

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: H1/30/03

A Bill

HOUSE BILL 1089

5 By: Representative Borhauer
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE §§ 8-6-412 AND 8-6-
10 508 TO EXPAND THE POWERS OF ILLEGAL DUMP CONTROL
11 OFFICERS TO INCLUDE ENFORCEMENT OF THE LITTER
12 CONTROL ACT; AND FOR OTHER PURPOSES.
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Subtitle

14 TO EXPAND THE POWERS OF ILLEGAL DUMP
15 CONTROL OFFICERS TO ENFORCE THE LITTER
16 CONTROL ACT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 8-6-412 is amended to read as follows:
23 8-6-412. Enforcement generally.

24 (a)(1) All Arkansas-certified law enforcement officers shall enforce
25 the provisions of this subchapter.

26 (2) Illegal dumps control officers licensed and certified in
27 accordance with § 8-6-905 may enforce the provisions of this subchapter.

28 (b)(1) All of the certified law enforcement officers are empowered to
29 issue citations to or arrest persons violating any provision of this
30 subchapter.

31 (2)(A) Illegal dumps control officers are empowered to issue
32 citations to persons violating this subchapter.

33 (B) However, illegal dumps control officers shall not:

34 (i) Have the powers of arrest;

35 (ii) Carry firearms; or

36 (iii) Take any other official law enforcement



1 actions.

2 (c)(1) All ~~of the~~ certified law enforcement officers may serve and
3 execute all warrants, citations, and other process issued by the courts in
4 enforcing the provisions of this subchapter.

5 (2) In addition, mailing by registered mail of such process to
6 the person's last known place of residence shall be deemed as personal
7 service upon the person charged.

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9 SECTION 2. Arkansas Code § 8-6-508 is amended to read as follows:
10 8-6-508. Enforcement generally.

11 (a)(1) Illegal dumps control officers are hereby empowered to ensure
12 compliance with the provisions of this subchapter by having the right and
13 duty to:

14 (A) Inspect suspected illegal dumps;

15 (B) Collect evidence of open dumping and littering and
16 present the evidence to the prosecuting attorney or a court of competent
17 jurisdiction where the offense was committed; and

18 (C) Issue and serve citations for violations of provisions
19 of the Arkansas Solid Waste Management Act, § 8-6-201 et seq., prohibiting
20 illegal dumping, subject to exemptions under § 8-6-205 and the agricultural
21 exemptions under § 8-6-509, and for violations of the Litter Control Act,
22 beginning at § 8-6-401, prohibiting unlawful littering.

23 (2) Citations issued by illegal dumps control officers shall be
24 filed in any court having jurisdiction in the county where the offense is
25 committed.

26 (3) Citations may be served in person or by mailing a copy of
27 the citation by certified mail, restricted delivery, to either the address
28 obtained from evidence collected from the illegal dump or to the person's
29 last known address. Persons receiving citations shall appear before the
30 court named within the citation at the time designation therein.

31 (4) Courts having jurisdiction over citations issued by illegal
32 dumps control officers may issue penalties as specified in § 8-6-204(a) and
33 § 8-6-404, and may require violators to present signed and dated disposal
34 receipts to an illegal dumps control officer as evidence that the solid waste
35 has been removed from the illegal dump and properly disposed in a permitted
36 landfill or other facility, including a solid waste transfer station,

1 recycling center, incinerator, or a scrap yard that buys iron, steel,
2 aluminum, and other metals, or a permitted waste tire collection center, or
3 waste tire processing facility.

4 (b) All illegal dumps control officers shall be licensed and certified
5 in accordance with § 8-6-901 et seq.

6 (c) Illegal dumps control officers shall not have powers of arrest.

7 SECTION 3. Arkansas Code § 8-6-409 is amended to read as follows:

8 8-6-409. Prima facie evidence against drivers.

9 (a) If the throwing, dumping, or depositing of litter was done from a
10 motor vehicle, except a motor bus, it shall be prima facie evidence that the
11 throwing, dumping, or depositing was done by the driver of the motor vehicle.

12 (b) If the unlawful dropping, depositing, discarding, or otherwise
13 disposing of the litter occurs from a motor vehicle that is a pickup truck
14 and the litter blows or drops onto the roadway from the truck's open bed, it
15 is prima facie evidence that the dropping, depositing, discarding, or other
16 disposing of the litter was done by the driver of the pickup truck.

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18 /s/ Borhauer
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