkansas Golf Association	Act 1574 of 2005
Armed Forces Retired	Act 2202 of 2005
Armed Forces Veterans	Act 2202 of 2005
Boy Scouts of America	Act 2202 of 2005
Cattleman's Foundation	Act 2202 of 2005
Choose Life	Act 2202 of 2005
Civil Air Patrol	Act 2202 of 2005
Collegiate	Act 2202 of 2005
Committed to Education	Act 2202 of 2005
Constitutional Officer	Act 2202 of 2005
County Quorum Court Members	Act 2202 of 2005
Disable Veterans (own vehicle—service related disability)	Act 2202 of 2005
Disabled Veterans (non service injury)	Act 2202 of 2005
Disabled Veterans (vehicle furnished by Veterans Administration)/WW I	Act 2202 of 2005
Distinguished Flying Cross	Act 2202 of 2005
Ducks Unlimited	Act 2202 of 2005
Ex-Prisoner of War	Act 2202 of 2005
Firefighters	Act 2202 of 2005
Game and Fish	Act 2202 of 2005
General Assembly	Act 2202 of 2005
Handicapped	Act 2202 of 2005
Historic or Special Interest	Act 2202 of 2005
In God We Trust	Act 727 of 2005
Medal of Honor	Act 2202 of 2005
Military Reserve	Act 2202 of 2005
Operation Enduring Freedom Veteran	Act 925 of 2005
Operation Iraqi Freedom Veteran	Act 2202 of 2005
Organ Donor Awareness	Act 2202 of 2005
Pearl Harbor Survivor	Act 2202 of 2005
Professional Firefighters	Act 590 of 2007
Public Use — Federal Government	Act 2202 of 2005
Public Use — Local Government	Act 2202 of 2005
Public Use — State Government	Act 2202 of 2005
Public Use — State Government (Highway Department)	Act 2202 of 2005
Purple Heart	Act 2202 of 2005
Realtors®	Act 1889 of 2005

**SPECIAL STATE LICENSE PLATES (CONTINUED)**

Organization	Act
Retired State Troopers	Act 2202 of 2005
Search and Rescue	Act 2202 of 2005
Street Rod	Act 340 of 2007
Susan G. Komen Breast Cancer Education	Act 2202 of 2005
U.S. Merchant Marine	Act 2202 of 2005
University of Arkansas Division of Agriculture	Act 2202 of 2005
Veterans – World War II, Korean War, Vietnam, Persian Gulf	Act 2202 of 2005
Cold War Veterans	Act 651 of 2009

*Chapter 7*

**COMMERCIAL AND NON-COMMERCIAL OPERATORS' LICENSES**

Act 5 Special Session 1923, §36, (k) – Every person operating a motor vehicle as a chauffeur pays a registration fee of \$5 per annum. Provides penalty for violation payable to the State Highway Fund. [Act 65, 1929, (k) – Reenacts this section.]

Act 132, 1935 – Section 7 levies a driver's license fee of 50¢ which may authorize all members of the same family over 16 years of age to operate vehicles. Funds credited to the State Police Fund.

Act 280, 1937 – Licensing of all motor vehicle operators required. State Police given authority to conduct examinations to determine qualifications of applicant. Fee reduced to 35¢. Credited to State Police Fund.

Act 291, 1937 – Reenacted the original requirement of Act 5 Special Session of 1923 for obtaining a chauffeur's license. Was necessary due to §24, (k) of Act 65 having been inadvertently repealed by Act 280 of 1937.

Act 72, 1939 – Increased fee for operator's license to 50¢.

Act 393, 1947 – Increased fee for operator's license to \$1.

Act 160, 1951 – Provided for responsibility of operators of motor vehicles and for suspension of driver's or chauffeur's license if judgment is not satisfied.

Act 126, 1955 – Children 16 years of age not required to have operator's license to operate "motor scooter" or "motor scooter bike."

Act 24, 1957 – Increased fee for operator's license from \$1 to \$2.

Act 147, 1963 – Provided issuance of driver's license without examination to those presenting a valid out-of-state license or one issued by the Armed Services.

Act 555, 1965 – Established Driver's License Bureau within Revenue Department and authorized staggered issuance of driver's licenses and renewals.

Act 294, 1967 – Required Driver's Licensing Bureau to maintain a central record file of all motor vehicle operators' and chauffeurs' licenses and a record of all convictions for moving traffic violations.

Act 337, 1967 – Allowed for staggered time issuance of operator's and chauffeur's licenses for 1 or 2 years.

Act 338, 1967 – Allowed two-year period issuance of driver's license for a \$4 fee. Chauffeur's fees remained at \$5 a year.

Act 276, 1969 – Increased driver's license fees to \$6 for a 2-year period. Chauffeur's fees remained at \$5 a year.

Act 176, 1975 – No person to operate a motorcycle or motor driven cycle with over 250 cc engine displacement without holding a valid motorcycle operator's license. Persons under 14 could operate a vehicle with an engine displacement of 250 cc's or less under a special license provided within the Act.

Act 206, 1975 – Provided no person could operate a motor-driven cycle without a motor vehicle operator's license. Persons under 14 could operate a cycle with an engine displacement of 250 cc or less under a special license provided within the Act.

Act 1236, 1975 (Extended Session of 1976) – Provided all persons 16 or older who operate motorcycles and motor-driven cycles must have a motorcycle operator's license. All persons less than 19 must pass exam to operate vehicle.

Act 561, 1977 – Regulated operation of motorized bicycles.

Act 819, 1979 – Provided for a moped operator's license.

Act 972, 1985 – Amended statutes regarding motor-driven vehicles (motorcycles, motor-driven bicycles, and motorized bicycles) and operator's license.

Act 193, 1989 – All driver's licenses valid for four years. Option of 2 to 4 years repealed.

Act 241, 1989 – Arkansas Uniform Commercial Driver License Act; valid for four years – option of 2-4 years repealed.

Act 368, 1989 – DWI offender, restricted operator's permit to attend state required alcohol treatment and education programs.

Act 385, 1989 – Duplicate driver's license increased from \$2 to \$5.

Act 412, 1989 – Motorcycle and 3 or 4 wheel all terrain dealers; report of sale.

Act 473, 1989 – Driver's license suspension for excessive unexcused school absences.

Act 621, 1989 – DWI conviction, \$25 fee to reinstate operator's suspended license.

Act 707, 1989 – Arkansas Uniform Commercial Driver License Act, temporary 60 day permit issued.

Act 1034, 1989 – Operator's license; use of Social Security number optional.

Act 35, Third Extraordinary Session of 1989 – Allows moving overwidth and overlength manufactured homes on public highways on Saturdays.

Act 164, 1991 – Commercial Driver License; no fee application for church bus drivers.

Act 394, 1991 – Motor vehicle liability insurance; relative coverage changes made.

Act 614, 1991 – A person having a valid motor-driven cycle operator's license at age 16 can automatically receive a license to operate a motorcycle.

Act 716, 1991 – Motor Vehicle Operator's license; provides hardship waiver from requirement of school enrollment or graduation to obtain.

Act 782, 1991 – Driving test examination fee authorized.

Act 831, 1991 – Motor vehicle operator's license; requires enrollment or graduation except in hardship case.

Act 852, 1991 – Commercial Driver License; nonprofit daycare center drivers exempted from application fee.

Act 1042, 1991 – Commercial Driver License instruction permit fee reduced from \$61 to \$51 effective 7-1-1992.

Act 1109, 1991 – Controlled substances-drug violators driver's license suspension required.

Act 409, 1993 – Operator's and chauffeur's licenses issued on or after 8-1-1993 show body organs donor's consent.

Act 445, 1993 – Operators' and chauffeurs' licenses changed to commercial and non-commercial.

Act 736, 1993 – Restricted driving permit after driving while intoxicated.

Act 863, 1993 – Driving While Under The Influence Law or the DUI Law—Prescribes penalties for violations including license suspension fines and public service. Provides for Underage Alcohol and Driving Education Program for offenders. [A traffic offense is created when a driver under the age of 21 has one-fiftieth of 1% (0.02%) but less than one-tenth of 1% (0.10%), by weight of alcohol as determined by a chemical test of the person's blood or breath or other bodily substance.]

Act 1168, 1993 – Driver's license exam fees; payment after third examination.

Act 1257, 1993 – License suspension mandatory for drug offenders.

Act 263, 1995 – DWI Omnibus Act amended – alcoholism treatment or education program for conviction required before reinstating driver's license.

Act 413, 1995 – Driver's license obtained for \$5 upon surrender of a valid license from another state.

Act 483, 1995 – Driver's license; suspension or revocation of a validly issued license upon cancellation of an invalid license.

Act 654, 1995 – Commercial Driver License; Arkansas State Police to promulgate rules and regulations to provide for designating third party testers.

Act 659, 1995 – Fine increased for driver's license that was revoked for willful refusal to file accident reports.

Act 730, 1995 – Driver's license; \$25 fee to Office of Driver Services to reinstate driver license for non-DWI offenses.

Act 802, 1995 – Driver's license; administrative revocation and suspension for driving while intoxicated.

Act 921, 1995 – Disqualified and unlicensed drivers of commercial motor vehicles; penalties provided as required by the Federal Highway Administration.

Act 959, 1995 – Driver's license laws include various technical corrections pertaining to Office of Driver Services record keeping, parent or custodian signing for minor's application and person signing to be financially responsible.

Act 1116, 1995 – Driver's license suspension by courts authorized for criminal defendants defaulting on fines or costs imposed as part of a sentence.

Act 495, 1997 – Licensee's age indicated on driver's license upon issuance to indicate if age is over 18 but under 21.

Act 892, 1997 – Commercial Driver License Act changed by amending Arkansas Code to adopt certain relevant definitions to comply with federal law.

Act 1100, 1997 – Foreign Driver's License Reciprocal Recognition to be handled by Department of Finance and Administration through entering into agreements with foreign countries.

Act 1200, 1997 – "C" grade point proof required for high school students under 18 years to obtain a teenage driver's license.

Act 25, 1999 – Prohibits teens between 16 and 18 who have not possessed a restricted license for at least six months from being issued a regular driver's license. Changes the term instruction permits from 60 days to six months.

Act 912, 1999 – Motor vehicle registration and driver's license; time period changed for treating persons as residents in Arkansas.

Act 1004, 1999 – Driver’s license of law enforcement officer to indicate post office address instead of residence address.

Act 1077, 1999 – Office of Driver Services authorized to cancel a driver’s license or identification card when applicant uses fraudulent material to obtain. No change of name on license unless application change accompanied by recorded marriage license, a court order or a divorce decree changing driver’s name.

Act 1345, 1999 – Large trucks exceeding speed limits; additional penalties imposed.

Act 216, 2001 – To comply with Federal Regulations requiring disqualification of commercial motor vehicle drivers for violating railroad-crossing laws.

Act 609, 2001 – Enhances the penalty for parking in a disabled parking space and reduces the time period for issuance of disabled parking certificates.

Act 990, 2001 – Regulations established for moving houses and other structures by qualified house or structural movers upon the public highways of this state.

Act 1500, 2001 – Increases driver’s license fee to \$6.00 which goes to Arkansas State Police.

Act 1609, 2001 – Restricted driving permit to a student with less than a “C” average when necessary for transportation to and from work and for other purposes.

Act 1694, 2001 – Creates a driver license for drivers under 18 years of age for graduated skill levels and provides for restrictions on driver licenses for persons 16 to 18 years old.

Act 1715, 2001 – Driver’s license suspension for driving while intoxicated. Increases penalties for persons who drive while their driver’s license is suspended for driving while intoxicated.

Act 1802, 2001 – Establishes terms of imprisonment for violations associated with driver’s licenses.

Act 217, 2003 – To amend various laws concerning driver licenses and Commercial Driver Licenses and to repeal the requirement for an annual inspection for certain commercial motor vehicles.

Act 268, 2003 – To require the Office of Driver Services to review the waiver of driver’s license age restrictions after a complaint by a law enforcement official.

Act 748, 2003 – To add sheet metal workers and Class D Licenses to the list of exemptions from HVACR Licensure.

Act 836, 2003 – To stop the use of a person’s social security number as a driver’s license number.

Act 842, 2003 – Amending the Arkansas Uniform Commercial Driver License Act to comply with federal requirements for commercial driver’s licenses.

Act 854, 2003 – Concerning the authority to suspend or revoke the registration of a commercial vehicle.

Act 996, 2003 – To allow certain members of the Armed Forces a grace period for renewing of licenses and payment of fees.

Act 1001, 2003 – To increase the fees for reinstatement of driver’s licenses to fund the Department of Arkansas State Police.

Act 136, 2005 – To require that commercial drivers undergo a background check before transporting hazardous materials.

Act 879, 2005 – To provide penalties for employers permitting illegal use of a commercial motor vehicle.

Act 256, 2007 – To conform the issuance of Commercial Driver Licenses to federal standards.

Act 370, 2007 – Regarding retention of licensing actions on Commercial Driver License records.

Act 382, 2007 – To repeal Arkansas law that allows issuing Commercial Driver Licenses to residents of foreign countries.

Act 584, 2007 – To waive the Commercial Driver License skills test for transferred military licenses.

Act 637, 2007 – To improve commercial driver safety by requiring the reporting of certain alcohol or drug test results for an employee who holds a Commercial Driver License and by requiring an employer to obtain a report from the database.

Act 922, 2007 – To provide for an administrative suspension of driver’s license for the offense of possession of fraudulent or altered personal identification under certain circumstances.

Act 317, 2009 – To amend the minimum wage to parallel the federal minimum wage law.

Act 322, 2009 – To increase the gross vehicle weight rating used in the definition of motor vehicle under the Arkansas New Motor Vehicle Quality Assurance Act.

Act 807, 2009 – To place reasonable restrictions on youthful drivers granted a hardship license.

Act 826, 2009 – Concerning the prohibition of racing motor vehicles on public highways and observing a race as a spectator.

Act 1486, 2009 – To allow a person with an illness to wear a hat or other covering on his or her head for a driver’s license photograph.



## COST ALLOCATION ISSUES

1956 Federal-aid Highway Act – §210 of Title II called for a major study to determine the “proportionate share of the design, construction, and maintenance costs of the Federal-aid highways attributable to each class of persons using such highways.” This was intended to provide information to Congress to help ensure equitable distribution of the highway tax burden among user groups.

1978 Surface Transportation Assistance Act (STAA) of 1978 – Mandated a study of the highway costs occasioned by each class of highway users, the proportionate share of costs attributable to each class of persons and vehicles using such highways, and the need for monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors. The study found that a substantial disparity existed between different classes of vehicles in the ratio of tax payments to occasioned costs. In particular, while the tax payments of all trucks as a class were found to be commensurate with the costs occasioned by trucks, lighter trucks were found to be overpaying by anywhere from 25% to 200 percent.

1982 Surface Transportation Assistance Act (STAA) – The results of the 1978 study were used as a guide by Congress to establish a federal user fee structure to meet increased revenue needs by raising fuel taxes to move toward improved tax equity by increasing fees charged to the heaviest vehicle classes.

Deficit Reduction Act (DRA) of 1984 – Before the fee charge to heavy vehicles went into effect, the tax structure was once again modified. Congress responded to the concern expressed by the motor carrier industry that heavy vehicle use tax (HVUT), which was scheduled to increase by nearly eight times the original rate (the maximum HVUT charged for the heaviest trucks was to be increased from \$240 per year to \$1,900 per year) placed too heavy a burden on this industry that had already been hit by other economic difficulties. The DRA reduced the use tax imposed on the heaviest vehicle classes by placing a \$500 cap on the HVUT.

Lost revenues were recouped by increasing the diesel fuel tax rate from 9¢ per gallon to 15¢ for all vehicles weighing over 10,000 pounds. As a result of this change, part of the highway tax liability that had been shifted to heavy trucks by the STAA of 1982 was shifted back to lighter trucks. Additionally, the DRA called for studies to examine the feasibility of using a federal weight-distance tax to replace all federal highway use taxes except the fuel tax and to analyze the extent to which vehicles with taxable weights over 80,000 pounds were paying a fair share of federal highway-user fees. These studies were submitted to Congress in 1988.

## FEDERAL MOTOR CARRIER SAFETY

Act 153 of First Extraordinary Session of 1989 – Transferred all duties and responsibilities of the Transportation Safety Agency to AHTD. Work performed by those employees will be continued in the various divisions of AHTD. Added responsibilities include: administering the Highway Safety Program called the Motor Carrier Safety Assistance Program (MCSAP), authorizing truckers to operate in Arkansas and issuing regulatory authority stamps allowing them to travel in Arkansas.

Act 32, 1991 – Repeals exemption for certain trailers and pole trailers from being equipped with brakes.

Act 33, 1991 – Motor vehicles used in hauling gravel, dirt, etc., and wreckers currently exempt placed in compliance with respect to safety of operation and equipment standards.

Act 296, 1991 – Exempts commodities; carriers and passengers made subject to safety of operation and equipment standards.

Act 297, 1991 – AHTD given access to records of private carriers.

Act 769, 1991 – Hazardous Materials Transportation Act; certain currently exempt persons exempted only in intra-state transportation of pesticides and rodenticides.

Acts 1031 and 1231, 1991 – Tandem axles redefined for compatibility and federal laws and regulations.

Act 41, First Extraordinary Session of 1992 – Medical waste disposal transportation; Arkansas Highway Police authorized to enforce.

Act 412, 1993 – Arkansas Highway Police authorized to conduct safety inspection of vehicles hauling medical waste.

Act 1020, 1993 – Motor carriers authority mileage limitations approved.

Act 1021, 1993 – Motor carriers multiple trailers prohibited (more than 2 trailing trailers).

Act 1022, 1993 – Motor carriers controlled substance violations penalties.

Act 1023, 1993 – Fine provisions for operators of certain vehicles found guilty of violating safety regulations.

Act 1027, 1993 – Annual fees made payable to AHTD for insurance registration by motor carriers using public highways in Arkansas.

Act 1212, 1993 – Motor Carriers Safety regulation adopted regarding duty of more than 15 consecutive hours.

Act 746, 1995 – Motor carrier laws revised to comply with federal laws.

Act 587, 2001 – Adopts uniform Weights and Measures law promulgated by National Conference on Weights and Measures.

Act 1117, 2003 – To repeal Arkansas laws concerning the duty of a motor carrier to file an annual report and to repeal the penalties for failing to file the report or filing false reports.

Act 1121, 2003 – Authorizes the inspection of bills of lading and other documentation under the Arkansas Motor Carrier Act. The act allows enforcement officers probable cause to stop trucks to inspect for bills of lading and other documents.

*Chapter 8*

**MOTOR FUEL TAXATION**

Act 606, 1921 – Provides tax of 1¢/per gallon on gasoline and kerosene to be paid by dealer to County Treasurers; one-half of net proceeds to be remitted to State Treasurer and credited to Highway Improvement Fund.

Act 501, 1923 – Imposes upon manufacturers and wholesale dealers a privilege tax of 3¢/per gallon on gasoline to be remitted to State Treasurer; proceeds to be proportioned 75% to County Highway Fund and 25% to State Highway Improvement Fund.

Act 5, Special Session, 1923 – Requires every manufacturer and wholesaler of gasoline and motor oil within Arkansas to file, on or before the 20<sup>th</sup> day of each month with the Auditor of State, a complete itemized statement of all gasoline and motor oil sold or delivered to any concern within the State during the preceding month .... shall pay to Treasurer at time of making report 4¢ per gallon on gasoline and 10¢ per gallon on motor oil. Treasurer required to credit money collected to State Highway Fund. Refund provided on gasoline or motor oil used for agricultural, industrial, or domestic purposes.

Act 88, 1925 – Office of Commissioner of Insurance and Revenues created. All duties heretofore empowered by law on Auditor of State in relation to tax on gasoline and motor oil to be performed by Commissioner of Insurance and Revenues.

Act 115, 1927 – Office of Commissioner of Insurance and Revenues changed to Department of Revenues and given all powers and authority with reference to matters of revenue heretofore conferred on Commissioner of Insurance and Revenues.

Act 240, 1927 – Increases tax on gasoline to 5¢/per gallon. Abolishes tax on motor oil. Continues refund.

Act 65, 1929 – Codifies State Highway Motor Vehicle and Motor Fuel Law.

Act 146, 1929 – Provides credit of 1% on gasoline because of evaporation. Provides for lower rates in cities or towns on state line.

Act 63, 1931 – Defines Motor Vehicle Fuels and provides for a tax of 6¢ per gallon, divided 5¢ to State Highway Fund and 1¢ to County Highway Fund. Continues refund.

Act 105, 1931 – Amends Act 65 of 1929 to provide that purchasers of motor fuel in carload lots must pay tax.

Act 67, 1933 – Prohibits carrying over 20 gallons of gasoline in tank of automobile or truck driven into State until tax is paid.

Act 5, Special Session, 1934 – Allows dealers within 300 feet of state line to pay tax at same rate as in adjoining state except where Mississippi River is state boundary.

Act 11, Special Session, 1934, [§§19 and 20] – Amends definition of Motor Vehicle Fuel and increases tax to 6 1/2¢ per gallon. Proceeds to be divided 92.3% to State Highway Fund and 7.7% to County Highway Fund. Eliminates refunds.

Act 81, 1935 – Protects trade name and trademark of manufacturers and distributors of motor fuels and motor oils.

Act 147, 1935 – Allows dealers within limits of city or incorporated town bordering on state line to pay same rate of tax as in adjoining state except where Mississippi River was boundary, or where the corporate limits did not extend to within two miles of state line on January 1, 1935.

Act 190, 1935 – Provides that dealers within 300 feet of the Arkansas terminal of a bridge spanning a river whose channel is the state line (except Mississippi River) shall pay same fuel tax as bordering state.

Act 303, 1937 – Amends Act 147 of 1935 to extend privilege to date of this Act.

Act 11, Special Session, 1938 – Allots additional 1/4¢ per gallon from Motor Fuel Tax to County Highway Fund.

Act 256, 1941 – Provides for transfer of 1/4¢ gasoline turnback to County Highway Fund monthly.

Act 378, 1941 – Levies 6 1/2¢ tax on all fuels used to propel motor vehicles not previously taxed. Exempts such fuels when used in state, county or city road machinery. (Repealed by Act 103, 1953.)

Act 383, 1941 – New Motor Fuel Tax Law. Redefines motor fuel, motor vehicles, and public highways. Does not change amount or allocation of tax. Restates, clarifies and strengthens previous laws to provide for more effective administration. (Subsection E, §§4 and 6 of this Act repealed by Act 112 of 1953.)

Act 459, 1941 – Amends Act 303 of 1937 to make the effective date April 3, 1941.

Acts 188, 192, 250, 251, 252, 253, 254, & 255 of 1943 – Amends motor fuel laws to clarify procedure and simplify enforcement. Acts 378 and 383 of 1941, as amended by these 1943 Acts, were the effective motor fuel tax acts. (Act 192 of 1943 repealed by Act 103, 1953; Act 188 of 1943 repealed by Act 112, 1952.)

Acts 166 and 210, 1945 – Amendments relating to distributors' bond and distillation range.

Act 415, 1947 – Amends Act 383, 1941, to provide that sale of motor fuel by a duly licensed distributor for export to points outside Arkansas may be tax exempt.

Act 5, 1949 – Allocates \$2.5 million from State Highway Fund to Gasoline Tax Refund Fund.

Act 406, 1949 – Gasoline Tax Refund Fund – Provides method for handling refund from 4 1/2¢ per gallon of taxes paid, on motor fuel used in tractors or other farm equipment used for agricultural purposes.

Act 306, 1951 – Liquefied Petroleum Gas – Requires monthly reports of Liquefied Petroleum Gas sales used in vehicles on highways, also sales of carburetors capable of using the gas. (Repealed by Act 103, 1953.)

Act 103, 1953 – New Special Motor Fuels Tax Law – Provides tax rate of 6 1/2¢ per gallon, computed on mileage basis. Mileage factor for automobile 12 miles; for gross loaded trucks less than 22,500 pounds and all buses, 8 miles; for all other trucks, 5 miles. (This Act repeals Act 378, 1941; Act 192, 1943, and Act 306, 1951.)

Act 112, 1953 – Provides for collection of tax on motor fuel in supply tanks of vehicles entering State. (This Act repeals Subsection E, §4 (as amended) and §6, Act 383 of 1941, and Act 188 of 1943.)

Act 143, 1953 – Border Tax Rate – Revises Act 383 of 1941, as amended by Act 252 of 1943, to provide that motor fuel sold in towns which border the state line or within 800 feet of the state line or within 800 feet of the shore of a navigable lake or the state line or within 800 feet of the Arkansas terminal of a bridge spanning a navigable stream, except Mississippi River, shall be at same rate of tax as adjoining state.

Act 246, 1953 – Provides that border rate shall apply to entire incorporated area of towns where rate applies to part of area.

Act 18, 1957 – Creates State Liquefied Petroleum Gas Control Board.

Act 122, 1957 – Requires sellers or installers of butane conversion on motor vehicles to report same to Commissioner of Revenues.

Act 123, 1957 – Provides for removal of butane conversion from motor vehicles whose owners do not comply with §5, Act 103 of 1953.

Act 213, 1957 – Amends Acts 103 and 112 of 1953.

Act 352, 1957 – Amends Act 383, 1941 – Defines “Motor Fuel Distributor.”

Act 393, 1957 – Amends Act 383, 1941 – Every motor fuel distributor to furnish bond (from \$1,000 to \$50,000) determined by the Commissioner of Revenues.

Act 103, 1963 – Liquefied petroleum gas special fuel taxed at 6.5¢ per gallon.

Act 269, 1963 – Provided for the refund of motor fuel tax except 2¢ per gallon for motor fuel used in operation of motor buses on designated streets.

Act 573, 1965 – Prescribes payment method of the motor fuel and special motor fuel tax upon fuel used in out-of-state trucks operated on Arkansas highways.

Act 40, First Special Session, 1965 – Levied an 8 1/2¢ per gallon tax on all distillate special motor fuels and 7 1/2¢ per gallon tax on all liquefied gas special motor fuel sold for use in Arkansas. Prescribes annual flat fees for farm and nonfarm vehicles using liquefied gas special motor fuel.

Act 41, First Special Session, 1965 – Increased tax on motor fuels from 6 1/2¢ to 7 1/2¢ per gallon.

Act 45, 1967 – Amends motor fuel tax rate in border cities to include only incorporated limits as of June 1, 1967.

Act 316, 1967 – Prescribes annual flat fee of \$100 for school buses using liquefied gas and lists fees for other non-farm and farm vehicles.

Act 356, 1967 – Regulates licensing of motor fuel dealers.

Act 357, 1967 – Provides for collection of motor fuel tax.

Act 406, 1967 – Sales within 1,320 feet of state line shall be at the other state’s rate unless Arkansas’ is lower.

Act 497, 1967 – Prescribes information to be contained in monthly reports of suppliers of special motor fuels.

Act 512, 1967 – Makes border fuel tax rate applicable to any establishment adjacent to the Federal Interstate Highways within one mile from the border.

Act 35, First Extraordinary Session, 1968 – Imposed 8 1/2¢ per gallon tax on all Interstate users of distillate special fuels and prescribes refund formula.

Act 445, 1973 – Levied an additional tax of 1¢ per gallon on motor fuels and distillate special motor fuels to fund a system of State Aid Roads administered by AHTD.

Act 606, 1975 – Repealed the Section in Act 445 that makes the 1¢ gasoline tax dependent on amount of revenue sharing funds received.

Act 607, 1975 – Sixty percent of State Aid Road Fund revenues to be credited to State Highway Special Construction Account monthly until \$9 million transferred each fiscal year.

Act 610, 1975 – Authority granted to execute option to collect all or part of existing federal excise tax on motor fuels at the state level if option extended by Congress.

Act 224, 1977 – Regulates and governs transportation of motor fuels and special motor fuels.

Act 354, 1977 – Provided motor fuel gallonage tax collected from certain motor carriers to be computed at a 4 miles per gallon rate rather than 5.

Act 378, 1977 – Border tax on planned communities bordering another state to be treated same as cities and incorporated towns bordering another state.

Act 433, 1979 – Exempted the taxes imposed on certain fuels mixed with alcohol which are produced within Arkansas. [Repealed by Act 112, 1985]

Act 437, 1979 – Levied an additional 1¢ per gallon tax on motor fuel and 1¢ per gallon on distillate special motor fuels. No deduction for credit to Constitutional and Fiscal Agencies Fund.

Act 591, 1979 – Allowed AHTD to pay the tax on special motor fuels. Established record keeping requirements.

Act 686, 1979 – Provided for increase in shrinkage and collection allowance of motor fuel distributors.

Act 802, 1979 – Commissioner of Revenues granted authority to require only necessary reports to accurately control the payments of motor fuel.

Act 903, 1979 – Permitting of diesel vehicles whose owners or operators have storage capacity for non-taxable diesel. Established fees to assure adequate payment of fuel tax due.

Act 909, 1979 – Provided incentives to encourage bonded distillate special fuel users in this State to purchase additional quantities of taxable fuel, optional credit memorandum to be issued whereby a portion of the excess taxes may be given to bonded distillate special fuel user.

Act 418, 1981 – Provided an expiration date of July 1, 1991, for exemption from taxes imposed on certain fuels mixed with anhydrous ethanol produced within Arkansas.

Act 719, 1981 – Protects the State's rights to collect all or part of the existing excise tax on motor fuels imposed by the U.S. Code, Title 26. If the tax is reduced, the amount of the reduction will continue to be collected as State Highway user revenues.

Act 789, 1981 – Reclassified one-ton trucks and motor homes for purposes of the liquefied gas special fuel user's permit.

Act 818, 1981 – Permits transfer of Liquefied Gas Special Fuel user's permit.

Act 865, 1981 – Provides for the distribution to AHTD of gross receipts taxes levied on gasohol as specified in the Arkansas Highway Revenue Distribution Law.

Act 112, 1985 – Requires taxation of gasohol at 13 1/2¢ per gallon effective 5/30/85. [Repealed Act 433 of 1979]

Act 456, 1985 – Rural Highway Construction Program funded with increases of 4¢ per gallon on gasoline and LPG and 2¢ per gallon on diesel effective April 1, 1985. [See Act 821, 1989 for clarification of Arkansas Code of 1987 Annotated.]

Act 721, 1985 – Provided for reimbursement of any retaliatory tax paid another state as the result of Arkansas' Highway Use Equalization Tax by a motor vehicle user.

Act 640, 1987 – Sets fee of \$100 for one ton diesel powered trucks. [AR Code of 1987 Annotated §26-56-404]

Act 763, 1987 – Amends various statutes regarding application of taxes on motor fuels to prevent daisy chaining of gasoline.

Act 977, 1987 – Prohibits import or export of motor vehicle fuels by persons other than licensed supplier or distributor or person with permits from AHTD Director.

Act 985, 1987 – Amends various statutes regarding taxes on diesel fuels, collection, and administration to help prevent daisy-chain operations.

Act 168, 1989 – Gasoline distributors required to file surety bond with Commissioner of Revenues and prescribes amount.

Act 172, 1989 – Implements storage tank program for petroleum products.

Act 173, 1989 – Establishes Petroleum Storage Tank Trust Fund to be funded by environmental assurance fee of 2/10ths of one cent for each gallon of motor fuel or distillate special fuel purchased or imported into Arkansas.

Act 821, 1989 – Clarifies additional tax levied on distillate special motor fuels.

Act 854, 1989 – International Fuel Tax Agreement, Commissioner of Revenues authorized to enter into agreement.

Act 219, 1991 – Weight Distance Tax replacement revenue included 4¢ per gallon diesel fuel tax increase among other user fees.

Act 65 Third Extraordinary Session of 1989 – Petroleum Storage Tank Trust Fund increased to \$15 million.

Act 133, 1991 – Crude oil; changes to discrimination in purchase price from different pools.

Act 348, 1991 – Computerized fuel dispensing system; city and county allowed to store taxable and non-taxable in same tank.

Acts 364 and 382, 1991 – Levied 5¢ per gallon on motor fuel and liquefied gas special fuels and 2¢ per gallon on distillate special fuels for Highway Improvement Program (HIP).



Act 615, 1991 – Petroleum Storage Tank Trust Fund; provides for reimbursing owners/operators testing for suspected leaks.

Act 616, 1991 – Petroleum Storage Tank Trust Fund; adds language inadvertently omitted.

Act 659, 1991 – Alternative Fuels Commission created.

Act 928, 1991 – Interstate Fuel Users; deleted requirement for \$10-per-vehicle decal fee and removal requirement for numbered decal.

Act 380, 1993 – Petroleum Trade Practices Act.

Act 618, 1993 – Diesel flat fee repealed.

Act 810, 1993 – Curbs enforcement powers over regulated storage tanks expanded for Department of Pollution Control and Ecology. Registration of tanks required.

Act 951, 1993 – Petroleum Storage Tank Trust Fund—Director allowed to authorize payments from and Attorney General given authority to intervene in third party suits. Advisory Committee on Petroleum Storage Tanks established.

Act 960, 1993 – Alternative Fuels Commission's operations appropriation.

Act 1026, 1993 – Special motor fuels tax law clarified regarding storage facilities.

Act 1029, 1993 – Pipelines and terminal companies required to produce better reports on gasoline and diesel.

Act 1119, 1993 – Alternative Fuels Tax Law provides tax credits for alternative fueled vehicles. Levies 5¢ tax on alternative fuels beginning 7/1/93 assessed on a graduated scale based on number of annual registered vehicles using those fuels. Compressed Natural Gas (CNG) was only alternative fuel being marketed at the time.

Act 954, 1995 – Dyeing of off-road diesel and electronic reporting and remitting of fuel taxes and reports on or before July 1, 1997, required.

Act 1005, 1995 – Gasoline 6.5% excise tax levied, including federal tax, at the wholesale level to repay highway bonds. [Bonds defeated in special election 86% against and 14% for.]

Act 1006, 1995 – Diesel increased by 5¢ per gallon to repay highway general obligation bonds. [Bonds defeated in special election 86% against and 14% for.]

Act 1054, 1995 – Petroleum Storage Tank Trust Fund Bond Financing Act created. Environmental assurance fee 0.2¢ per gallon. Commences first day of month succeeding issuance of bonds.

Acts 427 & 436, 1995 – Petroleum Storage Tank Trust Fund; owner identified and withholding for interim reimbursements deleted.

Act 1134, 1995 – Waste fuel definition expanded in taxation to include motor oil and petroleum based hazardous waste for gross receipts tax purposes.

