

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 589

5 By: Senator E. Williams  
6 By: Representative Davis  
7

## For An Act To Be Entitled

9 AN ACT TO CHANGE THE NAME OF THE ARKANSAS STATE  
10 HIGHWAY AND TRANSPORTATION DEPARTMENT; TO CHANGE THE  
11 NAME OF THE DIRECTOR OF HIGHWAYS AND TRANSPORTATION;  
12 TO CHANGE THE NAME OF THE STATE HIGHWAY AND  
13 TRANSPORTATION DEPARTMENT FUND; TO AUTHORIZE THE USE  
14 OF FUNDS APPROPRIATED TO THE ARKANSAS STATE HIGHWAY  
15 AND TRANSPORTATION DEPARTMENT; AND FOR OTHER  
16 PURPOSES.

## Subtitle

17  
18  
19 TO CHANGE THE NAME OF THE ARKANSAS STATE  
20 HIGHWAY AND TRANSPORTATION DEPARTMENT,  
21 DIRECTOR, AND STATE HIGHWAY AND  
22 TRANSPORTATION DEPARTMENT FUND; AND TO  
23 ALLOW USE OF ARKANSAS STATE HIGHWAY AND  
24 TRANSPORTATION DEPARTMENT FUNDS.  
25  
26  
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 SECTION 1. Arkansas Code § 3-7-106, concerning shipping permits for  
31 spirituous liquors, vinous liquors, wines other than Arkansas wines, beer or  
32 malt beverages, is amended to read as follows:

33 (2) ~~No~~ A railroad company, express company, or bonded truck  
34 company or truck line operating under a certificate or permit issued by the  
35 Arkansas ~~State Highway and Transportation~~ Department of Transportation, ~~nor~~  
36 ~~any~~ or a river transportation company shall not receive for shipment or ship



1 into this state any package or receptacle containing distilled spirits unless  
2 a copy of the permit showing that payment of the taxes ~~as are~~ required by law  
3 ~~has~~ have been made ~~shall~~ accompany the shipment.

4

5 SECTION 2. Arkansas Code § 3-7-106(b)(2), concerning shipping permits  
6 required for spirituous liquors, vinous liquors, wines other than Arkansas  
7 wines, beer or malt beverages, is amended to read as follows:

8 (2) However, spirits may be transported by truck or wagon from  
9 and to freight or express depots, to and from the place or places of business  
10 of the permittees and upon the premises of the permittees, from and to one  
11 (1) place of business to another place of business of the permittee, provided  
12 that the owner of trucks or wagons transporting distilled liquor as  
13 aforesaid, excepting trucks and wagons owned and operated by a railroad or  
14 express company, or bonded truck company or truck line operating under a  
15 certificate or permit issued by the Arkansas ~~State Highway and Transportation~~  
16 Department of Transportation, or a river transportation company, or by the  
17 person permitted by law to manufacture, sell, or transport spirituous  
18 liquors, vinous liquors, wines other than Arkansas wines, or beer or malt  
19 beverages shall procure a permit to engage in transportation and shall  
20 execute a bond satisfactory in amount, form, and as to surety, to be approved  
21 by the director, conditioned upon the lawful transportation of spirituous  
22 liquors, vinous liquors, wines other than Arkansas wines, or beer or malt  
23 beverages.

24

25 SECTION 3. Arkansas Code § 5-64-412(a)(1), concerning enhanced  
26 penalties for public officials or law enforcement officers in violation of  
27 the controlled substances, is amended to read as follows:

28 (1) "Law enforcement officer" means any member of the Department  
29 of Arkansas State Police or the Arkansas Highway Police Division of the  
30 Arkansas ~~State Highway and Transportation~~ Department of Transportation and  
31 any other certified law enforcement officer employed full time by the State  
32 of Arkansas or any political subdivision of the State of Arkansas or court  
33 personnel in Arkansas; and

34

35 SECTION 4. Arkansas Code § 5-64-505(h)(1)(A)(iii)(a), concerning  
36 property subject to forfeiture, is amended to read as follows:

1 (iii)(a) A drug task force may use forfeited  
2 property or money if the circuit court’s order specifies that the forfeited  
3 property or money is forfeited to the prosecuting attorney, sheriff, chief of  
4 police, Department of Arkansas State Police, or Arkansas Highway Police  
5 Division of the Arkansas ~~State Highway and Transportation~~ Department of of  
6 Transportation.

7  
8 SECTION 5. Arkansas Code § 5-73-306(2) and (3), concerning the places  
9 where it is prohibited to carry a concealed weapon, are amended to read as  
10 follows:

11 (2) ~~Any~~ An Arkansas Highway Police Division of the Arkansas  
12 ~~State Highway and Transportation~~ Department of Transportation facility;

13 (3)(A) ~~Any~~ A building of the Arkansas ~~State Highway and~~  
14 ~~Transportation~~ Department of Transportation or onto grounds adjacent to ~~any~~ a  
15 building of the Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation.

17 (B) However, subdivision (3)(A) of this section does not  
18 apply to:

19 (i) A rest area or weigh station of the Arkansas  
20 ~~State Highway and Transportation~~ Department of Transportation; or

21 (ii) A publicly owned and maintained parking lot  
22 that is a publicly accessible parking lot if the licensee is carrying a  
23 concealed handgun in his or her motor vehicle or has left the concealed  
24 handgun in his or her locked and unattended motor vehicle in the publicly  
25 owned and maintained parking lot;

26  
27 SECTION 6. Arkansas Code § 6-60-213(a)(1)(A), concerning reduced  
28 tuition for certain police officers, is amended to read as follows:

29 (1)(A) “Covered police officer” means:

30 (i) ~~Any~~ An employee of the Department of Arkansas  
31 State Police who:

32 (a) Holds the rank of state trooper or a  
33 higher rank; and

34 (b) Has been an employee of the ~~department~~  
35 Department of Arkansas State Police for ten (10) or more years;

36 (ii) ~~Any~~ A highway police officer who has been an

1 employee of the Arkansas Highway Police Division of the Arkansas ~~State~~  
2 ~~Highway and Transportation~~ Department of Transportation for ten (10) or more  
3 years;

4 (iii) ~~Any~~ An officer of the State Capitol Police who  
5 has been an employee of the State Capitol Police for ten (10) or more years;  
6 or

7 (iv) ~~Any~~ A wildlife officer who has been an employee  
8 of the Arkansas State Game and Fish Commission for ten (10) or more years.  
9

10 SECTION 7. Arkansas Code § 6-82-501(8), concerning the definitions for  
11 scholarships for children of law enforcement officers, is amended to read as  
12 follows:

13 (8) "State highway employee" means any employee of the Arkansas  
14 ~~State Highway and Transportation~~ Department of Transportation who actively  
15 engages in highway maintenance, construction, or traffic operations on the  
16 roadways and bridges of the state highway system while the roadways and  
17 bridges are open for use by the traveling public;  
18

19 SECTION 8. Arkansas Code § 7-5-101(c)(2)(C), concerning the  
20 establishment and alteration of precinct boundaries, polling sites, and vote  
21 centers, is amended to read as follows:

22 (C) ~~Mapping and Graphics~~ Geographic Information Systems  
23 and Mapping Section of the Transportation Planning and Policy Division of the  
24 Arkansas ~~State Highway and Transportation~~ Department of Transportation; and  
25

26 SECTION 9. Arkansas Code § 8-7-209(b)(1)(A), concerning the powers and  
27 duties of the Arkansas Pollution Control and Ecology Commission, is amended  
28 to read as follows:

29 (A) The containerization and labeling of hazardous wastes,  
30 which rules, to the extent practicable, shall be consistent with those issued  
31 by the United States Department of Transportation, the United States  
32 Environmental Protection Agency, the State Highway Commission, and the  
33 Arkansas ~~State Highway and Transportation~~ Department of Transportation;  
34

35 SECTION 10. Arkansas Code § 8-7-216(a), concerning the issuance of  
36 permits under the Arkansas Hazardous Waste Management Act of 1979, is amended

1 to read as follows:

2 (a) ~~Permits~~ A permit shall be issued under such terms and conditions  
3 as the Arkansas Department of Environmental Quality may prescribe under ~~the~~  
4 ~~provisions of~~ this subchapter and under ~~such~~ the terms and conditions ~~as~~ the  
5 Arkansas ~~State Highway and Transportation~~ Department of Transportation may  
6 prescribe for the transportation of hazardous wastes.

7  
8 SECTION 11. Arkansas Code § 8-7-224(a), concerning the rules for  
9 transporting hazardous waste, is amended to read as follows:

10 (a)(1) Following notice and public hearing, the Arkansas ~~State Highway~~  
11 ~~and Transportation~~ Department of Transportation, in consultation with the  
12 Arkansas Department of Environmental Quality, shall issue rules and  
13 regulations for the transportation of hazardous wastes.

14 (2) The rules and regulations shall be consistent with  
15 applicable rules and regulations issued by the United States Department of  
16 Transportation and with any rules, regulations, and standards issued by the  
17 Arkansas Department of Environmental Quality ~~pursuant to~~ under this  
18 subchapter.

19  
20 SECTION 12. Arkansas Code § 10-3-309(b)(2)(B), concerning the review  
21 and approval of state agency rules, is amended to read as follows:

22 (B) "State agency" does not include the following unless  
23 the Legislative Council adopts rules under subsection (h) of this section  
24 that include one (1) or more of the following in the definition of "state  
25 agency":

26 (i) The Arkansas State Game and Fish Commission, if  
27 the rule is not promulgated under authority of a statute enacted by the  
28 General Assembly;

29 (ii) Except as provided in §§ 10-3-3102 and 27-65-  
30 107(a)(18)(A), the State Highway Commission and the Arkansas ~~State Highway~~  
31 ~~and Transportation~~ Department of Transportation, if the rule is not  
32 promulgated under authority of a statute enacted by the General Assembly; and

33 (iii) An institution of higher education.

34

35 SECTION 13. Arkansas Code § 11-5-301(b)(2), concerning the purpose of  
36 the laws for persons engaged in work near high voltage conditions, is amended

1 to read as follows:

2 (2) ~~The provisions of this~~ This subchapter shall not apply to  
3 the direct employees of the State Highway Commission or the Arkansas ~~State~~  
4 ~~Highway and Transportation~~ Department of Transportation.

5  
6 SECTION 14. Arkansas Code § 11-10-314(j)(5), concerning the disclosure  
7 of information obtained by the Department of Workforce Services, is amended  
8 to read as follows:

9 (5) The Arkansas ~~State Highway and Transportation~~ Department of  
10 Transportation may be provided:

11 (A) The employer’s name, the business location in  
12 Arkansas, the current number of employees, and the code for each employer  
13 classified by the agency in the Standard Industrial Classification Code or  
14 the equivalent classification code under the North American Industry  
15 Classification System; and

16 (B) Other information that is necessary for the effective  
17 operation of their respective programs in order to allow cooperation between  
18 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
19 and the Department of Workforce Services; and

20  
21 SECTION 15. Arkansas Code § 12-8-104(f)(3), concerning the director of  
22 the Department of Arkansas State Police, is amended to read as follows:

23 (3)(A) Upon request of the Director of State Highways and  
24 Transportation, the Director of the Department of Arkansas State Police may  
25 designate certified law enforcement officers from the Arkansas Highway Police  
26 Division of the Arkansas ~~State Highway and Transportation~~ Department of  
27 Transportation to be trained under the terms of the memorandum of  
28 understanding described in subdivision (f)(2) of this section.

29 (B) The amount spent for training certified law  
30 enforcement officers from the Arkansas Highway Police Division of the  
31 Arkansas ~~State Highway and Transportation~~ Department of Transportation shall  
32 be ~~borne~~ paid by the Arkansas ~~State Highway and Transportation~~ Department of  
33 Transportation.

34  
35 SECTION 16. Arkansas Code § 12-12-1402(a), concerning the prohibition  
36 of racial profiling by the Department of Arkansas State Police, is amended to

1 read as follows:

2 (a) No member of the Department of Arkansas State Police, the Arkansas  
3 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
4 Department of Transportation, a county sheriff's department, or a municipal  
5 police department, constable, or any other law enforcement officer of this  
6 state shall engage in racial profiling.

7  
8 SECTION 17. The introductory language of Arkansas Code § 12-12-  
9 1403(a), concerning the written policy on racial profiling, is amended to  
10 read as follows:

11 (a) The Department of Arkansas State Police, the Arkansas Highway  
12 Police Division of the Arkansas ~~State Highway and Transportation~~ Department  
13 of Transportation, all county sheriffs' departments, municipal police  
14 departments, constables, and all other law enforcement agencies of this state  
15 shall adopt a written policy that:

16  
17 SECTION 18. Arkansas Code § 12-12-1803(b)(4)(A), concerning  
18 restrictions on the use of an automatic license plate reader system, is  
19 amended to read as follows:

20 (4)(A) By the Arkansas Highway Police Division of the Arkansas  
21 ~~State Highway and Transportation~~ Department of Transportation for the  
22 electronic verification of registration, logs, and other compliance data to  
23 provide more efficient movement of commercial vehicles on a state highway.

24  
25 SECTION 19. Arkansas Code § 12-14-104(a)(1), concerning the territory  
26 of the State Capitol Police, is amended to read as follows:

27 (a)(1) This chapter shall apply to and encompass all lands, buildings,  
28 and improvements that are commonly referred to as the State Capitol grounds  
29 and additional areas set out in this section and that are bounded as follows:  
30 Beginning at the point where the centerline of Tenth Street intersects the  
31 eastern edge of the right-of-way of the Missouri Pacific and Rock Island  
32 Railroad Line, then northeast along the southern boundary of that right-of-  
33 way to the point where the centerline of Cross Street, extended northeast,  
34 intersects that right-of-way, then south along the centerline of Cross Street  
35 to the point where that line intersects the northern edge of the Wilbur Mills  
36 Freeway, also known as I-630, surveyed by the Arkansas ~~State Highway and~~

1 ~~Transportation~~ Department of Transportation, to the point of the beginning.

2  
3 SECTION 20. Arkansas Code § 12-19-102(c)(3), concerning the required  
4 posting of information about the National Human Trafficking Resource Center,  
5 is amended to read as follows:

6 (3) The Arkansas ~~State Highway and Transportation~~ Department of  
7 Transportation.

8  
9 SECTION 21. Arkansas Code § 12-75-132(b)(9), concerning the creation  
10 of the Arkansas Homeland Security Advisory Group, is amended to read as  
11 follows:

12 (9) Arkansas Highway Police Division of the Arkansas ~~State~~  
13 ~~Highway and Transportation~~ Department of Transportation;

14  
15 SECTION 22. Arkansas Code § 12-82-104(a)(1)(A), concerning the State  
16 Emergency Response Commission is amended to read as follows:

17 (A) The directors of the Department of Health, the  
18 Arkansas Department of Environmental Quality, the Department of Arkansas  
19 State Police, the Arkansas Department of Emergency Management, the Department  
20 of Labor, the Arkansas Fire Training Academy, and the Arkansas ~~State Highway~~  
21 ~~and Transportation~~ Department of Transportation, and the Adjutant General, or  
22 their designated representatives;

23  
24 SECTION 23. Arkansas Code § 13-14-105(a), concerning studies of  
25 prospective heritage trails, is amended to read as follows:

26 (a) The Department of Parks and Tourism, in consultation with the  
27 Arkansas State Archives, the Arkansas Historic Preservation Program, and the  
28 Arkansas ~~State Highway and Transportation~~ Department of Transportation, shall  
29 conduct studies to determine the feasibility of designating additional trails  
30 as heritage trails.

31  
32 SECTION 24. Arkansas Code § 14-86-604(a), concerning a public  
33 property tax exemption for property owned by the State Highway Commission and  
34 Arkansas State Highway and Transportation Department, is amended to read as  
35 follows:

36 (a) It is ~~hereby~~ found and determined by the Seventy-eighth General



1 Assembly that all property owned by the State Highway Commission or the  
2 ~~Arkansas State Highway and Transportation~~ Department of Transportation is  
3 public property used exclusively for public purposes.

4  
5 SECTION 25. Arkansas Code § 14-92-236(b)(2), concerning public  
6 contributions to roads or street improvement districts, is amended to read as  
7 follows:

8 (2) The board of commissioners of the district and the Arkansas  
9 ~~State Highway and Transportation~~ Department of Transportation are authorized  
10 and directed to take such action as may be necessary to secure any of these  
11 funds for these districts as an improvement of a part of the public roads of  
12 the state in which the state has an interest.

13  
14 SECTION 26. Arkansas Code § 14-186-210(b)(1), concerning municipal  
15 port authorities and the acquisition of rights-of-way property, is amended to  
16 read as follows:

17 (b)(1) Should ~~it~~ a municipal port authority elect to exercise the  
18 right of eminent domain, condemnation proceedings shall be maintained by and  
19 in the name of the authority, and it may proceed ~~in the manner~~ as provided by  
20 the general laws of the State of Arkansas for the procedure by any county,  
21 municipality, or authority organized under the laws of this state, or by the  
22 ~~State Highway and Transportation Department~~ Arkansas Department of  
23 Transportation, or by railroad corporations, or in any other manner provided  
24 by law, as the authority may, in its discretion, elect.

25  
26 SECTION 27. Arkansas Code § 14-271-104(f), concerning underground  
27 facilities damage prevention penalties and civil liability, is amended to  
28 read as follows:

29 (f) ~~Neither the State Highway Commission, nor the Arkansas State~~  
30 ~~Highway and Transportation Department, nor their officers or employees, nor~~  
31 ~~the county judges or their road departments are subject to the provisions of~~  
32 ~~this section.~~

33 This section shall not apply to:

- 34 (1) The State Highway Commission;
- 35 (2) The Arkansas Department of Transportation;
- 36 (3) An officer or employee of the commission or Arkansas

1 Department of Transportation;

2 (4) A county judge; or

3 (5) A county road department.

4  
5 SECTION 28. Arkansas Code § 14-316-106(1), concerning the cancellation  
6 of an assessment lien when a road is taken by the state or no bond was  
7 issued, is amended to read as follows:

8 (1) There is of record ~~any~~ an unsatisfied lien by virtue of ~~any~~  
9 an assessment, pledge, or mortgage, delinquent record, or decree of  
10 foreclosure made or created under ~~authority of any a~~ a general or special law  
11 relating to a road improvement district of this state or bridge improvement  
12 district of which all bonds and other obligations of the district have been  
13 paid, and the district has been completely absorbed or taken over by the  
14 state or by the Arkansas ~~State Highway and Transportation~~ Department of of  
15 Transportation; or

16  
17 SECTION 29. Arkansas Code § 14-317-133(c), concerning the disposition  
18 of funds to a rural road improvement district, is amended to read as follows:

19 (c) The commissioners of the district and the Arkansas ~~State Highway~~  
20 ~~and Transportation~~ Department of of Transportation ~~are authorized and directed~~  
21 ~~to take such action as may be necessary to~~ secure any of the federal funds  
22 for the districts as an improvement of a part of the public roads of the  
23 state in which this state has an interest.

24  
25 SECTION 30. Arkansas Code § 14-319-104(a), concerning unencumbered  
26 bridges, is amended to read as follows:

27 (a) All bridges in districts where there has been sufficient money  
28 collected to pay all outstanding lawful indebtedness of the district are  
29 declared free, and they shall become the sole property of the State of  
30 Arkansas and shall be maintained by the Arkansas ~~State Highway and~~  
31 ~~Transportation~~ Department of of Transportation as is now provided by law.

32  
33 SECTION 31. Arkansas Code § 14-319-105(b), concerning the title to  
34 bridges and property of bridge improvement districts to the State Highway  
35 Commission, is amended to read as follows:

36 (b) All funds on hand with the districts shall be ~~promptly~~ paid over

1 to the Treasurer of State for deposit as a nonrevenue receipt in the fund  
 2 from which the Arkansas ~~State Highway and Transportation~~ Department of of  
 3 Transportation is maintained, and there used for the same purposes for which  
 4 other moneys in the fund may be used.

5

6 SECTION 32. Arkansas Code § 14-334-108(5), concerning the powers of a  
 7 board of authority, is amended to read as follows:

8 (5) To apply for, receive, and use grants-in-aid, appropriated  
 9 funds, donations, and contributions from any source including, ~~but not~~  
 10 ~~limited to,~~ without limitation the federal government and any agency thereof,  
 11 and the Arkansas ~~State Highway and Transportation~~ Department of of  
 12 Transportation, the State of Arkansas and any agency thereof, and to accept  
 13 and use bequests, devises, gifts, and donations from any person, firm, or  
 14 corporation;

15

16 SECTION 33. Arkansas Code § 15-10-304(b)(4), concerning requirement  
 17 that state agencies study the need for changes in law pertaining to nuclear  
 18 power, is amended to read as follows:

19 (4) The Arkansas ~~State Highway and Transportation~~ Department of of  
 20 Transportation, particularly as to the transportation of special nuclear  
 21 material and by-product material on highways of the state;

22

23 SECTION 34. Arkansas Code § 15-21-202(b)(4), concerning the creation  
 24 and members of the Land Survey Advisory Board, is amended to read as follows:

25 (4) One (1) person who is a registered professional engineer and  
 26 registered professional surveyor with the Arkansas ~~State Highway and~~  
 27 ~~Transportation~~ Department of of Transportation designated by the State Highway  
 28 Commission;

29

30 SECTION 35. Arkansas Code § 15-22-1003(7), concerning the definitions  
 31 used in the Arkansas Wetlands Mitigation Bank Act, is amended to read as  
 32 follows:

33 (7) "Wetlands Technical Advisory Committee" is a committee made  
 34 up of the directors or their designees of:

35

(A) The Arkansas Forestry Commission;

36

(B) The Arkansas State Game and Fish Commission;

1 (C) The Arkansas ~~State Highway and Transportation~~  
 2 Department of Transportation;

3 (D) The Department of Arkansas Heritage;

4 (E) The Arkansas Department of Environmental Quality; and

5 (F) Two (2) public members with expertise in aquatic  
 6 resources ecology appointed by the commission.

7  
 8 SECTION 36. Arkansas Code § 15-24-107(c)(1), concerning the Arkansas  
 9 National Resources Commission’s right of eminent domain, is amended to read  
 10 as follows:

11 (c)(1) The commission shall also have the right to condemn for the use  
 12 of any project any land or property necessary for the purpose of this chapter  
 13 and appropriate the land or property in the same manner as lands, rights-of-  
 14 way, and easements are acquired by the Arkansas ~~State Highway and~~  
 15 ~~Transportation~~ Department of Transportation.

16  
 17 SECTION 37. Arkansas Code § 15-57-310(c), concerning the permit  
 18 necessary to engage in open-cut mining, is amended to read as follows:

19 (c)(1) Notwithstanding the provisions of this section, the Arkansas  
 20 ~~State Highway and Transportation~~ Department of Transportation or its  
 21 contractor shall not be required to obtain a permit for an open-cut mine  
 22 ~~where~~ when the material is used exclusively in the construction,  
 23 reconstruction, improvement, or maintenance of roadways.

24 (2) Reclamation of the area shall conform to ~~the provisions of~~  
 25 the standard specifications for highway construction upon discontinuation of  
 26 use of the pit for the above listed purposes.

27 (3) The occasional sale of material to the Arkansas ~~State~~  
 28 ~~Highway and Transportation~~ Department of Transportation by an ~~open-cut mine~~  
 29 operator does not exempt the operator from complying with his or her permit  
 30 requirements or of the requirements of this subchapter.

31 (4) ~~Where~~ When reclamation requirements of the operator will  
 32 interfere with a contractual agreement with the Arkansas ~~State Highway and~~  
 33 ~~Transportation~~ Department of Transportation, the operator shall be allowed to  
 34 revise ~~his or her~~ the operator’s reclamation plan and schedule of completion  
 35 accordingly and in keeping with the declaration of policy of this subchapter.

1 SECTION 38. Arkansas Code § 16-46-213 is amended to read as follows:  
 2 16-46-213. Records of ~~Interstate Commerce Commission~~ United States  
 3 Surface Transportation Board and Arkansas ~~State Highway and Transportation~~  
 4 Department of Transportation.

5 Printed copies of schedules, classifications, and tariffs of rates,  
 6 fares, and charges, and supplements ~~thereto~~ to the printed copies, of all  
 7 common carriers and contract carriers by railroad, motor vehicle, or  
 8 otherwise, ~~filed on file~~ with the ~~Interstate Commerce Commission~~ United  
 9 States Surface Transportation Board or the Arkansas ~~State Highway and~~  
 10 ~~Transportation~~ Department of Transportation and which reflect ~~thereon~~ an  
 11 ~~Interstate Commerce Commission~~ United State Surface Transportation Board  
 12 number and an effective date, or which reflect ~~thereon~~ an Arkansas State  
 13 Highway and Transportation Department or Arkansas Department of  
 14 Transportation number and an effective date, may be received in evidence in  
 15 any proceeding before the courts or administrative agencies of this state,  
 16 without certification or authentication, and shall be presumed to be correct  
 17 copies of the original schedules, classifications, tariffs, and supplements  
 18 on file with the ~~Interstate Commerce Commission~~ United States Surface  
 19 Transportation Board or on file with the Arkansas ~~State Highway and~~  
 20 ~~Transportation~~ Department of Transportation.

21  
 22 SECTION 39. Arkansas Code § 18-15-407(c)(1), concerning the authority  
 23 to flood a state or county road, is amended to read as follows:

24 (c)(1) The Arkansas ~~State Highway and Transportation~~ Department of  
 25 Transportation, hereinafter called "state", shall make all necessary  
 26 determinations for the state highways.

27  
 28 SECTION 40. Arkansas Code § 18-44-502 is amended to read as follows:  
 29 18-44-502. Exemption.

30 This subchapter shall not apply to any contract executed by the  
 31 Arkansas ~~State Highway and Transportation~~ Department of Transportation.

32  
 33 SECTION 41. Arkansas Code § 19-4-201(b)(2), concerning the authority  
 34 of the Governor in the execution of the state budget, is amended to read as  
 35 follows:

36 (2) Budget requests for administration and operation of the

1 legislative branch, the judicial branch, the elective constitutional offices,  
2 the Arkansas ~~State Highway and Transportation~~ Department of Transportation,  
3 the Office of the Arkansas Lottery, and the Arkansas State Game and Fish  
4 Commission shall be submitted directly to the Legislative Council without any  
5 recommendation by the Governor.

6  
7 SECTION 42. Arkansas Code § 19-4-305(1), concerning the preliminary  
8 budget report prepared by the Chief Fiscal Officer of the State, is amended  
9 to read as follows:

10 (1) The budget requests as submitted by the legislative branch, the  
11 judicial branch, the elective constitutional officers, the Arkansas ~~State~~  
12 ~~Highway and Transportation~~ Department of Transportation, and the Arkansas  
13 State Game and Fish Commission;

14  
15 SECTION 43. Arkansas Code § 19-4-607(a), concerning the review and  
16 approval of a state agency’s annual operations plans, is amended to read as  
17 follows:

18 (a) Each state agency other than the elected constitutional officers,  
19 the legislative branch and its staff offices, the judicial branch and its  
20 staff offices, the Arkansas ~~State Highway and Transportation~~ Department of  
21 Transportation, the Office of the Arkansas Lottery, the state-supported  
22 institutions of higher education, and the Arkansas State Game and Fish  
23 Commission shall prepare an annual operations plan for the operation of each  
24 of its assigned programs for submission to the Chief Fiscal Officer of the  
25 State.

26  
27 SECTION 44. Arkansas Code § 19-4-801(2)(B)(xi), concerning the  
28 definitions used for the expenditure of cash funds by state agencies, is  
29 amended to read as follows:

30 (xi) Arkansas ~~State Highway and Transportation~~  
31 Department of Transportation;

32  
33 SECTION 45. Arkansas Code § 19-4-906(a)(050)-(052), concerning motor  
34 vehicle restrictions and authorizations, are amended to read as follows:

35 (050) Arkansas ~~State Highway and Transportation~~ Department of Transportation

36 43

1 (051) Arkansas ~~State Highway and Transportation~~ Department of Transportation  
2 2,300

3 (052) Arkansas ~~State Highway and Transportation~~ Department of Transportation-  
4 (NOAA) 0

5

6 SECTION 46. Arkansas Code § 19-4-1303 is amended to read as follows:  
7 19-4-1303. Exemptions.

8 Funds disbursed by the Arkansas ~~State Highway and Transportation~~  
9 Department of Transportation, the Arkansas State Game and Fish Commission,  
10 and the Office of the Arkansas Lottery and the funds appropriated in the  
11 general appropriation bill provided for in Arkansas Constitution, Article 5,  
12 § 30, shall be exempt from this subchapter.

13

14 SECTION 47. Arkansas Code § 19-4-1403 is amended to read as follows:  
15 19-4-1403. Agencies exempted.

16 The provisions of this subchapter shall not be applicable to the State  
17 Highway Commission and the Arkansas ~~State Highway and Transportation~~  
18 Department of Transportation.

19

20 SECTION 48. Arkansas Code § 19-4-1612 is amended to read as follows:  
21 19-4-1612. Overtime pay.

22 (a) It is the policy of the State of Arkansas that overtime pay for  
23 state employees is the least desirable method of compensation for overtime  
24 work.

25 (b)(1) All state departments, agencies, boards, commissions, and  
26 institutions may pay overtime to its employees, under the rules and  
27 regulations set out by the federal Fair Labor Standards Act of 1938.

28 (2)(A) The Chief Fiscal Officer of the State will specify those  
29 specific employees or groups of employees other than employees of the  
30 Arkansas ~~State Highway and Transportation~~ Department of Transportation  
31 eligible to receive overtime compensation, the circumstances under which  
32 overtime pay is to be allowed, and ~~such~~ other matters ~~which~~ the Chief Fiscal  
33 Officer of the State ~~may deem~~ finds appropriate and necessary to comply with  
34 the federal Fair Labor Standards Act of 1938 as regards the payment of  
35 overtime compensation.

36 (B) The Director of State Highways and Transportation

1 shall make these determinations as to employees of the Arkansas ~~State Highway~~  
 2 ~~and Transportation~~ Department of Transportation.

3 (c) The rules ~~and regulations~~ authorized by this section shall not go  
 4 into effect until the Chief Fiscal Officer of the State, or the Arkansas  
 5 ~~State Highway and Transportation~~ Department of Transportation as to its  
 6 employees, has sought the advice of the Legislative Council.

7 (d) In the event that the federal Fair Labor Standards Act of 1938 is  
 8 held, for whatever reason, to be nonapplicable to state employment, then any  
 9 state department, agency, board, commission, or institution may pay overtime  
 10 to its employees only if the General Assembly has given authorization by an  
 11 appropriation.

