

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Fitch**

A Bill

SENATE BILL 696

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF THE SURVEYORS
LICENSING LAW; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND VARIOUS SECTIONS OF THE SURVEYORS LICENSING
LAW."

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

SECTION 1. Arkansas Code §§ 17-41-101 and 17-41-102 are amended to read
as follows:

"17-41-101. Definitions.

(a) As used in this chapter, unless the context otherwise requires:

(1) Board means the Arkansas State Board of Registration for
Professional Engineers and Land Surveyors;

(2) *'Land surveying'* means any service comprising the
determination of the location of land boundaries and land boundary corners;
the preparation of plats showing the shape and areas of tracts of land and
their subdivision into smaller tracts; the preparation of plats showing the
location of streets, roads, and rights of way of tracts to give access to
smaller tracts; and the preparation of official plats, or maps, of land
thereof in this state unless otherwise required by law. Surveying shall not
include the measure of acreage of timber, cotton, rice, or other agricultural
crops unless otherwise required by law;

(3) Professional Land Surveyor means a person who has been duly
registered or licensed as a professional land surveyor by the board;

(4) Land Surveyor-Intern means a person who has qualified for,
taken and has passed an examination in the fundamental surveying subjects, as

1 provided in this chapter;

2 (5) Responsible Charge means direct control, supervision of and
3 legal responsibility for all land surveying work.

4 (b) A person shall be construed to practice or offer to practice land
5 surveying who engages in land surveying for others or who by verbal claim,
6 sign, letterhead, card, telephone listing, or in any other way represents
7 himself to be a land surveyor or who represents himself as able to perform
8 land surveying in this state.

9 17-41-102. Penalties - Enforcement.

10 (a) (1) Unless a different penalty is specifically provided, any person
11 who violates any of the provisions of this chapter shall be deemed guilty of a
12 misdemeanor and upon conviction shall be punished by a fine of not less than
13 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or
14 imprisonment in the county jail for a term of not less than thirty (30) days
15 nor more than six (6) months, or by both.

16 (2) It shall be the duty of all duly constituted officers of the
17 state and all of its political subdivisions to enforce the provisions of this
18 chapter and prosecute any persons violating them.

19 (b) (1) The Arkansas State Board of Registration for Professional
20 Engineers and Land Surveyors is authorized to levy a civil penalty against any
21 professional land surveyor or land surveyor-intern who is found guilty of any
22 fraud or deceit in his practice or in securing a certificate of registration,
23 or of gross negligence, incompetence, misconduct, or who fails or refuses to
24 comply with any laws relating to the registration and practice of land
25 surveying or any rules or regulations adopted by the board pursuant to the
26 authority granted in such laws.

27 (2) Any civil penalty levied by the board may be in lieu of or in
28 addition to any other sanction which may be imposed by the board.

29 (3) No civil penalty assessed by the board shall be less than one
30 hundred dollars (\$100) nor more than two thousand dollars (\$2,000).

31 (c) The Attorney General or his assistants shall act as legal advisors
32 to the board and render such legal assistance as may be necessary.

33 (d) The board may employ counsel to enforce this chapter, the costs to
34 be paid from the funds of the board."

35

1 SECTION 2. Arkansas Code 17-41-105 and 106 are amended to read as
2 follows:

3 "17-41-105. Seal and signature required.

4 (a) Each professional land surveyor shall procure a personal seal, in
5 form approved by the board, and shall affix his signature and the seal upon
6 all maps, plats, surveys, or other documents before the delivery thereof to
7 any client or before offering to file a record of any such map, plat, survey,
8 or other document in the office of the recorder of deeds of any county, or
9 with any proper public authority.

10 (b) It shall be unlawful for the recorder of deeds of any county or any
11 proper public authority to file or record any map, plat, survey, or other
12 document within the definition of land surveying, which does not have
13 impressed thereon, and affixed thereto, the personal signature and seal of a
14 professional land surveyor by whom the map, plat, survey, or other document
15 was prepared.

16 17-41-106. Failure to file boundary survey.

17 (a) All professional land surveyors in this state shall file a plat of
18 all surveys of property boundary lines made by them in the office of the
19 circuit clerk of the county wherein a survey was made within thirty (30) days
20 after the survey is completed.

