

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 165 of the Regular Session

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

# A Bill

HOUSE BILL 1245

4  
5 By: Representatives Petrus, Boyd, Bolin, Childers, Mahony

## For An Act To Be Entitled

9 AN ACT TO REPEAL THE CURRENT LAW REGARDING THE  
10 VEHICLE IDENTIFICATION NUMBER VERIFICATION FOR  
11 FOREIGN VEHICLES; TO ENACT A LIMITED VEHICLE  
12 IDENTIFICATION NUMBER VERIFICATION FOR MOTOR  
13 VEHICLES; AND FOR OTHER PURPOSES.

## Subtitle

16 TO REPEAL THE CURRENT VEHICLE  
17 IDENTIFICATION NUMBER VERIFICATION LAW  
18 AND ADOPT A LIMITED VERIFICATION  
19 PROGRAM.

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

24 SECTION 1. Arkansas Code § 27-14-724 is repealed.

25 ~~27-14-724. Foreign vehicle inspection—Exception.~~

26 ~~(a) For the purposes of this section, "foreign vehicle" means every~~  
27 ~~vehicle of a type required to be registered under this chapter that is~~  
28 ~~brought into this state from another state, territory, or country and that is~~  
29 ~~not registered in this state and every vehicle of a type required to be~~  
30 ~~registered under this chapter for which the owner does not have a properly~~  
31 ~~endorsed and assigned certificate of title or manufacturer's certificate of~~  
32 ~~origin.~~

33 ~~(b)(1) Every application for registration and certificate of~~  
34 ~~title for a foreign vehicle must be accompanied by a verification of the~~  
35 ~~vehicle identification number.~~



1           ~~(2) The verification shall be conducted by a certified law~~  
 2 ~~enforcement officer of any city or county in Arkansas or by the Department of~~  
 3 ~~Arkansas State Police or a designee of the department.~~

4           ~~(3)(A) If the vehicle is taken to a city or county law~~  
 5 ~~enforcement agency facility or to a department facility for inspection, the~~  
 6 ~~inspection shall be conducted at no charge.~~

7           ~~(B) Any vehicle that is required to be inspected at a~~  
 8 ~~location other than a city or county law enforcement facility or a department~~  
 9 ~~facility shall be inspected by the department or its designee for a fee of~~  
 10 ~~twenty five dollars (\$25.00) that shall be dedicated to cover or defray the~~  
 11 ~~cost of the verification process.~~

12           ~~(4) The department shall adopt reasonable rules to ensure that~~  
 13 ~~the verification process is available at convenient times and locations.~~

14           ~~(c)(1) No verification of vehicle identification numbers is required~~  
 15 ~~of a new resident who is a natural person, has established residency in the~~  
 16 ~~state, has a valid Arkansas driver's license, and is seeking an Arkansas~~  
 17 ~~title to a vehicle with an out of state certificate of title.~~

18           ~~(2) The out of state certificate of title shall be issued to the~~  
 19 ~~same name as is reflected on the Arkansas driver's license.~~

20           ~~(d) Any person, firm, corporation, or trust licensed under the~~  
 21 ~~provisions of § 23-112-301 et seq. may provide the required verification on~~  
 22 ~~its inventory on a form prescribed by the department.~~

23  
 24           SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 7 is amended  
 25 to add an additional section to read as follows:

26           27-14-725. Limited vehicle identification number verification.

27           (a) For the purposes of this section, "designee" means a person or  
 28 entity that:

29           (1) The Department of Arkansas State Police determines is  
 30 appropriately suited for serving as a designee; and

31           (2) Agrees to perform vehicle identification number  
 32 verifications under this section on behalf of the Department of Arkansas  
 33 State Police.