Act 727, 1997 – Border Zone Gasoline Tax Rates made applicable to towns and communities bordering the Mississippi River to assist them in competing with bordering cities.

Act 825, 1997 – Substitute Fuels—Sales tax exemptions for manufacturing fuels to include used railroad ties.

Act 1212, 1997 – Diesel taxation law amended to abolish second-receiver diesel suppliers. Taxing at time of receipt provided.

Act 1027, 1999 – [Arkansas Highway Financing Act of 1999] Bonds will allow the Commission to use future federal funds, Grant Anticipation Revenue Vehicle (GARVEE) bond concept to retire the bond debt. Under the plan outlined by the Commission, selling up to \$575 million in bonds will help pay for about \$785 million in Interstate improvements over the next 5 years. The bonds will be paid using a combination of future federal funds, the required state matching funds, proceeds from a phased-in 4-cents increase in the diesel tax and state general revenues if necessary. Voters approved the issuance of bonds on June 15, 1999, by a margin of 86% for and 14% against.

Act 1028, 1999 – This Act may be referred to and cited as the “Arkansas Distillate Special Fuel Excise Tax Act of 1999” and “Motor Fuel Excise Tax Act of 1999.” Levies additional excise tax on motor fuel (gasoline) of 1¢ per gallon per year for a total of three years. Levies an additional excise tax on Distillate Special Fuel (diesel) of 2¢ per gallon effective immediately, and increases such additional levy to 4¢ per gallon effective one year after the effective date of this Act. The bond issue was approved by voters so the distillate special fuel taxes will be distributed as provided in the Arkansas Highway Financing Act of 1999. This Act gradually removes the caps placed on the State Aid Road Funds. There is no change in the \$13 million cap for Fiscal Year 2000. Beginning in Fiscal Year 2001 the transfer limits are as follows: FY 2001 \$15 million, FY 2002 \$17 million, FY 2003 \$19 million, and FY 2003 No limitation.

Act 419, 2001 – Refund provided for purchase of distillate special fuel and motor fuels by fire departments.

Act 1498, 2001 – Broadens the border tax rate implemented by Arkansas Code 26-55-210.

Act 4, 2007 – To increase the severance tax rate on natural gas.

Act 87, 2007 – To exempt dyed distillate special fuel from sales and use tax; to impose a gallonage tax on dyed distillate special fuel; to exclude biodiesel fuel from the gallonage tax.

Act 690, 2007 – To clarify the nature of alternative motor fuels under Arkansas tax law.

Act 873, 2007 – To create the Arkansas Alternative Fuels Development Program and the Arkansas Alternative Fuels Development Fund and to repeal obsolete sections of the Arkansas Code related to alternative fuels and weatherization.

Act 146, 2009 – To provide options for the agriculture industry to use more fuel efficient vehicles to reduce costs.

Act 977, 2009 – To add a definition for synthetic transportation fuel, to amend the definitions of alternative fuels and biomass, and to increase the incentives in the Arkansas Alternative Fuels Development Act.

Act 952, 1999 – Provided a refund of Gross Receipts Tax for purchases of aircraft damaged in a January 1999 storm if the aircraft was used in the production of food, fiber, or timber. Refund was 100% for used aircraft and 38% for new aircraft. Refunds had to be applied for by December 1, 1999, or within 6 months of purchase.

Act 1492, 1999 – Increased the Gross Receipts Tax 1/2% effective January 1, 2001, upon ratification of Constitutional Amendment 79 related to property tax at the November 2000 General Election.

#### AVIATION FUELS

Act 449, 1967 – Provided that all revenues derived from the levying of the Gross Receipts Tax upon aviation fuel (which is exempt from the Motor Fuels Tax) shall be special revenues for deposit to the Aeronautics Fund.

Act 733, 1977 – Amended Act 449 of 1967 and added the provision that, in addition to the Gross Receipts Tax on aviation fuel, the Gross Receipts Tax collected on aircraft, aviation services, aircraft parts and accessories and other Gross Receipts Taxes remitted by aircraft dealers, airports and flying fields shall be special revenues for credit to the Aeronautics Fund.

Act 474, 1983 – Provided that an amount not to exceed \$20,000 of revenues deposited in the Aeronautics Fund is to be used for assistance for the establishment of an aviation museum.

Act 63, First Extraordinary Session, 1984 – Increased the Gross Receipts Tax to 4% and also increased the Aviation Fuels Tax to 4%.

Act 3, 1991 – Increased the Gross Receipts Tax to 4.5% and also increased the Aviation Fuels Tax to 4.5%.

Act 848, 1993 – Provided that taxpayers with certain monthly tax liabilities must remit tax due by electronic fund transfer.

Act 156, 1987 – Implemented the initiated Constitutional Amendment 75 which levied an additional 1/8 cent Gross Receipts Tax upon all taxable sales of property and services subject to the Gross Receipts Tax.

Act 924, 1997 – Provided for a phase-in of the Gross Receipts Tax collected on aircraft related items to be deposited as special revenue and credited to the Aeronautics Fund beginning July 1, 2001.



**History of Federal Motor Fuels Tax Changes**

EFFECTIVE DATES	PUBLIC LAW	GASOLINE	DIESEL	GASOHOL <sup>1</sup>	SPECIAL FUELS <sup>2</sup>	CNG	AVIATION FUEL	WATERWAY DIESEL	RAIL DIESEL
6/21/1932		1.0¢							
6/17/1933		1.5¢							
1/1/1934		1.0¢							
7/1/1940		1.5¢							
11/1/1951		2.0¢	2.0¢						
7/1/1956	84-627	3.0¢	3.0¢		3.0¢				
10/1/1959	86-342	4.0¢	4.0¢		4.0¢				
1/1/1979	96-618	4.0¢	4.0¢		4.0¢				
4/1/1983	97-424	9.0¢	9.0¢	4.0¢	9.0¢				
8/1/1984	99-272	9.0¢	15.0¢	4.0¢	9.0¢				
1/1/1985	98-369	9.0¢	15.0¢	3.0¢	9.0¢				
1/1/1987	100-17	9.1¢	15.1¢	3.1¢	9.0¢				0.1¢
12/1/1990	102-240	14.1¢	20.1¢	8.7¢	14.0¢				2.6¢
12/31/1995	103-66	18.4¢	24.4¢	13.0¢	18.3¢ <sup>3</sup>	4.3¢ <sup>4</sup>	21.9¢ <sup>5</sup>	21.4¢	6.9¢ <sup>6</sup>
12/31/1995	101-508	18.3¢	24.3¢	12.9¢	18.3¢	4.3¢	21.8¢ <sup>7</sup>	21.3¢	6.8¢
10/1/1997 <sup>8</sup>	105-33	18.4¢	24.4¢	13.0¢	18.4¢	4.3¢	21.9¢	21.4¢	4.4¢
9/30/1999		18.4¢	24.4¢	13.0¢	18.4¢	4.3¢	21.9¢	21.4¢	4.3¢ <sup>6</sup>

DISTRIBUTION OF FEDERAL GASOLINE AND DIESEL TAXES				
Other motor fuels are distributed generally in the same manner. Footnotes denote exceptions to this general distribution.				
FUEL TYPE	HIGHWAY	TRANSIT	LUST *	TOTAL
Gasoline	15.44¢	2.86¢	0.1¢	18.4¢
Diesel	21.44¢	2.86¢	0.1¢	24.4¢
2.5¢ of gasoline and diesel taxes redirected to deficit reduction returned to the Highway Trust Fund September 30, 1995				
4.3¢ of gasoline and diesel taxes redirected to deficit reduction returned to the Highway Trust Fund September 30, 1997				
* Leaking Underground Storage Tank				

- <sup>1</sup> Different rates exist for various alcohol content levels.
- <sup>2</sup> Special fuels include: LPG, benzol, naphtha, casing head and natural gas and any other liquid other than kerosene, gasoline, oil, or fuel oil or any product taxable under 26 USC 4081. 2.5¢ is dedicated to deficit reduction. Ethanol blended fuels have a 5.3¢ tax exemption.
- <sup>3</sup> Tax applies to LPG. Special fuel types may have different rates.
- <sup>4</sup> Entire tax dedicated to Deficit Reduction.
- <sup>5</sup> Tax applies to non commercial jet fuel. Commercial fuels are taxed at 4.3¢ per gallon.
- <sup>6</sup> Entire tax dedicated to Deficit Reduction. Set to decrease to 4.3¢ on 9/30/99.
- <sup>7</sup> Tax expired 10/1/95 and not reauthorized until 9/96.
- <sup>8</sup> Deficit reduction tax returned to the Highway Trust Fund.

*Chapter 9*

*Weight-Distance Tax Laws*

Act 685, 1983 – Levied a 5¢ per mile or \$175 annual highway use equalization tax. No registration fee changes. Provided for an \$8 per 100 mile trip permit.

May 27, 1983 – American Trucking Association, et. al., filed lawsuit to declare law unconstitutional.

June 1, 1983 – Chancellor Bruce T. Bullion ordered collected revenues to be held and not deposited in the State Treasury until further notice.

July 5, 1983 – Act 685 became effective. AHTD granted grace period to trucking industry.

July 7, 1983 – Hearing before Chancellor Bullion. Testimony from trucking interests.

July 29, 1983 – Hearing before Chancellor Bullion. Plaintiffs asked that revenues continue to not be deposited into the State Treasury. Judge asked for \$53 million bond to offset damage to highways, roads, and streets.

August 1, 1983 – Chancellor Bullion entered judgment, allowing funds to be sent to State Treasurer (\$12 million total collections).

August 8, 1983 – AHTD began enforcing Act 685/1983.

April 14, 1986 – State Supreme Court turned down legal challenge and upheld the tax.

May 27, 1986 – State Supreme Court refused to rehear the case.

June 23, 1987 – The U.S. Supreme Court ordered Arkansas to reconsider constitutionality of the tax, a week after striking down a Pennsylvania weight-distance tax on the grounds that it favored in-state truckers.

July 19, 1987 – Attorneys for state trucking groups asked the State Supreme Court to reinstate the lawsuit challenging the tax and to send it to the Pulaski County Chancery Court.

July 21, 1987 – The State Supreme Court turned down the request to reinstate the lawsuit.

August 14, 1987 – U.S. Supreme Court Justice Harry Blackmun ordered AHTD to place the weight-distance tax collections in escrow until a legal challenge could be resolved.

August 27, 1987 – The State Highway Commission asked for a special legislative session to change weight-distance tax law to clear the constitutional questions in expectation of the Arkansas Supreme Court's declaring the current law unconstitutional.

October 6, 1987 – Governor Clinton called a special session of the Arkansas General Assembly to change the weight-distance tax law.

October 9, 1987 – Act 3 of the Second Extraordinary Session of 1987 became law and imposed a 2½ ¢ per mile tax on all vehicles with certain exceptions (farm and natural resources) with declared gross weights in excess of 73,280 pounds predicated on the number of loaded miles traveled in Arkansas during the qualification year. Trip permit fees remained \$8 per 100 miles of travel. [Escrow account ended; total of \$5,085,750 exclusive of interest.]

March 1988 – The 1983 Weight-Distance Tax was declared unconstitutional by the Arkansas Supreme Court. Refund of \$4.9 million accumulated in the escrow account was ordered.

January 26, 1989 – Arkansas Trucking Association filed suit against Act 3 of the Second Extraordinary Session of 1987, the 1983 weight-distance tax replacement. On February 14 & 15, arguments were heard from both sides.

July 3, 1989 – U.S. Supreme Court delayed, until its fall term, a ruling on whether the State has to refund money collected under the weight-distance tax. The Arkansas case was separated from a Florida case.

July 31, 1989 – Pulaski Chancellor Robin Mays ruled that revenues collected under Act 3 of the Second Extraordinary Session of 1987 would be placed in an escrow account. (Escrow account began August 1, 1989.)

September 26, 1989 – The Arkansas Poultry Federation, Arkansas Forestry Association and three individuals asked to be allowed to intervene arguing they directly benefited from the exemptions and their interests might not be represented adequately in the class action suit brought by the Association of Haulers.

November 27, 1989 – Both sides argued points before the Arkansas State Supreme Court which was to decide whether to uphold or overturn Pulaski County Chancellor Robin Mays' order to escrow contested tax revenues.

December 6, 1989 – The Arkansas Supreme Court heard oral arguments. ATA argued they deserved refunds of \$131 million because the State levied unconstitutional weight-distance tax on heavy trucks. AHTD countered with legislators stating that they believed the tax was fair and constitutional so no refunds should be made.

December 12, 1989 – The Arkansas Supreme Court upheld Chancellor Robin Mays' decision that the estimated \$1.6 million a month being paid by truckers should be set aside until the dispute was settled.

June 4, 1990 – U.S. Supreme Court ruled that Arkansas must make amends to interstate carriers who paid an unconstitutional flat tax. The case was sent to the Arkansas Supreme Court. [Truckers who paid taxes before June 23, 1987, that were applied to the tax year beginning July 1, 1987, also were entitled to relief.] The court refused to make its June 23, 1987, decision retroactive. That decision made unconstitutional several heavy-truck taxes

including the 1983 Arkansas law. [A deeply divided court (5-4) refused to make retroactive all decisions that invalidated state taxes found to interfere with interstate commerce. The State Supreme Court determined how much was repaid and in what form.]

June 6, 1990 – State Highway Commission wanted cities and counties to help pay \$417,793.01 in attorney fees stemming from the two lawsuits.

July 16, 1990 – Arkansas Supreme Court directed a Pulaski County Chancery Court to hold hearings and determine how much money the State must repay truckers to compensate them for an illegal weight-distance tax.

October 2, 1990 – Judge Robin Mays ruled Act 3 of Second Extraordinary Session of 1987 unconstitutional in that it illegally granted Arkansas based truckers exemptions not available to their out-of-state counterparts. Anticipating an appeal by the State, Judge Mays delayed enforcement of her order to stop collection until higher courts considered the case. Collection continued to be held for possible refunds. Decisions upheld claims raised by truckers' associations in lawsuit filed January 26, 1989.

October 9, 1990 – Arkansas Highway Commission filed appeal.

December 12, 1990 – State highway officials called for the State Supreme Court to expedite a decision on the legality of the State's weight-distance tax on truckers.

December 14, 1990 – State Supreme Court set deadline of 2/25/91 for legislature to settle weight-distance tax dispute to prevent the case from going before the court. A motion to indefinitely continue AHTD's case against the American Trucking Association was denied by the State's high court. The case went to the high court after a chancery judge ruled the tax unconstitutional in October. A hearing on the case had been set for 1/22/91. Both parties asked the court to delay the hearing pending a settlement. The court denied the request and set 2/25/91 as a deadline.

Commission Motions - January 1991

"Commissioner Bobby Hopper moved, Commissioner Rodney Slater seconded and the motion carried to have the Arkansas Highway Commission enter into an agreement with the American Trucking Association and the Arkansas Motor Carriers Association to request the courts to put the Weight-Distance Tax lawsuit in abeyance until after the 1991 legislative session to give time to work out a replacement for the weight-distance tax."

"Commissioner Raymond Pritchett moved, Commissioner Rodney Slater seconded and the motion carried to have a report made to the Senate and House Committees on Public Transportation by Senator Cliff Hoofman and Representative Louis McJunkin on an agreement reached between the Arkansas Highway Commission, the Arkansas Motor Carriers Association and the American Trucking Association supporting the replacement of the Weight-Distance Tax. The Senate and House committees on Public Transportation and the Arkansas Motor Carriers Association would be primarily responsible for promoting passage of the replacement bill

with the Arkansas Highway Commission in a supporting position. In return the Arkansas Highway Commission would be primarily responsible for promoting passage of a highway program with the Senate and House committees on Public Transportation and the Arkansas Motor Carriers Association in a supporting position."

January 10, 1991 - The members of the AHC and the trucking industry's representatives made the following settlement agreement: AHC agreed to ask the legislature to repeal the 1987 Weight-Distance Tax. The truckers agreed to accept a \$306 increase in the cost of heavy truck tags; a \$7 a year increase in trailer tags; an increase in overweight permits and fines to bring them to the level of surrounding states; support a 4¢ p.g. increase in diesel fuel tax; and to give up about 60% of the roughly \$60 million in escrow from the two disputed taxes. The settlement was contingent on the legislature's repealing of the old weight-distance tax. The entire settlement package would raise about \$24 million.

NOTE: Counties and cities received escrow settlement funds with August 1991 turnback distribution.

*ACT 219 OF 1991 – WEIGHT-DISTANCE TAX  
COMPROMISE SETTLEMENT HISTORY – (HOUSE BILL  
1233)*

*January 16, 1991*

Governor Bill Clinton signed an agreement with the American Trucking Association (ATA) intended to settle a lawsuit over the Weight-Distance Tax on heavy trucks. Thomas J. Donohue, president of ATA, signed for truckers. Settlement was effective upon signing of legislation by Clinton into law repealing Act 3 of Second Extraordinary Session of 1989.

Rep. McJunkin (one of two legislators to help negotiate settlement) introduced HB 1233 to replace the Weight-Distance Tax. It repealed all provisions of the Weight-Distance Tax on trucks between 73,280 and 80,000 pounds; increased by \$306 to \$1,350 the annual "K" tag registration for trucks over 73,280 pounds; increased by 4¢ p.g. the tax on diesel; increased by \$7 to \$20 the annual semi-trailer registration fees; increased overweight permit fees and penalties to raise about \$2 million a year; and court-ordered escrow account of \$60 million was to be shared: truckers and AHTD \$50 million equally and cities/counties \$10 million equally. There were eighty-two co-sponsors.

*January 17, 1991*

Rep. John Miller tried to bring up bill for consideration in Revenue and Taxation Committee shortly before meeting ended. He needed the committee to suspend its usual rules because the bill was not on the committee's regular agenda. Rep. Wingfield began criticizing the bill, but the committee had to adjourn to attend a joint legislative session.

*January 25, 1991*

The bill remained stalled in House Revenue and Taxation Committee but supporters thought enough votes existed to move it out the following week.

*January 29, 1991*

The House Revenue and Taxation Committee voted unanimously to defer action for another week on two lawsuits challenging the Weight-Distance Tax on heavy trucks after two former highway officials spoke against the settlement bill. The committee wanted to obtain information about Weight-Distance taxes in other states. Former AHTD Director Henry Gray and Gip Robertson, former AHTD Assistant Director for Administration, asserted that the State might not lose the legal battle and that, even if it did, a constitutional Weight-Distance Tax could be crafted. Robertson said a tax decrease would result for 332,000 out-of-state truckers, who he said caused most of the damage, and a tax increase would result for 7,200 Arkansas truckers.

Before deferring action, the House committee amended HB 1233 to eliminate higher fines and penalties for overweight trucks. George and Wingfield sponsored the amendment with the intent of eliminating excessive fines for log haulers who do not have access to scales.

This was the second time the bill had failed to get out of committee and co-sponsors began to default after the decision to defer.

*January 30, 1991*

Remained stalled in House Revenue and Taxation Committee. Amendment 3 (McJunkin) added to correct code references and revise language of emergency clause.

*January 31, 1991*

Amendment 2 adopted to remove Mullinex, Allen, Dawson and Arnold as co-sponsors. Legislators learned that cities and counties could be liable for about \$37 million if the state lost its appeal in the Weight-Distance Tax case.

*February 1, 1991*

Amendment 1 (George, Wingfield) deleted §6 which amended the section providing penalties for overweight vehicles. Adopted.

*February 4, 1991*

HB 1233 was supposed to have come before the House Revenue and Taxation Committee for a second time. Action was deferred with George spearheading the effort.

*February 5, 1991*

The House Revenue and Taxation Committee passed HB 1233 which was scheduled to go before the full House on 2/6. The bill, which had been stalled in committee through two committee meetings because of poultry and timber opposition to the Highway Improvement Program, passed with no discussion and only one negative vote [Rep. Irma Hunter Brown cast the only audible negative vote on the bill which passed by voice vote]. The bill had 79 co-sponsors and approval was expected the following day in the full House.

*February 6, 1991*

HB 1233, which would replace the Weight-Distance Tax, passed the House by a vote of 92-0. The Emergency Clause also passed 92-0. This passage gave Rep. Foster the go ahead on HB 1200, the Highway Improvement Program. The bill was rushed over to the Senate where Senator Hoofman objected, before a nearly empty chamber, to HB 1233 being assigned to committee immediately [being placed on its second reading] which effectively killed any move to send it to committee until the next day. [Senate rules require that a bill be read twice, on different days before being assigned to committee. The rules are suspended routinely and most bills are given their first two readings and assigned to committee the day they are filed.]

Hoofman's opposition forced Walters to ask Lt. Governor Tucker to refer the bill to the Senate Revenue and Taxation Committee where he said there were enough votes to get it out of committee.

*February 7, 1991*

Referred to Senate Revenue and Taxation Committee. Henry Gray filed a proposed initiated act to be pushed by an ad hoc group known as CRUSH (Citizens Resisting Undermining State Highways) to reinstate a Weight-Distance Tax and double the existing rate to 5¢ a mile (producing some \$50 million a year). Natural resource haulers would remain exempt as the proposal was written.

*February 13, 1991*

The Senate Revenue and Taxation committee passed HB 1233 as amended.

*February 14, 1991*

Supporters added Amendment 1, a technical amendment, and failed to get enough votes to bring bill up for a vote. Senate opponents beat back two attempts by Senators Walters and Fitch to bring bill up for vote out of order. They moved that the Senate suspend its rules and bring the bill up for consideration, but they could not muster the 2/3rds vote of senators present for approval [1st motion 18-11 and second motion 18-15]. Without the amendment, SB 4 by Senator Canada would have been undone. It changed the registration fees for trailers pulled by cars. The amendment incorporated that change from Senator Canada's bill. This suspension of rules was necessary because of the technical amendment. Senate rules require the bill to be on the senators' desks in final form 24 hours before coming to a vote. Some senators who voted against suspending the rules said they did so mainly for procedural reasons. Senators opposed to suspending rules were: Howell, Leulf, Hoofman, Bearden, Ross, Russ, Everett, Pagan, Moore, Jewell, Wilson, Snyder, Beebe, and Bookout.

*February 18, 1991*

The settlement measure was stalled in the Senate. To become law by February 22 to beat the February 25th deadline, the Senate had to pass the measure either the 19th or 20th. If it passed the Senate then, the House Revenue and Taxation Committee could endorse the amended version Thursday and the full House could vote on it Friday giving the Governor time to sign it into law.



Attorney General Winston Bryant certified a popular name and ballot title for the initiated act. The Attorney General is required to approve the description of the initiated act that could be included on petitions before circulation for signatures.

*February 19, 1991*

The vote was 23-10, four votes short of the amount required for passage of HB 1233. A 3/4th majority was needed.

Vote For: Beebe, C. Bell, S. Bell, Bookout, Bradford, Canada, Cassady, Chaffin, Dowd, Fitch, Gibson, Gordon, Hardin, Harriman, Howell, Luelf, Malone, Miles, Russ, Scott, Todd, Walters, and Yates.

Against: Bearden, Edwards, Everett, Hoofman, Jewell, Lewellan, Moore, Pagan, Ross and Snyder.

The only one of seven freshmen senators who did not vote against HB1233 was Senator Todd. Hopkins and Wilson did not vote. The vote was later expunged from the official record, allowing the proposed legislation to be brought back on the Senate floor as early as the next day.

*February 20, 1991*

The Senators voted 29-6; Emergency 29-6 [needed 27 votes for passage] with clincher. The Senate roll call vote:

FOR: Beebe, C. Bell, S. Bell, Bookout, Bradford, Canada, Cassady, Chaffin, Dowd, Edwards, Everett, Fitch, Gibson, Gordon, Hardin, Harriman, Hopkins, Howell, Jewell, Luelf, Malone, Miles, Ross, Russ, Scott, Todd, Walters, Wilson, and Yates.

AGAINST: Bearden, Hoofman, Lewellen, Moore, Pagan and Snyder.

The six votes picked up were four senators who changed their votes from the previous day (Jewell, Everett, Edwards, Ross) and two who did not vote the previous day (Wilson and Hopkins). Everett repeated his previous day's vote against the settlement at first then changed his vote. Senators voting for it earlier held their support. The measure was returned to the House after the Senate vote and assigned to House Revenue and Taxation Committee for 9:00 AM on 2/21. The House had to concur in the Senate's technical amendment concerning license fees for some trailers.

*February 22, 1991*

House concurred in Senate amendment 91-0 by voice vote and the bill was sent to the Governor for his signature. Governor Bill Clinton promptly signed HB 1233 (Act 219) to head off a showdown before the Arkansas Supreme Court set for February 25, 1991.

Act 219 of 1991 – Weight-Distance Tax Compromise contained replacement revenue sources as follows:

- A \$1,350 registration fee of all vehicles with gross vehicle weight in excess of 73,280 pounds (\$4.6 million).
- Four-cent state diesel tax increase (\$14.8 million).
- Overweight permit fees increase (\$2.0 million).
- Semi-trailer fees increase (\$0.3 million).
- Total \$21.7 million - Net to AHTD \$15.2 million.

*March 1, 1991*

Act 219 became effective. [Escrow account ended – total of \$44.8 million exclusive of interest.]

*April 1, 1991*

Collection of weight-distance replacement tax began.

*April 17, 1991*

Chancellor Robin Mays tentatively approved a proposed settlement to lawsuits. However, Arkansas-based truckers engaged in Interstate trade said they had been unfairly shut out of the settlement. They requested a share of the settlement or reimbursement for retaliatory taxes imposed by other states after Arkansas enacted its 1983 Weight-Distance Tax. Chancellor Mays set May 1 for a hearing to consider those arguments and a May 29 hearing to consider other comments and objections to the settlement plan.

*April 30, 1991*

Attorneys for national trucking concerns asked Chancellor Robin Mays to dismiss the preceding motion to intervene. American Trucking Association, Inc. attorneys argued that Arkansas-based truckers were never accepted as an issue by the court and couldn't be accepted now.

*May 1, 1991*

Chancellor Robin Mays rejected an attempt by Arkansas-based Interstate truckers to claim part of the settlement of two lawsuits over the State's tax on heavy trucks. According to Mays, the Arkansas Supreme Court had instructed her to decide only the issue of refunds to out-of-state truckers.

In lieu of granting that request, Attorney Gene Sayre asked Mays to order \$5 million from the State's share of the settlement to be placed in escrow until the U.S. Supreme Court reviewed a lawsuit over the retaliatory tax imposed by Oklahoma. The Oklahoma Supreme Court ruled the tax unconstitutional but questions remained about refunds.

*May 6, 1991*

Attorneys representing Interstate truckers asked Chancellor Robin Mays for more than \$6.7 million in legal fees for their part in litigation that overturned Arkansas' heavy-truck tax laws. The ATA Litigation Center, a Washington, D.C. law firm, and two Little Rock firms asked Mays to grant them 25% of the truckers' \$25 million award in the suit plus \$477,495 for expenses. "When tax savings and other prospective monetary relief are considered, the requested award represents only about 8% of the total monetary benefits obtained by the plaintiffs in these cases," the filing stated.

The Washington law firm requesting fees was Mayer Brown & Platt; the Little Rock firms were Wright Lindsey & Jennings and Williams & Anderson. Also on this date attorneys for the Little Rock law firm of Mitchell Williams Selig and Tucker made a separate appeal for \$558,200 in fees and expenses it said were incurred before withdrawing as a counsel for the plaintiffs on October 26, 1987.

*May 29, 1991*

Pulaski County Chancellor Robin Mays accepted the final settlement to litigation that overturned the Weight-Distance Tax laws and granted attorneys for out-of-state truckers \$6.23 million in fees. The attorneys' award was 25% of the truckers' share of the \$25 million settlement with the State. Mays said that the main reason for granting the 25% award was because a large portion would go to the ATA Litigation Center, a non-profit public interest law firm which represented the American Trucking Association, Inc. during part of the successful challenge to the 1983 Weight-Distance Tax. Attorneys had previously agreed upon the split of \$4 million in fees from the 1987 case, the terms of which were included in Mays approval of the settlement.

Of the \$4.23 million for attorneys' fees in the 1983 case, Mays awarded 28% or \$624,400 to Little Rock's Mitchell Williams Selig and Tucker and 2% or \$44,600 to Eugene Sayre of Little Rock. Both represented the truckers in the original lawsuit against the 1983 tax. The remaining 70% was to be split between the ATA Litigation Center, the Washington firm of Mayer Brown & Platt and the Little Rock firms of Wright Lindsey & Jennings and Williams and Anderson which took over the litigation in 1987. The Mitchell firm had asked Mays for 30% for its firm and 3% for Sayre based on its having created the record of the original trial without which the later firms could not have successfully appealed.

*June 3, 1991*

A group of Arkansas-based truckers, who were denied a share of the settlement of the 1983 lawsuit, filed a notice of appeal to the Arkansas Supreme Court. Eugene Sayre, who represented the group who was part of the first lawsuit but was shut out of the settlement, asked Mays to grant the Arkansas truckers relief because they paid retaliatory taxes to other states as a direct result of the Arkansas tax.

Failing that, Sayre asked that Mays set aside \$5 million from the State's share of the settlement until challenges to the retaliatory taxes are decided by the U.S. Supreme Court. Mays rejected both requests and Sayre challenged those rulings only not the rest of the settlement package.

*June 10, 1991*

In a class-action suit filed in Pulaski County Chancery Court, Jack B. Hollingshead of Amity said that he and other Arkansas-based truckers were wrongfully denied a part of the settlement approved by the General Assembly this year. The suit says more than 2,000 truckers were similarly affected by retaliatory taxes passed in Georgia, Florida, Nebraska, and Oklahoma.

The suit asks the court to hold \$5 million of the State's share of the settlement in escrow for the Arkansas-based truckers. Gene Sayre, a Little Rock lawyer, represents Hollingshead.

*October 19, 1992*

The Arkansas Supreme Court ruled that Arkansas truckers who waited until April 16, 1991, to seek reimbursement for retaliatory taxes had waited too long. That decision was expected to end litigation that began May 1983. Cawood truckers proposed that reimbursements

asked for in April 1991 be made from the \$35 million AHTD received under the legislation settlement in Act 219 of 1991.

*OTHER WEIGHT-DISTANCE TAX LEGISLATION  
CONSIDERED DURING THE 78TH GENERAL ASSEMBLY  
IN REGULAR SESSION - SB 214 (HOOFMAN)*

*January 30, 1991*

Hoofman amended SB 214, which originally contained only weight-distance settlement and a 4¢ diesel tax increase, to include the same tax increases as the Highway Improvement Program bills [HB 1200 and SB 96]. This surprise caused some confusion. Hoofman thought combining these two issues would not make it more or less difficult to pass. He said the settlement and the highway program were meant to go together and he was trying to force the hand of those who were waffling in support of part of the package. Hoofman said that he could not support the Weight-Distance Tax settlement without the Highway Improvement Program.

*February 6, 1991*

On agenda of Senate Revenue and Taxation but no action was taken on motion of Senator Fitch that the bill was to be considered at the committee's next meeting.

*HB 1491 (J.H. ROBERTS)*

Levy a registration fee of \$1,483 on trucks weighing 73,281 to 80,000 pounds (those currently covered under the Weight-Distance Tax which were paying \$1,044 plus Weight-Distance Tax of 2.5¢ for each loaded mile traveled in Arkansas). Sales tax was capped on large trucks at \$250 and on semi-trailers at \$100. The bill was supposed to induce truckers to register their rigs in Arkansas. This fee was average of registration fees in Oklahoma, Tennessee and Illinois where Roberts said many truckers register because of lower costs. Roberts said that the State was registering only about 15,000 of the roughly 68,000 trucks operating for Arkansas-based trucks. [Roberts proposed his own weight-distance tax settlement saying the AHC did not let him in on their proposal and he was returning the favor.]

*January 31, 1991*

Rep. Roberts persuaded the full House to refer the bill to the House Public Transportation Committee after Speaker Lipton assigned it to Revenue and Taxation "where it was likely to get a more hostile reception."

*February 5, 1991*

House Public Transportation Committee amended registration fees at \$1,350, the same as proposed in legislation designed to settle lawsuits and passed it out of committee.

NOTE: Fuel tax increase takes 75% majority: roughly 75 votes in House and 27 votes in Senate.

Act 493, 2009 – To increase the maximum weight allowed on the front or steering axle of a vehicle.



*Chapter 10*

**OIL INSPECTION FEES**

Act 238, 1917 – Created the Office of Inspector of Petroleum Oils, etc. A decision of the Supreme Court in the case of Gibson Oil Company vs. Bush, 175 Ark. 944 construed the Act thus:

“Chapter 95 of Crawford and Moses Digest contains the law concerning the inspection of oil. The purpose of this law is to prevent, as far as possible, casualties of the character in this record by requiring the owner, manufacturer, or wholesale dealer or jobber in any of the products of petroleum by whatever name known, to be inspected according to the methods described in that chapter, and making it unlawful to sell any of the petroleum products mentioned in that chapter which, under the test therein prescribed, ignite or burn at any temperature less than 150 degrees Fahrenheit.”

This Act was modified by Act 209, 1921; Act 277, 1923; Act 42, 1925; Act 221, 1927. Act 12, 1933 transfers inspection to the State Commissioner of Revenues.

Act 82, 1933 – Explains the method of depositing funds and proportioning the share of collecting expense.

Act 134, 1933 – Provides for efficient inspection of petroleum products, fixes fees at 10¢/per barrel of 1/20 cent per gallon in bulk. Repeals all previous acts. All fees to be placed in Unapportioned Fund (Act 82, 1933).

Act 11, Special Session, 1934 – Oil Inspection Fees credited to the General Revenue Fund through the Unapportioned Fund.

Act 12, Special Session, 1938 – Oil Inspection Fees (net) credited to Special Highway Improvement Fund.

Act 123, 1941 – Repeals §4, Act 12 of 1938. Fees to General Revenue Fund.

Act 424, 1943 – Allocates Oil Inspection Fees to County Highway Fund.

Act 114, 1947, §23 – Restates provisions of Act 311, 1945, in regard to Oil Inspection Fees. (Repealed by Act 425 of 1955.)

Act 311, 1949 – Oil Inspection Fees credited to General Revenue Fund but \$100,000 transferred to County Highway Fund in lieu of the Oil Inspection Fees. (Repealed by Act 425, 1955.)

Act 118, 1953 – “Revenue Department Inspection Fees” credited to General Revenue Fund. After July 1, 1953, such revenues will be credited to “Constitutional and Fiscal Agencies Fund.”

Act 425, 1955 – Amends Act 118 of 1953 – Credited to General Revenue Fund – Repeals Act 311 of 1945, Act 114 of 1947, and others.

