

Rule 3 – Advertising

2. ADVERTISING GUIDELINES FOR SALE OR LEASE OF NEW AND USED MOTOR VEHICLES:

A. General advertising guidelines

(1) The advertised price of a motor vehicle must be the full cash price for which the dealer will sell or lease the vehicle to any consumer and shall exclude only the following charges:

- (a) State, county, local and other applicable taxes,
- (b) License fees, and
- (c) Title fees.

Charges including but not limited to dealer service and handling fees, freight and transportation fees, and preparation fees must be included in the advertised price.

(2) The price of a new motor vehicle, when advertised by a dealer, must be the price that is available to every consumer. Rebates or incentives that are available to all consumers without qualification can be deducted from the price. Limited Rebates or incentives that are only available to select or qualifying consumers shall not be deducted from the advertised price.

(3) Additionally, a qualification may not be used when advertising the sales price of a vehicle such as “with trade”, “with acceptable trade”, or “with down payment”.

(4) Dealers must clearly and prominently identify themselves by their dealership name or their DBA name listed on file with the Commission.

(5) Specific motor vehicles, new or used, or line-make of vehicles advertised for sale or lease shall be in the possession of the dealer as advertised at the address given at the time the advertisement is placed or be available to be shipped to the dealer from the manufacturer or distributor within a reasonable period of time. However, if the time between the placement and the broadcast of the advertisement to the public is excessive, the dealer must have a similar line-make new motor vehicle or an equivalent used motor vehicle to the specific motor vehicle advertised. The vehicles shall be in condition to be demonstrated, and shall be willingly shown and sold or leased at the advertised prices and upon the terms advertised.

(6) Specific claims or discount offers shall only be used in connection with new or demonstrator vehicles.

RECEIVED

MAR 10 2022

BUREAU OF
LEGISLATIVE RESEARCH

(7) Specific claims or discount offers must only be used to show the difference between the dealer's current selling price and the Manufacturer's Suggested Retail Price. The dealer shall include dealer add-ons identified in the dealership addendum when advertising the current selling price.

(8) If an advertisement discloses a rebate, cash back, discount savings claim or other incentive, the full price of the vehicle (MSRP) must be conspicuously disclosed or stated in the ad as well as the price of the vehicle after deducting the incentive(s). Rebates cannot be combined as one.

Rule 7 – Off-Premise Sales, Displays and/or Events

5.PARTICIPATION BY QUALIFIED DEALERS:

A. Qualified dealers may be invited to participate in an Off-Premise Sale provided that:

- (1)** The sponsor obtains written approval from the Director,
- (2)** A reciprocity agreement has been executed between the State of Arkansas and the state in which the contiguous county is located and such agreement is on file in the Arkansas Motor Vehicle Commission office, and
- (3)** Qualified dealers must adhere to all requirements of Rule 7 Off-Premise Sales, Displays and Events.

B. Any qualified out-of-state dealer shall submit:

- (1)** An application provided by the Commission office;
- (2)** Meet all requirements of Rule 7, Section 2, Paragraph N;
- (3)** A fee for a temporary permit must be paid:
 - (i)** For an out-of-state motor vehicle dealer, one hundred dollars (\$100);
 - (ii)** For a manufacturer or distributor, two hundred fifty dollars (\$250);and
 - ~~**(iii)** For an out-of-state salesperson, fifteen dollars (\$15.00); and~~
 - ~~**(iv)**~~**(iii)** For a factory representative or distributor representative, fifty dollars (\$50.00).

**ARKANSAS MOTOR VEHICLE
COMMISSION ~~RULE 10~~
EDUCATION AND GRANT TRAINING PROGRAM**

~~A. ORGANIZATION AND ADMINISTRATION~~

- ~~I. The Arkansas Motor Vehicle Commission (hereinafter "Commission") shall administer the Education and Training Grants within the policies set by the Commission. All formal communications shall be addressed to or signed by the Chairman of the Commission.~~
- ~~II. The final responsibility for setting selection criteria and choosing the grantees shall rest with the Commission.~~
- ~~III. The following rules shall govern the Education and Training Grants given to secondary and post-secondary institutions offering motor vehicle education and training.~~

