

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Hopkins**

A BILL ACT 509 OF 1991
SENATE BILL 385

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 11-6-103 AND 11-12-103 TO
9 PROVIDE FOR A CIVIL PENALTY FOR VIOLATIONS OF CHILD LABOR
10 LAWS; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code 11-6-103 is amended to read as follows:

15 "11-6-103. Penalty - Disposition of fines.

16 (a) Any person, firm, corporation, partnership, association, parent,
17 guardian or custodian who employs or permits or suffers any child to be
18 employed or to work in violation of this subchapter or Arkansas Code 11-12-101
19 through 11-12-105, or any regulations issued thereunder, shall be subject to a
20 civil penalty of not less than fifty dollars (\$50.00) and not more than one
21 thousand dollars (\$1,000) for each violation. Each day the violation
22 continues shall with respect to each child so employed or permitted work
23 constitute a separate offense.

24 (b) The Director of Labor shall determine the amount of such penalty
25 and shall consider the appropriateness of such penalty to the size of the
26 business and the gravity of the violation.

27 (c) The determination by the Director of Labor shall be final, unless
28 within fifteen (15) days after receipt of notice thereof by certified mail,
29 the person, firm, corporation, partnership or association charged with the
30 violation notifies the Director of Labor in writing that he contests the
31 proposed penalty. In the event a penalty is contested, a final determination
32 shall be made pursuant to the Administrative Procedures Act, Arkansas Code 25-
33 15-201 et seq.

34 (d) The amount of such penalty when finally determined may be recovered
35 in a civil action brought by the Director of Labor in a court of competent
36 jurisdiction, without paying costs or giving bond for costs.

1 (e) Sums collected under this section shall be paid into the general
2 fund of the State Treasury.

3 (f) Assessment of a civil penalty by the Director of Labor shall be
4 made no later than two (2) years from the date of the occurrence of the
5 violation.

6 (g) In addition to the civil penalty provided by this section, the
7 Director of Labor is authorized to petition any court of competent
8 jurisdiction, without paying costs or giving bond for costs, to enjoin or
9 restrain any person, firm, corporation, partnership or association who
10 violates the provisions of this subchapter or Arkansas Code 11-12-101 through
11 11-12-105 or any regulation issued thereunder."
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13 SECTION 2. Arkansas Code 11-12-103 is amended to read as follows:

14 "11-12-103. Penalty.

15 (a) Any person, firm, corporation, or association who violates a
16 provision of this chapter or a lawful regulation promulgated under this
17 chapter shall be liable for a civil penalty in accordance with the provisions
18 of Arkansas Code 11-6-103.

19 (b) Any person who willfully or intentionally violates the provisions
20 of this chapter or a lawful regulation promulgated under this chapter is
21 guilty of a misdemeanor and upon conviction shall be punished by a fine not to
22 exceed one thousand dollars (\$1,000) or by imprisonment for not more than
23 thirty (30) days, or by both a fine and imprisonment. Each day the violation
24 continues shall be deemed a separate offense."
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26 SECTION 3. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.
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30 SECTION 4. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.
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1 SECTION 5. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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APPROVED: 3-13-91