As Engrossed: 2/3/93

1	State of Arkansas
2	79th General Assembly ABII ACT 182 OF 1993
3	Regular Session, 1993HOUSE BILL1182
4	By: Representative Dietz
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7	For An Act To Be Entitled
8	"AN ACT TO AMEND ARKANSAS CODE §14-236-106 TO REPLACE THE
9	DIVISION OF SANITATION SERVICES WITH THE DIVISION OF
10	ENVIRONMENTAL HEALTH PROTECTION AND TO CHANGE THE PENALTY
11	FOR FAILING TO CORRECT MALFUNCTIONING SEWAGE SYSTEMS; AND
12	FOR OTHER PURPOSES."
13	
14	Subtitle
15	"AN ACT TO CHANGE THE PENALTY FOR FAILING TO
16	CORRECT MALFUNCTIONING SEWAGE SYSTEMS."
17	
18	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20	SECTION 1. Arkansas Code §14-236-106 is hereby amended to read as follows:
21	"(a)(1) A person who shall willingly and knowingly violate the provisions of this chapter
22	shall be liable to the party aggrieved or damaged by that violation for the cost of suit, including
23	a reasonable attorney's fee, actual damages, and additional punitive damages equal to
24	twenty-five percent ($f 25\%$) of the damages proven by the aggrieved party, to be taxed by the
25	court where the suit is heard on an original action, by appeal or otherwise, and recovered by a
26	suit at law in any court of competent jurisdiction. However, the party aggrieved or damaged
27	thereby must give twenty (20) days' written notice of any violation of this chapter to the
28	violator.
29	(2) Approval by the Division of Environmental Health Protection of the
30	Department of Health or its authorized agent of a requested variation from the rules and
31	regulations adopted pursuant to this chapter shall not be construed as a violation of this
32	chapter.
33	(b) The Division of Environmental Health Protection of the Department of Health or
34	its authorized agent is authorized to require the property owner to take the necessary action to
35	correct the malfunctioning individual sewage disposal system within thirty (30) working days
36	of being notified. Failure to take corrective action shall constitute a violation of this law.

As Engrossed: 2/3/93

HB 1182

1	(c) Any person, firm, corporation, or association, who violates any of the provisions of
2	this chapter or any rules and regulations promulgated under the authority of this chapter
3	shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of
4	not less than one hundred dollars (\$100) nor more than <i>one thousand dollars (\$1,000)."</i>
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6	SECTION 2. All provisions of this act of a general and permanent nature are
7	amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
8	Commission shall incorporate the same in the Code.
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10	SECTION 3. If any provision of this act or the application thereof to any person or
11	circumstance is held invalid, such invalidity shall not affect other provisions or applications of
12	the act which can be given effect without the invalid provision or application, and to this end
13	the provisions of this act are declared to be severable.
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15	SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.
16	/s/James G. Dietz
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18	APPROVED: 2/19/93
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