

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

As Engrossed: S3/16/15

A Bill

SENATE BILL 855

5 By: Senator D. Sanders
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For An Act To Be Entitled

8 AN ACT TO REGULATE THE ABANDONMENT OF UNPAVED ROAD
9 EASEMENTS; AND FOR OTHER PURPOSES.

Subtitle

12 TO REGULATE THE ABANDONMENT OF UNPAVED
13 ROAD EASEMENTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 18-61-101, concerning actions to recover
20 land, tenements, or hereditaments, is amended to add an additional subsection
21 to read as follows:

22 (e)(1) Subsections (a)-(c) of this section do not apply to unpaved
23 road easements.

24 (2) The public's right to use an unpaved road established by an
25 easement is abandoned if:

26 (A) Access is denied by a gate across the road; and

27 (B) The gate is closed and locked continuously, other than
28 briefly to allow access by the owner or others with the owner's express
29 permission, for one (1) year.

30 (3) An action to assert the public's right to use an unpaved
31 road established by an easement is barred after the easement is abandoned
32 under subdivision (e)(2) of this section.

33 (4) This subsection does not apply to:

34 (A) A road or highway maintained by the State of Arkansas;

35 (B) A road maintained or accepted for perpetual
36 maintenance by a county;



- 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 – Exception for unpaved road

7 easements.

8 (a) ~~No~~ An entry upon lands or tenements shall not 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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/s/D. Sanders