

Act 756 of the 1989 Regular Session.

Act 756

HB1722

By: Representatives Balton, Baker and Wagner

"AN ACT TO REQUIRE THE POSTING OF FLAGMEN OR THE POSTING OF ADVISORY SIGNS AND THE NOTIFYING OF THE COUNTY SHERIFF'S OFFICE WHEN SMOKE FROM A FIRE OBSTRUCTS A STATE OR FEDERAL HIGHWAY; TO MAKE COMPLIANCE OR NONCOMPLIANCE WITH THE ACT ADMISSIBLE IN ANY PROCEEDING TO DETERMINE A PERSON'S LIABILITY FOR DAMAGES; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) Any person owning or controlling croplands, rangelands, grasslands, pastures or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands so as to cause smoke to obstruct those adjacent roads and highways shall post flagmen or shall post advisory signs along those roads and highways to warn the drivers of all motor vehicles of the obstructing smoke. The flagmen shall be stationed in plain view along the roads and highways which are obstructed by the smoke and shall carry a flag, flare, flashlight, or other warning device to warn motorists of the danger of the obstructing smoke. The advisory signs shall be posted along both sides of the highway in plain view and shall state "Smoke Ahead" to warn motorists of the danger of obstructing smoke.

(b) Further, any person owning or controlling croplands, rangelands, grasslands, pastures or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands shall notify the sheriff's office of the county where the lands are located that a fire is to be set, the approximate time the fire is to be started, and the location of those lands to be burned.

SECTION 2. In any cause of action for damages resulting from any obstructing smoke along a state or federal highway against any person who owns or controls lands which are burned, a person's compliance or noncompliance with this act shall be admissible in the proceeding.

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

SECTION 4. The provisions of this act shall be supplemental to any other laws now in effect relating to the burning of croplands, rangelands, grasslands, pastures, or stubble lands, and shall not repeal or modify such laws.

APPROVED: March 21, 1989

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