

*As Engrossed: 2/11/91, 2/27/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator James Scott**

# A Bill

**SENATE BILL 329**

## For An Act To Be Entitled

8 "AN ACT TO ELIMINATE THE REQUIREMENT OF PROOF OF  
9 INSPECTION WHEN REGISTERING A VEHICLE; TO PROVIDE A  
10 PENALTY FOR OPERATING A VEHICLE WITHOUT A VALID  
11 CERTIFICATE OF INSPECTION; TO PROVIDE FOR THE DISPOSITION  
12 OF FINES FOR OPERATING A VEHICLE WITHOUT EVIDENCE OF  
13 INSPECTION; TO PROVIDE FOR THE COLLECTION OF THE COST OF  
14 THE CERTIFICATE OF INSPECTION BY THE DEPARTMENT OF FINANCE  
15 AND ADMINISTRATION AT THE TIME OF REGISTRATION; AND FOR  
16 OTHER PURPOSES."

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

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20 SECTION 1. Section 27-32-107 of the Arkansas Code of 1987 Annotated is  
21 hereby amended to read as follows:

22 "No person shall register or license a vehicle under the provisions of  
23 the laws of this state unless the motor vehicle for which the license is  
24 sought is inspected under the provisions of this chapter at the time of  
25 receipt of the notice for renewal of registration or within thirty (30) days  
26 of making application for licensing or relicensing of the motor vehicle, such  
27 inspection to constitute a 'current inspection' for purposes of this chapter.  
28 The Department of Finance and Administration will not require the applicant  
29 to provide proof of current inspection at the time the applicant seeks to  
30 license or register the vehicle."

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32 SECTION 2. Section 27-32-103 of the Arkansas Code of 1987 Annotated is  
33 hereby amended to read as follows:

34 (a) Any person who shall make, issue, or knowingly use any imitation or  
35 counterfeit of an official certificate of inspection; or who shall display, or

1 cause or permit to be displayed, upon any motor vehicle any certificate of  
2 inspection knowing it to be fictitious or issued without the vehicle having  
3 first been properly inspected as required by this chapter; or who knowingly  
4 mutilates a valid certificate of inspection or rejection; or who unlawfully  
5 removes such a certificate from a motor vehicle shall be guilty of a  
6 misdemeanor and fined not less than twenty dollars (\$20.00) nor more than two  
7 hundred dollars (\$200.00).

8       (b) Any person who shall display, or cause or permit to be displayed,  
9 any sign, mark, or advertisement as an official inspection station or official  
10 individual inspector, unless a license has been issued by the director and is  
11 then in effect; or who shall transfer, or attempt to transfer, a license; or  
12 who knowingly makes a false statement on an application for license for an  
13 official inspection station or official individual inspector, or renewal  
14 thereof, shall be guilty of a misdemeanor and shall be fined not less than  
15 fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

16       (c) Any person who shall operate any vehicle without a certificate  
17 evidencing a current inspection shall be guilty of a misdemeanor and fined not  
18 less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

19       (d) Any person violating any provision of this chapter where no  
20 specific penalty is provided in subsections (a), (b) or (c) of this section  
21 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a  
22 fine of not less than twenty-five dollars (\$25.00) nor more than two hundred  
23 fifty dollars (\$250.00)."

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25       SECTION 3. Subsections (b)(3) and (b)(4) of Section 27-32-110 of the  
26 Arkansas Code of 1987 Annotated is hereby amended to read as follows:

27       "(3) The official certificates of inspection and approval shall be  
28 obtained from the Authority at a cost of one dollar and fifty cents (\$1.50).  
29 Purchases of certificates shall be made by the department by transfer of the  
30 amounts as provided in Section (b)(4) below. The department shall provide to  
31 official inspection stations the certificates in amounts determined by the  
32 department in its reasonable discretion.

33       (4) The one dollar and fifty cents (\$1.50) for the purchase of the  
34 certificates of inspection shall be collected by the Director of the  
35 Department of Finance and Administration from the applicant at the time a

1 vehicle is registered or a license is issued or renewed. This money will be  
2 collected in addition to the registration and licensing fee and will be kept  
3 separate and apart therefrom. On a weekly basis, the Department of Finance  
4 and Administration shall remit amounts collected during the preceding week to  
5 the department, which in turn shall remit the full amount to the Authority for  
6 the purchase of certificates of inspection."

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8 SECTION 4. Section 27-32-116 of the Arkansas Code of 1987 Annotated is  
9 hereby amended to read as follows:

10 "(a) All fees, other than the amounts collected for the purchase of  
11 certificates of inspection and the amounts collected as fines for operating a  
12 vehicle without a certificate of current inspection, collected by the  
13 department or Department of Finance and Administration under this chapter  
14 shall be special revenues and shall be deposited in the State Treasury to the  
15 credit of the State Police Fund to be used to defray the cost of administering  
16 this chapter and for the support of the department as provided by law. The  
17 fees collected pursuant to the citations issued for operating a vehicle  
18 without a certificate of current inspection shall be remitted to the law  
19 enforcement agency or department which issued the citation.

20 (b) As provided in § 27-32-110(b)(3) and (b)(4), all amounts collected  
21 by the Department of Finance and Administration shall be remitted to the  
22 department, which in turn shall remit those amounts to the Authority for the  
23 purchase of certificates of inspection. All amounts derived from the sale of  
24 certificates of inspection, whether held by the department, Department of  
25 Finance and Administration, or the Authority, shall be cash funds of the  
26 Authority, not subject to appropriation, and shall be used and applied by the  
27 Authority only as provided in this section and § 22-3-1225."

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29 SECTION 5. Subsection (b) of Section 27-32-112 of the Arkansas Code of  
30 1987 Annotated is hereby amended to read as follows:

31 "(b)(1) The fee for the inspection service, including the issuance of  
32 the certificate of approval, shall be two dollars (\$2.00), with the exception  
33 of all motor trucks, trailers, semitrailers, and pole trailers in excess of  
34 gross loaded weight of eight thousand pounds (8,000 lbs.).

35 (2) The fee for inspection service, including the issuance of the

1 certificate of approval, for all motor trucks, trailers, semitrailers, and  
2 pole trailers with a gross loaded weight in excess of eight thousand pounds  
3 (8,000 lbs.) shall be under rules and regulations prescribed by the director  
4 but shall be not less than two dollars (\$2.00) nor more than sixteen dollars  
5 (\$16.00) per inspection.

6 (3) These fees shall be paid to and collected by the official  
7 inspection station."

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9 SECTION 6. The provisions of this act shall be effective beginning  
10 January 1, 1992.

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12 SECTION 7. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 8. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 9. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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25 /s/ Scott  
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