

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/7/01 S3/27/01

A Bill

Act 1563 of 2001
HOUSE BILL 2349

5 By: Representative Cowling
6 By: *Senator Horn*
7

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 17-33-105 TO
11 CLARIFY THAT UNLICENSED HVACR REPAIRMEN MAY NOT
12 ENFORCE ANY LIEN OR CONTRACTS FOR WORK DONE IN
13 VIOLATION OF THE HVACR LICENSING LAW; AND FOR
14 OTHER PURPOSES.
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Subtitle

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18 TO CLARIFY THAT UNLICENSED HVACR WORKERS
19 MAY NOT ENFORCE LIENS FOR WORK DONE IN
20 VIOLATION OF THE HVACR LICENSING LAW.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 17-33-105 is amended to read as follows:
26 17-33-105. Penalties - No enforcement of liens.

27 (a)(1) Any person who violates any provision of this chapter or
28 violates any rule, regulation, or order of the HVACR Licensing Board or any
29 permit, license, or certification may be assessed a civil penalty by the
30 board in accordance with the regulations issued by the board. The penalty
31 shall not exceed two hundred fifty dollars (\$250) for each violation, and
32 each day of a continuing violation may be deemed a separate violation for
33 purposes of penalty assessments. However, no civil penalty may be assessed
34 until the person charged with the violation has been given the opportunity
35 for a hearing on the violation.

36 (2) The amount of any civil penalty levied by the board may be

1 recovered in a civil action brought by the board in a court of competent
2 jurisdiction without paying costs or giving bond for costs.

3 (b) In addition to the civil penalty provided in this section, the
4 board is authorized to petition any court of competent jurisdiction without
5 paying costs or giving bond for costs to:

6 (1) Enjoin or restrain any violation of or compel compliance
7 with the provisions of this chapter and any rules, regulations, or orders
8 issued thereunder;

9 (2) Affirmatively order that remedial measures be taken as may
10 be necessary or appropriate to implement or effectuate the purposes and
11 intent of this chapter; and

12 (3) Recover all costs, expenses, and damages to the board and
13 any other agency or subdivision of the state in enforcing or effectuating the
14 provisions of this subchapter.

15 (c) If an unlicensed person who is required to be licensed performs
16 HVACR work in violation of this subchapter, that person shall not be entitled
17 to a mechanic's and materialman's lien, a laborer's lien, a repairmen's lien
18 or any other artisan's lien for work done in violation of this subchapter.

19 /s/ Cowling

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22 APPROVED: 4/12/2001
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