

SUBCHAPTER 2.
MOTOR VEHICLE COMMISSION.

SECTIONS.

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23-112-201. Arkansas Motor Vehicle Commission – Creation – Members – Officers.

(a) There is created the Arkansas Motor Vehicle Commission, hereinafter referred to as the “Commission”, to be composed of nine (9) members to be appointed by the Governor for terms of seven (7) years, subject to confirmation by the Senate.

(b) (1) One (1) Commissioner shall be appointed from each of the four (4) congressional districts of the state as constituted July 1, 1975, and five (5) members of the Commission, including the consumer representative and the representative of the elderly, shall be appointed from the state at large.

(2)(A) Four (4) members of the Commission shall be licensees or shall be qualified as licensees under the provisions of this chapter at the time of their appointment.

(B) Five (5) members of the Commission shall be appointed from the public at large, including the consumer representative and the representative of the elderly.

(C) (i) No more than four (4) members of the Commission shall at any time:
(a) Be licensees under this chapter;
(b) Have any financial interest in or be an officer or an employee of a licensee under this chapter; or
(c) Be employed by or own a business or organization that directly or indirectly profits from the sale of new motor vehicles.

(ii) At least one (1) of them shall be licensed as a dealer of franchise motorcycles.

(3) (A) The consumer representative and the representative of the elderly shall not be actively engaged in or retired from the businesses regulated by this chapter.

(B) The two (2) positions may not be held by the same person.

(C) Both shall be full voting members.

(D) The representative of the elderly shall:

- (i) Be sixty (60) years of age or older;
- (ii) Not be employed by or own any business or organization that directly or indirectly profits from the sale of new motor vehicles; and
- (iii) Only have experiences with the sale of a new motor vehicle as a consumer.

(E) The consumer representative shall:

- (i) Not be employed by or own any business or organization that directly or indirectly profits from the sale of new motor vehicles; and
- (ii) Only have experiences with the sale of a new motor vehicle as a consumer.

(4) Each of the members appointed shall be a citizen of the United States, a resident of the State of Arkansas, and a qualified elector of the jurisdiction from which appointed, and each shall be of good moral character.

(c) In the event a vacancy on the Commission occurs due to death, resignation, or other reason, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor, subject to confirmation by the Senate, of a person meeting the same qualifications required for the initial appointment.

(d) Each Commission member shall serve until his or her successor is appointed and qualified.

(e) The Commission shall select by majority vote of its members one (1) of its members as a Chair, one (1) as a Vice Chairman, and one (1) as a Secretary.

(f) (1) The Chair of the Arkansas Motor Vehicle Commission and members of the Commission may receive expense reimbursement and stipends in accordance with §25-16-901 et seq.

(2) The Chair shall require itemized statements of all reimbursable expenses and shall audit the statements or cause them to be audited before approving them for payment.

History. Acts 1975, No. 388, § 4; 1977, No. 113, §§ 1-3; 1981, No. 717, § 2; 1983, No. 131, §§ 1-3, 5; 1983, No. 135, §§ 1-3, 5; 1985, No. 747, § 1; 1985, No. 1032, § 2; 1985, No. 1058, § 2; A.S.A. 1947, §§ 6-617 – 6-619, 6-623 – 6-626, 75-2304; Acts 1989 (1st Ex. Sess.), No. 169, § 6; 1993, No. 383, § 1; 1997, No. 250, § 227; 205, No. 2311, §3.

23-112-202. Proceedings – Bond.

(a) The Arkansas Motor Vehicle Commission shall meet at Little Rock and complete its organization immediately after the entire membership thereof has been appointed and has qualified.

(b) Before entering upon the discharge of the duties of his or her office, the Chair of the Arkansas Motor Vehicle Commission and each member of the Commission shall take and subscribe to the oath of office prescribed by the Constitution of Arkansas and shall file this oath in the office of the Secretary of State.

(c) (1) The Commission shall purchase either a blanket position honesty or faithful performance bond from some surety company authorized to do business in this state. This bond shall be in the penal sum of ten thousand dollars (\$10,000), made payable to the State of Arkansas, conditioned for the honest and faithful performance of the duties of the Chair and each member of the Commission, the Executive Director of the Commission, and all other employees of the Commission, the bond to be approved by the Governor and filed in the office of the Secretary of State.

(2) The Commission shall keep the bond in force at all times from and after the date the Commission is organized.

(d) A majority of the Commission shall constitute a quorum for the transaction of any business.

(e) The Commission shall adopt and use a common seal for the authentication of its records and orders.

(f) The Commission shall hold all of its regular monthly meetings in its office at Little Rock, but may, upon approval of a majority of its members, hold special meetings and the hearings provided for under §§23-112-501 – 23-112-509 at any time and place within the State of Arkansas.

History. Acts 1975, No. 388, § 4; A.S.A. 1947, § 75-2304; Acts 1993, No. 383, § 2; 1995 No. 568, § 2.

23-112-203. Executive Director – Employees – Office.

(a) (1) The Arkansas Motor Vehicle Commission shall appoint a qualified person to serve as Executive Director thereof, to serve at the pleasure of the Commission, and shall fix his or her salary and shall define and prescribe the duties.

(2) The Executive Director shall be in charge of the Commission's office and shall devote such time to the duties thereof as may be necessary.

(3) The duties shall include, but shall not be limited to, the collection of all fees and charges under the provisions of this chapter, keeping a record of all proceedings of the Commission, and keeping an accurate account of all moneys received and disbursed by the Commission, all of which records shall be considered as public records.

(b) The Commission may employ such clerical and professional help and incur such expenses as may be reasonably necessary for the proper discharge of its duties under this chapter.

(c) Except as provided in this chapter, the Commission shall maintain its office and transact its business at Little Rock.

History. Acts 1975, No. 388, § 4; A.S.A. 1947, § 75-2304; Acts 1995, No. 568, § 3.

23-112-204. Rules.

The Arkansas Motor Vehicle Commission shall have power to prescribe, issue, amend, and rescind, pursuant to the Arkansas Administrative Procedure Act, §25-15-201 et seq., such reasonable rules as may be reasonably necessary or appropriate to carry out the provisions of this chapter.

History. Acts 1975, No. 388, § 4; 1985, No. 1032, § 2; 1985, No. 1058, § 2; A.S.A. 1947, § 75-2304.

23-112-205. Disposition of funds.

(a) All funds received by the Arkansas Motor Vehicle Commission shall be deposited in the State Treasury as special revenues to the credit of a special fund to be known as the "Motor Vehicle Commission Fund."

(b) All expenses incurred in the organization, maintenance, and operation of the Commission shall be paid from the special fund, and the expenditure of all funds shall be subject to the General Accounting and Budgetary Procedures Law, §19-4-101 et seq., the Arkansas Purchasing Law, §19-11-201 et seq., and other applicable fiscal laws.

(c) The receipts and disbursements of the Commission shall be audited annually by the Legislative Auditor.

History. Acts 1975, No. 388, § 4; A.S.A. 1947, § 75-2304.