

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1789

5 By: Representative D. Douglas
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For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO
9 IMPOSE REASONABLE FINES AND PENALTIES FOR
10 NONCOMPLIANCE WITH STATE HIGHWAY COMMISSION RULES AND
11 REGULATIONS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AUTHORIZE THE STATE HIGHWAY COMMISSION
15 TO IMPOSE REASONABLE FINES AND PENALTIES
16 FOR NONCOMPLIANCE WITH STATE HIGHWAY
17 COMMISSION RULES AND REGULATIONS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-65-107(a)(17), concerning the authority
24 of the State Highway Commission to promulgate reasonable rules and
25 regulations, administrative fees and penalties, is amended to read as
26 follows:

27 (17) To establish by properly promulgated and adopted rules:

28 (A) reasonable Reasonable fees that are necessary to carry
29 out the powers and duties of the commission for applications, permits,
30 licenses, and other administrative purposes, including, but not limited to,
31 driveways, logos, billboards, signage, sign visibility, and ~~weight-restricted~~
32 weight-restricted roadway maintenance to support the administration and
33 operation of programs for which the fees are assessed; and

34 (B) Fines and penalties not to exceed ten thousand dollars
35 (\$10,000) for violating a rule or regulation.
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1 SECTION 2. Arkansas Code § 27-65-107(b), concerning penalties for
 2 violating rules of the State Highway Commission, is amended to read as
 3 follows:

4 (b)(1)(A) The rules and regulations, together with any additions or
 5 amendments thereto, prescribed by the commission under ~~the provisions of this~~
 6 chapter, shall have the force ~~and effect~~ of law.

7 (B) Any person, firm, or corporation violating ~~any a~~ rule
 8 or regulation or ~~any an~~ addition or amendment thereto shall be:

9 (i) ~~guilty~~ Guilty of a Class A misdemeanor ~~and, upon~~
 10 ~~conviction, shall be fined not less than five dollars (\$5.00) nor more than~~
 11 ~~one hundred dollars (\$100) for each offense;~~ and

12 (ii)(a) Subject to fines and penalties prescribed by
 13 the commission under subdivision (a)(17) of this section.

14 (b) The fine or penalty may be imposed only
 15 after reasonable notice and a hearing before the commission under the
 16 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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