

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
4

As Engrossed: H3/27/09

A Bill

HOUSE BILL 2080

5 By: Representative Dunn
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING PENALTIES
10 FOR THE INTERSTATE TRANSPORTATION OF TOBACCO
11 PRODUCTS; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING
15 PENALTIES FOR THE INTERSTATE
16 TRANSPORTATION OF TOBACCO PRODUCTS.
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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 Arkansas Code § 26-57-243 is repealed.*

22 ~~*26-57-243. Unstamped and untaxed products—Personal possession limits.*~~
23 ~~*The possession limit of tobacco products by any person, upon his or her*~~
24 ~~*person or in his or her personal luggage for his or her personal use, not*~~
25 ~~*taxed or stamped in accordance with the provisions of this subchapter, is as*~~
26 ~~*follows:*~~

27 ~~*(1) One (1) carton of ten (10) packages plus one (1) package of*~~
28 ~~*twenty (20) cigarettes. A person purchasing cigarettes from a United States*~~
29 ~~*military base or installation may have in his or her possession three (3)*~~
30 ~~*cartons of ten (10) packages;*~~

31 ~~*(2) One (1) box of fifty (50) cigars, small cigars, or*~~
32 ~~*cigarillos; or*~~

33 ~~*(3) Three pounds (3 lbs.) of smoking tobacco.*~~
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35 *SECTION 2. Arkansas Code § 26-57-245 is amended to read as follows:*

36 ~~*26-57-245. Unstamped products*~~ *Cigarettes without Arkansas tax stamps* ~~*or*~~



1 products with unpaid taxes – ~~Purchase~~ Possession, purchase, sale, receipt,
2 etc., a criminal offense.

3 ~~(a) Except as otherwise authorized by this subchapter, any~~ A person
4 who purchases, sells, offers for sale, receives, possesses, or transports
5 upon his or her person, on his or her premises, or in his or her vehicle any
6 cigarettes which do not have Arkansas tax stamps affixed ~~thereon~~ on the
7 cigarette packages ~~the stamps required by this subchapter~~, or any other
8 tobacco products upon which ~~the~~ taxes imposed by this subchapter have not
9 been paid, upon conviction is guilty of a criminal offense that is a+

10 ~~(1) Class C felony if the tax value of the total amount of the~~
11 packages of tobacco products is equal to or exceeds ~~one hundred dollars~~
12 ~~(\$100)~~ twenty-one (21) packages of tobacco products;

13 ~~(2) Class A misdemeanor if the tax value of the total amount of~~
14 ~~tobacco products is less than one hundred dollars (\$100).~~

15 (b) A person convicted under subsection (a) of this section for
16 unlawfully transporting more than twenty-one (21) packages of tobacco
17 products is subject to the following additional penalties:

18 (1) A fine of not less than one hundred dollars (\$100) nor more
19 than one thousand dollars (\$1,000) per package of tobacco products;

20 (2) A suspension of the person's driver's license or permit for
21 a period not to exceed one (1) year; or

22 (3) Penalties under both subdivisions (b)(1)(A) and (b)(1)(B) of
23 this section.

24 (c) As used in this section, "packages of tobacco products" means:

25 (1) A pack of cigarettes;

26 (2) An individual container of moist tobacco, chewing tobacco,
27 or snuff;

28 (3) A pack containing ten (10) or fewer cigars, little cigars,
29 blunts, or cigarillos;

30 (4) One (1) cigar either individually or from a container having
31 more than ten (10) cigars, little cigars, blunts, or cigarillos; or

32 (5) An individual container of any other tobacco product.

33 (d) The following individuals or entities are exempt from the
34 provisions of this section:

35 (1) A wholesaler licensed by the State of Arkansas who is in
36 compliance with § 26-57-211;

1 (2) A retailer licensed by the State of Arkansas who is in
2 compliance with § 26-57-212;

3 (3) A common carrier who is in compliance with § 26-57-230; and

4 (4) A wholesaler or manufacturer who is transporting cigarettes
5 or tobacco products through the State of Arkansas for delivery outside of
6 Arkansas.

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8 SECTION 3. Arkansas Code § 27-16-907(a), concerning the suspension of
9 a driver's license, is amended to read as follows:

10 (a) The Office of Driver Services is authorized to suspend the license
11 of any driver after a hearing upon a showing by its records or other
12 sufficient evidence that the licensee:

13 (1) Has been convicted of an offense for which mandatory
14 revocation of the license is required;

15 (2) Has been involved as a driver in any accident resulting in
16 the death or personal injury of another or in serious property damage;

17 (3) Is an habitually reckless or negligent driver of a motor
18 vehicle;

19 (4) Is an habitual violator of the traffic laws;

20 (5) Is incompetent to drive a motor vehicle;

21 (6) Has permitted an unlawful or fraudulent use of his or her
22 license;

23 (7) Has committed an offense in another state which if committed
24 in this state would be grounds for suspension or revocation;

25 (8) Is receiving any type of welfare, tax, or other benefit or
26 exemption as a blind or nearly blind person if the correctable vision of the
27 person is less than 20/50 in the better eye or if the total visual field of
28 the person is less than one hundred five degrees (105°);

29 (9) Is any person who is not lawfully within the United States;

30 (10) Was found by the office or its agent to have used or
31 attempted to use a driver's license or identification card issued under § 27-
32 16-805 that was fraudulent, counterfeit, or altered; ~~or~~

33 (11)(A) Transported packages of tobacco products in violation of
34 § 26-57-245.

35 (B) For the purposes of subdivision (a)(11)(A) of this
36 section, the Office of Driver's Services may suspend a person's license or

1 permit; or

2 ~~(11)~~(12) Was found by the office or its agent to have used or
3 attempted to use the driver's license or identification card of another
4 person by representing it as his or her own license or identification card
5 issued under § 27-16-805.

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/s/ Dunn

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