

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 235 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 292

5 By: Senator Madison
6 By: Representative Edwards
7

For An Act To Be Entitled

10 AN ACT TO PROVIDE AN EXEMPTION FOR SPECIAL
11 MOTORCYCLE EVENTS TO ALLOW MOTOR VEHICLE DEALERS
12 TO DISPLAY AND SELL MOTORCYCLES AT SPECIAL EVENTS
13 THAT HAVE A SIGNIFICANT POSITIVE ECONOMIC IMPACT
14 ON AN AREA; AND FOR OTHER PURPOSES.
15

Subtitle

16 TO PROVIDE AN EXEMPTION FOR SPECIAL
17 MOTORCYCLE EVENTS TO ALLOW MOTOR VEHICLE
18 DEALERS TO DISPLAY AND SELL MOTORCYCLES
19 AT SPECIAL EVENTS.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 23, Chapter 112 is amended to add an
26 additional subchapter to read as follows:
27

SUBCHAPTER 8 – SPECIAL MOTORCYCLE EVENTS

23-112-801. Findings.

31 The General Assembly finds that:

32 (1) A special motorcycle event sponsored by a city, county,
33 nonprofit entity, or motorcycle owners' organization draws people from all
34 over the state, other states, and even other countries;

35 (2) A special motorcycle event can provide a valuable increase



1 in tourism for the state; and

2 (3) The laws and rules related to the display and sale of
3 motorcycles at a special motorcycle event must be modified to lessen the
4 restrictions that are hampering economic growth.

5
6 23-112-802. Definitions.

7 As used in this subchapter:

8 (1) "Motorcycle owners' organization" means an entity that is
9 organized as a nonprofit entity or for-profit entity and in good standing
10 with the Secretary of State;

11 (2) "Nonprofit entity" means an entity that has received tax
12 exempt status from the Internal Revenue Service pursuant to section 501(c)(3)
13 or section (501)(c)(4) of the Internal Revenue Code of 1986, as it existed on
14 January 1, 2007;

15 (3) "Public venue" means a location that:

16 (A) Is open to the general public; and

17 (B) Is not the address designated as the primary business
18 address of a new motor vehicle dealer licensed by the Arkansas Motor Vehicle
19 Commission or a used motor vehicle dealer licensed by the Department of
20 Arkansas State Police;

21 (4) "Significant positive economic impact" means an economic
22 benefit of at least three million dollars (\$3,000,000) to the state or a
23 region of the state; and

24 (5) "Special motorcycle event" means an event held at a public
25 venue with or without an admission fee that:

26 (A) Is sponsored by a city, a county, a nonprofit entity,
27 or a motorcycle owners' organization;

28 (B) Occurs not more than one (1) time each year for no
29 more than seven (7) consecutive days; and

30 (C) Includes any of the following that are invited to
31 attend:

32 (i) New motor vehicle dealers to display and sell
33 motorcycles; or

34 (ii) New motor vehicle manufacturers or distributors
35 to display motorcycles.

36

1 23-112-803. Statements of estimated positive economic impact.

2 A statement of the estimated positive economic impact of a proposed
 3 special motorcycle event shall be submitted to the Arkansas Motor Vehicle
 4 Commission from an independent source such as a university, chamber of
 5 commerce, or other entity that regularly engages in the estimation of the
 6 economic benefit of an occurrence for businesses and industries.

7
 8 23-112-804. Significant positive economic impact determinations.

9 (a) If the statement of estimated positive economic impact that is
 10 submitted to the Arkansas Motor Vehicle Commission establishes that a special
 11 motorcycle event has a significant positive economic impact, the special
 12 motorcycle event is exempt from regulation by the Arkansas Motor Vehicle
 13 Commission as provided under § 23-112-805.

