

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Senator Scott

SENATE BILL 69

"AN ACT TO AMEND SUBSECTION (g) OF SECTION 5 OF ACT 98 OF 1955 AS AMENDED [ARK. STATS. 75-817(g)] TO PRESCRIBE THE METHOD OF COMPUTING FINES AND PENALTIES FOR FIVE AXLE VEHICLES WHICH ARE GRANTED AN EIGHT PERCENT VARIANCE WHEN SUCH VEHICLES ARE FOUND TO BE OVERWEIGHT; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (g) of Section 5 of Act 98 of 1955 as amended, the same being Arkansas Statutes 75-817(g), is hereby amended to read as follows:

"(g) Vehicles or combinations of vehicles with five axles, hauling unfinished and unprocessed farm products, forest products, or other products of the soil from the point of production, harvesting or severance to the point in this State at which the same shall first undergo any processing, preparation for processing, conversion or transformation from their raw, natural or severed state shall be permitted an eight (8) percent variance above the allowable gross weight whenever the formula in subsection (e) is applied to the vehicle or combination of vehicles. Vehicles or combinations of vehicles with five axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this State, shall be permitted an eight (8) percent variance above the allowable gross weight whenever the formula in subsection (e) is applied to the vehicle or combination of vehicles. Provided, however, that a maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand (80,000) pounds.

Vehicles or a combination of vehicles, meeting all of the requirements of subsection (g) shall not be required to meet the tandem axle load limits of Section 5(b) of Act 98 of 1955, as amended, providing the vehicles, or com-

binations thereof, do not exceed the allowable gross weight permitted by the formula in subsection (e) of this Act, plus any variance, and do not exceed a gross weight of eighty thousand (80,000) pounds. Provided, further, that no variance on gross weight or axle shall be permitted on federal interstate highways. When a violation of this subsection occurs, fines and penalties to be assessed shall be computed only on the basis of the excess weight over and above the maximum weight for which the vehicle qualifies under the formula prescribed in subsection (e) of this Section plus an eight percent (8%) variance."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that under the current interpretation of law relating to the operation of five axle vehicles which are granted an eight percent variance under subsection (g) of Section 5 of Act 98 of 1955 as amended, when such vehicles are found to be overweight the fines and penalties are assessed without giving consideration to the eight percent weight variance authorized by law; that this provision of law is inequitable in that less severe penalties are applied to other five axle vehicles which are found to be overweight; that this Act is designed to correct this inequitable situation and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

