

Act 153 of the First Special Session of 1989.

Act 153

SB152

By: Joint Budget Committee

For An Act To Be Entitled

"AN ACT TO ABOLISH THE TRANSPORTATION SAFETY AGENCY CREATED BY ARKANSAS CODE ANNOTATED _23-2-204 AND TO TRANSFER ALL POWERS, FUNCTIONS AND DUTIES OF SAID AGENCY TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT; TO ABOLISH THE TRANSPORTATION REGULATORY BOARD OF THE TRANSPORTATION SAFETY AGENCY CREATED BY ARKANSAS CODE ANNOTATED _23-2-202 AND TO TRANSFER ALL POWERS, FUNCTIONS AND DUTIES OF SAID BOARD TO THE ARKANSAS STATE HIGHWAY COMMISSION; TO AMEND ARKANSAS CODE ANNOTATED _27-14-501 BY SUBSTITUTING THE CHAIRMAN OF THE ARKANSAS STATE HIGHWAY COMMISSION FOR THE CHAIRMAN OF THE ARKANSAS TRANSPORTATION COMMISSION FOR THE PURPOSES OF REPRESENTING THE STATE, AS A MEMBER OF AN EX OFFICIO COMMISSION, IN THE MATTER OF MAKING RECIPROCAL AGREEMENTS RELATING TO THE OPERATION OF MOTOR VEHICLES; TO REPEAL ARKANSAS CODE ANNOTATED __23-2-202, 23-2-203, 23-2-204, 23-2-205, and 23-2-206; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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

SECTION 1. PURPOSE. Act 959 of 1989, the appropriation for personal services and operating expenses of the Arkansas State Highway and Transportation Department for the biennial period ending June 30, 1991, provided for the abolishment of the Transportation Safety Agency and the Transportation Regulatory Board and provided for the transfer of their duties to the Arkansas Highway Commission. It is the purpose of this Act to reenact the provisions of Appropriation Act 959 of 1989, which relate to the abolishment of the Transportation Safety Agency and the Transportation Regulatory Board. It is also the purpose of this Act to clarify the provisions relating to the transfer of powers, duties and functions to Arkansas Highway Commission.

SECTION 2. On and after the effective date of this Act, the Transportation Safety Agency shall cease to exist, and all authority, rights, powers, duties, records, property, unexpended balances of appropriations, allocations or other funds, privileges and jurisdiction of the Transportation Safety Agency, now prescribed by Sections 1 and 2 of Act 572 of 1987 and other laws of this State, including, but not limited to, the regulation of transportation for compensation, safety of operation of public carriers, the highway safety program authorized by Act 161 of 1967 or Arkansas Code Annotated _27-73-101, et seq., certification and review of assessment for ad valorem taxation, and matters concerning rates, charges, and services of such carriers, are hereby expressly conferred upon the Arkansas State Highway and Transportation Department as fully as if so named in any law or laws of this State and are hereby transferred to said Department; all orders heretofore issued by the Transportation Safety Agency shall remain in full force and effect; all actions, proceedings and hearings of whatsoever nature, then or hereafter pending before the said Transportation Safety Agency shall be transferred to the Arkansas State Highway and Transportation Department in the

same manner and subject to the same incident and with the same results as though they had originated with the Arkansas State Highway and Transportation Department, and all orders, actions, proceedings and hearings of whatsoever nature then or hereafter pending in the name of the Transportation Safety Agency shall survive and be continued, heard and determined by and in the name of the Arkansas State Highway and Transportation Department; and no rights, privileges, immunities or appropriations made, given or granted to or on behalf of the Transportation Safety Agency shall lapse or be lost by reason of such change of agencies, but shall be conferred, transferred and imposed on the Arkansas State Highway and Transportation Department, and all furniture, fixtures, supplies, books, records, reports, equipment and funds derived from whatever source belonging to the Transportation Safety Agency shall be delivered to the Arkansas State Highway and Transportation Department and become its property. The Arkansas State Highway and Transportation Department is hereby authorized to expend monies from the State Highway Department Fund, as such funds may be appropriated to the Department, for the purposes of fulfilling the duties herein transferred to said Department. Wherever the words "Arkansas Transportation Commission" or "Transportation Safety Agency" are used in any provision of the Code, the Acts of Arkansas or any statute, directive, rule or regulation, they shall be hereafter held and taken to mean the Arkansas State Highway and Transportation Department.

SECTION 3. On and after the effective date of this Act, the Transportation Regulatory Board of the Transportation Safety Agency shall cease to exist and all regulatory functions, powers, and duties of the Transportation Regulatory Board of the Transportation Safety Agency now prescribed by Section 1 of Act 572 of 1987 and other laws of this State are hereby expressly conferred upon and transferred to the Arkansas State Highway Commission.

SECTION 4. Arkansas Code Annotated _27-14-501 is hereby amended to read as follows:

"27-14-501. Creation. An ex officio Commission, composed of the Director of the Department of Finance and Administration, who shall serve as chairman, the Chairman of the Arkansas State Highway Commission, and the Director of State Highways and Transportation, is established for the purpose of representing the State of Arkansas in the matter of making reciprocal agreements relating to the operation of motor vehicles."

SECTION 5. Arkansas Code Annotated __23-2-202, 23-2-203, 23-2-204, 23-2-205, and 23-2-206 are hereby specifically repealed. All other laws and parts of laws in conflict with this Act are also hereby repealed. Provided, nothing in this Act shall be construed to abrogate any of the provisions of Act 161 of 1967 or Arkansas Code Annotated _27-73-101, et seq.

SECTION 6. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 8. EMERGENCY. It is hereby found and determined by the General Assembly that the provisions of this Act are essential to the efficient administration of programs for the regulation of transportation and safety of

operation of public carriers, as well as other programs herein. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: June 23, 1989
