

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

As Engrossed: S3/17/05

# A Bill

SENATE BILL 919

5 By: Senator Malone  
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## For An Act To Be Entitled

9 AN ACT TO ALLOW MOTOR VEHICLE DEALERS MORE  
10 DISCRETION FOR CHARGING DOCUMENTARY FEES; AND FOR  
11 OTHER PURPOSES.  
12

### Subtitle

14 TO ALLOW MOTOR VEHICLE DEALERS MORE  
15 DISCRETION FOR CHARGING DOCUMENTARY  
16 FEES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 23-112-315 is repealed.*

22 ~~23-112-315. Motor vehicle dealer documentary fees—Disclosures.~~

23 ~~(a) A motor vehicle dealer may charge a documentary fee for services~~  
24 ~~rendered to, for, or on behalf of a purchaser in preparing, handling, and~~  
25 ~~processing documents relating to, and closing a retail installment~~  
26 ~~transaction involving, a new motor vehicle.~~

27 ~~(b) If a documentary fee is charged under this section, the fee must~~  
28 ~~be:~~

29 ~~(1) Charged to all purchasers, cash buyers, and credit buyers;~~  
30 ~~and~~

31 ~~(2) Disclosed on the buyer's order form as a separate itemized~~  
32 ~~charge.~~

33 ~~(c) A preliminary work sheet on which a sale price is computed and~~  
34 ~~that is shown to the purchaser, a buyers' order form from the purchaser, or a~~  
35 ~~retail installment contract shall include in reasonable proximity to the~~  
36 ~~place on the document where the documentary fee is disclosed.~~



1           ~~(1) The amount of the fee; and~~  
 2           ~~(2) The following notice in type that is bold-faced,~~  
 3 ~~capitalized, or underlined or otherwise conspicuously set out from the~~  
 4 ~~surrounding written material:~~

5 ~~"A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED~~  
 6 ~~BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING~~  
 7 ~~SERVICES RELATING TO THE CLOSING OF A SALE. THIS NOTICE IS REQUIRED BY LAW."~~

8           ~~(d) The Arkansas Motor Vehicle Commission is authorized to promulgate~~  
 9 ~~rules and regulations to set a reasonable limit on the amount to be charged~~  
 10 ~~for a documentary fee under subsection (a) of this section and to implement,~~  
 11 ~~enforce, and administer this section.~~

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13           SECTION 2. Arkansas Code § 23-112-612 is repealed.

14           ~~23-112-612. Used motor vehicle dealer documentary fees—Disclosures.~~

15           ~~(a) A used motor vehicle dealer may charge a documentary fee for~~  
 16 ~~services rendered to, for, or on behalf of a purchaser in preparing,~~  
 17 ~~handling, and processing documents relating to, and closing a retail~~  
 18 ~~installment transaction involving, a motor vehicle.~~

19           ~~(b) If a documentary fee is charged under this section, the fee must~~  
 20 ~~be:~~

21           ~~(1) Charged to all purchasers, cash buyers, and credit buyers;~~  
 22 ~~and~~

23           ~~(2) Disclosed on the buyers' order form as a separate itemized~~  
 24 ~~charge.~~

25           ~~(c) A preliminary work sheet on which a sale price is computed and~~  
 26 ~~that is shown to the purchaser, a buyers' order form from the purchaser, or a~~  
 27 ~~retail installment contract shall include in reasonable proximity to the~~  
 28 ~~place on the document where the documentary fee is disclosed:~~

29           ~~(1) The amount of the fee; and~~

30           ~~(2) The following notice in type that is bold-faced,~~  
 31 ~~capitalized, or underlined or otherwise conspicuously set out from the~~  
 32 ~~surrounding written material:~~

33 ~~"A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED~~  
 34 ~~BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING~~  
 35 ~~SERVICES RELATING TO THE CLOSING OF A SALE. THIS NOTICE IS REQUIRED BY LAW."~~

36           ~~(d) The Department of Arkansas State Police is authorized to~~

1 ~~promulgate rules and regulations to implement, enforce, and administer this~~  
2 ~~section.~~

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/s/ Malone