

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S2/26/97 S2/28/97

## A Bill

SENATE BILL 493

4  
5 By: Senator Canada  
6 By: Representative Hudson

### For An Act To Be Entitled

11 "AN ACT TO INCREASE THE MOTOR VEHICLE REGISTRATION FEE BY  
12 \$1.50; TO REPEAL THE REQUIREMENT THAT VEHICLES BE  
13 INSPECTED PRIOR TO REGISTRATION; TO REPEAL THE \$3.50 FEE  
14 FOR SUCH VEHICLE INSPECTION; AND FOR OTHER PURPOSES."

### Subtitle

17 "AN ACT TO INCREASE THE MOTOR VEHICLE  
18 REGISTRATION FEE BY \$1.50; TO REPEAL  
19 THE REQUIREMENT THAT VEHICLES BE  
20 INSPECTED PRIOR TO REGISTRATION; TO  
21 REPEAL THE \$3.50 FEE FOR SUCH VEHICLE  
22 INSPECTION."

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

25  
26 SECTION 1. (a) In addition to any fees or taxes charged for vehicle  
27 registration the Director of the Department of Finance and Administration  
28 shall, at the time of registration of each vehicle or renewal thereof, collect  
29 a fee of one dollar and fifty cents (\$1.50) for the annual validation decal.  
30 The additional fee collected pursuant to this subsection (a) shall not be  
31 revenues of the state and shall not be deposited into the State Treasury but  
32 shall be cash funds, not subject to appropriation, and shall be transferred  
33 and paid in accordance with subsection (b)(1) below.

34 (b)(1) The one dollar and fifty cents (\$1.50) collected by the Director  
35 of the Department of Finance and Administration pursuant to subsection (a)  
36 shall be remitted to the Arkansas Development Finance Authority.

1        (2) All amounts which are to be remitted to the Arkansas Development  
 2 Finance Authority shall be cash funds not subject to appropriation, and shall  
 3 be used and applied by the authority only as provided in § 22-3-1225. The  
 4 additional fee charged for vehicle registration and paid to the Authority  
 5 pursuant to this Act shall not be reduced or otherwise impaired during the  
 6 time that such fees are pledged by the Authority to the repayment of any of  
 7 the Authority's bonds issued in accordance with § 22-3-1225."

8  
 9        SECTION 2. Title 27, Chapter 32 of the Arkansas Code Annotated is  
 10 hereby repealed in its entirety.

11 ~~§ 27-32-101. Definitions.~~

12 ~~As used in this chapter, unless the context otherwise requires:~~

13 ~~(1) "Department" means the Department of Arkansas State Police;~~

14 ~~(2) "Director" means the Director of the Department of Arkansas State~~  
 15 ~~Police;~~

16 ~~(3) "Authority" means the Arkansas Development Finance Authority.~~

17 ~~§ 27-32-102. Provisions not applicable to certain vehicles.~~

18 ~~(a) The provisions of this chapter shall not be applicable to the~~  
 19 ~~following:~~

20 ~~(1) Motor vehicles operating under the safety regulations and meeting~~  
 21 ~~the safety standards of the United States Department of Transportation;~~

22 ~~(2) Motor vehicles of a municipally owned and operated transit system;~~

23 ~~(3) Motor vehicles which are forty (40) years old or older and which~~  
 24 ~~are used primarily for exhibition in shows, parades, tours, and other special~~  
 25 ~~uses and not for general transportation.~~

26 ~~(b) The provisions of this chapter relative to periodic inspection of~~  
 27 ~~motor vehicles, trailers, semitrailers, or pole trailers, and combinations~~  
 28 ~~thereof, shall not be applicable to trailers and semitrailers having a gross~~  
 29 ~~loaded weight of three thousand pounds (3,000 lbs) or less; trailers and~~  
 30 ~~semitrailers, not for hire, used primarily for hauling farm products; and~~  
 31 ~~house trailers not operated upon the public highways.~~

32 ~~§ 27-32-103. Penalties.~~

33 ~~(a) Any person who shall make, issue, or knowingly use any imitation or~~  
 34 ~~counterfeit of an official certificate of inspection; or who shall display, or~~  
 35 ~~cause or permit to be displayed, upon any motor vehicle any certificate of~~  
 36 ~~inspection knowing it to be fictitious or issued without the vehicle having~~

