

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H4/3/13
A Bill

HOUSE BILL 2248

5 By: Representative Barnett
6

7 **For An Act To Be Entitled**

8 AN ACT TO AUTHORIZE THE ARKANSAS STATE HIGHWAY AND
9 *TRANSPORTATION DEPARTMENT TO CONTINUE TO ASSESS FEES;*
10 AND FOR OTHER PURPOSES.
11

12
13 **Subtitle**

14 *TO AUTHORIZE THE ARKANSAS STATE HIGHWAY*
15 *AND TRANSPORTATION DEPARTMENT TO CONTINUE*
16 *TO ASSESS FEES.*
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. DO NOT CODIFY.*

22 *(a) The Arkansas State Highway and Transportation Department regularly*
23 *assesses fees for the issuance of permits, licenses, and for other*
24 *administrative purposes as part of implementation and administration of*
25 *statutory duties.*

26 *(b) The purpose of this legislation is to ensure department*
27 *compliance, to the extent necessary, with the requirements of Act 1159 of*
28 *2011 concerning the continuation of issuance of permits, licenses, and for*
29 *other administrative purposes, as part of implementation and administration*
30 *of statutory duties.*
31

32 *SECTION 2. Arkansas Code § 27-35-210(d)(1), concerning permits for*
33 *special cargoes, is amended to read as follows:*

34 *(1) To issue or withhold the permit ~~at its sole discretion, but~~*
35 *~~its action in withholding a permit must be based upon~~ the following factors:*

36 *(a) the The condition and state of repair of the highway*



1 involved;

2 (b) ~~upon the~~ The ability of the highways to carry the
3 overweight or oversized vehicle;

4 (c) ~~or upon the~~ The danger to the traveling public from
5 the standpoint of safety; or

6 (d) Findings of repeated violations of permits issued
7 under this section as established by properly promulgated and adopted agency
8 rules;

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10 SECTION 3. Arkansas Code § 27-35-210(m)(2), concerning permits for
11 special cargoes, is amended to read as follows:

12 (2) Notwithstanding any other provision of law to the contrary
13 and upon application and payment of a permit fee per wrecker or tow vehicle
14 not to exceed five hundred dollars (\$500), the commission, through the
15 Director of State Highways and Transportation, may issue a special permit
16 valid for one (1) single trip or for a ~~one-year-period~~ period of one (1) year
17 that authorizes a towing business licensed under § 27-50-1203 to use a
18 wrecker or tow vehicle permitted under this subdivision (2) to move at any
19 time of day or night a vehicle that is disabled or wrecked when that
20 movement:

21 (A) Results in an oversized, overweight, or both oversized
22 and overweight combination of vehicles; and

23 (B) Is the initial movement of disabled or wrecked
24 vehicles or combination of vehicles from highways, roads, streets, or highway
25 ~~right-of-ways~~ rights-of-way to:

26 (i) The nearest point of storage or repair used by
27 the towing or wrecker company;

28 (ii) The nearest point of storage or repair used by
29 the owner or operator of the vehicle; or

30 (iii) The nearest authorized repair center for the
31 vehicle.

32
33 SECTION 4. Arkansas Code § 27-65-107(a), concerning the powers and
34 duties of the State Highway Commission, is amended to add an additional
35 subdivision to read as follows:

36 (17) To establish by properly promulgated and adopted rules

1 reasonable fees that are necessary to carry out the powers and duties of the
2 commission for applications, permits, licenses, and other administrative
3 purposes including but not limited to driveways, logos, billboards, signage,
4 sign visibility, and weight restricted roadway maintenance, to support the
5 administration and operation of programs for which the fees are assessed.

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8 /s/Barnett

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11 **APPROVED: 04/18/2013**
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