

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JMB/JMB
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE THE ACUPUNCTURIST LICENSE OPTIONAL IN
9 THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO MAKE THE ACUPUNCTURIST LICENSE
12 OPTIONAL IN THE STATE OF ARKANSAS.
13

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 17-102-105(c), concerning public health and
20 sanitation regarding acupuncturists, is amended to read as follows:

21 (c) ~~No person shall be allowed to~~ An acupuncturist shall not practice
22 acupuncture and related techniques without first having passed a nationally
23 recognized clean-needle-technique course.
24

25 SECTION 2. Arkansas Code § 17-102-301 is amended to read as follows:

26 17-102-301. License ~~required~~ optional.

27 ~~In order to safeguard life and health, any~~ A person practicing
28 acupuncture and related techniques in the state for compensation or
29 ~~gratuitously shall be required to~~ without compensation may submit evidence
30 that he or she is qualified to practice and is licensed as provided in this
31 chapter.
32

33 SECTION 3. Arkansas Code § 17-102-303 is repealed.

34 ~~17-102-303. Unlawful practice—Penalty—Injunction.~~

35 ~~(a) Except as otherwise provided in this chapter, it shall be unlawful~~
36 ~~for any person not licensed under the provisions of this chapter.~~

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1 ~~(1) To practice or offer to practice acupuncture and related~~
 2 ~~techniques; or~~

3 ~~(2) To use any sign, card, or device to indicate that the person~~
 4 ~~is an acupuncturist.~~

5 ~~(b) Except as otherwise provided in this chapter, any person who shall~~
 6 ~~attempt to practice acupuncture and related techniques as defined in this~~
 7 ~~chapter without having first been licensed or otherwise permitted under the~~
 8 ~~provisions of this chapter to do so, shall be deemed guilty of a misdemeanor.~~
 9 ~~Upon conviction, he or she shall be punished by a fine of not less than one~~
 10 ~~thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by~~
 11 ~~imprisonment in the county jail for a period of not less than one (1) month~~
 12 ~~nor more than eleven (11) months, or by both fine and imprisonment. Each day~~
 13 ~~shall constitute a separate offense.~~

14 ~~(c) The courts of this state having general equity jurisdiction are~~
 15 ~~vested with jurisdiction and power to enjoin the unlawful practice of~~
 16 ~~acupuncture and related techniques in a proceeding by the Arkansas State~~
 17 ~~Board of Acupuncture and Related Techniques or any member thereof or by any~~
 18 ~~citizen of this state in the county in which the alleged unlawful practice~~
 19 ~~occurred or in which the defendant resides or in Pulaski County. The issuance~~
 20 ~~of an injunction shall not relieve a person from criminal prosecution for~~
 21 ~~violation of the provisions of this chapter, but the remedy of injunction~~
 22 ~~shall be in addition to liability to criminal prosecution.~~

23
 24 SECTION 4. Arkansas Code § 17-102-310 is amended to read as follows:
 25 17-102-310. Exempted activities.

26 ~~Nothing herein shall be construed to~~ This chapter does not prohibit or
 27 ~~to~~ require a license ~~hereunder~~ with respect to the practice of medicine and
 28 surgery, chiropractic, osteopathy, dentistry, podiatry, optometry, Christian
 29 Science, physical therapy, cosmetology, massage therapy, or any branch of the
 30 healing arts as defined by the laws of this state ~~as now or hereafter~~
 31 ~~enacted, it not being intended by this chapter to~~ and does not limit,
 32 restrict, enlarge, or alter the privileges and practices of any of these
 33 professions or branches of the healing arts.

1 State of Arkansas
2 92nd General Assembly
3 First Extraordinary Session, 2020
4

A Bill

DRAFT MLD/MLD
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE POWERS AND DUTIES OF THE ARKANSAS
9 FIRE PROTECTION LICENSING BOARD; TO REMOVE LICENSING
10 REQUIREMENTS FOR SPRINKLER SYSTEM FITTERS; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND THE POWERS AND DUTIES OF THE
15 ARKANSAS FIRE PROTECTION LICENSING BOARD;
16 AND TO REMOVE LICENSING REQUIREMENTS FOR
17 SPRINKLER SYSTEM FITTERS.
18
19
20

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

23 SECTION 1. Arkansas Code § 20-22-607(1)(E)-(G), concerning the powers
24 and duties of the Arkansas Fire Protection Licensing Board, are amended to
25 read as follows:

26 (E) The examination and licensure of a person applying for
27 a license as a responsible managing employee for the purpose of fire
28 protection sprinkler system business, including designing, inspecting,
29 installing, system layout, or servicing fire protection sprinkler systems,
30 including standpipe, fire pumps, and hose systems; and