21 (b) The sole purpose of filing the plat shall be to identify the person
22 or persons who made the plat and survey and placed the survey markers and
23 shall not be used to evidence adverse possession or as evidence in boundary
24 disputes.

25 (c) The provisions of this chapter shall not apply to surveys hereafter
26 made of subdivided property located in a municipality where property has
27 previously been surveyed and a plat filed.

28 (d) Any professional land surveyor who shall fail or refuse to file the
29 survey as provided by this chapter shall be guilty of a misdemeanor and upon
30 conviction shall be subject to a fine of not less than fifty dollars (\$50.00)
31 nor more than one hundred dollars (\$100) or imprisonment for not less than
32 thirty (30) days nor more than six (6) months, or subject to both such fine
33 and imprisonment."

34

35

1 SECTION 3. Arkansas Code 17-41-107 (a) is amended to read as follows:

2 "(a) Every survey of a parcel of real property made after March 30,
3 1981, shall include a statement of the number of acres or parts of acres
4 included in the parcel surveyed. If the parcel surveyed includes lands
5 situated in more than one quarter-quarter section or government lot, the
6 approximate number of acres of the parcel lying in each shall be shown
7 separately. The survey shall be filed as a part of any resulting title
8 instrument."

9

10 SECTION 4. Arkansas Code 17-41-201 (c) and (d) are amended to read as
11 follows:

12 "(c) Registration required - Sole or group practice - Trainees.

13 Any professional *land* surveyor may practice his profession through the
14 medium of, or as a member or employee of, a partnership, firm, joint-stock
15 association, or corporation, provided that all surveys are signed and stamped
16 with the signature and seal of the professional *land* surveyor in responsible
17 charge. The *land* surveyor signing and sealing the surveys shall be personally
18 and professionally responsible therefor, and his participation in any form of
19 business organization such as a partnership, firm, joint-stock association, or
20 corporation, either as a partner, principal, or employee, shall not limit his
21 individual liability.

22 (d) A *land* surveyor-intern may engage in the practice of land surveying
23 only as an employee of or under the supervision of a *land* surveyor."

24

25 SECTION 5. Arkansas Code 17-41-202 through 17-41-205 are amended to
26 read as follows:

27 "17-41-202. Application.

28 (a) Application for registration as a professional *land* surveyor or
29 *land* surveyor-intern shall be made on forms provided by the board, to be
30 signed and sworn to by the applicant.

31 (b) They shall contain statements made under oath, showing the
32 applicant's education, experience record, and any other pertinent information.

33 (c) All applicants shall furnish references from five (5) persons
34 having knowledge of work done by the applicant.

35 (d) Applications shall be filed with the secretary of the board and

1 shall be accompanied by an application fee of an amount as determined by the
2 board for professional land surveyor applicants and for land surveyor-intern
3 applicants.

4 17-41-203. Qualifications - Certification.

5 (a) Any person who shall show, to the satisfaction of the board, that
6 he is a person of good character and reputation and over the age of twenty-one
7 (21) years of age shall be eligible for registration as a professional land
8 surveyor, provided he qualifies under one of the following provisions:

9 (1) Comity or Registration by Endorsement.. A person holding a
10 certificate of registration to engage in the practice of land surveying issued
11 to him on the basis of a written examination by proper authority of a state,
12 territory, possession of the United States, the District of Columbia, or any
13 foreign country, based on requirements and qualifications, as shown on his
14 application, which, in the opinion of the board, are equal to or higher than
15 the requirements of this chapter, may be registered at the discretion of the
16 board;

17 (2)(i) Graduation and Examination. Until July 1, 2001, a graduate from
18 an approved engineering curriculum with sufficient surveying courses, or any
19 surveying technology curriculum of two (2) years or more, approved by the
20 board, followed by at least two (2) years of land surveying which must be
21 surveying experience of a character satisfactory to the board, who shall have
22 passed a written examination designed to show that he is qualified to practice
23 land surveying in this state, may be registered, provided he is otherwise
24 qualified. Each year of teaching land surveying in an approved engineering or
25 surveying curriculum may be considered as equivalent to one (1) year of land
26 surveying experience;

