

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/14/03

A Bill

HOUSE BILL 2401

5 By: Representative Rosenbaum
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For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE § 23-13-253 AND §
10 23-13-254, CONCERNING THE DUTY OF A MOTOR CARRIER
11 ENGAGED IN INTERSTATE OR INTRASTATE COMMERCE TO
12 FILE AN ANNUAL REPORT AND TO REPEAL THE PENALTIES
13 FOR FAILING TO FILE THE REPORT OR FILING FALSE
14 REPORTS; AND FOR OTHER PURPOSES.

Subtitle

16 TO REPEAL ARKANSAS LAWS CONCERNING THE
17 DUTY OF A MOTOR CARRIER TO FILE AN
18 ANNUAL REPORT AND TO REPEAL THE
19 PENALTIES FOR FAILING TO FILE THE REPORT
20 OR FILING FALSE REPORTS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 23-13-253 is repealed.

27 ~~23-13-253. Reports.~~

28 ~~(a) It shall be the duty of each motor carrier or broker holding~~
29 ~~authority under this subchapter to prepare and transmit to the Arkansas~~
30 ~~Transportation Commission [abolished] an annual report on or before March 31~~
31 ~~of each year covering the next preceding calendar year ended December 31.~~

32 ~~(b) The report required by this section shall be in such form and~~
33 ~~contain such information as required by the commission which shall conform as~~
34 ~~nearly as may be consistent with the public interest to the forms prescribed~~
35 ~~by the Interstate Commerce Commission [abolished] to be rendered by motor~~
36 ~~carriers engaged in interstate or foreign commerce.~~



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2 SECTION 2. Arkansas Code § 23-13-254 is repealed.

3 ~~23-13-254. Failure to make reports—Filing false reports, accounts,~~
4 ~~records, etc.~~

5 ~~Any motor carrier or broker, or any officer, agent, employee, or~~
6 ~~representative thereof, who shall willfully fail or refuse to make a report~~
7 ~~to the Arkansas Transportation Commission [abolished] as required by this~~
8 ~~subchapter or shall knowingly and willfully file any false report, account,~~
9 ~~record, or memorandum shall be deemed guilty of a misdemeanor and upon~~
10 ~~conviction shall be subject for each offense to a fine of not less than one~~
11 ~~hundred dollars (\$100) and not more than five hundred dollars (\$500).~~

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13 SECTION 3. Arkansas Code § 23-13-262 is amended to read as follows:

14 23-13-262. Actions to recover penalties.

15 (a) An action to recover a penalty under §§ 23-13-234, ~~23-13-254~~, and
16 23-13-257 - 23-13-264 or to enforce the powers of the Arkansas Transportation
17 Commission [abolished] under this subchapter or any other law may be brought
18 in any circuit court in this state in the name of the State of Arkansas, on
19 relation to the commission, and shall be commenced and prosecuted to final
20 judgment by the counsel to the commission.

21 (b) In any such action, all penalties incurred up to the time of
22 commencing the action may be sued for and recovered therein.

23 (c) The commencement of an action to recover a penalty shall not be,
24 or be held to be, a waiver of the right to recover any other penalty.

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26 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that requiring a motor carrier or
28 broker to report annually to the Arkansas Highway Commission creates an
29 unjustified burden on the motor carrier or broker operating in the State of
30 Arkansas; that other provisions of Arkansas law require a motor carrier or
31 broker to report annually to other authorities; and that this act is
32 immediately necessary because these dual reporting requirements are
33 duplicative and need to be eliminated to reduce the duplication of government
34 efforts. Therefore, an emergency is declared to exist and this act being
35 immediately necessary for the preservation of the public peace, health and
36 safety shall become effective on:

- 1 (1) The date of its approval by the Governor;
- 2 (2) If the bill is neither approved nor vetoed by the Governor, the
- 3 expiration of the period of time during which the Governor may veto the bill;
- 4 or
- 5 (3) If the bill is vetoed by the Governor and the veto is overridden,
- 6 the date the last house overrides the veto.

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/s/ Rosenbaum

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