

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H2/6/03 H2/11/03 H2/14/03

A Bill

Act 344 of 2003
HOUSE BILL 1020

5 By: Representatives Parks, House, C. Taylor, Lamoureux, Bennett, Rosenbaum, Hutchinson, Matayo,
6 Kenney, Borhauer, Walters, Bledsoe, Harris, Medley, Schulte, Key, Penix, Dickinson, Thomas, Pace,
7 Scroggin, *Anderson, Bright, Hardwick, Norton, Pritchard, J. Taylor*
8 By: Senators Hendren, J. Jeffress, Baker, G. Jeffress, Wooldridge, Holt, Womack, *Whitaker*
9

For An Act To Be Entitled

12 AN ACT TO AMEND ARKANSAS CODE TITLE 27, CHAPTER
13 15, TO ADD A SUBCHAPTER 39 TO ESTABLISH A SPECIAL
14 "CHOOSE LIFE" LICENSE PLATE FOR SUPPORT OF
15 ADOPTION PROGRAMS IN ARKANSAS AND TO PRESCRIBE
16 REGISTRATION FEES FOR THE LICENSE PLATES; AND FOR
17 OTHER PURPOSES.

Subtitle

19 TO ESTABLISH A SPECIAL "CHOOSE LIFE"
20 LICENSE PLATE FOR SUPPORT OF ADOPTION
21 PROGRAMS IN ARKANSAS AND PRESCRIBE
22 REGISTRATION FEES.
23

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 27, Chapter 15, is amended to add an
29 additional subchapter to read as follows:

30 Subchapter 39. "Choose Life" license plate.

31
32 27-15-3901. "Choose Life" license plate authorized.

33 The Director of the Department of Finance and Administration shall
34 issue a special "Choose Life" motor vehicle license plate in the manner and
35 subject to the conditions prescribed in this subchapter.
36



1 27-15-3902. Design.

2 (a)(1) The special "Choose Life" motor vehicle license plates shall be
3 designed by Choose Life, Inc. and the design shall be submitted to the
4 Director of the Department of Finance and Administration for design approval.

5 (2) The Director of the Department of Finance and Administration
6 shall have the final authority for the design approval and the issuance to
7 any person of the "Choose Life" license plate.

8 (3) The purpose of the special license plate is for a person to
9 support organizations that encourage adoption as a positive choice for women
10 with unplanned pregnancies.

11 (b)(1) Before the license plate is issued, there shall be remitted to
12 the Department of Finance and Administration a fee in the amount of six
13 thousand dollars (\$6,000) to cover the cost of the initial order of each
14 newly designed license plate.

15 (2) This fee shall be deposited to the State Central Services
16 Fund for the benefit of the Revenue Division of the Department of Finance and
17 Administration and shall be credited as supplemental and in addition to all
18 other funds as may be deposited for the benefit of the division.

19 (3) The fee shall not be considered or credited to the division
20 as direct revenues.

21 (4) The fee amount may be paid by any person, organization, or
22 by any combination of persons or organizations.

23
24 27-15-3903. Fees.

25 (a) Upon payment of the fee required by law for the registration of
26 the vehicle, payment of twenty-five dollars (\$25.00) to cover the design use
27 contribution, and payment of an additional ten dollars (\$10.00) handling and
28 administrative fee for the issuance of the special "Choose Life" license
29 plate, the Department of Finance and Administration shall issue to the
30 vehicle owner a "Choose Life" license plate which shall bear the approved
31 design.

32 (b)(1)(A) The handling and administrative fee of ten dollars (\$10.00)
33 shall be deposited to the State Central Services Fund for the benefit of the
34 Revenue Division of the Department of Finance and Administration.

35 (B) The fee shall not be considered or credited to the
36 division as direct revenues.

1 (2) The design use contribution of twenty-five dollars (\$25.00)
2 shall be deposited as special revenues in the "State Treasury."

3
4 27-15-3904. "Choose Life" Adoption Assistance Program Fund.

5 (a) There is created on the books of the Treasurer of State, the
6 Auditor of State and the Chief Fiscal Officer of the State a special revenue
7 fund to be known as the "Choose Life" Adoption Assistance Program Fund.

8 (b)(1) All moneys collected as design use contributions under § 27-15-
9 3903 shall be deposited as special revenues as follows:

10 (A) Two percent (2%) in the Public Health Fund to be used
11 by the Arkansas Department of Health for administrative services for the
12 program; and

13 (B) Ninety-eight percent (98%) to the "Choose Life"
14 Adoption Assistance Program Fund to be used by the Arkansas Department of
15 Health for distribution to nonprofit organizations under this subchapter.

16 (2) The Director of the Arkansas Department of Health shall distribute
17 the funds to qualified organizations that provide services to the community
18 that include counseling and meeting the physical needs of pregnant women who
19 are committed to placing their children for adoption.

