Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	INTERIM STUDY PROPOSAL 2009-005
2	State of Arkansas
3	87th General Assembly A Bill
4	Regular Session, 2009HOUSE BILL1262
5	
6	By: Representative L. Smith
7	
8	Filed with: House Interim Committee on Public Transportation
9	pursuant to A.C.A. §10-3-217.
10	
11	For An Act To Be Entitled
12	AN ACT TO CLARIFY THE LAW REGARDING THE AUTHORITY
13	OF POLITICAL SUBDIVISIONS OF THE STATE TO PLACE
14	TRAFFIC-CONTROL DEVICES ON STREETS AND HIGHWAYS
15	THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM TO
16	IMPROVE SAFETY AND PRESERVE RESIDENTIAL AREAS;
17	AND FOR OTHER PURPOSES.
18	
19	Subtitle
20	TO CLARIFY THE LAW REGARDING THE
21	AUTHORITY OF POLITICAL SUBDIVISIONS OF
22	THE STATE TO PLACE TRAFFIC-CONTROL
23	DEVICES ON STREETS AND HIGHWAYS.
24	
25	
26	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27	
28	SECTION 1. Arkansas Code § 27-52-106 is amended to read as follows:
29	27-52-106. Local devices.
30	(a)(l) Local authorities, in their respective jurisdictions, <u>A local</u>
31	authority shall may place and maintain an official traffic-control devices
32	device or an official traffic control signal as defined under § 27-49-217
33	upon highways under their <u>a street, highway, alley, or trail under its</u>
34	jurisdiction as they <u>it</u> may deem <u>deems</u> necessary to <u>:</u>
35	(A) indicate Indicate and to carry out the provisions of
36	this chapter or local traffic ordinances <u>;</u> or to



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1	(B) regulate, Regulate, warn, or guide traffic;
2	(C) Ensure the safety of vehicles and the occupants of
3	vehicles;
4	(D) Ensure the safety of pedestrians on or near the
5	street, highway, alley, or trail; or
6	(E) Ensure a minimal impact on the residential property
7	and high-value property adjoining a street, highway, alley, or trail while
8	ensuring safety.
9	(2) All traffic-control devices erected shall conform to the
10	state manual and specifications.
11	(b) <u>(1)</u> Local authorities in exercising those those functions <u>A local</u>
12	authority that exercises any function referred to in subsection (a) of this
13	section <u>on a highway that is part of the state highway system</u> shall be
14	subject to the direction and control of the State Highway Commission.
15	(2) A local authority that exercises any function referred to in
16	subsection (a) of this section on a street, highway, alley, or trail that is
17	not part of the state highway system shall:
18	(A) Use an official traffic control signal that conforms
19	in shape and color to the specifications in the manual adopted by the State
20	Highway Commission under § 27-52-104; and
21	(B)(i) Except as provided under (b)(2)(B)(ii) of this
22	section, place each official traffic control signal in a location that is
23	visible from the road leading to it for at least two hundred feet (200').
24	(ii)(a) A local authority may place an official
25	traffic control signal in a location that is not visible from the road
26	leading to it for two hundred feet (200') if the local authority places a
27	warning sign two hundred feet (200') before the official traffic control
28	signal that is not visible from that distance.
29	(b) The warning sign shall conform in shape and
30	color to the specifications of the manual adopted by the State Highway
31	Commission under § 27-52-104.
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33	SECTION 2. Arkansas Code § 21-9-301(b), regarding the tort liability
34	of the state and its political subdivisions, is amended to add an additional
35	subsection to read as follows:
36	(b)(1) No tort action shall lie against any such political subdivision

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1	because of the acts of its agents and employees.
2	(2) No tort action shall lie against any such political
3	subdivision or any of its agents or employees based on the actual
4	installation of an official traffic control signal as defined under § 27-49-
5	<u>217(b).</u>
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36	Filed Date: 04/01/2009 By: JSE\VJF