

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Hunton**

A Bill

ACT 620 OF 1995
HOUSE BILL 1714

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-14-2303 PERTAINING TO
9 DISCLOSURE OF BRANDED MOTOR VEHICLE TITLES AT THE TIME OF
10 SALE OR TRANSFER; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND ARKANSAS CODE § 27-14-
14 2303 PERTAINING TO DISCLOSURE OF BRANDED
15 MOTOR VEHICLE TITLES AT THE TIME OF SALE
16 OR TRANSFER."

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

20 SECTION 1. Arkansas code §27-14-2303 is amended to read as follows:

21 "§ 27-14-2303. Disclosure requirements.

22 (a) (1) When any dealer in this state offers for sale a motor vehicle
23 which carries a title branded pursuant to this subchapter, the dealer shall
24 disclose to any prospective buyer or purchaser, prior to sale, the nature of
25 the title brand and shall furnish him a description of the damage sustained by
26 the motor vehicle on file with the Office of Motor Vehicle.

27 (2) The disclosure shall be on a buyer's notification form to be
28 prescribed by the Consumer Protection Division of the Office of the Attorney
29 General.

30 (3) (A) The form shall be fully filled out and affixed to a side
31 window of the motor vehicle with the title Buyer's Notification facing to
32 the outside.

33 (B) The form may be removed temporarily from the window
34 during any test drive, but shall be replaced as soon as the test drive is
35 over.

36 (b) When any motor vehicle owner, who is not a dealer, knowingly offers

1 for sale or trade a motor vehicle which carries a title branded pursuant to
2 this subchapter, such owner shall disclose to any prospective buyer or
3 purchaser, prior to sale or trade, the nature of the title brand and shall
4 furnish him a description of the damage sustained by the motor vehicle as on
5 file with the Office of Motor Vehicle. The disclosure shall be on a buyers
6 notification form to be prescribed by the Consumer Protection Division of the
7 Office of Attorney General.

8 (c) (1) The form to be prescribed by the Consumer Protection Division
9 shall have an acknowledgement section that the seller shall require the buyer
10 to sign prior to completing a sales transaction on a motor vehicle that
11 carries a branded title.

12 (2) The seller shall retain a copy of the signed notification
13 form.

14 (d) (1) Failure of the seller to procure the buyer's acknowledgement
15 signature shall render the sale voidable at the election of the buyer.

16 (2) The election to render the sale voidable shall be limited to
17 thirty (30) days after the sales transaction."

18

19 SECTION 2. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

22

23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

28

29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

31

32

33

34

APPROVED: 3-14-95

35