~~B. GRANT ELIGIBILITY CRITERIA~~

~~To be eligible to receive an Education and Training Grant, a secondary or post-secondary Institution must meet the following requirements:~~

- ~~A. The program must be offered by an Arkansas public secondary or post-secondary institution.~~
- ~~B. Only motor vehicle related programs and coalitions of such programs will be approved for grant funding. The list of programs includes but is not limited to the following: Automotive, Collision Repair, Diesel, Alternative Fuels, Damage Analysis and Estimation, Engine Machinist, Parts Specialist, and Tire Center Operator.~~
- ~~C. In determining whether to issue a grant to a qualified public secondary or post-secondary institute, the Commission will consider the following factors:~~
- ~~1) What is the proposal for which they are applying?~~
 - ~~2) Will the proposal attract secondary or post-secondary students to careers in the motor vehicle industry?~~
 - ~~3) Will the proposal give useful training to the students?~~
 - ~~4) Will there be any matching federal/state/local/private funds to further achieve the goals of the grant request?~~
 - ~~5) Will the grant serve as "seed money" or will there be a perceived need for ongoing funding from the Commission in future years?~~
- ~~D. Other factors not listed may be considered based on the Commission's discretion.~~

~~C. APPLICATION PROCESS~~

~~I. Application~~

~~The application form may be obtained from the Commission staff or website. The deadline will be established by the Commission.~~

~~II. Minimum Standards~~

~~Funds for this program are available to qualified motor vehicle education programs only, as determined by the Commission.~~

~~III. Submission of Applications~~

~~All programs offering motor vehicle training in Arkansas public secondary or post-secondary institutes may apply for grant funding.~~

~~**D. AWARD PROCESS**~~

~~I. The Commission shall have the discretion to determine which programs will receive the grant funding based on the Commission's objectives to advance training and education in the motor vehicle industry.~~

~~II. The Commission shall have the discretion to determine which grant applications to fund and to set the specific amount of each grant.~~

~~**E. GRANT PAYMENT POLICIES**~~

~~I. Education and Training Grants for secondary or post-secondary institutions are not automatically renewable. Programs must apply each year and the Commission has the discretion to determine which grants will be awarded, if any.~~

~~II. The grant funds shall be used only for the advancement of motor vehicle related training and education. Grant funds shall only be used as set out in the applicants grant request, as approved by the Commission.~~

~~III. The Commission has the right to review and revisit its determination to distribute grant funds at any time.~~

~~IV. All grant recipients must agree to provide a complete accounting of all grant funds expended at the request of the Commission.~~

Rule 10

EDUCATION AND TRAINING GRANT FOR SECONDARY AND POST-SECONDARY INSTITUTIONS

SUMMARY:

~~In its Budget Appropriation, Act 258 of 2015, the Legislature gave the Motor Vehicle Commission the authority to award up to one hundred and fifty thousand dollars (\$150,000.00) in grants to secondary and post-secondary institutions in Arkansas. Nationally and in state, the motor vehicle industry is faced with a shortage of available trained technicians. The purpose of this grant is to provide funds to assist institutions that offer education and training, primarily in the field of vehicle service and maintenance, in improving their training programs with the goal of growing the available workforce for the future. This rules sets out the procedures and guidelines for distributing the grants.~~

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/17/21

A Bill

HOUSE BILL 1355

By: Representative Dotson

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS MOTOR VEHICLE COMMISSION
ACT; TO AMEND THE RECREATIONAL VEHICLE FRANCHISE ACT;
TO REMOVE LICENSING REQUIREMENTS FOR A MOTOR VEHICLE
SALESPERSON AND A RECREATIONAL VEHICLE SALESPERSON;
TO CREATE THE AUTOMOTIVE TECHNOLOGIST EDUCATION GRANT
PROGRAM AND THE AUTOMOTIVE TECHNOLOGIST EDUCATION
GRANT FUND; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE LICENSING REQUIREMENTS FOR A
MOTOR VEHICLE SALESPERSON AND A
RECREATIONAL VEHICLE SALESPERSON; AND TO
CREATE THE AUTOMOTIVE TECHNOLOGIST
EDUCATION GRANT PROGRAM AND FUND.

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

SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
amended to add an additional section to read as follows:

19-5-1269. Automotive Technologist Education Grant Fund.