31 (F) The examination and licensure of a person applying for
32 a license as a fire protection sprinkler systems inspector for the purpose of
33 servicing or inspecting fire protection sprinkler systems, including
34 standpipe, fire pumps, and hose systems; ~~and~~

35 ~~(G) The examination and licensure of a person applying for~~
36 ~~a license as a fire protection sprinkler system sprinkler fitter or~~

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1 ~~apprentice for the purpose of installing, servicing, or placing fire~~
 2 ~~protection sprinkler systems in service, including without limitation~~
 3 ~~standpipe, fire pumps, and hose systems;~~

5 SECTION 2. Arkansas Code § 20-22-607(3) and (4), concerning the powers
 6 and duties of the Arkansas Fire Protection Licensing Board, are amended to
 7 read as follows:

8 (3) Conduct examinations to ascertain the qualifications and
 9 fitness of individual applicants to install or service portable fire
 10 extinguishers, ~~install or service fixed fire protection systems,~~ or to
 11 ~~install, service,~~ inspect, or design fire protection sprinkler systems;

12 (4) Issue:

13 (A) ~~eertificates~~ Certificates of registration for those
 14 firms that qualify and individual licenses and permits to individuals that
 15 qualify to:

16 (i) ~~engage~~ Engage in the business and activity of
 17 installing and servicing portable fire extinguishers, ~~installing and~~
 18 ~~servicing fixed fire protection systems, and designing, installing,~~
 19 ~~inspecting, or servicing;~~ or

20 (ii) Design or inspect fire protection sprinkler
 21 systems; and

22 (B) ~~issue licenses~~ Licenses or permits to those firms and
 23 individuals qualifying to perform hydrostatic testing of fire extinguisher
 24 cylinders;

26 SECTION 3. Arkansas Code § 20-22-609(2) and (3), concerning the
 27 license, permit, or certificate required for compliance with this subchapter,
 28 are amended to read as follows:

29 (2) Engage in the business of ~~installing,~~ inspecting, ~~or~~
 30 ~~servicing~~ fixed fire protection systems without a current certificate of
 31 registration;

32 (3) Install, inspect, or service portable fire extinguishers or
 33 inspect fixed fire protection systems without a current individual license;

35 SECTION 4. Arkansas Code § 20-22-609(6)-(8), concerning the license,
 36 permit, or certificate required for compliance with this subchapter, are

1 amended to read as follows:

2 (6) Sell, service, inspect, or install portable fire
 3 extinguishers, ~~fixed fire protection systems, or fire protection sprinkler~~
 4 ~~systems~~ contrary to this subchapter or the policies formulated and
 5 administered under the authority of this subchapter;

6 (7) Sell or inspect fixed fire protection systems or fire
 7 protection sprinkler systems contrary to this subchapter or the policies
 8 formulated and administered under the authority of this subchapter;

9 (8) Engage in ~~any~~ a fire protection sprinkler system business
 10 without a current certificate of registration and without employing a full-
 11 time licensed responsible managing employee; and

12 ~~(8)~~(9) Engage in ~~any~~ a business or activity licensed or
 13 permitted by the Arkansas Fire Protection Licensing Board without maintaining
 14 in force at all times a public liability insurance policy, with minimum
 15 coverage limits as set by the board, covering the person’s operations and
 16 completed operations.

17
 18 SECTION 5. Arkansas Code § 20-22-610(b)(1), concerning the application
 19 and fees for a license, permit, or certificate, is amended to read as
 20 follows:

21 ~~(b)(1) Each firm or person desiring to engage in or to continue to~~
 22 ~~engage in the business of installing, inspecting, or servicing portable fire~~
 23 ~~extinguishers, selling, inspecting, installing, or servicing fixed fire~~
 24 ~~protection systems, performing hydrostatic testing of fire extinguishers or~~
 25 ~~fire extinguisher cylinders, or planning, selling, installing, maintaining,~~
 26 ~~inspecting, or servicing fire protection sprinkler systems in the State of~~
 27 ~~Arkansas as a condition of engaging or continuing to engage in such a~~
 28 ~~business shall obtain from the board a certificate of registration and~~
 29 ~~appropriate individual licenses as prescribed in this subchapter.~~

30 (b)(1) As a condition of engaging or continuing to engage in a
 31 business listed under this subdivision in the State of Arkansas, each firm or
 32 person shall obtain from the board a certificate of registration and
 33 appropriate individual licenses as prescribed in this subchapter. This
 34 condition applies to a business:

