

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2241

4
5 By: Representatives Kidd, Overbey

For An Act To Be Entitled

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7
8 AN ACT TO MANDATE THAT AN AUCTIONEER'S LICENSE
9 SHALL NOT BE REVOKED FOR CERTAIN REASONS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 TO MANDATE THAT AN AUCTIONEER'S LICENSE
14 SHALL NOT BE REVOKED FOR CERTAIN
15 REASONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 17-17-302 is amended to read as follows:

22 17-17-302. Issuance and renewal - Change of location.

23 (a)(1) No examination shall be required for the renewal of any present
24 or future license unless the license has been revoked. In this case, the
25 applicant shall take and pass the written examination offered by the
26 Auctioneer's Licensing Board before a new license may be issued.

27 (2) A license shall not be revoked for nonrenewal of a license
28 or noncompletion of continuing education hours.

29 ~~(2)(3)~~ Licensed auctioneers have a ninety-day grace period
30 beyond a renewal date to renew a license.

31 ~~(3)(4)~~ Penalty for late renewals will be two (2) times the sum
32 of a normal license renewal fee.

33 (b)(1)(A) The issuance fee for each auctioneer's license shall be one
34 hundred dollars (\$100).

35 (B) The annual renewal fee for each license shall be one
36 hundred dollars (\$100).



1 (C) All licenses shall expire on June 30 of each year.

2 (2) In the absence of any reason or condition that might warrant
3 the refusal of the renewing of the license and upon receipt of the written
4 request of the applicant and the applicant's annual fee, the board shall
5 issue a new license each ensuing year.

6 (c) The board shall prepare and deliver to each licensee a license
7 certificate and pocket card.

8 (d)(1) Notice in writing shall be given to the board by each licensee
9 of any change of business location within thirty (30) days after any change
10 in location, whereupon the board shall issue a new license for the unexpired
11 period.

12 (2) A change of business location shall automatically cancel the
13 license previously issued.

14 (3) Changing a business location and issuance of a new license
15 shall entitle the board to collect five dollars (\$5.00).

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17 SECTION 2. Arkansas Code § 17-17-308 is amended to read as follows:

18 17-17-308. Suspension or revocation.

19 (a) The Auctioneer's Licensing Board may impose a civil penalty or
20 suspend or revoke the license of an auctioneer for any of the following
21 causes:

22 (1) Obtaining a license through false or fraudulent
23 representation;

24 (2) Pursuing a continued and flagrant course of
25 misrepresentation or making false promises through agents or advertising or
26 otherwise;

27 (3) Failing to account for or remit within a reasonable time any
28 money belonging to others that comes into his or her possession;

29 (4) Commingling funds of others with his or her own or failing
30 to keep the funds of others in an escrow or trustee account;

31 (5) Paying valuable consideration to any person for services
32 performed in violation of this chapter;

33 (6) Being convicted of a criminal offense involving moral
34 turpitude or a felony in a court of competent jurisdiction of this or any
35 other jurisdiction;

36 (7) Willfully violating a rule or regulation promulgated by the

1 board;

2 (8) Failing to enter into a written contract with the seller and
3 to furnish voluntarily to the seller at the time of execution copies of all
4 written instruments prepared by the auctioneer, including the contract;

5 (9) Any conduct of an auctioneer that demonstrates bad faith,
6 dishonesty, incompetency, untruthfulness, or deceptive practices;

7 (10) Any other conduct that constitutes improper, fraudulent, or
8 dishonest dealings, including falsely accusing any auctioneer or auction
9 house; or

10 ~~(11) Failing to complete or submit the continuing education~~
11 ~~requirements as specified by this chapter and the rules and regulations~~
12 ~~adopted by the board; or~~

13 ~~(12)~~(11) Failing to disclose the buyer's premium in all
14 advertising associated with an auction.

15 (b) The board may impose a civil penalty or suspend the license of an
16 auctioneer for failing to:

17 (1) Complete or submit the continuing education requirements as
18 specified by this chapter and the rules and regulations adopted by the board;
19 or

20 (2) Renew the auctioneer's license.

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