

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2758

5 By: Representative Rosenbaum
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE INSPECTION OF BILLS OF
10 LADING AND OTHER DOCUMENTATION UNDER THE ARKANSAS
11 MOTOR CARRIER ACT; AND FOR OTHER PURPOSES.
12

Subtitle

13 TO ALLOW THE INSPECTION OF BILLS OF
14 LADING AND OTHER DOCUMENTATION UNDER THE
15 ARKANSAS MOTOR CARRIER ACT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 23-13-217 is amended to read as follows:
22 23-13-217. Enforcement officers.

23 (a) The State Highway Commission shall name and designate enforcement
24 officers charged with the duty of policing and enforcing the provisions of
25 this subchapter.

26 (b) The enforcement officers shall have authority to enforce § 27-50-
27 308 and the Omnibus DWI Act, § 5-65-101 et seq., and shall have authority to
28 make arrests for violation of any of the provisions of this subchapter,
29 orders, rules, and regulations of the commission and to serve any notice,
30 order, or subpoena issued by any court, the commission, its secretary, or any
31 employee authorized to issue same, and to this end shall have full authority,
32 with jurisdiction within the entire State of Arkansas.

33 (c)(1) For the purpose of determining whether any motor vehicle or the
34 operator of that vehicle is in compliance with the rules and regulations of
35 the commission with respect to safety of operations and equipment or any
36 other provision of this chapter, provided the operator is engaged in



1 intrastate or interstate movements on the highways, roads, and streets of
 2 this state and the operator or vehicle is subject to the rules and
 3 regulations, the enforcement officers shall be authorized to:

4 (A) Require the operator thereof to stop, exhibit, and
 5 submit for inspection all documents required to be carried in that vehicle,
 6 or by that operator, pursuant to the regulations, regarding the operator or
 7 operators of that vehicle, including, but not limited to, the operator or
 8 driver's duty status or hours-of-service records, bills of lading, waybills,
 9 invoices, or other evidences of the character of the lading being transported
 10 in the vehicle, as well as all records required to be carried by the
 11 regulations concerning that vehicle; ~~and~~

12 (B) Inspect the contents of the vehicle for the purpose of
 13 comparing the contents with bills of lading, waybills, invoices, or other
 14 evidence of ownership or of transportation for compensation; and

15 ~~(B)~~(C) Require the operator to submit the vehicle for a
 16 safety inspection pursuant to the rules and regulations, if deemed necessary
 17 by the officers.

18 (2) If the operator does not produce sufficient or adequate
 19 documents regarding his or her operation of the vehicle in conformance with
 20 the rules and regulations, or is determined by the officers to be out of
 21 compliance with the rules and regulations, in addition to any other action
 22 that may be taken by the officers pursuant to the provisions of this
 23 subchapter, the officers shall be authorized to immediately place that
 24 operator out of service in accordance with the rules and regulations.

25 (3)(A) If the operator does not produce sufficient or adequate
 26 documents regarding the vehicle in conformance with the rules and
 27 regulations, the vehicle is determined by the officers to be out of
 28 compliance with the rules and regulations.

29 (B) If the operator refuses to submit the vehicle to a
 30 safety inspection in conformance with the rules and regulations, or if the
 31 officer or officers determine the vehicle is unsafe for further operation
 32 following a safety inspection in accordance with the rules and regulations,
 33 in addition to any other action that may be taken by the officers pursuant to
 34 this subchapter, the officers shall be authorized to immediately place that
 35 vehicle out of service in conformance with the rules and regulations.

36 ~~(d) Upon reasonable belief that any motor vehicle is being operated in~~

1 ~~violation of any other provisions of this subchapter, the enforcement~~
2 ~~officers shall be authorized to require the driver thereof to:~~

3 ~~(1) Stop and exhibit the registration certificate issued for the~~
4 ~~vehicle;~~

5 ~~(2) Submit to the enforcement officer for inspection any and all~~
6 ~~bills of lading, waybills, invoices, or other evidences of the character of~~
7 ~~the lading being transported in the vehicle; and~~

8 ~~(3) Permit the officer to inspect the contents of the vehicle~~
9 ~~for the purpose of comparing the contents with bills of lading, waybills,~~
10 ~~invoices, or other evidence of ownership or of transportation for~~
11 ~~compensation.~~

12 ~~(e)(d)~~ It shall be the further duty of such enforcement officers to
13 impound any books, papers, bills of lading, waybills, and invoices which
14 would indicate the transportation service being performed is in violation of
15 this subchapter, subject to the further orders of the court having
16 jurisdiction over the alleged violation.

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