

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Representative Long  
6

# A Bill

HOUSE BILL 1630

## For An Act To Be Entitled

8 AN ACT TO ENCOURAGE THE VOLUNTARY USE OF CERTAIN  
9 PRECIOUS METALS AS CONSIDERATION IN CONTRACTS; TO  
10 REQUIRE SPECIFIC PERFORMANCE AS THE REMEDY FOR THE  
11 BREACH OF CONTRACTS THAT INCLUDE CERTAIN PRECIOUS  
12 METALS AS CONSIDERATION; TO EXCLUDE FROM GROSS INCOME  
13 ANY GAIN REALIZED FROM THE SALE OF CERTAIN PRECIOUS  
14 METALS; AND FOR OTHER PURPOSES.

## Subtitle

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18 TO REQUIRE SPECIFIC PERFORMANCE AS THE  
19 REMEDY FOR THE BREACH OF CONTRACTS THAT  
20 INCLUDE CERTAIN PRECIOUS METALS AS  
21 CONSIDERATION; AND TO EXCLUDE FROM GROSS  
22 INCOME ANY GAIN REALIZED FROM THE SALE OF  
23 CERTAIN PRECIOUS METALS.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Title 4, Chapter 56, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 4-56-106. Specific performance required for certain contracts.

31 (a) As used in this section,

32 (1) "Bullion" means a bar or ingot:

33 (A) Manufactured in whole or in part of gold or silver;

34 (B) That was or is used solely as a medium of exchange,

35 security, or commodity by any state, the United States Government, or a  
36 foreign nation; and



1                   (C) Sold based on the intrinsic value of the bar, ingot,  
 2 or coin as a precious metal or collectible item rather than its form or  
 3 representative value as a medium of exchange; and

4                   (2) "Coin" means a coin:

5                   (A) Manufactured in whole or in part of gold or silver;

6                   (B) That was or is used solely as a medium of exchange,  
 7 security, or commodity by any state, the United States Government, or a  
 8 foreign nation; and

9                   (C) Sold based on its intrinsic value as a precious metal  
 10 or collectible item rather than its form or representative value as a medium  
 11 of exchange.

12                  (b) Unless specifically provided by law or by contract, no person may  
 13 compel another person to tender coins or bullion or to accept coins or  
 14 bullion as legal tender.

15                  (c) If a valid contract expressly provides for a type or form of coins  
 16 or bullion as at least partial consideration for the contract, then an  
 17 Arkansas court asked to adjudicate the breach of a such a contract shall  
 18 require, as a remedy for the breach, the specific performance of tendering  
 19 the type or form of coins or bullion specified in the contract.

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 21                  SECTION 2. Arkansas Code § 26-51-815, concerning the computation of  
 22 capital gains and losses for purposes of income tax, is amended to add an  
 23 additional subsection to read as follows:

24                  (e)(1) A gain from the sale of coins or bullion is exempt from the  
 25 income tax levied under this chapter.

26                  (2) As used in this section:

27                  (A) "Bullion" means a bar or ingot:

28                   (i) Manufactured in whole or in part of gold or  
 29 silver;

30                   (ii) That was or is used solely as a medium of  
 31 exchange, security, or commodity by any state, the United States Government,  
 32 or a foreign nation; and

33                   (iii) Sold based on the intrinsic value of the bar,  
 34 ingot, or coin as a precious metal or collectible item rather than its form  
 35 or representative value as a medium of exchange; and

36                  (B) "Coin" means a coin:

1                   (i) Manufactured in whole or in part of gold or  
2 silver;

3                   (ii) That was or is used solely as a medium of  
4 exchange, security, or commodity by any state, the United States Government,  
5 or a foreign nation; and

6                   (iii) Sold based on its intrinsic value as a  
7 precious metal or collectible item rather than its form or representative  
8 value as a medium of exchange.

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10           SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective for tax  
11 years beginning on or after January 1, 2023.

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