

State of Arkansas
86th General Assembly
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A Bill

HOUSE BILL 2281

By: Representative Pyle
By: Senator Glover

For An Act To Be Entitled

AN ACT TO AMEND THE SPECIAL LICENSE PLATE ACT OF
2005 FOR THE PURPOSE OF CLARIFYING THE SPECIAL
LICENSE PLATES FOR REALTORS®; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE SPECIAL LICENSE PLATE ACT
OF 2005 FOR THE PURPOSE OF CLARIFYING
THE SPECIAL LICENSE PLATES FOR
REALTORS®.

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

SECTION 1. Arkansas Code § 27-24-1402 is amended to read as follows:
27-24-1402. Existing special license plates.

(a) The following special license plates that represent various
special interests and that were in existence or authorized by law on or
before April 13, 2005, shall continue to be issued by the Director of the
Department of Finance and Administration to a motor vehicle owner who is
otherwise eligible to license a motor vehicle in this state and who pays the
additional fees for the special license plate unless other eligibility
requirements are specifically stated in this subchapter:

- (1) Ducks Unlimited;
- (2) Committed to Education;
- (3) Choose Life;
- (4) Susan G. Komen Breast Cancer Education, Research, and



1 Awareness;

2 (5) Boy Scouts of America;

3 (6) Arkansas Cattlemen's Foundation; ~~and~~

4 (7) Organ Donor Awareness; and

5 (8) Arkansas Realtors® Association.

6 (b) The Department of Finance and Administration shall continue to
7 collect the fee for the design-use contribution or for fund-raising purposes,
8 and the following organizations shall continue to receive funds and be
9 authorized to use the funds from the fee for the design-use contribution for
10 special license plates that were in effect before April 13, 2005, and that
11 are continued under this subchapter:

12 (1) Ducks Unlimited, Inc., for the Ducks Unlimited special
13 license plate;

14 (2) Arkansas Committed to Education Foundation for the
15 Committed to Education special license plate;

16 (3) Arkansas Right to Life for the Choose Life special
17 license plate;

18 (4) Arkansas Affiliate of the Susan G. Komen Foundation
19 for the Susan G. Komen Breast Cancer Education, Research, and Awareness
20 special license plate;

21 (5) Boy Scouts of America, Quapaw Area Council of
22 Arkansas, for the Boy Scouts of America special license plate;

23 (6) Arkansas Cattlemen's Foundation for the Arkansas
24 Cattlemen's Foundation special license plate; and

25 (7) Regional Organ Recovery Agency for the Organ Donor
26 Awareness special license plate.

27 (c)(1) Within thirty (30) days after April 13, 2005, the director
28 shall notify the organizations listed in subsection (b) of this section that
29 received the funds or were authorized to use the funds from a design-use
30 contribution fee for a special license plate that is continued under this
31 chapter and that was in effect before April 13, 2005, and the State Highway
32 Commission of a change in the law regarding special license plates.

33 (2)(A) The organization shall submit to the director an
34 application that includes the following:

35 (i) The organization's financial plan for the use of
36 the proceeds from the special license plate; and

(ii) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(B)(i) The organization shall submit the information required under this subsection within one hundred twenty (120) days after April 13, 2005.

(ii) If the organization fails to comply with this subdivision (c)(2)(B) within one hundred twenty (120) days after April 13, 2005, then the director shall notify the organization that proceeds from the special license plate design-use contribution fee will no longer be remitted to the organization or the organization will no longer be able to use the proceeds until the organization complies with this subdivision.

(C) The department shall not remit funds to the organization or allow the organization to use the proceeds from the special license plate unless the organization complies with the provisions of this section.

(d) Every special license plate continued under this subchapter shall be discontinued on April 7, 2007, unless an application is submitted to and approved by the director ninety (90) days prior to April 1, 2007, that establishes the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4)(A) The Except as provided under subdivision (d)(4)(B) of this section, the name of the organization is not the name of a special product, a trademark, or a brand name.

(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(5)(A) The Except as provided under subdivision (d)(5)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.

