

BEFORE THE ARKANSAS MOTOR VEHICLE COMMISSION

IN THE MATTER OF:

Hearing # 17-007

SPEEDWAY SALES

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 Speedway Sales (hereinafter "Speedway Sales"), a licensed dealer, 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 Speedway Sales violated Commission statutes when they failed to renew the business's dealer's license.

No Speedway Sales 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. Speedway Sales, located at 760 Highway 463 South, Trumann, Arkansas, is a new motor vehicle dealer currently licensed to sell Ez Go LSV's and UTV's.
- F2. Speedway Sales's license expired on December 31, 2016.
- F3. On February 2, 2017, License Supervisor notified Speedway Sales that its dealer license expired.
- F4. As of August 16, 2017, Speedway Sales 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 dealers 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 dealer 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), dealers and representatives licenses expire on December 31 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 Speedway Sales warrant a revocation of Speedway Sales'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