

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Scott

# A Bill

SENATE BILL 230

## For An Act To Be Entitled

8 "AN ACT TO REQUIRE ANY PERSON OR ENTITY PROPOSING TO USE A  
9 COUNTY HIGHWAY OR THE RIGHT-OF-WAY THEREOF TO INSTALL ANY  
10 WIRES, CABLES, POLES, SEWERS, PIPELINES, OR DITCHES OR TO  
11 OTHERWISE DISTURB THE HIGHWAY OR RIGHT-OF-WAY TO NOTIFY  
12 THE COUNTY JUDGE; TO REQUIRE ANY SUCH PERSON OR ENTITY TO  
13 RETURN THE COUNTY HIGHWAY OR RIGHT-OF-WAY THEREOF TO ITS  
14 FORMER CONDITION UPON COMPLETION OF THE PROJECT; AND FOR  
15 OTHER PURPOSES."

## Subtitle

17 "TO REQUIRE PERSONS USING A COUNTY  
18 HIGHWAY OR RIGHT-OF-WAY TO INSTALL  
19 WIRES, CABLES, SEWERS, ETC. TO NOTIFY  
20 THE COUNTY JUDGE."  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. (a) Any person or entity proposing to install any wires,  
26 cables, poles, sewers, pipelines, or ditches on or under any county highway  
27 or the right-of-way thereof, or to otherwise disturb a county highway or  
28 right-of-way thereof, shall notify the county judge of the proposed project  
29 before starting any work on the project, and shall coordinate such project  
30 with the county judge or with a person designated by the judge.

31 (b) *The provisions of subsection (a) of this section shall not be*  
32 *applicable in an emergency situation, including, but not limited to, an*  
33 *unscheduled disruption of power or service or a ruptured pipeline.*  
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35 SECTION 2. Any person or entity installing any wires, cables, poles,

1 sewers, pipelines, or ditches on or under a county highway or the right-of-  
2 way thereof or otherwise disturbing the highway or right-of-way shall restore  
3 the highway or right-of-way thereof to its former condition upon completion  
4 of the project.

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6       *SECTION 3. The county judge shall assess from any person or entity*  
7 *failing to comply with the provisions of this act as follows:*

8       *(1) A fine, not to exceed five hundred dollars (\$500); and*

9       *(2) Reimbursement for all expenses incurred by the county as a result*  
10 *of noncompliance.*

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12       *SECTION 4. All provisions of this act of a general and permanent*  
13 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*  
14 *Code Revision Commission shall incorporate the same in the Code.*

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16       *SECTION 5. If any provision of this act or the application thereof to*  
17 *any person or circumstance is held invalid, such invalidity shall not affect*  
18 *other provisions or applications of the act which can be given effect without*  
19 *the invalid provision or application, and to this end the provisions of this*  
20 *act are declared to be severable.*

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22       *SECTION 6. All laws and parts of laws in conflict with this act are*  
23 *hereby repealed.*

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*/s/Scott*

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