

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 026
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 9/1/99 Code Number 130.00:99--002

Name of Agency Arkansas State Police

Department Regulatory Services Division

Contact Person Captain Bill Young

Statutory Authority for Promulgating Rules Act 1040 of 1999

	Date
Intended Effective Date	
<input type="checkbox"/> Emergency	Legal Notice Published <u>6/30-7/6/99</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment <u>7/30/99</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council <u>8/5/99</u>
<u>09/01/99</u>	Adopted by State Agency <u>8/5/99</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Capt. Bill Young
Signature

(501) 618 - 8600

Phone Number

Commander, Regulatory Services Division

Title

8/5/99

Date

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USED MOTOR VEHICLE DEALERS
(Act 490 of 1993, As Amended)
(Act 1040 of 1999)
MANDATORY EDUCATIONAL SEMINAR

Rules and Regulations

Rule 4. Mandatory Educational Seminar

4.1 All applicants for a license as a used motor vehicle dealer, as described in Ark. Code Ann. Section 23-112-601 et seq. prior to obtaining a license, are required to attend a Department approved educational seminar.

4.2 In order to be approved by the Department, a seminar must meet the following criteria to the satisfaction of the Department:

A. The seminar must be sponsored by a non-profit corporation, authorized to conduct business in Arkansas, that develops and presents educational programs which enhance the knowledge and competence of used motor vehicle dealers, their sales persons and service personnel for the benefit of the public; and

B. The names of the individuals who will be conducting the seminar must be submitted with the application for approval of the seminar. Said individuals shall demonstrate knowledge of these rules and general provisions by having at least one year of experience with the used motor vehicle industry in Arkansas or a related area as determined by the Department; and

C. The proposal for approval of a seminar shall include a course outline, along with proposed materials to be used in the instruction. The course outline must provide for, at a minimum, instruction in each of the following areas:

1. requirements of Act 490 of 1993, as amended, for obtaining a license as a used motor vehicle dealer;
2. overview of related state statutes, regulations and Department rules;
3. laws concerning titles, tags and taxes;

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4. applicable laws and rules concerning required record keeping;

5. The Deceptive Trade Practices Act, including, but not limited to, advertising, unfair and deceptive sales practices and odometer requirements;

6. such general discussion items as may be determined by the Department to be of significance or concern.

D. The course of instruction of the required seminar shall be no less than three (3) hours.

E. The course of instruction shall be attended by a bona fide, full-time employee of the applicant used motor vehicle dealership. The attendee shall attend the full time of the prescribed course. Failure of the attendee to attend the full time of the prescribed course shall cause the applicant's license to be delayed until such time as the course requirement is fulfilled.

F. In the event the employee attending the required course as a representative of the licensee shall cease employment with the licensee company for any reason, the licensee company shall within ten (10) days notify the Department. The licensee shall then designate another bona fide, full-time employee who must complete the mandatory course within 120 days of the date of such notification.

4.3 The corporation administering the mandatory course shall be certified by the Department. Application for certification shall be on a form prescribed by the Department, and shall include the following:

A. Names and addresses of all individuals who will be utilized in any manner during the course of instruction; and

B. Names and addresses of all officers of the corporation; and

C. Documentation to demonstrate the experience and qualifications of all persons who will instruct any portion of the mandatory course; and

D. A list of the times, dates and locations of all courses to be taught, provided such list may be changed or updated if notification of such change or updating is provided to the Department a minimum of seven (7) days prior to the course being presented.

E. Such application shall be accompanied by material prescribed in Rule 4.2 (B) and Rule 4.2 (C) of these Rules and shall be in typewritten or computer generated form.

4.4 A corporation certified by the Department to conduct the mandatory training course may utilize video equipment for the presentation of portions of the course in lieu of live instructors, provided that a copy of the video has been presented to the Department and the Department has provided written approval of the contents; provided that when such video is utilized, the certified corporation shall provide a proctor or proctors to assure attendance of the applicants for licensing. Such manner for proctoring shall be approved by the Department prior to implementation of the use of video equipment as an alternative to live instructors.

4.5 A corporation certified by the Department to conduct the mandatory training course shall, within five (5) days of the completion of such course, provide to the Department on a form prescribed by the Department a list of all persons completing the course and, in the case of a renewal of license, the Department-assigned control number of the licensee.

4.6 Failure of any corporation certified by the Department, or any licensee, to fulfill the requirements of this Rule shall result in suspension or revocation of the certification of the corporation or the license of the licensee. Provided, the corporation or licensee shall have the right to appeal such suspension or revocation as provided in Rule 3 of these Rules.

DEPARTMENT Arkansas State Police
DIVISION Regulatory Services Division
PERSON COMPLETING THIS STATEMENT Captain Bill Young
TELEPHONE NO. (501) 618-8600 FAX NO. (501) 618-8621

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BY _____

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Used Motor Vehicle Dealer Training Procedure

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes X No _____
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
There will be a financial impact on individual used motor vehicle dealers who will be required to pay for the training.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>1998-99 Fiscal Year</u>	<u>1999-2000 Fiscal Year</u>
General Revenue <u>N/A</u>	General Revenue <u>N/A</u>
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other _____	Other _____
Total _____	Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

<u>1998-99 Fiscal Year</u>	<u>1999-2000 Fiscal Year</u>
<u>\$50.00 per year per dealer</u>	<u>\$50.00 per year per dealer</u>

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>1998-99 Fiscal Year</u>	<u>1999-2000 Fiscal Year</u>
<u>negligible</u>	<u>negligible</u>

July 28, 1995

DEPARTMENT Arkansas State Police
DIVISION Regulatory Services Division
PERSON COMPLETING THIS STATEMENT Captain Bill Young
TELEPHONE NO. (501) 618-8600 FAX NO. (501) 618-8621

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1998-99 Fiscal Year

1999-2000 Fiscal Year

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