

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/30/23
A Bill

HOUSE BILL 1718

By: Representative Lundstrum

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS LEGAL TENDER ACT; TO
REAFFIRM GOLD AND SILVER COIN AS LEGAL TENDER; AND
FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS LEGAL TENDER ACT;
AND TO REAFFIRM GOLD AND SILVER COIN AS
LEGAL TENDER.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Arkansas Legal Tender Act".

SECTION 2. Arkansas Code Title 4, Chapter 56, Subchapter 1, is amended to add an additional section to read as follows:

4-56-106. Specie or legal tender.

(a) As used in this section:

(1) "Legal tender" means a recognized medium of exchange for the payment of debts and taxes; and

(2) "Specie" means:

(A) Coin having gold or silver content; or

(B) Refined gold or silver bullion that is:

(i) Coined, stamped, or imprinted with its weight and purity; and



(ii) Valued primarily based on its metal content and not its form.

(b) Specie or legal tender shall consist of:

(1) Specie coin issued by the United States Government; or

(2) Other specie that an Arkansas court rules to be within state authority to make or designate as legal tender.

(c) Specie or legal tender shall not be characterized as personal property for taxation or regulatory purposes.

(d)(1) The exchange of one (1) type or form of legal tender for another type or form of legal tender shall not give rise to any tax liability.

(2) The purchase, sale, or exchange of any type or form of specie shall not give rise to any tax liability.

(e) Unless specifically provided by law or by contract, a person shall not compel another person to tender specie or to accept specie as legal tender.

(f) The Attorney General's office shall enforce this section without prejudice to a private right of action.

(g) If a valid contract expressly designates a type or form of specie as tender, then an Arkansas court asked to adjudicate the breach of such a contract shall require, as a remedy for the breach, the specific performance of tendering the type or form of specie specified in the contract.

(h) Specie may be recognized to pay debts.

/s/Lundstrum

APPROVED: 4/11/23