

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dietz**

A Bill

ACT 182 OF 1993
HOUSE BILL 1182

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."

Subtitle

14 **"AN ACT TO CHANGE THE PENALTY FOR FAILING TO**
16 **CORRECT MALFUNCTIONING SEWAGE SYSTEMS."**

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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 (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 **violate.**

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.**

