

Title 27. Transportation

Chapter I. Department of Finance and Administration

Subchapter B. Motor Vehicle, Mobile Home, and ATV

Part 15. Dealer Plates and Tags for Motor Vehicles and Motorcycles

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Pursuant to the authority granted by Ark. Code Ann. § 27-14-403 and Act 1929 of 2005, as amended by Act 484 of 2009, the Director of the Arkansas Department of Finance and Administration does hereby promulgate the following rule governing the issuance and display of motor vehicle dealer license plates and temporary tags by motor vehicle dealers:"

"Issued this day of December, 2010 in the City of Little Rock, Arkansas."

Subpart 1. Generally

27 CAR § 15-101. Definitions.

As used in this part:

(1) "Dealer", unless the context indicates otherwise, means a person, firm, or corporation engaged in the business of buying and selling motor vehicles and licensed by the:

- (A) Arkansas Motor Vehicle Commission; or
- (B) Division of Arkansas State Police;

(2) "Dealer's extra license plate" means the license plate that is issued to a dealer who has:

- (A) Complied with the requirements to be issued a dealer's master license plate;
- (B) Identified each manager, sales manager, or salesperson employed by

the dealer; and

(C) Paid a fee of twenty-five dollars (\$25.00) per dealer's extra license plate;

(3)(A) "Dealer's master license plate" means the license plate issued to a dealer who has:

(i) Provided the required dealer certification or a copy of the dealer's license from either the Division of Arkansas State Police or the Arkansas Motor Vehicle Commission to the Secretary of the Department of Finance and Administration; and

(ii) Paid a fee of one hundred dollars (\$100).

(B) Any reference in this part to "dealer's plate" shall mean the dealer's master license plate as defined in this subdivision (3);

(4) "Department" means the Department of Finance and Administration;

(5)(A) "Manager", "sales manager", or "salesperson" means as follows:

(i) As used in this part, "manager" means any person other than the dealer who is responsible for the overall management of the dealership;

(ii) "Sales manager" means any person other than the dealer who is responsible for the management of the salespersons of the dealership; and

(iii) "Salesperson" means:

(a) Any person who:

(1) Is employed as a salesperson by a motor vehicle dealer whose duties include the selling or offering for sale of motor vehicles;

(2) For compensation of any kind, acts as a salesperson, agent, or representative of a motor vehicle dealer;

(3) Attempts to or in fact negotiates a sale of a motor vehicle owned partially or entirely by a motor vehicle dealer; and

(4) Uses the financial resources, line of credit, or floor plan of a motor vehicle dealer to purchase, sell, or exchange any interest in a motor vehicle; or

(b) Anyone who, for compensation of any kind, operates as a salesperson, broker, agent, or representative of a used motor vehicle dealer, or any

person who attempts to or in fact negotiates a sale of a vehicle owned partially or entirely by a used motor vehicle dealer, or a person or drafter using the financial resources, line of credit, or floor plan of a used motor vehicle dealer to purchase, sell, or exchange an interest in a used motor vehicle.

(B) The employment records of any persons listed as "manager", "sales manager", or "salesperson" will be subject to review by the Department of Finance and Administration to verify their status with the dealership;

(6) "Motor vehicle", unless the context indicates otherwise, means a vehicle, motorcycle, machine, or truck tractor propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property and subject to registration in Arkansas;

(7)(A) "Motor vehicle for sale", unless the context indicates otherwise, means any new or used motor vehicle that is kept on the premises of the dealership during business hours, unless the motor vehicle is being demonstrated, test driven, or used as a loaner as specifically authorized in this part.

(B) In addition to the requirement of subdivision (7)(A) of this section, in order for a new motor vehicle to qualify as a "motor vehicle for sale", the new motor vehicle must have a sticker attached to the window as required by 15 U.S.C. § 1232, except that the sticker may be removed when the vehicle is being driven but must be replaced in the window when not being driven.

(C) In addition to the requirement of subdivision (7)(A) of this section, in order for a used motor vehicle to qualify as a "motor vehicle for sale", the used motor vehicle must have a window sticker attached displaying warranty terms as required by 16 C.F.R. pt. 455, except that the sticker may be removed when the vehicle is being driven but must be replaced in the window when not being driven; and

(8) "Secretary" means the Secretary of the Department of Finance and Administration, or any person designated by the Secretary of the Department of Finance and Administration as authorized by Arkansas law.

