

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1362 of the Regular Session

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H4/3/13  
**A Bill**

HOUSE BILL 2248

By: Representative Barnett

### For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ARKANSAS STATE HIGHWAY AND  
*TRANSPORTATION DEPARTMENT TO CONTINUE TO ASSESS FEES;*  
AND FOR OTHER PURPOSES.

### Subtitle

*TO AUTHORIZE THE ARKANSAS STATE HIGHWAY  
AND TRANSPORTATION DEPARTMENT TO CONTINUE  
TO ASSESS FEES.*

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

*SECTION 1. DO NOT CODIFY.*

*(a) The Arkansas State Highway and Transportation Department regularly assesses fees for the issuance of permits, licenses, and for other administrative purposes as part of implementation and administration of statutory duties.*

*(b) The purpose of this legislation is to ensure department compliance, to the extent necessary, with the requirements of Act 1159 of 2011 concerning the continuation of issuance of permits, licenses, and for other administrative purposes, as part of implementation and administration of statutory duties.*

*SECTION 2. Arkansas Code § 27-35-210(d)(1), concerning permits for special cargoes, is amended to read as follows:*

*(1) To issue or withhold the permit ~~at its sole discretion, but its action in withholding a permit must be based upon~~ the following factors:*

*(a) the The condition and state of repair of the highway*



involved;

~~(b) upon the~~ The ability of the highways to carry the overweight or oversized vehicle;

~~(c) or upon the~~ The danger to the traveling public from the standpoint of safety; or

(d) Findings of repeated violations of permits issued under this section as established by properly promulgated and adopted agency rules;

SECTION 3. Arkansas Code § 27-35-210(m)(2), concerning permits for special cargoes, is amended to read as follows:

(2) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee per wrecker or tow vehicle not to exceed five hundred dollars (\$500), the commission, through the Director of State Highways and Transportation, may issue a special permit valid for one (1) single trip or for a ~~one-year-period~~ period of one (1) year that authorizes a towing business licensed under § 27-50-1203 to use a wrecker or tow vehicle permitted under this subdivision (2) to move at any time of day or night a vehicle that is disabled or wrecked when that movement:

(A) Results in an oversized, overweight, or both oversized and overweight combination of vehicles; and

(B) Is the initial movement of disabled or wrecked vehicles or combination of vehicles from highways, roads, streets, or highway ~~right-of-ways~~ rights-of-way to:

(i) The nearest point of storage or repair used by the towing or wrecker company;

(ii) The nearest point of storage or repair used by the owner or operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle.

SECTION 4. Arkansas Code § 27-65-107(a), concerning the powers and duties of the State Highway Commission, is amended to add an additional subdivision to read as follows:

(17) To establish by properly promulgated and adopted rules

reasonable fees that are necessary to carry out the powers and duties of the commission for applications, permits, licenses, and other administrative purposes including but not limited to driveways, logos, billboards, signage, sign visibility, and weight restricted roadway maintenance, to support the administration and operation of programs for which the fees are assessed.

/s/Barnett

**APPROVED: 04/18/2013**