

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2222

5 By: Representative D. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO ALLOW THE CONTRACT FOR SALE OF A USED MOTOR
9 VEHICLE TO BE VOIDED IF THE MOTOR VEHICLE IS FOUND TO
10 BE IN NONCONFORMITY; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO ALLOW THE CONTRACT FOR SALE OF A USED
15 MOTOR VEHICLE TO BE VOIDED IF THE MOTOR
16 VEHICLE IS FOUND TO BE IN NONCONFORMITY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 4-90-401 is amended to read as follows:
22 4-90-401. Title.

23 This subchapter shall be known and may be cited as the "Arkansas New
24 and Used Motor Vehicle Quality Assurance Act".
25

26 SECTION 2. Arkansas Code § 4-90-403, concerning the definitions for
27 the New Motor Vehicle Quality Assurance Act, is amended to add additional
28 subdivisions to read as follows:

29 (18) "Seller" means a person selling a used motor vehicle; and

30 (19) "Used motor vehicle" means a motor vehicle that was pre-
31 owned.
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33 SECTION 3. Arkansas Code Title 4, Chapter 90, Subchapter 4 is amended
34 to add an additional section to read as follows:

35 4-90-418. Used motor vehicles.

36 (a) Notwithstanding any disclaimer of warranty, a used motor vehicle



1 contract of sale may be voided by the consumer if:

2 (1)(A) The used motor vehicle is found to be in nonconformity by
3 a motor vehicle mechanic within seven (7) days from the date of the sale.

4 (B) The defects that caused the used motor vehicle's
5 nonconformity were not caused by:

6 (i) The abusive or negligent operation of the used
7 motor vehicle; or

8 (ii) Damage resulting from an accident or collision
9 occurring after the date of sale; and

10 (2) The cost of repairs necessary to correct the used motor
11 vehicle's nonconformity is less than ten percent (10%) of the purchase price
12 of the used motor vehicle.

13 (b) In order to void a used motor vehicle contract of sale under this
14 section, the consumer shall within fifteen (15) calendar days from the date
15 of sale:

16 (1) Notify the seller of his or her intention to void the sale;

17 (2) Deliver the used motor vehicle to the seller;

18 (3) Provide the seller with a written statement signed by a
19 motor vehicle mechanic stating the reasons why the used motor vehicle was
20 found to be in nonconformity; and

21 (4) Provide an estimate of the cost of necessary repairs.

22 (c) The consumer shall be entitled to a refund of his or her purchase
23 price unless the consumer and seller agree in writing that the seller may
24 make the necessary repairs at his or her own cost and expense within thirty
25 (30) days.

26 (d) This section applies only to used motor vehicles purchased for the
27 immediate personal or family use of the consumer.