

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

As Engrossed: H3/14/03

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



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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)~~ (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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 18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 19 General Assembly of the State of Arkansas that enforcement officers of the
 20 Arkansas Highway Commission are required to enforce the federal motor carrier
 21 safety laws and the rules and regulations of the Arkansas Highway Commission
 22 with respect to motor carrier safety of operations and equipment; that the
 23 enforcement officers must have the authority to stop and require the drivers
 24 of commercial vehicles to exhibit and submit for inspection all documents
 25 required to be carried in vehicles engaged in interstate or intrastate
 26 commerce, including bills of lading, waybills, invoices, or other evidences
 27 of the character of the lading being transported in those vehicles; and that
 28 this act is immediately necessary because that authority is lacking in
 29 current law. Therefore, an emergency is declared to exist and this act being
 30 immediately necessary for the preservation of the public peace, health and
 31 safety shall become effective on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor, the
 34 expiration of the period of time during which the Governor may veto the bill;
 35 or

36 (3) If the bill is vetoed by the Governor and the veto is overridden,

1 the date the last house overrides the veto.

2 /s/ Rosenbaum

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