

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1388

4
5 By: Representative Holcomb
6

For An Act To Be Entitled

8 AN ACT TO REPEAL CERTAIN OUTDATED LAWS CONCERNING
9 COUNTY BRIDGES; AND FOR OTHER PURPOSES.

Subtitle

10
11
12 TO REPEAL CERTAIN OUTDATED LAWS
13 CONCERNING COUNTY BRIDGES.
14
15
16

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

18
19 SECTION 1. Arkansas Code § 14-300-202 is repealed.

20 ~~14-300-202. Building methods generally—Bridges 60 feet or less in~~
21 ~~length.~~

22 ~~(a) Bridges of the first, second, and third class shall be built in~~
23 ~~the manner provided in this subchapter.~~

24 ~~(b) It shall be left to the discretion of the county court to~~
25 ~~determine when bridges sixty feet (60') or less in length shall be built at~~
26 ~~the cost of the county.~~
27

28 SECTION 2. Arkansas Code § 14-300-203 is repealed.

29 ~~14-300-203. Building bridges of first class.~~

30 ~~(a) Bridges of the first class shall be built at the expense of the~~
31 ~~county in which they are situated.~~

32 ~~(b) It shall be the duty of the county court, when it has been~~
33 ~~determined to build any bridge of the first class, to appoint a commission of~~
34 ~~three (3) competent persons who are property holders of the county, whose~~
35 ~~duty it shall be to make a personal examination of the place where the bridge~~
36 ~~is needed and to report to the court with the plans and specifications best~~



1 ~~adapted to the ground where the bridge is to be erected.~~

2 ~~(c) If the court determines that a bridge shall be built, and the~~
 3 ~~plans and specifications have been adopted, it shall be the duty of the court~~
 4 ~~to give notice by posting three (3) notices at the courthouse and one (1) at~~
 5 ~~each precinct in the county. This notice shall set forth the plans and~~
 6 ~~specifications of the bridge, with the place where it is to be built and the~~
 7 ~~time when it is to be completed.~~

8 ~~(d) The contract for the bridge shall be let at public vendue, at the~~
 9 ~~courthouse door, to the lowest and best bidder.~~

10
 11 SECTION 3. Arkansas Code § 14-300-204 is repealed.

12 ~~14-300-204. Bond of contractor.~~

13 ~~(a) The person obtaining the contract shall proceed at once to give~~
 14 ~~bond in the amount of his bid, with good and sufficient security to be~~
 15 ~~approved by the court, which bond shall set forth the time in which the~~
 16 ~~bridge shall be completed.~~

17 ~~(b) When the bridge has been finished or when the time in which it was~~
 18 ~~to be completed has expired, the court shall instruct the commissioners who~~
 19 ~~reported the plans of the bridge to make personal examination and report.~~

20 ~~(1) If it shall appear that the bridge has been built in~~
 21 ~~accordance with the plans and in the time agreed upon, the court shall~~
 22 ~~proceed to make an appropriation to pay for the bridge.~~

23 ~~(2) However, if it shall appear that the bridge has not been~~
 24 ~~built according to the plans and in the time specified, the bond of the~~
 25 ~~contractor shall be declared forfeited, and the court shall proceed to~~
 26 ~~collect the bond.~~

27 ~~(3) If it shall appear that the contractor has been delayed in~~
 28 ~~the performance of his contract by providential hindrances, the court may~~
 29 ~~allow him a reasonable length of time in which to complete the bridge.~~

30
 31 SECTION 4. Arkansas Code § 14-300-205 is repealed.

32 ~~14-300-205. Building bridges of second class.~~

33 ~~It shall be the duty of the overseer of roads to cause to be built all~~
 34 ~~bridges of the second class in the following manner:~~

35 ~~(1) When it becomes necessary to build a bridge of the second~~
 36 ~~class in any road district, the overseer of the district shall warn the hands~~

1 in a manner provided by law for warning road hands, shall supply them with
 2 the necessary tools, and shall proceed to build the bridge on the plans he
 3 deems best adapted to the place;

4 (2) ~~The county court shall appropriate money sufficient to pay~~
 5 ~~for the lumber to floor and bannister the bridge;~~

6 (3) ~~When any bridge of the second class is ordered built at the~~
 7 ~~expense of the county, the work shall be done and the bridge erected in all~~
 8 ~~respects as is provided for in § 14-300-203.~~

9
 10 SECTION 5. Arkansas Code § 14-300-206 is repealed.

11 ~~14-300-206. Building bridges of third class.~~

12 ~~All bridges of the third class shall be built under the direction of~~
 13 ~~the overseer of the roads on the plan he may deem best adapted to the place~~
 14 ~~where needed, without expense to the county, except that the county shall~~
 15 ~~furnish plank for all bridges over ten feet (10') in length.~~

16
 17 SECTION 6. Arkansas Code § 14-300-207 is repealed.