27 (ii) Graduation and Examination. Beginning July 1, 2001, a
28 graduate from an approved four (4) year curriculum with sufficient surveying
29 courses approved by the board, followed by at least four (4) years of land
30 surveying experience of which a minimum of two (2) years must be in boundary
31 line location and which must be surveying experience of a character
32 satisfactory to the board, who shall have passed a written examination
33 designed to show that he is qualified to practice land surveying in this
34 state, may be registered, provided he is otherwise qualified. Each year of
35 teaching land surveying in an approved surveying curriculum may be considered

1 as equivalent to one (1) year of land surveying experience;

2 *Until July 1, 2001, an applicant who cannot qualify under subdivision*
3 *(2) above and who has six (6) years or more of active experience in land*
4 *surveying of a character satisfactory to the board and who shall have passed a*
5 *written examination designed to show that he is qualified to practice land*
6 *surveying may be granted a certificate of registration to practice land*
7 *surveying in this state, provided he is otherwise qualified. Each year of*
8 *satisfactory work in an approved engineering or engineering technology*
9 *curriculum majoring in surveying may be considered as one (1) year of*
10 *experience in land surveying, but not exceeding two (2) years.*

11 (b) Any person who shall show, to the satisfaction of the board, that
12 he is a person of good character, shall be eligible for registration as a land
13 surveyor-intern, provided he qualifies under one of the following provisions:

14 (1) Comity or Registration by Endorsement. A person holding a
15 certificate of registration as a land surveyor-intern issued to him on the
16 basis of a written examination by proper authority of a state, territory,
17 possession of the United States, the District of Columbia, or any foreign
18 country, based on requirements and qualifications as shown on his application,
19 which requirements and qualifications, in the opinion of the board, are equal
20 to or higher than the requirements of this chapter, may be registered as a
21 land surveyor-intern at the discretion of the board;

22 (2)(i) Graduation and Examination. Until July 1, 1997, a graduate from
23 an approved engineering curriculum with sufficient surveying courses, or any
24 surveying technology curriculum of two (2) years or more, approved by the
25 board, who shall have passed a written examination designed to show that he is
26 proficient in surveying fundamentals may be registered, provided he is
27 otherwise qualified;

28 (ii) Graduation and Examination. Beginning July 1, 1997, a graduate
29 from an approved four (4) year curriculum with sufficient surveying courses,
30 approved by the board, who shall have passed a written examination designed to
31 show that he is proficient in land surveying fundamentals may be registered,
32 provided he is otherwise qualified;

33 *Until July 1, 1997, an applicant who cannot qualify under subdivision*
34 *(2) above, who has four (4) years or more of active experience in land*
35 *surveying of a character satisfactory to the board, and who shall have passed*

1 a written examination designed to show that he is proficient in surveying
2 fundamentals may be registered, provided he is otherwise qualified. Each year
3 of satisfactory work in an approved engineering or engineering technology
4 curriculum majoring in surveying may be considered as one (1) year of
5 experience in land surveying, but not exceeding two (2) years.

6 17-41-204. Expiration and renewal - Inactive status - Reinstatement.

7 (a) Certificates of registration for professional land surveyors and
8 land surveyor-interns shall expire on June 30 each year, and the board shall
9 give thirty (30) days' written notice prior to the expiration of the
10 certificate of registration.

11 (b) Certificates of registration for professional land surveyors and
12 land surveyor-interns shall be renewed by the board to persons who are holders
13 of certificates issued under this chapter who shall have furnished evidence
14 satisfactory to the board of compliance with the requirements of §
15 17-41-206(a). There shall be an annual fee to be established by the board.

16 (c) (1) Notwithstanding the provisions of subsection (b) of this
17 section, a professional land surveyor or land surveyor-intern registered under
18 this chapter who is not engaged in the practice of land surveying may request
19 the board, in writing, to place his name on the board's inactive roll, thereby
20 granting him inactive status and protecting his right to obtain a certificate
21 of registration pursuant to subsection (b) of this section at such later time
22 as he may wish to become engaged in the practice of land surveying.

23 (2) If, upon receipt of notification, the board determines that
24 the professional land surveyor is not engaged in the practice of land
25 surveying, the professional land surveyor will be permitted to retain his
26 initial certificate of registration by paying an annual registration fee to be
27 established by the board.

