

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1746

4
5 By: Representatives J. Johnson, Cash
6 By: Senator Broadway

For An Act To Be Entitled

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10 AN ACT TO REPEAL ARKANSAS CODE §§ 26-52-318 AND
11 26-53-147; TO REQUIRE THAT A DECAL BE AFFIXED TO
12 EACH PIECE OF HEAVY EQUIPMENT AS PROOF THE TAX
13 HAS BEEN PAID ON THE HEAVY EQUIPMENT; AND FOR
14 OTHER PURPOSES.

Subtitle

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17 AN ACT TO REPEAL ARKANSAS CODE §§ 26-52-
18 318 AND 26-53-147 REQUIRING DECALS TO BE
19 AFFIXED TO HEAVY EQUIPMENT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 26-52-318 is repealed.

25 ~~26-52-318. Heavy equipment.~~

26 ~~(a) As used in this section, "heavy equipment" means:~~

27 ~~(1) Asphalt pavers;~~

28 ~~(2) Boring machines;~~

29 ~~(3) Bulldozers;~~

30 ~~(4) Cable plows;~~

31 ~~(5) Compaction equipment;~~

32 ~~(6) Concrete pavers;~~

33 ~~(7) Cranes;~~

34 ~~(8) Crawler tractors and loaders;~~

35 ~~(9) Demolition equipment;~~

36 ~~(10) Earth movers;~~



- 1 ~~(11) Excavators;~~
- 2 ~~(12) Loader backhoes;~~
- 3 ~~(13) Motor graders;~~
- 4 ~~(14) Portable air compressors;~~
- 5 ~~(15) Rock drills;~~
- 6 ~~(16) Rough terrain fork lifts;~~
- 7 ~~(17) Scrapers;~~
- 8 ~~(18) Skid steer loaders;~~
- 9 ~~(19) Trenchers;~~
- 10 ~~(20) Wheel loaders; or~~
- 11 ~~(21) Any other equipment determined by the Director of the~~
12 ~~Department of Finance and Administration to be heavy equipment.~~

13 ~~(b) The gross receipts tax levied under the Arkansas Gross Receipts~~
14 ~~Act of 1941, § 26-52-101 et seq., on the sale of new or used heavy equipment~~
15 ~~shall be collected, reported, and remitted by the heavy equipment dealer.~~

16 ~~(c) The heavy equipment dealer shall affix a decal to each piece of~~
17 ~~heavy equipment sold as proof that:~~

- 18 ~~(1) Sales tax has been paid on the heavy equipment; or~~
- 19 ~~(2) The heavy equipment is exempt from sales tax.~~

20 ~~(d) The director shall develop the decals to be affixed to the heavy~~
21 ~~equipment.~~

22 ~~(e)(1) A heavy equipment dealer who sells used heavy equipment shall~~
23 ~~remove the old decal from the used heavy equipment before it is resold and a~~
24 ~~new decal is affixed.~~

25 ~~(2) If the heavy equipment dealer fails to remove the old decal~~
26 ~~the director shall assess the following penalties:~~

- 27 ~~(A) One hundred dollars (\$100) for the first offense;~~
- 28 ~~(B) Two hundred dollars (\$200) for the second offense; and~~
- 29 ~~(C) Five hundred dollars (\$500) for the third and~~
30 ~~subsequent offenses.~~

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32 SECTION 2. Arkansas Code § 26-53-147 is repealed.

33 ~~26-53-147. Heavy equipment.~~

34 ~~(a) Every person purchasing heavy equipment as defined in § 26-52-318~~
35 ~~for storage or use within this state from a dealer located outside of this~~
36 ~~state and the person does not pay tax to the out-of-state dealer shall be~~

1 ~~liable for the use tax imposed by this chapter.~~

2 ~~(b) The purchaser shall pay the use tax to the Director of the~~
3 ~~Department of Finance and Administration and receive a decal under § 26-52-~~
4 ~~318 to affix to each piece of heavy equipment purchased.~~

5 ~~(c) If the purchaser pays the use tax to an out-of-state dealer, the~~
6 ~~purchaser shall present proof to the director that the Arkansas use tax has~~
7 ~~been paid and receive a decal from the director to affix to each piece of~~
8 ~~heavy equipment purchased.~~

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