Act 493, 1965 – Provided monies collected from oil inspection fees be credited to the Constitutional and Fiscal Agencies Fund.

Act 1150, 1975 (Extended Session 1976) – Transferred from the Department of Finance and Administration, Division of Revenue to the Department of Commerce, Weights and Measures Division all authority and responsibility pertaining to the inspection of certain petroleum products not vested in the Revenue Division.

Act 691, 1983 – Provided the Division of Weights and Measures, and all the powers, functions, and duties performed by it, be separated from the Department of Commerce and thereafter be known as the Arkansas Bureau of Standards.

*Chapter 11*

**COLLECTION OF MOTOR USER IMPOSTS**

Collecting Agency

Act 134, 1911 – Provides for payment of motor vehicle registration fee to State Treasurer.

Act 302, 1913 – Provides that motor vehicle registration fees be paid to county collectors.

Act 606, 1921 – Provides that gasoline tax be paid to county treasurers.

Act 501, 1923 – Provides that gasoline tax be paid to State Treasurer; reports made to State Auditor.

Act 88, 1925, §2 – Created and established the Office of Commissioner of Insurance and Revenues. §10: All duties empowered by law upon the Auditor of State in relation to the tax on gasoline and motor oils shall be performed by Commissioner of Insurance and Revenues.

Act 115, 1927, §15 – The Office of Commissioner of Insurance and Revenues created by Act 88 of 1925 changed to “Department of Revenues” and the Commissioner of Revenues granted all the powers, authority, duties, and obligations pertaining to the collection of revenues.

Act 94, 1933, §1 – Beginning July 1, 1933, the Commissioner of Revenues to collect the motor vehicle license fees prescribed by law. (See Act 9, 1933, also.)

Act 685, 1983 – Imposed weight-distance tax on vehicles, with certain exceptions, with declared gross weights in excess of 73,280 pounds. All revenues from vehicles with base registrations in Arkansas to be collected by the Commissioner of Revenues. All revenues from vehicles with base registrations out-of-state to be collected by AHTD.

Act 3, 2<sup>nd</sup> Extraordinary Session, 1987 – Imposed weight distance tax on vehicles, with certain exceptions, with declared gross weights in excess of 73,280 pounds. Repealed Act 685 of 1983 and imposed all collection authority on the AHTD regardless of location of base registration.

Collection Costs

Act 302, 1913 – County collectors to collect motor vehicle license fees at the same commission as for collecting other taxes.

Act 606, 1921 – Requires motor fuel tax to be paid to Treasurer – No mention made of fees; probably general law applies.

Act 501, 1923 – Requires wholesaler or producer to report motor fuel sales to State Auditor.

Act 772, 1923 – Appropriates \$12,000 per year to Auditor, payable from Highway Improvement Fund.

Act 287, 1925 – Provides that after July 1<sup>st</sup>, no payments be made from State Highway Fund for collection expense of gasoline tax; to be paid from General Revenue Fund; latter to be credited with \$3,000 interest earned on State Highway money each month.

Act 335, 1927 – Appropriates \$70,000 annually from General Revenue Fund for Revenue Department.

Act 263, 1929 – Appropriates \$136,500 from Highway Fund for Revenue Department.

Act 176, 1931 – Transfers \$151,000 from Highway Fund to General Revenue Fund for Revenue Department.

Act 75, 1933, §1 – Auditorial Fund – Created and established the State Auditorial Department. §4 created in the State Treasury the “Auditorial Fund” and all appropriations for the maintenance and operation of the State Auditorial Department to be payable from said “Auditorial Fund” (\$10,000 annually appropriated from Highway Fund).

Act 82, 1933, §5 – Unapportioned Fund – The Commissioner of Revenues to daily deposit in the State Treasury all moneys and checks collected. All funds arising from sources other than the operation of toll bridges [toll bridges freed April, 1938] to be credited by the State Treasurer to the “Unapportioned Fund.” All appropriations for refund of motor vehicle tax, and for the maintenance and operation of the Revenue Department, except the maintenance of toll bridges, to be payable from said unapportioned fund. The cost of maintenance and operation to be distributed pro rata.

Act 11, 1934 – Provides for transfer from State Highway Fund to General Revenue Fund \$4,800 annually and to the Auditorial Fund \$11,500 annually.

Act 223, 1941, §1 – To further establish and maintain the “Auditorial Fund” created by Act 75 of 1933, the State Treasurer is directed to charge against the transfer from the several funds, accounts and balances, the amounts set out in this Act, and credit them to the “Auditorial Fund.” Such transfers and amounts to be as follows: the transfer from the Unapportioned Fund to be based on the gross collections and transfers monthly and from the Unapportioned Fund 3.5 mills.

Act 311, 1945 – Stabilization Law – State Apportionment Fund created – All revenues deposited in Treasury to be credited to this fund: revenue year June 1 to May 31 established; Treasurer to deduct \$110,000 each month from gross revenues pro rata, for general expenses of state government including support of Revenue Department; net revenues to be distributed as allocated by law. (Repealed by Act 425, 1955.)

Act 114, 1947 – Stabilization Law amended to provide that Treasurer deduct 3% from gross revenues for general expenses of State Government. (Repealed by Act 425, 1955.)

Act 118, 1953 – “Revenue Stabilization Law” – Same provision for deducting 3%.

Act 425, 1955 – Amends Act 118 of 1953 – Same provision for deducting 3%. (Repeals Act 311 of 1945 and Act 114 of 1947 and paragraphs (B) and (G) of Section 28, Act 118 of 1953.)

Act 39, First Extraordinary Session, 1965 – “Arkansas Highway Revenue Distribution Law,” after enumerating “highway revenues” provided for a 3% deduction for all such revenues collected by the Commissioner of Revenues for transfer to the Constitutional & Fiscal Agencies Fund. (All revenues collected by State Agencies, themselves, including AHTD, involved only a 1 1/2% deduction.)

Act 437, 1979 – Levied additional 1- cent/gallon tax on all motor fuel and distillate special motor fuels and allowed for no deduction for the Constitutional & Fiscal Agencies Fund.

Act 439, 1979 – Imposed a \$10 title transfer fee (reduced in 1981 to \$4) and allowed for no deduction for the Constitutional & Fiscal Agencies Fund.

Act 440, 1979 – Increased motor vehicle registration fees and placed a cap of \$1,245,000 on the 3% deduction for Constitutional & Fiscal Agencies Fund as derived from registration fees.

Act 945, 1987 – Removed the \$1,245,000 cap 3% transfer imposed by Act 440, 1979, and provided a 3% deduction for title transfer fees imposed by Act 439, 1979, as amended, and assigned 2/3rds of the deductions previously transferred to the Constitutional & Fiscal Agencies Fund to the State Central Services Fund and 1/3<sup>rd</sup> to the Constitutional & Fiscal Agencies Fund.

**Note:** Generally, revenues collected by AHTD require only a 1.5% deduction for the State Central Services Fund and Constitutional & Fiscal Agencies Fund. An example of this is permit fees. No deduction is made for interest derived from the State Highway Department Fund nor from the 1-cent gallon fuels tax levied by Act 437 of 1979. All other special revenues accruing to the AHTD require a 3% deduction.

*Chapter 12*

**STATE HIGHWAY BONDS**

Act 11, 1927 – Provided that the State shall borrow each year by means of State Highway Notes whatever amount necessary, not to exceed \$13 million in addition to funds derived from automobile licenses, gasoline taxes, and Federal-aid to pay the annual maturities and interest on outstanding road improvement district bonds and to allot “for new construction a sum equal to twice the amount allotted to road districts.” Pledges revenues from automobile license fees and gasoline tax to secure payment. This law allowed the State to assume the highway bonded indebtedness of over 400 Road Improvement Districts with outstanding obligations of over \$64 million.

Act 6, Special Session, 1928 – Amends Act 11, 1927, by increasing the limit which could be borrowed in any calendar year to \$18 million.

Act 65, 1929 – Restates bond issue limit of \$18 million in any calendar year.

Act 87, 1929 – Authorizes additional \$5 million bond issue for payment of State Highway short term notes due.

Act 15, Special Session, 1932 – Authorized issuance of revenue bonds in exchange for road improvement district bonds. Pledged highway revenues and established order in which all highway income would be disbursed. Provided for issuance of short term notes in lieu of vouchers or warrants due or outstanding. Never operative.

Act 167, 1933 – Authorized the issuance of State Bonds to refund all outstanding highway obligations and created a refunding board. Was never operative due to court action.

Act 11, Special Session, 1934 – Primarily to alleviate the problems created by Act 11, 1927, provided for issuance of State Highway Refunding Bonds to exchange for outstanding highway bonds and notes, toll bridge bonds, road improvement district bonds, and for issuance of refunding certificates of indebtedness to aid municipal improvement districts. Created a new Refunding Board. [This same year Constitutional Amendment No. 20 was adopted which allows the issuance of bonds by the State of Arkansas only after approval of a majority of qualified voters at a general or special election.]

Constitutional Amendments 20 [adopted November 6, 1934] and 65 [adopted November 4, 1986] to the Arkansas Constitution require vote of people to approve bond issues. [Note: Amendment 65 limits AHTD’s ability to privatize.]

Act 130, 1937 – Authorized issuance of General Refunding Bonds of the State of Arkansas to refund bonds issued under Act 11, Special Session, 1934.

Act 4, Special Session, 1939 – Authorizes the issuance of General Refunding Bonds of the State of Arkansas; sets the maximum amount and for other purposes. (This Act never in operation – Referred to the voters Nov. 5, 1940, General Election, and was defeated.)

Act 4, 1941 – Bond Refunding Act – Amends §1 of Act 11, 1934. Authorizes issuance of State Highway Refunding Bonds for calling in and redeeming the State’s highway obligations. Highway revenue allocated. Issued over \$136.3 million par value bonds to retire all outstanding obligations as a result of Act 11, 1934 as direct obligations of the State. [Constitutional Amendment No. 20 did not require a vote of the people since this was prior outstanding indebtedness.] Final payment on these refunding bonds was made in March 1972.

Act 99, 1941 – Debt Service Fund (Debt Service Reserve Fund, Act 311, 1945) – Provides for creation of a Debt Service Fund as contingent reserve for payment of principal and interest of refunding bonds issued under the provisions of Act 4, 1941. Refunding board authorized to fix reserve total and Legislature required to appropriate such amount as may be necessary from State Highway Fund in excess of revenues allocated by §12, Act 4, 1941.

Act 150, 1941 – Debt Service Fund – Provides for investment of Debt Service Fund created by Act 99, 1941.

Act 419, 1941 – Bond Refunding Expense Account – Creates Bond Refunding Board Expense Account in the State Highway Fund.

Act 92, 1943 – Amends Act 11, 1934, as amended by Act 4, 1941. Creates Refunding Board composed of Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor, Attorney General and Bank Commissioner.

Act 93, 1943 – Creates in State Treasury a Highway Reserve Fund. Requires Treasurer to transfer balance in State Highway Fund accrued from Highway Revenues collected in excess of specific allocations provided in §12, Act 4, 1941 to this fund. Provides that if money in Debt Service Fund falls below \$3.5 million, the deficit shall be made up by transfers from Highway Reserve Fund. When reduction is no longer threatened, the balance in Highway Reserve Fund may be used for highway construction and maintenance as the Legislature may direct. (See Act 311, 1945.)

Act 53, 1945 – Excess Par Value Bond Account – Provides that premium or discount on sales of securities held as investments shall be credited or charged to this account.

Act 311, 1945 – “Highway Construction and Maintenance Fund” renamed “Highway Construction Fund.”

Balance in Highway Reserve Fund transferred to Highway Construction Fund. Provided if funds in the Debt Service Reserve Fund fell below \$3.5 million, the deficit would be made up by transfers from the Highway Construction Fund. (Repealed by Act 425, 1955.)

Act 5, 1949 – State Highway Construction Bonds (The McMath Bonds) Provided for issuance of bonds not to exceed \$7 million in each of the years 1949, 1950, 1951 and 1952. Allocates \$2 million annually from Highway Fund to Highway Construction Bond and Interest Fund for debt service. Established Highway Construction Bond Reserve Fund and provided that moneys in excess of requirements be transferred from the Highway Construction Bond and Interest Fund to this fund. All moneys in the Highway Construction Bonds Reserve Fund shall be used only for supplying any deficit in the funds available in the Highway Construction Bond and Interest Fund.

Note: There were three issues of \$7 million each borrowed on the following dates: July 1, 1949; May 1, 1950; and May 1, 1951. These bonds were retired before November 1, 1960, approximately nine years in advance of the final maturity date.

Act 66, 1951 – Helena Bridge–Arkansas-Mississippi Bridge Commission and Compact–first issue July 1, 1959. Bonds paid in full on July 13, 1973. [AR Code §§ 27-89-201-204]

Act 104, 1953 – Bonds for construction and operation authorized.

Act 118, 1953 – Creates State Highway Department Fund. Bond Year unchanged.

The Highway Bond and Interest Fund to be used only for meeting the Debt Service requirements of the State Highway Refunding Bonds. The Highway Debt Service Reserve Fund to be used only for the purpose of supplying any deficit in funds available in the Highway Bond and Interest Fund.

The Highway Construction Bond and Interest Fund to be used only for meeting Debt Service requirements of State Highway Construction Bonds. The Highway Construction Bond Reserve Fund to be used only for supplying any deficit in the funds available in the Highway Construction Bond and Interest Fund.

Act 425, 1955 – Amends Act 118, 1953. The Highway Debt Service Reserve Fund to be used only for supplying any deficit in the funds available in the Highway Bond and Interest Fund for the payment of State Highway Refunding Bonds.

The Highway Construction Bonds Reserve Fund to be used only for supplying any deficit in the funds available in the Highway Construction Bond and Interest Fund for the payment of State Highway Construction Bonds.

Repeals Act 311, 1945, et al.

Act 182, 1957 – Arkansas Highway Revenue Distribution Law. Changes distribution from Bond Year to Fiscal Year. Establishes State Highway Fund. Same allocations for Debt Service, Highway Bond and Interest Fund, \$7,175,000; Highway Construction Bond and Interest Fund, \$2 million.

Act 89, 1959 – Validated all outstanding State Highway Construction Bonds; pledged revenues to meet the debt service requirements of such bonds; and established a more equitable distribution of highway revenues to facilitate planning for maintenance and construction of highways, roads, and streets which provided that the first transfer each month for the first eight months of the fiscal year would be \$896,875 to Debt Service for the 1941 Refunding Bonds. The next \$500,000 each month for four months went to the McMath Bond's Debt Service until these bonds were retired in 1960.

Act 188, 1959 – Authorized the destruction of certain unexecuted obligations to be issued in exchange for outstanding State obligations; provided for recovery of certain funds in the hands of out-of-state paying agents; fixed a time limitation during which certain outstanding state obligations may be presented for payment.

Act 485, 1959 – Authorized the State Highway Commission to issue State Highway Construction Bonds not to exceed \$7 million in each of the years 1959, 1960, and 1961 for the purpose, only, of matching Federal-aid Highway Funds. None were issued. Required referendum vote.

Act 68, 1961 – Authorized the State Highway Commission to issue, at one time or in series during the biennial period July 1, 1961 to July 1, 1963, State Highway Construction Bonds in the total principal amount of \$20 million for providing funds to match Federal-aid Highway Funds for the construction and reconstruction of highways and bridges in the State Highway System. None were issued. [Repealed]

Act 23, 1965 – Authorized and empowered State Highway Commission to issue State Highway Construction Bonds in a total principal amount not exceeding \$150 million for financing the construction and reconstruction of State Highways, County Roads, and Municipal Streets and for other purposes. Defeated in Special Election, February 27, 1965. [Repealed]

Act 35, First Extraordinary Session, 1965 – State Highway Refunding Bonds Act of 1965. Authorized state highway refunding bonds to advance refunding of all the outstanding State Highway Refunding Bonds of 1941.

Act 312, 1973 – The "Arkansas Turnpike Authority Act". [AR Code §§27-71-101-411]

Act 192, 1989 – Authorized Highway Commission to undertake turnpike projects. [AR Code §§ 27-71-501-504]

Acts 1040 and 1239, 1991 – Bonds; highway construction and maintenance limited obligation bonds authorized for issuance by Arkansas Development Finance



Authority in cooperation with Arkansas Highway Commission. None were issued before the expiration date of March 31, 1993.

Act 1005, 1995 – Highway construction bonds—6.5% excise tax on gasoline, including federal tax, at the wholesale level.

Act 1006, 1995 – Highway construction bonds—5¢ diesel excise tax levied to repay.

Act 1007, 1995 – Highway construction bonds of \$3.5 billion in general obligation highway construction and improvement bonds.

Act 1008, 1995 – Highway construction bonds—general sales tax increased by one-half of one percent with proceeds dedicated to highway bond program.

Act 1232, 1995 – Turnpike projects and toll collection to be established by Arkansas Highway Commission.

Act 1027, 1999 – The Arkansas Interstate Highway Financing Act of 1999 provided for issuance of bonds to allow the Arkansas State Highway Commission to use future federal funds—the Grant Anticipation Revenue Vehicle (GARVEE) bond concept—to retire the bond debt. Bonds are to be paid using a combination of future federal funds, required state matching funds, proceeds from a phased-in 4¢ increase in the diesel tax and state general revenues if necessary.

Act 685, 2005 – Known as the “Arkansas Interstate Highway Financing Act.” Provided for the issuance of additional bonds for the continuation of the Interstate Rehabilitation Program. Requires a statewide election.

Act 511, 2007 – To authorize the Arkansas State Highway Commission to issue Federal Highway grant anticipation and tax revenue bonds for the purposes of constructing and renovating roads and highways; a statewide election on the question of issuing bonds; declaring an emergency; and for other purposes.

Act 153, 2009 – To amend the Arkansas Interstate Highway Financing Act of 2007 to extend the time for issuing grant anticipation revenue bonds for the restoration and improvement to the Interstate Highway System.

**Chapter 13**

**TOLL BRIDGES AND TOLL BRIDGE BONDS**

Act 104, 1927 – Authorized State Highway Commission to construct and operate toll bridges on the State Highway System. Provided that the Commission might issue State Highway Bridge Bonds to raise funds for construction of each individual bridge secured by a mortgage and a pledge of tolls collected.

Acts 71, 76, 191, and 233 of 1927 – Made similar provisions for bridges at designated sites.

Acts 4 and 7, Special Session, 1928 – Provided for conversion of bridges built by improvement districts into toll bridges. Prohibited granting of franchises for private toll bridges.

Act 5, Special Session, 1928 – Authorized State Highway Commission to construct and operate toll bridges on State Highway System. Provided that Commission should issue State Toll Bridge Bonds and for the creation of a State Toll Bridge Fund. Pledged net revenues from toll bridges supplemented if necessary with gasoline tax and automobile licenses. Limits total issue to \$7.5 million, any calendar year \$2.5 million. Did not repeal Act 104, 1927.

Act 71, 1929 – Act 5 Special Session of 1928 amended to authorize State Highway Commission to purchase and acquire privately owned toll bridges.

Act 86, 1929 – Allows Bond Issue of \$5 million in calendar year 1929.

Act 9, 1933 – Transferred all duties in reference to control and collection of tolls from Highway Department to Revenue Department.

Act 11, First Special Session, 1934 – Provided for issuance of State Toll Bridge Refunding Bonds.

Act 130, 1937 – Authorized issuance of General Refunding Bonds of the State of Arkansas to refund bonds issued under Act 11, Special Session, 1934.

Act 11, Special Session, 1938 – Declared all State-owned bridges toll free.

Act 65, 1939 – Required the State Highway Department to acquire the privately owned toll bridge at Des Arc and to operate as a free bridge.

Act 276, 1939 – Appropriated \$120,000 for purchase of all privately owned toll bridges, or for construction of bridges where privately owned toll bridges cannot be purchased.

Act 383, 1939 – Authorizes State Highway Commission to maintain in whole or in part a toll highway bridge or

bridges across rivers and waters bordering Arkansas as a part of the State Highway System.

Act 4, Special Session, 1939 – to authorize the issuance of General Refunding Bonds of the State of Arkansas; to fix the maximum amount thereof, and for other purposes. (This Act never in operation – Referred to the voters, Nov. 5, 1940 General Election and defeated.)

Act 66, 1951 – Mississippi River Bridge at Helena – Provides for Commission to enter into compact with Mississippi, issue bonds, and construct bridge near Helena.

Act 381, 1951 – Bridge Districts – Provides for creation of Bridge Districts to issue bonds (either property, mortgage or revenue), to construct, operate and maintain a bridge across any navigable stream that is a state boundary.

Act 104, 1953 – Provides for construction of bridges and ferries by the State Highway Commission, and for issuance of revenue bonds to pay cost. Provided bonds to be payable solely from bridge toll revenues. Maximum interest 4%. (Helena Bridge)

Act 15, 1957 – Amends Act 104, 1953. Eliminates the maximum rate of interest of 4%. Set maximum at 6%. Authorizes employment of fiscal agents for the sale of such bonds. (Helena Bridge)

**AUTHORIZING, FINANCING AND CONSTRUCTING THE HELENA BRIDGE**

The Arkansas-Mississippi Bridge Commission was established by U.S. Congress under terms and provisions of Public Law 80, 76<sup>th</sup> Congress, May 17, 1939, as amended by Public Law 701, 80<sup>th</sup> Congress, June 19, 1948. The Bridge Commission was authorized by the Arkansas General Assembly under Act 66 of 1951.

Construction costs equaled \$12,549,240 – Minute Orders 2329, 2736, 2867, and 2868.

— Revenue Bonds (U.S. Housing and Home Finance Agency)	\$7,000,000
— Arkansas – Federal-aid Highway Funds	\$4,549,240
— Mississippi – Federal-aid Highway Funds	\$500,000
— Mississippi – State Funds	\$500,000

The first bond issuance was \$7 Million in 1959 (Minute Orders 3120 and 3121)

- Purchased by United States of America, Housing and Home Finance Agency
- Interest rate of 4.38%
- Bonds issued by Arkansas State Highway Commission



- Trustee was Simmons First National Bank of Pine Bluff
- Paying agent was First National Bank of Little Rock

Bonds reissued in 1963 (Minute Order 5252) for \$5.5 million at a lower interest rate of 4.2%

Bonds paid off under Act 166 of 1973 in amount of \$3.5 million

Toll rates were in Minute Order 2869

- Passenger cars and light trucks (two axles, 4 tires) \$1.00
- Medium trucks (2 axles, 6 tires) 1.50
- Vehicle with 3 axles 2.50
- Vehicle with 4 axles 3.50
- Vehicle with 5 or more axles 4.50
- House trailer, per axle .75
- Buses 2.50
- Motorcycles .50

— Rate of \$1.00 was established in 1967 for all vehicles (Minute Order 67-116)

The following Minute Orders pertain to the Helena Bridge financing:

- Minute Order No. 2329 [December 4, 1957]
- Minute Order No. 2736 [June 11, 1958]
- Minute Order No. 2867 [August 13, 1958]
- Minute Order No. 2868 [August 13, 1958]
- Bond Selling for Helena Bridge
- Minute Order No. 3120 [February 18, 1959]
- Minute Order No. 3121 [2-18-1959]
- Minute Order No. 3952 [12-14-1960]
- Minute Order No. 4014 [2-8-1961]
- Minute Order No. 4058 [3-15-1961]
- Minute Order No. 4217 [8-2-1961]
- Minute Order No. 4218 [8-2-1961]
- Minute Order No. 4390 [11-8-1961]
- Minute Order No. 4802 [9-5-1962]
- Minute Order No. 5078 [5-29-1963]
- Minute Order No. 5144 [7-21-1963]
- Minute Order No. 5251 [9-16-1963]
- Minute Order No. 5252 [9-16-1963]
- Minute Order No. 64-103 [3-25-1964]
- Minute Order No. 66-561 [10-26-1966]
- Minute Order No. 66-709 [12-28-1966]
- Minute Order No. 67-9 [1-27-1967]
- Minute Order No. 67-116 [3-22-1967]
- Minute Order No. 67-242 [4-26-1967]
- Minute Order No. 70-103 [3-25-1970]
- Minute Order No. 73-121 [3-28-1973]

*Chapter 14*

**INTERSTATE HIGHWAY AND BRIDGE  
COMPACTS**

Act 66, 1951 – Sets out Arkansas-Mississippi Bridge Commission and Compact. This was the Helena Bridge Compact.

Act 27, 1985 – Sets out Arkansas-Mississippi Great River Bridge Construction Compact. Authorized Chairman of the AHC to execute compact with the State of Mississippi regarding bridge construction connecting the two states at or near Rosedale, Mississippi and McGehee and Dumas, Arkansas. Arkansas' members are designated as the five members of the Arkansas State Highway Commission.

Public Law 99-560, October 27, 1986 – Congress consented to the above 1985 compact.

Act 622, 1989 – Initiated Highway 82 Compact with Mississippi, Alabama and Texas for promoting and ensuring the four-laning of this route and to establish joint interstate authority to assist that effort.

*Chapter 15*

**TURNPIKE AUTHORITY**

Act 312, 1973 – The “Arkansas Turnpike Authority Act.” Created the “Arkansas Turnpike Authority” comprised of the five individuals serving from time to time as the members of the Arkansas Highway Commission. Authority authorized to undertake turnpike projects and issue turnpike revenue bonds. (ACA 27-71)

Turnpike projects, cannot be undertaken unless:

- (1) Public funds are insufficient to construct a free (without toll) highway expressway;
- (2) The project can be financed from revenue bond proceeds and other funds;
- (3) Projected revenues (exclusive of gasoline tax revenues) to be derived from the operation of the project involved will be sufficient to provide for operation and maintenance expenses and will cover not less than 80% of the projected debt service on revenue bonds issued on the project; and
- (4) Projected revenues, including gasoline tax revenues, derived from the project will cover all operation and maintenance expenses and 100% of the projected debt service on bonds issued on the project.

Act 192, 1989 – Authorizes Highway Commission to undertake turnpike projects.

Act 547, 1991 – Authorizes Highway Commission to transfer federal-aid funds allocated or apportioned to Arkansas to the Arkansas Turnpike Authority.

Act 1232, 1995 – Authorizes Highway Commission to establish turnpike projects and collect tolls. (ACA 27-90)

Act 296, 2003 – To clarify and confirm the powers of the State Highway Commission regarding the construction of turnpike projects and issuance of revenue bonds to finance the turnpike projects.

**Note:** The Arkansas Turnpike Authority Act is codified in ACA 27-71-101 — 27-71-411 and 27-90. Proposed turnpike projects have not passed the feasibility test set out above. On May 23, 1990, a motion before the Arkansas Highway Commission carried to enter into a contract with Wilbur Smith Associates to begin the 1990 Arkansas Toll Road Feasibility Study. The report, released in November 1990, found that the roads studied would not be feasible as toll roads without tax increases.

*Chapter 16*

**ROAD IMPROVEMENT DISTRICTS**

Act 302, 1913 – Provided for creation of road improvement districts by Legislature.

Act 338, 1915 – Provided for formation of districts by property owners. Bond issues limited to 30% of assessed valuation. Popularly known as the Alexander Road Law.

Act 457, 1918 – Special acts passed creating road improvement districts.

1921 – Five districts created. Fifty-three previous acts creating road districts repealed.

Act 5, Special Session, 1923 – Provided for the distribution of \$3 million annually to counties from motor user imposts to aid in paying bonds and in new construction. Highway Department supervises all construction where State or Federal-aid is applied. Tax on property limited to 50% of construction cost. Popularly known as Harrelson Law.

Act 11, 1927 – Payment of all bonds and interest maturing after January 1, 1927, of all road improvement districts to be assumed by state. Popularly known as Martineau Law.

Act 112, 1927 – Provided for collection of delinquent taxes, payment of debts, redemption of lands and disposition of funds in above districts.

Act 239, 1927 – Provided that districts heretofore created by Legislature might proceed with construction of roads not on highway system.

Act 63, 1931 – Provided that the State Treasurer should deduct from turnback annually due any county, the amount required to pay 75% of maturing bonds and interest issued by road improvement districts, since February 4, 1927, and 50% of maturing bonds and interest issued subsequent to passage of this act.

Act 11, Special Session, 1934 – Provided for issuance of Road Improvement District Refunding Bonds in exchange for outstanding valid road improvement district bonds, and for the retention of the road district bonds in trust, uncanceled, by the Treasurer of State as collateral for the refunding bonds.

Act 23, 1938 – Provided for creation of improvement districts to acquire right-of-way for highway viaducts or overpasses.

Act 32, 1939 – With County Court approval the Commissioners in each road improvement district whose roads are not wholly included in the State Highway System may levy a tax not to exceed 1% of the assessed benefits for

the construction, repair and maintenance of such roads, and may sell certificates of indebtedness for the same purpose.

Act 325, 1939 – Creates Road Bond Redemption Account – Transfers funds from Road District Refunding Bond Redemption Account to provide for payment of maturing bonds and interest of Road Improvement Districts (including Maintenance Districts) issued since 1927.

Act 385, 1941 – Requires officials of each Road Improvement District to file complete information regarding financial affairs of the district and sets up procedure for determining amount of State-Aid to be given each district. (Repealed by Act 210, 1947).

Act 199, 1945 – Provides method to facilitate the refunding of valid indebtedness of judgments thereon of road improvement districts (applies to District No. 10 – Pulaski).

Act 317, 1949 – Removes cloud from lands in former Road Improvement Districts and Bridge Districts, wherein all obligations have been paid.

Act 367, 1955 – Road Improvement Districts – Authorized for paving streets and roads not part of the State Highway System and not adjacent to cities of 5,000 or more. (Cumulative to Act 41 of 1941.)

Act 79, 2001 – Amends the Rural Road Improvement District Law to provide a more efficient mechanism for changing assessment of benefits when property is transferred in whole or in part.

Act 2275, 2005 – The Regional Mobility Authority Act allows counties and cities to enter into a cooperative agreement to levy taxes and fees for transportation improvement projects.

Act 389, 2007 – Amends the Regional Mobility Authority Act by placing it in a Stand-Alone Chapter in the Arkansas Code and by adding the necessary provisions to make it feasible for counties and cities to utilize.

*Chapter 17*

**BRIDGE IMPROVEMENT DISTRICTS**

Improvement districts were organized under special legislative acts for constructing bridges over major streams in several counties in the State. These districts were relieved of their indebtedness by the State through subsequent legislative enactments.

Act 3, Special Session, 1938 – Unlawful to collect tolls on bridges in bridge improvement districts where sufficient funds have been collected to pay all outstanding indebtedness of the district.

Act 9, Special Session, 1938 – Provides a registration fee for motor vehicles in transit from manufacturer to dealer, or from dealer to dealer. The revenue so derived to be placed in a Bridge Bond Retirement Fund. The receipts are to be apportioned annually to improvement districts that have issued bonds for the construction of bridges forming an integral part of the State Highway System.

Act 10, Special Session, 1938 – Provides for debt service relief of bridge improvement districts through the payment by the State of maturities and interest due for the year 1938 on obligations incurred through bridge construction on State Highway System.

Act 15, Special Session, 1938 – Appropriated money from General Revenue Fund for paying for privately owned toll bridges that might be acquired by the State. AHC was authorized and empowered to purchase any or all of the privately owned toll bridges at prices to be fixed by the AHC. Required AHC to repair and maintain bridges which are part of the State Highway System.

Act 104, 1939 – Makes appropriations for the payment of maturing bonds and interest of bridge improvement districts, money to be transferred to the Bridge Bond Retirement Fund from the State Highway Refunding Bond Redemption Account in the State Highway Fund.

Act 174, 1939 – Appropriates surplus funds of Red River Bridge District for paving a highway leading to the bridge.

Act 276, 1939 – Appropriates \$120,000 from the General Revenue Fund for the purchase of privately owned toll bridges. Amends Act 15 of the Special Session of 1938.

Act 330, 1939 – Amends Act 9, Special Session of 1938, to apply to all Bridge Improvement Districts. Provides for transfer of funds from the State Highway Refunding Bond Redemption Account to supplement intransit fees.

Bridge Bond Retirement Fund – Treasurer directed to transfer from the State Highway Refunding Bond Redemption Account amounts sufficient, when added to balances in the fund, to pay Bridge Improvement Bonds and

interest as they become due. (Repealed by Act 210 of 1947.)

Act 385, 1941 – Requires officials of each Bridge Improvement District to file complete financial information, including current assets and liabilities and sets up procedure for determining State-Aid to be given each district. (Repealed by Act 210, 1947.)

Act 25, 1945 – Provides for payment from the Bridge Bond Retirement Fund that part of outstanding County Funding Bonds representing county warrants issued for building bridges on State Highways. (Repealed by Act 210, 1947.)

Act 210, 1947 – Repeals Act 330, 1939; parts of Act 385, 1941, and Act 25, 1945.

Act 5, 1949 – Amends Act 9, Special Session of 1938. Provides that in transit fees be placed in State Highway Construction Fund.

Act 381, 1951 – Bridge Districts – Provides for creation of Bridge Districts to construct, operate and maintain bridges over interstate navigable streams.

Act 147, 1953 – To vest title in the State Highway Commission to the bridges and all other property of Bridge Districts which have heretofore received State-Aid.

*Chapter 18*

**MUNICIPAL STREET IMPROVEMENT DISTRICTS**

Act 184, 1927 – Provided for aid in construction of continuations of State Highways through cities.

Act 8, Special Session, 1928 – Amended Act 184, 1927 to provide for payment from State Highway Fund of one-half of the construction cost of future improvements of state highway continuations through towns and cities.

Act 43, 1931 – Amended Act 8, Special Session of 1928, to provide for payment of entire unmatured bond issues of any municipal street improvement district having a route and street therein on the designated State Highway System or a continuation thereof, where the work was done subsequent to June 9, 1927.

Act 85, 1931 – Provided for 50% payment of the outstanding bonds and interest representing improvement cost of state highway continuations through towns and cities.

Act 11, Special Session, 1934 – Provided for issuance of refunding certificates of indebtedness to all municipal street improvement districts equaling the actual cost of improving streets which were, at the time of the passage of the Act, continuations of a state highway through the town.

Act 22, Special Session, 1938 – Amended Section 7279 of Pope's Digest to include provision for formation of improvement districts to acquire right-of-way and payment of property damages when construction work is done by U.S. Government.

Act 6, 1941 – Continuations of state highways through cities – Amends §3, Act 65 of 1929 to include in the State Highway System portions of highways traversing incorporated towns of 2,500 or more inhabitants.

