

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/5/87

HOUSE BILL 1797

By: Representatives Turner and Lipton

"AN ACT TO AMEND §§3-406 AND 4-406 OF ACT 185 OF 1961 [ARK. STATS. ANN. §§85-3-406 AND 85-4-406] TO PROVIDE FOR COMPARISON OF FAULT UNDER ACT 367 OF 1975 [ARK. STATS. ANN. §§27-1763 THROUGH 1765]; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 3-406 of Act 185 of 1961, the same being Ark. Stats. Ann. §85-3-406, is hereby amended to read as follows:

"Section 3-406. Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business. In all actions between banks, savings and loan associations, credit unions or industrial loan institutions and their customers where it is contended that both parties' conduct contributed to or caused the loss, their respective 'fault' in causing the loss shall be compared under Arkansas law of comparative fault (Act 367 of 1975, the same being Ark. Stats. Ann. §§27-1763 through 1765)."

SECTION 2. Section 4-406(3) of Act 185 of 1961, the same being Ark. Stats. Ann. §85-4-406(3), is hereby amended to delete the current text in its entirety and to then read as follows:

"(3) In all actions between banks, savings and loan associations, credit unions or industrial loan institutions and their customers where it is contended that both parties' conduct contributed or caused the loss, their respective 'fault' in causing the loss shall be compared under Arkansas law of comparative fault (Act 367 of 1975, the same being Ark. Stats. Ann. §§27-1763

through 1765)."  
decision.

SECTION 4. All funds derived from civil penalties imposed by the Board shall be deposited in one or more depositories qualifying for the deposit of public funds, and such funds shall be used by the Board for administering the provisions of the Arkansas Barber Law.

SECTION 5. Section 8 of Act 313 of 1937, as amended, the same being Ark. Stat. Ann. §71-508 is hereby amended to read as follows:

"Section 8. Any person recently coming into this State that has been continuously engaged in the practice of barbering for a period of not less than 18 months in another state under an unrevoked or unexpired license issued by the proper authorities of such state may be issued a certificate of registration as a registered barber upon making application as required by law and upon the payment of \$150.00 reciprocity fee. Such reciprocity fee shall include the license fee until the beginning of the next renewal period."

SECTION 6. It shall be the responsibility of all barbershop owners to assure that their employees have appropriate licenses.

SECTION 7. Upon application of a licensed barbershop, and upon receipt of the application fee of \$35.00, the Board shall issue a certificate authorizing the licensed barbershop to employ not more than two persons as barber technicians. Persons so employed must have completed the eighth grade of school and be registered with the Board.

SECTION 8. The General Assembly has determined that the State Board of Barber Examiners collected Barber Technician examination and license fees between 1974 and 1980 without authority and has attempted to refund those fees, but that there remains a balance of approximately \$1,300 unrefunded because of inability to locate the persons due the refund. The General Assembly further determines that those funds should now escheat to the Board. Therefore, the State Board of Barber Examiners is hereby authorized to expend the remaining balance of the unrefunded fees for maintenance and operation of the Board.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. It is hereby found and determined that the provisions of this amendment will promote proper regulation and enforcement of the State Board of Barber Examiners' laws and that timely approval is necessary to correct an inequitable situation. therefore, an emergency is hereby declared to exist and this amendment being necessary for the immediate preservation of the public peace, health and safety shall be in effect from and after its passage and approval.