35 (A) Installing, inspecting, or servicing portable fire
 36 extinguishers;

1 for a license to sell, ~~install, or service~~ fixed fire protection systems, or
 2 for a license to conduct ~~any~~ a fire protection sprinkler system business, a
 3 person employed by a certified firm shall obtain a license issued by the
 4 Arkansas Fire Protection Licensing Board after:

5
 6 SECTION 9. Arkansas Code § 20-22-613(f)-(j), concerning actions by the
 7 Arkansas Fire Protection Licensing Board, are amended to read as follows:

8 (f) Except as provided in § 20-22-603, only the holder of a current
 9 and valid license or an apprentice permit issued under this subchapter may
 10 service portable fire extinguishers, ~~install and maintain fixed fire~~
 11 ~~protection systems, or install or maintain fire protection sprinkler systems.~~

12 (g) A person who has been issued a license or permit under this
 13 subchapter to service portable fire extinguishers, ~~install or service fixed~~
 14 ~~fire protection systems, or install and service fire protection sprinkler~~
 15 ~~systems~~ shall be an employee, agent, or servant of a firm that holds a
 16 current and valid certificate of registration issued under this subchapter.

17 ~~(h) Installation and servicing of fixed fire protection systems shall~~
 18 ~~be accomplished under the rules of the board.~~

19 ~~(i) Installation and servicing of fire protection sprinkler systems~~
 20 ~~shall be accomplished in accordance with the rules of the board.~~

21 ~~(j)(1)(h)(1)~~ Any A fire protection sprinkler system that was installed
 22 before September 1, 1985, shall be ~~serviced, maintained, inspected, and~~
 23 ~~repaired~~ under the current rules of the board.

24 (2) Any A fixed fire protection system that was installed before
 25 January 1, 1979, shall be ~~serviced, maintained, inspected, and repaired~~ under
 26 current rules of the board.

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1 State of Arkansas
2 92nd General Assembly
3 First Extraordinary Session, 2020
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A Bill

DRAFT MLD/MLD
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS MOTOR VEHICLE COMMISSION
9 ACT; TO AMEND THE RECREATIONAL VEHICLE FRANCHISE ACT;
10 TO REMOVE LICENSING REQUIREMENTS FOR A MOTOR VEHICLE
11 SALESPERSON AND A NEW RECREATIONAL VEHICLE
12 SALESPERSON; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO REMOVE LICENSING REQUIREMENTS FOR
16 CERTAIN PROFESSIONS UNDER THE ARKANSAS
17 MOTOR VEHICLE COMMISSION ACT AND THE
18 RECREATIONAL VEHICLE FRANCHISE ACT.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 23-112-301(a)(2), concerning required
25 licenses under the Arkansas Motor Vehicle Commission Act, is amended to read
26 as follows:

27 (2) For any person to engage in business as, serve in the
28 capacity of, or act as a new motor vehicle dealer, ~~motor vehicle salesperson,~~
29 motor vehicle lessor, manufacturer, importer, distributor, factory branch or
30 division, distributor branch or division, factory representative, distributor
31 representative, second-stage manufacturer, or converter, as such, in Arkansas
32 without first obtaining a license therefor as provided in this chapter,
33 regardless of whether or not the person maintains or has a place of business
34 in Arkansas.
35

36 SECTION 2. Arkansas Code § 23-112-301(d), concerning required licenses

1 under the Arkansas Motor Vehicle Commission Act, is amended to read as
 2 follows:

3 (d)(1) ~~No person may~~ A person shall not engage in the business of
 4 buying, selling, or exchanging motor vehicles, unless he or she+

5 ~~(A) Holds a valid license issued by the commission for the~~
 6 ~~makes of motor vehicles being bought, sold, or exchanged; or~~

7 ~~(B) Is~~ is a bona fide employee or agent of the licensee.

8 (2) ~~For purposes of~~ As used in this subsection, “engage in the
 9 business of buying, selling, or exchanging motor vehicles” means:

10 (A) Displaying for sale motor vehicles on a lot or
 11 showroom;

12 (B) Advertising for sale new motor vehicles regardless of
 13 the medium used; or

14 (C) Regularly or actively soliciting buyers for motor
 15 vehicles.

