

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL 149

4 **By: Senators Canada and Beebe**

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For An Act To Be Entitled

8 "AN ACT TO REGULATE BEAUTY PAGEANTS WITHIN THE STATE OF
9 ARKANSAS; AND FOR OTHER PURPOSES."

10

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

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13 SECTION 1. Definitions. As used in this Act, unless the context
14 otherwise requires:

15 (1) "Beauty pageant" means any contest or competition in which entrants
16 are judged on the basis of physical beauty, skill, talent, poise, and
17 personality, and in which a winner, or winners, are selected as representing
18 an ideal in one (1) or more of these areas. "Beauty pageant" as defined
19 herein, shall not include any such contest or competition in which no
20 application fee or entrance charge is made for contestants, to which no
21 admission charge is made for attendance, and in connection with which no
22 tickets or chances are sold;

23 (2) "Bond" means a surety bond with power of attorney attached and
24 which names the Arkansas resident agent for the surety company;

25 (3) "Director" means the Director of the Department of Finance and
26 Administration.

27 (4) "Entrant's fee" means any payment of money, or other thing of
28 value, including, but not limited to, the selling of advertisements or
29 tickets, or the obtaining of sponsors, which activity is a precondition to
30 participation in a beauty pageant; and

31 (5) "Operator" means any person, franchisee, firm or corporation, civic
32 group, or elementary or secondary educational institution, which promotes,
33 organizes, or otherwise operates, a beauty pageant, participation in which is
34 limited to persons paying an entrant's fee.

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1 SECTION 2. Registration of Operators - Bond - Fee - Exemptions.

2 (a) (1) No person shall conduct a beauty pageant in Arkansas unless
3 registered with the Director on forms prescribed by him. Registration in
4 another state as a beauty pageant operator shall not be effective in this
5 State.

6 (2) The registration form shall contain, but shall not be limited to,
7 the following information:

8 (A) Name, address, and telephone number of the operator;

9 (B) Name, address, and telephone number of the individual or officer of
10 the organization having full responsibility for the conducting of the pageant;

11 (C) Names of pageants customarily promoted by the operator; and

12 (D) Name, address, and telephone number of the financial institution in
13 which the entrant's fee is held.

14 (b) (1) Except as provided in subsection (d), each operator shall, at
15 the time of registration, file and have approved by the Director, a bond in
16 which the candidate for registration shall be the principal obligor in the sum
17 of ten thousand dollars (\$10,000).

18 (2) Such bond shall be payable to the State of Arkansas for the use of
19 the Director and any person who may have a cause of action against the obligor
20 of the bond for any losses caused by a failure to conduct a beauty pageant.

21 (c) (1) Except as provided in subsection (d), each operator shall, at
22 the time of registration, submit a nonrefundable registration fee of fifty
23 dollars (\$50).

24 (2) In order to continue to hold a valid registration in a subsequent
25 year each operator shall annually renew his registration.

26 (3) Such an annual renewal shall be accompanied by a nonrefundable
27 fifty dollar (\$50) fee.

28 (4) Each registration shall expire on December 31 of each year.

29 (d) *A bona fide civic club in existence for at least one (1) year, or a*
30 *non-profit organization, or a religious organization or church, or a local*
31 *government entity or school, or any organization auxiliary to or affiliated*
32 *with such local governmental entities or schools, including, but not limited*
33 *to, county fair boards and school booster clubs, shall be exempt from the*
34 *requirements of the subsections (b) and (c).*

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36 SECTION 3. Cancellations - Refunds.

1 (a) If a beauty pageant is cancelled or otherwise does not take place,
2 all entrants' fees shall be refunded by the operator.

3 (b) The surety shall be liable for any unrefunded entrants' fees in the
4 case of a default by the operator.

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6 SECTION 4. Denial, Suspension, Revocation of Registration - Rules and
7 Regulations.

8 (a) The Director may deny, suspend, or revoke a registration for:

9 (1) A violation of any of the provisions of this Act; or

10 (2) The making of a false statement on the registration application
11 form.

12 (b) The Director may adopt rules and regulations to administer the
13 provisions of this Act. Such rules and regulations shall be adopted in
14 accordance with the Arkansas Administrative Procedure Act.

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16 SECTION 5. Exemptions. The provisions of this Act shall not apply to
17 any operator which has existed as a corporation for at least twenty-five (25)
18 years, whether now or hereafter, and whose continuing primary function
19 involves the annual organization, promotion, and sponsorship of a statewide
20 talent and beauty pageant in which contestants compete for scholarships,
21 awarded by such operator, as well as for the opportunity of being Arkansas's
22 representative and contestant in an annual nationwide talent and beauty
23 pageant with which such operator is affiliated.

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25 SECTION 6. Penalty. Violation of this Act shall constitute a
26 misdemeanor punishable by a fine of not less than five hundred dollars (\$500)
27 nor more than five thousand dollars (\$5,000).

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29 SECTION 7. All provisions of this Act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 8. If any provision of this Act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the Act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 Act are declared to be severable.

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4 SECTION 9. All laws and parts of laws in conflict with this Act are
5 hereby repealed.

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/s/Canada et al

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