1 ~~first been properly inspected as required by this chapter; or who unlawfully~~  
2 ~~mutilates a valid certificate of inspection or rejection; or who unlawfully~~  
3 ~~removes such a certificate from a motor vehicle shall be guilty of a~~  
4 ~~misdemeanor and fined not less than twenty dollars (\$20.00) nor more than two~~  
5 ~~hundred dollars (\$200).~~

6 ~~—— (b) Any person who shall display, or cause or permit to be displayed,~~  
7 ~~any sign, mark, or advertisement as an official inspection station or official~~  
8 ~~individual inspector, unless a license has been issued by the director and is~~  
9 ~~then in effect; or who shall transfer, or attempt to transfer, a license; or~~  
10 ~~who knowingly makes a false statement on an application for a license for an~~  
11 ~~official inspection station or official individual inspector, or renewal~~  
12 ~~thereof, shall be guilty of a misdemeanor and fined not less than fifty~~  
13 ~~dollars (\$50.00) nor more than five hundred dollars (\$500).~~

14 ~~—— (c) Any person violating any provision of this chapter where no~~  
15 ~~specific penalty is provided in subsections (a) and (b) of this section shall~~  
16 ~~be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of~~  
17 ~~not less than twenty-five dollars (\$25.00) nor more than two hundred fifty~~  
18 ~~dollars (\$250).~~

19 ~~—— § 27-32-104. Motor vehicles to be in safe mechanical condition.~~  
20 ~~No person shall drive or move on any highway any motor vehicle, trailer,~~  
21 ~~semitrailer, or pole trailer, or any combination thereof, unless the equipment~~  
22 ~~upon the vehicle is in good working order and adjustment as required in this~~  
23 ~~chapter and unless the vehicle is in such safe mechanical condition as not to~~  
24 ~~endanger the driver or other occupant or any person upon the highway.~~

25 ~~—— § 27-32-105. Inspections to be made on staggered basis.~~  
26 ~~The director shall provide, by regulation, for the official inspection and~~  
27 ~~issuance of a certificate of inspection based on the last digit on license~~  
28 ~~plates, rotation by alphabetical listing of owner's last name, or some other~~  
29 ~~staggered basis, upon payment of the required fee and compliance with the~~  
30 ~~other provisions of this chapter.~~

31 ~~—— § 27-32-106. Extensions of time for inspections.~~  
32 ~~With the approval of the Governor, the director may extend the time for not~~  
33 ~~more than sixty (60) days for any of the inspections required by this chapter~~  
34 ~~in any case where weather conditions of the highways or any other cause~~  
35 ~~whatsoever renders compliance with the provisions of this chapter within the~~  
36 ~~prescribed time difficult or impossible for a large number of persons.~~

1 ~~\_\_\_\_\_ § 27-32-107. Inspection required before registration and licensing.~~  
2 ~~No vehicle shall be registered or licensed under the provisions of the laws of~~  
3 ~~this state by the Director of the Department of Finance and Administration~~  
4 ~~unless the motor vehicle for which the license is sought is inspected under~~  
5 ~~the provisions of this chapter at the time of receipt of the notice for~~  
6 ~~renewal of registration or within thirty (30) days immediately prior to making~~  
7 ~~application for licensing or relicensing of the motor vehicle.~~

8 ~~\_\_\_\_\_ § 27-32-108. Inspection required on sale or transfer.~~

9 ~~\_\_\_\_\_ (a) Every motor vehicle, trailer, semitrailer, and pole trailer~~  
10 ~~registered in this state and subsequently sold or transferred must have a new~~  
11 ~~or current official certificate of inspection and approval if the annual~~  
12 ~~inspection for safety on the motor vehicle, trailer, semitrailer, or pole~~  
13 ~~trailer was conducted more than thirty (30) days prior to the transfer or~~  
14 ~~sale.~~

15 ~~\_\_\_\_\_ (b) No motor vehicle, trailer, semitrailer, or pole trailer shall be~~  
16 ~~operated upon a public street or highway for more than twenty (20) days after~~  
17 ~~the transfer date unless a valid certificate of inspection and approval is~~  
18 ~~properly attached thereto.~~

