

Act 638 of the 1989 Regular Session.

Act 638

SB431

By: Senator Scott

"AN ACT TO AMEND ARKANSAS CODE 27-35-203(g) TO PRESCRIBE THE METHOD OF COMPUTING FINES AND PENALTIES FOR FIVE AXLE VEHICLES WHICH ARE GRANTED AN EIGHT PERCENT VARIANCE WHEN SUCH VEHICLES ARE FOUND TO BE OVERWEIGHT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 27-35-203 (g) is hereby amended to read as follows:

"(g) (1) (A) Vehicles, or combinations of vehicles, with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles.

(B) Vehicles, or combinations of vehicles, with five (5) axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this state shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) is applied to the vehicle or combination of vehicles.

(C) Vehicles, or combinations of vehicles, used exclusively for hauling solid waste, as defined by regulations promulgated by the Arkansas State Highway and Transportation Commission, shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. However, the maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(D) A maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(2) (A) Vehicles, or a combination of vehicles, meeting all of the requirements

of this subsection shall not be required to meet the tandem axle load limits of subsection (b) of this section if the vehicles, or combinations thereof, do not exceed the allowable gross weight permitted by the formula in subsection (e) of this section, plus any variance, and do not exceed a gross weight of eighty thousand pounds (80,000 lbs.).

(B) (i) No tandem axle shall exceed thirty-six thousand five hundred pounds (36,500 lbs.) under this subsection.

(ii) No variance on gross weight or axle shall be permitted on federal interstate highways.

(iii) When a violation of this subsection occurs, fines and penalties to be assessed shall be computed only on the basis of the excess weight over and above the maximum weight for which the vehicle qualifies under the formula prescribed in subsection (e) of this Section plus an eight percent (8%) variance.

SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that under the current interpretation of law relating to the operation of five axle vehicles which are granted an eight percent variance under Arkansas Code 27-35-203(g), when such vehicles are found to be overweight, the fines and penalties are assessed without giving consideration to the eight percent weight variance authorized by law; that this provision of law is inequitable in that less severe penalties are applied to other five axle vehicles which are found to be overweight; that this act is designed to correct this inequitable situation and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 17, 1989

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