

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.

Act 2162 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/31/05

A Bill

SENATE BILL 1168

5 By: Senator J. Bookout
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For An Act To Be Entitled

9 AN ACT TO ALLOW STATE INSTITUTIONS TO COLLECT
10 FEES FOR RENT OF PARKING SPACES WITHOUT THE FEES
11 BEING CONSIDERED AS PAYMENT FOR A SERVICE; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO ALLOW STATE INSTITUTIONS TO
15 COLLECT FEES FOR RENT OF PARKING SPACES
16 WITHOUT THE FEES BEING CONSIDERED AS
17 PAYMENT FOR A SERVICE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 25-17-307(a), pertaining to rules for motor
24 vehicles on institutional grounds, is amended to read as follows:

25 (a) Each of the institutions described in § 25-17-301 is authorized
26 and empowered to promulgate rules and regulations and to amend or change them
27 from time to time as its governing board shall deem necessary, providing for
28 the operation and parking of motor vehicles upon the grounds, streets,
29 drives, and alleys under its control, including, but not limited to,
30 regulations:

31 (1) Limiting the rate of speed;

32 (2)(A) Assigning parking spaces and designating parking areas
33 and their uses and collecting charges or fees as rent for those spaces.

34 (B) The charges or fees collected under subdivision
35 (a)(2)(A) of this section, other than fees for parking or parking passes for



1 athletic events or other special events, shall not be considered as payment
2 for the providing of any service of any nature to the person paying the
3 charges or fees as rent and shall be exempt for the tax levied by § 26-52-
4 301(3)(E)(i);

5 (3) Prohibiting parking as it deems necessary;

6 (4) Removing vehicles parked in violation of institutional rules
7 and regulations or city ordinances, at the expense of the violator, who shall
8 pay the expense before the vehicle is released;

9 (5) Instituting a system of motor vehicle registration for the
10 identification and regulation of vehicles regularly using institutional
11 premises, including a reasonable charge to defray the cost thereof; and

12 (6) Collecting, under an established system, administrative
13 charges for violations of institutional rules and regulations governing motor
14 vehicles, their operation, and parking. However, an administrative finding
15 of violation may be appealed to the appropriate municipal court where the
16 matter shall be heard de novo.

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18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that there is a question concerning
20 rental fees and charges of public institutions of higher education for the
21 management and control of the property of such institutions with respect to
22 the parking of motor vehicles thereon; and that it is necessary to clarify by
23 this act that any such fees or charges are paid as rental for parking spaces
24 designated either generally or specifically for a permittee and not as
25 consideration for any service provided to the permit holder or person paying
26 such fees and charges as rent. Therefore, an emergency is declared to exist
27 and this act being immediately necessary for the preservation of the public
28 peace, health, and safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,
31 the expiration of the period of time during which the Governor may veto the
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is
34 overridden, the date the last house overrides the veto.

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36 /s/ J. Bookout

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APPROVED: 4/13/2005