

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 451 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2281

4  
5 By: Representative Pyle  
6 By: Senator Glover

## For An Act To Be Entitled

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9  
10 AN ACT TO AMEND THE SPECIAL LICENSE PLATE ACT OF  
11 2005 FOR THE PURPOSE OF CLARIFYING THE SPECIAL  
12 LICENSE PLATES FOR REALTORS®; AND FOR OTHER  
13 PURPOSES.

## Subtitle

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16 TO AMEND THE SPECIAL LICENSE PLATE ACT  
17 OF 2005 FOR THE PURPOSE OF CLARIFYING  
18 THE SPECIAL LICENSE PLATES FOR  
19 REALTORS®.

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

23  
24 SECTION 1. Arkansas Code § 27-24-1402 is amended to read as follows:  
25 27-24-1402. Existing special license plates.

26 (a) The following special license plates that represent various  
27 special interests and that were in existence or authorized by law on or  
28 before April 13, 2005, shall continue to be issued by the Director of the  
29 Department of Finance and Administration to a motor vehicle owner who is  
30 otherwise eligible to license a motor vehicle in this state and who pays the  
31 additional fees for the special license plate unless other eligibility  
32 requirements are specifically stated in this subchapter:

- 33 (1) Ducks Unlimited;  
34 (2) Committed to Education;  
35 (3) Choose Life;



- 1 (4) Susan G. Komen Breast Cancer Education, Research, and
- 2 Awareness;
- 3 (5) Boy Scouts of America;
- 4 (6) Arkansas Cattlemen’s Foundation; ~~and~~
- 5 (7) Organ Donor Awareness; and
- 6 (8) Arkansas Realtors® Association.

7 (b) The Department of Finance and Administration shall continue to  
 8 collect the fee for the design-use contribution or for fund-raising purposes,  
 9 and the following organizations shall continue to receive funds and be  
 10 authorized to use the funds from the fee for the design-use contribution for  
 11 special license plates that were in effect before April 13, 2005, and that  
 12 are continued under this subchapter:

- 13 (1) Ducks Unlimited, Inc., for the Ducks Unlimited special
- 14 license plate;
- 15 (2) Arkansas Committed to Education Foundation for the
- 16 Committed to Education special license plate;
- 17 (3) Arkansas Right to Life for the Choose Life special
- 18 license plate;
- 19 (4) Arkansas Affiliate of the Susan G. Komen Foundation
- 20 for the Susan G. Komen Breast Cancer Education, Research, and Awareness
- 21 special license plate;
- 22 (5) Boy Scouts of America, Quapaw Area Council of
- 23 Arkansas, for the Boy Scouts of America special license plate;
- 24 (6) Arkansas Cattlemen’s Foundation for the Arkansas
- 25 Cattlemen’s Foundation special license plate; and
- 26 (7) Regional Organ Recovery Agency for the Organ Donor
- 27 Awareness special license plate.

28 (c)(1) Within thirty (30) days after April 13, 2005, the director  
 29 shall notify the organizations listed in subsection (b) of this section that  
 30 received the funds or were authorized to use the funds from a design-use  
 31 contribution fee for a special license plate that is continued under this  
 32 chapter and that was in effect before April 13, 2005, and the State Highway  
 33 Commission of a change in the law regarding special license plates.

34 (2)(A) The organization shall submit to the director an  
 35 application that includes the following:

- 36 (i) The organization’s financial plan for the use of

1 the proceeds from the special license plate; and

2 (ii) An affidavit signed by an official of the  
 3 organization that states that the proceeds from the special license plate  
 4 will be used according to the financial plan submitted with the application.

5 (B)(i) The organization shall submit the information  
 6 required under this subsection within one hundred twenty (120) days after  
 7 April 13, 2005.

8 (ii) If the organization fails to comply with this  
 9 subdivision (c)(2)(B) within one hundred twenty (120) days after April 13,  
 10 2005, then the director shall notify the organization that proceeds from the  
 11 special license plate design-use contribution fee will no longer be remitted  
 12 to the organization or the organization will no longer be able to use the  
 13 proceeds until the organization complies with this subdivision.

14 (C) The department shall not remit funds to the  
 15 organization or allow the organization to use the proceeds from the special  
 16 license plate unless the organization complies with the provisions of this  
 17 section.

18 (d) Every special license plate continued under this subchapter shall  
 19 be discontinued on April 7, 2007, unless an application is submitted to and  
 20 approved by the director ninety (90) days prior to April 1, 2007, that  
 21 establishes the organization's compliance with the following conditions:

22 (1) The organization is a state agency or a nonprofit  
 23 organization that has been approved for tax exempt status under Section  
 24 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

25 (2) The organization is based, headquartered, or has a chapter  
 26 in Arkansas;

27 (3) The purpose of the organization is for social, civic,  
 28 entertainment, or other purposes;

29 (4)(A) The Except as provided under subdivision (d)(4)(B) of  
 30 this section, the name of the organization is not the name of a special  
 31 product, a trademark, or a brand name.

