

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 415

5 By: Senator Crowell
6 By: Representative Childress
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING BUSINESS
10 PRACTICES; TO AUTHORIZE THE DIVISION OF ENVIRONMENTAL
11 QUALITY TO MAINTAIN A DELINQUENT LIST OF BUSINESSES
12 FAILING TO PAY A WHOLESALER OF PETROLEUM PRODUCTS FOR
13 THE PETROLEUM PRODUCTS; AND FOR OTHER PURPOSES.
14

Subtitle

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16
17 TO AUTHORIZE THE DIVISION OF
18 ENVIRONMENTAL QUALITY TO MAINTAIN A
19 DELINQUENT LIST OF BUSINESSES FAILING TO
20 PAY A WHOLESALER OF PETROLEUM PRODUCTS
21 FOR THE PETROLEUM PRODUCTS.
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 4, Chapter 75, Subchapter 1, is amended
26 to add an additional section to read as follows:

27 4-75-104. Delinquencies on sales of petroleum products by wholesalers.

28 (a)(1) A wholesaler of petroleum products may report a delinquent
29 payment due to the wholesaler by a business for the sale of petroleum
30 products to the Division of Environmental Quality in writing, including
31 without limitation by email or fax, within two (2) business days after a
32 delinquent payment is due.

33 (2) The report by a wholesaler under subdivision (a)(1) of this
34 section shall set forth the:

35 (A) Name of the delinquent business;

36 (B) Business address of the delinquent business;



1 (C) Date of the sale and delivery of the petroleum product
2 with the past due payment;

3 (D) Amount due for the petroleum product or other
4 delinquent amounts owed to the wholesaler by the delinquent business; and

5 (E) Name and business address of the wholesaler.

6 (b)(1) After receiving a report of a delinquencies under subsection
7 (a) of this section, the division shall "red-tag" the delinquent business
8 until a notice of removal from the delinquent list has been given by the
9 division.

10 (2) The division shall maintain a list of all delinquencies
11 reported to the division.

12 (3) Petroleum products shall not be delivered to a delinquent
13 business on the list under subdivision (b)(2) of this section until the "red
14 tag" has been removed by the division.

15 (c)(1) A delinquent business that is on the list under subdivision
16 (b)(2) of this section shall pay the delinquent fees to the wholesaler by
17 cash, electronic transfer of funds, United States postal money order, postal
18 note, express money order, cashier's check, certified check, or bank
19 exchange.

20 (2)(A) A wholesaler that receives a full payment under
21 subdivision (c)(1) of this section shall report receipt of the full payment
22 to the division no later than the next business day following receipt of the
23 payment.

24 (B) The division shall remove the "red tag" on the
25 delinquent business upon receipt of notification of the full payment under
26 subdivision (c)(2)(A) of this section.

27 (d)(1)(A) If a delinquent business contends that the delinquent
28 business was placed on the delinquent list because of a dispute involving the
29 quality or quantity of the petroleum product or another factor involved in
30 the sale of or purchase of the petroleum product, the delinquent business may
31 file a statement in writing to the division setting forth in detail the
32 reason why a delinquency should not exist.

33 (B) If a delinquent business files a written statement
34 under subdivision (d)(1)(A) of this section, the delinquent business shall
35 provide a copy of the written statement to the wholesaler.

36 (2)(A) A wholesaler also may file a statement in writing to the

1 division regarding the delinquency in subdivision (d)(1) of this section.

2 (B) If a wholesaler files a statement under subdivision
3 (d)(2)(A) of this section, the statement shall be filed within three (3)
4 business days of the wholesaler receiving the written statement of the
5 delinquent business under subdivision (d)(1)(B) of this section.

6 (3) The division shall review the written statements filed with
7 the division under subdivisions (d)(1) and (2) of this section and determine
8 whether the "red-tag" on the delinquent business should be removed.

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