

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: S1/26/99 H2/3/99

82nd General Assembly

A Bill

Regular Session, 1999

SENATE BILL 137

By: Senators Scott, Argue, Bearden, Canada, Critcher, Dowd, Edwards, Everett, Gordon, Gwatney, Harriman, Hill, Kennedy, B. Lewellen, Mahony, Riggs, Roebuck, Ross, Russ, K. Smith, Walters, Webb, Wooldridge

By: Representatives Judy, Allison, Ammons, Angel, Bennett, Bevis, Biggs, Bledsoe, Bond, Bookout, Broadway, Bush, Carson, Cook, Courtway, Creekmore, Dees, Eason, Elliott, Faris, Ferguson, Ferrell, Files, French, Gillespie, Gipson, Glover, Green, Gullett, Haak, Hale, Harris, Hausam, Hendren, Hickinbotham, Horn, House, Hunt, Jacobs, J. Jeffress, C. Johnson, Jones, King, Lancaster, Laverty, J. Lewellen, Magnus, P. Malone, Milum, Pappas, Parks, Prater, Rodgers, Scrimshire, Seawel, Sheppard, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Taylor, Teague, L. Thomas, T. Thomas, Weaver, White, Wilkinson, Womack

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE ISSUANCE OF SPECIAL DUCKS UNLIMITED MOTOR VEHICLE LICENSE PLATES; AND FOR OTHER PURPOSES. "

Subtitle

"TO PROVIDE FOR THE ISSUANCE OF SPECIAL DUCKS UNLIMITED MOTOR VEHICLE LICENSE PLATES. "

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

SECTION 1. The Director of the Department of Finance and Administration shall provide for and issue special Ducks Unlimited motor vehicle license plates in the manner and subject to the conditions prescribed herein.

SECTION 2. The special Ducks Unlimited license plates shall be designed by Ducks Unlimited, Inc., and shall be submitted for the approval of the Director of the Department of Finance and Administration. Upon approval of

1 the design by the Department of Finance and Administration and the deposit
2 with the department of fifteen hundred dollars (\$1500) by Ducks Unlimited,
3 Inc., to cover the special license plate fee of ten dollars (\$10.00) for each
4 of the first one hundred fifty (150) Ducks Unlimited plates, the department
5 shall cause to be prepared one hundred fifty (150) motor vehicle license
6 plates of the approved design. The first one hundred fifty (150) plates so
7 prepared shall be numbered consecutively beginning with the number 001.

8
9 SECTION 3. The first one hundred fifty (150) special Ducks Unlimited
10 license plates shall be reserved by the department and such plates shall be
11 issued to a vehicle owner only when Ducks Unlimited has certified that the
12 person is eligible for one of the numbered Ducks Unlimited plates and has
13 specified the number of the plate to be issued to the person.

14 When a vehicle owner obtains a certificate from Ducks Unlimited, Inc.,
15 certifying that the owner is eligible to receive one of the first one hundred
16 fifty (150) numbered special Ducks Unlimited motor vehicle license plates and
17 specifying the number of the plate which he or she is eligible to receive, the
18 vehicle owner shall be entitled to receive such plate upon presentation of the
19 certificate to the Office of Motor Vehicle and payment of the appropriate fees
20 prescribed by law.

21
22 SECTION 4. A motor vehicle owner applying for a special Ducks Unlimited
23 motor vehicle license plate under this act and who is authorized or certified
24 by Ducks Unlimited as eligible to receive such plate but is not certified for
25 one of the first one hundred fifty (150) numbered plates may:

26 (1) request a special Ducks Unlimited license plate number assigned by
27 the department as authorized herein; or

28 (2) apply for a special personalized Ducks Unlimited prestige license
29 plate pursuant to Arkansas Code § 27-14-1101 and § 27-14-1102.

30 The use of letters and numbers on a personalized prestige license plate,
31 however, shall be limited by the rules and regulations of the Director of the
32 Department of Finance and Administration.