12  
 13 SECTION 49. Arkansas Code § 19-5-302(9)(C), concerning the State  
 14 General Government Fund, is amended to read as follows:

15 (C) If there are not sufficient funds available in the  
 16 Miscellaneous Agencies Fund Account to support the amounts appropriated from  
 17 the Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the  
 18 State shall determine the amount of moneys to be made available for each of  
 19 the appropriations made from the Miscellaneous Agencies Fund Account, after  
 20 having first provided full funding for all national and regional association  
 21 dues and ensured that the appropriations made for the Arkansas ~~State Highway~~  
 22 ~~and Transportation~~ Department of Transportation for road and bridge repair  
 23 and maintenance are funded ~~pursuant to~~ under the maximum funding allocation  
 24 provided by law;

25  
 26 SECTION 50. Arkansas Code § 19-5-1009(b)(4), concerning the creation  
 27 of the Miscellaneous Revolving Fund, is amended to read as follows:

28 (4) Claims awarded to ~~widows~~ surviving spouses or dependent  
 29 children of deceased police officers, firefighters, and Arkansas ~~State~~  
 30 ~~Highway and Transportation~~ Department of Transportation employees killed in  
 31 performing their official duties;

32  
 33 SECTION 51. Arkansas Code § 19-5-1009(c), concerning the State General  
 34 Government Fund, is amended to read as follows:

35 (c)(1) Excepting disbursement for livestock and poultry indemnities,  
 36 claims awarded to ~~widows~~ surviving spouses or dependent children of deceased



1 police officers, firefighters, and highway employees, college scholarships to  
 2 surviving children of law enforcement officers and firefighters killed in the  
 3 official line of duty, and workers' compensation claims for municipal and  
 4 county employees, the various funds shall reimburse the Miscellaneous  
 5 Revolving Fund for expenditures made for which the Miscellaneous Revolving  
 6 Fund is the beneficiary upon request by the Chief Fiscal Officer of the  
 7 State.

8           (2) This reimbursement shall be done after determining that it  
 9 will not jeopardize the then-current fiscal year's operation of the affected  
 10 state agency or State Treasury fund from which the agency is being supported.

11           (3) The reimbursements shall be made to reimburse the Budget  
 12 Stabilization Trust Fund.

13  
 14           SECTION 52. Arkansas Code § 19-5-1126(c), concerning the creation of  
 15 the Arkansas Public Transit Trust Fund, is amended to read as follows:

16           (c) The fund shall be used by the Arkansas ~~State Highway and~~  
 17 ~~Transportation~~ Department of Transportation for:

18                   (1) The purpose of acquiring federal matching funds for the  
 19 purchase of public transportation vehicles;

20                   (2) Public transit equipment or facilities; and

21                   (3) The operation of the United States Department of  
 22 Transportation Federal Transit Administration assistance programs.

23  
 24           SECTION 53. Arkansas Code § 19-6-201(37), concerning the general  
 25 revenues of the state, is amended to read as follows:

26           (37) Arkansas ~~State Highway and Transportation~~ Department of  
 27 Transportation miscellaneous fees, permits, penalties, and fines, as enacted  
 28 by Acts 1955, No. 397, known as the "Arkansas Motor Carrier Act, 1955", and  
 29 all laws amendatory thereto, § 23-13-201 et seq.;

30  
 31           SECTION 54. Arkansas Code § 19-6-405(8), concerning the State Highway  
 32 and Transportation Department Fund, is amended to read as follows:

33           (8) Any federal funds ~~which~~ that may become available,  
 34 there to be used for the maintenance, operation, and improvement required by  
 35 the Arkansas ~~State Highway and Transportation~~ Department of Transportation in  
 36 carrying out the functions, powers, and duties as set out in Arkansas

1 Constitution, Amendment 42, and §§ 27-65-102 – 27-65-107, 27-65-110, 27-65-  
 2 122, and 27-65-124, and the other laws of this state prescribing the powers  
 3 and duties of the department and the State Highway Commission.  
 4

5 SECTION 55. Arkansas Code § 19-6-824(c), concerning the Commercial  
 6 Truck Safety and Education Fund, is amended to read as follows:

7 (c) The fund shall be used by the Arkansas ~~State Highway and~~  
 8 ~~Transportation~~ Department of Transportation to improve the safety of the  
 9 commercial truck industry through cooperative public-private programs that  
 10 focus on increased enforcement, regulatory compliance, industry training, and  
 11 educational programs to ensure the safe movement of goods on state highways.  
 12

13 SECTION 56. Arkansas Code § 19-6-829(c), concerning the Road and  
 14 Bridge Repair, Maintenance, and Grants Fund, is amended to read as follows:

15 (c) The fund shall be used for the maintenance, operation, and  
 16 improvement required by the Arkansas ~~State Highway and Transportation~~  
 17 Department of Transportation in carrying out the functions, powers, and  
 18 duties stated in Arkansas Constitution, Amendment 42, §§ 27-65-102 – 27-65-  
 19 107, 27-65-110, 27-65-122, and 27-65-124, and the other laws of this state  
 20 prescribing the powers and duties of the department and the State Highway  
 21 Commission.  
 22

23 SECTION 57. Arkansas Code § 19-6-832(b), concerning the Arkansas  
 24 Highway Transfer Fund, is amended to read as follows:

25 (b) The Arkansas Highway Transfer Fund shall be used to provide  
 26 additional funding to the Arkansas ~~State Highway and Transportation~~  
 27 Department of Transportation for use in constructing and maintaining the  
 28 highways of this state.  
 29

30 SECTION 58. Arkansas Code § 19-11-203(3)(B), concerning the  
 31 definitions used in the Arkansas Procurement Law, is amended to read as  
 32 follows:

33 (B) “Capital improvement” shall not include construction  
 34 and reconstruction of roads and bridges in the state highway system by the  
 35 State Highway Commission, nor shall “capital improvement” include any  
 36 building, facility, plant, structure, or other improvement constructed by, or

1 in behalf of, the Arkansas ~~State Highway and Transportation~~ Department of of  
2 Transportation or the State Highway Commission;

3  
4 SECTION 59. Arkansas Code § 19-11-220(a)(1), concerning the authority  
5 of a state agency to have an agency procurement official, is amended to read  
6 as follows:

7 (1) Arkansas ~~State Highway and Transportation~~ Department of of  
8 Transportation;

9  
10 SECTION 60. Arkansas Code § 19-11-1003(a), concerning the contracts  
11 exempted from the requirements of professional and consultant services  
12 contracts, is amended to read as follows:

13 (a) This subchapter shall not apply to the contracts of the Arkansas  
14 ~~State Highway and Transportation~~ Department of of Transportation that are  
15 covered by the technical work requirements and administrative controls of the  
16 Federal Highway Administration, nor shall the provisions of this subchapter  
17 be applicable to contracts entered into by the department in which the costs  
18 and fees are established by competitive bidding.

19  
20 SECTION 61. Arkansas Code § 20-21-207(9), concerning the powers and  
21 duties of the State Radiation Control Agency, is amended to read as follows:

22 (9)(A) Be authorized to acquire by purchase, acceptance, or  
23 condemnation, for and on behalf of the State of Arkansas, any lands,  
24 buildings, and grounds where radioactive by-products and wastes produced by  
25 industrial, medical, agricultural, scientific, or other organizations can be  
26 concentrated, stored, or otherwise disposed of in a manner consistent with  
27 the public health and safety.

28 (B) The agency may exercise its power to condemn ~~in the~~  
29 ~~manner as~~ prescribed by law for condemnation by the Arkansas ~~State Highway~~  
30 ~~and Transportation~~ Department of of Transportation in § 27-67-301 et seq.;

31  
32 SECTION 62. Arkansas Code § 20-32-105(a)(1), concerning the  
33 authorization to stop vehicles suspected of transporting commercial medical  
34 waste, is amended to read as follows:

35 (a)(1) The Department of Arkansas State Police and the enforcement  
36 officers of the Arkansas Highway Police Division of the Arkansas ~~State~~

1 ~~Highway and Transportation~~ Department of Transportation may stop vehicles  
2 suspected of transporting commercial medical waste to assure that all  
3 required permits for transporting the commercial medical waste have been  
4 obtained and to enforce all laws and regulations relating to the  
5 transportation of commercial medical waste.

6  
7 SECTION 63. Arkansas Code § 20-64-1002(b)(1)(E), concerning the  
8 creation of the Arkansas Alcohol and Drug Abuse Coordinating Council, is  
9 amended to read as follows:

10 (E) The Director of the Arkansas ~~State Highway and~~  
11 ~~Transportation~~ Department of Transportation;

12  
13 SECTION 64. Arkansas Code § 20-76-102(a)(6), concerning the  
14 coordination of state agency service delivery, is amended to read as follows:

15 (6) The Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation;

17  
18 SECTION 65. Arkansas Code § 20-76-437 is amended to read as follows:  
19 20-76-437. Reporting – Transitional employment assistance.

20 The Department of Human Services, the Department of Workforce Services,  
21 the Department of Health, the Department of Education, the Department of  
22 Higher Education, the Department of Career Education, the Arkansas  
23 Development Finance Authority, the Arkansas Economic Development Council, and  
24 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
25 shall report periodically to the House Committee on Public Health, Welfare,  
26 and Labor and Senate Committee on Public Health, Welfare, and Labor regarding  
27 the provision of services to Transitional Employment Assistance Program  
28 recipients.

29  
30 SECTION 66. Arkansas Code § 21-1-701(6)(A)(iii), concerning the  
31 definitions used for state employee grievances, is amended to read as  
32 follows:

33 (iii) The Arkansas ~~State Highway and Transportation~~  
34 Department of Transportation; and

35  
36 SECTION 67. Arkansas Code § 21-4-203(14)(D), concerning the

1 definitions used in the Uniform Attendance and Leave Policy Act, is amended  
2 to read as follows:

3 (D) The Arkansas ~~State Highway and Transportation~~  
4 Department of Transportation; and

5  
6 SECTION 68. Arkansas Code § 21-4-217(b)(1)(E), concerning the  
7 definitions pertaining to shared leave under the Uniform Attendance and Leave  
8 Policy Act, is amended to read as follows:

9 (E) Arkansas ~~State Highway and Transportation~~ Department  
10 of Transportation;

11  
12 SECTION 69. Arkansas Code § 21-4-406(a), concerning the payment of  
13 accrued leave to the estate of an officer of the Arkansas Highway Police  
14 Division of the Arkansas State Highway and Transportation Department, is  
15 amended to read as follows:

16 (a) The State Highway Commission may pay all accrued and unused  
17 annual, holiday, and sick leave to the estate of an officer of the Arkansas  
18 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
19 Department of Transportation who dies in the line of duty.

20  
21 SECTION 70. Arkansas Code § 21-4-503(a)(2), concerning the  
22 applicability of the law regarding financial incentives to decrease the use  
23 of sick leave, is amended to read as follows:

24 (2) Employees of the Arkansas ~~State Highway and Transportation~~  
25 Department of Transportation;

26  
27 SECTION 71. Arkansas Code § 21-5-109(b)(1)(E), concerning the  
28 definition of "agency", is amended to read as follows:

29 (E) The Arkansas ~~State Highway and Transportation~~  
30 Department of Transportation; and

31  
32 SECTION 72. Arkansas Code § 21-5-204(a)(2), concerning the exceptions  
33 to the Uniform Classification and Compensation Act, is amended to read as  
34 follows:

35 (2) The Arkansas ~~State Highway and Transportation~~ Department of  
36 Transportation; and

1  
 2 SECTION 73. Arkansas Code § 21-5-701(11), concerning the definitions  
 3 used in relation to death benefits, is amended to read as follows:

4 (11) "State highway employee" means an employee of the Arkansas  
 5 ~~State Highway and Transportation~~ Department of Transportation who is  
 6 physically present on a roadway, bridge, or right-of-way of the state highway  
 7 system or other public transportation facility and who is:

8 (A) Actively engaged in highway maintenance, construction,  
 9 traffic operations, or the official duties of his or her employment; or

10 (B) Supervising, reviewing, evaluating, or inspecting  
 11 highway maintenance, construction, or traffic operations; and  
 12

13 SECTION 74. Arkansas Code § 21-5-704(b)(2)(A), concerning the payment  
 14 of a claim to covered public employees, their designated beneficiaries, or  
 15 their survivors, is amended to read as follows:

16 (2)(A) Except as provided in subdivision (b)(2)(B) of this  
 17 section, the funds shall not be reimbursed by transfer or charging the funds  
 18 against any state funds allocated for turnback to cities or counties or  
 19 distributed to the State Highway and Transportation Department Fund or  
 20 distributed to any Department of Correction fund account or any other state  
 21 department agency fund account other than the Arkansas State Claims  
 22 Commission fund accounts and the Miscellaneous Revolving Fund or state funds  
 23 levied for firefighters, police officers, employees of the Arkansas ~~State~~  
 24 ~~Highway and Transportation~~ Department of Transportation, and employees of the  
 25 Department of Correction for pension purposes.  
 26

27 SECTION 75. Arkansas Code § 21-5-1201(2), concerning definitions  
 28 applicable to the compensation of certain employees that are called to active  
 29 duty, is amended to read as follows:

30 (2) "State agency" includes the Arkansas ~~State Highway and~~  
 31 ~~Transportation~~ Department of Transportation, the Arkansas State Game and Fish  
 32 Commission, and the State Highway Commission.  
 33

34 SECTION 76. Arkansas Code § 22-2-102(1)(B), concerning the definition  
 35 of "capital improvement", is amended to read as follows:

36 (B) Except that "capital improvement" shall not include

1 construction and reconstruction of roads and bridges in the state highway  
 2 system by the State Highway Commission, nor shall the term “capital  
 3 improvement” include any building, facility, plant, structure, or other  
 4 improvement constructed by or on behalf of the Arkansas ~~State Highway and~~  
 5 ~~Transportation~~ Department of Transportation or the State Highway Commission,  
 6 nor shall the term “capital improvement” include any lands, buildings, or  
 7 other structures or facilities now owned or hereafter acquired by an Arkansas  
 8 state retirement system as an investment or as a result of the investment of  
 9 assets of the system;

10  
 11 SECTION 77. Arkansas Code § 22-2-102(3), concerning the definition of  
 12 "state agency" is amended to read as follows:

13 (3) “State agency” means any board or commission, agency,  
 14 department, institution of higher education, including colleges,  
 15 universities, and vocational-technical schools, or other state institutions.  
 16 However, “state agency” shall not include any county, municipality, school  
 17 district, subdivision, or unit thereof of the State of Arkansas, nor shall  
 18 the term “state agency” mean or include the Arkansas ~~State Highway and~~  
 19 ~~Transportation~~ Department of Transportation or the State Highway Commission.

20  
 21 SECTION 78. Arkansas Code § 22-2-121(a)(1), concerning the real estate  
 22 compilation of the Building Authority Division of the Department of Finance  
 23 and Administration, is amended to read as follows:

24 (1) Perform a compilation of all real property owned by state  
 25 agencies, including boards, commissions, and institutions of higher  
 26 education, the Arkansas State Game and Fish Commission, the Arkansas ~~State~~  
 27 ~~Highway and Transportation~~ Department of Transportation, and the State  
 28 Highway Commission;

29  
 30 SECTION 79. Arkansas Code § 22-3-302(a), concerning the purpose and  
 31 creation of the Capitol Zoning District, is amended to read as follows:

32 (a) To promote the general welfare of the state with respect to the  
 33 State Capitol and to promote the general welfare of the property owners of  
 34 the area as described in this subchapter, an improvement and comprehensive  
 35 community zoning district, to be called the “Capitol Zoning District”, is  
 36 created, which district shall embrace all that portion of land situated in

1 Little Rock, Pulaski County, State of Arkansas, within the following-  
 2 described boundaries: Beginning at the point where the centerline of 10th  
 3 Street intersects the eastern edge of the right-of-way of the Missouri  
 4 Pacific and Rock Island Railroad Line, thence northeast along the southern  
 5 boundary of that right-of-way to the point where the centerline of Cross  
 6 Street, extended northeast, intersects that right-of-way, thence south along  
 7 the centerline of Cross Street to the point where that line intersects the  
 8 northern edge of the Wilbur Mills Freeway (I-630), surveyed by the Arkansas  
 9 ~~State Highway and Transportation~~ Department of Transportation, thence  
 10 westward along the northern edge of the Wilbur Mills Freeway (I-630), as  
 11 surveyed by the Arkansas ~~State Highway and Transportation~~ Department of  
 12 Transportation, to the point of the beginning.

13

14 SECTION 80. Arkansas Code § 22-3-407(d), concerning additional parking  
 15 areas on State Capitol grounds, is amended to read as follows:

16 (d) Upon receiving the certification, the commission shall proceed to  
 17 prepare necessary plans and specifications for the parking area and shall let  
 18 a contract for the work and pay for the work out of the Arkansas ~~State~~  
 19 ~~Highway and Transportation~~ Department of Transportation construction funds or  
 20 shall perform the work out of the department maintenance appropriation.

21

22 SECTION 81. Arkansas Code § 22-4-113(b)(1)(B), concerning definitions  
 23 that apply to the use of certain vehicles by a person with a disability  
 24 document and a valid driver's license, is amended to read as follows:

25 (B) The authority to operate an all-terrain vehicle or a  
 26 golf cart under subdivision (b)(1)(A) of this section includes Arkansas ~~State~~  
 27 ~~Highway and Transportation~~ Department of Transportation drives designated as  
 28 the State Highway (S.H.) 600 Series within the state parks and recreational  
 29 areas.

30

31 SECTION 82. Arkansas Code § 22-5-814(a), concerning the removal of  
 32 sand or water from navigable waters, is amended to read as follows:

33 (a) Sand and gravel may be removed from the beds or bars of any  
 34 navigable river or lake by the Arkansas ~~State Highway and Transportation~~  
 35 Department of Transportation, any county or road district, or any federal  
 36 agency to be used for road building or maintenance, without paying the State



1 of Arkansas any amount whatsoever.

2

3 SECTION 83. Arkansas Code § 22-8-101(a)(1), concerning the  
4 registration of state-owned motor vehicles, is amended to read as follows:

5 (a)(1) In order that a complete inventory of all state-owned motor  
6 vehicles is maintained, every state agency, including the Arkansas ~~State~~  
7 ~~Highway and Transportation~~ Department of Transportation, the Arkansas State  
8 Game and Fish Commission, the Department of Arkansas State Police, the  
9 Arkansas National Guard, and all constitutional offices shall annually  
10 register each motor vehicle owned by the State of Arkansas with the Director  
11 of the Department of Finance and Administration in a manner prescribed by the  
12 director.

13

14 SECTION 84. Arkansas Code § 22-8-104(a), concerning the private use of  
15 state or county vehicles, is amended to read as follows:

16 (a) It shall be unlawful for any state or county employee who is  
17 employed by the Arkansas ~~State Highway and Transportation~~ Department of  
18 Transportation or by a county highway department, county judge, or road  
19 commissioner to use trucks and automobiles that belong to the state or county  
20 for any purpose other than performing actual service for the state or county.

21

22 SECTION 85. Arkansas Code § 22-8-203(3)(B), concerning the definitions  
23 used in the Automobile and Pickup Truck Acquisition Act for the State of  
24 Arkansas, is amended to read as follows:

25 (B) "Law enforcement agency" does not include the Arkansas  
26 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
27 Department of Transportation;

28

29 SECTION 86. Arkansas Code § 22-8-204 is amended to read as follows:  
30 22-8-204. Applicability.

31 This subchapter shall not apply to the elected constitutional officers  
32 of the state, to the moneys appropriated by the General Assembly for  
33 financing the statutory responsibilities of these officers, to the Arkansas  
34 ~~State Highway and Transportation~~ Department of Transportation, nor to any  
35 local political subdivision.

36

1 SECTION 87. Arkansas Code § 22-9-303(b), concerning exceptions to the  
 2 minimum prevailing wage, is amended to read as follows:

3 (b) Nothing contained in this subchapter shall be construed to apply  
 4 to or affect highway, road, street, or bridge construction and maintenance or  
 5 related work contracted for or performed by incorporated towns, cities,  
 6 counties, or the Arkansas ~~State Highway and Transportation~~ Department of Transportation.  
 7

8  
 9 SECTION 88. Arkansas Code § 22-9-308(a), concerning ascertainment of  
 10 minimum prevailing wage before awarding contract, is amended to read as  
 11 follows:

12 (a) Before any public body, excluding the Arkansas ~~State Highway and~~  
 13 ~~Transportation~~ Department of Transportation, awards a contract or begins  
 14 supervised construction for public works, it shall notify the Department of  
 15 Labor to ascertain the prevailing hourly rate of wages in the county in which  
 16 the work is to be performed, for each craft or type of worker needed to  
 17 execute the contract or project.  
 18

19 SECTION 89. Arkansas Code § 23-1-101(2), concerning definitions  
 20 applicable to public utilities and carriers, is amended to read as follows:

21 (2) "Commission" means the Arkansas Public Service Commission or  
 22 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 23 with respect to the particular public utilities and matters over which each  
 24 agency has jurisdiction;  
 25

26 SECTION 90. Arkansas Code § 23-2-201 is amended to read as follows:

27 23-2-201. Definitions.

28 As used in this subchapter, unless the context otherwise requires:

29 (1) "Department" means the Arkansas ~~State Highway and~~  
 30 ~~Transportation~~ Department of Transportation; and

31 (2) "Transportation" means the carriage of persons and property  
 32 for compensation by air, rail, water, carrier pipelines, or motor carriers.  
 33

34 SECTION 91. Arkansas Code § 23-2-207 is repealed.

35 ~~23-2-207. Officers and employees.~~

36 ~~The Arkansas State Highway and Transportation Department shall have the~~

1 ~~power to employ, during its pleasure, such officers, examiners, experts,~~  
2 ~~engineers, statisticians, accountants, attorneys, inspectors, clerks, and~~  
3 ~~employees, one of whom shall be designated as secretary of the department, as~~  
4 ~~it may deem necessary to carry out its proper function or to perform the~~  
5 ~~duties and exercise the powers conferred by law upon the department, as may~~  
6 ~~be provided by appropriation of the General Assembly therefor.~~

7  
8 SECTION 92. Arkansas Code § 23-2-208 is repealed.

9 ~~23-2-208. Free transportation of employees.~~

10 ~~The employees of the Arkansas State Highway and Transportation~~  
11 ~~Department shall have the right to pass free of charge on all railroads and~~  
12 ~~other public carriers when in the performance of their official duties~~  
13 ~~subject in whole or in part to the control or regulation of the department.~~

14  
15 SECTION 93. Arkansas Code § 23-2-209(c), concerning the jurisdiction  
16 of the regulatory commissions, is repealed.

17 ~~(c) All authority conferred and vested on the Arkansas State Highway~~  
18 ~~and Transportation Department or the State Highway Commission by any of the~~  
19 ~~laws of this state concerning the regulation of pipeline companies which are~~  
20 ~~common carriers shall be transferred, vested, and conferred upon the Arkansas~~  
21 ~~Public Service Commission.~~

22  
23 SECTION 94. Arkansas Code § 23-2-210 is repealed.

24 ~~23-2-210. Rules and regulations.~~

25 ~~The Arkansas State Highway and Transportation Department shall make~~  
26 ~~such reasonable rules and regulations as may be necessary to administer the~~  
27 ~~provisions of this subchapter and the laws administered by the Arkansas~~  
28 ~~Public Service Commission with respect to the regulation of transportation~~  
29 ~~prior to February 28, 1957.~~

30  
31 SECTION 95. Arkansas Code § 23-2-211(a), concerning proceedings before  
32 the Arkansas State Highway and Transportation Department, is amended to read  
33 as follows:

34 (a) In the exercise of its jurisdiction, the Arkansas ~~State Highway~~  
35 ~~and Transportation~~ Department of Transportation shall have the power to  
36 promulgate reasonable rules and regulations governing procedure before the

1 department and for other purposes.

2

3 SECTION 96. Arkansas Code § 23-2-212(a), concerning expenses incurred  
4 by the Arkansas State Highway and Transportation Department, is amended to  
5 read as follows:

6 (a) All expenses incurred by the Arkansas ~~State Highway and~~  
7 ~~Transportation~~ Department of Transportation pursuant to under the provisions  
8 of this subchapter, including the actual and necessary traveling and other  
9 expenses and disbursements incurred while on business of the department,  
10 shall be paid from the funds provided for the use of the department.

11

12 SECTION 97. Arkansas Code § 23-2-303 is amended to read as follows:

13 23-2-303. Jurisdiction over intrastate transportation services.

14 Nothing contained in this act shall be construed as giving the Arkansas  
15 Public Service Commission any jurisdiction over taxicab or truck service in  
16 cities or towns, and of railroad, taxicab, or motor bus service between  
17 cities or towns, jurisdiction over which is vested in the Arkansas ~~State~~  
18 ~~Highway and Transportation~~ Department of Transportation.

19

20 SECTION 98. Arkansas Code § 23-2-403(a), concerning evidence and  
21 pleadings in a proceeding before the Arkansas Public Service Commission and  
22 the Arkansas State Highway and Transportation Department, is amended to read  
23 as follows:

24 (a) The Arkansas Public Service Commission and the Arkansas ~~State~~  
25 ~~Highway and Transportation~~ Department of Transportation shall prescribe the  
26 rules of procedure and for taking of evidence in all matters that may come  
27 before them.

28

29 SECTION 99. Arkansas Code § 23-2-406 is amended to read as follows:

30 23-2-406. Oaths – Testimony.

31 Any commissioner, secretary, or assistant secretary employed by the  
32 Arkansas Public Service Commission or the Arkansas ~~State Highway and~~  
33 ~~Transportation~~ Department of Transportation may administer oaths and take  
34 testimony.

35

36 SECTION 100. Arkansas Code § 23-2-407 is amended to read as follows:

23-2-407. Subpoenas for witnesses – Issuance and service.

Subpoenas for witnesses shall be issued by the secretary, assistant secretary, or any commissioner of the Arkansas Public Service Commission or the Arkansas ~~State Highway and Transportation~~ Department of Transportation and shall be served as provided by law for the service of other subpoenas.

SECTION 101. Arkansas Code § 23-2-409 is amended to read as follows:

23-2-409. Subpoenas – Failure to comply – Penalty.

The failure or refusal of any witness to appear or to produce any books, papers, or documents required by the Arkansas Public Service Commission or the Arkansas ~~State Highway and Transportation~~ Department of Transportation and to submit them to the inspection of the commission or the department or the refusal to answer any questions propounded by the commission or the department shall constitute a violation punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

SECTION 102. Arkansas Code § 23-2-418(a), concerning records of proceedings and testimony before regulatory commissions, is amended to read as follows:

23-2-418. Records of proceedings and testimony.

(a) A full and complete record shall be kept of all proceedings had before the Arkansas Public Service Commission, the Arkansas ~~State Highway and Transportation~~ Department of Transportation, any commissioner, or any examiner on any formal investigation.

SECTION 103. Arkansas Code § 23-2-425(a), concerning appeals from the Arkansas State Highway and Transportation Department, is amended to read as follows:

(a)(1) Within thirty (30) days after the entry on the record of the Arkansas ~~State Highway and Transportation~~ Department of Transportation of any order made by it, any party aggrieved may file a written motion with the secretary of the department praying for appeal from the order to the Pulaski County Circuit Court.

SECTION 104. Arkansas Code § 23-2-427 is amended to read as follows:

1           23-2-427. Orders, rules, etc., of department not controverted in  
 2 actions between private person and railroad company.

3           In all actions between private parties and railroad companies brought  
 4 under Acts 1899, No. 53, the rates, charges, orders, rules, regulations, and  
 5 classifications prescribed by the Arkansas ~~State Highway and Transportation~~  
 6 Department of Transportation before the institution of the action shall be  
 7 held, deemed, and accepted to be reasonable, fair, and just, and in such  
 8 respects shall not be controverted therein.

9  
 10           SECTION 105. Arkansas Code § 23-3-101(a), concerning the organization  
 11 or reorganization of public utilities, is amended to read as follows:

12           (a) Organizations or reorganizations of all public utilities shall be  
 13 subject to the supervision and control of the Arkansas Public Service  
 14 Commission or the Arkansas ~~State Highway and Transportation~~ Department of  
 15 Transportation.

16  
 17           SECTION 106. Arkansas Code § 23-3-109(a), annual statements of gross  
 18 earnings by a utility, is amended to read as follows:

19           (a) Annually, during the month of March, each utility subject by law  
 20 to the payment of fees or charges under the jurisdiction of either the  
 21 Arkansas Public Service Commission or the Arkansas ~~State Highway and~~  
 22 ~~Transportation~~ Department of Transportation shall prepare and transmit to the  
 23 commission or the department having jurisdiction over the utility a certified  
 24 statement of the gross earnings from its properties in Arkansas for the  
 25 preceding calendar year ending December 31.

26  
 27           SECTION 107. Arkansas Code § 23-3-110(a)(1), concerning the annual  
 28 fees collected from a utility, is amended to read as follows:

29           (a)(1) There is levied and charged and there shall be collected  
 30 annually from each utility subject by law to the payment of fees or charges  
 31 under the jurisdiction of either the Arkansas Public Service Commission or  
 32 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 33 a fee in an amount ~~which shall be~~ equivalent to that proportion of the total  
 34 utilities costs that the gross earnings of each of the utilities bear to the  
 35 total gross earnings of all utilities.

1 SECTION 108. Arkansas Code § 23-3-202 is amended to read as follows:  
 2 23-3-202. Requirement for operation under suspended permit.

3 ~~No~~ A public utility shall not exercise any right or privilege under any  
 4 franchise or permit, the exercise of which has been suspended or discontinued  
 5 for more than one (1) year, without first obtaining from the Arkansas Public  
 6 Service Commission or the Arkansas ~~State Highway and Transportation~~  
 7 Department of Transportation a certificate that public convenience and  
 8 necessity require the exercise of such a right or privilege.

9  
 10 SECTION 109. Arkansas Code § 23-4-101(a), concerning the authority of  
 11 the Arkansas Public Service Commission or the Arkansas State Highway and  
 12 Transportation Department to establish rates for public utilities, is amended  
 13 to read as follows:

14 (a) With respect to the particular public utilities and matters over  
 15 which each agency has jurisdiction, the Arkansas Public Service Commission or  
 16 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 17 shall have the power, after reasonable notice and after full and complete  
 18 hearing, to enforce, originate, establish, modify, change, adjust, and  
 19 promulgate tariffs, rates, joint rates, tolls, and schedules for all public  
 20 service corporations, companies, and utilities and all rules and regulations  
 21 with reference thereto and orders directing the performance of any duties  
 22 devolving on the company, utility, common carrier, or public service  
 23 corporation under the terms of this act.

24  
 25 SECTION 110. Arkansas Code § 23-4-601 is amended to read as follows:

26 23-4-601. Construction of §§ 23-4-602, 23-4-608 – 23-4-610, 23-4-615,  
 27 23-4-706, 23-10-301, and 23-11-101.

28 Nothing in §§ 23-4-602, 23-4-608 – 23-4-610, 23-4-615, 23-4-706, 23-10-  
 29 301, and 23-11-101 shall be so construed as to amend or repeal any act prior  
 30 to May 28, 1907, in force, nor to curtail or limit the powers and duties of  
 31 the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

32  
 33 SECTION 111. Arkansas Code § 23-4-602(a), concerning violations of §§  
 34 23-4-601, 23-4-608 – 23-4-610, 23-4-615, 23-4-706, 23-10-301, and 23-11-101,  
 35 tariff of charges, or rules of the Arkansas State Highway and Transportation  
 36 Department, is amended to read as follows:

1 (a) If any person or corporation operating a railroad or express  
 2 company in this state or any receiver, trustee, or lessee of any such person  
 3 or corporation violates any of the provisions of §§ 23-4-601, 23-4-608 – 23-  
 4 4-610, 23-4-615, 23-4-706, 23-10-301, and 23-11-101, or aids or abets  
 5 therein, or violates the tariff of charges as fixed by the Arkansas ~~State~~  
 6 ~~Highway and Transportation~~ Department of Transportation or any of the rules  
 7 regarding railroads or express companies as made by the department and for  
 8 which there is no other penalty prescribed, then such a person or  
 9 corporation, receiver, trustee, or lessee shall be liable to a penalty of not  
 10 less than five hundred dollars (\$500) nor more than three thousand dollars  
 11 (\$3,000) for each violation of §§ 23-4-601, 23-4-608 – 23-4-610, 23-4-615,  
 12 23-4-706, 23-10-301, and 23-11-101 or such tariff of charges or rules and  
 13 regulations.