Act 385, 1941 – Requires officials of each Municipal Improvement District to file complete information regarding the district's financial condition with the State Treasurer; requires State Highway Department to determine the cost of improvements made by the District on extensions of State Highways; net amount of aid due each District to be filed in Chancery Court of Pulaski County. (Repealed by Act 5, 1949.)

Acts 34 and 81, 1943 – Amended Act 385 of 1941 – Allowed additional time for Municipal Improvement Districts to qualify for aid. (Repealed by Act 210, 1947.)

Act 288, 1943 – Provides for further distribution of \$184,992 allocated by §12, Act 4 of 1941. After all districts have received amounts found due under Act 385 of 1941 and amendments thereto, balances shall be distributed to all districts on proportionate basis. State Highway Department required to determine percentage of total paved area that is on continuation of state highway. (Repealed by Act 5, 1949.)

Act 12, 1945 – Facilitates refunding of bonds.

Act 130, 1947 – Amends Act 288 of 1943, to include streets improved and Street Improvement Districts organized prior to January 1, 1947. (Repealed by Act 5, 1949.)

Act 210, 1947 – Repeals Act 385 of 1941 and others. (Repealed by Act 5, 1949.)

Act 5, 1949 – Repeals Act 385 of 1941; Act 288 of 1943; item (3), Subsection (a), §18, Act 311, 1945; and Act 130, 1947.

Act 468, 1949 – Authorizes cities and towns to create a parking authority to establish public off-street automobile parking facilities. Authorized revenue bonds funded by parking meter revenues.

Act 310, 1953 – Provides that surplus funds of paving and other special improvement districts in cities and towns derived from State-Aid be credited to the City Street Fund.

Act 251, 1967 – Provides for street improvement districts supplemental to all other municipal improvement district laws.

Act 252, 1967 – Street Improvement District Law supplemental to all others. Allows creation of districts and assessments on real property in the district.

Act 317, 1967 – "Municipal Street and Parking Revenue Bond Act." Supplemental, allows issuance of bonds to pay costs of street and parking projects and to use street and parking revenues for the payment of bonds issued.

Act 33, First Extraordinary Session, 1968 – "Arkansas Municipal Tollway Authority Act." Allows any first class city to create an authority to acquire by eminent domain and construct, reconstruct, maintain and operate tollway projects within the city in accordance with design and construction standards approved by the AHC. Turnpike gasoline tax revenues and tolls may be used to pay the costs of the bonds issued.



*Chapter 19*

**FEDERAL HIGHWAY LEGISLATION**

**Summary of Major Federal-aid Legislation  
by Subject**

**HIGHWAYS, ROADS, & STREETS**

- Federal-aid Road Act – created federal-aid program and established federal/state partnership in 1916.
- Federal-aid system to be designated by each state in 1921.
- Parkways located on Federal-aid systems; Trust Fund money authorized. [Public Law 93-87 of 1973]
- Priority Primary Routes, selection. [Public Law 93-87 of 1973]
- Priority corridors selection. [Public Law 102-240 of 1991 Intermodal Surface Transportation Efficiency Act. (ISTEA)]

**INTERSTATE SYSTEM**

- Authorization (first); Interstate System (\$25 million). [Public Law 413, Federal-aid Act of 1952]
- Authorization extended by one year through F.Y. 1972. [Public Law 89-574 of 1966]
- Completion extended to June 30, 1976. [Public Law 91-605 of 1970]
- Completion extended to 9/30/90. [Public Law 94-280 of 1976]
- Discretionary funds. Completion accelerated by changing availability of a state's apportionment to 2 years with unused balances becoming discretionary funds to be allocated to states for ready to go projects on a first-come, first-serve basis. [Public Law 95-599 of 1978 Surface Transportation Assistance Act of 1978 (STAA)]
- Completion deadlines (realistic) set; otherwise route would be dropped from system. [Public Law 95-599 of 1978 Surface Transportation Assistance Act (STAA)]
- Designated in 1944; National System of Interstate Highways.
- Extended through F.Y. 1993. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)].
- High Priority Corridor Segment 18, commonly referred to as I-69, is a National Highway System route extending from Evansville to Memphis, Shreveport, and Houston. The 1995 National Highway System (NHS) Designation Act extended the corridor to the Lower Rio Grande Valley. [Intermodal Surface Transportation Efficiency Act of 1991 and

Department of Transportation Appropriations Act—Public Law 102-388 §351]

- I-3R (Resurface, Restoration, and Rehabilitation) for lanes on Interstate System in use more than 5 years; funds authorized for Fiscal Year 1978. [Public Law 94-280 of 1976]
- I-3R funds; Surface Transportation Assistance Act of 1978 amended to restore availability of Interstate 3R funds to four years. [Public Law 96-106 of 1979]
- 4<sup>th</sup> R (Reconstruction) added; could include the addition of travel lanes and construction/reconstruction of interchanges and overcrossings along existing completed routes plus right of way acquisition. [Public Law 97-134 of 1981]
- Highway Beautification Act of 1965 controlled advertising and junkyards and scenic enhancement along federal Interstate and Primary routes.
- I-4R federal share raised from 75% to 90% effective upon enactment date. [Public Law 97-134 of 1981]
- I-4R eligible costs redefined; apportionments ratio changed to 55% lane miles and 45% VMT without regard to age. (3R based on 75% lane miles 25% VMT in use more than 5 years) [Public Law 97-134 of 1981]
- Interstate Cost Estimate (ICE) apportionments to be based on latest ICE submitted to Congress with proper adjustments if Congress fails to approve. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Outdoor advertising; national policy established to control along the Interstate System. [Public Law 85-381 of 1958]
- Primary highways meeting Interstate standards authorized for addition to Interstate System. [Public Law 90-495 of 1968]
- Redesignation of new routes from withdrawn mileage prohibited. [Public Law 95-599 of 1978 Surface Transportation Assistance Act (STAA)]
- Traffic projections changed to 20 years in advance – not to 1975. [Public Law 88-157 of 1963]
- Allows states 25 years, instead of 12, to complete Future Interstate Routes. [P.L. 109-59 of 2005]
- Tolling provisions on the Interstate System were expanded to allow more participation in Toll Rehabilitation Pilot program. An Interstate Construction Toll Pilot Program was established. [P.L. 109-59 of 2005]

**BRIDGE PROGRAM**

- Bridge funding increased to promote safety. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]

- Ferry replacement for any in place January 1, 1984; Bridge Replacement and Rehabilitation funds authorized at 80% federal share. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- High-cost bridges, discretionary fund use allowed. [Public Law 95-599 1978 Surface Transportation Assistance Act]
- Historic bridges on and off system to be identified and Bridge Replacement and Rehabilitation funds made available equal to demolition cost if entity assumes future legal and financial responsibility. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- National Bridge Inspection Program, procedure for certifying inspectors; establishment required. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Ratio; Federal contribution increased to 80%. [Public Law 95-599 1978 Surface Transportation Assistance Act]
- Off-system and on-system; rehabilitation and replacement funding. [Public Law 95-599 1978 Surface Transportation Assistance Act]
- Unsafe bridge costing \$10 million or twice a state's apportionment whichever is less, discretionary funds made available for replacement. [Public Law 96-106 of 1979]
- Adds systematic preventive maintenance and scour countermeasures as eligible projects. [P.L. 109-59 of 2005]

#### FEDERAL HIGHWAY TRUST FUND

- Established Highway Trust Fund. Cost of Interstate program estimated at \$27 billion. [Federal-Aid Highway Act of 1956]
- Extended Highway Trust Fund through October 1, 1979. [Public Law 94-280 of 1976]
- Extended Highway Trust Fund to September 30, 1984. [Public Law 95-599 of 1978 Surface Transportation Assistance Act of 1978 (STAA)]
- Extended Highway Trust Fund to September 30, 1988. [Public Law 97-424 of 1982 Surface Transportation Assistance Act (STAA)]
- Highway Trust Fund extended to 1995. [Public Law 102-240 of 1991 The Intermodal Surface Transportation Efficiency Act (ISTEA)]
- Highway Trust Fund extended to 1999. 2.5¢ of deficit reduction (6.8¢) returns to Highway Trust Fund 9/30/1995.
- Minimum allocation of 85% of money paid into federal trust fund by its users assured each state. Accomplished through a special funding provision to prevent reduction in any state's apportionment. [Public Law 97-424 Surface Transportation Assistance Act (STAA) of 1982]

- Ratio of Federal share of Interstate projects increased from 50% to 90%. [Federal-aid Highway Act of 1956]
- Transferability provisions between Federal-aid Primary, Secondary and Urban System funds were increased 50%. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]

#### NATIONAL HIGHWAY SYSTEM (NHS)

- National Highway System (NHS)—A new 155,000± system of highways including the Interstate system, principal arterials connecting air, sea, bus or rail facilities and strategic defense highways. Original map submitted to the House and Senate Public Works Committees during 1991 serves as basis for NHS mileage. A final NHS map to be submitted to Congress within two years for approval by September 30, 1995 without which it will not be funded. [Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)]
- NHS designated at a total of 160,768 miles. Arkansas' miles total 2,699. Corridor 18 to include Mississippi and Arkansas and was extended to Mexico through Corpus Christi and Brownsville. Eight high priority corridors added. Corridor 18 designated as part of future Interstate System. States not required to develop metric plans, designs, specifications or other documents until September 30, 2000. Federal share of constructing toll roads increased to 80%. Federal share of a highway connecting Northwest Arkansas Regional Airport to U.S. 71 is to be 95%. [Public Law 104-59 of 1995 National Highway System Designation Act]

#### SPEED LIMITS

- 55 miles per hour maximum speed limit required of any state for approval of project authorization by 23 USC 106. [Public Law 93-643 of 1974]
- 55 miles per hour compliance criteria established to enforce with graduated penalties for non-compliance and bonuses for exceptional achievements. [Public Law 95-599 of 1978 Surface Transportation Assistance Act (STAA)]
- 65 miles per hour maximum speed limit increased on Interstate miles located outside urbanized area of 50,000 or more. ISTEA made this permanent. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Rural sections of highways constructed to Interstate standards; authorized a demonstration program for sixty-five miles per hour speed limits to the first 20 states responding for fiscal years 1988 through 1991. [Public Law 100-202 of 1988 U.S. Department of Transportation and Related Agencies Appropriations Act]
- Speed limits repealed. States may set speeds for cars and trucks starting December 8, 1995. [Public Law 104-59 of 1995 The National Highway System Designation Act]

**PLANNING**

- Highway planning acknowledged 1.5% of each highway appropriation. Haydon-Cartwright Act of 1934.
- Planning and Research funds increased to 2%. [PL 102-250 of 1991]
- Urban and rural areas defined in 1944.
- 3 C (Continuing, Cooperative and Comprehensive) Program considering needs required for urban area projects to become eligible for funds. [Public Law 87-866 of 1962]
- MPO Planning funds set as 1.25% of certain appropriations. [P.L. 109-59 of 2005]

**TRUCKS**

- Manufacturers excise tax on new trucks and trailers increased from 10% to 12% levy at the retail level effective 4/1/83 applicable to trucks over 33,000 pounds and trailers over 26,000 pounds. Allows states to permit truck combinations in excess of 80,000 pounds, provided the state had higher limits before the cap was imposed. These are the famous "grandfather rights" that are the basis of longer combination vehicle permits. [Public Law 97-424 Surface Transportation Assistance Act (STAA) of 1982]
- Motor carrier industry study; Sec. DOT to arrange for Transportation Research Board to conduct a study. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Weights; permits states to increase truck weights on Interstate System to 20,000 pounds on single axle; 34,000 pounds on tandem and 80,000 pounds gross weight. Permissive legislation applicable on Interstate only. [Federal Aid Highways Amendment Act of 1974]
- Weights; states required to permit on Interstate System 20,000 pound single axle weights and 34,000 pound tandem axle weights with an overall weight limit of 80,000 pounds for vehicle combinations of 5 axles or more. The overall maximum gross weight further limited by the bridge formula. [Public Law 97-424 of 1982 Surface Transportation Assistance Act (STAA)]

**PUBLIC TRANSIT**

- Buses in 1975 and rail transit facilities in 1976; Highway Trust Fund apportionment used for these mass transportation systems. [Public Law 93-87 of 1973]
- Formula grant funds for urbanized areas and discretionary grant funds given broader eligibility. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]
- Maintenance-of-effort in transit formula grant program erased. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]
- Mass Transit Account of approximately \$1 billion set aside. [Public Law 97-424 Surface Transportation Assistance Act (STAA) of 1982]

- Transit assistance restructured through discretionary and formula grants, transferring routine bus capital and commuter rail needs to the formula program. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]
- Transit capital and operating assistance to rural and small urban areas; new formula grant program. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]
- Urban Mass Transit Administration (UMTA) renamed Federal Transit Administration (FTA). [PL 102-240 (ISTEA)]

**MOTOR FUELS TAXES**

- Alternative fuels use made mandatory in state fleets. [Public Law 102-486 Energy Policy Act of 1992]
- Deficit reduction of 2.5¢ gasoline tax extended to 1999. [Department of Transportation Appropriations Act of 1993]
- Increased federal user charge on motor fuel from 4¢ to 9¢ per gallon with certain exceptions. [Public Law 97-424 Surface Transportation Assistance Act (STAA) of 1982]
- Increased motor fuel per gallon tax by 5¢, one-half into General Fund for deficit reduction and one-half into Highway Trust Fund with little chance of spending it for years to come. Fuel used by railroads was taxed 2.5¢ per gallon for the first time in U.S. History. [Public Law 101-508 1990 Budget Reconciliation Bill]
- Gasoline, diesel and gasohol increased 4.3¢ per gallon effective October 1, 1993. This permanent tax is directed toward budget deficit. [Public Law 103-66 The Omnibus Budget Reconciliation Act (OBRA) of 1993] [See table on page 68]

**SAFETY**

- Hazard elimination program established to include existing roadside obstacles and high hazard programs with the pavement marking program to be incorporated in 1982. [Public Law 95-599 of 1978 Surface Transportation Assistance Act]
- Highway and motor vehicle safety program; Trust Fund money used for supporting entire cost. [Public Law 93-87 of 1973]
- (TOPICS) Traffic Operations Program for Increasing Capacity and Safety; appropriated funds. [Public Law 90-495 of 1968]
- Increases funding for safety programs. [P.L. 109-59 of 2005]
- Transfers Railroad-Highway Crossing program from the STP to the new core Highway Safety Improvement Program. [P.L. 109-59 of 2005]
- Establishes the Safe Routes to School and High-Risk Rural Roads programs. [P.L. 109-59 of 2005]

## MISCELLANEOUS

- Americans with Disabilities Act of 1990—Major legislation prohibiting discrimination against disabled persons, including transportation facilities. [Public Law 101-336]
- Bicycle transportation and pedestrian walkway facilities. [Public Law 93-87 of 1973]
- Car pools encouraged in urban areas, driver education, and school bus driver's training; grants by Sec. DOT. [Public Law 93-643 of 1974]
- Clean Air Act Amendment of 1990 – Established criteria for attaining and maintaining ambient air quality. [Public Law 101-549]
- Competitive bidding waived by Sec. DOT on a reconstruction contract where emergency situation exists. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Economic Growth Development Centers authorized to promote nation's natural resources and diversify economy of rural areas and smaller communities. [Public Law 91-605 of 1970]
- Informational signs; Sec. DOT permitted to provide areas within the primary system rights of way for erecting. [23 USC 131 (f)]. [Public Law 94-280 of 1976]
- Pine Bluff Rail Relocation authorized. [Public Law 94-280 of 1976]
- Relocation assistance for families displaced by federal-aid construction. [Public Law 87-866 of 1962]
- Vending machines in rest/recreation areas permitted. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]
- Wildflowers and seedlings; requires 1/4% of landscaping funds to be spent for this. [Public Law 100-17 of 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA)]

**Federal-aid to Highways Summarized by Years**

39 Stat. 355, 1916 – The Federal-aid Road Act – Created the Federal-aid program and established the basic prevailing principles of federal/state partnership. Provided \$5 million for F.Y. 1917 for post road construction in the Nation's rural areas. States to choose routes for improvement, to select the projects to build each year, and to design and manage construction. All steps subject to the Bureau's review, approval, and reasonable controls. Projects required to be substantial improvements and remain the toll free property of the states. State assured satisfactory maintenance. Funds authorized by Congress divided among the states by formulas set by law based on population, area and highway mileage and matched in equal amount by the states. Federal share of cost paid after project completion. States required to organize highway departments.

42 Stat. 212, 1921 – Continued Federal-aid to states; provided that each state must designate a Federal-aid System, not to exceed 7% of its total road mileage; all construction to be under direct supervision of a State Highway Department; matching funds to be raised by the state or a political subdivision; maintenance must be carried on in systematic manner.

1921-1931 – Regular biennial appropriations made with some minor amendments to the law. Bureau of Public Roads authorized to approve projects immediately upon apportionment – a provision known as "contract authority." Federal-aid authorized for certain toll bridge and tunnel construction.

1931-1939 – Federal participation took the form of emergency loans and grants to the state with a view to increasing employment. In 1931, under 46 Stat. 1031, federal funds were advanced to states to match regular Federal-aid subject to reimbursement over a period of five years, commencing with F.Y. 1933, by making deductions from regular apportionments. The Emergency Relief and Construction Act of 1932 provided for additional advance to the state and its reimbursement thereof over a period of ten years, commencing with F.Y. 1938, by making annual deductions from regular Federal-aid apportionments.

Title II of the National Industrial Act authorized the President to make grants to the several states for use in emergency construction on the Federal-aid Highway System, Secondary Roads and in eliminating hazards to highway traffic. The Act further provided for the construction of approaches to publicly owned toll bridges, which previously had been prohibited under the Federal Highway Act.

Public Lands Program [established by Congress in 1930] – This was the first transportation discretionary program under which the executive branch could select specific transportation projects for federal funding. Thus, the executive branch was provided some latitude in allocating federal funds to the states. Public Lands Highways funds may be spent on eligible public lands highways, defined by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240) as (1) a forest road or (2) any highway through unappropriated or unreserved public lands; nontaxable Indian lands; or other federal reservations under jurisdiction of and maintained by a public authority and open to public travel. Eligible projects range from reconstructing a road to adding parking facilities.

The Hayden-Cartwright Act of 1934 (Safeguarding Highway Use Tax Revenue Against Diversion) – Made appropriations for highway construction both as direct grants and as regular Federal-aid. Highway Planning was acknowledged by setting up 1 1/2% of each highway appropriation item for this purpose; and under §12 a penalty was established for the diversion of motor vehicle transportation tax revenue from the purposes provided by law, the penalty not to exceed one-third the amount appropriated. States were relieved of reimbursing the federal government under the provisions of Title I of the Emergency Relief and Construction Act of 1932.



Reorganization Plan No. 1 – Prepared by the President pursuant to the Reorganization Act of 1939, effective July 1, 1939. Under this plan the Bureau of Public Roads in the Department of Agriculture was transferred to the newly created Federal Works Agency as the Public Roads Administration.

Public Law 95 – 76<sup>th</sup> Congress – Aid in freeing certain toll bridges on Federal-aid Highway System and providing funds to match regular or secondary Federal-aid road funds. Reimbursement based 50% of reasonable value or construction cost less a reasonable depreciation for the period between the completion date and April 1, 1938, when the bridges were made free of tolls.

Federal-aid Highway Act of 1940 made roadside development eligible for Federal-aid. Authorized flight strip location and development.

Defense Highway Act of 1941 – The principal provisions are: (a) Strategic Network, \$25 million appropriated for projects necessary on national defense on the Strategic Network of Highways. This sum to be apportioned among the several states in accordance with Federal Highway Act provisions, with additional provision that federal share on such projects be increased to 3/4ths the total cost. An additional \$25 million for correction of critical deficiencies on the Strategic Network, available without regard to the apportionment provision. (b) Access Roads, provides \$150 million for the construction of access roads to military establishments and defense industries when such roads are certified by the Secretary of War or Navy as important to national defense. (c) Flight Strips, provides \$10 million for construction of flight strips and landing facilities for aircraft, adjacent to public highways. (d) Advance Engineering Studies, provides \$10 million be apportioned among the various states in accordance with Federal Highway Act provisions, for making advance engineering surveys and plans for future development of the Strategic Network of Highways. (e) Provides for the inclusion of right-of-way costs for certain projects.

Public Law 521, 1944 [National System of Interstate Highways Designated] – Defines “Urban Area” as area including and adjacent to a municipality of 5,000 or more as determined by latest available federal census. Defines “Rural Areas” as all areas not included in preceding. Defines “Secondary and Feeder Roads” as roads in rural areas including farm-to-market roads, rural mail routes, and school bus routes, and not on the Federal-aid System. Designates a National System of Interstate Highways not exceeding 40,000 miles to connect by routes as direct as practicable the principal metropolitan areas, cities and industrial centers, to serve the National Defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. Routes chosen by states with Bureau’s approval (designation approved in 1947). Designation of Secondary System called for individual authorizations for secondary systems and urban extensions made for the first time. Appropriated \$500 million annually for three successive years to be available for primary, secondary and feeder roads, and urban projects. Section 5(a) established right-of-way as participating item on the basis that federal funds should not exceed one-third of

the total cost thereof. Original 7% Federal-aid System renamed Federal-aid Primary System.

Public Law 834, Federal-aid Act of 1948 – Fiscal Years 1950 and 1951 federal funds were provided and apportioned to the state in the amount of \$6,699,681 and \$6,704,794 for each fiscal year, respectively. Directed Commissioner of Public Roads to cooperate with the states to study status of improving the National System of Interstate Highways.

Public Law 769, Federal-aid Act of 1950 – Provided funds for Fiscal Years 1952 and 1953 in approximately the same amounts and ratios as those set forth in the 1944 Federal Aid Act. Section 7 of this Act increased the federal share payable for rights-of-way from one-third to one-half the cost thereof. Federal-aid authorized to retire bond issues principal when used to construct approved facilities on the interstate, primary and urban systems. Required certification that state submitted bypass plans on Federal-aid projects had been through public hearing process and economic effects were considered.

Public Law 81-262, 1981 (Great River Road) – Federal legislation provided for establishment of a national scenic recreational highway in the Mississippi River Valley to be called the Great River Road. It extends from Lake Itasca in Minnesota to the Gulf of Mexico which includes all ten states bordering the Mississippi River. The route generally follows one of the plans in a congressional report entitled a “Parkway for the Mississippi.” The report was prepared jointly in 1951 by the Bureau of Public Roads (predecessor to the Federal Highway Administration) and the National Park Service to requirements of Public Law 81-262. Existing roads were to be used to the greatest extent possible. No new crossings of the Mississippi River were to be constructed with Great River Road funds. Arkansas’ segment is West Memphis to Shives. The system originates at the headwaters of the Mississippi River at Itasca in Minnesota and extends generally parallel in proximity to the river and terminates near the Gulf of Mexico in the vicinity of Venice, Louisiana.

Public Law 413, Federal-aid Act of 1952 – Provided federal funds for Fiscal Years 1954 and 1955, 10% larger than those of 1950 law. In addition, §2 of this Act provided \$25 million annually for the first specific authorization on the Interstate System.

Public Law 350, Federal-aid Act of 1954 – Provided Federal Funds for Fiscal Years 1956 and 1957, \$700 million for each year available for expenditures as follows: 45% on the Federal-aid Primary System; 30% on the Federal-aid Secondary System; 25% for projects on the Federal-aid Primary System in urban areas, and for projects on approved extensions of the Federal-aid Secondary System within urban areas. Interstate System authorization was increased three-fold with apportionment based one-half on traditional formula and one-half on population. For each fiscal year, \$175 million to expedite the construction, reconstruction and improvement, inclusive of necessary bridges and tunnels, of the National System of Interstate Highways, including extensions through urban areas (Arkansas \$2,500,144).

Public Law 627, Federal-aid Highway Act of 1956 – Appropriated \$125 million additional for F.Y. 1957; \$850 million for F.Y. 1958; and \$875 million for F.Y. 1959. Authorized for projects as follows: 45% on Federal-aid Primary System; 30% on Federal-aid Secondary System; 25% on extensions of these systems within urban areas.

Appropriations for the Interstate System for F. Y. 1957 (\$1 billion), F.Y. 1958, (\$1.7 billion) and F.Y. 1959 (\$2 billion) were apportioned to the several states: one-half in the ratio which the population each state bears to the total population, and one-half in the manner as provided by law for the apportionment of funds for the Federal-aid Primary System.

Apportionments of sum authorized for F.Y. 1960 – F.Y. 1967 (\$2.2 billion), F.Y. 1968 (\$1.5 billion) and F.Y. 1969 (\$1.0 billion) were made in the ratio which the estimated cost of completing the Interstate System in each state bore to the sum of estimated cost of completing the Interstate System in all states.

Eventual cost of the Interstate program was estimated at \$27 billion. Title II established the Highway Trust Fund to July 1, 1972, to finance the federal share of construction from highway user excise taxes. Federal share of Interstate projects increased from 50% to 90%.

Public Law 85-381 of 1958 – Established a national policy to control advertising along the Interstate System.

Public Law 87-866 of 1962 – Congress recognized problems created by Interstate Highways pouring traffic into cities and decreed highway projects in urban areas ineligible for federal funds unless a comprehensive program considering the needs of those areas is in place. Relocation assistance to families displaced by Federal-aid construction required.

Public Law 88-157 of 1963 – Interstate System design required to be projected to handle traffic 20 years in advance rather than to 1975. Authorized increased ceiling on payments for construction engineering from 10% to 15% for ABC projects if found necessary by Secretary of Commerce.

Federal Highway Beautification Act of 1965 – Called for control of advertising and junkyards and scenic enhancement along Federal Interstate and Primary routes. Federal Public Works and Economic Development Act of 1965 – Funded the Ozark Program.

Public Law 89-574 of 1966 – Prohibited use of Highway Trust Funds for beautification or scenic enhancement. Established traffic and motor vehicle safety programs to be funded from outside Highway Trust Fund. Extended Interstate System authorization by one year, through F.Y. 1972. Highway Safety Act — Established National Highway Safety Bureau in Commerce Department. Established Highway Safety Advisory Committee in Commerce Department to advise and consult with Secretary of Commerce on highway safety.

Public Law 90-495 of 1968 – Congress appropriated \$200 million for the Traffic Operations Program for Increasing Capacity and Safety (TOPICS). Authorized the adding of primary highways, meeting Interstate standards, to the Interstate System upon the Secretary's request. Added 1,500 miles to the Interstate System, increasing mileage to 42,500 and extended completion date to June 30, 1974. Authorized program of fringe parking facilities.

Public Law 91-605 of 1970 – Extended the date for completion of the Interstate System to June 30, 1976. Authorized economic growth center development highways to promote the nation's natural resources and diversify the economy of rural areas and smaller communities.

Public Law 91-646 of 1973 – Displaced persons; assistance and payments authorized.

Public Law 93-87 of 1973 – Provided several additions to highway policy, namely: (1) Use of Highway Trust Fund apportionments for public mass transportation systems including the purchase of buses in 1975 and for rail transit facilities in 1976; (2) financing of bicycle transportation and pedestrian walkway facilities; and (3) the selection of priority primary routes. Authorized use of Trust Fund money to pay for constructing parkways located on Federal-aid systems and to support entire cost of highway and motor vehicle safety programs. The Federal Highway Safety Act of 1973, Title II, augmented the highway safety program with several additional plans.

Public Law 93-643 of 1974 – Established maximum speed limit of 55 miles per hour as a requirement for any state seeking approval of project authorized by 23 USC 106. The Secretary of DOT was authorized to make grants for demonstration projects encouraging carpools in urban areas, as well as grants to states for driver education and training grants for persons driving school buses.

The Federal-aid Highway Amendments Act of 1974 permits states to increase truck weights on the Interstate Highway System to 20,000 pounds on single axle (was 18,000 pounds); 34,000 pounds on tandem axle (was 32,000) and 80,000 pounds gross weight (was 73,280). This was permissive legislation applicable only on Interstate System.

Public Law 94-30 of 1975 – H.R. 3786, approved June 4, 1975, authorized increase of the federal share of projects approved under 23 USC 106(a) and 117 up to and including 100%.



Public Law 94-280 of 1976 – Authorized funds to be appropriated for F.Y. 1978 for 3R (resurfacing, restoring, and rehabilitating) of those lanes on the Interstate System which had been in use for more than five years. Extended completion of Interstate System to September 30, 1990. 23 USC 131(f) was amended to permit the Secretary of U.S. DOT to provide areas within the primary system rights-of-way for erecting informational signs. \$26.4 million for F.Y. 1977 was authorized for continuation of work on existing and for new demonstration projects, including one at Pine Bluff, Arkansas, involving relocation of railroad lines from central city areas to eliminate ground level highway crossings. 23 USC 402(j) (3) was amended to make additional incentive grants up to 25% of a state's apportionment under 23 USC 402 for a fiscal year or period to those states which have significantly reduced the number of traffic fatalities during the calendar year. Continued the Highway Trust Fund through October 1, 1979.

Public Law 95-599 of 1978 – The Surface Transportation Assistance Act of 1978 (STAA) extended the Highway Trust Fund as the major source for highways and highway safety program funding to September 30, 1984 – with the extension of existing taxes. Accelerated completion of the Interstate System was stimulated by changing availability of a state's apportionments to 2 years, with unused balances becoming discretionary funds to be allocated to the states for ready-to-go projects on a first-come, first-serve basis. Realistic Interstate completion deadlines were set with regard to certain actions; otherwise the route would be dropped from the system. Prohibited future redesignation of new routes from withdrawn mileage. Substitution of alternate facilities for Interstate routes was also required to meet certain deadlines, with the federal share being increased to 85% for all substitute projects to encourage decision-making based on need. More effective safety and bridge programs were promoted through the increase of bridge funding to approximately \$1 billion annually, including a \$200 million annual discretionary fund for use on high-cost bridges. Expanded bridge program to include rehabilitation and replacement funding for off-system and on-system bridges, and an increased federal contribution of 80%. Compliance criteria were established to enforce the national 55 mph speed limit, with graduated penalties for non-compliance and bonuses for exceptional achievements. Safety construction emphasis was consolidated through establishment of a hazard elimination program that includes existing roadside obstacle and high hazard programs, with the pavement marking program to be incorporated by 1982. Transit assistance was restructured and refocused through the restructuring of discretionary and formula grants, transferring routine bus capital and commuter rail needs to the formula program. The discretionary program focused on major investment projects and incorporated provisions for urban initiatives and intermodal coordination. A new formula grant program was established for transit capital and operating assistance to rural and small urban areas. Funding for formula grants to urbanized areas was significantly increased. Transferability provisions between Federal-aid Primary, Secondary, and Urban System funds were increased to 50%. Recognition of off-system needs was continued in the provisions of the safer off-system roads, bridges, and rail-highway crossings

programs. Maintenance-of-effort requirements in the transit formula grant program were eased. Formula grant funds for transit in urbanized areas and discretionary grant funds were given broader eligibility.

Public Law 96-106 of 1979 – The Surface Transportation Assistance Act of 1978 as amended, restored the period of availability of Interstate resurfacing, restoration, and rehabilitation funds to four years after its reduction to two years. The amendment also corrected an unintended hardship which results in the inability of states with small apportionments under the bridge replacement and rehabilitation program to accumulate sufficient funds for expensive bridge projects. Discretionary funds made available for replacement or rehabilitation of any unsafe bridge costing \$10 million or more or twice a state's apportionment, whichever was less. The Discretionary Bridge Program was amended to allow a bridge costing less than \$10 million, as was required, to be eligible provided the cost of the project was at least twice the state's regular bridge fund apportionment. The Interstate resurfacing provision, involving state certification of an adequate maintenance program, was changed to a January 1 apportioning date to allow the program to function as intended.

Public Law 97-134 of 1981 – The Federal-aid Highway Act of 1981 amended the Surface Transportation Assistance Act of 1978 and established obligation limitations for F.Y. 1982. Approved the use of one-half of one percent for F.Y. 1983 apportionments only. The F.Y. 1984 apportionments to be based on the redefinition of eligible costs which were redefined for Interstate construction. Regarding 4R apportionments, 3R law had been based on 75% lane miles and 25% VMT in use more than 5 years. This Act changed the ratio to 55% lane miles and 45% VMT's without regard to age. The one-half of one percent was retained. Reconstructing was added as the 4<sup>th</sup> R for the 4R Program and could include the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed routes plus right-of-way acquisition. The federal share for 4R projects was raised from 75% to 90%, effective upon the enactment date of this legislation.

Public Law 97-424 of 1982 – The Surface Transportation Assistance Act (STAA) of 1982 ensured each state a minimum 85% return on the monies paid in by that state's highway users, accomplished through a special funding provision to prevent the reduction in any state's apportionment. The amounts allocated for the special funding provision are not subject to the highway obligation ceiling, unless Congress so directs. Extended Highway Trust Fund to September 30, 1988. Approximately \$1 billion was set aside in a Mass Transit Account within the Highway Trust Fund. Increased Federal user charge on motor fuel from 4¢ to 9¢ per gallon, with certain exemptions. Converted 10% manufacturer excise on new trucks and trailers to a 12% levy at the retail level, effective April 1, 1983, applicable to trucks over 33,000 pounds and trailers over 26,000 pounds. Required states to permit on the Interstate System 20,000 pound single axle weights and 34,000 pound tandem axle weights and an overall limit of 80,000 pounds for vehicle

combinations of five axles or more. The overall maximum gross weight is further limited by the bridge formula.

