

*As Engrossed: 3/8/91 3/13/91 3/26/91*

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

# A Bill

**HOUSE BILL 1910**

4 **By: Representatives Bryan, McJunkin, Watts, Purdom and Hinshaw**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 27-35-108 TO ESTABLISH  
9 GREATER SAFETY ON OUR HIGHWAYS AND TO ENHANCE LONGEVITY OF  
10 BOTH THE SURFACES AND SUBSTRUCTURES OF THE STREETS AND  
11 HIGHWAYS LOCATED WITHIN THE STATE OF ARKANSAS; AND FOR  
12 OTHER PURPOSES."

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

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16 SECTION 1. The purpose of this act is to protect our city streets,  
17 highways, and citizens of our state. The current number of landfills will be  
18 reduced sharply because of the cost and stringent regulations forthcoming.  
19 There will be more miles traveled on our streets and highways because of fewer  
20 landfills and more transfer stations. The General Assembly has concluded that  
21 the increased miles traveled by solid waste trucks must be traveled as safely  
22 as possible. Given these facts, the General Assembly also concluded that  
23 these safety factors will reduce wear and tear on our streets and highways by  
24 requiring solid waste truck chassis to have more tires on the pavement thereby  
25 reducing damage and enhancing safety.

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27 SECTION 2. Arkansas Code 27-35-108 is hereby amended to read as  
28 follows:

29 "27-35-108. Authority to weigh vehicles and require removal of excess  
30 loads.

31 (a) (1) Any police officer, having reason to believe that the weight of  
32 a vehicle and load is unlawful, is authorized to require the driver to stop  
33 and submit to a weighing, either by means of portable or stationary scales,  
34 and may require that the vehicle be driven to the nearest public scales in the  
35 event the scales are within two (2) miles.

1                   (2) *The provisions of subsections (a) through (d) of this section*  
2 *shall not be applicable to vehicles owned and operated by the State of*  
3 *Arkansas or any city or county of this State.*

4                   (b)(1) Whenever an officer, upon weighing a vehicle and load as  
5 provided in subsection (a), determines that the weight is unlawful, the  
6 officer may require the driver to stop the vehicle in a suitable place and  
7 remain standing until such portion of the load is removed as may be necessary  
8 to reduce the gross weight of the vehicle to the limit permitted under this  
9 chapter.

10                   (2) All material so unloaded shall be cared for by the owner or  
11 operator of the vehicles at the risk of the owner or operator.

12                   (c) Any driver of a vehicle who fails or refuses to stop and submit the  
13 vehicle and load to a weighing, or who fails or refuses when directed by an  
14 officer upon a weighing of the vehicle to stop the vehicle and otherwise  
15 comply with the provisions of this section, shall be guilty of a misdemeanor.

16                   (d) It shall also be the duty of county sheriffs, or any other state or  
17 local police officers to enforce, or to cooperate in enforcing, the weight  
18 limits specified in this chapter or authorized on any public way in this state  
19 and to prevent overloading of vehicles or other violations of the traffic laws  
20 upon the public highways within their respective jurisdictions.

21                   (e) *Every vehicle hauling solid waste must meet the following*  
22 *requirements:*

23                   (1) *Any vehicle hauling sixteen (16) yards or less of compacted solid*  
24 *waste must have two (2) axles with brakes attached to the chassis.*

25                   (2) Any vehicle hauling between seventeen (17) yards and twenty-  
26 three (23) yards of compacted solid waste shall have three (3) axles with  
27 brakes attached to the chassis.

28                   (3) Any vehicle hauling twenty-four (24) yards or more of  
29 compacted solid waste shall have four (4) axles with brakes attached to the  
30 chassis.

31                   (4) Tractor-trailer combinations hauling no more than fifty (50)  
32 yards of compacted solid waste shall have six (6) axles with brakes.

33                   (5) No vehicle shall haul more than fifty (50) yards of compacted  
34 solid waste *unless the vehicle has a trailer attached.*

35                   (6) Six (6) axle tractor-trailer combinations may haul in open

1 top containers or trailers up to eighty (80) yards of non-compacted solid  
2 waste excluding rock, sand, concrete, sludge and articles which may be placed  
3 in a compacted position.

4 (7) All vehicles hauling solid waste must have yardage placards  
5 attached to both sides of the body or container except that roll-off  
6 containers with a capacity of no more than twenty-one (21) yards are not  
7 required to display the yardage placards.

8 (8) The provisions of subsection (e) shall not apply to vehicles  
9 owned and operated by the State of Arkansas or any city or county of the State  
10 of Arkansas if such vehicles are hauling noncompacted material.

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

12 1. Compacted - solid waste that is compacted, packed or forced into a  
13 container with enclosed top or trailer.

14 2. Container - metal or plastic container for depositing solid waste  
15 in and hauling on a roll-off or trailer.

16 3. Front end loader - refuse body that is attached to a truck chassis  
17 in which solid waste is deposited from the front of vehicle with mechanical  
18 arms.

19 4. Open top - container which does not have enclosed top for  
20 noncompacted materials.

21 5. Rear loader - refuse body attached to a chassis in which refuse is  
22 deposited in rear of refuse body.

23 6. Refuse body - body designed to haul solid waste that is attached  
24 to a truck chassis.

25 7. Roll-off - chassis that has a dumping mechanism to raise rails and  
26 pick up or deposit a solid waste container.

27 8. Side loader - refuse body that is attached to a truck chassis in  
28 which solid waste is deposited from the side of refuse body.

29 9. Trailer - chassis to haul solid waste in an enclosed trailer or  
30 solid waste in a container.

31 10. Tractor - chassis and body used to pull trailer.

32 11. Truck chassis - truck chassis designed for refuse bodies or to  
33 haul refuse body containers.

34 12. Yardage placard - a sign at least six inches by six inches (6" x  
35 6") indicating the compacting capacity of the refuse body."

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

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/ L. L. Bryan et al*

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