

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 492

TO AMEND THE LAW CONCERNING THE RELOCATION OF UTILITY FACILITIES;
AND TO AMEND THE LAW CONCERNING THE ACQUISITION, CONDEMNATION, AND
DISPOSITION OF REAL PROPERTY BY THE STATE HIGHWAY COMMISSION.

Amendment No. 1 to Senate Bill 492

Amend Senate Bill 492 as originally introduced:

Page 2, line 27, delete "trail;" and substitute "trail; and"

AND

Page 2, line 28, delete "and"

AND

Page 2, delete line 29

AND

Page 3, line 14, delete "(7)" and substitute "(7)(A)"

AND

Page 3, line 15, delete "communications," and substitute "communications,
including without limitation cable service and broadband service,"

AND



Page 3, delete line 16, and substitute the following:

"steam, or sewerage by means of a utility facility.

(B) "Utility" does not include a railway or railroad engaged in interstate commerce;"

AND

Page 3, line 26, delete "communications," and substitute "communications, including without limitation cable service and broadband service,"

AND

Page 4, line 16, delete "work order" and substitute "notice to proceed"

AND

Page 4, line 34, delete "monthly progress report" and substitute "progress report every two (2) months"

AND

Page 4, line 35, delete "relocation until" and substitute "relocation after a notice to proceed is issued under subdivision (c)(1) of this section until"

AND

Page 5, delete lines 8 through 36, and substitute the following:

"(d)(1) If a utility other than a municipal utility system fails to follow the process established in the utility accommodation rules or the relocation agreement to complete the relocation within the time period stated in the relocation agreement, the department may assess and collect a civil penalty from a utility other than a municipal utility system after:

(A) The department provides notice to the utility under subdivision (e)(2)(A) of this section; and

(B) The expiration of a thirty-day time period for the utility to comply with the requirements stated in the utility accommodation

rules or the relocation agreement.

(2) The civil penalty authorized under subdivision (d)(1) of this section shall be five hundred dollars (\$500) for each business day the utility fails to:

(A) Respond to the written notice to the utility of the need for the relocation located on the public transportation facility provided under subdivision (b)(2)(A)(i) of this section;

(B) Enter into negotiations for a relocation agreement between the department and the utility; or

(C)(i) Comply with a relocation agreement to which the utility is a party, including completing the work according to the schedule in the relocation agreement.

(ii) A civil penalty shall not be assessed under this subdivision (d)(2)(C) if the utility does not meet the agreed-upon schedule but meets the final relocation completion date in the relocation agreement.

(iii) A civil penalty may be assessed under this subdivision (d)(2)(C) if a utility fails to:

(a) Act in good faith to comply with the relocation agreement; or

(b) Request a reasonable modification of the schedule.

(e)(1) A civil penalty shall not be assessed under subsection (d) for a delay that is the result of:

(A) An extraordinary event;

(B) Excavation that damages an underground utility facility for which:

(i) The owner of the utility facility was not provided notice of the intent to excavate; or

(ii) The utility facility was not located and marked properly under the Arkansas Underground Facilities Damage Prevention Act, § 14-271-101 et seq.; or

(C) A delay in acquiring right-of-way after a good faith effort by the utility to complete the acquisition of the right-of-way."

AND

Page 6, line 1, delete "(3)(A)" and substitute "(2)(A)"

AND

Page 6, line 6, delete "this subsection (e)" and substitute "subsection (d)
of this section"

AND

Page 6, line 14, delete "(4)" and substitute "(3)"

AND

Page 6, line 17, delete "(5)" and substitute "(4)"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Bryant

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Secretary