33
34 SECTION 5. Any motor vehicle owner may apply annually to Ducks
35 Unlimited, Inc., for use of the Ducks Unlimited design on a license plate.
36 Upon annual application and payment to Ducks Unlimited of a twenty-five dollar

1 (\$25.00) design use contribution, Ducks Unlimited shall issue to the vehicle
2 owner a "Design Use Authorization Statement", which shall be presented by the
3 vehicle owner to the Department of Finance and Administration at the time of
4 registration of a vehicle. Upon presentation of the annual Design Use
5 Authorization Statement, payment of the fee required by law for registration
6 of the vehicle, and payment of an additional ten dollar (\$10.00) handling and
7 administrative fee for the special Ducks Unlimited plate, the Department of
8 Finance and Administration shall issue a Ducks Unlimited license plate which
9 shall bear the approved design to the vehicle owner. The handling and
10 administrative fee of ten dollars (\$10.00) shall be deposited to the State
11 Central Services Fund for the benefit of the Revenue Division and shall be
12 credited to the Revenue Division as supplemental and in addition to all other
13 funds as may be deposited for the benefit of the Revenue Division. The
14 handling and administrative fee shall not be considered or credited to the
15 Revenue Division as "direct revenues".

16
17 SECTION 6. Special Ducks Unlimited license plates issued under this act
18 may be renewed annually in accordance with the procedures set out in Section 5
19 either in person or by mail, or by facsimile pursuant to Arkansas Code § 27-
20 14-1012 and § 27-14-1013. Registration may continue from year to year as long
21 as it is renewed each year within the time and manner required by law. The
22 design use contribution shall continue to be paid to Ducks Unlimited
23 separately from the payment due the Department of Finance and Administration.
24 A motor vehicle owner who was previously issued a plate with the Ducks
25 Unlimited design authorized by this act and who does not provide a Design Use
26 Authorization Statement at the subsequent time of registration shall be issued
27 a new plate which does not bear the Ducks Unlimited design. Upon expiration,
28 the special Ducks Unlimited license plate may be replaced with a conventional
29 license plate, a personalized license plate, or a new special Ducks Unlimited
30 license plate.

31
32 SECTION 7. Special Ducks Unlimited license plates issued under this act
33 may be transferred from one vehicle to another pursuant to Arkansas Code § 27-
34 14-914.

35
36 SECTION 8. Ducks Unlimited, Inc., shall have no recourse against the

1 Department of Finance and Administration if any special Ducks Unlimited
2 license plate is erroneously issued or renewed without payment of the Design
3 Use Authorization Statement.

4
5 SECTION 9. The special Ducks Unlimited license plates shall comply with
6 all other state motor vehicle laws relating to registration and licensing of
7 motor vehicles except as herein specifically provided.

8
9 SECTION 10. The Director of the Department of Finance and
10 Administration shall promulgate such reasonable rules and regulations and
11 prescribe such forms as he determines to be necessary for effectively and
12 efficiently carrying out the intent and purposes of this act.

13
14 SECTION 11. All provisions of this act of a general and permanent
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
16 Code Revision Commission shall incorporate the same in the Code.

17
18 SECTION 12. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

23
24 SECTION 13. All laws and parts of laws in conflict with this act are
25 hereby repealed.

26
27 SECTION 14. EMERGENCY CLAUSE. *It is hereby found and determined by the*
28 *Eighty-second General Assembly that under the provisions of this act, the*
29 *Office of Motor Vehicle has the responsibility to design or approve the design*
30 *of special motor vehicle license plates and to adopt appropriate procedures*
31 *for persons to apply for and qualify to receive such plates; that it is in the*
32 *best interest of the Office of Motor Vehicle as well as the public that the*
33 *office have the authority to proceed at once to make the necessary*
34 *preparations for the issuance of the special license plates; and that it is*
35 *essential that this act be given effect immediately to enable the Office of*
36 *Motor Vehicle to do so. Therefore, an emergency is declared to exist and this*

1 act being immediately necessary for the preservation of the public peace,
2 health and safety shall become effective on the date of its approval by the
3 Governor. If the bill is neither approved nor vetoed by the Governor, it
4 shall become effective on the expiration of the period of time during which
5 the Governor may veto the bill. If the bill is vetoed by the Governor and the
6 veto is overridden, it shall become effective on the date the last house
7 overrides the veto.

8 /s/ Scott, et al
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36