

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2351

4
5 By: Representative Wyatt
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY STATUTES CONCERNING WEIGHT
10 LIMITS POSTED ON ROADS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO CLARIFY STATUTES CONCERNING WEIGHT
14 LIMITS POSTED ON ROADS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 27-66-501 is amended to read as follows:

20 27-66-501. Classification of roads by weight of vehicles used thereon.

21 ~~(a) In addition to the duties imposed by law on the several county~~
22 ~~judges of the respective counties of this state, it is made their duty and~~
23 ~~they are directed to demand that the State Highway Commission inspect all the~~
24 ~~highways of the State of Arkansas which are hard surfaced with gravel,~~
25 ~~crushed rock, or other material ordinarily used for hard surfacing public~~
26 ~~highways.~~

27 ~~(b) The commission is directed and authorized under the direction of~~
28 ~~the several county judges of this state to make a classification of all roads~~
29 ~~with respect to the weight of loaded or unloaded vehicles which may be used~~
30 ~~thereon.~~

31 ~~(c) In making the classification, the commission shall give due~~
32 ~~consideration to the character and to the reasonable requirements of traffic~~
33 ~~in each county affected by its action, but in no case shall the commission~~
34 ~~make any order which shall be unjustly discriminatory; it shall in no case~~
35 ~~exclude or prohibit from the use of any class or character of traffic which~~
36 ~~ordinarily passes over or uses highways of like class.~~



1 ~~(d) Within ten (10) days after classifying any road or roads or making~~
2 ~~any order with reference to their use, the commission shall cause to be~~
3 ~~published a notice setting forth clearly the terms of the order or~~
4 ~~classification. This notice shall be published in some newspaper having a~~
5 ~~general circulation in the county in which the road or roads lie or in one~~
6 ~~(1) newspaper in each county in which the road or roads lie, if they shall~~
7 ~~lie in more than one (1) county. The commission shall also cause to be posted~~
8 ~~at all intersections of the road with other public highways, a notice in~~
9 ~~letters large enough to be easily read from the road, showing the~~
10 ~~classification of the road.~~

11 (a) Exclusive of city streets, state highways, or interstates, a
12 county judge may post weight limits on roads and bridges in his or her
13 jurisdiction in connection with federally mandated bridge inspections.

14 (b) Posted weight limit signs shall be in accordance with state and
15 federal law.

16 (c)(1) It shall be unlawful for a person to drive, operate, or move a
17 motor vehicle, or for an owner of a motor vehicle to cause or permit the
18 motor vehicle to be driven, operated, or moved, of a size or weight exceeding
19 the posted weight limit.

20 (2) A person or an owner operating a motor vehicle under an
21 overweight permit issued by the Arkansas State Highway and Transportation
22 Department is exempt from penalty under subdivision (c)(1) of this section.

23 (d) A violation of this section is a Class C misdemeanor.

24 (e) Even if authorized by an overweight permit issued by the Arkansas
25 State Highway and Transportation Department, a person or an owner operating,
26 driving, or moving a vehicle, an object, or a contrivance upon a county road
27 or bridge shall be liable for all damage that the county road or bridge may
28 sustain as a result of:

29 (1) Careless, negligent, or illegal operation, driving, or
30 moving of a vehicle, an object, or a contrivance; or

31 (2) Operation, driving, or moving of a vehicle, object, or
32 contrivance of excessive width or weighing in excess of the maximum weight
33 limits in this chapter.

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35 SECTION 2. Arkansas Code § 27-66-506 is repealed.

36 ~~27-66-506. Protection of bridges and culverts—Penalty for violation.~~

1 ~~(a) It is unlawful for any person or persons owning or controlling any~~
2 ~~traction engine or engines or other unusual heavy machine or machinery in~~
3 ~~moving it from place to place over any of the public roads or highways to~~
4 ~~cross any of the bridges or culverts on the roads or highways without first~~
5 ~~laying plank at least three inches (3") thick and not less than twelve inches~~
6 ~~(12") wide and not less than twelve feet (12') long over bridges and culverts~~
7 ~~in such manner as to prevent any damage being done to the bridges or~~
8 ~~culverts.~~

9 ~~(b) Should any person or persons owning or controlling any engine or~~
10 ~~machinery mentioned in subsection (a) of this section do any damage to any~~
11 ~~bridge or culvert in crossing either on any of the public roads or highways~~
12 ~~by reason of any neglect, refusal, or failure to first provide and place the~~
13 ~~plank across and over the bridges and culverts before attempting to cross~~
14 ~~with the engines or machinery, they shall be deemed guilty of a misdemeanor~~
15 ~~and upon conviction shall be fined in any sum not more than two hundred~~
16 ~~dollars (\$200). However, if provisions are made before attempting to cross~~
17 ~~bridges or culverts with such engines or machinery and damage then occurs to~~
18 ~~any crossings and it appears that the damage occurred through no neglect or~~
19 ~~carelessness on the part of the party so crossing, then the party shall not~~
20 ~~be liable.~~

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