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 2	State of Arkansas 85th General Assembly	A Bill			
3	Regular Session, 2005		HOUSE BILL	2612	
4	Regular bession, 2005		HOUSE BILL	2012	
5	By: Representative Walters				
6					
7					
8		For An Act To Be Entitled			
9	AN ACT TO PROHIBIT BINDING ARBITRATION AND FORUM				
10	SELECTI	ON CLAUSES WITHIN MOTOR VEHICLE SALE			
11	CONTRAC	TS; AND FOR OTHER PURPOSES.			
12					
13		Subtitle			
14	TO P	ROHIBIT BINDING ARBITRATION AND			
15	FORUM SELECTION CLAUSES WITHIN MOTOR				
16	VEHI	CLE SALE CONTRACTS.			
17					
18					
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:				
20					
21	SECTION 1. Arka	ansas Code Title 4, Chapter 75, Subch	apter 4 is amend	ded	
22	to add an additional section to read as follows:				
23	4-75-413. Arbitration and forum selection clauses in the sale of motor				
24	vehicles.				
25	<u>(a) Except as p</u>	provided in subsection (b) of this se	ction, no new o	<u>r</u>	
26	used automobile dealer shall include in the contract for the sale of a motor			tor	
27	<u>vehicle a provision re</u>	equiring the purchaser to submit a di	sputed matter to	<u>:</u>	
28	<u>(1)</u> Bindi	ing arbitration; or			
29	<u>(2)</u> A for	rum outside of the county in which the	<u>e dealer reside</u> s	s or	
30	does business.				
31	<u>(b)(1)</u> The pure	chaser of a motor vehicle may knowing	ly and voluntar:	ily	
32	<u>agree to submit to bir</u>	nding arbitration only by signing a se	<u>eparate</u> document	<u>t</u>	
33	entitled in bold print "Waiver of Purchaser's Right to Sue" containing a				
34	written waiver specifically acknowledging the purchaser's relinquishment of			<u>of</u>	
35	the right to have any	dispute over the sale or operation o	f the motor veh:	icle	
36	decided by a court of	law.			



1	(2) The purchaser of a motor vehicle may knowingly and
2	voluntarily agree to submit to a forum outside of the dealer's residence or
3	place of business only by signing a separate document entitled in bold print
4	"Waiver of Purchaser's Choice of Forum" containing a written waiver
5	specifically acknowledging the purchaser's relinquishment of the right to
6	have any dispute over the sale or operation of the motor vehicle decided by a
7	court or arbitrator in the county in which the seller resides or does
8	business.
9	(3) A waiver described in subdivision (b)(1) or (b)(2) shall
10	not be enforceable unless contained in a separate document.
11	(c) A purchaser who refuses to sign a waiver described in subsection
12	(b) of this section shall not be denied the right to purchase a motor vehicle
13	at the price agreed upon by the purchaser and the seller.
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	