

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2205

"AN ACT TO REVISE THE AUCTIONEER'S LICENSING ACT."

Amendment No. 1 to House Bill No. 2205.

Amend House Bill No. 2205 as originally introduced:

Page 2, delete line 7 and substitute the following:

“SECTION 2. Arkansas Code § 17-17-114 is amended to read as follows:

17-17-114. ~~Penalty in lieu of suspension or revocation~~ Civil penalty.

(a)(1) Whenever the Auctioneer's Licensing Board finds that the holder of a license issued by the board is guilty of a violation of the rules of the board or the laws of the State of Arkansas pertaining to any occupation, profession, or business licensed or regulated by the board, it shall have the power and authority to impose a ~~penalty on the licensee in lieu of civil penalty and~~ suspension or revocation of the license.

(2) Upon imposition of a ~~penalty in lieu of suspension or revocation of license~~ civil penalty, the board shall have the power and authority to require that the licensee pay a penalty to the board with regard to the violation with the sanction that the license may be suspended until the penalty is paid.

(3) Prior to the imposition of any penalty, the board shall hold an investigation and hearing after notice to a licensee or his or her attorney. The penalty may be imposed ~~in lieu of revocation or suspension of a license~~ only if the board formally finds that the public health, safety, welfare, and morals would not be impaired thereby and that the payment of the penalty will achieve the desired disciplinary result.

(b) No penalty imposed by the board ~~in lieu of revocation or suspension of a license~~ may exceed a total of one thousand dollars (\$1,000). The power and authority of the board to impose these penalties shall not be affected by any other civil or criminal proceeding concerning the same violation.

(c) If any person upon whom the board has levied a civil penalty fails to pay the civil penalty within sixty (60) days of the board's decision to impose the penalty, the amount of the fine shall be considered to be a debt owed to the board and may be collected by civil action by the board.

(d) Any person penalized by the board under this chapter may appeal any order of the board in the manner now provided by law.

(e) In addition to any other sanctions authorized by this chapter, the board may impose a civil penalty as provided in this section against any



unlicensed person, firm, or corporation practicing or offering to practice any actions requiring licensure pursuant to the provisions of this chapter.

(f) The board is authorized to promulgate regulations to implement the provisions of this chapter.

SECTION 3. Arkansas Code § 17-17-301(c)(1), concerning the”

AND

Page 2, delete lines 11 through 13 and substitute the following:
“representatives shall be held four (4) times each year, and an examination fee of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) shall be collected from each applicant to defray the expenses of the examination.”

AND

Page 2, delete lines 18 through 22 and substitute the following:
“(b)(1)(A) The issuance fee for each auctioneer’s license shall be ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100).
(B) The annual renewal fee for each license shall be ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100).
(C) All licenses shall expire on June 30 of each year.”

The Amendment was read _____
By: Representative Oglesby
MTB/JGR - 031920031618
JGR597

Chief Clerk