

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S2/8/99 S2/9/99*

## A Bill

Act 233 of 1999  
SENATE BILL 342

5 By: Senators Fitch, Canada  
6 By: Representatives House, Milum, Simmons, T. Smith, Lavery, Hathorn, Buchanan  
7  
8

### For An Act To Be Entitled

9  
10 "AN ACT TO CREATE A FINANCIAL INCENTIVE PROGRAM FOR  
11 TRAVEL AGENTS, TOUR OPERATORS, TOUR BROKERS, AND GROUP  
12 LEADERS TO PROMOTE MOTORCOACH TRAVEL; AND FOR OTHER  
13 PURPOSES. "

### Subtitle

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15  
16 "TO CREATE A FINANCIAL INCENTIVE PROGRAM  
17 FOR TRAVEL AGENTS, TOUR OPERATORS, TOUR  
18 BROKERS, AND GROUP LEADERS TO PROMOTE  
19 MOTORCOACH TRAVEL. "  
20  
21

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

#### SECTION 1. Short Title.

24  
25 This act may be referred to and cited as the "Motorcoach Incentive Act  
26 of 1999".  
27

#### SECTION 2. Legislative determination.

28  
29 It is found and determined that:

30 (1) Arkansas' natural beauty has the potential to attract tourists from  
31 across the nation;

32 (2) Tourism brings with it a valuable infusion of capital into this  
33 state; and

34 (3) To attract more tourists and to compete with other states which are  
35 also attempting to expand tourism, it is necessary to provide financial  
36 incentives to travel agents, tour operators, tour brokers, and group leaders

1 who plan and promote group travel via motorcoaches.

2  
3 SECTION 3. Definitions.

4 As used in this act:

5 (1) "Director" means the Executive Director of the Arkansas Department  
6 of Parks and Tourism;

7 (2) "Eligible applicants" means travel agents, tour operators, tour  
8 brokers, and group leaders who arrange for group tours via motorcoach in  
9 Arkansas;

10 (3) "Group tours" means an assemblage of people traveling together by  
11 motorcoach for tourism, leisure or educational purposes. "Group tour" does  
12 not include athletic teams, cheerleader squads, and bands traveling to  
13 athletic events; and

14 (4) "Overnight stay" means lodging within Arkansas for one (1) or more  
15 nights at a hotel, motel, inn, or other commercial facility providing  
16 overnight accommodations.

17  
18 SECTION 4. Eligible applicants are entitled to an incentive payment  
19 equal to twenty-five dollars (\$25.00) per night per group for travel involving  
20 an overnight stay in Arkansas while transporting tourists by motorcoach within  
21 the state. To qualify for the incentive payment, an eligible applicant must  
22 provide documentation to the director necessary to establish the rental of at  
23 least twenty (20) rooms per night per payment claimed. The documentation  
24 shall include an itinerary for each trip and copies of overnight lodging  
25 receipts which provide the date and location of each overnight stay, and any  
26 other documentation the director requires to adequately determine the  
27 entitlement to the incentive provided by this act.

28  
29 SECTION 5. (a) Eligible applicants may apply for the incentive payment  
30 on a calendar year basis. Application for the incentive payment with all  
31 necessary documentation must be made to the director on or before the first  
32 day of April of the year following the calendar year in which the incentive  
33 was earned. On receipt of necessary documentation from the applicant, the  
34 director shall certify the eligibility of the applicant for the incentive  
35 payment and the amount of the incentive payment due. The Arkansas Department  
36 of Parks and Tourism shall be responsible for making the incentive payment to

1 the eligible applicant.

2 (b) Incentive payments to eligible applicants shall be made from the  
3 Motorcoach Carrier Incentive Program Fund, established by Arkansas Code 23-13-  
4 506.

5 (c) The Director of the Arkansas Department of Parks and Tourism is  
6 authorized to promulgate rules and regulations necessary for the proper  
7 administration of this act.

8  
9 SECTION 6. Arkansas Code 23-13-506 is amended to read as follows:

10 "23-13-506. Motorcoach Carrier Incentive Program Fund.

11 There is established on the books of the State Treasurer, the State  
12 Auditor and the Chief Fiscal Officer the Motorcoach Carrier Incentive Program  
13 Fund. Incentive payments to ~~motorcoach carriers~~ eligible applicants under the  
14 Motorcoach Incentive Act of 1999 shall be made from this fund."

15  
16 SECTION 7. Arkansas Code §§ 23-13-501 through 23-13-505 are repealed.

