

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1298

By: Representative J. Roberts

"AN ACT TO AMEND ARK. STAT. 75-817 TO CLARIFY THE WEIGHT VARIANCE PROVISION APPLICABLE TO VEHICLES HAULING UNFINISHED AND UNPROCESSED FARM PRODUCTS; AND FOR OTHER PURPOSES."

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

SECTION 1. The first paragraph of Subsection (g) of Section 5 of Act 98 of 1955, as amended, the same being the first paragraph of Ark. Stat. 75-817(g) is hereby amended to read as follows:

"(g) Vehicles or combinations of vehicles with five axles, hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall be permitted an eight (8) percent variance above the allowable gross weight whenever the formula in subsection (e) is applied to the vehicle or combination of vehicles. Drying and storing does not constitute finishing or processing. Vehicles or combinations of vehicles with five axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this State, shall be permitted an eight (8) percent variance above the allowable gross weight whenever the formula in subsection (e) is applied to the vehicle or combination of vehicles. Provided, however, that a maximum gross weight including any allowable variance or tolerance, shall not exceed eighty thousand (80,000) pounds."

SECTION 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that the present statute granting a weight variance for vehicles hauling unfinished and unprocessed farm products, forest products,

and other products of the soil is being misinterpreted by some law enforcement officials; that in order to eliminate the confusion and misinterpretation, clarification of the statute is necessitated; that this Act makes such clarification; and that until this Act goes into effect, the misinterpretation may continue with the resulting unfair treatment of some farm products haulers. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