(a) There is established on the books of the Treasurer of State, the
Auditor of State, and the Chief Fiscal Officer of the State a fund to be
known as the "Automotive Technologist Education Grant Fund".

(b) The Arkansas Motor Vehicle Commission shall periodically remit to
the Treasurer of State five percent (5%) of the fees the commission collects
from the issuance of licenses by the commission, and the Treasurer of State
shall deposit those funds into the fund.



1 (c) The commission may receive gifts, grants, bequests, devises, and
2 donations made to the commission, amounts received as matching funds from
3 eligible organizations participating in the Automotive Technologist Education
4 Grant Program under § 25-30-110, and any other funds authorized by law to be
5 used in the furtherance of the purposes of the program.

6 (d) In addition, the commission may accept gifts, grants, or donations
7 from the United States Government or agencies of the United States Government
8 and private individuals, foundations, or concerns to be used for the purposes
9 of the program.

10 (e) The fund may be used by the commission to issue Automotive
11 Technologist Education Grants for the program.

12
13 SECTION 2. Arkansas Code § 23-112-102(b), concerning the purpose and
14 legislative findings of the Arkansas Motor Vehicle Commission Act, is amended
15 to read as follows:

16 (b) The General Assembly further finds and declares that it is
17 necessary, in the exercise of its police power, to regulate and to license
18 motor vehicle manufacturers, factory branches and divisions, distributors,
19 distributor branches and divisions, distributor representatives, and new
20 motor vehicle dealers, ~~and salespersons~~ doing business in Arkansas in order
21 to:

- 22 (1) Prevent frauds, unfair practices, discrimination,
23 impositions, and other abuses upon the citizens of Arkansas;
24 (2) Avoid undue control of the independent motor vehicle dealer
25 by motor vehicle manufacturing and distributing organizations;
26 (3) Foster and keep alive vigorous and healthy competition;
27 (4) Prevent the creation or perpetuation of monopolies;
28 (5) Prevent the practice of requiring the buying of special
29 features, accessories, special models, appliances, and equipment not desired
30 by a motor vehicle dealer or the ultimate purchaser;
31 (6) Prevent false and misleading advertising;
32 (7) Promote and keep alive a sound system of distribution of
33 motor vehicles to the public; and
34 (8) Promote the public safety and welfare.

35
36 SECTION 3. Arkansas Code § 23-112-103(23), concerning the definition

1 of "motor vehicle salesperson" under the Arkansas Motor Vehicle Commission
2 Act, is repealed.

3 ~~(23) "Motor vehicle salesperson" means any person who:~~

4 ~~(A) Is employed as a salesperson by a motor vehicle dealer~~
5 ~~whose duties include the selling or offering for sale of motor vehicles;~~

6 ~~(B) For compensation of any kind, acts as a salesperson,~~
7 ~~agent, or representative of a motor vehicle dealer;~~

8 ~~(C) Attempts to or in fact negotiates a sale of a motor~~
9 ~~vehicle owned partially or entirely by a motor vehicle dealer;~~

10 ~~(D) Uses the financial resources, line of credit, or floor~~
11 ~~plan of a motor vehicle dealer to purchase, sell, or exchange any interest in~~
12 ~~a motor vehicle; and~~

13 ~~(E) Is employed by a motor vehicle dealer as a salesperson~~
14 ~~for whom a motor vehicle dealer requires to have licensure for simultaneous~~
15 ~~employment as a finance manager, insurance manager, service manager, parts~~
16 ~~manager, or other specified office personnel concerned with the sale of a~~
17 ~~motor vehicle under this chapter;~~

18
19 SECTION 4. Arkansas Code Title 23, Chapter 112, Subchapter 2, is
20 amended to add an additional section to read as follows:

21 23-112-205. Automotive Technologist Education Grant Program.

22 (a) The Automotive Technologist Education Grant Program is established
23 within the Arkansas Motor Vehicle Commission.

24 (b)(1) The commission shall use the Automotive Technologist Education
25 Grant Program to provide discretionary grants to career education programs
26 with a focus on training in the automotive technology field.

27 (2) A discretionary grant provided under subdivision (b) (1) of
28 this section shall be known as an "Automotive Technologist Education Grant".