17 ~~23-13-501. Short title.~~

18 ~~This subchapter may be referred and cited as the "Motorcoach Carrier Incentive~~  
19 ~~Act of 1997".~~

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21 ~~23-13-502. Legislative determination.~~

22 ~~It is hereby found and determined that: Arkansas' natural beauty attracts~~  
23 ~~tourism from across the nation. That tourism brings with it a much needed~~  
24 ~~infusion of capital into this state. To attract tourism and to compete with~~  
25 ~~other states who are also attempting to attract tourism, it is necessary to~~  
26 ~~provide financial incentives to motorcoach carriers who provide transportation~~  
27 ~~for tourists.~~

28  
29 ~~23-13-503. Definitions.~~

30 ~~(1) "Director" means the Director of the Arkansas Department of~~  
31 ~~Parks and Tourism.~~

32 ~~(2) "Eligible motorcoach carriers" means tour or motorcoach~~  
33 ~~charter operators who transport tourists in Arkansas. This term shall not~~  
34 ~~include motorcoaches engaged in the business of transporting ticketed fare~~  
35 ~~passengers.~~

36 ~~(3) "Overnight stay" means lodging in Arkansas for one (1) or~~

1 ~~more nights at a hotel, motel, inn or other facility providing overnight~~  
2 ~~accommodations.~~

3 ~~(4) "Revenue Division" means the Revenue Division of the~~  
4 ~~Department of Finance and Administration.~~

5  
6 ~~23-13-504. Incentive payment - Amount.~~

7 ~~Eligible motorcoach carriers are entitled to an incentive payment equal to one~~  
8 ~~cent (1%) per mile for each mile driven in Arkansas while transporting~~  
9 ~~tourists on trips which involve an overnight stay for the tourists in the~~  
10 ~~state. To qualify for the credit, a motorcoach carrier must provide~~  
11 ~~documentation to the director necessary to establish the mileage driven in~~  
12 ~~Arkansas on trips involving an overnight stay. Such documentation shall~~  
13 ~~include International Fuel Tax Agreement reports if the eligible motorcoach~~  
14 ~~carrier is required to file such reports and copies of overnight lodging~~  
15 ~~receipts which provide the date and location of the overnight stay, and any~~  
16 ~~other information which the director requires to adequately determine the~~  
17 ~~entitlement to the incentive payment provided by this subchapter.~~

18  
19 ~~23-13-505. Incentive payment - Application.~~

20 ~~Eligible motorcoach carriers may apply for the incentive payment on a~~  
21 ~~calendar-year basis. Application for the incentive payment with all necessary~~  
22 ~~documentation must be made to the director on or before the first day of April~~  
23 ~~of the year following the calendar year in which the incentive was earned. On~~  
24 ~~receipt of the necessary documentation from the motorcoach carrier, the~~  
25 ~~director shall certify the eligibility of the motorcoach carrier for the~~  
26 ~~incentive payment and the amount of the incentive payment due. The director~~  
27 ~~shall provide the certification to the Revenue Division. The Revenue Division~~  
28 ~~shall be responsible for making the incentive payment to the eligible~~  
29 ~~motorcoach carrier from the Motorcoach Carrier Incentive Program Fund.~~

30  
31 SECTION 8. Arkansas Code 23-13-507 is repealed.

32 ~~23-13-507. Rules and regulations.~~

33 ~~The Director of the Department of Parks and Tourism and the Director of the~~  
34 ~~Department of Finance and Administration are authorized to promulgate rules~~  
35 ~~and regulations necessary for the proper administration of this subchapter.~~

36

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

4  
5 SECTION 10. If any provision of this Act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the Act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 Act are declared to be severable.

10  
11 SECTION 11. All laws and parts of laws in conflict with this Act are  
12 hereby repealed.

13  
14 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the  
15 Eighty-second General Assembly that major tourism destinations in the state  
16 have experienced an estimated twenty percent (20%) annual decline in  
17 motorcoach business during the past five years due to increased competition  
18 from other states; that the incentive afforded by this act to travel agents,  
19 tour operators, tour brokers, and group leaders can serve to attract tourists  
20 and provide a valuable economic stimulus to the economy of the state.  
21 Therefore, an emergency is declared to exist and this act being immediately  
22 necessary for the preservation of the public peace, health and safety shall  
23 become effective on the date of its approval by the Governor. If the bill is  
24 neither approved nor vetoed by the Governor, it shall become effective on the  
25 expiration of the period of time during which the Governor may veto the bill.  
26 If the bill is vetoed by the Governor and the veto is overridden, it shall  
27 become effective on the date the last house overrides the bill.

28 /s/ Fitch

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31 APPROVED: 2/24/1999  
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