

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.

Act 2147 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S3/16/05 H4/7/05

**A Bill**

SENATE BILL 1039

5 By: Senator Bryles  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO PROVIDE FOR THE ENFORCEMENT OF LAWS  
10 REGULATING JUNKYARDS THAT ARE VISIBLE FROM THE  
11 MAIN-TRAVELED WAY OF ANY INTERSTATE OR PRIMARY  
12 STATE HIGHWAY; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 TO PROVIDE FOR THE ENFORCEMENT OF LAWS  
15 REGULATING JUNKYARDS THAT ARE VISIBLE  
16 FROM THE MAIN-TRAVELED WAY OF ANY  
17 INTERSTATE OR PRIMARY STATE HIGHWAY.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 27-74-402 is amended to read as follows:  
24 27-74-402. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 (1) "Junk" means old or scrap copper, brass, rope, rags,  
27 batteries, paper, trash, rubber debris, and waste, or junked, dismantled, or  
28 wrecked automobiles, or parts thereof, or iron, steel, and other old or scrap  
29 ferrous or nonferrous materials;

30 (2) "Automobile graveyard" means any establishment or place of  
31 business which is maintained, used, or operated for storing, keeping, buying,  
32 or selling, of five (5) ~~of~~ or more wrecked, scrapped, ruined, or dismantled  
33 *motor vehicles; and*

34 (3) "Junkyard" means an establishment or place of business which  
35 is maintained, used, or operated for storing, keeping, buying, or selling



1 junk, or for the maintenance or operation of an automobile graveyard. The  
2 term shall also include garbage dumps and sanitary *fills*.

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4 SECTION 2. Arkansas Code § 27-74-404 is amended to read as follows:  
5 27-74-404. Enforcement.

6 (a) The General Assembly finds and declares that junkyards and  
7 automobile graveyards which do not conform to the requirements of this  
8 subchapter are public nuisances.

9 (b) ~~Therefore, the right is conferred upon the commission to enforce~~  
10 ~~the~~ The provisions of this subchapter may be enforced by means of restraining  
11 order, mandatory injunction, or other appropriate remedy for the abatement of  
12 these public nuisances by:

13 (1) The State Highway Commission; or

14 (2) The circuit court of the county in which all or part of a  
15 junkyard or automobile graveyard is situated upon application by a city or  
16 county.

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18 SECTION 3. Arkansas Code § 27-74-407 is amended to read as follows:  
19 27-74-407. Screening and removal - Compensation.

20 (a) ~~(1) The commission is authorized and empowered to require the~~ The  
21 screening of any junkyard by natural objects, plantings, fences, or other  
22 appropriate means, so as not to be visible from the main-traveled way of any  
23 interstate or primary state highway may be required by:

24 (A) The State Highway Commission; or

25 (B) The circuit court of the county in which all or part  
26 of a junkyard or automobile graveyard is situated upon application by a city  
27 or county.

28 ~~(2) The commission is also authorized and empowered to require~~  
29 ~~the~~ The removal from sight of any junkyard not so screened which is so  
30 visible from the main-traveled way of the interstate or primary state highway  
31 may be required by:

32 (A) The commission; or

33 (B) The circuit court of the county in which all or part  
34 of a junkyard or automobile graveyard is situated upon application by a city  
35 or county.

36 (b) When the commission determines that the topography of the land

1 will not permit adequate screening or that the screening would not be  
2 economically feasible, then just compensation shall be paid for the  
3 relocation, removal, or disposal of the following junkyards:

4 (1) Those lawfully in existence on October 22, 1965;

5 (2) Those lawfully along any highway in this state made a part  
6 of the state highway system on or after October 22, 1965, and before June 29,  
7 1967; and

8 (3) Those lawfully established on or after June 29, 1967.

9 (c) *The commission is given the option of relocation, removal, or*  
10 *disposal of affected junkyards and the commission is also authorized to make*  
11 *such payments when in the best interests of the state.*

12 (d) No compensation shall be paid for the relocation, removal, or  
13 disposal of any junkyards except those enumerated in this section.

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15 SECTION 4. Arkansas Code Title 27, Chapter 74, Subchapter 4 is amended  
16 to add an additional section to read as follows:

17 27-74-409. Grants.

18 (a) There is created the "Highway Clean-up Grant Program" to be  
19 administered by the State Highway Commission.

20 (b) The Highway Clean-up Grant Program shall provide grants to cities  
21 and counties to assist local law enforcement, county prosecuting attorneys,  
22 and city attorneys with the enforcement of this section.

23 (c)(1) The commission shall promulgate the rules necessary for the  
24 implementation of the Highway Clean-up Grant Program.

25 (2) The rules shall include:

26 (A) The procedure for making an application for a grant;

27 (B) The selection criteria for a grant;

28 (C) The limitations on use of grant money; and

29 (D) A procedure to provide for accountability of grant  
30 recipients and the monitoring of expenditures by grant recipients.

31 (d) This section shall be contingent on the appropriation and  
32 availability of funding for the Highway Clean-up Grant Program.

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34 /s/ Bryles  
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*APPROVED: 4/13/2005*