

## REGULATION 1994-3

## DEALER/LIENHOLDER REGISTRATION AND TITLE APPLICATION REGULATION

Pursuant to authority given the Commissioner of Revenues by subsection (b) of Section 1 of Act 293 of 1991 (Ark. Code Ann. §§27-14-906(b)), after the effective date of this regulation, lienholders and motor vehicle dealers may apply for registration and certificates of title on behalf of the purchasers of new or used vehicles.

- 1) Definitions:
  - (A) “Dealer” means any person or entity engaged in the business of buying, selling or exchanging vehicles of a type required to be registered for operation in this state, and who is licensed by this state or another state for the purposes of engaging in such business.
  - (B) “Lienholder” means any person or entity who holds a conditional sale contract, conditional lease, chattel mortgage or other lien or encumbrance upon a vehicle of a type subject to registration in this state, other than a lien dependent upon possession.
  - (C) “Purchaser” means any person or entity who has acquired ownership of a vehicle which is required to be registered for operation in this state.
- 2) After the effective date of this regulation any dealer who sells a vehicle to a purchaser, or any lienholder who holds a lien or encumbrance upon a vehicle purchased, may apply for registration and issuance of a title on behalf of the purchaser.
- 3) The dealer or lienholder shall file the application with the Commissioner, shall attach thereto a copy of the instrument creating and evidencing the lien or encumbrance and shall pay all taxes and fees due for such registration and issuance of a title.
- 4) The application shall be signed by the purchaser and shall be accompanied by all additional documentation as would be required if the purchaser had filed the application in person.
- 5) Upon receipt of the application, supporting documents, any lien instrument, and payment of all requisite taxes and fees, the Commissioner shall file a lien and encumbrance as provided in Ark. Code Ann. §§27-14-801 et seq.
- 6) Upon issuance of the registration and certificate of title the Commissioner shall mail the registration to the purchaser and the certificate of title to the lienholder, or to the purchaser if no lien exists.

- 7) If a dealer or lienholder fails to exercise the authority granted herein to apply for registration and issuance of a title on the behalf of a purchaser, and such action results in the failure of the dealer or lienholder to comply with the provisions of Ark. Code Ann. §§27-14-802 or §§ 27-14-806 for the perfection of their security interest in the vehicle, the dealer or lienholder shall have no recourse against the Department of Finance and Administration for any damages resulting from such failure to perfect a security interest.

Executed this 22nd day of Nov., 1994.

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

Tim Leathers,  
Commissioner of Revenues  
Department of Finance & Administration