14

15 SECTION 112. Arkansas Code § 23-4-606(a), regulation of rates and  
 16 charges for continuous railroad lines, is amended to read as follows:

17 (a) In all cases where there is, by physical connection of railroads,  
 18 a continuous line of railway communication between railroad stations within  
 19 this state, whether such stations are on railroads operated by one and the  
 20 same company or corporation or on railroads operated by different and  
 21 independent companies or corporations, it shall be the duty of the Arkansas  
 22 ~~State Highway and Transportation~~ Department of Transportation, to and from  
 23 such stations, to make just and reasonable rates for freight, express, and  
 24 passenger traffic, to be observed by all persons, companies, or corporations  
 25 operating any railroad or engaged in transporting persons or property as  
 26 express or freight in this state.

27

28 SECTION 113. Arkansas Code § 23-4-607 is amended to read as follows:

29 23-4-607. Connecting railroad lines – Division of charges.

30 If any two (2) or more connecting lines of railroad in this state fail  
 31 to agree upon a fair and just division of the charges arising from the  
 32 transportation of freights, passengers, or cars over their lines, the  
 33 Arkansas ~~State Highway and Transportation~~ Department of Transportation shall  
 34 make the division and shall fix the pro rata part of such charges to be  
 35 received by each of the connecting lines.

36



1 SECTION 114. Arkansas Code § 23-4-608(a), concerning the penalties for  
2 violations of §§ 23-4-606 and 23-4-607, is amended to read as follows:

3 (a) If any person or corporation operating a railroad or express  
4 company in this state, or any receiver, trustee, or lessee of any such person  
5 or corporation, violates any of the provisions of §§ 23-4-606 and 23-4-607,  
6 or aids or abets therein, or violates the tariff of charges as fixed by the  
7 Arkansas ~~State Highway and Transportation~~ Department of Transportation or any  
8 of the rules regarding railroads or express companies as made by the  
9 department, and for which there is no other penalty prescribed in §§ 23-4-606  
10 and 23-4-607, then the person or corporation, receiver, trustee, or lessee  
11 shall be liable to a penalty of not less than five hundred dollars (\$500) nor  
12 more than three thousand dollars (\$3000) for each violation of §§ 23-4-606  
13 and 23-4-607, or such tariff of charges or rules and regulations.

14  
15 SECTION 115. Arkansas Code § 23-4-609(c), concerning connecting  
16 railroad lines under one management, is amended to read as follows:

17 (c) The Arkansas ~~State Highway and Transportation~~ Department of  
18 Transportation shall have the power to fix different rates for different  
19 lines bearing the relation to each other described in this section whenever  
20 it finds such action necessary to do justice.

21  
22 SECTION 116. Arkansas Code § 23-4-610(a), concerning through freight  
23 rates and regulations for railroads, is amended to read as follows:

24 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
25 Transportation shall have power, and it is its duty, to investigate all  
26 through-freight rates and regulations on railroads in Arkansas.

27  
28 SECTION 117. Arkansas Code § 23-4-611(b)(1), concerning short line  
29 railroads, is amended to read as follows:

30 (b)(1) The rates charged by any company may be reduced by the Arkansas  
31 ~~State Highway and Transportation~~ Department of Transportation whenever it  
32 appears that the net annual profits of the company exceed ten percent (10%)  
33 of the amount of capital actually invested.

34  
35 SECTION 118. Arkansas Code § 23-4-615 is amended to read as follows:  
36 23-4-615. Railroads – Sleeping car tariffs.

1           The Arkansas ~~State Highway and Transportation~~ Department of of  
 2 Transportation is authorized and it is its duty to adopt, change, or make  
 3 reasonable and just rates, charges, and regulations to govern and regulate  
 4 sleeping car tariffs and service in order to correct abuses and prevent  
 5 unjust discrimination and extortion in the rates for sleeping cars.

6  
 7           SECTION 119. Arkansas Code § 23-4-620(a), concerning notice of rate  
 8 changes, is amended to read as follows:

9           (a) Unless the Arkansas ~~State Highway and Transportation~~ Department of of  
 10 Transportation otherwise orders, no public utility shall make any change in  
 11 any rate duly established under this act except after thirty (30) days'  
 12 notice to the department. This notice shall plainly state the change proposed  
 13 to be made in the rates then in force and the time when the changed rates  
 14 will go into effect.

15  
 16           SECTION 120. Arkansas Code § 23-4-622 is amended to read as follows:  
 17           23-4-622. Investigation of rate changes.

18           Whenever there is filed with the Arkansas ~~State Highway and~~  
 19 ~~Transportation~~ Department of Transportation by any public utility any  
 20 schedule stating a new rate, the department, either upon complaint or upon  
 21 its own motion and upon reasonable notice, may enter upon any investigation  
 22 concerning the lawfulness of the rates.

23  
 24           SECTION 121. Arkansas Code § 23-4-623 is amended to read as follows:  
 25           23-4-623. Suspension of proposed rates.

26           Pending its investigation and the decision thereon, the Arkansas ~~State~~  
 27 ~~Highway and Transportation~~ Department of Transportation by written order at  
 28 any time before the new rate becomes effective may suspend the operation of  
 29 the rate. However, the suspension shall not be for a longer period than nine  
 30 (9) months beyond the time when the rate would otherwise go into effect. Any  
 31 order initially suspending the rate shall set a specific date for the  
 32 commencement of a hearing inquiring into the rate requested unless waived by  
 33 the applicant utility.

34  
 35           SECTION 122. Arkansas Code § 23-4-624(a), concerning interim  
 36 implementation of suspended rates, is amended to read as follows:

1 (a) If the public utility contends that an immediate and impelling  
 2 necessity exists for the requested rate increase, a petition may be filed  
 3 with the Arkansas ~~State Highway and Transportation~~ Department of  
 4 Transportation narrating the alleged circumstances and requesting a hearing  
 5 on the petition.

6  
 7 SECTION 123. Arkansas Code § 23-4-625 is amended to read as follows:  
 8 23-4-625. Rate increase not effective until final order.

9 Unless the Arkansas ~~State Highway and Transportation~~ Department of  
 10 Transportation finds an immediate and impelling necessity exists or if the  
 11 department fails to enter a timely order as provided in § 23-4-624, no public  
 12 utility shall place any rate increase into effect until a final decision and  
 13 order is made by the department.

14  
 15 SECTION 124. Arkansas Code § 23-4-626(a), concerning the authority of  
 16 the Arkansas State Highway and Transportation Department to fix rates, is  
 17 amended to read as follows:

18 (a) If, after the investigation and hearing thereon, the Arkansas  
 19 ~~State Highway and Transportation~~ Department of Transportation finds the new  
 20 rate to be unjust, unreasonable, discriminatory, or otherwise in violation of  
 21 the law or rules of the department, it shall determine and fix the just and  
 22 reasonable rate to be charged or applied by the utility for the service in  
 23 question, from and after the time the new rate took effect.

24  
 25 SECTION 125. Arkansas Code § 23-4-627 is amended to read as follows:  
 26 23-4-627. Failure of department to reach timely decision – Conditional  
 27 implementation of suspended rates.

28 In the event no final rate determination has been made upon the  
 29 schedule for new rates within ten (10) months after the date the schedule for  
 30 new rates was filed with the Arkansas ~~State Highway and Transportation~~  
 31 Department of Transportation, the public utility may put the suspended rate  
 32 into effect for all bills rendered thereafter immediately upon the filing of  
 33 a bond to be approved by the department payable to the State of Arkansas in  
 34 such amount and with sufficient security to insure prompt payment of any  
 35 refunds to the persons entitled thereto, including an interest rate as  
 36 determined by the department not to exceed the maximum interest otherwise

1 allowed by law, if the rate or rates so put into effect are finally  
2 determined to be excessive. There may be substituted for the bond other  
3 arrangements satisfactory to the department for the protection of the parties  
4 interested.

5  
6 SECTION 126. Arkansas Code § 23-4-629(a), concerning the surcharge to  
7 collect rates increased by courts, is amended to read as follows:

8 (a) In the event that the rates set in the order of the Arkansas ~~State~~  
9 ~~Highway and Transportation~~ Department of Transportation subsequently are  
10 determined to have been inadequate, either on rehearing or in accordance with  
11 court decision on judicial review, the public utility subject to the order  
12 shall be entitled to impose a surcharge on the affected customers for  
13 collection of the increased rates that otherwise would have been collected  
14 during the period between the effective date of the initial order and the  
15 effective date of the rates as increased, together with interest as  
16 determined by the department at a rate not to exceed the maximum interest  
17 rate otherwise allowed by law.

18  
19 SECTION 127. Arkansas Code § 23-4-630 is amended to read as follows:  
20 23-4-630. Refunds of excessive rate collections under bond.

21 In the event a public utility shall have implemented under bond or  
22 other arrangements as a matter involving an immediate and impelling necessity  
23 ~~pursuant to~~ under § 23-4-624 an amount which exceeds that allowed by the  
24 Arkansas ~~State Highway and Transportation~~ Department of Transportation in its  
25 final order, the department shall order the immediate refund of the excessive  
26 bonded collections.

27  
28 SECTION 128. Arkansas Code § 23-4-631 is amended to read as follows:  
29 23-4-631. Refunds of excessive bonded collections – Order not stayed  
30 during rehearing.

31 An application for rehearing ~~pursuant to~~ under § 23-2-422 filed by a  
32 party aggrieved by the final order of the Arkansas ~~State Highway and~~  
33 ~~Transportation~~ Department of Transportation shall not stay the effectiveness  
34 of the order as it pertains to refunds of excessive bonded collections.

35  
36 SECTION 129. Arkansas Code § 23-4-632 is amended to read as follows:

1           23-4-632. Surcharge to collect excessive refunds.

2           In the event that the amount of refunds ordered by the Arkansas ~~State~~  
 3 ~~Highway and Transportation~~ Department of Transportation in its final order is  
 4 subsequently determined to have been excessive, either on rehearing or in  
 5 accordance with a court decision on judicial review, the public utility  
 6 subject to the order shall be entitled to impose an additional surcharge on  
 7 the affected customers to recover that portion of the refunds to which it was  
 8 entitled, together with interest as determined by the department at a rate  
 9 not to exceed the maximum interest rate otherwise allowed by law. The  
 10 surcharge shall be assessed over a period equal to the period between the  
 11 date the rates were implemented under bond and the date of the department's  
 12 final order. The surcharge shall be distributed among the affected customers  
 13 in proportion to the amount of refunds those customers received.

14  
 15           SECTION 130. Arkansas Code § 23-4-633 is amended to read as follows:  
 16           23-4-633. Petition for mandamus.

17           If the Arkansas ~~State Highway and Transportation~~ Department of  
 18 Transportation order is not issued before the expiration of the period of  
 19 suspension, the filed rates shall remain subject to refund as provided in §  
 20 23-4-630, but the applicant utility shall have the right to petition the  
 21 Pulaski County Circuit Court for a writ of mandamus compelling the issuance  
 22 of an order by the department within fifteen (15) days of the writ of  
 23 mandamus issued by the Pulaski County Circuit Court. The petition shall be  
 24 advanced on the docket above all other pending civil cases, and a hearing  
 25 thereon shall be held within seven (7) days of the filing of the petition.  
 26 The scope of review shall be limited to the issue of the failure of the  
 27 department to act within the time limits provided for in this act.

28  
 29           SECTION 131. Arkansas Code § 23-4-634(a), concerning a suit to compel  
 30 funds from a public utility, is amended to read as follows:

31           (a) If the public utility fails to make refunds within thirty (30)  
 32 days after the effective date of the order requiring such refunds, the  
 33 Arkansas ~~State Highway and Transportation~~ Department of Transportation shall  
 34 bring suit in the name of the State of Arkansas, for the use and benefits of  
 35 all those entitled to a refund, in any court of competent jurisdiction and  
 36 recover the amount of all refunds due together with interest thereon at a

1 rate not to exceed the maximum rate otherwise allowed by law and all court  
 2 costs.

3  
 4 SECTION 132. Arkansas Code § 23-4-635(a), concerning changes in rates  
 5 by common carriers, is amended to read as follows:

6 (a) No change shall be made in the rates, fares, and charges or joint  
 7 rates, fares, and charges ~~which that~~ have been filed with the Arkansas ~~State~~  
 8 ~~Highway and Transportation~~ Department of Transportation and published by any  
 9 common carrier in compliance with the requirements of § 23-4-110 except after  
 10 thirty (30) days' notice to the department and to the public.

11  
 12 SECTION 133. Arkansas Code § 23-4-637(a), concerning discriminatory  
 13 interterritorial freight rates, is amended to read as follows:

14 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
 15 Transportation is vested with authority to formulate and adopt plans for a  
 16 complete and thorough study of and attack on interterritorial freight rates  
 17 adversely affecting Arkansas. However, the plans shall be subject to approval  
 18 by the Governor.

19  
 20 SECTION 134. Arkansas Code § 23-4-703 is amended to read as follows:

21 23-4-703. Acts 1899, No. 53, not applicable to interstate traffic.  
 22 The provisions of this act shall not be construed as to require the  
 23 Arkansas ~~State Highway and Transportation~~ Department of Transportation to  
 24 investigate or call upon any railroad or express company for its schedule or  
 25 tariff of charges in the transportation of passengers or property from any  
 26 point wholly outside of this state or to in any way interfere with such rates  
 27 or charges.

28  
 29 SECTION 135. Arkansas Code § 23-4-706(a), concerning the penalties  
 30 imposed on railroad and express companies for a violation of this act,  
 31 amended to read as follows:

32 (a) If any person or corporation operating a railroad or express  
 33 company in this state, or any receiver, trustee, or lessee of any such person  
 34 or corporation, violates any of the provisions of this act or aids or abets,  
 35 or violates the tariff of charges as fixed by the Arkansas ~~State Highway and~~  
 36 ~~Transportation~~ Department of Transportation or any of the rules regarding

1 railroads or express companies as made by the department and for which there  
2 is no other penalty prescribed in this act, then the person or corporation,  
3 receiver, trustee, or lessee shall be liable to a penalty of not less than  
4 five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) for  
5 each violation of this act or such tariff of charges or rules and  
6 regulations.

7  
8 SECTION 136. Arkansas Code § 23-4-708(a), concerning the rate sheets  
9 and tariff changes furnished by railroad or express companies to the Arkansas  
10 State Highway and Transportation Department, is amended to read as follows:

11 (a) Every person or corporation operating any railroad or express  
12 business in this state is required to furnish the Arkansas ~~State Highway and~~  
13 ~~Transportation~~ Department of Transportation, within fifteen (15) days after  
14 notice to do so, with the rate sheet and tariff charges for transportation of  
15 every kind over the railroad.

16  
17 SECTION 137. The introductory language of Arkansas Code § 23-4-709(a),  
18 concerning the rate-making procedure, is amended to read as follows:

19 (a) It shall be the duty of the Arkansas ~~State Highway and~~  
20 ~~Transportation~~ Department of Transportation to:

21  
22 SECTION 138. Arkansas Code § 23-4-714 is amended to read as follows:

23 23-4-714. Complaints – Investigation.  
24 It shall be the duty of the Arkansas ~~State Highway and Transportation~~  
25 Department of Transportation, upon the complaint of any person, company, or  
26 corporation in writing, charging any person or corporation with  
27 discrimination or overcharge, to investigate the complaint and take such  
28 action in the premises as is provided in this act and which the facts in the  
29 case justify.

30  
31 SECTION 139. Arkansas Code § 23-4-715 is amended to read as follows:

32 23-4-715. Complaints – Hearings.  
33 It shall be the duty of the Arkansas ~~State Highway and Transportation~~  
34 Department of Transportation to hear all complaints made by any person, firm,  
35 or corporation against any such tariff of charges so approved, to hear the  
36 parties to the controversy in person or by attorney, or both. The department

1 may take testimony, orally or in writing, and regulate argument thereon and  
 2 conduct the investigation of such complaints in such manner as to the  
 3 department may seem best adapted to arrive at the truth. When any changes are  
 4 made in any tariff of charges, notice thereof shall be given to the person or  
 5 corporation to be affected thereby.

6  
 7 SECTION 140. Arkansas Code § 23-4-716 is amended to read as follows:  
 8 23-4-716. Liability as to rates approved by department.

9 In no instance shall any person or corporation operating a railroad or  
 10 express company, the schedule of charges of which have been submitted to,  
 11 revised, and approved by the Arkansas ~~State Highway and Transportation~~  
 12 Department of Transportation, be civilly or criminally liable for the making  
 13 of any charge ~~which~~ that has been authorized by the tariff of charges  
 14 approved by the department or the rules and regulations prescribed by the  
 15 department.

16  
 17 SECTION 141. Arkansas Code § 23-4-717 is amended to read as follows:  
 18 23-4-717. Railroads required to furnish copies of traffic agreements  
 19 and other information to department.

20 Upon notice to do so, every person or corporation operating a railroad  
 21 or express company having an agent or office in the state shall furnish the  
 22 Arkansas ~~State Highway and Transportation~~ Department of Transportation with  
 23 all the information required to enable the department to perform its duties  
 24 relative to the management of their respective lines and connecting lines  
 25 and, particularly, with copies of all leases, contracts, and agreements with  
 26 other lines, express companies, or sleeping car companies and shall furnish  
 27 all such information as to the number of persons employed in the different  
 28 departments of their service and the wages paid these employees, as the  
 29 department may require.

30  
 31 SECTION 142. Arkansas Code § 23-4-718(a)(1), concerning access to  
 32 railroad books by the Arkansas State Highway and Transportation Department,  
 33 is amended to read as follows:

34 (a)(1) The Arkansas ~~State Highway and Transportation~~ Department of  
 35 Transportation shall have the right at such times as ~~they may deem~~ the  
 36 department deems necessary to inspect the books and papers of any railroad



1 company and to examine under oath any officer, agent, or employee of the  
 2 railroad in relation to the business and affairs of the railroad.

3  
 4 SECTION 143. Arkansas Code § 23-4-719 is amended to read as follows:  
 5 23-4-719. Enforcement of Acts 1899, No. 53 – Mandamus.

6 If any person or corporation operating any railroad or express company  
 7 fails, refuses, or neglects, after notice by the Arkansas ~~State Highway and~~  
 8 ~~Transportation~~ Department of Transportation, to put up its rate sheet, giving  
 9 its tariff of charges in the manner, place, and time as provided in this act;  
 10 to furnish the department with the rate sheet and tariff of charges as  
 11 provided for in this act; to furnish cars and motive power for the prompt  
 12 transportation of freight as provided in this act; to comply with any  
 13 provision of this act; or to make returns as required by this act, then the  
 14 person or corporation shall be subject to a writ of mandamus. The writ shall  
 15 be issued by any circuit court of this state where the person or corporation  
 16 has an office, agent, or place of business to compel a compliance with the  
 17 provisions and requirements of the act. The writ shall issue in the name of  
 18 the State of Arkansas at the relation of the department appointed under the  
 19 provisions of this act, and failure to comply with the requirements shall be  
 20 punishable as and for a contempt.

21  
 22 SECTION 144. Arkansas Code § 23-10-301 is amended to read as follows:  
 23 23-10-301. Express and freight rules prescribed by department.

24 The Arkansas ~~State Highway and Transportation~~ Department of  
 25 Transportation shall make rules and regulations to be observed by all persons  
 26 or corporations operating any railroad or engaged in transporting property as  
 27 express or freight in this state, in respect to the receiving, hauling,  
 28 transporting, storing, and delivering of freight and express as, in its  
 29 judgment, the public convenience may require.

30  
 31 SECTION 145. Arkansas Code § 23-10-302(b), concerning penalties  
 32 imposed on express offices and delivery, is amended to read as follows:

33 (b) The Arkansas ~~State Highway and Transportation~~ Department of  
 34 Transportation is authorized and directed to define the limits in the cities  
 35 in which express companies shall make free delivery of all express packages  
 36 received by them.

1  
2 SECTION 146. Arkansas Code § 23-10-406(a), concerning penalties for  
3 violations of §§ 23-10-402, 23-10-403, 23-10-405, and 23-10-409 – 23-10-431,  
4 or rules of the Arkansas State Highway and Transportation Department, is  
5 amended to read as follows:

6 (a) If any person or corporation operating a railroad in this state  
7 for the transportation of freight, or any receiver, trustee, or lessee of any  
8 such person or corporation, or any other person or corporation as defined in  
9 § 23-10-402 or its employees or agents violate any of the provisions of §§  
10 23-10-402, 23-10-403, 23-10-405, and 23-10-409 – 23-10-431, or aid or abet  
11 therein, or violate the tariff of charges or the rules of the Arkansas ~~State~~  
12 ~~Highway and Transportation~~ Department of Transportation as fixed by the  
13 department regarding railroad companies upon furnishing cars upon application  
14 of shippers, and regarding transportation, delivery, and storage of freight,  
15 forbidden pooling, discrimination, rebate, drawback, or other similar device,  
16 either directly or indirectly, or regarding any of the rules made by the  
17 department based upon §§ 23-10-402, 23-10-403, 23-10-405, and 23-10-409 – 23-  
18 10-431, and for which there is no other penalty prescribed in §§ 23-10-402,  
19 23-10-403, 23-10-405, and 23-10-409 – 23-10-431, then the person,  
20 corporation, receiver, trustee, lessee, or any other person or corporation as  
21 defined in § 23-10-402 shall be liable to a penalty of not less than five  
22 hundred dollars (\$500) nor more than three thousand dollars (\$3,000) for each  
23 violation of §§ 23-10-402, 23-10-403, 23-10-405, and 23-10-409 – 23-10-431,  
24 or of such rules and regulations of the department based upon §§ 23-10-402,  
25 23-10-403, 23-10-405, and 23-10-409 – 23-10-431.

26  
27 SECTION 147. Arkansas Code § 23-10-415(b), concerning the duty to  
28 exchange and return cars, is amended to read as follows:

29 (b) Upon demand of the owner thereof, it shall be the duty of every  
30 railroad company receiving the cars of another railroad company to return the  
31 cars within a reasonable time after demand therefor and within the time and  
32 according to the rules and regulations prescribed by the Arkansas ~~State~~  
33 ~~Highway and Transportation~~ Department of Transportation.

34  
35 SECTION 148. Arkansas Code § 23-10-432 is amended to read as follows:  
36 23-10-432. Duty to furnish cars – Reasonable time for requesting cars.

1           It shall be deemed, prima facie, a reasonable time within which to  
 2 order cars that any shipper shall give notice thereof to the station agent at  
 3 the place of shipment, or in his or her absence to the nearest station agent  
 4 of the railroad company to which the application is made, three (3) days  
 5 before a shipment of five (5) cars or fewer, and five (5) days for fewer than  
 6 ten (10) but more than five (5) cars, and eight (8) days for ten (10) cars or  
 7 more. It shall be the duty of the railroad companies to furnish their station  
 8 agents with printed blanks upon which shippers may make application for their  
 9 cars. However, nothing in this section and §§ 23-10-401, 23-10-433 – 23-10-  
 10 437, and 23-12-605 shall be construed to exempt any railroad company from the  
 11 obligation to furnish cars for shipment without the written notice, but it  
 12 shall only be subject to the penalties of §§ 23-10-434 – 23-10-437 for  
 13 failure to furnish cars to shippers where notice thereof shall be given in  
 14 writing or, in case of shipment of freight wholly between points in this  
 15 state, then in accordance with the rules and regulations of the Arkansas  
 16 ~~State Highway and Transportation~~ Department of Transportation.

17  
 18           SECTION 149. Arkansas Code § 23-10-434(a), concerning exceptions to a  
 19 railroad company's liability for failure to furnish or exchange cars, is  
 20 amended to read as follows:

21           (a) Every railroad company that, in violation of any of the provisions  
 22 of this section and §§ 23-10-401, 23-10-432, 23-10-433, 23-10-435 – 23-10-  
 23 437, and 23-12-605, fails to furnish any cars for the shipment of any freight  
 24 within a reasonable time or, in case of the shipment of freight between  
 25 points within this state, within the time prescribed by the Arkansas ~~State~~  
 26 ~~Highway and Transportation~~ Department of Transportation if the department  
 27 shall prescribe the time by rules and regulations as provided in this section  
 28 and §§ 23-10-401, 23-10-432, 23-10-433, 23-10-435 – 23-10-437, and 23-12-605,  
 29 and the company fails to do so within a reasonable time, or fails to receive  
 30 and forward any loaded cars or to exchange cars as provided for in this  
 31 section and §§ 23-10-401, 23-10-432, 23-10-433, 23-10-435 – 23-10-437, and  
 32 23-12-605, that company shall be liable to the shipper or other person  
 33 injured or damaged thereby for all such injury and damages as may result to  
 34 the shipper. The railroad company is also liable for all special damages of  
 35 which it had notice at the time of the shipment or which occurs after written  
 36 notice thereof, and shall be liable, in addition thereto, for an amount equal

1 to a reasonable attorney's fee, in case suit is brought for recovery of such  
2 damages.

3  
4 SECTION 150. Arkansas Code § 23-10-435(a), concerning a railroad  
5 company's liability for cars of another railroad, is amended to read as  
6 follows:

7 (a) Every railroad company using cars of another railroad company, or  
8 cars which have been delivered to it by the other railroad company, shall be  
9 liable to the party entitled thereto to pay for the reasonable use and hire  
10 thereof and for injury or damages to or destruction of the cars, while in its  
11 possession or under its control, for the amount of such injury. In the case  
12 of cars in the shipment of freight between points wholly within this state,  
13 the amount for the use or hire of the cars may be prescribed by the Arkansas  
14 ~~State Highway and Transportation~~ Department of Transportation, except where  
15 the owners of the cars and the railway companies agree upon the compensation,  
16 in which case the amount so fixed shall govern.

17  
18 SECTION 151. Arkansas Code § 23-10-436(a)(1), concerning the penalty  
19 incurred by a railroad company for gross negligence in not furnishing or  
20 exchanging cars, is amended to read as follows:

21 (a)(1) Every railroad company which willfully, by its own gross  
22 negligence or by the gross negligence of its agents having charge and  
23 management of the matter of furnishing cars, fails or refuses to furnish or  
24 exchange cars as provided for in this section and §§ 23-10-401, 23-10-432 –  
25 23-10-435, 23-10-437, and 23-12-605 or to transport or deliver the cars  
26 within the time prescribed by the Arkansas ~~State Highway and Transportation~~  
27 Department of Transportation as to freight carried between points wholly  
28 within this state, or if not so prescribed, then within a reasonable time,  
29 shall, in addition to other liabilities provided for in this section and §§  
30 23-10-401, 23-10-432 – 23-10-435, 23-10-437, and 23-12-605 forfeit to the  
31 State of Arkansas, for each of the violations, not less than one dollar  
32 (\$1.00) nor more than one hundred dollars (\$100).

33  
34 SECTION 152. The introductory language of Arkansas Code § 23-10-  
35 437(a), concerning intrastate freight rules and regulations, is amended to  
36 read as follows:

1 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
2 Transportation is authorized and empowered, as to all freight carried wholly  
3 within this state and the cars used therefor:

4  
5 SECTION 153. Arkansas Code § 23-11-101 is amended to read as follows:

6 23-11-101. Enforcement of laws or orders on complaint.

7 It is made the duty of the Arkansas ~~State Highway and Transportation~~  
8 Department of Transportation, on complaint, to enforce by necessary order any  
9 or all laws of this state pertaining to railroads and express companies.

10  
11 SECTION 154. Arkansas Code § 23-11-103(a), concerning required annual  
12 reports by railroads and express companies, is amended to read as follows:

13 (a) It ~~shall be~~ is the duty of every person or corporation operating  
14 any railroad or express company in this state to make annual returns of the  
15 business of the railroad or express company to the Arkansas ~~State Highway and~~  
16 ~~Transportation~~ Department of Transportation.

17  
18 SECTION 155. Arkansas Code § 23-11-104(a)(1), concerning the report by  
19 the Arkansas State Highway and Transportation Department as to information  
20 regarding railroad companies, is amended to read as follows:

21 (a)(1) The Arkansas ~~State Highway and Transportation~~ Department of of  
22 Transportation shall ascertain as early as practicable the amount of money  
23 expended in the construction and equipment per mile of every railroad in  
24 Arkansas, the amount of money expended to procure the right-of-way, and the  
25 amount of money it would require to reconstruct the roadbed, track, and  
26 depots and to replace all the physical properties belonging to the railroad.

27  
28 SECTION 156. Arkansas Code § 23-11-202(a)(1), concerning definitions  
29 used in the Railroad Incorporation Act of 1959, is amended to read as  
30 follows:

31 (1) "Department" means the Arkansas ~~State Highway and~~  
32 ~~Transportation~~ Department of Transportation or such other department as may  
33 be created or established for the purpose of regulation of common carriers in  
34 the State of Arkansas; and

35  
36 SECTION 157. Arkansas Code § 23-11-203(a), concerning the articles of

1 incorporation of a contemplated railroad corporation, is amended to read as  
 2 follows:

3 (a) The articles of incorporation of any contemplated railroad  
 4 corporation shall contain all of the information prescribed for inclusion in  
 5 the application to be filed with the Arkansas ~~State Highway and~~  
 6 ~~Transportation~~ Department of Transportation by § 23-11-204. However, it shall  
 7 not be necessary that the articles contain a statement of the manner in which  
 8 the public convenience, necessity, and interest will be served by the  
 9 granting of the charter, nor shall it be necessary that a preliminary survey  
 10 of the proposed roadway or route be attached to the articles.

11

12 SECTION 158. The introductory language of Arkansas Code § 23-11-204,  
 13 concerning the formation of a railroad corporation, is amended to read as  
 14 follows:

15 Any number of persons, not fewer than three (3), being subscribers of  
 16 the stock of any contemplated railroad corporation and desiring to form a  
 17 railroad corporation under the laws of this state, may do so by first filing  
 18 an application with the Arkansas ~~State Highway and Transportation~~  
 19 of Transportation, setting forth the following information:

20

21 SECTION 159. Arkansas Code § 23-11-205(a), concerning an application  
 22 for incorporation of a railroad corporation, is amended to read as follows:

23 (a) Promptly after the filing of an application for the organization  
 24 of a railroad corporation, the Arkansas ~~State Highway and Transportation~~  
 25 Department of Transportation, under and in accordance with rules and  
 26 regulations to be established by the department, shall set a date for a  
 27 hearing upon the application and shall provide that notice of the hearing  
 28 shall be given to all persons whose interest may be adversely affected by the  
 29 granting of the application.

