

**MOTOR VEHICLE RULE 2006-8
SPECIAL LICENSE PLATES AND DECALS**

Pursuant to the authority granted by Act 2202 of 2005, the Director of the Arkansas Department of Finance and Administration does hereby promulgate the following rule governing the application for, issuance of, and display of certain special license plates:

A. PURPOSE AND SCOPE.

1. Act 2202 of 2005 charges the Director of the Arkansas Department of Finance and Administration with the responsibility for issuing special motor vehicle license plates and decals.
2. Act 2202 continues the special license plates that existed before April 13, 2005, and authorizes the Director to issue additional license plates for each of the following categories of special license plates:
 - a. Military Service and Veterans
 - b. Public Use Vehicles – Local Government
 - c. Public Use Vehicles – State Government
 - d. Public Use Vehicles – Federal Government
 - e. Nominal Fee Plates
 - f. Members of the General Assembly
 - g. Constitutional Officers
 - h. Game and Fish Commission
 - i. Colleges and Universities
 - j. Agriculture Education
 - k. Fraternities and Sororities
 - l. Public and Military Service Recognition
 - m. Special Interests
3. These existing special license plates will be discontinued on April 7, 2007 unless application for approval to continue the plate is made at least 90 days prior to April 1, 2007. A subsequent rule will address the process for application for approval to reissue the license plate on and after April 7, 2007.
4. This rule addresses:
 - a. the application process for a special license plate for organizations that represent a group of persons with a viewpoint that is different from the viewpoint on a special interest license plate that existed before April 13, 2005 and remedies available upon denial; and
 - b. the application process and remedies upon denial for special interest license plate decals.

B. DEFINITIONS.

As used in this rule, unless the context indicates otherwise:

1. Department. “Department” means the Arkansas Department of Finance and Administration.
2. Director. “Director” means the Director of the Arkansas Department of Finance and Administration.
3. Motor Vehicle. “Motor vehicle” means a self-propelled vehicle that is classified as:
 - a. Class One, Class Two, or Class Three pleasure vehicle as defined by Ark. Code Ann. § 27-14-601(a)(1); or
 - b. Class One truck as defined by Ark. Code Ann. § 27-14-601(a)(3)(A).
4. Decal. “Decal” or “decal strip” means a self-adhesive label made to be placed across the bottom of a motor vehicle license plate in lieu of the legend "The Natural State" or any succeeding legend.
5. Viewpoint That is Different. “Viewpoint that is different” or “differing viewpoint” shall mean a position that is in direct opposition to the viewpoint expressed by a special interest license plate that existed before April 13, 2005.

C. APPLICATION FOR SPECIAL INTEREST LICENSE PLATES FOR DIFFERING VIEWPOINTS.

1. An organization that represents a group of persons with a viewpoint that is different from the viewpoint expressed on a special interest license plate that existed before April 13, 2005, may submit an application, as described in this Rule, for the Department of Finance and Administration to create and issue a special interest license plate for the organization's viewpoint.
2. An individual may not apply for a special interest license plate under this Rule.

D. APPLICATION FOR SPECIAL INTEREST LICENSE PLATE DECALS.

1. A special interest organization may submit an application, as described in this Rule, for the Department of Finance and Administration to create and issue a license plate decal for the special interest group.
2. Applications for decals for special interest groups may be submitted beginning on July 1, 2006 and ending on November 1, 2006. Applications may be submitted during the same time period for each year thereafter.

E. DESIGN OF SPECIAL PLATES AND DECALS.

1. Unless otherwise provided in this Rule, the Director shall have the exclusive power to design or approve the design used on a special interest license plate or a decal authorized under this Rule.
2. A special interest license plate created and issued under this Rule shall be designed to allow adequate space for the placement of the number and letter characters so that law enforcement officers can readily identify the characters.

F. LETTERING AND NUMBERING OF SPECIAL INTEREST LICENSE PLATES.

1. Special interest license plates issued under this Rule shall not bear the exact license lettering or numbering characters of a license plate previously issued by the Director.
2. The license lettering or numbering characters of a special interest license plate under this Rule shall be one and one-fourth inches (1 1/4") inches in width and two and five-eighths inches (2 5/8") in height.

G. APPLICATION FOR SPECIAL INTEREST LICENSE PLATES FOR DIFFERING VIEWPOINTS OR SPECIAL INTEREST LICENSE PLATE DECALS.

1. An organization requesting a special interest license plate for an organization with a viewpoint that is different from the viewpoint expressed on a special interest license plate that existed before April 13, 2005, or an organization requesting a special interest license plate decal must submit an application to the Director on the application form designed by the Director. The application for special interest license plate or special interest license plate decal submitted under this Rule shall include the following (either as information provided on the form or submitted with the form):
 - a. The name of the organization's contact person for purposes of notifications concerning the application;
 - b. The mailing address for the organization;
 - c. The telephone number for the organization;
 - d. The facsimile (fax) number for the organization (if any);
 - e. The e-mail address of the organization (if any);

- f. A proposed design of the special interest license plate;
- g. Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;
- h. The organization's financial plan for the use of the proceeds from the special interest license plate;
- i. An affidavit signed by an official of the organization that states that the proceeds from the special interest license plate will be used according to the financial plan submitted with the application;
- j. Documentation establishing that the organization is based, headquartered, or has a chapter in Arkansas; and
- k. Proof that the organization complies with the following conditions:
 - (1) The purpose of the organization must be for social, civic, entertainment, or other purposes;
 - (2) The name of the organization cannot be the name of a special product or a brand name;
 - (3) The name of the organization cannot be interpreted by the Department as promoting a special product or a brand name;
 - (4) The organization cannot be a political party;
 - (5) The organization cannot be created primarily to promote a specific political belief; and
 - (6) The organization cannot have as its primary purpose the promotion of any specific religion, faith, or anti-religion.
- 2. The organization must notify the Department of Finance and Administration in writing, at the address listed on the application form, of any changes in the organization's information as listed in this section within ten (10) days of the change.

