

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/16/11

A Bill

SENATE BILL 255

5 By: Senators Madison, D. Johnson
6 By: Representatives Williams, J. Edwards
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 27 OF THE
10 ARKANSAS CODE OF 1987 CONCERNING TRANSPORTATION; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO MAKE VARIOUS CORRECTIONS TO
16 TITLE 27 OF THE ARKANSAS CODE OF 1987
17 CONCERNING TRANSPORTATION.
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19

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

22 SECTION 1. Arkansas Code § 27-49-212 is amended to remove a definition
23 not used in the chapter and to reletter the subsections:

24 27-49-212. Roadways.

25 ~~(a) "Street or highway" means the entire width between property lines~~
26 ~~of every way or place of whatever nature when any part thereof is open to the~~
27 ~~use of the public, as a matter of right, for purposes of vehicular traffic.~~

28 ~~(b) "Private road or driveway" means every way or place in private~~
29 ~~ownership and used for vehicular travel by the owner and those having express~~
30 ~~or implied permission from the owner but not by other persons.~~

31 ~~(c) "Roadway" means that portion of a highway improved, designed, or~~
32 ~~ordinarily used for vehicular travel.~~

33 ~~(d) "Sidewalk" means that portion of a street between the curb lines,~~
34 ~~or the lateral lines of a roadway, and the adjacent property lines intended~~
35 ~~for the use of pedestrians.~~

36 ~~(e) "Laned roadway" means a roadway which is divided into two (2) or~~



1 ~~more clearly marked lanes for vehicular traffic.~~

2 ~~(f) "Through highway" means every highway or portion thereof at the~~
3 ~~entrances to which vehicular traffic from intersecting highways is required~~
4 ~~by law to stop before entering or crossing it and when stop signs are erected~~
5 ~~as provided in this act.~~

6 (a) "Private road or driveway" means every way or place in private
7 ownership and used for vehicular travel by the owner and those having express
8 or implied permission from the owner but not by other persons.

9 (b) "Roadway" means that portion of a highway improved, designed, or
10 ordinarily used for vehicular travel.

11 (c) "Sidewalk" means that portion of a street between the curb lines,
12 or the lateral lines of a roadway, and the adjacent property lines intended
13 for the use of pedestrians.

14 (d) "Street or highway" means the entire width between property lines
15 of every way or place of whatever nature when any part thereof is open to the
16 use of the public, as a matter of right, for purposes of vehicular traffic.

17 (e) "Through highway" means every highway or portion thereof at the
18 entrances to which vehicular traffic from intersecting highways is required
19 by law to stop before entering or crossing it and when stop signs are erected
20 as provided in this act.

21
22 SECTION 2. Arkansas Code § 27-49-214 is amended to remove a definition
23 not used in the chapter:

24 27-49-214. Tires.

25 (a) "Pneumatic tire" means every tire in which compressed air is
26 designed to support the load.

27 ~~(b) "Solid tire" means tire of rubber or other resilient material~~
28 ~~which does not depend upon compressed air for the support of the load.~~

29 ~~(c)~~(b) "Metal tire" means every tire the surface of which in contact
30 with the highway that is wholly or partly of metal or other hard nonresilient
31 material.

32
33 SECTION 3. Arkansas Code § 27-49-215(c), concerning motor vehicular
34 traffic, is repealed since the defined phrase does not appear in the chapter:

35 ~~(c) "Road tractor" means every motor vehicle designed and used for~~
36 ~~drawing other vehicles and not constructed to carry any load thereon either~~

1 ~~independently or any part of the weight of a vehicle or load so drawn.~~

2
3 SECTION 4. Arkansas Code § 27-49-219(d)(1)(A), concerning motor
4 vehicular traffic, is amended to read as follows to supply a missing word:

5 (d)(1) "Authorized emergency vehicle" means authorized emergency
6 vehicles, which shall include:

7 (A) Motor vehicles used by state, county, or city and
8 municipal police agencies, all of which shall be equipped with:

- 9 (i) Blue lights; or
- 10 (ii) Blue, red, or white rotating or flashing
11 emergency lights;