30

31 SECTION 160. Arkansas Code § 23-11-207(a), concerning the effect of  
 32 filing of papers for a railroad corporation, is amended to read as follows:

33 (a) Certified copies of the articles of incorporation together with  
 34 copies of the charter issued by the Secretary of State and the order of the  
 35 Arkansas ~~State Highway and Transportation~~ Department of Transportation shall  
 36 be filed in the office of the county clerk of each county through which the

1 proposed line shall be situated or into which the proposed line shall extend.

2  
3 SECTION 161. Arkansas Code § 23-11-209(8), concerning specific powers  
4 and liabilities of a railroad corporation, is amended to read as follows:

5 (8) To regulate the time and manner in which passengers and  
6 property shall be transported and the tolls and compensation to be paid  
7 therefor, subject to the approval of the Arkansas ~~State Highway and~~  
8 ~~Transportation~~ Department of Transportation;

9  
10 SECTION 162. Arkansas Code § 23-11-219 is amended to read as follows:

11 23-11-219. Subscription contracts for sale of stock.

12 Railroad corporations organized under the law of this state are  
13 authorized to enter into subscription contracts for the sale of their stock  
14 under such terms, conditions, and restrictions and subject to such  
15 liabilities relative thereto as are provided by law for such contracts by  
16 private corporations, except as such contracts may be restricted by the  
17 articles of incorporation or the Arkansas ~~State Highway and Transportation~~  
18 Department of Transportation.

19  
20 SECTION 163. Arkansas Code § 23-11-220(c)(1), concerning an amendment  
21 to the articles of incorporation of a railroad corporation, is amended to  
22 read as follows:

23 (c)(1) No amendment of the articles of incorporation of a railroad  
24 corporation shall become effective unless and until the amendment has been  
25 first approved by the Arkansas ~~State Highway and Transportation~~ Department of  
26 Transportation.

27  
28 SECTION 164. Arkansas Code § 23-11-221(a), concerning the dissolution  
29 or liquidation of a railroad company, is amended to read as follows:

30 (a) Railroad corporations organized under the laws of this state may  
31 be dissolved or liquidated, wholly or in part, after approval of the action  
32 by the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
33 in the manner provided by the law for dissolution or liquidation of business  
34 corporations organized under the laws of this state.

35  
36 SECTION 165. Arkansas Code § 23-11-222(a), concerning railroad

1 corporations existing prior to June 11, 1959, is amended to read as follows:

2 (a) This subchapter shall be applicable to all railroad corporations  
3 organized under the laws of this state, provided that each existing railroad  
4 corporation may, within two (2) years of June 11, 1959, file with the  
5 Arkansas ~~State Highway and Transportation~~ Department of Transportation, the  
6 Secretary of State, and the county clerk of each county in which its articles  
7 of incorporation are then filed an amendment to its articles of incorporation  
8 adopted by not less than two-thirds (2/3) of its stockholders, at an annual  
9 or special meeting, setting forth the period of existence desired for the  
10 corporation.

11  
12 SECTION 166. Arkansas Code § 23-11-223(a), concerning railroad  
13 corporations existing prior to June 7, 1945, is amended to read as follows:

14 (a) Upon the application of any railroad corporation chartered under  
15 the laws of this state prior to June 7, 1945, accompanied by a resolution of  
16 the board of directors of the railroad corporation, the Arkansas ~~State~~  
17 ~~Highway and Transportation~~ Department of Transportation is authorized to  
18 extend the charter of any such railroad corporation in accordance with the  
19 petition and the resolution of the board of directors of the railroad  
20 corporation, or on such terms as the department shall prescribe.

21  
22 SECTION 167. Arkansas Code § 23-11-302(a), concerning the authority to  
23 sell or lease road or property to a connecting foreign railroad, is amended  
24 to read as follows:

25 (a) Subject to the approval thereof by the Arkansas ~~State Highway and~~  
26 ~~Transportation~~ Department of Transportation under such rules and regulations  
27 for procedure as it may establish and a determination that such action will  
28 be in the public interest, any railroad corporation in this state may sell or  
29 lease its road, property, and franchise to any other railroad corporation  
30 duly organized and existing under the laws of any other state or territory  
31 whose line of railroad shall so connect with the leased or purchased road by  
32 bridge, ferry, or otherwise as to practically form a continuous line of  
33 railroad.

34  
35 SECTION 168. Arkansas Code § 23-11-402 is amended to read as follows:  
36 23-11-402. Purchase or lease state roads – Exception.



1 Subject to approval ~~thereof~~ by the Arkansas ~~State Highway and~~  
 2 ~~Transportation~~ Department of Transportation under such rules and regulations  
 3 for procedure as it may establish and a determination that action will be in  
 4 the public interest, any railroad corporation existing under the laws of any  
 5 other state or territory may buy, lease, or otherwise acquire any railroad,  
 6 the whole or part of which is in this state, with all the rights, privileges,  
 7 and franchises thereto pertaining, or buy the stock and bonds, or guarantee  
 8 the bonds of any railroad corporation incorporated or organized under the  
 9 laws of this state whenever the roads of such companies shall form in the  
 10 operation thereof a continuous line or lines. However, the road so purchased  
 11 shall not be parallel or competing with the purchasing road.

12

13 SECTION 169. Arkansas Code § 23-12-101 is amended to read as follows:  
 14 23-12-101. Sections 23-12-101 – 23-12-103 cumulative.

15 The provisions of this section and §§ 23-12-102 and 23-12-103 shall be  
 16 regarded as cumulative, and nothing therein shall be so construed as to  
 17 repeal any other act now in force, nor to in any way curtail or limit the  
 18 powers and duties of the Arkansas ~~State Highway and Transportation~~ Department  
 19 of Transportation.

20

21 SECTION 170. Arkansas Code § 23-12-102 is amended to read as follows:  
 22 23-12-102. Inspection of railroads by department.

23 The Arkansas ~~State Highway and Transportation~~ Department of  
 24 Transportation shall carefully examine the condition of the railroads of this  
 25 state as often as ~~it deems it~~ the department considers necessary.

26

27 SECTION 171. Arkansas Code § 23-12-103(a)(1), concerning the notice to  
 28 railroad of necessary repairs, is amended to read as follows:

29 (a)(1) It shall be the duty of the Arkansas ~~State Highway and~~  
 30 ~~Transportation~~ Department of Transportation to inspect and examine the  
 31 tracks, bridges, or other structures whenever it has reasonable grounds,  
 32 either upon complaint or otherwise, to believe that any of the tracks,  
 33 bridges, or other structures of any railroads in this state are in a  
 34 condition ~~which~~ that renders any of them dangerous or unfit for the  
 35 transportation of passengers with reasonable safety.

36

1 SECTION 172. Arkansas Code § 23-12-104(a), concerning the number and  
2 frequency of trains and streetcars, is amended to read as follows:

3 (a) If in the judgment of the Arkansas ~~State Highway and~~  
4 ~~Transportation~~ Department of Transportation any railroad corporation or  
5 street railroad corporation does not run trains enough or cars enough or  
6 possess or operate motive power enough reasonably to accommodate the  
7 passenger and freight traffic transported by or offered for transportation to  
8 it, or does not run its trains or cars with sufficient frequency or at  
9 reasonable or proper time, having regard to safety, or does not run any train  
10 or car upon a reasonable time schedule for the run, then, after a hearing  
11 either on its own motion or after complaint, the department shall have power  
12 to make an order directing any such railroad corporation or street railroad  
13 corporation to increase the number of its trains or of its cars or its motive  
14 power, or to change the time for starting its trains or cars, or to change  
15 the time schedule for the run of any train or car, or make any other suitable  
16 order that the department may determine reasonably necessary to accommodate  
17 and transport the passenger or freight traffic transported or offered for  
18 transportation.

19  
20 SECTION 173. Arkansas Code § 23-12-203(b), concerning the clearing of  
21 a right-of-way following a derailment or wreck, is amended to read as  
22 follows:

23 (b) In the event any railroad fails to comply with this requirement  
24 the Arkansas ~~State Highway and Transportation~~ Department of Transportation,  
25 upon petition of any ten (10) citizens, shall conduct a hearing for the  
26 purpose of determining the cause of the railroad's failure to comply with  
27 this requirement.

28  
29 SECTION 174. Arkansas Code § 23-12-302 is amended to read as follows:

30 23-12-302. Railroad switch connections to be permitted.

31 Every railroad company shall permit switch connections for intrastate  
32 business to be made with its tracks at suitable and safe points by other  
33 carriers or shippers upon such terms and conditions as the Arkansas ~~State~~  
34 ~~Highway and Transportation~~ Department of Transportation may prescribe  
35 whenever, in the judgment of the department, it can be done with reasonable  
36 safety and whenever the business to be offered by the connecting company or

1 shipper justifies it.

2

3 SECTION 175. Arkansas Code § 23-12-603 is amended to read as follows:

4 23-12-603. Department may require passenger trains to stop at all  
5 stations – Exception.

6 (a)(1) The Arkansas ~~State Highway and Transportation~~ Department of of  
7 Transportation is empowered to require every company or person operating a  
8 railroad in Arkansas which runs and operates passenger trains to stop one (1)  
9 of its passenger trains each way every day at all regular stations where  
10 tickets are sold whether the station is a flag station or not.

11 (2) However, if the department after a hearing finds that  
12 adequate service for the carriage of passengers, mail, baggage, express, and  
13 newspapers between stations is or will be furnished and rendered daily by  
14 motor-propelled vehicles on highways, it shall have the power to authorize  
15 the railroad company to discontinue stopping the trains at stations.

16

17 SECTION 176. Arkansas Code § 23-12-605(a), concerning union passengers  
18 or freight depots, is amended to read as follows:

19 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
20 Transportation shall have power to require the building and maintaining of  
21 union passenger or freight depots, by two (2) or more railroads in any city  
22 of the first or second class in this state, when the business and conditions  
23 in the city justify or require such facilities.

24

25 SECTION 177. Arkansas Code § 23-12-607 is amended to read as follows:

26 23-12-607. Petitions for establishment, discontinuance, modification,  
27 etc., of service – Authority of department.

28 The Arkansas ~~State Highway and Transportation~~ Department of of  
29 Transportation is authorized, empowered, and required to hear and consider  
30 all petitions filed with it for establishment, discontinuance, enlargement,  
31 dualization, or modification of railroad train service, spurs, sidetracks,  
32 and platforms.

33

34 SECTION 178. Arkansas Code § 23-12-608(a), concerning an investigation  
35 by the Arkansas State Highway and Transportation Department of the objects  
36 sought to be accomplished by the petitioner, is amended to read as follows:

1 (a) Within thirty (30) days after the filing of a petition, the  
 2 ~~Arkansas State Highway and Transportation~~ Department of Transportation shall  
 3 proceed to make a personal inspection of the conditions complained of and  
 4 investigate the objects sought to be accomplished by the petitioners. The  
 5 department shall have the right and power to summon and swear witnesses. The  
 6 summons shall be served by any sheriff, constable, or deputy having legal  
 7 jurisdiction.

8  
 9 SECTION 179. Arkansas Code § 23-12-609 is amended to read as follows:

10 23-12-609. Establishment, discontinuance, modification, etc., of  
 11 service generally – Failure to comply with findings and mandate – Penalty.

12 (a) Any railroad, railroad company, lessee, or operator of the  
 13 railroad company, which fails or refuses to comply with the findings,  
 14 decrees, and mandates of the ~~Arkansas State Highway and Transportation~~  
 15 Department of Transportation within the time specified therein, shall be  
 16 deemed guilty of a misdemeanor.

17 (b) ~~It shall be proceeded against by the~~ The district prosecuting  
 18 attorney shall bring the proceeding in any court having competent  
 19 jurisdiction, and upon conviction the railroad, railroad company, lessee, or  
 20 operator of the railroad company shall be fined in any sum not less than  
 21 twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100).

22 (c)(1) Every day of the violation, refusal, failure, or neglect shall  
 23 constitute a separate offense.

24 (2) However, no order for doing anything hereinabove provided  
 25 shall be made by the department until all parties concerned shall receive ten  
 26 (10) days' notice of the proposed change.

27  
 28 SECTION 180. Arkansas Code § 23-12-611(a), concerning the  
 29 discontinuance, dualization, or modification of agency station, is amended to  
 30 read as follows:

31 (a) Any railroad operating in this state may file with the Arkansas  
 32 ~~State Highway and Transportation~~ Department of Transportation a notice of  
 33 discontinuance, dualization, or modification of any of its agency stations  
 34 together with a statement certified by a proper officer of the railroad to  
 35 the effect that the agency station had been operating at a financial loss  
 36 according to standard accounting procedures for not less than one (1) year

1 immediately preceding, or that operating economies would result consistent  
2 with public convenience and necessity.

3  
4 SECTION 181. Arkansas Code § 23-12-613(a), concerning the receiver  
5 appointed upon attempt to abandon a railroad, is amended to read as follows:

6 (a) If any railroad corporation, manager, or receiver shall attempt to  
7 abandon any railroad, or part thereof, by failing to operate its trains, or  
8 to resume operation of its trains over its railroad, or part thereof, if the  
9 operation of trains has been abandoned, the Arkansas ~~State Highway and~~  
10 ~~Transportation~~ Department of Transportation shall report the attempted  
11 abandonment to the Attorney General.

12  
13 SECTION 182. Arkansas Code § 23-13-102(a), concerning the employment  
14 of inspectors for the inspection of licensees, is amended to read as follows:

15 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation shall have the right to employ one (1) or more inspectors as  
17 may be needed for the purpose of making inspections of licensees from time to  
18 time.

19  
20 SECTION 183. Arkansas Code § 23-13-203(a)(6), concerning the  
21 definitions used in the Arkansas Motor Carrier Act, 1955, is repealed.

22 ~~(6) "Department" means the Arkansas State Highway and Transportation~~  
23 ~~Department;~~

24  
25 SECTION 184. Arkansas Code § 23-13-207 is amended to read as follows:  
26 23-13-207. Regulation by department.

27 The regulation of the transportation of passengers or property by motor  
28 carriers over the public highways of this state, the procurement thereof, and  
29 the provisions of facilities ~~therefor~~ is vested in the Arkansas ~~State Highway~~  
30 ~~and Transportation~~ Department of Transportation.

31  
32 SECTION 185. The introductory language of Arkansas Code § 23-13-208,  
33 concerning the general duties and powers of the Arkansas State Highway and  
34 Transportation Department, is amended to read as follows:

35 It shall be the duty of the Arkansas ~~State Highway and Transportation~~  
36 Department of Transportation:

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SECTION 186. Arkansas Code § 23-13-209 is amended to read as follows:

23-13-209. Mandatory injunction – Requirement that department take jurisdiction.

Where the Arkansas ~~State Highway and Transportation~~ Department of Transportation, in respect to any matter arising under this subchapter, has issued a negative order solely because of a supposed lack of power, any party in interest may file a bill of complaint in the Pulaski County Circuit Court. The court, if it determines that the department has the power, may force by writ of mandatory injunction the department to take jurisdiction.

SECTION 187. Arkansas Code § 23-13-210(a), concerning hearings before the Arkansas State Highway and Transportation Department, is amended to read as follows:

(a) Any matter arising in the administration of this subchapter concerning which a hearing is required shall be heard by the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

SECTION 188. Arkansas Code § 23-13-211 is amended to read as follows:  
23-13-211. Appeals – Entitlement.

Any final order made under this subchapter ~~shall be~~ is subject to the same right of appeal by any party to the proceedings as is provided by § 23-2-425, in respect to appeals from the order of the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

SECTION 189. Arkansas Code § 23-13-212 is amended to read as follows:  
23-13-212. Appeals – Notice.

Upon the filing of a motion for appeal, the Arkansas ~~State Highway and Transportation~~ Department of Transportation shall forthwith serve notice of the appeal upon all parties to the proceeding appealed from.

SECTION 190. Arkansas Code § 23-13-213 is amended to read as follows:  
23-13-213. Appeals – Stay of operating authority pending appeal.

If the party appealing desires to stay the beginning of the operating authority granted by the Arkansas ~~State Highway and Transportation~~ Department of Transportation, the party shall file with the motion for appeal a bond,

1 with surety thereon approved by the Pulaski County Circuit Court. The bond  
 2 shall be conditioned that the appealing party will pay to the party in whose  
 3 favor the order appealed from operates all damages which the party may suffer  
 4 by reason of the stay of operation under the order in the event the orders  
 5 shall be affirmed or sustained upon final adjudication. The operating  
 6 authority granted by the department shall be stayed until the matter has been  
 7 finally adjudicated.

8  
 9 SECTION 191. Arkansas Code § 23-13-214(a), concerning the required  
 10 transcripts for appeals, is amended to read as follows:

11 (a) Where any appeal is taken, as provided in §§ 23-13-211 – 23-13-215  
 12 or by other statutes with regard to appeals from orders of the Arkansas ~~State~~  
 13 ~~Highway and Transportation~~ Department of Transportation, the secretary of the  
 14 department shall cause to be prepared, for use on the appeal, an accurate and  
 15 true copy of the record of proceedings before the department, which shall  
 16 contain only such portions of the record as shall be designated by the person  
 17 taking such appeal in the notice of appeal filed.

18  
 19 SECTION 192. Arkansas Code § 23-13-215 is amended to read as follows:  
 20 23-13-215. Appeals – Filing fees.

21 The secretary of the Arkansas ~~State Highway and Transportation~~  
 22 Department of Transportation shall immediately notify the party filing the  
 23 motion for appeal the date of the deposit of the transcript with the clerk of  
 24 the Pulaski County Circuit Court. Within ten (10) days from the date of the  
 25 deposit of the transcript, the party shall pay to the clerk of the court the  
 26 required filing fee.

27  
 28 SECTION 193. Arkansas Code § 23-13-216(a), concerning the agent for  
 29 service of process, notices, or orders, is amended to read as follows:

30 (a)(1) It shall be the duty of every motor carrier to file with the  
 31 Arkansas ~~State Highway and Transportation~~ Department of Transportation a  
 32 designation in writing of the name and post office address of a person  
 33 maintaining a residence within this state upon whom or which service of  
 34 notices or orders may be made under this subchapter. The designation may from  
 35 time to time be changed by like writing similarly filed.

1 SECTION 194. Arkansas Code § 23-13-218 is amended to read as follows:  
2 23-13-218. Certificate of public convenience and necessity –  
3 Requirement.

4 No common carrier by motor vehicle subject to the provisions of this  
5 subchapter shall engage in any operation on any public highway in this state  
6 unless there is in force with respect to such a carrier a certificate of  
7 public convenience and necessity issued by the Arkansas ~~State Highway and~~  
8 ~~Transportation~~ Department of Transportation authorizing such an operation.

9  
10 SECTION 195. Arkansas Code § 23-13-219(a), concerning the application  
11 and fee for a certificate of public convenience and necessity, is amended to  
12 read as follows:

13 (a) Applications for certificates of public convenience and necessity  
14 shall be made in writing to the Arkansas ~~State Highway and Transportation~~  
15 Department of Transportation, be verified under oath, shall be in such form,  
16 contain such information, and be accompanied by proof of service upon such  
17 interested parties as the department by regulation shall require.

18  
19 SECTION 196. Arkansas Code § 23-13-220(a)(1), concerning the notice  
20 and hearing for the issuance of a certificate of public convenience and  
21 necessity, is amended to read as follows:

22 (a)(1) Subject to the provisions of this subchapter, a certificate of  
23 public convenience and necessity shall be issued to any qualified applicant  
24 therefor, authorizing the whole or any part of the operations covered by the  
25 application if it is found that the applicant is fit, willing, and able  
26 properly to perform the service proposed and to conform to the provisions of  
27 this subchapter and the requirements, rules, and regulations of the Arkansas  
28 ~~State Highway and Transportation~~ Department of Transportation thereunder, and  
29 that the proposed service, to the extent to be authorized by the certificate,  
30 is or will be required by the present or future public convenience and  
31 necessity; otherwise the application shall be denied. The burden of proof  
32 shall be upon the applicant.

33  
34 SECTION 197. Arkansas Code § 23-13-221(a)(2), concerning the terms and  
35 conditions of a certificate of public convenience and necessity, is amended  
36 to read as follows:



1           (2)(A) At the time of issuance and from time to time thereafter,  
 2 there shall be attached to the exercise of the privileges granted by the  
 3 certificate such reasonable terms, conditions, and limitations as the public  
 4 convenience and necessity may from time to time require, including terms,  
 5 conditions, and limitations as to the extension of the routes of the carrier  
 6 and such terms and conditions as are necessary to carry out, with respect to  
 7 the operations of the carrier, the requirements established by the Arkansas  
 8 ~~State Highway and Transportation~~ Department of Transportation under this  
 9 subchapter.

10           (B) However, no terms, conditions, or limitations shall restrict  
 11 the right of the carrier to add to his or her or its equipment and facilities  
 12 over the routes, between the termini, or within the territory specified in  
 13 the certificate as the development of the business and the demands of the  
 14 public shall require.

15  
 16           SECTION 198. Arkansas Code § 23-13-222 is amended to read as follows:

17           23-13-222. Permits for contract carriers – Requirement.

18           No person shall engage in the business of a contract carrier by motor  
 19 vehicles over any public highways in this state unless there is in force with  
 20 respect to the carrier a permit issued by the Arkansas ~~State Highway and~~  
 21 ~~Transportation~~ Department of Transportation authorizing such persons to  
 22 engage in such business.

23  
 24           SECTION 199. Arkansas Code § 23-13-223(a), concerning the application  
 25 and fees for permits for contract carriers, is amended to read as follows:

26           (a) Applications for permits for contract carriers by motor vehicles  
 27 shall be made to the Arkansas ~~State Highway and Transportation~~ Department of  
 28 Transportation in writing, be verified under oath, and shall be in such form,  
 29 contain such information, and be accompanied by proof of service upon such  
 30 interested parties as the department by regulation may require.

31  
 32           SECTION 200. Arkansas Code § 23-13-224(a), concerning the issuance of  
 33 permits for contract carriers, is amended to read as follows:

34           (a) Subject to this subchapter, a permit for a contract carrier by  
 35 motor vehicle shall be issued to any qualified applicant therefor authorizing  
 36 in whole or in part the operations covered by the applications, if it is

1 found that the applicant is fit, willing, and able to properly perform the  
 2 service of a contract carrier by motor vehicle and to conform to the  
 3 provisions of this subchapter and the lawful requirements, rules, and  
 4 regulations of the Arkansas ~~State Highway and Transportation~~ Department of of  
 5 Transportation, and the proposed operation, to the extent authorized by the  
 6 permit, will promote the public interest and the policy declared in § 23-13-  
 7 202; otherwise the application shall be denied.

8  
 9 SECTION 201. Arkansas Code § 23-13-226 is amended to read as follows:  
 10 23-13-226. Dual operation.

11 No person shall at the same time hold under this subchapter a  
 12 certificate as a common carrier and permit as a contract carrier authorizing  
 13 operation for the transportation of property by motor vehicle over the same  
 14 route or within the same territory, unless for good cause shown the Arkansas  
 15 ~~State Highway and Transportation~~ Department of of Transportation shall find that  
 16 the certificate and permit will promote the public interest and the policy  
 17 declared in § 23-13-202.

18  
 19 SECTION 202. Arkansas Code § 23-13-227(a), concerning security for the  
 20 protection of the public, is amended to read as follows:

21 (a) No certificate or permit shall be issued to a motor carrier or  
 22 remain in force unless the carrier complies with such reasonable rules ~~and~~  
 23 ~~regulations~~ as the Arkansas ~~State Highway and Transportation~~ Department of of  
 24 Transportation shall prescribe governing the filing and approval of surety  
 25 bonds, policies of insurance, qualification as a self-insurer or other  
 26 securities or agreements in such reasonable amount as the department may  
 27 require, conditioned to pay, within the amount of the surety bonds, policies  
 28 of insurance, qualifications as a self-insurer or other securities or  
 29 agreements, any final judgment recovered against the motor carrier for bodily  
 30 injuries to or the death of any person resulting from the negligent  
 31 operation, maintenance, or use of motor vehicles under the certificate or  
 32 permit or for loss or damage to the property of others.

33  
 34 SECTION 203. Arkansas Code § 23-13-229(a), concerning temporary  
 35 authority for the service by common or contract carrier, is amended to read  
 36 as follows:

1 (a) To provide motor carrier service for which there is an urgent and  
 2 immediate need to, from, or between points within a territory having no motor  
 3 carrier service deemed capable of meeting that need, the Arkansas ~~State~~  
 4 ~~Highway and Transportation~~ Department of Transportation in its discretion and  
 5 without hearing or other proceeding may grant temporary authority for a  
 6 period not exceeding ninety (90) days for the service by common or contract  
 7 carrier, as the case may be. Satisfactory proof of the urgent and immediate  
 8 need shall be made by affidavit or other verified proof, as the department  
 9 shall prescribe.

10  
 11 SECTION 204. Arkansas Code § 23-13-230(a)(1), concerning rules and  
 12 regulations for the protection of the public, is amended to read as follows:

13 (a)(1) ~~No~~ A person shall not for compensation sell or offer for sale  
 14 transportation subject to this subchapter; ~~shall~~ make any contract,  
 15 agreement, or arrangement to provide, procure, furnish, or arrange for such  
 16 transportation; or ~~shall~~ hold himself or herself or itself out by  
 17 advertisements, solicitation, or otherwise as one who sells, provides,  
 18 procures, contracts, or arranges for such transportation unless that person  
 19 holds a broker's license issued by the Arkansas ~~State Highway and~~  
 20 ~~Transportation~~ Department of Transportation to engage in such transactions.

21  
 22 SECTION 205. Arkansas Code § 23-13-232(a), concerning the transfer or  
 23 assignment of certificates, permits, and licenses, is amended to read as  
 24 follows:

25 (a) Certificates, permits, and licenses shall not be assigned,  
 26 transferred, or hypothecated in any manner, nor shall the operation under any  
 27 such permit, certificate, or license be leased without authority of the  
 28 Arkansas ~~State Highway and Transportation~~ Department of Transportation and on  
 29 written application, and after ten (10) days' notice, to parties in interest  
 30 and hearing.

31  
 32 SECTION 206. Arkansas Code § 23-13-233(a), concerning the amendment,  
 33 revocation, and suspension of certificates, permits, and licenses, is amended  
 34 to read as follows:

35 (a) Any certificates, permits, or licenses, upon application of the  
 36 holder thereof and in the discretion of the Arkansas ~~State Highway and~~

1 ~~Transportation~~ Department of Transportation, may be amended or revoked, in  
 2 whole or in part, or may upon complaint or on the department's own  
 3 initiative, after notice and hearing, be suspended, changed, or revoked, in  
 4 whole or in part, for:

5  
 6 SECTION 207. The introductory language of Arkansas Code § 23-13-  
 7 234(a)(1), concerning the operation of a motor carrier without a certificate  
 8 or permit, is amended to read as follows:

9 (a)(1) Any motor carrier using the highways of this state without  
 10 first having obtained a permit or certificate from the Arkansas ~~State Highway~~  
 11 ~~and Transportation~~ Department of Transportation, as provided by this  
 12 subchapter, or who, being a holder thereof, violates any term, condition, or  
 13 provision thereof shall be subject to a civil penalty to be collected by the  
 14 department, after notice and hearing, in an amount not less than one hundred  
 15 dollars (\$100) nor more than five hundred dollars (\$500).

16  
 17 SECTION 208. Arkansas Code § 23-13-235(a)(3), concerning the annual  
 18 fees charged carriers, is amended to read as follows:

19 (3) The Arkansas ~~State Highway and Transportation~~ Department of  
 20 Transportation shall also collect fees under the base state registration  
 21 program on behalf of and for all other participating states of travel from  
 22 all carriers based in the State of Arkansas. All fees collected on behalf of  
 23 other participating states shall be collected in the amount required by that  
 24 state and remitted to that state under the rules and regulations adopted by  
 25 the Interstate Commerce Commission [abolished].

26  
 27 SECTION 209. Arkansas Code § 23-13-238 is amended to read as follows:  
 28 23-13-238. Common carriers – Rates, fares, rules, regulations, etc. –  
 29 Complaints.

30 Any person, state board, organization, or body politic may make  
 31 complaint in writing to the Arkansas ~~State Highway and Transportation~~  
 32 Department of Transportation that any rate, fare, charge, classification,  
 33 rule, regulation, or practice in effect or proposed to be put into effect is  
 34 or will be in violation of this subchapter.

35  
 36 SECTION 210. Arkansas Code § 23-13-239(a)(1), concerning rates, fares,

1 rules, regulations, etc. for common carriers, is amended to read as follows:

2 (a)(1) Whenever, after hearing, upon complaint, or in an investigation  
 3 on its own initiative, the Arkansas ~~State Highway and Transportation~~  
 4 Department of Transportation shall be of the opinion that any individual or  
 5 joint rate, fare, or charge, demanded, charged, or collected by any common  
 6 carriers by railroad, express, or water for transportation, or that any  
 7 classification, rule, regulation, or practice whatsoever of the carriers  
 8 affecting the rate, fare, or charge or the value of the service thereunder,  
 9 is or will be unjust or unreasonable, unjustly discriminatory, or unduly  
 10 preferential, or unduly prejudicial, it shall determine and prescribe the  
 11 lawful rate, fare, or charge or the maximum or minimum rate, fare, or charge  
 12 thereafter to be observed, or the lawful classification, rule, regulation, or  
 13 practice thereafter to be made effective.

14  
 15 SECTION 211. Arkansas Code § 23-13-240(c)(1), concerning rates,  
 16 charges, rules, regulations, etc. for common carriers, is amended to read as  
 17 follows:

18 (c)(1) Whenever, after hearing, upon complaint or upon its own  
 19 initiative the Arkansas ~~State Highway and Transportation~~ Department of  
 20 Transportation is of the opinion that the divisions of joint rates, fares, or  
 21 charges, applicable to the transportation of passengers or property by common  
 22 carriers by motor vehicle, or by such carriers in conjunction with common  
 23 carriers by railroad, express, or water, are or will be unjust, unreasonable,  
 24 inequitable, or unduly preferential or prejudicial as between the carriers  
 25 parties thereto, whether agreed upon by such carriers, or any of them, or  
 26 otherwise established, the department shall by order prescribe the just,  
 27 reasonable, and equitable divisions thereof to be received by the several  
 28 carriers.

29  
 30 SECTION 212. Arkansas Code § 23-12-241(a), concerning hearing and  
 31 suspension proceedings against common carriers, is amended to read as  
 32 follows:

33 (a) Whenever any schedule stating a new individual or joint rate,  
 34 fare, charge, or classification for the transportation of passengers, or by  
 35 any such carrier in conjunction with a common carrier or carriers by  
 36 railroad, express, or water, or any rule, regulation, or practice affecting

1 the rate, fare, or charge, or the value of the service thereunder is filed  
 2 with the Arkansas ~~State Highway and Transportation~~ Department of  
 3 Transportation, the department is authorized and empowered to enter upon a  
 4 hearing concerning the lawfulness of the rate, fare, or charge, or the  
 5 lawfulness of a rule, regulation, or practice, upon the complaint of any  
 6 interested party or upon its own initiative, at once, if the department so  
 7 orders, without answer or other formal pleading by the interested carrier or  
 8 carriers, but upon reasonable notice.

