

Title 8 Environmental Law
Chapter 6 Disposal of Solid Wastes and Other Refuse
Subchapter 4 -- Litter Control Act

A.C.A. § 8-6-407 (2017)

8-6-407. Refuse hauling by uncovered vehicles.

(a) A person engaged in commercial or for-hire hauling who operates a truck or other vehicle within this state shall not transport litter, trash, or garbage unless the truck or other vehicle is covered to prevent its contents from blowing, dropping, falling off, or otherwise departing from the truck or other vehicle.

(b) (1) A person operating his or her own truck or other vehicle to transport litter, trash, or garbage shall take reasonable steps to prevent its contents from blowing, dropping, falling off, or otherwise departing from the truck or other vehicle.

(2) However, a vehicle hauling predominately metallic material is not required to be covered if it is loaded in a manner that will prevent the material from falling or dropping from the vehicle.

(c) (1) (A) A person who violates this section upon conviction is guilty of a violation and shall be fined an amount not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and is subject to community service under subdivision (c)(2)(A) of this section.

(B) A person who violates this section for a second or subsequent offense within three (3) years of a prior offense upon conviction is guilty of a violation and shall be fined an amount not less than two hundred dollars (\$200) and not more than two thousand dollars (\$2,000) and is subject to community service under subdivision (c)(2)(A) of this section.

(2) (A) In addition to any sentence provided for under this subsection, the court upon conviction shall impose the following penalty of community service:

(i) For a first offense, not more than eight (8) hours; or

(ii) For a second or subsequent offense, not more than twenty-four (24) hours.

(B) A person may also be required by the court as a part of his or her sentence to remove litter from alongside highways and other appropriate locations for any prescribed period.

(3) A person convicted of a violation of this section who fails to pay any fines assessed in accordance with the findings and orders of the court shall have his or her driver's license suspended for six (6) months by the Department of Finance and Administration upon receipt by the department of an order of denial of driving privileges from the court under this section.

(d) (1) A person who violates this section and who is found to have committed the

violation in furtherance of or as a part of a commercial enterprise, whether or not that commercial enterprise is the disposal of wastes, upon conviction is guilty of a Class A misdemeanor.

(2) A person convicted of commercial littering may be required to remove litter disposed of in violation of this subchapter.

(e) All or any portion of the fines, community service, and imprisonment penalties provided by this section may be suspended by the court if the violator agrees to remove litter from alongside highways and at other appropriate locations for a prescribed period.

HISTORY: Acts 1977, No. 883, § 6; A.S.A. 1947, § 82-3906; Acts 2015, No. 1264, § 5.

A.C.A. § 8-6-721

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Title 8 Environmental Law
Chapter 6 Disposal of Solid Wastes and Other Refuse
Subchapter 7 -- Regional Solid Waste Management Districts and Boards

A.C.A. § 8-6-721 (2017)

8-6-721. Licensing haulers of solid waste.

(a) A person who engages in the business of hauling solid waste must obtain a license from the regional solid waste management board if:

(1) The person is engaged in the collection of solid waste within the district; or

(2) The person is engaged in the transportation of solid waste for disposal or storage in the district.

(b) (1) A license shall be issued only to a person, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, an improvement district, a sanitation authority, or another regional solid waste management district.

(2) The district may engage in the hauling of solid waste within its own district without licensure but shall comply with all applicable standards required under this section.

(c) The Arkansas Pollution Control and Ecology Commission shall establish classifications of haulers, which shall be used by districts in licensing haulers. The classifications shall be based on the nature and size of the loads transported.

(d) (1) The commission shall promulgate minimum standards for a license to haul solid waste.

(2) One (1) of the criteria for obtaining such a license shall be the financial responsibility of the hauler.

(e) The board may impose more stringent standards than the minimum standards established by the commission.

(f) The board may set a reasonable licensing fee for each class of haulers.

HISTORY: Acts 1991, No. 752, § 2.

8-6-722. Penalties.

Any person who violates this subchapter or any regulation of the Arkansas Pollution Control and Ecology Commission or of a regional solid waste management board shall be deemed guilty of a misdemeanor. Upon conviction, the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000), or both imprisonment and fine.