

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1407

4 By: Representatives Jones, Hunton, Jordan, B. G. Hendrix, Whorton, Davis, and
5 McGee

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For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS NEW
10 MOTOR VEHICLE QUALITY ASSURANCE ACT, ARKANSAS CODE
11 ANNOTATED §§ 4-90-401 ET SEQ.; AND FOR OTHER PURPOSES."

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Subtitle

13 "TO AMEND VARIOUS SECTIONS OF THE
14 ARKANSAS NEW MOTOR VEHICLE QUALITY
15 ASSURANCE ACT"

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

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20 SECTION 1. Arkansas Code Annotated § 4-90-403(11) is amended to read
21 as follows:

22 "(11) Motor vehicle or vehicle means any self-propelled vehicle
23 licensed, purchased or leased in this state and primarily designed for the
24 transportation of persons or property over the public streets and highways,
25 but does not include mopeds, motorcycles, the living facilities of a motor
26 home, or vehicles over ten thousand pounds (10,000 lbs.) gross vehicle weight
27 rating. For purposes of this definition, the limit of ten thousand pounds
28 (10,000 lbs.) gross vehicle weight rating does not apply to motor homes;"

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30 SECTION 2. Arkansas Code Annotated § 4-90-404(b) is amended to read as
31 follows:

32 "(b)(1) At the time of the consumer's purchase or lease of the
33 vehicle, the manufacturer, its agent, or authorized dealer shall provide to
34 the consumer a written statement that explains the consumer's rights and
35 obligations under this subchapter.

1 (2) The written statement shall be prepared by the Consumer
 2 Protection Division of the Office of the Attorney General and shall include
 3 the phone number of the Consumer Protection Division that the consumer can
 4 contact to obtain information regarding rights and obligations under this
 5 subchapter.

6 (3) For each failure of the manufacturer, its agent, or
 7 authorized dealer to provide to a consumer the written statement required
 8 under this section, the manufacturer shall be liable to the State of Arkansas
 9 for a civil penalty of not less than twenty-five dollars (\$25.00) nor more
 10 than one thousand dollars (\$1,000)."

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12 SECTION 3. Arkansas Code Annotated § 4-90-406(a) is amended to read as
 13 follows:

14 "(a)(1) After three (3) attempts have been made to repair the same
 15 nonconformity that substantially impairs the motor vehicle, or after one (1)
 16 attempt to repair a nonconformity that is likely to cause death or serious
 17 bodily injury, the consumer shall give written notification, by certified or
 18 registered mail, to the manufacturer of the need to repair the nonconformity
 19 in order to allow the manufacturer a final attempt to cure the nonconformity.

20 (2) The manufacturer shall, within ten (10) days after receipt
 21 of the notification, notify and provide the consumer with the opportunity to
 22 have the vehicle repaired at a reasonably accessible repair facility, and,
 23 after delivery of the vehicle to the designated repair facility by the
 24 consumer, the manufacturer shall, within ten (10) days, conform the motor
 25 vehicle to the warranty.

26 (3) If the manufacturer fails to notify and provide the consumer
 27 with the opportunity to have the vehicle repaired at a reasonably accessible
 28 repair facility or fails to perform the repairs within the time periods
 29 prescribed in this subsection, the requirement that the manufacturer be given
 30 a final attempt to cure the nonconformity does not apply and a non-rebuttable
 31 presumption of a reasonable number of attempts to repair arises."

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33 SECTION 4. All provisions of this act of a general and permanent
 34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 35 Code Revision Commission shall incorporate the same in the Code.

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

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

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