Authority. Arkansas Code §§ 27-14-403, 27-14-601.

27 CAR § 15-102. Dealer plates.

(a) **Use of dealer plates.** Motor vehicle dealer master license plates and extra license plates may not be placed on any vehicle other than a motor vehicle for sale.

(b) **Authorized users.** When a dealer's master license plate or extra license plate is attached to any dealer-owned motor vehicle, the motor vehicle may be used by only the following persons:

- (1) The dealer;
- (2) A manager;
- (3) A sales manager; or
- (4) A salesperson employed by the dealership.

(c) **Authorized uses of vehicle with dealer plates.** A dealer, manager, sales manager, or a salesperson employed by the dealership may use a vehicle with dealer plates for the following purposes:

- (1) To drive to or from work;
- (2) For personal or business trips inside or outside the dealer's county of residence;
- (3) To transport the vehicle; or
- (4) To demonstrate the vehicle.

(d) **Nonauthorized uses.**

(1) Motor vehicle dealer license plates or extra license plates may not be placed on work or service vehicles owned by a:

- (A) Dealer;
- (B) Manufacturer; or
- (C) Transporter.

(2) A prospective buyer may test drive a vehicle with dealer license plates or extra license plates only if the dealer, manager, or salesperson of the dealer is present in the vehicle.

(e) **Authorized users list.** Upon initial application for, and renewal of, one (1) or more dealer's extra license plates, each motor vehicle dealer and motorcycle dealer are

required to furnish the Secretary of the Department of Finance and Administration with a list of the names of each of the dealer's managers, sales managers, and salespersons authorized to operate a motor vehicle or motorcycle to which the plate has been or will be attached.

(f) **Limitation on number of dealer's extra license plates issued.** The number of dealer's extra license plates to be issued to any dealer shall be limited to the number of managers, sales managers, and salespersons identified in the list required to be furnished and described in subsection (e) of this section.

Authority. Arkansas Code § 27-14-403.

27 CAR § 15-103. Temporary preprinted paper buyer's tag.

(a) **Temporary preprinted paper buyer's tag requirement.**

(1)(A) A person who buys a motor vehicle from a licensed dealer is required to obtain a temporary preprinted paper buyer's tag for the vehicle within five (5) business days after the date of purchase, unless the buyer chooses to display the license plate from a properly registered vehicle that is being replaced.

(B) See subsection (e) of this section.

(2)(A) A buyer may obtain the buyer's tag from the dealer if the dealer has the capability to issue the buyer's tag.

(B) A dealer who issues a buyer's tag shall indicate on the bill of sale that a buyer's tag was issued.

(3)(A) If the dealer is unable to issue the buyer's tag, the buyer must obtain the buyer's tag from the Office of Motor Vehicle or an approved vendor.

(B) The buyer must:

(i) Maintain a copy of the bill of sale in the vehicle until the buyer obtains the buyer's tag; and

(ii) Provide to the office or the vendor the buyer's name and the following information regarding the vehicle:

(a) The date of sale;

(b) A copy of the bill of sale or other documentation with the dealer's name;

(c) The vehicle identification number; and

(d) The make and model.

(4)(A) The buyer's tag shall be placed on the inside rear window of the vehicle.

(B) If the vehicle does not have a rear window, the buyer's tag shall be placed at the location for the permanent motor vehicle license plate.

(C) If a buyer's tag in the license plate location is damaged or destroyed, the buyer must register the vehicle or obtain a replacement buyer's tag from the dealer who issued the original or from the office.

(D) A replacement buyer's tag expires on the expiration date of the original buyer's tag.

(5) At the time the buyer registers a vehicle, the buyer shall pay a fee of the actual cost not to exceed one dollar (\$1.00) for the buyer's tag that has been issued to the buyer for that vehicle.

(b) Validity period.

(1) The temporary preprinted paper buyer's tag is valid for the operation of the vehicle until the earlier of the date on which the vehicle is registered or the thirtieth day after the date of purchase.

(2) For purposes of this part, the date of purchase is the date listed on the sales invoice or the date listed on the assignment of the certificate of title, whichever is earlier.

(c) Extension of registration period.

