

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.

INTERIM STUDY PROPOSAL 2009-129

State of Arkansas

As Engrossed: H3/10/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 2000

By: Representative Flowers

Filed with: House Interim Committee on Public Transportation
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ENSURE THAT USED MOTOR VEHICLES SOLD IN
THE STATE MEET THE MINIMUM SAFETY AND EQUIPMENT
STANDARDS REQUIRED BY LAW; TO CREATE THE AUTISM
SUPPORT FUND; AND FOR OTHER PURPOSES.

Subtitle

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.

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

*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;*



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

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

5 (B) With a special sale permit; or

6 (C) At an auto auction;

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

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

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

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

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

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

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

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

24 (A) Was not in safe mechanical condition as provided under
25 § 27-32-101 so as to endanger the driver of the vehicle, a passenger in the
26 vehicle, or other person;

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

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

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

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

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

32 202(a);

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

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

35 301 - 27-37-306;

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

1 seq.; or

2 (viii) Any other equipment required by state or
3 federal law; or

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

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

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

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

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

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

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

22
23 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
24 to add a new section to read as follows:

25 19-6-811. Autism Support Fund.

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

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

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

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

34
35 /s/ Flower

36 Filed Date: 04/09/2009 By: JSE\VJF