

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/17/09
A Bill

HOUSE BILL 1160

5 By: Representative Overbey
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING AUCTIONEERS;
10 AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 TO AMEND THE LAW CONCERNING AUCTIONEERS.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 17-17-302 is amended to read as follows:
19 17-17-302. Issuance and renewal - Change of location.

20 (a)(1) ~~No~~ An examination shall not be required for the renewal of any
21 present or future license unless the license has been revoked. In this case,
22 the applicant shall take and pass the written examination offered by the
23 Auctioneer's Licensing Board before a new license may be issued.

24 (2) Licensed auctioneers have a ~~ninety-day~~ one hundred twenty-
25 day grace period beyond a renewal date to renew a license.

26 (3)~~(A)~~ Penalty for late renewals beyond the one hundred twenty-
27 day grace period will shall be two (2) times the sum of a normal license
28 renewal fee.

29 (B)(i) The board shall notify a licensee of the penalty in
30 subdivision (a)(3)(A) of this section by first class mail.

31 (ii) If a licensee does not renew his or her license
32 within thirty (30) days after the notice in subdivision (a)(3)(B)(i) of this
33 section is mailed, the board shall send a second notice by certified mail.

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

36 (B) The annual renewal fee for each license shall be one



1 hundred dollars (\$100).

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

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

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

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

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

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

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18 *SECTION 2. Arkansas Code § 17-17-405 is amended to read as follows:*
19 *17-17-405. Disciplinary hearing – Recovery procedure.*

20 (a)(1) *In any disciplinary hearing before the Auctioneer's Licensing*
21 *Board which involves ~~any~~ a licensee who has allegedly violated any provision*
22 *of this chapter, the board shall first determine whether a violation has*
23 *occurred.*

24 (2) *If so, the board shall then determine the amount of damages,*
25 *if any, suffered by the aggrieved party or parties. However, damages shall be*
26 *limited to actual damages in accordance with § 17-17-407.*

27 (3) *The board shall then direct the licensee to pay that amount*
28 *to the aggrieved party or parties.*

29 (4)(A) *If that amount has not been paid within thirty (30)*
30 *calendar days following entry of the board's final order in the matter and*
31 *the order has not been appealed to the circuit court, then upon request the*
32 *board shall pay from the Auctioneer Education and Recovery Fund to the*
33 *aggrieved party or parties the amount specified.*

34 (B) *However, the board shall not:*

35 (i) *Pay in excess of ~~five thousand dollars (\$5,000)~~*
36 *fifteen thousand dollars (\$15,000) for any one (1) violation or continuing*

1 series of violations regardless of the number of licensees who participated
2 in the violation or continuing series of violations; or

3 (ii) Pay an amount in excess of the fund balance.

4 (b) The question of whether certain violations constitute a continuing
5 series of violations shall be a matter solely within the discretion and
6 judgment of the board.

7 (c) Nothing within this subchapter shall obligate the fund for any
8 amount in excess of a total of ~~five thousand dollars (\$5,000)~~ fifteen
9 thousand dollars (\$15,000) with respect to:

10 (1) The acts of any one (1) licensee; or

11 (2) Any group of related claims.

12 (d) Whether a claim is one (1) of a group of related claims shall be a
13 matter solely within the discretion and judgment of the board.

14 (e) When unsatisfied or pending claims ~~are such that they~~ exceed the
15 limits payable under subsection (c) of this section, the board shall be the
16 sole determinant of how the available funds shall be allocated among such
17 claims.

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19 /s/ Overbey
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