

Act 35 of the Third Special Session of 1989.

Act 35

HB1074

By: Representative Bryan

For An Act To Be Entitled
"AN ACT TO AMEND ARKANSAS CODE 27-35-306 TO REMOVE THE
OVERWIDTH AND OVERLENGTH RESTRICTIONS ON MANUFACTURED HOMES
BEING MOVED ON THE PUBLIC HIGHWAYS OF ARKANSAS ON SATURDAYS,
BUT FURTHER PROVIDING THAT SUCH MOVEMENTS MAY BE RESTRICTED
ON SATURDAYS WHEN DETERMINED BY THE STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT THAT SUCH A MOVEMENT WOULD
ENDANGER THE SAFETY OF THE TRAVELING PUBLIC; AND FOR OTHER
PURPOSES."

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

SECTION 1. Arkansas Code 27-35-306 is hereby amended to read as follows:

"27-35-306. Times and places for moving oversized mobile homes.

(a) Overwidth or overlength manufactured home units shall be moved on those highways, roads, and streets and at times and under conditions as may be designated by the department.

(b) The department shall not issue permits for the movement of a manufactured home unit in excess of twelve feet (12') over any highways, roads, or streets where the traveled way is less than twenty-two feet (22') or the bridges are less than twenty-four feet (24') in width unless, in the opinion of the department, the movement of a manufactured home unit over a designated short stretch of highway, road, or street less than twenty-two feet (22') in width or over specified bridges less than twenty-four feet (24') in width will not endanger the traveling public.

(c) To the extent that the application of this section to highways which are a part of the national system of interstate and defense highways, as referred to in subsection (d) of 103 of Title 23, United States Code, would cause the State of Arkansas to be deprived of any federal funds for highway purposes, then this subchapter, to such extent, shall not be applicable to highways which are a part of the national system of interstate and defense highways.

(d) The designated routes, times, and speeds for the movement shall be clearly shown in the permit.

(e) The acceptance of a permit by an applicant will be considered a clear commitment for compliance with all of the provisions of this subchapter and for compliance with the safety regulations prescribed by the department for such movement.

(f) (1) Overwidth or overlength manufactured home units ten feet (10') or less in width shall not be moved on Sundays or such legal holidays as shall be specified by the Department. Additionally, such units shall not be moved on Saturday afternoons, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event including, but not limited to, college or university athletic events, or regional or State fairs scheduled for that particular Saturday.

(2) Overwidth or overlength manufactured home units ten feet (10') or more in width shall not be moved on Sundays or such legal holidays as shall

be specified by the Department. Additionally, such units shall not be moved on Saturdays, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event including, but not limited to, college or university athletic events, or regional or State fairs scheduled for that particular Saturday.

SECTION 2. All provisions of this act of 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 Seventy-Seventh General Assembly of the State of Arkansas meeting in the Third Extraordinary Session of 1989 that restricting the movement of manufactured homes on the public highways of Arkansas on most Saturdays does not provide the driving public with any greater measure of safety on the highways of Arkansas and serves as an unnecessary and costly burden on the manufactured home industry in Arkansas. Therefore, in order to remove an unnecessary burden on commerce, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: November 8, 1989
