

As Engrossed: 3/24/93

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Steele, Holland, Rorie, 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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Subtitle

16 "AN ACT TO ESTABLISH GREATER SAFETY ON OUR HIGHWAYS AND
17 ENHANCE LONGEVITY OF BOTH THE SURFACES AND SUBSTRUCTURES
18 OF STREETS AND HIGHWAYS."

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

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

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

1 "27-35-108. Authority to weigh vehicles and require removal of excess
2 loads.

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

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

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

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

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

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

28 (e) *Every vehicle hauling solid waste, in addition to complying with*
29 *the size and weight laws of this State, must meet the following requirements:*

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

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

35 (3) Any vehicle hauling twenty-four (24) yards or more of

1 compacted solid waste shall have four (4) axles with brakes attached to the
2 chassis.

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

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

7 (6) Six (6) axle tractor-trailer combinations may haul in open
8 top containers or trailers up to eighty (80) yards of non-compacted solid
9 waste excluding rock, sand, concrete, sludge and articles which may be placed
10 in a compacted position.

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

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

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

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

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

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

26 4. Open top - container which does not have enclosed top for
27 noncompacted materials.

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

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

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

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

1 9. _Trailer_ - chassis to haul solid waste in an enclosed trailer or
2 solid waste in a container.

3 10. _Tractor_ - chassis and body used to pull trailer.

4 11. _Truck chassis_ - truck chassis designed for refuse bodies or to
5 haul refuse body containers.

6 12. _Yardage placard_ - a sign at least six inches by six inches (6" x
7 6") indicating the compacting capacity of the refuse body."

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

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13 SECTION 4. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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

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/s/Rep. Steele, et al

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