

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 292

4  
5 By: Senator Madison  
6 By: Representative Edwards

## For An Act To Be Entitled

10 AN ACT TO PROVIDE AN EXEMPTION FOR SPECIAL  
11 MOTORCYCLE EVENTS TO ALLOW MOTOR VEHICLE DEALERS  
12 TO DISPLAY AND SELL MOTORCYCLES AT SPECIAL EVENTS  
13 THAT HAVE A SIGNIFICANT POSITIVE ECONOMIC IMPACT  
14 ON AN AREA; AND FOR OTHER PURPOSES.

## Subtitle

16 TO PROVIDE AN EXEMPTION FOR SPECIAL  
17 MOTORCYCLE EVENTS TO ALLOW MOTOR VEHICLE  
18 DEALERS TO DISPLAY AND SELL MOTORCYCLES  
19 AT SPECIAL EVENTS.  
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22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code Title 23, Chapter 112 is amended to add an  
26 additional subchapter to read as follows:

### SUBCHAPTER 8 – SPECIAL MOTORCYCLE EVENTS

#### 23-112-801. Findings.

31 The General Assembly finds that:

32 (1) A special motorcycle event sponsored by a city, county,  
33 nonprofit entity, or motorcycle owners' organization draws people from all  
34 over the state, other states, and even other countries;

35 (2) A special motorcycle event can provide a valuable increase  
36 in tourism for the state; and



1           (3) The laws and rules related to the display and sale of  
 2 motorcycles at a special motorcycle event must be modified to lessen the  
 3 restrictions that are hampering economic growth.

4  
 5           23-112-802. Definitions.

6           As used in this subchapter:

7           (1) “Motorcycle owners’ organization” means an entity that is  
 8 organized as a nonprofit entity or for-profit entity and in good standing  
 9 with the Secretary of State;

10           (2) “Nonprofit entity” means an entity that has received tax  
 11 exempt status from the Internal Revenue Service pursuant to section 501(c)(3)  
 12 or section (501)(c)(4) of the Internal Revenue Code of 1986, as it existed on  
 13 January 1, 2007;

14           (3) “Public venue” means a location that:

15                   (A) Is open to the general public; and

16                   (B) Is not the address designated as the primary business  
 17 address of a new motor vehicle dealer licensed by the Arkansas Motor Vehicle  
 18 Commission or a used motor vehicle dealer licensed by the Department of  
 19 Arkansas State Police;

20           (4) “Significant positive economic impact” means an economic  
 21 benefit of at least three million dollars (\$3,000,000) to the state or a  
 22 region of the state; and

23           (5) “Special motorcycle event” means an event held at a public  
 24 venue with or without an admission fee that:

25                   (A) Is sponsored by a city, a county, a nonprofit entity,  
 26 or a motorcycle owners’ organization;

27                   (B) Occurs not more than one (1) time each year for no  
 28 more than seven (7) consecutive days; and

29                   (C) Includes any of the following that are invited to  
 30 attend:

31                           (i) New motor vehicle dealers to display and sell  
 32 motorcycles; or

33                           (ii) New motor vehicle manufacturers or distributors  
 34 to display motorcycles.

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 36           23-112-803. Statements of estimated positive economic impact.

1 A statement of the estimated positive economic impact of a proposed  
 2 special motorcycle event shall be submitted to the Arkansas Motor Vehicle  
 3 Commission from an independent source such as a university, chamber of  
 4 commerce, or other entity that regularly engages in the estimation of the  
 5 economic benefit of an occurrence for businesses and industries.

6  
 7 23-112-804. Significant positive economic impact determinations.

8 (a) If the statement of estimated positive economic impact that is  
 9 submitted to the Arkansas Motor Vehicle Commission establishes that a special  
 10 motorcycle event has a significant positive economic impact, the special  
 11 motorcycle event is exempt from regulation by the Arkansas Motor Vehicle  
 12 Commission as provided under § 23-112-805.

