

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 1614**

"AN ACT TO PROVIDE GUIDELINES FOR THE LOCATION OF NEW MOTOR VEHICLE  
RACING FACILITIES WITHIN THIS STATE."

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**Amendment No. 1 to House Bill No. 1614.**

Amend House Bill No. 1614 as originally introduced:

Delete the title and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 10, SUBCHAPTER 3, PERTAINING TO THE LOCATION OF NEW MOTOR VEHICLE RACING FACILITIES WITHIN THIS STATE; AND FOR OTHER PURPOSES. "

AND

Delete the subtitle and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 10, SUBCHAPTER 3, PERTAINING TO THE LOCATION OF NEW MOTOR VEHICLE RACING FACILITIES WITHIN THIS STATE. "

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 8, Chapter 10, Subchapter 3 is amended to add an additional section to read as follows:

8-10-305. Motor vehicle racing facilities in certain counties.

(a) The provisions of § 8-10-302 and § 8-10-303 shall not apply to any motor vehicle racing facilities located in a county which borders both the state line and a navigable river.

(b)(1)(A) The persons or entity proposing and constructing a motor vehicle racing facility in a county described in subsection (a), shall seek the approval of and issuance of an annual permit from the Department of Environmental Quality under this section.

(B) The department's approval shall be sought by filing a permit application with the department which shall contain a written proposal for the motor vehicle racing facility containing the substance of the proposed facility, including a description of the types of motor vehicles proposed for racing at the facility, the maximum projected noise level of the racing vehicles, a description of the kinds of races, the types of buildings, stands, or other physical plant proposed for the facility, estimates of traffic counts and numbers of spectators, and any other relevant permit

information as may be determined necessary for the permit application by the department.

(2) For the initial permit application for new facilities to be constructed, the department shall conduct a public hearing on the proposed motor vehicle racing facility. The department shall set a date for the public hearing to be held on the proposed facility permit which shall not be less than thirty (30) days after the filing of the initial permit application. The hearing under this subdivision (b)(2) for the initial permit may be adjourned and continued if necessary. The department may, in its discretion, hold public hearings for the renewal of any permits as is necessary. Any interested persons may appear and contest the granting of the approval or renewal of the facility permit. Affidavits in support of or against the proposed facility or a permit renewal, which may be prepared and submitted, shall be examined by the department.

(3) After the hearing for the initial permit or upon application for the renewal of its annual permit, if the department is satisfied that the benefits of the motor vehicle racing facility are sustained by proof and outweigh its impact by the noise, air pollution, and traffic congestion caused by motor vehicle racing facilities, then the department shall grant the initial permit approving the proposed facility or shall renew approval to the permitted or existing facility.

(4) Renewal of an annual permit may also be denied if:

(A) The racing facility is determined to be in violation of any standards under which the permit was issued; or

(B) The racing facility is constructed or is being operated in a manner which is materially different than was represented during the initial application process.

(5) If any material changes, additions, or improvements are made to the motor vehicle racing facility, the permit shall be amended accordingly and the department may reconsider the approval of the permit.

(6) The Arkansas Pollution Control and Ecology Commission shall have the authority to promulgate any and all necessary rules and regulations to implement this section, including the authority to set a permit fee to recover the cost of issuing the permit.

(c) Each motor vehicle racing facility constructed in a county described in subsection (a) that applies for and receives an initial annual permit to operate the motor vehicle racing facility shall thereafter apply annually for renewal of its permit.

(d) For the purposes of this section, "motor vehicle racing facility" means any facility designed and used for competitive racing by automobiles or trucks which are modified for racing.

(e) Due to the noise pollution and air pollution from the racing vehicles and traffic congestion caused by motor vehicle racing facilities, no motor vehicle racing facility shall be permitted or constructed under this section within three (3) miles of the boundary of another county."

**The Amendment was read \_\_\_\_\_**

**By: Representative Altes**

**LH/RRS - 040520010919**

**RRS862**

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**Chief Clerk**