

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 2154

By: Representative S. Meeks

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ISSUANCE OF A SPECIAL LICENSE PLATE; TO LIMIT THE TYPES OF SPECIAL LICENSE PLATES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ISSUANCE OF A SPECIAL LICENSE PLATE; TO LIMIT THE TYPES OF SPECIAL LICENSE PLATES.

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

SECTION 1. Arkansas Code § 27-24-1401 is amended to read as follows:
27-24-1401

The purpose of this subchapter is to+

~~(1) Continue the special license plates for the certain special interests that existed before April 13, 2005;~~

~~(2) Establish an expedited administrative application procedure for organizations that represent a group of persons with a viewpoint that is different from the viewpoint expressed on a special license plate that existed before April 13, 2005; and~~

~~(3) Establish~~ establish an administrative procedure for ~~other organizations~~ an organization authorized under this subchapter to apply to the Department of Finance and Administration for the creation and issuance of a special interest license plate decal that represents ~~their~~ the organization's special interests.

SECTION 2. Arkansas Code § 27-24-1402 is amended to read as follows:



27-24-1402. Existing special license plates.

~~(a) The following special license plates that represent various special interests and that were in existence or authorized by law on or before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration to a motor vehicle owner who is otherwise eligible to license a motor vehicle in this state and who pays the additional fees for the special license plate unless other eligibility requirements are specifically stated in this subchapter:~~

- ~~(1) Ducks Unlimited;~~
- ~~(2) Committed to Education;~~
- ~~(3) Choose Life;~~
- ~~(4) Susan G. Komen Breast Cancer Education, Research, and Awareness;~~
- ~~(5) Boy Scouts of America;~~
- ~~(6) Arkansas Cattlemen's Foundation;~~
- ~~(7) Organ Donor Awareness; and~~
- ~~(8) Arkansas Realtors Association.~~

~~(b) The Department of Finance and Administration shall continue to collect the fee for the design use contribution or for fund-raising purposes, and the following organizations shall continue to receive funds and be authorized to use the funds from the fee for the design use contribution for special license plates that were in effect before April 13, 2005, and that are continued under this subchapter:~~

- ~~(1) Ducks Unlimited, Inc., for the Ducks Unlimited special license plate;~~
- ~~(2) Arkansas Committed to Education Foundation for the Committed to Education special license plate;~~
- ~~(3) Arkansas Right to Life for the Choose Life special license plate;~~
- ~~(4) Arkansas Affiliate of the Susan G. Komen Foundation for the Susan G. Komen Breast Cancer Education, Research, and Awareness special license plate;~~
- ~~(5) Boy Scouts of America, Quapaw Area Council of Arkansas, for the Boy Scouts of America special license plate;~~
- ~~(6) Arkansas Cattlemen's Foundation for the Arkansas Cattlemen's Foundation special license plate; and~~

~~(7) Arkansas Regional Organ Recovery Agency for the Organ Donor Awareness special license plate.~~

~~(c)(1) Within thirty (30) days after April 13, 2005, the director shall notify the organizations listed in subsection (b) of this section that received the funds or were authorized to use the funds from a design-use contribution fee for a special license plate that is continued under this chapter and that was in effect before April 13, 2005, and the State Highway Commission of a change in the law regarding special license plates.~~

~~(2)(A) The organization shall submit to the director an application that includes the following:~~

~~(i) The organization's financial plan for the use of the proceeds from the special license plate; and~~

~~(ii) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.~~

~~(B)(i) The organization shall submit the information required under this subsection within one hundred twenty (120) days after April 13, 2005.~~

~~(ii) If the organization fails to comply with this subdivision (c)(2)(B) within one hundred twenty (120) days after April 13, 2005, then the director shall notify the organization that proceeds from the special license plate design-use contribution fee will no longer be remitted to the organization or the organization will no longer be able to use the proceeds until the organization complies with this subdivision (c)(2)(B).~~

~~(C) The department shall not remit funds to the organization or allow the organization to use the proceeds from the special license plate unless the organization complies with the provisions of this section.~~

~~(d) Every special license plate continued under this subchapter shall be discontinued on April 7, 2007, unless an application is submitted to and approved by the director ninety (90) days prior to April 1, 2007, that establishes the organization's compliance with the following conditions:~~

~~(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under the Internal Revenue Code § 26 U.S.C. 501(c)(3), as in effect on January 1, 2005;~~

~~(2) The organization is based, headquartered, or has a chapter~~

~~in Arkansas;~~

~~(3) The purpose of the organization is for social, civic, entertainment, or other purposes;~~

~~(4)(A) Except as provided under subdivision (d)(4)(B) of this section, the name of the organization is not the name of a special product, a trademark, or a brand name.~~

~~(B) Subdivision (d)(4)(A) of this section shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;~~

~~(5)(A) Except as provided under subdivision (d)(5)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.~~

~~(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;~~

~~(6) The organization is not a political party;~~

~~(7) The organization was not created primarily to promote a specific political belief; and~~

~~(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.~~

A special license plate currently in existence shall be:

(1) Discontinued on November 13, 2017 if fewer than five thousand (5,000) special license plates have been issued by the Department of Finance and Administration; and

(2) Substituted with a special license plate decal if requested by the state agency or nonprofit organization and upon payment of the fees required under § 27-24-1405.

SECTION 3. Arkansas Code § 27-24-1404(a), concerning the application process for a special license plate decal and special license plate, is amended to read as follows:

(a) A special interest organization may apply to the Director of the Department of Finance and Administration for the creation and issuance of a special license plate ~~that bears a decal~~ for the special interest group under this section beginning on July 1, 2006, and ending on November 1, 2006, and on the same dates each year thereafter.

SECTION 4. Arkansas Code § 27-24-1404(c), concerning the application process for a special license plate decal and special license plate, is amended to read as follows:

(c)(1)(A) If the request is approved, the director shall determine:

(i) The fee for the cost of initial orders of new designs for special license ~~plates~~ plate decals which shall be based on the cost of initial orders of new designs for special license ~~plates~~ plate decals;

(ii) The number of applications that must be received to cover the cost of the initial orders of new designs for special license ~~plates~~ plate decals; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received to cover the cost of the initial orders of new designs for special license ~~plates~~ decals.

(B)(i) The fee remitted under subdivision (c)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(2) If the director denies the application, ~~then~~

~~(A) The~~ the director shall give the applicant written notice of the reasons for the denial; ~~and~~

~~(B) The applicant may proceed as provided under § 27-24-106.~~

SECTION 5. Arkansas Code § 27-24-1404(d), concerning the application process for a special license plate decal and special license plate, is amended to read as follows:

(d)(1) An organization that applies for the issuance of a special license plate decal under this section may establish a fee not to exceed twenty-five dollars (\$25.00) for the design-use contribution or for fund-

raising purposes for the issuance and renewal of a special license plate decal.

(2) If an organization establishes a fee for the design-use contribution or fund-raising purposes under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate decal; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

SECTION 6. Arkansas Code § 27-24-1404, concerning the application process for a special license plate decal and special license plate, is amended to add additional subsections to read as follows:

(f) A special license plate decal issued under this subchapter will be discontinued if the department issues fewer than two hundred fifty (250) special license plate decals a year for three (3) consecutive years.

(g)(1) A new type of special license plate shall be created by the department under this subchapter only if:

(A) A law authorizing an existing type of special license plate is repealed as required by § 27-24-111; and

(B) More than five thousand (5,000) special license plate decals created for a special interest group under this section have been issued by the department.

(2) The department shall promulgate rules establishing the requirements for the issuance of a new type of special license plate under this subchapter.