32 (B) This condition shall not apply to a trademark if the  
 33 organization or entity with control of the trademark has provided a written  
 34 authorization for its use;

35 (5)(A) The Except as provided under subdivision (d)(5)(B) of  
 36 this section, the name of the organization is not interpreted by the

1 department as promoting a special product, a trademark, or a brand name.

2 (B) This condition shall not apply to a trademark if the  
3 organization or entity with control of the trademark has provided a written  
4 authorization for its use;

5 (6) The organization is not a political party;

6 (7) The organization was not created primarily to promote a  
7 specific political belief; and

8 (8) The organization shall not have as its primary purpose the  
9 promotion of any specific religion, faith, or anti-religion.

10  
11 SECTION 2. Arkansas Code Title 27, Chapter 24, Subchapter 14 is  
12 amended to add an additional section to read as follows:

13 27-24-1408. Realtors® special license plate.

14 (a) The purpose of this section is to continue the eligibility  
15 requirements for the issuance of a special license plate for Realtors® under  
16 § 27-15-5303.

17 (b)(1) The Department of Finance and Administration shall require  
18 proof of eligibility for a Realtors® special license plate issued under this  
19 subchapter.

20 (2) The applicant shall present proof that he or she is a member  
21 in good standing of the National Association of Realtors®.

22 (3) To establish membership in the association, the applicant  
23 shall present his or her membership card.

24  
25 SECTION 3. NOT TO BE CODIFIED.

26 (a) Within thirty (30) days after the effective date of this act, the  
27 Director of the Department of Finance and Administration shall notify the  
28 Arkansas Realtors® Association and the Arkansas Realtors® Foundation, which  
29 were authorized to receive and use funds from a design-use contribution fee  
30 for a special license plate under Arkansas Code § 27-15-5301 et seq., of a  
31 change in the law regarding the Realtor® special license plate.

32 (b)(1) The Arkansas Realtors® Association shall submit to the director  
33 an application that includes the following:

34 (A) The association’s financial plan for the use of the  
35 proceeds from the special license plate that specifies the charitable use for  
36 the proceeds; and

1                   (B) An affidavit signed by an official of the association  
 2 that states that the proceeds from the special license plate will be used  
 3 according to the financial plan submitted with the application.

4                   (2)(A) The association shall submit the information required  
 5 under this subsection (b) within one hundred twenty (120) days after the  
 6 effective date of this act.

7                   (B) If the association fails to comply with this  
 8 subsection (b) within one hundred twenty (120) days after the effective date  
 9 of this act, then the director shall notify the association that proceeds  
 10 from the special license plate design-use contribution fee will no longer be  
 11 remitted to the association or the association will no longer be able to use  
 12 the proceeds until the association complies with this subsection (b).

13                   (C) The department shall not remit funds to the  
 14 association or allow the association to use the proceeds from the special  
 15 license plate unless the association complies with the provisions of this  
 16 section.

17                   (c) The Arkansas Realtors® Association may designate that the proceeds  
 18 be directed to a nonprofit organization that has been approved for tax exempt  
 19 status under Section 501(c)(3) of the Internal Revenue Code, as in effect on  
 20 January 1, 2007, if the designated organization:

21                   (1) Is based, headquartered, or has a chapter in Arkansas;

22                   (2) Is for social, civic, entertainment, or other purposes;

23                   (3) Except as provided under subdivision (c)(3)(B) of this  
 24 section, uses the name of the organization and the name of the organization  
 25 is not the name of a special product, a trademark, or a brand name.

26                   (B) This condition shall not apply to a trademark if the  
 27 organization or entity with control of the trademark has provided a written  
 28 authorization for its use;

29                   (4)(A) Except as provided under subdivision (c)(4)(B) of this  
 30 section, the name of the organization is not interpreted by the department as  
 31 promoting a special product, a trademark, or a brand name.

32                   (B) This condition shall not apply to a trademark if the  
 33 organization or entity with control of the trademark has provided a written  
 34 authorization for its use;

35                   (5) The organization is not a political party;

36                   (6) The organization was not created primarily to promote a

1 specific political belief; and

2 (7) The organization shall not have as its primary purpose the  
 3 promotion of any specific religion, faith, or anti-religion.

4 (d) The Arkansas Realtors® Association may change the designee under  
 5 subsection (c) of this section upon written notice to the Director of the  
 6 Department of Finance and Administration that includes the documentation  
 7 required by the director for such a change.

8 (e) Any funds from a design-use contribution fee for a Realtor®  
 9 special license plate under Arkansas Code § 27-15-5301 et seq., received by  
 10 the Director of the Department of Finance and Administration before the  
 11 effective date of this act shall be disbursed according to the financial plan  
 12 submitted by the Arkansas Realtors® Association as provided under subdivision  
 13 (b)(1) of this section.

14  
 15 SECTION 4. Arkansas Code Title 27, Chapter 15, Subchapter 53 is  
 16 repealed.