9  
 10 SECTION 213. The introductory language of Arkansas Code § 23-13-  
 11 242(a), concerning factors of reasonableness or justness, is amended to read  
 12 as follows:

13 (a) In the exercise of its power to prescribe just and reasonable  
 14 rates for the transportation of passengers or property by common carrier by  
 15 motor vehicle, the Arkansas ~~State Highway and Transportation~~ Department of  
 16 Transportation shall give due consideration, among other factors, to:

17  
 18 SECTION 214. Arkansas Code § 23-13-244(a)(1), concerning tariffs of  
 19 common carriers by motor vehicle, is amended to read as follows:

20 (a)(1) Whenever an applicable tariff has not already been prescribed  
 21 by the Arkansas ~~State Highway and Transportation~~ Department of  
 22 Transportation, every common carrier by motor vehicle shall file with the  
 23 department and shall keep open to public inspection at all times tariffs  
 24 showing all the rates, fares, and charges for transportation, and all  
 25 services in connection therewith, of passengers or property between points on  
 26 its own route and points on the route of any other common carrier, or on the  
 27 routes of any common carrier by railroad, express, or water, when a through  
 28 route and joint rate shall have been established.

29  
 30 SECTION 215. Arkansas Code § 23-13-245(b), concerning contract  
 31 carriers, is amended to read as follows:

32 (b) It shall be the duty of every contract carrier by motor vehicle to  
 33 file with the Arkansas ~~State Highway and Transportation~~ Department of  
 34 Transportation and to publish and keep open for public inspection, in the  
 35 form and manner prescribed by the department, schedules containing the  
 36 minimum rates or charges of the carrier actually maintained and charged for

1 the transportation of passengers or property and any rule, ~~regulation~~, or  
 2 practice affecting such rates or charges and the value of the service  
 3 thereunder.

4  
 5 SECTION 216. Arkansas Code § 23-13-246(a), concerning the minimum  
 6 rates and charges by contract carriers, is amended to read as follows:

7 (a) No contract carrier by motor vehicle shall demand, charge, or  
 8 collect a less compensation for the transportation than the charges filed in  
 9 accordance with § 23-13-245, as affected by any rule, regulation, or practice  
 10 so filed, or may be prescribed by the Arkansas ~~State Highway and~~  
 11 ~~Transportation~~ Department of Transportation from time to time.

12  
 13 SECTION 217. Arkansas Code § 23-13-247(a), concerning the notice of  
 14 proposed changes to the schedule of minimum rates and charges by a contract  
 15 carrier, is amended to read as follows:

16 (a) No reduction shall be made in any charge of a contract  
 17 carrier by motor vehicle either directly or by means of any change in any  
 18 rate, regulation, or practice affecting the charge or the value of services  
 19 thereunder except after thirty (30) days' notice of the proposed change filed  
 20 in the manner and form set forth in § 23-13-245. However, in its discretion  
 21 and for good cause shown, the Arkansas ~~State Highway and Transportation~~  
 22 Department of Transportation may allow such a change upon less notice or  
 23 modify the requirements of § 23-13-245 with respect to posting and filing of  
 24 the schedules, either in particular instances or by general order applicable  
 25 to special or peculiar circumstances or conditions.

26  
 27 SECTION 218. Arkansas Code § 23-13-249(a), concerning hearing  
 28 requested by a contract carriers, is amended to read as follows:

29 (a) Whenever ~~any a~~ contract carrier by motor vehicle files with the  
 30 Arkansas ~~State Highway and Transportation~~ Department of Transportation any  
 31 schedule stating a charge for a new service or a reduced charge directly, or  
 32 by means of any rule, regulation, or practice, for transportation of  
 33 passengers or property, the department ~~is authorized and empowered to may~~  
 34 enter upon a hearing concerning the lawfulness of such charge or such rule,  
 35 regulation, or practice upon complaint of interested parties or upon its own  
 36 initiative at once, and if it so orders, without answer or other formal

1 pleading by the interested party, but upon reasonable notice.

2  
 3 SECTION 219. Arkansas Code § 23-13-250(a), concerning the schedule of  
 4 minimum rates and charges for a contract carrier, is amended to read as  
 5 follows:

6 (a) Whenever, after hearing, upon complaint or upon its own  
 7 initiative, the Arkansas ~~State Highway and Transportation~~ Department of of  
 8 Transportation finds that any minimum rate or charge of any contract carrier  
 9 by motor vehicle, that any rule, regulation, or practice of any such carrier  
 10 affecting the minimum rate or charge, or that the value of the service  
 11 thereunder for the transportation of passengers or property or in connection  
 12 therewith contravenes the transportation policy declared in this subchapter,  
 13 or is in contravention of any provision of this subchapter, the department  
 14 may prescribe such just and reasonable minimum rates, charges, rules,  
 15 regulations, or practices as in its judgment may be necessary or desirable in  
 16 the public interest and desirable to promote the policy and will not be in  
 17 contravention of any provision of this subchapter.

18  
 19 SECTION 220. Arkansas Code § 23-13-251(a), concerning the collection  
 20 of rates and charges, is amended to read as follows:

21 (a) ~~No~~ A common carrier by motor vehicle shall not deliver or  
 22 relinquish possession at destination of any freight transported by it until  
 23 all tariff rates and charges thereon have been paid except under such rules  
 24 and regulations as the Arkansas ~~State Highway and Transportation~~ Department  
 25 of Transportation from time to time may prescribe to govern the settlement of  
 26 all such rates and charges, including rules and regulations for weekly or  
 27 monthly settlement and those to prevent unjust discrimination or undue  
 28 preference or prejudice.

29  
 30 SECTION 221. Arkansas Code § 23-13-302 is amended to read as follows:  
 31 23-13-302. Authority of department.

32 The Arkansas ~~State Highway and Transportation~~ Department of of  
 33 Transportation may, in all matters within its jurisdiction, issue subpoenas,  
 34 subpoenas duces tecum, and all necessary process in proceedings pending  
 35 before the department; may administer oaths, examine witnesses, compel the  
 36 production of records, books, papers, files, documents, contracts,



1 correspondence, agreements, or accounts necessary for any investigation being  
2 conducted; and may certify official acts.

3  
4 SECTION 222. Arkansas Code § 23-13-303 is amended to read as follows:  
5 23-13-303. Commencement of action before the department.

6 (a) Upon any complaint in writing being made by any person, or by the  
7 ~~Arkansas State Highway and Transportation~~ Department of Transportation on its  
8 own motion, setting forth any act or thing done or omitted to be done by any  
9 person in violation, or claimed violation, of any provision of § 23-13-102 or  
10 of any order or rule of the department, the department shall enter the  
11 complaint upon its docket.

12 (b)(1) ~~It~~ The department shall immediately serve a copy of the  
13 complaint upon each defendant, together with a notice directed to each  
14 defendant requiring that the matter complained of be answered in writing  
15 within ten (10) days of the date of service of the notice.

16 (2) However, the department in its discretion may require particular  
17 cases to be answered within a shorter time, and the department for good cause  
18 shown may extend the time in which an answer may be filed.

19  
20 SECTION 223. Arkansas Code § 23-13-304(a), concerning service of  
21 process and notices, is amended to read as follows:

22 (a) All process issued by the Arkansas ~~State Highway and~~  
23 ~~Transportation~~ Department of Transportation shall extend to all parts of the  
24 state.

25  
26 SECTION 224. Arkansas Code § 23-13-305 is amended to read as follows:  
27 23-13-305. Time and place of hearing.

28 Upon the filing of the answer provided for in § 23-13-303, the Arkansas  
29 ~~State Highway and Transportation~~ Department of Transportation shall set a  
30 time and place for the hearing. Notice of the time and place of the hearing  
31 shall be served not less than ten (10) days before the time set therefor  
32 unless the department finds that public necessity requires the hearing at an  
33 earlier date.

34  
35 SECTION 225. Arkansas Code § 23-13-306(a)(1), concerning the findings  
36 and order of the Arkansas State Highway and Transportation Department, is

1 amended to read as follows:

2 (a)(1) After the conclusion of any hearing, the Arkansas ~~State Highway~~  
3 ~~and Transportation~~ Department of Transportation within sixty (60) days shall  
4 make and file its findings and order, with its opinion, if any.

5

6 SECTION 226. Arkansas Code § 23-13-307 is amended to read as follows:

7 23-13-307. Revocation of license, permit, or certificate.

8 (a) In the event the Arkansas ~~State Highway and Transportation~~  
9 Department of Transportation finds that the defendant is guilty upon any  
10 complaint filed and proceeding had, and that the provisions of § 23-13-102 or  
11 the rules, regulations, or orders of the Arkansas ~~State Highway and~~  
12 ~~Transportation~~ Department of Transportation have been willfully and knowingly  
13 violated and that a motor vehicle was used in the violation, the Arkansas  
14 ~~State Highway and Transportation~~ Department of Transportation shall forthwith  
15 deliver a certified copy of its findings and order to the Director of the  
16 Department of Finance and Administration.

17 (b) It shall be the duty of the director to forthwith revoke and take  
18 up the license plates issued upon any vehicles used in the violations. This  
19 penalty shall apply to the vehicles used in the violation regardless of  
20 whether the vehicle was being used by the violator by reason of special  
21 ownership, ownership, lease, or otherwise.

22 (c) In addition to the penalty set forth in subsection (b) of this  
23 section, if the violator holds a permit or certificate issued by the Arkansas  
24 ~~State Highway and Transportation~~ Department of Transportation authorizing it  
25 to engage in the transportation of persons or property for hire, then the  
26 permit or certificate may also be revoked by the Arkansas ~~State Highway and~~  
27 ~~Transportation~~ Department of Transportation.

28

29 SECTION 227. Arkansas Code § 23-13-308 is amended to read as follows:

30 23-13-308. Appeal to Pulaski County Circuit Court.

31 Any person aggrieved by any findings and order of the Arkansas ~~State~~  
32 ~~Highway and Transportation~~ Department of Transportation may appeal to the  
33 Pulaski County Circuit Court in the way and manner provided for appeals from  
34 the department.

35

36 SECTION 228. Arkansas Code § 23-13-309 is amended to read as follows:

1           23-13-309. Order or subpoena of department enforceable upon  
2 application to court.

3           In case of failure on the part of any person to comply with any lawful  
4 order of the Arkansas ~~State Highway and Transportation~~ Department of of  
5 Transportation, or with any subpoena or subpoena duces tecum, or to testify  
6 concerning any matter on which he or she may be lawfully interrogated, any  
7 court of record of general jurisdiction or a judge thereof upon application  
8 of the department may compel obedience by proceedings for contempt as in the  
9 case of disobedience of the requirements of a subpoena issued from the court,  
10 or of the refusal to testify therein.

11  
12           SECTION 229. Arkansas Code § 23-13-310(a), concerning witness fees and  
13 costs, is amended to read as follows:

14           (a) Witnesses who are summoned before the Arkansas ~~State Highway and~~  
15 ~~Transportation~~ Department of Transportation shall be paid the same fees and  
16 mileage as are paid to witnesses in courts of record.

17  
18           SECTION 230. Arkansas Code § 23-13-604(c)(2), concerning registration  
19 fees, is amended to read as follows:

20           (2) Distributed and expended in the manner directed by the  
21 Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, § 4301 et seq.,  
22 for the payment of expenses incurred by the Arkansas ~~State Highway and~~  
23 ~~Transportation~~ Department of Transportation for motor carrier law enforcement  
24 and safety operations.

25  
26           SECTION 231. Arkansas Code § 23-13-605(a)(2), concerning penalties for  
27 failure to register if subject to the Unified Carrier Registration Act of  
28 2005, is amended to read as follows:

29           (2) The Department of Arkansas State Police, the Arkansas  
30 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
31 Department of Transportation, and local authorities may enforce this  
32 subsection.

33  
34           SECTION 232. Arkansas Code § 23-13-720(a)(2), concerning the exclusive  
35 authority of the Arkansas Public Service Commission over transportation  
36 network companies and their drivers, is amended to read as follows:

1           (2) This subchapter does not limit the Arkansas ~~State Highway~~  
 2 ~~and Transportation~~ Department of Transportation, the Department of Arkansas  
 3 State Police, the Attorney General, other state agencies, law enforcement,  
 4 and local governments within this state from enforcing state and federal laws  
 5 or regulations of general applicability that apply to transportation network  
 6 companies and transportation network company drivers.

7  
 8           SECTION 233. Arkansas Code § 23-14-102(4), concerning definitions used  
 9 in the Arkansas Air Commerce Act, is repealed

10           ~~(4) "Department" means the Arkansas State Highway and~~  
 11 ~~Transportation Department;~~

12  
 13           SECTION 234. Arkansas Code § 23-14-103(2), concerning exemptions to  
 14 the Arkansas Air Commerce Act, is amended to read as follows:

15           (2) Any common carrier by aircraft which the Arkansas ~~State~~  
 16 ~~Higway and Transportation~~ Department of Transportation shall by order  
 17 determine to be engaged mainly and principally in interstate commerce and  
 18 whose intrastate business is incidental to its interstate business, if the  
 19 department finds that its operations are conducted pursuant to a certificate  
 20 of public convenience and necessity issued by the Federal Aviation  
 21 Administration or any other governmental agency successor thereto.

22  
 23           SECTION 235. Arkansas Code § 23-14-104(a), concerning the penalties  
 24 for violating the Arkansas Air Commerce Act, is amended to read as follows:

25           (a) ~~Every~~ A person, including any officer, agent, or employee of a  
 26 corporation, who violates any provision of this chapter or fails to comply  
 27 with any order, decision, or regulation issued by the Arkansas ~~State Highway~~  
 28 ~~and Transportation~~ Department of Transportation ~~shall be~~ is guilty of a Class  
 29 A misdemeanor.

30  
 31           SECTION 236. Arkansas Code § 23-14-106 is amended to read as follows:  
 32           23-14-106. Control, supervision, and regulation by department.

33           ~~Every~~ A person engaging in air commerce is declared to be subject to  
 34 control, supervision, and regulation by the Arkansas ~~State Highway and~~  
 35 ~~Transportation~~ Department of Transportation.

1 SECTION 237. Arkansas Code § 23-14-107(a), concerning the duties and  
2 powers of the Arkansas State Highway and Transportation Department in the  
3 administration and enforcement of the Arkansas Air Commerce Act, is amended  
4 to read as follows:

5 (a) Administration and Enforcement. It shall be the duty of the  
6 Arkansas ~~State Highway and Transportation~~ Department of Transportation to  
7 administer the provisions of this chapter, and to that end the department  
8 shall have authority to make and amend such general or special rules and  
9 regulations and to issue such orders as may be necessary to carry out the  
10 provisions of this chapter.

11  
12 SECTION 238. Arkansas Code § 23-14-108 is amended to read as follows:

13 23-14-108. Pecuniary interest by employees prohibited.

14 No member of the Arkansas ~~State Highway and Transportation~~ Department  
15 of Transportation or any employee of the department appointed or employed in  
16 the administration of this chapter shall in any manner have a pecuniary  
17 interest in, own any securities of, or hold any position with any common  
18 carrier by aircraft.

19  
20 SECTION 239. Arkansas Code § 23-14-109 is amended to read as follows:

21 23-14-109. Certificates required.

22 No person shall engage in the business of a common carrier by aircraft  
23 unless there is in force a certificate issued by the Arkansas ~~State Highway~~  
24 ~~and Transportation~~ Department of Transportation authorizing the person to  
25 engage in that business.

26  
27 SECTION 240. Arkansas Code § 23-14-110(a), concerning applications for  
28 certificates under the Arkansas Air Commerce Act, is amended to read as  
29 follows:

30 (a) Applications for certificates shall be made in writing to the  
31 Arkansas ~~State Highway and Transportation~~ Department of Transportation, shall  
32 be verified under oath, and shall be in such form and contain such  
33 information and be accompanied by proof of service upon such interested  
34 parties as the department shall by regulation require.

35  
36 SECTION 241. Arkansas Code § 23-14-111 is amended to read as follows:

1 23-14-111. Temporary certificates.

2 The Arkansas ~~State Highway and Transportation~~ Department of of  
3 Transportation may grant temporary certificates without notice or hearing  
4 upon such terms and conditions as the department may prescribe, but not for a  
5 period exceeding one hundred eighty (180) days.

6  
7 SECTION 242. Arkansas Code § 23-14-112 is amended to read as follows:

8 23-14-112. Certificates – Security for the protection of the public  
9 required.

10 No certificate shall be issued to a common carrier by aircraft or  
11 remain in force unless the carrier complies with such reasonable rules and  
12 regulations as the Arkansas ~~State Highway and Transportation~~ Department of of  
13 Transportation shall prescribe governing the filing and approval of surety  
14 bonds, policies of insurance, qualifications as a self-insurer, or other  
15 securities or agreements, in such reasonable amount and conditioned as the  
16 department may require.

17  
18 SECTION 243. Arkansas Code § 23-14-114 is amended to read as follows:

19 23-14-114. Issuance of certificates.

20 The Arkansas ~~State Highway and Transportation~~ Department of of  
21 Transportation, subject to §§ 23-14-109 and 23-14-111 – 23-14-113, shall  
22 issue a certificate authorizing the whole or any part of the operation  
23 covered by an application for a certificate if it finds that the applicant is  
24 fit, willing, and able to perform the operation properly and to conform to  
25 the provisions of this chapter and the rules, regulations, and requirements  
26 of the department hereunder and that the operation and the performance  
27 thereof by the applicant is required by the public convenience and necessity.

28  
29 SECTION 244. Arkansas Code § 23-14-116 is amended to read as follows:

30 23-14-116. Certificates – Transfer or lease.

31 Any certificate may be transferred or leased subject to the approval of  
32 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
33 and under such reasonable rules and regulations as may be prescribed by the  
34 department.

35  
36 SECTION 245. Arkansas Code § 23-14-117 is amended to read as follows:

1           23-14-117. Certificates – Modification, suspension, or revocation.  
 2           The Arkansas ~~State Highway and Transportation~~ Department of of  
 3 Transportation after due notice and hearing may alter, amend, modify,  
 4 suspend, or revoke any certificate previously granted where the public  
 5 interest so demands.

6  
 7           SECTION 246. Arkansas Code § 23-14-118 is amended to read as follows:  
 8           23-14-118. Rates and service generally.

9           Every common carrier by aircraft shall furnish reasonable and adequate  
 10 service and facilities at just and reasonable rates as shall be determined by  
 11 the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

12  
 13           SECTION 247. Arkansas Code § 23-14-119 is amended to read as follows:  
 14           23-14-119. Extension of service.

15           The Arkansas ~~State Highway and Transportation~~ Department of of  
 16 Transportation after due notice and hearing may require any certificate  
 17 holder to extend its existing service as required by the public convenience  
 18 and necessity.

19  
 20           SECTION 248. Arkansas Code § 23-14-120 is amended to read as follows:  
 21           23-14-120. Abandonment or discontinuance of service.

22           No common carrier by aircraft shall abandon or discontinue any route or  
 23 part thereof for which a certificate has been issued by the Arkansas ~~State~~  
 24 ~~Highway and Transportation~~ Department of Transportation, unless upon the  
 25 application of the common carrier the department finds after notice and  
 26 opportunity for hearing the abandonment or discontinuance to be in the public  
 27 interest.

28  
 29           SECTION 249. Arkansas Code § 23-14-121(a), concerning the filing and  
 30 observance of tariffs under the Arkansas Air Commerce Act, is amended to read  
 31 as follows:

32           (a) Filing. ~~Every~~ A common carrier by aircraft shall file with the  
 33 Arkansas ~~State Highway and Transportation~~ Department of Transportation,  
 34 print, and make available to the public tariffs showing all rates, fares, and  
 35 charges for air commerce between points served by it, and between points  
 36 served by it and points served by any other common carrier by aircraft when

1 through-air commerce service and rates have been established, and all  
2 classifications, rules, regulations, practices, and services in connection  
3 with such commerce. The tariffs shall be filed in such manner and form as  
4 shall be prescribed by the department.

5  
6 SECTION 250. The introductory language of Arkansas Code § 23-14-  
7 122(a), concerning free or reduced-rate transportation, is amended to read as  
8 follows:

9 (a) Nothing in this chapter shall prohibit common carriers by  
10 aircraft, under such terms and conditions as the Arkansas State Highway and  
11 ~~Transportation~~ Department of Transportation may prescribe, from issuing or  
12 interchanging tickets or passes for free or reduced-rate transportation to:  
13

14 SECTION 251. Arkansas Code § 23-14-123(a)(1), concerning approval from  
15 the Arkansas State Highway and Transportation Department for a change in  
16 tariff, charge, rule, regulation, etc., is amended to read as follows:

17 (a)(1) ~~No~~ A change shall not be made in any rate, fare, or charge, or  
18 any classification, rule, regulation, or practice affecting the rate, fare,  
19 or charge, or the value of the service thereunder, specified in any effective  
20 tariff of any common carrier by aircraft, except upon approval of the  
21 Arkansas ~~State Highway and Transportation~~ Department of Transportation and  
22 the rules and regulations prescribed by it.  
23

24 SECTION 252. Arkansas Code § 23-14-124(a), concerning the regulation  
25 of securities and liens under the Arkansas Air Commerce Act, is amended to  
26 read as follows:

27 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
28 Transportation is empowered to supervise, regulate, restrict, and control the  
29 issuance of stock, stock certificates, bonds, notes, and other evidences of  
30 indebtedness by common carriers by aircraft incorporated under the laws of  
31 Arkansas and the creation of liens on property in this state by carriers  
32 incorporated under the laws of other states.  
33

34 SECTION 253. Arkansas Code § 23-14-125(a), concerning accounts,  
35 records, and reports required under the Arkansas Air Commerce Act, is  
36 amended to read as follows:



1 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
2 Transportation is empowered to require annual and other periodic reports from  
3 any common carrier by aircraft covering any or all operations or business.  
4

5 SECTION 254. Arkansas Code § 23-14-126(a), concerning access to and  
6 examination of property and records under the Arkansas Air Commerce Act, is  
7 amended to read as follows:

8 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
9 Transportation shall at all times have access to all lands, buildings, and  
10 equipment of any common carrier by aircraft and to all accounts, records, and  
11 memoranda, including all documents, papers, and correspondence, now or  
12 hereafter existing and kept or required to be kept by such carriers.  
13

14 SECTION 255. The introductory language of Arkansas Code § 23-14-  
15 128(a), concerning application fees under the Arkansas Air Commerce Act, is  
16 amended to read as follows:

17 (a) Application Fees. The following application fees shall be paid to  
18 the Arkansas ~~State Highway and Transportation~~ Department of of Transportation at  
19 the time of filing an application:  
20

21 SECTION 256. Arkansas Code § 23-15-105(a), concerning pipeline  
22 companies authorized to transport ammonia and other components of fertilizer,  
23 is amended to read as follows:

24 (a) Pipeline companies operating in this state as common carriers and  
25 companies operating pipelines in this state for conveying natural or  
26 artificial gas for public utility service may transport by pipeline ammonia  
27 and other substances and materials composing commercial fertilizer, or used  
28 in manufacturing commercial fertilizer, when specifically authorized to so do  
29 by the Arkansas ~~State Highway and Transportation~~ Department of of  
30 Transportation.  
31

32 SECTION 257. Arkansas Code § 23-16-101(1), concerning the definitions  
33 used in provisions relating to carriers, is repealed.

34 (1) ~~“Department” means the Arkansas State Highway and Transportation~~  
35 ~~Department;~~  
36

1 SECTION 258. Arkansas Code § 23-16-103(a)(1), concerning annual  
 2 certified statement of gross revenue, is amended to read as follows:

3 (a)(1) Annually, during the month of March, every rail carrier and  
 4 other carrier ~~which is~~ subject to regulation by the Arkansas ~~State Highway~~  
 5 ~~and Transportation~~ Department of Transportation under the laws of Arkansas  
 6 shall prepare and transmit to the department a certified statement of the  
 7 gross revenues from its operations in Arkansas for the preceding calendar  
 8 year ending December 31.

9  
 10 SECTION 259. Arkansas Code § 23-16-104(a), concerning the annual fee  
 11 collected from carriers, is amended to read as follows:

12 (a) There is levied and charged and there shall be collected annually  
 13 from each rail carrier ~~which is~~ subject to regulation by the Arkansas ~~State~~  
 14 ~~Highway and Transportation~~ Department of Transportation under the laws of  
 15 Arkansas a fee in an amount ~~which shall be~~ equivalent to that proportion of  
 16 the total rail carrier cost that the gross revenues in Arkansas of each of  
 17 the rail carriers bear to the total gross revenues in Arkansas of all of the  
 18 rail carriers. However, the fee to be collected annually from each of the  
 19 rail carriers shall not exceed in any year an amount exceeding two-fifths of  
 20 one percent (2/5 of 1%) of the gross revenues in Arkansas of each respective  
 21 rail carrier.

22  
 23 SECTION 260. Arkansas Code § 23-16-105(a), concerning the payment and  
 24 delinquent penalty for statement of fees due form rail carriers, is amended  
 25 to read as follows:

26 (a) After determining the amount of the fee due to be paid by each of  
 27 the rail carriers, the Arkansas ~~State Highway and Transportation~~ Department  
 28 of Transportation, annually on or before August 15, shall prepare and  
 29 transmit to each of the rail carriers a statement of the fees due for rail  
 30 carrier costs during the preceding fiscal year.

31  
 32 SECTION 261. The introductory language of Arkansas Code § 23-16-106,  
 33 concerning the record of the cost of operation and maintenance for utilities  
 34 and carriers, is amended to read as follows:

35 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
 36 Transportation shall designate one (1) of its officers or employees who is

1 familiar with cost accounting methods to keep a separate and accurate record  
2 of that part of the cost of operation and maintenance of the Arkansas ~~State~~  
3 ~~Highway and Transportation~~ Department of Transportation having to do with  
4 matters relating to the regulation of:

5  
6 SECTION 262. Arkansas Code § 23-16-505(b)(2), concerning the driver  
7 testing required for a contract carrier, is amended to read as follows:

8 (2) If alcohol testing and controlled substances testing cannot  
9 be completed as soon as possible but no later than thirty-two (32) hours  
10 after the accident, the records shall be submitted to the Arkansas Highway  
11 Police Division of the Arkansas ~~State Highway and Transportation~~ Department  
12 of Transportation.

13  
14 SECTION 263. Arkansas Code § 23-16-508 is amended to read as follows:

15 23-16-508. Access to facilities and records.

16 A contract carrier shall allow an employee of the Arkansas Highway  
17 Police Division of the Arkansas ~~State Highway and Transportation~~ Department  
18 of Transportation or its designee access to:

19 (1) A facility to determine compliance with this subchapter; and

20 (2) Records or information related to an accident investigation  
21 under this subchapter.

22  
23 SECTION 264. Arkansas Code § 23-16-510 is amended to read as follows:

24 23-16-510. Penalties.

25 (a)(1) A person who knowingly violates a provision of this subchapter  
26 is liable to the state for a civil penalty not to exceed one thousand dollars  
27 (\$1,000) for each violation.

28 (2) Each day that a violation continues is a separate offense.

29 (b) The Arkansas Highway Police Division of the Arkansas ~~State Highway~~  
30 ~~and Transportation~~ Department of Transportation shall assess penalties for  
31 violations under this subchapter by written notice to the violator.

32 (c) To determine the amount of the penalty, the Arkansas ~~State Highway~~  
33 ~~and Transportation~~ Department of Transportation or its designee shall  
34 evaluate:

35 (1) The nature, circumstances, extent, and gravity of the  
36 violation;

1 (2) The degree of culpability, history of prior offenses,  
2 ability to pay, and effect on the ability to continue to do business of the  
3 person found to have committed a violation; and

4 (3) Other circumstances as justice may require.  
5

6 SECTION 265. Arkansas Code § 23-18-513(a)(7)(D), concerning service or  
7 notice of application for certificate under the Utility Facility  
8 Environmental and Economic Protection Act, is amended to read as follows:

9 (D) Arkansas ~~State Highway and Transportation~~ Department  
10 of Transportation;

11  
12 SECTION 266. The introductory language of Arkansas Code § 23-112-  
13 107(g), concerning motor vehicle event data recorder under the Arkansas Motor  
14 Vehicle Commission Act, is amended to read as follows:

15 (g) The Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation may retrieve data from a motor vehicle event data recorder if  
17 the data is used for the following purposes:  
18

19 SECTION 267. Arkansas Code § 24-2-302(1), concerning the  
20 classification of members of a state retirement system, is amended to read as  
21 follows:

22 (1) All eligible employees of the Arkansas ~~State Highway and~~  
23 ~~Transportation~~ Department of Transportation shall be members of the Arkansas  
24 State Highway Employees' Retirement System;  
25

26 SECTION 268. Arkansas Code § 24-4-101(17)(B)(vi), concerning the  
27 definitions applicable to the Arkansas Public Employees' Retirement System,  
28 is amended to read as follows:

29 (vi) Persons who are in the employ of the Arkansas  
30 ~~State Highway and Transportation~~ Department of Transportation;

31  
32 SECTION 269. Arkansas Code § 24-5-101(6), concerning the definition of  
33 "current service", is amended to read as follows:

34 (6) "Current service" means service as an employee of the Arkansas  
35 State Highway and Transportation Department or the Arkansas Department of  
36 Transportation after the date of establishment of the system and may include

1 the period of time during which the employee's service may have been  
 2 interrupted by service in the United States Armed Forces. The annual earnings  
 3 for a military service period shall be computed in the manner set forth for  
 4 prior service in subdivision (12) of this section;

5  
 6 SECTION 270. Arkansas Code § 24-5-101(7), concerning the definition of  
 7 "employee", is amended to read as follows:

8 (7)(A) "Employee" means any employee of the Arkansas State  
 9 Highway and Transportation Department or the Arkansas Department of  
 10 Transportation whose compensation is, or was, payable on an hourly, biweekly,  
 11 monthly, annual, or other basis by the ~~department~~ Arkansas State Highway and  
 12 Transportation Department or the Arkansas Department of Transportation,  
 13 including any employee of the ~~department~~ Arkansas State Highway and  
 14 Transportation Department or the Arkansas Department of Transportation whose  
 15 salary is paid or reimbursed, in whole or in part, from federal or other  
 16 funds.

17 (B) "Employee" does not include persons who are employees  
 18 of the Arkansas State Highway and Transportation Department or the Arkansas  
 19 Department of Transportation on or after July 1, 1997, and who are eligible  
 20 for benefits under, or who are earning a retirement benefit from, another  
 21 state-supported retirement system;

22  
 23 SECTION 271. Arkansas Code § 24-5-101(8), concerning the definition of  
 24 "employer", is amended to read as follows:

25 (8) "Employer" means the Arkansas State Highway and  
 26 Transportation Department or the Arkansas Department of Transportation;

27  
 28 SECTION 272. Arkansas Code § 24-5-101(11), concerning the definition  
 29 of "prior service", is amended to read as follows:

30 (11) "Prior service" means all service as an employee of the Arkansas  
 31 State Highway and Transportation Department or the Arkansas Department of  
 32 Transportation before the date of establishment of the system;

33  
 34 SECTION 273. Arkansas Code § 24-5-101(12), concerning the definition  
 35 of "prior service earnings", is amended to read as follows:

36 (12)(A) "Prior service earnings" means the authenticated record

1 filed with and approved by the board setting forth the salary received by the  
 2 member for each fiscal year, or portion thereof, of his or her prior service  
 3 as an employee, beginning with his or her last year of prior service and  
 4 continuing in reverse chronological order.

