

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

A Bill

HOUSE BILL 1603

5 By: Representative Williams
6

For An Act To Be Entitled

8 AN ACT TO REINSTATE THE PENALTIES THAT WERE IN EFFECT
9 FROM 1991 TO 2009 FOR A PERSON WHO DRIVES AN
10 UNREGISTERED MOTOR VEHICLE; TO MAKE LEGISLATIVE
11 CORRECTION; AND FOR OTHER PURPOSES.
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13

Subtitle

14 TO REINSTATE THE PENALTIES THAT WERE IN
15 EFFECT FROM 1991 TO 2009 FOR A PERSON WHO
16 DRIVES AN UNREGISTERED MOTOR VEHICLE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY. The General Assembly finds:

23 (1) In the 2009 Regular Session of the General Assembly, a court
24 "clean-up" bill concerning the payment and collection of fines, costs, and
25 restitution inadvertently repealed Arkansas Code § 27-14-314 regarding the
26 penalties for driving an unregistered motor vehicle;

27 (2) Arkansas Code § 27-14-314 was originally enacted during the
28 1991 Regular Session of the General Assembly;

29 (3) In Act 988 of 1991, the General Assembly found that these
30 penalties were necessary because:

31 (A) There were a large number of unlicensed motor vehicles
32 in the state;

33 (B) Unlicensed motor vehicles result in lost revenues in
34 the form of unpaid license fees;

35 (C) Owners of unlicensed motor vehicles most likely have
36 not:



1 (i) Paid property taxes on the unlicensed vehicles,
 2 depriving local governments and school districts of vitally needed revenues;

3 (ii) Paid sales tax on the motor vehicles, depriving
 4 the state of significant revenues; or

5 (iii) Insured the vehicle in compliance with the
 6 mandatory insurance requirements, increasing the potential financial
 7 catastrophe to others involved in accidents with them; and

8 (D) Promotion of the enforcement of Arkansas's motor
 9 vehicle licensing law is necessary; and

10 (4) This act is necessary for legislative correction to
 11 reinstate the penalties that were in effect until accidentally repealed in
 12 2009 for a person who drives an unregistered motor vehicle for the same
 13 reasons the law has been needed since 1991.

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 15 SECTION 2. Arkansas Code Title 27, Chapter 14, Subchapter 3 is amended
 16 to add an additional section to read as follows:

17 27-14-314 Additional penalties - Disposition of fines.

18 (a)(1) A person who while driving a motor vehicle is arrested for
 19 failure to register the motor vehicle upon conviction shall be subject to a
 20 penalty in addition to any other penalty provided for by law.

21 (2) The additional penalty shall be:

22 (A) Not less than fifty dollars (\$50.00) nor more than one
 23 hundred dollars (\$100) for the first offense, and the minimum fine shall be
 24 mandatory; or

25 (B) Not less than one hundred dollars (\$100) nor more than
 26 two hundred fifty dollars (\$250) for the second and subsequent offenses, and
 27 the minimum fine shall be mandatory.

28 (b)(1) If a person is convicted of two (2) offenses under subsection
 29 (a) of this section within one (1) year, the court may order that the
 30 unregistered vehicle be impounded until proof of motor vehicle registration
 31 is submitted to the court.

32 (2) The owner of the vehicle impounded shall be responsible for
 33 all costs of impoundment.

34 (c)(1) If the arresting officer is an officer of the Department of
 35 Arkansas State Police, the fine collected shall be remitted by the tenth day
 36 of each month to the Administration of Justice Fund Section of the Office of

1 Administrative Services of the Department of Finance and Administration, on a
2 form provided by that office, for deposit in the Department of Arkansas State
3 Police Fund to be used for the purchase and maintenance of state police
4 vehicles.

5 (2) If the arresting officer is a county law enforcement
6 officer, the fine collected shall be deposited into that county fund used for
7 the purchase and maintenance of:

8 (A) The following:

9 (i) Rescue, emergency medical, and law enforcement
10 vehicles;

11 (ii) Communications equipment;

12 (iii) Animals owned or used by law enforcement
13 agencies; or

14 (iv) Life-saving medical apparatus; or

15 (B) Law enforcement apparatus to be used for the purposes
16 set out in subdivision (c)(2)(A) of this section.

17 (3) If the arresting officer is a municipal law enforcement
18 officer, the fine collected shall be deposited into that municipal fund used
19 for the purchase and maintenance of:

20 (A) The following:

21 (i) Rescue, emergency medical, and law enforcement
22 vehicles;

23 (ii) Communications equipment;

24 (iii) Animals owned or used by law enforcement
25 agencies; and

26 (iv) Life-saving medical apparatus; and

27 (B) Law enforcement apparatus to be used for the purposes
28 set out in subdivision (c)(3)(A) of this section.