

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

A Bill

ACT 1019 OF 1993
HOUSE BILL 1816

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §8-7-805 TO
9 REQUIRE THE BONDING OF PERSONS OR ENTITIES WHO REMOVE,
10 REPAIR, CLOSE OR UPGRADE ANY UNDERGROUND STORAGE TANK; TO
11 ELIMINATE THE PROVISION ALLOWING ONLY CERTAIN OWNERS OR
12 OPERATORS TO BE THE PAYEE OF THE BOND; TO ELIMINATE THE
13 OPTION OF PURCHASING INSURANCE IN LIEU OF A BOND; AND FOR
14 OTHER PURPOSES."

Subtitle

16 "AN ACT TO AMEND A.C.A. §8-7-805 TO CHANGE THE BONDING
17 REQUIREMENTS."
18

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21

22 SECTION 1. Arkansas Code Ann. §8-7-805 is hereby amended to read as
23 follows:

24 "8-7-805. License requirement.

25 (a) It shall be unlawful for an individual to certify the installation
26 or testing of an underground storage tank unless the individual has been duly
27 licensed by the department.

28 (b)(1) Furthermore, no licensee shall install, remove, repair, close,
29 upgrade, or test any underground storage tank unless the licensee or the
30 contracting company by whom he is employed has purchased a surety bond:

31 (A) In the amount of at least twenty-five thousand dollars
32 (\$25,000); and

33 (B) Which states that the Arkansas Department of Pollution
34 Control and Ecology is the obligee of the bond; and

35 (2) The bond must be issued by a company licensed to do business
36 in the State of Arkansas and executed by a resident Arkansas agent. The mere

1 countersigning by an Arkansas agent will not suffice.

2 (c) Licensees whose installation or testing activities are limited to
3 their own or employer's companies' underground storage tanks are exempt from
4 the requirement to meet the financial responsibility requirements provided by
5 this section."

6

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

10

11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16

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

19

20 APPROVED: 4/12/93

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35