Public Law 100-17 of 1987 – The 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA). Arkansas received guaranteed minimum apportionment of 1/2 of 1% for F.Y. 1988 in Interstate construction funds. Interstate program extended through F.Y. 1993. For each of the five years without a Congressionally approved ICE, apportionments to be based on latest ICE submitted to Congress with proper adjustments. Permits the placing of vending machines in rest and recreation areas. Sec. DOT can waive competitive bidding on a reconstruction contract where an emergency situation exists. Upon request, a state may have its apportioned Interstate construction funds transferred to FAP or 4R projects. States are permitted also to transfer unconditionally up to 20% of their I-4R funds each year to projects. Sec. DOT now must submit biennial bridge report to Congress. BRR funds can be used to replace any ferry in existence 1-1-84 at an 80% federal share. On and off system historic bridges are to be identified and BRR funds made available equal to cost of demolition if entity assumes future legal and financial responsibility. Minimum allocations program extended indefinitely and allows states to expend 1/2% on urban transportation planning and 1 1/2% on P&R. Procedure for certifying inspectors must be established to carry out National Bridge Inspection Program. Requires 1/4% of landscaping funds be used for planting wildflowers or seedlings. §140 allows Arkansas to use apportioned Interstate funds to plan, design and construct U.S. 71 from I-40 to the Missouri line as a two lane facility. Reduced federal share of railroad relocation and demonstration program from 95% to FAP share and \$15 million/year for 1987-1991. §149 Demonstration and Priority Projects: Fort Smith – demonstrate economic growth and development benefits of widening a Federal-aid Urban System connecting a community college and a large commercial center and improving traffic signalization; Bella Vista I-40 – I-540 to the Missouri line to demonstrate methods for improving highway safety and accelerating highway construction; Pine Bluff, Lock and Dam 4 bridge (study only); Jonesboro, construct four grade separations on a four-lane bypass. Sec. DOT to arrange with TRB to conduct a study of the motor carrier industry. §166 Sec. DOT to cooperate with Louisiana, Arkansas and Missouri to study feasibility of constructing highway from Shreveport to Kansas City, Missouri. §174 Permits increase of speed limit to 65 mph on Interstate miles located outside urbanized area of 50,000 or more. Extends current highway excise taxes through September 30, 1993. Leaking Underground Storage Tank Trust Fund expired 12-31-96.

Public Law 100-202 of 1988 – The U.S. Department of Transportation and Related Agencies Appropriations Act of 1988. Authorized a demonstration program for 65 mph speed limits on rural sections of highways constructed to Interstate standards to the first twenty states responding for fiscal years 1988 through 1991.

Public Law 100-457 of 1989 – The U.S. Department of Transportation and Related Agencies Act of 1989. Authorized \$900,000 to continue Pine Bluff Railroad consolidation project (\$650,000 for Sixth Street overpass

and \$250,000 to begin preparations for improving Texas Street). [These items were contained in Senate Report 100-411.]

Public Law 101-164 of 1990 – Department of Transportation and Related Agencies Appropriations Act, 1990. Authorized funds for continuing the Railroad Relocation Demonstration Project in Pine Bluff. Directed Secretary of Transportation to make the Arkansas-Mississippi Great River Bridge a priority during the budget year. Authorized a feasibility study for constructing new frontage roads along I-55 in Blytheville.

Public Law 101-336 – Americans with Disabilities Act of 1990—Major legislation prohibiting discrimination against disabled persons. Transportation facilities included.

Public Law 101-508 – 1990 Budget Reconciliation Bill – Established a landmark five-year spending program for the federal government designed to reduce the federal deficit through 1995. Motor fuel per gallon tax was increased by 5¢, one-half going into the General Fund for the entire five years and one-half going into the Highway Trust Fund. Little of the revenue going into the Trust Fund can be spent for transportation purposes for years because of a tight cap on all increased federal domestic discretionary spending that puts transportation in competition for any new funds with all domestic programs. Fuel used by railroads was taxed 2.5¢ per gallon for the first time in U.S. history.

Public Law 101-516 [Department of Transportation and Related Agencies Appropriation Bill, 1991] – U.S. 70 Bridge over White River at DeValls Bluff (committee report advised replacement and directed Sec. DOT to give allocation of discretionary bridge funds.) Committee directed FHWA to work with authorities in West Memphis to find a solution to increased water drainage problems from recent work on the Interstate Highways. FHWA directed to study feasibility of constructing frontage roads in Blytheville and furnish results to Delta Commission. \$2 million for Pine Bluff rail-highway crossing continuation. Lock and Dam 4 bridge \$2.125 million. Hwy. 71 (Fayetteville to I-40) \$8.5 million. Great River Bridge \$1.275 million.

Public Law 101-549 [The Clean Air Act of 1991 (CAAA)] – Establishes criteria for attaining and maintaining the National Ambient Air Quality Standards (NAAQS) and sets a time frame to reduce these emissions. Reducing mobile source emissions through technology is included.

Public Law 102-240 [Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)] – Six-year, \$151 billion package (\$119.5 billion for highways and \$31.5 billion for transit). Provides needed changes and reforms that increase equity and flexibility of funds, broader eligibility of projects for federal funding and a new focus on reducing congestion and improving air quality in urban areas through greater local officials' involvement.

Public Law 102-388 [Department of Transportation Appropriations Act of 1992] – High Priority Corridor (I-69) included extending from Memphis to Houston and possibly through Eastern Arkansas.

Public Law 102-486 [Energy Policy Act of 1992] – Includes oil and gas demand reduction and substitution, electric motor vehicles, alternative fuels, etc. Mandatory state fleets required to include a percentage of alternative fueled vehicles in light duty motor vehicle acquisition.

Public Law 103-66 [The Omnibus Budget Reconciliation Act (OBRA) of 1993] – Gasoline, diesel and gasohol increased 4.3¢ per gallon effective October 1, 1993. This permanent tax is directed toward budget deficit. The existing 2.5¢ per gallon tax presently going to budget deficit will be returned to the Highway Trust Fund after September 30, 1995, and is also extended until September 30, 1999. Of the 2.5¢, 2¢ is directed to highway programs and the remaining 5¢ goes to the Mass Transit Account. The existing 2.5¢ per gallon tax on rail diesel fuel, all going to budget deficit, is reduced to 1.5¢ per gallon effective October 1, 1995.

Public Law 103-331 [Department of Transportation and Related Agencies Appropriations Act of 1994] – Advanced funds of \$24 million for U.S. 71 Innovative Financing Project.

Public Law 104-50 [Department of Transportation and Related Agencies Appropriations Act of 1995] – Continued funding for ISTEA highway program. \$6.2 million in discretionary funds for transit projects throughout the state.

Public Law 104-59 [National Highway System (NHS) Designation Act of 1995] – Designated at 160,955 miles. Arkansas' mileage is 2,699 or 1.7% of the total. The national maximum speed limit law was repealed enabling states to set their own speed limits. Corridor 18 (I-69) is extended from Tennessee through Mississippi and Arkansas to the US/Mexico border.

Public Law 104-205 [DOT and Related Agencies Appropriation Act of 1996] – Continued funding for ISTEA highway programs. Discretionary funds for transit projects throughout the State totaled \$5.6 million. The State Infrastructure Bank Program was expanded from National Highway System to provide additional funding. Arkansas received funds in June 1997 to provide loans to seismic retrofit the I-40 Mississippi River Bridge and for local roadway projects.

Public Law 105-178 – On June 9, 1998, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) was enacted and established highway and transit programs and funding amounts for a six-year period (1998-2003). Arkansas received an average annual amount of \$405 million under the Act.

Public Law 109-59 – On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted and established highway and transit programs and funding for a six-year period (2004-2009). Arkansas will receive an estimated average annual amount of \$476.4 million for highway programs under the Act.

# Federal Excise Taxes on Highway Motor Fuel<sup>1</sup>

(Cents Per Gallon)

TAX RATE	EFFECTIVE DATE	DISTRIBUTION OF TAX					SOURCE OF CHANGE
		HIGHWAY TRUST FUND		LEAKING UNDERGROUND STORAGE TANK TRUST FUND	GENERAL FUND FOR:		
		HIGHWAY ACCOUNT	MASS TRANSIT ACCOUNT		DEFICIT REDUCTION	NOT SPECIFIED	
<b>GASOLINE</b>							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
9	2/ 08/0184	8	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
9.1	01/0187	8	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
14.1	12/0190	10	15	0.1	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
18.4	10/0193	10	15	0.1	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.4	10/0195	12	2	0.1	4.3	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.3	01/0196	12	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
18.4	10/0197	15.45	2.85	0.1	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
18.4	3/ 10/0197	15.44	2.86	0.1	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>DIESEL FUEL</b>							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
15	2/ 08/0184	14	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
15.1	01/0187	14	1	0.1	-	-	Superfund Amendment & Reauthorization Act of 1986 P.L. 99-499
20.1	12/0190	16	15	0.1	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
24.4	10/0193	16	15	0.1	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
24.4	10/0195	18	2	0.1	4.3	-	Omnibus Budget Reconciliation of 1993 P.L. 103-66
24.3	01/0196	18	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
24.4	10/0197	21.45	2.85	0.1	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
24.4	3/ 10/0197	21.44	2.86	0.1	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>GASOHOL 4/ (10 Percent Made with Ethanol)</b>							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
-	01/0179	-	-	-	-	-	Energy Tax Act of 1978 P.L. 95-618
4	2/ 04/0183	3.56	0.44	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
4	2/ 08/0184	3	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
3	01/0185	2	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
3.1	01/0187	2	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
8.7	12/1 1990	4	15	0.1	2.5	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
13	10/0193	4	15	0.1	6.8	0.6	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
13	10/0195	3.5	2	0.1	6.8	0.6	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
12.9	01/0196	3.4	2	-	6.9	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
13	10/0197	6.95	2.85	0.1	2.5	0.6	Taxpayer Relief Act of 1997 P.L. 105-34
13	3/ 10/0197	6.94	2.86	0.1	2.5	0.6	Transportation Equity Act for the 21st Century P.L. 105-178
<b>GASOHOL 4/ (10 Percent Made with Muthanol)</b>							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
-	01/0179	-	-	-	-	-	Energy Tax Act of 1978 P.L. 95-618
4	04/0183	3	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
3	01/0185	2	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
3.1	01/0187	2	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
8.1	12/0190	4	15	0.1	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.4	10/0193	4	15	0.1	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
12.4	10/0195	3.5	2	0.1	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
12.3	01/0196	3.4	2	-	6.9	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.4	10/0197	6.95	2.85	0.1	2.5	-	Taxpayer Relief Act of 1997 P.L. 105-34
12.4	3/ 10/0197	6.94	2.86	0.1	2.5	-	Transportation Equity Act for the 21st Century P.L. 105-178

1/ This table shows the fuel tax rates for highway use of motor fuels, along with the allocation of the revenues derived from the tax, in effect July 1, 1956 and subsequent changes.

2/ The Surface Transportation Assistance Act of 1962 (P.L. 97-424) provided that the Mass Transit Account would receive one-ninth of the fuel tax. The Deficit Reduction Act of 1984 (P.L. 98-369) provided that the Mass Transit Account would receive 1 cent per gallon. For most fuels the change had no practical effect.

3/ The Transportation Equity Act for the 21st Century retroactively revised the Mass Transit Account share of the fuel tax

4/ Gasohol was not defined in Federal tax law prior to January 1, 1979. The products later defined as gasohol were taxable, to the extent they existed, under the provisions of the gasoline tax. Effective January 1, 1979, the Energy Tax Act of 1978 defined gasohol to be a blend of gasoline and at least 10 percent (by volume) alcohol, excluding alcohol made from petroleum, natural gas, or coal. Blends with less than 10 percent alcohol were taxable as gasoline. The Energy Policy Act of 1992 expanded the definition of gasohol effective January 1, 1993. Under the Act, the product now called 10 percent gasohol corresponds to the definition under the Energy Tax Act of 1978. Two additional types of gasohol are also defined. The term 7.7 percent gasohol includes gasoline-alcohol blends where the alcohol content is at least 7.7 percent but less than 10 percent. The term 5.7 percent gasohol includes gasoline-alcohol blends where the alcohol content is at least 5.7 percent but less than 7.7 percent.

5/ The Technical and Miscellaneous Revenue Act of 1968 (P.L. 100-647) retroactively reduced the levy for the Leaking Underground Storage Tank Trust Fund from 0.1 cent to 0.5 cent.

6/ Prior to October 1, 1993, compressed natural gas (CNG) was not taxed.

# Federal Excise Taxes on Highway Motor Fuel<sup>1</sup> (Continued)

(Cents Per Gallon)

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# Federal Excise Taxes on Highway Motor Fuel<sup>1</sup> (Continued)

(Cents Per Gallon)

TAX RATE	EFFECTIVE DATE	DISTRIBUTION OF TAX					SOURCE OF CHANGE
		HIGHWAY TRUST FUND		LEAKING UNDERGROUND STORAGE TANK TRUST FUND	GENERAL FUND FOR:		
		HIGHWAY ACCOUNT	MASS TRANSIT ACCOUNT		DEFICIT REDUCTION	NOT SPECIFIED	
<b>SPECIAL FUELS</b>							
General Rates							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
9	2/ 08/0184	8	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
9.1	01/0187	8	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
14.1	12/0190	10	15	0.1	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
18.4	10/0193	10	15	0.1	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.4	10/0195	12	2	0.1	4.3	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.3	01/0196	12	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
18.4	10/0197	15.45	2.85	0.1	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
18.4	3/ 10/0197	15.44	2.86	0.1	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>SPECIAL FUELS</b>							
Liquefied Petroleum Gases							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
9	2/ 08/0184	8	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
14	12/0190	10	15	-	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
18.3	10/0193	10	15	-	6.8	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.3	10/0195	12	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
18.6	10/0197	10.75	2.85	-	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
18.6	3/ 10/0197	11.47	2.13	-	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>SPECIAL FUELS</b>							
Liquefied Natural Gas							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
9	2/ 08/0184	8	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
9.1	01/0187	8	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
14.1	12/0190	10	15	0.1	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
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18.3	01/0196	12	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
11.9	10/0197	9.05	2.85	-	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
11.9	3/ 10/0197	10.04	1.86	-	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>SPECIAL FUELS</b>							
Neat Alcohol (85+%Alcohol) with Ethanol from Natural Gas							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
4.5	2/ 08/0184	3.5	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
4.6	01/0187	3.5	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
7.1	12/0190	4.25	15	0.1	125	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
11.4	10/0193	4.25	15	0.1	5.55	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
11.4	10/0195	5	2	0.1	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
11.3	01/0196	5	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
11.4	10/0197	8.45	2.85	0.1	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
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# Federal Excise Taxes on Highway Motor Fuel<sup>1</sup> (Continued)

(Cents Per Gallon)

TAX RATE	EFFECTIVE DATE	DISTRIBUTION OF TAX					SOURCE OF CHANGE
		HIGHWAY TRUST FUND		LEAKING UNDERGROUND STORAGE TANK TRUST FUND	GENERAL FUND FOR:		
		HIGHWAY ACCOUNT	MASS TRANSIT ACCOUNT		DEFICIT REDUCTION	NOT SPECIFIED	
<b>SPECIAL FUELS</b>							
Neat Alcohol (85+%Alcohol) with Methanol from Natural Gas							
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4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
9	2/ 04/0183	8	1	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
4.5	2/ 08/0184	3.5	1	-	-	-	Deficit Reduction Act of 1984 P.L. 98-369
4.6	01/0187	3.5	1	0.1	-	-	Superfund Amendments & Reauthorization Act of 1986 P.L. 99-499
7.1	12/0190	4.25	15	0.1	125	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
114	10/0193	4.25	15	0.1	5.55	-	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
114	10/0195	5	2	0.1	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
113	01/0196	5	2	-	4.3	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
9.25	10/0197	6.3	2.85	0.1	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
9.25	3/ 10/0197	7.72	143	0.1	-	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>SPECIAL FUELS</b>							
Neat Alcohol (85+%Alcohol) with Ethanol Not from Natural Gas or Petroleum							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
-	04/0183	-	-	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
3.1	5/ 01/0187	2	1	0.1	-	-	Tax Reform Act of 1986 P.L. 99-514, Superfund Amendments of 1986 P.L. 99-499
3.05	5/ 01/0187	2	1	0.05	-	-	Technical and Miscellaneous Revenue Act of 1988 P.L. 100-647
9.25	12/0190	4.6	15	0.05	2.5	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.95	10/0193	4	15	0.05	6.8	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
12.95	10/0195	3.5	2	0.05	6.8	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
12.9	01/0196	3.5	2	-	6.8	0.6	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.95	10/0197	6.95	2.85	0.05	2.5	0.6	Taxpayer Relief Act of 1997 P.L. 105-34
12.95	3/ 10/0197	6.94	2.86	0.05	2.5	0.6	Transportation Equity Act for the 21st Century P.L. 105-178
<b>SPECIAL FUELS</b>							
Neat Alcohol (85+%Alcohol) with Methanol from Natural Gas or Petroleum							
3	07/0156	3	-	-	-	-	Highway Revenue Act of 1956 P.L. 84-627
4	10/0159	4	-	-	-	-	Federal-Aid Highway Act of 1959 P.L. 86-342
-	04/0183	-	-	-	-	-	Surface Transportation Assistance Act of 1982 P.L. 97-424
3.1	5/ 01/0187	2	1	0.1	-	-	Tax Reform Act of 1986 P.L. 99-514, Superfund Amendments of 1986 P.L. 99-499
3.05	5/ 01/0187	2	1	0.05	-	-	Technical and Miscellaneous Revenue Act of 1988 P.L. 100-647
8.05	12/0190	4	15	0.05	2.5	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.35	10/0193	4	15	0.05	6.8	-	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
12.35	10/0195	3.5	2	0.05	6.8	-	Omnibus Budget Reconciliation Act of 1990 P.L. 103-66
12.3	01/0196	3.5	2	-	6.8	-	Omnibus Budget Reconciliation Act of 1990 P.L. 101-508
12.35	10/0197	6.95	2.85	0.05	2.5	-	Taxpayer Relief Act of 1997 P.L. 105-34
12.35	3/ 10/0197	6.94	2.86	0.05	2.5	-	Transportation Equity Act for the 21st Century P.L. 105-178
<b>COMPRESSED NATURAL GAS 5/</b> (Cents Per Thousand Cubic Feet)							
48.54	10/0193	-	-	-	48.54	-	Omnibus Budget Reconciliation Act of 1993 P.L. 103-66
48.54	10/0197	38.94	9.6	-	-	-	Taxpayer Relief Act of 1997 P.L. 105-34
48.54	3& 6/ 10/0197	38.83	9.71	-	-	-	Transportation Equity Act for the 21st Century P.L. 105-178

1/ This table shows the fuel tax rates for highway use of motor fuels, along with the allocation of the revenues derived from the tax, in effect July 1, 1956 and subsequent changes.

2/ The Surface Transportation Assistance Act of 1962 (P.L. 97-424) provided that the Mass Transit Account would receive one-ninth of the fuel tax. The Deficit Reduction Act of 1984 (P.L. 98-369) provided that the Mass Transit Account would receive 1 cent per gallon. For most fuels the change had no practical effect.

3/ The Transportation Equity Act for the 21st Century retroactively revised the Mass Transit Account share of the fuel tax

4/ Gasohol was not defined in Federal tax law prior to January 1, 1979. The products later defined as gasohol were taxable, to the extent they existed, under the provisions of the gasoline tax. Effective January 1, 1979, the Energy Tax Act of 1978 defined gasohol to be a blend of gasoline and at least 10 percent (by volume) alcohol, excluding alcohol made from petroleum, natural gas, or coal. Blends with less than 10 percent alcohol were taxable as gasoline. The Energy Policy Act of 1992 expanded the definition of gasohol effective January 1, 1993. Under the Act, the product now called 10 percent gasohol corresponds to the definition under the Energy Tax Act of 1978. Two additional types of gasohol are also defined. The term 7.7 percent gasohol includes gasoline-alcohol blends where the alcohol content is at least 7.7 percent but less than 10 percent. The term 5.7 percent gasohol includes gasoline-alcohol blends where the alcohol content is at least 5.7 percent but less than 7.7 percent.

5/ The Technical and Miscellaneous Revenue Act of 1968 (P.L. 100-647) retroactively reduced the levy for the Leaking Underground Storage Tank Trust Fund from 0.1 cent to 0.5 cent.

6/ Prior to October 1, 1993, compressed natural gas (CNG) was not taxed.

*Chapter 20*

**NORFORK BRIDGES**

1934 – An 888' multiple arch concrete bridge on U.S. 62 across the Norfolk River east of Henderson in Baxter County was opened to traffic at a cost of \$125,000, excluding approaches. Located approximately one-fourth mile upstream from the century old current-powered ferry. S.H. 101 on its old location crossed Bennett's Creek (now an arm of Norfolk Lake) north of the new bridge on a paved ford.

1936-1938 – Economic impact and cost/benefit studies of the White River Basin were made pursuant to guidelines set by the Federal Flood Control Acts of 1936 and 1938.

1939 – The U.S. Corps of Engineers estimated compensation for relocating highways and "intermittent" inundation of the bridge at \$1.3 million. AHD suggested \$1,422,000.

1940-1944 – Norfolk Dam was built and completed, totally inundating the bridge. Ferries were then utilized to transport vehicles.

1945 – Act 52 segregated and held intact funds received from the federal government to replace roads and bridges destroyed in building Norfolk Dam.

1945 – Act 175 provided for depositing all U.S. government funds in the State Treasury in "Federal-aid Highway Fund". Of the total appropriated \$1.2 million was for replacing destroyed roads and bridges in Norfolk Dam area. Funds were to be used for providing emergency ferry facilities. Wartime restrictions on materials and manpower prevented building roads and facilities. Act ensured against diversion of funds.

1948 – After numerous court settlements and appeals by the Corps of Engineers, the Eighth Circuit Court of Appeals upheld lower federal court decisions setting compensation of the inundated bridge and highways at \$1,422,000. Ferries continued to be utilized.

1954 – AHD estimated construction cost of a 3,260' bridge at Henderson to be \$3 million. Ferries were utilized at the expense of the AHD.

1974 – Congress by Public Law 93-251 modified the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge built to modern standards over the reservoir at an appropriate location where U.S. 62 and S.H. 101 were inundated. Construction to be by Corps of Engineers. Provided cost to be borne by the federal government except Arkansas to reimburse the federal government \$1,342,000 plus interest compounded annually for the period May 29, 1943 to March 7, 1974 (the enactment date of the Act) for a total of \$3,621,533.

Act 723, 1975 – Set aside \$900,000 from general revenues to help defray the cost of such reimbursement.

1983 – The Corps completed bridges and on November 23, 1983, the two bridges were opened to traffic. The \$40 million bridges are located on Highways 62 and 101. The bridges ended almost 40 years of ferry service which cost the State approximately \$15 million or about 92¢/vehicle ferried across the lake. At that time the \$1,342,000 in principal owed by the State for the bridges was reimbursed.

*Chapter 21*

**HIGHWAY SAFETY**

Act 71, 1868 – Warning Boards required at railroad crossings.

Acts 272, 1913 – Railroad Commission empowered to inspect and when necessary, order railroad companies to better protect the crossings of dirt roads and streets over railroads now existing and when necessary, order other crossings either over, under or at grade.

Act 157, 1931 – Safety of traveling public and pedestrians on Arkansas' highways regulated. Drivers of vehicles propelled by any form of energy transporting passengers, freight, mail, express or any commodity cannot be kept on duty more than twelve consecutive hours, after which at least eight hours of driver rest required.

Act 108, 1935 – Drinking and public intoxication - driving vehicles on highways.

Act 218, 1941 – Intoxicating liquor - selling, giving away or disposing of to a minor or habitual drunkard or an intoxicated person is misdemeanor and punishable by fine.

Act 356, 1941 – Intoxicating liquor - valid license to sell, barter, exchange or give away required. (Responding to large quantities of "moonshine" intoxicating liquor being manufactured and sold in Arkansas without state tax being paid resulting in revenue loss.)

Act 257, 1943 – Intoxicating liquor - sale, giving away, or other disposition to a minor is a misdemeanor.

Act 415, 1953 – The "Food, Drug, and Cosmetic Act."

Act 397, 1955 – Motor carriers of persons and property and transportation brokers regulated. Issuance of certificates, permits and licenses and rules and regulations governing them prescribed. Motor carriers regulation in Arkansas reconciled and regulated with Interstate Commerce Commission regulations. Commission powers and duties defined.

Act 201, 1959 – Motor scooters or motor driven cycles—standard equipment and licensing prescribed.

Act 246, 1967 – Qualified law enforcement officers within their jurisdictions required to investigate and report all motor vehicle traffic accidents. Reports to be made upon forms prescribed, approved and supplied by the Arkansas State Police, with concurrence of the Arkansas State Highway and Transportation Department. Photostat or written copies of the reports may be obtained from the Arkansas State Police. [Amended by Act 489 of 1989]

Act 277, 1967 – Persons under 21 years of age - alcoholic beverage unlawful to knowingly give, procure, etc.

Act 129, 1969 – Unlawful for any wholesaler, retailer, or transporter of alcoholic beverages to allow any one under 21 years of age to be involved in sale, transporting or handling alcoholic beverages. With written parental consent, they may work at retail grocery establishments with gross sales of two million dollars or more and at licensed native wineries businesses.

Act 464, 1969 – Railroads required to maintain right-of-way at or near crossing free from obstruction of 100 yards in all directions.

Act 419, 1973 – Provided 73,280 pounds overall weight limitation on all highways of the State. Vehicles exceeding 64,000 pounds while traveling secondary highways were limited to a speed of 40 miles per hour.

Act 561, 1977 – Motorcycle helmets use required. Amends Act 201, 1959.

Act 498, 1981 – Motor vehicle accident investigating police officer to notify the landowner when damage is done to the landowner's property as a result of the accident. Grants immunity to a landowner when his livestock escapes due to a motor vehicle damaging the fence.

Act 549, 1983 – Omnibus Driving While Intoxicated Act - Governed prosecution and administrative proceedings for offenses under this act defined and committed after March 21, 1983. Required completion of alcohol education program prescribed and approved by the Arkansas Highway Safety Program or an alcoholism treatment program. Prior to reinstatement of suspended or revoked driver's license, driver must furnish proof of attendance and completion of alcoholism treatment or education program.

Act 749, 1983 – Child Passenger Protection Act.

Act 533, 1985 – Minimum requirements for blood alcohol instruments established for determining alcohol content for person operating a motor vehicle while intoxicated.

Act 972, 1985 – Motorcycles/motorized bicycles - obtaining operator's license.

Act 1011, 1985 – All-terrain vehicles - operation of certain types on public streets and highways prohibited.

Act 75, 1987 – Actual physical control of motor vehicle defined more clearly.

Act 88, 1987 – Clarifies that accidents resulting in injury to or death of any person, accidents resulting in damage to attended vehicles, accidents resulting in damage to unattended vehicles and accidents resulting in damage to fixtures upon or accidents to the highway shall include accidents upon streets or highways, upon parking areas of private business establishments and elsewhere throughout the state.

Act 277, 1987 – Chemical test - refusal to submit to alcohol content in blood tests; maximum periods established for driver's license suspension.

Act 572, 1987 – Arkansas Transportation Commission abolished and replaced with Transportation Regulatory Board and Transportation Safety Agency.

Act 598, 1987 – Amends Act 300 of 1937 to require the driver of a vehicle involved in an accident to remove the vehicle from the roadway unless the vehicle is disabled or there is a visible or apparent injury to a person.

Act 765, 1987 – “Intoxicated” defined for purpose of Omnibus DWI Act.

Act 817, 1987 – Crime Victim’s Reparation Board.

Acts 67 and 153, First Extraordinary Session, 1989 – Transportation Regulatory Board and the Transportation Safety Agency abolished and powers, functions, and duties transferred to State Highway Commission and State Highway and Transportation Department. Effective date July 1, 1989.

Act 93, 1989 (Third Extraordinary Session) – Denial of driving privileges for less than 18 years of age when found guilty of Driving While Intoxicated or any criminal offense involving illegal possession or use of controlled substances or of any drug offense. In cases of extreme and unusual hardship, courts may provide for restricted driving permit allowing driving to and from place of employment or school.

Act 94, 1989 (Third Extraordinary Session) – At court’s discretion, seizure and sale of motor vehicles after pleading guilty, nolo contendere or found guilty of violating the Omnibus DWI Act § 5-65-103 for a fourth offense in three years.

Act 361, 1989 – Blood Alcohol Contents—method for determining level.

Act 368, 1989 – DWI offender—restricted driver’s license.

Act 473, 1989 – Driver’s license suspension for excessive unexcused school absences.

Act 489, 1989 – Reports of accidents required on approved forms and to be public records. Defined jurisdiction and responsibilities of law enforcement officers. Reports to be made on prescribed forms, approved and supplied by Arkansas State Police with the concurrence of AHTD. Same forms for motorcycle traffic accident reports.

Act 756, 1989 – Smoke from fire obstructing a state highway, flagman to be posted and county sheriff’s office notified.

Act 25, 1991 – Alcohol and Drug Abuse Treatment Centers – accreditation.

Act 33, 1991 – Motor vehicles hauling gravel, rock, dirt, bituminous mix materials, rip-rap, quarried stone, crushed stone and similar materials and wreckers and wrecker services—required to comply with Arkansas Motor Carrier Act of 1955 with respect to safety of operation and equipment standards.

Act 270, 1991 – Nerve Agents Emergency Treatment Act—certain persons authorized to administer treatment.

Act 297, 1991 – Arkansas Highway and Transportation Department provided access to all lands, buildings, or equipment of private carriers used in connection with their operations and all pertinent accounts, records, documents and memoranda kept or required to be kept by private carriers to comply with Federal Motor Carrier Safety regulations to ensure continued federal funds receipt.

Act 435, 1991 – Arkansas Hazardous Waste Management Act amended to permit assessment of reasonable attorney fees and other litigation costs against the state for Freedom of Information Act violation specifically relative to Resource Conservation and Recovery Act of 1976.

Act 486, 1991 – Alcohol Treatment Programs—enrollment fee permitted.

Acts 556 and 1172, 1991 – Chemical Right to Know Act—public employees.

Act 562, 1991 – Seat belts required in motor vehicles [effective 7/15/91].

Act 567, 1991 – Identification documents—manufacture, sale and distribution of fake identification documents to persons under 21 to purchase alcohol illegal.

Act 569, 1991 – Anabolic steroid and controlled substance—references in Food, Drug and Cosmetic Act deleted.

Act 769, 1991 – Hazardous materials warning label—certain licensed exterminators exempted from displaying if limited to intrastate pesticides and rodenticides transportation.

Act 831, 1991 – Motor Vehicle Operator’s license issuance—“C” average required of students.

Act 859, 1991 – Uncontested Forfeiture Act—controlled substances; possession defined as amount found on person “which is sufficient to be detected and identified.”

Act 899, 1991 – Finding of guilt or plea of guilty or nolo contendere for violating Arkansas Code 5-65-109 results in the court requesting the Arkansas Highway Safety Program to provide presentence screening and assessment report of defendant unless the jury fixes and agrees on punishment.

Act 917, 1991 – Arkansas Hazardous and Toxic Materials Notification Act (HAZMAT)—incident and accident reporting system established.

Act 924, 1991 – Controlled substance—abandoned drugs.

Act 954, 1991 – Controlled substance—precursors defined.

Act 1044, 1991 – Firearms, except for law enforcement and security officers, illegal in any public building.

Act 1061, 1991 – Controlled substances—convictions fees authorized for drug abuse prevention, education and treatment.

Act 1109, 1991 – Controlled substances—drug violators driver's license suspension required.

Act 1226, 1991 – Railroad crossings—safety considerations. Arkansas Highway and Transportation Department given jurisdiction over construction and maintenance.

Act 41, First Special Session, 1992 – Medical waste disposal regulations.

Act 106, 1993 – DWI uniform fines—second or subsequent offense; imprisonment and license seizure.

Act 132, 1993 – Probable cause amendment—law enforcement officer having reasonable cause to believe the person operating a vehicle is intoxicated results in consent to chemical test.

Act 298, 1993 – Ignition interlock devices authorized to prevent person from operating a vehicle if blood alcohol level exceeds device's calibration setting.

Act 399, 1993 – Railroad crossings under supervision of State Highway Commission.

Act 412, 1993 – Medical Waste—Arkansas Highway Police authorized to conduct safety inspections.

Act 567, 1993 – Emergency Response Commission established (SERC/LEPC Act).

Act 594, 1993 – Youth Accident Prevention Programs created to educate individuals about accident prevention.

Acts 657 and 942, 1993 – Dam safety reviews and reservoir tax credit applications—increases permit fees and authorizes Soil and Water Conservation Commission to assess and collect.

Act 725, 1993 – Rail carriers—fees and charges assessed.

Act 726, 1993 – "Railroad Safety and Regulatory Act of 1993" gave Arkansas Highway Commission authority to administer railroad crossing safety programs in Arkansas including location, construction, improvement and protection.

Act 824, 1993 – Aircraft DWI –unlawful to operate or be in actual physical control.

Act 863, 1993 – "Underage Driving Under the Influence Law" or "Underage DUI Law." [A traffic offense is created when a driver under the age of 21 has one-fiftieth of 1% (0.02%) but less than one-tenth of 1% (0.10%), by weight of alcohol as determined by a chemical test of the person's blood or breath or other bodily substance.]

Act 890, 1993 – Division of Alcohol and Drug Abuse Prevention of Department of Human Services was transferred to Department of Health to be known as the Bureau of Alcohol and Drug Abuse Prevention.

Act 1022, 1993 – Fines provided for operators of certain motor vehicles convicted of possession or use of any "Controlled Substance" or intoxicating liquor while operating such vehicles to ensure laws are compatible with federal laws and regulations concerning motor carrier safety.

Act 1027, 1993 – Regulations issued by the Interstate Commerce Commission—Chairman of the Arkansas State Highway Commission and Director of the Department of Finance and Administration, or their designees, authorized and empowered to enter into agreements or arrangements with other states and take action necessary or proper to ensure amendments are effectuated by October 1, 1993.

Act 1049, 1993 – Mitigation assistance established under Governor's Disaster Emergency Fund.

Act 1212, 1993 – Motor carriers—drivers' hours of duty increased to 15 and at least eight hour rest periods remained.

Act 1257, 1993 – Drug offenders license suspension mandatory.

Act 172, 1995 – Alcohol and Drug Safety Fund use changed from "alcoholism" to "substance abuse" treatment programs of Department of Health, Bureau of Alcohol/Drug Abuse Prevention.

Act 173, 1995 – Alcohol and drug abuse treatment programs—persons and entities required to be licensed by Bureau of Alcohol and Drug Abuse Prevention.

Act 263, 1995 – DWI Omnibus Act amended—alcoholism treatment or education program for conviction required before reinstating driver's license.

Acts 411 and 419, 1995 – Concealed weapons—State Police authorized to issue licenses to qualified applicants to carry.

Act 446, 1995 – Alcoholic beverages sale—warning notice to be posted in businesses selling alcoholic beverages stating penalties for knowingly furnishing or selling to minors.

Act 462, 1995 – State Police Director established as Drug Enforcement Intermediary.

Act 518, 1995 – Motorboat or certain other marine devices operation prohibited while under influence of alcohol or controlled substances.

Act 551, 1995 – Alcohol and Drug Abuse Coordinating Council reconstituted. Authority of Highway Safety Program Advisory Council and the Alcohol and Drug Abuse Authority transferred.



