

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/5/23

A Bill

SENATE BILL 427

5 By: Senator Hill
6 By: Representative Beaty Jr.
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE AN EXEMPTION FOR SPECIAL EVENTS TO
10 ALLOW CERTAIN NEW MOTOR VEHICLE DEALERS AND NEW MOTOR
11 VEHICLE MANUFACTURERS OR DISTRIBUTORS TO DISPLAY AND
12 SELL CERTAIN VEHICLES AT SPECIAL EVENTS THAT HAVE A
13 SIGNIFICANT ECONOMIC IMPACT ON AN AREA; AND FOR OTHER
14 PURPOSES.
15

Subtitle

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18 TO PROVIDE AN EXEMPTION FOR SPECIAL
19 EVENTS TO ALLOW CERTAIN NEW MOTOR VEHICLE
20 DEALERS AND NEW MOTOR VEHICLE
21 MANUFACTURERS OR DISTRIBUTORS TO DISPLAY
22 AND SELL CERTAIN VEHICLES AT CERTAIN
23 SPECIAL EVENTS.
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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 23, Chapter 112, Subchapter 8, is
29 amended to read as follows:
30

31 Subchapter 8 – Special ~~Motorcycle~~ Events
32

33 23-112-801. Findings.

34 The General Assembly finds that:

35 (1) A special ~~motorcycle~~ event sponsored by a city, county,
36 nonprofit entity, or ~~motorcycle~~ special event owners' organization draws



1 people from all over the state, other states, and even other countries;

2 (2) A special ~~motorcycle~~ event can provide a valuable increase
3 in tourism for the state; and

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

7

8 23-112-802. Definitions.

9 As used in this subchapter:

10 (1) ~~“Motorcycle owners’ organization” means an entity that is~~
11 ~~organized as a nonprofit entity or for-profit entity and in good standing~~
12 ~~with the Secretary of State;~~

13 ~~(2)~~ “Nonprofit entity” means an entity that has received tax-
14 exempt status from the Internal Revenue Service pursuant to section 501(c)(3)
15 or section (501)(c)(4) of the Internal Revenue Code of 1986, 26 U.S.C. §
16 501(c)(3) or 26 U.S.C. § 501(c)(4), as they existed on ~~January 1, 2007~~
17 January 1, 2023;

18 ~~(3)~~(2) “Public venue” means a location that:

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

20 (B) Is not the address designated as the primary business
21 address of a new motor vehicle dealer licensed by the Arkansas Motor Vehicle
22 Commission or a used motor vehicle dealer licensed by the ~~Department~~ Division
23 of Arkansas State Police;

24 ~~(4)~~(3) “Significant positive economic impact” means an economic
25 benefit of at least three million dollars (\$3,000,000) to the state or a
26 region of the state; ~~and~~

27 ~~(5)~~(4) “Special ~~motorcycle~~ event” means an event held at a
28 public venue with or without an admission fee that:

29 (A) Is sponsored by a city, a county, a nonprofit entity,
30 or a ~~motorcycle~~ special event vehicle owners’ organization;

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

33 (C) Includes any of the following that are invited to
34 attend:

35 (i) New motor vehicle dealers to display and sell
36 ~~motorcycles~~ special event vehicles; or

1 (ii) New motor vehicle manufacturers or distributors
2 to display ~~motorcycles~~ special event vehicles;

3 (5) "Special event vehicle" means:

4 (A) A motorcycle;

5 (B) An all-terrain vehicle;

6 (C) A utility task vehicle;

7 (D) A scooter;

8 (E) A go-kart; and

9 (F) A low-speed vehicle; and

10 (6) "Special event vehicle owners' organization" means an entity
11 that is organized as a nonprofit entity or for-profit entity and in good
12 standing with the Secretary of State.

13
14 23-112-803. Statements of estimated positive economic impact.

15 A statement of the estimated positive economic impact of a proposed
16 special ~~motorcycle~~ event shall be submitted to the Arkansas Motor Vehicle
17 Commission from an independent source ~~such as,~~ including without limitation a
18 university, chamber of commerce, or other entity that regularly engages in
19 the estimation of the economic benefit of an occurrence for businesses and
20 industries.

21
22 23-112-804. Significant positive economic impact determinations.

23 (a) If the statement of estimated positive economic impact that is
24 submitted to the Arkansas Motor Vehicle Commission establishes that a special
25 ~~motorcycle~~ event has a significant positive economic impact, the special
26 ~~motorcycle~~ event is exempt from regulation by the commission as provided
27 under § 23-112-805.

28 (b) If the statement of estimated positive economic impact that is
29 presented to the commission establishes that a special ~~motorcycle~~ event will
30 not have a significant positive economic impact, then the commission shall
31 determine whether the special ~~motorcycle~~ event is exempt from ~~the provisions~~
32 ~~of~~ this chapter and any rules promulgated by the commission.

33
34 23-112-805. Authority to waive relevant market area and rules.

35 (a) The Arkansas Motor Vehicle Commission shall waive the following
36 for a special ~~motorcycle~~ event that has a significant positive economic

1 impact or is determined by the commission to otherwise qualify for an
2 exemption under § 23-112-804(b) if no franchised motor vehicle dealer of a
3 licensed manufacturer is ~~represented~~ participating in the host county of the
4 special ~~motorcycle~~ event or the counties contiguous to the host county:

5 (1) ~~The provisions of this~~ This chapter regarding relevant
6 market area; and

7 (2) The rules regarding motor vehicle dealers in contiguous
8 counties.

9 (b)(1) The commission may promulgate rules for the issuance of a
10 temporary permit to in-state and out-of-state new motor vehicle dealers and
11 new motor vehicle manufacturers or distributors to participate in a special
12 ~~motorcycle~~ event under this subchapter.

13 (2) ~~No rule shall be promulgated~~ The commission shall not
14 promulgate a rule that puts a greater burden on out-of-state new motor
15 vehicle dealers and new motor vehicle manufacturers or distributors to obtain
16 a temporary permit than the requirements necessary for a new motor vehicle
17 dealer or new motor vehicle manufacturer or distributor to obtain a license
18 from the commission.

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

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

23 (B) For a new motor vehicle manufacturer or distributor,
24 two hundred fifty dollars (\$250);

25 (C) For an out-of-state salesperson, fifteen dollars
26 (\$15.00); and

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

29
30 23-112-806. Established and ongoing special ~~motorcycle~~ events.

31 (a) A special ~~motorcycle~~ event that has been ongoing for five (5)
32 years or more before July 31, 2007, and has had a significant positive
33 economic impact in the past shall be:

34 (1) Considered an established and ongoing special ~~motorcycle~~
35 event; and

36 (2) Eligible to a presumption of a significant positive economic

1 impact by the Arkansas Motor Vehicle Commission.

2 (b) Notwithstanding any provision of law to the contrary, ~~an~~
3 ~~established and ongoing special motorcycle event under this section may~~
4 ~~continue to invite motor vehicle dealers and manufacturers that have~~
5 ~~participated in the special motorcycle event for the previous three (3) years~~
6 new motor vehicle dealers and new motor vehicle manufacturers or distributors
7 that have participated in an established and ongoing special event under this
8 section for the previous three (3) years may continue to be invited to the
9 special event.

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11 /s/Hill

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14 **APPROVED: 4/11/23**
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