

1 State of Arkansas

As Engrossed: H5/27/15

Call Item 3

2 90th General Assembly

A Bill

3 First Extraordinary Session, 2015

HOUSE BILL 1005

4

5 By: Representatives B. Smith, Ladyman

6 By: Senators J. Cooper, J. Dismang, Caldwell, E. Cheatham, A. Clark, Collins-Smith, J. Hutchinson,

7 Irvin, B. Johnson, B. Pierce, Standridge, E. Williams

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For An Act To Be Entitled

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AN ACT CONCERNING THE TRAVEL ON CERTAIN HIGHWAYS BY

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MOTOR VEHICLES USED FOR FARM PURPOSES; TO DECLARE AN

12

EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

16

CONCERNING THE TRAVEL ON CERTAIN HIGHWAYS

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BY MOTOR VEHICLES USED FOR FARM PURPOSES;

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AND TO DECLARE AN EMERGENCY.

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

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SECTION 1. Arkansas Code § 27-35-210(a)(2), concerning the necessity for a permit for certain motor vehicles used for normal farm purposes, is amended to read as follows:

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(2)(A) It ~~shall not be~~ is not necessary to obtain a permit for nor shall it be unlawful to move ~~any a~~ a vehicle or machinery in excess of the maximum width ~~prescribed in~~ allowed under § 27-35-206 and ~~which that~~ that is used only for normal farm purposes ~~such as, but not limited to,~~ that require the use of such vehicles or machinery as hay harvesting equipment, plows, tractors, bulldozers, or combines, ~~etc., where~~ if:

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(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

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(ii) The vehicle or machinery is owned or leased by a person primarily engaged in farming operations and is being operated by an owner or lessor of the vehicle or machinery or ~~an the~~ the owner's or lessor's

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1 employee;

2 (iii) The vehicle or machinery is either:

3 (a) Being transported by a farm machinery
4 equipment dealer or repair person in making a delivery of ~~new or used~~
5 ~~equipment or machinery~~ a new or used vehicle or new or used machinery to the
6 farm of the purchaser; or

7 (b) Being used in making a pickup and delivery
8 of the ~~farm machinery or equipment~~ vehicle or machinery from the farm to a
9 shop of a farm machinery equipment dealer or repair person for repairs and
10 return to the farm; and

11 (iv) The movement is performed during daylight hours
12 within a radius of fifty (50) miles of the point of origin ~~thereof~~ and no
13 part of the movement is upon any highway designated and known as a part of
14 the national system of interstate and defense highways or any fully
15 controlled access highway facility.

16 (B) Notwithstanding any other provision of law to the
17 contrary or unless otherwise prohibited by federal law, movement of the
18 vehicle or machinery under subdivision (a)(2)(A) of this section is allowed
19 if:

20 (i) The vehicle or machinery is traveling on a
21 section of U.S. Highway 63 that includes the roadway over the St. Francis
22 Sunken Lands Wildlife Management Area between the exits for State Highway 149
23 and State Highway 14, as they existed on June 1, 2015;

24 (ii) The highway has been designated and known as a
25 part of the Interstate Highway System and other routes within the National
26 Highway System; and

27 (iii) The vehicle or machinery was permitted to
28 legally operate on that section of U.S. Highway 63 or was permitted to
29 legally operate on the highway before the highway was designated and known as
30 a part of the Interstate Highway System and other routes within the National
31 Highway System.

32 ~~(B)(C)~~ It shall not be unlawful nor shall it be necessary
33 to obtain a special permit to transport round bales of hay upon any public
34 highway or road that is not a fully controlled highway or road if the load
35 does not exceed twelve feet (12') in width.

36 ~~(C)(D)~~ Notwithstanding the provisions of subdivision

1 (a)(2)(A) of this section, permits may be issued for the movement of
2 earthmoving equipment that is a tractor with dirt pan in tow used primarily
3 for farming operations to travel upon the state highways in excess of a
4 fifty-mile radius of the point of origin or for the movement of earthmoving
5 equipment that is a tractor with dirt pan in tow used primarily for
6 commercial earthmoving operations for travel upon state highways of any
7 distance subject to the following requirements:

8 (i) The permit shall be issued only to owners or
9 lessors of the vehicles who are primarily engaged in farming or commercial
10 earthmoving operations;

11 (ii) The permit issued shall be limited to daylight
12 operation for a specified seventy-two-hour period and shall specify the route
13 of travel;

14 (iii) ~~No part of the movement may be upon any~~
15 ~~interstate highway or fully controlled access facility~~ Notwithstanding any
16 other provision of law to the contrary or unless otherwise prohibited by
17 federal law, no part of the movement may be upon any interstate highway or
18 fully controlled access facility unless:

19 (a) The earthmoving equipment is traveling on
20 a section of U.S. Highway 63 that includes the roadway over the St. Francis
21 Sunken Lands Wildlife Management Area between the exits for State Highway 149
22 and State Highway 14, as they existed on June 1, 2015;

23 (b) The highway has been designated and known
24 as a part of the Interstate Highway System and other routes within the
25 National Highway System; and

26 (c) The earthmoving equipment was permitted to
27 legally operate on that section of U.S. Highway 63 or permitted to legally
28 operate on the highway before the highway was designated and known as a part
29 of the Interstate Highway System and other routes within the National Highway
30 System;

31 (iv) Proof of liability insurance for the tow
32 vehicle shall be submitted to the Arkansas State Highway and Transportation
33 Department;

34 (v) Vehicles shall be accompanied by a front escort
35 vehicle with flashing amber lights, radio contact with the vehicle operator,
36 and "wide load" signs;

1 (vi)(a) Vehicles may be moved in convoys of no more
2 than three (3) vehicles with escorts at the front and rear of the convoy.

3 (b) Convoys shall pull off the highway at
4 sufficient intervals to allow traffic to pass;

5 (vii) A permit may be issued for no more than two (2)
6 dirt pans to be towed by one (1) tractor; and

7 (viii) Permit fees shall be set by the commission.

8 ~~(D)(i)~~(E)(i) It shall not be necessary to obtain a permit,
9 and it shall be lawful to move any motor home or camping trailer in excess of
10 the maximum width prescribed under § 27-35-206 if the excess width is
11 attributable to a noncargo-carrying appurtenance that extends no more than
12 six inches (6") beyond the body of the vehicle.

13 (ii) As used in this section, "appurtenance" means:

14 (a) Awnings and awning support hardware; and

15 (b) Any appendage that is intended to be an
16 integral part of a motor home or camping trailer.

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18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that agriculture is one of
20 Arkansas's most important industries; that farmers and other persons engaged
21 in agricultural activities require use of the state highways and roadways to
22 engage in those same agricultural activities; that highways and roadways have
23 by law certain requirements for the motor vehicles that operate on them; that
24 it is incumbent on the state to accommodate farmers and other persons engaged
25 in agricultural activities as much as possible due to the enormous importance
26 placed on the agricultural industries in the state; and that this act is
27 necessary because certain parts of the roadway over the St. Francis Sunken
28 Lands Wildlife Management Area, which may be designated in the future as part
29 of the Interstate Highway System and other routes within the National Highway
30 System, are used by farmers and persons engaged in agricultural activities.
31 Therefore, an emergency is declared to exist, and this act being necessary
32 for the preservation of the public peace, health, and safety shall become
33 effective on June 1, 2015.

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35 /s/B. Smith
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