

**BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION**

**IN THE MATTER OF:**

**Hearing # 19-008**

**LINHAI POWERSPORTS USA**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on February 20, 2019, to determine whether Linhai Powersports USA, a licensed distributor, violated the Arkansas Motor Vehicle Commission Act, pursuant to Ark. Code Ann. § 23-112-101 et seq., and Commission Rule 2 regarding hearings and appeals. The charge before the Commission concerned whether Linhai Powersports USA violated Commission statutes when they failed to renew the business's distributor's license.

No Linhai Powersports USA representative appeared for this hearing.

Having reviewed the exhibits admitted into evidence, the Commission makes the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

The following facts are found to be true:

- F1. Linhai Powersports USA, located at 1775 Corporate Dr., Suite 130, Norcross, GA, is a new motor vehicle distributor currently licensed to sell Linhai: ATV's, UTV's, & Scooters.
- F2. Linhai Powersports USA's license expired on June 30, 2018.
- F3. On September 25, 2018, License Supervisor Robert Galloway notified Linhai Powersports USA that its distributor license expired.
- F4. Linhai Powersports USA currently has no dealers.
- F5. As of February 20, 2019, Linhai Powersports USA has not renewed its license.

## **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

- L1. Motor vehicle manufacturers, distributors, and their representatives are required to conform their conduct to the Motor Vehicle Commission Act, Ark. Code Ann. § 23-112-101, et seq., and the rules and regulations promulgated by the Commission pursuant to Ark. Code Ann. § 23-112-204.
- L2. According to Ark. Code Ann. § 23-112-301, it is unlawful for a person to engage in business as a new motor vehicle manufacturer or distributor without a obtaining a license.
- L3. All applications for licenses shall be accompanied by the appropriate fees in accordance with the schedule set out in Ark. Code Ann. § 23-112-303.
- L4. According to Ark. Code Ann. § 23-112-307(1), manufacturers, distributors, and representatives licenses expire on June 30 following the date of issue.
- L5. Failure to comply with any provision of the Commission Act or any Rule promulgated by the Commission may lead to revocation or suspension of the license as per Ark. Code Ann. § 23-112-308(a)(4), 23-112-308(a)(5), and 23-112-308(a)(19), or may result in a monetary penalty in lieu of revocation or suspension as stated in Ark. Code Ann. § 23-112-309.
- L6. Linhai Powersports USA violated Commission statutes and rules when they failed to renew the distributor's license.

**ORDER**

The Commission finds the violations of Commission statutes and rules by Linhai Powersports USA warrant a revocation of Linhai Powersports USA's license for failure to comply with provisions of the Commission Act and Rules promulgated by the Commission as per Ark. Code Ann. § 23-112-308(a)(4).

This is a final Order of the Commission and as such is subject to judicial review pursuant to Ark. Code Ann. § 25-15-212.

**ARKANSAS MOTOR VEHICLE COMMISSION**

By: Joy Blankenship  
Joy Blankenship, Chair

Date: March 1, 2019