29 (c) An educational program is eligible for an Automotive Technologist
30 Education Grant if:

31 (1) The educational program is an approved technical program
32 that provides training in the field of automotive repair and technology and
33 operates at a public school, a secondary technical center, or an institution
34 of higher education;

35 (2) The educational program submits an application for an
36 Automotive Technologist Education Grant;

1 (3) The use and purpose of the Automotive Technologist Education
2 Grant is detailed in the application; and

3 (4) The amount of funding needed is provided in the application.

4 (d) Grants provided under this section are contingent on the
5 availability of funding.

6 (e) The Office of Skills Development, the Division of Career and
7 Technical Education, and the Division of Higher Education shall jointly
8 create an application form for an Automotive Technologist Education Grant.

9 (f) The Office of Skills Development, the Division of Career and
10 Technical Education, and the Division of Higher Education shall jointly
11 review and make recommendations on applications for an Automotive
12 Technologist Education Grant to the commission for approval.

13 (g) The amount of an Automotive Technologist Education Grant may vary
14 among applicants based on available funding and grant priorities.

15 (h) The commission shall disburse an Automotive Technologist Education
16 Grant directly to the approved applicant within thirty (30) days of approval.

17 (i) The commission shall award Automotive Technologist Education
18 Grants under this subchapter.

19 (j) An educational program that receives an Automotive
20 Technologist Education Grant shall provide the commission an accounting
21 report of how an Automotive Technologist Education Grant is spent within one
22 (1) year of receipt of the Automotive Technologist Education Grant.

23 (k)(1) Annually, the commission shall file a written report with
24 the Legislative Council based on information provided to the commission from
25 the Office of Skills Development, the Division of Career and Technical
26 Education, and the Division of Higher Education.

27 (2) The report under subdivision (k)(1) of this section shall
28 include:

29 (A) The number of applications received;

30 (B) The amount of funding that was received;

31 (C) The amount of funding that was awarded; and

32 (D) Any other information requested by the Legislative
33 Council.

34
35 SECTION 5. Arkansas Code § 23-112-301(a)(2), concerning required
36 licenses under the Arkansas Motor Vehicle Commission Act, is amended to read

1 as follows:

2 (2) For any person to engage in business as, serve in the
3 capacity of, or act as a new motor vehicle dealer, ~~motor vehicle salesperson,~~
4 motor vehicle lessor, manufacturer, importer, distributor, factory branch or
5 division, distributor branch or division, factory representative, distributor
6 representative, second-stage manufacturer, or converter, as such, in Arkansas
7 without first obtaining a license therefor as provided in this chapter,
8 regardless of whether or not the person maintains or has a place of business
9 in Arkansas.

10
11 SECTION 6. Arkansas Code § 23-112-301(d), concerning required licenses
12 under the Arkansas Motor Vehicle Commission Act, is amended to read as
13 follows:

14 (d)(1) ~~No person may~~ A person shall not engage in the business of
15 buying, selling, or exchanging motor vehicles, unless he or she:

16 (A) Holds a valid motor vehicle dealer license issued by
17 the commission for the makes of motor vehicles being bought, sold, or
18 exchanged; or

19 (B) Is a bona fide employee or agent of the ~~licensee~~
20 licensed motor vehicle dealer.

21 (2) ~~For purposes of~~ As used in this subsection, "engage in the
22 business of buying, selling, or exchanging motor vehicles" means:

23 (A) Displaying for sale motor vehicles on a lot or
24 showroom;

25 (B) Advertising for sale new motor vehicles regardless of
26 the medium used; or

27 (C) Regularly or actively soliciting buyers for motor
28 vehicles.

