

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1355

By: Representative B. Wilkins

For An Act To Be Entitled

AN ACT TO ALIGN ARKANSAS'S PENALTIES RELATED TO VIOLATIONS OF LEAD-BASED PAINT RULES WITH THOSE REQUIRED BY FEDERAL LAW; AND FOR OTHER PURPOSES.

Subtitle

TO ALIGN ARKANSAS'S PENALTIES RELATED TO VIOLATIONS OF LEAD-BASED PAINT RULES WITH THOSE REQUIRED BY FEDERAL LAW.

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

SECTION 1. Arkansas Code § 20-27-2504 is amended to read as follows:
20-27-2504. Criminal, civil, and administrative penalties.

~~A person or entity that violates this subchapter, commits any unlawful act under this subchapter, or violates any rule or order of the State Board of Health under this subchapter is subject to the penalty provisions under § 20-7-101 et seq.~~

(a)(1) A firm, person, or corporation that violates this subchapter or an order or rule adopted under this subchapter commits a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both.

(2) Each day of violation under subdivision (a)(1) of this section is a separate offense.

(b)(1)(A)(i) A firm, person, or corporation that violates a rule adopted by the State Board of Health or who violates a condition of a license, permit, certificate, or another type of registration issued by the



board may be assessed a civil penalty by the board.

(ii) A penalty assessed under subdivision (b)(1)(A)(i) of this section shall not exceed five thousand dollars (\$5,000) for each violation.

(iii) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments under this subdivision (b)(1)(A).

(B) However, a civil penalty shall not be assessed until the person charged with the violation has been given an opportunity for a hearing on the violation.

(2) A civil penalty collected under this section shall be deposited into the State Treasury and credited to the Public Health Fund to be used to defray the costs of administering this subchapter.

(3) Subject to rules implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health may require unexpended funds from civil penalties collected under this section, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for the following fiscal year.