

As Engrossed: 1/23/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative B. G. Hendrix**

A BILL ACT 297 OF 1991
HOUSE BILL 1158

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-13-255 TO PROVIDE THE
9 ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
10 ACCESS TO ALL LANDS, BUILDINGS, OR EQUIPMENT OF PRIVATE
11 CARRIERS USED IN CONNECTION WITH THEIR OPERATION AND ALSO
12 TO ALL PERTINENT ACCOUNTS, RECORDS, DOCUMENTS, AND
13 MEMORANDA KEPT OR REQUIRED TO BE KEPT BY PRIVATE CARRIERS
14 SO THAT ARKANSAS LAWS ARE COMPATIBLE WITH FEDERAL MOTOR
15 CARRIER SAFETY REGULATIONS, THUS INSURING THE CONTINUED
16 RECEIPT OF FEDERAL FUNDS WHICH ARE ESSENTIAL TO ARKANSAS
17 HIGHWAY SAFETY PROGRAMS; AND FOR OTHER PURPOSES."

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

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21 SECTION 1. Arkansas Code 23-13-255 is hereby amended to read as
22 follows:

23 "23-13-255. Access to property, equipment, and records.

24 The Arkansas State Highway and Transportation Department or its duly
25 authorized agents shall, at all times, have access to all lands, buildings, or
26 equipment of motor carriers and private carriers used in connection with their
27 operation and also to all pertinent accounts, records, documents, and
28 memoranda kept or required to be kept by motor carriers and private carriers."

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30 SECTION 2. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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36 SECTION 3. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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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5 hereby repealed.

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7 SECTION 5. Emergency. It is hereby found and determined by the
8 Seventy-Eighth General Assembly of the State of Arkansas that Arkansas Code
9 23-13-255 is incompatible with Federal Motor Carrier Safety Regulations; that
10 unless Arkansas Code 23-13-255 is amended, the federal funds received by the
11 State for highway safety programs of this State will be in jeopardy; that such
12 federal funds are essential to the highway safety programs of this State, in
13 particular federal funds received by the State under the Motor Carrier Safety
14 Assistance Program (MCSAP) which funds are utilized in assisting the
15 monitoring and enforcement of the safety of trucks on this State's highways,
16 roads, and streets; and that in the event of an extension of the Regular
17 Session, the delay in the effective date of this act beyond July 1, 1991,
18 could work irreparable harm upon the proper administration and provision of
19 this essential highway safety program. Therefore, an emergency is hereby
20 declared to exist and this act being necessary for the preservation of the
21 public peace, health, and safety shall be in full force and effect from and
22 after July 1, 1991.

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/s/B. G. Hendrix

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APPROVED: 3-1-91

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