

# **Title 8 Environmental Law**

## **Chapter 6 Disposal of Solid Wastes and Other Refuse**

### **Subchapter 4 Litter Control Act**

#### **A.C.A. § 8-6-404 (2015)**

##### **8-6-404. Penalties.**

**(a) (1) (A) (i)** A person convicted of a violation of § 8-6-406 or § 8-6-407 for a first offense shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than one hundred dollars (\$ 100) and not more than one thousand dollars (\$ 1,000).

**(ii)** An additional sentence of not more than eight (8) hours of community service shall be imposed under this subdivision (a)(1)(A).

**(B) (i)** A person convicted of a violation of § 8-6-406 or § 8-6-407 for a second or subsequent offense within three (3) years of the first offense shall be guilty of an unclassified misdemeanor and shall be fined in an amount of not less than two hundred dollars (\$ 200) and not more than two thousand dollars (\$ 2,000).

**(ii)** An additional sentence of not more than twenty-four (24) hours of community service may be imposed under this subdivision (a)(1)(B).

**(2)** In addition to those penalties, any violator may also be required to remove litter from alongside highways and at other appropriate locations for any prescribed period.

**(b)** Any person who violates § 8-6-406 or § 8-6-407 and who is found to have committed the prohibited acts in furtherance of or as a part of a commercial enterprise, whether or not that enterprise is the disposal of wastes, shall be guilty of commercial littering and shall be guilty of a Class A misdemeanor. Additionally, those convicted may be required to remove any litter disposed of in violation of this subchapter.

**(c)** Any person who violates any provision of § 8-6-408 shall be guilty of:

**(1)** An unclassified misdemeanor for a first offense and shall be fined one thousand dollars (\$

1,000) and sentenced to one hundred (100) hours of community service; and

**(2)** A Class A misdemeanor for a second or subsequent offense.

**(d) (1)** All or any portion of the fines, community service, and imprisonment penalties provided by this section may be suspended by the judge if the violator agrees to remove litter from alongside highways and at other appropriate locations for a prescribed period.

**(2)** All fines collected under this section shall be deposited as follows:

**(A)** If a municipality or county where the offense occurs is a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., and participates in litter control programs conducted by these organizations, then the moneys from fines collected for offenses in that jurisdiction shall be deposited, according to accounting procedures prescribed by law, into the city general fund or the county general fund to be used for the purpose of community improvement as determined by the municipal or county governing body; or

**(B)** If the municipality or county where the offense occurs is not a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., or does not participate in litter-control programs conducted by these organizations, then the moneys from fines collected for offenses in those jurisdictions shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Keep Arkansas Beautiful Fund Account to be used by the Keep Arkansas Beautiful Commission, as appropriated by the General Assembly, for the purposes of encouraging litter prevention and antilitter education and increasing awareness of litter law enforcement statewide.

**(e)** In addition to all other penalties, any person convicted of a violation of § 8-6-406 or § 8-6-407 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 of an order of denial of driving privileges from the court pursuant to this section.

