

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/29/99 S4/7/99*

# A Bill

Act 1506 of 1999  
HOUSE BILL 2191

5 By: Representative Faris  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO REQUIRE AUCTIONEERS LICENSED AFTER JANUARY  
10 1, 1999 TO COMPLETE SIX (6) HOURS OF CONTINUING  
11 EDUCATION ANNUALLY AS A CONDITION OF RENEWAL OF HIS OR  
12 HER AUCTIONEER LICENSE; TO PROVIDE THAT THE CONTINUING  
13 EDUCATION PROGRAMS SHALL BE APPROVED BY THE  
14 AUCTIONEER'S LICENSING BOARD; AND FOR OTHER PURPOSES."

## Subtitle

16 "AN ACT TO REQUIRE AUCTIONEERS TO  
17 COMPLETE SIX (6) HOURS OF CONTINUING  
18 EDUCATION ANNUALLY; TO PROVIDE THAT THE  
19 CONTINUING EDUCATION PROGRAMS SHALL BE  
20 APPROVED BY THE AUCTIONEER'S LICENSING  
21 BOARD."  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Title 17, Chapter 17 of the Arkansas Code is amended to add  
28 the following section to be appropriately numbered by the Arkansas Code  
29 Revision Commission:

30 "Continuing Education.

31 (a) Except as provided in subsection (c), every application to the  
32 Auctioneer's Licensing Board for annual renewal of the license of an  
33 auctioneer shall be accompanied by proof that the applicant has satisfactorily  
34 completed six (6) hours of continuing education in approved programs within  
35 the preceding twelve (12) month period. No auctioneer's license shall be  
36 renewed unless the application for renewal is accompanied by the proof

1 required herein.

2 (b) All programs of continuing education for licensed auctioneers shall  
3 be subject to approval of the Auctioneer's Licensing Board. The board is  
4 subject to authorized to prescribe by regulations the minimum standards and  
5 requirements for continuing education programs for auctioneers, the procedures  
6 and policies for administering such programs, and the manner and conditions  
7 under which credit will be granted for participation in such programs.

8 (c) The continuing education requirements of this section shall not be  
9 applicable to any person who has been licensed as an auctioneer or auction  
10 house owner or operator by the Arkansas Auctioneer's Licensing Board for a  
11 period of ten (10) consecutive years or more and who was at least fifty-five  
12 (55) years of age as of June 30, 1999."

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14 SECTION 2. Arkansas Code 17-17-308 is amended to read as follows:

15 "17-17-308. Suspension or revocation.

16 The board may suspend or revoke the license of an auctioneer for any of  
17 the following causes:

18 (1) Obtaining a license through false or fraudulent  
19 representation;

20 (2) Pursuing a continued and flagrant course of misrepresentation  
21 or making false promises through agents or advertising or otherwise;

22 (3) Failing to account for or remit, within a reasonable time,  
23 any money belonging to others that comes into his possession;

24 (4) Commingling funds of others with his own, or failing to keep  
25 such funds of others in an escrow or trustee account;

26 (5) Paying valuable consideration to any person for services  
27 performed in violation of this chapter;

28 (6) Being convicted in a court of competent jurisdiction of this  
29 or any other state of a criminal offense involving moral turpitude or a  
30 felony;

31 (7) Willful violation of a rule or regulation promulgated by the  
32 board;

33 (8) Failure to furnish voluntarily to the signing party at the  
34 time of execution copies of all written instruments prepared by the  
35 auctioneer, and signed by the other party;

36 (9) Any conduct of an auctioneer which demonstrates bad faith,

1 dishonesty, incompetency, or untruthfulness; ~~or~~

2 (10) Any other conduct that constitutes improper, fraudulent, or  
3 dishonest dealings; or

4 (11) Failing to complete or submit the continuing education  
5 requirements as specified by this chapter and the rules and regulations  
6 adopted by the board."

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

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12 SECTION 4. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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

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/s/ Fari

APPROVED: 4/15/1999s