

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

A Bill

HOUSE BILL 1939

4
5 By: Representative Wallace
6

For An Act To Be Entitled

8 AN ACT TO ALLOW OWNERS OF PROPERTY ADJOINING AN
9 ARKANSAS STATE HIGHWAY RIGHT-OF-WAY TO INSTALL, USE,
10 AND MAINTAIN A SPRINKLER SYSTEM; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO ALLOW OWNERS OF PROPERTY ADJOINING AN
15 ARKANSAS STATE HIGHWAY RIGHT-OF-WAY TO
16 INSTALL, USE, AND MAINTAIN A SPRINKLER
17 SYSTEM.
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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 § 27-64-103 is amended to read as follows:

24 27-64-103. Mowing, installing, and maintaining sprinkler system of on
25 rights-of-way by adjoining landowners landowner.

26 (a)(1) The owners of properties which abut the ~~rights-of-way~~ right-of-
27 way of interstate, federal-aid primary, state, or county roads or highways in
28 this state may enter upon and mow ~~grass~~ grass, weeds, and other vegetation
29 on the portion of the ~~rights-of-way~~ right-of-way adjoining ~~their~~ the property
30 unless the ~~Arkansas State Highway and Transportation Department~~ department or
31 the county has installed barriers designed to prohibit ~~such mowing~~ entry or
32 unless the property ~~owners have~~ owner has received notice from the ~~Arkansas~~
33 ~~State Highway and Transportation Department~~ department or the county
34 restricting or prohibiting ~~such mowing~~ grass, weeds, and other vegetation.

35 (2) The owner of a property which abuts a right-of-way of a
36 state highway, may upon receipt of a permit from the department, install, use



1 and maintain a sprinkler system on the portion of the right-of-way adjoining
 2 the property unless the department has installed a barrier designed to
 3 prohibit entry.

4 (3) The department may develop a permit program establishing the
 5 requirements for issuance of the permit, and may charge a fee not to exceed
 6 one hundred dollars (\$100) per year for issuance and administration of the
 7 permit.

8 (b) ~~If a person~~ an owner elects to mow ~~the~~ grass, weeds, or other
 9 vegetation road or highway or installs, uses, or maintains a sprinkler system
 10 on the right-of-way adjoining his or her property, ~~he or she~~ the owner shall
 11 do so at ~~his or her~~ the owner's own risk and shall have no right or claim for
 12 damages against the ~~Arkansas State Highway and Transportation Department~~
 13 department or any political subdivision of this state for loss of life, ~~or~~
 14 injury, to his or her person or damage to his or her property while engaged
 15 in the mowing activity or the installation, use, or maintenance of the
 16 sprinkler system.

17 (c) ~~In addition~~ Subject to the limitations of subsections (a) and (b)
 18 of this section, the owner ~~of the property~~ shall:

19 (1) perform the mowing Mow the grass, weeds, or other vegetation
 20 and install, use, and maintain the sprinkler system in a manner that does not
 21 obstruct or pose danger to motorists in their lawful use of the public road
 22 or highway; and

23 (2) He or she shall be Be liable for any loss, injury, or damage
 24 to the life, person, or property of ~~motorists lawfully using the highway,~~
 25 others which that is caused by any ~~action or~~ negligence in connection with
 26 the mowing grass, weeds, or other vegetation or installing, using, or
 27 maintaining the sprinkler system ~~of~~ on the highway right-of-way.