

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;  
26

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 Arkansas Code § 23-112-206 is repealed.  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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