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1 State of Arkansas
                                        A Bill
 2 81st General Assembly
                                                                       ACT 220 OF 1997
                                                                    SENATE BILL
 3 Regular Session, 1997
                                                                                 212
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 5 By: Senator Wilson
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 7
                              For An Act To Be Entitled
 8
           "AN ACT TO AMEND ARKANSAS CODE 20-23-311 TO PROVIDE A
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10
          CIVIL MONEY PENALTY ON DELINQUENT BOILER FEES; TO AMEND
          ARKANSAS CODE 20-23-312 TO PROVIDE FOR PAYMENT OF
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          ATTORNEYS FEES AND ALL COSTS OF LITIGATION FOR COLLECTION
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13
          OF DELINQUENT BOILER FEES; AND FOR OTHER PURPOSES."
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                                     Subtitle
15
                     "TO PROVIDE A CIVIL MONEY PENALTY AND
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                     COLLECTION COSTS ON DELINQUENT BOILER
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18
                     FEES."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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        SECTION 1. Arkansas Code 20-23-311 is amended by adding a new subsection
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24 (d) as follows:
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        "(d) If the owner, user, or agent of the owner shall fail to pay any
26 foregoing inspection fee within thirty (30) days, a civil money penalty equal
27 to the amount of the unpaid fee shall attach to the outstanding amount of the
28 fee and the Director of Labor shall be empowered to collect this penalty in
29 addition to the amount of the fee."
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         SECTION 2. Subsection (a) of 20-23-312 is amended to read as follows:
          "(a)(1) In addition to other remedies provided for by this chapter, if
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33 after the making of any inspection or accrual of any charge or penalty
34 required or authorized by this chapter the fee, penalty or charge is not paid
35 within thirty (30) days after demand upon whoever is liable therefor, the
36 Director of the Department of Labor is authorized to employ an attorney who is
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- 1 empowered, without payment of costs or giving of bond for costs, to institute
- 2 suit in the name of the State of Arkansas in any court of competent
- 3 jurisdiction to collect said fees, penalties, costs and charges.
- 4 (2) The court where suit is brought pursuant to subsection (a)(1) for
- 5 collection of fees, penalties and charges shall, without limitation based on
- 6 the actual amount of the judgment, award an attorney $\overline{\mathbf{a}}$ s fee equal to the
- 7 actual cost to the Arkansas Department of Labor or the Boiler Inspection
- 8 Division for the regular hourly rate of pay of such attorney multiplied by the
- 9 actual hours, including but not limited to travel time, litigation and case
- 10 review. Furthermore, the court shall award, without limitation based on the
- 11 actual amount of the judgment, an amount equal to all costs incurred by the
- 12 Department of Labor or the Boiler Inspection Division including but not
- 13 limited to travel costs, witness fees, sheriff service fees, or costs incurred
- 14 pursuant to the collection of any judgment obtained by the Arkansas Department
- 15 of Labor or Boiler Inspection Division."

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- 17 SECTION 3. All provisions of this act of a general and permanent nature
- 18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
- 19 Revision Commission shall incorporate the same in the code.

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- 21 SECTION 4. If any provisions of this act or the application thereof to
- 22 any person or circumstance is held invalid, such invalidity shall not affect
- 23 other provisions or applications of the
- 24 act which can be given effect without the invalid provision or application,
- 25 and to this end the provision of this act are declared to be severable.

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

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30 APPROVED: 2-20-97

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