28 (d) In the event a professional land surveyor or land surveyor-intern
29 shall fail either to apply for an annual certificate of registration or to be
30 placed on the board's inactive roll within six (6) months from the expiration
31 date of the certificate of registration last obtained pursuant to subsections
32 (b) or (c) of this section, it shall deprive him of the right to apply for a
33 certificate of registration or inactive status unless the board, in its
34 discretion, determines the failure to have been due to a reasonable cause. In
35 that case, in its discretion, the board may require any or all of the

1 following:

2 (1) A reinstatement fee to be established by the board;

3 (2) The total annual registration fees which would have been paid
4 under this section during the period when neither a certificate of
5 registration nor inactive status was maintained; or

6 (3) Successful completion of a written examination designed to
7 show that the surveyor is qualified to resume the practice of land surveying
8 in this state.

9 17-41-205. Disciplinary Action. (a) Revocation. If after a hearing the
10 board finds that any professional *land* surveyor or *land surveyor-intern*
11 secured his registration through the practice of fraud or deceit or through
12 false statements made in his application for his registration, in any document
13 subsequently filed, or in any oral testimony subsequently given in support of
14 the applications, or that he has been guilty of any gross negligence,
15 incompetence, or misconduct in the practice of land surveying, or that he has
16 been convicted of any felony or crime involving moral turpitude in any state
17 then the board shall revoke and shall not reissue or renew the registration of
18 the accused.

19 (b) Suspension - Probation - Fine. The board shall have the power to
20 suspend a certificate of registration for a period not to exceed twenty four
21 (24) months, or place on probation, fine, or reprimand or any combination of
22 these which any professional surveyor is found guilty of:

23 (1) Any negligence, incompetency, or misconduct in the practice
24 of land surveying;

25 (2) Failure to comply with any provisions of this act or any of
26 the rules or regulations pertaining thereto;

27 (3) Failure, within thirty (30) days to provide information
28 requested by the board as a result of a formal or informal complaint to the
29 board which indicates a violation of this act;

30 (4) Knowingly making false statements or signing false
31 statements, certificates, or affidavits to induce payment;

32 (5) Aiding or assisting another person in violating any
33 provision of this act or the rules or regulation pertaining thereto;

34 (6) Violating any terms of probation imposed by the board or
35 using a seal or practicing land surveying while the professional surveyor_s

1 license is suspended, revoked, non-renewed, or inactive;

2 (7) Signing, affixing the professional surveyor_s seal, or
3 permitting the professional surveyor_s seal or signature to be affixed to any
4 plat, surveys, survey documents, calculations or revisions thereof which have
5 not been prepared or completely checked by the professional surveyor, or under
6 the professional surveyor_s direct supervision or control;

7 (8) Engaging in dishonorable, unethical, or unprofessional
8 conduct of a character likely to deceive, defraud, or harm the public;

9 (9) Providing false testimony or information to the board;

10 (10) Habitual intoxication or addiction to the use of drugs or
11 alcohol;

12 (11) In addition to any other penalty provided in this section,
13 any person who violates any provision of this act or any rule or regulation
14 pertaining thereto, shall pay to the board a civil penalty in an amount
15 determined by the board of not more than five hundred dollars (\$500) for each
16 offense.

17 (c) The board shall have the power to (1) revoke a certificate of
18 authorization, or (2) suspend a certificate of authorization for a period of
19 time not to exceed two (2) years, of any corporation where one or more of its
20 officers or directors have been found guilty of any conduct which would
21 authorize a revocation or suspension of their certificates of registration
22 under the provisions of this section, or (3) place on probation for a period
23 of time and subject to such conditions as the board may specify, or (4) levy a
24 fine in an amount not to exceed two thousand dollars (\$2,000) for each count
25 or separate offense.

26 (d) The board shall have the power to discipline non-registrants that
27 violate provisions of this act by the levy of a fine in an amount not to
28 exceed two thousand dollars (\$2,000) for each offense."

29

30 SECTION 6. Arkansas Code 17-41-206(a)(3) is amended to read as follows:

31 "(3) The board, in its discretion, may exempt *professional land*
32 surveyors sixty-five (65) years of age with twenty-five (25) or more years
33 experience as practicing land surveyors within this state from the provisions
34 of this subsection."

