

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

A Bill

SENATE BILL 609

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 8-7-805 TO REQUIRE THE
9 BONDING OF PERSONS OR ENTITIES WHO INSTALL OR TEST
10 UNDERGROUND STORAGE TANKS; 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 8-7-805 is hereby amended to read as follows:

15 "8-7-805. License requirement.

16 (a) It shall be unlawful for an individual to certify the installation
17 or testing of an underground storage tank unless the individual has been duly
18 licensed by the department. Furthermore, no licensee shall install or test
19 any underground storage tank unless the licensee or the contracting company by
20 whom he is employed has purchased a surety bond in the amount of at least
21 twenty-five thousand dollars (\$25,000) and which states that the Arkansas
22 Department of Pollution Control and Ecology is the obligee of the bond and
23 which states that only the owner or operator contracting for the installation
24 or testing of the affected underground storage tank shall be the payee of the
25 bond. The bond must be issued by a company licensed to do business in the
26 State of Arkansas and executed by a resident Arkansas agent. The mere
27 countersigning by an Arkansas agent will not suffice.

28 (b) Licensees whose installation or testing activities are limited to
29 their own or employer's companies' underground storage tanks are exempt from
30 the requirement to meet the financial responsibility requirements provided by
31 this section. Licensees not otherwise exempted who can provide an insurance
32 policy in the amount of \$25,000.00 (whose purpose and scope of coverage is
33 similar to the surety bond requirements set forth in subsection (a) of this
34 section) shall not be required to obtain a surety bond."

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1 SECTION 2. All provisions of this Act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this Act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the Act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 Act are declared to be severable.

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

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15 /s/Wilson

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