5 (B) Prior service earnings records may include the period  
 6 of time during which the employee’s service may have been interrupted for  
 7 service in the United States Armed Forces, in which case the annual earnings  
 8 for the military service period of the member shall be computed upon the  
 9 average of his or her last twelve (12) months’ compensation from the Arkansas  
 10 State Highway and Transportation Department or the Arkansas Department of  
 11 Transportation before his or her entry into the ~~armed forces~~ United States  
 12 Armed Forces and the first twelve (12) months’ compensation after  
 13 reemployment by the department;  
 14

15 SECTION 274. Arkansas Code § 24-5-103 is amended to read as follows:  
 16 24-5-103. Establishment of system.

17 There is created and established a retirement system for employees of  
 18 the Arkansas ~~State Highway and Transportation~~ Department of Transportation to  
 19 be known as the “Arkansas State Highway Employees’ Retirement System”, all  
 20 the business of which shall be transacted through a board of trustees as  
 21 provided for in this chapter.  
 22

23 SECTION 275. Arkansas Code § 24-5-104(b) and (c), concerning the board  
 24 of trustees for the Arkansas State Highway Employees’ Retirement System, is  
 25 amended to read as follows:

26 (b)(1) The board shall consist of seven (7) members:

27 (A) The Director of State Highways and Transportation;

28 (B) The Treasurer of State;

29 (C) The Director of the Department of Finance and  
 30 Administration;

31 (D) The Chief Engineer of the Arkansas ~~State Highway and~~  
 32 ~~Transportation~~ Department of Transportation;

33 (E) A retiree from the Arkansas State Highway and  
 34 Transportation Department or the Arkansas Department of Transportation; and

35 (F) Two (2) regularly qualified members of the system.

36 (2) The board shall cause an election to be held by letter

1 ballot in June of each year, after thirty (30) days' written notice to the  
 2 membership, for the purpose of electing two (2) employee members and one (1)  
 3 retiree member who shall serve for two (2) years.

4 (3) In case of a vacancy of any employee member of the board,  
 5 the board shall fill the vacancy until the next regular election, when the  
 6 vacancy shall be filled by the election procedure specified in subsection  
 7 (b)(2) of this section.

8 (c) The officers of the board shall be a chair and a vice chair, who  
 9 shall be selected annually from their own number by the board, and an  
 10 executive secretary, who shall be an accountant in the Arkansas ~~State Highway~~  
 11 ~~and Transportation~~ Department of Transportation Accounting Division  
 12 designated by the board to serve as executive secretary, without power to  
 13 vote and who shall perform the duties provided in this section.

14  
 15 SECTION 276. Arkansas Code § 24-5-105(a), concerning the cost of  
 16 administering payment of benefits and adjustment of errors, is amended to  
 17 read as follows:

18 (a) The cost of administering the plan shall be borne by the Arkansas  
 19 ~~State Highway and Transportation~~ Department of Transportation, except that  
 20 the Arkansas State Highway Employees' Retirement System shall pay the  
 21 expenses incurred for the actuary, the consultant for investments, fees for  
 22 the members of the medical board of the system, expenses associated with  
 23 automating the accounting needs of the system, and forms purchased from  
 24 vendors and identified by letterhead printing as those of the ~~Arkansas State~~  
 25 ~~Highway Employees' Retirement System~~ system.

26  
 27 SECTION 277. Arkansas Code § 24-5-107(a), concerning membership to the  
 28 Arkansas State Highway Employees' Retirement System, is amended to read as  
 29 follows:

30 (a) Any employee of the Arkansas State Highway and Transportation  
 31 Department or the Arkansas Department of Transportation, as defined in § 24-  
 32 5-101(7), shall become a member of the Arkansas State Highway Employees'  
 33 Retirement System in the manner and under the conditions provided in this  
 34 chapter.

35  
 36 SECTION 278. Arkansas Code § 24-5-110(a)(1), concerning credit for

1 prior and current service in the Arkansas State Highway and Transportation  
2 Department, is amended to read as follows:

3 (a)(1) Any employee of the Arkansas ~~State Highway and Transportation~~  
4 Department of Transportation may make application within one (1) year from  
5 the date of becoming a member of the Arkansas State Highway Employees'  
6 Retirement System and receive credit for any authenticated prior service  
7 rendered as an employee of the department prior to July 1, 1949.

8  
9 SECTION 279. Arkansas Code § 24-5-112(b)(1), concerning voluntary  
10 retirement is amended to read as follows:

11 (b)(1) Any retired member who has creditable service with the Arkansas  
12 State Highway and Transportation Department or the Arkansas Department of  
13 Transportation for more than thirty-five (35) years and who is not receiving  
14 benefits based on his or her actual creditable service time, on February 27,  
15 1991, shall have his or her annuity adjusted at that time.

16  
17 SECTION 280. Arkansas Code § 24-5-113(a), concerning disability  
18 retirement, is amended to read as follows:

19 (a) A member shall be eligible for disability retirement benefits  
20 after five (5) or more years of creditable service in the Arkansas State  
21 Highway and Transportation Department or the Arkansas Department of  
22 Transportation, but no member shall be eligible to receive benefits for a  
23 disability incurred prior to his or her becoming a member of the Arkansas  
24 State Highway Employees' Retirement System.

25  
26 SECTION 281. Arkansas Code § 24-5-117(b)(1), concerning withdrawal  
27 from service, is amended to read as follows:

28 (b)(1) In the case of an employee's withdrawal from service after  
29 becoming a member of the system and when the employee's contribution has  
30 accumulated to a total of less than two hundred fifty dollars (\$250), then  
31 the employee's accumulated contribution shall become forfeit to the Arkansas  
32 State Highway Employees' Retirement System Fund unless withdrawn by the  
33 former employee from the fund within the first three (3) years following the  
34 employee's termination of service with the Arkansas ~~State Highway and~~  
35 ~~Transportation~~ Department of Transportation, provided that such employee is  
36 not a member of a reciprocal system.



1  
 2 SECTION 282. Arkansas Code § 24-5-122(b)(6)(B), concerning early  
 3 retirement incentives, is amended to read as follows:

4 (B) The retirement bonus shall be paid from funds  
 5 appropriated to the Arkansas ~~State Highway and Transportation~~ Department of of  
 6 Transportation for salaries.

7  
 8 SECTION 283. Arkansas Code § 24-5-127(a), concerning credible service,  
 9 is amended to read as follows:

10 (a) Any employee of the Arkansas State Highway and Transportation  
 11 Department or the Arkansas Department of Transportation who is a member of  
 12 the Arkansas State Highway Employees' Retirement System and who has served as  
 13 a member of the Arkansas State Highway Commission shall receive partial  
 14 credit, equal to forty percent (40%) of the time the member served as a  
 15 member of the commission, as creditable service.

16  
 17 SECTION 284. Arkansas Code § 24-5-202(b)(3), concerning requirements  
 18 for the Deferred Retirement Option Plan, is amended to read as follows:

19 (3) In order to participate in the Arkansas State Highway  
 20 Employees' Deferred Retirement Option Plan for a period of longer than five  
 21 (5) years, the member shall contribute six percent (6%) of his or her gross  
 22 salary, and the Arkansas ~~State Highway and Transportation~~ Department of of  
 23 Transportation shall contribute six and nine-tenths percent (6.9%) of the  
 24 member's gross salary.

25  
 26 SECTION 285. Arkansas Code § 25-1-120(c)(2)(H), concerning  
 27 comprehensive cross-sector collaboration, is amended to read as follows:

28 (H) Arkansas ~~State Highway and Transportation~~ Department of of  
 29 Transportation;

30  
 31 SECTION 286. Arkansas Code § 25-1-203(e)(10), concerning distribution  
 32 of other publications to the General Assembly, is amended to read as follows:

33 (10) The "Arkansas Highways" magazine published by the Arkansas  
 34 ~~State Highway and Transportation~~ Department of of Transportation.

35  
 36 SECTION 287. Arkansas Code § 25-3-104(a)(3), concerning the Arkansas

1 Natural and Cultural Heritage Advisory Committee, is amended to read as  
 2 follows:

3 (3) The Director of ~~the Arkansas State Highway and State~~  
 4 Highways and Transportation Department;

5  
 6 SECTION 288. Arkansas Code § 25-4-103(11), concerning the definitions  
 7 associated with the Department of Information Systems, is amended to read as  
 8 follows:

9 (11) "Other governmental entities" means state-elected  
 10 constitutional officers and their staffs, the Supreme Court and the  
 11 Administrative Office of the Courts, the General Assembly or its committees  
 12 or staffs, the Arkansas ~~State Highway and Transportation~~ Department of  
 13 Transportation, the Arkansas State Game and Fish Commission, the federal  
 14 government, cities, counties, municipalities, public school districts, and  
 15 other publicly funded governmental entities;

16  
 17 SECTION 289. Arkansas Code § 25-4-125(b)(1)(A), concerning the state  
 18 broadband manager, is amended to read as follows:

19 (A) State agencies, boards, commissions, and  
 20 constitutional officers, including without limitation the Governor,  
 21 Department of Education, Department of Higher Education, and Arkansas ~~State~~  
 22 ~~Highway and Transportation~~ Department of Transportation;

23  
 24 SECTION 290. Arkansas Code § 25-9-106(a), concerning the Community  
 25 Alcohol Safety Program, is amended to read as follows:

26 (a) On or after July 1, 1999, all powers, duties, functions, records,  
 27 and funds administered or provided by other support divisions within the  
 28 Arkansas ~~State Highway and Transportation~~ Department of Transportation for  
 29 the Traffic Safety Section of the Planning and Research Division regarding or  
 30 relating to the state alcohol program, commonly known as the "Community  
 31 Alcohol Safety Program", administered by the department pursuant to the laws  
 32 of this state and transferred to that department by Acts 1989, 1st Ex. Sess.,  
 33 No. 153, shall be transferred by a type 2 transfer, as defined in § 25-2-105,  
 34 to the Division of Behavioral Health Services of the Department of Human  
 35 Services.

36

1 SECTION 291. Arkansas Code § 25-9-107 is amended to read as follows:  
 2 25-9-107. Transfer of personnel pursuant to § 25-9-106.

3 All personnel transferred from the Arkansas ~~State Highway and~~  
 4 ~~Transportation~~ Department of Transportation pursuant to under § 25-9-106  
 5 shall be eligible for employment under this section in a comparable position  
 6 with the Division of Behavioral Health Services of the Department of Human  
 7 Services.

8  
 9 SECTION 292. Arkansas Code § 26-3-308(a), concerning property owned by  
 10 the State Highway Commission of the State Highway and Transportation  
 11 Department, is amended to read as follows:

12 (a) It is hereby found and determined by the Seventy-Eighth General  
 13 Assembly and the Ninety-First that all property owned by the ~~Arkansas~~ State  
 14 Highway Commission or the Arkansas ~~State Highway and Transportation~~  
 15 Department of Transportation is public property used exclusively for public  
 16 purposes.

17  
 18 SECTION 293. Arkansas Code § 26-26-1616(a)(2)(A), concerning  
 19 disposition of taxes and penalties for utilities and carriers, is amended to  
 20 read as follows:

21 (2)(A) The Treasurer of State shall annually transmit to the  
 22 respective county treasurers of the several counties of this state the  
 23 proportionate part of the Ad Valorem Tax Fund coming from the source that the  
 24 improved state highway mileage in each county bears to the improved state  
 25 highway mileage in all counties, the highway mileage figures to be furnished  
 26 by the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 27 on request of the Treasurer of State.

28  
 29 SECTION 294. Arkansas Code § 26-36-303(1)(A)(xvii), concerning  
 30 definitions associated to the collection of delinquent taxes, is amended to  
 31 read as follows:

32 (xvii) The Arkansas ~~State Highway and Transportation~~  
 33 Department of Transportation.

34  
 35 SECTION 295. Arkansas Code § 26-55-604 is amended to read as follows:  
 36 26-55-604. Rules and regulations – Audit assistance.

1           The Director of State Highways and Transportation shall prescribe and  
 2 promulgate rules and regulations necessary for the proper enforcement of this  
 3 subchapter with the advice of the Legislative Council, and in any audits  
 4 conducted by the Arkansas ~~State Highway and Transportation~~ Department of of  
 5 Transportation relating to the Motor Fuel Tax Law, § 26-55-201 et seq., or  
 6 the Special Motor Fuels Tax Law, § 26-56-101 et seq., or this subchapter or  
 7 other pertinent laws, may call upon the Director of the Department of Finance  
 8 and Administration for assistance.

9  
 10           SECTION 296. Arkansas Code § 26-55-608(a) and (b), concerning the  
 11 authority to stop, investigate, and impound vehicles, are amended to read as  
 12 follows:

13           (a) In order to enforce the provisions of this subchapter, any officer  
 14 of the Arkansas Highway Police Division of the Arkansas ~~State Highway and~~  
 15 ~~Transportation~~ Department of Transportation shall have the authority to stop  
 16 any vehicle appearing to be handling or transporting fuels for the purpose of  
 17 examining the documents required by this subchapter or to ensure the  
 18 operator’s compliance with its provisions.

19           (b) If after the examination or investigation it is determined that  
 20 the transporter should have secured an import/export load permit as required  
 21 by this subchapter, but has failed to secure that permit, the enforcement  
 22 officer shall immediately cause the offending vehicle and its operator to be  
 23 removed to the nearest Arkansas ~~State Highway and Transportation~~ Department  
 24 of Transportation property, port of entry, or any designated location where  
 25 the Director of the Department of Finance and Administration’s representative  
 26 shall immediately assess the tax on that load together with the penalty  
 27 provided in § 26-55-609 against the person found to be responsible for the  
 28 payment of the tax.

29  
 30           SECTION 297. Arkansas Code § 26-55-709 is amended to read as follows:  
 31           26-55-709. Interstate carrier certificates or permits.

32           When the Arkansas ~~State Highway and Transportation~~ Department of  
 33 Transportation receives an application for an interstate carrier certificate  
 34 or permit, with the appropriate fees for the certificate or permit, and also  
 35 receives an application for a fuel user permit from that same applicant, the  
 36 Arkansas ~~State Highway and Transportation~~ Department of Transportation shall

1 deliver the application for a fuel user permit to the Motor Fuel Tax Section  
2 of the Department of Finance and Administration for issuance of the fuel user  
3 permit.

4  
5 SECTION 298. Arkansas Code § 26-56-102(15), concerning the definitions  
6 of "person", is amended to read as follows:

7 (15) "Person" means every natural person, fiduciary,  
8 partnership, limited liability company, firm, association, corporation,  
9 business trust combination acting as a unit, any receiver appointed by any  
10 state or federal court, or any municipality, county, or any subdivision,  
11 department, agency, board, commission, or other instrumentality of this  
12 state, except the Arkansas ~~State Highway and Transportation~~ Department of of  
13 Transportation;

14  
15 SECTION 299. Arkansas Code § 26-56-105(a), concerning the payment of  
16 tax by the Arkansas State Highway and Transportation Department, is amended  
17 to read as follows:

18 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
19 Transportation shall pay the special motor fuel tax established by this  
20 chapter on the special motor fuels used in its motor vehicles as defined in §  
21 26-56-102(13).

22  
23 SECTION 300. Arkansas Code § 26-56-405(a), concerning the payment of  
24 tax by the Arkansas State Highway and Transportation Department, is amended  
25 to read as follows:

26 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
27 Transportation shall continue to pay the special motor fuel tax established  
28 by this chapter on all diesel-powered motor vehicles as defined in § 26-56-  
29 102 owned by the department.

30  
31 SECTION 301. Arkansas Code § 26-57-247(1)(1)(A)(iii), concerning  
32 seizure, forfeiture, and disposition of tobacco products and other property,  
33 is amended to read as follows:

34 (iii)(a) A law enforcement agency may use forfeited  
35 property or money if the circuit court's order specifies that the forfeited  
36 property or money is forfeited to the prosecuting attorney, sheriff, chief of

1 police, Department of Arkansas State Police, Director of Arkansas Tobacco  
 2 Control, or Arkansas Highway Police Division of the Arkansas ~~State Highway~~  
 3 ~~and Transportation~~ Department of Transportation.

4 (b) After the order, the prosecuting  
 5 attorney, sheriff, chief of police, Department of Arkansas State Police,  
 6 Director of Arkansas Tobacco Control, or Arkansas Highway Police Division of  
 7 the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 8 shall maintain an inventory of the forfeited property or money, be  
 9 accountable for the forfeited property or money, and be subject to  
 10 subdivision (j)(5) of this section with respect to the forfeited property or  
 11 money;

12  
 13 SECTION 302. Arkansas Code § 26-62-104 is amended to read as follows:  
 14 26-62-104. Rules and regulations.

15 The Director of the Department of Finance and Administration is  
 16 authorized and empowered in consultation with the Director of State Highways  
 17 and Transportation of the Arkansas ~~State Highway and Transportation~~  
 18 Department of Transportation to make and promulgate such rules and  
 19 regulations not inconsistent with this chapter as they shall deem necessary  
 20 and desirable to facilitate the collection of the taxes levied in this  
 21 chapter and to otherwise effectuate the purposes of this chapter, and these  
 22 rules and regulations shall have the same effect as if specifically set forth  
 23 in this chapter.

24  
 25 SECTION 303. Arkansas Code § 26-62-111 is amended to read as follows:  
 26 26-62-111. Audits.

27 In all audits conducted by the Arkansas ~~State Highway and~~  
 28 ~~Transportation~~ Department of Transportation pursuant to under this chapter,  
 29 the Arkansas State Highway and Transportation Department may call upon the  
 30 Director of the Department of Finance and Administration for assistance.

31  
 32 SECTION 304. Arkansas Code § 26-62-208 is amended to read as follows:  
 33 26-62-208. Prima facie presumptions – Failure to keep records, issue  
 34 invoices, or file reports – Tax, penalties, and interest.

35 (a) Any alternative fuels supplier, user, interstate user, or IFTA  
 36 carrier user who fails to keep the records, issue the invoices, or file the

1 reports required by this chapter shall be prima facie presumed to have sold,  
 2 delivered, or used for taxable purposes all alternative fuels shown by a  
 3 verified audit by the Arkansas ~~State Highway and Transportation~~ Department of of  
 4 Transportation, the Director of the Department of Finance and Administration,  
 5 or any authorized representative.

6 (b)(1) The director is authorized to fix or establish the amount of  
 7 taxes, penalties, and interest due the State of Arkansas from any record or  
 8 information available to the director, or to the Arkansas ~~State Highway and~~  
 9 ~~Transportation~~ Department of of Transportation, and if the tax claim as  
 10 developed from that procedure is not paid, the claim and any audit made by  
 11 the Arkansas ~~State Highway and Transportation~~ Department of of Transportation,  
 12 the director, or an authorized representative, or any report filed by such  
 13 alternative fuels supplier, user, interstate user, or IFTA carrier user shall  
 14 be admissible in evidence in any suit or judicial proceedings filed by the  
 15 director and shall be prima facie evidence of the correctness of said claim  
 16 or audit.

17 (2) However, the prima facie presumption of the correctness of  
 18 the claim may be overcome by evidence adduced by the alternative fuels  
 19 supplier, user, interstate user, or IFTA carrier user.

20  
 21 SECTION 305. Arkansas Code § 26-63-302(c)(2)(A)(ii), concerning rental  
 22 vehicle tax, is amended to read as follows:

23 (ii) The moneys in the fund resulting from a deposit  
 24 described in subdivision (c)(2)(A)(i) of this section shall be used by the  
 25 Arkansas ~~State Highway and Transportation~~ Department of of Transportation for  
 26 the purpose of acquiring federal matching funds for the purchase of public  
 27 transportation vehicles, for public transit equipment or facilities, and for  
 28 the operation of the United States Department of Transportation Federal  
 29 Transit Administration assistance programs.

30  
 31 SECTION 306. Arkansas Code § 27-1-102(b)(2), concerning the  
 32 legislative intent of the Highway and Transportation Act of 1977, is amended  
 33 to read as follows:

34 (2) To this end, the Arkansas ~~State Highway and Transportation~~  
 35 Department of of Transportation is directed to establish and maintain  
 36 coordination with all agencies of the state having transportation

1 responsibility; local, city, and county governments; regional planning and  
 2 transportation districts, commissions, and authorities; and private  
 3 transportation agencies.

4  
 5 SECTION 307. Arkansas Code § 27-1-103 is amended to read as follows:  
 6 27-1-103. Definitions.

7 ~~(a) As used in this chapter:~~

8 ~~(1) "Commission" means the State Highway Commission;~~

9 ~~(2) "Department" means the Arkansas State Highway and~~  
 10 ~~Transportation Department; and~~

11 ~~(3) "Service" or "services" means either or both freight and~~  
 12 ~~passenger transport, whether by air, land, or water.~~

13 ~~(b)(1) Whenever the words, "State Highway Department" are used in any~~  
 14 ~~statute, directive, rule, or regulation, they shall be held and taken to mean~~  
 15 ~~the Arkansas State Highway and Transportation Department.~~

16 ~~(2) Whenever the words "director" or "Director of State~~  
 17 ~~Highways" are used in any statute, directive, rule, or regulation, they shall~~  
 18 ~~be held to mean the Director of State Highways and Transportation.~~

19  
 20 SECTION 308. Arkansas Code § 27-1-104(b), concerning powers of certain  
 21 entities unabrogated, is amended to read as follows:

22 (b)(1) In the area of marine and aviation facilities and services, it  
 23 is the intent of this chapter that the various state and local airport  
 24 commissions and the Arkansas Waterways Commission's authority, powers, and  
 25 responsibilities shall remain intact.

26 (2) However, they the various state and local airport  
 27 commissions and the Arkansas Waterways Commission shall inform the Arkansas  
 28 State Highway and Transportation Department of Transportation of their plans  
 29 in order that total transportation planning can be achieved and made  
 30 available for incorporation in a comprehensive growth plan for the state.

31  
 32 SECTION 309. The introductory language of Arkansas Code § 27-1-105(a),  
 33 concerning the powers and duties the Arkansas State Highway and  
 34 Transportation Department has over rail service, is amended to read as  
 35 follows:

36 (a) The Arkansas ~~State Highway and Transportation~~ Department of



1 Transportation is authorized to exercise those powers necessary for the state  
2 to qualify for rail service preservation subsidies or other transportation  
3 assistance ~~pursuant to~~ under the provisions of any federal act. The  
4 department shall:

5

6 SECTION 310. The introductory language of Arkansas Code § 27-1-106(b),  
7 concerning the powers and duties the Arkansas State Highway and  
8 Transportation Department has over mass transit, is amended to read as  
9 follows:

10 (b) To this end, the Arkansas ~~State Highway and Transportation~~  
11 Department of Transportation shall:

12

13 SECTION 311. Arkansas Code § 27-1-107 is amended to read as follows:  
14 27-1-107. Rules and regulations – Reorganization.

15 The Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation shall adopt and promulgate reasonable rules and regulations  
17 and reorganize as necessary to carry out the responsibilities delegated to it  
18 under this chapter.

19

20 SECTION 312. Arkansas Code § 27-2-102(1)(C), concerning definitions  
21 used in the Hazardous Materials Transportation Act of 1972, is amended to  
22 read as follows:

23 (C) Standards established by the Arkansas ~~State Highway~~  
24 ~~and Transportation~~ Department of Transportation, by regulation, with  
25 reference to labeling of containers of hazardous materials; or

26

27 SECTION 313. Arkansas Code § 27-2-102(5), concerning definitions used  
28 in the Hazardous Materials Transportation Act of 1972, is repealed.

29 ~~(5) “Department” means Arkansas State Highway and Transportation~~  
30 ~~Department;~~

31

32 SECTION 314. Arkansas Code § 27-2-103(b)(2), concerning prohibited  
33 acts and exceptions under the Hazardous Materials Transportation Act of 1977,  
34 is amended to read as follows:

35 (2) Further provided, if the United States Department of  
36 Transportation or the United States Congress adopts exceptions greater than

1 those currently allowed transporters of hazardous materials in 49 C.F.R. pt.  
 2 173, the Arkansas ~~State Highway and Transportation~~ Department of of  
 3 Transportation may adopt such comparable exemptions as are applicable to the  
 4 transporters while utilizing the highways of this state.

5  
 6 SECTION 315. Arkansas Code § 27-2-105 is amended to read as follows:  
 7 27-2-105. Enforcement.

8 The enforcement personnel of the Department of Arkansas State Police  
 9 and enforcement personnel of the Arkansas ~~State Highway and Transportation~~  
 10 Department of Transportation shall have the authority to enforce the  
 11 provisions of this chapter.

12  
 13 SECTION 316. Arkansas Code § 27-2-106(a)(1), concerning additional  
 14 regulations authorized under the Hazardous Materials Transportation Act of  
 15 1977, is amended to read as follows:

16 (a)(1) In addition to the specific authority granted to the Arkansas  
 17 ~~State Highway and Transportation~~ Department of Transportation by this chapter  
 18 to define terms and impose additional requirements, by regulation, the  
 19 department shall have the authority to promulgate additional regulations, in  
 20 the manner provided by law, in furtherance of this chapter.

21  
 22 SECTION 317. Arkansas Code § 27-2-108 is amended to read as follows:  
 23 27-2-108. Conformity with Arkansas Administrative Procedure Act.

24 All rules and regulations proposed and adopted by the Arkansas ~~State~~  
 25 ~~Highway and Transportation~~ Department of Transportation ~~pursuant to~~ under  
 26 this chapter and all other actions of the department taken ~~pursuant to~~ under  
 27 the authority and responsibility prescribed in this chapter shall be in  
 28 conformity with the provisions of the Arkansas Administrative Procedure Act,  
 29 § 25-15-201 et seq.

30  
 31 SECTION 318. Arkansas Code § 27-3-102 is amended to read as follows:  
 32 27-3-102. Legislative determination.

33 Adequate and efficient public transportation is essential to the well-  
 34 being of many of our state's citizens and the economic growth of both urban  
 35 and rural areas. It is the purpose and intent of this chapter to have a  
 36 general public transportation policy which encourages the planning,

1 development, implementation, operation, and evaluation of efficient and  
 2 coordinated transportation systems, both public and private. While the  
 3 leadership and coordination in the development of public transportation  
 4 policy and programs is vested in the Arkansas ~~State Highway and~~  
 5 ~~Transportation~~ Department of Transportation by statutory authority, a number  
 6 of departments, agencies, and other legally constituted bodies are involved  
 7 in the implementation and operation of public transportation services, and  
 8 the policy and programs should be developed with their advice and  
 9 recommendations.

10  
 11 SECTION 319. Arkansas Code § 27-3-104(3), concerning definitions used  
 12 in the Arkansas Public Transportation Coordination Act, is repealed.

13 ~~(3) "Department" means the Arkansas State Highway and~~  
 14 ~~Transportation Department;~~

15  
 16 SECTION 320. Arkansas Code § 27-3-105(a), concerning the rights and  
 17 responsibilities of the Arkansas Public Transportation Coordination Council,  
 18 is amended to read as follows:

19 27-3-105. Purpose – Rights and responsibilities.

20 (a) The Arkansas Public Transportation Coordination Council, by and  
 21 through the Arkansas ~~State Highway and Transportation~~ Department of  
 22 Transportation, is to accomplish the coordination of transportation services  
 23 provided to the general public, particularly the transportation-  
 24 disadvantaged.

25  
 26 SECTION 321. Arkansas Code § 27-3-106(a), concerning administrative  
 27 support provided by the Arkansas State Highway and Transportation Department,  
 28 is amended to read as follows:

29 (a) Administrative support shall be provided by the Arkansas ~~State~~  
 30 ~~Highway and Transportation~~ Department of Transportation.

31  
 32 SECTION 322. Arkansas Code § 27-14-601(a)(3)(H)(viii), concerning fees  
 33 for registration and licensing of motor vehicles, is amended to read as  
 34 follows:

35 (viii) The director shall promulgate such rules and  
 36 regulations as may be necessary to carry out the intent of this

1 classification and prevent abuse thereof. However, before any such rules or  
 2 regulations shall be effective, they shall be approved by majority action of  
 3 the members of the State Highway Commission acting for and in behalf of the  
 4 Arkansas Highway Police Division of the Arkansas ~~State Highway and~~  
 5 ~~Transportation~~ Department of Transportation, which is the agency charged with  
 6 the principal responsibility of enforcing the motor vehicle license laws of  
 7 this state.

8

9 SECTION 323. Arkansas Code § 27-14-601(e)(2)(B), concerning penalties  
 10 for failure to pay fees for registration and licensing of motor vehicles, is  
 11 amended to read as follows:

12 (B) An officer of the Arkansas Highway Police Division of  
 13 the Arkansas ~~State Highway and Transportation~~ Department of Transportation,  
 14 the fine collected shall be remitted by the tenth day of each month to the  
 15 Administration of Justice Funds Section of the Office of Administrative  
 16 Services of the Department of Finance and Administration on a form provided  
 17 by the Administration of Justice Funds Section of the Office of  
 18 Administrative Services of the Department of Finance and Administration for  
 19 deposit into the State Highway and Transportation Department Fund, to be used  
 20 for the purchase and maintenance of highway police vehicles;

21

22 SECTION 324. Arkansas Code § 27-14-611(a)(2)(B), concerning  
 23 registration for nonprofit motor vehicle fleets, is amended to read as  
 24 follows:

25 (B) Is eligible to participate in the federal transit  
 26 grant programs administered through the Arkansas ~~State Highway and~~  
 27 ~~Transportation~~ Department of Transportation.

28

29 SECTION 325. Arkansas Code § 27-14-1403(a), concerning community or  
 30 farm-to-market buses, is amended to read as follows:

31 (a) As used in this section, "community or farm-to-market bus" means  
 32 any bus operating under and by authority of the Arkansas ~~State Highway and~~  
 33 ~~Transportation~~ Department of Transportation, which is privileged to operate  
 34 as a common carrier for hire within the State of Arkansas and which has a  
 35 home office that is domiciled within this state, and where the privilege does  
 36 not extend beyond the territory of fifty (50) miles for any operation, shall

1 be termed a "community or farm-to-market bus".

2

3 SECTION 326. Arkansas Code § 27-23-120 is amended to read as follows:  
4 27-23-120. Rulemaking authority.

5 The Office of Driver Services and the Department of Arkansas State  
6 Police shall have the authority to adopt rules and regulations after  
7 consulting with, and with the concurrence of, the State Highway Commission  
8 and the Arkansas Highway Police Division of the Arkansas ~~State Highway and~~  
9 ~~Transportation~~ Department of Transportation, necessary to carry out the  
10 provisions of this subchapter.

11

12 SECTION 327. Arkansas Code § 27-23-122 is amended to read as follows:  
13 27-23-122. Enforcement.

14 The enforcement personnel of the State Highway Commission, the Arkansas  
15 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
16 Department of Transportation, and any certified law enforcement officer shall  
17 have the authority to enforce the provisions of this subchapter.

18

19 SECTION 328. Arkansas Code § 27-24-402 is amended to read as follows:  
20 27-24-402. Metal plates required on state highway vehicles.