17 ~~27-15-5301. Realtors license plate authorized.~~

18 ~~The Director of the Department of Finance and Administration shall~~  
 19 ~~issue a special Realtors motor vehicle license plate in the manner and~~  
 20 ~~subject to the conditions prescribed in this subchapter.~~

21  
 22 ~~27-15-5302. Design.~~

23 ~~(a) The license plates issued under this subchapter shall be designed~~  
 24 ~~by the Arkansas Realtors Association.~~

25 ~~(b)(1) The design shall be submitted to the Director of the Department~~  
 26 ~~of Finance and Administration for the director's approval under the rules~~  
 27 ~~promulgated by the director.~~

28 ~~(2)(A) Upon approval of the design by the director, the~~  
 29 ~~association shall remit to the department a fee of six thousand dollars~~  
 30 ~~(\$6,000) to cover the cost of the initial order of the license plates.~~

31 ~~(B) The fee shall be deposited into the State Central~~  
 32 ~~Services Fund for the benefit of the Revenue Division of the Department of~~  
 33 ~~Finance and Administration and shall be credited as supplemental and in~~  
 34 ~~addition to all other funds as may be deposited for the benefit of the~~  
 35 ~~division.~~

36 ~~(C) The fee shall not be considered or credited to the~~

1 ~~division as direct revenues.~~

2 ~~(c) The association may submit a newly designed license plate for~~  
 3 ~~approval and issuance by the director, but the director shall not approve~~  
 4 ~~more than one (1) new design each calendar year.~~

5  
 6 ~~27-15-5303. Eligibility.~~

7 ~~(a) The Department of Finance and Administration shall require proof~~  
 8 ~~of eligibility for a special license plate under this subchapter.~~

9 ~~(b)(1) The applicant shall present proof that he or she is a member in~~  
 10 ~~good standing of the National Association of Realtors.~~

11 ~~(2) To establish membership in the association, the applicant~~  
 12 ~~shall present his or her membership card.~~

13  
 14 ~~27-15-5304. Issuance—Renewal—Replacement.~~

15 ~~(a) The owner of a motor vehicle who is a resident of the State of~~  
 16 ~~Arkansas and is eligible as provided under § 27-15-5303(b) may apply for and~~  
 17 ~~annually renew a special license plate that is issued under this subchapter.~~

18 ~~(b) An applicant for a special license plate under this subchapter~~  
 19 ~~shall remit the following fees:~~

20 ~~(1) The fee required by law for the registration and licensing~~  
 21 ~~of the motor vehicle;~~

22 ~~(2) A fee in the amount of twenty five dollars (\$25.00) to be~~  
 23 ~~remitted monthly to the Arkansas Real Estate Foundation; and~~

24 ~~(3) A handling and administrative fee in the amount of ten~~  
 25 ~~dollars (\$10.00).~~

26 ~~(c) To renew a special license plate under this subchapter, the owner~~  
 27 ~~of the motor vehicle shall remit the fees under subsection (b) of this~~  
 28 ~~section.~~

29 ~~(d) To replace a special license plate issued under this subchapter,~~  
 30 ~~the owner of the motor vehicle shall remit:~~

31 ~~(1) The fee stated in subdivision (b)(3) of this section if the~~  
 32 ~~registration has not expired; or~~

33 ~~(2) The fees stated in subsection (b) of this section if the~~  
 34 ~~registration has expired.~~

35 ~~(e) The Revenue Division of the Department of Finance and~~  
 36 ~~Administration shall remit the fees collected under subdivision (b)(2) of~~

~~this section on a monthly basis to the Arkansas Realtors Association.~~

~~(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.~~

~~(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.~~

~~(3) The fee shall not be considered or credited to the division as direct revenue.~~

~~(g) The registration of a special license plate under this subchapter may:~~

~~(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and~~

~~(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.~~

~~(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.~~

~~(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:~~

~~(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;~~

~~(2) A personalized license plate;~~

~~(3) A different special license plate under this subchapter; or~~

~~(4) Any other special license plate that the person is entitled to receive under this chapter.~~

~~27-15-5305. Transfer to another vehicle.~~

~~The special Realtors license plate may be transferred from one (1) vehicle to another as provided in § 27-14-914.~~

~~27-15-5306. Compliance with other laws.~~

~~The special Realtors license plate shall comply with all other state motor vehicle laws relating to registration and licensing of motor vehicles, including the minimum number of license plate applications required under §~~



~~27-15-4004(a) [repealed] and the discontinuation of the license plate under §  
27-15-4004(b) [repealed], except as specifically provided otherwise in this  
subchapter.~~

~~27-15-5307. Rules and regulations.~~

~~The Director of the Department of Finance and Administration shall  
promulgate reasonable rules and regulations and prescribe forms as the  
director determines to be necessary for effectively and efficiently carrying  
out the intent and purposes of this subchapter.~~

APPROVED: 3/22/2007

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