

Stricken language would be deleted from and underlined language would be added to present law.
Act 11 of the First Extraordinary Session

State of Arkansas
90th General Assembly
First Extraordinary Session, 2015

As Engrossed: H5/27/15
A Bill

Call Item 3
HOUSE BILL 1005

By: Representatives B. Smith, Ladyman

By: Senators J. Cooper, J. Dismang, Caldwell, E. Cheatham, A. Clark, Collins-Smith, J. Hutchinson,
Irvin, B. Johnson, B. Pierce, Standridge, E. Williams

For An Act To Be Entitled

AN ACT CONCERNING THE TRAVEL ON CERTAIN HIGHWAYS BY
MOTOR VEHICLES USED FOR FARM PURPOSES; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE TRAVEL ON CERTAIN HIGHWAYS
BY MOTOR VEHICLES USED FOR FARM PURPOSES;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 27-35-210(a)(2), concerning the necessity for a permit for certain motor vehicles used for normal farm purposes, is amended to read as follows:

(2)(A) It ~~shall not be~~ is not necessary to obtain a permit for nor shall it be unlawful to move ~~any a~~ a vehicle or machinery in excess of the maximum width ~~prescribed in~~ allowed under § 27-35-206 and ~~which that~~ that is used only for normal farm purposes ~~such as, but not limited to,~~ that require the use of such vehicles or machinery as hay harvesting equipment, plows, tractors, bulldozers, or combines, ~~etc., where~~ if:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned or leased by a person primarily engaged in farming operations and is being operated by an owner or lessor of the vehicle or machinery or ~~an the~~ owner's or lessor's



employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of ~~new or used equipment or machinery~~ a new or used vehicle or new or used machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the ~~farm machinery or equipment~~ vehicle or machinery from the farm to a shop of a farm machinery equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin ~~thereof~~ and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, movement of the vehicle or machinery under subdivision (a)(2)(A) of this section is allowed if:

(i) The vehicle or machinery is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(ii) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(iii) The vehicle or machinery was permitted to legally operate on that section of U.S. Highway 63 or was permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System.

~~(B)(C)~~ It shall not be unlawful nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.

~~(C)(D)~~ Notwithstanding the provisions of subdivision

(a)(2)(A) of this section, permits may be issued for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for farming operations to travel upon the state highways in excess of a fifty-mile radius of the point of origin or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for commercial earthmoving operations for travel upon state highways of any distance subject to the following requirements:

(i) The permit shall be issued only to owners or lessors of the vehicles who are primarily engaged in farming or commercial earthmoving operations;

(ii) The permit issued shall be limited to daylight operation for a specified seventy-two-hour period and shall specify the route of travel;

~~(iii) No part of the movement may be upon any interstate highway or fully controlled access facility~~ Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, no part of the movement may be upon any interstate highway or fully controlled access facility unless:

(a) The earthmoving equipment is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(b) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(c) The earthmoving equipment was permitted to legally operate on that section of U.S. Highway 63 or permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System;

(iv) Proof of liability insurance for the tow vehicle shall be submitted to the Arkansas State Highway and Transportation Department;

(v) Vehicles shall be accompanied by a front escort vehicle with flashing amber lights, radio contact with the vehicle operator, and "wide load" signs;

(vi)(a) Vehicles may be moved in convoys of no more than three (3) vehicles with escorts at the front and rear of the convoy.

(b) Convoys shall pull off the highway at sufficient intervals to allow traffic to pass;

(vii) A permit may be issued for no more than two (2) dirt pans to be towed by one (1) tractor; and

(viii) Permit fees shall be set by the commission.

~~(D)(i)~~(E)(i) It shall not be necessary to obtain a permit, and it shall be lawful to move any motor home or camping trailer in excess of the maximum width prescribed under § 27-35-206 if the excess width is attributable to a noncargo-carrying appurtenance that extends no more than six inches (6") beyond the body of the vehicle.

(ii) As used in this section, "appurtenance" means:

(a) Awnings and awning support hardware; and

(b) Any appendage that is intended to be an integral part of a motor home or camping trailer.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that agriculture is one of Arkansas's most important industries; that farmers and other persons engaged in agricultural activities require use of the state highways and roadways to engage in those same agricultural activities; that highways and roadways have by law certain requirements for the motor vehicles that operate on them; that it is incumbent on the state to accommodate farmers and other persons engaged in agricultural activities as much as possible due to the enormous importance placed on the agricultural industries in the state; and that this act is necessary because certain parts of the roadway over the St. Francis Sunken Lands Wildlife Management Area, which may be designated in the future as part of the Interstate Highway System and other routes within the National Highway System, are used by farmers and persons engaged in agricultural activities. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on June 1, 2015.

/s/B. Smith

APPROVED: 05/29/2015