1 (B) This condition shall not apply to a trademark if the
 2 organization or entity with control of the trademark has provided a written
 3 authorization for its use;

4 (6) The organization is not a political party;

5 (7) The organization was not created primarily to promote a
 6 specific political belief; and

7 (8) The organization shall not have as its primary purpose the
 8 promotion of any specific religion, faith, or anti-religion.

9
 10 SECTION 2. Arkansas Code Title 27, Chapter 24, Subchapter 14 is
 11 amended to add an additional section to read as follows:

12 27-24-1408. Realtors® special license plate.

13 (a) The purpose of this section is to continue the eligibility
 14 requirements for the issuance of a special license plate for Realtors® under
 15 § 27-15-5303.

16 (b)(1) The Department of Finance and Administration shall require
 17 proof of eligibility for a Realtors® special license plate issued under this
 18 subchapter.

19 (2) The applicant shall present proof that he or she is a member
 20 in good standing of the National Association of Realtors®.

21 (3) To establish membership in the association, the applicant
 22 shall present his or her membership card.

23
 24 SECTION 3. NOT TO BE CODIFIED.

25 (a) Within thirty (30) days after the effective date of this act, the
 26 Director of the Department of Finance and Administration shall notify the
 27 Arkansas Realtors® Association and the Arkansas Realtors® Foundation, which
 28 were authorized to receive and use funds from a design-use contribution fee
 29 for a special license plate under Arkansas Code § 27-15-5301 et seq., of a
 30 change in the law regarding the Realtor® special license plate.

31 (b)(1) The Arkansas Realtors® Association shall submit to the director
 32 an application that includes the following:

33 (A) The association's financial plan for the use of the
 34 proceeds from the special license plate that specifies the charitable use for
 35 the proceeds; and

36 (B) An affidavit signed by an official of the association

1 that states that the proceeds from the special license plate will be used
2 according to the financial plan submitted with the application.

3 (2)(A) The association shall submit the information required
4 under this subsection (b) within one hundred twenty (120) days after the
5 effective date of this act.

6 (B) If the association fails to comply with this
7 subsection (b) within one hundred twenty (120) days after the effective date
8 of this act, then the director shall notify the association that proceeds
9 from the special license plate design-use contribution fee will no longer be
10 remitted to the association or the association will no longer be able to use
11 the proceeds until the association complies with this subsection (b).

12 (C) The department shall not remit funds to the
13 association or allow the association to use the proceeds from the special
14 license plate unless the association complies with the provisions of this
15 section.

16 (c) The Arkansas Realtors® Association may designate that the proceeds
17 be directed to a nonprofit organization that has been approved for tax exempt
18 status under Section 501(c)(3) of the Internal Revenue Code, as in effect on
19 January 1, 2007, if the designated organization:

20 (1) Is based, headquartered, or has a chapter in Arkansas;

21 (2) Is for social, civic, entertainment, or other purposes;

22 (3) Except as provided under subdivision (c)(3)(B) of this
23 section, uses the name of the organization and the name of the organization
24 is not the name of a special product, a trademark, or a brand name.

25 (B) This condition shall not apply to a trademark if the
26 organization or entity with control of the trademark has provided a written
27 authorization for its use;

28 (4)(A) Except as provided under subdivision (c)(4)(B) of this
29 section, the name of the organization is not interpreted by the department as
30 promoting a special product, a trademark, or a brand name.

31 (B) This condition shall not apply to a trademark if the
32 organization or entity with control of the trademark has provided a written
33 authorization for its use;

34 (5) The organization is not a political party;

35 (6) The organization was not created primarily to promote a
36 specific political belief; and

1 (7) The organization shall not have as its primary purpose the
 2 promotion of any specific religion, faith, or anti-religion.

3 (d) The Arkansas Realtors® Association may change the designee under
 4 subsection (c) of this section upon written notice to the Director of the
 5 Department of Finance and Administration that includes the documentation
 6 required by the director for such a change.

7 (e) Any funds from a design-use contribution fee for a Realtor®
 8 special license plate under Arkansas Code § 27-15-5301 et seq., received by
 9 the Director of the Department of Finance and Administration before the
 10 effective date of this act shall be disbursed according to the financial plan
 11 submitted by the Arkansas Realtors® Association as provided under subdivision
 12 (b)(1) of this section.