19 ~~\_\_\_\_\_ § 27-32-109. Annual inspection required.~~

20 ~~\_\_\_\_\_ (a) Every motor vehicle, trailer, semitrailer, and pole trailer~~  
21 ~~registered in this state, except house trailers not operated upon the~~  
22 ~~highways, shall be annually inspected for safety. An official certificate of~~  
23 ~~inspection and approval shall be obtained for each such vehicle.~~

24 ~~\_\_\_\_\_ (b)(1)(A) Inspection shall be made and certificates obtained with~~  
25 ~~respect to the brakes, lights, turn signals, if any, steering, sound devices,~~  
26 ~~glass, mirror, exhaust system, windshield wipers, tires, and other items of~~  
27 ~~equipment as the director may determine.~~

28 ~~\_\_\_\_\_ (B) The inspection of tires and wheel alignment required in this~~  
29 ~~chapter shall be a visual inspection only.~~

30 ~~\_\_\_\_\_ (2)(A) If the person making the inspection finds that there is more~~  
31 ~~than one (1) crack or other visual impairment in an eight-inch-wide area~~  
32 ~~running horizontally through the center of the windshield that falls under the~~  
33 ~~windshield wiper area on the driver's side, then that vehicle shall not be~~  
34 ~~issued an inspection certificate until the crack or other visual impairment~~  
35 ~~has been corrected.~~

36 ~~\_\_\_\_\_ (B) Any decision resulting in failure to issue an inspection~~

1 ~~certificate due to faulty glass may be appealed to the Motor Vehicle~~  
2 ~~Inspection Division of the Department of Arkansas State Police.~~

3 ~~—— (c)(1) In the event repair or adjustment of any vehicle or its~~  
4 ~~equipment is found necessary upon inspection, the owner of the vehicle may~~  
5 ~~obtain repair or adjustment at any place he may choose within ten (10) days.~~

6 ~~—— (2) In every event, an official certificate of inspection and approval~~  
7 ~~shall be obtained from an official permit holder within ten (10) days before~~  
8 ~~the vehicle shall be operated upon the highways of this state.~~

9 ~~—— (3) The fee shall be collected at the time of the original inspection.~~

10 ~~—— (4) No additional fee shall be charged if the vehicle is repaired and~~  
11 ~~returned to the same inspection station within ten (10) days.~~

12 ~~—— (d) The Office of Motor Vehicle, on proper notice by the department,~~  
13 ~~shall suspend the registration of any vehicle which is determined to be in~~  
14 ~~such unsafe condition as to constitute a menace to safety, or which, after~~  
15 ~~notice and demand, is not equipped as required by this chapter, or for which a~~  
16 ~~required certificate has not been obtained.~~

17 ~~—— (e) The director may, by regulation, authorize the acceptance in this~~  
18 ~~state of a certificate of inspection and approval issued in another state~~  
19 ~~having an inspection law similar to this state and may extend the time within~~  
20 ~~which a certificate shall be obtained by the resident owner of a vehicle which~~  
21 ~~was not in this state during the time an inspection was required.~~

22 ~~—— <sup>Å</sup> 27-32-110. Permits for official inspection stations.~~

23 ~~—— (a)(1) The department shall administer the program for the inspection~~  
24 ~~of motor vehicles established by the provisions of <sup>ÅÅ</sup> 27-32-101 - 27-32-115.~~

25 ~~—— (2) The department shall issue permits for and furnish instructions and~~  
26 ~~all necessary forms to official inspection stations for the inspection of~~  
27 ~~motor vehicles as required by this chapter.~~

28 ~~—— (3) The department shall obtain all certificates of inspection from the~~  
29 ~~authority.~~

30 ~~—— (b)(1) An annual fee set by regulation of the department shall not~~  
31 ~~exceed fifty dollars (\$50.00) and shall accompany the application for a~~  
32 ~~permit.~~

33 ~~—— (2) If a permit is not issued, one-half (1/2) of the fee shall be~~  
34 ~~returned to the applicant.~~

35 ~~—— (3) The official certificates of inspection and approval shall be~~  
36 ~~obtained from the authority at a cost of one dollar and fifty cents (\$1.50)~~

1 ~~per certificate.~~

2 ~~—— (4) Purchases of the certificates of inspection shall be made through~~  
3 ~~the department, and the department shall remit on a monthly basis to the~~  
4 ~~authority all amounts collected during the preceding month for the purchase of~~  
5 ~~certificates of inspection.~~

