

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

# A Bill

SENATE BILL 906

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5 By: Senator Wooldridge  
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## For An Act To Be Entitled

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

## Subtitle

15  
16 AN ACT TO AMEND THE ARKANSAS CODE § 8-6-  
17 418; TO HELP KEEP ARKANSAS' NAVIGABLE  
18 WATERWAYS CLEAN AND SAFE.  
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20  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 8-6-418 is amended to read as follows:

25 8-6-418. Possession or use of glass containers on navigable waterways.

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

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

35 (b)(1) All persons entering, traveling upon, or otherwise using  
36 Arkansas' navigable waterways by canoe, kayak, inner tube, or other vessel



1 easily susceptible to swamping, tipping, rolling, or otherwise discharging  
 2 its contents into a waterway, and transporting a ~~cooler, icebox, or other~~  
 3 ~~container for~~ foodstuffs ~~and~~ or beverages shall:

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

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

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

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

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

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

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

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

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

35 (d) For purposes of this section,:

36 (1) ~~navigable waterway~~ "Navigable waterway" means any navigable

1 river, lake, or other body of water used, or susceptible to being used in its  
2 natural condition by canoe, kayak, innertube, or other vessel easily  
3 susceptible to swamping, tipping, or rolling and located wholly or partly  
4 within this state;

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

6 (A) Primarily constructed of styrofoam; or

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

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

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