

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/16/15  
**A Bill**

HOUSE BILL 1939

By: Representative Wallace

### **For An Act To Be Entitled**

AN ACT TO ALLOW OWNERS OF PROPERTY ADJOINING AN ARKANSAS STATE HIGHWAY RIGHT-OF-WAY TO INSTALL, USE, AND MAINTAIN A SPRINKLER SYSTEM; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ALLOW OWNERS OF PROPERTY ADJOINING AN ARKANSAS STATE HIGHWAY RIGHT-OF-WAY TO INSTALL, USE, AND MAINTAIN A SPRINKLER SYSTEM.

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

SECTION 1. Arkansas Code § 27-64-103 is amended to read as follows:

27-64-103. Mowing, installing, and maintaining sprinkler system of on rights-of-way by adjoining ~~landowners~~ landowner.

(a)(1) The owners of properties which abut the ~~rights-of-way~~ right-of-way of interstate, federal-aid primary, state, or county roads or highways in this state may enter upon and mow ~~grass~~ grass, weeds, and other vegetation on the portion of the ~~rights-of-way~~ right-of-way adjoining ~~their~~ the property unless the ~~Arkansas State Highway and Transportation Department~~ department or the county has installed barriers designed to prohibit ~~such mowing~~ entry or unless the property ~~owners have~~ owner has received notice from the ~~Arkansas State Highway and Transportation Department~~ department or the county restricting or prohibiting ~~such mowing~~ grass, weeds, and other vegetation.

(2) The owner of a property which abuts a right-of-way of a state highway, may upon receipt of a permit from the department, install, use



and maintain a sprinkler system on the portion of the right-of-way adjoining the property unless the department has installed a barrier designed to prohibit entry.

(b) ~~If a person~~ an owner elects to mow ~~the grass, weeds, or other vegetation road or highway~~ or installs, uses, or maintains a sprinkler system on the right-of-way adjoining his or her property, ~~he or she~~ the owner shall do so at ~~his or her~~ the owner's own risk and shall have no right or claim for damages against the ~~Arkansas State Highway and Transportation Department~~ department or any political subdivision of this state for loss of life, ~~or~~ injury, ~~to his or her person~~ or damage to his or her property while engaged in the mowing activity or the installation, use, or maintenance of the sprinkler system.

(c) ~~In addition~~ Subject to the limitations of subsections (a) and (b) of this section, the owner ~~of the property~~ shall:

(1) ~~perform the mowing~~ Mow the grass, weeds, or other vegetation and install, use, and maintain the sprinkler system in a manner that does not obstruct or pose danger to motorists in their lawful use of the public road or highway; and

(2) ~~He or she shall be~~ Be liable for any loss, injury, or damage to the life, person, or property of ~~motorists lawfully using the highway,~~ others ~~which~~ that is caused by any ~~action or~~ negligence in connection with the mowing grass, weeds, or other vegetation or installing, using, or maintaining the sprinkler system ~~of~~ on the highway right-of-way.

*/s/Wallace*