

INTERIM STUDY PROPOSAL 2021-115

State of Arkansas  
93rd General Assembly  
Fiscal Session, 2022

**A Bill**

DTP/DTP  
SENATE BILL

By: Senator B. Johnson

Filed with: Senate Committee on Transportation, Technology, and Legislative Affairs  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE PENALTIES FOR  
MOVING VIOLATIONS IN HIGHWAY WORK ZONES; TO CREATE  
ADDITIONAL PENALTIES FOR TRAFFIC VIOLATIONS RESULTING  
IN INJURY OR DEATH OF CONSTRUCTION PERSONNEL; AND FOR  
OTHER PURPOSES.

**Subtitle**

TO AMEND THE LAW CONCERNING THE PENALTIES  
FOR MOVING VIOLATIONS IN HIGHWAY WORK  
ZONES; AND TO CREATE ADDITIONAL PENALTIES  
FOR TRAFFIC VIOLATIONS RESULTING IN  
INJURY OR DEATH OF CONSTRUCTION  
PERSONNEL.

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

SECTION 1. Arkansas Code Title 27, Chapter 50, Subchapter 4, is  
amended to add an additional section to read as follows:

27-50-409. Injury to construction personnel - Penalties - Definitions.

(a) As used in this section, unless the context otherwise requires:

(1) "Construction personnel" means employees of the Arkansas  
Department of Transportation or the counties or municipalities of this state  
or any contractors of the State Highway Commission or the counties or  
municipalities;

1           (2) "Convicted" means a formal declaration that a person is  
2 guilty of a violation of law determined when a person charged with a  
3 violation of law pleads guilty or nolo contendere, is found guilty, or  
4 forfeits a bond in lieu of a plea or trial; and

5           (3) "Highway work zone" means any area upon or adjacent to any  
6 highway, road, or street of this state where construction, reconstruction,  
7 maintenance, or any other type of work is being performed or is in progress  
8 by employees of the department, the counties or municipalities of this state,  
9 or any contractors of the commission or the counties or municipalities.

10          (b) A person convicted of a moving traffic violation while the person  
11 is driving through a highway work zone in this state that results in:

12           (1) Injury to any construction personnel is guilty of an  
13 unclassified misdemeanor punishable by a fine not to exceed one thousand  
14 dollars (\$1,000) or imprisonment not to exceed one (1) year, or both; or

15           (2) Death to any construction personnel is guilty of an  
16 unclassified felony punishable by a fine not to exceed seven thousand five  
17 hundred dollars (\$7,500) or imprisonment not to exceed fifteen (15) years, or  
18 both.

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21 Referred by Senator B. Johnson

22 Prepared by: DTP/DTP  
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