

As Engrossed: 3/15/91 3/26/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative O. Miller**

A BILL ACT 1100 OF 1991
HOUSE BILL 1577

For An Act To Be Entitled

8 "AN ACT TO SAFEGUARD LIFE, HEALTH AND PROPERTY BY
9 REQUIRING EARTHQUAKE RESISTANT DESIGN FOR ALL PUBLIC
10 STRUCTURES TO BE CONSTRUCTED OR REMODELED WITHIN THE
11 BOUNDARIES OF THIS STATE BEGINNING SEPTEMBER 1, 1991."

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

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15 SECTION 1. It is the purpose of this act to protect the public by
16 requiring that all public structures be designed and constructed to resist
17 destructive forces when an earthquake occurs in the New Madrid Seismic Zone.

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19 SECTION 2. Definitions. Whenever used in this act, unless a different
20 meaning clearly appears from the context:

21 (a) "Owner" shall mean any agency of the state, county, city, township,
22 town, village, or private entity, partnership, business or corporation.

23 (b) "Public Structure" means any building intended, or adaptable, for
24 public employment, assembly, or any other use if it will be open to the
25 public. Also included in this definition are certain building types as
26 defined under the term "Public Works" projects.

27 (c) "Public Works" means works, whether of construction or adaptation,
28 undertaken and carried out by the national, state, county, school district, or
29 municipal authorities, and designed to serve some purpose of public necessity,
30 use, or convenience; such as public buildings, roads, aqueducts, parks, and
31 all other fixed works constructed for public use. The term relates to the
32 construction of public improvements and not to their maintenance or operation.

33 (d) "Add to" shall mean adding to existing buildings or structures more
34 than four thousand (4000) square feet in gross floor area and all areas of
35 increased building height.

36 (e) "Alter", "retrofit", and "remodel" means any alteration or repair

1 of a building which when completed will increase the market value of the
2 building by one hundred percent (100%) or more.

3 (f) "Seal" means the Arkansas seal issued to signify certification of
4 registration to practice architecture or engineering.

5 (g) "Seismic" means pertaining to an earthquake or earth tremor
6 (vibrations).

7 (h) "Structural Elements" shall mean all structural load carrying
8 members of a building or structure required to transmit loads (forces) within
9 the building or between the building and the ground.

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11 SECTION 3. Seismic Zones Established. Areas within the boundaries of
12 this State shall be divided into zones of anticipated damage that will occur
13 in various locations with respect to the New Madrid Seismic Zone.

14 (a) Zone 3. Area of greatest anticipated seismic damage shall include
15 the following counties: Clay, Greene, Craighead, Mississippi, Poinsett,
16 Cross, Crittenden, St. Francis, Randolph, Lawrence, Jackson, Woodruff, and
17 Lee.

18 (b) Zone 2. Area of moderate anticipated seismic damage shall include
19 the following counties: Sharp, Independence, White, Lonoke, Prairie,
20 Arkansas, Monroe, Phillips, Fulton, Izard, Stone, and Cleburne.

21 (c) Zone 1. Area of low anticipated seismic damage shall include all
22 remaining counties within the boundaries of this State.

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24 SECTION 4. Design Requirements. Hereafter, neither the state, any
25 county, city, township, village or private entity shall construct, add to,
26 alter, retrofit, or remodel any public structure unless the structural
27 elements are designed to resist the anticipated forces of the designated
28 seismic zone in which the structure is located. Design loads and seismic
29 design requirements shall be, as a minimum, those listed in the chapter of
30 Minimum Design Loads and Referenced Chapters from the Standard Building Code,
31 1988 or latest edition with revisions.

32 All construction plans for public buildings and structures shall comply
33 with Arkansas Code 17-14-101 through 17-14-311. The design of structural
34 elements of public buildings and structures shall be performed by a
35 professional engineer registered in the State of Arkansas who is competent in
36 seismic structural design according to current standards of technical

1 competence. The structural plans of each public building or structure shall
2 bear the Engineer's Arkansas seal and signature and a statement of reference
3 to what Seismic Zone the structure is designed to satisfy.

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5 SECTION 5. Exemptions. Certain building types such as single family
6 residential, duplexes, triplexes, fourplexes, and agricultural structures
7 shall not be included in the requirements of this act.

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9 SECTION 6. Violations and Penalties. Any owner knowingly constructing
10 a public building within this State after September 1, 1991, without complying
11 with the provisions of this act shall be guilty of a Class A misdemeanor and
12 shall upon conviction, be sentenced to pay a fine of not less than one
13 thousand dollars (\$1,000). Each day of such unlawful construction practice
14 shall constitute a distinct and separate offense.

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16 SECTION 7. All provisions of this act of a general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 8. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 9. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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29 /s/O. Miller

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31 APPROVED: 4/9/91