

## **SUBCHAPTER 8**

### **SPECIAL MOTORCYCLE EVENTS**

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

The General Assembly finds that:

- (1) A special motorcycle event sponsored by a city, county, nonprofit entity, or motorcycle owners' organization draws people from all over the state, other states, and even other countries;
- (2) A special motorcycle event can provide a valuable increase in tourism for the state; and
- (3) The laws and rules related to the display and sale of motorcycles at a special motorcycle event must be modified to lessen the restrictions that are hampering economic growth.

**History.** Acts 2007, No. 235, § 1.

#### **23-112-802. Definitions.**

As used in this subchapter:

- (1) "Motorcycle owners' organization" means an entity that is organized as a nonprofit entity or for-profit entity and in good standing with the Secretary of State;
- (2) "Nonprofit entity" means an entity that has received tax exempt status from the Internal Revenue Service pursuant to section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code of 1986, as it existed on January 1, 2007;
- (3) "Public venue" means a location that:
  - (A) Is open to the general public; and

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

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

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

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

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

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

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

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

**History.** Acts 2007, No. 235, § 1.

**23-112-803. Statements of Positive Impact.**

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

**History.** Acts 2007, No. 235, § 1.

**23-112-804. Significant Positive Economic Impact Determinations.**

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

(b) If the statement of estimated positive impact that is presented to the Arkansas Motor Vehicle Commission establishes that a special motorcycle event will not have a significant positive economic impact, then the Arkansas Motor Vehicle Commission shall

determine whether the special motorcycle event is exempt from the provisions of this chapter and any rules promulgated by the Arkansas Motor Vehicle Commission.

**History.** Acts 2007, No. 235, § 1.

**23-112-805. Authority to Waive Relevant Market Area and Rules.**

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

- (1) The provisions of this chapter regarding relevant market area; and
- (2) The rules regarding motor vehicle dealers in contiguous counties.

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

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

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

- (A) For an out-of-state motor vehicle dealer, one hundred dollars (\$100);
- (B) For a manufacturer or distributor, two hundred fifty dollars (\$250);
- (C) For an out-of-state salesperson, fifteen dollars (\$15.00); and
- (D) For a factory representative or distributor representative, fifty dollars (\$50.00).

**History.** Acts 2007, No. 235, § 1.

**23-112-806. Established and Ongoing Special Motorcycle Events.**

(a) A special motorcycle event that has been ongoing for five (5) years or more before the July 31, 2007, and has had a significant positive economic impact in the past shall be:

- (1) Considered an established and ongoing special motorcycle event; and
- (2) Eligible to a presumption of a significant positive economic impact by the Arkansas Motor Vehicle Commission.

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

**History.** Acts 2007, No. 235, § 1.

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