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Requirements for Grain Dealers

State of Arkansas

Penalties

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Requirements for Grain Dealers

STATE OF ARKANSAS

Current through the 2015 Regular Session laws effective through April 8 from the 2015 Reg. Sess. of the 90th Arkansas General Assembly.

A.C.A. § 2-24-108

§ 2-24-108. Violations--Penalties

(a) It is a violation of this chapter to:

- (1) Operate as a dealer without a license issued under this chapter;
- (2) Knowingly violate this chapter; or
- (3) Knowingly refuse to allow inspection of a dealer's premises, books, accounts, or other records during an audit by the State Plant Board under this chapter

(b) A person that commits a violation under subsection (a) of this section is guilty of a Class D felony.

(c) A person that negligently violates this chapter upon conviction is guilty of a Class A misdemeanor.

(d)(1) A person who violates this chapter or a rule promulgated under this chapter upon conviction is guilty of a violation shall be punished by a fine of not more than one hundred dollars (\$100).

(2)(A) In addition to or in lieu of any other lawful disciplinary action, the board may assess a civil penalty of not more than one thousand dollars (\$1,000) for each violation of a statute, rule, or order enforceable by the board under this chapter.

(B)(i) The board shall establish by rule a schedule designating the minimum and maximum civil penalty that may be assessed under this subsection for violation of each statute, rule, or order over which it has regulatory control under this chapter.

(ii) The board may promulgate any other rules necessary to carry out the intent of this subsection.

(C) If a civil penalty lawfully assessed under subdivision (d)(2)(A) of this section is not paid, the civil penalty is recoverable in the name of the state by the Attorney General in Pulaski County Circuit Court or in the circuit court of the county in which the violation occurred.

(D) A civil penalty paid or recovered under this subsection shall be deposited into the State Treasury to be credited to the Miscellaneous Agencies Fund Account.

A.C.A. § 2-24-109
§ 2-24-109. Suspension of license

(a)(1) The State Plant Board may temporarily suspend a dealer's license without a hearing if the board determines that the public health, safety, or welfare requires immediate action.

(2) If the board temporarily suspends a dealer's license under subdivision (a)(1) of this section, the board shall notify the dealer immediately by certified mail of the temporary suspension and the date, time, and location of the hearing to be held under subdivision (a)(3) of this section.

(3) If a dealer's license is temporarily suspended under subdivision (a)(1) of this section, a hearing on the suspension of the dealer's license shall be held within ten (10) days of the temporary suspension of the dealer's license.

(b)(1) Based on the information contained in the complaint submitted against a dealer, the board may suspend the license of the dealer without a hearing five (5) days after sending written notice by certified mail, nonrestricted delivery, to the dealer if the dealer:

(A) Does not have the required bond on file with the board; or

(B) Refuses to submit to an audit or inspection by the board under this chapter.

(2) A suspension of a dealer's license under subdivision (b)(1) of this section shall not exceed sixty (60) days without a hearing.

(c) A hearing under this section and an appeal of the board's decision to suspend a dealer's license under this section is governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.