

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 2000

4  
5 By: Representative Flowers  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO ENSURE THAT USED MOTOR VEHICLES SOLD IN  
10 THE STATE MEET THE MINIMUM SAFETY AND EQUIPMENT  
11 STANDARDS REQUIRED BY LAW; TO CREATE THE AUTISM  
12 SUPPORT FUND; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 TO ENSURE THAT USED MOTOR VEHICLES SOLD  
16 IN THE STATE MEET THE MINIMUM SAFETY AND  
17 EQUIPMENT STANDARDS REQUIRED BY LAW AND  
18 TO CREATE THE AUTISM SUPPORT FUND.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22  
23

24 SECTION 1. Arkansas Code § 23-112-605 is amended to read as follows:  
25 23-112-605. Violations.

26 (a) It shall be a violation of this subchapter to knowingly or  
27 intentionally:

28 (1)(A) Sell a vehicle without a dealer license.

29 (B) The sale of each vehicle shall constitute a separate  
30 offense;

31 (2) Commit a fraudulent act in selling, purchasing, or otherwise  
32 dealing in motor vehicles;

33 (3) Fail to maintain the conditions and requirements necessary  
34 to qualify for the issuance of a license;

35 (4) Sell, attempt to sell, or advertise for sale vehicles from a  
36 location other than that set forth on the dealer license, except:



1 (A) As a participating dealer in a state trade association  
2 promotion or exhibit;

3 (B) With a special sale permit; or

4 (C) At an auto auction;

5 (5) Falsify, alter, or neglect to endorse or deliver a  
6 certificate of title to a transferee or lawful owner, or fail to properly  
7 designate a transferee on a document of assignment or certificate of title;

8 (6) ~~Knowingly purchase~~ Purchase, sell, or otherwise acquire or  
9 dispose of a stolen motor vehicle;

10 (7) Submit a false affidavit setting forth that a title has been  
11 lost or destroyed;

12 (8) Pass title or reassign title as a dealer without a dealer's  
13 license or when his or her dealer's license has been suspended;

14 (9) ~~To represent~~ Represent oneself as a dealer or as a  
15 salesperson, either verbally or in any advertisement, when not licensed as  
16 such;

17 (10) Violate any provision or requirement in this subchapter; or

18 (11) Knowingly assist an unlicensed dealer in the sale of a  
19 motor vehicle.

20 (b)(1) It shall be a violation of this subchapter if a dealer sells a  
21 vehicle that he or she knew or should have known at the time of sale:

22 (A) Was not in safe mechanical condition as provided under  
23 § 27-32-101 so as to endanger the driver of the vehicle, a passenger in the  
24 vehicle, or other person; or

25 (B) Was not properly equipped with any of the following:

26 (i) Head lamps as required under § 27-36-209;

27 (ii) Tail lamps as required under § 27-36-215;

28 (iii) Brakes as required under § 27-37-501 et seq.;

29 (iv) A working horn as required under § 27-37-  
30 202(a);

31 (v) Signal lamps as provided under § 27-36-216;

32 (vi) Glass and mirrors under § 27-37-301 – 27-37-  
33 306;

34 (vii) Seat belts as provided under § 27-37-701 et  
35 seq.; and

36 (viii) Any other equipment required by state or

1 federal law; or

2 (C) Has equipment that was not in proper adjustment or  
3 repair.

4 (2) If the driver of a motor vehicle is issued a safety  
5 compliance summons by a law enforcement officer within thirty (30) days from  
6 the date of the sale of the motor vehicle, there is a rebuttable presumption  
7 that the dealer violated this subsection (b).

8 (3)(A) In addition to any other penalty prescribed by law, there  
9 shall be a civil penalty of five hundred dollars (\$500) imposed against the  
10 dealer that sold the motor vehicle in violation of this subsection (b).

11 (B) The civil penalty collected under this subsection  
12 (b)(3) shall be distributed as follows:

13 (i) Fifty percent (50%) to the Autism Support Fund;  
14 and

15 (ii) Fifty percent (50%) to the court.

16 (4) The Director of the Department Arkansas State Police may  
17 make all necessary rules for the implementation, administration, and  
18 enforcement of this subsection (b).

19  
20 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended  
21 to add new sections to read as follows:

22 19-6-811. Autism Support Fund.

23 (a)(1) There is created on the books of the Treasurer of State, the  
24 Auditor of State, and the Chief Fiscal Officer of the State a special revenue  
25 fund to be known as the "Autism Support Fund".

26 (2) The fund shall be managed by the Department of Health.

27 (3) The fund shall be used to provide research in the area of  
28 autism and to provide support services for persons with autism.

29 (b) The fund shall consist of fifty percent (50%) of the revenues  
30 collected under § 23-112-605(b).

31  
32  
33  
34  
35  
36