

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1564

By: Representative Long
By: Senator Caldwell

For An Act To Be Entitled

AN ACT TO MODIFY MOTOR VEHICLE RACING FACILITY PERMITS IN CERTAIN RURAL LOCATIONS; TO SET CERTAIN RESTRICTIONS ON A MOTOR VEHICLE RACING FACILITY IN CERTAIN RURAL LOCATIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY MOTOR VEHICLE RACING FACILITY PERMITS AND TO SET CERTAIN RESTRICTIONS ON A MOTOR VEHICLE RACING FACILITY IN CERTAIN RURAL LOCATIONS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 8-10-305 is amended to read as follows:

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

(a) As used in this section, “motor vehicle racing facility” means any facility or all-terrain recreational park designed and used for competitive racing by:

(1) Automobiles ~~automobiles~~ or trucks that are modified for racing;

(2) All-terrain vehicles as defined in § 27-21-102;

(3) All-terrain vehicles that are modified for racing;

(4) Motorcycles;

(5) Motorcycles that are modified for racing; or



(6) Automobiles or trucks that are not 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~~ quorum court 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)(i) The maximum projected noise level of the motor vehicles proposed for racing at the motor vehicle racing facility.

(ii) A motor vehicle racing facility permit shall not be granted for a motor vehicle racing facility that exceeds a maximum noise level of seventy-five decibels (75 dB) at the property line of 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)(i) Proof of liability insurance providing coverage in an amount of no less than one million dollars (\$1,000,000).

(ii) Proof of renewals of the liability insurance described in subdivision (c)(1)(E)(i) of this section shall be filed with the county clerk; and

~~(E)~~(F) Any other relevant information as may be determined necessary for the motor vehicle racing facility permit application by the ~~county judge quorum court~~, 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 quorum court~~ 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:

(a) Placed ~~placed~~ on the county-owned or affiliated website or published through other means as directed by the ~~county judge quorum court~~ at the expense of the applicant; and

(b) Mailed to all property owners and residents within a radius of three (3) miles of the proposed motor vehicle racing facility.

(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~~ quorum court shall 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~~ quorum court 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~~ the quorum court shall vote to:

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

(B) Renew or deny the renewal of the motor vehicle racing facility permit.

(2) The ~~county judge~~ quorum court 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.

(3) The quorum court shall set quiet hours for the motor vehicle racing facility to be between 9:00 p.m. and 6:00 a.m.

(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~~ quorum court 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~~ quorum court 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.

(i) There shall be a fine in the amount of one thousand dollars (\$1,000) per day if the motor vehicle racing facility violates this section or does not comply with the requirements of the motor vehicle racing facility

permit.

(j) This section does not prohibit neighboring property owners to sue for loss of property value and quality of life or preclude standing of a neighboring property owner.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that motor vehicle racing facilities have become increasing problematic for the environment and the public peace in certain rural locations; that additional measures and restrictions should be taken to preserve the environment and the public peace of the citizens who live in rural locations; and that this act is immediately necessary to preserve the environment and the public peace of the citizens of this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.