12
13 SECTION 5. Arkansas Code § 27-50-505(a), concerning penalties and
14 enforcement of motor vehicular traffic, is amended to remove no longer
15 current language:

16 (a) As used in this section, unless the context otherwise requires,¹

17 ~~(1) "Automobile rental agency" means any person, group of~~
18 ~~persons, partnership, or corporation which owns one (1) or more automobiles~~
19 ~~and rents or leases one (1) or more for a monetary consideration; and~~

20 ~~(2) "Police "police authority" means any municipal, county, or~~
21 ~~state police enforcement agency.~~

22
23 SECTION 6. Arkansas Code § 27-50-910 is amended to correct a
24 reference:

25 27-50-910. Disposition of funds.

26 Moneys collected under the provisions of this subchapter shall be
27 special revenues and deposited ~~in~~ into the State Treasury to the credit of
28 the State Highway and Transportation Department Fund for distribution as
29 provided in the ~~Highway Distribution Law~~ Arkansas Highway Revenue
30 Distribution Law, § 27-70-201 et seq. of this state.

31
32 SECTION 7. Arkansas Code § 27-50-1201 is amended to change a reference
33 to conform to current federal law:

34 27-50-1201. Applicability.

35 (a) The provisions of this subchapter shall apply to any person, firm,
36 organization, or other entity engaged in the towing or storage of vehicles in

1 the State of Arkansas.

2 (b) The provisions of this subchapter shall not apply to the following
3 tow vehicles and related equipment:

4 (1) Car carriers capable of carrying five (5) or more vehicles
5 ~~and which~~ that have federal Interstate Commerce Commission Federal Motor
6 Carrier Safety Administration authority:

7 (2) Tow vehicles owned by a governmental entity and not used for
8 commercial purposes; and

9 (3) Tow vehicles that are registered in another state, operating
10 ~~under federal Interstate Commerce Commission Federal Motor Carrier Safety~~
11 Administration authority and ~~which~~ that do not regularly do business or
12 solicit business in the State of Arkansas. However, any tow vehicle for
13 which this exemption is claimed must be in compliance with § 27-35-112.
14

15 SECTION 8. Arkansas Code § 27-50-1203(f), concerning the removal of
16 unattended or abandoned vehicles, is amended to clarify language concerning a
17 penalty:

18 (f)(1) The board shall have the authority to levy applicable towing
19 business license fees not to exceed one hundred dollars (\$100) per license,
20 and the board shall have the authority to levy an applicable tow vehicle
21 safety permit fee not to exceed fifty dollars (\$50.00) per tow vehicle safety
22 permit.

23 (2) Furthermore, the board shall also have the authority to
24 impose late filing fees in addition to the original filing fees in an amount
25 not to exceed the original amount of the license fee or safety permit fee.
26

27 SECTION 9. Arkansas Code § 27-51-215 concerned action to be taken by
28 the State Highway Commission by September 15, 2008. Since that date has
29 passed, the section is repealed.

30 ~~27-51-215. Arkansas Primary Highway Network study.~~

31 ~~(a) The State Highway Commission shall conduct a study of the Arkansas~~
32 ~~Primary Highway Network to determine whether the minimum speed limits and~~
33 ~~maximum speed limits of the network can be raised in any locations on the~~
34 ~~network based on the engineering analysis, traffic analysis, and other~~
35 ~~analysis of characteristics of each location.~~

36 ~~(b)(1) The study shall include an impact analysis of raising the~~

1 ~~minimum speed limits and maximum speed limits in regard to:~~

2 ~~(A) Pleasure vehicles licensed under § 27-14-601 or~~
3 ~~similarly licensed vehicles from other states;~~

4 ~~(B) Trucks with a gross loaded weight of twenty thousand~~
5 ~~pounds (20,000 lbs.) or less; and~~

6 ~~(C) Trucks with a gross loaded weight of more than twenty~~
7 ~~thousand pounds (20,000 lbs.).~~

