

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 934

TO AMEND ARKANSAS LAW CONCERNING RECREATIONAL VEHICLES.

Amendment No. 1 to Senate Bill No. 934

Amend Senate Bill No. 934 as originally introduced:

Page 9, delete lines 22 through 34 and substitute the following:

"(B) Foster and keep alive vigorous and healthy competition;
(C) Prevent the creation or perpetuation of monopolies;
(D) Prevent the practice of requiring the buying of special features, accessories, special models, appliances, and equipment not desired by a recreational vehicle dealer or the ultimate purchaser;
(E) Prevent false and misleading advertising;
(F) Promote and keep alive a sound system of distribution of recreational vehicles to the public; and
(G) Promote the public safety and welfare."

AND

Page 10, delete lines 9 through 11 and substitute the following:

"(A) Engaged in the business of selling or offering to sell, selling and servicing, soliciting, or advertising the selling or selling and servicing of recreational vehicles under a manufacturer's warranty; and"

AND

Page 10, delete line 36 and substitute the following:

"(8) "Fifth wheel travel trailer" means a recreational vehicle designed to be towed by a motorized vehicle by means of a towing mechanism that is mounted above or forward of the tow vehicle's rear axle;"

AND

Page 11, delete lines 1 through 5

AND

Page 11, delete lines 6 through 9 and substitute the following:



"(9) "Folding camping trailer" means a recreational vehicle designed to be towed by a motorized vehicle that is constructed with partially collapsible side walls that fold for travel and unfold and extend in the set-up mode;"

AND

Page 11, delete lines 26 through 29 and substitute the following:

"(12) "Motor home" means a recreational vehicle built on a self-propelled motor vehicle chassis that contains at least four (4) of the following permanently installed independent life support systems:

- (A) A cooking facility with an on-board fuel source;
- (B) A potable water supply system that includes at least a sink, faucet, and water tank with an exterior service supply connection;
- (C) A toilet with exterior evacuation;
- (D) A gas or electric refrigerator;
- (E) A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine; or
- (F) An electric power supply of one hundred ten to one hundred twenty-five (110-125) volts;"

AND

Page 12, delete lines 2 through 24 and substitute the following:

- "(i) Has its own motor power or is towed by another vehicle;
- (ii) Is primarily designed as a temporary living quarters for noncommercial recreation or camping use;
- (iii) Complies with all applicable federal vehicle regulations as existing on January 1, 2013; and
- (iv) Does not require a special-movement permit to legally use the highways; and"

AND

Page 12, line 28, delete "wheel" and substitute "wheel travel"

AND

Page 13, delete lines 16 through 19 and substitute the following:

"(19) "Travel trailer" means a recreational vehicle designed to be towed by a motorized vehicle; and"

AND

Page 13 delete line 23 and substitute the following:

"recreational vehicle or accessories, parts, or components of a new recreational"

AND

Page 17, delete line 14 and substitute the following:

"vehicles at the licensed location, if the dealer provides such services."

AND

Page 20, delete line 36 and substitute the following:

"23-112-1011. Renewal of a dealer agreement."

In a renewal of a dealer agreement, the manufacturer shall not impose on the dealer stocking requirements or retail sales targets that are inconsistent with market growth or contraction in the area of sales responsibility of the dealer."

AND

Page 21, delete lines 1 through 11

AND

Page 21, delete lines 24 through 26 and substitute the following:

"(b)(1) When terminating or cancelling for good cause, the manufacturer or distributor has the burden of showing good cause for terminating or cancelling a dealer agreement with a dealer."

AND

Page 21, delete line 28 and substitute the following:

"the proposed action, any of the following factors may be considered:"

AND

Page 22, delete lines 24 through 26 and substitute the following:

"the dealer's receipt of the original notice from the manufacturer. If the dealer has new and untitled recreational vehicle inventory, the inventory may be sold under § 23-112-1014."

AND

Page 22, line 36, delete "significant"

AND

Page 23, delete lines 6 through 11 and substitute the following:

"(4) The notice provisions of this subsection do not apply if the"

AND

Page 24, line 28, delete "(a)"

AND

Page 25, delete lines 29 and 30

AND

Page 26, line 12, delete "at least" and substitute "within"

AND

Page 26, line 13, delete "fifteen (15)" and substitute "sixty (60)"

AND

Page 27, line 22, delete "ten (10)" and substitute "thirty (30)"

AND

Page 29, delete lines 15 through 18 and substitute the following:

"(B) Claims not specifically disapproved in writing within thirty (30) days shall be considered to be approved.

(C) A claim that is approved or considered to be approved under this section shall be paid within sixty (60) days of submission."

AND

Page 30, delete line 8 and substitute the following:

"dealer's requirements, the dealer may return unused, undamaged parts to the warrantor"

AND

Page 30, delete line 36 and substitute the following:

"(D)(i) A new recreational vehicle dealer shall provide to a warrantor written notice of a pending lawsuit in which allegations are made that are covered by this subchapter within ten (10) business days after the dealer receives written notice of the lawsuit.

(ii) Written notice to the warrantor shall be by any method that provides a receipt for delivery."

AND

Page 31, delete lines 1 through 3

AND

Page 31, delete line 10 and substitute the following:

"the warrantor in a competent and reasonably timely manner on a transient"

AND

Page 32, delete lines 23 through 25 and substitute the following:

"(2) The time frame shall not be less than three (3) business days after the physical delivery of the recreational vehicle.

(c) As used in this section, "damaged before transit" and "damaged in transit" do not include inspection or warranty repairs or service.

(d)(1) A recreational vehicle that has at the time of delivery to the"

AND

Page 39, delete line 32 and substitute the following:

"restraining order or injunction, either temporary or permanent."

SECTION 11. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on
and after January 1, 2014."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Wyatt

MBM/CDS - 03-18-2013 14:00:32

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Secretary