

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1448

5 By: Representative B. Overbey
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For An Act To Be Entitled

8 AN ACT TO REDUCE THE PENALTY IMPOSED ON A MOTOR
9 VEHICLE DEALER WHEN A DEALER'S EXTRA LICENSE PLATE IS
10 MISUSED BY AN EMPLOYEE OF THE DEALER OR USED BY A
11 PERSON NOT AUTHORIZED TO USE THE PLATE FROM
12 SUSPENSION OF THE DEALER'S MASTER PLATE TO SUSPENSION
13 OF ONE OR MORE OF THE DEALER'S EXTRA LICENSE PLATES
14 IN ORDER THAT THE PENALTY IMPOSED DOES NOT UNDULY
15 AFFECT THE ABILITY OF THE DEALER TO CONDUCT BUSINESS;
16 AND FOR OTHER PURPOSES.

Subtitle

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19 TO REDUCE THE PENALTY RELATED TO MISUSE
20 OF A MOTOR VEHICLE DEALER'S EXTRA LICENSE
21 PLATE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 27-14-1704, concerning dealer's extra
28 license plates, is amended to add an additional subsection to read as
29 follows:

30 (e)(1)(A) In addition to any other penalty prescribed by this chapter,
31 the director may suspend some or all dealer's extra license plates issued to
32 a dealer if the director determines that the dealer or any manager, sales
33 manager, or salesperson of the dealer either misused a dealer's extra license
34 plate or allowed the use of a dealer's extra license plate by a person who is
35 not authorized by this section to use a dealer's extra license plate.

36 (B) A suspension of the dealer's extra license plates



1 under this section does not require that the dealer's master license plate be
2 suspended.

3 (C) The director shall:

4 (i) Notify the dealer in writing of a suspension of
5 the dealer's extra license plates that is authorized under this section; and

6 (ii) Provide information regarding the misuse or
7 unauthorized use upon which the suspension was based in the notice.

8 (D) The dealer's extra license plates shall be suspended
9 for:

10 (i) Six (6) months for the first misuse or
11 unauthorized use of dealer's extra license plates; or

12 (ii) One (1) year for any subsequent misuse or
13 unauthorized use.

14 (2)(A) Any dealer who desires a hearing on the suspension shall
15 notify the director in writing within twenty (20) days after receipt of the
16 notice of suspension.

17 (B) A hearing officer appointed by the director shall
18 schedule a hearing in an office of the Revenue Division of the Department of
19 Finance and Administration in the county of the dealer's principal place of
20 business, unless the director and the dealer agree to another location for
21 the hearing or agree that the hearing shall be held by telephone.

22 (C) Hearings conducted under this section shall be subject
23 to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

24 (D) The hearing officer shall render his or her decision
25 in writing to modify, reverse, or affirm the suspension of the dealer's extra
26 license plates based upon the evidence presented at the hearing and shall
27 serve a copy of the decision on the dealer.

28 (3)(A)(i) If the decision sustains, in whole or in part, the
29 suspension of the dealer's extra license plates, the dealer may file suit
30 within thirty (30) days of receipt of the decision in the Pulaski County
31 Circuit Court or the circuit court of the county of the dealer's principal
32 place of business.

33 (ii) The dealer shall serve a copy of the petition
34 on the director.

35 (iii) The appeal will not operate as a stay of the
36 order of suspension that will remain in effect and be terminated only in the

1 event a decision reversing the suspension is issued by the circuit court.

2 (B) An appeal from the circuit court shall be in
3 accordance with the laws governing appeals.

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