8 ~~(2) The impact analysis shall take into consideration the costs~~
9 ~~and benefits to the citizens of this state, the costs and benefits to the~~
10 ~~trucking industry, the costs and benefits to the insurance industry, and an~~
11 ~~explanation of any other costs and benefits that can be ascertained based on~~
12 ~~the available data.~~

13 ~~(c) The study shall also include:~~

14 ~~(1) Findings related to the minimum speed limits and maximum~~
15 ~~speed limits on two-lane highways and four-lane highways in the Arkansas~~
16 ~~Primary Highway Network; and~~

17 ~~(2) Recommendations as to which, if any, vehicles should be~~
18 ~~exempt from any proposed speed limit changes.~~

19 ~~(d) Upon completion of the study, the commission shall increase the~~
20 ~~speed limit on any two-lane highway or four-lane highway to sixty-five miles~~
21 ~~per hour (65 m.p.h.) if the findings of the study support the increase on a~~
22 ~~particular two-lane highway or four-lane highway.~~

23 ~~(e) The commission shall prepare its findings and recommendations in a~~
24 ~~written report and present the report to the Legislative Council on or before~~
25 ~~September 15, 2008.~~

26
27 SECTION 10. Arkansas Code § 27-51-1403 contains obsolete language and
28 is repealed.

29 ~~27-51-1403. Driving on mountain highways.~~

30 ~~The driver of a motor vehicle traveling through defiles or canyons or~~
31 ~~on mountain highways shall hold the motor vehicle under control and as near~~
32 ~~the right-hand edge of the highway as reasonably possible and, upon~~
33 ~~approaching any curve where the view is obstructed within a distance of two~~
34 ~~hundred feet (200') along the highway, shall give audible warning with the~~
35 ~~horn of the motor vehicle.~~

36 SECTION 11. Arkansas Code § 27-72-320(b)(1), concerning highway

1 revenue for local aid, is amended to clarify a reference:

2 (b)(1) The full amount of all advance transfers made during any fiscal
3 year under subsection (a) of this section shall be repaid during the same
4 fiscal year by transferring moneys in equal payments to the County Road
5 Construction and Maintenance Revolving Fund from moneys designated as county
6 highway aid funds for each respective county receiving advance transfers.
7 Should any condition of circumstance arise wherein the unencumbered cash
8 balance in each respective county highway aid fund account maintained by the
9 Treasurer of State at the end of the fiscal year is insufficient to repay the
10 full amount of the balance owing the County Road Construction and Maintenance
11 Revolving Fund, then the entire unencumbered cash balance in each respective
12 county highway fund account shall be transferred to the County Road
13 Construction and Maintenance Revolving Fund. The balance of any amounts then
14 owing the County Road Construction and Maintenance Revolving Fund by a
15 respective county shall be repaid from the first moneys thereafter credited
16 to that county as county highway aid funds from the State Apportionment Fund.
17 There shall be no exception to this mandate.

18

19 SECTION 12. Arkansas Code § 27-72-321(b)(1), concerning state aid for
20 roads, is amended to clarify a reference:

21 (b)(1) The full amount of all advance transfers authorized under
22 subsection (a) of this section shall be repaid to the County Road
23 Construction and Maintenance Revolving Fund in equal monthly installments
24 from highway revenue moneys designated as county aid funds from the State
25 Apportionment Fund for each of the respective counties receiving advance
26 transfers.

27

28 SECTION 13. Arkansas Code § 27-116-401 is amended to correct a
29 reference error:

30 27-116-401. Administration.

31 The provisions of this subchapter shall be administered by the ~~Arkansas~~
32 ~~Aeronautics Commission through the~~ Arkansas Department of Aeronautics,
33 ~~hereafter referred to as the "department".~~

34

35 SECTION 14. DO NOT CODIFY. The enactment and adoption of this act
36 shall not repeal, expressly or impliedly, the acts passed at the regular

1 session of the Eighty-Eighth General Assembly. All such acts shall have the
2 full force and effect and, so far as those acts intentionally vary from or
3 conflict with any provision contained in this act, those acts shall have the
4 effect of subsequent acts and as amending or repealing the appropriate parts
5 of the Arkansas Code of 1987.

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/s/Madison

APPROVED: 03/30/2011