(1) If a transferee of a motor vehicle is allowed an extension of the thirty-day registration period to obtain the release of the lien of a prior lienholder, as provided by Arkansas Code § 27-14-903(a)(2), the dealer may issue one (1) additional temporary preprinted paper buyer's tag to the transferee, to expire thirty (30) days from the date the additional temporary tag is issued.

(2) If the dealer is unable to issue the tag, the transferee may obtain the tag

from the office.

(d) Required documentation.

(1) For each temporary preprinted paper buyer's tag provided to a buyer, the issuer shall retain the following documentation:

- (A) Dealer's name and master license plate number;
- (B) Buyer's name;
- (C) Date the temporary preprinted paper buyer's tag was issued;
- (D) Vehicle's vehicle identification number;
- (E) Make and model of the vehicle; and
- (F) Expiration date of the temporary preprinted paper buyer's tag.

(2) An issuer of a buyer's tag shall provide the documentation in subdivision (d)(1) of this section to the office on the date of sale for entry into the vehicle temporary tag database.

(e) A vehicle purchaser who elects to display a plate that has been transferred from a properly registered vehicle shall not be required to obtain or display the temporary preprinted paper buyer's tag during the period prior to registration of the newly purchased vehicle.

Authority. Arkansas Code §§ 27-14-1705, 27-14-403.

27 CAR § 15-104. Vehicles provided for purposes of demonstration or as a loaner vehicle for repair customers.

(a) General information.

(1) Demonstration of vehicle.

(A) A dealer may allow a prospective buyer to test drive an unregistered vehicle for a period not to exceed seventy-two (72) hours.

(B) If the date on which the prospective buyer is required to return the vehicle to the dealer falls on a Saturday, Sunday, or a legal holiday on which the dealer is not open for business, then the prospective buyer will have until the next succeeding business day that is not a Saturday, Sunday, or legal holiday to return the vehicle to the

dealer.

(2) Loaner vehicle.

(A) A dealer may allow a repair customer to drive an unregistered vehicle as a loaner while the customer's vehicle is being repaired by or through the dealer for a period not to exceed fourteen (14) calendar days.

(B) If the date on which the prospective buyer is required to return the vehicle to the dealer falls on a Saturday, Sunday, or a legal holiday on which the dealer is not open for business, then the prospective buyer will have until the next succeeding business day that is not a Saturday, Sunday, or legal holiday to return the vehicle to the dealer.

(b) Temporary preprinted paper tag.

(1)(A) A dealer who allows a prospective buyer to test drive a vehicle or a customer to drive a loaner vehicle and has the capability to issue a temporary preprinted paper tag shall:

(i) Issue the tag; and

(ii) Place it in the rear window of the vehicle.

(B) If the vehicle does not have a rear window, the paper tag shall be placed at the location for the permanent motor vehicle license plate.

(C) The dealer may issue a replacement for the tag placed at the license plate location if the original becomes damaged or destroyed.

(D) The replacement tag does not extend the time the prospective buyer or repair customer may drive the unregistered vehicle.

(2) A dealer that issues a paper tag for use by a prospective buyer or repair customer shall provide the documentation required by subdivision (c)(2) of this section to the Office of Motor Vehicle on the date the paper tag is issued for entry into the vehicle temporary tag database.

(c) Information sheet.

(1)(A) A dealer without the capability of issuing paper tags shall issue to the prospective buyer or repair customer a test drive or loaner information sheet.

(B) The prospective buyer or repair customer must keep the information

sheet in the vehicle during the time the buyer or customer has possession of the vehicle.

(2)(A) The Secretary of the Department of Finance and Administration shall:

- (i) Design the information sheet; and
- (ii) Make it available at all state revenue offices and on the

Department of Finance and Administration website.

(B) The information required on the information sheet is the:

- (i) Year, make, and model of the vehicle;
- (ii) Vehicle identification number;
- (iii) Prospective buyer's or customer's name;
- (iv) Time and date that the temporary preprinted paper tag or

information sheet was issued to the prospective buyer or customer;

(v) Reason the vehicle was furnished to the prospective buyer or customer; and

(vi) Length of time the prospective buyer or customer may retain the vehicle.

(3) A dealer shall be allowed to make and use photocopies of the information sheet designed by the secretary in lieu of the original provided by the department.

(4) The dealer must keep a copy of the information sheet for examination by the secretary at any reasonable time.

(d) Test drives or loaner vehicles returned the same day.