29
30 SECTION 7. Arkansas Code § 23-112-303(c) and (d), concerning required
31 license application fees under the Arkansas Motor Vehicle Commission Act, are
32 amended to read as follows:

33 (c) The schedule of license fees to be charged and received by the
34 Arkansas Motor Vehicle Commission for the licenses issued ~~pursuant to~~ under
35 this subchapter shall be as follows:

36 (1) For each manufacturer, distributor, factory branch and

1 division, or distributor branch and division, second-stage manufacturer,
2 importer, and converter, nine hundred dollars (\$900);

3 (2) For each motor vehicle dealer or motor vehicle lessor, one
4 hundred dollars (\$100);

5 (3) For each manufacturer, distributor, or factory
6 representative, four hundred dollars (\$400);

7 ~~(4) For each motor vehicle salesperson, fifteen dollars~~
8 ~~(\$15.00);~~

9 ~~(5)~~ For each branch location, twenty-five dollars (\$25.00); and

10 ~~(6)~~(5) For each replacement certificate of license, ten dollars
11 (\$10.00).

12 (d)(1) ~~Any~~ A person, firm, or corporation required to be licensed
13 under this subchapter ~~who~~ that fails to make application for the license at
14 the time required shall pay a penalty of fifty percent (50%) of the amount of
15 the license fee for each thirty (30) days of default, in addition to the fees
16 required to be paid ~~pursuant to~~ under subsection (c) of this section.

17 ~~(2) However, the~~ The penalty under subdivision (d)(1) of this
18 section may be waived, in whole or in part, within the discretion of the
19 commission.

20 ~~(2) License applications for sales personnel shall be received~~
21 ~~in the commission office within thirty (30) days of employment.~~

22
23 SECTION 8. Arkansas Code § 23-112-306 is repealed.

24 ~~23-112-306. Display of license Change of employer Salesperson.~~

25 ~~(a) Every motor vehicle salesperson shall have his or her license upon~~
26 ~~his or her person or displayed at his or her place of employment, except as~~
27 ~~provided in this section, when engaged in his or her business and shall~~
28 ~~display the license upon request. The name and address of the applicant shall~~
29 ~~be stated on the license.~~

30 ~~(b) In case of a change of employer, the following procedure shall be~~
31 ~~adhered to:~~

32 ~~(1) Within three (3) days following the change, the licensee~~
33 ~~shall notify in writing the Arkansas Motor Vehicle Commission for its~~
34 ~~endorsement;~~

35 ~~(2) Within three (3) days following the termination of~~
36 ~~employment of the licensee, the last employer of the licensee shall make a~~

1 ~~report to the commission setting forth the reasons why the services of the~~
2 ~~licensee were terminated and such other information as may be required by the~~
3 ~~commission;~~

4 ~~(3) Upon receipt by the commission of the licensee's written~~
5 ~~notification and the last employer's report, the commission shall determine~~
6 ~~if it has grounds to believe, and does believe, that the licensee is no~~
7 ~~longer qualified under the provisions of this chapter as a motor vehicle~~
8 ~~salesperson. Under such circumstances, the commission shall immediately~~
9 ~~notify the licensee and the licensee's new employer in writing that a hearing~~
10 ~~will be held for the purpose of determining whether his or her license should~~
11 ~~be revoked or suspended, specifying the grounds for revocation or suspension,~~
12 ~~as the case may be, and the time and place for the hearing. The hearing and~~
13 ~~any and all appeals by the licensee with respect thereto shall be in~~
14 ~~accordance with the provisions of § 23-112-501 et seq.; and~~

15 ~~(4)(A) If, after the commission receives the licensee's license~~
16 ~~and fee and his or her last employer's report, the Executive Director of the~~
17 ~~Arkansas Motor Vehicle Commission cannot for any reason endorse and mail to~~
18 ~~the licensee his or her license within a period of three (3) days following~~
19 ~~the receipt by the commission of the licensee's license and fee and his or~~
20 ~~her last employer's report, then and in that event the executive director~~
21 ~~shall mail to the licensee a permit in such form as the commission shall~~
22 ~~prescribe.~~

23 ~~(B) The permit shall serve in lieu of a license until such~~
24 ~~time as the commission endorses and mails the license to the licensee, or~~
25 ~~until such time as the licensee's license is revoked or suspended in~~
26 ~~accordance with the provisions of this chapter.~~

27 ~~(C) If the license is ultimately revoked or suspended,~~
28 ~~then immediately upon the revocation or suspension the licensee shall return~~
29 ~~the permit to the commission for cancellation.~~

