

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dawson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-35-210 TO PROVIDE FOR
9 A SPECIAL HARVEST SEASON PERMIT FOR NATURAL RESOURCE
10 VEHICLES TRANSPORTING FARM AND FOREST PRODUCTS IN THEIR
11 NATURAL STATE UP TO EIGHTY-SIX THOUSAND SIX HUNDRED POUNDS
12 (86,600 lbs.) ON STATE MAINTAINED HIGHWAYS, EXCEPT THE
13 INTERSTATE SYSTEM; TO SET THE RATE FOR THE SPECIAL FEE AT
14 FIVE (\$5.00) DOLLARS PER YEAR; AND FOR OTHER PURPOSES."

15

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

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18 SECTION 1. Arkansas Code § 27-35-210 is hereby amended to read as
19 follows:

20 "27-35-210. Permits for special cargoes.

21 (a) (1) (A) Except as provided for in subdivision (a) (3), the State
22 Highway Commission, with respect to highways under their jurisdiction, and
23 local authorities, with respect to highways under their jurisdiction, may, in
24 their discretion and as provided in this section, upon receipt of application
25 made in person or by telephone, telegraph, or in writing and upon good cause
26 being shown therefor, issue a special permit in writing to applicants desiring
27 to transport cargoes of such nature that the cargo cannot readily be taken
28 apart, separated, dismembered, or otherwise reduced in size or weight.

29 (B) (i) The permit shall authorize the applicant to operate
30 or move a vehicle, or combination of vehicles, of a size or weight of vehicle
31 or load exceeding the maximum specified in this subchapter, or otherwise not
32 in conformity with the provisions of this subchapter, upon any highway under
33 the jurisdiction of the agency granting such permit and for the maintenance of
34 which the agency is responsible.

35 (ii) No vehicle, or combination of vehicles, with a

1 multi-unit or otherwise reducible overload may be issued a special permit as
2 provided in this section.

3 (iii) The State Highway Commission may delegate to
4 other state agencies the authority given in this section to issue special
5 permits.

6 (2) (A) It shall not be necessary to obtain a permit nor shall it
7 be unlawful to move any vehicle or machinery in excess of the maximum width
8 prescribed in 27-35-206 used for normal farm purposes only, such as, but not
9 limited to, hay harvesting equipment, plows, tractors, bulldozers, combines,
10 etc., where:

11 (i) It is hauled on a vehicle licensed as a natural
12 resources vehicle; or

13 (ii) The vehicle or machinery is being transported by
14 a farm machinery equipment dealer or repairman in making a delivery of new or
15 used equipment or machinery to the farm of the purchaser; or

16 (iii) The vehicle or machinery is being used in
17 making a pick up and delivery of such farm machinery or equipment from the
18 farm to a shop of a farm equipment dealer or repairman for repairs and return
19 to the farm; and

20 (iv) The movement is performed during daylight hours
21 within a radius of fifty (50) miles of the point of origin thereof and no part
22 of the movement is upon any highway designated and known as a part of the
23 national system of interstate and defense highways or any fully controlled
24 access highway facility.

25 (B) It shall not be unlawful nor shall it be necessary to
26 obtain a special permit to transport round bales of hay upon any public
27 highway or road that is not a fully controlled highway or road if the load
28 does not exceed twelve feet (12') in width.

29 (3) The State Highway Commission, with respect to highways under
30 their jurisdiction, and local authorities, with respect to highways under
31 their jurisdiction, shall, upon receipt of application made in person or by
32 telephone, telegraph, or in writing, issue a special annual harvest season
33 permit in writing to applicants operating vehicles classified as natural
34 resources vehicles under Arkansas Code § 27-14-601(a) (3) (H) and desiring to
35 transport cargoes of farm and forest products in their natural state. The

1 permit shall be issued within forty-eight (48) hours of application and
2 payment of fee for transportation of farm and forest products in their natural
3 state on any state maintained highway except the interstate system. Vehicles
4 issued the special harvest season permit shall be allowed to transport a total
5 gross weight of eighty-six thousand six hundred pounds (86,600 lbs.) for any
6 vehicle or combination of vehicles provided, the total gross weight of any
7 single axle shall not exceed twenty-two thousand pounds (22,000 lbs.) and the
8 total gross weight of any tandem axle shall not exceed thirty-seven thousand
9 pounds (37,000 lbs.). Under the same special harvest season permit, vehicles
10 are authorized to transport farm and forest products in their natural state on
11 the interstate system for a total gross weight of eighty-three thousand four
12 hundred pounds (83,400 lbs.) for any vehicle or combination of vehicles
13 provided, the total gross weight for any single axle shall not exceed twenty
14 thousand pounds (20,000 lbs.), and the total gross weight for any tandem axle
15 shall not exceed thirty-five thousand two hundred pounds (35,200 lbs.).
16 Subsections (b), (c), and (d) of this section shall not apply to the special
17 harvest season permits.

