

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H2/28/01*

# A Bill

HOUSE BILL 1797

5 By: Representative King  
6  
7

## For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "ARKANSAS AUTOMOTIVE  
10 DISMANTLING AND RECYCLING ACT"; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

14 AN ACT TO BE KNOWN AS THE "ARKANSAS  
15 AUTOMOTIVE DISMANTLING AND RECYCLING  
16 ACT".  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. This act shall be known and may be cited as the "Arkansas  
21 Automotive Dismantling and Recycling Act".  
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23 SECTION 2. Definitions.

24 For the purpose of this act:

25 (1) "Automotive dismantling and recycling business" means a business  
26 that converts motor vehicles into saleable parts and which maintains a salvage  
27 yard having ten (10) or more motor vehicles;

28 (2) "Board" means the Arkansas Automotive Dismantling and Recycling  
29 Board created by this act;

30 (3) "Salvage letter" means a letter given by an insurance company  
31 stating that the motor vehicle is to be sold for parts only and that title on  
32 the motor vehicle shall not be transferred at any time; and

33 (4) "Salvage yard" has the same meaning as provided in Arkansas Code  
34 8-6-403.  
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36 SECTION 3. A person who knowingly violates any provision of this act is

1 guilty of a Class A misdemeanor.

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3 SECTION 4. Arkansas Automotive Dismantling and Recycling Board -  
4 Creation.

5 (a)(1) There is created the Arkansas Automotive Dismantling and  
6 Recycling Board consisting of six (6) members appointed by the Governor and  
7 confirmed by the Senate.

8 (2) The membership shall be appointed as follows:

9 (A) Four (4) members shall be appointed from the automotive  
10 dismantling and recycling business;

11 (B) One (1) member shall be a person who is not associated  
12 with the automotive dismantling and recycling business and shall be appointed  
13 from the state at large; and

14 (C) One (1) member shall be appointed from the insurance  
15 industry.

16 (b)(1) The members shall serve terms of four (4) years.

17 (2) The initial members of the board shall serve staggered terms  
18 as follows:

19 (A) The term of one (1) member shall expire after one (1)  
20 year;

21 (B) The term of one (1) member shall expire after two (2)  
22 years;

23 (C) The term of two (2) members shall expire after three  
24 (3) years; and

25 (D) The term of two (2) members shall expire after four (4)  
26 years.

27 (3) Vacancies shall be filled by appointment by the Governor for  
28 the unexpired term.

29 (4) Board members shall serve until their successors have been  
30 appointed and qualified.

31 (5) No member of the board shall be appointed to serve more than  
32 two (2) consecutive full terms.

33 (c)(1) The board shall annually elect a chairperson from its  
34 membership.

35 (2) The Governor shall designate a member who shall be  
36 responsible for calling and presiding at the first meeting until a chairperson

1 is elected.

2 (d) A majority of the board shall constitute a quorum for transacting  
3 business.

4 (e) Each member of the board may receive expense reimbursement in  
5 accordance with Arkansas Code 25-16-901 and stipends in accordance with  
6 Arkansas Code 25-16-903.

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8 SECTION 5. Powers and Duties.

9 (a) The board shall establish reasonable licensing, insurance, and  
10 safety equipment requirements for any person engaging in the automotive  
11 dismantling and recycling business.

12 (b) The board may:

13 (1) Inspect salvage yards and the facilities and equipment of  
14 applicants and licensees;

15 (2) Employ and discharge any personnel as may be necessary to  
16 administer and enforce the provisions of this act and the rules and  
17 regulations promulgated under this act;

18 (3) Obtain office space, furniture, stationery, and other proper  
19 supplies and conveniences reasonably necessary to carry out the provisions of  
20 this act; and

21 (4)(A) Promulgate rules and regulations to carry out the intent  
22 of this act and shall regulate the dismantling and recycling business.

23 (B) The promulgation and adoption of rules and regulations  
24 shall in all respects be in the manner provided by the Arkansas Administrative  
25 Procedure Act.

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27 SECTION 6. License required.

28 Beginning January 1, 2002, it is unlawful for any person, partnership,  
29 association, or corporation to conduct within this state an automotive  
30 dismantling and recycling business without having first applied for and  
31 obtained a license from the board.

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33 SECTION 7. Application for a license.

34 (a) An application for a license to engage in the automotive  
35 dismantling and recycling business shall be made to the board.

36 (b)(1) The applicant must meet all requirements specified by the rules

1 and regulations promulgated by the board and shall comply with all other state  
2 and federal law applicable to the operation of an automotive dismantling and  
3 recycling business.

4 (2) The applicant shall have a physical office equipped with a  
5 telephone and shall have an exterior sign designating the office as a  
6 dismantling or recycling business.

7 (c) In addition to any other essential information required by the  
8 board, the application shall state the following:

9 (1) The name and legal status of the applicant;

10 (2) The applicant's business address;

11 (3) If a natural person, the applicant's residence address; and

12 (4) If not a natural person, the names and business and residence  
13 addresses of the principal and managing officers, agents, or partners.

14 (d) The application shall be signed and sworn to by the applicant or  
15 the applicant's authorized agent if a natural person or, if not a natural  
16 person, by some agent, officer, or partner authorized to act for it.

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18 SECTION 8. Revocation or suspension of license.

19 The board may revoke or suspend a license upon finding that the licensee  
20 fails to comply with the provisions of this act or with the rules and  
21 regulations prescribed by the board.

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23 SECTION 9. Fees.

24 (a) The board shall establish a reasonable license fee not to exceed  
25 one hundred dollars (\$100) per year.

26 (b) The board may impose late filing fees in an amount not to exceed  
27 the original amount of the license fee.

28 (c)(1) All fees or payments of any type collected by the board under  
29 this act shall be deposited in the State Treasury as special revenues, and the  
30 Treasurer of State shall credit them to the "Automotive Dismantling and  
31 Recycling Licensing Fund" which is created on the books of the Treasurer of  
32 State, the Auditor of State, and the Chief Fiscal Officer of the State.

33 (2) All funds deposited in the Automotive Dismantling and  
34 Recycling Licensing Fund shall be used for the purposes of this act.

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36 SECTION 10. Salvage letter.

1           A motor vehicle deemed for parts only by a salvage letter shall not be  
2           returned to highway use.

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4           SECTION 11. Arkansas Code 25-16-903, which authorized a stipend not to  
5 exceed fifty dollars (\$50.00) for certain state boards, is amended to add an  
6 additional subdivision to read as follows:

7           (69) Arkansas Automotive Dismantling and Recycling Board.

8   /s/ King

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