

**Hall of the House of Representatives**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 1160**

"TO AMEND THE LAW CONCERNING AUCTIONEERS."

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**Amendment No. 2 to House Bill No. 1160.**

Amend House Bill No. 1160 as originally introduced:

Page 1, delete line 24

AND

Page 1, line 25, delete "~~(2)~~(3)" and substitute "(2)"

AND

Page 1, line 27, delete "~~(3)~~(4)(A)" and substitute "(3)(A)"

AND

Page 1, line 31, delete "(a)(4)(A)" and substitute "(a)(3)(A)"

AND

Page 1, line 33, delete "(a)(4)(B)(i)" and substitute "(a)(3)(B)(i)"

AND

Page 2, line 1, delete "(B)(i)" and substitute "(B)"

AND

Page 2, line 2, delete "for a full-time auctioneer"

AND

Page 2, delete lines 3 through 5

AND

Delete SECTION 2 and SECTION 3 of the bill and substitute the following:



"SECTION 2. Arkansas Code § 17-17-405 is amended to read as follows:  
17-17-405. Disciplinary hearing – Recovery procedure.

(a)(1) In any disciplinary hearing before the Auctioneer's Licensing Board which involves ~~any~~ a licensee who has allegedly violated any provision of this chapter, the board shall first determine whether a violation has occurred.

(2) If so, the board shall then determine the amount of damages, if any, suffered by the aggrieved party or parties. However, damages shall be limited to actual damages in accordance with § 17-17-407.

(3) The board shall then direct the licensee to pay that amount to the aggrieved party or parties.

(4)(A) If that amount has not been paid within thirty (30) calendar days following entry of the board's final order in the matter and the order has not been appealed to the circuit court, then upon request the board shall pay from the Auctioneer Education and Recovery Fund to the aggrieved party or parties the amount specified.

(B) However, the board shall not:

(i) Pay in excess of ~~five thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) for any one (1) violation or continuing series of violations regardless of the number of licensees who participated in the violation or continuing series of violations; or

(ii) Pay an amount in excess of the fund balance.

(b) The question of whether certain violations constitute a continuing series of violations shall be a matter solely within the discretion and judgment of the board.

(c) Nothing within this subchapter shall obligate the fund for any amount in excess of a total of ~~five thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) with respect to:

(1) The acts of any one (1) licensee; or

(2) Any group of related claims.

(d) Whether a claim is one (1) of a group of related claims shall be a matter solely within the discretion and judgment of the board.

(e) When unsatisfied or pending claims ~~are such that they~~ exceed the limits payable under subsection (c) of this section, the board shall be the sole determinant of how the available funds shall be allocated among such claims."

The Amendment was read \_\_\_\_\_

By: Representative Overbey

KLL/YTC - 03-16-2009 13:29

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\_\_\_\_\_  
Chief Clerk