

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H4/3/13

# A Bill

HOUSE BILL 2248

5 By: Representative Barnett  
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## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE ARKANSAS STATE HIGHWAY AND  
9 *TRANSPORTATION DEPARTMENT TO CONTINUE TO ASSESS FEES;*  
10 AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 *TO AUTHORIZE THE ARKANSAS STATE HIGHWAY*  
14 *AND TRANSPORTATION DEPARTMENT TO CONTINUE*  
15 *TO ASSESS FEES.*  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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#### SECTION 1. DO NOT CODIFY.

21 *(a) The Arkansas State Highway and Transportation Department regularly*  
22 *assesses fees for the issuance of permits, licenses, and for other*  
23 *administrative purposes as part of implementation and administration of*  
24 *statutory duties.*  
25

26 *(b) The purpose of this legislation is to ensure department*  
27 *compliance, to the extent necessary, with the requirements of Act 1159 of*  
28 *2011 concerning the continuation of issuance of permits, licenses, and for*  
29 *other administrative purposes, as part of implementation and administration*  
30 *of statutory duties.*  
31

32 SECTION 2. Arkansas Code § 27-35-210(d)(1), concerning permits for  
33 special cargoes, is amended to read as follows:

34 (1) To issue or withhold the permit ~~at its sole discretion, but~~  
35 ~~its action in withholding a permit must be based upon~~ the following factors:

36 (a) ~~the~~ The condition and state of repair of the highway



1 *involved;*

2 *(b) ~~upon the~~ The ability of the highways to carry the*  
3 *overweight or oversized vehicle;*

4 *(c) ~~or upon the~~ The danger to the traveling public from*  
5 *the standpoint of safety; or*

6 *(d) Findings of repeated violations of permits issued*  
7 *under this section as established by properly promulgated and adopted agency*  
8 *rules;*

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10 *SECTION 3. Arkansas Code § 27-35-210(m)(2), concerning permits for*  
11 *special cargoes, is amended to read as follows:*

12 *(2) Notwithstanding any other provision of law to the contrary*  
13 *and upon application and payment of a permit fee per wrecker or tow vehicle*  
14 *not to exceed five hundred dollars (\$500), the commission, through the*  
15 *Director of State Highways and Transportation, may issue a special permit*  
16 *valid for one (1) single trip or for a ~~one-year-period~~ period of one (1) year*  
17 *that authorizes a towing business licensed under § 27-50-1203 to use a*  
18 *wrecker or tow vehicle permitted under this subdivision (2) to move at any*  
19 *time of day or night a vehicle that is disabled or wrecked when that*  
20 *movement:*

21 *(A) Results in an oversized, overweight, or both oversized*  
22 *and overweight combination of vehicles; and*

23 *(B) Is the initial movement of disabled or wrecked*  
24 *vehicles or combination of vehicles from highways, roads, streets, or highway*  
25 *~~right-of-ways~~rights-of-way to:*

26 *(i) The nearest point of storage or repair used by*  
27 *the towing or wrecker company;*

28 *(ii) The nearest point of storage or repair used by*  
29 *the owner or operator of the vehicle; or*

30 *(iii) The nearest authorized repair center for the*  
31 *vehicle.*

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33 *SECTION 4. Arkansas Code § 27-65-107(a), concerning the powers and*  
34 *duties of the State Highway Commission, is amended to add an additional*  
35 *subdivision to read as follows:*

36 *(17) To establish by properly promulgated and adopted rules*

1 reasonable fees that are necessary to carry out the powers and duties of the  
2 commission for applications, permits, licenses, and other administrative  
3 purposes including but not limited to driveways, logos, billboards, signage,  
4 sign visibility, and weight restricted roadway maintenance, to support the  
5 administration and operation of programs for which the fees are assessed.

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8 /s/Barnett  
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