

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

358

By: Senator Ingram

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 22-9-204(f) TO PROVIDE CIVIL PENALTIES FOR CONTRACTORS WHO LIST OR USE UNLICENSED SUBCONTRACTORS ON PUBLIC WORKS CONTRACTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 22-9-204(f) is hereby amended to read as follows:

"(f) (1) It shall be a violation of this section for any prime contractor to submit a bid listing unlicensed contractors or to use unlicensed contractors on a public works project.

(2) It shall be a violation of this section for any subcontractor who is not licensed by the Contractors Licensing Board to contract to perform work, make a quotation of bid to a general contractor, or to perform work on a public works project.

(3) Any contractor or subcontractor who, after notice and hearing, is found to have violated this section shall pay to State Building Services a civil penalty of not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500), and may be suspended from bidding future public works contracts for a term of not less than six (6) months nor more than twelve (12) months.

(4) All hearings and appeals therefrom under this section shall be pursuant to the provisions of the Arkansas Administrative Procedure Act, Arkansas Code 25-15-201 et seq. State Building Services shall have the power to file suit in the Circuit court of Pulaski County to obtain a judgment for the amount of any penalty not paid within thirty (30) days of service on the contractor of the order assessing said penalty.

(5) Penalties collected pursuant to this section shall be deposited in

State Building Services Maintenance Fund."

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

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas that the lack of civil penalties for violations of the public contracting laws reduces the effectiveness of those laws and that the effectiveness of the laws dealing with awarding of public works contracts serves an important public purpose. Therefore, in order to increase the effectiveness of the enforcement of the public works contracting laws, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.