

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 221

By: Senator Files  
By: Representative Holcomb

## For An Act To Be Entitled

AN ACT AUTHORIZING COUNTIES TO PURCHASE EXCESS,  
SURPLUS, OR UNUSED BRIDGE STEEL OR MATERIALS FROM THE  
GENERAL CONTRACTOR OF CERTAIN PUBLIC WORKS PROJECTS;  
AND FOR OTHER PURPOSES.

## Subtitle

AUTHORIZING COUNTIES TO PURCHASE EXCESS,  
SURPLUS, OR UNUSED BRIDGE STEEL OR  
MATERIALS FROM THE GENERAL CONTRACTOR OF  
CERTAIN PUBLIC WORKS PROJECTS.

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

SECTION 1. Arkansas Code Title 14, Chapter 300, Subchapter 1, is amended to add an additional section to read as follows:

14-300-102. Purchase of surplus bridge material by county -

### Definition.

(a) As used in this section, "surplus bridge material" means a general contractor's excess or unused bridge steel or other scrap items remaining after completion of a contract for the construction, improvement, rehabilitation, or replacement of a bridge on a state highway or county road.

(b)(1) When a general contractor is awarded a contract for the construction, improvement, rehabilitation, or replacement of a bridge on a state highway or county road, the county judge of the county in which the bridge is located may notify the general contractor in writing no later than thirty (30) days after the contractor is issued a work order on the project



that the county requests to purchase all or any portion of the surplus bridge material at the salvage value price.

(2) This section does not prevent a general contractor from retaining surplus bridge material for the general contractor's own purposes.

(3) A general contractor does not have a duty to notify the county judge of a bridge construction project the general contractor undertakes in a county.

(c)(1) If a general contractor elects to sell the surplus bridge material for salvage and the county has given notice under subsection (b) of this section, then the county has a right of first refusal to purchase all or any portion of the surplus bridge material for the salvage value price.

(2) The county judge shall tender the county's written offer to purchase all or any portion of the surplus bridge material at salvage value price.

(d)(1) The purchase by the county of surplus bridge material is "as is", and the county shall hire an engineer to inspect any surplus bridge material it acquires under this section to determine if the surplus bridge material is suitable for the county's intended use.

(2) The general contractor does not have a responsibility to inspect or otherwise render an opinion as to the condition, state, or suitability of the surplus bridge material for the county's intended use.

(e) This section does not create a cause of action, and a cause of action shall not be available, in negligence or otherwise, against a general contractor for the surplus bridge material purchased by the county under this section.

(f) The county shall retrieve and transport the surplus bridge material it acquires under this section within (30) thirty days after the election by the general contractor to sell the surplus bridge material at salvage value price under subdivision (c)(1) of this section unless otherwise agreed by the parties.