

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 776

5 By: Senator B. Sample
6

For An Act To Be Entitled

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

Subtitle

11 TO AMEND THE ARKANSAS MOTOR VEHICLE
12 COMMISSION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 23-112-103(18), concerning definitions for
20 the Arkansas Motor Vehicle Commission Act, is amended to read as follows:

21 (18) "Motor vehicle" means a self-propelled vehicle having two (2) or
22 more wheels that has as its primary purpose the transportation of a person,
23 including without limitation all-terrain vehicles, automobiles, trucks,
24 motorcycles, motor-driven cycles, motor scooters, ~~and~~ motor homes, and low
25 speed vehicles;
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27 SECTION 2. Arkansas Code § 23-112-103, concerning definitions for the
28 Arkansas Motor Vehicle Commission Act, is amended to add an additional
29 subdivision to read as follows:

30 (36) "Low speed vehicle" means a motor vehicle:

31 (A) That is four (4) wheeled;

32 (B) Whose speed attainable in one (1) mile is more than twenty
33 miles per hour (20 m.p.h.) and not more than twenty-five miles per hour (25
34 m.p.h.) on a paved level surface; and

35 (C) With a gross vehicle weight of less than three thousand
36 pounds (3,000 lbs.).



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2 SECTION 3. Arkansas Code § 23-112-206 is repealed.

3 ~~23-112-206. Fund transfer—Motor vehicle education and training.~~
4 ~~For the fiscal year ending June 30, 2008, and for each fiscal year~~
5 ~~thereafter, the Executive Director of the Arkansas Motor Vehicle Commission~~
6 ~~may certify, from time to time as needed, to the Chief Fiscal Officer of the~~
7 ~~State the amount of funds necessary to transfer on his or her books and those~~
8 ~~of the Treasurer of State and the Auditor of State, from the Motor Vehicle~~
9 ~~Commission Fund to the Department of Workforce Education Fund Account, to~~
10 ~~provide funds for expenses related to motor vehicle education and training.~~
11 ~~In no event shall the amount of funds transferred under the provisions of~~
12 ~~this section exceed one hundred fifty thousand dollars (\$150,000) in any one~~
13 ~~(1) fiscal year.~~

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15 SECTION 4. Arkansas Code § 23-112-302(c)(1)(A)(ii), concerning the
16 application for a license under the Arkansas Motor Vehicle Commission Act, is
17 amended to read as follows:

18 (c)(1)(A)(ii) New motorcycle dealers, new all-terrain vehicle dealers,
19 new low speed vehicle dealers, and motor vehicle lessors ~~must~~ shall also be
20 accompanied by the filing with the commission of a corporate surety bond in
21 the penal sum of twenty-five thousand dollars (\$25,000) on a bond form
22 approved by the commission.

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24 SECTION 5. Arkansas Code § 23-112-317(c), concerning motor vehicle
25 dealer service and handling fees under the Arkansas Motor Vehicle Commission
26 Act, is amended to read as follows:

27 (c)(1) The Arkansas Motor Vehicle Commission shall determine by rule
28 the amount of the service and handling fee that may be charged by a motor
29 vehicle dealer. The service and handling fee shall be no less than zero
30 dollars (\$0.00) and no more than one hundred twenty-nine dollars (\$129).

31 (2) If a service and handling fee is charged under this
32 section, the service and handling fee shall be:

33 (A) Charged to all retail customers; and
34 (B) Disclosed on the retail buyer's order form as a
35 separate itemized charge.

36 (3) If a service and handling fee is charged under this

1 section, the service and handling fee is not required to be charged to all
2 fleet sales.

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4 SECTION 6. Arkansas Code § 23-112-403(a)(2)(U)(v), concerning
5 manufacturers, distributors, second-stage manufacturers, importers, or
6 converters under the Arkansas Motor Vehicle Commission Act, is amended to
7 read as follows:

8 (v) To require a motor vehicle dealer to improve the
9 dealer's facilities, including signs, or to replace factory required and
10 approved facility improvements completed within the last ~~five (5)~~ seven (7)
11 years ~~in order~~ to qualify for a new vehicle sales incentive program.

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14 **APPROVED: 04/02/2013**
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