

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

# A Bill

**SENATE BILL**

4 **By: Committee on Public Transportation**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 23-13-206(a)(3) TO REQUIRE  
9 MOTOR VEHICLES EMPLOYED IN THE HAULING OF GRAVEL, ROCK,  
10 DIRT, BITUMINOUS MIX MATERIALS, RIP-RAP, QUARRIED STONE,  
11 CRUSHED STONE, AND SIMILAR MATERIALS, AND WRECKERS AND  
12 WRECKER SERVICES, WHICH ARE CURRENTLY EXEMPT FROM THE  
13 'ARKANSAS MOTOR CARRIER ACT, 1955', TO BE SUBJECT TO THE  
14 PROVISIONS OF THAT ACT WITH RESPECT TO THEIR SAFETY OF  
15 OPERATION AND THEIR EQUIPMENT STANDARDS SO THAT ARKANSAS  
16 LAWS ARE COMPATIBLE WITH FEDERAL MOTOR CARRIER SAFETY  
17 REGULATIONS, THUS INSURING THE CONTINUED RECEIPT OF  
18 FEDERAL FUNDS WHICH ARE ESSENTIAL TO ARKANSAS HIGHWAY  
19 SAFETY PROGRAMS; AND FOR OTHER PURPOSES."

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

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23 SECTION 1. Subdivision (a)(3) of Arkansas Code 23-13-206 is hereby  
24 amended to read as follows:

25 "(3) Any private carrier of property and motor vehicles employed in  
26 the hauling of gravel, rock, dirt, bituminous mix materials, rip-rap, quarried  
27 stone, crushed stone, and similar materials, and wreckers and wrecker  
28 services, provided, all of the above private carriers, motor vehicles and  
29 wrecker and wrecker services shall be subject to the provisions prescribed,  
30 including all regulations made and promulgated pursuant to the 'Arkansas Motor  
31 Carrier Act, 1955', with respect to safety of operation and equipment  
32 standards."

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34 SECTION 2. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of this act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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5 SECTION 3. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.

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

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12 SECTION 5. Emergency. It is hereby found and determined by the  
13 Seventy-Eighth General Assembly of the State of Arkansas that subdivision  
14 (a) (3) of Arkansas Code 23-13-206 is incompatible with Federal Motor Carrier  
15 Safety Regulations; that unless subdivision (a) (3) of Arkansas Code 23-13-206  
16 is amended, the federal funds received by the State for highway safety  
17 programs of this State will be in jeopardy; that such federal funds are  
18 essential to the highway safety programs of this State, in particular federal  
19 funds received by the State under the Motor Carrier Safety Assistance Program  
20 (MCSAP) which funds are utilized in assisting the monitoring and enforcement  
21 of the safety of trucks on this State's highways, roads, and streets; and that  
22 in the event of an extension of the Regular Session, the delay in the  
23 effective date of this act beyond July 1, 1991, could work irreparable harm  
24 upon the proper administration and provision of this essential highway safety  
25 program. Therefore, an emergency is hereby declared to exist and this act  
26 being necessary for the preservation of the public peace, health, and safety  
27 shall be in full force and effect from and after July 1, 1991.

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