

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 415

By: Senator Crowell
By: Representative Childress

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING BUSINESS PRACTICES; TO AUTHORIZE THE DIVISION OF ENVIRONMENTAL QUALITY TO MAINTAIN A DELINQUENT LIST OF BUSINESSES FAILING TO PAY A WHOLESALER OF PETROLEUM PRODUCTS FOR THE PETROLEUM PRODUCTS; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE DIVISION OF ENVIRONMENTAL QUALITY TO MAINTAIN A DELINQUENT LIST OF BUSINESSES FAILING TO PAY A WHOLESALER OF PETROLEUM PRODUCTS FOR THE PETROLEUM PRODUCTS.

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

SECTION 1. Arkansas Code Title 4, Chapter 75, Subchapter 1, is amended to add an additional section to read as follows:

4-75-104. Delinquencies on sales of petroleum products by wholesalers.

(a)(1) A wholesaler of petroleum products may report a delinquent payment due to the wholesaler by a business for the sale of petroleum products to the Division of Environmental Quality in writing, including without limitation by email or fax, within two (2) business days after a delinquent payment is due.

(2) The report by a wholesaler under subdivision (a)(1) of this section shall set forth the:

(A) Name of the delinquent business;

(B) Business address of the delinquent business;



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(C) Date of the sale and delivery of the petroleum product with the past due payment;

(D) Amount due for the petroleum product or other delinquent amounts owed to the wholesaler by the delinquent business; and

(E) Name and business address of the wholesaler.

(b)(1) After receiving a report of a delinquencies under subsection (a) of this section, the division shall "red-tag" the delinquent business until a notice of removal from the delinquent list has been given by the division.

(2) The division shall maintain a list of all delinquencies reported to the division.

(3) Petroleum products shall not be delivered to a delinquent business on the list under subdivision (b)(2) of this section until the "red tag" has been removed by the division.

(c)(1) A delinquent business that is on the list under subdivision (b)(2) of this section shall pay the delinquent fees to the wholesaler by cash, electronic transfer of funds, United States postal money order, postal note, express money order, cashier's check, certified check, or bank exchange.

(2)(A) A wholesaler that receives a full payment under subdivision (c)(1) of this section shall report receipt of the full payment to the division no later than the next business day following receipt of the payment.

(B) The division shall remove the "red tag" on the delinquent business upon receipt of notification of the full payment under subdivision (c)(2)(A) of this section.

(d)(1)(A) If a delinquent business contends that the delinquent business was placed on the delinquent list because of a dispute involving the quality or quantity of the petroleum product or another factor involved in the sale of or purchase of the petroleum product, the delinquent business may file a statement in writing to the division setting forth in detail the reason why a delinquency should not exist.

(B) If a delinquent business files a written statement under subdivision (d)(1)(A) of this section, the delinquent business shall provide a copy of the written statement to the wholesaler.

(2)(A) A wholesaler also may file a statement in writing to the

division regarding the delinquency in subdivision (d)(1) of this section.

(B) If a wholesaler files a statement under subdivision (d)(2)(A) of this section, the statement shall be filed within three (3) business days of the wholesaler receiving the written statement of the delinquent business under subdivision (d)(1)(B) of this section.

(3) The division shall review the written statements filed with the division under subdivisions (d)(1) and (2) of this section and determine whether the "red-tag" on the delinquent business should be removed.