34           (b) Except as provided under subsection (h) of this section, an  
 35 application for registration or certificate of title for a motor vehicle  
 36 shall be accompanied by a verification of the vehicle identification number

1 if the owner of the motor vehicle:

2 (1)(A) Does not have a properly endorsed and assigned  
3 certificate of title or manufacturer's certificate of origin; and

4 (B) May only obtain title to the motor vehicle through:

5 (i) A court order; or

6 (ii) The bonded title procedure of this state as set  
7 forth under § 27-14-409(c)(1); or

8 (2) Presents a title or other ownership document from another  
9 state that bears any of the following designations:

10 (A) Salvage;

11 (B) Prior salvage;

12 (C) Damaged;

13 (D) Prior damaged;

14 (E) Junked;

15 (F) Nonrepairable; or

16 (G) Any other designation that is substantially similar to  
17 the designations stated in subdivision (b)(2) of this section.

18 (c)(1) The Department of Arkansas State Police shall perform vehicle  
19 identification number verifications under this section.

20 (2) A vehicle identification number verification is only valid  
21 under this section if it is performed by one (1) of the following:

22 (A) The Department of Arkansas State Police;

23 (B) A local law enforcement agency; or

24 (C) The department's designee.

25 (d)(1) The Department of Arkansas State Police, a local law  
26 enforcement agency, or the department's designee may charge a fee for the  
27 vehicle identification number verification not to exceed twenty-five dollars  
28 (\$25.00).

29 (2) A fee owed to the Department of Arkansas State Police shall  
30 be:

31 (A) Collected by the Revenue Division of the Department of  
32 Finance and Administration at the time of application for title; and

33 (B) Deposited into the State Treasury as special revenue  
34 to the credit of the Department of Arkansas State Police Fund.

35 (3) A fee owed to a local law enforcement agency or a designee  
36 may be collected and retained by the agency or the designee at the time of

1 the inspection.

2 (e) A designee under this section shall provide notice to the  
 3 Department of Arkansas State Police as to which persons are conducting  
 4 vehicle identification number verifications on behalf of the designee.

5 (f) A local law enforcement agency or its employees are not required  
 6 to perform vehicle identification number verifications under this section.

7 (g)(1) The Department of Arkansas State Police shall adopt a form that  
 8 is to be used for all vehicle identification number verifications in the  
 9 state.

10 (2) The Department of Arkansas State Police may adopt:

11 (A) Reasonable rules to ensure that the verification  
 12 process is available at convenient times and locations; or

13 (B) Reasonable rules to ensure that the verification  
 14 process does not unduly burden legitimate businesses or consumers in the  
 15 state.

16 (h) This section shall not apply to a motor vehicle registered as a  
 17 Class Two, Class Three, Class Four, Class Five, Class Six, Class Seven, or  
 18 Class Eight truck under § 27-14-601(a)(3).

19 (i) If information is received from another state which indicates that  
 20 a motor vehicle title issued by the Department of Finance and Administration  
 21 under this chapter does not accurately reflect the designation of the status  
 22 of a motor vehicle such as those provided under subdivision (b)(2) of this  
 23 section, then the Office of Motor Vehicle of the Department of Finance and  
 24 Administration may cancel the motor vehicle title and issue a title that  
 25 correctly designates the status of the motor vehicle.

26  
 27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 28 General Assembly of the State of Arkansas that the current vehicle  
 29 identification number verification law is overbroad; that the law enforcement  
 30 agencies and state police in border counties and municipalities in the state  
 31 are being inundated with requests to inspect foreign vehicles; that the  
 32 current law needs to be repealed and replaced with a limited vehicle  
 33 identification number verification law that does not unduly burden legitimate  
 34 businesses and consumers; and that this act is immediately necessary to  
 35 streamline the vehicle identification number verification process and reduce  
 36 the administrative workload of the Department of Arkansas State Police and

1 local law enforcement agencies. Therefore, an emergency is declared to exist  
2 and this act being immediately necessary for the preservation of the public  
3 peace, health, and safety shall become immediately effective on:

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

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

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

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12 APPROVED: 2/15/2005  
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