16

17 SECTION 3. Arkansas Code § 23-112-303(c) and (d), concerning required
 18 license application fees under the Arkansas Motor Vehicle Commission Act, are
 19 amended to read as follows:

20 (c) The schedule of license fees to be charged and received by the
 21 Arkansas Motor Vehicle Commission for the licenses issued ~~pursuant to~~ under
 22 this subchapter shall be as follows:

23 (1) For each manufacturer, distributor, factory branch and
 24 division, or distributor branch and division, second-stage manufacturer,
 25 importer, and converter, nine hundred dollars (\$900);

26 (2) For each motor vehicle dealer or motor vehicle lessor, one
 27 hundred dollars (\$100);

28 (3) For each manufacturer, distributor, or factory
 29 representative, four hundred dollars (\$400);

30 (4) ~~For each motor vehicle salesperson, fifteen dollars~~
 31 ~~(\$15.00);~~

32 (5) For each branch location, twenty-five dollars (\$25.00); and

33 ~~(6)~~ (5) For each replacement certificate of license, ten dollars
 34 (\$10.00).

35 (d)(1) ~~Any~~ A person, firm, or corporation required to be licensed
 36 under this subchapter ~~who~~ that fails to make application for the license at

1 the time required shall pay a penalty of fifty percent (50%) of the amount of
 2 the license fee for each thirty (30) days of default, in addition to the fees
 3 required to be paid pursuant to subsection (c) of this section.

4 ~~(2) However, the~~ The penalty under subdivision (d)(1) of this
 5 section may be waived, in whole or in part, within the discretion of the
 6 commission.

7 ~~(2) License applications for sales personnel shall be received~~
 8 ~~in the commission office within thirty (30) days of employment.~~

9
 10 SECTION 4. Arkansas Code § 23-112-306 is repealed.

11 ~~23-112-306. Display of license—Change of employer—Salesperson.~~

12 ~~(a) Every motor vehicle salesperson shall have his or her license upon~~
 13 ~~his or her person or displayed at his or her place of employment, except as~~
 14 ~~provided in this section, when engaged in his or her business and shall~~
 15 ~~display the license upon request. The name and address of the applicant shall~~
 16 ~~be stated on the license.~~

17 ~~(b) In case of a change of employer, the following procedure shall be~~
 18 ~~adhered to:~~

19 ~~(1) Within three (3) days following the change, the licensee~~
 20 ~~shall notify in writing the Arkansas Motor Vehicle Commission for its~~
 21 ~~endorsement;~~

22 ~~(2) Within three (3) days following the termination of~~
 23 ~~employment of the licensee, the last employer of the licensee shall make a~~
 24 ~~report to the commission setting forth the reasons why the services of the~~
 25 ~~licensee were terminated and such other information as may be required by the~~
 26 ~~commission;~~

27 ~~(3) Upon receipt by the commission of the licensee's written~~
 28 ~~notification and the last employer's report, the commission shall determine~~
 29 ~~if it has grounds to believe, and does believe, that the licensee is no~~
 30 ~~longer qualified under the provisions of this chapter as a motor vehicle~~
 31 ~~salesperson. Under such circumstances, the commission shall immediately~~
 32 ~~notify the licensee and the licensee's new employer in writing that a hearing~~
 33 ~~will be held for the purpose of determining whether his or her license should~~
 34 ~~be revoked or suspended, specifying the grounds for revocation or suspension,~~
 35 ~~as the case may be, and the time and place for the hearing. The hearing and~~
 36 ~~any and all appeals by the licensee with respect thereto shall be in~~

1 accordance with the provisions of § 23-112-501 et seq., and

2 ~~(4)(A) If, after the commission receives the licensee's license~~
 3 ~~and fee and his or her last employer's report, the Executive Director of the~~
 4 ~~Arkansas Motor Vehicle Commission cannot for any reason endorse and mail to~~
 5 ~~the licensee his or her license within a period of three (3) days following~~
 6 ~~the receipt by the commission of the licensee's license and fee and his or~~
 7 ~~her last employer's report, then and in that event the executive director~~
 8 ~~shall mail to the licensee a permit in such form as the commission shall~~
 9 ~~prescribe.~~

10 ~~(B) The permit shall serve in lieu of a license until such~~
 11 ~~time as the commission endorses and mails the license to the licensee, or~~
 12 ~~until such time as the licensee's license is revoked or suspended in~~
 13 ~~accordance with the provisions of this chapter.~~

14 ~~(C) If the license is ultimately revoked or suspended,~~
 15 ~~then immediately upon the revocation or suspension the licensee shall return~~
 16 ~~the permit to the commission for cancellation.~~

17 ~~(c) The commission shall maintain a permanent file with respect to~~
 18 ~~each licensed motor vehicle salesperson. Each file shall contain all~~
 19 ~~pertinent information with respect to the fitness and qualifications of each~~
 20 ~~licensee for the use by the commission in determining from time to time~~
 21 ~~whether his or her license should be revoked or suspended.~~

22 ~~(d) There is no intent under this chapter to prevent a salesperson who~~
 23 ~~has not previously been licensed as a salesperson from selling during the~~
 24 ~~time required to process his or her application. The applicant shall be~~
 25 ~~allowed to sell from the date of employment as long as the applicant and his~~
 26 ~~or her dealer follow the procedure for license application.~~

27
 28 SECTION 5. Arkansas Code § 23-112-307 is amended to read as follows:
 29 23-112-307. Expiration of license.