H. FEES FOR SPECIAL INTEREST LICENSE PLATES OR SPECIAL INTEREST LICENSE PLATE DECALS.

- 1. If the Director of the Department of Finance and Administration approves the application for a special interest license plate or a special interest license plate

decal under this Rule, then he or she shall determine the fee. The fee will be based upon the costs incurred to produce the requested plate or decal.

2. An organization that applies for the issuance of a special interest license plate or a special interest license plate decal under this Rule may establish a fee not to exceed Twenty-five Dollars (\$25.00) for the design-use contribution or for fund-raising purposes for the issuance and renewal of a special interest license plate or a special interest license plate decal.
3. If an organization establishes a fee for the design-use contribution or fund-raising purposes under this section, then the organization shall provide:
 - a. Its financial plan for the use of the proceeds from the special interest license plate or the special interest license plate decal; and
 - b. An affidavit signed by an official of the organization that states that the proceeds from the special interest license plate or the special interest license plate decal will be used according to the financial plan submitted with the application.

I. DENIAL OF APPLICATION FOR SPECIAL INTEREST LICENSE PLATE WITH DIFFERENT VIEWPOINT AND FOR SPECIAL INTEREST LICENSE PLATE DECAL.

1. The Director shall either approve or deny an application under this section within sixty (60) days after receipt of the application. The Director shall notify the applicant of the approval or denial of its application in writing, and the Director must send this written notice to the applicant by certified U. S. Mail, return receipt requested, addressed to the applicant at the address listed on the applicant's application for special interest license plate
2. The written approval or denial shall:
 - a. Inform the applicant that its application for special interest license plate or special interest license plate decal has been either approved or denied, and if the application is denied, the reasons for denial.
 - b. Inform the applicant whose application for special interest license plate or special interest license plate decal has been approved of the fee that will be required of the applicant for issuance of the plate or decal.
 - c. Inform the applicant whose application for special interest license plate has been denied that the applicant may apply for a special interest license plate decal as authorized by Arkansas law.

- d. Provide the applicant with an appeal form, to be designed by the Director, by which the applicant may send formal notice of its appeal of a denial.
3. In addition to the certified letter referenced in subsection 1 of this section, the Director may also send the notification by facsimile (fax) or e-mail, using the information provided by the organization on its application. If the certified letter notice is returned unclaimed or for any other reason other than a letter mailed to the wrong address, the facsimile conformation sheet or e-mail confirmation may also serve as formal notice of the approval or denial of the application.

J. ADMINISTRATIVE APPEAL.

1. An organization to whom a special interest license plate or decal under this rule has been denied may appeal the denial by requesting in writing an administrative hearing within thirty (30) days of the date of the letter of denial of its application. In order to request this appeal, the applicant must complete and send the appeal form described in this Rule to the address listed on the form.
2. The Director shall appoint a hearing officer or officers to hold administrative hearings and to issue written decisions either affirming or reversing Department denials or revocations of special interest license plates or decals.
3. The hearing officer shall set the time and place for hearing on the written request for hearing and shall give the requestor written notice of the hearing.
4. Hearings on denials or revocations shall be held in the Ledbetter Revenue Building, 1800 West 7th Street, Little Rock, AR 72201.
5. Hearings shall be conducted under the provisions of the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201.
6. The hearing officer shall issue a dated written decision either sustaining or reversing the denial and shall serve a copy of the decision to the Department and the organization requesting the hearing either personally or by mail to the address listed on the applicant's application for special interest license plate or decal.

K. JUDICIAL REVIEW.

1. In order to request a judicial appeal of the final order of the Department denying or revoking a special interest license plate or decal, the organization to whom the special interest license plate or decal has been denied must file a petition for review as required under this section.
2. A petition for judicial review may not be filed unless the organization has completed the administrative appeal process outlined in Section I of this Rule.

3. The petition for judicial review shall be filed within thirty (30) days of the Director's final decision in:
 - a. The circuit court of any county in which the organization is located; or
 - b. Pulaski County Circuit Court.
4. Judicial review of administrative decisions under this Rule shall be governed by the provisions of the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201.

L. EXPIRATION OF RULE.

This Rule, as it applies to special interest license plates, shall expire on April 1, 2007. The provisions relating to special interest license plate decals do not expire.

Richard A. Weiss, Director
Arkansas Department of Finance and
Administration

Date: July _____, 2006

Tim Leathers, Deputy Director/
Commissioner of Revenue
Arkansas Department of Finance and
Administration

Date: July _____, 2006