

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023

# A Bill

HOUSE BILL 1579

4  
5 By: Representatives Wardlaw, M. Berry  
6 By: Senator Gilmore

## For An Act To Be Entitled

7  
8  
9 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS MOTOR  
10 VEHICLE COMMISSION ACT; AND FOR OTHER PURPOSES.

## Subtitle

11  
12  
13  
14 TO AMEND THE LAW CONCERNING THE ARKANSAS  
15 MOTOR VEHICLE COMMISSION ACT.

16  
17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Arkansas Code § 23-112-313(f), concerning motor vehicle  
21 warranty agreements between the parties in a franchise, is amended to read as  
22 follows:

23 (f) As used in this section, "routine maintenance" means motor vehicle  
24 upkeep not covered under the manufacturer's warranty, including without  
25 limitation tire rotations and the replacement of:

- 26 (1) Tires;  
27 (2) Fluids;  
28 (3) Filters;  
29 (4) Batteries, other than electric vehicle or hybrid vehicle

30 propulsion batteries;

- 31 (5) Belts;  
32 (6) Windshield wipers; and  
33 (7) Brake pads.

34  
35 SECTION 2. Arkansas Code § 23-112-313, concerning motor vehicle  
36 warranty agreements between the parties in a franchise, is amended to add an



1 additional subdivision to read as follows:

2 (g) A manufacturer, distributor, wholesaler, distributor branch or  
 3 division, factory branch or division, or wholesale branch or division shall  
 4 compensate a motor vehicle dealer that provides assistance requested by a  
 5 customer whose motor vehicle was subjected to an over-the-air or remote  
 6 change, repair, or update to any part, system, accessory, or function by the  
 7 motor vehicle manufacturer or distributor and performed at the motor vehicle  
 8 dealer's location or other manufacturer-authorized repair location of the  
 9 motor vehicle dealer.

10  
 11 SECTION 3. Arkansas Code § 23-112-403(a)(2)(A), concerning unlawful  
 12 practices under the Arkansas Motor Vehicle Commission Act, is amended to read  
 13 as follows:

14 (A)(i) To fail or refuse to:

15 (a) To refuse to deliver Deliver, in  
 16 reasonable quantities and within a reasonable time after receipt of a  
 17 dealer's order to any licensed motor vehicle dealer having a franchise or  
 18 contractual arrangement for the retail sale of new motor vehicles sold or  
 19 distributed by the manufacturer, distributor, distributor branch or division,  
 20 or factory branch or division, any motor vehicles that are covered by the  
 21 franchise or contract specifically publicly advertised by the manufacturer,  
 22 distributor, distributor branch or division, or factory branch or division to  
 23 be available for immediate delivery;

24 (b) Make available to each motor vehicle  
 25 dealer an adequate supply of motor vehicles by series, product line, and  
 26 model in a fair, reasonable, and equitable manner subject to subdivision  
 27 (a)(2)(L) of this section;

28 (c) Apply fair, reasonable, and equitable  
 29 performance standards that take into consideration the number of motor  
 30 vehicles allocated to a motor vehicle dealer when measuring the motor vehicle  
 31 dealer's sales or service performance under the terms of the franchise  
 32 agreement;

33 (d) Apply its allocation process equitably and  
 34 not discriminate among motor vehicle dealers; and

35 (e) Disclose in writing upon request by a  
 36 motor vehicle dealer the allocation process or system used by the

1 manufacturer, distributor, distributor branch or division, or factory branch  
 2 or division.

3 (ii) However, the failure to deliver any motor  
 4 vehicle shall not be considered a violation of this chapter if the failure is  
 5 due to forces of nature, work stoppages or delays due to strikes or labor  
 6 difficulties, freight, embargoes, or other causes over which the manufacturer  
 7 or distributor, or any agent thereof, has no control;

8  
 9  
 10 SECTION 4. Arkansas Code § 23-112-403(a)(2)(U), concerning unlawful  
 11 practices under the Arkansas Motor Vehicle Commission Act, is amended to add  
 12 additional subdivisions to read as follows:

13 (viii)(a) When providing a new motor vehicle to a  
 14 motor vehicle dealer for offer or sale to the public, fail to provide to the  
 15 motor vehicle dealer a written disclosure that may be provided to a potential  
 16 buyer of a new motor vehicle of each accessory or function of the new motor  
 17 vehicle that may be initiated, updated, changed, or maintained by the  
 18 manufacturer or distributor through over-the-air or remote means, and the  
 19 charge to the new motor vehicle buyer at the time of the new motor vehicle  
 20 sale for the initiation, update, change, or maintenance.

21 (b) A manufacturer or distributor may comply  
 22 with this subdivision (a)(2)(U)(viii) by notifying the motor vehicle dealer  
 23 that the information contained in the written disclosure under subdivision  
 24 (a)(2)(U)(viii)(a) of this section is available on a website or through other  
 25 digital means; or

26 (ix) Fail to provide a motor vehicle dealer the  
 27 option to purchase, rather than lease, items related to a factory required  
 28 and approved facility improvement other than signage that bears a trademark,  
 29 trade name, or commercial symbol used or claimed by the manufacturer,  
 30 distributor, distributor branch or division, or factory branch or division.