

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1647

By: Representative D. Douglas

By: Senator B. Pierce

## For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REQUIRING ANY TEMPORARY TAG FEE IN EXCESS OF TWO DOLLARS AND FIFTY CENTS (\$2.50) TO BE RETAINED BY THE STATE; TO ESTABLISH A PENALTY FOR INAPPROPRIATE ISSUANCE OF TEMPORARY TAGS; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE ANY TEMPORARY TAG FEE IN EXCESS OF TWO DOLLARS AND FIFTY CENTS (\$2.50) TO BE RETAINED BY THE STATE AND TO ESTABLISH A PENALTY FOR INAPPROPRIATE ISSUANCE OF TEMPORARY TAGS.

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

SECTION 1. Arkansas Code § 19-6-201(54) concerning the general revenues of the State of Arkansas, is amended to read as follows:

(54) The first ~~three dollars (\$3.00)~~ two dollars and fifty cents (\$2.50) of each unregistered vehicle temporary preprinted paper buyer's tag fee, § 27-14-1705;

SECTION 2. Arkansas Code § 27-14-1705(f)(3)(B), concerning the fees collected for temporary preprinted paper buyer's tags, is amended to read as follows:

(B) All amounts in excess of the first ~~three dollars (\$3.00)~~ two dollars and fifty cents (\$2.50) of the fee collected under



subdivision (f)(1)(A) of this section shall be deposited into the State Treasury, and the Treasurer of State shall credit them as cash revenue to the credit of the Revenue Division of the Department of Finance and Administration to offset administrative costs.

SECTION 3. Arkansas Code § 27-14-1705(h)(1) and (2), concerning administrative remedies regarding temporary tags, are amended to read as follows:

(h)(1)(A) In addition to any other penalty prescribed by this section, the director may suspend or terminate a dealer's authority to issue temporary preprinted paper buyer's tags if the director determines that the dealer, manager, salesperson, or employee of the dealer:

~~(A)(i)~~ Issues more than one (1) temporary preprinted paper buyer's tag to the same buyer for the same motor vehicle, except as authorized under subdivision (b)(2) or subdivision (d)(2) of this section; or

~~(B)(ii)~~ Utilizes a temporary preprinted paper buyer's tag for any use other than a use authorized by subsections (b) and (d) of this section.

(B) In addition to any other penalty prescribed by this section, if the director determines that the dealer, or a manager, salesperson, or employee of the dealer, has violated this subsection, the director may impose a penalty equal to ten dollars (\$10.00) for each inappropriately issued temporary preprinted paper buyer's tag.

(2) The director shall:

(A) Notify the dealer in writing of the imposition of a penalty or of a suspension or termination of the dealer's authority to issue temporary preprinted paper buyer's tags under this section; and

(B) Provide information in the notice regarding the prohibited activity upon which the suspension or termination is based.

SECTION 4. Arkansas Code § 27-14-1705(h)(5), concerning administrative remedies regarding temporary tags, is amended to read as follows:

(5)(A) A dealer who desires a hearing on the imposition of a penalty, or of the suspension or termination of the dealer's authority to issue temporary tags under this section, shall notify the director in writing within twenty (20) days after receipt of the notice of imposition of a

penalty, or of the suspension or termination.

(B) A hearing officer appointed by the director shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration in the county of the dealer's principal place of business, unless the director and the dealer agree to another location for the hearing or agree that the hearing shall be held by telephone.

(C) Hearings conducted under this section shall be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer shall render his or her decision in writing to modify, reverse, or affirm the imposition of a penalty, or of the suspension or termination of the dealer's authority to issue temporary preprinted paper buyer's tags, based upon the evidence presented at the hearing and shall serve a copy of the decision on the dealer.

SECTION 5. EFFECTIVE DATE. Sections 1 through 4 of this act are effective on the first day of the calendar quarter following the effective date of this act.

**APPROVED: 03/25/2015**