Act 570, 1995 – Traffic accident reports required to include inquiry about a driver’s lapse of consciousness or other physical disability affecting vehicle operation.

Act 659, 1995 – Vehicle accident report procedures amended and references to driver’s licenses and commercial driver’s licenses corrected.

Act 668, 1995 – Railroad crossings—realistic time-frames for investigations and other procedures regarding maintenance or obstruction provided.

Acts 711 and 1105, 1995 – Alcohol and drugs effects on driving required in driver’s instruction manual. Driver testing required when involved in fatal motor vehicle accidents.

Act 802, 1995 – Driver’s License—administrative revocation and suspension for person charged with driving while intoxicated. Issuance of temporary driving permit by Driver Services Office in certain circumstances. Driver’s license reinstatement fee provided for suspended or revoked licenses under this program.

Act 805, 1995 – School Bus Safety Act of 1995—increased safeguards and protection aboard public or private school transportation.

Act 807, 1995 – Careless or prohibited driving established.

Act 808, 1995 – Motor vehicle headlights to be lighted during inclement weather when windshield wipers are in use.

Act 910, 1995 – Traffic accident reports—permits trained civilian personnel employed by cities with a population in excess of 100,000 persons authorized to prepare traffic accident reports and issue traffic citations related to such accidents. Arkansas Commission on Law Enforcement Standards and Training to establish minimum training requirements for all civilian personnel authorized to issue citations pursuant to this Act.

Act 952, 1995 – Arrest quotas by state or local agencies employing law enforcement officers enforcing motor vehicle traffic laws made illegal.

Act 959, 1995 – Limits time the Office of Driver Services must maintain certain records. Clarifies requirement concerning a parent or custodian signing a minor’s application for driver’s license. Person signing application held responsible.

Act 1032, 1995 – Alcohol and Drug Abuse Prevention Fund and Alcohol and Drug Safety Fund—revenue previously deposited in these funds to be deposited into Public Health Fund.

Act 1116, 1995 – Driver’s license suspension provided when held by criminal defendants who default on sentence payment of fine or costs.

Act 1118, 1995 – Seat belt noncompliance effects amended.

Act 1251, 1995 – Trains—rail accidents involving special passenger excursion trains; liability limited but required.

Act 1256, 1995 – Uniform filing fees and court costs provided.

Act 1268, 1995 – Alcohol or other drugs—voluntary admissions and involuntary commitment of addicted persons.

Act 1274, 1995 – Child Passenger Protection Law amended.

Act 789, 1997 – Concealed handguns—license valid in Arkansas if issued by a state recognizing Arkansas’ license.

Act 854, 1997 – Vehicles to be operated in right lane unless passing other vehicles.

Act 932, 1997 – Motor vehicle insurance cancellation or refusal to renew due to administrative revocation of a driver’s license based on DWI prohibited.

Act 1026, 1997 – Motor carriers safety enforcement; Highway Commission to enforce safety of operation and equipment regulations for intrastate and interstate operations.

Act 107, 1999 – Burning forest vegetation and timber requires notification to Forestry Commission, not forest ranger.

Act 246, 1999 – Community Alcohol Safety Program appropriated \$800,000 supplemental funds from the Highway Safety Special Fund for grants to communities.

Act 577, 1999 – False identity to law enforcement officer is established when a person falsely identifies himself or herself to a law enforcement officer.

Act 599, 1999 – Petroleum Storage Tank Trust Fund Act amended to change the name of the “Department of Pollution Control and Ecology” to the “Department of Environmental Quality.” Director authorized to start forfeiture proceedings on the surety bond if a licensee or contractor fails to properly handle any physical action on underground storage tanks.

Act 600, 1999 – Petroleum Storage Tanks; responsibilities of owner’s liability clarified.

Act 786, 1999 – Concealed handguns permit expanded to authorize holder to carry handgun of choice rather than handgun registered with concealed handgun license application.

Act 1105, 1999 – Arkansas Code amended pertaining to obstructing highways and public passageways to create a defense to prosecutors for obstructing.



Act 1109, 1999 – Crime Information Center system enhancement fees collection permitted.

Act 1255, 1999 – Transporting hazardous materials within Arkansas requires Highway Commission to adopt comparable exemptions to any adopted by the U.S. Department of Transportation.

Act 1275, 1999 – to require the AHTD to survey certain highway accident locations and to identify and schedule safety improvements.

Act 1343, 1999 – Earthquake authority established. concurrence required before Earthquake Board can issue direct insurance coverage.

Act 1483, 1999 – Drug law enforcement Interstate agreement.

Act 1516, 1999 – School buses passing penalties.

Act 1527, 1999 – Motor vehicle insurance – minimum liability requirements.

Act 1485, 1999 – Earthquake resistance design for public structures required.

Act 250, 2001 – Authorizes cities of first class to employ non-enforcement officers to work accident reports.

Act 312, 2001 – Changes the term “slow-moving traffic” to slower-moving traffic regarding use of a designated lane. Official signs may be erected directing traffic to use a designated lane or allocating specified lanes to traffic moving in same direction. Drivers shall obey directions of every such sign.

Act 470, 2001 – Child passenger – increased required age and size limits for use of child safety seats in motor vehicles.

Act 553, 2001 – Authorizes use of center left-turn lanes for entering traffic.

Act 561, 2001 – Changes DWI from a 0.10% blood alcohol level to 0.08%.

Act 990, 2001 – Establishes regulations for moving houses and other structures by qualified house or structural movers upon Arkansas’ public highways.

Act 1120, 2001 – Doubles fines for all moving traffic violations committed in highway work zones.

Act 1156, 2001 – Electronic filing of motor vehicle accident reports provided.

Act 1206, 2001 – Increases criminal penalties for repeat driving while intoxicated.

Act 1216, 2001 – Sets goal for the Arkansas Highway Department to spend highway revenues to improve highway railroad crossing safety in Arkansas.

Act 1609, 2001 – Authorizes issuance of a restricted driving permit to a student with less than a “C” average when necessary for transportation to and from work.

Act 1706, 2001 – Requires that motor vehicles and trailers manufactured after September 30, 2001 cover loads of sand, gravel or rock to prevent spillage.

Act 1715, 2001 – Driver’s license suspension for driving while intoxicated. Increases penalties for persons who drive while their driver’s license is suspended for driving while intoxicated.

Minute Order 2002-136 – Now Therefore, the Director is authorized to enter into an agreement with the Arkansas State Police for the transfer of the Federal-aid 402 Highway Safety Program.

Act 219, 2003 – To prohibit a person from using a cell telephone while operating a school bus.

Act 331, 2003 – To repeal the requirements for escort vehicles on over-length loads and to repeal the law requiring the regulation and registration of escort vehicles.

Act 539, 2003 – To provide that no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red, blue, or green light visible from directly in front of the center of the vehicle.

Act 750, 2003 – To prohibit the sale and use of urine with the intent to defraud a drug or alcohol screening test.

Act 762, 2003 – To amend Arkansas Code § 27-36-305 to permit certain emergency vehicles to be equipped with either white or amber rotating or flashing emergency or warning lights.

Act 764, 2003 – To revise the Mandatory Seat Belt Law to make it comply with previous revisions to the Child Passenger Protection Act.

Act 850, 2003 – To increase the maximum length of certain motor vehicles and combination of vehicles on Arkansas’ streets and highway.

Act 863, 2003 – To allow certain public service and utility vehicles to stop and park upon the roadway for a reasonable time to perform the public service.

Act 1102, 2003 – To require drivers to move into the furthest lane from a law enforcement vehicle stopped on the shoulder of a multilane highway when the vehicle lights are flashing.

Act 1461, 2003 – To enhance the penalty for driving while intoxicated if a child is in the vehicle.

Act 1776, 2003 – To require persons seated in a wheelchair in a motor vehicle to wear a seat belt and to require the wheelchair to be properly secured in the motor vehicle.

Act 1768, 2003 – Concerning defensive driving instruction under a court mandated defensive driving class.

Act 199, 2005 – To increase the damage limit for reporting accidents to the Department of Finance and Administration.

Act 1234, 2005 – To clarify the authority of the Office of Driver Services to issue interlock restricted driver's license.

Act 997, 2007 – To prohibit parking on Interstate Highway right-of-way.

Act 1412, 2007 – To enhance highway safety at accident scenes.

Act 181, 2009 – To prohibit drivers of motor vehicles from using handheld cellular telephones.

Act 197, 2009 – To improve the safety of the roads and highways by limiting cellular telephone use by young drivers.

Act 247, 2009 – Prohibit a driver under the age of eighteen (18) years of age from operating a motor vehicle while using a cellular device.

Act 308, 2009 – To improve the safety of motorists on highways and roads in the state of Arkansas by making the mandatory seat belt law a primary law for enforcement purposes.

Act 359, 2009 – To provide that persons arrested for operating a motor vehicle while intoxicated by the use of a controlled substance or refusal to submit to testing are ineligible for an ignition interlock restricted driving permit.

Act 394, 2009 – To improve the safety of roads and highways in the state by addressing issues related to the licensing of youthful drivers.

Act 423, 2009 – To provide the presence of certain controlled substances in a person's body is a violation of the Omnibus DWI Act or the underage DUI Law.

Act 431, 2009 – Regarding chemical tests given for the offense of driving while intoxicated.

Act 641, 2009 – To require the Arkansas State Highway and Transportation Department to analyze wrong-way crashes on interstates and other freeways that are a part of the State Highway system.

Act 650, 2009 – Increasing the felony classification for negligent homicide and providing for a license suspension and DWI enhancement for a conviction for negligent homicide.

Act 673, 2009 – Concerning second or subsequent convictions for possession of a controlled substance.

Act 922, 2009 – Regarding DWI ignition interlock devices.

Act 946, 2009 – To require persons convicted of driving while intoxicated to attend a victim impact panel.

Act 1206, 2009 – To improve the safety of children on school buses by improving the reporting of motor vehicle operators who pass a school bus illegally.

Act 1293, 2009 – Regarding the insurance of ignition interlock restricted licenses.

Act 1458, 2009 – To reestablish a task force on racial profiling and concerning the collection of information by law enforcement stops of drivers for failing to wear a seat belt.

*Chapter 22*

**PUBLIC TRANSPORTATION, RAIL, AIRPORTS, AND INTERMODAL**

Under Act 192 of 1977, the AHTD was given other responsibilities with the addition of "Transportation" to its name. Included preparing and coordinating a comprehensive, balanced, multimodal transportation plan for Arkansas, including but not limited to airways, highways, railways, waterways, bicycling, mass transit and other transportation facilities and services, whether publicly or privately owned, developed, operated or maintained.

**PUBLIC TRANSPORTATION**

Public transportation responsibilities, powers and duties are coordinating research into the problems of mass transit and funding reasonable solutions. AHTD was authorized to provide financial assistance within limits of the funds appropriated for this purpose for capital or operating assistance to urban mass transportation systems in Arkansas.

Act 424, 1981 – "Public Transit System Act." Provided 2 or more entities authorized to create and establish 1 or more authorities for acquiring, equipping, leasing, maintaining, licensing, and operating a public transit system. Authorized such authority to issue transit revenue bonds.

Act 863, 1983 – Minimum Corporate Franchise Tax increased from \$11 to \$17 to be used by the AHTD for assistance to Rural and Urban Public Transportation agencies serving the transportation-dependent. Subsequent biennial appropriations have been enacted for this program as follows:

<u>Act</u>	<u>Funds</u>
Act 138, 1985	\$300,000
Act 682, 1987	\$350,000
Act 61, 1991	\$350,000
Act 50, 1993	\$350,000
Act 250, 1995	\$3,412,000 Appropriated from the General Improvement Fund for purchase of replacement vehicles for human service, rural and urban public transportation providers serving the transportation-dependent and to meet requirements of the Americans With Disabilities Act.
Act 1316, 1995	\$1,000,000
Act 42, 1997	\$ 350,000
Act 1356, 1997	\$ 500,000

Act 371, 1989 [A.C.A. §27-70-207] – Highway revenues distributed to counties/cities can be used for public transportation.

Act 225, 1997 – Driver's record may be provided by Office of Driver Services, without charge, to public transit

systems certified by the Arkansas State Highway and Transportation Department.

Act 239, 1999 – AHTD appropriation of \$350,000 for funding assistance to rural and urban transportation agencies for project development and capital assistance for public transportation services.

Act 285, 1999 – AHTD appropriation of \$3,412,000 from General Improvement Fund for vehicle replacement for rural and urban public transportation providers.

Act 991, 1999 – Arkansas Public Transportation Coordination Council members increased to 12 from 11. Removed the House and Senate legislators as members of council. House Speaker and Senate President Pro Tempore are each to appoint 1 non-legislative member. TEA Program Advisory Council chairman added as member. Director of AHTD is a council member.

Act 1405, 1999 – General Improvement Fund 82<sup>nd</sup> Session Projects Account included \$1 million for purchasing public transportation vehicles.

Act 116, 2001 – Reappropriates the balance of capital improvement appropriations for Arkansas State Highway and Transportation Department and for other purposes.

Act 949, 2001 – 5% Rental Car Tax to Public Transit Fund to match federal funds for the purchase of public transportation vehicles, public transit equipment or facilities, and for the operation of the U.S. Department of Transportation Federal Transit Administration Assistance programs.

Act 1123, 2001 – AHTD – Public Trust Fund appropriation 2001-2003.

Act 1508, 2001 – Public transportation vehicles capital improvement appropriation.

Act 664, 2005 – To provide for the distribution of the rental vehicle tax.

**RAIL**

Act 192, 1977 – Under this Act AHTD became Arkansas' designated rail planning agency. The Planning and Research Division of AHTD is responsible for conducting statewide rail planning activities, including rail rehabilitation projects and updates to the State Rail Plan.

Periodic updates amend this plan to include studies conducted for the state's short line railroads. After railroads are included in the State Rail Plan, they become eligible for Federal Rail Assistance funds.

Act 399, 1993 – Railroad right-of-way maintenance areas changed from Transportation Safety Commission to Arkansas Highway Commission.

Acts 682 and 1213, 1993 – Rails to Trails Conservancy Task Force created.

Act 562, 2007 – to amend the procedures of the Arkansas Highway and Transportation Department to permit the disposal of surplus railroad track and material by donation.

Act 747, 2007 – The Rail Abandonment Act of 2007.

Act 164, 2009 – to make various corrections to Title 23 of the Arkansas Code of 1987 Annotated.

Act 686, 2009 – The Wildlife Observation Trails Pilot Program.

Act 687, 2009 – The Wildlife Recreation Facilities Pilot Program.

Act 728, 2009 – The Heritage Trails System Act.

#### AIRPORTS

Act 248, 1971 – Municipal Airports included in State Highway System—Hard surface roads provided for principal vehicular roads, located outside city limits of municipalities, which lead to certain airports in Arkansas. The State Highway Commission to construct those roads and make them a part of the State Highway System. State Highway Commission is to determine roads to be included, construct hard surface roads to those airports and maintain and keep in repair the constructed hard surface roads already in existence which lead to municipal airports in this State located outside the city limits and which are included in the State Highway System pursuant to the authority granted in this Act. This Act was applicable only to municipal airports in existence on the effective date of this Act and located outside the city limits of the municipality.

Act 1349, 1999 – Regional airport authorities to designate authority policemen, to build and maintain airport access roads, to issue bonds for construction of airport access roads, to collect tolls on airport access roads, and to extend to 120 days the time to file audit reports.

#### INTERMODAL

Intermodal refers to the movement of freight by one or more modes of transportation. An example is a truck trailer loaded on a rail car for a long haul delivery. Intermodal facilities are an important part of the intermodal transportation system. At these locations cargo is transferred between freight modes. Types of intermodal facilities in the state are air freight terminals, river ports, and rail/truck terminals.

Legislation which might be useful in developing and improving those facilities is as follows:

Act 439, 1961 – Local governments authorized to establish metropolitan port authorities which can acquire, develop, own, and operate ports and industrial and commercial parks.

Act 242, 1965 – Arkansas Waterways Commission established to serve as an agency of Arkansas to study and

promote development of navigable waterways, to develop river port authorities, and to encourage establishment of water transportation.

Act 622, 1983 – City councils are authorized to create authorities for the purpose of acquiring, developing, owning and operating ports and industrial and commercial parks.

Act 410, 1985 – Allows Arkansas citizens to create a commission to promote and develop industrial development facilities, including intermodal. Commissioners are authorized to issue bonds and create other funding mechanisms.

Act 690, 1997 – To authorize regional intermodal facilities and local governments; cooperative establishment of authorities by counties and municipalities provided.

Act 1571, 1999 – Intermodal containers weight restrictions on highways—AHTD's Director allowed to issue special permit for transportation on Interstates for a distance not to exceed 35 miles from the state boundary.

Act 1546, 2001 – Created the Arkansas Port Priority Improvement Fund.

Act 1158, 2003 – To amend the Regional Intermodal Facilities Act of 1997 to interconnect movement of freight, commerce, or passengers.

Act 567, 2009 – To allow the State Highway Commission to issue special permits for the movement of sealed containerized cargo between two contiguous counties.

Act 103, 2010 – To reappropriate the balance of capital improvements appropriations for the Arkansas Waterways Commission for a regional intermodal grant.

Chapter 23

JUDICIAL AND LEGAL

Act 55, 1999 – Rules of Evidence; conflicting.

Act 310, 1999 – Uniform Conflict of Laws Limitations Act for courts.

Act 403, 1999 – Same subject legislation enactments during a legislative session amended to provide that when acts are identical and the governor does not sign one or both then the last act voted on by either house of the General Assembly repeals the other identical or similar enactments and governs.

Act 553, 1999 – Campaign and ethics laws revised.

Act 778, 1999 – Administrative Procedures Act requires when serving an agency with a petition for judicial review after an administrative adjudication, it must be made “in accordance with the Arkansas Rules of Civil Procedure” instead of by personal delivery or mail.

Act 848, 1999 – Integrated Justice Information System and Coordinating Council created for the 1999-2001 biennium and will cease existence on June 30, 2001. Council should consist of directors from 8 different state agencies. Duties and responsibilities provided.

Act 889, 1999 – Additional judges required to be elected for each of 6 Court of Appeals Districts.

Act 924, 1999 – Tie votes eliminated in Court of Appeals.

Act 984, 1999 – Immunity includes boards, commissions and other local government entities in tort liability.

Act 1081, 1999 – Sections of Arkansas Courts Code amended pertaining to collection costs.

Act 1093, 1999 – Examining and copying public records under Freedom of Information Act. Papers of some court of appeals and circuit judges and chancellors exempted.

Act 1236, 1999 – Right of way damage notices required by certified mail return receipt notice to property owners from a corporation of a petition to the circuit court to have damages for a right-of-way assessed. Same as preceding for any company which fails to obtain right-of-way consent and procures the right-of-way through condemnation procedures.

Act 1330, 1999 – Crime Information Center Private Entities Access allowed to private contractors when providing criminal justice services to a governmental criminal justice agency. Information should be made available according with provisions of the National Crime Prevention and Privacy Compact.

Act 1466, 1999 – Materialman’s Liens Notice Requirements exempts direct sales.

Act 1000, 2003 – To allow circuit judges to sign orders in a geographical location other than the judicial circuit in which the cause or matter is pending.

Act 1093, 2003 – To amend the definitions of commodities and services for ethics in public contracting.

Act 1471, 2003 – To clarify the limitation on the award of punitive damages.

Act 1725, 2003 – To clarify the procedure for preparation of the General Assembly’s bills, resolutions, and amendments.

Act 918, 2005 – Concerning the retention of public records by state agencies.

Act 218, 2009 – To provide for certain appeals of the Arkansas Public Service Commission orders be made directly to the Court of Appeals.



*Chapter 24*

**LAW ENFORCEMENT**

Act 368, 1989 – DWI offender, restricted operator’s permit to attend state required alcohol treatment/education program.

Act 621, 1989 – DWI conviction, \$25 fee to reinstate operator’s suspended license.

Act 643, 1991 – Commercial Driver’s License regulations; conforming laws to federal regulations regarding presence of intoxicants, etc.

Act 106, 1993 – DWI uniform fines of license seizure for second or subsequent offense.

Act 398, 1993 – Littering minimum mandatory fine established.

Act 726, 1993 – Railroad crossings penalty increased for obstruction by trains.

Act 727, 1993 – Littering fines increased for first offense and loss of driving privileges for failure to pay fines.

Act 863, 1993 – Underage Driving Under the Influence Law; provides traffic offense and penalties for drivers under 21.

Act 980, 1993 – Roadside solicitation of donations or selling items or services prohibited.

Act 893, 1995 – Highway Work Zone fines doubled for violating posted speed limits in those areas.

Act 211, 1997 – Affected highways under speed trap law defined as any that are part of the State Highway System.

Act 82, 1999 – Debris from wrecked or damaged vehicles to be cleaned up by persons removing wrecked vehicle.

Act 386, 1999 – Litter Control Act; certified law enforcement officers to enforce.

Act 462, 1999 – DWI Offense (alleged) Chemical Analysis. Performing Time revised from two hours to within four hours of an alleged DWI offense.

Act 577, 1999 – False identity to a law enforcement officer occurs when a person falsely identifies himself or herself to a law enforcement officer and the offense of obstructing governmental operations is established.

Act 686, 1999 – State Claims Commission’s authority to subpoena witnesses repealed. Commission required to apply to appropriate circuit court for issuance of subpoenas for witnesses before the commission.

Act 754, 1999 – Sheriffs sentencing alternatives revised. New language on serving sentences allows only sheriff in a county with a population larger than 250,000 to determine who gets electronic monitoring at home or weekend sentences.

Act 780, 1999 – Manufactured homes being transported on highways, roads and streets are not required to have any other permit than the special permit issued by AHTD. Those in excess of 14 feet in width are to be accompanied by one escort vehicle on controlled access, divided highways with 4 or more lanes. Public bridges added to places where the manufactured home mover may stop and control traffic.

Act 786, 1999 – Concealed handguns permit expanded by authorizing holder to carry handgun of choice rather than the handgun registered with concealed handgun license application.

Act 949, 1999 – Law Enforcement Standards and Training Commission granted immunity for disclosure of information to prospective employing entity regarding reasons a law enforcement officer left a previous employer.

Act 1199, 1999 – Local authorities given ability to limit access to residential parking at designated times.

Act 1219, 1999 – Alcohol Program powers and duties transferred from AHTD to Health Department by a type 2 transfer.

Act 1251, 1999 – Objects on motor vehicle windows prohibited if operator’s view is obstructed.

Act 1271, 1999 – Laser light projected on law enforcement officer; illegal and penalties prescribed.

Act 1275, 1999 – Arkansas State Police required to report accident location surveys to AHTD of all accidents occurring in the prior 12 month period which resulted in a fatality and where 2 or more accidents involved a bodily injury at the same location. AHTD to inspect all those accident locations and evaluate for safety improvements.

Act 1279, 1999 – Towing and Recovery Board; alternative arrangements allowed by vehicle owners with towing and recovery firm within the 10-day period and to waive right to required notice. Any law enforcement officer required to tag an unattended or abandoned vehicle on or near a public way with a notice that the vehicle will be moved if it is not removed within 12 hours (was 72 hours).

Act 1443, 1999 – Vehicle specifications created for vehicles used for hauling and transporting agriculture products.

Act 145, 2001 – Littering Law amended to adjust the level of fines and require mandatory community service for littering and to dedicate money for antilittering programs by the Keep Arkansas Beautiful Commission and local governments.



Act 553, 2001 – Amends Arkansas traffic laws to authorize use of the center left-turn lanes for entering traffic.

Act 740, 2001 – Amends Arkansas Code §27-50-311 to restrict its application to Interstate Highways or State highways which have a posted speed limit for trucks different than the posted speed limit for other motor vehicles.

Act 1156, 2001 – Electronic filing of motor vehicle accident reports provided.

Act 348, 2003 – Concerning certified law enforcement officers and retired law enforcement officers carrying concealed handguns.

Act 545, 2003 – To provide an exemption to the Concealed Handgun License Law for military personnel; to provide for transferring concealed handgun licenses from reciprocal states.

Act 950, 2003 – To require that the driver of a motor vehicle involved in an accident to be tested for the presence of drugs.

Act 1207, 2003 – Creating a task force on racial profiling; and for other purposes.

Act 1447, 2003 – To require the Arkansas Drug Director to establish a standardized confiscation report form.

Act 2136, 2005 – To implement the recommendations of the Arkansas Task Force on Racial Profiling.

Act 2244, 2005 – To authorize the award of a pistol upon retirement or death to a Highway Police Patrol Officer.

Act 69, 2007 – To ensure that firefighters and police officers who lose their lives as the result of their duties receive benefits under the federal law.

Act 134, 2007 – Concerning the certification of retired law enforcement officers to carry a concealed handgun.

Act 198, 2007 – Concerning reciprocity procedures administered by the Arkansas State Police for concealed handgun permits.

Act 675, 2007 – To amend various sections of the Arkansas Code to clarify possession of handguns and concealed handguns by law enforcement officers.

Act 456, 2009 – To amend Arkansas Code Title 27, Chapter 16 and 23, comply with federal law in order to qualify for receipt of Federal Highway funds; to delete obsolete language; and for other purposes.

Act 561, 2009 – To prohibit certain persons from purchasing or possessing emergency lights or sirens for a vehicle and to prohibit the installation of emergency lights or sirens on a vehicle that is not a law enforcement vehicle.

Act 681, 2009 – To allow municipalities to regulate nonconsensual towing and storage.

*Chapter 25*

**TECHNOLOGY**

Act 194, 2010 – To reappropriate the balances of capital improvement appropriations for the Arkansas Geographic Information Office.

Act 278, 1999 – Statewide Network Infrastructure Information Systems Department was appropriated \$12.9 million for statewide network infrastructure.

Act 538, 1999 – Twelve voting members required to serve on the board of the Information Network of Arkansas. State agencies to “participate,” rather than cooperate,” with the Network in providing assistance and with the Information Systems Department.

Act 712, 1999 – Information Age Communities Act Commission is to engage in various programs to help communities and state agencies deal with information age changes. Nine voting members and various state agency directors were designated as members. [AHTD not listed as having a committee member.]

Act 1482, 1999 – Year 2000 computer errors granted immunity.

Act 1250, 2001 – Creates Geographic Information Office and establishes the Arkansas spatial data infrastructure.

Act 1287, 2001 – Requires state agencies to develop policies regarding Internet use.

Act 1653, 2001 – Addressed electronic records under the Freedom of Information Act.

Act 1713, 2003 – To require state and local governments and state agencies to incorporate machine privacy into their websites.

Act 2248, 2005 –To create the Arkansas Technology Infrastructure Fund.

Act 339, 2007 – To require state agencies to adopt a policy prohibiting the integration of hardware, software, or peripherals without the authorization of the state agency.

Act 722, 2007 – To require state agencies to use or permit the use of electronic records and electronic signatures no later than June 20, 2008.

Act 716, 2009 – To repeal certain tax credits for biotechnology and advanced fuels; to repeal the Arkansas Emerging Technology Development Act of 1999; to amend the Consolidated Incentive Act of 2003.

Act 978, 2009 – To create the Arkansas Cyber Infrastructure Task Force.

Act 112, 2010 – To make an appropriation for personal services and operating expenses for the Arkansas Geographic Information Office for the Fiscal Year ending June 30, 2011.

## SECTION II

### Supplemental Information

**ARKANSAS STATE HIGHWAY  
COMMISSION MEMBERS  
LISTED ALPHABETICALLY  
1913 – 2009**

<u>COMMISSIONER</u>	<u>DATES SERVED</u>
Charles Adams, Sr.	03-11-49—01-13-53
J. H. Alphin	01-13-37—02-28-38
George Appleby	01-13-37—01-15-41
Truman Baker	03-11-49—01-13-53
	01-16-61—01-14-71
Donald Barger	01-24-41—02-11-45
R. S. Barnett, Jr.	03-11-49—01-13-53
Jonathan Barnett	01-15-99—01-12-09
J. W. "Buddy" Benafield	06-29-93—02-10-05
Hugh B. Benton	01-13-37—01-15-41
L. A. Black	02-01-33—01-12-37
Lawrence Blackwell	05-29-58—01-14-61
	01-24-67—01-24-77
Dwight Blackwood	01-01-27—01-31-33
Dave Block	02-01-33—01-12-37
R. D. Bogart	01-24-41—02-11-45
Herby Branscum, Jr.	01-23-91—01-13-01
James Branyan	01-15-73—01-14-83
Byron B. Brogdon	02-12-45—01-11-49
Dr. A. S. Buchanan	09-19-52—01-13-53
John T. Burkett	09-13-32—01-31-33
Thomas Burress	04-01-16—03-27-17
J. S. Cargile	02-01-33—03-03-35
Fred Carter	03-11-49—01-13-53
L. W. "Bill" Clark	01-21-87—01-14-97
Dr. F. W. Cox	04-02-35—01-12-37
C. T. Crager	02-12-45—01-11-49
James H. Crain	01-24-41—02-11-45
	03-11-49—01-13-53
	01-25-55—06-29-60
John E. Crain, Sr.	06-30-60—03-05-63
C. L. Denton, Jr.	05-27-64—01-14-65
W. J. Denton	03-12-63—03-22-64
Reuben G. Dye	05-26-13—10-31-14
W. A. Falconer	05-27-21—02-22-22
Dalton Farmer	01-29-85—03-18-87
Orval E. Faubus	03-11-49—06-01-51
Dan Felton	02-12-45—01-11-49
J. R. Fordyce	02-23-22—04-01-23
W. Y. Foster	10-18-23—02-01-25
Olen Fullerton	03-11-49—01-01-52
Wayne Hampton	05-08-62—01-14-67
Ron Harrod	02-16-83—01-14-93
John W. Harsh	01-11-63—01-14-73
Olen Hendrix	04-07-50—01-13-53
Mary P. "Prissy" Hickerson	01-21-97—01-19-07
Charles W. Highfill	05-26-13—03-31-16
Lawrence Honeycutt	03-11-49—07-14-49
Cliff Hoofman	1-19-07 —
Bobby Hopper	01-24-83—01-14-89
	01-18-89—01-14-99
William L. Humphries	03-11-49—01-04-51
B. B. Johnston	02-01-33—01-12-37
George Kell	01-22-71—01-14-81
Ed Kendall	03-20-25—01-13-27
A. S. Killgore	05-26-13—03-31-16
James F. King	01-13-37—08-25-40
J. B. Lambert, Sr.	03-11-49—03-26-52

<u>COMMISSIONER</u>	<u>DATES SERVED</u>
Miss Willie A. Lawson	01-19-53—01-14-57
John "M" Lipton	01-14-93—01-14-03
Cecil S. Lynch	01-19-53—05-26-58
L. P. Mann	02-12-45—02-28-47
Roy Martin	03-11-49—01-13-53
Fetus H. Martin, Jr.	01-11-79—01-15-83
A. D. Mason	03-11-49—01-13-53
Justin Matthews	02-08-27—09-12-32
Theodore Maxfield	10-18-23—08-26-26
J. Meyers	08-26-40—01-15-41
Dr. H. E. Mobley	01-13-37—01-15-41
A. C. Mowery, Jr.	06-27-51—01-13-53
C. H. Moyer	04-15-25—01-13-27
Charles H. Murphy	02-01-33—01-12-37
R. Madison Murphy	01-15-03—
Raymond F. Orr	01-19-53—01-28-59
W. B. Owen	11-01-14—12-31-20
Harry W. Parkin	01-14-57—03-29-62
J. S. Parks	02-08-27—01-31-33
A. G. Patterson	01-13-37—01-15-41
J. C. Patterson	01-28-69—09-11-78
M. E. Peace	02-12-45—01-11-49
Ross Pendergraft	09-19-78—01-14-79
E. C. Porter	04-02-35—01-12-37
Dan Portis	02-12-45—01-11-49
	01-19-53—01-25-55
Raymond F. Pritchett	01-16-81—01-14-91
Felix Pugh	05-19-48—01-11-49
John Ed Regenold	02-10-05—
Carl S. Rosenbaum	01-14-01—
E. C. Rider	02-28-47—01-11-49
Loid Sadler	12-21-51—01-13-53
W. H. Sadler	02-12-45—01-11-49
Paul W. Sheridan	01-01-37—01-15-41
M. L. Sigman	01-24-41—02-11-45
Rodney Slater	03-25-87—06-03-93
Lawrence C. Sloan	01-24-41—02-11-45
A. L. Smith	04-02-35—01-12-37
Barney Smith	07-28-49—04-05-50
Maurice Smith	01-15-65—01-21-75
David Solomon	01-23-75—01-14-85
Arnil Taylor	01-28-59—01-14-69
Patsy L. Thomasson	01-29-77—01-14-87
R. R. Thompson	03-28-17—05-26-21
W. E. Thompson	02-12-45—03-15-48
Dick Trammel	01-12-09—
Guy B. Tucker	04-01-16—05-29-18
J. S. Turner	05-30-18—02-01-25
H. E. Van Dalsem	02-12-45—01-11-49
John H. Vogel	02-28-38—01-15-41
Glenn F. Wallace	01-19-53—01-20-63
Claude C. Ward	01-24-41—02-11-45
Emmett Williams	02-12-45—01-11-49
J. L. Williams	08-28-26—01-31-33
J. R. Wilson	01-01-21—12-31-26
S. J. Wilson	02-08-27—01-31-33
	01-24-41—02-11-45
R. H. Wolfe	10-18-23—02-01-27
J. D. Wood	01-25-51—01-13-53

ADVISORY BOARD

Created under Act 105 of 1917, the three-member board consisted of the engineer and the consulting engineer of the State Highway Department and one member to be appointed by the governor for a term of two years. Functional for twenty years, the Advisory Board was formed to recommend to the Commission the apportionment of state and federal funds.

The board ceased to exist after the Arkansas Highway Department was separated from the Office of State Lands, Highways and Improvements under Act 65 of 1929.

<u>MEMBER</u>	<u>DATES SERVED</u>
Edgar Brewster	03-17-17—06-30-23
V. P. Knott	03-28-17—05-30-21
G. P. Stocker	03-28-17—06-30-27
R. C. Limerick	07-01-23—12-31-26
J. R. Fordyce	01-01-25—06-30-27
O. L. Hemphill	01-01-27—04-30-27
G. H. Sykes	05-01-27—06-30-27

THE MACK-BLACKWELL AMENDMENT

Constitutional Amendment No. 42

Section 1. *Commission Created—Members—Powers.* There is hereby created a State Highway Commission which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department, together with all powers necessary or proper to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department.