30 Unless the Arkansas Motor Vehicle Commission by rule provides to the
 31 contrary, all licenses issued to:

32 (1) Manufacturers, distributors, factory or distributor
 33 branches, importers, second-stage manufacturers, converters, and their
 34 representatives expire June 30 following the date of issue; and

35 (2) Motor vehicle dealers, ~~motor vehicle salespersons,~~ and motor
 36 vehicle lessors expire December 31 following the date of issue.

1
 2 SECTION 6. Arkansas Code § 23-112-308(a), concerning the denial,
 3 revocation, and suspension of licenses under the Arkansas Motor Vehicle
 4 Commission Act, is amended to read as follows:

5 (a) Notwithstanding any other statute, the Arkansas Motor Vehicle
 6 Commission may deny an application for a license or revoke or suspend a
 7 license after it has been granted for any of the following reasons:

8 ~~(1)(A) For selling or soliciting sales of a motor vehicle~~
 9 ~~without a license issued by the commission.~~

10 ~~(B) The unlawful sale or solicitation of each motor~~
 11 ~~vehicle shall constitute a separate offense;~~

12 ~~(2)~~ On satisfactory proof of the unfitness of the applicant or
 13 the licensee, as the case may be, under the standards established and set out
 14 in this chapter;

15 ~~(3)~~(2) For fraud practiced or any material misstatement made by
 16 an applicant in any application for license under the provisions of this
 17 chapter;

18 ~~(4)~~(3) For failure to comply with any provision of this chapter
 19 or with any rule promulgated by the commission under the authority vested in
 20 it by this chapter;

21 ~~(5)~~(4) Change of condition after license is granted or failure
 22 to maintain the qualifications for license;

23 ~~(6)~~(5) Continued violation of any of the provisions of this
 24 chapter or of any of the rules of the commission;

25 ~~(7)~~(6) For any violation of any law relating to the sale,
 26 distribution, or financing of motor vehicles;

27 ~~(8)~~(7) Defrauding any retail buyer to the buyer's damage;

28 ~~(9)~~(8) Failure to perform any written agreement with any retail
 29 buyer;

30 ~~(10)~~(9) Selling, attempting to sell, or advertising for sale
 31 vehicles from a location other than that set forth on the license;

32 ~~(11)~~(10) Falsifying, altering, or neglecting to endorse or
 33 deliver a certificate of title to a transferee or lawful owner or failing to
 34 properly designate a transferee on a document of assignment or certificate of
 35 title;

36 ~~(12)~~(11) Knowingly purchasing, selling, or otherwise acquiring

1 or disposing of a stolen motor vehicle;

2 ~~(13)~~(12) Submitting a false affidavit setting forth that a title
3 has been lost or destroyed;

4 ~~(14)~~(13) Passing title or reassigning title as a dealer without
5 a dealer's license or when the dealer's license has been suspended or
6 revoked;

7 ~~(15)~~(14) For a person representing that he or she is a dealer ~~or~~
8 ~~salesperson~~, either verbally or in any advertisement, when the person is not
9 licensed as such;

10 ~~(16)~~(15) Assisting any person in the sale of a motor vehicle who
11 is not licensed as a dealer by the commission;

12 ~~(17)~~(16) Being a manufacturer who fails to specify the delivery
13 and preparation obligations of its motor vehicle dealers, as is required for
14 the protection of the buying public, prior to delivery of new motor vehicles
15 to retail buyers;

16 ~~(18)~~(A)~~(17)~~(A) On satisfactory proof that any manufacturer,
17 distributor, distributor branch or division, or factory branch or division
18 has unfairly and without due regard to the equities of the parties or to the
19 detriment of the public welfare failed to properly fulfill any warranty
20 agreement or to adequately and fairly compensate any of its motor vehicle
21 dealers for labor, parts, or incidental expenses incurred by the dealer with
22 regard to factory warranty agreements performed by the dealer.

