

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Owens**

# **A Bill**

**ACT 427 OF 1995**  
**HOUSE BILL 1278**

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

8 *"AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTION 8-7-801*  
9 *TO MODIFY THE DEFINITION OF 'OWNER'; AND FOR OTHER*  
10 *PURPOSES."*

### **Subtitle**

13 *"TO MODIFY THE DEFINITION OF 'OWNER' AS*  
14 *IT RELATES TO REGULATED SUBSTANCE*  
15 *STORAGE TANKS."*

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

19 *SECTION 1. Arkansas Code Annotated §8-7-801(6) is amended to read as*  
20 *follows:*

21 *"(6) (A) \_Owner\_ means:*

22 *(i) In the case of an underground storage tank in use on November*  
23 *8, 1984, or brought into use after that date, any person who owns an*  
24 *underground storage tank used for the storage, use, or dispensing of regulated*  
25 *substances; and*

26 *(ii) In the case of any underground storage tank in use before*  
27 *November 8, 1984, but no longer in use on that date, any person who owned such*  
28 *tank immediately before the discontinuation of its use.*

29 *(B) \_Owner\_ does not include any person who, without participation in*  
30 *the management of an underground storage tank, holds indicia of ownership*  
31 *primarily to protect a security interest in the tank;"*

33 *SECTION 2. All provisions of this act of a general and permanent nature*  
34 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*  
35 *Revision Commission shall incorporate the same in the Code.*

1           SECTION 3. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7           SECTION 4. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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10          SECTION 5. EMERGENCY. It is hereby found and determined by the General  
11 Assembly that it is essential to the effective and efficient administration of  
12 the Regulated Storage Tank Program and the Petroleum Storage Tank Trust Fund  
13 that this act be given effect immediately. Therefore an emergency is hereby  
14 declared to exist and this act being necessary for the preservation of the  
15 public peace, health and safety shall be in full force and effect from and  
16 after its passage and approval.

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/s/Rep. Owens

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APPROVED: 2-24-95

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