

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

State of Arkansas

84th General Assembly

Regular Session, 2003

# A Bill

HOUSE BILL 1020

By: Representatives Parks, House, C. Taylor, Lamoureux, Bennett, Rosenbaum, Hutchinson, Matayo, Kenney, Borhauer, Walters, Bledsoe, Harris, Medley, Schulte, Key, Penix, Dickinson, Thomas, Pace, Scroggin

By: Senators Hendren, J. Jeffress, Baker, G. Jeffress, Wooldridge, Holt, Womack

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE TITLE 27, CHAPTER 15, TO ADD A SUBCHAPTER 39 TO ESTABLISH A SPECIAL "CHOOSE LIFE" LICENSE PLATE FOR SUPPORT OF ADOPTION PROGRAMS IN ARKANSAS AND TO PRESCRIBE REGISTRATION FEES FOR THE LICENSE PLATES; AND FOR OTHER PURPOSES.

## Subtitle

TO ESTABLISH A SPECIAL "CHOOSE LIFE" LICENSE PLATE FOR SUPPORT OF ADOPTION PROGRAMS IN ARKANSAS AND PRESCRIBE REGISTRATION FEES.

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

SECTION 1. Arkansas Code Title 27, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 39. "Choose Life" license plate.

27-15-3901. "Choose Life" license plate authorized.

The Director of the Department of Finance and Administration shall issue a special "Choose Life" motor vehicle license plate in the manner and subject to the conditions prescribed in this subchapter.



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1       27-15-3902. Design.

2       (a)(1) The special "Choose Life" motor vehicle license plates shall be  
3 designed by Arkansas Right-To-Life, Inc. and the design shall be submitted to  
4 the Director of the Department of Finance and Administration for design  
5 approval.

6       (2) The Director of the Department of Finance and Administration  
7 shall have the final authority for the design approval and the issuance to  
8 any person of the "Choose Life" license plate.

9       (3) The purpose of the special license plate is for a person to  
10 support organizations that encourage adoption as a positive choice for women  
11 with unplanned pregnancies.

12       (b)(1) Before the license plate is issued, there shall be remitted to  
13 the Department of Finance and Administration a fee in the amount of six  
14 thousand dollars (\$6,000) to cover the cost of the initial order of each  
15 newly designed license plate.

16       (2) This fee shall be deposited to the State Central Services  
17 Fund for the benefit of the Revenue Division of the Department of Finance and  
18 Administration and shall be credited as supplemental and in addition to all  
19 other funds as may be deposited for the benefit of the division.

20       (3) The fee shall not be considered or credited to the division  
21 as direct revenues.

22       (4) The fee amount may be paid by any person, organization, or  
23 by any combination of persons or organizations.

24  
25       27-15-3903. Fees.

26       (a) Upon payment of the fee required by law for the registration of  
27 the vehicle, payment of twenty-five dollars (\$25.00) to cover the design use  
28 contribution, and payment of an additional ten dollars (\$10.00) handling and  
29 administrative fee for the issuance of the special "Choose Life" license  
30 plate, the Department of Finance and Administration shall issue to the  
31 vehicle owner a "Choose Life" license plate which shall bear the approved  
32 design.

33       (b)(1)(A) The handling and administrative fee of ten dollars (\$10.00)  
34 shall be deposited to the State Central Services Fund for the benefit of the  
35 Revenue Division of the Department of Finance and Administration.

36       (B) The fee shall not be considered or credited to the

1 division as direct revenues.

2 (2) The design use contribution of twenty-five dollars (\$25.00)  
3 shall be deposited as special revenues in the "Choose Life" Adoption  
4 Assistance Program Fund.

5  
6 27-15-3904. "Choose Life" Adoption Assistance Program Fund.

7 (a) There is created on the books of the Treasurer of State, the  
8 Auditor of State and the Chief Fiscal Officer of the State a special revenue  
9 fund to be known as the "Choose Life" Adoption Assistance Program Fund.

10 (b)(1) All moneys collected as design use contributions under § 27-15-  
11 3903 shall be deposited as special revenues in the "Choose Life" Adoption  
12 Assistance Program Fund to be used by the Arkansas Department of Health for  
13 distribution to nonprofit organizations under this subchapter.

14 (2) The Director of the Arkansas Department of Health shall  
15 distribute the funds to qualified organizations that provide services to the  
16 community that include counseling and meeting the physical needs of pregnant  
17 women who are committed to placing their children for adoption.

