

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1596

By: Representative Steimel

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MOVING TRAFFIC VIOLATIONS IN A HIGHWAY WORK ZONE; TO CREATE MOBILE WORK ZONES; TO ASSESS A FINE FOR A MOVING TRAFFIC VIOLATION IN A MOBILE WORK ZONE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MOVING TRAFFIC VIOLATIONS IN A HIGHWAY WORK ZONE; TO CREATE MOBILE WORK ZONES; AND ASSESS A FINE FOR A MOVING TRAFFIC VIOLATION IN A MOBILE WORK ZONE.

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

SECTION 1. Arkansas Code § 27-50-408 is amended to read as follows:

27-50-408. Fines for moving traffic violations in a highway work zone or mobile work zone – Definitions.

(a) As used in this section, unless the context otherwise requires:

(1) “Construction personnel” means employees of the Arkansas 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 charged with a violation of law pleads guilty or nolo contendere, is found guilty, or forfeits a bond in lieu of a plea or trial; ~~and~~



(3) "Highway work zone" means any area upon any highway, road, or street of this state where construction, reconstruction, maintenance, debris removal, or any other type of work is being performed or is in progress by employees of the department, the counties or the municipalities of this state, or any contractors of the commission or the counties or municipalities; and

(4)(A) "Mobile work zone" means an area upon a highway, road, or street of this state:

(i) That is marked by a sign, channelizing device, barrier, or work vehicle with a high intensity light that rotates, flashes, oscillates, or strobes; and

(ii) Where construction, reconstruction, maintenance, or any other type of work is being performed for a limited period of time by:

(a) Employees of the department;

(b) A county or municipality of this state; or

(c) A contractor of the commission or a county or municipality of this state.

(B) "Mobile work zone" includes the area extending from from the first sign, channelizing device, barrier, or work vehicle with a high intensity light that rotates, flashes, oscillates, or strobes to the last sign, channelizing device, barrier, or work vehicle with a high intensity light that rotates, flashes, oscillates, or strobes.

(b)(1)(A)(i) In addition to the fine otherwise provided by law, after the conviction of any person for any moving traffic violation committed while the person is driving through a highway work zone or mobile work zone in this state and if construction personnel were present in the highway work zone or mobile work zone when the offense occurred, the trial judge ~~shall~~ may assess an additional fine equivalent to the fine imposed by law upon that person for committing a moving traffic violation in the highway work zone or mobile work zone.

(ii) Equivalent additional court costs pursuant to § 16-10-305 shall not be assessed.

(B) Any bond posted pursuant to a charge of committing any moving traffic violation while in a highway work zone or mobile work zone in this state shall include the additional equivalent fine in the amount of the

bond otherwise required.

(2)(A) All fines collected by the county or city official, agency, or department designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts, district courts, or city courts of this state as a result of this section shall be paid by the collecting official to the county treasurer or town or city treasurer pursuant to law.

(B) All such amounts collected in circuit court shall be remitted to the county treasurer.

(C) All amounts collected pursuant to subdivision (b)(2)(A) of this section in district court shall be paid to the county or city treasurer pursuant to § 16-17-707.

(D) All amounts collected pursuant to subdivision (b)(2)(A) of this section in city court shall be paid to the treasurer of the town or city in which the city court is located.

(E) Amounts received by the county treasurer may be used for general county purposes, and amounts received by the city treasurer may be used for general city purposes.

(c)(1) ~~The~~ Except as provided in subsection (d) of this section, the additional fines and penalties shall not be assessed unless signs, either permanent or temporary, were present at the time of the violation in advance of the highway work zone warning the traveling public that fines are double in highway work zones.

(2) ~~The signs~~ Signs for a highway work zone shall be located no greater than one (1) mile nor less than one thousand five hundred feet (1,500') in advance of the highway work zone.

(3) Furthermore, the additional fines or penalties for speeding shall not be assessed unless signs, either permanent or temporary, are posted in advance of the highway work zone indicating the maximum speed limit to be obeyed while traveling through the highway work zone.

(4)(A) All signs authorized by this section shall conform with the Manual on Uniform Traffic Control Devices.

(B) The counties and municipalities, prior to utilizing any such signs, shall seek the advice of the department in order that the signs shall be uniform throughout the state.

(C) The department is authorized to develop guidelines for

the counties and municipalities to achieve uniformity.

(d) Additional fines and penalties under subdivision (b)(1)(A) of this section shall not be assessed for a violation in a mobile work zone if signs warning the traveling public that fines are doubled are not located on the highway equipment establishing the mobile work zone.

~~(d)~~(e) Nothing contained in this section shall be construed to abrogate any of the provisions of § 12-8-106 regarding the powers of the Division of Arkansas State Police.

~~(e)~~(f) For purposes of this section, "moving traffic violation" shall include, but not be limited to:

- (1) Careless or prohibited driving;
- (2) Driving while intoxicated;
- (3) Underage driving under the influence;
- (4) Refusal to submit;
- (5) Leaving the scene of an accident;
- (6) Driving with lights off;
- (7) Driving on an expired, suspended, or revoked license;
- (8) Improper use of lighting equipment;
- (9) Failure to obey traffic control devices and signs;
- (10) Failure to operate a vehicle in accordance with the rules of the road;
- (11) Failure to stop and render aid;
- (12) Following too closely;
- (13) Driving the wrong way on a one-way street;
- (14) Hazardous driving;
- (15) Impeding the flow of traffic;
- (16) Improper backing;
- (17) Improper lane change;
- (18) Improper entrance or exit to avoid an intersection;
- (19) Improper towing;
- (20) Improper turning;
- (21) Passing a stopped school bus;
- (22) Racing on the highway;
- (23) Reckless driving; and
- (24) Exceeding the speed limit.

APPROVED: 3/18/25