

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1807

5 By: Representative Womack
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PENALTIES
10 ASSOCIATED WITH VIOLATION OF MEASURES INTENDED TO
11 ADDRESS FLOOD LOSS PREVENTION; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE PENALTIES
16 ASSOCIATED WITH VIOLATION OF MEASURES
17 INTENDED TO ADDRESS FLOOD LOSS
18 PREVENTION.
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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 § 14-268-103 is amended to read as follows:
25 14-268-103. Penalty - Definition.

26 (a) ~~Any~~ A person or corporation ~~who~~ that violates ~~any~~ a measure
27 adopted under this chapter ~~which~~ that prohibits the development of ~~land~~ real
28 property by improvements that are exposed to flood damage or that are
29 threatened by flood hazards may be fined not more than five hundred dollars
30 (\$500) for each offense.

31 (b) Each day during which a violation exists is a separate offense.

32 (c)(1) If an improvement that is in violation of this section does not
33 clearly cause a substantive threat to real property or to the health or
34 safety of individuals, the person or corporation responsible for the
35 improvement shall not be fined under this section but may be prevented from
36 participation in a subsidized flood insurance program.



1 (2) As used in subdivision (c)(1) of this section, "substantive
2 threat" means a situation in which a major flood would likely result in:

3 (A) A structure floating off the structure's foundation
4 and off the real property;

5 (B) A structure floating to or otherwise obstructing a
6 public road or adjacent real property; or

7 (C) Conditions that create rising water levels that
8 substantially risk the health or safety of individuals or damage to real
9 property.

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