13 (b) If the statement of estimated positive economic impact that is  
 14 presented to the Arkansas Motor Vehicle Commission establishes that a special  
 15 motorcycle event will not have a significant positive economic impact, then  
 16 the Arkansas Motor Vehicle Commission shall determine whether the special  
 17 motorcycle event is exempt from the provisions of this chapter and any rules  
 18 promulgated by the Arkansas Motor Vehicle Commission.

19  
 20 23-112-805. Authority to waive relevant market area and rules.

21 (a) The Arkansas Motor Vehicle Commission shall waive the following  
 22 for a special motorcycle event that has a significant positive economic  
 23 impact or is determined by the commission to otherwise qualify for an  
 24 exemption under § 23-112-804(b) if no franchised motor vehicle dealer of a  
 25 licensed manufacturer is represented in the host county of the special  
 26 motorcycle event or the counties contiguous to the host county:

27 (1) The provisions of this chapter regarding relevant market  
 28 area; and

29 (2) The rules regarding motor vehicle dealers in contiguous  
 30 counties.

31 (b)(1) The commission may promulgate rules for the issuance of a  
 32 temporary permit to out-of-state motor vehicle dealers and manufacturers to  
 33 participate in a special motorcycle event under this subchapter.

34 (2) No rule shall be promulgated that puts a greater burden on  
 35 out-of-state motor vehicle dealers and manufacturers to obtain a temporary  
 36 permit than the requirements necessary for a motor vehicle dealer or

1 manufacturer to obtain a license from the commission.

2 (3) If the commission establishes fees for a temporary permit  
3 under this subsection, the fees shall not exceed:

4 (A) For an out-of-state motor vehicle dealer, one hundred  
5 dollars (\$100);

6 (B) For a manufacturer or distributor, two hundred fifty  
7 dollars (\$250);

8 (C) For an out-of-state salesperson, fifteen dollars  
9 (\$15.00); and

10 (D) For a factory representative or distributor  
11 representative, fifty dollars (\$50.00).

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13 23-112-806. Established and ongoing special motorcycle events.

14 (a) A special motorcycle event that has been ongoing for five (5)  
15 years or more before the effective date of this act and has had a significant  
16 positive economic impact in the past shall be:

17 (1) Considered an established and ongoing special motorcycle  
18 event; and

19 (2) Eligible to a presumption of a significant positive economic  
20 impact by the Arkansas Motor Vehicle Commission.

21 (b) Notwithstanding any provision of law to the contrary, an  
22 established and ongoing special motorcycle event under this section may  
23 continue to invite motor vehicle dealers and manufacturers that have  
24 participated in the special motorcycle event for the previous three (3)  
25 years.

26  
27 SECTION 2. Arkansas Code § 23-112-312 is amended to read as follows:

28 23-112-312. License reciprocity with other states.

29 (a) The Arkansas Motor Vehicle Commission ~~is authorized to~~ may enter  
30 into reciprocal agreements with motor vehicle commissions, or their  
31 equivalents, in other states to allow motor vehicle dealers who are licensed  
32 in those states to obtain a temporary permit in this state, pursuant to the  
33 rules ~~and regulations~~ promulgated by the Arkansas Motor Vehicle Commission.

34 (b) Any person who is licensed under the laws of another state or  
35 territory of the United States to engage in business as a motor vehicle  
36 dealer may apply for a temporary permit in this state upon production of

1 satisfactory proof that:

2           (1) ~~The other state or territory grants similar reciprocity to~~  
3 ~~license holders of this state;~~

4           ~~(2)~~ The requirements for licensing in the particular state or  
5 territory were, ~~at the date of the applicant's licensing,~~ substantially  
6 equivalent to the requirements in effect in this state at the date of the  
7 applicant's licensing;

8           ~~(3)~~(2) The applicant meets all the qualifications for the  
9 temporary permit and pays the fees specified for the permits pursuant to the  
10 rules ~~and regulations~~ of the Arkansas Motor Vehicle Commission; and

11           ~~(4)~~(3) The applicant meets other reasonable qualifications as  
12 may be adopted by the Arkansas Motor Vehicle Commission ~~for reciprocity.~~

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