

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

A Bill

ACT 650 OF 1995
HOUSE BILL 1433

For An Act To Be Entitled

8 "AN ACT TO FACILITATE THE COLLECTION OF SALES AND USE
9 TAXES ON OUT OF STATE PURCHASES BY ALLOWING THE
10 EXAMINATION OF THE BOOKS, RECORDS AND OTHER DOCUMENTS OF
11 TRANSPORTATION BUSINESSES; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO AUTHORIZE THE EXAMINATION OF
15 BOOKS AND RECORDS OF TRANSPORTATION
16 BUSINESSES FOR THE PURPOSE OF COLLECTING
17 SALES AND USE TAXES ON OUT OF STATE
18 PURCHASES."

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

23 SECTION 1. Arkansas Code § 26-18-305 is amended by adding a new
24 subsection (i) to read as follows:

25 "(i) (1) The director is authorized to examine the books, records and
26 other documents of transportation companies, agencies, firms or persons that
27 conduct business by truck, rail, water, airplane or otherwise, in order to
28 determine any sales or use tax due on out of state purchases and to determine
29 which dealers are importing or shipping articles of tangible personal property
30 and are liable for any state tax.

31 (2) If the transportation company, agency, firm or person refuses
32 to allow an examination of its books, records and other documents, the
33 director may petition the appropriate chancery court to require the
34 transportation company, agency, firm or person to show cause as to why its
35 books, records and other documents should not be examined and why a bond
36 should not be required in an amount not to exceed two thousand dollars

1 (\$2,000) for a period of not more than one (1) year to guarantee compliance
2 with the provisions of this section.

3 (3) Refusal to permit the director to examine books, records and
4 other documents pursuant to this section is a Class C misdemeanor."

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

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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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

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APPROVED: 3-16-95

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