

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 776

By: Senator B. Sample

## For An Act To Be Entitled

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

### Subtitle

TO AMEND THE ARKANSAS MOTOR VEHICLE  
COMMISSION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-112-103(18), concerning definitions for the Arkansas Motor Vehicle Commission Act, is amended to read as follows:

(18) "Motor vehicle" means a self-propelled vehicle having two (2) or more wheels that has as its primary purpose the transportation of a person, including without limitation all-terrain vehicles, automobiles, trucks, motorcycles, motor-driven cycles, motor scooters, ~~and~~ motor homes, and low speed vehicles;

SECTION 2. Arkansas Code § 23-112-103, concerning definitions for the Arkansas Motor Vehicle Commission Act, is amended to add an additional subdivision to read as follows:

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

(A) That is four (4) wheeled;

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

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



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 Arkansas Code § 23-112-206 is repealed.

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

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

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

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

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

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

(A) Charged to all retail customers; and

(B) Disclosed on the retail buyer's order form as a separate itemized charge.

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

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

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

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

**APPROVED: 04/02/2013**