20 (3) All moneys accruing to the credit of the "Choose Life"
21 Adoption Assistance Program Fund shall be appropriated and shall be
22 distributed at the beginning of each fiscal year in a pro rata share to all
23 qualified organizations.

24 (4) Any unused funds in excess of ten percent (10%) of the funds
25 allocated to a nonprofit organization shall be returned to the "Choose Life"
26 Adoption Assistance Program Fund at the end of the fiscal year to be
27 aggregated and distributed with the next fiscal year distribution.

28 (c) To qualify to receive the funds available through the "Choose
29 Life" Adoption Assistance Program, an organization shall deliver to the
30 Department of Health an affidavit signed by a representative of the
31 organization that states the organization:

32 (1) Is a nonprofit organization;

33 (2) Does not discriminate because of race, marital status,
34 gender, religion, national origin, handicap or age;

35 (3) Counsels pregnant women about the option of placing their
36 children for adoption or facilitates the adoption of children who are, or

1 will become, available for adoption;

2 (4) Is not involved or associated in any way with any abortion
 3 activities, including counseling for or referrals to abortion clinics,
 4 providing medical abortion-related procedures, or pro-abortion advertising;

5 (5) Does not charge women for any services received;

6 (6) Will use the funds received only for the purposes and under
 7 the restrictions of subsection (d) of this section, will use none of the
 8 funds for administrative expenses, legal expenses, or capital expenditures;

9 (7) Will return at the end of each fiscal year any unused funds
 10 exceeding ten percent (10%) of the funds received;

11 (8) Will submit to an annual audit of the funds received; and

12 (9) Will not utilize any of the funds to teach or promote
 13 religion.

14 (d)(1)(A) Funds shall not be distributed to any organization that is
 15 involved or associated with abortion activities, including counseling for or
 16 referral to abortion clinics, providing medical abortion-related procedures,
 17 or pro-abortion advertising.

18 (B) Funds shall not be distributed to any organization
 19 that charges women for services received.

20 (2)(A) Sixty percent (60%) of the funds received by an
 21 organization may be used only to provide for the material needs of pregnant
 22 women who are committed to placing their children for adoption or expended on
 23 infants awaiting placement with adoptive parents.

24 (B) The material needs of pregnant women shall include
 25 clothing, housing, medical care, food, utilities, and transportation.

26 (3) Forty percent (40%) of the funds may be used only for
 27 adoption, counseling, training, or advertising, but shall not be used for
 28 administrative expenses, legal expenses, or capital expenditures.

29 (e) Within six (6) months of the end of the fiscal year, an
 30 organization that received and used funds during a fiscal year shall submit
 31 an audit report of the funds received to the Director of the Arkansas
 32 Department of Health verifying that the funds received were used in the
 33 manner prescribed in this subchapter.

34
 35 27-15-3905. Renewal.

36 (a)(1) The special "Choose Life" license plate issued under this

1 subchapter may be renewed annually under the procedures in § 27-15-3903 and
2 under §§ 27-14-1012 and 27-14-1013.

3 (2) Registration may continue from year to year as long as it is
4 renewed each year within the time and manner required by law.

5 (b) A motor vehicle owner who was previously issued a plate with the
6 “Choose Life” design authorized by this subchapter and who does not pay a
7 design use contribution of twenty-five dollars (\$25.00) at the subsequent
8 time of registration shall be issued a new plate which does not bear the
9 “Choose Life” design.

10 (c) Upon expiration or if the special “Choose Life” license plate is
11 lost, the plate may be replaced with a regular license plate at the fee
12 specified in § 27-14-602(b)(6).

13 (d) If the special “Choose Life” license plate is replaced with a new
14 “Choose Life” license plate, the owner shall be required to pay the fees for
15 the issuance of the license plate under § 27-15-3903.

16
17 27-15-3906. Transfer to another vehicle.

18 The special “Choose Life” license plate issued under this subchapter
19 may be transferred from one vehicle to another as provided in § 27-14-914.

20
21 27-15-3907. Compliance with other laws.

22 The special “Choose Life” license plate shall comply with:

23 (1) The minimum number of license plate applications required under §
24 27-15-4004;

25 (2) All other state motor vehicle laws relating to registration and
26 licensing of motor vehicles, unless specifically provided otherwise in this
27 subchapter.

28
29 27-15-3908. Rules and regulations.

30 The Director of the Department of Finance and Administration shall
31 promulgate reasonable rules and regulations and prescribe forms as the
32 director determines to be necessary for effectively and efficiently carrying
33 out the intent and purposes of this subchapter.

34
35 */s/ Parks, et al*

36 *APPROVED: 3/10/2003*