

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

A Bill

HOUSE BILL 2544

5 By: Representative Ledbetter
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE POSSESSION OR USE OF GLASS
10 CONTAINERS WITHIN THE BANKS OF ARKANSAS'
11 NAVIGABLE WATERWAYS; TO REQUIRE THAT COOLERS, ICE
12 BOXES, AND OTHER CONTAINERS USED ON ARKANSAS'
13 WATERWAYS FOR TRANSPORTING FOOD AND BEVERAGES BE
14 PROPERLY SEALED; TO PROVIDE THAT PERSONS ALLOWING
15 ITEMS TO ESCAPE THEIR VESSEL SHALL BE GUILTY OF A
16 MISDEMEANOR, EXCEPT THAT PERSONS ENGAGED IN ON-
17 GOING CLEANUP EFFORTS SHALL NOT BE CHARGED; AND
18 FOR OTHER PURPOSES.

Subtitle

20 AN ACT TO PROHIBIT LITTERING WITHIN THE
21 BANKS OF ARKANSAS' NAVIGABLE WATERWAYS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 8-6-418 is amended to read as follows:

28 8-6-418. Possession or use of glass containers on navigable waterways.

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

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



1 removed glass securely in a trash container.

2 (b)(1) All persons entering, traveling upon, or otherwise using
3 Arkansas' navigable waterways by canoe, kayak, inner tube, or other vessel
4 easily susceptible to swamping, tipping, rolling, or otherwise discharging
5 its contents into a waterway, and transporting ~~a cooler, icebox, or other~~
6 ~~container for foodstuffs and~~ or beverages shall:

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

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

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

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

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

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

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

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

36 (2) Each violation shall be punishable by a fine of not more

1 than five hundred dollars (\$500).

2 (d) For purposes of this section,:

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

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

9 (A) Primarily constructed of Styrofoam; or

10 (B) So constructed that it may be easily broken.

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

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