14 (b) If the statement of estimated positive economic impact that is
 15 presented to the Arkansas Motor Vehicle Commission establishes that a special
 16 motorcycle event will not have a significant positive economic impact, then
 17 the Arkansas Motor Vehicle Commission shall determine whether the special
 18 motorcycle event is exempt from the provisions of this chapter and any rules
 19 promulgated by the Arkansas Motor Vehicle Commission.

20
 21 23-112-805. Authority to waive relevant market area and rules.

22 (a) The Arkansas Motor Vehicle Commission shall waive the following
 23 for a special motorcycle event that has a significant positive economic
 24 impact or is determined by the commission to otherwise qualify for an
 25 exemption under § 23-112-804(b) if no franchised motor vehicle dealer of a
 26 licensed manufacturer is represented in the host county of the special
 27 motorcycle event or the counties contiguous to the host county:

28 (1) The provisions of this chapter regarding relevant market
 29 area; and

30 (2) The rules regarding motor vehicle dealers in contiguous
 31 counties.

32 (b)(1) The commission may promulgate rules for the issuance of a
 33 temporary permit to out-of-state motor vehicle dealers and manufacturers to
 34 participate in a special motorcycle event under this subchapter.

35 (2) No rule shall be promulgated that puts a greater burden on
 36 out-of-state motor vehicle dealers and manufacturers to obtain a temporary

1 permit than the requirements necessary for a motor vehicle dealer or
 2 manufacturer to obtain a license from the commission.

3 (3) If the commission establishes fees for a temporary permit
 4 under this subsection, the fees shall not exceed:

5 (A) For an out-of-state motor vehicle dealer, one hundred
 6 dollars (\$100);

7 (B) For a manufacturer or distributor, two hundred fifty
 8 dollars (\$250);

9 (C) For an out-of-state salesperson, fifteen dollars
 10 (\$15.00); and

11 (D) For a factory representative or distributor
 12 representative, fifty dollars (\$50.00).

13
 14 23-112-806. Established and ongoing special motorcycle events.

15 (a) A special motorcycle event that has been ongoing for five (5)
 16 years or more before the effective date of this act and has had a significant
 17 positive economic impact in the past shall be:

18 (1) Considered an established and ongoing special motorcycle
 19 event; and

20 (2) Eligible to a presumption of a significant positive economic
 21 impact by the Arkansas Motor Vehicle Commission.

22 (b) Notwithstanding any provision of law to the contrary, an
 23 established and ongoing special motorcycle event under this section may
 24 continue to invite motor vehicle dealers and manufacturers that have
 25 participated in the special motorcycle event for the previous three (3)
 26 years.

27
 28 SECTION 2. Arkansas Code § 23-112-312 is amended to read as follows:

29 23-112-312. License reciprocity with other states.

30 (a) The Arkansas Motor Vehicle Commission ~~is authorized to~~ may enter
 31 into reciprocal agreements with motor vehicle commissions, or their
 32 equivalents, in other states to allow motor vehicle dealers who are licensed
 33 in those states to obtain a temporary permit in this state, pursuant to the
 34 rules ~~and regulations~~ promulgated by the Arkansas Motor Vehicle Commission.

35 (b) Any person who is licensed under the laws of another state or
 36 territory of the United States to engage in business as a motor vehicle

1 dealer may apply for a temporary permit in this state upon production of
2 satisfactory proof that:

3 (1) ~~The other state or territory grants similar reciprocity to~~
4 ~~license holders of this state;~~

5 (2) The requirements for licensing in the particular state or
6 territory were, ~~at the date of the applicant's licensing,~~ substantially
7 equivalent to the requirements in effect in this state at the date of the
8 applicant's licensing;

9 (3)(2) The applicant meets all the qualifications for the
10 temporary permit and pays the fees specified for the permits pursuant to the
11 rules ~~and regulations~~ of the Arkansas Motor Vehicle Commission; and

12 (4)(3) The applicant meets other reasonable qualifications as
13 may be adopted by the Arkansas Motor Vehicle Commission ~~for reciprocity.~~

14
15 **APPROVED: 3/9/2007**
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35