6 ~~—— (c) Application for a permit shall be made upon an official form and~~  
7 ~~shall be granted only when the department is satisfied that the garage,~~  
8 ~~service station, or shop of the applicant is properly equipped and has~~  
9 ~~competent personnel to make safety inspections and that they will be properly~~  
10 ~~conducted.~~

11 ~~—— (d) Before issuing a permit, the director may require the applicant to~~  
12 ~~file a bond conditioned that it will make compensation for any damage to a~~  
13 ~~vehicle during an inspection or adjustment due to negligence on the part of~~  
14 ~~the applicant or its employees.~~

15 ~~—— (e)(1) The director shall supervise and cause inspections to be made of~~  
16 ~~the stations and shall revoke the permit issued to a station which he finds is~~  
17 ~~not properly conducted.~~

18 ~~—— (2) The department shall maintain lists of all stations holding permits~~  
19 ~~and of those whose permits have been revoked.~~

20 ~~—— (f) The director shall revoke the permit issued to an inspection~~  
21 ~~station upon the written request of the station and only after all signs or~~  
22 ~~posters pertaining to the safety inspection program used by an official~~  
23 ~~station are removed from a conspicuous place on the premises.~~

24 ~~—— (g) No permit for an official station shall be assigned or transferred~~  
25 ~~or used at any location other than therein designated, and permits shall be~~  
26 ~~posted in a conspicuous place at the location designated.~~

27 ~~—— (h) The department shall issue a permit under the provisions of this~~  
28 ~~chapter to:~~

29 ~~—— (1) Any operator of five (5) or more commercial vehicles who carried~~  
30 ~~out a safety program meeting the approval of the department; and~~

31 ~~—— (2) Any franchised dealer in new motor vehicles.~~

32 ~~—— <sup>A</sup> 27-32-111. Operation of inspection stations.~~

33 ~~—— (a) No person shall, in any manner, represent any place as an official~~  
34 ~~inspection station unless the station is operating under a valid permit issued~~  
35 ~~by the department.~~

36 ~~—— (b) All signs or posters pertaining to the safety inspection program to~~

1 ~~be used by an official station shall be approved by the department before~~  
2 ~~being distributed or posted.~~

3 ~~—— (c) No person other than a duly authorized permit holder, or appointed~~  
4 ~~employee of the permit holder, shall issue a certificate of inspection and~~  
5 ~~approval.~~

6 ~~—— § 27-32-112. Issuance of certificates of inspection.~~

7 ~~—— (a)(1) The person operating an official inspection station shall issue~~  
8 ~~a certificate of inspection and approval upon an official form furnished by~~  
9 ~~the department to the owner of a vehicle only upon inspecting the vehicle and~~  
10 ~~determining that its equipment required by this chapter is in good condition~~  
11 ~~and proper adjustment.~~

12 ~~—— (2) A record and report shall be made of every inspection and every~~  
13 ~~certificate issued.~~

14 ~~—— (3) These records shall be forwarded to the department at such times as~~  
15 ~~the director, by regulation, shall specify.~~

16 ~~—— (b)(1) The fee for the inspection, including the issuance of the~~  
17 ~~certificate of approval, shall be three dollars and fifty cents (\$3.50), with~~  
18 ~~the exception of all motor trucks, trailers, semitrailers, and pole trailers~~  
19 ~~in excess of gross loaded weight of eight thousand pounds (8,000 lbs).~~

20 ~~—— (2) The fee for inspection, including the issuance of the certificate~~  
21 ~~of approval, for all motor trucks, trailers, semitrailers, and pole trailers~~  
22 ~~with a gross loaded weight in excess of eight thousand pounds (8,000 lbs)~~  
23 ~~shall be under rules and regulations prescribed by the director but shall be~~  
24 ~~not less than three dollars and fifty cents (\$3.50) nor more than seventeen~~  
25 ~~dollars and fifty cents (\$17.50) per inspection.~~

26 ~~—— (c) No certificate of approval shall be issued until and unless the~~  
27 ~~prescribed inspection is completed and the permit holder has complied with the~~  
28 ~~provisions of this chapter.~~

29 ~~—— (d) At the conclusion of each inspection of a motor vehicle by the~~  
30 ~~person performing the inspection, the appropriate inspection certificate shall~~  
31 ~~be placed in the lower left-hand portion of the front windshield on the~~  
32 ~~driver's side in a place that shall not obstruct the vision of the driver,~~  
33 ~~except that, upon the inspection of a motorcycle, the inspection certificate~~  
34 ~~shall be placed in the appropriate space on the license plate.~~

