

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

# A Bill

Act 601 of 1999  
HOUSE BILL 1673

5 By: Representative Bevis  
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## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 8-7-805; TO ADD A  
10 SUBSECTION TO PROVIDE FOR FORFEITURE OF A LICENSEE OR  
11 CONTRACTOR'S BOND FOR NON-PERFORMANCE OF SPECIFIED  
12 REQUIREMENTS; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT TO ADD BOND FORFEITURE  
15 PROVISIONS."  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 8-7-805 is amended to add a new subsection:  
22 "8-7-805. License requirement.

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

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

29 (A) In the amount of at least twenty-five thousand dollars  
30 (\$25,000); and

31 (B) Which states that the Arkansas Department of ~~Pollution~~  
32 ~~Control and Ecology~~ Environmental Quality is the obligee of the bond.

33 (2) The bond must be issued by a company licensed to do business  
34 in the State of Arkansas and executed by a resident Arkansas agent. The mere  
35 countersigning by an Arkansas agent will not suffice.

36 (c) Licensees whose installation or testing activities are limited to

1 their own or their employers' companies' underground storage tanks are exempt  
2 from the requirement to meet the financial responsibility requirements  
3 provided by this section.

4 (d) In the event the licensee or contracting company fails to properly  
5 install, remove, repair, close, upgrade, or test any underground storage tank  
6 pursuant to state law or regulation, the director shall commence forfeiture  
7 proceedings on the surety bond in which the department is the obligee."

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

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

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

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23 APPROVED: 3/15/1999  
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