1   State of Arkansas

2   88th General Assembly

A Bill

3   Regular Session, 2011   HOUSE BILL 1448

4

5   By: Representative B. Overbey

6

7   **For An Act To Be Entitled**

8   AN ACT TO REDUCE THE PENALTY IMPOSED ON A MOTOR

9   VEHICLE DEALER WHEN A DEALER'S EXTRA LICENSE PLATE IS

10   MISUSED BY AN EMPLOYEE OF THE DEALER OR USED BY A

11   PERSON NOT AUTHORIZED TO USE THE PLATE FROM

12   SUSPENSION OF THE DEALER'S MASTER PLATE TO SUSPENSION

13   OF ONE OR MORE OF THE DEALER'S EXTRA LICENSE PLATES

14   IN ORDER THAT THE PENALTY IMPOSED DOES NOT UNDULY

15   AFFECT THE ABILITY OF THE DEALER TO CONDUCT BUSINESS;

16   AND FOR OTHER PURPOSES.

17

18

19   **Subtitle**

20   TO REDUCE THE PENALTY RELATED TO MISUSE

21   OF A MOTOR VEHICLE DEALER'S EXTRA LICENSE

22   PLATE.

23

24

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

26

27   SECTION 1. Arkansas Code § 27-14-1704, concerning dealer's extra

28   license plates, is amended to add an additional subsection to read as

29   follows:

30   (e)(1)(A) In addition to any other penalty prescribed by this chapter,

31   the director may suspend some or all dealer's extra license plates issued to

32   a dealer if the director determines that the dealer or any manager, sales

33   manager, or salesperson of the dealer either misused a dealer's extra license

34   plate or allowed the use of a dealer's extra license plate by a person who is

35   not authorized by this section to use a dealer's extra license plate.

36   (B) A suspension of the dealer's extra license plates

1   under this section does not require that the dealer's master license plate be

2   suspended.

3   (C) The director shall:

4   (i) Notify the dealer in writing of a suspension of

5   the dealer's extra license plates that is authorized under this section; and

6   (ii) Provide information regarding the misuse or

7   unauthorized use upon which the suspension was based in the notice.

8   (D) The dealer's extra license plates shall be suspended

9   for:

10   (i) Six (6) months for the first misuse or

11   unauthorized use of dealer's extra license plates; or

12   (ii) One (1) year for any subsequent misuse or

13   unauthorized use.

14   (2)(A) Any dealer who desires a hearing on the suspension shall

15   notify the director in writing within twenty (20) days after receipt of the

16   notice of suspension.

17   (B) A hearing officer appointed by the director shall

18   schedule a hearing in an office of the Revenue Division of the Department of

19   Finance and Administration in the county of the dealer's principal place of

20   business, unless the director and the dealer agree to another location for

21   the hearing or agree that the hearing shall be held by telephone.

22   (C) Hearings conducted under this section shall be subject

23   to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

24   (D) The hearing officer shall render his or her decision

25   in writing to modify, reverse, or affirm the suspension of the dealer's extra

26   license plates based upon the evidence presented at the hearing and shall

27   serve a copy of the decision on the dealer.

28   (3)(A)(i) If the decision sustains, in whole or in part, the

29   suspension of the dealer's extra license plates, the dealer may file suit

30   within thirty (30) days of receipt of the decision in the Pulaski County

31   Circuit Court or the circuit court of the county of the dealer's principal

32   place of business.

33   (ii) The dealer shall serve a copy of the petition

34   on the director.

35   (iii) The appeal will not operate as a stay of the

36   order of suspension that will remain in effect and be terminated only in the

1   event a decision reversing the suspension is issued by the circuit court.

2   (B) An appeal from the circuit court shall be in

3   accordance with the laws governing appeals.

6   **APPROVED: 03/23/2011**