18 (b) (1) (A) No application shall include nor shall any permit be issued
19 for more than a single continuous movement or operation by one (1) vehicle.

20 (B) An application may include a request for, and a permit
21 may be issued for, two (2) or more consecutive movements or operations by a
22 vehicle, all of which shall be executed or performed within six (6)
23 consecutive days and which must be limited to one (1) county within the state.

24 (2) (A) Upon application and the payment of an annual fee of one
25 hundred dollars (\$100), the Director of State Highways and Transportation
26 shall issue a special permit for the movement of a crane exceeding the length
27 as provided in 27-35-208, moved on pneumatic tires within a radius of thirty-
28 five (35) miles of a point of origin of such movement, for a period of one (1)
29 year from the date of the issuance of the permit.

30 (B) These permits may contain limitations on speed of
31 operation and routes of operation as the director may deem necessary for
32 safety to the traveling public.

33 (3) The permits authorized by this subsection for the overlength
34 vehicle or vehicles shall not affect the other requirements of this section
35 that special permits be obtained for vehicles exceeding other maximum size and

1 weight limitations imposed by law.

2 (c) The application for any permit shall specifically describe:

3 (1) The vehicle and load to be operated or moved;

4 (2) The origination and destination of the vehicle and load;

5 (3) The approximate dates within which the operation or movement
6 is to be completed; and

7 (4) The particular highways for which a permit to operate is
8 requested.

9 (d) Any agency authorized in this section to issue such special permits
10 is authorized:

11 (1) To issue or withhold such permit at its sole discretion, but
12 its action in withholding a permit must be based upon the condition and state
13 of repair of the highway involved, the ability of the highways to carry the
14 overweight or oversize vehicle, or upon danger to the traveling public from
15 the standpoint of safety;

16 (2) To establish seasonal or other time limitations within which
17 the vehicles described may be operated on the highways indicated;

18 (3) To otherwise limit or prescribe conditions of operation of
19 such vehicles when necessary to assure against damage to the road foundation,
20 surfaces, or structures; and

21 (4) To require such bond or other security as may be deemed
22 necessary by the agency to compensate for any injury to any roadway or road
23 structure arising out of the operation under such permit.

24 (e)(1) Except as provided for in subdivision (e)(2) of this section for
25 the special harvest season permit, a charge of five dollars (\$5.00) shall be
26 made for each special permit. In addition, for each ton or major fraction
27 thereof to be hauled in excess of fifty-six thousand pounds (56,000 lbs.),
28 excluding the front axle, charges shall be made for such as follows:

	On First 5	On Next 5	On Any
	Tons, Per	Tons, Per	Ton
31 Additional		Ton or	or Fraction
32 Tonnage,		Fraction	Thereof
33 Per Ton or		Thereof	
34 Fraction			
35 Thereof	Mileage to Be Traveled Is:		

1	Not more than 100 miles	\$1.00	\$2.00	\$3.00
2	101 miles to 150 miles, inclusive	1.50	2.75	4.00
3	151 miles to 200 miles, inclusive	2.00	3.50	5.00
4	201 miles to 250 miles, inclusive	2.50	4.25	6.00
5	Over 251 miles.....	3.00	5.00	7.00

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7 (2) A once annual fee of five dollars (\$5.00) shall be collected
8 for each harvest year for the issuance of the special harvest season permit.

9 (f) (1) Each permit shall be carried in the vehicle to which it refers
10 and shall be open to inspection by any police officer or authorized agent of
11 any authority granting the permit.

12 (2) No person shall violate any of the terms or conditions of the
13 special permit.

14 (g) It shall be the duty of the respective agencies authorized in this
15 section:

16 (1) To issue the permits provided for in this section;

17 (2) To collect the fees therefor at the time of the issuance of
18 the permits, except that any applicant may furnish a corporate surety bond
19 guaranteeing the payment of fees for such permits as may be issued during any
20 period of time, in accordance with the rules and regulations promulgated by
21 the issuing agency; and

22 (3) To transmit the fees to the Treasurer of State to be credited
23 to the State Highway and Transportation Department Fund.

24 (h) No fee shall be charged to any federal, state, county, or municipal
25 governmental agency for any permit issued under the provisions of this section
26 when the vehicle involved is public property and the proposed movement is on
27 official business."

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29 SECTION 2. All provisions of this act of general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provisions of this act or the application thereof to
34 any person or circumstance is held invalid, the invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provisions or application, and to this end the provisions of this
2 act are declared to be severable.

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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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