13
 14 SECTION 4. Arkansas Code Title 27, Chapter 15, Subchapter 53 is
 15 repealed.

16 ~~27-15-5301. Realtors license plate authorized.~~

17 ~~The Director of the Department of Finance and Administration shall~~
 18 ~~issue a special Realtors motor vehicle license plate in the manner and~~
 19 ~~subject to the conditions prescribed in this subchapter.~~

20
 21 ~~27-15-5302. Design.~~

22 ~~(a) The license plates issued under this subchapter shall be designed~~
 23 ~~by the Arkansas Realtors Association.~~

24 ~~(b)(1) The design shall be submitted to the Director of the Department~~
 25 ~~of Finance and Administration for the director's approval under the rules~~
 26 ~~promulgated by the director.~~

27 ~~(2)(A) Upon approval of the design by the director, the~~
 28 ~~association shall remit to the department a fee of six thousand dollars~~
 29 ~~(\$6,000) to cover the cost of the initial order of the license plates.~~

30 ~~(B) The fee shall be deposited into the State Central~~
 31 ~~Services Fund for the benefit of the Revenue Division of the Department of~~
 32 ~~Finance and Administration and shall be credited as supplemental and in~~
 33 ~~addition to all other funds as may be deposited for the benefit of the~~
 34 ~~division.~~

35 ~~(C) The fee shall not be considered or credited to the~~
 36 ~~division as direct revenues.~~

~~(c) The association may submit a newly designed license plate for approval and issuance by the director, but the director shall not approve more than one (1) new design each calendar year.~~

~~27-15-5303. Eligibility.~~

~~(a) The Department of Finance and Administration shall require proof of eligibility for a special license plate under this subchapter.~~

~~(b)(1) The applicant shall present proof that he or she is a member in good standing of the National Association of Realtors.~~

~~(2) To establish membership in the association, the applicant shall present his or her membership card.~~

~~27-15-5304. Issuance—Renewal—Replacement.~~

~~(a) The owner of a motor vehicle who is a resident of the State of Arkansas and is eligible as provided under § 27-15-5303(b) may apply for and annually renew a special license plate that is issued under this subchapter.~~

~~(b) An applicant for a special license plate under this subchapter shall remit the following fees:~~

~~(1) The fee required by law for the registration and licensing of the motor vehicle;~~

~~(2) A fee in the amount of twenty five dollars (\$25.00) to be remitted monthly to the Arkansas Real Estate Foundation; and~~

~~(3) A handling and administrative fee in the amount of ten dollars (\$10.00).~~

~~(c) To renew a special license plate under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.~~

~~(d) To replace a special license plate issued under this subchapter, the owner of the motor vehicle shall remit:~~

~~(1) The fee stated in subdivision (b)(3) of this section if the registration has not expired; or~~

~~(2) The fees stated in subsection (b) of this section if the registration has expired.~~

~~(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the Arkansas Realtors Association.~~

~~(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.~~

~~(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.~~

~~(3) The fee shall not be considered or credited to the division as direct revenue.~~

~~(g) The registration of a special license plate under this subchapter may:~~

~~(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and~~

~~(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.~~

~~(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.~~

~~(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:~~

~~(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;~~

~~(2) A personalized license plate;~~

~~(3) A different special license plate under this subchapter; or~~

~~(4) Any other special license plate that the person is entitled to receive under this chapter.~~

~~27-15-5305. Transfer to another vehicle.~~

~~The special Realtors license plate may be transferred from one (1) vehicle to another as provided in § 27-14-914.~~

~~27-15-5306. Compliance with other laws.~~

~~The special Realtors license plate shall comply with all other state motor vehicle laws relating to registration and licensing of motor vehicles, including the minimum number of license plate applications required under § 27-15-4004(a) [repealed] and the discontinuation of the license plate under §~~

~~27-15-4004(b) [repealed], except as specifically provided otherwise in this subchapter.~~

~~27-15-5307. Rules and regulations.~~

~~The Director of the Department of Finance and Administration shall promulgate reasonable rules and regulations and prescribe forms as the director determines to be necessary for effectively and efficiently carrying out the intent and purposes of this subchapter.~~