23 (B) Compensation for parts for two-wheeled, three-wheeled,
24 and four-wheeled motorcycles and motor-driven all-terrain vehicles must be at
25 the manufacturer's suggested retail price;

26 ~~(19)~~(18) For the commission of any act prohibited by §§ 23-112-
27 301 – 23-112-307, 23-112-402, and 23-112-403, or the failure to perform any
28 of the requirements of those sections;

29 ~~(20)~~(19) Using or permitting the use of special license plates
30 assigned to him or her for any other purpose than those permitted by law;

31 ~~(21)~~(20) Disconnecting, turning back, or resetting the odometer
32 of any motor vehicle in violation of state or federal law;

33 ~~(22)~~(21) Accepting an open assignment of title or bill of sale
34 for a motor vehicle which is not completed by identifying the licensee as the
35 purchaser or assignee of the motor vehicle;

36 ~~(23)~~(A)~~(22)~~(A) Failure to notify the commission of a change in

1 ownership, location, or franchise, or any other matters the commission may
 2 require by ~~regulation~~ rule.

3 (B) The notification shall be in written form and
 4 submitted to the commission at least fifteen (15) days prior to the effective
 5 date of the change;

6 ~~(24)~~(23) Failure to endorse and deliver an assignment and
 7 warranty of title to the buyer pursuant to § 27-14-902;

8 ~~(25)~~(24) Using or permitting the use of a temporary cardboard
 9 buyer's tag assigned to the dealer for any purpose other than permitted under
 10 § 27-14-1705; and

11 ~~(26)~~(25) Failure of a dealer to submit or deliver a certificate
 12 of title or manufacturer's certificate of origin within a reasonable period
 13 of time.

14
 15 SECTION 7. Arkansas Code § 23-112-402 is amended to read as follows:
 16 23-112-402. Dealer ~~and salesperson~~.

17 It ~~shall be~~ is unlawful for a motor vehicle dealer ~~or a motor vehicle~~
 18 ~~salesperson~~:

19 (1)(A) To require a purchaser of a motor vehicle, as a condition
 20 of sale and delivery thereof, to also purchase special features, appliances,
 21 equipment, parts, or accessories not desired or requested by the purchaser.

22 (B) However, ~~this prohibition shall not apply the~~
 23 prohibition under subdivision (1)(A) of this section does not apply as to
 24 special features, appliances, equipment, parts, or accessories ~~which that~~ are
 25 already installed on the ~~car~~ motor vehicle when received by the dealer;

26 (2) To represent and sell as a new motor vehicle any motor
 27 vehicle ~~which that~~ has been used and operated for demonstration purposes or
 28 ~~which that~~ is otherwise a used motor vehicle; or

29 (3) To resort to or use any false or misleading advertisement in
 30 connection with his or her business as a motor vehicle dealer ~~or motor~~
 31 ~~vehicle salesperson~~.

32
 33 SECTION 8. The introductory language of Arkansas Code § 23-112-
 34 1002(2), concerning the General Assembly's police power to regulate certain
 35 entities under the Recreational Vehicle Franchise Act, is amended to read as
 36 follows:

1 that provides a written warranty to the consumer in connection with a new
 2 recreational vehicle or accessories, parts, or components of a new
 3 recreational vehicle.

4 (B) "Warrantor" does not include service contracts,
 5 mechanical or other insurance, or extended warranties sold for separate
 6 consideration by a dealer or other person not controlled by a manufacturer.

7
 8 SECTION 10. Arkansas Code § 23-112-1004(a)(2), concerning unlawful
 9 acts regarding license requirements under the Recreational Vehicle Franchise
 10 Act, is amended to read as follows:

11 (2) Engaging in the business as, serving in the capacity of, or
 12 acting as a new recreational vehicle dealer, ~~recreational vehicle~~
 13 ~~salesperson~~, recreational vehicle manufacturer, recreational vehicle
 14 distributor, recreational vehicle factory representative, or recreational
 15 vehicle manufacturer representative in this state without first obtaining a
 16 license as provided in this subchapter; or

17
 18 SECTION 11. Arkansas Code § 23-112-1004(c)(1), concerning license
 19 requirements and application fees under the Recreational Vehicle Franchise
 20 Act, is amended to read as follows:

21 (c)(1) A person shall not engage in the business of buying, selling,
 22 or exchanging new recreational vehicles unless the person+

23 ~~(A) Holds a valid license issued by the Arkansas Motor~~
 24 ~~Vehicle Commission for the make of recreational vehicles being bought, sold,~~
 25 ~~or exchanged; or~~

26 ~~(B) Is~~ is a bona fide employee or agent of the licensee.

