

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.

State of Arkansas

As Engrossed: S3/12/01 S3/21/01 S3/26/01

83rd General Assembly

A Bill

Regular Session, 2001

SENATE BILL 978

By: Senator Wilkins

For An Act To Be Entitled

AN ACT TO REGULATE THE CONSTRUCTION OF MOTOR
VEHICLE RACING FACILITIES IN CERTAIN AREAS; AND
FOR OTHER PURPOSES.

Subtitle

TO REGULATE THE CONSTRUCTION OF RACING
FACILITIES IN CERTAIN AREAS.

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

SECTION 1. Arkansas Code Title 8, Chapter 10, Subchapter 3 is amended
to add an additional section to read as follows:

8-10-304. Motor vehicle racing facilities in certain municipalities.

(a) The provisions of § 8-10-302 and § 8-10-303 shall not apply to any
motor vehicle racing facilities located north of a navigable waterway which
traverses the state and in a county having a population between eighty
thousand (80,000) and ninety thousand (90,000) persons according to the 1990
federal decennial census.

(b)(1)(A) The persons or entity proposing and constructing a motor
vehicle racing facility in an area located north of a navigable waterway
which traverses the state and in a county having a population between eighty
thousand (80,000) and ninety thousand (90,000) persons according to the 1990
federal decennial census, shall seek the approval of and issuance of an
annual permit from the Department of Environmental Quality under this
section.

(B) The department's approval shall be sought by filing a
permit application with the department which shall contain a written proposal

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

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

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

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

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

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

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

(6) The Arkansas Pollution Control and Ecology Commission shall have the authority to promulgate any and all necessary rules and regulations to implement this section, including the authority to set a permit fee to recover the cost of issuing the permit.

(c) Each motor vehicle racing facility constructed in an area under this section who applies for and shall receives an initial annual permit to operate its motor vehicle racing facility shall thereafter apply annually for renewal of its permit.

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

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

/s/ Wi l k i n s