

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Beatty and J. H. Roberts**

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For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS MOTOR CARRIER ACT TO PROVIDE
9 THAT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
10 SHALL BE ISSUED TO QUALIFIED APPLICANTS UNLESS THE STATE
11 HIGHWAY AND TRANSPORTATION DEPARTMENT FINDS, ON THE BASIS
12 OF EVIDENCE PRESENTED BY PERSONS OBJECTING TO THE ISSUANCE
13 OF THE CERTIFICATE, THAT THE ISSUANCE THEREOF WOULD BE
14 INCONSISTENT WITH PUBLIC CONVENIENCE AND NECESSITY; AND
15 FOR OTHER PURPOSES."

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

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19 SECTION 1. Arkansas Code 23-13-220(a)(1) is hereby amended to read as
20 follows:

21 "(a)(1) Subject to the provisions of this subchapter, a certificate of
22 public convenience and necessity shall be issued by the Arkansas State Highway
23 Commission to any qualified applicant therefor, authorizing the whole or any
24 part of the operations covered by the application if it is found that the
25 applicant is fit, willing, and able properly to perform the service proposed
26 and to conform to the provisions of this subchapter and the requirements,
27 rules, and regulations of the Commission thereunder, and unless the Commission
28 finds, on the basis of evidence presented by persons objecting to the issuance
29 of a certificate, that the transportation to be authorized by the certificate
30 is inconsistent with the present or future public convenience and necessity."

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32 SECTION 2. All provisions of this Act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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1 SECTION 3. If any provision of this Act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the Act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 Act are declared to be severable.

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

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