27
 28 SECTION 12. Arkansas Code § 23-112-1004(d)(1)(D)-(F), concerning
 29 license requirements and application fees under the Recreational Vehicle
 30 Franchise Act, are amended to read as follows:

31 ~~(D) For each recreational vehicle salesperson, fifteen~~
 32 ~~dollars (\$15.00);~~

33 ~~(E)~~ For each branch location, twenty-five dollars
 34 (\$25.00); and

35 ~~(F)~~ (E) For each replacement certificate of license, ten
 36 dollars (\$10.00).

1
2 SECTION 13. Arkansas Code § 23-112-1008 is repealed.

3 ~~23-112-1008. Display of license—Change of employer—Salesperson.~~

4 ~~(a)(1) Except as provided in this section, a recreational vehicle~~
5 ~~salesperson shall have his or her license upon his or her person or displayed~~
6 ~~at his or her place of employment when engaged in his or her business and~~
7 ~~shall display the license upon request.~~

8 ~~(2) The name and address of the applicant shall be stated on the~~
9 ~~license.~~

10 ~~(b) In case of a change of employer, the following procedure shall be~~
11 ~~followed:~~

12 ~~(1) Within three (3) days following the change of employer, the~~
13 ~~licensee shall notify in writing the Arkansas Motor Vehicle Commission for~~
14 ~~its endorsement;~~

15 ~~(2) Within three (3) days following the termination of~~
16 ~~employment of the licensee, the last employer of the licensee shall make a~~
17 ~~report to the commission setting forth the reasons that the services of the~~
18 ~~licensee were terminated and such other information as may be required by the~~
19 ~~commission;~~

20 ~~(3)(A) Upon receipt by the commission of the licensee's written~~
21 ~~notification and the last employer's report, the commission shall determine~~
22 ~~if it has grounds to believe, and does believe, that the licensee is no~~
23 ~~longer qualified under this subchapter as a recreational vehicle salesperson.~~

24 ~~(B) Under such circumstances, the commission shall~~
25 ~~immediately notify the licensee and the licensee's new employer in writing~~
26 ~~that a hearing will be held for the purpose of determining whether his or her~~
27 ~~license should be revoked or suspended, specifying the grounds for revocation~~
28 ~~or suspension, as the case may be, and the time and place for the hearing.~~

29 ~~(C) The hearing and any appeal by the licensee with~~
30 ~~respect to the hearing shall comply with § 23-112-501 et seq.; and~~

31 ~~(4)(A) If after the commission receives the licensee's license~~
32 ~~and fee and his or her last employer's report the Executive Director of the~~
33 ~~Arkansas Motor Vehicle Commission cannot for any reason endorse and mail to~~
34 ~~the licensee his or her license within a period of three (3) days following~~
35 ~~the receipt by the commission of the licensee's license and fee and his or~~
36 ~~her last employer's report, then the executive director shall mail to the~~

1 ~~licensee a permit in such form as the commission shall prescribe.~~

2 ~~(B) The permit shall serve in lieu of a license until such~~
 3 ~~time as the:~~

4 ~~(i) Commission endorses and mails the license to the~~
 5 ~~licensee; or~~

6 ~~(ii) Licensee's license is revoked or suspended in~~
 7 ~~accordance with this subchapter.~~

8 ~~(C) If the license is ultimately revoked or suspended,~~
 9 ~~then immediately upon the revocation or suspension the licensee shall return~~
 10 ~~the permit to the commission for cancellation.~~

11 ~~(c)(1) The commission shall maintain a permanent file with respect to~~
 12 ~~each licensed recreational vehicle salesperson.~~

13 ~~(2) Each file shall contain all pertinent information with~~
 14 ~~respect to the fitness and qualifications of each licensee for use by the~~
 15 ~~commission in determining whether his or her license should be revoked or~~
 16 ~~suspended.~~

17 ~~(d)(1) There is no intent under this subchapter to prevent a~~
 18 ~~salesperson who has not previously been licensed as a salesperson from~~
 19 ~~selling during the time required to process his or her application.~~

20 ~~(2) The applicant shall be allowed to sell from the date of~~
 21 ~~employment as long as the applicant and his or her dealer follow the~~
 22 ~~procedure for license application.~~

23
 24 SECTION 14. Arkansas Code § 23-112-1009(2), concerning the expiration
 25 of a license under the Recreational Vehicle Franchise Act, is amended to read
 26 as follows:

27 (2) Recreational vehicle dealers ~~and salespersons~~ expire
 28 December 31 following the date of issue.

