

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dietz**

A Bill

HOUSE BILL 1793

For An Act To Be Entitled

8 "AN ACT TO REPEAL THE RESIDENCY REQUIREMENT FOR REAL
9 ESTATE AUCTIONEERS; AND FOR OTHER PURPOSES."

10

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

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13 SECTION 1. Arkansas Code Annotated Section 17-35-301(a) (2) is hereby
14 amended to read as follows:

15 "(2) Serve as auctioneer or participate in or supervise the auctioning
16 of any real property in this state unless the person has a regular valid
17 license issued by the Arkansas Real Estate Commission authorizing the person
18 to act as a real estate broker or salesman. The person shall also conform to
19 all of the requirements of law that may be in addition hereto governing
20 auctioneers and auctions."

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22 SECTION 2. Arkansas Code Annotated Section 17-35-301(b) is hereby
23 amended to read as follows:

24 "(b) Any person violating the provisions of Subsection (a) of this
25 section shall be deemed guilty of a felony and, upon conviction, shall be
26 sentenced to imprisonment in the state penitentiary for not less than one (1)
27 year and not more than five (5) years, or sentenced to pay a fine of not less
28 than one thousand dollars (\$1,000) and not more than ten thousand dollars
29 (\$10,000), or sentenced to both imprisonment and a fine."

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31 SECTION 3. Arkansas Code Annotated Section 17-35-104(a) is hereby
32 amended to read as follows:

33 "(a) Any person violating the provisions of subchapters 1,2, or 3 of
34 this chapter shall be deemed guilty of a felony and, upon conviction, shall be
35 sentenced to imprisonment in the state penitentiary for not less than one (1)

1 year and not more than five (5) years, or sentenced to pay a fine of not less
2 than one thousand dollars (\$1,000) and not more than ten thousand dollars
3 (\$10,000), or sentenced to both imprisonment and a fine."

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5 SECTION 4.. All provisions of this Act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.

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9 SECTION 5. If any provision of this Act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the Act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 Act are declared to be severable.

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15 SECTION 6. All laws and parts of laws in conflict with this Act are
16 hereby repealed.

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18 /s/James Dietz

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