

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bookout**

A Bill

SENATE BILL 415

For An Act To Be Entitled

8 "AN ACT TO MAKE THE ARKANSAS FRANCHISE PRACTICES ACT
9 APPLICABLE TO RESTAURANT FRANCHISES AND PARTIES THERETO;
10 AND FOR OTHER PURPOSES."

Subtitle

13 "TO GIVE RESTAURANT FRANCHISEES THE PROTECTION OF THE
14 ARKANSAS FRANCHISE PRACTICES ACT."

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

18 SECTION 1. As used in this act:

19 (a) "Franchisee" means a person to whom a restaurant franchise is
20 granted,

21 (b) "Restaurant Franchise" means a contract or agreement, either
22 expressed or implied, whether oral or written, between two or more persons by
23 which:

24 (i) a franchisee is granted the right to engage in the business
25 of offering, selling or distributing food or beverages intended or suitable
26 for immediate consumption on or off the premises of the franchisee under a
27 marketing plan or system prescribed in substantial part by a franchisor; and

28 (ii) operation of the franchisee_s business pursuant to that plan
29 or system is substantially associated with the franchisor_s trademark, service
30 mark, trade name, logotype, advertising, or other commercial symbol
31 designating the franchisor or its affiliate; and

32 (iii) the franchisee pays or is required to pay directly or
33 indirectly, a franchise fee.

35 SECTION 2. Notwithstanding the provisions of Arkansas Code 4-72-203,

1 the provisions of the Arkansas Franchise Practices Act shall be applicable to
2 any franchisee holding a restaurant franchise for the establishment of a
3 restaurant business in Arkansas and to any franchisor who has granted or
4 proposes to grant a restaurant franchise in the state of Arkansas, and any
5 such franchisee or franchisor shall have all the rights, privileges and
6 protection provided in that act.

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8 SECTION 3. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 4. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 5. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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/s/ Senator Bookout

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