35

1 SECTION 7. Subchapter 2 of Chapter 41 of Title 17 of the Arkansas Code
2 is amended by adding the following sections:

3 "17-41-207. Disposition of Fees.

4 (a) All fees shall be deposited in a bank in this state designated by
5 the board.

6 (b) The officer or employee who collects fees and disburses them shall
7 be required to execute a corporate bond for the proper accounting thereof.

8 17-41-208. Disciplinary Action Procedures.

9 (a) Any person may prefer charges of fraud, deceit, gross negligence,
10 incompetence, misconduct or violation of the Rules of Professional Conduct
11 against any individual registrant or against any corporation holding a
12 certificate of authorization.

13 (b) All charges, unless dismissed by the board as unfounded, trivial,
14 or unless settled informally, shall be heard by the board within three (3)
15 months after the date on which they shall have been referred.

16 (c) The time and place for said hearings shall be fixed by the board
17 and a copy of the charges, together with a notice of the time and place of
18 hearing, shall be personally served on or mailed to the last known address of
19 such individual registrant, or corporation holding a certificate of
20 authorization at least twenty (20) days before the date fixed for the hearing.
21 At any hearing, the accused individual registrant or corporation holding a
22 certificate of authorization shall have the right to appear in person or by
23 counsel, or both, to cross-examine witnesses in their defense and produce
24 evidence and witnesses in their own defense. If the accused person or
25 corporation fails or refuses to appear, the board may proceed to hear and
26 determine the validity of the charges.

27 (d) If after such hearing a majority of the board votes in favor of
28 sustaining the charges, the board shall reprimand, refuse to issue, restore or
29 renew, place on probation for a period of time, and subject to such conditions
30 as the board may specify, suspend, or revoke the individual's certificate of
31 registration or a corporation's certificate of authorization. The board may
32 in addition to any of the above items or in lieu of the above, fine the
33 individual or corporation in an amount not to exceed two thousand dollars
34 (\$2000.00) for each offense.

35 (e) An individual registrant having a certificate of registration or a

1 certificate of authorization, or a non registrant aggrieved by any action of
2 the board in levying a fine, denying, suspending, refusing to issue, restore
3 or renew, or revoking their certificate of registration or its certificate of
4 authorization, may appeal therefrom to the proper court under normal civil
5 procedures.

6 (f) A penalty assessed pursuant to A.C.A. 17-41-102 of this chapter
7 shall be assessed in a proceeding as provided in this section. Unless the
8 amount of the penalty is paid within fifty (50) days after the order becomes
9 final, the order shall constitute a judgment and shall be filed and execution
10 issued thereon in the same manner as any other judgment of a court of record.

11 (g) The board may, upon petition of an individual registrant or
12 corporation holding a certificate of authorization, reissue a certificate of
13 registration or authorization, provided that a majority of the members of the
14 board votes in favor of such issuance.

15 17-41-209. Criminal Offenses.

16 Any person who shall practice or offer to practice land surveying in
17 this state without being registered in accordance with the provisions of this
18 chapter, or any person, firm, partnership, organization, association,
19 corporation, or other entity using or employing the words _Surveyor_, _Land
20 Surveyor_, or _Land Surveying_, or any modification or derivate thereof in its
21 name or form of business activity except as authorized in this chapter, or any
22 person presenting or attempting to use the certificate of registration or the
23 seal of another, or any person who shall give false or forged evidence of any
24 kind to the board or to any member thereof in obtaining or attempting to
25 obtain a certificate of registration, or any person who shall falsely
26 impersonate any other registrant of like or different name, or any person who
27 shall attempt to use an expired, suspended or revoked or non-existent
28 certificate of registration, or who shall practice or offer to practice when
29 not qualified, or any person who falsely claims that they are registered or
30 authorized under this chapter, or any person who shall violate any provisions
31 of this chapter, shall be guilty of a _Class A_ misdemeanor for the first
32 offense and a _Class D_ felony for the second or any subsequent offenses.

33 It shall be the duty of the Attorney General of the state to enforce the
34 provisions of this chapter and to prosecute any person violating same.

