

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/19/03

A Bill

Act 1101 of 2003
SENATE BILL 906

5 By: Senator Wooldridge
6 *By: Representative Ledbetter*
7

For An Act To Be Entitled

10 AN ACT TO AMEND THE ARKANSAS CODE § 8-6-418; TO
11 HELP KEEP ARKANSAS NAVIGABLE WATERWAYS CLEAN AND
12 SAFE; TO ALLOW INTERESTED CITIZENS TO REMOVE
13 DANGEROUS AND ENVIRONMENTALLY HAZARDOUS MATERIALS
14 FOR THE STATE'S NAVIGABLE WATERWAYS; AND FOR
15 OTHER PURPOSES.

Subtitle

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18 AN ACT TO AMEND THE ARKANSAS CODE § 8-6-
19 418; TO HELP KEEP ARKANSAS' NAVIGABLE
20 WATERWAYS CLEAN AND SAFE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 8-6-418 is amended to read as follows:

26 8-6-418. Possession or use of glass containers on navigable waterways.

27 (a)(1) Except for containers for medicinal substances contained in a
28 first-aid kit or prescribed by a licensed physician, and except as under
29 subdivision (a)(2) of this subsection, no person shall possess or use glass
30 containers within a vessel within the banks of Arkansas' navigable waterways.

31 (2) Persons engaged in removing glass previously discarded by
32 others and found within the banks of an Arkansas navigable waterway may not
33 be charged with a violation of this section on the basis of possession of
34 glass, if, while underway and upon a waterway, the person transports the
35 removed glass securely in a trash container.

36 (b)(1) All persons entering, traveling upon, or otherwise using



1 Arkansas' navigable waterways by canoe, kayak, inner tube, or other vessel
2 easily susceptible to swamping, tipping, rolling, or otherwise discharging
3 its contents into a waterway, and transporting ~~a cooler, icebox, or other~~
4 ~~container for~~ foodstuffs ~~and~~ or beverages shall:

5 (A) ~~Assure~~ Transport all foodstuffs and beverages in a
6 sturdy container and ensure that the container is made to seal or lock in the
7 contents to prevent the contents from spilling into the water;

8 (B)(i) Carry and affix to the vessel a trash container or
9 bag suitable for containing their refuse, waste, and trash materials and
10 capable of being securely closed.

11 (ii) The trash container or bag shall be either a
12 sturdy container, of a construction similar to a sturdy container, or a bag
13 of mesh construction;

14 (C)(i) ~~Transport~~ Except as under subdivision (b)(1)(C)(ii)
15 of this subsection, transport all their refuse, waste, and trash either in a
16 sturdy container or in a trash container to a place where the ~~materials~~
17 refuse, waste, and trash may be safely and lawfully disposed of.

18 (ii) Persons engaged in removing items of refuse,
19 waste, and trash materials previously discarded by others and found by the
20 person within the banks of an Arkansas navigable waterway that are too large
21 to be transported in a trash container or bag may not be charged with a
22 violation of this section on the basis of possession and transportation of
23 the refuse, waste, and trash; and

24 (D) At all times other than when a beverage is securely
25 contained in a sturdy container or a trash container as in subdivisions
26 (b)(1)(A)-(C) of this section, keep the beverage attached to or held within a
27 floating holder or other device designed to prevent the beverage from sinking
28 beneath the surface of the waterway.

29 (2) ~~A container shall not~~ Neither a sturdy container nor a trash
30 container may be required for those persons traveling without foodstuffs or
31 beverages.

32 (c)(1) A violation of this section shall be a misdemeanor and each
33 violation may be prosecuted as a separate offense.

34 (2) Each violation shall be punishable by a fine of not more
35 than five hundred dollars (\$500).

36 (d) For purposes of this section, ~~;~~

1 ~~(1) navigable waterway~~ "Navigable waterway" means any navigable
2 river, lake, or other body of water used, or susceptible to being used in its
3 natural condition by canoe, kayak, innertube, or other vessel easily
4 susceptible to swamping, tipping, or rolling and located wholly or partly
5 within this state;

6 (2) "Sturdy container" shall not include a container that is:

7 (A) Primarily constructed of styrofoam; or

8 (B) So constructed that it may be easily broken; and

9 ~~(e)(3) For purposes of this section, "vessel"~~ "Vessel" shall not
10 include a houseboat, party barge, johnboat, runabout, ski boat, bass boat, or
11 similar craft not easily susceptible to swamping, tipping, or rolling.

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13 /s/ Wooldridge

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16 **APPROVED: 4/4/2003**

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