

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 17-022

KINROAD USA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas Motor Vehicle Commission (hereinafter "Commission") held a hearing on September 20, 2017, to determine whether Kinroad USA (hereinafter "Kinroad 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 Kinroad USA violated Commission statutes when they failed to renew the business's distributor's license.

No Kinroad USA representative appeared for this hearing.

Having heard testimony from staff member Tanelle Hymes, and 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. Kinroad USA, located at 11220 Petal Street #B, Dallas, Texas, is a new motor vehicle distributor currently licensed to sell ATV's, Go Karts, MC's, and Scooters.
- F2. Kinroad USA's license expired on June 30, 2017.
- F3. On July 12, 2017, License Supervisor Robert Galloway notified Kinroad USA that its distributor license expired.
- F4. Kinroad USA currently has 3 dealers.

F5. As of August 16, 2017, Kinroad 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.

ORDER

The Commission finds the violations of Commission statutes and rules by Kinroad USA warrant a revocation of Kinroad 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, Chairman

Date: 10/3/2017