

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Committee on Public Transportation**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-13-203 (a) (9) TO INCLUDE
9 PRIVATE CARRIERS WITHIN THE DEFINITION OF THE TERM 'MOTOR
10 CARRIER' FOR THE PURPOSES OF REQUIRING SUCH PRIVATE
11 CARRIERS TO CONFORM TO PROVISIONS OF THE 'ARKANSAS MOTOR
12 CARRIER ACT, 1955' THUS REQUIRING SUCH CARRIERS TO BE
13 SUBJECT TO STANDARDS PRESCRIBED FOR SAFETY OF OPERATION
14 AND EQUIPMENT SO THAT ARKANSAS LAWS ARE COMPATIBLE WITH
15 FEDERAL MOTOR CARRIER SAFETY REGULATIONS, THUS INSURING
16 THE CONTINUED RECEIPT OF FEDERAL FUNDS WHICH ARE ESSENTIAL
17 TO ARKANSAS HIGHWAY SAFETY PROGRAMS; AND FOR OTHER
18 PURPOSES."

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

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22 SECTION 1. Subdivision (a) (9) of Arkansas Code 23-13-203 is hereby
23 amended to read as follows:

24 (9) "Motor carrier" includes a common carrier by motor vehicle, a
25 contract carrier by motor vehicle, a private carrier, and any person
26 performing for-hire transportation service without authority from the
27 Commission;"

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29 SECTION 2. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 3. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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5 hereby repealed.

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7 SECTION 5. Emergency. It is hereby found and determined by the
8 Seventy-Eighth General Assembly of the State of Arkansas that subdivision
9 (a) (9) of Arkansas Code 23-13-203 is incompatible with Federal Motor Carrier
10 Safety Regulations; that unless subdivision (a) (9) of Arkansas Code 23-13-203
11 is amended, the federal funds received by the State for highway safety
12 programs of this State will be in jeopardy; that such federal funds are
13 essential to the highway safety programs of this State, in particular federal
14 funds received by the State under the Motor Carrier Safety Assistance Program
15 (MCSAP) which funds are utilized in assisting the monitoring and enforcement
16 of the safety of trucks on this State's highways, roads, and streets; and that
17 in the event of an extension of the Regular Session, the delay in the
18 effective date of this act beyond July 1, 1991, could work irreparable harm
19 upon the proper administration and provision of this essential highway safety
20 program. Therefore, an emergency is hereby declared to exist and this act
21 being necessary for the preservation of the public peace, health, and safety
22 shall be in full force and effect from and after July 1, 1991.

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