

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1683

By: Representative Jett

For An Act To Be Entitled

AN ACT CONCERNING THE INTERNATIONAL REGISTRATION PLAN; TO ESTABLISH A MILEAGE AUDIT APPEAL PROCEDURE FOR REGISTRANTS WHO HAVE RECEIVED APPORTIONED REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN AND WHOSE RECORDS HAVE BEEN THE SUBJECT OF AN AUDIT OR REEXAMINATION UNDER THE PLAN; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A MILEAGE AUDIT APPEAL PROCEDURE FOR REGISTRANTS WHO HAVE RECEIVED APPORTIONED REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas has entered into a reciprocity agreement known as the International Registration Plan, is a member jurisdiction under the International Registration Plan, and is a base jurisdiction under the International Registration Plan, as those terms are understood or defined under the International Registration Plan;

(2) Article X of the International Registration Plan authorizes and requires the Director of the Department of Finance and Administration to perform mileage audits and reexaminations of the records of registrants to which Arkansas has issued apportioned registration;



(3) Upon completion of a mileage audit, the director is required to provide a copy of the completed audit to the registrant and to all International Registration Plan member jurisdictions in which the registrant is apportioned or in which the registrant traveled during the audit period;

(4) Article X of the International Registration Plan permits member jurisdictions to request a reexamination of a registrant's records within forty-five (45) days of the date a member jurisdiction is notified of the findings of any audit conducted by the director; and

(5) Article X, Section 1065, of the International Registration Plan requires the director to provide a registrant with a mechanism to appeal the findings of a mileage audit or a record reexamination.

(b) The General Assembly intends for this act to:

(1) Ensure the state's compliance with the requirements of the International Registration Plan by establishing a procedure under which an International Registration Plan registrant may appeal the findings of a mileage audit or a record reexamination under the International Registration Plan; and

(2) Clarify that International Registration Plan registrants may challenge the findings of an International Registration Plan mileage audit or records reexamination under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 5, is amended to add an additional section to read as follows:

27-14-505. Mileage audits and records reexaminations – Appeal.

(a) As used in this section, "member jurisdiction", "mileage audit", "record reexamination", and "registrant" mean the same as defined in the International Registration Plan, as it existed on January 1, 2017.

(b)(1)(A) A registrant who desires a hearing to appeal the findings of a mileage audit or a record reexamination shall notify the Director of the Department of Finance and Administration in writing within thirty (30) calendar days from the date the registrant is notified of the findings of the mileage audit or the record reexamination.

(B) A hearing officer appointed by the director shall schedule a hearing in any city in which the Department of Finance and Administration maintains a field audit district office or in any other city

that the director designates, unless the director and the registrant agree to another location for the hearing or agree that the hearing shall be heard by telephone.

(C) A hearing conducted under this section is subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D) The hearing officer handling the appeal under this section shall render his or her decision in writing to sustain, modify, or reverse the findings of the mileage audit or the record reexamination based upon the evidence presented at the hearing and shall serve a copy of the decision on the registrant.

(2)(A) If the decision of the hearing officer under this section sustains, in whole or in part, the findings of the mileage audit or record reexamination, the registrant may file suit within thirty (30) days of receipt of the decision in the Pulaski County Circuit Court or the circuit court of the county of the registrant's principal place of business.

(B) The registrant shall properly serve the director with a copy of any appeal to circuit court challenging the decision of the hearing officer under this section.

(3) A registrant may appeal a decision of the circuit court in accordance with the laws governing appeals.

(4)(A) At the conclusion of the appeals process, the director shall notify all affected member jurisdictions of the results of the appeal.

(B) Any further challenge to the findings of a mileage audit or record reexamination shall be made under Section 1400 of the International Registration Plan, as it existed on January 1, 2017.

(c) The director may promulgate rules to implement this section.