

Stricken language would be deleted from and underlined language would be added to present law.
Act 1006 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/16/15 H3/23/15
A Bill

SENATE BILL 855

By: Senator D. Sanders
By: Representatives Jean, Ballinger, M.J. Gray

For An Act To Be Entitled

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

Subtitle

TO REGULATE THE ABANDONMENT OF UNPAVED
ROAD EASEMENTS.

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

SECTION 1. Arkansas Code § 18-61-101, concerning actions to recover land, tenements, or hereditaments, is amended to add an additional subsection to read as follows:

(e)(1) Subsections (a)-(c) of this section do not apply to the circumstances set forth in subdivision (e)(2) and subdivision (e)(3) of this section.

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

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

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

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

(4) This subsection does not apply to:

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



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

(C) A road maintained by an improvement district;

(D) A road within the jurisdictional limits of a city of the first class or city of the second class; or

(E) The claim or right of any person, his or her heirs, successors, assigns, or tenants who use the unpaved road as a means of ingress and egress to lands owned or leased by that person, his or her heirs, successors, assigns, or tenants.

SECTION 2. Arkansas Code § 18-61-102 is amended to read as follows:

18-61-102. Entry upon land or tenements – Exception for unpaved road easements.

(a) ~~No~~ An entry upon lands or tenements shall not be deemed sufficient or valid as a claim unless an action is commenced thereon within one (1) year after the entry and within seven (7) years from the time when the right to make the entry descended or accrued.

(b) This section does not apply to the circumstances set forth in § 18-61-101(e)(2) and (3).

/s/D. Sanders

APPROVED: 04/02/2015