

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Representative Stewart

HOUSE BILL 1272

"AN ACT TO REQUIRE COLLECTION OF THE ARKANSAS GROSS RECEIPTS TAX BY SELLERS OF ALL-TERRAIN VEHICLES, MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOTORIZED BICYCLES; AND FOR OTHER PURPOSES."

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

SECTION 1. Upon the effective date of this Act, every seller of all-terrain vehicles as defined in Section 1 of Act 1011 of 1985, as may be amended [Ark. Stat. Ann. § 75-1061], and every seller of motorcycles, motor-driven cycles or motorized bicycles as defined in Section 1 of Act 561 of 1977 as amended and as may be amended [Ark. Stat. Ann. § 75-1701], whether selling from an established business, dealership or otherwise, shall obtain and hold a permit as provided by Section 12 of Act 386 of 1941 [Ark. Stat. Ann. § 84-1913] and shall collect, report and remit to the Commissioner of Revenues for the State of Arkansas the Gross Receipts Tax levied under Act 386 of 1941, as amended, and Act 63 of the First Extraordinary Session of 1983 [Ark. Stat. Ann. §§ 84-1901 et seq.]. in the manner therein provided.

Sellers of the vehicles described herein shall be required to collect, report and remit the Gross Receipts Tax notwithstanding the provisions of subsection (e) of Section 3 of Act 386 of 1941, as amended [Ark. Stat. Ann. § 84-1903(e)].

SECTION 2. This Act shall apply equally to sales of used vehicles of the type described in this Act, except where such a used vehicle has once been subjected to the Gross Receipts Tax on a previously reported sale or has once been subjected to the Compensating (Use) Tax levied under Act 487 of 1949, as amended [Ark. Stat. Ann. §§ 84-3101 et seq.].

SECTION 3. Every person who makes application for registration of a vehicle of the type described in this Act shall present proof that the Gross Receipts Tax or Compensating (Use) Tax has been paid with respect to the vehicle. If such proof is not presented, the person making application for registration of the vehicle shall be required to pay the tax at that time to the Commissioner of Revenues before any license or other evidence of registration can be issued for such vehicle.

SECTION 4. Section 1 of Act 872 of 1983 [Ark. Stat. Ann. § 75-1717] is hereby amended to read as follows:

"Section 1. All owners of three or four wheeled, all-terrain cycles which are not otherwise required to be registered by law, shall, within ten (10) days of acquiring such three or four wheeled cycles register the same with the State Revenue Commissioner. Such owners shall offer proof of ownership satisfactory to the Revenue Commissioner. The Revenue Commissioner shall issue a Certificate of Title to such persons, which certificate shall identify the owner's name and address, the vehicle manufacturer, model, year, identification number, seller, date of sale, lien holder and lien holder's address. The Revenue Commissioner shall also furnish the owners a numbered license decal which shall be attached to the left front side of the cycle. The cost of such registration shall be five dollars (\$5.00). No renewal shall be required. Furthermore, there shall be no equipment requirement or safety inspection requirements as a pre-condition to registration of such cycles. The Commissioner of Revenues may promulgate such regulations as necessary to implement this Act. Any owner of a three or four wheeled, all-terrain cycle failing to register the same within ten (10) days shall be assessed an additional penalty of three dollars (\$3.00) for each ten (10) days or fraction thereof for which he fails properly to register the three or four wheeled, all-terrain cycle until the penalty reaches the same amount as the registration fee of the cycle to be registered."

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. EMERGENCY. It is hereby found and determined by the General Assembly that the State of Arkansas is in serious danger of losing revenues

which are necessary to provide adequate funding for schools and other essential services required by the citizens of this State and the provisions of this Act are necessary to avoid a substantial reduction in State revenues. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect on and after July 1, 1987.

