

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1716

By: Representatives Holcomb, M. Berry, S. Berry, Bragg, Bryant, Christiansen, A. Collins, Cozart, Dalby, Eubanks, K. Ferguson, L. Fite, Fortner, Jean, Jett, Ladyman, Maddox, Magie, M. McElroy, Wardlaw, Warren

By: Senators B. Johnson, Gilmore

## For An Act To Be Entitled

AN ACT TO ENHANCE ECONOMIC OPPORTUNITIES IN RURAL AREAS OF ARKANSAS; TO EXPAND THE OPTIONS FOR CONSTRUCTING AND OPERATING MOTOR VEHICLE RACING FACILITIES IN CERTAIN RURAL AREAS; AND FOR OTHER PURPOSES.

## Subtitle

TO ENHANCE ECONOMIC OPPORTUNITIES IN RURAL AREAS OF ARKANSAS; AND TO EXPAND THE OPTIONS FOR CONSTRUCTING AND OPERATING MOTOR VEHICLE RACING FACILITIES IN CERTAIN RURAL AREAS.

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

SECTION 1. Arkansas Code Title 8, Chapter 10, Subchapter 3, is amended to add an additional section to read as follows:

8-10-305. Motor vehicle racing facilities in certain rural locations.

(a) As used in this section, "motor vehicle racing facility" means any facility designed and used for competitive racing by automobiles or trucks that are modified for racing.

(b) Sections 8-10-302 – 8-10-304 do not apply to a new motor vehicle racing facility constructed and initially permitted after August 31, 2021, and located:



(1) In an unincorporated area or town that is one (1) mile or more from the boundary of a city of the first class or city of the second class; or

(2)(A) If subject to subdivision (b)(1) of this section, in an area in which the mayor of the city of the first class or city of the second class provides a written waiver to subdivision (b)(1) of this section.

(B) If the area involves more than one (1) city of the first class or city of the second class, a written waiver under subdivision (b)(2)(A) of this section from the mayors of each city involved is required.

(c)(1) A person proposing to construct a motor vehicle racing facility under subsection (b) of this section may apply to the county judge for issuance of a motor vehicle racing facility permit by filing a permit application with the county clerk that shall contain a written proposal for the motor vehicle racing facility that includes:

(A) A description of the types of motor vehicles proposed for racing at the motor vehicle racing facility;

(B) The maximum projected noise level of the motor vehicles proposed for racing at the motor vehicle racing facility;

(C) A description of the kinds of races and the types of buildings, stands, or other physical plants proposed for the motor vehicle racing facility;

(D) Estimates of traffic counts and numbers of spectators at the proposed motor vehicle racing facility; and

(E) Any other relevant information as may be determined necessary for the motor vehicle racing facility permit application by the county judge, including without limitation the hours of operation, an assurance of liability insurance, and other information related to operation of the motor vehicle racing facility.

(2) For the initial permit application for a new motor vehicle racing facility to be constructed, the applicant shall provide sufficient information on the environmental impact of the proposed motor vehicle racing facility.

(3)(A) The county judge shall set a date for a public hearing to be held on the proposed motor vehicle racing facility permit that shall not be fewer than thirty (30) days after the filing of the initial motor vehicle racing facility permit application.

(B)(i) Notice of the public hearing under subdivision (c)(3)(A) of this section shall be placed on the county-owned or affiliated website or published through other means as directed by the county judge at the expense of the applicant.

(ii) The public hearing under subdivision (c)(3)(A) of this section for the initial motor vehicle racing facility permit may be adjourned and continued if necessary.

(C) The county judge may hold public hearings for the renewal of a motor vehicle racing facility permit as necessary.

(D) Any interested persons may appear at a public hearing under this subdivision (c)(3) and contest the granting of an approval or renewal of a motor vehicle racing facility permit.

(4) Affidavits in support of or against the proposed motor vehicle racing facility or the renewal of a motor vehicle racing facility permit may be prepared and submitted and filed with the county clerk to be provided to the county judge for consideration during the public hearing.

(d)(1) After the public hearing for the initial motor vehicle racing facility permit or upon application for the annual renewal of the motor vehicle racing facility permit, if the county judge is satisfied that the benefits of the motor vehicle racing facility are sustained by proof and outweigh the impact of the noise, air pollution, and traffic congestion caused by the motor vehicle racing facility, then the county judge may:

(A) Grant the initial motor vehicle racing facility permit approving the proposed motor vehicle racing facility; or

(B) Renew the motor vehicle racing facility permit.

(2) The county judge may deny the renewal of a motor vehicle racing facility permit if the motor vehicle racing facility is:

(A) Determined to be in violation of any standards under which the motor vehicle racing facility permit was issued; or

(B) Constructed or is being operated in a manner that is materially different than was represented during the initial application process.

(e) If any material changes, additions, or improvements are made to the motor vehicle racing facility, the motor vehicle racing facility permit shall be amended accordingly, and the county judge may reconsider the approval of the motor vehicle racing facility permit.

(f) A motor vehicle racing facility permit issued under this section shall be renewed annually.

(g) The county judge may issue any necessary requirements and procedures to implement this section, including setting a motor vehicle racing facility permit fee to recover the cost of issuing a motor vehicle racing facility permit.

(h) Due to the noise pollution and air pollution from the motor vehicles and traffic congestion caused by motor vehicle racing facilities, a motor vehicle racing facility shall not be permitted or constructed under this section within one (1) mile of the boundary of another county.

**APPROVED: 4/1/21**