

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 85th General Assembly  
3 Regular Session, 2005  
4  
5 By: Senator J. Bookout  
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# A Bill

SENATE BILL 1168

## For An Act To Be Entitled

9 AN ACT TO ALLOW STATE INSTITUTIONS TO COLLECT  
10 FEES FOR RENT OF PARKING SPACES WITHOUT THE FEES  
11 BEING CONSIDERED AS PAYMENT FOR A SERVICE; AND  
12 FOR OTHER PURPOSES.

## Subtitle

15 AN ACT TO ALLOW STATE INSTITUTIONS TO  
16 COLLECT FEES FOR RENT OF PARKING SPACES  
17 WITHOUT THE FEES BEING CONSIDERED AS  
18 PAYMENT FOR A SERVICE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 25-17-307(a), pertaining to rules for motor  
24 vehicles on institutional grounds, is amended to read as follows:

25 (a) Each of the institutions described in § 25-17-301 is authorized  
26 and empowered to promulgate rules and regulations and to amend or change them  
27 from time to time as its governing board shall deem necessary, providing for  
28 the operation and parking of motor vehicles upon the grounds, streets,  
29 drives, and alleys under its control, including, but not limited to,  
30 regulations:

31 (1) Limiting the rate of speed;

32 (2)(A) Assigning parking spaces and designating parking areas  
33 and their uses and collecting charges or fees as rent for those spaces.

34 (B) The charges or fees collected under subdivision  
35 (a)(2)(A) of this section shall not be considered as payment for the  
36 providing of any service of any nature to the person paying the charges or



1 fees as rent;

2 (3) Prohibiting parking as it deems necessary;

3 (4) Removing vehicles parked in violation of institutional rules  
4 and regulations or city ordinances, at the expense of the violator, who shall  
5 pay the expense before the vehicle is released;

6 (5) Instituting a system of motor vehicle registration for the  
7 identification and regulation of vehicles regularly using institutional  
8 premises, including a reasonable charge to defray the cost thereof; and

9 (6) Collecting, under an established system, administrative  
10 charges for violations of institutional rules and regulations governing motor  
11 vehicles, their operation, and parking. However, an administrative finding  
12 of violation may be appealed to the appropriate municipal court where the  
13 matter shall be heard de novo.

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15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly of the State of Arkansas that there is a question concerning  
17 rental fees and charges of public institutions of higher education for the  
18 management and control of the property of such institutions with respect to  
19 the parking of motor vehicles thereon; and that it is necessary to clarify by  
20 this act that any such fees or charges are paid as rental for parking spaces  
21 designated either generally or specifically for a permittee and not as  
22 consideration for any service provided to the permit holder or person paying  
23 such fees and charges as rent. Therefore, an emergency is declared to exist  
24 and this act being immediately necessary for the preservation of the public  
25 peace, health, and safety shall become effective on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.

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