

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

# A Bill

**SENATE BILL**

## 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."

11

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

1 jurisdiction, without paying costs or giving bond for costs.

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

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

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

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14 SECTION 2. Arkansas Code 11-12-103 is amended to read as follows:

15 "11-12-103. Penalty.

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

20 (b) Any person who willfully or intentionally violates the provisions  
21 of this chapter or a lawful regulation promulgated under this chapter is  
22 guilty of a misdemeanor and upon conviction shall be punished by a fine not to  
23 exceed one thousand dollars (\$1,000) or by imprisonment for not more than  
24 thirty (30) days, or by both a fine and imprisonment. Each day the violation  
25 continues shall be deemed a separate offense."

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27 SECTION 3. All provisions of this act of a general and permanent  
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

