

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1722

By: Representatives Balton, Baker and Wagner

For An Act To Be Entitled

"AN ACT TO REQUIRE THE POSTING OF FLAGMEN AND THE NOTIFYING OF THE COUNTY SHERIFF'S OFFICE WHEN SMOKE FROM A FIRE OBSTRUCTS A STATE OR FEDERAL HIGHWAY; TO MAKE COMPLIANCE OR NONCOMPLIANCE WITH THE ACT ADMISSIBLE IN ANY PROCEEDING TO DETERMINE A PERSON'S LIABILITY FOR DAMAGES; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) Any person owning or controlling croplands, rangelands, grasslands, pastures or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands so as to cause smoke to obstruct those adjacent roads and highways shall post flagmen along those roads and highways to warn the drivers of all motor vehicles of the obstructing smoke. The flagmen shall be stationed in plain view along the roads and highways which are obstructed by the smoke and shall carry a flag, flare, flashlight, or other warning device to warn motorists of the danger of the obstructing smoke.

(b) Further, any person owning or controlling croplands, rangelands, grasslands, pastures or stubble lands along any Arkansas state primary or secondary highways or along a federal or interstate highway in Arkansas and setting fire to those lands shall notify the sheriff's office of the county where the lands are located that a fire is to be set, the approximate time the fire is to be started, and the location of those lands to be burned.

SECTION 2. In any cause of action for damages resulting from any obstructing smoke along a state or federal highway against any person who owns or controls lands which are burned, a person's compliance or noncompliance with this act shall be admissible in the proceeding.

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.