

By: Representative Lott

To: Judiciary B

## HOUSE BILL NO. 425

1 AN ACT TO AMEND SECTION 73-4-17, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AN APPLICANT FOR AN AUCTIONEER'S LICENSE WHO HAS NOT  
3 OBTAINED A HIGH SCHOOL DIPLOMA OR G.E.D. EQUIVALENT, AT THE TIME  
4 OF APPLICATION, MUST BE ENROLLED IN HIGH SCHOOL OR A G.E.D.  
5 EQUIVALENT PROGRAM AND BE MAKING SATISFACTORY PROGRESS TOWARDS THE  
6 ISSUANCE OF A DIPLOMA; TO PROVIDE THAT THE MISSISSIPPI AUCTIONEER  
7 COMMISSION SHALL REVOKE THE LICENSE OF A LICENSEE WHO WITHIN  
8 TWELVE MONTHS OF BEING ISSUED A LICENSE FAILS TO PRESENT TO THE  
9 COMMISSION PROOF OF COMPLETING SUCH EDUCATION REQUIREMENTS; AND  
10 FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Section 73-4-17, Mississippi Code of 1972, is  
13 amended as follows:

14 73-4-17. There shall be three (3) classes of auctioneers'  
15 licenses, which shall be livestock auctioneer, auctioneer and  
16 auction gallery. All applicants for a license under this chapter  
17 shall possess the following minimum qualifications:

18 (a) Applicants shall have attained the age of eighteen  
19 (18) years by the issuance date of the license.

20 (b) Applicants \* \* \* shall be graduates of an  
21 auctioneering school approved by the commission.

22 (c) Applicants, at the time that the application is  
23 filed, must have obtained at a minimum a high school diploma or  
24 G.E.D. equivalent, or must be enrolled in high school or a G.E.D.  
25 equivalent program and making satisfactory progress towards the  
26 issuance of a diploma. An applicant who, at the time of  
27 application, has not obtained a high school diploma or a G.E.D.  
28 equivalent, must satisfactorily complete such program and present  
29 proof of completion to the commission within twelve (12) months  
30 after being issued a license under this chapter. The commission  
31 shall revoke the license of a licensee who fails to provide the

32 commission timely with proof of the satisfactory completion of the  
33 education requirements under this paragraph.

34 (d) Each applicant for a license under this chapter  
35 shall demonstrate to the commission that he is of good moral  
36 character and worthy of public trust through background  
37 information to be provided on his application form and two (2)  
38 letters of reference from persons not related to the applicant who  
39 have known the applicant at least three (3) years. The commission  
40 may require additional information or a personal interview with  
41 the applicant to determine if such applicant should be granted a  
42 license.

43 (e) Each applicant for a license under this chapter  
44 shall take and successfully complete an examination as prescribed  
45 by the commission. The examination shall include questions on  
46 ethics, reading comprehension, writing, spelling, elementary  
47 arithmetic, elementary principals of land economics, general  
48 knowledge of bulk sales law, contracts of sale, agency, leases,  
49 brokerage, knowledge of various goods commonly sold at auction,  
50 ability to call bids, knowledge of sale preparation and proper  
51 sale advertising and sale summary, and knowledge of the provisions  
52 of this chapter and the commission's rules and regulations. There  
53 shall be separate examinations for auctioneer and auction gallery  
54 each based upon relevant subject matter appropriate to the license  
55 classification as set forth herein. Examinations shall be  
56 administered at least once a year and may be administered  
57 quarterly at the commission's discretion provided there are at  
58 least twenty-five (25) examinees. The commission shall ensure  
59 that the various forms of the test remain secure.

60 (f) In order to defray the cost of administration of  
61 the examinations, applicants for the examination shall pay fees as  
62 follows:

63 (i) Auctioneer--\$100.00.

64 (ii) Auction gallery--\$100.00.

65 (iii) Livestock auctioneer--\$100.00.

66 (g) Each applicant desiring to sit for the examination  
67 for any license required under this chapter shall be required to  
68 furnish to the commission at least thirty (30) days prior to the  
69 examination evidence of a surety bond in the following minimum  
70 amounts:

71 (i) Auctioneer--\$10,000.00.

72 (ii) Auction gallery--\$10,000.00.

73 (iii) Livestock auctioneer--\$10,000.00.

74 (h) In addition to the bond required herein, applicants  
75 for the auction gallery license shall furnish the commission with  
76 all relevant information concerning the premises to be licensed,  
77 to include location, whether the premises are owned or leased, and  
78 an affidavit that the proposed use of the premises as an auction  
79 gallery does not violate zoning or any other use restrictions. A  
80 separate license shall be required for each business location of  
81 the owner of multiple auction galleries.

82 (i) All licenses granted pursuant to this chapter shall  
83 be for a term of two (2) years and, unless earlier revoked by the  
84 commission under paragraph (c) of this section, shall expire on  
85 the first day of March at the end of such two-year term. Biennial  
86 license fees shall be set from time to time by the commission with  
87 a maximum fee of Two Hundred Dollars (\$200.00). Individuals  
88 failing to submit license renewal fees on or before March 1 of the  
89 year for renewal shall be required to successfully pass the next  
90 administration of the examination in order to renew a license.

91 Each application or filing made under this section shall  
92 include the social security number(s) of the applicant in  
93 accordance with Section 93-11-64.

94 **SECTION 2.** This act shall take effect and be in force from  
95 and after its passage.