21 (a) The State Highway Commission shall not be required to purchase a  
22 license plate from the Department of Finance and Administration for a motor  
23 vehicle, truck, or trailer owned or leased by the Arkansas ~~State Highway and~~  
24 ~~Transportation~~ Department of Transportation or as otherwise determined by  
25 minute order of the commission.

26 (b)(1) The commission shall procure and place upon each vehicle owned  
27 or leased by the Arkansas ~~State Highway and Transportation~~ Department of  
28 Transportation a metal plate that contains legible:

29 (A) Words that state that the vehicle upon which the plate  
30 is placed belongs to the Arkansas ~~State Highway and Transportation~~ Department  
31 of Transportation; and

32 (B) Numbers that correlate with a list of all metal plates  
33 placed on vehicles that belong to the Arkansas ~~State Highway and~~  
34 ~~Transportation~~ Department of Transportation.

35 (2) The commission shall keep and maintain a complete list that  
36 includes:

1 (A) The number of all metal plates placed upon vehicles  
2 belonging to the Arkansas ~~State Highway and Transportation~~ Department of Transportation; and  
3

4 (B)(i) A description of the vehicle on which each plate is  
5 placed.

6 (ii) The description shall include the vehicle  
7 identification number, the motor number, the model number, or other unique  
8 identification of the vehicle.

9  
10 SECTION 329. Arkansas Code § 27-35-210(a)(2)(D)(iv), concerning  
11 definitions that apply to permits for special cargoes, is amended to read as  
12 follows:

13 (iv) Proof of liability insurance for the tow  
14 vehicle shall be submitted to the Arkansas ~~State Highway and Transportation~~  
15 Department of Transportation;

16  
17 SECTION 330. Arkansas Code § 27-35-301(1), concerning definitions that  
18 apply to manufactured homes and houses, is repealed.

19 ~~(1) "Department" means the Arkansas State Highway and~~  
20 ~~Transportation Department;~~

21  
22 SECTION 331. Arkansas Code § 27-35-303 is amended to read as follows:  
23 27-35-303. Rules and regulations.

24 The Arkansas ~~State Highway and Transportation~~ Department of Transportation shall promulgate rules and regulations covering the  
25 application for, and issuance of, special permits for the safe movement of  
26 manufactured home units in accordance with the provisions of this subchapter.  
27

28  
29 SECTION 332. Arkansas Code § 27-35-304(a)(1), concerning special  
30 permit to move fee for manufactured home, is amended to read as follows:

31 (a)(1) Manufactured home units may be lawfully moved interstate and  
32 intrastate on the highways, roads, and streets of this state by procuring a  
33 special permit issued by the Arkansas ~~State Highway and Transportation~~  
34 Department of Transportation.

35  
36 SECTION 333. Arkansas Code § 27-35-305(a), concerning the issuance of

1 permits, is amended to read as follows:

2 (a) Special permits shall be issued to any licensed carrier, dealer,  
 3 or manufacturer who files with the Arkansas ~~State Highway and Transportation~~  
 4 Department of Transportation evidence of acceptable insurance coverage.

5  
 6 SECTION 334. Arkansas Code § 27-35-306(a), concerning times and places  
 7 for moving overwidth or overlength manufactured homes, is amended to read as  
 8 follows:

9 (a) Overwidth or overlength manufactured home units shall be moved on  
 10 those highways, roads, and streets and at times and under conditions as may  
 11 be designated by the Arkansas ~~State Highway and Transportation~~ Department of  
 12 Transportation.

13  
 14 SECTION 335. Arkansas Code § 27-35-307(a), concerning the payment of  
 15 fees on a monthly basis, is amended to read as follows:

16 (a) Persons posting a surety bond with the Arkansas ~~State Highway and~~  
 17 ~~Transportation~~ Department of Transportation in the amount of one thousand  
 18 dollars (\$1,000), payable on default to the State of Arkansas, shall be  
 19 allowed to pay the fees accruing for permits on a monthly basis.

20  
 21 SECTION 336. Arkansas Code § 27-35-308 is amended to read as follows:  
 22 27-35-308. Disposition of fees.

23 (a) All fees collected under the provisions of this subchapter shall  
 24 forthwith be deposited into the State Treasury as special revenues.

25 (b) The net amount shall be credited to the State Highway and  
 26 Transportation Department Fund, there to be used for the operation and  
 27 maintenance of the Arkansas Highway Police Division of the Arkansas ~~State~~  
 28 ~~Highway and Transportation~~ Department of Transportation.

29  
 30 SECTION 337. Arkansas Code § 27-35-309(a), concerning transportation  
 31 of houses and other structures, is amended to read as follows:

32 (a) Qualified house or structural movers in this state who have met  
 33 the financial responsibility requirements of the laws of this state and  
 34 regulations of the Arkansas ~~State Highway and Transportation~~ Department of  
 35 Transportation shall be authorized to move upon the public highways of this  
 36 state houses and other structures up to and including twenty-eight feet six

1 inches (28' 6") in width, exclusive of roof overhang, upon obtaining a permit  
 2 as required by law.

3  
 4 SECTION 338. Arkansas Code § 27-37-202(b)(3)(A), concerning horns,  
 5 warning devices, and flashing lights on emergency vehicles, is amended to  
 6 read as follows:

7 (3)(A) Every authorized emergency vehicle shall be equipped with  
 8 a siren, whistle, or bell capable of emitting sound audible under normal  
 9 conditions from a distance of not less than five hundred feet (500") and of a  
 10 type approved by the Arkansas ~~State Highway and Transportation~~ Department of Transportation.  
 11

12  
 13 SECTION 339. Arkansas Code § 27-50-201 is amended to read as follows:  
 14 27-50-201. Provisions deemed cumulative.

15 This subchapter shall be cumulative to the laws in force relating to  
 16 the functions and duties imposed upon the Department of Arkansas State Police  
 17 under the provisions of Acts 1953, No. 122, and acts amendatory thereto. It  
 18 shall also be cumulative to laws in effect ~~which~~ that were in effect prior to  
 19 the enactment of Acts 1953, No. 122, which imposed duties upon the Arkansas  
 20 ~~State Highway and Transportation~~ Department of Transportation and the  
 21 Director of the Department of Finance and Administration, which were  
 22 transferred to the Department of Arkansas State Police under the provisions  
 23 of Acts 1953, No. 122, as amended.

24  
 25 SECTION 340. Arkansas Code § 27-50-202 is amended to read as follows:  
 26 27-50-202. Arkansas Highway Police Division of the Arkansas ~~State~~  
 27 ~~Highway and Transportation~~ Department of Transportation – Creation.

28 The Arkansas Highway Police Division of the Arkansas ~~State Highway and~~  
 29 ~~Transportation~~ Department of Transportation is created.

30  
 31 SECTION 341. Arkansas Code § 27-50-203 is amended to read as follows:  
 32 27-50-203. Appointment of director.

33 The State Highway Commission shall appoint a Director of the Arkansas  
 34 Highway Police Division of the Arkansas ~~State Highway and Transportation~~  
 35 Department of Transportation who shall serve at the pleasure of the  
 36 commission.



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SECTION 342. Arkansas Code § 27-50-204(a)(1), concerning the rules and regulations governing employees of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, is amended to read as follows:

(a)(1) The State Highway Commission shall establish rules and regulations governing employees of the Arkansas Highway Police Division of the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

SECTION 343. Arkansas Code § 27-50-205(a), concerning the powers of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, is amended to read as follows:

(a) The Arkansas Highway Police Division of the Arkansas ~~State Highway and Transportation~~ Department of Transportation shall have the power and authority to enforce all laws pertaining to the unlawful operation of motor vehicles over the highways of this state.

SECTION 344. Arkansas Code § 27-50-408(a), concerning fines for moving traffic violations in a highway work zone, is amended to read as follows:

(a) As used in this section, unless the context otherwise requires:

(1) "Construction personnel" means employees of the Arkansas ~~State Highway and Transportation~~ Department of Transportation or the counties or the municipalities of this state or any contractors of the State Highway Commission or the counties or municipalities;

(2) "Conviction" means a formal declaration that a person is guilty of a violation of law determined when a person ~~who is~~ charged with a violation of law ~~and who~~ pleads guilty or nolo contendere, is found guilty, or forfeits a bond in lieu of a plea or trial; and

(3) ~~"Department" means the Arkansas State Highway and Transportation Department; and~~

~~(4)~~ "Highway work zone" means any area upon or adjacent to any highway, road, or street of this state where construction, reconstruction, maintenance, or any other type of work is being performed or is in progress by employees of the Arkansas ~~State Highway and Transportation~~ Department of Transportation, the counties or the municipalities of this state, or any contractors of the State Highway Commission or the counties or

1 municipalities.

2

3 SECTION 345. Arkansas Code § 27-50-1212(b), concerning criminal  
 4 penalties for removal or immobilization of unattended or abandoned vehicles,  
 5 is amended to read as follows:

6 (b) The Department of Arkansas State Police, the Arkansas Highway  
 7 Police Division of the Arkansas ~~State Highway and Transportation~~ Department  
 8 of Transportation, and county and municipal authorities may enforce § 27-50-  
 9 1101 et seq. and § 27-50-1201 et seq.

10

11 SECTION 346. Arkansas Code § 27-51-204(b)(1), concerning exceptions to  
 12 the maximum and minimum speed limits, is amended to read as follows:

13 (b)(1) The maximum and minimum speed limits posted shall apply to all  
 14 vehicles using the facility except authorized emergency vehicles on emergency  
 15 trips, such as police vehicles on duty, fire vehicles on calls, and  
 16 ambulances; oversize/overweight vehicles moving under special permit issued  
 17 by the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 18 or its lawfully delegated agents; and other specific vehicles for which  
 19 special limits may be posted in particular situations or under particular  
 20 conditions.

21

22 SECTION 347. Arkansas Code § 27-51-207 is amended to read as follows:

23 27-51-207. Assistance to local authorities in determining limits.  
 24 Local authorities may request professional assistance of the Arkansas  
 25 ~~State Highway and Transportation~~ Department of Transportation in determining  
 26 reasonable and prudent maximum and minimum speeds for arterial highways,  
 27 roads, and streets not on the state highway system in their respective  
 28 jurisdictions.

29

30 SECTION 348. Arkansas Code § 27-51-210(c), concerning towing of  
 31 manufactured homes and mobile homes, is amended to read as follows:

32 (c) The Arkansas ~~State Highway and Transportation~~ Department of  
 33 Transportation may set minimum and maximum speed limits different from those  
 34 posted or may set a speed limit less than the maximum provided in subsections  
 35 (a) and (b) of this section for a vehicle towing a manufactured home or  
 36 mobile home by noting any speed restriction on the oversize load permit

1 issued by the department to that vehicle.

2

3 SECTION 349. Arkansas Code § 27-51-213(b)(1)(A), concerning the  
4 erection and maintenance of required signs in school zones, is amended to  
5 read as follows:

6 (b)(1)(A) It shall be the duty of the Arkansas ~~State Highway and~~  
7 ~~Transportation~~ Department of Transportation, county road department, city  
8 street department, or any other agency having the responsibility of  
9 maintaining the streets or roadways to erect the signs required by subsection  
10 (a) of this section unless a special traffic engineering study for a specific  
11 school zone produces other recommendations for that school zone.

12

13 SECTION 350. Arkansas Code § 27-51-301(c)(1), concerning the  
14 exceptions to vehicles to be driven on the right side of the roadway, is  
15 amended to read as follows:

16 (c)(1) The Arkansas ~~State Highway and Transportation~~ Department of  
17 Transportation may designate certain multilane highways or portions of  
18 multilane highways as prohibiting continuous driving in the left lane except  
19 in those instances described in subsection (a) of this section.

20

21 SECTION 351. Arkansas Code § 27-51-310(a)(2), concerning the passing  
22 of an authorized vehicle stopped on a highway, is amended to read as follows:

- 23 (2) Is one (1) of the following:
- 24 (A) An emergency response vehicle;
- 25 (B) A law enforcement vehicle;
- 26 (C) An Arkansas ~~State Highway and Transportation~~  
27 Department of Transportation vehicle;
- 28 (D) An Arkansas ~~State Highway and Transportation~~  
29 Department of Transportation contractor vehicle;
- 30 (E) A utility company vehicle; or
- 31 (F) A vehicle used in a towing operation as defined under  
32 § 27-51-904.

33

34 SECTION 352. Arkansas Code § 27-51-1303(a)(3)(A), concerning the  
35 stopping, standing, or parking outside of a business or residence district,  
36 is amended to read as follows:

1 (A) Employees or vehicles of the Arkansas ~~State Highway~~  
2 ~~and Transportation~~ Department of Transportation engaged in necessary  
3 construction, maintenance, or repair of the highways;

4  
5 SECTION 353. Arkansas Code § 27-51-1602(5), concerning the definition  
6 of "highway worker" used in the Fewer Distractions Mean Safer Driving Act, is  
7 amended to read as follows:

8 (5) "Highway worker" means an employee of any of the following  
9 who is present in a highway work zone:

10 (A) The Arkansas ~~State Highway and Transportation~~  
11 Department of Transportation;

12 (B) A county;

13 (C) A municipality; or

14 (D) A contractor or subcontractor of the State Highway  
15 Commission or a county or municipality that is performing duties related to  
16 the highway work zone;

17  
18 SECTION 354. Arkansas Code § 27-52-110(d), concerning an automated  
19 enforcement device operated by a county government or a department of state  
20 government operating outside a municipality, is amended to read as follows:

21 (d) This section shall not prevent the Arkansas Highway Police  
22 Division of the Arkansas ~~State Highway and Transportation~~ Department of  
23 Transportation from using automated enforcement devices to enforce state or  
24 federal motor carrier laws.

25  
26 SECTION 355. Arkansas Code § 27-52-111(d), concerning an automated  
27 enforcement device operated by a municipality or a department of state  
28 government operating within the boundaries of a municipality, is amended to  
29 read as follows:

30 (d) This section shall not prevent the Arkansas Highway Police  
31 Division of the Arkansas ~~State Highway and Transportation~~ Department of  
32 Transportation from using automated enforcement devices to enforce state or  
33 federal motor carrier laws.

34  
35 SECTION 356. Arkansas Code § 27-53-207(b), concerning tabulation and  
36 analysis, is amended to read as follows:

1 (b) After its annual report on the number and circumstances of traffic  
2 accidents, the ~~department~~ Department of Arkansas State Police shall further  
3 report to the Arkansas ~~State Highway and Transportation~~ Department of of  
4 Transportation the location of all accidents occurring within the preceding  
5 twelve-month period on the state highway system which resulted in a human  
6 fatality and where two (2) or more accidents involving a personal bodily  
7 injury occurred at the same location.

8  
9 SECTION 357. Arkansas Code § 27-53-211 is amended to read as follows:  
10 27-53-211. Inspection of accident scenes for safety improvements.

11 (a)(1) It shall be the duty of the Arkansas ~~State Highway and~~  
12 ~~Transportation~~ Department of Transportation to inspect all accident locations  
13 on the state highway system in Arkansas, as reported to the Arkansas ~~State~~  
14 ~~Highway and Transportation~~ Department of Transportation by the Department of  
15 Arkansas State Police pursuant to under § 27-53-207(b), where accidents which  
16 resulted in a human fatality occurred within the preceding twelve-month  
17 period and where two (2) or more accidents involving a personal bodily injury  
18 occurred at the same location.

19 (2) The inspections shall determine, within the judgment of  
20 Arkansas ~~State Highway and Transportation~~ Department of Transportation  
21 personnel, whether safety improvements, increased visibility, warning signs,  
22 traffic control devices, or any other safety improvements are warranted which  
23 could reduce or prevent the future occurrence of any similar accidents at the  
24 same locations.

25 (b) The Arkansas ~~State Highway and Transportation~~ Department of of  
26 Transportation shall develop a schedule for and implement those safety  
27 improvements deemed warranted by ~~that department~~ the Arkansas Department of  
28 Transportation.

29  
30 SECTION 358. Arkansas Code § 27-53-304(a), concerning traffic accident  
31 report forms, is amended to read as follows:

32 (a) All traffic accident investigation reports shall be made upon  
33 forms prescribed, approved, and supplied by the Department of Arkansas State  
34 Police, with the concurrence of the Arkansas ~~State Highway and Transportation~~  
35 Department of Transportation.

1 SECTION 359. Arkansas Code § 27-64-101(1), concerning air rights over  
 2 highways, roads, and streets, is amended to read as follows:

3 (1) The Arkansas ~~State Highway and Transportation~~ Department of of  
 4 Transportation with respect to state highways;

5  
 6 SECTION 360. Arkansas Code § 27-64-103(a)(1), concerning mowing,  
 7 installing, and maintaining sprinkler system on rights-of-way by adjoining  
 8 landowner, is amended to read as follows:

9 (a)(1) The owners of properties which abut the right-of-way of  
 10 interstate, federal-aid primary, state, or county roads or highways in this  
 11 state may enter upon and mow grass, weeds, and other vegetation on the  
 12 portion of the right-of-way adjoining the property unless the Arkansas ~~State~~  
 13 ~~Highway and Transportation~~ Department of Transportation or the county has  
 14 installed barriers designed to prohibit entry or unless the property owner  
 15 has received notice from the department or the county restricting or  
 16 prohibiting mowing grass, weeds, and other vegetation.

17  
 18 SECTION 361. Arkansas Code § 27-65-102 is amended to read as follows:  
 19 27-65-102. Administration of department.

20 The administrative control of the Arkansas ~~State Highway and~~  
 21 ~~Transportation~~ Department of Transportation shall be vested in the State  
 22 Highway Commission.

23  
 24 SECTION 362. Arkansas Code § 27-65-103 is amended to read as follows:  
 25 27-65-103. Office locations.

26 (a) The main office of the State Highway Commission shall be located  
 27 in the City of Little Rock.

28 (b) The Arkansas ~~State Highway and Transportation~~ Department of  
 29 Transportation shall have its office in Little Rock, where complete records  
 30 shall be kept.

31  
 32 SECTION 363. Arkansas Code § 27-65-107(a)(7), concerning the powers of  
 33 the State Highway Commission, is amended to read as follows:

34 (7) To investigate highway conditions and official conduct of  
 35 Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 36 personnel;

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SECTION 364. Arkansas Code § 27-65-122(c)(4), concerning the Director of State Highways and Transportation, is amended to read as follows:

(4) Be the chief executive officer of the Arkansas ~~State Highway and Transportation~~ Department of Transportation and, subject to the approval of the commission, have direct and full control and management of the affairs relating to the state highways; and

SECTION 365. Arkansas Code § 27-65-123(a), concerning the secretary serving the State Highway Commission, is amended to read as follows:

(a) The Arkansas ~~State Highway and Transportation~~ Department of Transportation, with the advice and consent of the State Highway Commission, shall appoint an assistant who shall serve as secretary to the commission.

SECTION 366. Arkansas Code § 27-65-129 is amended to read as follows:  
27-65-129. Oaths.

(a) The members of the State Highway Commission and the Director of State Highways and Transportation, before entering upon the discharge of their duties, shall take oaths that they will faithfully and honestly execute the duties of their offices during their continuance therein.

(b) All employees of the commission shall take the following oath before assuming the duties of their employment:

“I do solemnly swear (or affirm) that so long as I am an employee of the State Highway Commission of the State of Arkansas or of the Arkansas ~~State Highway and Transportation~~ Department of Transportation, I will give my entire and undivided time to the work of the department, and that I will not accept other employment while in the employ of the department, nor will I be interested, either directly or indirectly, in any of the contracts, work, or other activity of the Arkansas ~~State Highway and Transportation~~ Department of Transportation other than as employee of the department, nor in the purchase or sale of any material, machinery, or equipment bought for or sold by the department while an employee of the department; that I will not be interested otherwise than as an employee of the state in adding any road to the state highway system or in the improving of any road by the Arkansas ~~State Highway and Transportation~~ Department of Transportation, nor in the appointment of any person to any position in connection therewith; and that I will

1 diligently and impartially execute the duties of my employment, and I will  
 2 never use any information or influence that I may have, by reason of my  
 3 employment, to gain any pecuniary reward for myself, directly or indirectly,  
 4 nor will I disclose information so that it may be used by others, so help me  
 5 God.”

6 (c) All suits involving the validity of subsection (b) of this section  
 7 or any portion thereof shall be deemed matters of public interest and shall  
 8 be advanced and disposed of at the earliest possible moment, and appeals in  
 9 these suits must be taken and perfected within thirty (30) days from the date  
 10 of the judgment or decree.

11  
 12 SECTION 367. Arkansas Code § 27-65-130 is amended to read as follows:  
 13 27-65-130. Bonds – Commissioner and director.

14 (a) Each commissioner of the State Highway Commission shall give bond,  
 15 as required by law.

16 (b) Upon appointment, the Arkansas ~~State Highway and Transportation~~  
 17 Department of Transportation shall execute a bond to the State of Arkansas in  
 18 the sum of twenty-five thousand dollars (\$25,000) for faithful performance of  
 19 his or her duties.

20 (c) The premium on these bonds shall be paid out of the State Treasury  
 21 from the annual appropriation for the commission.

22  
 23 SECTION 368. Arkansas Code § 27-65-134(a), concerning the venue for  
 24 suits against state highway officers, is amended to read as follows:

25 (a) Suits against any state officer involving any act done or proposed  
 26 to be done in the administration of the Arkansas ~~State Highway and~~  
 27 ~~Transportation~~ Department of Transportation or of any law pertaining to the  
 28 state highway system shall be brought only at the seat of government, in  
 29 Pulaski County.

30  
 31 SECTION 369. Arkansas Code § 27-65-135(a), concerning the fiscal year,  
 32 is amended to read as follows:

33 (a) The fiscal year of the Arkansas ~~State Highway and Transportation~~  
 34 Department of Transportation shall be from July 1 to June 30 of each year.

35  
 36 SECTION 370. Arkansas Code § 27-65-136(a), concerning the prohibition



1 on increasing number of employees before election, is amended to read as  
2 follows:

3 (a) Within ninety (90) days preceding any primary election, the  
4 ~~Arkansas State Highway~~ Department of Transportation shall not increase the  
5 number of its employees beyond the average number ~~which were employed by it~~  
6 ~~and under its supervision~~ of employees the department employed and supervised  
7 during the twelve (12) months prior to the primary election, except in case  
8 of floods.

9  
10 SECTION 371. Arkansas Code § 27-65-137(b), concerning special expense  
11 allowances, is amended to read as follows:

12 (b) The commission shall provide for an expense allowance of up to two  
13 thousand dollars (\$2,000) per annum for each chief, captain, first  
14 lieutenant, second lieutenant, sergeant, corporal, patrolman first class,  
15 patrolman, and motor carrier safety inspector of the Arkansas Highway Police  
16 Division of the ~~Arkansas State Highway and Transportation~~ Department of  
17 Transportation.

18  
19 SECTION 372. Arkansas Code § 27-65-138(a), concerning the acquisition  
20 of property by the Arkansas State Highway and Transportation Department, is  
21 amended to read as follows:

22 (a) Notwithstanding the provisions of any laws to the contrary, the  
23 ~~Arkansas State Highway and Transportation~~ Department of Transportation,  
24 acting on behalf of the State Highway Commission, is hereby authorized, on  
25 acquiring whole taxable parcels of property upon which real estate taxes or  
26 assessments are due and payable or which shall become due and payable for any  
27 time period prior to the acquisition, to collect from the owner or owners of  
28 such property such taxes or assessments and to remit such taxes or  
29 assessments to the appropriate taxing or assessing authorities.

30  
31 SECTION 373. Arkansas Code § 27-65-139(a)(1), concerning uniform  
32 allowance for the Arkansas Highway Police Division of the Arkansas State  
33 Highway and Transportation Department, is amended to read as follows:

34 (a)(1) The State Highway Commission is hereby authorized to pay from  
35 funds appropriated for maintenance and operation a uniform allowance not to  
36 exceed one thousand eight hundred dollars (\$1,800) per annum for all

1 uniformed personnel (~~Arkansas Highway Police Patrol Officer through Chief,~~  
 2 ~~Police Division~~) of the Arkansas Highway Police Division of the Arkansas  
 3 ~~State Highway and Transportation~~ Department of Transportation.

4  
 5 SECTION 374. Arkansas Code § 27-65-140 is amended to read as follows:  
 6 27-65-140. Tool allowance.

7 (a) The State Highway Commission is hereby authorized to pay from  
 8 funds appropriated for maintenance and operation a tool allowance of four  
 9 hundred eighty dollars (\$480) per annum for each mechanic, electrical,  
 10 plumbing, and mechanical repairer, welder, or body repairer and painter  
 11 employed by the Arkansas ~~State Highway and Transportation~~ Department of  
 12 Transportation who works on highway equipment and facilities.

13 (b) The aforementioned allowance shall be equated to forty dollars  
 14 (\$40.00) per month for each month of employment for the eligible personnel of  
 15 the department.

16  
 17 SECTION 375. Arkansas Code § 27-65-141 is amended to read as follows:  
 18 27-65-141. Payment of claims for damages to personal property.

19 The Arkansas ~~State Highway and Transportation~~ Department of  
 20 Transportation is hereby authorized to pay amounts not to exceed twenty-five  
 21 thousand dollars (\$25,000) per claim for damages to personal property of  
 22 others resulting from the operation of any motor vehicle or other motorized  
 23 equipment of the department upon determination by the Arkansas State Claims  
 24 Commission that the claim is valid after hearing the facts thereof and after  
 25 prior review by the Legislative Claims ~~Committee~~ Subcommittee and the  
 26 Legislative Council.

27  
 28 SECTION 376. Arkansas Code § 27-65-142 is amended to read as follows:  
 29 27-65-142. Moving expense.

30 The State Highway Commission is hereby authorized to pay from funds  
 31 appropriated from maintenance and operation the actual expense of moving the  
 32 household and personal property of those employees of the Arkansas ~~State~~  
 33 ~~Highway and Transportation~~ Department of Transportation who because of their  
 34 job assignments are required to move their places of residence by the  
 35 commission by the Director of State Highways and Transportation, subject to  
 36 the approval by the director for each move so required.

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SECTION 377. Arkansas Code § 27-65-143 is amended to read as follows:

27-65-143. Award of pistol, shotgun, or both upon retirement or death.

When a highway police patrol officer of the Arkansas Highway Police Division of the Arkansas ~~State Highway and Transportation~~ Department of Transportation retires from service or dies while still employed with the Arkansas ~~State Highway and Transportation~~ Department of Transportation, in recognition of and appreciation for the service of the retiring or deceased officer, the State Highway Commission may award the pistol or the shotgun, or both, carried or used by the officer while on duty at the time of his or her death or retirement from service to:

- (1) The officer upon retirement; or
- (2) The officer's spouse if the officer is deceased and the spouse is eligible under applicable state and federal laws to possess a firearm.

SECTION 378. Arkansas Code § 27-65-144(a), concerning additional annual reporting by the Arkansas State Highway and Transportation Department, is amended to read as follows:

(a) The Arkansas ~~State Highway and Transportation~~ Department of Transportation shall analyze all reported wrong-way crashes on interstate highways and other freeways that are a part of the state highway system to determine whether the installation of additional traffic control devices is warranted and feasible in order to reduce the possibility of future wrong-way crashes.

SECTION 379. Arkansas Code § 27-66-102 is amended to read as follows:

27-66-102. Maintenance of roads under supervision of federal agency.

If and when it becomes necessary, the Arkansas ~~State Highway and Transportation~~ Department of Transportation will be permitted to expend highway maintenance funds for the maintenance and repair of highways not in the state highway system and ~~which that~~ are constructed with public funds expended under the supervision of the Federal Highway Administration.

SECTION 380. Arkansas Code § 27-66-501(c)(2), concerning the classification of roads by weight of vehicles used thereon, is amended to

1 read as follows:

2 (2) A person or an owner operating a motor vehicle, an object,  
3 or a contrivance under an overweight permit issued by the Arkansas ~~State~~  
4 ~~Highway and Transportation~~ Department of Transportation is exempt from  
5 penalty under subdivision (c)(1) of this section.

6  
7 SECTION 381. Arkansas Code § 27-66-501(e), concerning the  
8 classification of roads by weight of vehicles used thereon, is amended to  
9 read as follows:

10 (e) Even if authorized by an overweight permit issued by the Arkansas  
11 ~~State Highway and Transportation~~ Department of Transportation, a person or an  
12 owner operating, driving, or moving a vehicle, an object, or a contrivance  
13 upon a public bridge shall be liable for all damage that the public bridge  
14 may sustain as a result of:

15 (1) Careless, negligent, or illegal operation, driving, or  
16 moving of a vehicle, an object, or a contrivance; or

17 (2) Operation, driving, or moving of a vehicle, object, or  
18 contrivance of excessive width or weighing in excess of the maximum weight  
19 limits in this chapter.

20  
21 SECTION 382. Arkansas Code § 27-66-601(c), concerning state inmates  
22 working on roads, is amended to read as follows:

23 (c)(1) The commission shall determine the work to be done by  
24 inmates, the time, place, and manner of the work, and the number of inmates  
25 to work.

26 (2) The work shall be under the direct supervision of the  
27 Arkansas ~~State Highway and Transportation~~ Department of Transportation.

28 (3) The Arkansas ~~State Highway and Transportation~~ Department of  
29 Transportation shall determine the number of inmates needed and shall  
30 prescribe the rules and regulations under which they shall work.

31  
32 SECTION 383. Arkansas Code § 27-67-202 is amended to read as follows:  
33 27-67-202. Truck route designations.

34 (a) The State Highway Commission is authorized to designate and  
35 establish truck routes through cities and towns, which routes shall be  
36 properly marked by the commission.

1 (b) Any truck route so established shall become a part of the state  
 2 highway system, and the Arkansas ~~State Highway and Transportation~~ Department  
 3 of Transportation shall construct, repair, and maintain the truck route.  
 4

5 SECTION 384. Arkansas Code § 27-67-203(b)(1), concerning scenic  
 6 highway designations, is amended to read as follows:

7 (b)(1) It shall be the responsibility of the Arkansas ~~State Highway~~  
 8 ~~and Transportation~~ Department of Transportation to place appropriate highway  
 9 identifying signs on those highways herein that are state highways.  
 10

11 SECTION 385. Arkansas Code § 27-67-204(d), concerning the designation  
 12 of roads in and connected to state parks, is amended to read as follows:

13 (d)(1) The Arkansas ~~State Highway and Transportation~~ Department of  
 14 Transportation is authorized to construct and maintain public parking areas  
 15 and parking facilities at the respective state parks.

16 (2) For the purposes of this subsection, parking areas and  
 17 facilities constructed by the Arkansas ~~State Highway and Transportation~~  
 18 Department of Transportation at the respective state parks shall be deemed to  
 19 be a part of the state highway system.

20 (3) The Department of Parks and Tourism shall study the needs  
 21 for public parking areas and parking facilities at the respective state parks  
 22 and shall notify the Arkansas ~~State Highway and Transportation~~ Department of  
 23 Transportation thereof.

24 (4) The Arkansas ~~State Highway and Transportation~~ Department of  
 25 Transportation may cooperate with the Department of Parks and Tourism in the  
 26 construction and maintenance of such facilities.  
 27

28 SECTION 386. Arkansas Code § 27-67-210 is amended to read as follows:

29 27-67-210. Sales and severance tax exemption – Sand and gravel.