(1) Neither a temporary preprinted paper tag nor an information sheet is required if the prospective buyer or repair customer is required to return the vehicle before the end of the business day upon which the vehicle was provided.

(2) However, the dealer may provide an information sheet to the customer if the dealer elects to do so.

Authority. Arkansas Code § 27-14-403.

27 CAR § 15-105. Motorcycle dealers.

(a) The Department of Finance and Administration shall provide distinctive dealer's master and extra license plates for motorcycles.

(b) Motorcycle dealers shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle other than a motorcycle unless the dealer provides proof to the satisfaction of the department that the dealer is also in the business of selling new or used motor vehicles of the type for which the dealer plate is sought.

(c) Motorcycle dealers who also sell new or used motor vehicles shall be issued only one (1) dealer's extra license plate per manager, sales manager, or salesperson employed by the dealer.

Example. A motorcycle dealer who also sells new or used motor vehicles has ten (10) employees authorized to use dealer's extra license plates. Each employee is issued either a motor vehicle plate or a motorcycle plate, but not both.

Authority. Arkansas Code § 27-14-403.

27 CAR § 15-106. Transporting of motor vehicles without registration.

(a)(1) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under Arkansas Code Title 27, Chapter 14 may operate or move it upon the highways solely for purposes of transporting it without registering each vehicle, upon condition that any such vehicle display:

- (A) A dealer's master license plate;
- (B) An extra license plate; or
- (C) A temporary preprinted paper tag.

(2)(A) Any temporary preprinted paper tag issued by the Department of Finance and Administration to a dealer to be used for transporting a vehicle will be valid for seventy-two (72) hours following the date the temporary tag is issued.

- (B) A dealer may not use a transporter plate issued under Arkansas Code

§ 27-14-1806 to transport a vehicle.

(b) A manager, sales manager, or salesperson may transport a vehicle owned by the dealer using:

- (1) The dealer's master license plate;
- (2) A dealer's extra license plate; or
- (3) A temporary preprinted paper tag.

(c) Any employee of a dealer may transport a vehicle owned by the dealer using a temporary preprinted paper tag.

Authority. Arkansas Code § 27-14-403.

27 CAR § 15-107. Unofficial license plates.

(a) No dealer, manager, sales manager, salesperson, or employee of the dealership may attach to or display on any automobile, Class One truck, trailer or semitrailer, motorcycle, or motorcycle sidecar any license plate on the rear of the vehicle that is not furnished by the Secretary of the Department of Finance and Administration.

(b) No person, firm, or corporation, including motor vehicle dealers, may reproduce or paint any license plate or registration card in this state.

(c) For purposes of this section, "license plate" means any plate designed to be affixed to the rear of a motor vehicle, including, but not limited to:

- (1) Plates advertising a new or used car dealership or other type of business;
- (2) Rental car company identification plates;
- (3) Any plate or card with the designation "TAG APPLIED FOR"; or
- (4) Any similar designation.

Authority. Arkansas Code § 27-14-403.

27 CAR § 15-108. Penalties.

(a) Any dealer, manager, sales manager, salesperson, or employee of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a

dealer's master license plate or dealer's extra license plate or of allowing anyone else to misuse a dealer's master or extra license plate, or the misuse of a temporary preprinted paper buyer's tag or of allowing anyone else to misuse a temporary preprinted paper buyer's tag, is subject to a fine of not more than:

- (1) Two hundred fifty dollars (\$250) for the first offense;
- (2) Five hundred dollars (\$500) for the second offense; and
- (3) One thousand dollars (\$1,000) for the third and subsequent offenses.

(b) Any dealer who violates the provisions regarding vehicles provided for demonstration or for repair customers, 27 CAR § 15-104, is subject to a fine of twenty-five dollars (\$25.00) per violation.

(c) A buyer who pleads guilty or nolo contendere to or who is found guilty of failing to obtain, altering, or failing to display a temporary preprinted paper buyer's tag within five (5) business days of the purchases of a motor vehicle is subject to a fine of not more than:

- (1) Two hundred fifty dollars (\$250) for the first offense;
- (2) Five hundred dollars (\$500) for the second offense; and
- (3) One thousand dollars (\$1,000) for the third and subsequent offenses.

Authority. Arkansas Code §§ 27-14-1701, 27-14-1705, 27-14-1707, 27-14-403, 27-14-601.