

1 State of Arkansas As Engrossed: S3/16/15 H3/23/15

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 855

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5 By: Senator D. Sanders

6 By: Representatives Jean, Ballinger, M.J. Gray

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For An Act To Be Entitled

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AN ACT TO REGULATE THE ABANDONMENT OF UNPAVED ROAD

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EASEMENTS; AND FOR OTHER PURPOSES.

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Subtitle

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TO REGULATE THE ABANDONMENT OF UNPAVED

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ROAD EASEMENTS.

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

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20 SECTION 1. Arkansas Code § 18-61-101, concerning actions to recover
21 land, tenements, or hereditaments, is amended to add an additional subsection
22 to read as follows:

23 (e)(1) Subsections (a)-(c) of this section do not apply to the
24 circumstances set forth in subdivision (e)(2) and subdivision (e)(3) of this
25 section.

26 (2) The public's right to use an unpaved road established by an
27 easement is abandoned if:

28 (A) Access is denied by a gate across the road; and

29 (B) The gate is closed and locked continuously, other than
30 briefly to allow access by the owner or others with the owner's express
31 permission, for one (1) year.

32 (3) An action to assert the public's right to use an unpaved
33 road established by an easement is barred after the easement is abandoned
34 under subdivision (e)(2) of this section.

35 (4) This subsection does not apply to:

36 (A) A road or highway maintained by the State of Arkansas;



1 (B) A road maintained or accepted for perpetual
2 maintenance by a county;

3 (C) A road maintained by an improvement district;

4 (D) A road within the jurisdictional limits of a city of
5 the first class or city of the second class; or

6 (E) The claim or right of any person, his or her heirs,
7 successors, assigns, or tenants who use the unpaved road as a means of
8 ingress and egress to lands owned or leased by that person, his or her heirs,
9 successors, assigns, or tenants.

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11 SECTION 2. Arkansas Code § 18-61-102 is amended to read as follows:

12 18-61-102. Entry upon land or tenements - Exception for unpaved road
13 easements.

14 (a) ~~No~~ An entry upon lands or tenements shall not be deemed sufficient
15 or valid as a claim unless an action is commenced thereon within one (1) year
16 after the entry and within seven (7) years from the time when the right to
17 make the entry descended or accrued.

18 (b) This section does not apply to the circumstances set forth in §
19 18-61-101(e)(2) and (3).

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21 /s/D. Sanders
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24 **APPROVED: 04/02/2015**
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