

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**DIVISION OF ARKANSAS STATE POLICE
USED MOTOR VEHICLE DEALER LICENSING RULES**

Rule 2. “Licensee” Responsibilities

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2.14. Fee Waivers – the Division will waive the initial application fees prescribed by A.C.A. § 23-112-608 if the applicant:

(a) Is receiving assistance through the Arkansas Medicaid Program, the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Temporary Assistance for Needy Families Program, or the Lifeline Assistance Program;

(b) Was approved for unemployment within the last twelve (12) months; or

(c) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

...

Rule 5. Reciprocal, Temporary, and Expedited Licensure

...

5.4. The Division will expedite the licensure process for: ~~active-duty military members stationed in Arkansas, returning military veterans applying for licensure within one (1) year of his or her discharge from active duty, and/or the spouse of a qualifying service member or veteran.~~

(a) A uniformed service member stationed in the State of Arkansas;

(b) A uniformed service veteran who resides in or establishes residency in the State of Arkansas;

(c) The spouse of:

(i) A person listed in subdivision (a) or (b) of this Rule;

(ii) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and

(iii) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

To qualify for expedited licensure, the applicant must notate his or her status on the application and provide the Division with a copy of the active duty orders or DD214.

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**DIVISION OF ARKANSAS STATE POLICE
USED MOTOR VEHICLE DEALER LICENSING RULES**

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- (c) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

Rule 5. Reciprocal, Temporary, and Expedited Licensure

5.4. The Division will expedite the licensure process for:

- (a) A uniformed service member stationed in the State of Arkansas;
- (b) A uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- (c) The spouse of:
 - (i) A person listed in subdivision (a) or (b) of this Rule;
 - (ii) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and
 - (iii) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

To qualify for expedited licensure, the applicant must notate his or her status on the application and provide the Division with a copy of the active-duty orders or DD214.

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Public Safety
DIVISION Arkansas State Police
DIVISION DIRECTOR Colonel Bill Bryant
CONTACT PERSON Joan Shipley
ADDRESS #1 State Police Plaza Drive, Little Rock, AR 72209
PHONE NO. (501) 618-8632 FAX NO. (501)682-1582 E-MAIL Joan.shipley@asp.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook, Colonel Bill Bryant, Joan Shipley
PRESENTER E-MAIL Joan.shipley@asp.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Used Motor Vehicle Dealer Licensing Rules
2. What is the subject of the proposed rule? Required new rules following the 2021 legislative session
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. N/A
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐ No ☒

5. Is this a new rule? Yes ☐ No ☒
If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes ☒ No ☐
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☒ No ☐
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 26-51-515

7. What is the purpose of this proposed rule? Why is it necessary?

To waive licensing fees for certain individuals and to expedite licensure processes for certain military-affiliated applicants.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

Dps.arkansas.gov/law-enforcement/Arkansas-state-police

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐
If yes, please complete the following:

Unknown – Following the expiration of
Date: the public comment period
Time: _____
Place: ASP Headquarters

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

Approximately November 31, 2021 – To be determined

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.

N/A - Will provide when appropriate

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e).

N/A – Will file with SOS and ASL at the appropriate time

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known. N/A

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Public Safety

DIVISION Arkansas State Police

PERSON COMPLETING THIS STATEMENT Joan Shipley

TELEPHONE (501) 618-8632 **FAX** (501) 682-1582 **EMAIL:** Joan.shipley@asp.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Used Motor Vehicle Dealer Licensing Rules

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
N/A

(b) The reason for adoption of the more costly rule;
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>

Next Fiscal Year

General Revenue	<u></u>
Federal Funds	<u></u>
Cash Funds	<u></u>
Special Revenue	<u></u>
Other (Identify)	<u></u>
Total	<u></u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Jami Cook
Secretary

State of Arkansas
Governor Asa Hutchinson



William J. Bryant
Director

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

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Summary of Changes: Proposed Rules – Division of Arkansas State Police Used Motor Vehicle Dealer Licensing Rules

SUMMARY OF CHANGES

Division of Arkansas State Police Used Motor Vehicle Dealer Licensing Rules

Rule 2.14 regarding initial licensing fee waivers for certain individuals is promulgated in accordance with Act 725 of 2021.

Rule 5.4 regarding the expedited licensure process for certain military-affiliated applicants is modified in accordance with Act 135 of 2021.