Section 2. *Qualifications and Appointment of Members—Terms of Office of First Commission.* Within ten days after the convening of the General Assembly of the State of Arkansas in the year 1953, the Governor, by and with the advise and consent of the Senate, shall appoint five persons who are qualified electors of the State to constitute the State Highway Commission for terms of two, four, six, eight and ten years respectively. The terms of the persons so appointed shall be determined by lot. The Commissioners to be appointed from the State at large; provided, however, that no two Commissioners shall be appointed from any single Congressional District.

In the event of rejection by the Senate of a person whose name has been so submitted, the Governor shall within five days after receipt of written notice from the Secretary of the Senate of such rejection submit the name of another appointee to fill such vacancy. In the event the Governor should within five days thereafter fail to appoint or fail to submit to the Senate for confirmation the name of any person to be appointed, the Senate shall proceed to make the appointment of its own choice.

Section 3. *Terms of Office of Members.* Upon the expiration of the foregoing terms of said Commissioners, a successor shall be appointed by the Governor in the manner provided for in Section 2 for a term of ten years, which term of ten years shall thereafter be for each member of the Commission.

Section 4. *Removal of Members—Hearing—Review and Appeal.* A Commissioner may be removed by the Governor only for the same causes as apply to other constitutional officers after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court, and provided further, in addition to the right of confirmation hereinabove reserved to the Senate, the Senate may upon the written request of at least five (5) of its members that a member or members of the Commission should be removed therefrom, proceed, when in session, to hear any and all evidence pertinent to the reasons for removal. The member or members whose removal is so requested shall be entitled to be heard in the matter and to be represented before the Senate by legal counsel. These proceedings conducted by the Senate shall be public and a transcript of

the testimony so heard shall be prepared and preserved in the journal of the Senate. The taking of evidence either orally or by deposition shall not be bound by the formal rules of evidence. Upon the conclusion of the hearing, the Senate, sitting as a body in executive session, may remove said member or members of the Commission by a majority vote by secret ballot.

Section 5. *Vacancies—Filling.* Vacancies on the Commission due to resignations, death or removal shall be filled by appointment of the Governor for the unexpired term within thirty days from the date of such vacancy. Upon failure of the Governor to fill the vacancy within thirty days, the remaining Commissioners shall make the appointment for the unexpired term.

Section 6. The Commission shall appoint a Director of Highways who shall have such duties as may be prescribed by the Commission or by statute.

Proposed by the Fifty-Eighth General Assembly and filed in the office of the Secretary of State on the 20<sup>th</sup> day of March 1951. Voted upon at the General Election November 4, 1952. Returns: For, 231,529; Against, 78,291. Enabling Act No. 123, February 23, 1953.



HISTORY OF  
ARKANSAS' PASSENGER  
VEHICLE REGISTRATION FEES

	<u>Fees</u> <u>Basis &amp; Range</u>	<u>Net Revenue</u> <u>Distribution</u>		<u>Fees</u> <u>Basis &amp; Range</u>	<u>Net Revenue</u> <u>Distribution</u>
1911-1912	Flat \$5.00	State General Revenue	1959-1964	Same as preceding, but "For Hire" were revised as follows: 5 or less - \$25 p.a. 6 or 7 - \$35 p.a. 8 or more - \$1.50 p.cwt. & 45¢ p.hp. & \$2.50 per seat	State Highways, County Roads & Municipal Streets
1913-1916	Flat \$10.00	50% Counties, 50% State (Highway Improvement Fund)			
1917-1920	Flat \$10.00	State (Highway Improvement Fund)	1965-1966	Flat fees for "Pleasure Vehicles" 3,000 lbs. or less - \$12 3,001-4,500 lbs. - \$19 Over 4,500 lbs. - \$26 "For Hire": 5 or less - \$75 6 or 7 - \$85 7 or more - \$1.50 p.cwt. & 45¢ p.hp. & \$2.50 per seat	State Highways, County Roads & Municipal Streets
1921-1922	Sliding Scale 25¢ p.hp. Plus 25¢ p.cwt. (Gross) (Minimum fee \$10.00)	70% Counties, 30% State (Highway Improvement Fund)			
1923-1928	Sliding Scale 12 1/2¢ p.hp. Plus 55¢ p.cwt. (Gross)	State Highway Fund	1967-1978	"Pleasure Vehicles" no charge "For Hire" Vehicles same "as set for 'Pleasure Vehicles'"	State Highways, County Roads & Municipal Streets
1929-1933	Sliding Scale 12 1/2¢ p.hp. Plus gross weight classes - 1. Not over 3,500 lbs. 55¢ p.cwt. 2. 3,501-4,500 lbs. 60¢ p.cwt. 3. Over 4,500 lbs. 65¢ p.cwt.	State Highway Fund	1979-1980	Flat Fees for "Pleasure Vehicles" 2,500 lbs. or less - \$18 2,501-3,000 lbs. - \$24 3,001-3,500 lbs. - \$30 Over 3,500 lbs. - \$36 "For Hire" Vehicles "as set for 'Pleasure Vehicles'"	State Highways, County Roads & Municipal Streets
1934-1948	Sliding Scale 6 1/4¢ p.hp. plus gross weight classes- 1. Not over 3,500 lbs. 27 1/2 ¢ p.cwt. 2. 3,501-4,500 lbs. 30¢ p.cwt. 3. Over 4,500 lbs. 32 1/2¢ p.cwt. Schedule reduced 1/2 on vehicles 4 yrs. old or more. For Hire: 45¢ p.hp. plus \$1.50 p.cwt.	State Highways, County Roads & Municipal Streets			
				as well as for establishing and opening new roads and for changing and vacating any public road or part thereof.	
				Act 114, 1883 – All fines, penalties and forfeitures imposed by any court or board of officers whatsoever, shall be paid into the county treasury for county purposes.	
1949-1958	Same as preceding, but "For Hire" were revised according to passenger capacity: 5 or less - \$75 p.a 6 or 7 - \$85 p.a. 8 or more - \$1.50 p.cwt. & 45¢ p.hp. & \$2.50 per seat	State Highways, County Roads & Municipal Streets			

full power and authority to make and enforce all orders necessary

HISTORY OF  
ARKANSAS' TRUCK FEES

	<u>Fees</u> <u>Basis &amp; Range</u>	<u>Net Revenue</u> <u>Distribution</u>		<u>Fees</u> <u>Basis &amp; Range</u>	<u>Net Revenue</u> <u>Distribution</u>
1911-1920	Same as Passenger Vehicles (\$5.00)	191-1912, General Fund 1913-1920, 50% Counties, 50% State	1987	Based on Gross Weight to 73,280 lbs. \$39-\$1,044. New Hwy. Use Tax enacted (Act 3, 1987) to replace Weight Distance Tax. Fees are 2.5¢ per mile for laden trucks over 73,280 lbs. With trip permits at 8¢ per mile. (Beginning 8/1/89 funds collected under this tax were placed in escrow.)	State Highways, County Roads & Municipal Streets
1921-1923	Tons Capacity \$15-\$150 Pneumatic tires \$15-\$225 solid tires (max. cap. 6 tons)	70% Counties 30% State (Highway Improvement Fund)			
1924-1933	Same as preceding except rate increased: Pneumatic tires \$25-\$400. Solid tires - 1 1/2 times greater (except 1 tone or less)	State Highway Fund	1991	Based on gross weight of all vehicles in excess of 73,280 lbs., registration fee of \$1,350. Semi-trailer in combination with classes two through eight trucks pay a fee of \$20 or \$65 for issuance of a permanent registration until sold or disposed of. Farm and NR full trailer pay \$18. [Act 219 of the 1991 General Assembly in regular session]	State Highways, County Roads & Municipal Streets
1934-1948	Same as preceding except rate reduced: Pneumatic tires \$12-\$400. Solid tires - 1 1/2 times greater	State Highway Fund			
1949-1962	Based on Gross Weight \$15-\$450	State Highways, County Roads & Municipal Streets			
1963-1965	Based on Gross Weight \$15-\$703	State Highways, County Roads & Municipal Streets	2003	Act 551 of 2003 exempted sales and use tax on the gross receipts in excess of \$9,150 derived from the sale of a truck tractor and in excess of \$1,000 derived from the sale of a semi-trailer. Since sales and use tax receipts are classified as General Revenue, there was not effect on funding to AHTD.	
1966-1978	Based on Gross Weight \$30-\$803	State Highways, County Roads & Municipal Streets			
1979-1982	Based on Gross Weight \$39-\$1,044	State Highways, County Roads & Municipal Streets			
1983-1987	Based on Gross Weight to 73,280 lbs. \$39-\$1,044. Then based on gross Weight not to exceed 80,000 lbs. All trucks in excess of 73,280 to 80,000 lbs. To pay weight distance tax of 5¢ per mile, or \$175 per year and provide trip permit for \$8 per 100 miles. This tax was suspected of being unconstitutional and funds received after Aug. 17, 1987, were placed in escrow until final ruling.	State Highways, County Roads & Municipal Streets		Basic licensing structure: Special categories (farm and natural resources) are not shown and comprise only a limited proportion of the trucks. Pickups, licensed at fees comparable to autos, are excluded also.	
				Note: After 1945, payment of ad valorem tax on vehicles required for registration. (To General Fund.)	

## HISTORY OF ARKANSAS' SPEED LIMITS

Article VI, Section 51 Speed Restrictions: "(d) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any *prima facie* speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or other place upon any part of a highway, said commission shall determine and declare a reasonable and safe *prima facie* speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highways."—Act 300 of 1937

1939—Section 1. "Outside municipalities the stated speed as determined by the State Highway Commission upon the basis of an engineering and traffic investigation, which shall be effective when appropriate signs giving notice thereof are erected along the highways. Where no stated speed is posted then the lawful speed shall be that which is reasonable and prudent under the circumstances; however, in no event shall a motor vehicle be driven upon a highway of the State of Arkansas at a speed which would not be reasonable and prudent under the conditions then existing, but in no event shall motor vehicles be driven upon the highways of the State of Arkansas at a rate of speed greater than the following: (1) Passenger vehicles sixty (60) miles-per-hour. (2) Passenger buses and half-ton trucks fifty-five (55) miles-per-hour. (3) Trucks carrying five tons or less with brakes on all wheels forty-five (45) miles-per-hour. (4) Trucks carrying more than 5 tons and not more than seven and one-half tons, brakes on all wheels, forty (40) miles-per-hour. (5) Trucks carrying three tons, without brakes on all wheels, trucks carrying seven-one-half (7½) tons or more and all school buses, thirty-five (35) miles-per-hour, providing, however, that school buses equipped with brakes on all wheels when carrying children over main highway on journeys attending athletic contests, etc., may be operated not to exceed 45 miles-per-hour." [Act 179]

1941—On October 8, 1941, to reduce traffic accidents, the State Highway Commission passed a resolution setting the speed limits of passenger cars and buses at 50 miles-per-hour and trucks at 40 miles-per-hour for a 90-day trial period. On February 5, 1942, these speed limits were set for an indefinite period. In response to the request from President Franklin Roosevelt, stressing the rubber shortage, the Commission set allowable speed of all vehicles at 40 miles-per-hour, effective June 5, 1942. On September 17, 1942, that limit was further reduced by Commission resolution to 35 miles-per-hour to conserve men and materials. [Arkansas State Highway Commission—Biennial Report 1941-1942]

**Minute Order Number 3305 (July 22, 1959) [70 Miles-per-Hour Maximum and 45 Miles-per-hour Minimum on Controlled Access Facilities]**

WHEREAS, Section 33 of Act 307 of the Acts of the General Assembly of 1959, delegated responsibility for determination and establishment of speed limits on controlled access highways to the Highway Commission, and,

WHEREAS, based on engineering and traffic investigations and conferences with State Police Officials responsible for enforcement of speed regulations, it has been determined that the following general policies pertaining to regulations of speeds are needed in order to realize maximum utility of controlled access facilities and to provide for the safe and expeditious movement of traffic thereon,

NOW, THEREFORE IT IS DECLARED that:

1. The maximum and minimum speed limits on highways with full control of access shall be 70 miles-per-hour and 45 miles-per-hour respectively, except through specific areas where local conditions, on the basis of engineering and traffic investigations, indicate lower limits would be conducive to more efficient traffic operation.
2. The maximum and minimum speed limits on highways with partial control of access shall be posted by the Department after thorough engineering and traffic investigations, but shall in no case exceed the maximum of 70 miles-per-hour.
3. The above maximum speeds shall not be posted on any section until the highway has been completed and is operating as designed.

**Minute Order 70-301 (August 26, 1970) 1970 [75 Miles-per-hour Maximum and 50 Miles-per-hour Minimum With Exceptions]**—Based on engineering and traffic investigations and conferences with State Police officials responsible for enforcement of speed regulations, the following changes in general policies contained in Minute Order 3305, dated July 22, 1959, became effective: (1) The maximum and minimum speed limits on highways with full control of access became 75 miles-per-hour and 50 miles-per-hour, respectively, except through specific areas where local conditions, on the basis of engineering and traffic investigations, indicate lower limits would be conducive to more efficient traffic operation. (2) The maximum and minimum speed limits on highways with partial control of access are posted by the Department after thorough engineering and traffic investigations, but in no case could exceed the 75 miles-per-hour maximum. (3) The above maximum speeds were not to be posted on any section until the highway was completed and operating as designed. (4) The recommendations contained in the report "An Analysis of the Present Speed Limits Posted on the Interstate Highway System in Arkansas," prepared by the Department, were approved. Recommendations included retention of present speed limits in certain locations. (5) Revised speed limits were effective when appropriate signs were erected.

Act 61 of 1971—State Highway Commission authorized to establish and regulate all speed limits on the State Highway System through sound, objective engineering analyses of all pertinent factors bearing upon use of each section of State Highway. [Arkansas Code of 1987 Annotated § 27-51-203]

1974—Until 1974, the Arkansas General Assembly or the Arkansas State Highway Commission set speed limits

on the State Highway System. Prior to Minute Order 74-7, the speed limit was 75 miles-per-hour on Interstate Routes and 65 miles-per-hour on 2-lane Primary Highways as set by the Arkansas State Highway Commission. Minute Order 74-7 responded to the Emergency Energy Conservation Act of 1974 [Public Law 93-239] which temporarily lowered speed limits as an energy saving move. In 1975 Congress made the 1974 Act permanent. A 55 miles-per-hour maximum speed limit was established as a requirement for any state before project authorization approval. In response to the 1973 oil embargo, Congress enacted the 55 miles-per-hour national maximum speed limit in January 1974. By March 1974, the 55 miles-per-hour speed limit was in effect in every state. The sharp drop in traffic fatalities suggested that in addition to saving fuel, 55 miles-per-hour had a high safety payoff as well. But as average speeds crept upwards over the next 12 years, support for 55 miles-per-hour flagged.

**Minute Order 74-7 (March 3, 1974)**

WHEREAS, § 2 of Public Law 93-239, the "Emergency Highway Energy Conservation Act," enacted January 2, 1974, and effective March 3, 1974, establishes a national maximum speed limit of 55 miles-per-hour to conserve fuel during periods of current and imminent fuel shortages; and,

WHEREAS, the Federal Highway Administration has given advance notice that, in compliance with Public Law 93-239, after March 3, 1974, the Division Engineer will not authorize the State to advertise for bids for construction until the State furnishes evidence of action by the State to implement Section 2 of the Act, including a statement that speed limit signs have been changed to comply with the requirements of the Act, the cost of which changes is federally reimbursable; and,

WHEREAS, the Arkansas State Highway Commission is authorized by Arkansas Statutes Section 75-601, as amended, and Section 75-601.1 to set maximum and minimum speed limits on controlled access highways and all highways on the Arkansas State Highway System, in addition to general authority contained in Arkansas Statutes, Section 76-201.5; and,

WHEREAS, based upon a traffic and engineering study by Arkansas Highway Department Traffic Engineers to determine maximum speed limits consistent with highway safety, fuel conservation and other factors, which study determined that a maximum speed limit of 55 miles-per-hour meets those criteria, signs establishing a 55 miles-per-hour maximum speed limit have been erected on all highways in the Highway System.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the action of the Director of Highways in the erection of signs establishing a maximum speed limit of 55 miles-per-hour on all highways in the State Highway System in Arkansas is hereby ratified and confirmed, and the Director is further authorized to take any further action required to implement Section 2 of Public Law 93-239, the requirements of the Federal Highway Administration, and that are in the public interest in safety and fuel conservation.

1978 Surface Transportation Assistance Act (STAA) Public Law 95-599—55 miles-per-hour compliance criteria

were established to enforce the national speed limit, with graduated penalties for non-compliance and bonuses for exceptional achievements.

1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA) Public Law 100-17—Speed limit increased from 55 miles-per-hour to 65 miles-per-hour on rural sections of the Interstate Highway System outside of urbanized areas exceeding 50,000 population. Minimum miles-per-hour were set at 45. This was the first time since January 1974, travelers on rural sections of Arkansas' Interstate Highway System had been able to legally drive faster than 55 miles-per-hour. This change was part of the 1987 Federal-aid Highway Act that became law April 7. The Arkansas Highway Commission meeting in Little Rock on that day immediately authorized the new speed limit. Federal legislation authorizing the new speed limit specifically excluded urban areas with population of 50,000 or more. The four urbanized areas in Arkansas that retained the 55 miles-per-hour were: Fort Smith, I-540; Texarkana, I-30; Little Rock/North Little Rock, I-430, I-440, I-630, I-30 and I-40 and West Memphis I-40 and I-55. This change applied only to the Interstate Highway System and not to other controlled access highways, such as Highway 71 in Fayetteville/Springdale, Highway 65 between Little Rock and Pine Bluff, and Highway 67/167 from North Little Rock to Bradford. The maximum speed limit on those highways, as well as all other highways in the State, remained at 55 miles-per-hour.

Thirty-eight states did raise their speed limits to 65 followed by Georgia and Virginia in 1988. Only Alaska, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island had no Interstate mileage posted at 65 in the Spring of 1989. See Minute Order 87-110 which implemented this change in Arkansas. [The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) made this change permanent.]

**Minute Order No. 87-110 (April 2, 1987)**

WHEREAS, the Congress of the United States has passed the 1987 Federal-aid Highway Act which contains authorization to increase the maximum speed limit from 55 miles-per-hour to 65 miles-per-hour on the rural sections of the Interstate Highway System outside of urbanized areas exceeding 50,000 population, and

WHEREAS, the Arkansas State Highway Commission is authorized by Arkansas Statutes, Section 75-601, as amended, and Section 75-601.1 to set maximum and minimum speed limits on controlled access highways and all highways on the Arkansas State Highway System, in addition to general authority contained in Arkansas Statutes, Section 76-201.5, and

WHEREAS, based upon a traffic and engineering study by Arkansas Highway Department Traffic Engineers to determine maximum speed limits consistent with highway safety, and other factors, which study determined that a maximum speed limit of 65 miles-per-hour and a minimum speed limit of 45 miles-per-hour meets those criteria.

NOW THEREFORE, the Director is authorized to erect signs establishing a maximum speed limit of 65

miles-per-hour and a minimum speed of 45 miles-per-hour on the rural section of the Interstate Highways outside of urbanized areas exceeding 50,000 population. [This change began on April 20, 1987.]

1988—[The US Department of Transportation and Related Agencies Appropriation Act [Public Law 100-202]—A 65 miles-per-hour demonstration speed limit program on non-Interstate rural highways was limited to 20 states on first-come, first-served basis. Arkansas was one of the 20 states. Highways had to be posted before July 1, 1988, for fiscal years 1988 through 1991. Qualifying highways had to be constructed to Interstate standards and connected to an Interstate Highway posted at 65 miles-per-hour, four-lane divided highway with fully controlled access, or highways in Alaska and Puerto Rico as Interstate Highways. The higher speed limit was permitted only in rural areas with less than 50,000 population. FHWA approval of routes selected by a state not required prior to posting. The unusual 20-state limitation was a compromise between house members who opposed the law and senators who backed it. Urban Interstate routes were 55 miles-per-hour. [See Minute Order 88-010 which implemented it in Arkansas]

**Minute Order 88-010 (January 28, 1988)**

88-010 (1/28/88) WHEREAS, a recent Appropriations Bill enacted by Congress contained a provision which allowed up to 20 states, on a first-come, first-served basis, to increase speed limits to 65 miles-per-hour on certain rural four-lane, fully controlled access highways for fiscal years 1988 through 1991; and

WHEREAS, the rural segments of Highway 65 from I-30 south to Pine Bluff and from I-40 to the junction of Highway 224 south of Newport meet the federal criteria for speed limit modification.

NOW THEREFORE, the Director is authorized to post 65 miles-per-hour speed limits on these highway segments.

55/65 MILES-PER-HOUR Speed Zone Termini (May 18, 1989 Letter from FHWA)—appropriate location of 55 miles-per-hour speed limits within urbanized areas on the Interstates and demonstration sections established by Section 329l of Public Law 100-202. The following interpretation was effective immediately: “States could, on highways posted above 55 miles-per-hour, maintain the higher limit until reaching the first interchange located within the Bureau of the Census determined urbanized area boundary. Similarly, in leaving an urbanized area the speed limit may be increased above 55 miles-per-hour upon passing the last interchange located within the Bureau of the Census determined urbanized area boundary.”

Speed limits were increased on a total of 103 miles of rural segments of Highway 65 from Little Rock to Pine Bluff and Highway 67 from Jacksonville to the junction of Highway 224 south of Newport.

**1995 National Highway System Designation Act (Public Law 104-59)** — Allowed each state to increase speed limits within its boundaries beginning

December 8, 1995, through repeal of the National Maximum Speed Limit.

January 31, 1996—By a motion, the Commission voted to defer action regarding changing speed limits on Arkansas’ roadways for approximately six months to allow further study. [Passed 4-1 with Commissioner Hopper voting “no”.]

March 13, 1996—By motion the Commission unanimously accepted the speed limit study in its draft form, as presented to them, with the provision that it be updated as additional information became available.

July 17, 1996—By motion the Arkansas State Highway Commission unanimously voted to raise the speed limit on rural fully controlled access highways to 70 miles-per-hour for passenger cars. The maximum speed limit for trucks (defined as any vehicle with a gross vehicular weight of 20,000 pounds or greater) remained at 65 miles-per-hour effective as soon as the appropriate signs could be fabricated and installed.

The motion carried unanimously to direct AHTD’s staff to study if changes to speed limits were advisable on urban fully controlled access facilities, and to make recommendations to the Commission at the August 28, 1996, Commission meeting.

The motion carried unanimously to include routes in the aforementioned study that are multilane divided, with high type, partial control of access, and to make recommendations to the Commission at the August 28, 1996, Commission meeting.

**Speed Limit Changes of July 17, 1996, Commission Meeting**

FREEWAYS WITH RURAL CHARACTERISTICS RISING TO 70 MILES-PER-HOUR	
I-30	Texas state line to Mabelvale West in Little Rock
I-40	Oklahoma state line to I-430 in Little Rock
I-40	I-440 to State Highway 118 in West Memphis
I-55	US 64 in Marion to Missouri state line
US 63	West of Marked Tree to State Highway 18 Spur in Jonesboro
US 65	I-30 in Little Rock to Pine Bluff Bypass
US 67-167	Air Force Base at Jacksonville to State Highway 18 at Newport
US 71	Fayetteville Bypass to McKissic Creek
SH 540	I-40 to Mountainburg

**URBAN FREEWAYS REMAINING AT 55 MILES-PER-HOUR**

I-30	I-440 in Little Rock to I-40 in North Little Rock
I-40	Burns Park to Prothro Junction in North Little Rock
I-630	I-30 to I-430 in Little Rock
US 67-167	I-40 to Kiehl Avenue in Sherwood

**SUBURBAN FREEWAYS OR RURAL EXPRESSWAY  
RISING TO 60 MILES-PER-HOUR**

- I-30 Mabelvale West in Little Rock to I-440
- I-40 I-430 to Burns Park in North Little Rock
- I-40 Prothro Junction to I-440
- I-40 Arkansas 118 in West Memphis to Tennessee state line
- I-430 I-40 to I-30 in Little Rock
- I-440 I-30 to I-40 in Little Rock
- I-540 I-40 to Oklahoma state line
- I-55 US 64 in Marion to Tennessee state line
- US 63 Jonesboro Bypass (completed section)
- US 71 Fayetteville Bypass
- US 82 El Dorado Bypass
- US 67 – 167 Kiehl Avenue to Little Rock Air Force Base in Jacksonville
- US 270 Hot Springs East-West Arterial (completed section)
- US 412 Siloam Springs to Tontitown
- SH 245 Texarkana Loop (completed section)

**Minute Order 96-148—(August 28, 1996)**

WHEREAS, the National Maximum Speed Limit was repealed by the National Highway System Designation Act of 1995, giving each State the responsibility of establishing speed limits; and

WHEREAS, the Arkansas Highway Commission has jurisdiction over speed limits on the Arkansas State Highway System; and

WHEREAS, the Commission has directed Department staff to conduct a study concerning speeds, design, and safety on Arkansas highways; and

WHEREAS, the *Speed Limit Study for Arkansas Highways* has been completed;

NOW THEREFORE, the study is hereby accepted, and the following maximum speed limits are hereby established and shall be included in the *Speed Limit Study for Arkansas Highways*.

- Rural Freeways - 70 miles-per-hour for cars, 65 miles-per-hour for trucks
- Suburban Freeways - 60 miles-per-hour for all vehicles
- Urban Freeways - 55 miles-per-hour for all vehicles
- Rural Expressways with High-Type Partial Control of Access - 60 miles-per-hour for all vehicles

FURTHER, the term "truck" shall include every motor vehicle, or combination of motor vehicles, designed, used, or maintained for the transportation of property with a registered gross weight of 20,000 pounds or more. Additionally, the term "truck" shall include all buses designed to transport 16 or more passengers, including the driver.

The Commission accepted the Staff's recommendation regarding speed limits on Rural Freeways, Suburban Freeways, Urban Freeways, and Rural Expressways with High-Type Partial Control of

Access as stated in Minute Order 96-148. [August 28, 1996, Commission meeting]

Speed limits were raised on suburban freeways around the state to 60 miles-per-hour including Highway 412 between Siloam Springs and Tontitown, during the meeting. The new suburban speed limits apply to both passenger cars and trucks and were effective on September 16 after AHTD replaced the old signs. These new speed limits resulted from repeal of the National Maximum Speed Limit (NMSL) that defined urban and rural boundaries for the purpose of setting speed limits. In urban areas, speed limits are now based upon area characteristics such as design speed, interchange spacing, traffic volume, average speed and type of traffic.

**Minute Order 97-104 (June 25, 1997)**

WHEREAS, Minute Order 96-148, dated August 28, 1996, authorized the increase in speed limits on freeways with rural characteristics, freeways with suburban characteristics, and rural expressways with high-type partial control of access; and

WHEREAS, it may be feasible to raise the speed limit on rural expressways that exhibit certain engineering characteristics.

NOW THEREFORE, the Director is authorized to increase the speed limit on rural expressways where recommended by route specific engineering studies.

[Sections of highways eligible for this increase were US 71 from Bentonville north in the northwest; Fort Smith south almost to Witcheville in the west; Texarkana north to Ashdown in the southwest; U.S. 63 from I-55 to Marked Tree in the northeast; U.S. 79 from Camden to Fordyce in the south; Arkansas 7 from Camden to El Dorado in the south; a portion of U.S. 65 between McGehee and Lake Village to the southeast; and Arkansas 1 from Forrest City to just south of Haynes in east Arkansas.]

**Minute Order 98-215 (September 22, 1998)**

WHEREAS, Minute Order 97-104, dated June 25, 1997, authorized the increase in speed limits on rural expressways where recommended by route specific engineering studies; and

WHEREAS, further studies have indicated that it is feasible to raise the speed limit on suburban and urban freeways;

NOW THEREFORE, the Director is authorized to increase the speed limit on suburban and urban freeways and rural expressways in accordance with the Department's studies. [Increases were not authorized until Minute Order 98-215 (September 22, 1998)] Those specific changes as authorized under this Minute Order follow:

**SPEED LIMITS CHANGED  
ON SOME RURAL EXPRESSWAYS  
[AS AUTHORIZED UNDER MINUTE ORDER 98-215]**

On September 22, 1998 the Arkansas State Highway Commission left the top speed on rural Interstates at 70 mph but increased speed limits from 55 mph to 60 mph on urban Interstates and from 60 mph to 65 mph on suburban Interstates. Speed limits were also increased on many



rural expressways from 55 mph to 65 mph. The top speed on rural Interstates remained 70 mph. Speed limits were increased from 55 mph to 60 mph on urban Interstates and from 60 mph to 65 mph on suburban Interstates.

The new speed limits, effective upon signs being in place, affected Interstate stretches concentrated in population centers including Little Rock, West Memphis, Fort Smith, Springdale, Texarkana and Jonesboro. This change was made only after a thorough study which considered road design and safety. Another factor was lack of significant increases in fatal crashes on urban Interstates after the Commission had increased speeds on other sections of Interstate Highways.

AUDITS OF THE ARKANSAS  
STATE HIGHWAY COMMISSION

*Act 167 of 1929*

The Arkansas Highway Commission requested authority to hire certified public accountants to continuously audit the State Highway Department's books and records. Constitutional officers were authorized and directed to employ certified public accountants.

This audit was to be independent of the monthly audit by Arkansas Highway Commission auditors and of the person from the State Comptroller's Office who continuously audited the Department's records and books.

*Act 166 of 1931*

The State Highway Audit Commission was created by the General Assembly to be composed of seven members, one from each congressional district—J. Marion Futrell of Greene County; S.M. Bone of Independence County, George Vaughan of Washington County, V.W. St. John of Polk County, R.A. Cook of Pulaski County, W.J. Waggoner of Lonoke County, and Harry J. Lemley of Hempstead County.

The emergency clause of Act 166 of 1931 stated, "It is ascertained and declared that the demand for an audit of the Highway Department is necessary to facilitate construction of highways in this State and to give employment to the people of the State, many of whom are in danger of contracting disease incident to the scarcity of proper food, and this Act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval."

*Senate Concurrent Resolution 13, Special Session of 1931*

The Senate noted its concern that the Arkansas Highway Commission receive a complete impartial audit and investigation.

*Act 102 of 1951—Arkansas State Highway Audit Commission*

In the Act creating the Audit Commission, the General Assembly instructed the Commission to investigate all contracts of whatever nature entered into by the Highway Department, to determine whether or not the provisions of law had been complied with, whether those persons serving the Highway Department under contract have fulfilled their duties, to ascertain whether there has been proper supervision of work by the Highway Department, to investigate the purchase, care, and maintenance of highway equipment, and to do such other further things as are necessary and proper to ascertain generally the manner in which the affairs of the Highway Department have been conducted and to ascertain whether or not the tax revenues of the State of Arkansas have been expended in such a manner as to give full value for the money spent. Based on those directives, the Audit Commission engaged in a comprehensive study to the administration of the Highway Department and into a strict accounting of the Department's fiscal affairs. The Audit Commission was resolved to preserve the political independence of their audit and to keep it from becoming a

political instrument. [An Interim Report by the Arkansas State Highway Audit Commission to the Members of The General Assembly of 1951 and to Taxpaying Citizens of the State August 15, 1951]

Members were the present vice-chairman of the State Highway Commission (James H. Crain of Wilson), present president of the Arkansas Public Expenditures Council (R.H. Dickenhorst of Morrilton), present president of the Producers Rice Mill (V.L. Tindall of Stuttgart), the most recent past chairman of the Board of Trustees, University of Arkansas (Herbert L. Thomas of Fayetteville) and the present president of the Arkansas Wood Products Association (W.S. Fox of Pine Bluff).

*Act 493 of 1985*

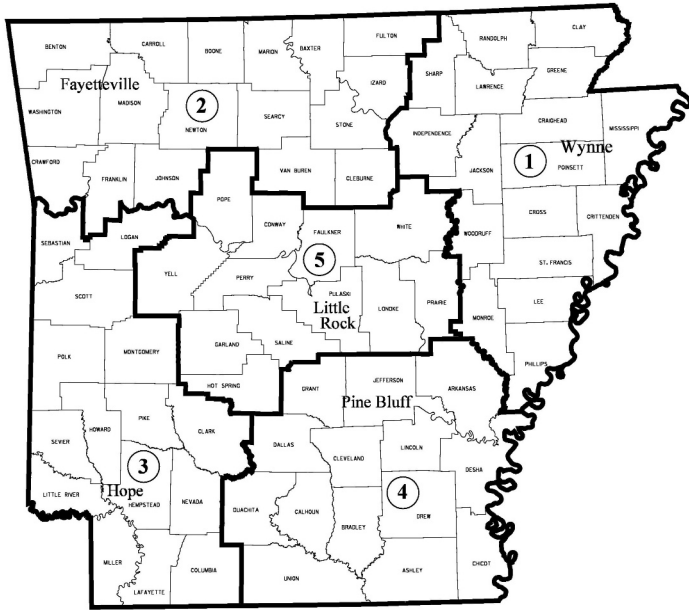
A State Constitutional Boards and Management Audit and Review Study (MARS) Commission was established. The Commission was charged with reviewing, evaluating and auditing management practices, procedures, facilities, services and resources of several boards and commissions including the Arkansas Highway Commission. That commission was funded under Act 800 of 1985 through a \$500,000 appropriation.

Governor Bill Clinton was given authority to appoint commission members two from each of the state's four congressional districts and a chairman—George T. Frazier of Hope, chairman; Don Allen of Little Rock, Thedford Collins of Little Rock, Joe Bill Hackler of Rogers, Jimmy Doyle Hunt of Jonesboro, George Kell of Newport, Dwight Linkous of Little Rock, Randy McNulty of Pine Bluff, and Harriett Phillips of Bentonville. Representative David Matthews sponsored the legislation.

