

Act 169 of the First Special Session of 1989.

Act 169

HB1017

By:Joint Budget Committee

For An Act To Be Entitled
"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
OPERATING EXPENSES OF THE ARKANSAS MOTOR VEHICLE COMMISSION
FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER
PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Arkansas Motor Vehicle Commission for the 1989-91 biennium, the following
maximum number of regular employees whose salaries shall be governed by the
provisions of the Uniform Classification and Compensation Act, or its
successor, and all laws amendatory thereto. Provided, however, that any
position to which a specific maximum annual salary is set out herein in
dollars, shall be exempt from the provisions of said Uniform Classification
and Compensation Act. All persons occupying positions authorized herein are
hereby governed by the provisions of the Regular Salaries Procedures and
Restrictions Act, or its successor.

Table with 5 columns: Item No., Class Code, Title, Maximum No. of Employees, and Maximum Annual Salary Rate for Fiscal Years 1989-90 and 1990-91. Rows include Motor Vehicle Comm Director, Secretary, Field Inspector, and Licensing Agent, plus a total for MAX NO. OF EMPLOYEES.

SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the
Arkansas Motor Vehicle Commission, to be payable from the Motor Vehicle
Commission Fund, for personal services and operating expenses of the Arkansas
Motor Vehicle Commission for the biennial period ending June 30, 1991, the
following:

Table with 4 columns: ITEM NO., Description, and FISCAL YEARS (1989-90 and 1990-91). Rows include Regular Salaries, Personal Serv Matching, and Maintenance & Gen. Operation with sub-items (A) through (E).

SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
by this Act shall be limited to the appropriation for such agency and funds
made available by law for the support of such appropriations; and the

restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 5. (a) On the effective date of this Act, the Motor Vehicle Commission shall have no regulatory authority over dealers of used motor vehicles in this state; and all regulatory authority over the licensing of dealers in used motor vehicles, and, over the licensing of used motor vehicles shall be vested in the Revenue Division of the Department of Finance and Administration.

(b) As a condition precedent to obtaining dealer's motor vehicle license plates, motor vehicle dealers in used motor vehicles shall furnish to the Commissioner of Revenues a certification by the sheriff of the county in which the applicant's business is located, or is located within a first class city, a certification by an officer of the metropolitan police department that the applicant is a used car dealer and has a bona fide established place of business used exclusively for the sale of used motor vehicles, and office used exclusively for such business, a telephone listed in the name of the business, a sign large enough for the public to recognize from the street or highway identifying the establishment as a used car dealership, a locking filing cabinet or other repository adequate to secure the business records for such establishment, and a display area in such establishment adequate to handle the volume of the dealer's anticipated retail sales.

(c) Applicant's for license as a motor vehicle dealer in used motor vehicles must file with the Commissioner of Revenues a corporate surety bond in the penal sum of twenty-five thousand dollars (\$25,000) on a bond form approved by the Commissioner of Revenues; provided, however, that an applicant for licenses at multiple locations may choose to provide a corporate surety bond in the penal sum of one hundred thousand dollars (\$100,000) covering all licensed locations of the same capacity in lieu of separate bonds for each individual location. The bond shall be in effect upon the applicant being licensed and shall be conditioned upon his complying with the provisions of Arkansas law with respect to used car dealerships; and the bond shall be an indemnity for any loss sustained by any person by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of his license. The bond shall be executed in the name of the State of Arkansas for the benefit of any aggrieved party; provided that the aggregate liability of the surety for all claimants, regardless of the number of years his bond is in force or has been in effect, shall not exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the Commissioner of Revenues of a final judgement from an Arkansas court of competent jurisdiction against the principal and in favor of an aggrieved party all bonds posted by presently licensed used motor vehicles dealers under Act 1058 of 1985 shall be transferred from the Motor Vehicle Commission to the Revenue Division of the Department of Finance and Administration to be

regulated according to the provisions of this Section.

(d) The Revenue Division of the Department of Finance and Administration shall have authority to promulgate rules and regulations in order to carry out the provisions of this Act relating to regulation of used motor vehicles and used motor vehicle dealers.

SECTION 6. Arkansas Code 23-112-201 (b)(2)(C) is hereby amended to read as follows:

"(C) No more than six (6) members of the Commission shall at any time be licensees under this chapter or have any financial interest in, or be an officer or an employee of, a licensee of this chapter, and at least one (1) of them shall be licensed as a dealer of franchise motorcycles."

SECTION 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code. Act 850 of 1989 is hereby repealed.

SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: June 23, 1989

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