

# Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

## Amendment Form

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### Subtitle of House Bill No. 2080

"TO AMEND ARKANSAS LAW CONCERNING PENALTIES FOR THE INTERSTATE  
TRANSPORTATION OF TOBACCO PRODUCTS."

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### Amendment No. 1 to House Bill No. 2080.

Amend House Bill No. 2080 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 26-57-243 is repealed.

~~26-57-243. Unstamped and untaxed products — Personal possession limits.~~

~~The possession limit of tobacco products by any person, upon his or her person or in his or her personal luggage for his or her personal use, not taxed or stamped in accordance with the provisions of this subchapter, is as follows:~~

~~(1) One (1) carton of ten (10) packages plus one (1) package of twenty (20) cigarettes. A person purchasing cigarettes from a United States military base or installation may have in his or her possession three (3) cartons of ten (10) packages;~~

~~(2) One (1) box of fifty (50) cigars, small cigars, or cigarillos; or~~

~~(3) Three pounds (3 lbs.) of smoking tobacco.~~

SECTION 2. Arkansas Code § 26-57-245 is amended to read as follows:

26-57-245. ~~Unstamped products~~ Cigarettes without Arkansas tax stamps or products with unpaid taxes — ~~Purchase Possession, purchase, sale, receipt, etc.,~~ a criminal offense.

~~(a) Except as otherwise authorized by this subchapter, any A~~ person who purchases, sells, offers for sale, receives, possesses, or transports upon his or her person, on his or her premises, or in his or her vehicle any cigarettes which do not have Arkansas tax stamps affixed ~~thereon~~ on the cigarette packages ~~the stamps required by this subchapter,~~ or any other tobacco products upon which ~~the~~ taxes imposed by this subchapter have not been paid, upon conviction is guilty of a criminal offense that is a:

~~(1) Class C felony if the tax value of the total amount of the packages of tobacco products is equal to or exceeds one hundred dollars (\$100) twenty-one (21) packages of tobacco products;~~

~~(2) Class A misdemeanor if the tax value of the total amount of tobacco products is less than one hundred dollars (\$100).~~

(b) A person convicted under subsection (a) of this section for



unlawfully transporting more than twenty-one (21) packages of tobacco products is subject to the following additional penalties:

(1) A fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per package of tobacco products;

(2) A suspension of the person's driver's license or permit for a period not to exceed one (1) year; or

(3) Penalties under both subdivisions (b)(1)(A) and (b)(1)(B) of this section.

(c) As used in this section, "packages of tobacco products" means:

(1) A pack of cigarettes;

(2) An individual container of moist tobacco, chewing tobacco, or snuff;

(3) A pack containing ten (10) or fewer cigars, little cigars, blunts, or cigarillos;

(4) One (1) cigar either individually or from a container having more than ten (10) cigars, little cigars, blunts, or cigarillos; or

(5) An individual container of any other tobacco product.

(d) The following individuals or entities are exempt from the provisions of this section:

(1) A wholesaler licensed by the State of Arkansas who is in compliance with § 26-57-211;

(2) A retailer licensed by the State of Arkansas who is in compliance with § 26-57-212;

(3) A common carrier who is in compliance with § 26-57-230; and

(4) A wholesaler or manufacturer who is transporting cigarettes or tobacco products through the State of Arkansas for delivery outside of Arkansas.

SECTION 3. Arkansas Code § 27-16-907(a), concerning the suspension of a driver's license, is amended to read as follows:

(a) The Office of Driver Services is authorized to suspend the license of any driver after a hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been convicted of an offense for which mandatory revocation of the license is required;

(2) Has been involved as a driver in any accident resulting in the death or personal injury of another or in serious property damage;

(3) Is an habitually reckless or negligent driver of a motor vehicle;

(4) Is an habitual violator of the traffic laws;

(5) Is incompetent to drive a motor vehicle;

(6) Has permitted an unlawful or fraudulent use of his or her license;

(7) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

(8) Is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred five degrees (105°);

(9) Is any person who is not lawfully within the United States;

(10) Was found by the office or its agent to have used or attempted to use a driver's license or identification card issued under § 27-

16-805 that was fraudulent, counterfeit, or altered; ~~or~~

(11)(A) Transported packages of tobacco products in violation of § 26-57-245.

(B) For the purposes of subdivision (a)(11)(A) of this section, the Office of Driver's Services may suspend a person's license or permit; or

~~(11)~~(12) Was found by the office or its agent to have used or attempted to use the driver's license or identification card of another person by representing it as his or her own license or identification card issued under § 27-16-805."

The Amendment was read \_\_\_\_\_  
By: Representative Dunn  
MBM/BGS - 03-25-2009 16:10  
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Chief Clerk