

Regular Session, 2010

SENATE BILL NO. 419

BY SENATOR MURRAY

SEIZURES/SALES. Authorizes a sheriff or deputy sheriff to qualify as a licensed auctioneer. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:3118(A)(1) and to enact R.S. 37:3113(F), relative to licensing  
3 of auctioneers; to provide with respect to qualifications of applicants; to authorize  
4 a sheriff or deputy sheriff to qualify as a licensed auctioneer under certain  
5 circumstances; to provide with respect to bond requirements; to require the sheriff  
6 or deputy who qualifies as a licensed auctioneer to deposit a bond; to provide for an  
7 effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:3118(A)(1) is hereby amended and reenacted and R.S. 37:3113(F)  
10 is hereby enacted to read as follows:

11 §3113. Qualifications of applicants

12 \* \* \*

13 **F. Notwithstanding any provision of law to the contrary, a sheriff or**  
14 **deputy sheriff who has auctioned property in the fulfillment of the duties of his**  
15 **office shall be qualified as a licensed auctioneer.**

16 \* \* \*

17 §3118. Bond requirements

1           A.(1) Except as otherwise provided in Paragraph (4) of this Subsection and  
2           in Subsection D of this Section, each applicant for licensure as a resident auctioneer,  
3           apprentice auctioneer, ~~or~~ auction business, **or a sheriff or deputy sheriff who**  
4           **qualifies as an auctioneer pursuant to Section 3113(F)** shall deliver to and deposit  
5           with the board at the time of application either the sum of ten thousand dollars in  
6           cash or a surety bond in the amount of ten thousand dollars. Such bond shall:

7                   (a) Be executed by the applicant as principal and by a surety company  
8                   qualified to do business in the state as a surety.

9                   (b) Be in a form approved by the board.

10                   (c) Be conditioned upon compliance by the applicant with the conditions of  
11                   any written auctioneer's contract made by such applicant in connection with a sale  
12                   or auction in which he is a party.

13                   (d) Be conditioned upon the assurance that the applicant shall not violate any  
14                   provision of this Chapter or state law in the conduct of the business for which he is  
15                   licensed.

16                   (e) Be made payable to the board for the use, benefit, and indemnity of any  
17                   person who suffers any loss as a result of a violation of this Chapter and for the  
18                   proper disposition of all funds, taxes, and registration fees.

19                   (f) Be for the period of licensure on a calendar year basis.

20                                   \*       \*       \*

21           Section 2. This Act shall become effective upon signature by the governor or, if not  
22           signed by the governor, upon expiration of the time for bills to become law without signature  
23           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
25           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela Lockett De Jean.

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DIGEST

Present law provides the minimum qualifications for licensure as an auctioneer.

Proposed law retains present law, but authorizes a sheriff or deputy sheriff who has auctioned property in the fulfillment of duties of his office to qualify as a licensed auctioneer.

Present law provides that each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either \$10,000.00 in cash or a \$10,000.00 surety bond.

Present law provides the requirements for the bond.

Proposed law retains present law, but requires a sheriff or deputy sheriff who qualifies as a licensed auctioneer to deposit a bond.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:3118(A)(1); adds R.S. 37:3113(F))