

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

24

By: Senator Bradford

For An Act To Be Entitled

"AN ACT TO AMEND THE ARKANSAS MOTOR VEHICLE COMMISSION ACT
TO EXPAND ITS JURISDICTION TO INCLUDE WATER CRAFT; AND FOR
OTHER PURPOSES."

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

SECTION 1. Subsections (1) and (2) of Arkansas Code 23-112-103 are hereby amended to read as follows:

"(1) 'Motor vehicle' means any motor driven or operated vehicle of the sort and kind required to have an Arkansas motor vehicle license or registration and having two or more wheels, or any motorized water craft that is required to have an Arkansas license or certificate of registration.

(2) 'Motor vehicle dealer' means any person or entity licensed or unlicensed, engaged in the business of selling, offering to sell, soliciting or advertising the sale of motor vehicles, or possessing motor vehicles or engines or hulls of motorized water craft for the purpose of resale, either on his own account or on behalf of another, either as his primary business or incidental thereto. The term 'motor vehicle dealer' does not include:

(A) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment, decree, or order of any court;
or

(B) Public officers while performing their duties as officers; or

(C) Employees of persons, corporations, or associations enumerated in subdivision (2)(A) of this section when engaged in the specific performance of their duties as employees;

(D) Specialty vehicle dealers; or

(E) Financial institutions engaged in the leasing of motor vehicles;"

SECTION 2. Subsections (8) and (9) of Arkansas Code 23-112-103 are

hereby amended to read as follows:

"(8) 'Manufacturer' means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles or engines or hulls of motorized water craft.

(9) 'Distributor' means any person, resident or nonresident, who in whole or in part sells or distributes new motor vehicles in whole or part to motor vehicle dealers or who maintains distributor representatives."

SECTION 3. Subsection (12) of Arkansas Code 23-112-103 is hereby amended to read as follows:

"(12) 'Factory representative' means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or employed by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, in whole or in part, or for supervising or contacting his, its or their dealers or prospective dealers."

SECTION 4. Subsection 20 of Arkansas Code 23-112-103 is hereby amended to read as follows:

"(20) "Motor vehicle auction" means:

(A) Any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers;

(B) Any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment;

(C) Any person who provides the facilities for or is in the business of selling motor vehicles in an auction format;"

SECTION 5. Arkansas Code 23-112-105 is hereby amended to read as follows:

"23-112-105. Civil damages. Any person or entity suffering pecuniary loss because of any failure by any other person or entity to comply with any provision of this chapter or with any rule or regulation promulgated by the Commission under authority vested in it by this chapter may recover reasonable damages and attorney's fees therefor in any court of competent jurisdiction."

SECTION 6. Subchapter 3 of Chapter 112 of Title 23 of the Arkansas Code is hereby amended by inserting an additional section at the end thereof to read as follows:

"23-112-312. The Commission may authorize or prohibit motor vehicle trade shows and may grant or deny permission to persons licensed hereunder to conduct the sale or lease/rental of motor vehicles at off-site locations."

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.