

**Hall of the House of Representatives**  
84th General Assembly - Second Extraordinary Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 1027**

"TO REVISE VARIOUS PROVISIONS OF THE ARKANSAS MOTOR VEHICLE  
COMMISSION ACT."

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**Amendment No. 1 to House Bill No. 1027.**

Amend House Bill No. 1027 as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 23, Chapter 112, Subchapter 1 is amended to add an additional section to read as follows:

23-112-106. Enforcement.

(a)(1) The Arkansas Motor Vehicle Commission may enter orders that direct and command compliance with this chapter and regulations under this chapter if any of the following conditions have been met:

(A) The commission has conducted a hearing within sixty (60) days on the matter;

(B) The commission has made written findings that the public interest and welfare require the person or entity against whom the commission is acting to take the specified action;

(C) The commission finds that the current civil or administrative penalties are insufficient; or

(D) The failure of the commission to issue the order would be detrimental to the public interest or welfare.

(2) The commission may enforce its findings and conclusions upon entry of an order under this subsection (a).

(b) The commission shall have the power to enforce the prohibitions contained in the Arkansas Motor Vehicle Commission Act, § 23-112-101 et seq., and rules promulgated under this chapter through the imposition of fines and penalties, the issuance of cease and desist orders, and other remedies that are provided by law.

(c) Regarding all orders issued under subsection (b) of this section, the following procedures shall apply:

(1) Upon finding that any action of a person or entity is violating this chapter, the commission or its designee may order the person to cease and desist from the prohibited action;

(2) Upon entering the order under subdivision (c)(1) of this section, the commission or its designee shall promptly notify the person or entity that the order has been entered and shall state the reasons for the order;



(3) The person may contest the cease and desist order by delivering a written request for a hearing to the commission within three (3) days from the date on which the person receives notice of the order;

(4)(A) If the commission receives a timely written request for a hearing, the commission shall schedule a hearing to be held within thirty (30) days after receipt of the request.

(B) The commission may otherwise determine that a hearing is necessary and order a hearing within thirty (30) days after the order under subdivision (c)(1) of this section is issued;

(5) If the person does not request a hearing or the commission does not order a hearing, the order issued under subdivision (c)(1) of this section shall remain in effect until it is modified or vacated by the commission; and

(6) If a hearing is requested or ordered, after notice of and opportunity for a hearing, the commission may take the following actions on orders issued under subdivision (c)(1) of this section:

(A) Modify the order;

(B) Vacate the order; or

(C) Make the order permanent.

(d)(1) A person shall be subject to a civil penalty of up to two thousand five hundred dollars (\$2,500) for each violation of the commission's cease and desist order committed after entry of the cease and desist order if:

(A)(i) The person or entity subject to the cease and desist order fails to appeal the order in accordance with this section; or

(ii) The person appeals and the appeal is denied or dismissed; or

(B) The person continues to engage in the prohibited action in violation of the commission's order.

(2) In addition to the civil penalty under this section, the commission may impose a civil penalty as provided under § 23-112-314.

(3) The penalties of this section apply in addition to, but not in lieu of, any other provision of law applicable to a person or entity for his or her failure to comply with an order of the commission.

(e) The orders of the commission shall be subject to a person's right to appeal."

The Amendment was read \_\_\_\_\_

By: Representative Petrus

JSE/RKC - 12-22-2003 10:43

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Chief Clerk