

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H2/3/05  
**A Bill**

HOUSE BILL 1070

5 By: Representative Borhauer  
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8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH AS PRIMA FACIE EVIDENCE THAT  
10 THE DRIVER OF A *VEHICLE* IS RESPONSIBLE FOR LITTER  
11 BLOWING OR FALLING ONTO THE ROADWAY; AND FOR  
12 OTHER PURPOSES.  
13

14 **Subtitle**

15 TO ESTABLISH AS PRIMA FACIE EVIDENCE  
16 THAT THE DRIVER OF A *VEHICLE* IS  
17 RESPONSIBLE FOR LITTER BLOWING OR  
18 FALLING ONTO THE ROADWAY.  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 8-6-409 is amended to read as follows:

25 8-6-409. Prima facie evidence against drivers.

26 (a) If the throwing, dumping, or depositing of litter was done from a  
27 motor vehicle, except a motor bus, it shall be prima facie evidence that the  
28 throwing, dumping, or depositing was done by the driver of the motor vehicle.

29 (b) If the unlawful dropping, depositing, discarding, or otherwise  
30 disposing of the litter occurs from a motor vehicle and the litter blows or  
31 drops onto the roadway from the vehicle, then it is prima facie evidence that  
32 the dropping, depositing, discarding, or other disposing of the litter was  
33 done by the driver of the vehicle.  
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35 /s/ Borhauer  
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