

SUBCHAPTER 5.
HEARINGS AND APPEALS.

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23-112-501. Right to Hearing.

(a)(1) The Arkansas Motor Vehicle Commission may deny an application for a license if the application is considered inadequate after the initial review by the Executive Director of the Arkansas Motor Vehicle Commission.

(2) Within thirty (30) days after the Executive Director denies an application under subdivision (a)(1) of this section, the affected applicant may protest the Executive Director's decision and request a hearing before the commission.

(b) The Commission shall not:

(1) Revoke or suspend a license without first giving the licensee a hearing or an opportunity to be heard on the question of whether there are sufficient grounds under this chapter upon which to base the revocation or suspension; or

(2) Impose a civil penalty pursuant to §23-112-314 without first giving the respondent a hearing pursuant to the Arkansas Administrative Procedure Act, §25-15-201 et seq.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 1999, No. 1042, § 10; 2009, No. 756, § 18.

23-112-502. Call for Hearing.

(a) Any interested party may petition the Arkansas Motor Vehicle Commission to call a hearing for the purpose of taking action in respect to any matter within the Commission's jurisdiction by filing with the Commission a notarized complaint setting forth grounds upon which the complaint is based. Upon review of the complaint, the Commission shall determine whether to call a hearing.

(b) On its own motion, the Commission may call a hearing for the purpose of taking action in respect to any matter within its jurisdiction.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 1989, No. 65, § 7; 1999, No. 1042, § 11.

23-112-503. Notice - Location of Hearing.

- (a) When a hearing is to be held before the Arkansas Motor Vehicle Commission, the Commission shall give written notice to all parties whose rights may be affected thereby.
- (b) The notice shall set forth the reason for the hearing, the questions or issues to be decided by the Commission at the hearing, and the time and the place of the hearing.
- (c) All notices shall be mailed to all parties whose rights may be affected by the hearing by registered or certified mail and addressed to their last known address.
- (d) Any hearing shall be held in the county of where the principal office of the Commission is located unless both parties agree to an alternate location.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 2009, No. 756, § 19.

23-112-504. Conduct of Hearing.

All hearings shall be conducted pursuant to the provisions of the Arkansas Administrative Procedure Act, §25-15-201 et seq.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 1999, No. 1042, § 12.

23-112-505. Decisions and Orders of Commission – Quorum

- (a) All decisions of the Arkansas Motor Vehicle Commission with respect to the hearings provided for in this subchapter shall be incorporated into orders of the Commission and spread upon its minutes.
- (b) A majority of the members of the Commission shall constitute a quorum for purposes of rendering an order, and no order will issue except upon the affirmative vote of a majority of the quorum of the members of the Commission as established under §23-112-201.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 1989, No. 678, § 2; 1995, No. 568, § 11.

23-112-506. Appeals.

Appeals shall be governed by the terms of the Arkansas Administrative Procedure Act, §25-15-201 et seq.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 1993, No. 383, § 3.

23-112-507. Exhaustion of Remedies Required – Exception.

No decision of the Arkansas Motor Vehicle Commission made as a result of a hearing under the provisions of this subchapter shall become final with respect to any party affected and aggrieved by the decision until the party has exhausted, or shall have had an opportunity to exhaust, all of his or her remedies provided for by this subchapter. However, any decision may be made final if the Commission finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of the decision shall not prevent any party affected and aggrieved thereby to appeal the decision in accordance with the appellate procedure set forth in this subchapter.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307.

23-112-508. Rules of Order or Procedure.

(a) The Arkansas Motor Vehicle Commission shall prescribe its rules of order or procedure in hearings, or other proceedings before it, under this chapter.

(b) However, rules of order or procedure shall not be in conflict or contrary to the provisions of this subchapter.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307.

23-112-509. Summons, Citation, and Subpoena.

(a) It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Arkansas Motor Vehicle Commission, when so directed by the Commission, to execute any summons, citation, or subpoena that the Commission may cause to be issued and to make their return thereof to the Commission.

(b) (1) The sheriffs and constables serving and returning any summons, citation, or subpoena shall be paid the same fees as provided for the services in the circuit court.

(2) Any person other than an employee of the Commission who appears before the Commission in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court.

(c) (1) In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as authorized, or in the case of the refusal of any person to testify or answer to any matter regarding that which he or she may be lawfully interrogated, or the refusal of any person to produce his or her record books and accounts relating to any matter regarding that which he or she may be lawfully interrogated, then the circuit court of any county of the State of Arkansas, on application of the Commission or of the Executive Director of the Arkansas Motor Vehicle Commission, may:

(A) Issue an attachment for the person; and

(B) Compel the person to:

(i) Comply with the summons, citation, or subpoena;

(ii) Attend before the Commission or its designated employee;

(iii) Produce the documents specified in any subpoena duces tecum; and

(iv) Give his or her testimony upon such matters as he or she may be lawfully required.

(2) Any circuit court shall have the power to punish for contempt as in case of disobedience of like process issued from or by any circuit court, or by refusal to testify therein in response to the process, and the person shall be taxed with the costs of the proceedings.

History. Acts 1975, No. 388, § 7; A.S.A. 1947, § 75-2307; Acts 2001, No. 1053, § 18. 2003, No. 1185, § 265; 2005, No. 1845 § 4.