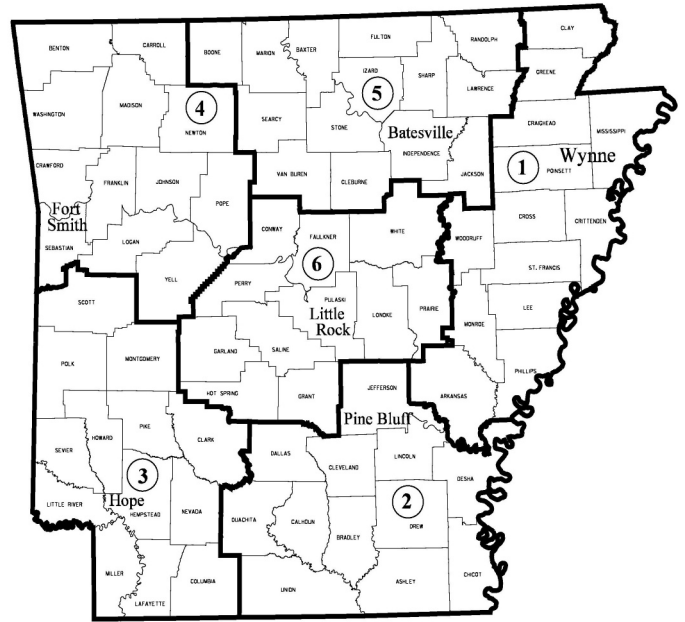
Note: The final report of the MARS, presented to the Governor and the Legislature in the latter part of 1986, was complimentary of AHTD's management. The study, compiled by Arthur Young and Associates, who were retained by the MARS, touched on two areas they felt worthy of consideration—transferring the Arkansas Highway Police to the State Police and placing all revenue collections within the purview of the Department of Finance and Administration. Director Gray and the Highway Commission were not in agreement with these suggestions and the 1987 General Assembly did not give a do pass recommendation to the bill transferring the Highway Police to the State Police.

By passage of Act 3 of the Second Extraordinary Session of 1987, the General Assembly did not agree with the second recommendation since that Act imposed all collection authority regarding the Weight Distance Tax on the AHTD, regardless of the base-state registration of the involved vehicles. A review of federal case law dealing with highway-user taxes indicated a serious problem in the separation of the collection of taxes from the agency that utilizes such tax revenues. The collection of taxes pursuant to Act 3 was the preferred method, both legally and from a practical standpoint.

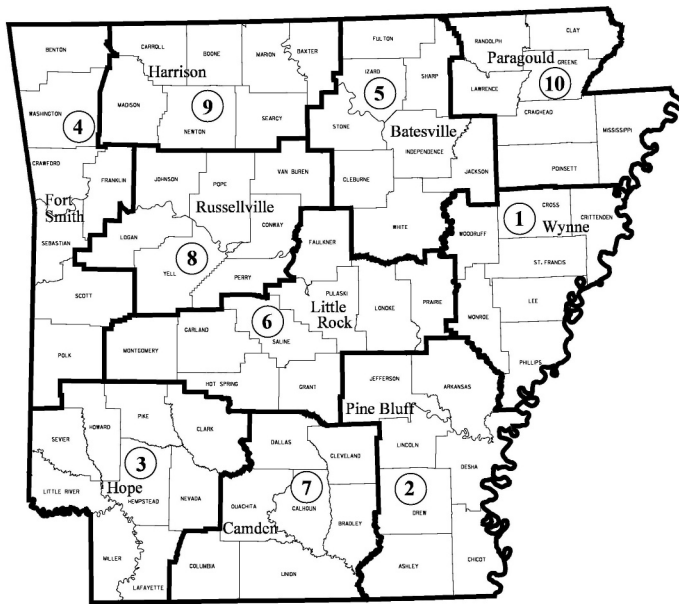
**Historical Record of Changes in Highway Maintenance Districts**



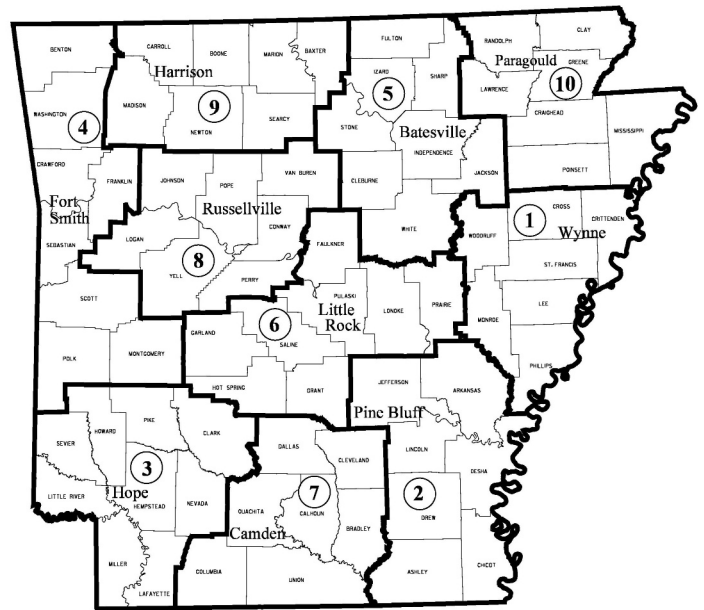
1921  
5 Districts  
January 1, 1921  
Commission Action



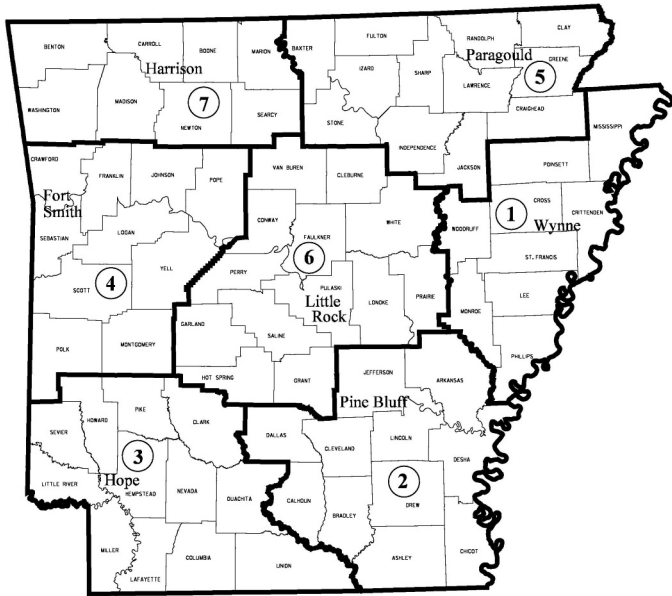
1924  
6 Districts  
January 1, 1924  
Commission Action



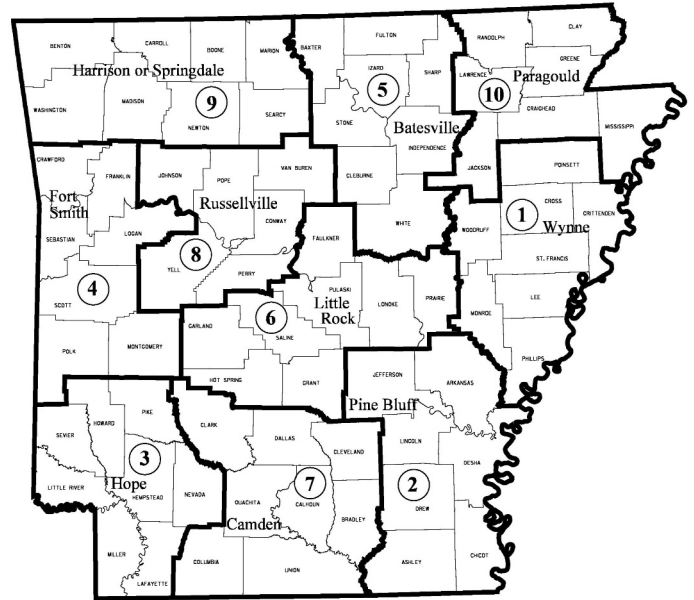
1925  
10 Districts  
July 1, 1925  
Commission Action



1927  
10 Districts  
March 1, 1927  
Commission Action

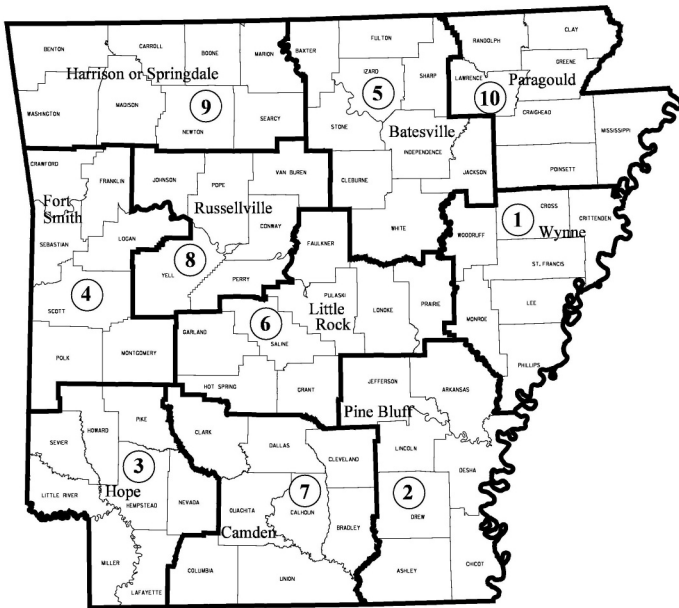


1933  
7 Districts  
March 22, 1933  
Commission Action  
\* Not Listed in Biennial Report

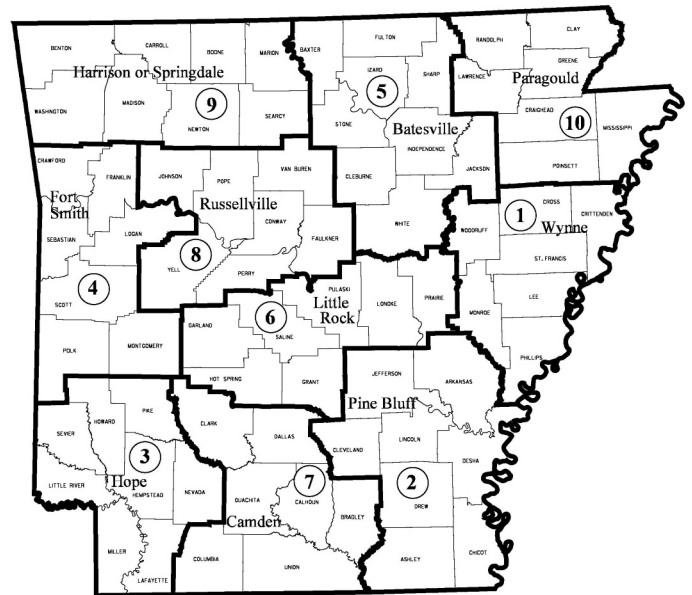


1935  
10 Districts  
April 4, 1935  
Legislative Action  
Act 328 of 1935

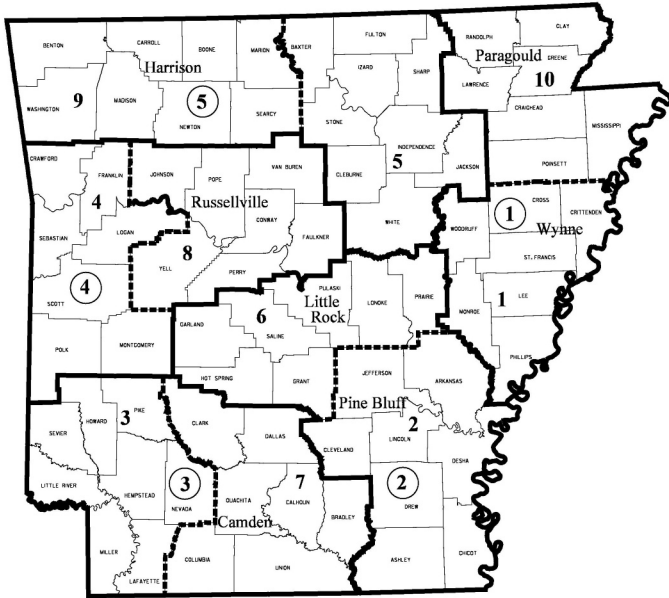
Act 699, 2007 – To develop the alternative fuels industry in Arkansas by establishing goals for the production of and standards for alternative fuels used in motor vehicles.



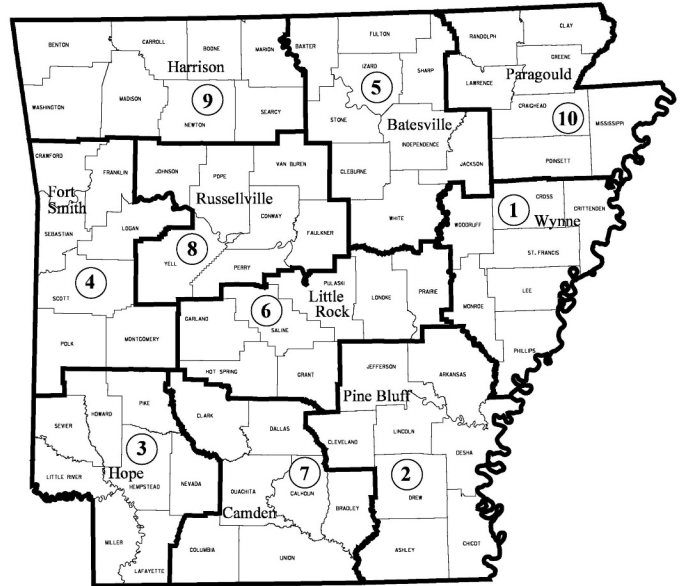
1945  
10 Districts  
February 12, 1945  
Legislative Action  
Act 42 of 1945



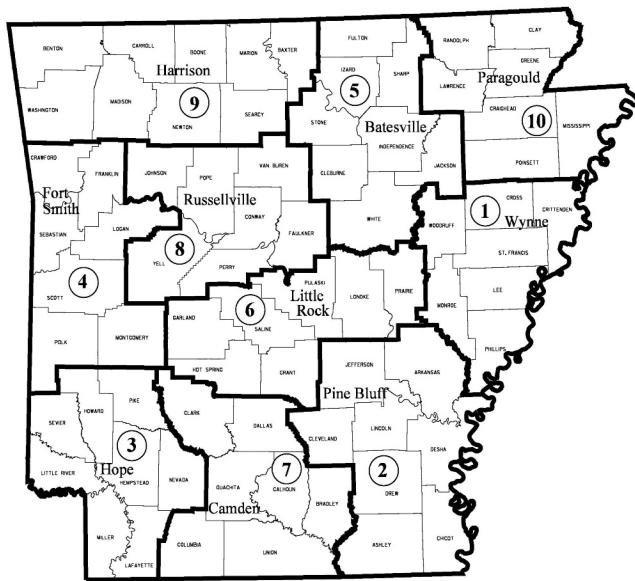
1951  
10 Districts  
March 19, 1951  
Legislative Action  
Act 259 of 1951



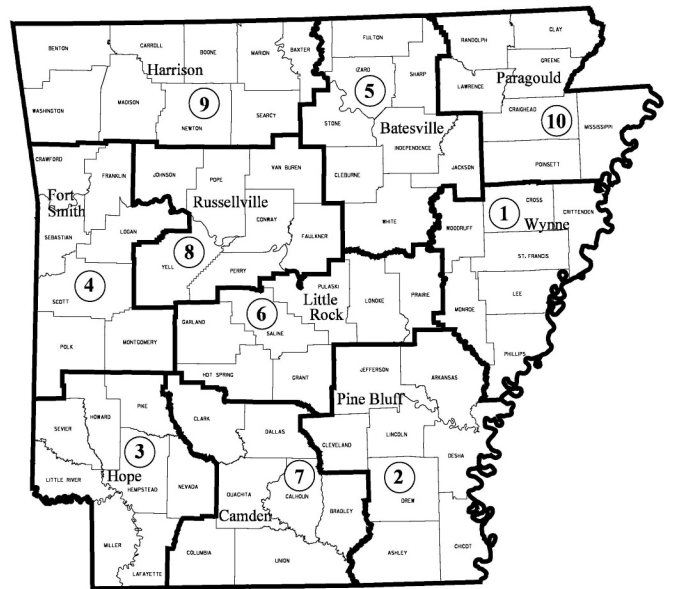
1953  
 5 Districts - 10 Highway Maintenance Divisions  
 June 1, 1953  
 Commission Action  
 M.O. 56, 5-21-53  
 M.O. 947, 5-18-55 (Implemented M.O. 56, 5-21-53)



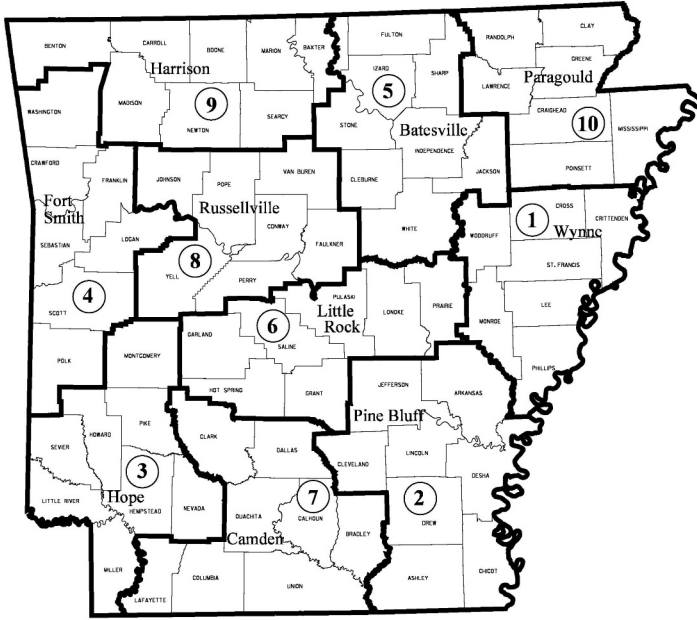
1959  
 10 Districts  
 November 1, 1959  
 Commission Action  
 M.O. 3416, 9-30-59



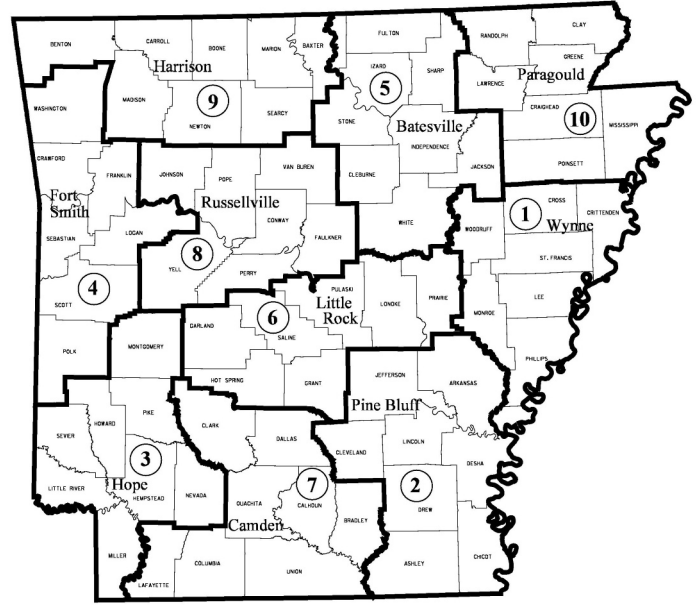
1965  
 10 Districts  
 July 1, 1965  
 Commission Action  
 M.O. 65-272, 7-28-65  
 Baxter Co. transferred from Dist. 5 as of July 1, 1965



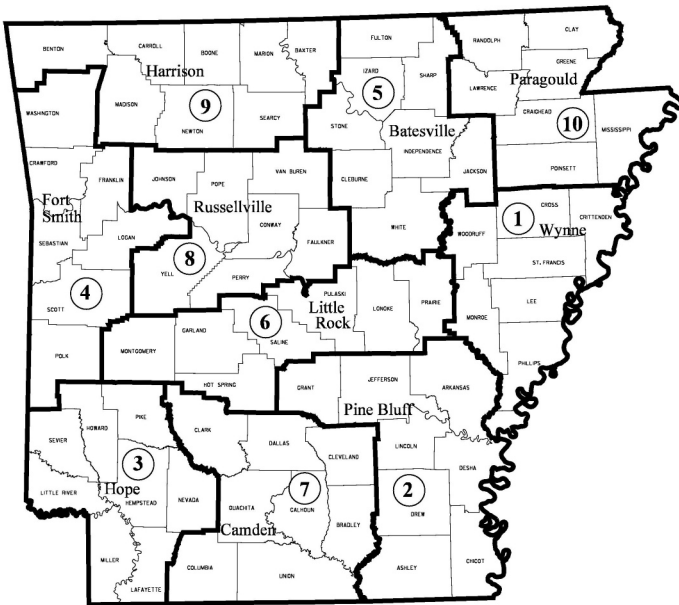
1971  
 10 Districts  
 January 6, 1971  
 Commission Action  
 M.O. 71-9, 1-6-71



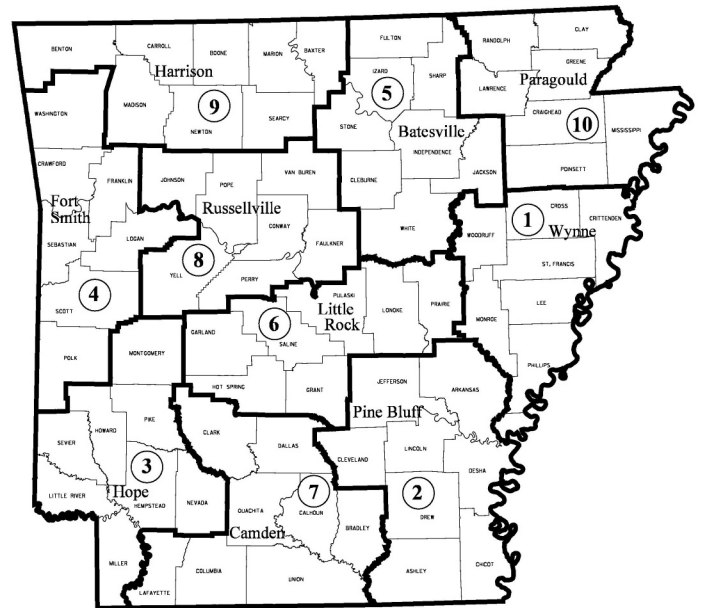
1974  
10 Districts  
November 28, 1973  
Commission Action  
M.O. 733--779



1975  
10 Districts  
February 4, 1975  
Commission Action  
M.O. 75-54

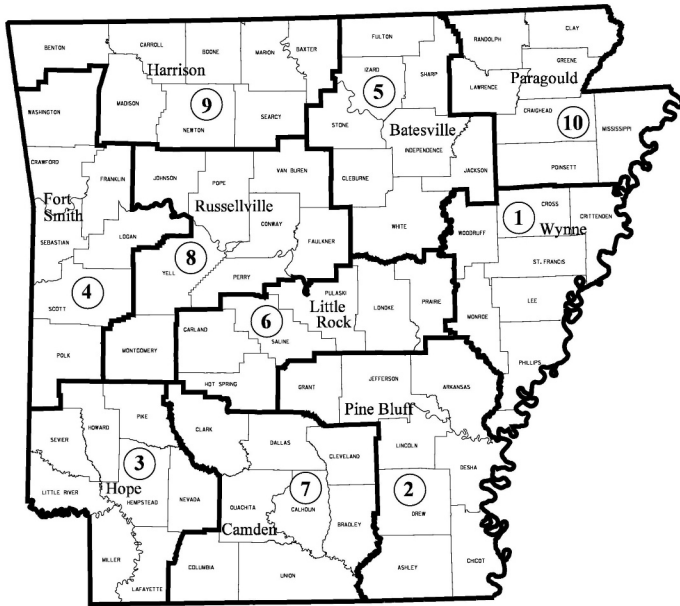


1993  
10 Districts  
October 1, 1993  
Commission Action  
M.O. 93-451



1984  
10 Districts  
October 27, 1983  
Legislative Action  
M.O. 83-429





2001  
10 Districts  
January 10, 2001  
Commission Action  
M.O. 2001-020

ARKANSAS' FERRIES AND LOCATIONS

Act 139, 1933 – This act responded to ferries operating in competition with State-owned toll bridges. The State Highway Commission was given authority under this act to regulate ferries operating in competition with State-owned toll bridges. The ferry operated by O.D. Watson and W.S. Hinkle, Newport, Arkansas, and known as the "Lower Ferry" was required to put into effect and charge, without exception, the following schedule of prices for the various classes of service indicated herein:

1.	Automobile	50¢
2.	One-Ton Truck	50¢
3.	Coupon Book	\$2.50
4.	Wagon & Buggies	25¢
5.	One Ton Trailer	25¢
6.	Over Ton Trailer	50¢
7.	1½ to 3½ Ton Truck	75¢
8.	Motorcycle	10¢
9.	Four-Tons or Over	\$1.00
10.	Log Wagon Loaded	\$1.00
11.	Buses	\$1.00
12.	Livestock, per head	5¢

NOTE: The toll on automobiles crossing the Newport Toll Bridge at Newport, Arkansas, will be fifty cents for round trip, provided the return trip is within twelve hours after crossing. It is hereby ascertained that said ferry is located within three miles of a State-owned toll bridge, and is therefore in competition with the State-owned bridge located at Newport, Arkansas.

The following table lists the ferries which have been operated in Arkansas. Peel Ferry across Bull Shoals Lake (Hwy. 125) is the only ferry remaining in operation as of March 2010.

*FERRIES*

<b>NAME</b>	<b>LOCATION</b>	<b>COUNTY</b>
R. T. Arney	St. Joe	Searcy
Ashport	Luxora	Mississippi
Bay	Augusta	Woodruff
Bell	Berry	Baxter
Berry	Culp	Baxter
W. F. Biggers	Biggers	Randolph
M. H. Bitely	Grady	Lincoln
Black River Ferry Company	Black Rock	Desha/Lawrence
W. K. Blanton	Doddridge	Lafayette/Miller
E. J. Brint	Route 1, Hope	Hempstead
Buffalo	Buffalo	Baxter/Marion
Cockrum	Success	Clay
C. R. Cross	Dumas (Pendleton)	Desha/Arkansas
James Chapman	St. James	Stone
Chesney	Casa	Perry
W.J. Copp (Jackson Ferry)	Calico Rock	Izard
Cummins	Grady	Jefferson/Lincoln
Ira Dillard	Mull	Marion
R. L. Davis	Warren	Bradley
W. B. DeYampert	Wilmot	Ashley
Denton	Flippin	Baxter/Marion
Tony DeViso	Calion	Union
W. B. DeYampert	Wilmot	Ashley
J. B. Fitzhugh	Batesville	Independence
S. P. Farnsworth	O'Neal	Independence
T. C. Forsythe	Luxora	Mississippi
Friend	Arkona	Baxter
Garland City Ferry (Smith & Beasley)	Garland City	Miller
D. Gibbs	Cartney	Baxter
Greenback	Grady	Jefferson/Lincoln
C. L. Gore	Osceola	Mississippi
Greenville Bridge & Ferry	Greenville, Mississippi	Chicot
Guion	Guion	Izard
W. M. Hines	Newport	Jackson
Helena Glendale	Helena	Phillips
Harden and Owens	Conway	Faulkner
Hatcher	Hartman	Johnson
Johnson	Georgetown	White/Woodruff
J. R. Holcomb	Parthenon (Buffalo River)	Newton
S. J. Hutcheson	Norfolk	Baxter
Jackson	Calico Rock	Izard/Stone
A.C. Johnson	Helena	Phillips
R. H. Leakey	Alma	Crawford
D. L. Lee	Moro	Bradley/Union
Fitzhugh & Son	Newark	Independence
John Linck	Cotter	Baxter
Lockhart	Newport	Jackson
Longview	Warren	Ashley/Bradley
Lower	Newport	Jackson
Marion Johnson	Georgetown	White/Woodruff
Mathews	Batesville	Baxter
Maynard	Gamaliel	Baxter
W. H. Morris	Caraway	Craighead
Murphy	Bradley	Lafayette/Miller

NAME	LOCATION	COUNTY
Oil Trough	Batesville	Independence
C. W. O'Neal	O'Neal	Independence/Stone
J. V. O'Neal	Twin Creek	Izard
Pace	Flippin	Marion
Peel <sup>1</sup>	Bull Shoals Lake	Marion
Point	Batesville	Independence/Jackson
Reed's	Route 3 Casa	Pope/Yell
Richardson	Reyno	Randolph
O. E. Law	Hamburg	Ashley
R. H. Leaky	Alma	Crawford
Lower	Newport	Jackson
W. M. Quails	Paris	Logan/Johnson
H. L. Richardson	Reyno	Randolph
W.C. & J. M. Robinson	Scranton	Logan/Johnson
Roseville	Paris	Logan
Jack Ross	Arkansas Post	Arkansas
J.L. Ross & William E. Taylor	Gillett	Arkansas
J.S. Rich	Madding	Jefferson
W. M. Scott (Harris Ferry)	Harris	Monroe
Sanders Sears Copp	Calico Rock	Izard/Stone
H.A. Schnabawm	Biggers	Randolph
Shaffer	Harrison	Boone
F. M. Smith	Swifton	Jackson
Oliver L. Smith	Swifton	Jackson
Tom Smith (Preston Ferry)	Casscoe	Arkansas/Monroe
W. F. Smith	Henderson	Baxter
State Highway	St. Charles	Arkansas
W. L. Spoggs	Paragould	Randolph
S. F. Tate	Richardson	Jefferson
Taylor Ferry	Elgin	Jackson/Independence
H.C. Tichnor	Luxora	Mississippi
Watson & Hinkle	Newport	Jackson
Sam Watkins	Madding	Jefferson
Wood & Hurst (Denton's Ferry)	Cotter	Baxter
Williamson	Sylamore	Izard/Stone
Williamson	Guion	Stone
White & Black River Bridge Company	Powhatan/Des Arc	Prairie/Lawrence
Williams & Dobbins	Sylamore	Izard
J. T. Yancey	Biggers	Randolph
Claud Lancaster (Finley Ferry)	Success	Clay

<sup>1</sup> Peel Ferry is the only ferry still active.

## HISTORICAL LISTING OF ARKANSAS' GENERAL ASSEMBLY SESSIONS 1981 - 2009

Year	General Assembly	Dates In Session	Total Days	Effective Date* (without emergency clause)
1981	73 <sup>rd</sup>	January 12 – March 18.	66	June 17, 1981
1981	73 <sup>rd</sup> (FES)	November 16 – November 25.	10	February 24, 1981
1983	74 <sup>th</sup>	January 10 – Recessed on March 18—Reconvened and adjourned April 4.	68	July 5, 1983
1983	74 <sup>th</sup> (FES)	October 4 – November 10.	37	February 9, 1984
1985	75 <sup>th</sup>	January 14 – Recessed March 22—Reconvened and adjourned March 29.	68	June 28, 1985
1985	75 <sup>th</sup> (FES)	June 17 – June 21.	5	September 20, 1985
1986	75 <sup>th</sup> (SES)	April 28 – May 1.	4	July 31, 1986
1987	76 <sup>th</sup>	January 12 – Recessed April 3—Reconvened and adjourned April 20.	82	July 20, 1987
1987	76 <sup>th</sup> (FES)	June 2 – June 5.	4	September 4, 1987
1987	76 <sup>th</sup> (SES)	October 6 – October 9.	4	January 8, 1988
1988	76 <sup>th</sup> (TES)	January 26 – February 5.	11	May 7, 1988
1988	76 <sup>th</sup> (4thES)	July 11 – July 14, 1988.	4	October 13, 1988
1989	77 <sup>th</sup>	January 9 – March 17. Recessed until April 3. Adjourned April 3.	68	July 3, 1989
1989	77 <sup>th</sup> (FES)	June 20 – June 23.	4	September 22, 1989
1989	77 <sup>th</sup> (SES)	July 25 – July 27.	3	October 26, 1989
1989	77 <sup>th</sup> (TES)	October 23 – November 3.	12	February 2, 1990
1991	78 <sup>th</sup>	January 14 – March 27. Recessed until April 15. Adjourned April 15.	73	July 15, 1991
1992	78 <sup>th</sup> (FES)	February 24 – February 27 – Recessed until March 4. Adjourned March 4.	4	June 3, 1992
1992	78 <sup>th</sup> (SES)	December 14 – December 18.	5	March 19, 1993
1993	79 <sup>th</sup>	January 11 – April 8. Recessed until May 14. Adjourned May 14.	88	August 13, 1993
1994	79 <sup>th</sup> (FES)	February 28 – March 2.	3	June 1, 1994
1994	79 <sup>th</sup> (SES)	August 15 – August 24.	10	November 23, 1994
1995	80 <sup>th</sup>	January 9 – April 7. Recessed until April 28. Adjourned April 28.	89	July 28, 1995
1995	80 <sup>th</sup> (FES)	October 17 – October 20.	4	January 19, 1996
1997	81 <sup>st</sup>	January 13 – April 17 – Recessed until May 2. Adjourned May 2.	96	August 1, 1997
1999	82 <sup>nd</sup>	January 11 – April 9. Recessed until April 30. Adjourned April 30.	89	July 9, 1999
2000	82 <sup>nd</sup> (FES)	April 3 – April 7.	5	July 8, 2000
2000	82 <sup>nd</sup> (SES)	December 13 – December 15	3	March 16, 2001
2001	83 <sup>rd</sup>	January 8 – April 13. Recessed until May 14. Adjourned May 14.	97	August 13, 2001
2002	83 <sup>rd</sup> (FES)	June 10 – June 12.	3	June 12, 2002
2003	84 <sup>th</sup>	January 13 – April 16.	94	July 16, 2003
2003	84 <sup>th</sup> (FES)	May 5 – May 9.	5	July 1, 2003
2003	84 <sup>th</sup> (SES)	December 8-31. Recessed until January 5, 2004. Recessed February 6. Adjourned March 4.	40	June 3, 2004
2005	85 <sup>th</sup>	January 10 –May 13, 2005	84	August 12, 2005
2006	85 <sup>th</sup> (FES)	April 3 – April 7	5	July 6, 2006
2007	86 <sup>th</sup>	January 8 – April 3. Recessed until April 30. Adjourned May 1.	88	July 31, 2007
2008	86 <sup>th</sup> (FES)	March 31 - Recessed April 2, 2008	3	July 3, 2008
2009	87 <sup>th</sup> (FES)	January 12— May 1, 2009	110	August 2, 2009

**HISTORICAL LISTING OF ARKANSAS' GENERAL ASSEMBLY SESSIONS  
1981 - 2010**

Year	General Assembly	Dates In Session	Total Days	Effective Date* (without emergency clause)
2010	87 <sup>th</sup> FFS	February 8– March 4, 2010	24	June 5, 2010

*EXT - Extraordinary Session*

*FES - First Extraordinary Session*

*SES - Second Extraordinary Session*

\* Appropriation bills become effective 7/1

*TES - Third Extraordinary Session*

*4thES - Fourth Extraordinary Session*

*FFS - First Fiscal Session*