35 ~~—— § 27-32-113. Restrictions on certificates of inspection.~~

36 ~~—— (a) No person shall make, issue, or knowingly use any imitation or~~

1 ~~counterfeit of an official certificate of inspection.~~

2 ~~—— (b) No person shall display, or cause or permit to be displayed, upon~~  
3 ~~any vehicle any certificate of inspection and approval knowing it to be~~  
4 ~~fictitious, or issued for another vehicle or issued without an inspection~~  
5 ~~having been made.~~

6 ~~—— (c) No unauthorized person shall knowingly possess vehicle inspection~~  
7 ~~stickers.~~

8 ~~—— <sup>A</sup> 27-32-114. Authority to stop vehicles for inspection and test.~~

9 ~~—— (a) The director, uniformed officers and troopers of the department,~~  
10 ~~other officers and employees of the department, and any other peace officer as~~  
11 ~~the director may designate may, at any time upon reasonable cause to believe~~  
12 ~~that a motor vehicle is unsafe or not equipped as required by law or that its~~  
13 ~~equipment is not in proper adjustment or repair, require the driver of the~~  
14 ~~motor vehicle to stop and submit the vehicle to an inspection and such test~~  
15 ~~with reference thereto as may be appropriate.~~

16 ~~—— (b)(1) In the event a vehicle with a valid inspection sticker is found~~  
17 ~~to be in unsafe condition or any required part or equipment is not present or~~  
18 ~~is not in proper repair and adjustment, the officer shall give a written~~  
19 ~~notice to the driver and shall send one (1) copy to the department.~~

20 ~~—— (2) The notice shall require that the motor vehicle be placed in safe~~  
21 ~~condition and its equipment in proper repair and adjustment within a period of~~  
22 ~~five (5) days or else remove the motor vehicle from the public highways and~~  
23 ~~not operate it on the highways until the motor vehicle is repaired and placed~~  
24 ~~in a safe condition.~~

25 ~~—— (c) No person driving a motor vehicle shall refuse to submit his~~  
26 ~~vehicle to an inspection and test when required to do so by the director or an~~  
27 ~~authorized employee of the department or an authorized peace officer.~~

28 ~~—— (d) No person shall operate any vehicle after receiving a notice with~~  
29 ~~reference thereto as provided in subsection (b) of this section except as may~~  
30 ~~be necessary to return such vehicle to the residence or place of business of~~  
31 ~~the owner or driver or to a garage until the vehicle and its equipment have~~  
32 ~~been placed in proper repair and adjustment and otherwise made to conform to~~  
33 ~~the requirements of this chapter.~~

34 ~~—— (e) In the event repair or adjustment of any vehicle or its equipment~~  
35 ~~is found necessary upon inspection, the owner of the vehicle may obtain repair~~  
36 ~~or adjustment at any place he may choose.~~



1 ~~\_\_\_\_\_ (f) In the event the use of a vehicle in its present condition would,~~  
2 ~~in the reasonable judgment of the officer, endanger the life of any member of~~  
3 ~~the public, the officer shall require the vehicle to be parked at the owner's~~  
4 ~~expense and not operated until it is placed in a safe condition.~~

5 ~~\_\_\_\_\_ § 27-32-115. Rules and regulations.~~

6 ~~The director is authorized to make all necessary rules and regulations for the~~  
7 ~~administration and enforcement of this chapter.~~

8 ~~\_\_\_\_\_ § 27-32-116. Disposition of fees.~~

9 ~~\_\_\_\_\_ (a) All fees, other than amounts collected for the purchase of~~  
10 ~~certificates of inspection, collected by the department under this chapter~~  
11 ~~shall be special revenues and shall be deposited in the State Treasury to the~~  
12 ~~credit of the Department of Arkansas State Police Fund to be used to defray~~  
13 ~~the cost of administering this chapter and for the support of the department~~  
14 ~~as provided by law.~~

15 ~~\_\_\_\_\_ (b) As provided in § 27-32-110(b)(3), all amounts collected by the~~  
16 ~~department for the purchase of certificates of inspection shall be remitted to~~  
17 ~~the authority. All amounts derived from the sale of certificates of~~  
18 ~~inspection, whether held by the department or the authority, shall be cash~~  
19 ~~funds of the authority, not subject to appropriation, and shall be used and~~  
20 ~~applied by the authority only as provided in this section and § 22-3-1225.~~