30 ~~(c) The commission shall maintain a permanent file with respect to~~
31 ~~each licensed motor vehicle salesperson. Each file shall contain all~~
32 ~~pertinent information with respect to the fitness and qualifications of each~~
33 ~~licensee for the use by the commission in determining from time to time~~
34 ~~whether his or her license should be revoked or suspended.~~

35 ~~(d) There is no intent under this chapter to prevent a salesperson who~~
36 ~~has not previously been licensed as a salesperson from selling during the~~

1 ~~time required to process his or her application. The applicant shall be~~
2 ~~allowed to sell from the date of employment as long as the applicant and his~~
3 ~~or her dealer follow the procedure for license application.~~

4
5 SECTION 9. Arkansas Code § 23-112-307 is amended to read as follows:

6 23-112-307. Expiration of license.

7 Unless the Arkansas Motor Vehicle Commission by rule provides to the
8 contrary, all licenses issued to:

9 (1) Manufacturers, distributors, factory or distributor
10 branches, importers, second-stage manufacturers, converters, and their
11 representatives expire June 30 following the date of issue; and

12 (2) Motor vehicle dealers, ~~motor vehicle salespersons~~, and motor
13 vehicle lessors expire December 31 following the date of issue.

14
15 SECTION 10. Arkansas Code § 23-112-308(a)(1)(A), concerning the
16 denial, revocation, and suspension of licenses under the Arkansas Motor
17 Vehicle Commission Act, is amended to read as follows:

18 (1)(A) For selling or soliciting sales of a motor vehicle
19 without:

20 (i) a A motor vehicle dealer license issued by the
21 commission; or

22 (ii) Being a bona fide employee or agent of a
23 licensed motor vehicle dealer.

24
25 SECTION 11. Arkansas Code § 23-112-402 is amended to read as follows:

26 23-112-402. ~~Dealer and salesperson~~ Motor vehicle dealer.

27 It ~~shall be~~ is unlawful for a motor vehicle dealer ~~or a motor vehicle~~
28 ~~salesperson:~~

29 (1)(A) To require a purchaser of a motor vehicle, as a condition
30 of sale and delivery ~~thereof~~ of the motor vehicle, to also purchase special
31 features, appliances, equipment, parts, or accessories not desired or
32 requested by the purchaser.

33 (B) However, this prohibition shall not apply as the
34 prohibition under subdivision (1)(A) of this section does not apply to
35 special features, appliances, equipment, parts, or accessories which that are
36 already installed on the ear motor vehicle when received by the motor vehicle

1 dealer;

2 (2) To represent and sell as a new motor vehicle any motor
3 vehicle ~~which~~ that has been used and operated for demonstration purposes or
4 ~~which~~ that is otherwise a used motor vehicle; or

5 (3) To resort to or use any false or misleading advertisement in
6 connection with his or her business as a motor vehicle dealer ~~or motor~~
7 ~~vehicle salesperson.~~

8
9 SECTION 12. Arkansas Code § 23-112-1002(2), concerning the General
10 Assembly's police power to regulate certain entities under the Recreational
11 Vehicle Franchise Act, is amended to read as follows:

12 (2) It is necessary, in the exercise of the General Assembly's
13 police power, to regulate and to license recreational vehicle manufacturers,
14 factory branches and divisions, distributors, distributor branches and
15 divisions, distributor representatives, and dealers, ~~and salespersons~~ doing
16 business in Arkansas to:

17 (A) Prevent fraud, unfair practices, discrimination,
18 impositions, and other abuses upon the citizens of Arkansas;

19 (B) Foster and keep alive vigorous and healthy
20 competition;

21 (C) Prevent the creation or perpetuation of monopolies;

22 (D) Prevent the practice of requiring the buying of
23 special features, accessories, special models, appliances, and equipment not
24 desired by a recreational vehicle dealer or the ultimate purchaser;

25 (E) Prevent false and misleading advertising;

26 (F) Promote and keep alive a sound system of distribution
27 of recreational vehicles to the public; and

28 (G) Promote the public safety and welfare.

