

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Representative Jett
6

A Bill

HOUSE BILL 1683

For An Act To Be Entitled

8 AN ACT CONCERNING THE INTERNATIONAL REGISTRATION
9 PLAN; TO ESTABLISH A MILEAGE AUDIT APPEAL PROCEDURE
10 FOR REGISTRANTS WHO HAVE RECEIVED APPORTIONED
11 REGISTRATION UNDER THE INTERNATIONAL REGISTRATION
12 PLAN AND WHOSE RECORDS HAVE BEEN THE SUBJECT OF AN
13 AUDIT OR REEXAMINATION UNDER THE PLAN; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO ESTABLISH A MILEAGE AUDIT APPEAL
19 PROCEDURE FOR REGISTRANTS WHO HAVE
20 RECEIVED APPORTIONED REGISTRATION UNDER
21 THE INTERNATIONAL REGISTRATION PLAN.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

28 (1) Arkansas has entered into a reciprocity agreement known as
29 the International Registration Plan, is a member jurisdiction under the
30 International Registration Plan, and is a base jurisdiction under the
31 International Registration Plan, as those terms are understood or defined
32 under the International Registration Plan;

33 (2) Article X of the International Registration Plan authorizes
34 and requires the Director of the Department of Finance and Administration to
35 perform mileage audits and reexaminations of the records of registrants to
36 which Arkansas has issued apportioned registration;



1 (3) Upon completion of a mileage audit, the director is required
 2 to provide a copy of the completed audit to the registrant and to all
 3 International Registration Plan member jurisdictions in which the registrant
 4 is apportioned or in which the registrant traveled during the audit period;

5 (4) Article X of the International Registration Plan permits
 6 member jurisdictions to request a reexamination of a registrant's records
 7 within forty-five (45) days of the date a member jurisdiction is notified of
 8 the findings of any audit conducted by the director; and

9 (5) Article X, Section 1065, of the International Registration
 10 Plan requires the director to provide a registrant with a mechanism to appeal
 11 the findings of a mileage audit or a record reexamination.

12 (b) The General Assembly intends for this act to:

13 (1) Ensure the state's compliance with the requirements of the
 14 International Registration Plan by establishing a procedure under which an
 15 International Registration Plan registrant may appeal the findings of a
 16 mileage audit or a record reexamination under the International Registration
 17 Plan; and

18 (2) Clarify that International Registration Plan registrants may
 19 challenge the findings of an International Registration Plan mileage audit or
 20 records reexamination under the Arkansas Administrative Procedure Act, § 25-
 21 15-201 et seq.

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 23 SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 5, is
 24 amended to add an additional section to read as follows:

25 27-14-505. Mileage audits and records reexaminations – Appeal.

26 (a) As used in this section, "member jurisdiction", "mileage audit",
 27 "record reexamination", and "registrant" mean the same as defined in the
 28 International Registration Plan, as it existed on January 1, 2017.

29 (b)(1)(A) A registrant who desires a hearing to appeal the findings of
 30 a mileage audit or a record reexamination shall notify the Director of the
 31 Department of Finance and Administration in writing within thirty (30)
 32 calendar days from the date the registrant is notified of the findings of the
 33 mileage audit or the record reexamination.

34 (B) A hearing officer appointed by the director shall
 35 schedule a hearing in any city in which the Department of Finance and
 36 Administration maintains a field audit district office or in any other city

1 that the director designates, unless the director and the registrant agree to
2 another location for the hearing or agree that the hearing shall be heard by
3 telephone.

4 (C) A hearing conducted under this section is subject to
5 the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

6 (D) The hearing officer handling the appeal under this
7 section shall render his or her decision in writing to sustain, modify, or
8 reverse the findings of the mileage audit or the record reexamination based
9 upon the evidence presented at the hearing and shall serve a copy of the
10 decision on the registrant.

11 (2)(A) If the decision of the hearing officer under this section
12 sustains, in whole or in part, the findings of the mileage audit or record
13 reexamination, the registrant may file suit within thirty (30) days of
14 receipt of the decision in the Pulaski County Circuit Court or the circuit
15 court of the county of the registrant's principal place of business.

16 (B) The registrant shall properly serve the director with
17 a copy of any appeal to circuit court challenging the decision of the hearing
18 officer under this section.

19 (3) A registrant may appeal a decision of the circuit court in
20 accordance with the laws governing appeals.

21 (4)(A) At the conclusion of the appeals process, the director
22 shall notify all affected member jurisdictions of the results of the appeal.

23 (B) Any further challenge to the findings of a mileage
24 audit or record reexamination shall be made under Section 1400 of the
25 International Registration Plan, as it existed on January 1, 2017.

26 (c) The director may promulgate rules to implement this section.
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