

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

A Bill

SENATE BILL 81

4 **By: Committee on Public Transportation**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 27-2-103 TO REQUIRE THAT
9 PERSONS DIRECTLY ENGAGED IN THE APPLICATION OF PESTICIDES
10 OR RODENTICIDES ON BEHALF OF RESIDENTIAL, COMMERCIAL,
11 INDUSTRIAL, AND AGRICULTURAL CUSTOMERS UNDER A LICENSE FOR
12 SUCH ACTIVITY ISSUED BY THE STATE PLANT BOARD, WHICH ARE
13 CURRENTLY EXEMPT FROM REGULATION BY THE 'HAZARDOUS
14 MATERIALS TRANSPORTATION ACT OF 1977,' BE EXEMPTED ONLY IF
15 SUCH ACTIVITY IS LIMITED TO INTRASTATE TRANSPORTATION SO
16 THAT ARKANSAS LAWS ARE COMPATIBLE WITH FEDERAL MOTOR
17 CARRIER SAFETY REGULATIONS, THUS INSURING THE CONTINUED
18 RECEIPT OF FEDERAL FUNDS WHICH ARE ESSENTIAL TO ARKANSAS
19 HIGHWAY 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. Arkansas Code 27-2-103 is hereby amended to read as follows:

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25 "27-2-103. Prohibited acts - Exceptions.

26 (a) It shall be unlawful for any person to knowingly:

27 (1) Transport, or cause to be transported, within this state
28 hazardous material in an immediate container which does not bear a label which
29 provides an adequate warning;

30 (2) Transport, or cause to be transported, within this state
31 hazardous material in an immediate container without carrying adequate
32 emergency equipment;

33 (3) Transport, or cause to be transported, within this state a
34 hazardous material in a container other than an adequate immediate container;

35 (4) Fail to utilize adequate emergency equipment promptly and

1 properly, to the extent possible without serious risk of personal injury, to
2 deal with the escape of a hazardous material from its immediate container when
3 the person is the operator of the transporting equipment;

4 (5) Fail to notify the Arkansas State Police, as promptly as
5 reasonably possible, of the escape of a hazardous material from its immediate
6 container when the person is the carrier or is the operator of the
7 transporting equipment;

8 (6) *Violate any regulation promulgated by the Arkansas State*
9 *Highway Commission pursuant to this chapter.*

10 (b) The provisions of subdivisions (a) (1), (a) (2), (a) (3), and (a) (4)
11 shall not apply to persons while operating farm vehicles with less than ten
12 thousand pounds (10,000 lbs.) gross vehicle weight where such vehicles are
13 used in the distribution or application of hazardous materials in immediate
14 intrastate farming operations.

15 (c) The provisions of subdivision (a) (5) shall not apply to persons
16 while operating farm vehicles of whatever size upon agricultural land owned,
17 leased, or rented by the person or their employers.

18 (d) The provisions of subsection (a) shall not apply to persons
19 directly engaged in the application of pesticides or rodenticides on behalf of
20 residential, commercial, industrial, and agricultural customers under a
21 license for such activity issued by the State Plant Board, provided, such
22 activity is limited to the transportation of such pesticides or rodenticides
23 by a wholly intrastate carrier."

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

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

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35 SECTION 4. All laws and parts of laws in conflict with this act are