29
 30 SECTION 15. Arkansas Code § 23-112-1019(a), concerning the denial,
 31 revocation, and suspension of a license under the Recreational Vehicle
 32 Franchise Act, is amended to read as follows:

33 (a) For any of the following reasons, the Arkansas Motor Vehicle
 34 Commission may deny an application for a license required by this subchapter
 35 or revoke or suspend a license after it has been granted:

36 (1)(A) ~~Selling or soliciting sales of a recreational vehicle~~

1 ~~without a license issued by the commission.~~

2 ~~(B) The unlawful sale or solicitation of each recreational~~
 3 ~~vehicle constitutes a separate offense;~~

4 ~~(2)~~ On satisfactory proof of the unfitness of the applicant or
 5 the licensee, as the case may be, under the standards established and set out
 6 in this subchapter;

7 ~~(3)~~(2) Fraud practiced or any material misstatement made by an
 8 applicant in an application for license under this subchapter;

9 ~~(4)~~(3) Failure to comply with any provision of this subchapter
 10 or with any rule promulgated by the commission under authority vested in it
 11 by this subchapter;

12 ~~(5)~~(4) Change of condition after a license is granted or failure
 13 to maintain the qualifications for license;

14 ~~(6)~~(5) Continued violation of any of the provisions of this
 15 subchapter or of any of the rules of the commission;

16 ~~(7)~~(6) Violation of any law relating to the sale, distribution,
 17 or financing of recreational vehicles;

18 ~~(8)~~(7) Defrauding a retail buyer to the buyer's damage;

19 ~~(9)~~(8) Failure to perform a written agreement with a retail
 20 buyer;

21 ~~(10)~~(9) Selling, attempting to sell, or advertising for sale
 22 vehicles from a location other than that set forth on the license except as
 23 provided under § 23-112-301;

24 ~~(11)~~(10) Falsifying, altering, or neglecting to endorse or
 25 deliver a certificate of title to a transferee or lawful owner or failing to
 26 properly designate a transferee on a document of assignment or certificate of
 27 title;

28 ~~(12)~~(11) Knowingly purchasing, selling, or otherwise acquiring
 29 or disposing of a stolen recreational vehicle;

30 ~~(13)~~(12) Submitting a false affidavit setting forth that a title
 31 has been lost or destroyed;

32 ~~(14)~~(13) Passing title or reassigning title as a dealer without
 33 a dealer's license or when the dealer's license has been suspended or
 34 revoked;

35 ~~(15)~~(14) For a person representing that he or she is a dealer ~~or~~
 36 ~~salesperson~~, either verbally or in an advertisement, when the person is not

1 licensed as a dealer ~~or salesperson~~;

2 ~~(16)~~(15) Assisting a person in the sale of a recreational
3 vehicle who is not licensed as a dealer by the commission;

4 ~~(17)~~(16) Being a manufacturer who fails to specify the delivery
5 and preparation obligations of its recreational vehicle dealers, as is
6 required for the protection of the buying public, before delivery of new
7 recreational vehicles to retail buyers;

8 ~~(18)~~(17) On satisfactory proof that a manufacturer, distributor,
9 distributor branch or division, or factory branch or division has unfairly
10 and without due regard to the equities of the parties or to the detriment of
11 the public welfare failed to properly fulfill a warranty agreement or to
12 adequately and fairly compensate any of its recreational vehicle dealers for
13 labor or parts expenses incurred by the dealer with regard to factory
14 warranty agreements performed by the dealer;

15 ~~(19)~~(18) For the commission of any act prohibited by this
16 subchapter or the failure to perform any of the requirements of this
17 subchapter;

18 ~~(20)~~(19) Using or permitting the use of special license plates
19 assigned to a licensee for any other purpose than those permitted by law;

20 ~~(21)~~(20) Disconnecting, turning back, or resetting the odometer
21 of a motor home in violation of state or federal law;

22 ~~(22)~~(21) Accepting an open assignment of title or bill of sale
23 for a recreational vehicle that does not identify the licensee as the
24 purchaser or assignee of the recreational vehicle;

25 ~~(23)~~(A)~~(22)~~(A) Failing to notify the commission of a change in
26 ownership, location, or dealer agreement or any other matters the commission
27 may require by rule.

28 (B) The notification shall be in writing and submitted to
29 the commission at least fifteen (15) days before the effective date of the
30 change;

31 ~~(24)~~(23) Failing to endorse and deliver an assignment and
32 warranty of title to the buyer under § 27-14-902;

33 ~~(25)~~(24) Using or permitting the use of a temporary cardboard
34 buyer's tag assigned to the dealer for any purpose other than what is
35 permitted under § 27-14-1705; and

36 ~~(26)~~(25) Failure of a dealer to submit or deliver a certificate

1 of title or manufacturer's certificate of origin to a buyer within a
2 reasonable period of time.

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