

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Wilson
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A Bill

SENATE BILL 212

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 20-23-311 TO PROVIDE A
10 CIVIL MONEY PENALTY ON DELINQUENT BOILER FEES; TO AMEND
11 ARKANSAS CODE 20-23-312 TO PROVIDE FOR PAYMENT OF
12 ATTORNEY_S FEES AND ALL COSTS OF LITIGATION FOR COLLECTION
13 OF DELINQUENT BOILER FEES; AND FOR OTHER PURPOSES."
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Subtitle

15 "TO PROVIDE A CIVIL MONEY PENALTY AND
16 COLLECTION COSTS ON DELINQUENT BOILER
17 FEES."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code 20-23-311 is amended by adding a new subsection
24 (d) as follows:

25 "(d) If the owner, user, or agent of the owner shall fail to pay any
26 foregoing inspection fee within thirty (30) days, a civil money penalty equal
27 to the amount of the unpaid fee shall attach to the outstanding amount of the
28 fee and the Director of Labor shall be empowered to collect this penalty in
29 addition to the amount of the fee."
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31 SECTION 2. Subsection (a) of 20-23-312 is amended to read as follows:

32 "(a)(1) In addition to other remedies provided for by this chapter, if
33 after the making of any inspection or accrual of any charge or penalty
34 required or authorized by this chapter the fee, penalty or charge is not paid
35 within thirty (30) days after demand upon whoever is liable therefor, the
36 Director of the Department of Labor is authorized to employ an attorney who is

1 empowered, without payment of costs or giving of bond for costs, to institute
2 suit in the name of the State of Arkansas in any court of competent
3 jurisdiction to collect said fees, penalties, costs and charges.

4 (2) The court where suit is brought pursuant to subsection (a)(1) for
5 collection of fees, penalties and charges shall, without limitation based on
6 the actual amount of the judgment, award an attorney's fee equal to the actual
7 cost to the Arkansas Department of Labor or the Boiler Inspection Division for
8 the regular hourly rate of pay of such attorney multiplied by the actual
9 hours, including but not limited to travel time, litigation and case review.
10 Furthermore, the court shall award, without limitation based on the actual
11 amount of the judgment, an amount equal to all costs incurred by the
12 Department of Labor or the Boiler Inspection Division including but not
13 limited to travel costs, witness fees, sheriff service fees, or costs incurred
14 pursuant to the collection of any judgment obtained by the Arkansas Department
15 of Labor or Boiler Inspection Division."

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17 SECTION 3. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the code.

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21 SECTION 4. If any provisions of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the
24 act which can be given effect without the invalid provision or application,
25 and to this end the provision of this act are declared to be severable.

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27 SECTION 5. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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