18 (3) All moneys accruing to the credit of the fund shall be  
19 appropriated and shall be distributed at the beginning of each fiscal year in  
20 a pro rata share to all qualified organizations.

21 (4) Any unused funds in excess of ten percent (10%) of the funds  
22 allocated to a nonprofit organization shall be returned to the "Choose Life"  
23 Adoption Assistance Program Fund at the end of the fiscal year to be  
24 aggregated and distributed with the next fiscal year distribution.

25 (c) To qualify to receive the funds available through the "Choose  
26 Life" Adoption Assistance Program, an organization shall deliver to the  
27 Department of Health an affidavit signed by a representative of the  
28 organization that states the organization:

29 (1) Is a nonprofit organization;

30 (2) Does not discriminate for any reason, including, but not  
31 limited to, race, marital status, gender, religion, national origin, handicap  
32 or age;

33 (3) Counsels pregnant women about the option of placing their  
34 children for adoption;

35 (4) Is not involved or associated in any way with any abortion  
36 activities, including counseling for or referrals to abortion clinics,

1 providing medical abortion-related procedures, or pro-abortion advertising;

2 (5) Does not charge women for any services received;

3 (6) Will use the funds received only for the purposes and under  
 4 the restrictions of subsection (d) of this section, will use none of the  
 5 funds for administrative expenses, legal expenses, or capital expenditures;

6 (7) Will return at the end of each fiscal year any unused funds  
 7 exceeding ten percent (10%) of the funds received; and

8 (8) Will submit to an annual audit of the funds received.

9 (d)(1)(A) Funds shall not be distributed to any organization that is  
 10 involved or associated with abortion activities, including counseling for or  
 11 referral to abortion clinics, providing medical abortion-related procedures,  
 12 or pro-abortion advertising.

13 (B) Funds shall not be distributed to any organization  
 14 that charges women for services received.

15 (2)(A) Sixty percent (60%) of the funds received by an  
 16 organization may be used only to provide for the material needs of pregnant  
 17 women who are committed to placing their children for adoption or expended on  
 18 infants awaiting placement with adoptive parents.

19 (B) The material needs of pregnant women shall include  
 20 clothing, housing, medical care, food, utilities, and transportation.

21 (3) Forty percent (40%) of the funds may be used only for  
 22 adoption, counseling, training, or advertising, but shall not be used for  
 23 administrative expenses, legal expenses, or capital expenditures.

24 (e) Within six (6) months of the end of the fiscal year, an  
 25 organization that received and used funds during a fiscal year shall submit  
 26 an audit report of the funds received to the Director of the Arkansas  
 27 Department of Health verifying that the funds received were used in the  
 28 manner prescribed in this subchapter.

29  
 30 27-15-3905. Renewal.

31 (a)(1) The special "Choose Life" license plate issued under this  
 32 subchapter may be renewed annually under the procedures in § 27-15-3903 and  
 33 under §§ 27-14-1012 and 27-14-1013.

34 (2) Registration may continue from year to year as long as it is  
 35 renewed each year within the time and manner required by law.

36 (b) A motor vehicle owner who was previously issued a plate with the

1 “Choose Life” design authorized by this subchapter and who does not pay a  
2 design use contribution of twenty-five dollars (\$25.00) at the subsequent  
3 time of registration shall be issued a new plate which does not bear the  
4 “Choose Life” design.

5 (c) Upon expiration or if the special “Choose Life” license plate is  
6 lost, the plate may be replaced with a regular license plate at the fee  
7 specified in § 27-14-602(b)(6).

8 (d) If the special “Choose Life” license plate is replaced with a new  
9 “Choose Life” license plate, the owner shall be required to pay the fees for  
10 the issuance of the license plate under § 27-15-3903.

11  
12 27-15-3906. Transfer to another vehicle.

13 The special “Choose Life” license plate issued under this subchapter  
14 may be transferred from one vehicle to another as provided in § 27-14-914.

15  
16 27-15-3907. Compliance with other laws.

17 The special “Choose Life” license plate shall comply with:

18 (1) The minimum number of license plate applications required under §  
19 27-15-4004;

20 (2) All other state motor vehicle laws relating to registration and  
21 licensing of motor vehicles, unless specifically provided otherwise in this  
22 subchapter.

23  
24 27-15-3908. Rules and regulations.

25 The Director of the Department of Finance and Administration shall  
26 promulgate reasonable rules and regulations and prescribe forms as the  
27 director determines to be necessary for effectively and efficiently carrying  
28 out the intent and purposes of this subchapter.