21 ~~\_\_\_\_\_ § 27-32-117. Motorcycle safety inspection decals.~~

22 ~~\_\_\_\_\_ (a) The motor vehicle safety inspection decals for motorcycles shall be~~  
23 ~~designed to fit within a space on the license plate designated for that~~  
24 ~~purpose.~~

25 ~~\_\_\_\_\_ (b) The Director of the Department of Arkansas State Police is~~  
26 ~~authorized to make any necessary changes in the design of the motor vehicle~~  
27 ~~safety inspection decals for motorcycles in order to comply with §~~  
28 ~~27-32-112(d).~~

29

30 SECTION 3. Vehicles to be in safe mechanical condition.

31 No person shall drive or move any vehicle subject to registration on any  
32 highway in this state unless the equipment on the vehicle is in good working  
33 order and adjustment as required for the vehicle's safe operation and unless  
34 the vehicle is in such safe mechanical condition as not to endanger the  
35 driver, other occupants of the vehicle, or any other person. Any law  
36 enforcement officer having reason to believe a vehicle may have safety defects

1 shall have cause to stop the vehicle and inspect for safety defects. Should  
2 the officer determine the vehicle is defective he shall issue to the operator  
3 a citation for operating an unsafe vehicle, and/or a safety compliance summons  
4 directing the operator to have the defect corrected.

5

6 SECTION 4. Penalty for operating an unsafe vehicle. Any person found  
7 guilty of operating an unsafe vehicle shall be subject to a fine of not less  
8 than twenty-five dollars (\$25) nor more than two hundred and fifty dollars  
9 (\$250).

10

11 SECTION 5. Certain vehicles required to be inspected on an annual  
12 basis.

13 (a) Notwithstanding any provisions of this Act to the contrary,  
14 commercial motor vehicles and vehicles transporting passengers, which vehicles  
15 are required by federal law or regulation or state law or regulation to be  
16 inspected, shall be inspected in accordance with such laws or regulations.

17 (b) The owner of a vehicle not required to be inspected under any  
18 provision set forth in paragraph (a) of this section which requires a  
19 commercial driver license to operate, and which is used for the purposes of  
20 transporting passengers to and from school, church or church related  
21 activities, child or adult day care facilities, senior citizen facilities, for  
22 transporting persons with disabilities or any other vehicle required by  
23 federal law to be inspected, shall cause such vehicle to be annually inspected  
24 for safety and approved for operation. The vehicle owner shall deliver the  
25 vehicle to a vehicle maintenance or repair facility regularly engaged in the  
26 business of repairing and maintaining vehicles of the type required to be  
27 inspected for safety, and request that the vehicle be inspected to determine  
28 if the vehicle is in safe operating condition. The cost of the safety  
29 inspection shall be an amount mutually agreed upon between the vehicle owner  
30 and the owner or operator of the repair facility prior to performing the  
31 inspection.

32 (c) Upon completion of the inspection the person conducting the  
33 inspection shall complete and give to the vehicle owner an inspection report,  
34 on a form designated by the Director of the Arkansas State Police. Such  
35 report shall be maintained in the vehicle at all times, and shall be provided  
36 to any law enforcement officer for review or inspection upon request.

1        (d) It shall be the responsibility of the vehicle owner to obtain the  
2 necessary form. The form may be obtained from the Arkansas State Police or  
3 state revenue offices. Forms will also be provided by the Arkansas State  
4 Police to any vehicle maintenance or repair facility as requested. Forms will  
5 also be mailed by the Arkansas State Police to individuals upon request.

6        (e) Failure to comply with this section, or any rules or regulations  
7 promulgated by the Director of the Arkansas State Police for the purposes of  
8 carrying out the provisions of this section shall be a misdemeanor, and upon  
9 conviction shall be punishable by a fine of not less than one hundred dollars  
10 (\$100) nor more than five hundred dollars (\$500).