30 When the Arkansas ~~State Highway and Transportation~~ Department of  
 31 Transportation, by lease or by oral or written agreement with the landowner,  
 32 enters upon the land and severs sand and gravel for the purpose of using the  
 33 sand and gravel in the repair, maintenance, or construction of state  
 34 highways, then the department as the producer and the owner of the land shall  
 35 not be liable for, nor shall they pay to the State of Arkansas, any sales or  
 36 gross receipts taxes or severance taxes upon the sand and gravel.

1  
2 SECTION 387. Arkansas Code § 27-67-213(a), concerning white stripes on  
3 road edges, is amended to read as follows:

4 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
5 Transportation shall paint and maintain white stripes not less than four  
6 inches (4") in width on both edges of all hard-surfaced primary and secondary  
7 state roads with a ~~twenty foot (20") or more pavement width~~ a pavement width  
8 of twenty feet (20") or more and carrying one thousand (1,000) or more  
9 vehicles daily, which roads are constructed in this state.

10  
11 SECTION 388. Arkansas Code § 27-67-215(a)(1), concerning the  
12 maintenance of detour roads, is amended to read as follows:

13 (a)(1) When the Arkansas ~~State Highway and Transportation~~ Department  
14 of Transportation has been forced to bar traffic from a flooded section of a  
15 state highway by putting up signs directing the traffic from the state  
16 highway or by stationing state highway employees on the state highway to  
17 direct traffic from the state highway over a road surfaced with gravel,  
18 crushed stone, or other type of surfacing or pavement, and when it appears  
19 that the detour road will continue to be needed, the Arkansas ~~State Highway~~  
20 ~~and Transportation~~ Department of Transportation shall have authority, as it  
21 deems right and proper, to do any repair to the surfacing of the road over  
22 which traffic is diverted by the department, as may equal, in the judgment of  
23 the department, the amount of wear and tear that is caused to the road by the  
24 traffic diverted over it.

25  
26 SECTION 389. Arkansas Code § 27-67-216 is amended to read as follows:

27 27-67-216. Repair of county roads damaged in construction or  
28 maintenance of state highway.

29 The Arkansas ~~State Highway and Transportation~~ Department of of  
30 Transportation is authorized to make any necessary repairs to a county road  
31 to restore the road to its former condition of repair in those instances  
32 where damages to the county road may have been occasioned by the department  
33 in connection with the construction or maintenance of a state highway or by  
34 any contractor performing work upon any state highway under contract with the  
35 department.

36

1 SECTION 390. Arkansas Code § 27-67-217 is amended to read as follows:

2 27-67-217. Direction signs to institutions of higher education.

3 The Arkansas ~~State Highway and Transportation~~ Department of of  
4 Transportation shall design, erect, and maintain signs at the closest and all  
5 other proper exits and intersections of state and federal highways  
6 designating exits to any and all institutions of higher education and  
7 postsecondary vocational and technical schools, whether public or private,  
8 upon the request of the institution.

9  
10 SECTION 391. Arkansas Code § 27-67-219(c), concerning the John Paul  
11 Hammerschmidt Highway, is amended to read as follows:

12 (c) It shall be the responsibility of the Arkansas ~~State Highway and~~  
13 ~~Transportation~~ Department of of Transportation to place appropriate highway  
14 identifying signs on the highway.

15  
16 SECTION 392. Arkansas Code § 27-67-220 is amended to read as follows:

17 27-67-220. The Highway of Hope.

18 (a) The route along U.S. 67 and State 7 between Hope and Hot Springs  
19 regularly traveled by the Honorable Bill Clinton, 42nd President of the  
20 United States, during his childhood, is hereby designated "The Highway of  
21 Hope".

22 (b) The Arkansas ~~State Highway and Transportation~~ Department of of  
23 Transportation shall erect appropriate signs along U.S. 67 and State 7  
24 between Hope and Hot Springs designating the route as "The Highway of Hope".

25  
26 SECTION 393. Arkansas Code § 27-67-221 is amended to read as follows:

27 27-67-221. Authority of ~~Highway Department~~ Arkansas Department of  
28 Transportation to inform amateur radio operators of high frequency radio  
29 repeaters.

30 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
31 Transportation is authorized to post signs along the public streets and  
32 highways of Arkansas to inform persons who are licensed amateur radio  
33 operators of the existence of a high frequency radio repeater within a  
34 specific local area, provided such signs do not conflict with any rules or  
35 regulations of the United States Department of Transportation or the Manual  
36 on Uniform Traffic Control Devices.

1 (b)(1) The Arkansas ~~State Highway and Transportation~~ Department of Transportation is authorized to develop and adopt the appropriate signs  
 2 Transportation is authorized to develop and adopt the appropriate signs  
 3 showing “TWO-METER RADIO REPEATER AREA” or “AMATEUR RADIO FREQUENCY  
 4 MONITORED” for use in the designated areas along the public streets and  
 5 highways under its jurisdiction.

6 (2) The signs may include the radio frequency of these local  
 7 repeaters or the frequency being monitored by local radios.

8 (3)(A) Any local amateur radio operators or any amateur radio  
 9 club wishing to participate in this program shall be responsible for the  
 10 costs of preparing and purchasing these signs.

11 (B)(i) The Arkansas ~~State Highway and Transportation~~  
 12 Department of Transportation is authorized to enter into an agreement with  
 13 the participants to recover those costs.

14 (ii) The Arkansas ~~State Highway and Transportation~~  
 15 Department of Transportation is authorized to prepare and furnish the signs  
 16 to the local participating radio clubs or operators at cost.

17 (iii) The Arkansas ~~State Highway and Transportation~~  
 18 Department of Transportation is further authorized to erect and maintain the  
 19 signs at no cost to the local radio clubs or operators.

20 (c)(1) The Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 21 Transportation is authorized to contact all local amateur radio operators and  
 22 any amateur radio clubs in Arkansas to inform them of this service.

23 (2) Any amateur radio operator or radio club ~~which~~ that wishes  
 24 to participate in this program shall notify the Arkansas ~~State Highway and~~  
 25 ~~Transportation~~ Department of Transportation of its interest and shall inform  
 26 the Arkansas ~~State Highway and Transportation~~ Department of Transportation of  
 27 the radio frequencies which are monitored in its immediate area and the time  
 28 periods during which they are monitored.

29 (d)(1) The Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 30 Transportation shall ensure the signs correlate with and, so far as possible,  
 31 conform to the system of traffic-control devices ~~which~~ that are currently in  
 32 use by the ~~department~~ Arkansas Department of Transportation.

33 (2) The Arkansas ~~State Highway and Transportation~~ Department of Transportation  
 34 Transportation is authorized to erect the signs and review, at least  
 35 biennially, all areas with signs within its jurisdiction to ensure the area  
 36 still qualifies for having the signs posted.



1 (e) The Director of the ~~Arkansas State Highway and Transportation~~  
 2 ~~Department~~ Highways and Transportation shall have the authority to promulgate  
 3 any necessary rules and regulations to implement this section and establish  
 4 any conditions and guidelines for participation by any local amateur radio  
 5 operators or clubs.

6 ~~(f) For purposes of this section, "HF" means all bands of high~~  
 7 ~~frequencies.~~

8  
 9 SECTION 394. Arkansas Code § 27-67-222(c), concerning the state police  
 10 officer highway dedication program, is amended to read as follows:

11 (c) The Arkansas ~~State Highway and Transportation~~ Department of  
 12 Transportation shall designate a one-mile portion of a highway as the Trooper  
 13 Memorial Highway by placing and maintaining appropriate identifying signs  
 14 with a blue background and reflective silver lettering on the highway.

15  
 16 SECTION 395. Arkansas Code § 27-67-223 is amended to read as follows:  
 17 27-67-223. Rock 'n' Roll Highway 67.

18 (a) The route along Highway 67 through Jackson County, Lawrence  
 19 County, Randolph County, and White County regularly traveled by the great  
 20 legends of early rock 'n' roll is hereby designated "Rock 'n' Roll Highway  
 21 67".

22 (b) The Arkansas ~~State Highway and Transportation~~ Department of  
 23 Transportation shall erect appropriate signs along Highway 67 through Jackson  
 24 County, Lawrence County, Randolph County, and White County designating the  
 25 route as "Rock 'n' Roll Highway 67".

26  
 27 SECTION 396. Arkansas Code § 27-67-224 is amended to read as follows:  
 28 27-67-224. The Arkansas Wine Country Trail.

29 (a)(1) To provide more detailed directions on highways, roads, and  
 30 streets to agritourism vineyards and wineries in the State of Arkansas, the  
 31 Arkansas Wine Country Trail is established.

32 (2)(A) The Arkansas Wine Country Trail shall include the  
 33 highways, roads, and streets that lead to the wineries permitted by the  
 34 Alcoholic Beverage Control Division of the Department of Finance and  
 35 Administration that produce wine from Arkansas-grown fruits and vegetables.

36 (B) The Arkansas ~~State Highway and Transportation~~

1 Department of Transportation shall determine the location of the Arkansas  
 2 Wine Country Trail in consultation with the Department of Parks and Tourism.

3 (3) A winery is eligible to have signs near its facility if it:

- 4 (A) Is a winery permitted by the division; and
- 5 (B) Offers tours.

6 (4) The signs shall be of size and shape and of materials  
 7 designated by the Arkansas ~~State Highway and Transportation~~ Department of of  
 8 Transportation in consultation with the Department of Parks and Tourism.

9 (b)(1) The sign for the Arkansas Wine Country Trail shall have on it a  
 10 cluster of grapes in front of a classic bottle of Bordeaux wine with a  
 11 statement approved by the Arkansas ~~State Highway and Transportation~~  
 12 Department of Transportation, a directional arrow, and of one (1) of the  
 13 following phrases:

- 14 (A) "Winery Tours";
- 15 (B) "Winery and Vineyard Tours";
- 16 (C) "Wine Cellar Tours"; or
- 17 (D) "Wine Cellar and Vineyard Tours".

18 (2) Information for proper placement will be made available by  
 19 the Arkansas ~~State Highway and Transportation~~ Department of Transportation.

20 (3) This sign, but on a smaller scale, shall be used as the  
 21 symbol on the state highway map and in all tourism literature published by  
 22 the Department of Parks and Tourism to indicate the Arkansas Wine Country  
 23 Trail or individual vineyards, wineries, or cellars that are part of the  
 24 ~~trail~~ Arkansas Wine Country Trail.

25  
 26 SECTION 397. Arkansas Code § 27-67-225 is amended to read as follows:  
 27 27-67-225. The Gold Star Families Highway.

28 (a) The route along Highway 163 North from its intersection with  
 29 Highway 42 to its intersection with Highway 310 is designated the "Gold Star  
 30 Families Highway" to honor Arkansas's fallen service members who have served  
 31 this great country in the United States Armed Forces and their families.

32 (b) The Arkansas ~~State Highway and Transportation~~ Department of of  
 33 Transportation shall erect appropriate signs along Highway 163 North from its  
 34 intersection with Highway 42 to its intersection with Highway 310 designating  
 35 the route as "Gold Star Families Highway".

1 SECTION 398. The introductory language of Arkansas Code § 27-67-  
 2 303(a), concerning entry for suitability studies for the acquisition,  
 3 condemnation, and disposition of property, is amended to read as follows:

4 (a) The Arkansas ~~State Highway and Transportation~~ Department of of  
 5 Transportation and its agents and employees may enter upon real property and  
 6 make surveys, examinations, photographs, tests, and samplings, or engage in  
 7 other activities for the purpose of appraising the property or determining  
 8 whether it is suitable and within the power of the condemnor to take for  
 9 public use, if the entry is:

10  
 11 SECTION 399. Arkansas Code § 27-67-311(e), concerning notice of  
 12 condemnation petition, is amended to read as follows:

13 (e) Where the immediate possession of lands and property is sought to  
 14 be obtained, the Arkansas ~~State Highway and Transportation~~ Department of of  
 15 Transportation may file a declaration of taking, as provided by § 27-67-312,  
 16 at any time before judgment or together with the condemnation petition.

17  
 18 SECTION 400. Arkansas Code § 27-67-316(a), concerning condemnation  
 19 proceedings and judgment, is amended to read as follows:

20 (a) It shall be the duty of the circuit court to impanel a jury of  
 21 twelve (12) persons, as in other civil cases, to ascertain the amount of  
 22 compensation which the Arkansas ~~State Highway and Transportation~~ Department  
 23 of Transportation shall pay.

24  
 25 SECTION 401. Arkansas Code § 27-67-318(a), concerning hearing on  
 26 amount of deposit, is amended to read as follows:

27 (a) If, after due notice, any party in interest should feel aggrieved  
 28 at the amount of the estimated compensation as deposited by the Arkansas  
 29 ~~State Highway and Transportation~~ Department of of Transportation in the registry  
 30 of the circuit court, the party shall be entitled to a hearing, at which time  
 31 evidence may be heard and received concerning the adequacy of the deposit.

32  
 33 SECTION 402. Arkansas Code § 27-67-321(d), concerning the sale of  
 34 surplus highway property, is amended to read as follows:

35 (d) When the sale is approved by a resolution of the commission, then  
 36 the chairman or other presiding officer of the commission is authorized to

1 execute to the person, company, or corporation purchasing the real estate or  
 2 other property, a deed conveying all the right, title, interest, and equity  
 3 of the commission, the Arkansas ~~State Highway and Transportation~~ Department  
 4 of Transportation, and the State of Arkansas in and to the lands.

5  
 6 SECTION 403. Arkansas Code § 27-69-102(a), concerning acquisition of  
 7 land and conveyance to the United States, is amended to read as follows:

8 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
 9 Transportation is designated, authorized, and directed as the state agency of  
 10 this state to acquire by gift, purchase, or condemnation as a public highway  
 11 and convey to the United States all parkway lands and easements as and when  
 12 required by surveys and maps hereafter approved by the United States  
 13 Secretary of the Interior.

14  
 15 SECTION 404. The introductory language of Arkansas Code § 27-69-104,  
 16 concerning the powers of state agencies, is amended to read as follows:

17 The Arkansas ~~State Highway and Transportation~~ Department of  
 18 Transportation or other departments of the state are authorized to:

19  
 20 SECTION 405. Arkansas Code § 27-69-107(b), concerning the use of  
 21 existing or projected highways, is amended to read as follows:

22 (b) In the event it is determined that the connecting links of  
 23 highways should provide for other than passenger car traffic, a cooperative  
 24 agreement with respect to use and the reconstruction, maintenance, and  
 25 control thereof may be entered into by the United States Secretary of the  
 26 Interior with the Arkansas ~~State Highway and Transportation~~ Department of  
 27 Transportation or local public authorities concerned.

28  
 29 SECTION 406. Arkansas Code § 27-69-204 is amended to read as follows:

30 27-69-204. National affiliation – Advisory capacity.

31 (a) The Mississippi River Parkway Commission of Arkansas created  
 32 herein shall be an affiliate of the National Mississippi River Parkway  
 33 ~~Planning~~ Commission and shall cooperate with and assist the national  
 34 commission in promoting interest in, and the development and use of, the  
 35 Great River Road as designated by the ~~Federal Bureau of Roads~~ Federal Highway  
 36 Administration. It shall also serve in an advisory capacity to the Arkansas

1 ~~State Highway and Transportation~~ Department of Transportation in regard to  
2 the exercise of the powers and duties granted the department by § 27-69-101  
3 et seq.

4 (b) The Chair of the Mississippi River Parkway Commission of Arkansas  
5 shall be the Arkansas representative on the national commission.

6  
7 SECTION 407. Arkansas Code § 27-69-205 is amended to read as follows:  
8 27-69-205. Advisors and assistants.

9 The Director of State Highways and Transportation shall designate one  
10 (1) employee of the Arkansas ~~State Highway and Transportation~~ Department of  
11 Transportation who is an engineer or who has engineering experience, and the  
12 Director of the Department of Parks and Tourism shall appoint one (1) member  
13 of his or her staff, who shall advise and assist the Mississippi River  
14 Parkway Commission of Arkansas in carrying out its functions and duties under  
15 this subchapter.

16  
17 SECTION 408. Arkansas Code § 27-70-101 is amended to read as follows:  
18 27-70-101. Certification of vouchers, etc.

19 (a) The designated disbursing officers for the Arkansas ~~State Highway~~  
20 ~~and Transportation~~ Department of Transportation are hereby authorized to  
21 complete and sign one (1) certification for each state voucher or other  
22 designated document that authorizes the Auditor of State, or other official,  
23 to draw a state warrant or check on a fund administered by the Arkansas ~~State~~  
24 ~~Highway and Transportation~~ Department of Transportation.

25 (b) The voucher or other authorizing document can consist of one (1)  
26 or more pages and in the event that more than one (1) page is used, then the  
27 designated disbursing officer is to manually sign the last page only, and any  
28 certification is to be so worded that it will apply to all pages of the  
29 document.

30  
31 SECTION 409. Arkansas Code § 27-70-102 is amended to read as follows:  
32 27-70-102. Certification of amounts due – Distribution.

33 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
34 Transportation, through its director, is authorized to certify to the  
35 Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the  
36 State any amount that is due the department from a city or county of this

1 state.

2 (b) Upon certification, the Treasurer of State, Auditor of State, and  
3 the Chief Fiscal Officer of the State shall record and transfer the amount so  
4 certified from the funds next to be distributed to the designated city or  
5 county, under the provisions of the Arkansas Highway Revenue Distribution  
6 Law, to the fund designated by the department. The amount may be a lump sum  
7 or in installments, as instructed by the department.

8

9 SECTION 410. Arkansas Code § 27-70-204 is amended to read as follows:

10 27-70-204. Interest on ~~state highway department~~ funds of the Arkansas  
11 Department of Transportation.

12 (a) On the first day of business of the month, the Treasurer of State  
13 shall compute the average daily balance of the State Highway and  
14 Transportation Department Fund, including all internal accounts and funds,  
15 including, but not limited to, the State Highway Special Construction  
16 Account, the State Aid Road Fund, the State Aid Street Fund, the State  
17 Highway and Transportation Department Fund, and any other funds administered  
18 by the Arkansas ~~State Highway and Transportation~~ Department of Transportation  
19 during the preceding month and shall transfer on that day to the State  
20 Highway and Transportation Department Fund interest on the average daily  
21 balance to be computed at a rate equivalent to the average rate of interest  
22 earned on all State Treasury funds invested, excluding the interest rate paid  
23 on open account deposits, during the preceding month.

24 (b) All interest earned on the accounts described in subsection (a) of  
25 this section shall be classified as special revenues, and the net amount  
26 shall be distributed as provided by this subchapter.

27

28 SECTION 411. Arkansas Code § 27-70-207(b)(1)(C), concerning the  
29 distribution of highway revenue to county and city funds, is amended to read  
30 as follows:

31 (C) A county may use these funds to pay for local projects  
32 eligible for funding under state programs of the Arkansas ~~State Highway and~~  
33 ~~Transportation~~ Department of Transportation and the State Highway Commission  
34 and under federal programs of the Federal Highway Administration and the  
35 Federal Transit Administration ~~of the United States Department of~~  
36 ~~Transportation~~.

1  
2 SECTION 412. Arkansas Code § 27-70-207(d)(2)(A), concerning the  
3 distribution of highway revenue to county and city funds, is amended to read  
4 as follows:

5 (2)(A) However, the Arkansas ~~State Highway and Transportation~~  
6 Department of Transportation may use highway revenues transferred to the  
7 State Highway and Transportation Department Fund for the installation,  
8 upgrading, or improvement of any highway-railroad crossing safety device,  
9 railroad crossing traffic control device, warning lights, crossing gates, or  
10 other railroad crossing safety devices at public highway railroad crossings  
11 and for the construction, reconstruction, and maintenance of any highway-  
12 railroad crossing, including the construction or installation of any  
13 underpasses or overpasses.  
14

15 SECTION 413. Arkansas Code § 27-70-208 is amended to read as follows:  
16 27-70-208. Disposition of gross receipts taxes on gasohol.

17 The gross receipts taxes levied and collected on gasohol, ~~which was~~  
18 ~~exempted from the motor fuel tax by Acts 1979, No. 433, § 1E (repealed), and~~  
19 ~~from the special motor fuel tax by Acts 1965 (1st Ex. Sess.), No. 40, Ch. 2,~~  
20 ~~§ 2 (repealed),~~ shall be used by the Arkansas ~~State Highway and~~  
21 ~~Transportation~~ Department of Transportation to defray, in whole or in part,  
22 the cost of constructing, widening, reconstructing, maintaining, resurfacing,  
23 or repairing the public highways, and retiring highway indebtedness of this  
24 state. These taxes shall be remitted to the department in accordance with  
25 this subchapter.  
26

27 SECTION 414. Arkansas Code § 27-72-101 is amended to read as follows:

28 27-72-101. Plans and engineering services for county federal-aid  
29 secondary road projects.

30 (a) The Arkansas ~~State Highway and Transportation~~ Department of  
31 Transportation is authorized and directed to furnish, without cost to  
32 counties, all plans and engineering services necessary in connection with all  
33 county negotiated contracts for federal-aid secondary road projects in all  
34 counties of this state.

35 (b) The cost of plans and engineering services shall be included in  
36 the cost of projects but shall not be chargeable to the county.

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SECTION 415. Arkansas Code § 27-72-303 is amended to read as follows:  
27-72-303. Division of State Aid Road Construction.

There is created within the Arkansas State Highway and Transportation Department a division to be called the Division of State Aid Road Construction.

SECTION 416. Arkansas Code § 27-72-304(a), concerning the state aid engineer of the Division of State Aid Road Construction, is amended to read as follows:

(a) The Division of State Aid Road Construction of the Arkansas ~~State Highway and Transportation~~ Department of Transportation shall be headed by a state aid engineer to be appointed by and to serve at the pleasure of the State Highway Commission.

SECTION 417. Arkansas Code § 27-72-311(2)(C), concerning the conditions for use of state aid, is amended to read as follows:

(C) A county may contract with the Arkansas ~~State Highway and Transportation~~ Department of Transportation for engineering services instead of employing a county engineer.

SECTION 418. Arkansas Code § 27-72-313(d), concerning the use of federal-aid secondary road funds, is amended to read as follows:

(d) Federal-aid secondary road funds that are not committed for use on county secondary federal-aid road projects during any current two-year period shall revert to, and may be used by, the Arkansas ~~State Highway and Transportation~~ Department of Transportation on state secondary highways.

SECTION 419. Arkansas Code § 27-72-403 is amended to read as follows:  
27-72-403. State Aid Division.

There is created in the Arkansas ~~State Highway and Transportation~~ Department of Transportation a division to be known as the "State Aid Division".

SECTION 420. Arkansas Code § 27-72-405(a), concerning the state aid engineer of the State Aid Division, is amended to read as follows:



1 (a) The State Aid Division of the Arkansas ~~State Highway and~~  
 2 ~~Transportation~~ Department of Transportation shall be headed by a state aid  
 3 engineer to be appointed by and serve at the pleasure of the State Highway  
 4 Commission.

5  
 6 SECTION 421. Arkansas Code § 27-72-412 is amended to read as follows:

7 27-72-412. Expenses paid prior to allocation.

8 The pro rata salaries of the state aid engineer, his or her assistants,  
 9 and all other employees of the State Aid Division of the Arkansas ~~State~~  
 10 ~~Highway and Transportation~~ Department of Transportation, as well as all other  
 11 expenses incurred by the Arkansas ~~State Highway and Transportation~~ Department  
 12 of Transportation, shall be paid from the State Aid Street Fund in the State  
 13 Treasury prior to allocation to the several municipalities.

14  
 15 SECTION 422. Arkansas Code § 27-72-415(2)(B)(ii) is amended to read as  
 16 follows:

17 (ii) A municipality may contract with the Arkansas  
 18 ~~State Highway and Transportation~~ Department of Transportation for engineering  
 19 services in lieu of employing or retaining a municipal engineer.

20  
 21 SECTION 423. Arkansas Code § 27-74-212(b), concerning the time limit  
 22 for action on an application for permit, is amended to read as follows:

23 (b) When an application is filed with the commission or the Arkansas  
 24 ~~State Highway and Transportation~~ Department of Transportation ~~pursuant to~~  
 25 under § 27-74-211 or regulations adopted pursuant thereto for a permit to  
 26 erect or maintain outdoor advertising, the commission or the department shall  
 27 either grant or deny such permit within sixty (60) days from the date on  
 28 which the application was filed with the commission or the department.

29  
 30 SECTION 424. Arkansas Code § 27-76-102 is amended to read as follows:

31 27-76-102. Legislative findings.

32 The General Assembly finds that:

33 (1) Many transportation projects cannot be completed because the  
 34 transportation construction and maintenance needs of the State of Arkansas  
 35 far exceed the budget for highway construction and maintenance;

36 (2) Counties and municipalities have limited budgets for

1 transportation construction and maintenance. As a result, they are often  
2 unable to be financial partners with the Arkansas ~~State Highway and~~  
3 ~~Transportation~~ Department of Transportation;

4 (3) Through the creation of regional mobility authorities  
5 throughout the state, counties and municipalities are empowered to become  
6 better partners for highway construction and maintenance with the department  
7 and the State Highway Commission; and

8 (4) The funding of regional mobility authorities is intended to  
9 supplement state and federal transportation funds. Such funding is not  
10 intended to substitute for state and federal transportation aid to counties  
11 and municipalities.

12  
13 SECTION 425. Arkansas Code § 27-76-401(7), concerning the powers of  
14 the board of directors of a regional mobility authority, is amended to read  
15 as follows:

16 (7) Enter into any agreement with the State Highway Commission  
17 and the Arkansas ~~State Highway and Transportation~~ Department of  
18 Transportation;

19  
20 SECTION 426. Arkansas Code § 27-76-404(b), concerning actions  
21 affecting existing roads, is amended to read as follows:

22 (b) A regional mobility authority shall obtain consent from the  
23 Arkansas ~~State Highway and Transportation~~ Department of Transportation and  
24 the State Highway Commission before constructing a grade separation under  
25 this section that affects a segment of the state highway system.

26  
27 SECTION 427. Arkansas Code § 27-76-410(c), concerning the consistency  
28 of planning by a regional mobility authority, is amended to read as follows:

29 (c) Nothing in this section shall interfere with the responsibility  
30 and authority of the Arkansas ~~State Highway and Transportation~~ Department of  
31 Transportation and the State Highway Commission to perform transportation  
32 systems planning.

33  
34 SECTION 428. Arkansas Code § 27-76-611(b)(3), concerning a revolving  
35 fund maintained by a regional mobility authority, is amended to read as  
36 follows:

1 (3) Funds received from the Arkansas ~~State Highway and Transportation~~  
 2 Department of Transportation and the State Highway Commission; and

4 SECTION 429. Arkansas Code § 27-76-706 is amended to read as follows:

5 27-76-706. Arkansas ~~State Highway and Transportation~~ Department of  
 6 Transportation contributions to toll road projects.

7 (a)(1) A regional mobility authority and the Arkansas ~~State Highway~~  
 8 ~~and Transportation~~ Department of Transportation and the State Highway  
 9 Commission may agree to allow the department to contribute to the payment of  
 10 costs of any of the following in regards to a toll road:

- 11 (A) A financial study;
- 12 (B) An engineering study;
- 13 (C) A traffic feasibility study; or
- 14 (D) The design, financing, acquisition, construction,  
 15 operation, or maintenance of a toll road.

16 (2) The agreement shall not be inconsistent with the rights of  
 17 the bondholders or persons operating the toll road under a lease or other  
 18 contract.

19 (b) The department may use its engineering or other personnel,  
 20 including consulting engineers or traffic engineers, to conduct feasibility  
 21 studies under subsection (a) of this section.

22 (c)(1) An obligation or expense incurred by a regional mobility  
 23 authority or the department under this section is a part of the cost of the  
 24 toll road for which the obligation or expense was incurred.

25 (2) A regional mobility authority may require money contributed  
 26 under this section to be repaid from tolls or other revenue of the toll road  
 27 on which the money was spent.

28 (3) Money repaid as required by a regional mobility authority or  
 29 the department shall be deposited to the credit of the fund from which the  
 30 contribution was made.

31 (d) A regional mobility authority or the department may use federal  
 32 money for any purpose described by this chapter.

33 (e) A toll road developed by a regional mobility authority shall not  
 34 be part of the state highway system unless the regional mobility authority  
 35 and the commission so agree.

36 (f)(1) The commission may grant or loan department money to a regional

1 mobility authority for the acquisition of land for the construction,  
2 maintenance, or operation of a toll road.

3 (2) The commission may require the authority to repay money  
4 provided under this section from toll revenue or other sources on terms  
5 established by the commission.

6 (g) Money repaid as required by the commission shall be deposited to  
7 the credit of the fund from which the money was provided.

8  
9 SECTION 430. Arkansas Code § 27-85-101 is amended to read as follows:  
10 27-85-101. Conservation of bridges.

11 It is directed that the administrators of the various public highway,  
12 road, and street systems shall make every effort to conserve the safe  
13 function of the bridges under their jurisdiction pursuant to the findings and  
14 recommendations of the bridge safety inspections by the bridge inspection  
15 teams of the Arkansas ~~State Highway and Transportation~~ Department of  
16 Transportation in accord with the national bridge inspection standards  
17 published in the Federal Register.

18  
19 SECTION 431. Arkansas Code § 27-86-103(b)(4), concerning lights on  
20 toll bridges, is amended to read as follows:

21 (4) The other end of the toll bridge where the toll house is  
22 located shall not have in excess of three (3) bulbs, one (1) in each driveway  
23 or on either side of the toll house, including one (1) inside the toll house  
24 or left to the discretion of the ~~chief engineer~~ Chief Engineer of the Arkansas  
25 ~~State Highway and Transportation~~ Department of Transportation.

26  
27 SECTION 432. Arkansas Code § 27-89-305 is amended to read as follows:  
28 27-89-305. Use of state funds – Appropriation necessary for  
29 construction funds.

30 The State Highway Commission is authorized to use moneys appropriated  
31 for the operation of the Arkansas ~~State Highway and Transportation~~ Department  
32 of Transportation for payment of the State of Arkansas's pro rata share of  
33 the administrative costs of the compact authority, but shall have no  
34 authority to authorize, or contract for, the use of moneys in the State  
35 Highway and Transportation Department Fund for the construction of the  
36 Arkansas-Mississippi Great River Bridge, except upon specific authorization

1 and appropriation thereof by the General Assembly.

2  
3 SECTION 433. Arkansas Code § 27-90-204(c)(2), concerning the use of  
4 revenues derived from a turnpike project, is amended to read as follows:

5 (2) Any other revenue shall be transferred to the Treasurer of  
6 State, who shall transfer such revenue to the Arkansas ~~State Highway and~~  
7 ~~Transportation~~ Department of Transportation, there to be used for the  
8 maintenance, operation, and improvement required by the department in  
9 carrying out its functions, powers, and duties.

10  
11 SECTION 434. Arkansas Code § 27-115-109(b), concerning the  
12 construction of landing fields by prisoners, is amended to read as follows:

13 (b) The Arkansas Department of Aeronautics shall have the authority to  
14 use for the construction and development of these fields and for the grading  
15 and construction of highways leading thereto, any equipment of the Arkansas  
16 ~~State Highway and Transportation~~ Department of Transportation which is not at  
17 that time required for other construction purposes.

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