

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1807

By: Representative Womack

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PENALTIES ASSOCIATED WITH VIOLATION OF MEASURES INTENDED TO ADDRESS FLOOD LOSS PREVENTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PENALTIES ASSOCIATED WITH VIOLATION OF MEASURES INTENDED TO ADDRESS FLOOD LOSS PREVENTION.

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

SECTION 1. Arkansas Code § 14-268-103 is amended to read as follows:
14-268-103. Penalty - Definition.

(a) ~~Any~~ A person or corporation ~~who~~ that violates ~~any~~ a measure adopted under this chapter ~~which~~ that prohibits the development of ~~land~~ real property by improvements that are exposed to flood damage or that are threatened by flood hazards may be fined not more than five hundred dollars (\$500) for each offense.

(b) Each day during which a violation exists is a separate offense.

(c)(1) If an improvement that is in violation of this section does not clearly cause a substantive threat to real property or to the health or safety of individuals, the person or corporation responsible for the improvement shall not be fined under this section but may be prevented from participation in a subsidized flood insurance program.



(2) As used in subdivision (c)(1) of this section, "substantive threat" means a situation in which a major flood would likely result in:

(A) A structure floating off the structure's foundation and off the real property;

(B) A structure floating to or otherwise obstructing a public road or adjacent real property; or

(C) Conditions that create rising water levels that substantially risk the health or safety of individuals or damage to real property.