1	State of Arkansas	A D:11		
2	90th General Assembly	A Bill		
3	Regular Session, 2015		SENATE BILL 855	
4	/			
5	By: Senator D. Sanders			
6				
7	For An Act To Be Entitled			
8	AN ACT TO REGULATE THE ABANDONMENT OF UNPAVED ROAD			
9	EASEMENTS;	AND FOR OTHER PURPOSES.		
10				
11		Subtitle		
12			ED.	
13		GULATE THE ABANDONMENT OF UNPAVI	сD	
14 15	KOAD I	EASEMENTS.		
16				
17	ΒΕ ΤΤ ΕΝΔΟΤΕΊ ΒΥ ΤΗΕ ΟΕ	NERAL ASSEMBLY OF THE STATE OF	ΔΡΚΔΝSΔS•	
18	DL II LAAGILD DI IIL GL	MERAL ADDITIDET OF THE STATE OF	ARCANDAD .	
19	SECTION 1. Arkan	usas Code § 18-61-101, concernin	actions to recover	
20	land, tenements, or hereditaments, is amended to add an additional subsection			
21	to read as follows:			
22	(e)(1) Subsectio	ons (a)-(c) of this section do n	not apply to unpaved	
23	road easements.			
24		<u>ght to use an unpaved road esta</u>	ablished by an easement	
25	is abandoned if:			
26	<u>(A)</u>	Access is denied by a gate acro	oss the road; and	
27	<u>(B)</u>	The gate is closed and locked c	continuously, other than	
28	briefly to allow access	by the owner or others with th	ne owner's express	
29	permission, for one (1)	year.		
30	<u>(3)</u> An act	tion to assert a right to use an	n unpaved road	
31	<u>established by an easem</u>	nent is barred after the easemen	it is abandoned under	
32	subdivision (e)(2) of this section.			
33	<u>(4) This s</u>	ubsection does not apply to:		
34	<u>(A)</u>	A road or highway maintained by	<u>the State of Arkansas;</u>	
35	<u>(B)</u>	A road maintained or accepted f	<u>for perpetual</u>	
36	<u>maintenance by a county</u>	7 •		



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1	(C) A road maintained by an improvement district; or		
2	(D) A road within the jurisdictional limits of a city of		
3	the first class or city of the second class.		
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5	SECTION 2. Arkansas Code § 18-61-102 is amended to read as follows:		
6	18-61-102. Entry upon land or tenements <u>— Exception for unpaved road</u>		
7	easements.		
8	<u>(a)</u> No <u>An</u> entry upon lands or tenements shall <u>not</u> be deemed sufficient		
9	or valid as a claim unless an action is commenced thereon within one (1) year		
10	after the entry and within seven (7) years from the time when the right to		
11	make the entry descended or accrued.		
12	(b) This section does not apply to an entry under an unpaved road		
13	easement.		
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