18 ~~14-300-207. Building bridges in counties voting for three-mill road~~
 19 ~~tax.~~

20 (a) ~~All bridges of the first class shall be built and repaired by the~~
 21 ~~county as provided in §§ 14-300-203 and 14-300-204.~~

22 (b)(1) ~~All bridges of the second class shall be built and repaired by~~
 23 ~~the road commissioner, the overseers, and road hands of the district in which~~
 24 ~~the bridges are situated or to be built, under the direction of the county~~
 25 ~~court.~~

26 (2) ~~The cost of building or repairing second-class bridges shall~~
 27 ~~be paid out of the road and bridge tax in the county treasury to the credit~~
 28 ~~of the district.~~

29 (3)(A) ~~However, the county court may, in its discretion, let the~~
 30 ~~building of second-class bridges out on contract to the lowest bidder, and,~~
 31 ~~in case the court so decides, the road commissioner shall make a personal~~
 32 ~~examination of the place where the bridge is needed and report to the court,~~
 33 ~~or the judge thereof in vacation, with the plans and specifications best~~
 34 ~~adapted to the ground where the bridge is to be constructed.~~

35 (B) ~~If the court or judge shall adopt the plans and~~
 36 ~~specifications submitted by the commissioner, it shall be the duty of the~~

~~court or judge to give notice by publishing for thirty (30) days in some newspaper, published in the county, if there is one. If there is no newspaper, then notice shall be given by posting written or printed notices in each township in the county, setting forth the plans and specifications of the bridge, with the place where it is to be built and the time when it is to be completed.~~

~~(C) The contract for the bridge of the second class shall be let at the courthouse door to the lowest and best bidder.~~

~~(c) All bridges of the third class shall be repaired and built by the overseer, under the direction of the road commissioner, and their costs shall be paid out of the road and bridge tax fund in the county treasury to the credit of the district in which the bridge shall be built or constructed.~~

SECTION 7. Arkansas Code § 14-300-208 is repealed.

~~14-300-208. Persons required to work on bridges.~~

~~All male inhabitants of this state between the ages of eighteen (18) and forty-five (45) years shall be subject to be warned to work on bridges of the second and third class, and upon refusal, shall be subject to all the fines attached to the general law.~~

SECTION 8. Arkansas Code Title 14, Chapter 300, Subchapter 3, is repealed.

~~14-300-301. Construction.~~

~~This subchapter shall not conflict with the operation of the laws relating to bridges embraced in §§ 14-300-201—14-300-206, 14-300-208 and 14-319-101.~~

~~14-300-302. Board of commissioners.~~

~~Whenever a highway bridge is to be built by any county in this state across a navigable stream over four hundred feet (400') in width, it shall be the duty of the county court of that county to appoint a commission of two (2) competent persons who are property holders and taxpayers of the county and who, in conjunction with the county judge, shall constitute a board of commissioners whose duty it shall be to locate the bridge. When the bridge is so located, the board shall give at least thirty (30) days' notice, by publication in one (1) or more newspapers published in the county, that they~~

1 ~~are ready to receive plans, specifications, and bids for the erection of the~~
2 ~~bridge.~~

3
4 ~~14-300-303. Award of contract.~~

5 ~~After receiving plans, specifications, and bids, the board of~~
6 ~~commissioners shall proceed, without delay, to make a careful examination~~
7 ~~thereof. The board shall determine, after taking into consideration the~~
8 ~~style, principle, and durability of each plan submitted and the character and~~
9 ~~quality of material to be furnished, who is the lowest and best bidder.~~
10 ~~Thereupon, they shall award to that bidder the contract for building the~~
11 ~~bridge. However, the commissioners shall have the right to reject any and all~~
12 ~~bids.~~

13
14 ~~14-300-304. Certified check to accompany bid.~~

15 ~~No bid shall be entertained by the board of commissioners unless the~~
16 ~~bid is accompanied by a certified bank check in the sum of five thousand~~
17 ~~dollars (\$5,000), with the understanding that the amount shall be forfeited~~
18 ~~to the county should the contract be awarded to the bidder and he should~~
19 ~~fail, within ten (10) days thereafter, to execute the contract and give the~~
20 ~~bond referred to in § 14-300-305.~~

21
22 ~~14-300-305. Bond of contractor.~~

23 ~~When a contract is awarded to any bidder, he shall be required to give~~
24 ~~a good and sufficient bond, to be approved by the commissioners, in a sum~~
25 ~~equal to twenty-five percent (25%) of the full amount of the bid, conditioned~~
26 ~~for the faithful performance of the contract within the time limited~~
27 ~~therefor.~~