

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bearden**

A Bill

SENATE BILL 251

For An Act To Be Entitled

8 "AN ACT TO AMEND §17-89-204 OF THE ARKANSAS CODE REGARDING
9 THE STATE BOARD OF OPTOMETRISTS TO ENABLE THE BOARD TO
10 LEVY CIVIL PENALTIES; AND FOR OTHER PURPOSES."

Subtitle

13 "TO ENABLE THE STATE BOARD OF OPTOMETRISTS TO LEVY CIVIL
14 PENALTIES."

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

18 SECTION 1. Arkansas Code Annotated 17-89-204 is amended to read as
19 follows:

20 "17-89-204. Powers and duties. The board shall have the following
21 powers in addition to those conferred elsewhere within this chapter:

22 (1) To make rules and regulations for the administration and
23 enforcement of this chapter;

24 (2) To revoke, suspend, or refuse to renew any certificate of license
25 in the manner and for the causes set forth in this chapter;

26 (3) To determine what acts on the part of any person licensed under
27 this chapter shall constitute unprofessional conduct;

28 (4) To employ or retain the services of attorneys and other necessary
29 assistants in carrying out the provisions of this chapter;

30 (5) To bring suit in its proper name to enforce or restrain the
31 violation of any provision of this chapter;

32 (6) To administer oaths, to have an official seal, or to issue a
33 subpoena for any witness or a subpoena duces tecum to compel the production of
34 any books, records, papers, or documents pertinent to any matters coming
35 before the board.

1 (7) To levy civil penalties, after providing notice and a hearing, in
2 an amount not to exceed one thousand dollars (\$1,000) for each violation
3 against those individuals, firms, or corporations found to be in violation of
4 this chapter or rules and regulations promulgated thereunder;

5 (a) These penalties shall be used for the purposes of defraying
6 the expenses of the board and as required for carrying out the provisions of
7 this chapter;

8 (b) These penalties shall be in addition to other penalties
9 which may be imposed by this board pursuant to this chapter;

10 (c) Unless the penalty assessed under this section is paid
11 within fifteen (15) days following the date for an appeal from the order, the
12 board shall have the power to file suit in the Circuit Court of Pulaski County
13 to obtain a judgment for the amount of penalty not paid."

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15 SECTION 2. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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28 SECTION 5. *It is hereby found and determined by the General Assembly*
29 *that the present law does not specifically authorize the State Board of*
30 *Optometry to levy civil penalties for violations of the laws or regulations*
31 *relating to optometry; that such authority would enable the Board to more*
32 *effectively and efficiently administer and enforce the laws and regulations*
33 *relating to optometry and that this act is designed to grant such authority*
34 *and should be given effect immediately. Therefore, an emergency is hereby*
35 *declared to exist and this act being necessary for the preservation of the*

1 public peace, health and safety shall be in full force and effect from and
2 after its passage and approval.

3 /s/ Senator Bearden

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