

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative B. Wood

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For An Act To Be Entitled

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"AN ACT TO MAKE THE ARKANSAS FRANCHISE PRACTICES ACT

9

APPLICABLE TO RESTAURANT FRANCHISES AND PARTIES THERETO;

10

AND FOR OTHER PURPOSES."

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Subtitle

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"TO GIVE RESTAURANT FRANCHISEES THE

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PROTECTION OF THE ARKANSAS FRANCHISE

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PRACTICES ACT."

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

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19 SECTION 1. As used in this act:

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(a) "Franchisee" means a person to whom a restaurant franchise is

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granted,

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(b) "Restaurant Franchise" means a contract or agreement, either

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expressed or implied, whether oral or written, between two or more persons by

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which:

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(i) a franchisee is granted the right to engage in the business

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of offering, selling or distributing food or beverages intended or suitable

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for immediate consumption on or off the premises of the franchisee under a

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marketing plan or system prescribed in substantial part by a franchisor; and

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(ii) operation of the franchisee_s business pursuant to that

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plan or system is substantially associated with the franchisor_s trademark,

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service mark, trade name, logotype, advertising, or other commercial symbol

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designating the franchisor or its affiliate; and

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(iii) the franchisee pays or is required to pay directly or

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indirectly, a franchise fee.

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A Bill

HOUSE BILL

1827

1 SECTION 2. Notwithstanding the provisions of Arkansas Code 4-72-203,
2 the provisions of the Arkansas Franchise Practices Act shall be applicable to
3 any franchisee holding a restaurant franchise for the establishment of a
4 restaurant business in Arkansas and to any franchisor who has granted or
5 proposes to grant a restaurant franchise in the state of Arkansas, and any
6 such franchisee or franchisor shall have all the rights, privileges and
7 protection provided in that act.

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9 SECTION 3. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 4. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 5. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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