35 The Attorney General of the State or the assistant shall act as legal

1 adviser to the board and render such legal assistance as may be necessary in
2 carrying out the provisions of this chapter. The board may employ counsel and
3 necessary assistance to aid in the enforcement of this chapter and the
4 compensation and expenses therefore shall be paid from the funds of the board.

5 17-41-210. Authorization Certificates.

6 (a) The practice or offer to practice for others as defined in A.C.A.
7 17-41-101 by individuals registered under this chapter through a corporation
8 as officers, employees, or agents, is permitted, subject to the provisions of
9 this chapter; provided that one or more of the corporate officers of said
10 corporation designated as being responsible for land surveying activities and
11 decisions is a professional land surveyor under this chapter or under the land
12 surveying registration law of another state, territory, or possession of the
13 United States or the District of Columbia; provided that all personnel of said
14 corporation who act in its behalf as professional land surveyors are
15 registered under this chapter, and further provided that said corporation has
16 been issued a certificate of authorization by the board as hereinafter
17 provided. All final surveys, plats, maps or other land surveying documents
18 involving the practice of land surveying as defined in this chapter, when
19 issued or filed for public record, shall be dated and bear the signature and
20 seal of the professional surveyor who prepared them or under whose direct
21 supervision they were prepared.

22 (b) A corporation desiring a certificate of authorization shall file
23 with the board an application, using the form provided by the board, listing
24 names and addresses of all officers and board members of the corporation, and
25 also of the individual or individuals duly registered to practice land
26 surveying in this state who shall be in responsible charge of the practice of
27 land surveying in the state through said corporation, and other information,
28 must accompany the annual renewal fee. In the event there shall be a change in
29 any of these persons during the year, such changes shall be designated on the
30 same form and filed with the board within thirty (30) days after the effective
31 date of said changes. If all of the requirements of this section are met, the
32 board shall issue a certificate of authorization to such corporation and such
33 corporation shall be authorized to contract for and collect fees for
34 furnishing land surveying services.

35 (c) The requirements of this chapter shall not prevent a corporation

1 from performing land surveying services for the corporation itself or a
2 subsidiary or an affiliate of said corporation.

3 (d) No such corporation shall be relieved of responsibility for the
4 conduct or acts of its agents, employees, officers, or partners by reason of
5 its compliance with the provisions of this section. No individual practicing
6 land surveying under the provisions of this chapter shall be relieved of
7 responsibility for land surveying services performed by reason of employment
8 or other relationship with a corporation holding an authorization certificate.

9 (e) Effective one (1) year after the effective date of this section, the
10 Secretary of State shall not issue a certificate of incorporation to applicant
11 or a registration as a foreign firm to a firm which includes among the
12 objectives for which it is established any of the words _Surveyor_, _Land
13 Surveyor_, or any modification or derivation thereof unless the board of
14 registration for this profession has issued for said applicant a certificate
15 of authorization or a letter indicating the eligibility of such applicant to
16 receive such certificate. The firm applying shall supply such certificates or
17 letter from the board with its application for incorporation or registration.

18 (f) Effective one (1) year after the effective date of this section, the
19 Secretary of State shall decline to register any trade name or service mark
20 which includes such words, as set forth in the above article, or modification
21 or derivatives thereof in its firm name or logos except those corporations
22 holding authorization certificates under the provisions of this section.

23 (g) The certificate of authorization shall be renewed as hereinafter
24 provided in this chapter.

25 (h) A surveyor who renders occasional, part-time, or consulting services
26 to or for a firm may not, for the purpose of this section, be designated as
27 being responsible for the professional activities of the firm.

28 17-41-211. Exemption Clause.

29 This chapter shall not be constructed to prevent the practices by:

30 (1) Other Professions- The practice of any other legally recognized
31 profession.

32 (2) Temporary Permits- The practice of land surveying under a temporary
33 permit by a person registered as a professional land surveyor in another state
34 is not considered to be in the best interest of the public and therefore shall
35 not be granted.

1 (3) Employees and Subordinates- The work of an employee or a subordinate
2 of a person holding a certificate of registration under this chapter provided
3 such work does not include final surveying decisions and is done under the
4 direct supervision of and verified by a person holding a certificate of
5 registration under this chapter."

SECTION 8. 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 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Senator Fitch

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