

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H4/6/01

A Bill

HOUSE BILL 1614

5 By: Representative Altes
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For An Act To Be Entitled

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

14 AN ACT TO AMEND ARKANSAS CODE TITLE 8,
15 CHAPTER 10, SUBCHAPTER 3, PERTAINING TO
16 THE LOCATION OF NEW MOTOR VEHICLE RACING
17 FACILITIES WITHIN THIS STATE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 8, Chapter 10, Subchapter 3 is amended
24 to add an additional section to read as follows:

25 8-10-305. Motor vehicle racing facilities in certain counties.

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

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

33 (B) The department's approval shall be sought by filing a
34 permit application with the department which shall contain a written proposal
35 for the motor vehicle racing facility containing the substance of the proposed
36 facility, including a description of the types of motor vehicles proposed for

1 racing at the facility, the maximum projected noise level of the racing
2 vehicles, a description of the kinds of races, the types of buildings, stands,
3 or other physical plant proposed for the facility, estimates of traffic counts
4 and numbers of spectators, and any other relevant permit information as may be
5 determined necessary for the permit application by the department.

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

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

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

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

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

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

34 (6) The Arkansas Pollution Control and Ecology Commission shall
35 have the authority to promulgate any and all necessary rules and regulations
36 to implement this section, including the authority to set a permit fee to

1 recover the cost of issuing the permit.

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

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

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

13 /s/ Al tes

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