

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# A Bill

**ACT 302 OF 1995**  
**HOUSE BILL 1407**

4 **By: Representatives Jones, Hunton, Jordan, B. G. Hendrix, Whorton, Davis, and McGee**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE \_ARKANSAS NEW  
9 MOTOR VEHICLE QUALITY ASSURANCE ACT\_, ARKANSAS CODE  
10 ANNOTATED §§ 4-90-401 ET SEQ.; AND FOR OTHER PURPOSES."

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## **Subtitle**

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated § 4-90-403(11) is amended to read as  
20 follows:

21 "(11) Motor vehicle or vehicle means any self-propelled vehicle  
22 licensed, purchased or leased in this state and primarily designed for the  
23 transportation of persons or property over the public streets and highways,  
24 but does not include mopeds, motorcycles, the living facilities of a motor  
25 home, or vehicles over ten thousand pounds (10,000 lbs.) gross vehicle weight  
26 rating. For purposes of this definition, the limit of ten thousand pounds  
27 (10,000 lbs.) gross vehicle weight rating does not apply to motor homes;"

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29 SECTION 2. Arkansas Code Annotated § 4-90-404(b) is amended to read as  
30 follows:

31 "(b) (1) At the time of the consumer's purchase or lease of the vehicle,  
32 the manufacturer, its agent, or authorized dealer shall provide to the  
33 consumer a written statement that explains the consumer's rights and  
34 obligations under this subchapter.

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36 (2) The written statement shall be prepared by the Consumer  
Protection Division of the Office of the Attorney General and shall include

1 the phone number of the Consumer Protection Division that the consumer can  
2 contact to obtain information regarding rights and obligations under this  
3 subchapter.

4           (3) For each failure of the manufacturer, its agent, or  
5 authorized dealer to provide to a consumer the written statement required  
6 under this section, the manufacturer shall be liable to the State of Arkansas  
7 for a civil penalty of not less than twenty-five dollars (\$25.00) nor more  
8 than one thousand dollars (\$1,000)."

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10           SECTION 3. Arkansas Code Annotated § 4-90-406(a) is amended to read as  
11 follows:

12           "(a) (1) After three (3) attempts have been made to repair the same  
13 nonconformity that substantially impairs the motor vehicle, or after one (1)  
14 attempt to repair a nonconformity that is likely to cause death or serious  
15 bodily injury, the consumer shall give written notification, by certified or  
16 registered mail, to the manufacturer of the need to repair the nonconformity  
17 in order to allow the manufacturer a final attempt to cure the nonconformity.

18           (2) The manufacturer shall, within ten (10) days after receipt of  
19 the notification, notify and provide the consumer with the opportunity to have  
20 the vehicle repaired at a reasonably accessible repair facility, and, after  
21 delivery of the vehicle to the designated repair facility by the consumer, the  
22 manufacturer shall, within ten (10) days, conform the motor vehicle to the  
23 warranty.

24           (3) If the manufacturer fails to notify and provide the consumer  
25 with the opportunity to have the vehicle repaired at a reasonably accessible  
26 repair facility or fails to perform the repairs within the time periods  
27 prescribed in this subsection, the requirement that the manufacturer be given  
28 a final attempt to cure the nonconformity does not apply and a non-rebuttable  
29 presumption of a reasonable number of attempts to repair arises."

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31           SECTION 4. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35           SECTION 5. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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6 SECTION 6. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

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9 APPROVED: 2-13-95

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