29
30 SECTION 13. Arkansas Code § 23-112-1003(16)-(20), concerning the
31 various definitions under the Recreational Vehicle Franchise Act, are amended
32 to read as follows:

33 (16) ~~"Recreational vehicle salesperson" means a person who:~~

34 ~~(A) Is employed by a dealer as a salesperson whose duties~~
35 ~~include the selling or offering for sale of recreational vehicles;~~

36 ~~(B) For compensation of any kind acts as a salesperson;~~

1 ~~agent, or representative of a dealer;~~

2 ~~(C) Attempts to or in fact negotiates a sale of a~~
3 ~~recreational vehicle owned partially or entirely by a dealer; and~~

4 ~~(D) Uses the financial resources, line of credit, or floor~~
5 ~~plan of a dealer to purchase, sell, or exchange an interest in a recreational~~
6 ~~vehicle;~~

7 ~~(17)~~ "Supplier" means a person, firm, corporation, or business
8 entity that engages in the manufacturing of recreational vehicle parts,
9 accessories, or components;

10 ~~(18)~~(17) "Transient customer" means a person who:

11 (A) Owns a recreational vehicle;

12 (B) Is temporarily traveling through a dealer's area of
13 sales responsibility;

14 (C) Engages a dealer to perform service work on that
15 recreational vehicle; and

16 (D) Requires repairs that relate to the safe operation of
17 that recreational vehicle that, if not undertaken are of a nature that would
18 render that recreational vehicle unusable for its intended purpose;

19 ~~(19)~~(18) "Travel trailer" means a recreational vehicle designed
20 to be towed by a motorized vehicle; and

21 ~~(20)~~(A)~~(19)~~(A) "Warrantor" means a person, firm, corporation, or
22 business entity, including without limitation a manufacturer or supplier,
23 that provides a written warranty to the consumer in connection with a new
24 recreational vehicle or accessories, parts, or components of a new
25 recreational vehicle.

26 (B) "Warrantor" does not include service contracts,
27 mechanical or other insurance, or extended warranties sold for separate
28 consideration by a dealer or other person not controlled by a manufacturer.

29
30 SECTION 14. Arkansas Code § 23-112-1004(a)(2), concerning unlawful
31 acts regarding license requirements under the Recreational Vehicle Franchise
32 Act, is amended to read as follows:

33 (2) Engaging in ~~the~~ business as, serving in the capacity of, or
34 acting as a new recreational vehicle dealer, ~~recreational vehicle~~
35 ~~salesperson,~~ recreational vehicle manufacturer, recreational vehicle
36 distributor, recreational vehicle factory representative, or recreational

1 vehicle manufacturer representative in this state without first obtaining a
2 license as provided in this subchapter; or

3
4 SECTION 15. Arkansas Code § 23-112-1004(c)(1)(A), concerning license
5 requirements and application fees under the Recreational Vehicle Franchise
6 Act, is amended to read as follows:

7 (A) Holds a valid dealer license issued by the Arkansas
8 Motor Vehicle Commission for the make of recreational vehicles being bought,
9 sold, or exchanged; or

10
11 SECTION 16. Arkansas Code § 23-112-1004(d)(3)(D)-(F), concerning
12 license requirements and application fees under the Recreational Vehicle
13 Franchise Act, are amended to read as follows:

14 (D) ~~For each recreational vehicle salesperson, fifteen~~
15 ~~dollars (\$15.00);~~

16 ~~(E)~~ For each branch location, twenty-five dollars
17 (\$25.00); and

18 ~~(F)~~(E) For each replacement certificate of license, ten
19 dollars (\$10.00).

20
21 SECTION 17. Arkansas Code § 23-112-1008 is repealed.

22 ~~23-112-1008. Display of license—Change of employer—Salesperson.~~

23 ~~(a)(1) Except as provided in this section, a recreational vehicle~~
24 ~~salesperson shall have his or her license upon his or her person or displayed~~
25 ~~at his or her place of employment when engaged in his or her business and~~
26 ~~shall display the license upon request.~~

27 ~~(2) The name and address of the applicant shall be stated on the~~
28 ~~license.~~

29 ~~(b) In case of a change of employer, the following procedure shall be~~
30 ~~followed:~~

31 ~~(1) Within three (3) days following the change of employer, the~~
32 ~~licensee shall notify in writing the Arkansas Motor Vehicle Commission for~~
33 ~~its endorsement;~~

34 ~~(2) Within three (3) days following the termination of~~
35 ~~employment of the licensee, the last employer of the licensee shall make a~~
36 ~~report to the commission setting forth the reasons that the services of the~~