11        (f) The Director of the Arkansas State Police shall promulgate  
12 regulations and prepare the necessary forms to carry out the provisions of  
13 this section. Such regulations shall include:

14            (1) The qualifications required of a motor vehicle maintenance or  
15 repair facility in order to perform vehicle inspections;

16            (2) The scope of the vehicle inspection and the procedure for  
17 conducting such inspections;

18            (3) The record keeping requirements for the vehicle inspection program;

19            (4) The procedures for documenting the correction of any safety defects  
20 identified during an annual inspection; and

21            (5) Any other provisions necessary for the effective administration of  
22 the vehicle inspection program.

23

24        SECTION 6. Ark. Code Ann. § 22-3-1225(a) is amended to read as follows:

25        "(a) The Arkansas Development Finance Authority shall establish in its  
26 records a trust fund to be entitled the Prison Construction Trust Fund. All  
27 moneys derived by or remitted to the authority, ~~from the sale of certificates~~  
28 ~~of inspection~~ for the annual validation decal pursuant to this act shall be  
29 deposited to the credit of the Prison Construction Trust Fund. The moneys in  
30 the Prison Construction Trust Fund shall not be general funds or revenues of  
31 the authority and shall not be subject to the claims of the general creditors  
32 of the authority."

33

34        SECTION 7. Ark. Code Ann. § 22-3-1225(b) is amended to read as follows:

35        "(b) The Arkansas Development Finance Authority shall pay from the Prison  
36 Construction Trust Fund into the Public Facilities Debt Service Fund created

1 by §§19-5-932 and 22-3-1210 the amount necessary, when added to other funds  
 2 listed in § 22-3-1210, to pay the next-succeeding principal and interest  
 3 payment for the certificates of indebtedness, but not to exceed twenty-five  
 4 cents (25¢) times the number of motor vehicles registered ~~certificates of~~  
 5 ~~inspection sold by the authority through the~~ Department of ~~Arkansas State~~  
 6 ~~Police Finance and Administration~~ in each six-month period. Such payments  
 7 shall be made by the authority semiannually two (2) business days prior to  
 8 each July 1 and January 1 so long as the certificates of indebtedness  
 9 permitted by the Public Facilities Finance Act of 1983 are outstanding. All  
 10 such payments by the authority to the Public Facilities Debt Service Fund  
 11 shall cease when the certificates of indebtedness have been paid or redeemed."  
 12

13 SECTION 8. Ark. Code Ann. § 22-3-1225(d) is amended to read as follows:

14 "(d) The Arkansas Development Finance Authority shall be authorized to  
 15 fund or to provide for the funding of facilities described in subdivisions  
 16 (c)(1)-(3) of this section by loans, leases, other contracts, or the issuance  
 17 of bonds all in accordance with the provisions of the Arkansas Development  
 18 Finance Authority Act, §15-5-101 et seq., and to pledge the cash funds  
 19 collected by it ~~from the sale of certificates of inspection~~ for the annual  
 20 validation decal pursuant to this act and deposited in the Prison Construction  
 21 Trust Fund, after payment of the amounts as specified in subsection (b) of  
 22 this section to the repayment of any loans, leases, contracts, or bonds."  
 23

24 SECTION 9. Arkansas Code Ann. § 19-6-301(37) is repealed.

25 ~~—— (37) Motor vehicle inspection permits, as enacted by Act 638 of 1967,~~  
 26 ~~and all laws amendatory thereto, §§ 27-32-101 - 27-32-116;~~

28 SECTION 10. Arkansas Code 19-6-301(2) is amended to read as follows:

29 "(2) Motor vehicle registration and license fees, as enacted by Act 65  
 30 of 1929, §§ 27-14-601, 26-55-101, 27-14-305, 27-15-1501, 27-64-104, 27-65-101,  
 31 27-65-107, 27-65-110, 27-65-112, 27-65-131, 27-65-133, 27-67-101, 27-67-102,  
 32 27-67-201, 27-67-206 - 27-67-208, 27-67-211, 27-67-214, and 27-67-218, and all  
 33 laws amendatory thereto, Act 87 of 1965, § 27-15-4001, Act 122 of 1959, § 27-  
 34 15-2101, Act 189 of 1959, § 27-15-2003, and Act 36 of 1969, §§ 27-15-401 - 27-  
 35 15-406 excluding however, all fees imposed and collected pursuant to the  
 36 provisions of this act [Senate Bill 493 of 1997];

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SECTION 11. The provisions of this Act shall be effective on and after January 1, 1998.

SECTION 12. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 14. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Canada