

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 2000

"TO ENSURE THAT USED MOTOR VEHICLES SOLD IN THE STATE MEET THE
MINIMUM SAFETY AND EQUIPMENT STANDARDS REQUIRED BY LAW AND TO
CREATE THE AUTISM SUPPORT FUND."

Amendment No. 1 to House Bill No. 2000.

Amend House Bill No. 2000 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 23-112-605 is amended to read as follows:
23-112-605. Violations.

(a) ~~It shall be~~ is a violation of this subchapter to knowingly or
intentionally:

(1)(A) Sell a vehicle without a dealer license.

(B) The sale of each vehicle ~~shall constitute~~ constitutes
a separate offense;

(2) Commit a fraudulent act in selling, purchasing, or otherwise
dealing in motor vehicles;

(3) Fail to maintain the conditions and requirements necessary
to qualify for the issuance of a license;

(4) Sell, attempt to sell, or advertise for sale vehicles from a
location other than that set forth on the dealer license, except:

(A) As a participating dealer in a state trade association
promotion or exhibit;

(B) With a special sale permit; or

(C) At an auto auction;

(5) Falsify, alter, or neglect to endorse or deliver a
certificate of title to a transferee or lawful owner, or fail to properly
designate a transferee on a document of assignment or certificate of title;

(6) ~~Knowingly purchase~~ Purchase, sell, or otherwise acquire or
dispose of a stolen motor vehicle;

(7) Submit a false affidavit setting forth that a title has been
lost or destroyed;

(8) Pass title or reassign title as a dealer without a dealer's
license or when his or her dealer's license has been suspended;

(9) ~~To represent~~ Represent oneself as a dealer or as a
salesperson, either verbally or in any advertisement, when not licensed as



such;

(10) Violate any provision or requirement in this subchapter; or

(11) Knowingly assist an unlicensed dealer in the sale of a motor vehicle.

(b)(1) It is a violation of this subchapter if a dealer sells a vehicle that he or she knew or should have known at the time of sale:

(A) Was not in safe mechanical condition as provided under § 27-32-101 so as to endanger the driver of the vehicle, a passenger in the vehicle, or other person;

(B) Was not properly equipped with any of the following:

(i) Head lamps as required under § 27-36-209;

(ii) Tail lamps as required under § 27-36-215;

(iii) Brakes as required under § 27-37-501 et seq.;

(iv) A working horn as required under § 27-37-

202(a);

(v) Signal lamps as required under § 27-36-216;

(vi) Glass and mirrors as required under §§ 27-37-

301 – 27-37-306;

(vii) Seat belts as required under § 27-37-701 et

seq.; or

(viii) Any other equipment required by state or

federal law; or

(C) Has equipment that was not in proper adjustment or repair.

(2) If the driver of a motor vehicle is issued a safety compliance summons by a law enforcement officer within thirty (30) days from the date of the sale of the motor vehicle, there is a rebuttable presumption that the dealer violated this subsection.

(3)(A) In addition to any other penalty prescribed by law, a civil penalty of five hundred dollars (\$500) shall be imposed against the dealer that sold the motor vehicle in violation of this subsection.

(B) The civil penalty collected under this subdivision (b)(3) shall be distributed as follows:

(i) Fifty percent (50%) to the Autism Support Fund;
and

(ii) Fifty percent (50%) to the court that imposes the civil penalty.

(4) The Director of the Department Arkansas State Police may make all necessary rules for the implementation, administration, and enforcement of this subsection.

SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended to add a new section to read as follows:

19-6-811. Autism Support Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Autism Support Fund".

(b) The fund shall consist of fifty percent (50%) of the revenues collected under § 23-112-605(b).

(c) The fund shall be managed by the Department of Health.

(d) The fund shall be used to provide research in the area of autism and to provide support services for persons with autism."

The Amendment was read _____
By: Representative Flowers
JSE/JSE - 03-06-2009 12:03
JSE217 _____ Chief Clerk