

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Wilson**

# A Bill

**ACT 435 OF 1995**  
**SENATE BILL 154**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 27-35-108 TO ESTABLISH  
9 GREATER SAFETY ON OUR HIGHWAYS AND TO ENHANCE LONGEVITY OF  
10 BOTH THE SURFACES AND SUBSTRUCTURES OF THE STREETS AND  
11 HIGHWAYS LOCATED WITHIN THE STATE OF ARKANSAS; AND FOR  
12 OTHER PURPOSES."

## Subtitle

15 "ESTABLISH GREATER SAFETY ON OUR  
16 HIGHWAYS AND ENHANCE LONGEVITY OF BOTH  
17 THE SURFACES AND SUBSTRUCTURES OF THE  
18 STREETS AND HIGHWAYS LOCATED WITHIN THE  
19 STATE OF ARKANSAS.

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code 27-35-108 is amended to read as follows:

24 "§ 27-35-108. Authority to weigh vehicles and require removal of excess  
25 loads.

26 (a) (1) Any police officer having reason to believe that the weight of a  
27 vehicle and load is unlawful is authorized to require the driver to stop and  
28 submit to a weighing, either by means of portable or stationary scales, and  
29 may require that the vehicle be driven to the nearest public scales in the  
30 event the scales are within two (2) miles.

31 (2) The provisions of this section shall not be applicable to  
32 vehicles owned and operated by the State of Arkansas or any city or county of  
33 this state.

34 (b) (1) Whenever an officer, upon weighing a vehicle and load as  
35 provided in subsection (a) of this section, determines that the weight is  
36 unlawful, the officer may require the driver to stop the vehicle in a suitable

1 place and remain standing until such portion of the load is removed as may be  
2 necessary to reduce the gross weight of the vehicle to the limit permitted  
3 under this chapter.

4 (2) All material so unloaded shall be cared for by the owner or  
5 operator of the vehicle at the risk of the owner or operator.

6 (c) Any driver of a vehicle who fails or refuses to stop and submit the  
7 vehicle and load to a weighing, or who fails or refuses when directed by an  
8 officer upon a weighing of the vehicle to stop the vehicle and otherwise  
9 comply with the provisions of this section, shall be guilty of a misdemeanor.

10 (d) It shall also be the duty of county sheriffs or any other state or  
11 local police officers to enforce, or to cooperate in enforcing, the weight  
12 limits specified in this chapter or authorized on any public way in this state  
13 and to prevent overloading of vehicles or other violations of the traffic laws  
14 upon the public highways within their respective jurisdictions."

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16 SECTION 2. All provisions of this act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 3. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

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26 SECTION 4. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

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APPROVED: 2-24-95

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