

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

# A Bill

SENATE BILL 221

5 By: Senator Files  
6 By: Representative Holcomb  
7

## For An Act To Be Entitled

9 AN ACT AUTHORIZING COUNTIES TO PURCHASE EXCESS,  
10 SURPLUS, OR UNUSED BRIDGE STEEL OR MATERIALS FROM THE  
11 GENERAL CONTRACTOR OF CERTAIN PUBLIC WORKS PROJECTS;  
12 AND FOR OTHER PURPOSES.  
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## Subtitle

16 AUTHORIZING COUNTIES TO PURCHASE EXCESS,  
17 SURPLUS, OR UNUSED BRIDGE STEEL OR  
18 MATERIALS FROM THE GENERAL CONTRACTOR OF  
19 CERTAIN PUBLIC WORKS PROJECTS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 14, Chapter 300, Subchapter 1, is  
25 amended to add an additional section to read as follows:

26 14-300-102. Purchase of surplus bridge material by county -

### Definition.

28 (a) As used in this section, "surplus bridge material" means a general  
29 contractor's excess or unused bridge steel or other scrap items remaining  
30 after completion of a contract for the construction, improvement,  
31 rehabilitation, or replacement of a bridge on a state highway or county road.

32 (b)(1) When a general contractor is awarded a contract for the  
33 construction, improvement, rehabilitation, or replacement of a bridge on a  
34 state highway or county road, the county judge of the county in which the  
35 bridge is located may notify the general contractor in writing no later than  
36 thirty (30) days after the contractor is issued a work order on the project



1 that the county requests to purchase all or any portion of the surplus bridge  
2 material at the salvage value price.

3 (2) This section does not prevent a general contractor from  
4 retaining surplus bridge material for the general contractor's own purposes.

5 (3) A general contractor does not have a duty to notify the  
6 county judge of a bridge construction project the general contractor  
7 undertakes in a county.

8 (c)(1) If a general contractor elects to sell the surplus bridge  
9 material for salvage and the county has given notice under subsection (b) of  
10 this section, then the county has a right of first refusal to purchase all or  
11 any portion of the surplus bridge material for the salvage value price.

12 (2) The county judge shall tender the county's written offer to  
13 purchase all or any portion of the surplus bridge material at salvage value  
14 price.

15 (d)(1) The purchase by the county of surplus bridge material is "as  
16 is", and the county shall hire an engineer to inspect any surplus bridge  
17 material it acquires under this section to determine if the surplus bridge  
18 material is suitable for the county's intended use.

19 (2) The general contractor does not have a responsibility to  
20 inspect or otherwise render an opinion as to the condition, state, or  
21 suitability of the surplus bridge material for the county's intended use.

22 (e) This section does not create a cause of action, and a cause of  
23 action shall not be available, in negligence or otherwise, against a general  
24 contractor for the surplus bridge material purchased by the county under this  
25 section.

26 (f) The county shall retrieve and transport the surplus bridge  
27 material it acquires under this section within (30) thirty days after the  
28 election by the general contractor to sell the surplus bridge material at  
29 salvage value price under subdivision (c)(1) of this section unless otherwise  
30 agreed by the parties.

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