1 ~~licensee were terminated and such other information as may be required by the~~
2 ~~commission;~~

3 ~~(3)(A) Upon receipt by the commission of the licensee's written~~
4 ~~notification and the last employer's report, the commission shall determine~~
5 ~~if it has grounds to believe, and does believe, that the licensee is no~~
6 ~~longer qualified under this subchapter as a recreational vehicle salesperson.~~

7 ~~(B) Under such circumstances, the commission shall~~
8 ~~immediately notify the licensee and the licensee's new employer in writing~~
9 ~~that a hearing will be held for the purpose of determining whether his or her~~
10 ~~license should be revoked or suspended, specifying the grounds for revocation~~
11 ~~or suspension, as the case may be, and the time and place for the hearing.~~

12 ~~(C) The hearing and any appeal by the licensee with~~
13 ~~respect to the hearing shall comply with § 23-112-501 et seq.; and~~

14 ~~(4)(A) If after the commission receives the licensee's license~~
15 ~~and fee and his or her last employer's report the Executive Director of the~~
16 ~~Arkansas Motor Vehicle Commission cannot for any reason endorse and mail to~~
17 ~~the licensee his or her license within a period of three (3) days following~~
18 ~~the receipt by the commission of the licensee's license and fee and his or~~
19 ~~her last employer's report, then the executive director shall mail to the~~
20 ~~licensee a permit in such form as the commission shall prescribe.~~

21 ~~(B) The permit shall serve in lieu of a license until such~~
22 ~~time as the:~~

23 ~~(i) Commission endorses and mails the license to the~~
24 ~~licensee; or~~

25 ~~(ii) Licensee's license is revoked or suspended in~~
26 ~~accordance with this subchapter.~~

27 ~~(C) If the license is ultimately revoked or suspended,~~
28 ~~then immediately upon the revocation or suspension the licensee shall return~~
29 ~~the permit to the commission for cancellation.~~

30 ~~(e)(1) The commission shall maintain a permanent file with respect to~~
31 ~~each licensed recreational vehicle salesperson.~~

32 ~~(2) Each file shall contain all pertinent information with~~
33 ~~respect to the fitness and qualifications of each licensee for use by the~~
34 ~~commission in determining whether his or her license should be revoked or~~
35 ~~suspended.~~

36 ~~(d)(1) There is no intent under this subchapter to prevent a~~

1 ~~salesperson who has not previously been licensed as a salesperson from~~
2 ~~selling during the time required to process his or her application.~~

3 ~~(2) The applicant shall be allowed to sell from the date of~~
4 ~~employment as long as the applicant and his or her dealer follow the~~
5 ~~procedure for license application.~~

6
7 SECTION 18. Arkansas Code § 23-112-1009(2), concerning the expiration
8 of a license under the Recreational Vehicle Franchise Act, is amended to read
9 as follows:

10 (2) Recreational vehicle dealers ~~and salespersons~~ expire
11 December 31 following the date of issue.

12
13 SECTION 19. Arkansas Code § 23-112-1019(a)(1)(A), concerning the
14 denial, revocation, and suspension of a license under the Recreational
15 Vehicle Franchise Act, is amended to read as follows:

16 (1)(A) Selling or soliciting sales of a recreational vehicle
17 without:

18 (i) a A dealer license issued by the commission; or
19 (ii) Being a bona fide employee or agent of a
20 licensed dealer.

21
22 SECTION 20. Arkansas Code § 23-112-1019(a)(15), concerning the denial,
23 revocation, and suspension of a license under the Recreational Vehicle
24 Franchise Act, is amended to read as follows:

25 (15) For a person representing that he or she is a dealer ~~or~~
26 ~~salesperson~~, either verbally or in an advertisement, when the person is not
27 licensed as a dealer ~~or salesperson~~;

28
29 SECTION 21. Arkansas Code § 25-30-102(a), concerning powers and duties
30 of the Office of Skills Development and the Career Education and Workforce
31 Development Board, is amended to add an additional subdivision to read as
32 follows:

33 (12) Review and approve Automotive Technologist Education Grant
34 applications.

1

2

APPROVED: 4/1/21

3